

## 4.5

**ERF 3095, 93 SEAVIEW DRIVE, BETTY'S BAY, OVERSTRAND MUNICIPAL AREA:  
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS,  
DEPARTURES AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: PLATINUM  
TOWN & REGIONAL PLANNERS CC ON BEHALF OF SONIC COMPUTERS AND WI-FI CC**

**3095 KBB (4644/2024)**

**H van der Stoep**

**17 November 2025**

**(028) 313 8900**

**Hermanus Administration**

## 1. EXECUTIVE SUMMARY

An application was received on 24 April 2024 from Platinum Town & Regional Planners CC on behalf of Sonic Computers and Wi-Fi CC on Erf 3095, Betty's Bay in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the following:

- ❖ **Removal of Restrictive Title Deed Conditions** in terms of Section 16(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the removal of restrictive title deed conditions B.(2), B.(4), B.(6), C.(i)5.(b), C.(i)5.(d), and C.(ii)(n) as contained in Title Deed T11954/2019 of the property.

The restrictive title deed conditions read as follows:

- B. *SUBJECT TO and/or ENTITLED TO the benefit of the conditions referred to in the following Servitude Endorsements as contained in Certificate of Consolidation Title No T3720/1937, which endorsements are dated and reads as follows:*

- (2) *Dated 22<sup>nd</sup> October, 1948:*

*By D/T no. 24234 dated 22.10.1948 certain conditions relating to water supply, type of business may be carried on, prohibition of petrol station on land, slaughter poles, cattle kraals, wood and iron buildings, non-division, manufacture of bricks and tiles, have been imposed, as will more fully appear on reference to the said Deed of Transfer.*

- (4) *Dated 1<sup>st</sup> December, 1950:*

*By Deed of Transfer no. 18870/1950 dated this day certain conditions relating to water supply, type of business may be carried on, planting of trees, ....., prohibition of petrol station, slaughter poles, cattle kraals, manufacture of bricks, tiles, etc., non-subdivision, have been imposed against and for the benefit of the remaining extent of the property hereby conveyed measuring 5960/6615 ha. As will more fully appear on reference to said Deed of Transfer.*

- (6) *Dated 28<sup>th</sup> August, 1951:*

*By Deed of Transfer no. 14935/1951 certain conditions relating inter alia to: arrangements re water supply; submission of plans for approval; fencing of land for tea garden or room; approval re types of trade to be undertaken; erection of only one building; prohibition against erection of petrol service station, and other certain types of building; slaughter poles, cattle kraals, pigsties, cowsheds, manufacture of bricks, tiles, etc., which conditions are imposed in favour of the owner and successor in title to the remainder measuring 5954,9428 ha. held hereunder as will more fully appear on reference to the said Deed of Transfer.*

C. *SUBJECT to the following conditions contained in Deed of Transfer T12738/1959, namely:*

(i) *“Opgelê deur die Administrateur van die Provinsiale Kaap die Goeie Hoop tydens die goedkeuring van Sunny Seas Dorp in terme van die voorwaardes van Ordonnansie nr. 33 van 1934, soos gewysig:*

5. *This erf shall be subject to the following further conditions provided especially that where, in the opinion of the Administrator after consultation with the Townships Board and the Local Authority, it is expedient that the restriction in any such condition should at any time be suspended or relaxed he may authorise the necessary suspension or relaxation subject to compliance with such conditions as he may impose:*

(b) *It shall be used only for the purpose of erecting thereon one dwelling together with such outbuildings as are ordinarily required to be used therewith;*

(d) *No building or structure or any portion thereof except boundary walls and fences shall be erected nearer than 4,72 metres to the street line which forms a boundary of this erf not within 3,15 metres of the rear or 1,57 metres of the lateral boundary common to any adjoining erf provided that with the consent of the Local Authority an outbuilding not exceeding 3,05 metres in height measured from the floor to the wall plate and no portion of which will be used for human habitation may be erected within the above prescribed rear spar. On consolidation of any two or more erven this condition shall apply to the consolidated area as one erf;*

(ii) *Opgelê deur Hangklip Beach Estates Limited as synde van toepassing op alle erwe in Sunny Seas Dorp as synde ten gunste van geregistreerde eienenaar van enige erf in die Dorp;*

(n) *No canteen, restaurant, bioscope, shop, factory, industry or any place of business or entertainment whatsoever (with the exception of boarding houses) shall be opened or conducted upon the General Residential erven.*

❖ **Departures** in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to –

- relax the street building line from 4m to 0m to accommodate the existing infill area,
- relax the lateral and rear building lines from 2m to 0m to accommodate the existing dwelling and transmission tower and
- to exceed the permissible 8m height restriction to accommodate the existing 10m high transmission apparatus on the property.

❖ **Determination of an Administrative Penalty** in terms of the provisions of Section 16(2)(q) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the determination of an administrative penalty for unauthorized land uses / building line encroachments on the property.

A Locality Plan of the property concerned is attached as Annexure A. The Motivation Report from the applicant in support of the proposal is attached as Annexure B, while the proposed Site Development Plan is attached as Annexure C. The Title Deed is attached as Annexure D.

*It is to be noted that the departure to exceed the permissible 8m height restriction to accommodate the existing 10m high transmission apparatus on the property is **not applicable**. Due to an administrative error it was included in the advertisement during the public participation.*

## 2. DECISION AUTHORITY

Municipal Planning Tribunal

## 3. BACKGROUND / SITE HISTORY

The owner bought the property in 2019. Complaints were received against the filling in 2023, unsightly building rubble and the conservancy tank above natural ground level. In October the Compliance Town Planner did the inform the applicant that the filling is illegal and the tower and a land use application will have to be submitted. The application was submitted in April 2024. The applicant was informed to remove the rubble within the street reserve during October 2024.

The owner complied with the above-mentioned.

## 4. SUMMARY OF APPLICANT'S MOTIVATION

REMOVAL OF RESTRICTIVE CONDITIONS IS MOTIVATED AS FOLLOWS:

**Title deed no. T6358/2021, pages 3-4, paragraph C.(i) (5)(d):**

***The financial or other value of the rights in terms of the restrictive condition enjoyed by a person or entity, irrespective of whether these rights are personal or vests in the personas of the owner of a dominant tenement.***

It is the intention of the landowner to rectify the illegal "transmission apparatus (cell phone tower)" and the transgressions on Erf 3095 Bettys Bay. The "transmission apparatus (cell phone tower)" will be relocated to within the erf boundary and the portion of the dwelling house transgressing the erf boundary will be demolished.

The removal, suspension or amendment of Conditions B.(2), B.(4), B.(6) C.(i)5.(b), C.(i)5.(d) and C.(ii)(n) in Title Deed T11954/2019 will have no financial benefit for any person or entity. It will path the way for rectification of transgressions, whilst the broader community will still have the use of the "transmission apparatus (cell phone tower)" in the long term.

***The personal benefits which will accrue to the holder of rights and/or to the person seeking the removal:***

Taking cognizance of the intention, the removal, suspension or amendment of Conditions B.(2), B.(4), B.(6) C.(i)5.(b), C.(i)5.(d) and C.(ii)(n) in Title Deed T11954/2019 will have no personal benefit for any person or entity

***The social benefit of the restrictive condition remaining in place, and/or being removed / amended:***

Taking cognizance of the intention, the removal, suspension or amendment of Conditions B.(2), B.(4), B.(6) C.(i)5.(b), C.(i)5.(d) and C.(ii)(n) in Title Deed T11954/2019 will have no social impact on society.

***Whether the removal, suspension or amendment of the restrictive condition will completely remove all rights enjoyed by the beneficiary or only some of those rights.***

The removal, suspension or amendment of Conditions B.(2), B.(4), B.(6) C.(i)5.(b), C.(i)5.(d) and C.(ii)(n) in Title Deed T11954/2019 will only remove some of the conditions in the applicable Title Deed.

DEPARTURES ARE MOTIVATED AS FOLLOWS:

**Application is hereby made for the following:**

- **to allow for a “transmission apparatus” on Erf 3095 Betty’s Bay; and**
- **to relax the building line on the northern and the eastern boundary of the said erf to 0m.**

There has been since the 1990’s an existing “transmission apparatus (cell phone tower)” located in the north-eastern corner of Erf 3095 Betty’s Bay. This tower is used by several internet providers (i.e. Sonic) to provide essential internet services/cell phone services between Kleinmond/Hermanus to the east and Pringle Bay/Rooi Els to the west.

“Sonic Computers and Wi-Fi CC” bought the erf in 2019. It recently came to their attention that the “transmission apparatus (cell phone tower)” is illegal. The situation, therefor, is now rectified with this land-use application.

Further to the illegal “transmission apparatus (cell phone tower)”, did it also come to the attention of the Landowner that the foundation/base of the “transmission apparatus (cell phone tower)” and a portion of the dwelling house is transgressing the erf boundary. This needs to be dealt with in two ways:

- the relocation of the illegal “transmission apparatus (cell phone tower)” to be within the erf boundary, and
- the relaxation of the building lines on the northern and eastern erf boundaries to 0m to address the transgression of the “transmission apparatus (cell phone tower)” and the dwelling house. The portion of the dwelling house that is currently transgressing the erf boundary line will be demolished up to the erf boundary.

To legalize the demolition of the portion of the dwelling house that is currently transgressing the erf boundary line up to the erf boundary, the building line on the northern and eastern side of Erf 3095 Betty’s Bay needs to be relaxed to 0m.

**Application for the filling of an area over the prescribed building line(s), between the building line and the erf boundary, in terms of Section 16.1.1 a) of the Overstrand Municipality Land Use Scheme, 2020.**

It is the intention of the Landowner to landfill an area between the prescribed building line and the erf boundary for gardening/beautification and additional parking purposes.

CONSISTENCY WITH SPLUMA AND LUPA PRINCIPLES:

- **Section 7(a) The principle of spatial justice**
- **Section 7(b) the principle of spatial sustainability**
- **Section 7(c) the principle of efficiency**
- **Section 7(d) the principle of spatial resilience, whereby flexibility in spatial plans, policies and land use management systems are accommodated to**

An existing “transmission apparatus (cell phone tower)” is located in the northeastern corner of Erf 3095 Bettys Bay since the 1990’s. This tower is used by several Internet Providers (i.e. Sonic) to provide essential internet services/cell phone services between Kleinmond/Hermanus to the east and Pringle Bay/Rooi Els to the west. However, this “transmission apparatus (cell phone tower)” is illegal and needs rectification through the required land-use application. The “transmission apparatus (cell phone tower)” and a portion of the dwelling house is also transgressing the erf boundary. This needs rectification through the required Land-use Application. It is also the intention of the landowner to landfill an area between the prescribed building line and the erf boundary for gardening/beautification and additional parking purposes.

- **Section 7(d) the principle of Good Administration**

The required public participation process, in accordance with the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020, will be sufficiently dealt with via the advertising of the applications. Their respective rights and all those affected will be adequately addressed during this process. The "audi alterem partum- rule", therefore, will have been complied with. The intrinsic knowledge of the process and the distribution of the Applications to internal and external parties (where applicable) will also lead indisputably to the adherence of this requirement.

- **Section 42(c) take into account:**

- (i) **the public interest**

- (ii) **the facts and circumstances relevant to the application**

- (iii) **the respective rights and obligations of all those affected**

The required public participation process, in accordance with the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020, will be sufficiently dealt with via the advertising of the applications. Their respective rights and all those affected will be adequately addressed during this process. The "audi alterum partum- rule", therefore, will have been complied with. The intrinsic knowledge of the process and the distribution of the Applications to internal and external parties (where applicable) will also lead indisputably to the adherence of this requirement.

- **Section 42(c) take into account:**

- (iv) **the state and impact of engineering services, social infrastructure and open space requirements**

There is no need for any additional engineering services (electricity, roads, storm water drainage, sewer and water), which are readily available. Within the broader development itself will ample open space be provided.

#### POLICY DOCUMENTS:

#### **The National Development Plan (NDP)**

The NDP is the supreme and overarching plan for South Africa that sets out the most crucial objectives and actions that need to be taken in the Republic of South Africa. The focus is to eliminate poverty and reduce inequality by 2030. The following sets out some of the key interventions that the NDP seeks to achieve:

- Significantly reduce unemployment and increase the size of the economy through a range of actions.
- Invest in economic infrastructures, such as electricity, water, public transport, and broadband networks.
- Enhance environmental sustainability and resilience.
- Develop an inclusive rural economy through agri-processing and agriculture, tenure security, land reform.
- Increase trade within Southern Africa.
- Transform our human settlements, by co-locating places of work and human settlements, densifying our settlements, and improving public transport.
- Improve education, training, and innovation at all levels of the education system. Improve the health outcomes of the country.
- Enhance and ensure social protection and build safer communities.
- Build a capable state.
- Fight corruption.
- Promote nation-building.

While the NDP is an extensive plan with a significant amount of detail, more detailed Spatial Development Frameworks (SDF's) are needed at provincial level, district level and municipal level. These SDF's should be local tools through which the NDP is implemented.

#### **Western Cape Provincial Spatial Development Framework (PSDF)**

This PSDF aims to put in place a coherent framework for the Province's urban and rural areas that:

- gives spatial expression to the national and provincial development agendas;
- serves as basis for co-ordinating, integrating and aligning "on the ground" delivery of national and provincial departmental programmes;
- supports municipalities to fulfil their municipal planning mandate in line with the national and provincial agendas; and
- communicates government's spatial development intentions to the private sector and civil society.

#### **In taking this forward the PSDF applies the following spatial principles:**

##### Spatial Justice:

A socially just society based on the principles of equality, solidarity, and inclusion. Past spatial and other development imbalances should be redressed through improved access to and use of land.

##### Sustainability and Resilience:

Land development should be spatially compact, resource-frugal, compatible with cultural and scenic landscapes, and should not involve the conversion of high potential agricultural land or compromise ecosystems. The focus must be on creating complex, diverse and resilient spatial systems that are sustainable in all contexts.

Spatial Efficiency:

Efficiency relates to the form of settlements and use of resources - compaction as opposed to sprawl; mixed-use as opposed to monofunctional land uses; residential areas close to work opportunities as opposed to dormitory settlement, and prioritisation of public transport over private car use.

Accessibility:

Improving access to services, facilities, employment, training and recreation, and safe and efficient transport modes is essential to achieving the stated settlement transitions of the NDP and One Cape 2040. Accessibility is also defined by convenient and dignified access to private and public spaces for people with impaired mobility.

Quality and Liveability:

The quality of an environment directly contributes to its liveability. Legible built environments are characterized by the existence of landmarks such as notable buildings and landscaping, well-defined public spaces, as well as navigable street networks.

To deliver on the Western Cape Growth Strategic Objectives, the PSDF focuses on growing the economy, building greater environmental resilience and much better inclusion. It is summarised as follows:

- Growing the Western Cape economy in partnership with the private sector, non-governmental and community-based organisations
- Using infrastructure investment as primary lever to bring about the required urban and rural spatial transitions; and
- Improving oversight of the sustainable use of the Western Cape's spatial assets.

These focus points are the pillars for the more detailed Spatial Development Frameworks (SDF's) at district level (Overberg DC) and municipal (Overstrand LM) level.

**Overberg District Spatial Development Framework (ODSDF)**The purpose of ODSDF is to:

- Prepare a spatial perspective of the current developmental status quo within the Overberg District Municipality (ODM) to inform a basis for discussion on key spatial issues and linkages to other sector plans and opportunities to inform the Districts' future spatial development.
- Review and update the spatial vision and strategic direction of the municipality, to inform the drafting/amendment of the Integrated Development Plan (IDP) of the ODM; and
- Review and update the Spatial Development Framework proposals to guide local municipalities in the district regarding future spatial planning, strategic decision-making, and regional integration. The Overberg District SDF will focus on the following:

- Identifying the structure and role of settlement, o transportation, and regional services infrastructure across and between the local municipalities within the district area.
- Classifying areas that require protection and conservation (i.e., protected areas), which include threatened ecosystems, critical biodiversity areas, valuable agricultural land, water catchment areas, and other resources of value within the district.
- Identifying growth nodes, priority investment areas, and areas of rural decay within the District.
- Classifying areas that require protection and conservation (i.e., protected areas), which include threatened ecosystems, critical biodiversity areas, valuable agricultural land, water catchment areas, and other resources of value within the district.
- Resolving contradictions between the planning visions of the district’s local municipalities.
- Describing the general urban design principles to be applied in all settlements located in the District Critically, the District SDF must guide local municipalities in the development of their own SDF’s, without impeding on local-level planning detail. The district sets the framework and context for local municipalities to work within. It is also critical that the district aligns to the Provincial and National planning and policy context. It is therefore clear that the district must operate within a well-defined (at the conceptual level) policy and planning context and therefore is constrained to these insofar as possible proposals that can be made.

### **Overstrand Integrated Development Planning (IDP)**

The Integrated Development Plan (IDP) is a municipality’s principal strategic plan that deals with the most critical development needs of the municipal area (external focus) as well as the most critical governance needs of the organization (internal focus). It aims to co-ordinate the work of local and other spheres of government in a coherent plan to improve the quality of life for all the people living in an area. It should consider the existing conditions and problems and resources available for development. The projects within the IDP are linked to the municipality’s budget.

### **Overstrand Municipality Spatial Development Framework (SDF)**

The Municipal Spatial Development Framework is a sectoral component of the IDP that, in terms of the Municipal Systems Act, is aimed at providing general direction to guide decision making on an ongoing basis, aiming at the creation of integrated, sustainable, and habitable regions, cities, towns and residential areas. Within the SDF a hierarchal classification of nodes is based on the nature of the function of the nodes, considering factors such as population size, influence sphere, interconnectivity, service delivery as well as informants from the Growth Potential of Towns Study, 2014 (GPTS).

### **ENGINEERING SERVICES**

The current usage of engineering services infrastructure (i.e. electricity, water, sewer and storm water drainage) will not increase with the proposed “transmission apparatus” and “filling of an area beyond the building line”.

ENVIRONMENTAL ISSUE

Erf 3095 Bettys Bay is located within an existing Township. The proposed “transmission apparatus”, relaxation of the building line on the northern and eastern side of the Erf to 0m and the “filling of an area beyond the building line” will have no negative effect on the environment. No environmental authorization is needed.

DETERMINATION OF AN ADMINISTRATIVE PENALTY:***The nature, duration, gravity and extent of the contravention***

The landowner bought Erf 3095 Bettys Bay in 2019, without knowing that the “transmission apparatus (cell phone tower)” is illegal or that the foundation/base of the latter and a portion of the dwelling house is transgressing the erf boundary. The transgressions per se is approximately 10m<sup>2</sup> in the case of the “transmission apparatus (cell phone tower)” and 5m<sup>2</sup> in the case of the dwelling house.

These transgressions do not significantly impact the surrounding environment or land use. The adjacent property is a farm portion known as Portion 229 Hangklip 599, which is vacant. The Landowner of the said farm portion was made aware of the situation with the possibility of buying a portion of the said farm portion to rectify the situation. The Landowner of Erf 3095 Bettys Bay, however, opted to rather rectify the situation through the relocation of the “transmission apparatus (cell phone tower)” to within the erf boundary and the demolishing of the portion of the dwelling house up to the erf boundary. Steps, therefore, are being taken to address the situation.

***The conduct of the person involved in the contravention***

Upon discovering the situation, the landowner promptly acted responsibly with the appointment of Platinum Town and Regional Planners to submit the required Land-use Applications to rectify the situation.

***Whether the unlawful conduct was stopped***

The “transmission apparatus (cell phone tower)” is in operation since the late 1990’s. The current Landowner bought the property in 2019. The unlawful conduct, in this case, was only noticed when the Landowner was recently made aware that the “transmission apparatus (cell phone tower)” is illegal. The illegality of the “transmission apparatus (cell phone tower)” and the transgressions over the erf boundary were not intentional and the Landowner is co-operative in addressing the matters to ensure that it is resolved appropriately.

***A report by a quantity surveyor in matters of unauthorised building/construction***

If the Overstrand Municipality determines that a Report by a Quantity Surveyor is needed, it will be submitted. The estimated value of the transgressions, however, is minimal and will be rectified through the relocation of the “transmission apparatus (cell phone tower)” and the demolishing of a portion of the dwelling house transgressing the erf boundary. A Land Surveyor was appointed to indicate the transgressions over the erf boundary and an Architect was appointed to indicate the rectifications on a Site Development Plan.

***Whether a person involved in the contravention ha previously contravened this By-law or previous planning law29***

The Landowner bought Erf 3095 Betty's Bay in 2019, not knowing the circumstances regarding the illegal "transmission apparatus (cell phone tower)" nor the transgressions over the erf boundary. When made aware of this, he immediately commenced with the required actions to rectify the situation.

**CONCLUSION:**

We respectfully appeal to the Overstrand Municipality to consider the fact that the current Landowner wasn't responsible for the illegal "transmission apparatus (cell phone tower)" nor the transgressions over the erf boundary line. The landowner is in the process of rectifying the situation through the required Land-use Applications. We, therefore, request that the Overstrand Municipality waive the penalty fee.

**5. ADMINISTRATIVE COMPLIANCE**

Methods of advertising		Date published	Closing date for comments
Local newspaper	<b>Yes</b>	14 November 2024	20 December 2024
Government Gazette	<b>Yes</b>	15 November 2024	20 December 2024
Email notices & site notice	<b>Yes</b>	14 November 2024	20 December 2024
Internal departments	<b>Yes</b>	14 November 2024	20 December 2024
Ward Councillor	<b>Yes</b>	14 November 2024	20 December 2024
Total comments	<b>THREE (3)</b>		
Total letters of support	<b>NONE</b>		
Was public participation undertaken in accordance with Section 46 - 50 of the By-Law on Municipal Land Use Planning?			<b>Yes</b>
Was the application processed correctly (if no, elaborate below):			<b>Yes</b>
Is the proposal consistent with the principles referred to in Chapter 2 of SPLUMA and Chapter VI of LUPA? (can be elaborated further below)			<b>Yes</b>

**6. SUMMARY OF COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS**

Name	Date received	Summary of comments
Building Control	14/11/2024	No objection. All buildings to comply with NBR and all other applicable law.
Environmental Management Services	17/12/2024	No objection.
Fire Department	05/02/2025	No objection subject to compliance with the provisions of 10400-T:2024 and the By-Law relating to Fire Safety.

Property Management	21/11/2024	The owner of Erf 3095 applied to encroach onto Erf 3048 to the south of Erf 3095 for the purpose of laying paving and beautifying the area. The application is still in process and there might be services that needs to be blocked off. The filling, beautification and paving on municipal property may not be commenced with until an agreement is entered into between the owner and the municipality (if the encroachment application is approved).
Engineering Services	14/04/2025	See Annexure G.

#### 7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION, THE APPLICANT'S RESPONSE AND THE MUNICIPAL TOWN PLANNER'S RESPONSE THEREON

The application was duly advertised in the local newspaper and Government Gazette. E-mail notifications were also sent out to all owners of the Sunny Seas Township and the Betty's Bay Ratepayers Association. Registered letters were also sent to individuals who do not have an email address. A notice board was also placed on-site by the applicant's consultant.

Three (3) letters of objection were received forthcoming the public participation process from the following parties:

- ✚ ***Guthrie & Theron Attorneys (A Marais) on behalf of LC & C Oosthuizen***
- ✚ ***MW & LA Greyling***
- ✚ ***A Schoeman***

The applicant was provided with an opportunity to respond to the objections. See Annexures E and F respectively.

The objections, the applicant's reply and the Municipal Town Planners response thereon can be summarized as follows:

#### ✚ **GUTHRIE & THERON ATTORNEYS**

##### **OBJECTION – ADMINISTRATIVE PENALTY**

*There is no objection in this regard and will abide by the municipality 's decision.*

##### **APPLICANT'S RESPONSE**

Noted.

##### **TOWN PLANNER'S RESPONSE**

Noted.

 **GUTHRIE & THERON ATTORNEYS**

**OBJECTION – RESTRICTIVE TITLE DEED CONDITIONS**

It is noted that the cell phone tower is currently of great value to the area and provide an essential service to the residents. However, services such as fibre are becoming available which less intrusive to the area. It is proposed that the tower be temporary nature and limited to a specific time frame to allow a time period to convert to less intrusive services.

There is no objection in the relaxation of title conditions pertaining to the northern and eastern boundaries as this seems not to effect residents. There is however objection against the removal of any other title deed conditions not relating to aforesaid issues.

**APPLICANT’S RESPONSE**

It is acknowledged that technology such as fibre is available. It is to be noted that Sonic is currently the front runner regarding the installation of fibre in (i.e.) Betty’s Bay. However, there will always be a need / place for cell phone towers as it serves as a back-up for fibre when the latter is “down”. Another reason is that not all clients can afford the installation costs for individual fibre to their homes and towers and then must rely on the cell phone towers per se. It is also to be noted that Security Companies uses the cell phone towers for their equipment, etc.

**TOWN PLANNER’S RESPONSE**

The comments of both parties are noted. However, to put a time period on the operation of the cell phone tower will be irresponsible, since the community is depended on Sonic service and Telkom. The installation of fibre is depended on users to be the financial viability which is depended on the number of permanent residents. Due to the number of vacant erven and non-permanent residents of the area, such a proposed time period may lapse and leave users without a reliable service.

 **GUTHRIE & THERON ATTORNEYS**

**OBJECTION – LAND FILLING**

- *Disregard of title deed conditions pertaining the accumulation of building rubble and installation of a sewerage tank are direct reasons for the application of land filling.*
- *The erf is zoned Single Residential with no more than 5 parking areas required. At present there are three (3) garages and a parking bay on the property.*
- *The entrance to the plots and properties adjacent to Erf 3095 is served by a single lane road and for this reason the application for land filling and removal of title deed conditions effecting the southern boundary should not be allowed. As an alternative it is proposed that the movement of traffic and service vehicles are accommodated by the Municipality considering a cul-de-sac with a turning circle which will provide sufficient space.*
- *The sewerage tank had been installed on top of the area to be land filled and is in transgression of the title deed conditions and should be removed.*
- *The objector supports the movement of the entrance of Erf 3095.*

**APPLICANT'S RESPONSE**

The main point made is regarding the building rubble, the location of the septic tank and the proposed land filling.

The following needs to be noted:

- (a) all building rubble has been removed;
- (b) the septic tank is within the boundaries of Erf 3095;
- (c) the placement of the septic tank was done with the assistance of and approved by OLM: Building Control;
- (d) because of the rocky terrain, the septic tank is above ground;
- (e) the "filling", therefore, is to eventually "hide" the septic tank via landscaping / beautification of the broader area;
- (f) the reference to garages and parking bays on site is irrelevant;
- (g) The suggestion regarding the "entrance / cul-de-sac"; and in the same paragraph the reference to "our clients are not opposed to the movement of the entrance to Erf 3095" is noted.

**TOWN PLANNER'S RESPONSE**

It is correct, the building rubble was removed from the road reserve. The conservancy tank does protrude above natural ground level and, in a letter, dated 24 April 2025, Salandra SOS Ondernemings, specialist contracting company experienced in ground excavation, indicated after inspection that it is not feasible installing the Conservancy tank underground due to the presence of rock and boulders. The only viable method would involve the use of dynamite.

The proposal to construct a cul-de-sac by the Municipality is not financially viable, since sufficient space is available in the road reserve of 50 Cape Feet, is approximately 15,7m for turning of vehicles.

 **MW GREYLING**

**OBJECTION – CELLPHONE TOWER**

*It is mentioned that the cell phone tower was erected before the current owners bought the property. However, ignorance is not an excuse and claiming prompt response by appointing Platinum Town planners is not a true reflection of good conduct especially considering the numerous transgressions.*

**APPLICANT'S RESPONSE**

"The Cell Phone Tower": the arguments are noted. The proposal to "disguise" the cell phone tower as a tree, is a possibility to be considered as it will then blend in with the broader area. However, the possible influence of technology will need to be considered.

**TOWN PLANNER'S RESPONSE**

It should be noted that during an application by SONIC for a tower in a business node, it was mentioned that a tower will be less visible against the backdrop of the mountain. The proposed tree will not necessary be the best option, since there are not major trees in the area and colour coding may be a better option.

 **MW GREYLING**

**OBJECTION – RESTRICTIVE TITLE DEED CONDITIONS**

*The rights of the community would be infringed upon to have the erf be rezoned or reclassified to include business. It will only benefit the landowner.*

**APPLICANT’S RESPONSE**

Title Restrictions”: Erf 3095 will not be rezoned to “business”. Only “permission / consent” is requested to allow for a “transmission apparatus”. The zoning remains “Residential Zone 1: Single Residential (SR1)”.

**TOWN PLANNER’S RESPONSE**

The application is not for rezoning or reclassified. The application for the tower is dealt with as a departure and valid for 10 years in terms of the Overstrand Municipality Amendment By-Law on Municipal Planning, 2020.

 **MW GREYLING**

**OBJECTION – BUILDING LINES**

*No objection.*

**APPLICANT’S RESPONSE**

Noted.

**TOWN PLANNER’S RESPONSE**

Noted.

 **MW GREYLING**

**OBJECTION – LAND FILLING**

*The statement that the owner intends to landfill the area between the building line and the boundary is incorrect, the area has been filled already, which warrant a penalty. Owners should know not dump rubble on the properties without prior consent of the Municipality. The initial driveway was filled in, and new parking has been used for around 2 years.*

*The reference to beautification is laughable, Erf 3095 had a good street appeal before it was filled up. The septic tank was installed within the rubble dumping site, but clearly protruding and visible for not only Seaview Drive, but also Clarence Drive.*

There are two options:

*Complete removal of each and every piece of rubble and the septic tank, bringing Erf 3095 back to its condition before the illegal dumping and filling.*

The structure be approved with a relaxed building line subject to the following:

- A structural assessment and confirmation that the landfilled area is stable.
- A clearance report that no hazardous material has been used as filling.
- Complete beautification of the road and commitment to maintain. This will include hiding the septic tank.
- Cleaning up the surrounding area.
- The above to be completed within a reasonable 6 months of the municipality decision.

## **APPLICANT'S RESPONSE**

### **"Filling"**

The following needs to be noted:

- All building rubble has been removed;
- The septic tank is within the boundaries of Erf 3095;
- The placement of the septic tank was done with the assistance of and approved by OLM: Building Control;
- Because of the rocky terrain, the septic tank is above ground;
- The "filling", therefore, is to eventually "hide" the septic tank via landscaping / beautification of the broader area;
- Condition 2 (page 3) is reasonable and will be attended to once the OLM has decided regarding the Land-use Applications submitted.

## **TOWN PLANNER'S RESPONSE**

The objector is correct, there is no intention to fill, the filling already occurred. The building rubble was removed from the road reserve. The conservancy tank does protrude above natural ground level and, in a letter, dated 24 April 2025, Salandra SOS Ondernemings, specialist contracting company experienced in ground excavation, indicated after inspection that it is not feasible installing the Conservancy tank underground due to the presence of rock and boulders. The only viable method would involve the use of dynamite.

The two options indicated by the objector relates to the filling and conservancy tank on the property. Option 2 is the most viable and not unreasonable and is supported.

 **A SCHOEMAN**

### **OBJECTION**

*The concern is that should the application be approved, it will set a precedent for all future buildings.*

## **APPLICANT'S RESPONSE**

The content of the Objection is noted.

There has been since the 1990's an existing "transmission apparatus (cell phone tower)" located in the north-eastern corner of Erf 3095 Bettys Bay. This tower is used by several Internet Providers (i.e. Sonic) to provide essential internet services/cell phone services between Kleinmond/Hermanus to the east and Pringle Bay/Rooi Els to the west. It only came recently to the attention "*Sonic Computers and Wi-Fi CC*", the Owner of Erf 3095, that the "*transmission apparatus (cell phone tower)*" is illegal. The situation, therefore, is now rectified with the required Land-use Application. Furthermore, did it also come to the attention of the Landowner that a portion of the foundation/base of the cell phone tower and the dwelling house is transgressing the erf boundary. This transgression, therefore, also needs to be rectified with the required Land-use Application.

The Approval of the Land-use Applications on Erf 3095 will not create a precedent for other similar Applications as each Application in Betty's Bay will always be adjudicated on its own merit(s).

### **TOWN PLANNER'S RESPONSE**

The one aspect which is unclear, whether the cell phone tower was erected in 1990 and not when the present owner purchased the property. No proof has been submitted that the tower was in existence in 1990 and therefore the assumption can be made that the tower may have been erected with the purchase of the property by Sonic. Be it as it may, Sonic is a primary internet connection provider in the area, which it is to the benefit of the community, especially during fire season and elderly depending on reliable connection should the need arise.

## **10. MUNICIPAL PLANNING EVALUATION (REFER TO RELEVANT CONSIDERATIONS GUIDELINE)**

### **10.1 Background**

N/A

### **10.2 (In)consistency with the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)**

The application is in line with the planning objectives applicable to this application.

The objectives relating to:

#### **Spatial Justice**

Not Applicable.

#### **Spatial Sustainability**

The application does not impede on any agricultural and or environmental areas.

#### **Efficiency**

Municipal services are available, as well as electricity from Eskom.

**Spatial Resilience**

The dwelling on the property was approved in 1996, and any additions will be subject to the National Building Regulations, 1977 to ensure resilience of the property.

**Good Administration**

The applicant complied with the public participation process as stipulated by the Municipality.

**10.3 (In)consistency with the principles referred to in Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014)**

Same as Point 10.2 above.

**10.4 (In)consistency with the IDP/Various levels of SDF's/Applicable policies**

The application is in line with the SDF 2020.

**10.5 (In)consistency with guidelines prepared by the Provincial Minister**

N/A

**10.6 Impact on Municipal Engineering Services**

Existing services are provided by the Municipality and Eskom.

**10.7 Outcomes of investigations/applications i.t.o other legislation**

N/A

**10.8 Existing and proposed zoning comparisons and considerations**

N/A

**11. ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS**

***The financial or other value of the rights in terms of the restrictive condition enjoyed by a person or entity, irrespective of whether these rights are personal or vests in the personas of the owner of a dominant tenement***

There is no financial value to be gained by the community of Sunny Seas should the restrictive condition be removed.

***The personal benefits which accrue to the holder of rights in terms of the restrictive condition***

The owner and the community will benefit from the availability of Internet services.

***The personal benefits which will accrue to the person seeking the removal of the restrictive conditions, if removed***

The owner will accrue financial benefit pertaining internet services provided.

***The social benefit of the restrictive condition remaining in place***

The social benefit should the condition remain in place is the loss of internet services.

***The social benefit of the removal of the restrictive condition***

The benefit is that SONIC the provider of internet services remains in business to ensure access to the community of Betty's Bay.

***Whether the removal, suspension or amendment of the restrictive condition will completely remove all rights enjoyed by the beneficiary or only some of those rights***

The removal, suspension or amendment of the restrictive conditions will not be completely removed.

## 12. THE DESIRABILITY OF THE PROPOSAL

### REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS

Each condition will be dealt as follows:

**It should be noted that any reference to business is not applicable to this application, since cellphone towers were not available in South Africa in 1940's or 1950's.**

Restrictive Conditions applied for:

**Condition B.(2):** The condition **be amended** to exclude the wood and iron restriction, since the cellphone tower is made of steel.

(2) Dated 22<sup>nd</sup> October, 1948:

*By D/T no. 24234 dated 22.10.1948 certain conditions relating to water supply, type of business may be carried on, prohibition of petrol station on land, slaughter poles, cattle kraals, ~~wood and iron buildings,~~ non-division, manufacture of bricks and tiles, have been imposed, as will more fully appear on reference to the said Deed of Transfer.*

**Condition B.(4):** The condition has no impact on the application and **remains in place.**

(4) Dated 1<sup>st</sup> December, 1950:

*By Deed of Transfer no. 18870/1950 dated this day certain conditions relating to water supply, type of business may be carried on, planting of trees, ....., prohibition of petrol station, slaughter poles, cattle kraals, manufacture of bricks, tiles, etc., non-subdivision, have been imposed against and for the benefit of the remaining extent of the property hereby conveyed measuring 5960/6615 ha. As will more fully appear on reference to said Deed of Transfer.*

*Condition B.(6):* The condition **be amended** to exclude “erection of only one building”, since the restriction prohibits any outbuilding as per the Land Use Scheme, which makes provision for outbuildings. Thus, a loose standing garage will not be allowed per example.

(6) Dated 28<sup>th</sup> August, 1951:

*By Deed of Transfer no. 14935/1951 certain conditions relating inter alia to: arrangements re water supply; submission of plans for approval; fencing of land for tea garden or room; approval re types of trade to be undertaken; ~~erection of only one building~~; prohibition against erection of petrol service station, and other certain types of building; slaughter poles, cattle kraals, pigsties, cowsheds, manufacture of bricks, tiles, etc., which conditions are imposed in favour of the owner and successor in title to the remainder measuring 5954,9428 ha. held hereunder as will more fully appear on reference to the said Deed of Transfer.*

*Condition C.(i)5.(b):* The condition restricts a cellphone tower, and it is proposed **to be removed**.

~~(b) It shall be used only for the purpose of erecting thereon one dwelling together with such outbuildings as are ordinarily required to be used therewith;~~

*Condition C.(i)5.(d):* The condition restricts any structures over the title deed building lines and needs to **be removed** to accommodate the cellphone tower and existing dwelling over the building lines.

~~(d) No building or structure or any portion thereof except boundary walls and fences shall be erected nearer than 4,72 metres to the street line which forms a boundary of this erf not within 3,15 metres of the rear or 1,57 metres of the lateral boundary common to any adjoining erf provided that with the consent of the Local Authority an outbuilding not exceeding 3,05 metres in height measured from the floor to the wall plate and no portion of which will be used for human habitation may be erected within the above prescribed rear spar. On consolidation of any two or more erven this condition shall apply to the consolidated area as one erf;~~

*Condition C.(ii)(n):* The condition can **remain in place**, since the reference to business in 1959 has no bearing on the application of a cellphone tower as it did not exist in South Africa.

~~(n) No canteen, restaurant, bioscope, shop, factory, industry or any place of business or entertainment whatsoever (with the exception of boarding houses) shall be opened or conducted upon the General Residential erven.~~

## DEPARTURES

### Cellphone Tower

It is unclear when the tower has been erected. The historical view of Google Maps is not detailed enough to estimate the construction of the tower.

Upon surveying the erf, it is clear that the tower does transgress the erf boundary. The applicant will move the structure within the erf boundary to ensure compliance with the erf boundary. The proposed location will be located behind the dwelling, which lessens the impact of the tower. One important aspect is that SONIC is the primary provider of internet services in the area. Due to the town's linear development, connectivity between the different towers relies on line of sight to enable quality service. Although the people object to these towers in the business nodes and/or along the mountains, they still want the service and complain if the service is not fast enough or reliable.

One of the objectors did indicate that the tower should be a temporary approval until such time fibre is introduced to Betty's Bay. Unfortunately, this aspect cannot be predicted due to the cost of installing fibre and the return on the investment must be guaranteed. Due to the non-permanent residency in Betty's Bay, the providers of such technology will not take the risk if it is not financially viable. To soften the impact of the tower visually, it was suggested to camouflage the tower as a tree. One should be careful, since to have an isolated tree in an area with shrubs and fynbos vegetation will be more detrimental and out of place. A better option will be colour-coating.

The tower fulfils an essential service in the area, and the applicant will relocate the structure behind the building to lessen the impact. The departure is recommended for approval.

### **Dwelling**

It is clear from the Land Surveyors diagram; the building was not built according to the plan as approved in 2006. The applicant proposes to remove the portion of the dwelling transgressing the erf boundary. This will entail that the building will be located on the 0m lateral boundary. The application needs to be evaluated in terms of the area, and the adjacent property is zoned Agriculture and 22ha in extent. The latter have a building line of 30m, and the departure will have no impact on the adjacent property. The departure is recommended for approval.

### **Filling**

The controversy is the filling above 1m over the building line in the area between the building line and the erf boundary and the conservancy tank above natural ground level. The applicant has done the filling without any approvals. The tank was built due to rock formations, which would have involved dynamiting the area should the tank be located below natural ground level and this was reiterated by Salandra SOS company. See Annexure H.

The conservancy tank does protrude quite high above natural ground level and has to be camouflaged, which is not impossible to lessen the impact from the adjacent landowner and the views from Sea view Drive and Clarence Road.

The filling is quite extensive. The rubble extended from the erf onto the road reserve. The applicant was requested to remove the rubble from the road reserve and clean up the road. This has been done. It is clear that the filling was used to create a platform in front of the house for easier access to the garages (on same level) and turning of vehicles. The access of the property was relocated towards the east of the property, which is less steep than the approved access to the west of the property and attribute to better manoeuvrability in front of the dwelling.

The adjacent landowner is correct in his objection that the applicant should have read his Title Deed with regard to rubble and the development parameters of the Land Use Scheme. The proposal of the objector is not unreasonable which is stipulated in the objection as follows:

- A structural assessment and confirmation that the landfilled area is stable.
- A clearance report that no hazardous material has been used as filling.
- Complete beautification of the road and commitment to maintain. This will include hiding the septic tank.
- Cleaning up the surrounding area.
- The above to be completed within a reasonable 6 months of the municipality decision.

This will address Condition 5(p) with regard to unsightly debris.

It is further proposed that a visual study be done with regard to the tower, to be able to assess the most efficient way to soften the visual impact with the mountain as backdrop.

### **Conclusion**

The application is recommended subject to conditions.

### **DETERMINATION OF AN ADMINISTRATIVE PENALTY:**

#### ***The nature, duration, gravity and extent of the contravention:***

The cellphone tower transgresses 10m<sup>2</sup> and the dwelling 5m<sup>2</sup>. The dwelling has an approved building plan dated 2006 and it is clear that the dwelling was not built according to plan. The present applicant did not construct the dwelling.

The cellphone tower has been built without a building plan or land use application, but it is unclear when the construction took place.

#### ***The conduct of the person involved in the contravention***

The applicant was requested to remove the rubble on the road, which he has done. A compliance notice was issued, and the applicant did appoint a consultant to deal with the transgressions. The work on the filling was stopped until such time the application has been processed.

#### ***Whether the unlawful conduct was stopped***

Yes.

#### ***A report by a quantity surveyor in matters of unauthorised building/construction***

No report was submitted.

#### ***Whether a person involved in the contravention has previously contravened this By-law or previous planning law***

No.

### ADMINISTRATIVE PENALTY

The administrative penalty is calculated as follows:

**Budget 2025/2026** - Formal Structure – habitable (erven larger than 150m<sup>2</sup>) per m<sup>2</sup> -  
 Budget Construction cost: R21 468,00  
 Transgression: 5m<sup>2</sup>  
 Total value: m<sup>2</sup> = R107 340,00  
 1% of R107340,00 = **R1073,40**

Reason for 1% penalty: The building plan was approved in 2006 and was not built according to plan. The applicant bought the erf in 2019 and only became aware of the transgression after the surveying of the erf. He will have to demolish the portion of the dwelling transgressing the erf boundary and rebuild. This will already have a cost implication for the applicant.

### CELLPHONE TOWER:

**Budget 2025/2026** - Formal Structure – non habitable per m<sup>2</sup> - No quotations received:  
 Land Value: R807 000,00  
 Transgression: 10m<sup>2</sup>  
 Total value: m<sup>2</sup> = R807000,00 / 1338 m<sup>2</sup> =R603,14 per m<sup>2</sup> x 10m<sup>2</sup> = R6031,40  
 10% of R6031,40 = **R603,14**

Reason for 10% penalty: The landowner is also the owner of SONIC, and it is unclear when the tower was constructed. The motivation indicated 1990, however no proof was submitted in this regard. It is therefore possible that the property was purchased for the sole purpose of constructing a cell phone tower for more efficient internet connection.

### FILLING:

**Budget 2025/2026** - Formal Structure – non-habitable per m<sup>2</sup> - No quotations received:  
 Land Value: R807 000,00  
 Transgression: 131m<sup>2</sup>  
 Total value: m<sup>2</sup> = R807 000 / 1338m<sup>2</sup> (Erf size) =R603, 14x 131m<sup>2</sup> = R79 011,34  
 10% of R79 011,34 = **R7 901,13**

Reason for 10% penalty: The owner has filled the property without the necessary approvals. A notice was issued to submit an application and remove the rubble from the road reserve. The applicant was informed of the illegal filling in September 2023, however only submitted the application in April of 2024.

**TOTAL ADMINISTRATIVE PENALTY: R9 577,67**

**13. RECOMMENDATION**

1. that the objections be noted.
2. that the application in terms of Section 16.(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 3095, Betty's Bay for the removal of restrictive title deed condition Conditions C.(i)5.(b) and C.(i)5.(d) as contained in Title Deed T11954/2019 of the property to accommodate the encroachments of the existing structures on the property, **be approved**, in terms of the provisions of Section 61 of the By-Law;
3. that the application in terms of Section 16(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 3095, Betty's Bay for the removal of restrictive title deed Condition B.(4) and Condition C.(ii)(n) as contained in Title Deed T11954/2019 of the property to accommodate the encroachments of the existing structures on the property, **not be approved**, in terms of the provisions of Section 61 of the By-Law;
4. that the application in terms of Section 16(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 3095, Betty's Bay for the removal of restrictive title deed Conditions B.(2) and B.(6) as contained in Title Deed T11954/2019 of the property to accommodate the encroachments of the existing structures on the property, **not be approved**, in terms of the provisions of Section 61 of the By-Law; but **be amended** to read as follows:

B.(2)

*By D/T no. 24234 dated 22.10.1948 certain conditions relating to water supply, type of business may be carried on, prohibition of petrol station on land, slaughter poles, cattle kraals, non-division, manufacture of bricks and tiles, have been imposed, as will more fully appear on reference to the said Deed of Transfer.*

B.(6)

*By Deed of Transfer no. 14935/1951 certain conditions relating inter alia to: arrangements re water supply; submission of plans for approval; fencing of land for tea garden or room; approval re types of trade to be undertaken; prohibition against erection of petrol service station, and other certain types of building; slaughter poles, cattle kraals, pigsties, cowsheds, manufacture of bricks, tiles, etc., which conditions are imposed in favour of the owner and successor in title to the remainder measuring 5954,9428 ha. held hereunder as will more fully appear on reference to the said Deed of Transfer.*

5. that the application in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 3095, Betty's Bay for a departure to relax the rear and eastern lateral building line from 2m to 0m to accommodate the transmission tower and dwelling, **be approved**, in terms of the provisions of Section 61 of the By-Law;
6. that the application in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 3095, Betty's Bay for a departure for the filling of an area over the prescribed building line(s), between the building line and the erf boundary, in terms of Section 16.1.1 a) of the Overstrand Municipality Land Use Scheme, 2020, **be approved**, in terms of the provisions of Section 61 of the By-Law;

7. that the above approvals in Points 2 - 6 be subject to the following conditions:
- (a) that this approval is not an approval in terms of any other legislation;
  - (b) that the departures of the building lines are restricted as per plan 001, dated 24 October 2024, as submitted with the application;
  - (c) that a visual impact study be done to determine solutions to minimize the tower's impact on the environment;
  - (d) that no additional equipment to be added onto the tower;
  - (e) that a **revised** building plan be submitted to the Building Control Department for approval, and that all conditions of the Building Control – and the Fire Department be complied with at that stage; in compliance with the approval;
  - (f) that the amended title deed be submitted for record purposes to the Municipality;
  - (g) that the Overstrand Municipality retains the right to enforce any relevant legislation and or By-Laws;
  - (h) that this approval does not absolve the applicant from compliance with any other relevant legislation;
  - (i) that all other development parameters as prescribed in the relevant Land Use Scheme be complied with, and
  - (j) that all the conditions in the Services Report (attached as Annexure G), be complied with.
8. that the following be adhered to and implemented **within six (6) months** of the final date of approval:
- A structural assessment and confirmation that the landfilled area is stable;
  - A clearance report that no hazardous material has been used as filling;
  - Complete beautification of the road and commitment to maintain which includes hiding the septic tank, and
  - Cleaning up the surrounding area.
9. that the determination of an administrative penalty in terms of Section 90.(4) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 applicable to Erf 3095, Betty's Bay for the unauthorized building line encroachments as stipulated above, **be imposed**, and that an administrative penalty fee of **R9 577,67** be payable within thirty (30) days of this decision.
10. that the applicant and objectors be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above decision.

**14. REASONS FOR RECOMMENDATION**POINT 2

- ❖ The removal of the conditions as proposed will allow the transmission tower on the property.
- ❖ There is a need for internet connection within Betty's Bay, and the service provider is one of the major suppliers of that service.
- ❖ The removal of the conditions will enable the dwelling on the 0m building line, without major re-construction.

POINT 3

- ❖ The amendment will enable the transmission tower and associated outbuildings consistent with the development parameters of the Land Use Scheme, such as loose standing garage or storeroom.

POINT 4

- ❖ It is not necessary to remove the "*business*" concept from the Title Deed to accommodate the transmission tower, since this type of business was not in existence in South Africa in the 1940's and 1950's and thus cannot be made applicable.

POINT 5

- ❖ The removal of the title deed building lines will assist the owner to accommodate the portion of the dwelling transgressing the building line and transmission tower.
- ❖ The departure of the building line is restricted to the portions of the structures transgressing the building line, as indicated on plan 001, dated 16 October 2024.
- ❖ The filling will alleviate manoeuvrability on site.
- ❖ The conservancy tank above ground level will be disguised to form an integral part of the gardening.

POINT 6

- ❖ The building plan was approved in 2006 and was not built according to plan. The applicant bought the erf in 2019 and only became aware of the transgression after the surveying of the erf. He will have to demolish the portion of the dwelling transgressing the erf boundary and rebuild. This will already have a cost implication for the applicant.
- ❖ The landowner is also the owner of SONIC, and it is unclear when the tower was constructed. The motivation indicated 1990, however no proof was submitted in this regard. It is therefore possible that the property was purchased for the sole purpose of constructing a cell phone tower for more efficient internet connection.
- ❖ The owner has filled the property without the necessary approvals. A notice was issued to submit an application and remove the rubble from the road reserve. The applicant was informed of the illegal filling in September 2023, however only submitted the application in April of 2024.

**15. ANNEXURES**

- Annexure A: Locality Plan  
Annexure B: Motivation Report  
Annexure C: Site Development Plan & Survey plan indicating transgressions  
Annexure D: Title Deed T11954/2019  
Annexure E: Objections received  
Annexure F: Applicant's response to the objections received  
Annexure G: Services Report  
Annexure H: Email with letter from Salandra SOS Ondernemings

**SIGNATURE****REGISTERED PLANNER**

Name: **H VAN DER STOEP**

SACPLAN registration number: **A/1708/2013**

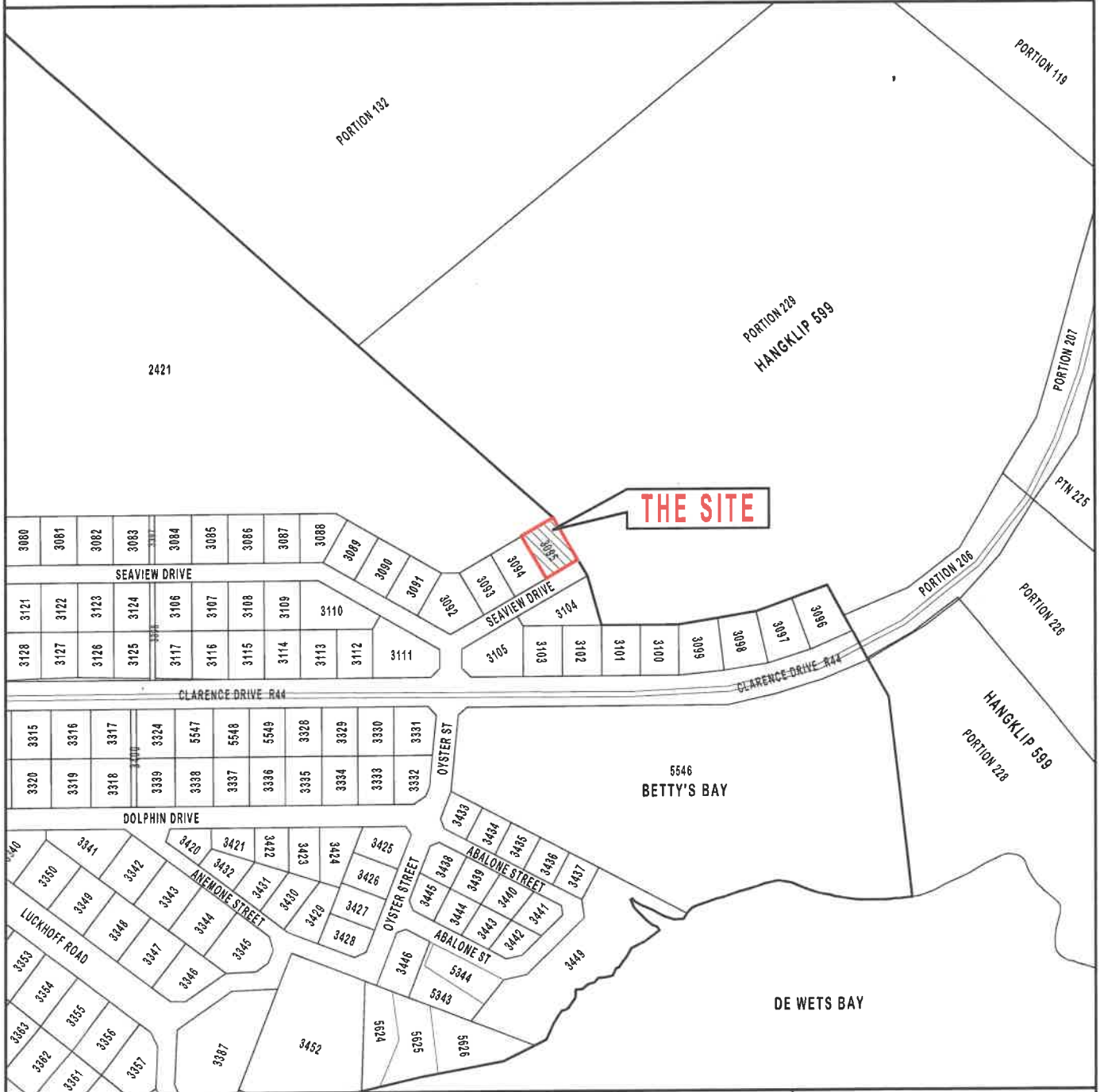
Signature: \_\_\_\_\_

Date: \_\_\_\_\_

# LOCALITY MAP ERF 3095, BETTY'S BAY



SCALE: 1 : 5 000



## REFERENCE



THE APPLICATION

Overstrand Office:  
52 Seaview Drive,  
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Cell : 072 184 9621  
Email : amund@vodamail.co.za



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61 Woodlands Avenue,  
PEGANWOOD  
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**The Municipal Manager  
 Overstrand Local Municipality  
 PO Box 20  
 Hermanus  
 7200**

Dear Hanneen;

**ERF 3095 BETTY'S BAY**

You are referred to the Letter 3095 KBB (4644/2024) dated 10 October 2024. A copy for ease of reference is attached.

- Referring to the first bullet under Point 2 of the said Letter, please find attached an amended SDP.
- Referring to the second bullet under Point 2 of the said Letter, the area that is currently transgressing the lateral building line / erf boundary is used as a bedroom. It is the intention of the Landowner to, once the transgression is rectified via the approval of the proposed building line to 0m, convert the said room into a "braai kamer".

Trust this will suffice.

Thanks

Amund  
 29 / 10 / 2024



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**The Municipal Manager**  
**Overstrand Local Municipality**  
**PO Box 20**  
**Hermanus**  
**7200**

Dear Sir/Madam;

**ERF 3095 BETTY'S BAY**

Following the correspondence between this Office and your Office (Letters Ref. No: 3095 KBB dated 25 April 2024 and 4 June 2024, various emails and one-on-one discussions), please find herewith amended simultaneous Applications:

- **Application 1:** Administrative Penalty in terms of Sections 90 of the Overstrand Municipality Amendment By-law on Municipal Land-use Planning (2020) regarding the transgressions on Erf 3095 Bettys Bay;
- **Application 2:** The amendment, suspension or deletion of restrictive Conditions B.(2), B.(4), B.(6) C.(f)5.(b), C.(f)5.(d) and C.(f)5.(n) in Title Deed T11954/2019 in terms of Sections 16(2)(f) of the Overstrand Municipality Amendment By-law on Municipal Land-use Planning (2020);
- **Application 3:** The departure from the provisions of the Land-use Scheme in terms of Sections 16(2)(b) of the Overstrand Municipality Amendment By-law on Municipal Land-use Planning (2020):
  - to allow for a "transmission apparatus" on Erf 3095 Bettys Bay; and
  - to relax the building line on the northern and the eastern boundary of the said erf to 0m; and
- **Application 4:** The filling of an area over the prescribed building line(s), between the building line and the erf boundary, in terms of Section 16.1.1 a) of the Overstrand Municipality Land Use Scheme, 2020 in the case of Erf 3095 Bettys Bay.

Please advise on the way forward.

Thanks

Amund  
 13 / 09 / 2024



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## MEMORANDUM

### ERF 3095 BETTYS BAY

#### A. PROPERTY DESCRIPTION

The property is known as Erf 3095 Bettys Bay. The Erf is approximately 1338m<sup>2</sup> in extent.

#### B. OWNERSHIP

Erf 3095 Bettys Bay is owned by "Sonic Computers and WiFi CC (2010/067000/23)". Title Deed T11954/2019 is attached as **Annexure A.**

The "Company Resolution", "Power of Attorney" and Company Document are attached as **Annexure B.**

There is a bond registered against Erf 3095 Bettys Bay. The consent of the Bondholder is attached as **Annexure C.**

#### C. LOCATION

Erf 3095 Bettys Bay is located at 3095 (93) Seaview Drive, Bettys Bay. The Locality Map is attached as **Annexure D.**

#### D. ZONING

Erf 3095 Bettys Bay is zoned "Residential Zone 1: Single Residential (SR1)".

#### E. APPLICATIONS

##### E.1 History

Please refer to the Map below.



There has been since the 1990's an existing "transmission apparatus (cell phone tower)" located in the north-eastern corner of Erf 3095 Bettys Bay. This Tower is used by several Internet Providers (i.e. Sonic) to provide essential internet services/cell phone services between Kleinmond/Hermanus to the east and Pringle Bay/Rooi Els to the west. "Sonic Computers and WiFi CC" bought the Erf in 2019.

It came recently to their attention that the "transmission apparatus (cell phone tower)" is illegal. The situation, therefore, is now rectified with the required Land-use Application.

Furthermore did it also come to the attention of the Landowner that a portion of the foundation/base of the cell phone tower and the dwelling house is transgressing the erf boundary. This transgression, therefore, also needs to be rectified with the required Land-use Application.

Please refer to **Annexure E.1**, indicating these transgressions.



## E.2 Applications

To rectify the illegal "*transmission apparatus (cell phone tower)*" and transgressions over the erf boundary, the following Applications are simultaneously submitted:

**E.2.1 Application 1:** An Administrative Penalty Application in terms of Sections 90 of the Overstrand Municipality Amendment By-law on Municipal Land-use Planning (2020) is submitted for the following transgressions (**Annexure E.1**).

- The illegal "*transmission apparatus (cell phone tower)*", built over the erf boundary; and
- A portion of the dwelling house, built over the erf boundary.

It is the intention of the Landowner to rectify this through the following actions:

- The relocation of the "*transmission apparatus (cell phone tower)*" inside the erf;
- The demolition of the section of the dwelling house that is transgress the erf boundary to the erf boundary itself (**Annexure E.2**).

Criteria for the determination of the Administrative Penalty:

- **The nature / duration / gravity / extent of the Contravention:** The Landowner bought Erf 3095 Bettys Bay in 2019, without knowing that the "*transmission apparatus (cell phone tower)*" is illegal or that the foundation/base of the latter and a portion of the dwelling house is transgressing the erf boundary. The transgressions per se is approximately 10m<sup>2</sup> in the case of the "*transmission apparatus (cell phone tower)*" and 5m<sup>2</sup> in the case of the dwelling house. These transgressions do not significantly impact the surrounding environment or land use. The adjacent property is a farm portion known as Portion 229 Hangklip 599, which is vacant. The Landowner of the said farm portion was made aware of the situation with the possibility of buying a portion of the said farm portion to rectify the situation. The Landowner of Erf 3095 Bettys Bay, however, opted to rather rectify the situation through the relocation of the "*transmission apparatus (cell phone tower)*" to within the erf boundary and the demolishing of the portion of the dwelling house up to the erf boundary. Steps, therefore, are being taken to address the situation.
- **The conduct of the person involved in the contravention:** Upon the discovering of the situation, the Landowner promptly acted responsibly with the appointment of Platinum Town and Regional Planners to submit the required Land-use Applications to rectify the situation.
- **Whether the unlawful conduct was stopped:** The "*transmission apparatus (cell phone tower)*" is in operation since the late 1990's. The current Landowner bought the property in 2019. The unlawful conduct, in this case, was only noticed when the Landowner was recently made aware that the "*transmission apparatus (cell phone tower)*" is illegal. The illegality of the "*transmission apparatus (cell phone tower)*" and the transgressions over the erf boundary were not intentionally and the



Landowner is co-operative in addressing the matters to ensure that it is resolved appropriately.

- A Report by a Quantity Surveyor in matters of unauthorized building/construction: If the Overstrand Municipality determines that a Report by a Quantity Surveyor is needed, it will be submitted. The estimated value of the transgressions, however, is minimal and will be rectified through the relocation of the “*transmission apparatus (cell phone tower)*” and the demolishing of a portion of the dwelling house transgressing the erf boundary. A Land Surveyor was appointed to indicate the transgressions over the erf boundary (**Annexure E.1**) and an Architect was appointed to indicate the rectifications on a Site Development Plan (**Annexure E.2**).
- Whether a person involved in the contravention has previously contravened the By-law or a previous Planning Law: The Landowner bought Erf 31095 Bettys Bay in 2019, not knowing the circumstances regarding the illegal “*transmission apparatus (cell phone tower)*” nor the transgressions over the erf boundary. When made aware of this, he immediately commenced with the required actions to rectify the situation.
- Appeal for Consideration: we respectfully appeal to the Overstrand Municipality to consider the fact that the current Landowner wasn’t responsible for the illegal “*transmission apparatus (cell phone tower)*” nor the transgressions over the erf boundary line. The Landowner is in the process of rectifying the situation through the required Land-use Applications. We, therefore, request that the Overstrand Municipality waive the penalty fee.

**E.2.2 Application 2**: Application is hereby made for the amendment, suspension or deletion of restrictive conditions in terms of Sections 16(2)(f) of the Overstrand Municipality Amendment By-law on Municipal Land-use Planning (2020).

Besides the illegal “*transmission apparatus (cell phone tower)*”, it was also found that the latter and a portion of the dwelling house is built over the erf boundary (**Annexure E.1**). This needs to be rectified in 2 ways (**Annexure E.2**):

- The relocation of the illegal “*transmission apparatus (cell phone tower)*” to be within the erf boundary;
- The relaxation of the building lines on the northern and eastern erf boundaries to 0m to address the transgression of the dwelling house. The portion of the dwelling house that is currently transgressing the erf boundary line will be demolished up to the erf boundary.

Conditions B.(2), B.(4), B.(6) C.(i)5.(b), C.(i)5.(d) and C.(ii)(n) in Title Deed T11954/2019 might restrict the proposed approval of the “*transmission apparatus (cell phone tower)*” and the relaxation of the building lines on the northern and the eastern erf boundaries to 0m. It is proposed that these Conditions, therefore, be amended, suspended or deleted.

The following principles in the Western Cape Land-use Planning Act (2014), Section 39 (5), are relevant:



- The financial or other value of the rights: It is the intention of the Landowner to rectify the illegal “*transmission apparatus (cell phone tower)*” and the transgressions on Erf 3095 Bettys Bay. The “*transmission apparatus (cell phone tower)*” will be relocated to within the erf boundary and the portion of the dwelling house transgressing the erf boundary will be demolished. The removal, suspension or amendment of Conditions B.(2), B.(4), B.(6) C.(i)5.(b), C.(i)5.(d) and C.(ii)(n) in Title Deed T11954/2019 will have no financial benefit for any person or entity. It will path the way for rectification of transgressions, whilst the broader community will still have the use of the “*transmission apparatus (cell phone tower)*” in the long term.
- The personal benefits which will accrue to the holder of rights and/or to the person seeking the removal: Taking cognizance of the intention, the removal, suspension or amendment of Conditions B.(2), B.(4), B.(6) C.(i)5.(b), C.(i)5.(d) and C.(ii)(n) in Title Deed T11954/2019 will have no personal benefit for any person or entity.
- The social benefit of the restrictive condition remaining in place, and/or being removed / amended: Taking cognizance of the intention, the removal, suspension or amendment of Conditions B.(2), B.(4), B.(6) C.(i)5.(b), C.(i)5.(d) and C.(ii)(n) in Title Deed T11954/2019 will have no social impact on society.
- Will the removal, suspension or amendment completely remove all rights enjoyed by the beneficiary or only some of those rights: the removal, suspension or amendment of Conditions B.(2), B.(4), B.(6) C.(i)5.(b), C.(i)5.(d) and C.(ii)(n) in Title Deed T11954/2019 will only remove some of the conditions in the applicable Title Deed.

**E.2.3 Application 3:** Application is hereby made for the departure from the provisions of the Land-use Scheme in terms of Sections 16(2)(b) of the Overstrand Municipality Amendment By-law on Municipal Land-use Planning (2020):

- to allow for a “*transmission apparatus*” on Erf 3095 Bettys Bay; and
- to relax the building line on the northern and the eastern boundary of the said erf to 0m.

There has been since the 1990’s an existing “*transmission apparatus (cell phone tower)*” located in the north-eastern corner of Erf 3095 Bettys Bay. This Tower is used by several Internet Providers (i.e. Sonic) to provide essential internet services/cell phone services between Kleinmond/Hermanus to the east and Pringle Bay/Rooi Els to the west.

“*Sonic Computers and WiFi CC*” bought the Erf in 2019. It came recently to their attention that the “*transmission apparatus (cell phone tower)*” is illegal. The situation, therefor, is now rectified with this Land-use Application.

Further to the illegal “*transmission apparatus (cell phone tower)*”, did it also came to the attention of the Landowner that the foundation/base of the “*transmission apparatus (cell phone tower)*” and a portion of the dwelling house is transgressing the erf boundary (**Annexure E.1**). This needs to be dealt with in two ways (**Annexure E.2**):

- The relocation of the illegal “*transmission apparatus (cell phone tower)*” to be within the erf boundary;



- The relaxation of the building lines on the northern and eastern erf boundaries to 0m to address the transgression of the “*transmission apparatus (cell phone tower)*” and the dwelling house. The portion of the dwelling house that is currently transgressing the erf boundary line will be demolished up to the erf boundary.

To legalize the demolition of the portion of the dwelling house that is currently transgressing the erf boundary line up to the erf boundary, the building line on the northern and eastern side of Erf 3095 Bettys Bay needs to be relaxed to 0m.

- E.2.4 Application 4:** Application for the filling of an area over the prescribed building line(s), between the building line and the erf boundary, in terms of Section 16.1.1 a) of the Overstrand Municipality Land Use Scheme, 2020.

It is the intention of the Landowner to landfill an area between the prescribed building line and the erf boundary for gardening/beautification and additional parking purposes.

## F. NEED AND DESIRABILITY

### F.1 PROPERTY

The property is known as Erf 3095 Bettys Bay.

### F.2 APPLICABLE LEGISLATION

The following legislation is applicable:

- The Spatial Planning and Land-use Management Act, 2013 (Act 16 of 2013)(SPLUMA);
- The Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020; and
- The Overstrand Municipality Land-use Scheme, 2020.

### F.3 APPLICABLE PLANNING POLICIES / DOCUMENTS

#### F.3.1 SPATIAL PLANNING AND LAND-USE MANAGEMENT ACT, 2013 (ACT 16 OF 2013)(SPLUMA)

The following principles for development in the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA), are discussed:

- **Section 7(a) The principle of spatial justice**
- **Section 7(b) the principle of spatial sustainability**
- **Section 7(c) the principle of efficiency**
- **Section 7(d) the principle of spatial resilience, whereby flexibility in spatial plans, policies and land use management systems are accommodated to**



***ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks***

An existing "*transmission apparatus (cell phone tower)*" is located in the north-eastern corner of Erf 3095 Bettys Bay since the 1990's. This Tower is used by several Internet Providers (i.e. Sonic) to provide essential internet services/cell phone services between Kleinmond/Hermanus to the east and Pringle Bay/Rooi Els to the west. However, this "*transmission apparatus (cell phone tower)*" is illegal and needs rectification through the required Land-use Application.

The "*transmission apparatus (cell phone tower)*" and a portion of the dwelling house is also transgressing the erf boundary. This needs rectification through the required Land-use Application.

It is also the intention of the Landowner to landfill an area between the prescribed building line and the erf boundary for gardening/beautification and additional parking purposes.

- ***Section 7(e) the principle of good administration***

The required public participation process, in accordance with the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020, will be sufficiently dealt with via the advertising of the Applications. Their respective rights and all those affected will be adequately addressed during this process. The "*audi alterem partum- rule*", therefore, will have been complied with. The intrinsic knowledge of the process and the distribution of the Applications to internal and external parties (where applicable) will also lead indisputably to the adherence of this requirement.

- ***Section 42(c) take into account –***

- (i) ***the public interest***
- (ii) ***the facts and circumstances relevant to the application***
- (iii) ***the respective rights and obligations of all those affected***

The required public participation process, in accordance with the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020, will be sufficiently dealt with via the advertising of the Applications. Their respective rights and all those affected will be adequately addressed during this process. The "*audi alterem partum- rule*", therefore, will have been complied with. The intrinsic knowledge of the process and the distribution of the Applications to internal and external parties (where applicable) will also lead indisputably to the adherence of this requirement.



(iv) ***the state and impact of engineering services, social infrastructure and open space requirements***

There is no need for any additional engineering services (electricity, roads, storm water drainage, sewer and water), which are readily available.

Within the broader development itself will ample open space be provided.

### **F.3.2 The National Development Plan (NDP)**

The NDP is the supreme and overarching plan for South Africa that sets out the most crucial objectives and actions that need to be taken in the Republic of South Africa. The focus is to eliminate poverty and reduce inequality by 2030. The following sets out some of the key interventions that the NDP seeks to achieve:

- Significantly reduce unemployment and increase the size of the economy through a range of actions.
- Invest in economic infrastructures, such as electricity, water, public transport, and broadband networks.
- Enhance environmental sustainability and resilience.
- Develop an inclusive rural economy through agri-processing and agriculture, tenure security, land reform.
- Increase trade within Southern Africa.
- Transform our human settlements, by co-locating places of work and human settlements, densifying our settlements, and improving public transport.
- Improve education, training, and innovation at all levels of the education system.
- Improve the health outcomes of the country.
- Enhance and ensure social protection and build safer communities.
- Build a capable state.
- Fight corruption.
- Promote nation-building.

While the NDP is an extensive plan with a significant amount of detail, more detailed Spatial Development Frameworks (SDF's) are needed at provincial level, district level and municipal level. These SDF's should be local tools through which the NDP is implemented.

### **F.3.3 Western Cape Provincial Spatial Development Framework (PSDF)**

This PSDF aims to put in place a coherent framework for the Province's urban and rural areas that:



- gives spatial expression to the national and provincial development agendas;
- serves as basis for co-ordinating, integrating and aligning “on the ground” delivery of national and provincial departmental programmes;
- supports municipalities to fulfil their municipal planning mandate in line with the national and provincial agendas; and
- communicates government’s spatial development intentions to the private sector and civil society.

In taking this forward the PSDF applies the following spatial principles:

- **Spatial Justice:** A socially just society based on the principles of equality, solidarity, and inclusion. Past spatial and other development imbalances should be redressed through improved access to and use of land.
- **Sustainability and Resilience:** Land development should be spatially compact, resource-frugal, compatible with cultural and scenic landscapes, and should not involve the conversion of high potential agricultural land or compromise ecosystems. The focus must be on creating complex, diverse and resilient spatial systems that are sustainable in all contexts.
- **Spatial Efficiency:** Efficiency relates to the form of settlements and use of resources - compaction as opposed to sprawl; mixed-use as opposed to mono-functional land uses; residential areas close to work opportunities as opposed to dormitory settlement, and prioritisation of public transport over private car use.
- **Accessibility:** Improving access to services, facilities, employment, training and recreation, and safe and efficient transport modes is essential to achieving the stated settlement transitions of the NDP and One Cape 2040. Accessibility is also defined by convenient and dignified access to private and public spaces for people with impaired mobility.
- **Quality and Liveability:** The quality of an environment directly contributes to its liveability. Legible built environments are characterized by the existence of landmarks such as notable buildings and landscaping, well- defined public spaces, as well as navigable street networks.

To deliver on the Western Cape Growth Strategic Objectives, the PSDF focuses on growing the economy, building greater environmental resilience and much better inclusion. It is summarised as follows:

- Growing the Western Cape economy in partnership with the private sector, non-governmental and community-based organisations
- Using infrastructure investment as primary lever to bring about the required urban and rural spatial transitions; and
- Improving oversight of the sustainable use of the Western Cape’s spatial assets.



These focus points are the pillars for the more detailed Spatial Development Frameworks (SDF's) at district level (Overberg DC) and municipal (Overstrand LM) level.

#### **F.3.4 Overberg District Spatial Development Framework (ODSDF)**

The purpose of ODSDF is to:

- Prepare a spatial perspective of the current developmental status quo within the Overberg District Municipality (ODM) to inform a basis for discussion on key spatial issues and linkages to other sector plans and opportunities to inform the Districts' future spatial development;
- Review and update the spatial vision and strategic direction of the municipality, to inform the drafting/amendment of the Integrated Development Plan (IDP) of the ODM; and
- Review and update the Spatial Development Framework proposals to guide local municipalities in the District regarding future spatial planning, strategic decision-making, and regional integration. The Overberg District SDF will focus on the following:
  - Identifying the structure and role of settlement,
  - transportation, and regional services infrastructure across and between the local municipalities within the district area.
  - Classifying areas that require protection and conservation (i.e., protected areas), which include threatened ecosystems, critical biodiversity areas, valuable agricultural land, water catchment areas, and other resources of value within the District.
  - Identifying growth nodes, priority investment areas, and areas of rural decay within the District.
  - Classifying areas that require protection and conservation (i.e., protected areas), which include threatened ecosystems, critical biodiversity areas, valuable agricultural land, water catchment areas, and other resources of value within the District.
  - Resolving contradictions between the planning visions of the District's local municipalities.
  - Describing the general urban design principles to be applied in all settlements located in the District. Critically, the District SDF must guide local municipalities in the development of their own SDF's, without impeding on local-level planning detail. The District sets the framework and context for local municipalities to work within. It is also critical that the District aligns to the Provincial and National planning and policy context. It is therefore clear that the District must operate within a well-defined (at the conceptual level) policy and planning context and therefore is constrained to these insofar as possible proposals that can be made.



### F.3.5 Overstrand Integrated Development Planning (IDP)

The Integrated Development Plan (IDP) is a municipality's principal strategic plan that deals with the most critical development needs of the municipal area (external focus) as well as the most critical governance needs of the organization (internal focus). It aims to co-ordinate the work of local and other spheres of government in a coherent plan to improve the quality of life for all the people living in an area. It should consider the existing conditions and problems and resources available for development. The projects within the IDP are linked to the municipality's budget.

### F.3.6 Overstrand Municipality Spatial Development Framework (SDF)

The Municipal Spatial Development Framework is a sectoral component of the IDP that, in terms of the Municipal Systems Act, is aimed at providing general direction to guide decision making on an ongoing basis, aiming at the creation of integrated, sustainable, and habitable regions, cities, towns and residential areas.

Within the SDF a hierarchal classification of nodes is based on the nature of the function of the nodes, considering factors such as population size, influence sphere, interconnectivity, service delivery as well as informants from the Growth Potential of Towns Study, 2014 (GPTS).

## G. ENGINEERING SERVICES

The current usage of engineering services infrastructure (i.e. electricity, water, sewer and storm water drainage) will not increase with the proposed "*transmission apparatus*" and "*filling of an area beyond the building line*".

## H. ENVIRONMENTAL ISSUE

Erf 3095 Bettys Bay is located within an existing Township. The proposed "*transmission apparatus*", relaxation of the building line on the northern and eastern side of the Erf to 0m and the "*filling of an area beyond the building line*" will have no negative effect on the environment. No environmental authorization is needed.

## I. CONCLUSION

In view of the above mentioned it is recommended that Overstrand Local Municipality determine / approves:

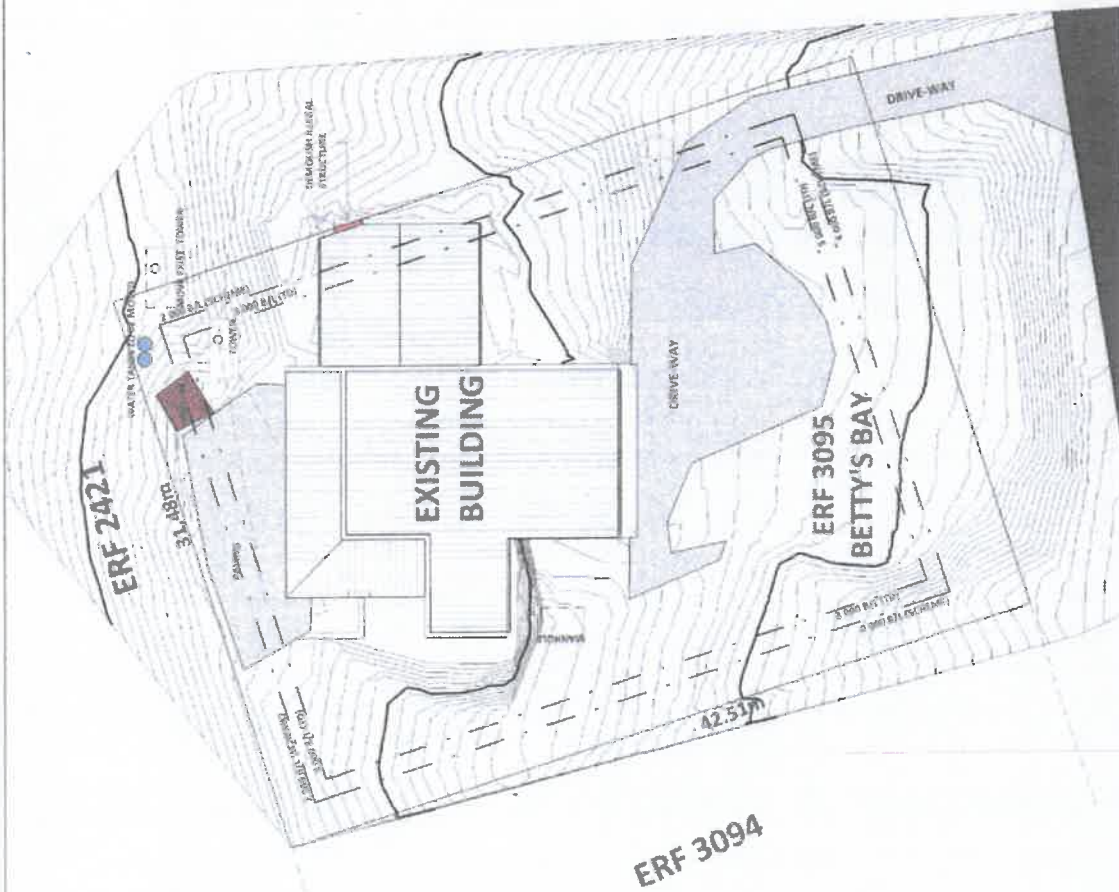


- **Application 1:** the Administrative Penalty in terms of Sections 90 of the Overstrand Municipality Amendment By-law on Municipal Land-use Planning (2020) regarding the transgressions on Erf 3095 Bettys Bay;
- **Application 2:** the amendment, suspension or deletion of restrictive Conditions B.(2), B.(4), B.(6) C.(i)5.(b), C.(i)5.(d) and C.(ii)(n) in Title Deed T11954/2019 in terms of Sections 16(2)(f) of the Overstrand Municipality Amendment By-law on Municipal Land-use Planning (2020);
- **Application 3:** the departure from the provisions of the Land-use Scheme in terms of Sections 16(2)(b) of the Overstrand Municipality Amendment By-law on Municipal Land-use Planning (2020):
  - to allow for a “*transmission apparatus*” on Erf 3095 Bettys Bay; and
  - to relax the building line on the northern and the eastern boundary of the said erf to 0m; and
- **Application 4:** the filling of an area over the prescribed building line(s), between the building line and the erf boundary, in terms of Section 16.1.1 a) of the Overstrand Municipality Land Use Scheme, 2020 in the case of Erf 3095 Bettys Bay.

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**ANNEXURE E.2**

TOTAL SITE AREA 1338m<sup>2</sup>  
 GROUND FL 297.41m<sup>2</sup>  
 FIRST FL 168.17m<sup>2</sup>  
 BASEMENT FL 51.66m<sup>2</sup>  
 PATIO 15m<sup>2</sup>  
 TOTAL AREA 292.41m<sup>2</sup>  
 COVERAGE 22.23%



**SONIC**  
 ERF 3095  
 93 SEAVIEW DRIVE  
 BETTY'S BAY

S/CAP Reg. No. PA123121  
 Architectural Drafting Services  
 021 410-5664 / (021) 277-3143  
 samuel.k@sonicwep.com | tel@sonic.co.za

**SONIC**

PROJECT NUMBER	24/08/03
DATE	20/04/10/16
DRAWN BY	ICK
CHECKED BY	DWZ
SCALE	1 : 250

**001**

# ANNEXURE E.1

Y: 2880

3065 - Betty's Bay  
TOPOGRAPHICAL PLAN  
ERF-3065  
BETTY'S BAY

### SURVEY DETAILS

LOCAL AUTHORITY: OVERBERG DISTRICT MUNICIPALITY  
DISTRICT: OVERBERG DISTRICT MUNICIPALITY

COORDINATE SYSTEM: HARTBEESTHOK WGS 19  
PROJECTION: TRANSVERSE MERCATOR, WGS84  
VERTICAL DATUM: MEAN SEA LEVEL  
GEOID: SAGD10

### COORDINATES

The Coordinates reference is based on L19 WGS84 system.  
Breakup mapping was done by

G SWART DATE

### LEGEND

- Manhole
- Manhole Invert
- Manhole Sewer
- Sewer Line
- Storm Water Manhole
- Talkum Manhole
- Water Manhole
- Inspection Eye
- Fire Hydrant
- Lamp Post
- Electric Pole
- Telephone Pole
- Valve Box
- Water Valve
- Water meter
- Traffic Light
- Road Sign
- Security Camera
- Tripo
- Bench Mark
- Trees

325

2/2

X: 3803200

229/559

X: 3803220

X: 3803240

Y: 2900

Y: 2920

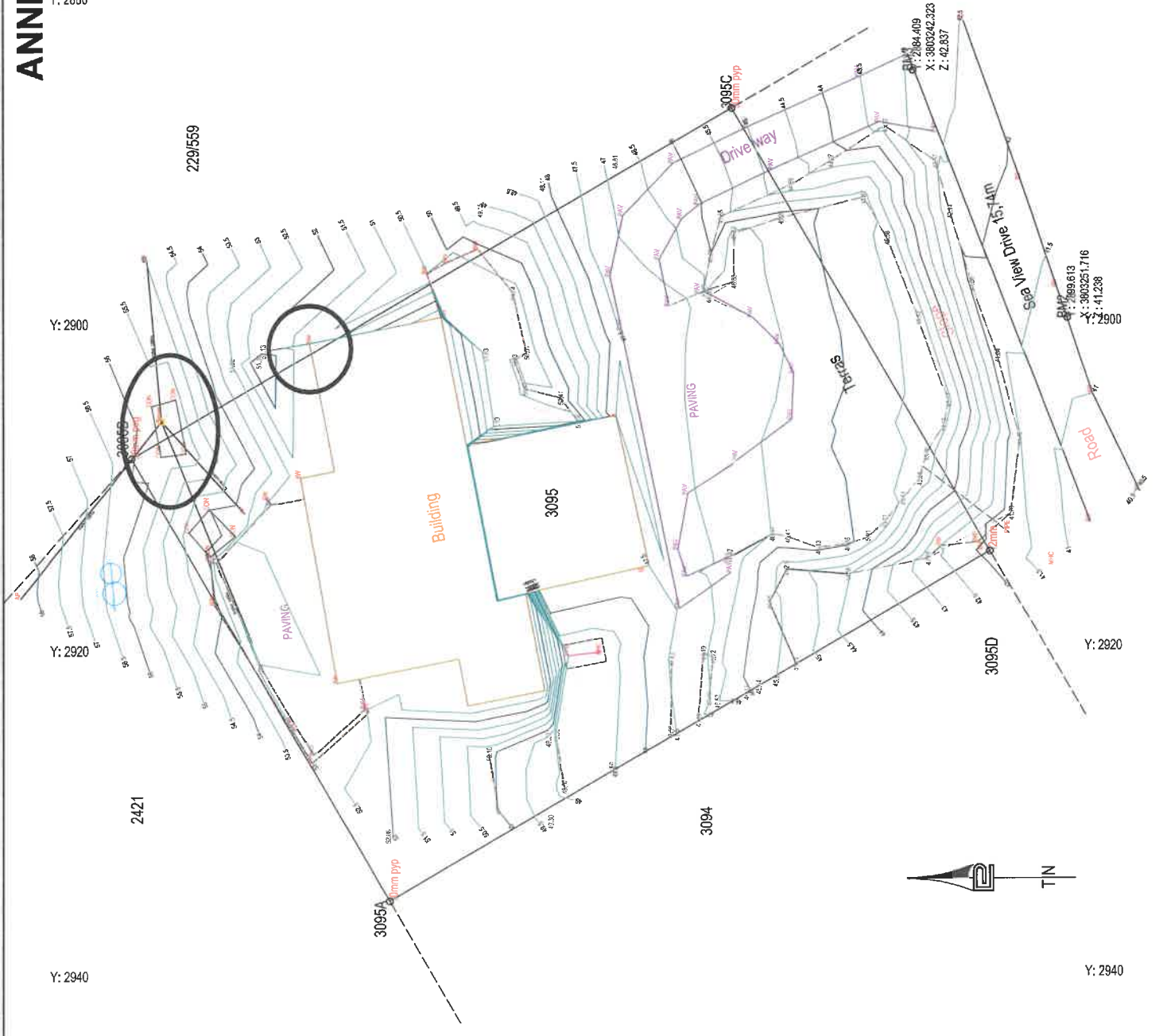
2421

Y: 2940

X: 3803200

X: 3803220

X: 3803240



Y: 2880

Y: 2920

Y: 2940

CLIENT:  
LAND SURVEYOR: GERHARD SWART  
SCALE: 1:250  
DRAWING No: BETTYS-3065-2405

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DYKES VAN HEERDEN SLABBERT  
HOPKINS  
Unit E4/2  
Edward IV  
120-122 Edward  
Belville 7530  
South Africa

Prepared by me

Rec. enforcement		Office fee
	Amount	
Amount	R 2 700 000.00	R 1 522.00
Reason for enforcement		
Amount		
Reason for enforcement		Example 1.1.0
Cat.		Section Act

*Lise Coetzee*  
 CONVEYANCER  
 LISE COETZEE

VERBIND	MORTGAGED
R 2 430 000.00	
B3	000006404 / 2019
DATUM / DATE	28 MAR 2019
REGISTRAR / REGISTRAR	

T 000011954 / 2019

### DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

**LISE COETZEE**

appeared before me, REGISTRAR OF DEEDS at CAPE TOWN, the said appearer being duly authorised thereto by a Power of Attorney which said Power of Attorney was signed at BETTYS BAY on 21 FEBRUARY 2019 granted to him by

**JOHN OESCHGER**  
Identity Number 421219 5083 08 1  
Married out of community of property

DATA / VERIFY  
 29 MAR 2019  
 MARLYN BARLOW

DATA / CAPTURE  
 29 MAR 2019  
 MARLYN BARLOW

*[Handwritten signature]*

*[Handwritten mark]*

And the appearer declared that his said principal had, on 21 January 2019, truly and legally sold by Private Treaty, and that he, the said Appearer, in his capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

**SONIC COMPUTERS AND WI-FI CC**  
**Registration Number 2010/167000/23**

or its Successors in Title or assigns, in full and free property

ERF 3095 BETTYS BAY  
 SITUATED IN THE OVERSTRAND MUNICIPALITY  
 DIVISION CALEDON  
 PROVINCE OF WESTERN CAPE

IN EXTENT 1338 (ONE THOUSAND THREE HUNDRED AND THIRTY EIGHT) Square metres

FIRST TRANSFERRED by Deed of Transfer Number T12738/1959 with Diagram No. 6190/1959 relating thereto and held by Deed of Transfer Number T18729/1997

- A. SUBJECT to the conditions referred to in Certificate of Township Title No T369/1958.
- B. SUBJECT TO and/or ENTITLED TO the benefit of the conditions referred to in the following Servitude Endorsements as contained in Certificate of Consolidated Title No T3720/1937, which endorsements are dated and reads as follows:

(1) "Dated 24<sup>th</sup> June, 1940:

By Deed of Transfer no. 6068/1940 dated 24/6/1940 certain conditions relating to (a) ..... (b) prohibition of petrol station on land; (d) wood and iron buildings; (e) slaughter poles, cattle kraals; (f) manufacture of bricks, tiles, etc.; have been imposed on the property thereby conveyed for the benefit of the owner and its successors in title of the remainder of the property held hereunder as will more fully appear on reference to the said Deed of Transfer.

(2) Dated 22<sup>nd</sup> October, 1948:

By D/T no. 24234 dated 22.10.1948 certain conditions relating to water supply, type of business that may be carried on, prohibition of petrol station on land, slaughter poles, cattle kraals, wood and iron buildings, non-

## Page 3

division, manufacture of bricks and tiles, have been imposed, as will more fully appear on reference to the said Deed of Transfer.

(3) Dated 18<sup>th</sup> July, 1949:

By D/T no. 11915 dd. 18.7/1949 the remdr. of the land held hereunder is entitled to a right of way over Erf 487 Bettys Bay, (Ext. no. 1) and marked A.E.D. on the diagram thereof. Subject to conditions as will more fully appear on reference thereto.

(4) Dated 1<sup>st</sup> December, 1950:

By Deed of Transfer No. 18870/1950 dated this day certain conditions relating to water supply, type of business that may be carried on, planting of trees, ....., prohibition of petrol station, slaughter poles, cattle kraals, manufacture of bricks, tiles, etc., non-subdivision, have been imposed against and for the benefit of the remaining extent of the property hereby conveyed measuring 5960,6615 ha. As will more fully appear on reference to said Deed of Transfer.

(5) Dated 28<sup>th</sup> August, 1951:

By Deed of Transfer no. 14934/1951 dated 28.8.1951 certain conditions relating inter alia to: prohibition against erection of certain types of building; slaughter poles; cattle kraals; pigsties; cowsheds; manufacture of bricks, tiles, etc. the value of erections; water supply arrangements, etc. have been imposed over the remainder of the land thereby conveyed in favour of the owner and successors in title to the remainder measuring 5955,3544 ha. Held hereunder, as will more fully appear on reference to the said Deed of Transfer.

(6) Dated 28<sup>th</sup> August, 1951:

By Deed of Transfer no. 14935/1951 dated 28.8.1951 certain conditions relating inter alia to: arrangements re water supply; submission of plans for approval; fencing of land for tea garden or room; approval re types of trade to be undertaken; erection of only one building; prohibition against erection of petrol service station, and other certain types of building;

## Page 4

slaughter poles, cattle kraals, pigsties, cowsheds, manufacture of bricks, tiles, etc.; subdivision without permission, etc. which conditions are imposed in favour of the owner and successors in title to the remainder measuring 5954,9428 ha. held hereunder, as will more fully appear on reference to the said Deed of Transfer."

C. SUBJECT to the following conditions contained in Deed of Transfer T12738/1959, namely:

(i) "Opgelê deur die Administrateur van die Provinsiale Kaap die Goeie Hoop tydens die goedkeuring van Sunny Seas Dorp in terme van die voorwaardes van Ordonnansie nr. 33 van 1934, soos gewysig:

1. "Any words and expressions used in the following conditions shall have the same meaning as may have been assigned to them by the regulations published under Provincial Administration Notice No. 401 dated 17<sup>th</sup> October, 1935, and in the memorandum which accompanied the said regulations.

2. The owner of this erf shall without compensation be obliged to allow electricity and water mains and the sewage and drainage including stormwater of any other erf or erven within or without this subdivision to be conveyed across this erf, if deemed necessary by the Local Authority and in such manner and position as may from time to time be reasonably required. This shall include the right of access to the erf at any reasonable time in order to construct, maintain, alter, remove or inspect any sewer, manhole, channel, conduit or other works pertaining thereto.

3. The owner of this erf shall be obliged without compensation, to receive the material or permit excavation on the erf, as may be required to allow use of the full width of the street and provide a safe and proper slope to its bank owing to difference between the levels of the street as finally constructed and the erf, unless he elects to build retaining walls to the satisfaction of and within a period to be determined by the Local Authority.

4. ....

5. This erf shall be subject to the following further conditions provided especially that where, in the opinion of the Administrator after consultation with the Townships Board and the Local Authority, it is expedient that the restriction in any such condition should at any time be suspended or relaxed he may authorise the necessary suspension or relaxation subject to compliance with such conditions as he may impose:
- (a) It shall not be subdivided;
  - (b) It shall be used only for the purpose of erecting thereon one dwelling together with such outbuildings as are ordinarily required to be used therewith;
  - (c) Not more than half the area thereof shall be built upon;
  - (d) No building or structure or any portion thereof except boundary walls and fences shall be erected nearer than 4,72 metres to the street line which forms a boundary of this erf not within 3,15 metres of the rear or 1,57 metres of the lateral boundary common to any adjoining erf provided that with the consent of the Local Authority an outbuilding not exceeding 3,05 metres in height measured from the floor to the wall plate and no portion of which will be used for human habitation may be erected within the above prescribed rear spar. On consolidation of any two or more erven this condition shall apply to the consolidated area as one erf;
  - (e) In the event of the provisions of a Town Planning Scheme being made applicable to this erf which provisions are more restrictive than the provisions contained in the above then the provisions of such Scheme shall apply."
- (ii) Opgelê deur Hangklip Beach Estates Limited as synde van toepassing op alle erwe in Sunny Seas Dorp as synde ten gunste van die geregistreerde eienaar van enige erf in die Dorp:

Page 6

- (b) "No wood and/or iron buildings of any description shall be erected on this erf nor shall corrugated iron be used for roofing purposes.
- (c) No cattle, horses, sheep, goats, pigs or poultry shall be kept on this erf without the written consent of the Company.
- (d) Save with the consent in writing of the Company and of any Local Authority, the owner shall not have the right to make or cause to be made upon the erf for any purposes whatsoever any bricks, tiles, or earthenware pipes or other articles of such nature, nor shall he have the right (save and except to prepare the erf for building purposes) to dig or quarry any earth, gravel, lime or stone thereon.
- (e) No building (excluding outbuildings) shall be erected on this erf of a superficial area of less than 99 square metres.
- (f) No noxious trade or noxious business shall be carried on on this erf.
- (g) The Transferee shall not camp overnight or light fires on the erf save with the written consent of the Company, nor shall he permit any other person so to do.
- (h) No garage or service station may be erected or carried on on this erf provided that this condition shall not apply to erven nos. 1 and 263.
- (i) .....
- (j) .....

## Page 7

- (k) The buildings, including all fences and garden or other gates, shall be of good design and sound construction and the plans, elevations and the specifications, thereof must be lodged with and approved by the Company before tenders are called for, and no alterations in the plans, elevations and specifications when so approved shall be made without the consent in writing of the Company. The location of the buildings on the site must also be approved by the Company. The buyer shall not commence building operations until he has received the written approval of the Company to his plans, elevations and specifications. In the event of a breach of this clause the Company shall have the right to interdict the buyer from proceeding with his building operations and shall have the option to repurchase the erf upon payment of the cost price thereof without compensation for improvements.
- (l) Outbuilding shall not be built prior to the erection of the main dwelling or building which shall be a complete building and not one partly built and intended for completion at a later date.
- (m) No hotel, boarding house, canteen, restaurant, bioscope, shop, factory, industry or any place of business or entertainment whatsoever shall be opened or conducted upon the Special Residential Erven.
- (n) No canteen, restaurant, bioscope, shop, factory, industry or any place of business or entertainment whatsoever (with the exception of boarding houses) shall be opened or conducted upon the General Residential erven.
- (o) No signs, advertisements, advertisement hoardings or other lettering shall be erected on this erf, nor shall any advertisements, signs or lettering be painted on any buildings, walls or fence erected or to be erected on the said erf save and except with the written approval of the Company.



## Page 8

- (p) No debris, soap or other unsightly material shall be deposited on the said erf nor shall the purchaser or his successors in title deposit or allow to be deposited any debris, scrap or other unsightly material on the said erf without the written consent of the company first had and obtained.
- (q) In the foregoing conditions the expression "The Company: shall mean "The Hangklip Beach Estates, Limited as owner of the remaining extent of the Township" and it's successors in title to the whole of such remainder."

WHEREFORE the said Appearer, renouncing all rights and title which the said **JOHN OESCHGER, Married as aforesaid**

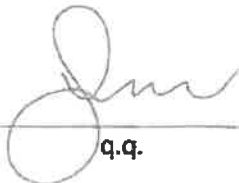
heretofore had to the premises, did in consequence also acknowledge him to be entirely dispossessed of, and disentitled to the same, and that by virtue of these presents, the said

**SONIC COMPUTERS AND WI-FI CC**  
**Registration Number 2010/167000/23**


or its Successors in Title or assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of R2 700 000,00 (TWO MILLION SEVEN HUNDRED THOUSAND RAND) .

IN WITNESS WHEREOF, I the said Registrar, together with the Appearer, have subscribed to these presents, and have caused the Seal of Office to be affixed thereto.

THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS at CAPE TOWN on **28 MAR 2019**

  
\_\_\_\_\_  
q.q.

In my presence

  
\_\_\_\_\_  
REGISTRAR OF DEEDS







Annexure E

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OVERSTRAND MUNISIPALITEIT

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19 DEC 2024

DOCUMENT CONTROL

OVERSTRAND MUNICIPALITY

TP- A Theart  
(H vld Stoop)

NOTICE OF OBJECTIONS

From Andre Marais <marais@gtlaw.co.za>

Date Thu 19-Dec-24 9:22 AM

To Loretta Gillion <loretta@overstrand.gov.za>

Cc lucasoosthuizen.lc@gmail.com <lucasoosthuizen.lc@gmail.com>

2 attachments (1 MB)

OOSTHUIZEN BRIEF.doc; IMG\_20241129\_124046.jpg;



Good Morning

Kindly note attached letter of objection with image in respect of Erf 3095 application.

Regards

Andre Marais

Andre Marais

Consultant

Tel: (028) 271 3031

Fax: (028) 271 3033 | Email: marais@gtlaw.co.za

Address: 10 Main Road Kleinmond, 7195  
PO Box 393, Kleinmond, 7195 | Docex 1 Caledon

VAT No: 4760174393 | Reg No: 4380105454



GUTHRIE & THERON  
ATTORNEYS SINCE 1899

Disclaimer

www.gtlaw.co.za

The risk of **CYBER CRIME** is real and emails/electronic communications are regularly intercepted by criminals. It is therefore imperative and absolutely necessary to **VERIFY** our banking details telephonically or in person with us **BEFORE** making any **PAYMENT** into our trust account. Bank verifications are strongly recommended before doing an **EFT**.

FILE NO. Erf 3095
KBB
SCAN NO.
COLLABORATOR NO.
2574351

19 DEC 2024

# GUTHRIE & THERON

PROKUREURS / ATTORNEYS / AMAGQWETHA  
AKTEBESORGERS / CONVEYANCERS / NOCANDA  
NOTARISSE / NOTARIES / INOTARIES  
BOEDELBEREDDERAARS / ADMINISTRATORS OF DECEASED ESTATES



## OVERSTRAND MUNICIPALITY

email: marais@gtlaw.co.za

### DX 1 CALEDON

HOOFWEG 10 / MAIN ROAD  
POSBUS 393 / P O BOX 393  
KLEINMOND 7195

TEL: (028) 271 3031/271 3280

FAX: (028) 271 3033

**ANDER KANTORE/  
OTHER OFFICES:**  
CALEDON  
GANSBAAI  
HERMANUS

U VERWYSING / YOUR REFERENCE: **195/2024**

ONS VERWYSING / OUR REFERENCE: ASM// LO 0007

DATUM / DATE: 17 DECEMBER 2024

## OVERSTRAND MUNICIPALITY

loretta@overstrand.gov.za

Dear sir / Madam

### **ERF 3095, 93 SEAVIEW DRIVE, BETTY'S BAY : APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, DEPARTURES AND DETERMINATION OF AN ADMINISTRATIVE PENALTY:**

With reference to the above matter we wish to confirm that we have received instructions from the owners of Erf 3094, Seaview Drive, Betty's Bay to act on their behalf and send this letter.

#### GENERAL COMMENTS

It is firstly pointed out that the property in question is located in a biosphere development area where title deed conditions have been included on the title deeds specifically to preserve the unique nature of the area. Any decisions or resolutions made should take aforesaid into consideration.

There should also be caution not to accommodate one property owner in such manner as to create a precedent which will allow other property owners to apply for similar removals and departures as they may argue that they are entitled to equal treatment by the municipality. This could obviously lead to destruction of the unique biosphere nature of the area.

#### APPLICATION 1: ADMINISTRATIVE PENALTY

The levy of an administrative penalty is in the discretion of the municipality which should be exercised taking into consideration all surrounding circumstances. Our clients have no specific objection in this regard and will abide to the municipality's decision.

## APPLICATIONS 2 AND 3 : RESTRICTIVE CONDITIONS (CELL PHONE TOWER & TRANSGRESSION OF ERF BOUNDARY)

It is acknowledged that the cell phone tower is currently of great value to the area to provide essential services to the residents and this should be taken into consideration. However with the development of technology such as fibre services other options are becoming available which is less intrusive to the biosphere. It is therefor proposed that any indulgence granted in this regard to the owners of Erf 3095 is of a temporary nature and limited to a specific time frame to allow them to convert to such less intrusive services where after the tower can be removed.

Our clients do not have any objections in the relaxation of the title conditions pertaining to the Northern and Eastern boundaries as this seems not to effect other residents presently or have an impact on the biosphere. There is however an objection against the removal of any other title conditions not relating to the aforesaid issues and not specified now and/or in future. This should however take into account the views and suggestions of our clients elaborated on more fully below.

### APPLICATION 4: LAND FILLING

It is firstly submitted by our clients that the present application of PLATINUM TOWN PLANNERS relating to the land filling as depicted therein, is misleading and should be rectified or evaluated taking into considerations our clients being the owners of Erf 3094 response.

Our client's objections are based on the reasons provided in the application being that the purpose is to do gardening/ beautification and provide additional parking.

A disregard for the title deed restrictions, the accumulation of building rubble and the installation of a sewerage tank are direct reasons why there is now a present application for land filling. By complying with such deed restrictions and removal of the rubble the same results can be achieved.

Erf 3095 is zoned as a Residential Zone 1 property which is a single residence (SR1) with no more than 5 parking areas required. Presently there are already 3 garages and a parking bay to the left hand side of the building.

As already pointed out above the property is situated in a biosphere and sensitive ecological area and the land filling application for the purposes advanced is contradictory to the objectives in this regard and against the required aesthetics.

The entrance to the plots and properties adjacent to Erf 3095 is served by a single lane road and for this reason the application for land filling and removal of title deed and/or municipal conditions effecting the Southern boundary should not be allowed. As an alternative our clients propose that the movement of traffic and service vehicles are accommodated by the municipality considering a cul-de-sac with turning circle which will provide sufficient space.

As already pointed out above a sewerage tank had been installed on top of the area to be land filled and is in transgression of the title deed conditions. The present application is therefor a baseless effort to hide this transgression while it in fact should be removed.

The present owner of Erf 3095 should therefor rather take responsibility for the illegal dumping of building rubble in restricted areas, pavement and street and not endeavour to circumvent the issues by applying for removal or relaxation of legal restrictions. Unfortunate he should also take responsibility for any administrative penalties that arose as a direct result of his actions in this regard. See attached a photograph of Erf 3095 before illegal dumping took place.

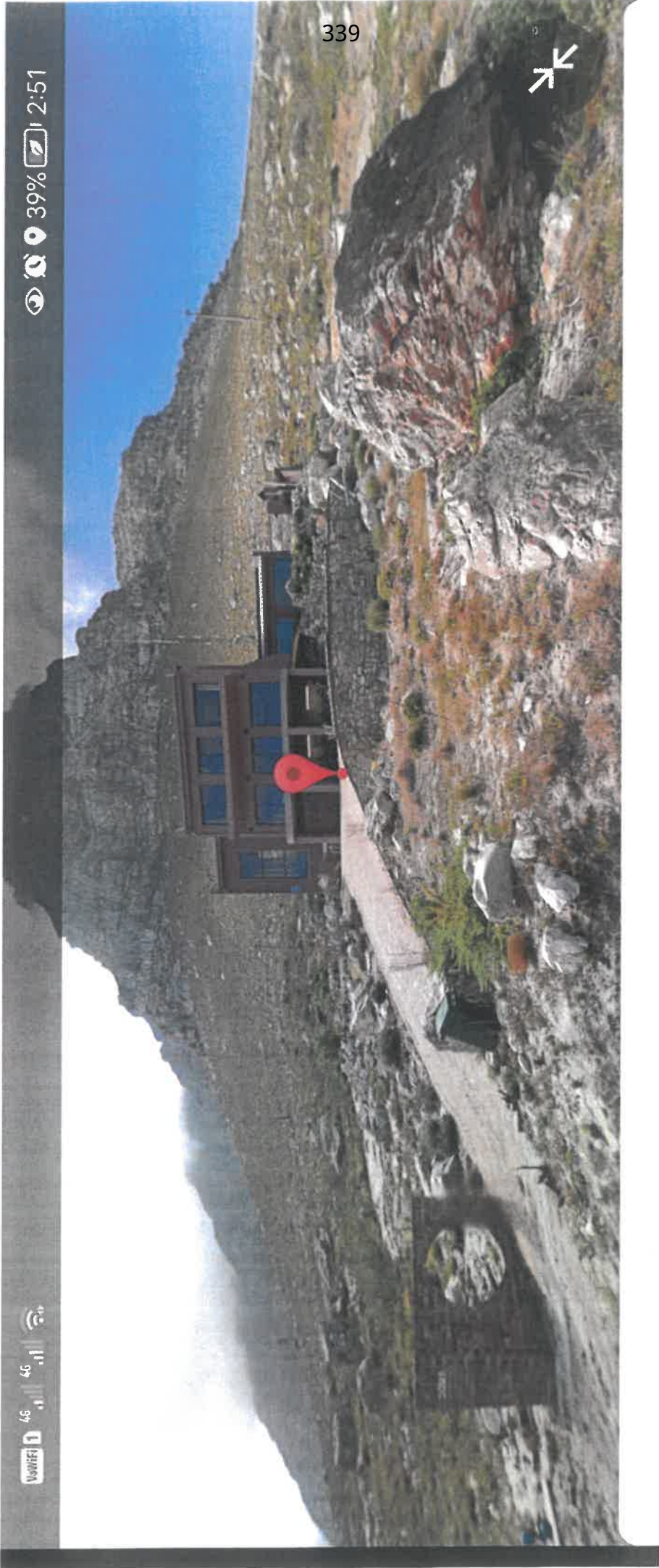
Our clients are not opposed to the movement of the entrance to Erf 3095.

We trust that you will consider the above and await your further advice in due course.

Yours Faithfully

Andre Marais

**GUTHRIE & THERON**



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Loretta Gillion

DOCUMENT CONTROL

6/27

OVERSTRAND MUNICIPALITY

DOCUMENT CONTROL

OVERSTRAND MUNICIPALITY

**From:** Martin Greyling <>  
**Sent:** Sunday, 01 December 2024 14:24  
**To:** Loretta Gillion  
**Subject:** Fwd: FW: Written comments to the application for removal of restrictive Title deed conditions - Erf 3095, 95 Seaview Drive, Betty's Bay  
**Attachments:** WhatsApp Image 2023-12-28 at 11.25.14 (2).jpeg; WhatsApp Image 2023-12-28 at 11.25.14.jpeg; WhatsApp Image 2023-12-28 at 11.25.15 (2).jpeg; WhatsApp Image 2023-12-28 at 11.25.13.jpeg; RE: Erf 3095, Bettie's Bay: Complaint Building Rubble etc..eml; FW: Rubble and unsightly debris complaint - erf 3095 Betty's bay.eml; FW: Rubble and unsightly debris complaint - erf 3095 Betty's bay.eml

Good day Overstrand Municipality

M.W. Greyling and my wife, L.A. Greyling are the owners of erf 3104, Seaview drive, Betty's Bay. This property is a vacant lot at this point and situated directly across from erf 3095 to which the application relates.

Erf 3104 was bought with the intention of building our retirement home in due course and we currently also own another property in Betty's Bay.

With reference to the application for removal of restrictive Title deed conditions - Erf 3095, 95 Seaview Drive, Betty's Bay, of which we were notified on 13 November, please find below comments.

2.1 - the cell phone tower.

I believe the tower has been on the property and was erected many years before they actually bought erf 3095. I would point out that there are limited service providers in Betty's Bay and who was responsible for erecting the tower is not presented in the application.

Ignorance is not an excuse and claiming prompt and responsible action by appointing Platinum Town planners is not a true reflection of good conduct especially considering that there are numerous transgressions.

Any reasonable property owner familiarises themselves with the title deed restrictions and basic by-laws of the area. So too when I bought my first property in Betty's Bay was I made aware of what I could use the property for, height and boundary restrictions and basic conditions for building structures in Sunny Seas in particular as well as about protecting the biosphere.

TP

2 DEC 2024

FILE NO.	Erf 3095-KBB
SCAN NO.	2564142
COLLABORATOR NO.	

I understand the tower serves the community however Sonic has and still receives a financial benefit from this illegally located structure.

I further add that the application does not address the height transgression, merely the boundary transgression.

The question on whether any persons involved in the transgression had contravened any other by-laws previously was also not answered.

I will also add that in many municipalities, cellphone towers are disguised as trees to create a more aesthetic appeal. Should you consider waiving any penalties, I urge you to offset this with a condition that the tower be made to look more suitable to the beautiful surroundings.

E2.2:

This portion of the application refers more towards amendment or even total deletion of that the land use Conditions B.(2), B.(4), B.(6) C.(i)5.(b), C.(i)5.(d) and C.(ii)(n) in Title Deed T11954/2019 than the relaxation of the boundary line.

I do believe that deletion of the rights of the community would be infringed if the said conditions are deleted. I don't believe that it would be to anyone else's benefit, apart from the landowner, to have erf 3095 rezoned or reclassified to include business use and I object to this.

I will consent to have relevant conditions amended to make allowance for the tower in an aesthetically pleasing format but not for total deletion or to change the land use. Should you allow this property as business use, it will become an office space or B&B at some stage.

E2.3:

I have no objection to relaxation of these boundary lines.

E2.4:

The application reads "it is the intention of the Landowner to landfill an area between the prescribed building line and efr boundary for gardening and/ beatification and additional parking purposes"

Firstly, this is a misrepresentation as the land had already been in the process of being filled for a few years. This statement is clearly added to misdirect and mislead to an existing transgression which

also warrants a penalty. I believe that sonic and or it's owners own various properties in Betty's Bay and it stands to reason that as community members, they should know that one is not allowed to dump rubble in our properties without prior consent from the municipality.

The initial driveway of erf 3095 was filled in and new parking has been in use for around 2 years already. There is no "intention" as it has already happened. Please see photographs attached.

For the past 2,5 years, I have been trying to reach the owners of plot 3095 due to the unsightly rubble that had been deposited on said erf, in Seaview drive and even on my side of the road. I eventually reached the tenant around early 2023, who advised that the owner was his friend and who was planning to resolve the issue and erect a decent retaining wall and remove all excess rubble within around 6 months. When this had not materialised by the end 2023, I sought support from the Overstrand municipality and ultimately lodged a complaint also attached.

During the past year, there has been quite a bit of follow up in order to get the complaint resolved and finally I was advised that transgressions were identified and there would be a formal process.

So to that end, I need to add that had I not been persistent, I believe this matter would not be on the path of being addressed and rectified.

The reference to the comment on "beautification" is laughable. Again please see the photographs attached. Erf 3095 had a good street appeal before it was filled with rubble.

I believe the reason for filling was that the initial driveway was slippery when wet due to the slope. A reasonable reason but one has to follow process to rectify it.

Today the facade from the road looks like a rubble dumping site with dangerous metal protrusions and concrete blocks that have not been secured.

In addition, a septic tank was installed within the rubble but clearly protruding and visible not only from Seaview drive, but also Clarence Drive as you enter / leave Sunny Seas.

This intentional landfill is not only unsightly and dangerous, but has caused prejudice by devaluing the mountain view from my property.

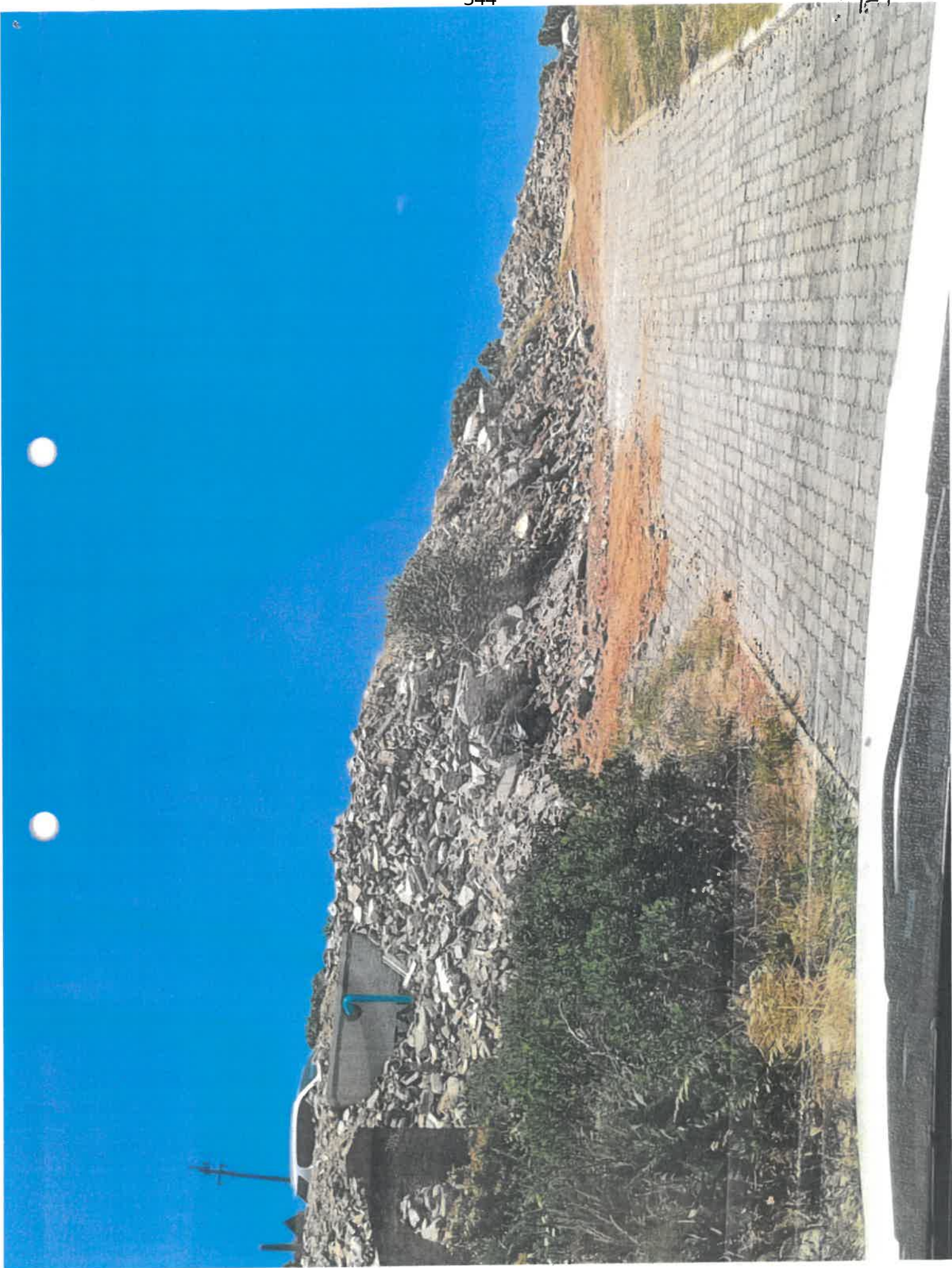
Here I see only two options that will be acceptable to us as the owners of erf 3104:

1. Complete removal of each and every piece of rubble and the septic tank and bringing erf 3095 back to it's condition before this illegal dumping and filling.
2. The structure be approved with relaxed building condition under the following conditions:

- A structural assessment and confirmation that the landfilled area is stable.
- Refer to paragraph H: the rubble and deposits were not controlled or restricted. A clearance report from a hazardous assessment company confirming the filled area is free of any hazardous materials like asbestos, lead paints etc that could filter down into or affect the residence and biosphere on erf 3104 is requested.
- Complete beautification of the road appeal of this landfilled area and the commitment to maintain it. This through the erection of a retaining wall and accessories like plants that blend with the surroundings. This would include "hiding" the septic tank.
- Cleaning up the surrounding area including erf 3104 where rubble and debris deposited had solidified over so that there is no evidence that the area was used as a building rubble dumping site.
- The above to be completed within a reasonable 6 months of the municipality's decision.

Best regards

M W Greyling



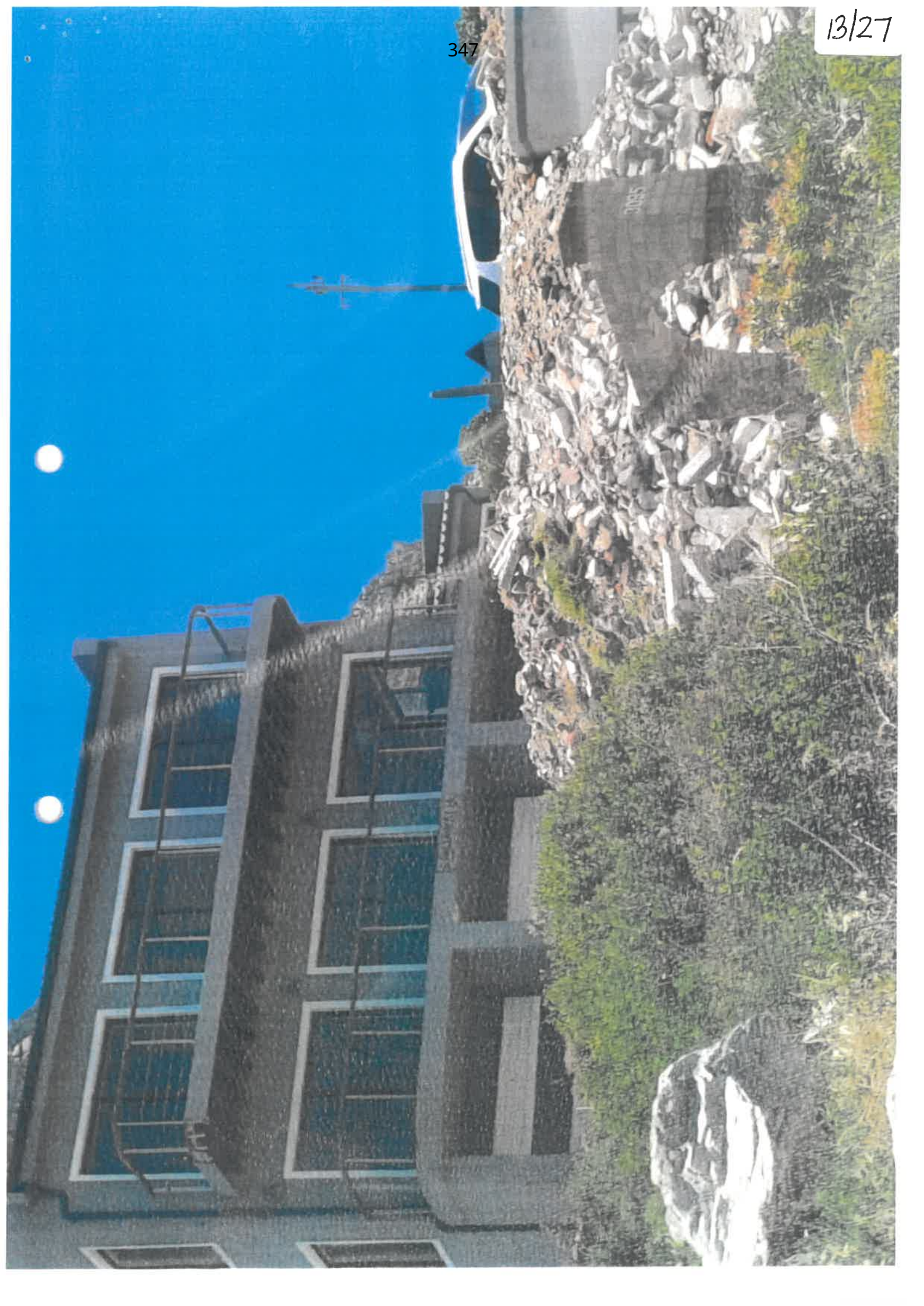
11/27





13/27

347



**Loretta Gillion**

---

**From:** Helgaardt Boshoff <hboshoff@overstrand.gov.za>  
**Sent:** Thursday, 19 September 2024 15:47  
**To:** Martin Greyling  
**Subject:** RE: Erf 3095, Bettie's Bay: Complaint Building Rubble etc.

This message was sent from outside of your organization. Please do not click links or open attachments unless you recognize the source of this email and know the content is safe.

Good afternoon Martin

As a surrounding property owner, you will receive a notice of the application once the process enters the public participation process. It is also advisable to regularly check the local newspaper/s (non-national papers). All planning applications are also advertised on the municipality's website at the following link :

<https://www.overstrand.gov.za/document/town-spatial-planning/land-use-planning-applications/>

Kind regards.

Helgaardt Boshoff  
Administrative Officer  
Overstrand Municipality  
A: 16 Paterson Street, Hermanus, 7200 P: P O Box 20  
T: 028 313 8900 / F: 028 313 2093 / E: hboshoff@overstrand.gov.za

**From:** Martin Greyling < >  
**Sent:** Thursday, September 19, 2024 3:29 PM  
**To:** Helgaardt Boshoff <hboshoff@overstrand.gov.za>  
**Subject:** RE: Erf 3095, Bettie's Bay: Complaint Building Rubble etc.

Good day Mr Boshoff.

Thank you for your update and I do understand that due process take time.

Could you guide as to where I could find the rules to the due process so I can object to the application if needed?

I appreciate your guidance and hope you enjoy your vacation period.

Have a great afternoon

Martin

**From:** Helgaardt Boshoff <hboshoff@overstrand.gov.za>  
**Sent:** Thursday, September 19, 2024 3:23 PM  
**To:** Martin Greyling < >  
**Subject:** FW: Erf 3095, Bettie's Bay: Complaint Building Rubble etc.

This message was sent from outside of your organization. Please do not click links or open attachments unless you recognize the source of this email and know the content is safe.

Good day Mr Greyling

A town planning application has been received for, amongst others, the illegal filling of rubble within the relevant building line (setback from boundary within which no fillings of higher than a meter is allowed). Since a town planning application has been submitted I cannot proceed with any non-compliance processes at this stage and the process is put on hold until a final decision is made on the town planning application. Fortunately, the public participation process of the planning application that should follow in due course now gives you an opportunity to formally object to the application on the grounds of your complaint. Normally such applications are considered by the independent Municipal Planning Tribunal, and should you not be satisfied with the outcome of the application, or any condition imposed should it be approved, you will also have an opportunity to appeal such decision or condition. However, and unfortunately these applications are time consuming due to the legally prescribed processes involved. Should you observe any change in the current status quo on the property it would be appreciated if you could capture it and forward it immediately to me for investigation and further action should it be necessary.

Trusting you find the above in order.

Kind regards.

Helgaardt Boshoff  
Administrative Officer  
Overstrand Municipality  
A: 16 Paterson Street, Hermanus, 7200 P: P O Box 20  
T: 028 313 8900 / F: 028 313 2093 / E: [hboshoff@overstrand.gov.za](mailto:hboshoff@overstrand.gov.za)

**From:** Helgaardt Boshoff  
**Sent:** Tuesday, September 17, 2024 4:12 PM  
**To:** 'Martin Greyling' <[\\_\\_\\_\\_\\_1](mailto:_____1)>  
**Subject:** RE: Erf 3095, Bettie's Bay: Complaint Building Rubble etc.

Good day Mr Greyling

I am sure that the building department has the teeth to force the person the make the area neat. As said I am just waiting for a response from the building inspector from that side. I will be on leave as from Monday coming for two weeks so there may be a delay in my response.

Kind regards.

Helgaardt Boshoff  
Town Planner: Land Use Compliance  
Overstrand Municipality  
A: 16 Paterson Street, Hermanus, 7200 P: P O Box 20  
T: 028 313 8900 / F: 028 313 2093 / E: [hboshoff@overstrand.gov.za](mailto:hboshoff@overstrand.gov.za)

**From:** Martin Greyling <[\\_\\_\\_\\_\\_1](mailto:_____1)>  
**Sent:** Tuesday, September 17, 2024 4:00 PM  
**To:** Helgaardt Boshoff <[hboshoff@overstrand.gov.za](mailto:hboshoff@overstrand.gov.za)>  
**Subject:** RE: Erf 3095, Bettie's Bay: Complaint Building Rubble etc.

Good day Mr Boshoff.

Thank you very much for the update.

Just for some background. The rubble was deposited by other builders etc. on request from the owner in order to fill up the road facing side of his property so he could have a bigger parking area on the same level as the house – their driveway was quite steep and slippery.

I have no issue with the solution but have issue that the parking area is complete but the rubble is showing from the road.

A simple, neighbourly and acceptable solution would have been to cover the rubble with soil (obviously in line with property lines etc) and plant some plants. This would be more cost effective than the retaining wall I was told by the owners friend and tenant that rented the place a while back, was to be erected.

The rubble had at one point spilled into the road and onto the verge on the opposite side where my property at 3104 Seaview road is located. This was cleaned which I am grateful for but I would not want my mountain view spoilt by looking into a rubble heap until the owner one day decides he wants to sell and cleans up the facade.

Again I appreciate your support and look forward to the owner doing the right thing not only from a compliance perspective but also from the perspective of keeping Sunny Seas a sought after area.

Best regards

Martin

**From:** Helgaardt Boshoff <[hboshoff@overstrand.gov.za](mailto:hboshoff@overstrand.gov.za)>  
**Sent:** Tuesday, September 17, 2024 1:58 PM  
**To:** Martin Greyling <  
**Subject:** Erf 3095, Bettie's Bay: Complaint Building Rubble etc.

This message was sent from outside of your organization. Please do not click links or open attachments unless you recognize the source of this email and know the content is safe.

Good day Mr Greyling

I am the new compliance officer for the area. I only came in at a late stage of the complaint. I have requested the status quo of the building activities with the building inspector of the area, after which I will correspond with you again. Further, I am aware that the landowner submitted a town planning application for certain contraventions - such applications are unfortunately time-consuming, but I am sure that the whole matter will be resolved. Would you be so kind as to inform me which property belongs to you.

Kind regards.

Helgaardt Boshoff

Town Planner: Land Use Compliance

Overstrand Municipality

A: 16 Paterson Street, Hermanus, 7200 P: P O Box 20

T: 028 313 8900 / F: 028 313 2093 / E: [hboshoff@overstrand.gov.za](mailto:hboshoff@overstrand.gov.za)

**Loretta Gillion**

**From:** Martin Greyling <  
**Sent:** Monday, 09 September 2024 16:48  
**To:** Brady Minnaar; Robyn Samuels; Enquiries; martingreyling1972@gmail.com  
**Cc:** Law KM; Hanneen van der Stoep; Sherwin Rossouw; Theresa Els  
**Subject:** FW: Rubble and unsightly debris complaint - erf 3095 Betty's bay  
**Attachments:** WhatsApp Image 2023-12-28 at 11.25.13.jpeg; WhatsApp Image 2023-12-28 at 11.25.14 (2).jpeg; WhatsApp Image 2023-12-28 at 11.25.15 (2).jpeg; WhatsApp Image 2023-12-28 at 11.25.14 (002).jpeg; 20240518\_121855.jpg; 20240518\_121840.jpg; Building rubble complaint.pdf

Good day Overstrand Municipality.

Hope this finds you well.

Since I have not received any update nor seen any real progress on the condition of the rubble on erf 3095 since my initial complaint in December 2023, kindly find an official complaint.

Since my initial complaint, I am lead to believe that the complaint should be directed at the Waste Management department thus have added @enquiries@overstrand.gov.za for support.

Kindly advise if there is a platform I need to submit this on in order to obtain a reference number.

I need to add that I had the property listed for sale and have lost the sale on two occasions after investors from Durban and Johannesburg travelled to Betty's bay to view the property. After viewing, they subsequently did not proceed due to the exposed rubble.

Not only did this affect me negatively but at the same time created a negative investor opinion towards the Overstrand municipality.

Best regards

Martin Greyling.

**From:** Martin Greyling  
**Sent:** Monday, May 20, 2024 5:09 PM  
**To:** Brady Minnaar <bminnaar@overstrand.gov.za>; Robyn Samuels <rsamuels@overstrand.gov.za>  
**Cc:** Law KM <lawkm@overstrand.gov.za>; Hanneen van der Stoep <hvdstoep@overstrand.gov.za>; Sherwin Rossouw <srossouw@overstrand.gov.za>  
**Subject:** RE: Rubble and unsightly debris complaint - erf 3095 Betty's bay

Thank for your very efficient reply Mr Minnaar.

I truly appreciate it.

No, the compliant remains as is.

I merely pointed out that the septic tank is still visible as per pictures in original complaint. Pls refer first 4 images.

I noticed the rubble outside property 3095 (I am not privy to the boundaries but reasonably obvious) in picture 3 have largely been cleaned up (refer to the right of picture 5) but the rubble inside 3095 and above road level remains visible as per additional 2 pictures (5&6) taken over the weekend.

Filling with soil and in future having plants would largely resolve the aesthetics – Sure I don't have to point out that this solution would only work within the property boundaries.

If there has been any indication from the owner to remedy this and a timeline it would set my mind at ease.

Again I much appreciate your support.

Martin Greyling

**From:** Brady Minnaar <bminnaar@overstrand.gov.za>

**Sent:** Monday, 20 May 2024 16:21

**To:** Martin Greyling < >; Robyn Samuels <rsamuels@overstrand.gov.za>

**Cc:** Law KM <lawkm@overstrand.gov.za>; Hanneen van der Stoep <hvdstoep@overstrand.gov.za>; Sherwin Rossouw <srossouw@overstrand.gov.za>

**Subject:** RE: Rubble and unsightly debris complaint - erf 3095 Betty's bay

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Good day,

I trust that you are well.

Your email is noted.

If I am correct in understanding your email below, your new complaint is with regards to the "septic tank" (conservancy tank) that is visible.

Per your original complaint regarding the filling, the property owner was instructed to stop and submit a land use planning application. The application has been submitted this year. Note that any new filling by the property owner will be another contravention in terms of the By-Law.

Therefore, the application must first be finalised before any further developments occur on the subject property.

Thank you & kind regards,

**Brady Minnaar**

Town Planner: Land Use Management & Compliance

Department: Town & Spatial Planning

Directorate: Infrastructure & Planning

Overstrand Municipality

**A:** 16 Paterson Street, Hermanus, 7200

**T:** 028 313 8900 | **E:** [bminnaar@overstrand.gov.za](mailto:bminnaar@overstrand.gov.za)

Classification: Internal

**From:** Martin Greyling < >

**Sent:** Monday, May 20, 2024 3:56 PM

**To:** Robyn Samuels <rsamuels@overstrand.gov.za>; Brady Minnaar <bminnaar@overstrand.gov.za>

**Cc:** Law KM <lawkm@overstrand.gov.za>

**Subject:** RE: Rubble and unsightly debris complaint - erf 3095 Betty's bay

Good day Mr Minnaar.

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19/27

Two months have passed and I have not yet had a reply.

I visited the site again over the weekend and although the rubble is no longer lying in the road, the septic tank is still clearly visible and the rubble landfill is still not covered and still looks like a heap of rubble with metal protruding from concrete rubble as per the original pictures sent.

I listed my property on the market a short while back. I have had interest and one comment on loss of sale is due to the rubble.

Please reply as a matter of urgency or direct me to the correct party to get this resolved amicably or else I will be forced to take legal action.

Best regards

Martin Greyling

Classification: Internal

**From:** Martin Greyling

**Sent:** Monday, 11 March 2024 12:16

**To:** Robyn Samuels <[rsamuels@overstrand.gov.za](mailto:rsamuels@overstrand.gov.za)>; Brady Minnaar <[bminnaar@overstrand.gov.za](mailto:bminnaar@overstrand.gov.za)>

**Cc:** Law KM <[lawkm@overstrand.gov.za](mailto:lawkm@overstrand.gov.za)>

**Subject:** RE: Rubble and unsightly debris complaint - erf 3095 Betty's bay

Thank you Mr Samuels

I am following up on this request please Mr Minnaar.

I appreciate your support in resolving this matter as a matter of urgency.

Best regards

Martin Greyling

**From:** Robyn Samuels <[rsamuels@overstrand.gov.za](mailto:rsamuels@overstrand.gov.za)>

**Sent:** Wednesday, 10 January 2024 11:22

**To:** Brady Minnaar <[bminnaar@overstrand.gov.za](mailto:bminnaar@overstrand.gov.za)>

**Cc:** Martin Greyling <>; Law KM <[lawkm@overstrand.gov.za](mailto:lawkm@overstrand.gov.za)>

**Subject:** FW: Rubble and unsightly debris complaint - erf 3095 Betty's bay

This message was sent from outside of your organization. Please do not click links or open attachments unless you recognize the source of this email and know the content is safe.

Dear Mr Minnaar

I refer to the attached photos and below e-mail received.

I sent Mr Mattei for an inspection on 30/12/2023 and he informed me that the condition is as per attached photos. I requested him to visit the Building Department once the Municipality opens again.

Mr Mattei visited their offices on 08/01/2024 and Miss Breyll informed him that Mr Rossouw is on leave but had conducted an inspection with you at the site w.r.t the complaint received. The complaint was then handed over to your offices.

20/27

Can you perhaps provide feedback to the complainant?

Kind regards

**Robyn Samuels**

Senior Inspector: Law Enforcement Kleinmond

Overstrand Municipality

T: 028 271 8493/8466 | E: [rsamuels@overstrand.gov.za](mailto:rsamuels@overstrand.gov.za)



Vision Statement: "To be a centre of excellence for the community"

Classification: Internal

**From:** Martin Greyling <[m.greyling@overstrand.gov.za](mailto:m.greyling@overstrand.gov.za)>  
**Sent:** Friday, December 29, 2023 10:28 AM  
**To:** Robyn Samuels <[rsamuels@overstrand.gov.za](mailto:rsamuels@overstrand.gov.za)>  
**Subject:** Rubble and unsightly debris complaint - erf 3095 Betty's bay

Good day Mr/Ms Samuels.

Hope this finds you well.

Kindly support in guiding me with the correct procedure and or contact person details if this is not sufficient in remedying the situation.

My wife and I live in Cape Town however own two more properties in Betty's Bay, one occupied by my parents and the other being vacant plot erf 3104 Bettys Bay situated at 76 Seaview Drive, Sunny Seas which we purchased in Sept 2021.

At the time of purchase unsightly rubble had been deposited in the road and on erf 3095. I was informed it was on the owner of erf 3095's request as he was filling in the land to change the driveway access which would be completed soon once he had enough rubble to fill.

I visited the plot more than a year back and the driveway had been redirected and the area largely cleaned up however some unsightly rubble was still visible from the road. I enquired with the occupants of the residence and was advised that the owner intended putting up a retaining wall to remedy this. I was led to believe the owner is a respected community member and owner of Sonic Kleinmond which I have not been able to verify.

Regardless, I had not been back to the plot in a while and visited the same around 2 weeks back to take some pictures and found more rubble and debris strewn along the road, on municipal ground and the unsightly debris filled elevation still very much without any form of disguise. The septic tank is also clearly visible from the road as per the photos attached.

I also saw some rubble has spilled over to my property although not significant.

I was looking for the correct bylaws that govern this how<sup>399</sup> have not made any progress when I noticed the following in my Title deed under C II (p) and (q).

21/27

- company.
- (p) No debris, scrap or other unsightly material shall be deposited on the said erf nor shall the purchaser or his successors in title deposit or allow to be deposited any debris, scrap or other unsightly material on the said erf, without the written consent of the company first had and obtained.
  - (q) In the foregoing conditions the expression "the company" shall mean "The Hangklip Beach Estates Limited, as owner of the remaining extent of the township" and its successors in title to the whole of such remainder, held under Certificate of Township Title Number 369 dated 18<sup>th</sup> January 1956.

I also found your details on the Overstrand website listing illegal dumping hence my mail direction.

Could you please confirm how I can:

1. get the conditions of the Title deed enforced
2. stop the owner of erf 3095 allowing the dumping of rubble in the road / public spaces and even on his property as this creates a very bad impression of our area.
3. Clean up the debris with urgency and remedy the debris landfilled driveway elevation.

I appreciate your support and wish you a prosperous 2024.

Best regards

Martin Greyling  
Head of Customs Product - Southern Africa & Indian Ocean Islands



Maersk South Africa (Pty) Ltd

Company Registration Number: 1992/005770/07

is agent on behalf of Maersk A/S (Incorporated in Denmark)

SA Reg. No: 2015/028124/10

Roggebaai Place, 8<sup>th</sup> Floor

4 Jetty Street

Foreshore

Cape Town

Phone: +27  
Mobile: +27

e-mail:

Web: [Maersk.com/CHB](http://Maersk.com/CHB)



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Overstrand Municipality Waste Management Department

**Subject:** Complaint Regarding Building Rubble Infringement on Erf 3095, Sunny Seas

**Date:** 09/09/2024

**Dear Sir/Madam,**

I am writing to formally lodge a complaint regarding a persistent issue of building rubble on the property located at Erf 3095, Sunny Seas. This matter was initially reported to Mr Samuels at Law Enforcement on 29 December 2023. Mr Samuels efficiently initiated a site inspection and forwarded this to Town Planning Department on 10 January 2024.

I followed up on 11 March 2024 and again on 20 May 2024 whereafter Mr Minnaar from Town planning advised that *"Per your original complaint regarding the filling, the property owner was instructed to stop and submit a land use planning application. The application has been submitted this year. Note that any new filling by the property owner will be another contravention in terms of the By-Law. Therefore, the application must first be finalised before any further developments occur on the subject property."*

I requested and resolution timeframe, but none has been forthcoming and despite these reports, the issue remains unresolved.

I again visited the site on 08 Sept 2024 to find no change from the pictures attached.

According to the Overstrand Municipality's Integrated Waste Management By-Law, 2013, property owners are required to ensure that waste, including building rubble, is properly disposed of and not visible from public areas. Specifically:

- **Section 21** requires property owners to have a plan for the management of building waste, including its storage and disposal.
- **Section 22** mandates that building waste must be stored in a manner that does not cause a nuisance or harm to the environment and must not be visible from public areas.
- **Section 23** outlines the requirements for the removal and proper disposal or recycling of building waste.

Additionally, the Municipal Land Use Planning By-Law mandates that properties must be maintained in a condition that does not negatively impact the surrounding environment or community.

The continued presence of building rubble on Erf 3095 is a clear violation of these by-laws and has become a significant nuisance to the residents of Sunny Seas. The lack of transparent resolution on this matter is concerning and requires your attention.

I kindly request that the Overstrand Municipality take prompt and effective action to enforce the relevant by-laws and ensure the removal of the building rubble from Erf 3095. Please provide me with an update on the steps being taken to address this issue.

Thank you for your attention to this matter. I look forward to your prompt response.

**Sincerely,**

Martin Greyling

**From:** Robyn Samuels <rsamuels@overstrand.gov.za>  
**Sent:** Wednesday, 10 January 2024 11:22  
**To:** Brady Minnaar  
**Cc:** Martin Greyling; Law KM  
**Subject:** FW: Rubble and unsightly debris complaint - erf 3095 Betty's bay  
**Attachments:** WhatsApp Image 2023-12-28 at 11.25.13.jpeg; WhatsApp Image 2023-12-28 at 11.25.14 (2).jpeg; WhatsApp Image 2023-12-28 at 11.25.14.jpeg; WhatsApp Image 2023-12-28 at 11.25.15 (2).jpeg

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Dear Mr Minnaar

I refer to the attached photos and below e-mail received.

I sent Mr Mattei for an inspection on 30/12/2023 and he informed me that the condition is as per attached photos. I requested him to visit the Building Department once the Municipality opens again.

Mr Mattei visited their offices on 08/01/2024 and Miss Brewell informed him that Mr Rossouw is on leave but had conducted an inspection with you at the site w.r.t the complaint received. The complaint was then handed over to your offices.

Can you perhaps provide feedback to the complainant?

Kind regards

**Robyn Samuels**  
Senior Inspector: Law Enforcement Kleinmond  
Overstrand Municipality  
T: 028 271 8493/8466 | E: [rsamuels@overstrand.gov.za](mailto:rsamuels@overstrand.gov.za)



Vision Statement: "To be a centre of excellence for the community"

Classification: Internal

**From:** Martin Greyling < >  
**Sent:** Friday, December 29, 2023 10:28 AM  
**To:** Robyn Samuels <rsamuels@overstrand.gov.za>  
**Subject:** Rubble and unsightly debris complaint - erf 3095 Betty's bay

Good day Mr/Ms Samuels.

Hope this finds you well.

Kindly support in guiding me with the correct procedure and or contact person details if this is not sufficient in remedying the situation.

My wife and I live in Cape Town however own two more properties in Betty's Bay, one occupied by my parents and the other being vacant plot erf 3104 Bettys Bay situated at 76 Seaview Drive, Sunny Seas which we purchased in Sept 2021.

At the time of purchase unsightly rubble had been deposited in the road and on erf 3095. I was informed it was on the owner of erf 3095's request as he was filling in the land to change the driveway access which would be completed soon once he had enough rubble to fill.

I visited the plot more than a year back and the driveway had been redirected and the area largely cleaned up however some unsightly rubble was still visible from the road. I enquired with the occupants of the residence and was advised that the owner intended putting up a retaining wall to remedy this. I was led to believe the owner is a respected community member and owner of Sonic Kleinmond which I have not been able to verify.

Regardless, I had not been back to the plot in a while and visited the same around 2 weeks back to take some pictures and found more rubble and debris strewn along the road, on municipal ground and the unsightly debris filled elevation still very much without any form of disguise. The septic tank is also clearly visible from the road as per the photos attached.

I also saw some rubble has spilled over to my property although not significant.

I was looking for the correct bylaws that govern this however have not made any progress when I noticed the following in my Title deed under C II (p) and (q).

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- (q) In the foregoing conditions the expression "the company" shall mean "The Hangklip Beach Estates Limited, as owner of the remaining exterior of the township" and its successors in title to the whole of such remainder, held under Certificate of Township Title Number 369 dated 18<sup>th</sup> January 1956.

I also found your details on the Overstrand website listing illegal dumping hence my mail direction.

Could you please confirm how I can:

1. get the conditions of the Title deed enforced
2. stop the owner of erf 3095 allowing the dumping of rubble in the road / public spaces and even on his property as this creates a very bad impression of our area.
3. Clean up the debris with urgency and remedy the debris landfilled driveway elevation.

I appreciate your support and wish you a prosperous 2024.

Best regards

Martin Greyling  
Head of Customs Product - Southern Africa & Indian Ocean Islands

25 | 27

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
19 NOV 2024
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

**Loretta Gillion**

**From:** Andre Schoeman < >  
**Sent:** Monday, 18 November 2024 11:49  
**To:** Loretta Gillion  
**Cc:** amund@vodamail.co.za  
**Subject:** FW: Erf 3095, 95 Seaview Drive, Betty's Bay  
**Attachments:** ADVERTISEMENT\_Erf 3095, 95 Seaview drive, Betty's Bay (ROR Dep Penalty).pdf

To whom it may concern.

I hereby wish to make official comments regarding the APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, DEPARTURES AND DETERMINATION OF AN ADMINISTRATIVE PENALTY is provided in the e-mail below.

My Name is André Schoeman and I reside at 23 Chiswick Place, Cherrybrook, NSW, Australia 2126

can be contacted at : or via mobile at

My interest in the application stems from the fact that I am the owner of Erf 3061 Betty's Bay also known as 25 Seaview Drive. Due to the close proximity of the identified property, I have a very keen interest in providing comments.

The three departures stated in the notice as:

- (i) relax the street building line from 4m to 0m to accommodate the existing infill area,
- (ii) relax the lateral building line from 2m to 0m to accommodate the existing dwelling, and
- (iii) exceed the permissible 8m height restriction to accommodate the existing 10m high transmission apparatus on the property.

are fundamental and non-trivial in nature and any transgression of the regulations would not have been a mere error.

Due to the fundamental nature of these oversights, I am concerned that, should permission be granted for these departures, this would set a precedent for all future building projects and significantly impact on the aesthetic, as well as spacious nature of the town planning regulations and vision for Betty's Bay. I simply cannot imagine what I would do, should a neighbour of mine be allowed to build a house abutting the property line as is being requested in this instance. Nor could I imagine what I would do should all the neighbours in front of my property be allowed to erect 10m high transmission equipment – we bought our property for the views and the spaciousness of the properties. This simply cannot be allowed and doing so would set us on a slippery slope to nowhere.

Being part of / close to an internationally recognised Biosphere, the building regulations were established to protect the environment and honour our commitment to the Biosphere. Any deviations are unacceptable, let alone deviations as blatant as these documented.

Please could you be so kind as to let me know if you need anything else from me in order for my comments to be considered?

Sincerely

André

19 NOV 2024

FILE NO. Erf 3095 - KBB ✓
SCAN NO.
2556697
COLLABORATOR NO.

26/27

**From:** amund@vodamail.co.za <amund@vodamail.co.za>  
**Sent:** Wednesday, 13 November 2024 9:10 PM  
**To:** lennel871@gmail.com; wimstrydom@hotmail.com; mccallum.leigh@gmail.com; isignvan@iafrica.com; yfbarnes@gmail.com; djprop786@gmail.com; petro-ann@stephenbeukes.co.za; susturt@gmail.com; zakaston@gmail.com; wegelin@mweb.co.za; pondokkie3059@hotmail.com; vista3060@icloud.com; schoemana@hotmail.com; maremariette@gmail.com; ferreira.coetzee@gmail.com; annarie@nulandiselgin.co.za; robinsandford@telkomsa.net; mark.kammerlander@gmail.com; robert@circledesign.co.za; gggreen@sonicmail.co.za; ronel.vantonder@absa.africa; clive.a.j.knight@gmail.com; vanniekerkalbertelda@gmail.com; info@redphoto.net; listma4656@gmail.com; fouriejoel@icon.co.za; abenjamin@barloworld-equipment.com; lgds@leondestadler.com; info@wcshe.co.za; charmainneconstable@gmail.com; saboks@iafrica.com; grant.mutamba@yahoo.com; philip.stoop1@gmail.com; berenice.wilson@gmail.com; wikus@landscaping.africa; ken.mcdonald@aglgroupp.com; richard.white@capetown.gov.za; greylingan@me.com; glipp@sun.ac.za; lizevanschalkwyk0@gmail.com; zach@propertylegends.co.za; rdpelektries@gmail.com; ksoyez@eike.co.za; ansimpson@live.com; pennyoosthuizen13@gmail.com; exdboaz@sonicmail.co.za; bverwey@absamail.co.za; witkop@twk.co.za  
**Cc:** 'Pieter de Haas' <pieter@platinumtownplanners.co.za>  
**Subject:** Erf 3095, 95 Seaview Drive, Betty's Bay

Dear Resident;

Trust you are well?

Please find attached correspondence regarding **Erf 3095, 95 Seaview Drive, Betty's Bay.**

If there are any questions, please contact me via email [amund@vodamail.co.za](mailto:amund@vodamail.co.za) or at 072 184 9621.

Thanks.

Regards / Groetnis

Amund

Amund Beneke Pr. PLN (A/680/1992) // MSAACPP // MPRE 1137487  
 M. Comm (Business Management // B. Art et Scien (Town-planning)  
 Director: Platinum Town and Regional Planners CC  
 Director: Platinum Town Properties (PTY) Ltd  
 Director: Platinum Town Project Management (PTY) Ltd

**Exciting news: We have a new Office in the Overstrand Municipal Area to serve the Western Cape / Eastern Cape / Northern Cape Areas.**



**Overstrand Office**

52 Seaview Drive, Betty's Bay  
 Cell: 072 184 9621  
 Email: [amundpaul@gmail.com](mailto:amundpaul@gmail.com)  
[amund@vodamail.co.za](mailto:amund@vodamail.co.za)

**Pretoria Office**

61 Woodlands Avenue, Pecanwood  
 Cell: 083 226 1316  
 Email: [pieter@platinumtownplanners.co.za](mailto:pieter@platinumtownplanners.co.za)  
[dehaas@telkomsa.net](mailto:dehaas@telkomsa.net)

27/27

**Loretta Gillion**

REKORDBEHEER

15 NOV 2024

DOCUMENT CONTROL

OVERSTRAND MUNICIPALITY

**From:** Andre Schoeman < > 1>  
**Sent:** Friday, 15 November 2024 11:21  
**To:** amund@vodamail.co.za  
**Cc:** Loretta Gillion  
**Subject:** RE: Erf 3095, 95 Seaview Drive, Betty's Bay

Good afternoon

Please could you let me know how I can provide formal comments on this proposal?

I am strongly opposed to giving approval as I do believe this would set an unacceptable precedent and significantly impact on the values of the properties nearby, including mine.

I am the owner of 25 Seaview Drive and would be absolutely appalled if the building lines of properties next to mine were relaxed to 0m - we could end up with houses abutting each other on the border-lines. In addition, having 10m tall "transmission equipment" on a property where the high restriction is 8m is unacceptable. For years we have all abided by these regulations and I see no reason for these to be relaxed.

Sincerely

André Schoeman

**From:** amund@vodamail.co.za <amund@vodamail.co.za>  
**Sent:** Wednesday, 13 November 2024 9:10 PM  
**To:** lennel871@gmail.com; wimstrydom@hotmail.com; mccallum.leigh@gmail.com; isignvan@iafrica.com; yfbarnes@gmail.com; djprop786@gmail.com; petro-ann@stephenbeukes.co.za; susturt@gmail.com; zakaston@gmail.com; wegelin@mweb.co.za; pondokkie3059@hotmail.com; vista3060@icloud.com; schoemana@hotmail.com; maremariette@gmail.com; ferreira.coetzee@gmail.com; annarie@nulandiselgin.co.za; robinsandford@telkomsa.net; mark.kammerlander@gmail.com; robert@circledesign.co.za; gggreen@sonicmail.co.za; ronel.vantonder@absa.africa; clive.a.j.knight@gmail.com; vanniekerkalbertelda@gmail.com; info@redphoto.net; listma4656@gmail.com; fouriejoel@icon.co.za; ybenjamin@barloworld-equipment.com; lgds@leondestadler.com; info@wcshe.co.za; charmainneconstable@gmail.com; saboks@iafrica.com; grant.mutamba@yahoo.com; philip.stoop1@gmail.com; berenice.wilson@gmail.com; wikus@landscaping.africa; ken.mcdonald@aglgroupp.com; richard.white@capetown.gov.za; greylingan@me.com; glipp@sun.ac.za; lizevanschalkwyk0@gmail.com; zach@propertylegends.co.za; rdpelektries@gmail.com; ksoyez@eike.co.za; ansimpson@live.com; pennyooothuizen13@gmail.com; exdboaz@sonicmail.co.za; bverwey@absamail.co.za; witkop@twk.co.za  
**Cc:** 'Pieter de Haas' <pieter@platinumtownplanners.co.za>  
**Subject:** Erf 3095, 95 Seaview Drive, Betty's Bay

Dear Resident;

Trust you are well?

Please find attached correspondence regarding **Erf 3095, 95 Seaview Drive, Betty's Bay.**

If there are any questions, please contact me via email [amund@vodamail.co.za](mailto:amund@vodamail.co.za) or at 072 184 9621.

Thanks.

TP 15 NOV 2024

FILE NO. Erf 3095-KBB
SCAN NO.
2512191
COLLABORATOR NO.



**PIETER DE HAAS (PR. PLN (A/283/1985))**  
 BA. Honnoreus (Economics)  
 B. Art. et Scien. (Planning)

Mobile: 083 226 1316  
 Email: [dehaas@talkoosa.net](mailto:dehaas@talkoosa.net)

Postnet Suite #61  
 Private Bag X15  
 Somerset West  
 7129

**AMUND BENEKE (PR. PLN (A/660/1992))**  
 M Com (Business Management)  
 B. Art. et Scien. (Planning)

Mobile: 072 164 9621  
 Email: [amund@vodamail.co.za](mailto:amund@vodamail.co.za)

**THE DIVISIONAL MANAGER: TOWN AND SPATIAL PLANNING**  
**PO BOX 20**  
**HERMANUS**  
**7200**

ATTENTION:

- Hanneen van der Stoep ([hvdstoep@overstrand.gov.za](mailto:hvdstoep@overstrand.gov.za))
- Loretta Gillion ([loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za))

Hallo Hanneen / Loretta;

**ERF 3095 BETTY'S BAY (3095 KBB)**

You are referred to the Land-use Applications submitted for Erf 3095 Betty's Bay, more specifically the objections / comments received (email dated 20 February 2025, attached as Annexure A).

Our Response is as follow:

- 1) **WESTERN CAPE GOVERNMENT: HERITAGE (Annexure B):** No objection.
- 2) **GUTHRIE AND THERON (Annexure C)**
  - a) Reference is made that the Owner of Erf 3094 Betty's Bay instructed Guthrie and Theron to render comments / object to the Land-use Applications submitted for Erf 3095 Betty's Bay. However, no "power of attorney" is attached to confirm this. The legality of the Letter received from Guthrie and Theron, therefore, is questioned.
  - b) Nonetheless:
    - i) Points under "General Comments": noted.
    - ii) Points under "Application 1: Administrative Penalty": noted.
    - iii) Points under "Application 2 and 3: Restrictive Conditions (Cell Phone Tower and Transgression of Erf Boundary)":
      - (1) It is acknowledged that technology such as fibre is available. It is to be noted that Sonic is currently the front runner regarding the installation of fibre in (i.e.) Betty's Bay. However, there will always be a need / place for cell phone towers as it serves as a back-up for fibre when the latter is "down". Another reason is that not all clients can afford the installation costs for individual fibre to their homes and towers and then must rely on the cell phone



towers per se. It is also to be noted that Security Companies uses the cell phone towers for their equipment, etc.

- (2) Points under "Land Filling": The main point made is regarding the building rubble, the location of the septic tank and the proposed land filling. The following needs to be noted:
- (a) all building rubble has been removed;
  - (b) the septic tank is within the boundaries of Erf 3095;
  - (c) the placement of the septic tank was done with the assistance of and approved by OLM: Building Control;
  - (d) because of the rocky terrain, the septic tank is above ground;
  - (e) the "filling", therefore, is to eventually "hide" the septic tank via landscaping / beautification of the broader area;
  - (f) the reference to garages and parking bays on site is irrelevant;
  - (g) The suggestion regarding the "entrance / cul-de-sac"; and in the same paragraph the reference to "our clients are not opposed to the movement of the entrance to Erf 3095" is noted.

### 3) MW GREYLING (ANNEXURE D)

- a) Points under E2.1 "The Cell Phone Tower": the arguments are noted. The proposal to "disguise" the cell phone tower as a tree, is a possibility to be considered as it will then blend in with the broader area. However, the possible influence of technology will need to be considered.
- b) Points under E2.2 "Title Restrictions": Erf 3095 will not be rezoned to "business". Only "permission / consent" is requested to allow for a "transmission apparatus". The zoning remains "Residential Zone 1: Single Residential (SR1)".
- c) Points under E2.3 "Building Lines": noted.
- d) Points under E2.4 "Filling": The following needs to be noted:
  - i) all building rubble has been removed;
  - ii) the septic tank is within the boundaries of Erf 3095;
  - iii) the placement of the septic tank was done with the assistance of and approved by OLM: Building Control;
  - iv) because of the rocky terrain, the septic tank is above ground;
  - v) the "filling", therefore, is to eventually "hide" the septic tank via landscaping / beautification of the broader area;
  - vi) Condition 2 (page 3) is reasonable and will be attended to once the OLM has decided regarding the Land-use Applications submitted.

### 4) A SCHOEMAN (ANNEXURE E)

- a) The content of the Objection is noted.
- b) There has been since the 1990's an existing "transmission apparatus (cell phone tower)" located in the north-eastern corner of Erf 3095 Bettys Bay. This Tower is used by several Internet Providers (i.e. Sonic) to provide essential internet services/cell phone services between Kleinmond/Hermanus



to the east and Pringle Bay/Rooi Els to the west. It only came recently to the attention "Sonic Computers and WiFi CC", the Owner of Erf 3095, that the "transmission apparatus (cell phone tower)" is illegal. The situation, therefore, is now rectified with the required Land-use Application. Furthermore did it also come to the attention of the Landowner that a portion of the foundation/base of the cell phone tower and the dwelling house is transgressing the erf boundary. This transgression, therefore, also needs to be rectified with the required Land-use Application.

- c) The Approval of the Land-use Applications on Erf 3095 will not create a precedent for other similar Applications as each Application in Betty's Bay will always be adjudicated on its own merit(s).

Please note that we hereby reserve our client's rights to elaborate on the afore-mentioned Response Points, or any other points that might come to the fore.

Please acknowledge receipt of this Letter.

If there are any queries, please communicate directly with Amund (writer) at 072 184 9621 or [amund@vodamail.co.za](mailto:amund@vodamail.co.za). Alternatively, phone Pieter on 083 226 1316.

Thank you



Amund  
31/03/2025

**amund@vodamail.co.za**

---

**From:** Loretta Gillion <loretta@overstrand.gov.za>  
**Sent:** Tuesday, 04 March 2025 12:25  
**To:** amund@vodamail.co.za  
**Cc:** 'Pieter de Haas'  
**Subject:** FW: Applicant to reply to objections - Erf 3095 Betty's Bay (4840/2024)

Dear Amund

Your request for extension of time refers.

An additional period of time until 31 March 2025 is hereby granted to submit the response.

Regards

**Loretta Gillion**

Administrative Officer: Town & Spatial Planning  
Directorate: Planning & Development, Overstrand Municipality, Hermanus  
A: 16 Paterson Street, Hermanus, 7200 P: P O Box 20  
T: 028 313 8900 | E: [loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)

**From:** amund@vodamail.co.za <amund@vodamail.co.za>  
**Sent:** Monday, 03 March 2025 08:00  
**To:** Loretta Gillion <loretta@overstrand.gov.za>  
**Cc:** 'Pieter de Haas' <pieter@platinumtownplanners.co.za>; Loriaan Isaacs <loriaanisaacs@overstrand.gov.za>  
**Subject:** [CAUTION: SUSPECT SENDER] FW: Applicant to reply to objections - Erf 3095 Betty's Bay (4840/2024)

Hallo Loretta;

Trust you are well?

Referring to the email (dated 20 February 2025) below and attachments, can you please extent the period for a Response to **31 March 2025**?

Thanks 😊

Amund

Amund Beneke Pr. PLN (A/680/1992) // MSAACFP // MPRE 1137487  
M. Comm (Business Management // B. Art et Scien (Town-planning)  
Director Platinum Town and Regional Planners CC  
Director Platinum Town Properties (PTY) Ltd  
Director Platinum Town Project Management (PTY) Ltd

*Exciting news: We have a new Office in the Overstrand Municipal Area to serve the Western Cape / Eastern Cape / Northern Cape Areas.*



**Overstrand Office**

52 Seaview Drive, Betty's Bay  
Cell: 072 184 9621  
Email: [amundpau@gmail.com](mailto:amundpau@gmail.com)  
[amund@vodamail.co.za](mailto:amund@vodamail.co.za)

**Pretoria Office**

61 Woodlands Avenue, Pecanwood  
Cell: 083 226 1316  
Email: [amund@platinumtownplanners.co.za](mailto:amund@platinumtownplanners.co.za)  
[dehaa@telkomsa.net](mailto:dehaa@telkomsa.net)

**From:** Loretta Gillion <[loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)>  
**Sent:** Thursday, 20 February 2025 16:03  
**To:** [amund@vodamail.co.za](mailto:amund@vodamail.co.za)  
**Subject:** Applicant to reply to objections - Erf 3095 Betty's Bay (4840/2024)

**Platinum Town & Regional Planners**  
**Mr A Beneke**

Dear Sir

---

**APPLICANT TO REPLY TO COMMENTS / OBJECTIONS**

---

**ERF 3095, 93 SEAVIEW DRIVE, BETTY'S BAY, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, DEPARTURES AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: PLATINUM TOWN & REGIONAL PLANNERS CC ON BEHALF OF SONIC COMPUTERS AND WI-FI CC**

Your application submitted on 24 April 2024 refers.

Attached please find copies of three (3) comments/objections received forthcoming the public participation process:

- ↓ **Guthrie & Theron Attorneys (A Marais)**
- ↓ **M Greyling**
- ↓ **A Schoeman**

Kindly provide this Municipality with a written reply within 30 days of this email.

Attached also please find comment from **Heritage Western Cape** for your records.

Arrangements can be made, prior to the 30 days lapsing, for a further period agreed upon with the Municipality for the submission of your response to the comment received.

Regards

## Loretta Gillion

Administrative Officer: Town & Spatial Planning  
 Directorate: Planning & Development, Overstrand Municipality, Hermanus  
 A: 16 Paterson Street, Hermanus, 7200 P: P O Box 20  
 T: 028 313 8900 | E: [loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)



## Overstrand Municipality

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 +27 (0)28 312  
 1894</span>  
 E:  
[enquiries@overstrand.gov.za](mailto:enquiries@overstrand.gov.za)  
 W: [www.overstrand.gov.za](http://www.overstrand.gov.za)

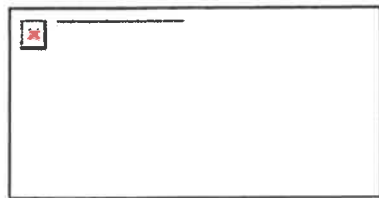
*Vision Statement: "To be a centre of excellence for the community"*

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## Overstrand Municipality

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 1894</span>  
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[enquiries@overstrand.gov.za](mailto:enquiries@overstrand.gov.za)  
 W: [www.overstrand.gov.za](http://www.overstrand.gov.za)

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**ANNEXURE B**

**Loretta Gillion**

**From:** Waseefa Dhansay <Waseefa.Dhansay@westerncape.gov.za>  
**Sent:** Thursday, 06 February 2025 11:26  
**To:** Loretta Gillion  
**Subject:** RE: REMINDER: Erf 3095, 95 Seaview drive, Betty's Bay (ROR Dep Penalty)

Dear Loretta

The planning interventions does not trigger any of the provisions of the National Heritage Resources Act – no further comment from HWC is required.

HWC 2025 Committee Schedule

Kind regards

Waseefa Dhansay  
Assistant Director: Professional Services

Heritage Resource Management Services  
Protea Assurance Building Greenmarket Square, Cape Town

Website: [www.hwc.org.za](http://www.hwc.org.za) / [www.westerncape.gov.za](http://www.westerncape.gov.za)

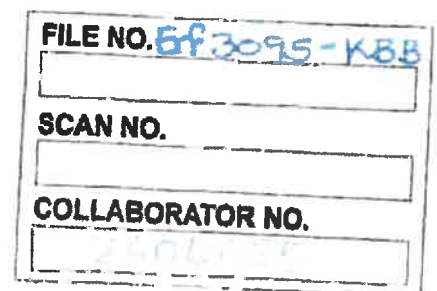


TP- A Threat (Huldsteep)

**From:** Ceoheritage <Ceoheritage@westerncape.gov.za>  
**Sent:** Thursday, February 6, 2025 11:09 AM  
**To:** Waseefa Dhansay <Waseefa.Dhansay@westerncape.gov.za>  
**Subject:** Fw: REMINDER: Erf 3095, 95 Seaview drive, Betty's Bay (ROR Dep Penalty)

FYA

Ameerali Petes  
Personal Assistant to  
Chief Executive Officer  
Heritage Western Cape  
Western Cape Government



TP Box, Protea Assurance Building Greenmarket Square, Cape Town

Outlook

OVERSTRAND MUNISIPALITEIT  
 REKORDBEHEER  
**ANNEXURE C**  
 DOCUMENT CONTROL  
 OVERSTRAND MUNICIPALITY

TP- A Theart  
(H vld stoep)

**NOTICE OF OBJECTIONS**

From Andre Marais <marais@gtlaw.co.za>  
 Date Thu 19-Dec-24 9:22 AM  
 To Loretta Gillion <loretta@overstrand.gov.za>  
 Cc lucasoosthuizen.lc@gmail.com <lucasooosthuizen.lc@gmail.com>

2 attachments (1 MB)  
 OOSTHUIZEN BRIEF.doc; IMG\_20241129\_124046.jpg;



Good Morning

Kindly note attached letter of objection with image in respect of Erf 3095 application.

Regards

Andre Marais

**Andre Marais**  
 Consultant

Tel: (028) 271 3031  
 Fax: (028) 271 3033 | Email: marais@gtlaw.co.za

Address: 10 Main Road Kleinmond, 7195  
 PO Box 393, Kleinmond, 7195 | Docex 1 Caledon

VAT No: 4760174393 | Reg No: 4380105454



**GUTHRIE & THERON**  
 ATTORNEYS SINCE 1896

www.gtlaw.co.za

Disclaimer

The risk of **CYBER CRIME** is real and emails/electronic communications are regularly intercepted by criminals. It is therefore imperative and absolutely necessary to **VERIFY** our banking details telephonically or in person with us **BEFORE** making any **PAYMENT** into our trust account. Bank verifications are strongly recommended before doing an **EFT**.

FILE NO. Erf 3095  
 KBB  
 SCAN NO.  
 CO! LABORATOR NO.  
 2574351

# GUTHRIE & THERON

PROKUREURS / ATTORNEYS / AMAGQWETHA  
AKTEBESORGERES / CONVEYANCERS / NOCANDA  
NOTARISSE / NOTARIES / INOTARIES  
BOEDELBEREDDERAARS / ADMINISTRATORS OF DECEASED ESTATES



**OVERSTRAND MUNICIPALITY**

email: marais@gtlaw.co.za

**DX 1 CALEDON**

**HOOFWEG 10 /MAIN ROAD  
POSBUS 393 / P O BOX 393  
KLEINMOND 7195**

**TEL: (028) 271 3031/271 3280**

**FAX: (028) 271 3033**

**ANDER KANTORE/  
OTHER OFFICES:  
CALEDON  
GANSBAAI  
HERMANUS**

**U VERWYSING / 195/2024  
YOUR REFERENCE:**

**ONS VERWYSING / ASM// LO 0007  
OUR REFERENCE:**

**DATUM / DATE: 17 DECEMBER 2024**

**OVERSTRAND MUNICIPALITY**

loretta@overstrand.gov.za

Dear sir / Madam

**ERF 3095, 93 SEAVIEW DRIVE, BETTY'S BAY : APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, DEPARTURES AND DETERMINATION OF AN ADMINISTRATIVE PENALTY:**

With reference to the above matter we wish to confirm that we have received instructions from the owners of Erf 3094, Seaview Drive, Betty's Bay to act on their behalf and send this letter.

**GENERAL COMMENTS**

It is firstly pointed out that the property in question is located in a biosphere development area where title deed conditions have been included on the title deeds specifically to preserve the unique nature of the area. Any decisions or resolutions made should take aforesaid into consideration.

There should also be caution not to accommodate one property owner in such manner as to create a precedent which will allow other property owners to apply for similar removals and departures as they may argue that they are entitled to equal treatment by the municipality. This could obviously lead to destruction of the unique biosphere nature of the area.

**APPLICATION 1: ADMINISTRATIVE PENALTY**

The levy of an administrative penalty is in the discretion of the municipality which should be exercised taking into consideration all surrounding circumstances. Our clients have no specific objection in this regard and will abide to the municipality's decision.

**VENNOTE / PARTNERS: J.P VAN ROOYEN, C.S CILLIERS, WJA DU TOIT  
KONSULTANT / CONSULTANT: J.A DU TOIT  
BYGESTAAN DEUR / ASSISTED BY: C DE TOIT, N.C SNYDERS**

## Page 2

**APPLICATIONS 2 AND 3 : RESTRICTIVE CONDITIONS (CELL PHONE TOWER & TRANSGRESSION OF ERF BOUNDARY)**

It is acknowledged that the cell phone tower is currently of great value to the area to provide essential services to the residents and this should be taken into consideration. However with the development of technology such as fibre services other options are becoming available which is less intrusive to the biosphere. It is therefore proposed that any indulgence granted in this regard to the owners of Erf 3095 is of a temporary nature and limited to a specific time frame to allow them to convert to such less intrusive services where after the tower can be removed.

Our clients do not have any objections in the relaxation of the title conditions pertaining to the Northern and Eastern boundaries as this seems not to effect other residents presently or have an impact on the biosphere. There is however an objection against the removal of any other title conditions not relating to the aforesaid issues and not specified now and/or in future. This should however take into account the views and suggestions of our clients elaborated on more fully below.

**APPLICATION 4: LAND FILLING**

It is firstly submitted by our clients that the present application of PLATINUM TOWN PLANNERS relating to the land filling as depicted therein, is misleading and should be rectified or evaluated taking into considerations our clients being the owners of Erf 3094 response.

Our client's objections are based on the reasons provided in the application being that the purpose is to do gardening/ beautification and provide additional parking.

A disregard for the title deed restrictions, the accumulation of building rubble and the installation of a sewerage tank are direct reasons why there is now a present application for land filling. By complying with such deed restrictions and removal of the rubble the same results can be achieved.

Erf 3095 is zoned as a Residential Zone 1 property which is a single residence (SR1) with no more than 5 parking areas required. Presently there are already 3 garages and a parking bay to the left hand side of the building.

As already pointed out above the property is situated in a biosphere and sensitive ecological area and the land filling application for the purposes advanced is contradictory to the objectives in this regard and against the required aesthetics.

The entrance to the plots and properties adjacent to Erf 3095 is served by a single lane road and for this reason the application for land filling and removal of title deed and/or municipal conditions effecting the Southern boundary should not be allowed. As an alternative our clients propose that the movement of traffic and service vehicles are accommodated by the municipality considering a cul-de-sac with turning circle which will provide sufficient space.

As already pointed out above a sewerage tank had been installed on top of the area to be land filled and is in transgression of the title deed conditions. The present application is therefore a baseless effort to hide this transgression while it in fact should be removed.

The present owner of Erf 3095 should therefore rather take responsibility for the illegal dumping of building rubble in restricted areas, pavement and street and not endeavour to circumvent the issues by applying for removal or relaxation of legal restrictions. Unfortunate he should also take responsibility for any administrative penalties that arose as a direct result of his actions in this regard. See attached a photograph of Erf 3095 before illegal dumping took place.

Our clients are not opposed to the movement of the entrance to Erf 3095.

We trust that you will consider the above and await your further advice in due course.

**Yours Faithfully**

**Andre Marais**

**GUTHRIE & THERON**



U 2 DEC 2024

DOCUMENT CONTROL

TP-A Theart (Huld Steep)

ANNEXURE D

DOCUMENT CONTROL

Loretta Gillion

OVERSTRAND MUNICIPALITY

OVERSTRAND MUNICIPALITY

**From:** Martin Greyling < >  
**Sent:** Sunday, 01 December 2024 14:24  
**To:** Loretta Gillion  
**Subject:** Fwd: FW: Written comments to the application for removal of restrictive Title deed conditions - Erf 3095, 95 Seaview Drive, Betty's Bay  
**Attachments:** WhatsApp Image 2023-12-28 at 11.25.14 (2).jpeg; WhatsApp Image 2023-12-28 at 11.25.14.jpeg; WhatsApp Image 2023-12-28 at 11.25.15 (2).jpeg; WhatsApp Image 2023-12-28 at 11.25.13.jpeg; RE: Erf 3095, Bettie's Bay: Complaint Building Rubble etc.eml; FW: Rubble and unsightly debris complaint - erf 3095 Betty's bay.eml; FW: Rubble and unsightly debris complaint - erf 3095 Betty's bay.eml

Good day Overstrand Municipality

M.W. Greyling and my wife, L.A. Greyling are the owners of erf 3104, Seaview drive, Betty's Bay. This property is a vacant lot at this point and situated directly across from erf 3095 to which the application relates.

Erf 3104 was bought with the intention of building our retirement home in due course and we currently also own another property in Betty's Bay.

With reference to the application for removal of restrictive Title deed conditions - Erf 3095, 95 Seaview Drive, Betty's Bay, of which we were notified on 13 November, please find below comments.

2.1 - the cell phone tower.

I believe the tower has been on the property and was erected many years before they actually bought erf 3095. I would point out that there are limited service providers in Betty's Bay and who was responsible for erecting the tower is not presented in the application.

Ignorance is not an excuse and claiming prompt and responsible action by appointing Platinum Town planners is not a true reflection of good conduct especially considering that there are numerous transgressions.

Any reasonable property owner familiarises themselves with the title deed restrictions and basic by-laws of the area. So too when I bought my first property in Betty's Bay was I made aware of what I could use the property for, height and boundary restrictions and basic conditions for building structures in Sunny Seas in particular as well as about protecting the biosphere.

TP

FILE NO. Erf 3095-KBB

SCAN NO. 2564142

CON LABORATOR NO.

I understand the tower serves the community however Sonic has and still receives a financial benefit from this illegally located structure.

I further add that the application does not address the height transgression, merely the boundary transgression.

The question on whether any persons involved in the transgression had contravened any other by-laws previously was also not answered.

I will also add that in many municipalities, cellphone towers are disguised as trees to create a more aesthetic appeal. Should you consider waiving any penalties, I urge you to offset this with a condition that the tower be made to look more suitable to the beautiful surroundings.

E2.2:

This portion of the application refers more towards amendment or even total deletion of that the land use Conditions B.(2), B.(4), B.(6) C.(i)5.(b), C.(i)5.(d) and C.(ii)(n) in Title Deed T11954/2019 than the relaxation of the boundary line.

I do believe that deletion of the rights of the community would be infringed if the said conditions are deleted. I don't believe that it would be to anyone else's benefit, apart from the landowner, to have erf 3095 rezoned or reclassified to include business use and I object to this.

I will consent to have relevant conditions amended to make allowance for the tower in an aesthetically pleasing format but not for total deletion or to change the land use. Should you allow this property as business use, it will become an office space or B&B at some stage.

E2.3:

I have no objection to relaxation of these boundary lines.

E2.4:

The application reads "it is the intention of the Landowner to landfill an area between the prescribed building line and erf boundary for gardening and/ beatification and additional parking purposes"

Firstly, this is a misrepresentation as the land had already been in the process of being filled for a few years. This statement is clearly added to misdirect and mislead to an existing transgression which

also warrants a penalty. I believe that sonic and or it's owners own various properties in Betty's Bay and it stands to reason that as community members, they should know that one is not allowed to dump rubble in our properties without prior consent from the municipality.

The initial driveway of erf 3095 was filled in and new parking has been in use for around 2 years already. There is no "intention" as it has already happened. Please see photographs attached.

For the past 2,5 years, I have been trying to reach the owners of plot 3095 due to the unsightly rubble that had been deposited on said erf, in Seaview drive and even on my side of the road. I eventually reached the tenant around early 2023, who advised that the owner was his friend and who was planning to resolve the issue and erect a decent retaining wall and remove all excess rubble within around 6 months. When this had not materialised by the end 2023, I sought support from the Overstrand municipality and ultimately lodged a complaint also attached.

During the past year, there has been quite a bit of follow up in order to get the complaint resolved and finally I was advised that transgressions were identified and there would be a formal process.

So to that end, I need to add that had I not been persistent, I believe this matter would not be on the path of being addressed and rectified.

The reference to the comment on "beautification" is laughable. Again please see the photographs attached. Erf 3095 had a good street appeal before it was filled with rubble.

I believe the reason for filling was that the initial driveway was slippery when wet due to the slope. A reasonable reason but one has to follow process to rectify it.

Today the facade from the road looks like a rubble dumping site with dangerous metal protrusions and concrete blocks that have not been secured.

In addition, a septic tank was installed within the rubble but clearly protruding and visible not only from Seaview drive, but also Clarence Drive as you enter / leave Sunny Seas.

This intentional landfill is not only unsightly and dangerous, but has caused prejudice by devaluing the mountain view from my property.

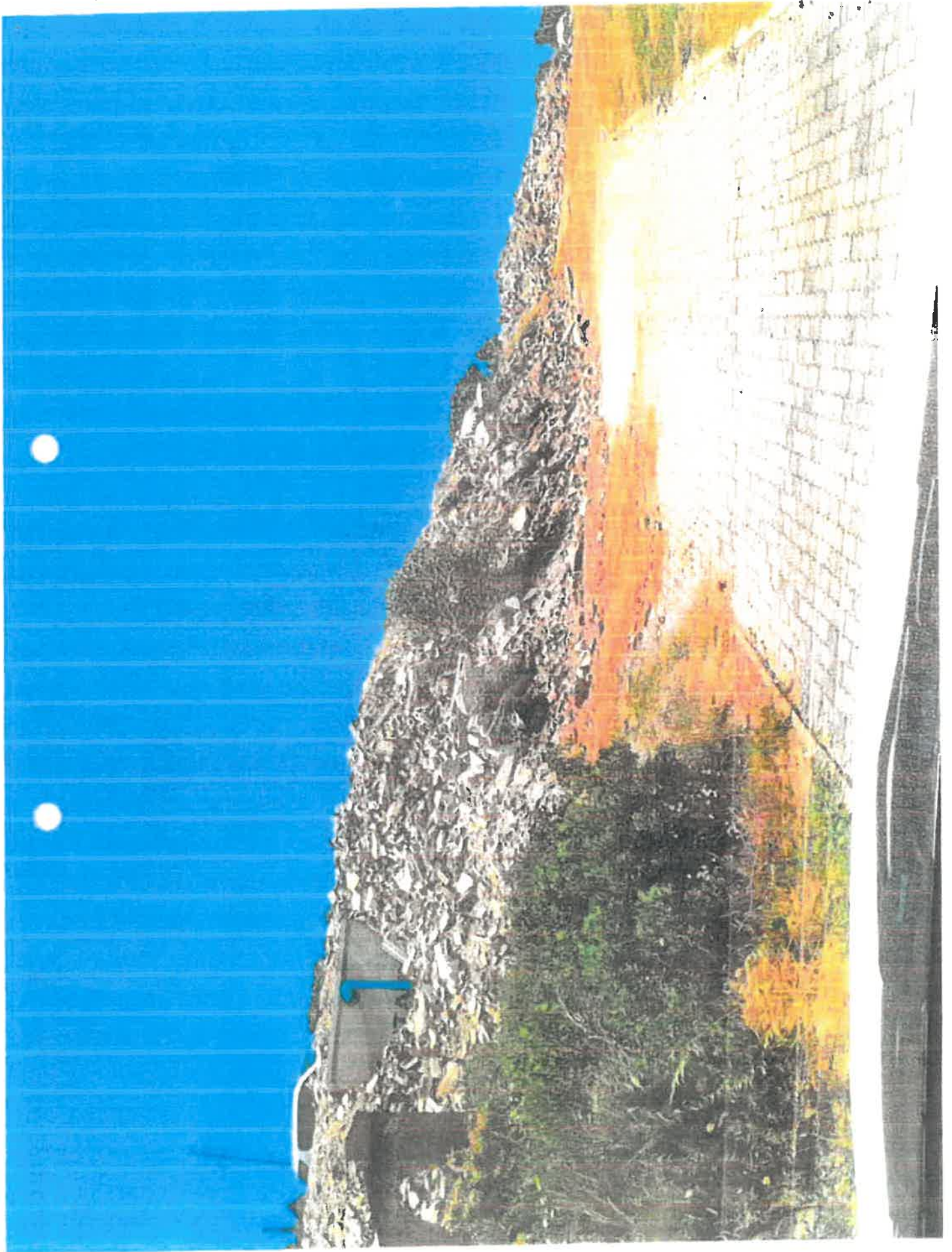
Here I see only two options that will be acceptable to us as the owners of erf 3104:

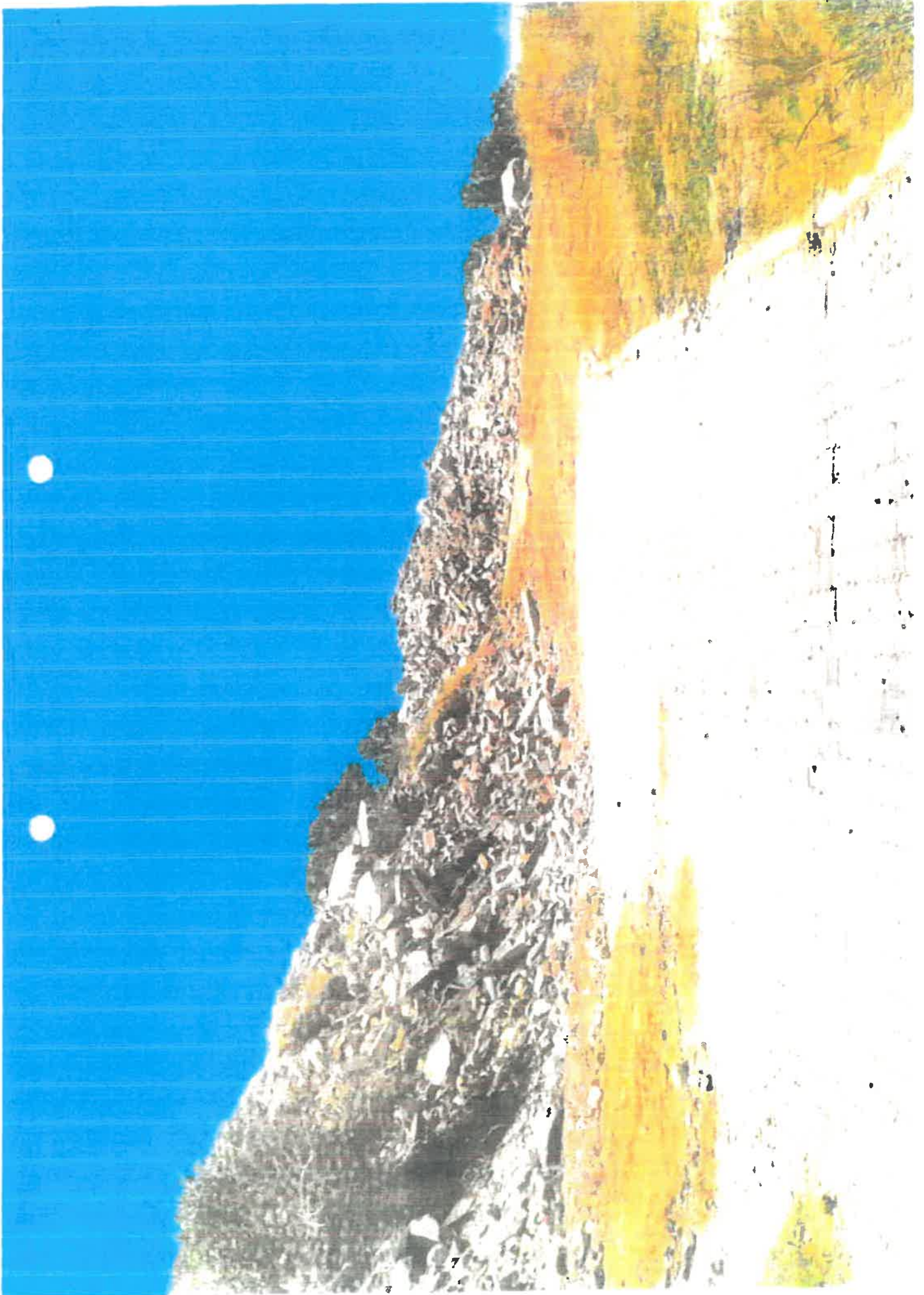
1. Complete removal of each and every piece of rubble and the septic tank and bringing erf 3095 back to its condition before this illegal dumping and filling.
2. The structure be approved with relaxed building condition under the following conditions:

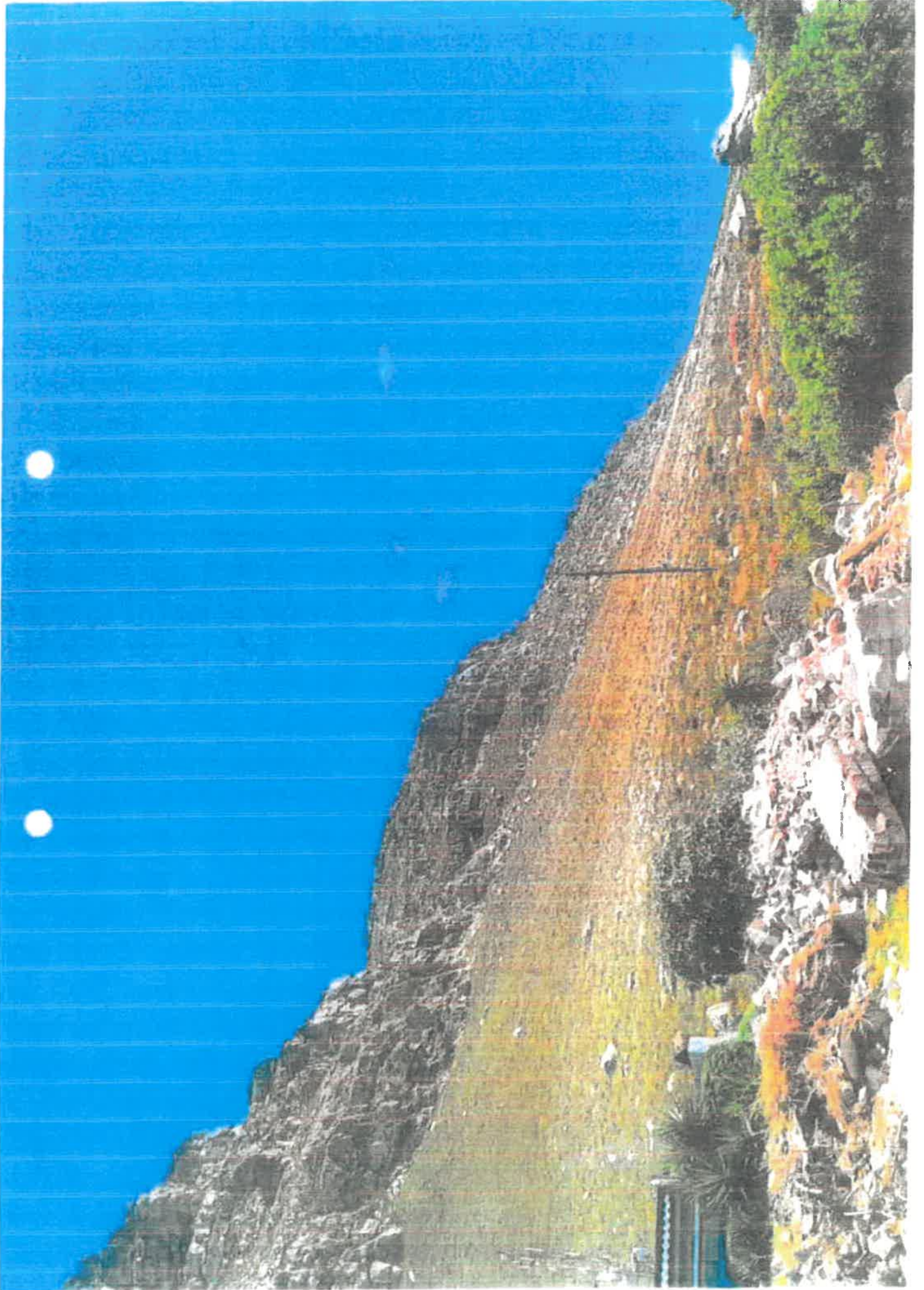
- A structural assessment and confirmation that the landfilled area is stable.
- Refer to paragraph H: the rubble and deposits were not controlled or restricted. A clearance report from a hazardous assessment company confirming the filled area is free of any hazardous materials like asbestos, lead paints etc that could filter down into or affect the residence and biosphere on erf 3104 is requested.
- Complete beautification of the road appeal of this landfilled area and the commitment to maintain it. This through the erection of a retaining wall and accessories like plants that blend with the surroundings. This would include "hiding" the septic tank.
- Cleaning up the surrounding area including erf 3104 where rubble and debris deposited had sollied over so that there is no evidence that the area was used as a building rubble dumping site.
- The above to be completed within a reasonable 6 months of the municipality's decision.

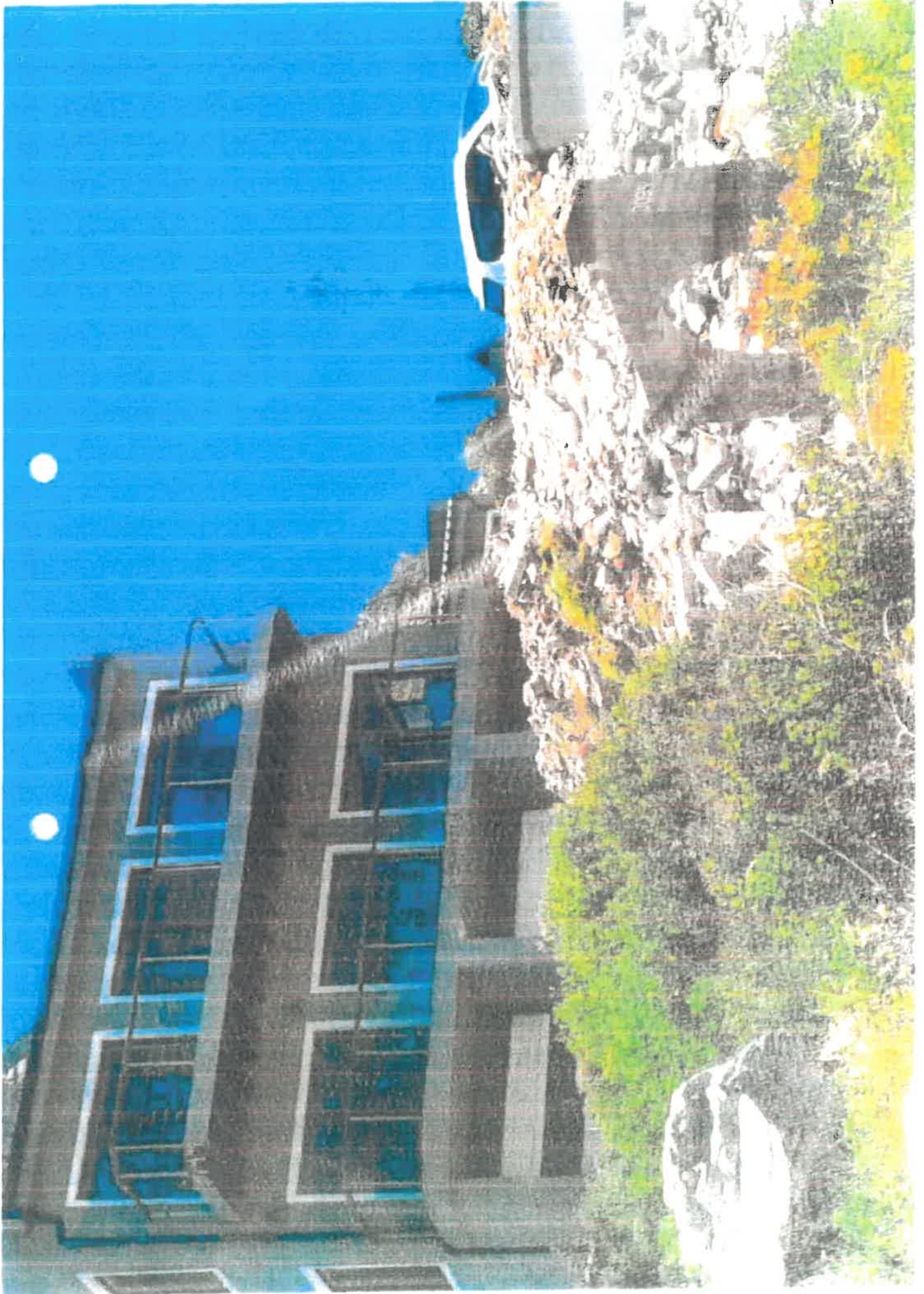
Best regards

M W Greyling









**Loretta Gillion**

---

**From:** Helgaardt Boshoff <hboshoff@overstrand.gov.za>  
**Sent:** Thursday, 19 September 2024 15:47  
**To:** Martin Greyling  
**Subject:** RE: Erf 3095, Bettie's Bay: Complaint Building Rubble etc.

This message was sent from outside of your organization. Please do not click links or open attachments unless you recognize the source of this email and know the content is safe.

Good afternoon Martin

As a surrounding property owner, you will receive a notice of the application once the process enters the public participation process. It is also advisable to regularly check the local newspaper/s (non-national papers). All planning applications are also advertised on the municipality's website at the following link :

<https://www.overstrand.gov.za/document/town-spatial-planning/land-use-planning-applications/>

Kind regards.

**Helgaardt Boshoff**  
**Administrative Officer**  
**Overstrand Municipality**  
**A: 16 Paterson Street, Hermanus, 7200 P: P O Box 20**  
**T: 028 313 8900 / F: 028 313 2093 / E: hboshoff@overstrand.gov.za**

**From:** Martin Greyling < >  
**Sent:** Thursday, September 19, 2024 3:29 PM  
**To:** Helgaardt Boshoff <hboshoff@overstrand.gov.za>  
**Subject:** RE: Erf 3095, Bettie's Bay: Complaint Building Rubble etc.

Good day Mr Boshoff.

Thank you for your update and I do understand that due process take time.

Could you guide as to where I could find the rules to the due process so I can object to the application if needed?

I appreciate your guidance and hope you enjoy your vacation period.

Have a great afternoon

Martin

**From:** Helgaardt Boshoff <hboshoff@overstrand.gov.za>  
**Sent:** Thursday, September 19, 2024 3:23 PM  
**To:** Martin Greyling <  
**Subject:** FW: Erf 3095, Bettie's Bay: Complaint Building Rubble etc.

This message was sent from outside of your organization. Please do not click links or open attachments unless you recognize the source of this email and know the content is safe.

Good day Mr Greyling

A town planning application has been received for, amongst others, the illegal filling of rubble within the relevant building line (setback from boundary within which no fillings of higher than a meter is allowed). Since a town planning application has been submitted I cannot proceed with any non-compliance processes at this stage and the process is put on hold until a final decision is made on the town planning application. Fortunately, the public participation process of the planning application that should follow in due course now gives you an opportunity to formally object to the application on the grounds of your complaint. Normally such applications are considered by the independent Municipal Planning Tribunal, and should you not be satisfied with the outcome of the application, or any condition imposed should it be approved, you will also have an opportunity to appeal such decision or condition. However, and unfortunately these applications are time consuming due to the legally prescribed processes involved. Should you observe any change in the current status quo on the property it would be appreciated if you could capture it and forward it immediately to me for investigation and further action should it be necessary.

Trusting you find the above in order.

Kind regards.

**Helgaardt Boshoff**  
Administrative Officer  
Overstrand Municipality  
A: 16 Paterson Street, Hermanus, 7200 P: P O Box 20  
T: 028 313 8900 / F: 028 313 2093 / E: [hboshoff@overstrand.gov.za](mailto:hboshoff@overstrand.gov.za)

**From:** Helgaardt Boshoff  
**Sent:** Tuesday, September 17, 2024 4:12 PM  
**To:** 'Martin Greyling' <  
**Subject:** RE: Erf 3095, Bettie's Bay: Complaint Building Rubble etc.

Good day Mr Greyling

I am sure that the building department has the teeth to force the person to make the area neat. As said I am just waiting for a response from the building inspector from that side. I will be on leave as from Monday coming for two weeks so there may be a delay in my response.

Kind regards.

**Helgaardt Boshoff**  
Town Planner: Land Use Compliance  
Overstrand Municipality  
A: 16 Paterson Street, Hermanus, 7200 P: P O Box 20  
T: 028 313 8900 / F: 028 313 2093 / E: [hboshoff@overstrand.gov.za](mailto:hboshoff@overstrand.gov.za)

**From:** Martin Greyling <  
**Sent:** Tuesday, September 17, 2024 4:00 PM  
**To:** Helgaardt Boshoff <[hboshoff@overstrand.gov.za](mailto:hboshoff@overstrand.gov.za)>  
**Subject:** RE: Erf 3095, Bettie's Bay: Complaint Building Rubble etc.

Good day Mr Boshoff.

Thank you very much for the update.

Just for some background. The rubble was deposited by other builders etc. on request from the owner in order to fill up the road facing side of his property so he could have a bigger parking area on the same level as the house – their driveway was quite steep and slippery.

I have no issue with the solution but have issue that the parking area is complete but the rubble is showing from the road.

A simple, neighbourly and acceptable solution would have been to cover the rubble with soil (obviously in line with property lines etc) and plant some plants. This would be more cost effective than the retaining wall I was told by the owners friend and tenant that rented the place a while back, was to be erected.

The rubble had at one point spilled into the road and onto the verge on the opposite side where my property at 3104 Seaview road is located. This was cleaned which I am grateful for but I would not want my mountain view spoilt by looking into a rubble heap until the owner one day decides he wants to sell and cleans up the facade.

Again I appreciate your support and look forward to the owner doing the right thing not only from a compliance perspective but also from the perspective of keeping Sunny Seas a sought after area.

Best regards

Martin

**From:** Helgaardt Boshoff <[hboshoff@overstrand.gov.za](mailto:hboshoff@overstrand.gov.za)>  
**Sent:** Tuesday, September 17, 2024 1:58 PM  
**To:** Martin Greyling <  
**Subject:** Erf 3095, Bettie's Bay: Complaint Building Rubble etc.

This message was sent from outside of your organization. Please do not click links or open attachments unless you recognize the source of this email and know the content is safe.

Good day Mr Greyling

I am the new compliance officer for the area. I only came in at a late stage of the complaint. I have requested the status quo of the building activities with the building inspector of the area, after which I will correspond with you again. Further, I am aware that the landowner submitted a town planning application for certain contraventions - such applications are unfortunately time-consuming, but I am sure that the whole matter will be resolved. Would you be so kind as to inform me which property belongs to you.

Kind regards.

Helgaardt Boshoff

Town Planner: Land Use Compliance

Overstrand Municipality

A: 16 Paterson Street, Hermanus, 7200 P: P O Box 20

T: 028 313 8900 / F: 028 313 2093 / E: [hboshoff@overstrand.gov.za](mailto:hboshoff@overstrand.gov.za)

**Loretta Gillion**

---

**From:** Martin Greyling <  
**Sent:** Monday, 09 September 2024 16:48  
**To:** Brady Minnaar; Robyn Samuels; Enquiries; martingreyling1972@gmail.com  
**Cc:** Law KM; Hanneen van der Stoep; Sherwin Rossouw; Theresa Els  
**Subject:** FW: Rubble and unsightly debris complaint - erf 3095 Betty's bay  
**Attachments:** WhatsApp Image 2023-12-28 at 11.25.13.jpeg; WhatsApp Image 2023-12-28 at 11.25.14 (2).jpeg; WhatsApp Image 2023-12-28 at 11.25.15 (2).jpeg; WhatsApp Image 2023-12-28 at 11.25.14 (002).jpeg; 20240518\_121855.jpg; 20240518\_121840.jpg; Building rubble complaint.pdf

Good day Overstrand Municipality.

Hope this finds you well.

Since I have not received any update nor seen any real progress on the condition of the rubble on erf 3095 since my initial complaint in December 2023, kindly find an official complaint.

Since my initial complaint, I am lead to believe that the complaint should be directed at the Waste Management department thus have added @enquiries@overstrand.gov.za for support.

Kindly advise if there is a platform I need to submit this on in order to obtain a reference number.

I need to add that I had the property listed for sale and have lost the sale on two occasions after investors from Durban and Johannesburg travelled to Betty's bay to view the property. After viewing, they subsequently did not proceed due to the exposed rubble.

Not only did this affect me negatively but at the same time created a negative investor opinion towards the Overstrand municipality.

Best regards

Martin Greyling.

**From:** Martin Greyling  
**Sent:** Monday, May 20, 2024 5:09 PM  
**To:** Brady Minnaar <bminnaar@overstrand.gov.za>; Robyn Samuels <rsamuels@overstrand.gov.za>  
**Cc:** Law KM <lawkm@overstrand.gov.za>; Hanneen van der Stoep <hvdstoep@overstrand.gov.za>; Sherwin Rossouw <srossouw@overstrand.gov.za>  
**Subject:** RE: Rubble and unsightly debris complaint - erf 3095 Betty's bay

Thank for your very efficient reply Mr Minnaar.

I truly appreciate it.

No, the compliant remains as is.

I merely pointed out that the septic tank is still visible as per pictures in original complaint. Pls refer first 4 images.

I noticed the rubble outside property 3095 (I am not privy to the boundaries but reasonably obvious) in picture 3 have largely been cleaned up (refer to the right of picture 5) but the rubble inside 3095 and above road level remains visible as per additional 2 pictures (5&6) taken over the weekend.

Filling with soil and in future having plants would largely resolve the aesthetics – Sure I don't have to point out that this solution would only work within the property boundaries.

If there has been any indication from the owner to remedy this and a timeline it would set my mind at ease.

Again I much appreciate your support.

Martin Greyling

**From:** Brady Minnaar <bminnaar@overstrand.gov.za>  
**Sent:** Monday, 20 May 2024 16:21  
**To:** Martin Greyling <>; Robyn Samuels <rsamuels@overstrand.gov.za>  
**Cc:** Law KM <lawkm@overstrand.gov.za>; Hanneen van der Stoep <hvdstoep@overstrand.gov.za>; Sherwin Rossouw <srossouw@overstrand.gov.za>  
**Subject:** RE: Rubble and unsightly debris complaint - erf 3095 Betty's bay

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Good day,

I trust that you are well.

Your email is noted.

If I am correct in understanding your email below, your new complaint is with regards to the "septic tank" (conservancy tank) that is visible.

Per your original complaint regarding the filling, the property owner was instructed to stop and submit a land use planning application. The application has been submitted this year. Note that any new filling by the property owner will be another contravention in terms of the By-Law.

Therefore, the application must first be finalised before any further developments occur on the subject property.

Thank you & kind regards,

Brady Minnaar  
 Town Planner: Land Use Management & Compliance  
 Department: Town & Spatial Planning  
 Directorate: Infrastructure & Planning  
 Overstrand Municipality  
 A: 16 Paterson Street, Hermanus, 7200  
 T: 028 313 8900 | E: [bminnaar@overstrand.gov.za](mailto:bminnaar@overstrand.gov.za)

Classification: Internal

**From:** Martin Greyling <>  
**Sent:** Monday, May 20, 2024 3:56 PM  
**To:** Robyn Samuels <rsamuels@overstrand.gov.za>; Brady Minnaar <bminnaar@overstrand.gov.za>  
**Cc:** Law KM <lawkm@overstrand.gov.za>  
**Subject:** RE: Rubble and unsightly debris complaint - erf 3095 Betty's bay

Good day Mr Minnaar.

Two months have passed and I have not yet had a reply.

I visited the site again over the weekend and although the rubble is no longer lying in the road, the septic tank is still clearly visible and the rubble landfill is still not covered and still looks like a heap of rubble with metal protruding from concrete rubble as per the original pictures sent.

I listed my property on the market a short while back. I have had interest and one comment on loss of sale is due to the rubble.

Please reply as a matter of urgency or direct me to the correct party to get this resolved amicably or else I will be forced to take legal action.

Best regards

Martin Greyling

Classification: Internal

**From:** Martin Greyling

**Sent:** Monday, 11 March 2024 12:16

**To:** Robyn Samuels <[rsamuels@overstrand.gov.za](mailto:rsamuels@overstrand.gov.za)>; Brady Minnaar <[bminnaar@overstrand.gov.za](mailto:bminnaar@overstrand.gov.za)>

**Cc:** Law KM <[lawkm@overstrand.gov.za](mailto:lawkm@overstrand.gov.za)>

**Subject:** RE: Rubble and unsightly debris complaint - erf 3095 Betty's bay

Thank you Mr Samuels

I am following up on this request please Mr Minnaar.

I appreciate your support in resolving this matter as a matter of urgency.

Best regards

Martin Greyling

**From:** Robyn Samuels <[rsamuels@overstrand.gov.za](mailto:rsamuels@overstrand.gov.za)>

**Sent:** Wednesday, 10 January 2024 11:22

**To:** Brady Minnaar <[bminnaar@overstrand.gov.za](mailto:bminnaar@overstrand.gov.za)>

**Cc:** Martin Greyling <[mgreyling@overstrand.gov.za](mailto:mgreyling@overstrand.gov.za)>; Law KM <[lawkm@overstrand.gov.za](mailto:lawkm@overstrand.gov.za)>

**Subject:** FW: Rubble and unsightly debris complaint - erf 3095 Betty's bay

This message was sent from outside of your organization. Please do not click links or open attachments unless you recognize the source of this email and know the content is safe.

Dear Mr Minnaar

I refer to the attached photos and below e-mail received.

I sent Mr Mattei for an inspection on 30/12/2023 and he informed me that the condition is as per attached photos. I requested him to visit the Building Department once the Municipality opens again.

Mr Mattei visited their offices on 08/01/2024 and Miss Brewell informed him that Mr Rossouw is on leave but had conducted and inspection with you at the site w.r.t the complaint received. The complaint was then handed over to your offices.

Can you perhaps provide feedback to the complainant?

Kind regards

**Robyn Samuels**  
 Senior Inspector: Law Enforcement Kleinmond  
 Overstrand Municipality  
 T: 028 271 8493/8466 | E: [rsamuels@overstrand.gov.za](mailto:rsamuels@overstrand.gov.za)



Vision Statement: "To be a centre of excellence for the community"

Classification: Internal

From: Martin Greyling < >  
 Sent: Friday, December 29, 2023 10:28 AM  
 To: Robyn Samuels <[rsamuels@overstrand.gov.za](mailto:rsamuels@overstrand.gov.za)>  
 Subject: Rubble and unsightly debris complaint - erf 3095 Betty's bay

Good day Mr/Ms Samuels.

Hope this finds you well.

Kindly support in guiding me with the correct procedure and or contact person details if this is not sufficient in remedying the situation.

My wife and I live in Cape Town however own two more properties in Betty's Bay, one occupied by my parents and the other being vacant plot erf 3104 Bettys Bay situated at 76 Seaview Drive, Sunny Seas which we purchased in Sept 2021.

At the time of purchase unsightly rubble had been deposited in the road and on erf 3095. I was informed it was on the owner of erf 3095's request as he was filling in the land to change the driveway access which would be completed soon once he had enough rubble to fill.

I visited the plot more than a year back and the driveway had been redirected and the area largely cleaned up however some unsightly rubble was still visible from the road. I enquired with the occupants of the residence and was advised that the owner intended putting up a retaining wall to remedy this. I was led to believe the owner is a respected community member and owner of Sonic Kleinmond which I have not been able to verify.

Regardless, I had not been back to the plot in a while and visited the same around 2 weeks back to take some pictures and found more rubble and debris strewn along the road, on municipal ground and the unsightly debris filled elevation still very much without any form of disguise. The septic tank is also clearly visible from the road as per the photos attached.

I also saw some rubble has spilled over to my property although not significant.

I was looking for the correct bylaws that govern this however have not made any progress when I noticed the following in my Title deed under C II (p) and (q).

- company.
- (p) No debris, scrap or other unsightly material shall be deposited on the said erf nor shall the purchaser or his successors in title deposit or allow to be deposited any debris, scrap or other unsightly material on the said erf, without the written consent of the company first had and obtained.
- (q) In the foregoing conditions the expression "the company" shall mean "The Hangklip Beach Estates Limited, as owner of the remaining extent of the township" and its successors in title to the whole of such remainder, held under Certificate of Township Title Number 369 dated 18<sup>th</sup> January 1956.

I also found your details on the Overstrand website listing illegal dumping hence my mail direction.

Could you please confirm how I can:

1. get the conditions of the Title deed enforced
2. stop the owner of erf 3095 allowing the dumping of rubble in the road / public spaces and even on his property as this creates a very bad impression of our area.
3. Clean up the debris with urgency and remedy the debris landfilled driveway elevation.

I appreciate your support and wish you a prosperous 2024.

Best regards

Martin Greyling  
Head of Customs Product - Southern Africa & Indian Ocean Islands



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is agent on behalf of Maersk A/S (Incorporated in Denmark)

SA Reg. No: 2015/028124/10

Roggebaai Place, 8<sup>th</sup> Floor

4 Jetty Street

Foreshore

Cape Town

Phone: +27

Mobile: +27

e-mail:

Web: [Maersk.com/CHB](http://Maersk.com/CHB)



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Overstrand Municipality Waste Management Department

Subject: Complaint Regarding Building Rubble Infringement on Erf 3095, Sunny Seas

Date: 09/09/2024

Dear Sir/Madam,

I am writing to formally lodge a complaint regarding a persistent issue of building rubble on the property located at Erf 3095, Sunny Seas. This matter was initially reported to Mr Samuels at Law Enforcement on 29 December 2023. Mr Samuels efficiently initiated a site inspection and forwarded this to Town Planning Department on 10 January 2024.

I followed up on 11 March 2024 and again on 20 May 2024 whereafter Mr Minnaar from Town planning advised that *"Per your original complaint regarding the filling, the property owner was instructed to stop and submit a land use planning application. The application has been submitted this year. Note that any new filling by the property owner will be another contravention in terms of the By-Law. Therefore, the application must first be finalised before any further developments occur on the subject property."*

I requested and resolution timeframe, but none has been forthcoming and despite these reports, the issue remains unresolved.

I again visited the site on 08 Sept 2024 to find no change from the pictures attached.

According to the Overstrand Municipality's Integrated Waste Management By-Law, 2013, property owners are required to ensure that waste, including building rubble, is properly disposed of and not visible from public areas. Specifically:

- **Section 21** requires property owners to have a plan for the management of building waste, including its storage and disposal.
- **Section 22** mandates that building waste must be stored in a manner that does not cause a nuisance or harm to the environment and must not be visible from public areas.
- **Section 23** outlines the requirements for the removal and proper disposal or recycling of building waste.

Additionally, the Municipal Land Use Planning By-Law mandates that properties must be maintained in a condition that does not negatively impact the surrounding environment or community.

The continued presence of building rubble on Erf 3095 is a clear violation of these by-laws and has become a significant nuisance to the residents of Sunny Seas. The lack of transparent resolution on this matter is concerning and requires your attention.

I kindly request that the Overstrand Municipality take prompt and effective action to enforce the relevant by-laws and ensure the removal of the building rubble from Erf 3095. Please provide me with an update on the steps being taken to address this issue.

Thank you for your attention to this matter. I look forward to your prompt response.

Sincerely,

Martin Greyling

**Loretta Gillion**

---

**From:** Robyn Samuels <[rsamuels@overstrand.gov.za](mailto:rsamuels@overstrand.gov.za)>  
**Sent:** Wednesday, 10 January 2024 11:22  
**To:** Brady Minnaar  
**Cc:** Martin Greyling; Law KM  
**Subject:** FW: Rubble and unsightly debris complaint - erf 3095 Betty's bay  
**Attachments:** WhatsApp Image 2023-12-28 at 11.25.13.jpeg; WhatsApp Image 2023-12-28 at 11.25.14 (2).jpeg; WhatsApp Image 2023-12-28 at 11.25.14.jpeg; WhatsApp Image 2023-12-28 at 11.25.15 (2).jpeg

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Dear Mr Minnaar

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Mr Mattei visited their offices on 08/01/2024 and Miss Brewell informed him that Mr Rossouw is on leave but had conducted an inspection with you at the site w.r.t the complaint received. The complaint was then handed over to your offices.

Can you perhaps provide feedback to the complainant?

Kind regards

**Robyn Samuels**  
Senior Inspector: Law Enforcement Kleinmond  
Overstrand Municipality  
T: 028 271 8493/8466 | E: [rsamuels@overstrand.gov.za](mailto:rsamuels@overstrand.gov.za)



Vision Statement: *"To be a centre of excellence for the community"*

Classification: Internal

**From:** Martin Greyling <>  
**Sent:** Friday, December 29, 2023 10:28 AM  
**To:** Robyn Samuels <[rsamuels@overstrand.gov.za](mailto:rsamuels@overstrand.gov.za)>  
**Subject:** Rubble and unsightly debris complaint - erf 3095 Betty's bay

Good day Mr/Ms Samuels.

Hope this finds you well.

Kindly support in guiding me with the correct procedure and or contact person details if this is not sufficient in remedying the situation.

My wife and I live in Cape Town however own two more properties in Betty's Bay, one occupied by my parents and the other being vacant plot erf 3104 Bettys Bay situated at 76 Seaview Drive, Sunny Seas which we purchased in Sept 2021.

At the time of purchase unsightly rubble had been deposited in the road and on erf 3095. I was informed it was on the owner of erf 3095's request as he was filling in the land to change the driveway access which would be completed soon once he had enough rubble to fill.

I visited the plot more than a year back and the driveway had been redirected and the area largely cleaned up however some unsightly rubble was still visible from the road. I enquired with the occupants of the residence and was advised that the owner intended putting up a retaining wall to remedy this. I was led to believe the owner is a respected community member and owner of Sonic Kleinmond which I have not been able to verify.

Regardless, I had not been back to the plot in a while and visited the same around 2 weeks back to take some pictures and found more rubble and debris strewn along the road, on municipal ground and the unsightly debris filled elevation still very much without any form of disguise. The septic tank is also clearly visible from the road as per the photos attached.

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- (q) In the foregoing conditions the expression "the company" shall mean "The Hangklip Beach Estates Limited, as owner of the remaining extent of the township" and its successors in title to the whole of such remainder, held under Certificate of Township Title Number 369 dated 18<sup>th</sup> January 1956.

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Could you please confirm how I can:

1. get the conditions of the Title deed enforced
2. stop the owner of erf 3095 allowing the dumping of rubble in the road / public spaces and even on his property as this creates a very bad impression of our area.
3. Clean up the debris with urgency and remedy the debris landfilled driveway elevation.

I appreciate your support and wish you a prosperous 2024.

Best regards

Martin Greyling  
Head of Customs Product - Southern Africa & Indian Ocean Islands

OVERSTRAND MUNISIPALITEIT

REKORDBEHEER

**ANNEXURE E****Loretta Gillion**TP - A Theart  
(Huld Stoep)

**From:** Andre Schoeman < >  
**Sent:** Monday, 18 November 2024 11:49  
**To:** Loretta Gillion  
**Cc:** amund@vodamail.co.za  
**Subject:** FW: Erf 3095, 95 Seaview Drive, Betty's Bay  
**Attachments:** ADVERTISEMENT\_Erf 3095, 95 Seaview drive, Betty's Bay (ROR Dep Penalty).pdf

To whom it may concern.

I hereby wish to make official comments regarding the APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, DEPARTURES AND DETERMINATION OF AN ADMINISTRATIVE PENALTY is provided in the e-mail below.

My Name is André Schoeman and I reside at 23 Chiswick Place, Cherrybrook, NSW, Australia 2126

can be contacted at : or via mobile at

My interest in the application stems from the fact that I am the owner of Erf 3061 Betty's Bay also known as 25 Seaview Drive. Due to the close proximity of the identified property, I have a very keen interest in providing comments.

The three departures stated in the notice as:

- (i) relax the street building line from 4m to 0m to accommodate the existing infill area,
- (ii) relax the lateral building line from 2m to 0m to accommodate the existing dwelling, and
- (iii) exceed the permissible 8m height restriction to accommodate the existing 10m high transmission apparatus on the property.

are fundamental and non-trivial in nature and any transgression of the regulations would not have been a mere error.

Due to the fundamental nature of these oversights, I am concerned that, should permission be granted for these departures, this would set a precedent for all future building projects and significantly impact on the aesthetic, as well as spacious nature of the town planning regulations and vision for Betty's Bay. I simply cannot imagine what I would do, should a neighbour of mine be allowed to build a house abutting the property line as is being requested in this instance. Nor could I imagine what I would do should all the neighbours in front of my property be allowed to erect 10m high transmission equipment - we bought our property for the views and the spaciousness of the properties. This simply cannot be allowed and doing so would set us on a slippery slope to nowhere.

Being part of / close to an internationally recognised Biosphere, the building regulations were established to protect the environment and honour our commitment to the Biosphere. Any deviations are unacceptable, let alone deviations as blatant as these documented.

Please could you be so kind as to let me know if you need anything else from me in order for my comments to be considered?

Sincerely

André

FILE NO. Erf 3095-KBB ✓
SCAN NO.
2556697
COLLABORATOR NO.

**From:** amund@vodamail.co.za <amund@vodamail.co.za>  
**Sent:** Wednesday, 13 November 2024 9:10 PM  
**To:** lennel871@gmail.com; wimstrydom@hotmail.com; mccallum.leigh@gmail.com; isignvan@iafrica.com; yfbarnes@gmail.com; djprop786@gmail.com; petro-ann@stephenbeukes.co.za; susturt@gmail.com; zakaston@gmail.com; wegelin@mweb.co.za; pondokkie3059@hotmail.com; vista3060@icloud.com; schoemana@hotmail.com; maremariette@gmail.com; ferreira.coetzee@gmail.com; annarie@nulandiselgin.co.za; robinsandford@telkomsa.net; mark.kammerlander@gmail.com; robert@circledesign.co.za; gggreen@sonicmail.co.za; ronel.vantonder@absa.africa; clive.a.j.knight@gmail.com; vanniekerkalbertelda@gmail.com; info@redphoto.net; listma4656@gmail.com; fouriejoel@icon.co.za; abenjamin@barloworld-equipment.com; lgds@leondestadler.com; info@wcshe.co.za; charmainneconstable@gmail.com; saboks@iafrica.com; grant.mutamba@yahoo.com; philip.stoop1@gmail.com; berenice.wilson@gmail.com; wikus@landscaping.africa; ken.mcdonald@aglgroup.com; richard.white@capetown.gov.za; greylingan@me.com; glipp@sun.ac.za; lizevanschalkwyk0@gmail.com; zach@propertylegends.co.za; rdpelektries@gmail.com; ksoyez@eike.co.za; ansimpson@live.com; pennyoothuizen13@gmail.com; exdboaz@sonicmail.co.za; bverwey@absamail.co.za; witkop@twk.co.za  
**Cc:** 'Pieter de Haas' <pieter@platinumtownplanners.co.za>  
**Subject:** Erf 3095, 95 Seaview Drive, Betty's Bay

Dear Resident;

Trust you are well?

Please find attached correspondence regarding **Erf 3095, 95 Seaview Drive, Betty's Bay.**

If there are any questions, please contact me via email [amund@vodamail.co.za](mailto:amund@vodamail.co.za) or at 072 184 9621.

Thanks.

Regards / Groetnis

Amund

Amund Beneke Pr. PLN (A/680/1992) // MSAACPP // MPRE 1137487  
 M. Comm (Business Management // B. Art et Scien (Town-planning)  
 Director: Platinum Town and Regional Planners CC  
 Director: Platinum Town Properties (PTY) Ltd  
 Director: Platinum Town Project Management (PTY) Ltd

*Exciting news: We have a new Office in the Overstrand Municipal Area to serve the Western Cape / Eastern Cape Northern Cape Areas.*



**Overstrand Office**

52 Seaview Drive, Betty's Bay  
 Cell: 072 184 9621  
 Email: [amund@vodamail.co.za](mailto:amund@vodamail.co.za)  
[amund@vodamail.co.za](mailto:amund@vodamail.co.za)

**Pretoria Office**

61 Woodlands Avenue, Pecanwood  
 Cell: 083 226 1316  
 Email: [pieter@platinumtownplanners.co.za](mailto:pieter@platinumtownplanners.co.za)  
[dehaas@telkomsa.net](mailto:dehaas@telkomsa.net)

**Loretta Gillion**

**From:** Andre Schoeman <[amund@vodamail.co.za](mailto:amund@vodamail.co.za)>  
**Sent:** Friday, 15 November 2024 11:21  
**To:** [amund@vodamail.co.za](mailto:amund@vodamail.co.za)  
**Cc:** Loretta Gillion  
**Subject:** RE: Erf 3095, 95 Seaview Drive, Betty's Bay

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REKORDBEHEER 15 NOV 2024 DOCUMENT CONTROL OVERSTRAND MUNICIPALITY
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TP-A Theart  
(H v ld Stoop)

Good afternoon

Please could you let me know how I can provide formal comments on this proposal?

I am strongly opposed to giving approval as I do believe this would set an unacceptable precedent and significantly impact on the values of the properties nearby, including mine.

I am the owner of 25 Seaview Drive and would be absolutely appalled if the building lines of properties next to mine were relaxed to 0m - we could end up with houses abutting each other on the border-lines. In addition, having 10m tall "transmission equipment" on a property where the high restriction is 8m is unacceptable. For years we have all abided by these regulations and I see no reason for these to be relaxed.

Sincerely

André Schoeman

**From:** [amund@vodamail.co.za](mailto:amund@vodamail.co.za) <[amund@vodamail.co.za](mailto:amund@vodamail.co.za)>  
**Sent:** Wednesday, 13 November 2024 9:10 PM  
**To:** [lennel871@gmail.com](mailto:lennel871@gmail.com); [wimstrydom@hotmail.com](mailto:wimstrydom@hotmail.com); [mccallum.leigh@gmail.com](mailto:mccallum.leigh@gmail.com); [isignvan@iafrica.com](mailto:isignvan@iafrica.com); [yfbarnes@gmail.com](mailto:yfbarnes@gmail.com); [djprop786@gmail.com](mailto:djprop786@gmail.com); [petro-ann@stephenbeukes.co.za](mailto:petro-ann@stephenbeukes.co.za); [susturt@gmail.com](mailto:susturt@gmail.com); [zakaston@gmail.com](mailto:zakaston@gmail.com); [wegelin@mweb.co.za](mailto:wegelin@mweb.co.za); [pondokkie3059@hotmail.com](mailto:pondokkie3059@hotmail.com); [vista3060@icloud.com](mailto:vista3060@icloud.com); [schoemana@hotmail.com](mailto:schoemana@hotmail.com); [maremariette@gmail.com](mailto:maremariette@gmail.com); [ferreira.coetzee@gmail.com](mailto:ferreira.coetzee@gmail.com); [annarie@nulandiselgin.co.za](mailto:annarie@nulandiselgin.co.za); [robinsandford@telkomsa.net](mailto:robinsandford@telkomsa.net); [mark.kammerlander@gmail.com](mailto:mark.kammerlander@gmail.com); [robert@circledesign.co.za](mailto:robert@circledesign.co.za); [ggreen@sonicmail.co.za](mailto:ggreen@sonicmail.co.za); [ronel.vantonder@absa.africa](mailto:ronel.vantonder@absa.africa); [clive.a.j.knight@gmail.com](mailto:clive.a.j.knight@gmail.com); [vanniekerkalbertelda@gmail.com](mailto:vanniekerkalbertelda@gmail.com); [info@redphoto.net](mailto:info@redphoto.net); [listma4656@gmail.com](mailto:listma4656@gmail.com); [fouriejoel@icon.co.za](mailto:fouriejoel@icon.co.za); [ybenjamin@barloworld-equipment.com](mailto:ybenjamin@barloworld-equipment.com); [lgds@leondestadler.com](mailto:lgds@leondestadler.com); [info@wcshe.co.za](mailto:info@wcshe.co.za); [charmainneconstable@gmail.com](mailto:charmainneconstable@gmail.com); [saboks@iafrica.com](mailto:saboks@iafrica.com); [grant.mutamba@yahoo.com](mailto:grant.mutamba@yahoo.com); [philip.stoop1@gmail.com](mailto:philip.stoop1@gmail.com); [berenice.wilson@gmail.com](mailto:berenice.wilson@gmail.com); [wikus@landscaping.africa](mailto>wikus@landscaping.africa); [ken.mcdonald@aglgroupp.com](mailto:ken.mcdonald@aglgroupp.com); [richard.white@capetown.gov.za](mailto:richard.white@capetown.gov.za); [greylingan@me.com](mailto:greylingan@me.com); [glipp@sun.ac.za](mailto:glipp@sun.ac.za); [lizevanschalkwyk0@gmail.com](mailto:lizevanschalkwyk0@gmail.com); [zach@propertylegends.co.za](mailto:zach@propertylegends.co.za); [rdpelektries@gmail.com](mailto:rdpelektries@gmail.com); [ksoyez@eike.co.za](mailto:ksoyez@eike.co.za); [ansimpson@live.com](mailto:ansimpson@live.com); [pennyoothuizen13@gmail.com](mailto:pennyoothuizen13@gmail.com); [exdboaz@sonicmail.co.za](mailto:exdboaz@sonicmail.co.za); [bverwey@absamail.co.za](mailto:bverwey@absamail.co.za); [witkop@twk.co.za](mailto:witkop@twk.co.za)  
**Cc:** 'Pieter de Haas' <[pieter@platinumtownplanners.co.za](mailto:pieter@platinumtownplanners.co.za)>  
**Subject:** Erf 3095, 95 Seaview Drive, Betty's Bay

Dear Resident;

Trust you are well?

Please find attached correspondence regarding **Erf 3095, 95 Seaview Drive, Betty's Bay**.

If there are any questions, please contact me via email [amund@vodamail.co.za](mailto:amund@vodamail.co.za) or at 072 184 9621.

Thanks.

TP 15 NOV 2024

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FILE NO. Erf 3095 - K88
SCAN NO. 2512191
COLLABORATOR NO.

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED  
CONDITIONS, DEPARTURE & DETERMINATION OF AN  
ADMINISTRATIVE PENALTY: ERF 3095, BETTY'S BAY (4644/2024)**

Electricity	:	Eskom Area
Water	:	Refer to conditions
Sewer	:	Refer to conditions
Stormwater	:	Refer to conditions
Roads and traffic	:	Refer to conditions

**Conditions:**

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;
2. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of *SANS 10400 – P: 2010: Drainage*;
3. that, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Principal Technologist: Kleinmond for written approval;
4. that any additional and / or extended vehicle entrances will be for the owner's account;
5. that no reservation of on-street parking be allowed.
6. that stormwater discharged from higher lying properties and generated in the catchment area of the property be allowed to drain freely through the property;
7. that stormwater reticulation and connection(s) to the municipal system be provided at the owners cost, if required.

  
 RICARDO ANDREW  
 PRINCIPAL TECHNOLOGIST:  
 DEVELOPMENT CONTROL

  
 DATE

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
06 MAY 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

Annexure H1/3

Loretta Gillion

**From:** france@sonic.co.za  
**Sent:** Thursday, 24 April 2025 11:16  
**To:** amund@vodamail.co.za; Loretta Gillion  
**Cc:** 'Pieter de Haas'; Loriaan Isaacs; Sherwin Rossouw  
**Subject:** RE: ERF 3095 BETTY'S BAY  
**Attachments:** Salandra SOS Ondernemings.pdf

TP - A Theart  
(H vid Steep)



To who it may concern

I hope this message finds you well.

I would like to enquire if there are any updates regarding my application. The approval process has now been ongoing for nearly two years, and I believe sufficient time has passed for some form of consensus to be reached. I would greatly appreciate your feedback and any clarity you can provide on the current status.

Additionally, please find attached a report from Salandra SOS Ondernemings, a specialist contracting company experienced in ground excavation. I had them assess the feasibility of installing a septic tank underground at the property. Upon inspection, they concluded that due to the presence of significant rocks and boulders, the only viable method for excavation would involve the use of dynamite.

As I'm sure you can appreciate, this is not a practical or acceptable option, as such a process could result in substantial damage to my home, neighbouring properties, and also potentially disrupt OVM's water supply and service infrastructure.

Please refer to the attached confirmation letter from Salandra SOS Ondernemings for further details.

I look forward to your response.

Regards  
France Saayman

**Francé Saayman** | MEMBER

france@sonic.co.za T: 028 271 5494 (3)  
Shop 15 | Spar Centre | Kleinmond | [view map >](#)  
www.sonic.co.za

FILE NO. Erf 3095-KBB
SCAN NO.
COLLABORATOR NO.
2657492



TP 06 MAY 2025

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KLEINMOND

Shop 15 - Spar Centre

028 271 5494 (3)

info@sonicmail.co.za

ICASA Licence: 0114/CECS/JUN/10 &amp; 0014/CECNS/JUN/10 | REG: 2010/167000/23

amund@voda.co.za - France@sonic.co.za

**From:** amund@vodamail.co.za <amund@vodamail.co.za>**Sent:** Wednesday, 26 March 2025 16:07**To:** 'Loretta Gillion' <loretta@overstrand.gov.za>**Cc:** 'Pieter de Haas' <dehaas@telkomsa.net>; france@sonic.co.za; 'Loriaan Isaacs' <loriaanisaacs@overstrand.gov.za>**Subject:** ERF 3095 BETTY'S BAY

Hallo Loretta;

Trust you are well.

Referring to the objections/comments received on the Land-use Applications for **ERF 3095 BETTY'S BAY**, please find attached our Response.

Please let me know if this will suffice.

Thanks 😊

Regards / Groetnis

Amund

Amund Beneke Pr. PLN (A/680/1992) // MSAACPP // MPRE 1137487  
 M. Comm (Business Management // B. Art et Scien (Town-planning)  
 Director: Platinum Town and Regional Planners CC  
 Director: Platinum Town Properties (PTY) Ltd  
 Director: Platinum Town Project Management (PTY) Ltd

**Exciting news: We have a new Office in the Overstrand Municipal Area to serve the Western Cape / Eastern Cape / Northern Cape Areas.**

**Overstrand Office**

52 Seaview Drive, Betty's Bay  
 Cell 072 184 9621  
 Email: [amundpaul@gmail.com](mailto:amundpaul@gmail.com)  
[amund@vodamail.co.za](mailto:amund@vodamail.co.za)

**Pretoria Office**

61 Woodlands Avenue, Pecanwood  
 Cell: 083 226 1316  
 Email: [pieter@platinumtownplanners.co.za](mailto:pieter@platinumtownplanners.co.za)  
[dehaas@telkomsa.net](mailto:dehaas@telkomsa.net)

OK 1989/005239/23

**SALANDRA****ONDERNEMINGS  
STEYNS**

VAT 4490111202

TEL: 028 284 9019/9180  
FAX: 028 284 9601EMAIL: [steyns.transport@vodamail.co.za](mailto:steyns.transport@vodamail.co.za)  
WEB: [www.steynstransport.co.za](http://www.steynstransport.co.za)POSBUS 7  
BOTRIVER, 7185Kantoor: 028 272 9993  
Charles Meyer: 082 711 1743  
Datum: 6 Februarie 2025Frans Saayman  
Seaview Dr3095, Bettiesbaai

Wie dit mag aangaan.

Hiermee bevestig ons (Salandra Ondernemings) dat daar 'n solide rotsbank onder die grond loop waar septiek tenk tans geplaas is.

Daar kan geen breek van klip gedoen word nie weens Munisipale dienste wat onder gronds loop.

Byvoorbaat dank  
Die uwe

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