

6.**ERF 4030 BETTY'S BAY: LEASE OF MUNICIPAL PROPERTY TO BETTY'S BAY RATEPAYERS' ASSOCIATION****A Le Roux
24 April 2025****Divisional Manager: Property Management****(028) 316 5623**

1. Executive Summary

To obtain approval to enter into a lease agreement with Betty's Bay Ratepayers Association, hereinafter referred to as "the Applicant", in respect of municipal property, being Erf 4030 Betty's Bay (1,3231ha in extent) situated on the corner of Crassula Avenue and Diastella Street, Betty's Bay, hereinafter referred to as "the Property", for a period of 9 (NINE) years and 11 (ELEVEN) months for recreational, fynbos garden and related activities. The locality map is attached hereto marked "Annexure A".

2. Service Delivery and Budget Implementation Plan - IGNITE

Planning and Development
Property Management

3. Compliance with Strategic Priorities

Provision of democratic, accountable and ethical governance
The encouragement of structured community participation in the matters of the municipality
Creation and maintenance of a safe and healthy environment
Promotion of tourism, economic and social development

4. Delegated Authority

Executive Mayor

5. Legal Requirements

- Municipal Asset Transfer Regulations (R. 878 of 2008)
- Administration of Immovable Property Policy of the Overstrand Municipality (2015)

6. Background/Discussion/Evaluation/Conclusion**Background/Discussion**

The Applicant applied to lease the Property for a period of 9 (NINE) years and 11 (ELEVEN) months for recreational, fynbos garden and related activity purposes. They currently lease Erf 2416 Betty's Bay, which includes Crassula Hall, the neighbourhood watch office, the pickleball court, the Betty's Bay

Jukskei Club, and a clubhouse. However, Erf 2416 Betty's Bay has run out of space, prompting the Applicant to seek additional property to accommodate growing community needs.

The Applicant intends to develop the Property as follows:

The Applicant, intends to establish a recreational area and fynbos garden on the Property that will be freely accessible to the public, aligning with their ongoing commitment to uplift the community. By not charging any membership fees, day fees, or any form of financial contributions, the Applicant will ensure that these facilities will be inclusive for all residents and visitors, providing equal opportunities for recreation and engagement.

Should approval be granted for the lease, the Applicant's intended uses for the Property includes the creation of additional parking. This will formalize an existing municipal parking area, ensuring there is adequate space for the public to access the recreational area. A children's play park will also be developed, featuring a jungle gym with two swings placed near the parking lot. In addition, a walking trail through the fynbos garden will be created, utilizing most of the Property. This scenic trail will include outdoor exercise stations placed along the route, offering an opportunity for both relaxation and fitness.

Through these initiatives, the Applicant aims to improve community well-being and provide accessible recreational opportunities for all.

Should approval be granted for the lease of the Property, the combined lease area of Erf 4030 Betty's Bay and Erf 2416 Betty's Bay will include the following:

- Extended parking (new)
- Pickleball/utility court (new)
- Neighbourhood Watch Office (existing)
- Jukskei clubhouse as well as 4 (FOUR) Jukskei lanes (existing)
- Walking trail (new)
- Crassula Hall (existing)
- Children's play park (new)

The Applicant's locality map drawing is attached hereto marked "Annexure B". However, the Applicant decided not to install additional jukskei lanes on the Property, as shown in Annexure B, to avoid clearing indigenous vegetation and to comply with environmental regulations, thereby preventing any ecological impact.

Evaluation

A: Administration of Immovable Property Policy of the Overstrand Municipality:

The following conditions of the said Policy will apply:

Paragraph 4: “No application for the purchase, lease of or encroachment on immovable property (save for the instances mentioned in paragraphs 58 to 62 and 64.1 below) shall be processed unless the prescribed application fee as per tariff approved in the annual budget for that financial year has been paid, nor shall any proposed lease or encroachment (save for the instances mentioned in paragraphs 58 to 62 and 64.1 below) be advertised unless the applicant has confirmed, in writing, that he/she will bear all costs involved in such transaction including – but not limited to – legal, survey, re-zoning, sub-division, consolidations, advertisement, relocation or provision of services and, where applicable, a deposit as per prescribed rate to cover incidental costs has been paid.”

The Applicant completed the formal application form and paid the application fee.

Paragraph 17: “Taking into consideration the nature and duration of the lease to be entered into, the leasing of immovable property may be affected by means of either:

- 17.1 a competitive process, which may include a closed or public tender or proposal call, specifically in circumstances listed in paragraph 18 below; or**
- 17.2 a direct lease.”**

The Property Management Division will be recommending a direct lease on the reasons provided in the report.

Paragraph 18: “Paragraph 18: “A competitive process must at all times be followed in circumstances where:

- 18.1 the lease is for a long term with an income value in excess of R10 million;**
- 18.2 the lease is for a formal business premises with a market related rental;**
- 18.3 more than one party, in discretion of the municipality, is interested in the lease of the subject property; and/or**
- 18.4 by discretion of the municipality, a competitive process will best serve the interests of the community”.**

18.1 Although the proposed lease is for a long-term period the rental that will be received will not be more than R10 million. As the Applicant is a community organisation the current rental is set at a tariff for

the lease of municipal property for registered Social Care Institutions / Organisations/ NPO's/ PBO's/ Sport facilities/ Community Organisations, being R188.70 (ONE HUNDRED AND EIGHTY-EIGHT RAND AND SEVENTY CENTS) (VAT excluded) per month, which rental will escalate annually in terms of the approved tariff in the financial budget of the Municipality.

18.2 As the Property is not classified as a business site and given the nature of the lease and the benefit to the community, as well as the fact that the Applicant has been using the adjoining property, Erf 2416 Betty's Bay, for community purposes for many years and intends to use the Property for similar purposes as an additional space, it can be leased directly to the Applicant without a competitive process. As the tariff will be applied, it will not be a market related rental amount payable.

18.3 From the contents of this report it will be noted that there are two parties interested in the Property. This will be addressed in the report with a motivation as to why a direct lease should still be considered.

Paragraph 20.1: “The Municipality may grant a long term lease of municipal immovable property with an income value of less than R10 million only after:

- a) The Accounting Officer has approved the lease in principle;**
- b) On the case of a direct lease, the proposed lease was advertised in terms of paragraph 10.1 and 10.2 above to invite the local community and other interested parties to submit comments or representations; and**
- c) The Executive Mayor, as delegated authority, has approved that the right may be granted.”**

The Accounting Officer (Municipal Manager) approved in principle on 20 February 2024 that the process for a long-term lease of 9 (NINE) years and 11 (ELEVEN) months may proceed, subject to a public participation process and further subject to approval by the Executive Mayor, as the delegated authority, for the long-term lease.

The proposed lease was advertised in the Overstrand Herald on 29 August 2024, with a 30 (THIRTY) day comment/objection period, during which 1 (ONE) public objection (containing an application for the Property) and 1 (ONE) public support were received, and these will be discussed in more detail below.

The Executive Mayor's approval is hereby sought.

Paragraph 26: “In cases where a rental amount has been approved in the annual budget of the Municipality for certain types of leases

and encroachments, the approved amount will be used for purposes of determining the rental amount.”

The tariff for the lease of municipal property to registered Social Care Institutions/ Organisations/ NPO's/ PBO's/ Sport facilities/ Community organisations will be levied. The rental is R188.70 (ONE HUNDRED AND EIGHTY-EIGHT RAND AND SEVENTY CENTS) (VAT excluded) per month. The agreement will stipulate that the rental amount will escalate annually in accordance with the tariff as approved in the Annual Budget.

Paragraph 36: “All costs pertaining to a transaction, e.g. survey, advertisements, valuation, relocation or provision of services where necessary, shall be borne by the Lessee. The Municipality may, however, waive its right to claim all or any portion of the costs. Where necessary a deposit to cover the costs may be required.”

The Applicant will be liable for the payment of all costs relating to the lease agreement which in this case so far is only the advertisement costs and application fee.

Paragraph 47: “Subject to paragraph 46 above, immovable property let by the Municipality shall be inspected at least once a year by the Municipality to ensure compliance with the terms and conditions of the agreement of sale or lease.”

The Property will be inspected by the Property Management Division at least once a year.

It is further confirmed that the other Conditions of Lease as stipulated in paragraph 36 – 50 of the said policy will be included in the lease agreement.

B: Advertisement / Notification:

An advertisement for the lease of the Property to the Applicant was published in Overstrand Herald on 29 August 2024 for a 30 (THIRTY) day objection/comment period. The following objection/comment were received:

Objection/comments and new application:

Objection/comments and new application received (Summarised):

One objection was received from Betty's Bay Boat Club, hereinafter referred to as the "Boat Club", before the closing time of the advertisement. The detailed 3 (THREE) page Betty's Bay Boat Club objections/comments and new informal application attached hereto marked "Annexure C".

The Boat Club objects to the Applicant's proposed lease of the Property, as they are also interested in leasing the Property to continue their successful club operations, offering recreational activities.

The Boat Club has been located on Erf 2411 Betty's Bay since 1994, with their original lease including the slipway. The Boat Club developed the breakwater, slipway, and old store buildings, primarily funded by membership fees and private donations. Currently, the Boat Club is concerned that the landlord of Erf 2411 plans to remove them after their lease expires in 2034 and is not intending to renew it. The Boat Club seeks a longer lease to build a community-focused sports and recreation facility, ensuring a legacy for the town beyond 2034.

The Boat Club remains active with approximately 200 members, hosting events like Wednesday night meals for up to 50 members, darts and pool games, and occasional sport screenings. They aim to expand their activities to include bridge, chess, and canasta, appealing to families. The Boat Club is an important local hub, with 95% of members being taxpayers in Ward 10. The Boat Club operates with a focus on security, using cameras and lockup arrangements, and holds a full liquor license.

Should the Boat Club be granted the lease for the Property, they plan to expand into a broader recreational hub, catering to the town's growing needs, especially with an increase in younger residents. Proposed developments include:

1. **Expanded Recreational Facilities:** New sports options, such as squash, badminton, jukskei, and pickleball courts.
2. **Family-Oriented Activities:** Safe, family-friendly activities like bridge, chess, and canasta.
3. **Community Engagement:** Continued and expanded social events to foster unity.
4. **Improved Facilities:** Upgrades to infrastructure and equipment to accommodate the growing membership.

The Boat Club envisions transforming the Property into the "Betty's Bay Sports and Recreational Club," a vibrant space for all ages, with a mix of sports, social activities, and community events, while maintaining high a safe place strictly controlled for recreation. The Boat Club stated that they have the necessary funds and a successful history of maintaining and improving their facilities.

Applicant's response (Summarised):

The Applicant provided the following respond to the Boat Club's objections regarding the lease application for the Property The detailed 2

(TWO) page Applicant's response to Betty's Bay Boat Club attached hereto marked "Annexure D":

The Applicant explained that they aim to establish a recreational community fynbos garden on the Property, while the Boat Club seeks to continue operating as a recreation and related activities club. The Applicant raised concerns about the exclusivity of the Boat Club's membership, questioning whether the majority of Betty's Bay residents will be excluded from its activities. Additionally, the Applicant disputes the claim that there are no recreational spaces in Betty's Bay, highlighting that Crassula Hall already serves as a community centre for various activities, including disaster management, sports, and cultural events.

The Applicant clarifies that its proposal for the recreational community fynbos garden will serve multiple purposes. These include enhancing public understanding of the fynbos biome, encouraging local participation, providing a sanctuary for rescued plants, creating temporary job opportunities, hosting educational workshops, and demonstrating firewise gardening strategies. The plan involves minimal infrastructure development, with pathways carefully designed to protect sensitive vegetation and wildlife, and maintenance strategies that align with environmental best practices.

Environmental sustainability is a key focus of the Applicant's proposal. The project will comply with all relevant environmental legislation and align with the Urban Conservation EMOZ Category C requirements. The fynbos garden will enhance biodiversity, support sustainable practices, and act as an educational resource for the community. Additionally, it aligns with the Overstrand Conservation Plan and addresses critical environmental concerns such as illegal dumping, soil erosion, and fire risks.

Finally, while the Applicant respects the Boat Club's vision, it believes that the fynbos garden offers a more environmentally sustainable and inclusive alternative. The Applicant urges the Overstrand Municipality to consider the broader community benefits of its proposal, emphasizing that the project will not only enhance the ecological value of the Property but also foster a stronger sense of community and environmental stewardship.

Comments from other Departments, Divisions and Administrations:

The Boat Club's interest in applying for the Property was circulated to the Town & Spatial Planning Division and the Environmental Management and Conservation Division, and the following comments were received:

Senior Town Planner: Ms H Van Der Stoep

“The Property is zoned Public Open Space. In terms of the land use scheme the following is applicable:

2.2 OPEN SPACE ZONE 2: PUBLIC OPEN SPACE (OS2)

Use of the Property:

The following use restrictions apply to property in this zone:

- a) *Primary use: public open space. - the definition reads as follows: means land, which is in public ownership, used primarily for outdoor sports, play, rest or recreation or as a park area or nature area, and includes associated buildings, infrastructure and uses.*
- b) *Consent uses: cemetery, environmental facilities, informal trading (subject to the provisions of Chapter 16.10), recreational facilities, tourist facilities, transmission apparatus (subject to the provisions of Chapter 16.10), urban agriculture, utility service, any other related uses permitted by the Municipality.*

Development parameters:

The following development parameters apply:

- a) *A site development plan must be submitted in terms of 16.3 to the satisfaction of the Municipality.*
- b) *The Municipality may require an environmental study and/or environmental management plan in terms of 16.4.*
- c) *Prior to the approval of any building plans or engineering services, the Municipality must determine the development parameters that apply when:*
 - (i) the zoning of a land unit to this zone is approved;*
 - (ii) any environmental impact report is considered;*
 - (iii) any environmental management plan is considered; and*
 - (iv) any site development plan is approved.*
- d) *No structure shall be erected or use practised except such as is compatible with “public open space” as defined.*
- e) *Structures/buildings may be erected with the written consent of the Municipality, should the Municipality deem it necessary, provided that the Municipality may impose conditions relating to design, architecture and developments parameters.*

The property is also subject to the Environmental Overlay Zone.

The application will fall under recreational facilities which is a consent use. The applicant must ensure that the Department of Environmental Affairs and Development and Cape Nature are involved to ensure compliance with the NEMA, environmental legislation, before embarking on the project. It may become an expensive exercise.

No objection to the proposed project, subject that the necessary planning legislation be followed, which will include an application for a consent use, EMOZ and possible title deed restrictions.”

Previous Environmental Officer: Ms T Zweig

“The Environmental Management & Conservation Division does not object to the application, but the following should be considered by the applicant with reference to the proposed recreational facility on Erf 4030 Bettys Bay:

1) *Zoning:*

The property is zoned as Open Space Zone 2: Public Open Space (OS2). A Consent Use application may be required for the development of indoor recreational/sport facilities as per the application.

2) *Town Planning General Plan 8267 of the Bettys Bay Township Extension 3 (1970):*

Erf 3040 is shown on the 1971 SG Diagram, there have been no alterations and/or subdivisions etc. to the original layout of diagram.

The Department of Environmental Affairs and Development Planning (DEA DP) require that if there are any alterations required to the SG Diagram, and/or any changes in land-use (e.g. zoning, building line or title deed amendments) the National Environmental Management Act (NEMA) Applicability Checklist must be submitted to the DEA DP to determine whether there is the requirement of Environmental Authorisation for activities listed in the NEMA Environmental Impact Assessment (EIA) Regulations (2014, as amended). The application does not give any approximate sizes for the proposed development(s) but the Public Open Space Zoning of the property may result in the requirement of Environmental Authorisation from the DEA DP.

NEMA Listing Notice 3 (GNR 324, 2017)

Activity 12

The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.

a. *Western Cape*

- i. *Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;*

- ii. *Within critical biodiversity areas identified in bioregional plans;*
- iii. *Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas;*
- iv. *On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or*
- v. *On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister.”*

Property Management's response:

The Property Management Division is of the understanding that the Municipality may find the Applicant's application more favourable than the Boat Club's application for several key reasons:

1. **Greater Public Benefit and Accessibility:** The Applicant's proposal ensures that the recreational facilities will be open to the entire community without any charges, whereas the Boat Club may have membership fees and usage restrictions. The Municipality's responsibility is to serve the broader community, and a facility that is freely accessible aligns better with this objective. The Property is a public open space, meaning it should primarily serve the broader community than a small, exclusive group. The Boat Club as a membership-based club would restrict the access to the Property to a selected number of people, which may not be aligned with the intended public use of the land. The Municipality however must make sure that public spaces remain open and accessible to all residents and visitors, rather than being effectively privatised for a small group.
2. **Alignment with Public Open Space Zoning:** The Property is zoned Public Open Space (OS2), meaning it is intended for activities like recreation, play, and outdoor sports. The Applicant's plan, including a walking trail, children's play park, and Jukskei lanes, fully aligns with this zoning and the goal of enhancing public recreational spaces. A boat club, however, is a more exclusive and specialized facility that might not align as well with the intended land use.
3. **Minimal Environmental Impact:** The Applicant's activities, such as trails and outdoor exercise stations, have a lower environmental footprint, especially since most of the Property will be left in its natural state. In contrast, the Boat Club plans to introduce a variety

of activities, including squash, badminton, jukskei, and pickleball, which would require both indoor (buildings) and outdoor infrastructure. Indoor facilities would include dedicated sports halls or rooms for squash and badminton courts, as well as changing rooms, restrooms, and storage areas for equipment. Outdoor courts for jukskei and pickleball would need to be developed, requiring land preparation and surface treatments. Additionally, social and lounge areas would be necessary to provide spaces for members to relax and socialize, creating a more comprehensive recreational environment. The Boat Club's proposed developments may result in a greater environmental impact and would require more extensive environmental assessments.

4. **No Exclusive Use or Financial Barriers:** The Applicant's proposal ensures community-wide inclusion, whereas the Boat Club propose to operate on a membership-based model. Granting the lease to the Boat Club would thus lead to restricted access for non-members, limiting the broader community's ability to benefit from the space.
5. **Lower Administrative and Legal Considerations:** Since the Applicant's proposal is fully compatible with the zoning and does not require significant land-use changes, it avoids complex legal and environmental processes. The Boat Club's proposed activities may require, an environmental impact assessment, and land use planning approvals, making its application more administratively intense and costly.

By considering the Applicant's proposal more favourably, the Municipality ensures that the Property remains publicly accessible, environmentally responsible, and aligned with zoning regulations. The Applicant's plan offers maximum benefit to the entire community, while the Boat Club's proposed activities may limit accessibility, require costly approvals, and have a greater environmental impact.

For these reasons, the Applicant's proposed use for the Property is the more favourable option for the Municipality and the broader Betty's Bay community.

To properly evaluate why the Boat Club's application might not be the best suited us of the Property and whether their objections are valid, below is the detailed comparison of their proposal against the Applicant's application:

1. **Exclusivity vs. Public Benefit:** The Applicant's application proposes a publicly accessible recreational area with no membership fees or financial contributions, benefiting the entire community. If the Boat Club's proposal is exclusive or limits access to a select group (e.g.,

members-only), it would provide fewer public benefits compared to Applicant's inclusive approach.

2. **Space Allocation & Community Priorities:** The Applicant's application focuses on expanding existing community facilities that are already used by residents (Crassula Hall, Neighbourhood Watch office, Jukskei Club, etc.). If the Boat Club's proposal does not address a pressing community need or duplicates services already available elsewhere, it may not justify allocating the Property to them over the Applicant.
3. **Environmental Considerations:** The Applicant has explicitly adjusted its plans to avoid harming indigenous vegetation, ensuring compliance with environmental laws. If the Boat Club's plans involve environmental risks (e.g., clearing land, disrupting sensitive ecosystems), their application could conservation-related challenges.
4. **Sustainability & Infrastructure Impact:** The Applicant's proposed projects (parking, walking trails, children's play park) seem low-impact and community-oriented. A Boat Club may require boat storage, launching facilities, and potential modifications to the Property, which could raise concerns about long-term sustainability and environmental strain.

In conclusion, the Property Management Division recommend the Applicant's proposal as the most suitable use of the Property for the broader Betty's Bay community. The Applicant's plan prioritizes public accessibility, environmental sustainability, and alignment with zoning regulations, ensuring that the Property remains a shared community space rather than an exclusive facility. In contrast, the Boat Club's application presents concerns related to restricted access, potential environmental impact, and additional administrative requirements. By selecting the Applicant's proposal, the Municipality upholds its commitment to equitable public use, responsible land management, and long-term community benefit.

Support Received (Summarised):

One support comment was received from Betty's Bay Conservancy before the closing time of the advertisement. The detailed 3 (THREE) page Betty's Bay Conservancy support comments attached hereto marked "Annexure E".

The Betty's Bay Conservancy has expressed its support for the Applicant's application to lease the Property, for the purpose of developing a fynbos conservation area. This initiative aligns with the mission of the Betty's Bay Conservancy, which aims to promote environmentally sustainable living and preserve the ecological integrity

and biodiversity of the region. The Betty's Bay Conservancy believes that transforming the Property into a community conservation area will help protect the area's natural heritage and enhance its long-term sustainability.

The Betty's Bay Conservancy support letter highlights the detailed input provided by the ecologist of the Betty's Bay Conservancy, who conducted a preliminary site visit to the Property. During the visit, he surveyed the flora and fauna of the area and made several recommendations for the management and restoration of the land. These recommendations include restoring the veld to its natural vegetation, minimizing disturbance to local wildlife such as Grysbok and Mongoose, and promoting the growth of native trees and shrubs while removing invasive species. His suggestions are included in the Applications proposal for the lease of the Property.

The Property is home to a variety of vegetation types, including Kogelberg Sandstone Fynbos, Overberg Sandstone Fynbos, and Hangklip Sand Fynbos, which support more than 100 (ONE HUNDRED) threatened plant species, some of which are classified as endangered under the National Environmental Management: Biodiversity Act, 2004 (NEM:BA). The Betty's Bay Conservancy emphasizes the significance of preserving these areas, as they are vital to the survival of local wildlife and the broader ecosystem. Betty's Bay Conservancy also noted that the area around Crassula Hall is encroaching, and the final boundary of the conservation area should be clearly defined to protect the space from further development.

In addition to the restoration of the Property, the Betty's Bay Conservancy suggests that the Applicant's project could serve as a model for future conservation efforts in Betty's Bay, which lies within the transitional zone of the Kogelberg Biosphere. By collaborating with other stakeholders, such as the Kogelberg Branch of the Botanical Society (BotSoc), the Betty's Bay Conservancy and the Applicant aim to create a community-driven initiative that can restore and protect more green spaces within Betty's Bay. The Betty's Bay Conservancy envisions that this project will not only contribute to the conservation of local biodiversity but also foster a greater sense of community involvement in environmental protection.

The Betty's Bay Conservancy thus fully supports the Applicant's application to lease the Property and believes that the proposed conservation area within the Applicant's proposed lease area will make a significant contribution to preserving the unique natural heritage of Betty's Bay. Betty's Bay Conservancy further believes that through collaborative efforts and careful management, the Applicant's project has the potential to set a positive example for future conservation work in the region.

Applicant's response to support:

The Applicant acknowledged receiving support from the Betty's Bay Conservancy; however, they did not provide any comments in response to the support.

Property Management's response to support:

The Property Management Division acknowledges the support provided by the Betty's Bay Conservancy for the applicant's lease application and the environmental benefits outlined in their endorsement. Interested parties in collaboration with the Applicant would be encouraged to engage in further discussions.

Conclusion

In light of the above discussion it is proposed that the objection received from the Betty's Bay Boat Club be dismissed as it was adequately addressed and it is recommended that the lease of the Property to the Applicant be approved for a period of 9 (NINE) years and 11 (ELEVEN) months at a rental amount of R188.70 (ONE HUNDRED AND EIGHTY-EIGHT RAND AND SEVENTY CENTS) (VAT excluded) per month.

7. Financial Implications

The Municipality stands to gain rental in the amount of R188.70 (ONE HUNDRED AND EIGHTY-EIGHT RAND AND SEVENTY CENTS) (VAT excluded) per month for the 2024/2025 financial year, such rental to escalate every year on the 1st of July in accordance with the consumer price index (all items).

8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

Assistant Chief: Fire, Health and Safety – Mr E Solomons

"The Fire Department has no objection subject to compliance with the provisions of SANS 10400 A:2016, 10400-T: 2020 and the By-Law relating to Fire Safety."

Principal Technologist: Development Control - Mr R Andrew

"The developer shall accept responsibility for the construction of all municipal bulk and link services. No new street accesses would be created without the approval of the Engineering Services Department."

Divisional Manager: Building Control - Mr L Coetzee

"No objection. The building plan application must comply with applicable law."

Senior Superintendent: Traffic Operations - Mr P De Gruchy

"There are no objections towards this application."

Principal Technologist Civil: Kleinmond - Mr D Van Rhodie

"There are no objections from operational services Kleinmond."

Senior Town Planner: Ms H Van Der Stoep

No objection, please note there may be environmental authorization applicable".

Environmental Officer: Ms T Zweig

"The Environmental Management Services (EMS) has no objection to this application."

Divisional Manager: Expenditure, Fleet & Asset Management - Mr J Vorster

"As this is a revenue generating proposal with no intention to dispose of the asset, there is no objection."

10. Annexures

Annexures A: Locality map

Annexure B: Applicant's locality map drawing

Annexure C (1-3): Betty's Bay Boat Club objection/comments and new informal application

Annexure D (1-2): Applicant's response to Betty's Bay Boat Club

Annexure E (1-3): Betty's Bay Conservancy support comments

RECOMMENDATION:

1. that the objection received from the Betty's Bay Boat Club against the lease of Erf 4030 Betty's Bay to the Betty's Bay Ratepayers Association, be dismissed, as the objection is adequately addressed in the report and further that their application not be considered at this stage;

2. that the lease of municipal property, being Erf 4030 Betty's Bay (1,3231ha in extent), to the Betty's Bay Ratepayers Association for recreational and related activity purposes, at a rental amount of R188.70 (ONE HUNDRED AND EIGHTY-EIGHT RAND AND SEVENTY CENTS) (VAT excluded) per month for a period of 9 (NINE) years and 11 (ELEVEN) months in terms of the Administration of Immovable Property Policy of the Overstrand Municipality, **be approved**; and
3. that the rental amount mentioned in 1 above escalate every year on the 1st of July in accordance with the annual tariff list, the next escalation to be on 1 July 2025.

RESPONSIBLE OFFICIAL :

W MURTZ

TARGET DATE FOR IMPLEMENTATION :

30 JUNE 2025

TARGET DATE TO INFORM APPLICANT :

17 JUNE 2025

TARGET DATE TO INFORM OBJECTOR :

17 JUNE 2025





Overstrand Municipality ,
Onrust River .

Bettysbay Boatclub,
Stoney Point ,

Dated 17 September 2024.

Attention : Ms W Murtz .

RE : Lease of Municipality Property Erf 4030 Betty's Bay .

Dear Municipality ,

We have read the advertisement in Overstrand Herald 28 August 2024 advertising the lease .

We wish to object to the proposed leased as we as a Boatclub in Betty's Bay would also be interested in the same land . The purpose we need it would be to continue the longstanding successful club for the purpose of : Recreation and related activities .

Little Background

In short , and I know you are all familiar with our club , we have been on the erf 2411 since the original lease signed in 1994 . The club build , with a small help from Municipality , the breakwater and the slipway . From here development were done with membership fees and private member donations to complete . The original lease contract for this "included" the slipway . (Lease we have the copies) . We also developed the old store buildings to what you see today on the premises . All this was done by members as we were happy with the lease .

Then came the hand over to the state (Cape Nature) with the condition that our contract must be honored . November that year 2017 they closed the slipway with a notice : Not registered . We have all documentation that municipality , Neville Green , kept us in the dark as they never registered this particular slipway .Later Cape Nature made the reason for closure the penguins .

Shortly hereafter we received a letter that they are cancelling our lease . We could fight that one off . Now since then we have to keep looking over our shoulders as they keep cutting back on places like our parking .

They have also made it clear ,in the meeting at the time to cancel , that they would like us of this land . Certainly when the lease expire in about 2034 they will definitely not renew the lease !!!!

OUR CURRENT SITUATION AND NEED :

We still have a very active Club going. Our membership we keep under 200 , as was set out in lease, .

We can show that we have a vibrant club in our financial records .

Wednesday nights where we alternate between meals we make ourselves for ourselves we have up to 50 plus members for the evenings . All chatting and have good times .

Alternative wends evenings are games evenings where all play darts and pool . We have our championships for a shield at year end

We would like to broaden this to bridge/chess/ canasta . All of these are family promoted and husbands and wife's attend

Weekends peak on Friday evenings whilst our Big screen attract members for sport like F1 / Rugby ect .

Our next angling will be in November , under strict rules off coarse .

The whole drive of the club is to make it family orientated .

OUR BIG THING : our age group in the club spreads from 20 to 75 one or two even older

REMEMBER ALSO : 95% of our members reside in WARD 10 and are taxpayers . I doubt very much if there is ANY group of like minded people as big and as strong as the club .

WE MAINTAIN : strict security . Cameras inside club /outside club lockup security arrangements . The club ,and we have records of this , normally closes around 9 pm/10 pm and now and a gain till 24h00 for special functions .

We also operate with a full liquor license all the years .

WHAT WE AIM FOR ON ERF4030:

There is no recreation places really in Bettysbay . With the younger population coming in the club has proved over and above that there is a need for a recreation club in the town . We would even be prepared to change our constitution and the name of the club to keep it as an attraction here and a safe place strictly controlled for recreation .

Would for instance include 1 or 2 squash courts as we had earlier years at the stoor . If we can do layout better start badminton on some evening . With the jukskei and piketball (?) court they can joint the club under the new name .

We do have some funds in the bank and have a good club running where we keep spending yearly on equipment inside to make the club more entertaining .

The idea is to have a longer lease and establish a real drawcard for our residents and the younger crowd . Our management over the years have proved that we can make this work .

Should we be afforded a chance to establish a " Betty'sbay Sports and recreational " (Just an idea for name) club we would be so pleased to do it for the future of our town and not what we are building now ,knowing , we will be left with nothing come 2034

Regards

Singed as D F Stevens

Chairman Betty's Bay Boatclub



Overstrand Municipality
 Attention: Ms Anja Le Roux
 Corner of Molteno & Viljoen Street
 Onrustrivier
 7201

Chairman: 0829281260
 Email: bettysbayratepayers@gmail.com

RESPONSE BY THE BETTY'S BAY RATEPAYERS ASSOCIATION (BBRA) TO THE BETTY'S BAY BOAT CLUB'S OBJECTION TO LEASE ERF 4030 BETTY'S BAY

1. I hope this response finds you well.
2. The Betty's Bay Ratepayers Association (BBRA) would like to respond to certain objection points raised by the Boat Club regarding our Application to lease Erf No. 4030 Betty's Bay for the establishment of a Recreational Community Fynbos Garden:
 - a. It is clear from the Objection submitted that their intended purpose is to continue the longstanding successful club through the development of a "Recreation and related activities Club. Apparently, the Club is still active with a membership they keep under 200 (their wording). Our question: if kept under 200, are / will the majority of the Betty's Bay Residents not be excluded from the proposed recreation and related activities? What are the criteria for affiliation with the said Club?
 - b. It is stated that there are no recreation places really in Bettysbay. The record needs to show that this is not true as Crassula Hall presents activities to the broader community in Betty's Bay, and even further i.e. Pringle Bay / Rooi Els / Kleinmond. Community group meetings, Disaster Centre for Betty's Bay, general events and functions, Palates, Line dancing, Municipality open meetings, IEC voting station, Pickleball, Jukskei, Blood Donation Hall, etc.
 - c. It is stated that with the a younger population coming in the Club that there is a need for a recreation club in the town. Crassula Hall is already catering for this to some extent. With add-ons i.e.
3. As clearly stated in our Application, our proposal seeks to transform Erf 4030 into a community-driven Recreational Community Fynbos Garden that will serve multiple purposes, including:
 - a. Enhancing public understanding of the unique fynbos biome and its endemic species.
 - b. Encouraging active participation from local residents and organizations.
 - c. Providing a sanctuary for plants rescued from development sites.
 - d. Offering temporary job opportunities related to vegetation management.
 - e. Hosting educational workshops in the adjacent community hall.
 - f. Demonstrating effective firewise gardening strategies.
 - g. Presenting landscaping options for prospective residents or buyers.
4. The following needs to be noted in transforming Erf 4030 for "recreational community fynbos garden" purposes / Maintenance Plan:
 - a. Minimal construction of hard pathways, with routine clearing of walking routes.

- b. Pathways designed to avoid sensitive vegetation and areas inhabited by rock agamas.
- c. Potential use of a wood chipper for vegetation maintenance, subject to acceptable noise levels.

5. The BBRA will be compliant with and take into consideration all Environmental Legislation aligned with the Urban Conservation EMOZ Category C requirements, emphasizing the management of modified ecosystems for recreational purposes. Being part of a biosphere, our community is particularly attuned to environmental concerns. The proposed garden will enhance local biodiversity, promote sustainable practices, and serve as an educational resource. Our proposal is also in line with the Overstrand Conservation Plan for the broader Betty's Bay Area. The establishment of a Recreational Community Fynbos Garden better aligns with the values and needs of our environmentally conscious community. It will provide a platform for education, conservation, and community engagement, addressing critical environmental challenges such as illegal dumping, soil removal, and fire risks.

6. In response to the Boat Club's Objection, we respect their vision for the area. However we believe that our proposal presents a more environmentally sustainable and community-centered alternative.

7. We respectfully request that the Overstrand Municipality consider the broader community benefits of our proposal for this village. The Recreational Community Fynbos Garden will not only enrich the ecological value of Erf 4030 Betty's Bay but also promote a sense of community and environmental stewardship among residents.

8. Please note that we hereby reserve our right to elaborate on the afore-mentioned points or any other points that might come to the fore.

9. Please acknowledge receipt of this letter.

10. Thank you for your attention to this matter. We look forward to your favorable consideration to our proposal.

Sincerely



16 October 2024

(WR JACKSON)

BETTY'S BAY RATEPAYERS ASSOCIATION: CHAIRMAN



27 September 2024

Dean O' Neill
Municipal Manager
Overstrand Municipality

Dear Mr O' Neill

**APPLICATION TO LEASE MUNICIPAL PROPERTY ERF 4030 BETTY'S BAY:
BETTY'S BAY CONSERVANCY'S (BBC) SUPPORT OF THE BETTY'S BAY RATEPAYERS ASSOCIATION
APPLICATION (BBRA)**

SUMMARY

- This letter serves to support the BBRA application to lease Erf 4030 for the intention of developing a fynbos conservation area.
- Mr Jan Briers, an ecologist from the Betty's Bay Conservancy, has given detailed input which is included in the BBRA lease Application.
- The BBC recommend that the Kogelberg Branch of the Botanical Society and the BBC are also important stakeholders in such a project and should work together towards restoring biodiversity on Erf 4030.
- This project could be a case study for further conservation protection of the green areas within Betty's Bay.

BACKGROUND

We note the advert dated 29 August from the Overstrand Municipality that appeared in the Overstrand Herald. This gave notice of the application by the Betty's Bay Ratepayers Association to lease municipal property being erf 4030 (1 3231 ha) Betty's Bay.

The Erf is currently a Category C property under the Urban Conservation EMOZ: a modified ecosystem with a limited biodiversity function to be managed as recreational areas with medium to high impact.

The Betty's Bay Conservancy (BBC) supports the Betty's Bay Ratepayers Association's (BBRA) application to lease this land with the intention of establishing a community conservation area.

The vision and mission of the BBC are:

Vision: *That Betty's Bay, located in the Kogelberg Biosphere Reserve, will be a place where people live in a harmonious and sustainable relationship with their natural surroundings, guided by conservation principles.*

Mission: *The mission of the Conservancy is to promote and coordinate environmentally sustainable living in Betty's Bay and to protect the long term ecological integrity, biodiversity and global*

significance of the region; thereby enabling the wonder, beauty and importance of our rich natural heritage to endure for future generations.

A lease and project to develop and restore erf 4030 to a more pristine fynbos vegetation are in line with the BBC's goals, hence its support of the BBRA application to lease erf 4030. It is vitally important to preserve the biodiversity within the village of Betty's Bay and on municipal owned land. Erf 4030, which has "conservation-worthy" status, is an excellent opportunity to do this - not only for the fynbos but for the wildlife that live, feed and seek shelter on these diminishing green spaces.

FEEDBACK AND SUGGESTIONS FROM A SITE VISIT

Mr Jan Briers, an ecologist and BBC member, provided detailed feedback from his preliminary site visit on 21 February 2024 to Erf 4030 to do a flora and fauna survey.

He gave recommendations regarding management aims that should be included and all these are listed in the BBRA Application to Lease. They are listed here for easy access:

- Manage the veld/restore the ecosystem to represent that of the vegetation that existed in the area.
- Develop the area in such a way that the large animals (monitor presence and numbers to measure our success) are not disturbed and to allow re-colonisation.
- Allow vegetation to develop into vegetation with long-lived, slow-growing trees, and shrubs patches in the wetland.
- Remove dead wood and dying tolbos by late autumn.
- Encourage the growth of trees such as spoonwood, ysterhoud, cape beach and cape sumach by carefully removing pioneer plants and dead wood 1m around such plants.
- Promote corridor space at adjacent properties bordering the Urban Conservation EMOZ.

Other important points to note:

- The proposed conservation area/erf is relatively small (about 1.3ha) and is not directly connected to the other green spaces in Betty's Bay.
- Animals such as Grysbok, Porcupine, Mongoose and probably Genet's are still present inside the residential area, therefore paths on Erf 4030 should be kept to a minimum and not transect the erf in order not to disturb the wildlife, such as grysbok, that still shelter there.
- The area around Crassula Hall is encroaching and the final boundary must be defined.
- Erf 4030 has vegetation that contains plant species of at least three vegetation types: *Kogelberg Sandstone Fynbos*, *Overberg Sandstone Fynbos* and *Hangklip Sand Fynbos*. These veld types together contain more than 100 threatened Red Data List plant species.
- Two of these are regarded as Threatened Ecosystem and classified as endangered in terms of the National Environmental Management: Biodiversity Act, 2004 (NEM:BA).

STAKEHOLDER COLLABORATION

Developing a community conservation area on Erf 4030 could be the start of other conservation related projects to restore biodiversity in Betty's Bay which lies within the transitional zone of the Kogelberg Biosphere. Erf 4030 could be a case study on how to approach other areas within Betty's Bay requiring conservation protection.

The BBC suggests that the Kogelberg Branch of the Botanical Society (BotSoc) is also a stakeholder in such a project and that BBRA, BBC and BotSoc, and other relevant organizations, work together with the community on an exciting project to restore Erf 4030.

Yours sincerely

Two handwritten signatures are shown side-by-side. The signature on the left is 'Carol Clark' and the signature on the right is 'Annie Bradshaw'. Both are written in black ink on a light-colored background.

Carol Clark and Annie Bradshaw
On behalf of the BBC team