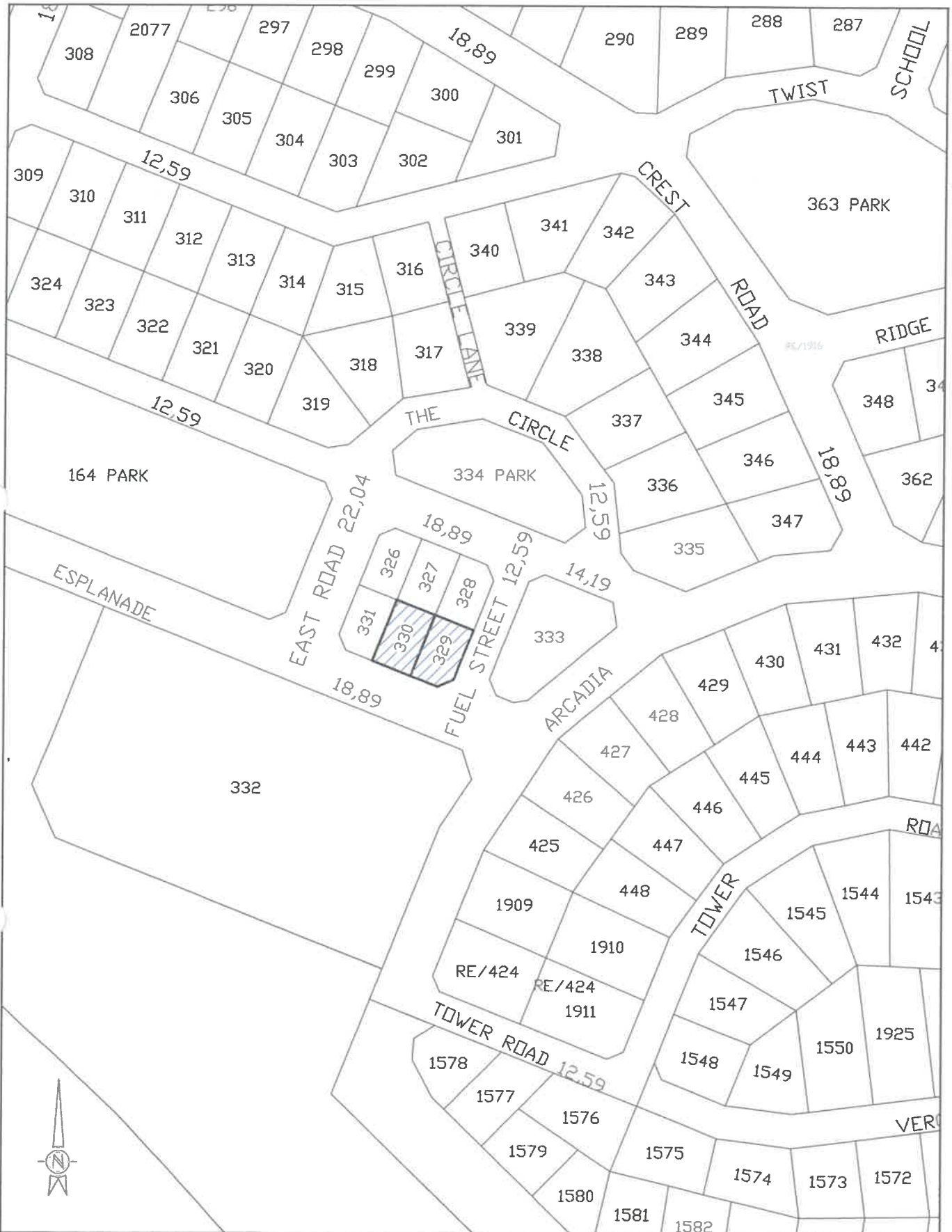


OVERSTRAND MUNICIPALITY	OVERSTRAND MUNISIPALITEIT	UMASIPALA WASE-OVERSTRAND
<p>ERF 329, 11 THE ESPLANADE & ERF 330, 9 THE ESPLANADE, PEARLY BEACH: APPLICATION FOR CONSOLIDATION, AMENDMENT OF THE APPROVED SITE DEVELOPMENT PLAN AND AMENDMENT OF CONDITIONS OF APPROVAL: TOWN & COUNTRY CREATIVE LAND SOLUTIONS ON BEHALF OF CF FOURIE</p> <p>Notice is hereby given in terms of Sections 47 and 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), of the following applications applicable to Erven 329 & 330, Pearly Beach, namely:</p> <p>Consolidation Application in terms of Section 16(2)(e) of the By-Law, for the consolidation of Erven 329 & 330, Pearly Beach to create a consolidated erf approximately 782m² in extent.</p> <p>Amendment of the Approved Site Development Plan (Parking Layout) Application in terms of Section 16(2)(l) of the By-Law, for the amendment of the approved parking layout.</p> <p>Amendment of conditions of approval Application in terms of Section 16(2)(h) of the By-Law, to accommodate the primary land uses applicable to a Business Zone 3.</p> <p>Detail regarding the proposal is available for inspection during weekdays between 08:00 and 16:30 at the Department: Town Planning at 16 Paterson Street, Hermanus and Gansbaai Library, Main Road Gansbaai. Any comments must be in writing to reach the Municipality (16 Paterson Street, Hermanus / (f) 0283132093/ (e) alida@overstrand.gov.za) on or Friday, 17 January 2025, quoting your name, address, contact details, interest in the application, as well as the reasons for comment. Telephonic enquiries can be made to the Senior Town Planner, Mr. SW van der Merwe at 028-313 8900. The Municipality may refuse to accept comment received after the closing date. Any person who cannot read or write may visit the Town Planning Department where a municipal official will assist them to formalize their comment.</p>	<p>ERF 329, DIE ESPLANADE 11 & ERF 330, DIE ESPLANADE 9, PEARLY BEACH: AANSOEK OM KONSOLIDASIE, WYSIGING VAN 'N GOEDGEKEURDE TERREINONTWIKKELINGSPLAN EN WYSIGING VAN GOEDKEURINGSVOORWAARDES: TOWN & COUNTRY CREATIVE LAND SOLUTIONS NAMENS CF FOURIE</p> <p>Kennis word hiermee gegee ingevolge Artikels 47 en 48 van die Overstrand Munisipaliteit Wysigingsverordening op Munisipale Grondgebruikbeplanning, 2020 (Verordening), dat 'n aansoek ontvang is wat van toepassing is op Erwe 329 & 330, Pearly Beach, naamlik:</p> <p>Konsolidasie Aansoek ingevolge Artikel 16(2)(e) van die Verordening vir die konsolidasie van Erwe 329 & 330, Pearly Beach, om 'n gekonsolideerde erf van ongeveer 782m² te skep.</p> <p>Wysiging van 'n goedgekeurde terreinontwikkelingsplan (Parkeeruitleg) Aansoek ingevolge Artikel 16(2)(l) van die Verordening, vir die wysiging van die goedgekeurde parkeeruitleg.</p> <p>Wysiging van goedkeuringsvoorwaardes Aansoek ingevolge Artikel 16(2)(h) van die Verordening, om die primêre grondgebruike, van toepassing op 'n Besigheidsone 3 te akkommodeer.</p> <p>Besonderhede aangaande die voorstel lê ter insae gedurende weksdae tussen 08:00 and 16:30 by die Departement: Stadsbeplanning te Patersonstraat 16, Hermanus en Gansbaai Biblioteek, Hoofweg, Gansbaai. Enige kommentaar moet skriftelik wees en die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) bereik voor of op Vrydag, 17 Januarie 2025 met u naam, adres, kontakbesonderhede, belang in die aansoek, sowel as die redes vir kommentaar. Telefoniese navrae kan gerig word aan die Senior Stadsbeplanner, Mnr. SW van der Merwe by 028-3138900. Die Munisipaliteit mag weier om kommentare te aanvaar na die sluitingsdatum. Enige persoon wat nie kan lees of skryf nie kan die Departement Stadsbeplanning besoek waar hul deur 'n munisipale amptenaar bygestaan sal word ten einde hul kommentaar te formuleer.</p>	<p>ISIZA 329, 11 THE ESPLANADE NESIZA 330, 9 THE ESPLANADE, PEARLY BEACH: ISICELO SOKUDITYANISWA, UKUTSHINTSHWA KWESICWANGCISO SOKUPHUHLISWA KWESIZA NOKUTSHINTSHWA KWEMIQATHANGO YOGUNYAZISO: ABAKWA-TOWN & COUNTRY CREATIVE LAND SOLUTIONS EGAMENI LIKA-CF FOURIE</p> <p>Kukhutshwa isaziso ngokumayela neCandelo 47 neCandelo 48 loMthetho Otshintshiweyo woMasipala waseOverstrand ongokuSetyenziswa Nokucetywa koMhlaba kaMasipala, 2020 (uMthetho kaMasipala), ukuba kufunyenwe ezi zicelo zilandelayo ezimayela neSiza 329 neSiza 339, ePearly Beach, ukuba:</p> <p>Ukudityaniswa Isicelo ngokumayela neCandelo 16(2)(e) loMthetho kaMasipala ukuze kudityanise iSiza 329 neSiza 339, ePearly Beach ukwenzela ukuba kubekho isiza esidityanisiweyo esimalunga ne-782m² ubukhulu.</p> <p>Ukutshintshwa Kwesicwangciso Esigunyazisiweyo Sokuphuhlisa Isiza (Ubume Bendawo Yokupakisha Iimoto) Isicelo simayela neCandelo 16(2)(l) soMthetho kaMasipala ukuze kutshintshwe ukuma kwendawo yokupakisha iimoto.</p> <p>Ukutshintshwa kwemiqathango yokugunyaziswa Isicelo simayela neCandelo 16(2)(h) loMthetho kaMasipala ukuze kulungiselelwe ukusetyenziswa komhlaba ngokuhambelana noMmandla Woshishino 3.</p> <p>Iinkcukacha ezipheleleyo malunga nesi sindululo ziyafumaneka ukuze zihlolwe ngeentsuku zomsebenzi phakathi kweyure-08:00 ne-16:30 kwiSebe: loCwangciso lweDolophu, 16 Paterson Street, Hermanus kwaye nakwiThala Leencwadi laseGansbaai, Main Road, eGansbaai. Naziphi na izimvo kufuneka zibe zezibhaliweyo, uchaze igama lakho, idilesi kunye neenkukacha zonxibelelwano, umdla kwisicelo, kunye nesizathu sokunika izimvo, ekufuneka zifike kuMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) ngomhla okanye phambi komhla uLwesihlanu 17 EyoMqungu 2025 Imibuzo ngomnxeba ingathunyelwa kuMchwangcisi weDolophu oPhezulu, uMunu. SW van der Merwe kule nombolo yomnxeba 028-313 8900. UMasipala angala ukuthatha izimvo ezifike emva komhla wokuvalwa. Nabani na ongakwazi ukufunda nokubhala angahambela kwiSebe lokuCwangcisa lweDolophu apho igosa likamasipala liza kuncedisa ukuze ukwazi ukuqulunqa uluvo lwakho.</p>



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PROJECT
LOCALITY PLAN: ERVEN 329 AND 330 PEARLY BEACH
OVERSTRAND MUNICIPALITY



Land Surveyors • Town Planners

DRAWN LT	CHECKED LT
SCALE nts	DATE AUG 2024
DWG No. Locality	REVISION
Notes: ALL AREAS AND DISTANCES SUBJECT TO SURVEY	

MOTIVATIONAL REPORT

AMENDMENT OF CONDITIONS OF APPROVAL AND A PARKING PLAN OF ERF 329 AND A CONSOLIDATION OF ERVEN 329 AND 330 PEARLY BEACH

REF. PEA/3171

1. INTRODUCTION

This office was appointed by Mr Charles Fourie, for the proposed consolidation and the amendment of conditions of approval and site plan. The purpose of the application is to restore the primary rights allowed under a Business Zone 3, without the restrictions placed on it by the current conditions of approval and Site plan applicable to Erf 329.

An application for the removal of title deed restrictions and a consent use on Erf 329 was approved in 2019. The approval restricted the use of the Erf to a restaurant and parking to be in accordance with the approved parking layout. The owner would like to explore other possibilities, to include a flat above ground floor and possibly a shop at ground floor level.

2. PURPOSE

The purpose of this motivation is for:

- Consolidation, in terms of Section 16(2)(e) of the Overstrand Municipality By-Law on Municipal Land Use Planning, to allow for the consolidation of erven 329 and 330 to create a consolidated erf of 782m².
- Amendment of the conditions of Approval, in terms of Section 16(2)(h) of the Overstrand Municipality By-Law on Municipal Land Use Planning to allow for the primary land uses applicable to a Business Zone III to be applicable and for the site plan not to be restricted to what was previously approved.
- A permission required in terms of the conditions of approval in terms of Section 16(2)(l) of the Overstrand Municipality By-Law on Municipal Land Use Planning to allow for an amendment of the Site Development Plan.

3. PROPERTY DESCRIPTION

Erven 329 and 330 are on the corner of Fuel and Esplanade Street. There is an existing building on stilts on Erf 329, that was previously used for restaurant purposes.

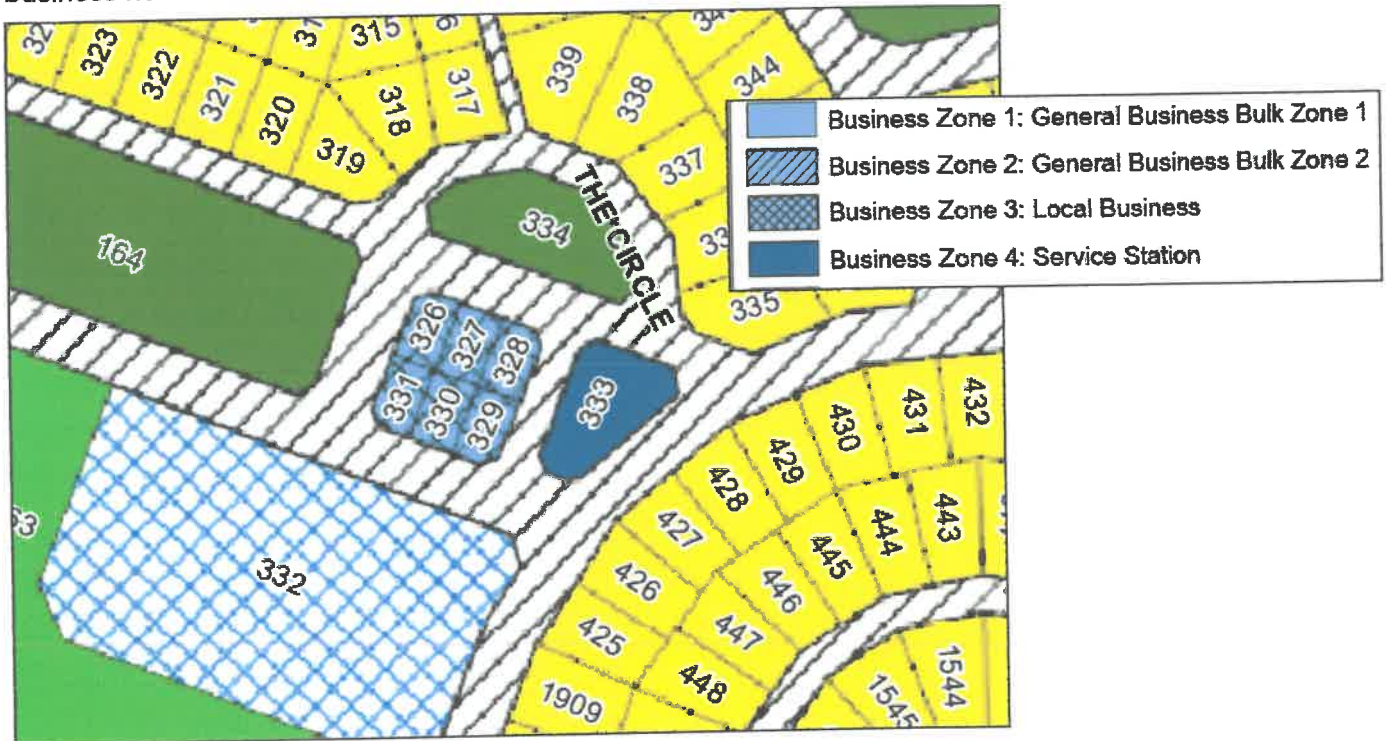
ERF	329	330
AREA	385m ²	397m ²
OWNER	Charles Frederick Fourie	
TITLE DEED	T52756/2023	T52757/2023
BOUNDARY: NORTH	Erven 327 and 328	
EAST	Fuel Street and Erf 333	
SOUTH	Esplanade Street and Erf 332	
WEST	Erf 331	



WC Government aerial photo extract to illustrate the location of 329 and 330 Pearly Beach.

4. ZONING AND PREVIOUS APPROVALS

Erven 329 and 330 are zoned for Local Business Zone: Business Zone 3 and forms part of a business node. Please see below an extract from the zoning plan.



Zoning plan Extract

A consent use approval was obtained in 2019 for a restaurant on Erf 329. An extract from the conditions of approval as follows:

- application in terms of Section 16(2)(f) for the removal of restrictive title condition B.4 (b) of T22995/2018, and
- application in terms of Section 16(2)(o) for consent use in order to conduct a restaurant.

RESOLVED :

1. that the application in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) for the removal of restrictive title condition B.4 (b) as contained in Title Deed No. T22995/2018 applicable to Erf 329, Pearly Beach, **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the application in terms of Section 16(2)(o) of the above By-Law for consent use in order to conduct a restaurant from Erf 329, Pearly Beach, **be approved** in terms of the provisions of Section 61 of the By-Law;

In terms of the Zoning Scheme By-Law, uses that can be allowed as a primary right, include:

Primary uses are: shops, dwelling unit (above ground floor) in accordance with 6.3.2, flats (above ground floor), offices, restaurant, caretaker's accommodation and self-catering

5. CURRENT LAND USE AND SURROUNDING LAND USE

Erf 329 was developed with one structure on stilts and was used as a restaurant previously. See below a photo of the existing building.



Photo of the existing building on Erf 329.

Most of the properties surrounding even 329 and 330 are vacant. There are residential houses toward the north and east – outside the undeveloped commercial node.

6. PROPOSED CONSOLIDATION

It is proposed to consolidate Erven 329 and 330, both owned by the same owner. The erven are very small, and by consolidating them, more economical viable proposals can be made. With the required on-site parking required, and the position of the existing structure, consolidation is further required to be able to supply enough usable onsite parking.

With the Consolidation of Erven 329 (385m²) and Erf 330 (397m²), a new consolidated erf of 782m² will be created.

7. PROPOSED AMENDMENT OF A PREVIOUS APPROVAL AND THE PARKING / SITE DEVELOPMENT PLAN

An application was approved in 2019 for a removal of title deed restrictions and a restaurant as a consent use on Erf 329. Please refer to the attached approval.

The new owner wishes to have some of the conditions removed, that restrict the use of the erf to only a restaurant. The primary uses of a Business Zone 3 need to be applicable, to be able to explore different retail options. They also would like to use the first floor of the building for the purposes of a flat, as is allowed for by the Zoning Scheme By-Law.

Amendments to the site plan include the use of the first floor as a flat and the development of the ground floor for retail and possibly a restaurant / coffee shop in future. The building is currently erected on stilts, but the owner is planning on closing up the ground floor area. Please see attached concept plans, to illustrate what they are considering. Detailed plans will be compiled once the application is approved.

The amendments in the approval applied for include conditions 3(a) and (g).

Extract from the Approval:	Amendment applied for:
(a) that the premises only be utilised as a restaurant;	That primary uses applicable to a Business Zone 3 should apply, to include the use of a restaurant if required in future.

(g) that onsite parking bays be provided in accordance with the approved parking layout;	That onsite parking bays be provided as prescribed by the zoning scheme by-law.
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8. CRITERIA FOR CONSIDERATION OF THE APPLICATION

The Overstrand Municipal By-Law on Municipal Land Use Planning list a number of criteria that applications need to meet. The relevant points to the information that a planning application will have to include are listed below and the application is evaluated in terms of these points.

8.1 The desirability of the proposed utilisation of land and any guidelines issued by the Provincial Minister regarding the desirability of proposed land uses.

The Western Cape Spatial Development framework has a strong emphasis on revitalising urban spaces creating an urban living environment which is more convenient, efficient and aesthetically pleasing to residents. The proposed consolidation and amendment are located in a small commercial node in Pearly Beach and upon operation of the business premises it will attract new economic activities within the established neighbourhood contributing to a functional and urban integrated living environment which is strategically aligned with the surrounding land uses. Therefore, the proposal complies with strategic objectives as set out by the Western Cape Spatial Development Framework.

8.2 The impact of the proposal on Municipal Engineering Services

With the proposal to consolidate, there will be no impact on Municipal Engineering Services, since there will be one erf less.

- o ***Rubbish Removal***

The municipality is responsible for rubbish removal and rubbish will be removed weekly.

- o ***Sewer***

As prescribed by council and relevant National building regulations.

- o ***Water***



Connection to the existing water line is existing.

- o **Storm water**

The owner is responsible for storm water drainage from the erf.

- o **Electricity**

Any required alterations will be for the owner's account, in line with municipal guidelines.

- o **Road, Entrance and Parking**

Access will be taken from both Fuel and Esplanade Streets.

Parking needs to be provided at 4 bays per 100m² GLA and 2 bays for a two bedroom flat.

For what is currently anticipated:

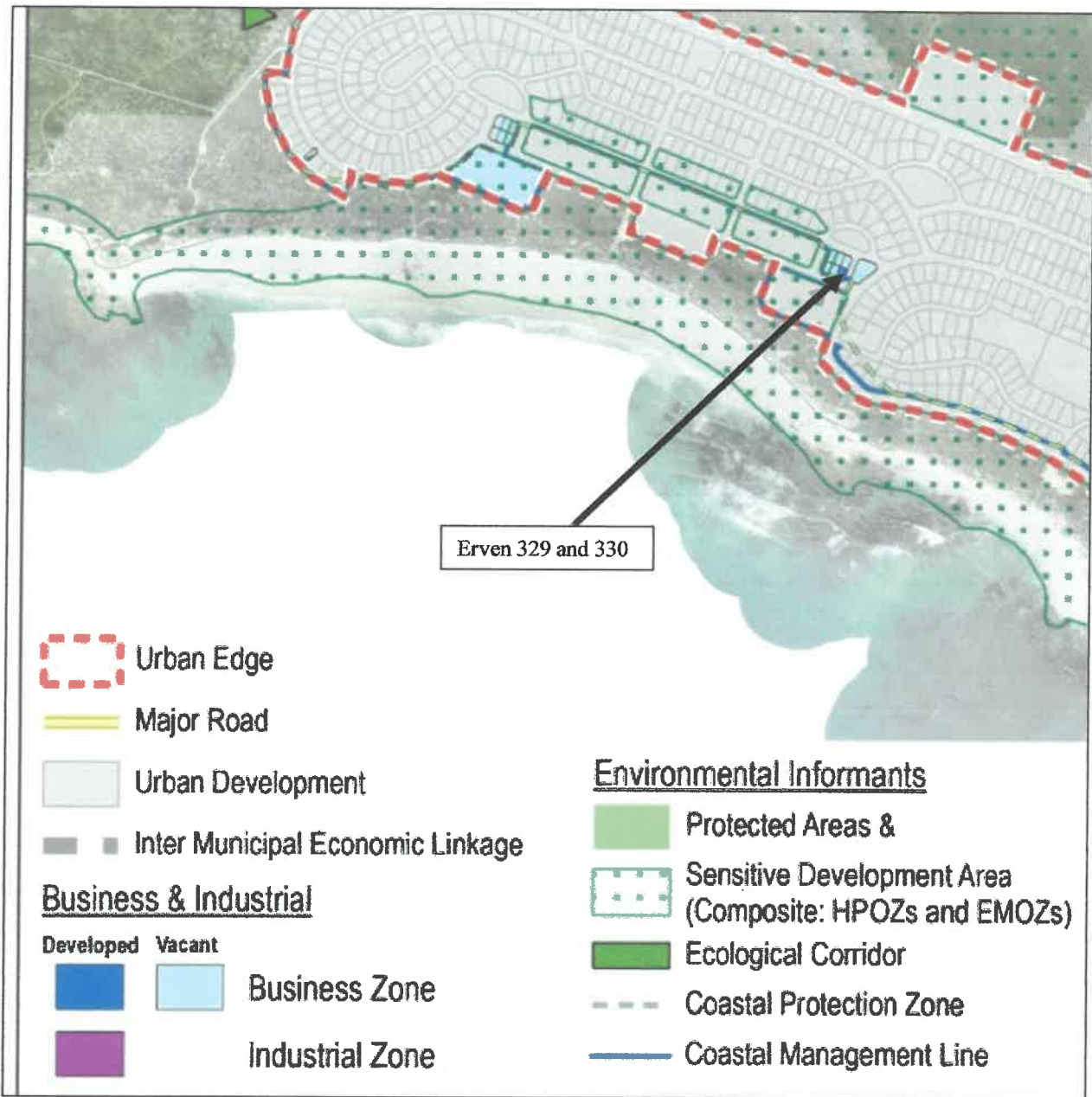
Use	Regulation	Proposed area of development	Parking Required
Shop	4 parking bays per 100m ² GLA	107m ²	4
Flat	2 parking bays for two bedrooms and more	2-bedroom flat	2
Total			6

¹GLA – Gross Leasable Area

The site plan makes provision for six (6) parking spaces, although more can be provided if required for future further development of the erf.

8.3 Municipal Forward Planning Documents

The Spatial Development Framework indicates the erven as inside the urban edge and designated for commercial use. There is no restriction on the erven being consolidated.



Extract from the Overstrand Spatial Development Framework, Pearly Beach Spatial Proposals 2020

8.4 Spatial Development Framework: Western Cape

The Western Cape Provincial SDF was approved in 2014 by the Western Cape Parliament and serves as strategic spatial planning tool that “communicates the provinces spatial planning agenda”.

The recent shift in legislative and policy frameworks have clearly outlined the roles and responsibility of provincial and municipal spatial planning and should be integrated towards the overall spatial structuring plan for the province to create and preserve the resources of the province more effectively through sustainable urban environments for future generations. This shift in spatial planning meant that provincial inputs are in general limited to provincial scale planning. However, it is important to note some of the key policies laid down by the PSDF have a bearing on the application.

The proposed development compliments the SDF spatial goals that aim to take the Western Cape on a path towards:

- (i) Greater productivity, competitiveness and opportunities within the spatial economy;
- (ii) More inclusive development in the urban areas;
- (iii) Strengthening resilience and sustainable development.

Key policies that is supported by this application:

Policy E3: Revitalise and Strengthen Urban Space-Economies as the Engine of Growth

5. Existing economic assets (e.g. CBDs, township centres, modal interchanges, vacant and under-utilised strategically located public land parcels, fishing harbours, public squares and markets, etc.) should be targeted to levers the regeneration and revitalisation of urban economies.

1. Incentives should be put in place to attract economic activities close to dormitory residential areas, facilitate brownfields development.

Policy S3: Ensure Compact, Balanced & Strategically Aligned Activities & Land Uses

This policy reflects the main aim of the policy through targeting economic assists (e.g. Modal Interchanges underutilised strategically located land parcels) should be used as a lever to regenerate and revitalise urban settlements.

Promoting functional integration and mix land use to increase liability of urban areas. Thus the policy specifies the importance to- increase density of settlements and number of units in new housing projects; continue to deliver public investment to meet the needs in settlement developments; integrate packages of land, infrastructure and services as critical to promote densification and efficiency associated with agglomeration.

8.5 Complies with Section 42 of the SPLUMA and Chapter 6 of LUPA:

The Spatial Planning and Land Use Management Act (SPLUMA) and Land Use Planning Act (LUPA) came into effect in 2016 in the Overstrand Municipality. One of the main objectives of this act is to provide a framework for spatial planning and land use management to address past spatial and regulatory imbalances.

Section 42 of SPLUMA and Chapter 6 of LUPA prescribe certain aspects that have to be taken into consideration when deciding on an application. These are:

- development principles set out in Chapter 2 of SPLUMA
- protect and promote the sustainable use of agricultural land
- national and provincial government policies
- the municipal spatial development framework; and take into account—
 - (i) the public interest;
 - (ii) the constitutional transformation imperatives and the related duties of the State;
 - (iii) the facts and circumstances relevant to the application;
 - (iv) the respective rights and obligations of all those affected;
 - (v) the state and impact of engineering services, social infrastructure and open space requirements; and
 - (vi) any factors that may be prescribed, including timeframes for making decisions.

SPLUMA and LUPA sets out the following 5 main development principles applicable to spatial planning, land use management and land development:

1. Spatial justice
2. Spatial sustainability
3. Efficiency (optimising the use of existing resources and infrastructure)
4. Spatial resilience (allow for flexibility in spatial plans)
5. Good administration

Compliance with SPLUMA & LUPA Principles:

As discussed in this report, this development proposal is consistent with the approved statutory spatial policy framework for the area, as well as the Provincial Spatial Development Framework. The table below indicates how the proposed development will be consistent with the SPLUMA principles.

<i>SPLUMA & LUPA Principle</i>	<i>Compliance</i>
<i>Spatial Justice</i>	<ul style="list-style-type: none"> • The development aims to promote the efficient use of land within the urban fabric of Pearly Beach • The proposed development will contribute to the functional and integrated land use pattern in the surrounding area. • The proposed development will contribute to the character of the surrounding area.
<i>Spatial Sustainability</i>	<ul style="list-style-type: none"> • The development proposal prevents further environmental impact. • Small infrastructure and services footprint.
<i>Spatial Efficiency</i>	<ul style="list-style-type: none"> • Development will make use of existing resources.
<i>Spatial Resilience</i>	<ul style="list-style-type: none"> • The proposal is in line with overhead planning documents recommending sensitive densification inside the Urban Edge.
<i>Good Administration</i>	<p>This principle has no direct bearing on the application, however, the Overstrand municipality is obligated to consider the application fairly and within the timeframes provided in terms of the municipal planning bylaw.</p>

9. ADDITIONAL MOTIVATION

CHARACTER OF THE SURROUNDING AREA

No change in zoning is proposed. Consolidation and amendment to allow for the primary uses of a Business Zone 3 to apply will not impact on the character of the area.

EXISTING RIGHTS

The proposed consolidation and amendment will not impact on any affected parties existing rights.

ENTRANCE AND PARKING

Entrances to the property exist from Fuel and Esplanade Streets and will remain in use.

SERVICES

All alterations in services that might be required due to future extensions will be installed as prescribed by Council. No impact on the availability of services is foreseen, with there being one erf less.

POTENTIAL OF THE PROPERTY

The erven are currently very small and with the placement of the existing structure impractical, consolidation will allow more options for future development. Consolidation will allow the owner to provide enough parking to be able to use the ground and first floor area of the existing structure.

SAFETY OF THE COMMUNITY

- All scheme regulations will be adhered to with the erection of new buildings.
- No safety risk in terms of traffic or access is foreseen.

10. CONSTRAINTS AND OPPORTUNITIES

According to the title deeds there are no restrictions registered against the property that have an influence on the proposed application. A mistake in the deed of Erf 330 is currently being rectified.

Consolidation and the amendment of the Erf 329 approval will allow the owner more flexibility to explore existing needs in the tourism industry of Pearly Beach.

11. CONCLUSION

From the above it can be concluded that the application for:

- Consolidation, in terms of Section 16(2)(e) of the Overstrand Municipality By-Law on Municipal Land Use Planning, to allow for the consolidation of erven 329 and 330 to create a consolidated erf of 782m².
- Amendment of the conditions of Approval, in terms of Section 16(2)(h) of the Overstrand Municipality By-Law on Municipal Land Use Planning to allow for the primary land uses applicable to a Business Zone III to be applicable and for the site plan not to be restricted to what was previously approved.
- A permission required in terms of the conditions of approval in terms of Section 16(2)(l) of the Overstrand Municipality By-Law on Municipal Land Use Planning to allow for an amendment of the Site Development Plan.

meets the criteria as set out in The Spatial Planning and Land Use Management Act (SPLUMA) and the Overstrand Municipal Land Use Planning Bylaw, is desirable and it is therefore recommended that the application for the proposal be supported by the relevant authorities and approved by the Overstrand Municipality.

LT



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PROJECT

CONSOLIDATION PLAN: ERVEN 329 AND 330
PEARLY BEACH, OVERSTRAND MUNICIPALITY



Land Surveyors • Town Planners

DRAWN

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SCALE

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DWG No.

PEA/3171

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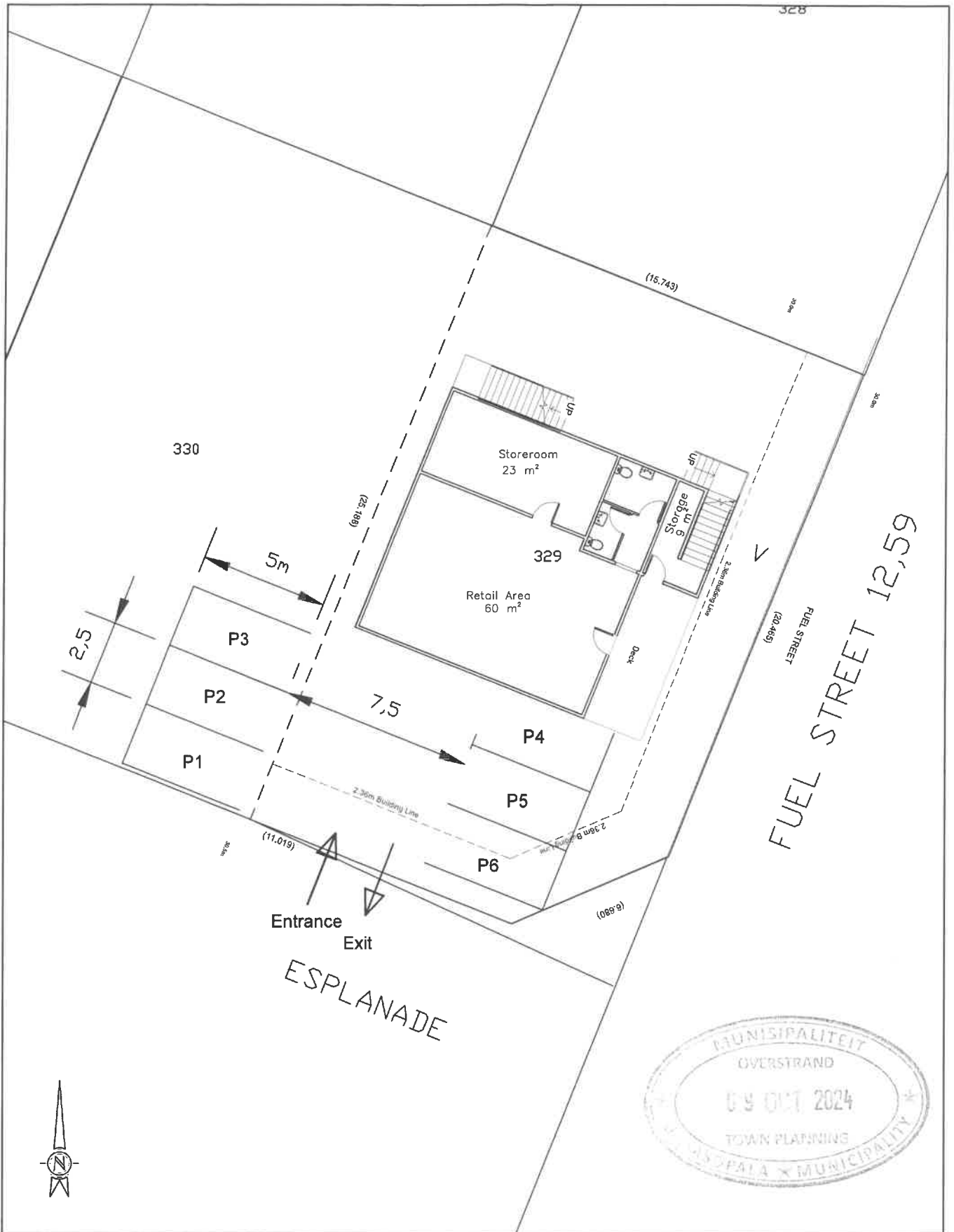
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DATE

AUG 2024

REVISION

Notes:
ALL AREAS AND DISTANCES SUBJECT TO SURVEY



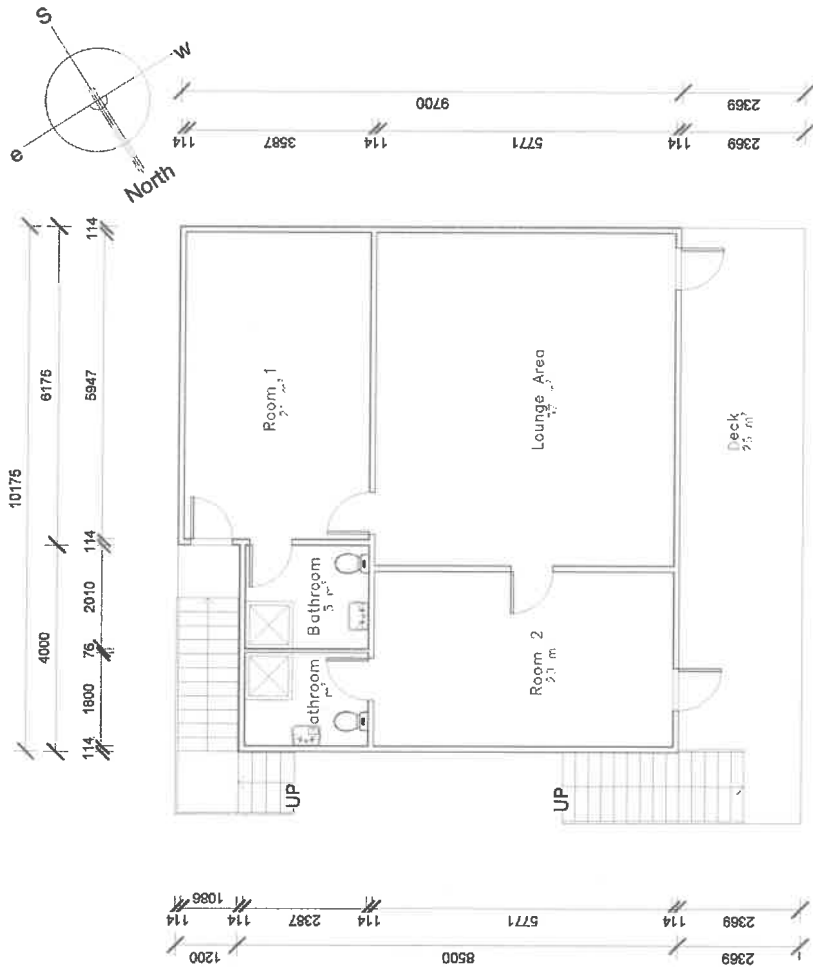
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PROJECT
SITE PLAN: ERVEN 329 & 330 PEARLY BEACH
OVERSTRAND MUNICIPALITY

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Land Surveyors • Town Planners

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DWG No.	REVISION
PEA/3171	1
Notes: ALL AREAS AND DISTANCES SUBJECT TO SURVEY	



1 First Floor Plan
A302
Scale - 1 : 100

PROJECT:

Erif. 329 Esplanade Road, Pearly Beach

TITLE: First Floor

DATE

04/17/24

SCALE

1 : 100

PROJ. NO.

0161

DWG. NO.

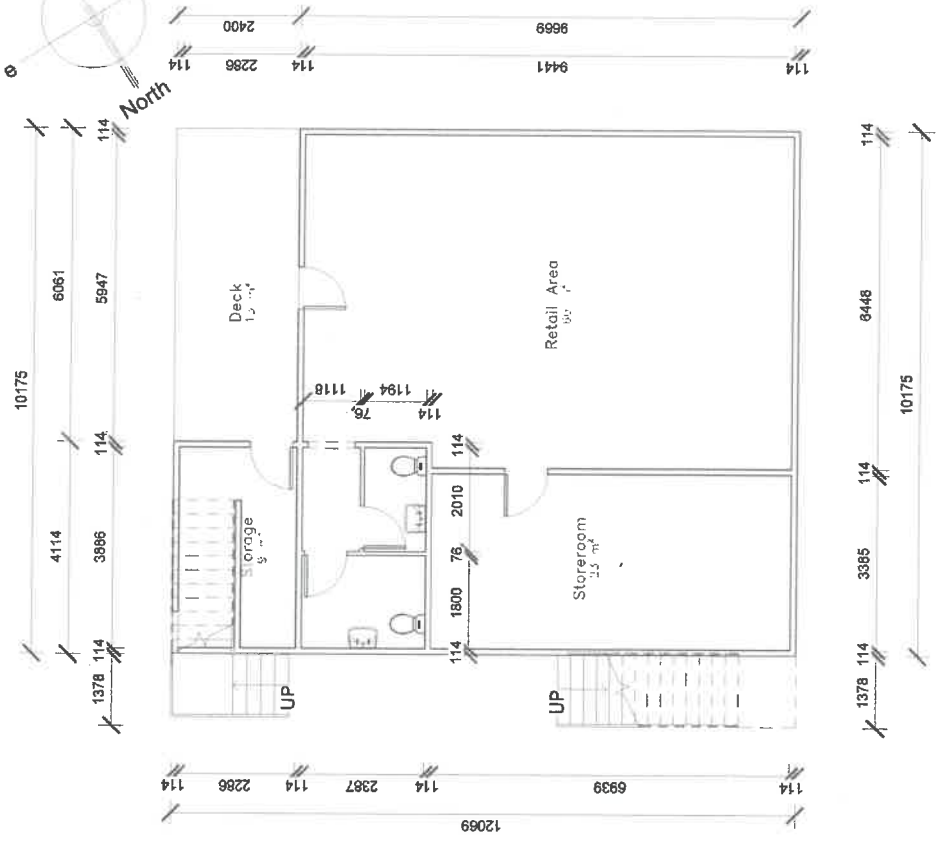
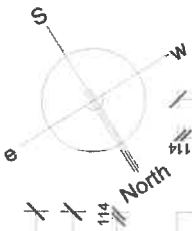
A302

REV.

1

DRAWN

SJDK



1 Ground Floor Plan
A301
Scale - 1 : 100

DATE	SCALE	PROJ. NO.	DWG. NO.
04/18/24	1 : 100	0161	A301
DRAWN	REV.		
SJDK			

PROJECT:	Erf. 329 Esplanade Road, Pearly Beach
TITLE:	Ground Floor