



ERF 1944, 24 PUREN WAY, PEARLY BEACH, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR SUBDIVISION: MESSRS DAVID HELLIG AND ABRAHAMSE PROFESSIONAL LAND SURVEYORS ON BEHALF OF EAM BUHR

Notice is hereby given in terms of Section 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), that an application has been received in terms of Section 16(2)(d) of the By-Law, for the subdivision of Erf 1944, Pearly Beach into two (2) portions namely, Portion A ($\pm 806\text{m}^2$) and a Remainder ($\pm 951\text{m}^2$) in extent.

Details 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 in terms of the provisions of Sections 51 and 52 of the By-law and reach the Municipality (16 Paterson Street, Hermanus / (f) 0283132093/ (e) (alida@overstrand.gov.za) on or before **Friday, 24 January 2025**, quoting your name, address, contact details, interest in the application and 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 in order to formalize their comment.

ERF 1944, PUREN WEG 24, PEARLY BEACH, OVERSTRAND MUNISIPALE AREA: AANSOEK VIR ONDERVERDELING: MNRE DAVID HELLIG AND ABRAHAMSE PROFESSIONAL LAND SURVEYORS NAMENS EAM BUHR

Kennis word hiermee gegee ingevolge Artikel 48 van die Overstrand Munisipaliteit Wysigingsverordening op Munisipale Grondgebruikbeplanning, 2020 (Verordening), dat 'n aansoek ontvang is ingevolge Artikel 16(2)(d) van die Verordening, vir die onderverdeling van Erf 1944, Pearly Beach in (2) twee gedeeltes naamlik, Gedeelte A ($\pm 806\text{m}^2$) en 'n Restant ($\pm 951\text{m}^2$) groot.

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 ingevolge die bepalings van Artikels 51 en 52 van die Verordening en die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / (e) (alida@overstrand.gov.za) bereik voor of op **Vrydag, 24 Januarie 2025**, met u naam, adres, kontakbesonderhede, belang in die aansoek, en 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.

ISIZA 1944, 24 PUREN WAY, PEARLY BEACH UMASIPALA WASE-OVERSTRAND: ISICELO SOKWAHLULWA HLULWA KWABAKWA MESSRS DAVID HELLIG AND ABRAHAMSE PROFESSIONAL LAND SURVEYORS EGAMENI LIKA-EAM BUHR

Isaziso sinikezelwe ngokwemiqathango yeCandelo 48 loMthetho Ohlonyelweyo ka-2020 Womasipala wase-Overstrand Ongokusetyenziswa Nokucetywa koMhlaba kaMasipala (uMthetho kaMasipala), ukuba sifunyenwe isicelo **ngokwemiqathango** yeCandelo 16(2)(d) loMthetho kaMasipala ukuze kwahlulwe hluwe Isiza 1944, Pearly Beach sibe zizixa ezibini (2) ezime ngolu hlobo: Inxalenye A ($\pm 806\text{m}^2$) kunye nentsalela ibe ($\pm 951\text{m}^2$) ngobukhulu.

linkcukacha ezipheleleyo malunga nesi siphakamiso ziyafumaneka ukuze zihlolwe kwiintsuku zaphakathi evekini kwintsimbi ephakathi kwentsimbi ye-08:00 neye-16:30 kwiSebe : izicwangciso zeDolophu kwa16 Paterson Street, Hermanus nakwithala leencwadi lase Gansbaai, Main Road Gansbaai. Naziphi na izimvo ezibhaliweyo mazingeniswe ngokuhambelana nezibonelelo ze Candelo lama- 51 nelama-52 alo mthetho kaMasipala zifike kwaMasipala (16 Paterson Street, Hermanus / (f) 0283132093/ (e) (alida@overstrand.gov.za) ngomhla okanye ngaphambi ko**Lwesihlanu, 24 EyoMqungu 2025**, uchaze igama lakho, idilesi yakho, neenkukacha ofumaneka kuzo, umdla wakho kwesi sicelo nezizathu zakho zokuhlomla kwakho. Imibuzo ngefowuni ingathunyelwa kuMchwangcisi weDolophu, **uMnu SW van der Merwe kulenombolo yomnxeba-028-313 8900**. UMasipala angala ukuzamkela izimvo ezifike emva komhla wokuvala. Nabani na ongakwazi ukufunda nokubhala angahambela kwiSebe lezicwangciso zeDolophu apho igosa likamasipala liza kumnceda afake izimvo zakhe ngokusemthethweni.

1. INTRODUCTION

Erf 1944 Pearly Beach, the subject land unit, in Pearly Beach Township Extension No. 3 is situated between Puren Road and Perlemoen Street as laid out on General Plan No. 8145 (SG No. 8318/1970), The subject land unit comprises of an existing dwelling, constructed on the northeastern point of the land unit, accessed via Puren Road, with the balance being undeveloped.

The purpose of this application is for the subdivision of the subject land unit into two portions to facilitate the future development of the subject property to its full potential.

2. PROPERTY DETAILS

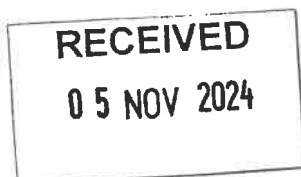
SUBJECT LAND UNIT				
PROPERTY DESCRIPTION	EXTENT	REGISTERED LANDOWNER	DEEDS OF TRANSFER	EXISTING ZONING
Erf 1944	1 757 square metres	Erna Anna Marie Buhr	T3893/1990	Residential Zone 1: Single Residential (SR1)

3. LOCATION

The location of the subject land unit is circled in red in the figure below.



Figure 1: Location of the subject land unit



4. PREVIOUS APPROVALS AND BUILDING PLANS

The following documents are enclosed with this application

- Approved building vide Ref 15/4/1/4 dated 10-03-1993 with respect to the extension of the building adjacent to Puren Road within both the 5m street building line imposed in respect of the Title Deed conditions and the 4m street building line in terms of the Zoning Scheme.
- Land Use Departure approval vide Ref Erf 1944, Pearly Beach dated 08-12-2005 with respect to the relaxation of the building line to accommodate the lean-to constructed at the rear of the existing dwelling together with accompanying building plans.

From the above information, it is clearly evident that the existing dwelling represents a lawful non-conforming land use together with any applicable deemed building line relaxations both in terms of the Title Deed conditions and current applicable Land Use Scheme to regularise the existing dwelling in its current configuration.

5. APPLICATION PROPOSAL

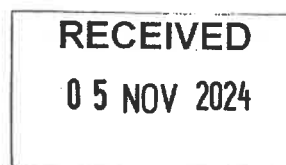
A. SUBDIVISION:

Application is hereby submitted in terms of **Chapter IV Section 16(2)(d)** of the Overstrand Municipal Land Use Planning By-Law, 2020:

1. The Subdivision of Erf 1944 Pearly Beach into two portions:
 - a) **Portion A**, measuring approximately 806 square metres in extent, comprising the existing dwelling house.
 - b) **The Remainder of Erf 1944 Pearly Beach**, measuring approximately 951 square metres in extent, which is currently undeveloped.

4. ACCESS, SERVICES AND PARKING

- The proposed subdivided land units will gain access as follows:
 - a) **Portion A**, directly from Puren Road and;
 - b) **Remainder of Erf 1944 Pearly Beach**, directly from Perlemoen Street.
- Separate engineering services connections in respect of the undeveloped portion will be installed in accordance with municipal standards, where applicable.
- As per the Overstrand Municipality Land Use Scheme, 2020, two (2) parking bays per dwelling house are required. Both proposed land units will easily accommodate this requirement.



- It should also be noted that subject land unit represents a consolidation of the two land units originally created on General Plan No 8145 and the subdivisional proposal essentially aims to re-instate the previous status quo; which would have informed municipal planning with respect to bulk engineering services capacity.

5. RESTRICTIONS

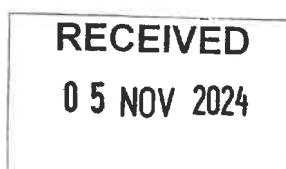
The title deed of the subject land unit contains no restrictive conditions specifically prohibiting the act of subdivision; however noting the following conditions regulating the development of the subject land unit:

- In the event that a Town Planning Scheme is introduced the most restrictive conditions will apply.
- Only one dwelling to be erected, provided that should a Town Planning Scheme be applicable the Local Authority may permit such other buildings as are permitted in terms of the Town Planning Scheme.
- Street building line of 5m, lateral building line of 1,5m and rear building line of 3m are applicable.
- In the event of consolidation and / or subdivision, the deducted or consolidated portions (as the case may be) shall be subject to the title deed conditions as if it were the original erf.

6. MOTIVATION

6.1 Overstrand Municipality Land Use Scheme, 2020

The subject land unit is zoned Residential Zone 1: Single Residential purposes in terms of the Overstrand Municipality Land Use Scheme, 2020 as indicated in the figure below.



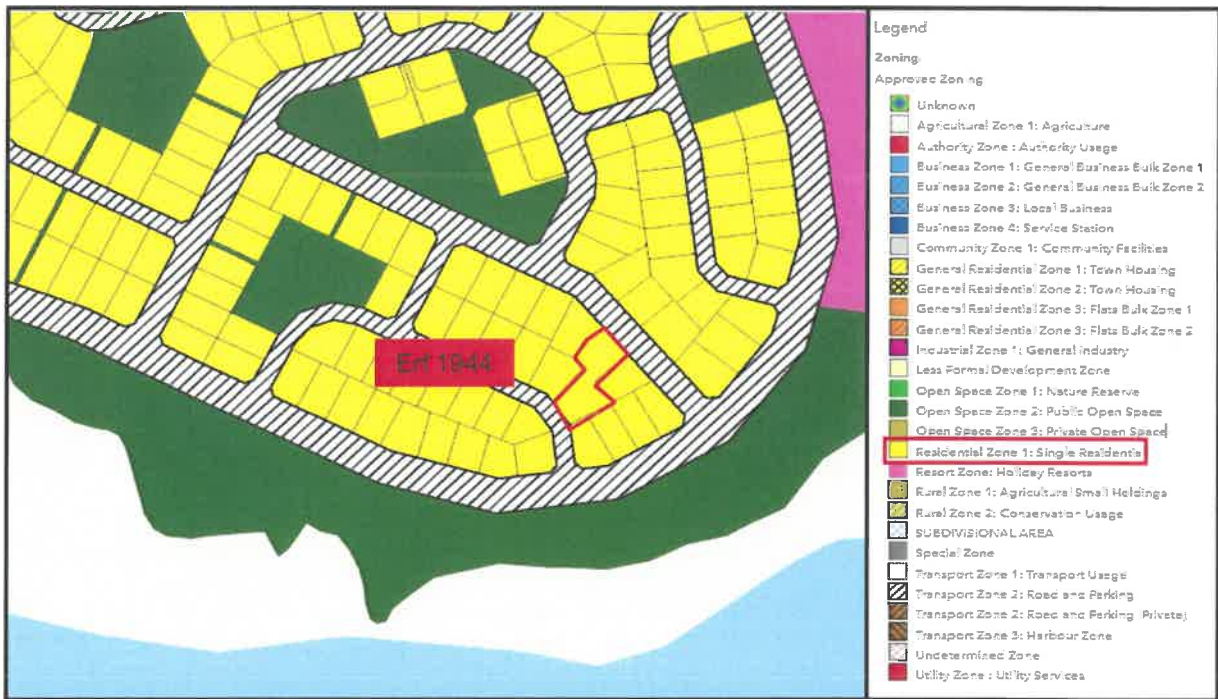


Figure 2: Extract of the Overstrand Municipality Zoning Scheme Map

With the proposed subdivision application there will be no physical changes to the building infrastructure and/or land uses. The status quo would be maintained as the property would not deviate from the Primary Rights allowed within the Residential Zone 1 zoning.

In respect of the Residential Zone 1: Single Residential zoning, the following development parameters would be applicable to the proposed subdivided portions of Erf 1944 Pearly Beach:

AREA OF LAND UNIT	STREET BUILDING LINES	SIDE AND REAR BUILDING LINES	MAXIMUM COVERAGE	MAXIMUM HEIGHT incl roof
400 m ² and greater	4,0m	2,0 m	50%	8,0m

6.2 Overstrand Municipal Growth Management Strategy, 2010

The concept of the Overstrand Municipal Growth Management Strategy is to promote the longer term sustainability of the municipal area and its sub-region.

As per the Overstrand Growth Management Strategy, 2010, seven planning units have been identified for Pearly Beach. One of the specific interventions that have been proposed for Pearly Beach is incremental densification within the existing residential fabric.

The following image illustrates the seven planning units identified for Pearly Beach:

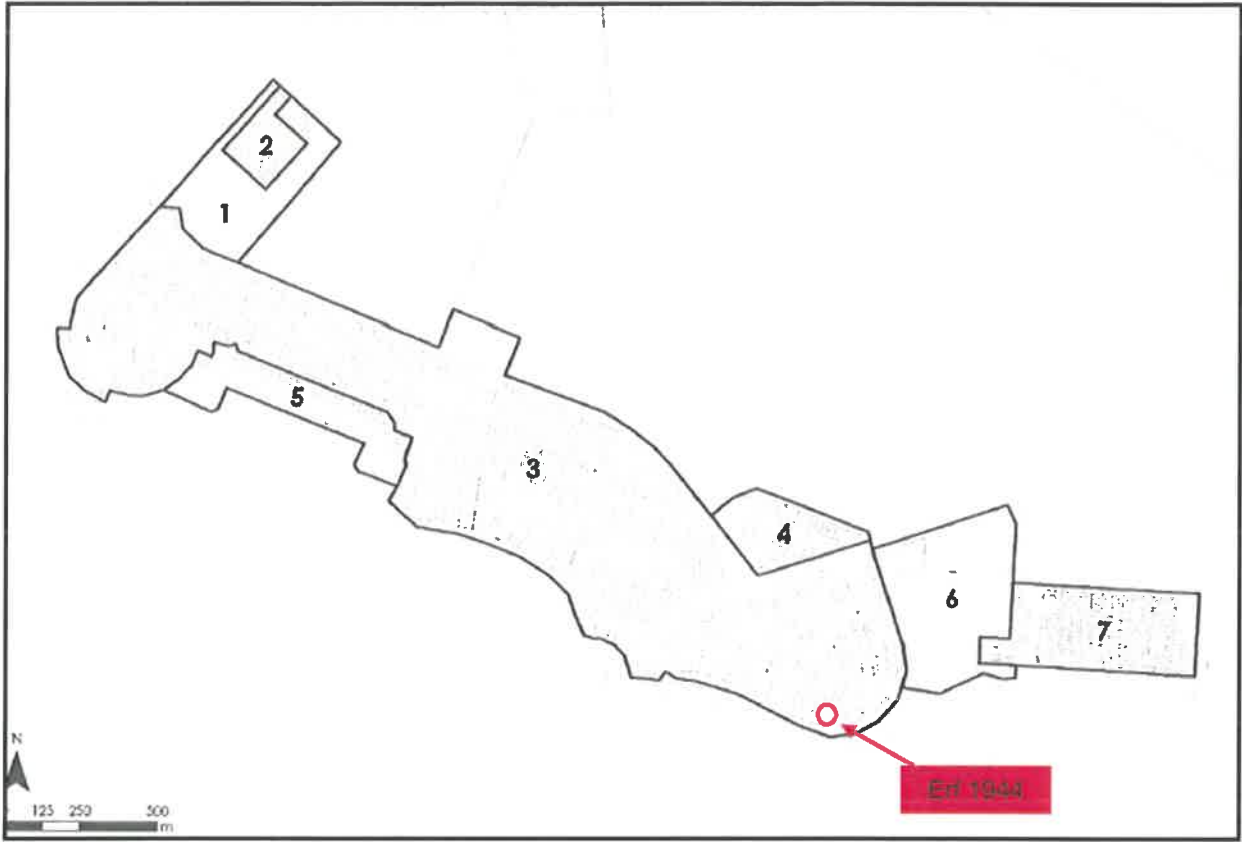


Figure 4.: Extract from figure 89 of the Overstrand Growth Management Strategy

As shown in the figure above the subject land unit is located within Planning Unit 3 of Pearly Beach. Incremental development through subdivision is being proposed for residential densification in this planning unit to allow a second dwelling unit.

The Application complies with the strategies of the Overstrand Growth Management Strategy as it will enable for subdivision within the existing residential fabric of Pearly Beach and promote densification as advocated in the Overstrand Growth Management Strategy.

6.3 Overstrand Municipality Spatial Development Framework, 2020 (MSDF)

The Overstrand Municipality Spatial Development Framework, 2020 (MSDF) was prepared to ensure compliance with the new National (Spatial Planning and Land Use Management Act 16 of 2013) and, Provincial (Western Cape Land Use Planning Act, 2014) and District Legislation, Policies, Principles and Frameworks.

According to the MSDF, the Spatial Development Framework was also prepared as a sectoral component of the Integrated Development Plan (IDP). The MSDF is aimed at providing direction and guidance for decision making for future planning. This is to ensure that

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development in the Overstrand Municipality is integrated and sustainable, which creates habitable regions through cities, towns and residential areas.

The MSDF states that the Pearly Beach area is considered to be for a retirement and holiday town located 18km east of Gansbaai. The area where Erf 1944 Pearly Beach is located in was originally developed for residential purposes. The figure illustrates the Pearly Beach Status Quo as extracted from the MSDF.

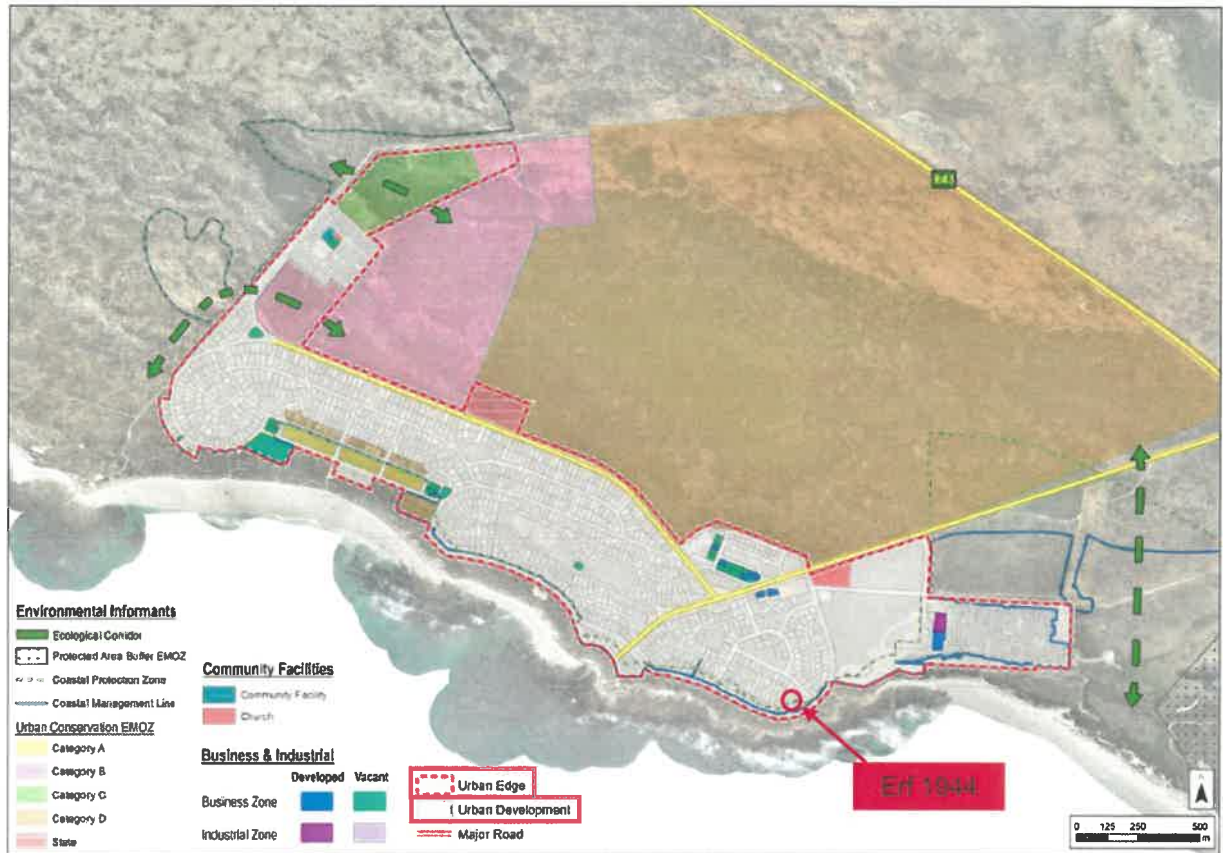


Figure 3.: Extract from Plan 39 Overstrand Municipality Spatial Development Framework, 2020

From the image above it is clear that the property is located within the Urban Development boundary of Pearly Beach and designated for the use that will remain on the subdivided portions of land.

The proposed subdivision is consistent with the principles and objectives contained in the MSDF regarding densification within existing and established urban areas.

6.4 Spatial Planning and Land Use Management Act 16/2013 (SPLUMA)

A. Spatial Justice

This principle is not applicable; however land development imbalances are addressed as the southern undeveloped land unit presents an opportunity to be developed for residential purposes, improving the use of land and ensuring that appropriate densification takes place for Pearly Beach as desired and aligned with the densities surrounding the subject land unit.

The proposed subdivided portions are suitably dimensioned to ensure safe vehicular access.

B. Spatial Sustainability

The subject land unit was consolidated in the the past and with the subdivision it is proposed to recreate the boundaries on the subdivided portions as it was originally planned for. Therefore, the proposal ensures that it will achieve the desired form of urban densification.

The proposal is located within the existing residential fabric inside the urban edge of Pearly Beach, which will limit urban sprawl outside of the urban edge and protect prime and unique agricultural land and environmental sensitive areas.

C. Efficiency

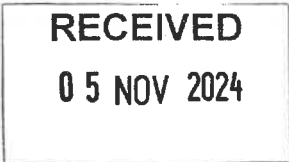
It should be noted that service provision was included for the additional land parcel in the past before it had been consolidated. The application proposal therefore provides for an improved use of existing resources, infrastructure and facilities.

D. Spatial Resilience

This principle is already addressed as the proposal fits into the character of its surroundings and that the proposal does not deviate for what was originally planned for the area.

E. Good Administration

The principle of Good Administration is being complied with as the proposal is aligned with national, regional and local spheres' policy, frameworks and strategies. An application process is being followed to ensure that all departmental inputs are received for the application to be compliant with the procedures of the Overstrand Municipality.



6.3 Existing Building, Neighbourhood and Surroundings

- The proposed subdivision is not in conflict with the character of the surrounding area as no alterations to the existing land uses are proposed.
- The proposed subdivision will result in the creation of two separate land units which are consistent with the property extents and land uses of the surrounding erven in the neighbourhood as intended in the original township layout as per General Plan No 8145.
- Land units with a smaller extent, accommodating independent land uses and infrastructure, can be more easily and functionally maintained, thus creating a neat environment which contributes to the upliftment and value of the area.
- The proposed subdivided portions will each accommodate existing infrastructure viz a dwelling unit and are suitably dimensioned to ensure safe vehicular access and appropriate residential densification takes place for the subject land unit to be aligned with the existing residential density of the land parcels in the surrounding area.
- The existing building has been existence for a number of years and is considered a law non-conforming land use right, should it conflict with any development parameters imposed in terms of either the Title Deed conditions or the Land Use Scheme.

6.4 Need, Desirability and Demand

- The proposed subdivision presents the opportunity to provide two land units to accommodate existing building infrastructure on separate erven.
- Erf 1944 Pearly Beach was consolidated in the past and with the subdivision it is proposed to recreate the boundaries on the subdivided portions as it was originally planned for. Therefore, it should be noted that service provision was included for the additional land parcel before it has been consolidated.
- The creation of two land units will enable the erven to be separately owned and therefore promotes the desirable concepts of ownership and security of title with its accompanying benefits.
- With the proposed land units situated within an already well-established residential area, it will achieve the desired form of urban densification.

6.5 Optimising the Potential of the Land and Opportunity

- The proposed subdivision will enable the proposed new land units to be utilised to their full potential and ensure the optimal utilisation of the existing services and infrastructure.
- The proposed subdivision will result in a more desirable compact residential area within the urban edge and thus limiting urban sprawl beyond the urban edge.
- The application proposal provides for an improved use of existing resources, infrastructure and facilities. The subdivisional proposal promotes diversity in residential opportunities in the area by providing for smaller land units at an appropriate location.

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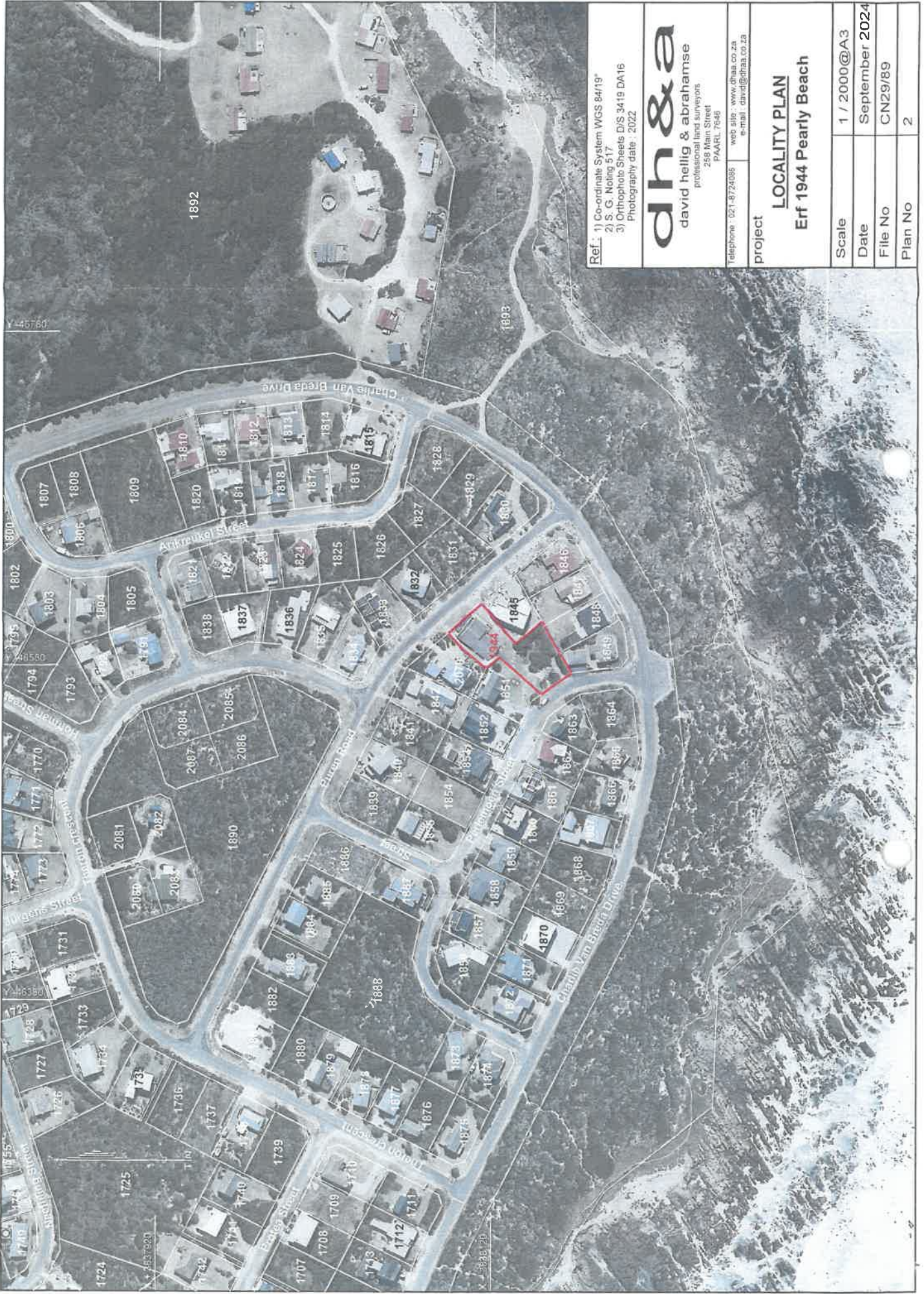
DAVID HELDIG AND ABRAHAMSE



PER: HUGO SLABBER

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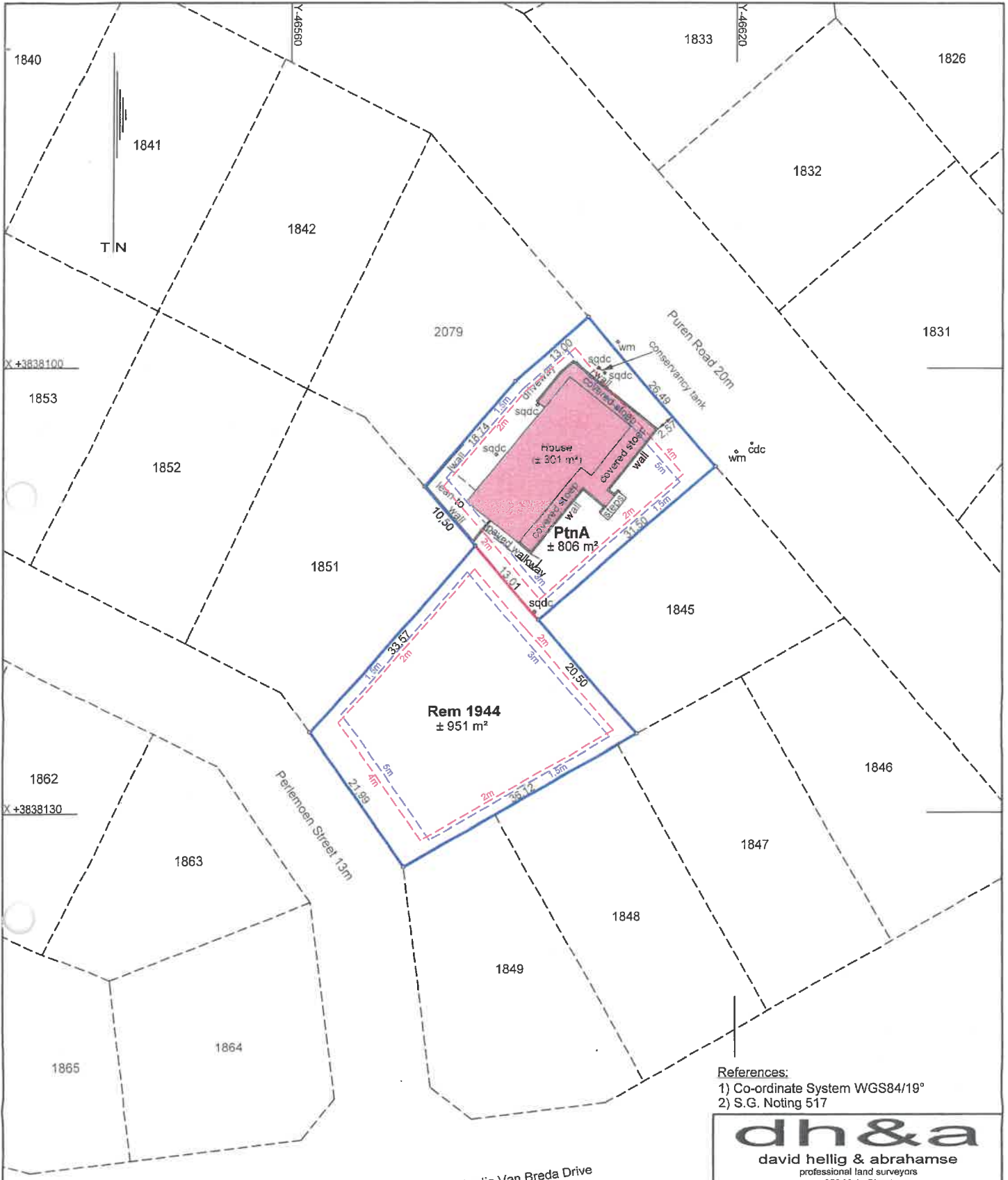
Ref: 1) Co-ordinate System WGS 84/19°
 2) S. G. Noing 517
 3) Orthophoto Sheets D/S 3419 DA16
 Photograph date : 2022

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project
LOCALITY PLAN
Erf 1944 Pearly Beach

Scale	1 / 2000@A3
Date	September 2024
File No	CN29/89
Plan No	2



- References:
 1) Co-ordinate System WGS84/19°
 2) S.G. Noting 517

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project
PLAN OF SUBDIVISION
Erf 1944 Pearly Beach

Scale	1 / 500@A3
Date	September 2024
File No	CN29/89
Plan No	1

Legend	
	Building line (Title Deed)
	Building line (Zoning Scheme By-Law)

Note:
 Erf 1944 Pearly Beach is to be subdivided into :
 a) Ptn A ± 806 m²
 b) Rem. 1944 ± 951 m²