



**MEETING OF THE
MUNICIPAL PLANNING TRIBUNAL
(MPT)**

A G E N D A

DATE:	30 SEPTEMBER 2025
VENUE:	TOWN PLANNING COMMITTEE ROOM
TIME:	10:00

OVERSTRAND MUNICIPALITY

Office of the Chairperson: MPT
Civic Centre
HERMANUS
7200

23 September 2025

TO : THE MEMBERS OF THE MUNICIPAL PLANNING TRIBUNAL

CONVENING NOTICE : SESSION OF THE MUNICIPAL PLANNING TRIBUNAL (MPT)

NOTICE IS HEREBY GIVEN that the **Municipal Planning Tribunal (MPT)** will go into session in the Town Planning Committee Room, Hermanus on **Tuesday, 30 September 2025** at **10:00** to consider the attached agenda.

H JANSER (MS)
CHAIRPERSON : MUNICIPAL PLANNING TRIBUNAL

Distribution:

1. Ms H Janser (Chairperson)
2. Mr S Müller (Vice Chairperson)
3. Mr H Blignaut (Member)
4. Ms R Louw (Member)
5. Mr R Kuchar (Authorised Official)
6. Mr S van der Merwe (Senior Town Planner)
7. Ms H van der Stoep (Senior Town Planner)
8. H Olivier (Town Planner)
9. Secretariat

MUNICIPAL PLANNING TRIBUNAL (MPT)

30 September 2025

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1. OPENING

2. APPLICATIONS FOR LEAVE OF ABSENCE

3. CONFIRMATION OF MINUTES

3.1 Minutes of a Municipal Planning Tribunal Meeting held on 28 August 2025

4. ITEMS FOR CONSIDERATION

4.1 ERF 5568, 4 AGAPANTHUS ROAD, BETTY'S BAY, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, SUBDIVISION AND DEPARTURE: PLATINUM TOWN & REGIONAL PLANNERS CC ON BEHALF OF DA & DP CLARKE

Report attached

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Report attached

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Report attached

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Report attached

- 4.6 PORTIONS 210 AND 220 (PORTIONS OF PORTION 80) OF FARM AFDAKS RIVIER NO. 575, CALEDON DIVISION, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: WRAP PROJECT OFFICE ON BEHALF OF BENGUELA COVE HOMEOWNER'S ASSOCIATION**

Report attached.

4.1

**ERF 5568, 4 AGAPANTHUS ROAD, BETTY'S BAY, OVERSTRAND MUNICIPAL AREA:
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS,
SUBDIVISION AND DEPARTURE: PLATINUM TOWN & REGIONAL PLANNERS CC ON
BEHALF OF DA & DP CLARKE**

5568 KBB (4907/2025)

H van der Stoep

1 September 2025

(028) 313 8900

Hermanus Administration

1. EXECUTIVE SUMMARY

An application was received on 4 February 2025 from Platinum Town & Regional Planners CC on behalf of DA & DP Clarke on Erf 5568, Betty's Bay 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.7 and C.7 as contained in Title Deed T30376/2006 of the property.

The restrictive title deed conditions B.7 and C.7 read as follows:

"B.7. No building or structure or any portion thereof except boundary walls fences shall except with the consent of the Administrator be erected nearer than 5m to the street line which forms a boundary of this erf, nor within 3m of the rear or 3m of the lateral boundary common to any adjoining erf, provided that with the consent of the local authority–

C.7. No building or structure or any portion thereof except boundary walls fences shall except with the consent of the Administrator be erected nearer than 5m to the street line which forms a boundary of this erf, nor within 3m of the rear or 3m of the lateral boundary common to any adjoining erf, provided that with the consent of the local authority–"

- ❖ **Subdivision** in terms of Section 16(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to subdivide Erf 5568, Betty's Bay into three (3) portions, namely Portion 1 ($\pm 757\text{m}^2$), Portion 2 ($\pm 723\text{m}^2$) and a Remainder ($\pm 970\text{m}^2$).
- ❖ **Departure** in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to relax the rear building lines of Portion 1, Portion 2 and the Remainder from 2m to 1m respectively.

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.

2. DECISION AUTHORITY

Municipal Planning Tribunal

3. BACKGROUND / SITE HISTORY

Erf 5568 Betty's Bay was originally three (3) erven, each approximately 817m^2 in extent. Two (2) of the three (3) were then consolidated to form Erf 5442 Betty's Bay.

Erf 5442 and Erf 4110 Betty's Bay were then consolidated to form Erf 5568 Betty's Bay.

4. SUMMARY OF APPLICANT'S MOTIVATION

DESCRIPTION:

Zoning of Erf: Residential 1
 Area in extent: 2066m²
 Title Deed Number: T6358/2021

ENGINEERING SERVICES

No additional services will be required. The erf has access to Municipal services. Each new proposed erf will have its own water connection, electricity connection and septic tank. Access to the new proposed erven will be from Agapanthus Road.

DEVELOPMENT PROPOSAL

REMOVAL OF RESTRICTIVE CONDITIONS IS MOTIVATED AS FOLLOWS:

Conditions B.7 and C.7 in Title Deed T30376/2006, read as follows:

"No building or structure or any portion thereof except boundary walls fences, shall except with the consent of the Administrator be erected nearer than 5m to the street line which forms a boundary of this erf, nor within 3m of the rear or 3m of the lateral boundary common to any adjoining erf, provided."

The aforementioned restrictive condition does not allow any structure or building on the property over the building lines, except with the approval of the Administrator and needs to be removed.

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 subdivide Erf 5568 Betty's Bay into three (3) new erven. Financially the subdivision of the said Erf into three (3) new erven will benefit the Landowners as they will have the opportunity to sell then in the open market. However, the removal, suspension or amendment of Conditions B.7 and C.7 in Title Deed T30376/2006 will have no financial benefit for any person or entity.

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.7 and C.7 in Title Deed T30376/2006 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.7 and C.7 in Title Deed T30376/2006 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.7 and C.7 in Title Deed T30376/2006 will only remove some of the conditions in the applicable Title Deed.

SUBDIVISION

Erf 5568 Betty's Bay was originally three (3) erven, each approximately 817m² in extent. Two (2) of the three (3) were then consolidated to form Erf 5442 Betty's Bay. Erf 5442 and Erf 4110 Betty's Bay were then later consolidated to form Erf 5568 Betty's Bay.

It is proposed that Erf 5568 Betty's Bay be subdivided as follows:

- Proposed Remainder of Erf 5568 Betty's Bay, approximately 970m² in extent;
- Proposed Portion 1 of Erf 5568 Betty's Bay, approximately 757m² in extent;
- Proposed Portion 2 of Erf 5568 Betty's Bay, approximately 723m² in extent;

It is the intention of the owner to sell the properties on the open market.

DEPARTURE

- It is suggested that the building line restriction on the western boundary of the proposed Remainder, Portion 1 and Portion 2 of Erf 5568 Betty's Bay be relaxed to 1.0m.
- Proposed Remainder of Erf 5568 and Portion 1 Erf 5568: it is suggested that the building line restriction between the Remainder and proposed Portion 1 be 2m; and
- Proposed Portion 1 Erf 5568 and Portion 2 Erf 5568: it is suggested that the building line restriction between Portion 1 and Portion 2 be 2m.

CONSISTENCY WITH SPLUMA AND LUPA PRINCIPLES:

○ **Spatial Justice**

Compliant with planning policy/ Documents.

○ **Spatial Sustainability**

Compliant with planning policy/ Documents.

○ **Spatial Efficiency**

Compliant with planning policy/ Documents.

○ **Spatial Resilience**

Compliant with planning policy/ Documents.

o **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.

PLANNING POLICY DOCUMENTS:

Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)(SPLUMA)

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.

- (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, ample open space will be provided.

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 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.

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 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 Wide Development Framework, 2020,

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).

5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
Local newspaper	Yes	27 February 2025	4 April 2025
Government Gazette	Yes	28 February 2025	4 April 2025
Email notices & site notice	Yes	27 February 2025	4 April 2025
Internal departments	Yes	27 February 2025	4 April 2025
Ward Councillor	Yes	27 February 2025	4 April 2025
Total comments	ONE (1)		

Total letters of support	NONE
Was public participation undertaken in accordance with Section 46 - 50 of the By-Law on Municipal Land Use Planning?	Yes
Was the application processed correctly (if no, elaborate below):	Yes
Is the proposal consistent with the principles referred to in Chapter 2 of SPLUMA and Chapter VI of LUPA? (can be elaborated further below)	Yes

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

Name	Date received	Summary of comments
Building Control	27/02/2025	<ul style="list-style-type: none"> ▪ No objection. ▪ All buildings to comply with NBR and all other applicable law. ▪ Once new erf numbers have been registered, new building plans to be submitted to make sure that individual buildings comply with Fire Regulations.
Engineering Services	29/05/2025	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 in Extension 4 of Betty's Bay Township and the Betty's Bay Ratepayers Association. A notice board was also placed on-site by the applicant's consultant.

One (1) letter of objection was received from **Mrs. Marion Johnson**, the owner of Erf 4107, forthcoming the public participation process.

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:

OBJECTION 1

Reducing the boundary lines represents a fire hazard.

APPLICANT'S RESPONSE

The Land-use Applications at hand have been forwarded to i.e. the Overstrand Local Municipality (OLM) Fire and Rescue Department for comments/input. The said Department must scrutinize the applications and, if it poses a fire hazard, set certain conditions to comply with. If the land-use applications are approved final Site Development Plan and building plan(s) will be submitted. These plans will again be circulated by OLM to i.e. the Fire and Rescue Department. The SDP and building plans must adhere to all fire risk requirements before it is signed off by the said Department.

TOWN PLANNER'S RESPONSE

It should be noted that the existing buildings as per building plan, dated 2000, did obtain the consent from the previous owner.

All building plan submissions are evaluated by the Fire Department.

OBJECTION 2

Subdivision into three portions will detract the view of the mountains and the height of the structures is unknown.

APPLICANT'S RESPONSE

The point "detract from my view of the mountains" is a subjective statement with no evidence / data supporting it. The point, therefore, is regarded as invalid. Regarding the point "the height of the structures is unknown", it is general condition that no building in Betty's Bay may be higher than 8m

TOWN PLANNER'S RESPONSE

The height of buildings has a maximum height of 8m as per the Overstrand Land Use Scheme. The application did not request any height deviation and thus will the 8m height restriction be applicable. The mountain views that can be impacted relates to the proposed Remainder of the erf. This portion has existing buildings as per approved building plan, with neighbours' consent from the previous owner of Erf 4107. The location of the two newly created erven is of such a nature that mountain views cannot be impeded.

OBJECTION 3

Privacy will be infringed, and sunlight will be compromised.

APPLICANT'S RESPONSE

This point is a subjective statement with no evidence / data supporting it. The point, therefore, is regarded as invalid. Regarding "privacy", this issue will be addressed / attended to by the architect. Similar will i.e. the OLM Building Control Department ensure that the privacy of adjacent neighbours is protected during the scrutiny of the building plan(s) submitted before it is signed off.

TOWN PLANNER'S RESPONSE

The existing dwellings and outbuildings on the property have an approved building plan (plan number 5442/2000). It is noted that the applicant has illegal structures on the property that will be demolished that may be of concern for the objector.

It should be noted that the request for relaxation of the 2m rear building line to a 1m rear building line, with the exception of the existing approved structures, is not viewed positively and are being discussed in detail under the heading of Desirability.

OBJECTION 4

The subdivision will also detract from the ambience of Betty's Bay.

APPLICANT'S RESPONSE

This point is a subjective statement with no evidence/data supporting it. The point, therefore, is regarded as invalid. Erf 5568 doesn't form part of the existing large open space erven and habitat for indigenous flora and fauna. It is a residential erf with residential structures.

The self-explanatory Memorandum submitted with the Land-use Applications clearly states that Erf 5568 was originally three (3) erven (for ease of reference is the specific paragraph copied below):

A subdivision application is submitted in terms of Sections 16(2)(d) and 18 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020. Erf 5568 Betty's Bay was originally three (3) erven, each approximately 817m² in extent. Two (2) of the three (3) were then consolidated to form Erf 5442 Betty's Bay. Erf 5442 and Erf 4110 Betty's Bay were then later consolidated to form Erf 5568 Betty's Bay.

It is proposed that Erf 5568 Betty's Bay be subdivided as follows:

- Proposed Remainder of Erf 5568 Betty's Bay, approximately 970m² in extent.
- Proposed Portion 1 of Erf 5568 Betty's Bay, approximately 757m² in extent.
- Proposed Portion 2 of Erf 5568 Betty's Bay, approximately 723m² in extent.

TOWN PLANNER'S RESPONSE

Important to note is that the application erf consisted of three (3) erven created in 1971 which consisted of Erven 4108, 4109 and 4110.

In 1996 Erven 4108 and 4109 was consolidated to form Erf 5442 and in 2005 Erf 4110 was consolidated with Erf 5442 to form the application erf, Erf 5568. Thus, no additional erven are created, and the proposal is in line with the original General Plan as approved in 1971, indicating three (3) erven.

The properties in Extension 4 varies from the minimum of 600 m² to a maximum of 1598 m² and averaging around 700 m² to 800 m². The proposed subdivisions are in line with the average size of erven within Extension 4. The existing erf 5568 is the anomaly in the area due to its large extent and the proposed subdivision will be more in line with the spatial character and feel (ambiance) of the area.

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

10.1 Background

Betty's Bay Extension 4 General Plan no 8503 was approved in 1971. Erf 5568 consisted of Erven 4108, 4109 and 4110. Two of the erven (Erven 4108 and 4109) was consolidated in 1996 to form Erf 5442. Erf 4110 was consolidated with Erf 5442 in 2005. LG diagram 2125/2005 now known as Erf 5568.

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

N/A

Spatial Sustainability

The erf is located within an approved township and has been developed with approved building plans. Thus, the impact on the environment is not applicable, since it is integral part of the built environment of the township.

Efficiency

Municipal services and infrastructure are available. The proposed subdivision will have little impact on the existing carrying capacity as indicated by the municipal engineering services.

Spatial Resilience

The built structures will have to comply with the National Building regulations and SANS, which has built in mechanism to ensure that buildings will be able to stand environmental shocks.

Good Administration

The applicant did follow the public participation process as determined 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.

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

The Financial and other value loss enjoyed by the administrator and or residents of Betty's Bay Extension 4 can only be established or measured or quantified. During the public participation loss were not reported that can be measured or quantified.

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

There is no personal benefit for the Administrator and or residents of Betty's Bay Extension 4.

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

The applicant will be able to subdivide the property and sell on the open market.

The social benefit of the restrictive condition remaining in place

The application property was with the original establishment of the township, three erven. The creation of a large erf 2005 is out of character in the area. There is very little social benefit for Extension 4 residents since the subdivision will be more compliant with the character of the area.

The social benefit of the removal of the restrictive condition

There is no social benefit for the applicant, since the erf and the proposed subdivision will remain Residential Zone 1: Single residential zoning.

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 proposed removal of conditions is limited to two conditions and the remaining Title Deed conditions remains in place.

12. THE DESIRABILITY OF THE PROPOSAL**REMOVAL OF RESTRICTIVE CONDITIONS:**

The removal of the restrictive conditions regarding building lines are necessary for the proposed erven to fall under the development parameters as per the Overstrand Land Use Scheme. The title deed building line restrictions relates to a 5m street building line and lateral and rear building lines of 3m. The Overstrand land Use Scheme has a 4m street building line and 2m lateral and rear building lines.

Although most dwellings are located on the 5m title deed street building line, the erven extent is of such a nature that the 4m street building line can be evaluated positively. Especially should any owner intend to erect a car port, which is allowable in terms of the Land Use Scheme through a departure application. Carports are standard practice in recent times.

Developments are restricted to 3m title deed lateral and rear building lines. The proposed 2m Overstrand Land Use Scheme building lines are viewed positively for the following reasons - the title deed allows garages, and other outbuildings on the rear and lateral boundaries, whilst the Land Use Scheme only allows garages with neighbour's consent. Thus, the Title Deed is much more lenient than the Land Use Scheme. Any other outbuilding must go through a departure process which is not the case should only the title deed be applicable, it is a right.

The proposed erven will be subject to the Land Use Scheme development parameters for Single Residential erven and restrict buildings up to 8m in height. This was a concern of an adjacent objector, the applicant did not request any deviation from the height parameter.

SUBDIVISION:**The erf is proposed to be subdivided into three (3) portions namely:**

- ❖ Proposed Remainder of Erf 5568 Betty's Bay, approximately 970m² in extent;
- ❖ Proposed Portion 1 of Erf 5568 Betty's Bay, approximately 757m² in extent, and
- ❖ Proposed Portion 2 of Erf 5568 Betty's Bay, approximately 723m² in extent.

The properties in Extension 4 varies from the minimum of 600 m² to a maximum of 1598 m² and averaging around 700m² to 800m². The proposed subdivisions are in line with the average size of erven within Extension 4. Important to note is that the application erf originally consisted of three (3) erven created in 1971. It consisted of Erven 4108, 4109 and 4110.

In 1996 Erven 4108 and 4109 was consolidated to form Erf 5442 and in 2005 Erf 4110 was consolidated with Erf 5442 to form the application erf, Erf 5568. Thus, no additional erven are created, and the proposal is in line with the original General Plan as approved in 1971, indicating three erven.

DEPARTURES

➤ **Departure on the western boundary line from 2m to 1m.**

This aspect will be dealt as follows:

Remainder Erf 5568

The Remainder portion of Erf 5568 consist of a dwelling, home entertainment room and a snooker room. The entertainment room and the snooker room were approved on the 1m lateral building line as per building plan no 5442/2000. The owner, Rev AJH Buitendag, did consent to the structure on the 1m building line, letter dated January 2000. The applicant did indicate that the lean to between the Remainder and proposed Portion 1 will be demolished to adhere to the 2m lateral building line.

Portion 1 of Erf 5668

A portion of the home entertainment room is also located on the northwestern side of the erf. The same information is relevant pertaining to the approved structure as indicated on building plan no 5442/2000. For all other structures the Land Use Scheme development parameters are applicable.

Portion 2 of Erf 5668

Proposed portion 2 have various illegal structures that will be demolished and removed. In essence the proposed erf is vacant. There is no reason for the proposed departure on the requested 1m building line and is thus not recommended. A 2m rear building line will be applicable to the erf, subject to the development parameters of the Land Use Scheme that does allow garages on the 0m rear building line with neighbour's consent.

Building lines are there for a reason in order to:

1. Ensuring Safety and Accessibility

One of the primary purposes of building lines is to ensure the safety and accessibility of properties. Setbacks provide space for emergency services, pedestrian walkways, and vehicular access, contributing to the overall safety and functionality of the built environment.

2. Preserving Aesthetic Appeal and Privacy

Building lines also play a role in preserving the aesthetic appeal of neighbourhoods and ensuring privacy between properties. By establishing uniform setbacks, building lines help create a cohesive and visually pleasing streetscape while providing adequate space between structures for light, ventilation, and privacy.

The departure for the requested 1m building line will only be applicable to the existing structures as per approved building plan, Plan no 5442/ 2000.

CONCLUSION:

The application for the removal of the restrictive conditions to enable the applicant to change the use of the buildings as indicated on approved building plan, dated 2000 to be used as garages as indicated January 2025, Sketch Plan, Proposed subdivisions and rezoning. It should be noted that the application is not for a rezoning, since the land uses will remain Single Residential.

The departures requested on the western building line to 1m lateral and rear building line will only be allowed for the structures as per approved building plan No 5442/2000. The use of the structures for garaging purposes is recommended, but not for habitable space e.g. extension of the dwelling. The request to relax the rear building line of the newly created portion 2 is not recommended for approval.

The subdivision of the erf is the creation of three erven, reverting back to the General Plan, approved in 1971.

13. RECOMMENDATION

1. that the objection 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 5568, Betty's Bay for the removal of restrictive title deed condition B.7 and C.7 as contained in Title Deed T30376/2006 of 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)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to subdivide Erf 5568, Betty's Bay into three (3) portions, namely Portion 1 ($\pm 757\text{m}^2$), Portion 2 ($\pm 723\text{m}^2$) and a Remainder ($\pm 970\text{m}^2$), **be approved**, in terms of the provisions of Section 61 of the By-Law;
4. 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 5568, Betty's Bay for a departure to relax the rear building lines of Portion 1, Portion 2 and the Remainder from 2m to 1m respectively, **be partially approved**, to exclude Portion 2, in terms of the provisions of Section 61 of the By-law;
5. that the above approvals in Points 2-4 be subject to the following conditions:
 - (a) that the approval of the departure of the western boundary building line from 2m to 1m be restricted to the approved buildings on the Remainder of Erf 5568 and proposed Portion 1 only;
 - (b) that the departure for the requested 1m building line will only be applicable to the existing structures as per approved building plan, Plan no 5442/ 2000;
 - (c) that this approval is only for the subdivision as indicated on plan number /01 dated January 2025, as submitted with the application;
 - (d) that the lean-to located on the Remainder of Erf 5568 as indicated on plan dated January 2025, **be demolished**, within 60-days of the final decision;

- (e) that all other illegal structures on the property/ies, **be demolished**, within 60-days of the final decision;
 - (f) that the approved structures as per building plan no. 5442/2000 **not** be converted into habitable space (extension of a dwelling on the 1m building line);
 - (g) that revised building plans be submitted to reflect Points (a) – (f) above to the Building Department for approval, and that all conditions of the Building Control- and the Fire Departments be complied with at that stage;
 - (h) that the amended title deed be submitted for record purposes to the Municipality;
 - (i) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (j) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and
 - (k) that all the conditions in the Services Report (attached as Annexure D), be complied with.
6. that the applicant and objector 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

- ❖ The title deed condition building line restrictions are more restrictive in terms of the street and rear building lines, but more lenient in terms of the lateral building lines.
- ❖ The difference between the street building line of the title deed conditions and the Land Use Scheme are approximately 1m in total and thus would have very little impact on the residential character or street view of the area. .
- ❖ The lateral building lines of 3m of the Title Deed is more lenient in terms of outbuildings than the 2m of the Land Use Scheme.
- ❖ The departure of the western building line from 2m to 1m is restricted to the approved structures as per plan 5442/2000 pertaining to the Remainder and proposed Portion 1 of Erf 5568. These structures were constructed with the neighbour's consent in 2000.
- ❖ The departure of the western building line relating to proposed Portion 2 of Erf 5568 is not supported since no reason was discussed in the motivation. There is thus no reason for the development on the 1m rear building line of the vacant erf and has to comply with the development parameters of the Land Use Scheme.
- ❖ The removal of the conditions is to address building lines. All the other conditions remain in place.

15. ANNEXURES

- Annexure A: Locality Plan
- Annexure B: Motivation Report
- Annexure C: Subdivision Development Plan
- Annexure D: Title Deed T30376/2006

Annexure E: Objection received
Annexure F: Applicant's response to the objection received
Annexure G: Services Report
Annexure H: Approved building plan 5442/200 and neighbour's consent
Annexure I: General Plan No. 8268 dated 1971 and SG Diagram 2125/2005

SIGNATURE**REGISTERED PLANNER**

Name: **H VAN DER STOEP**

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

Signature: _____

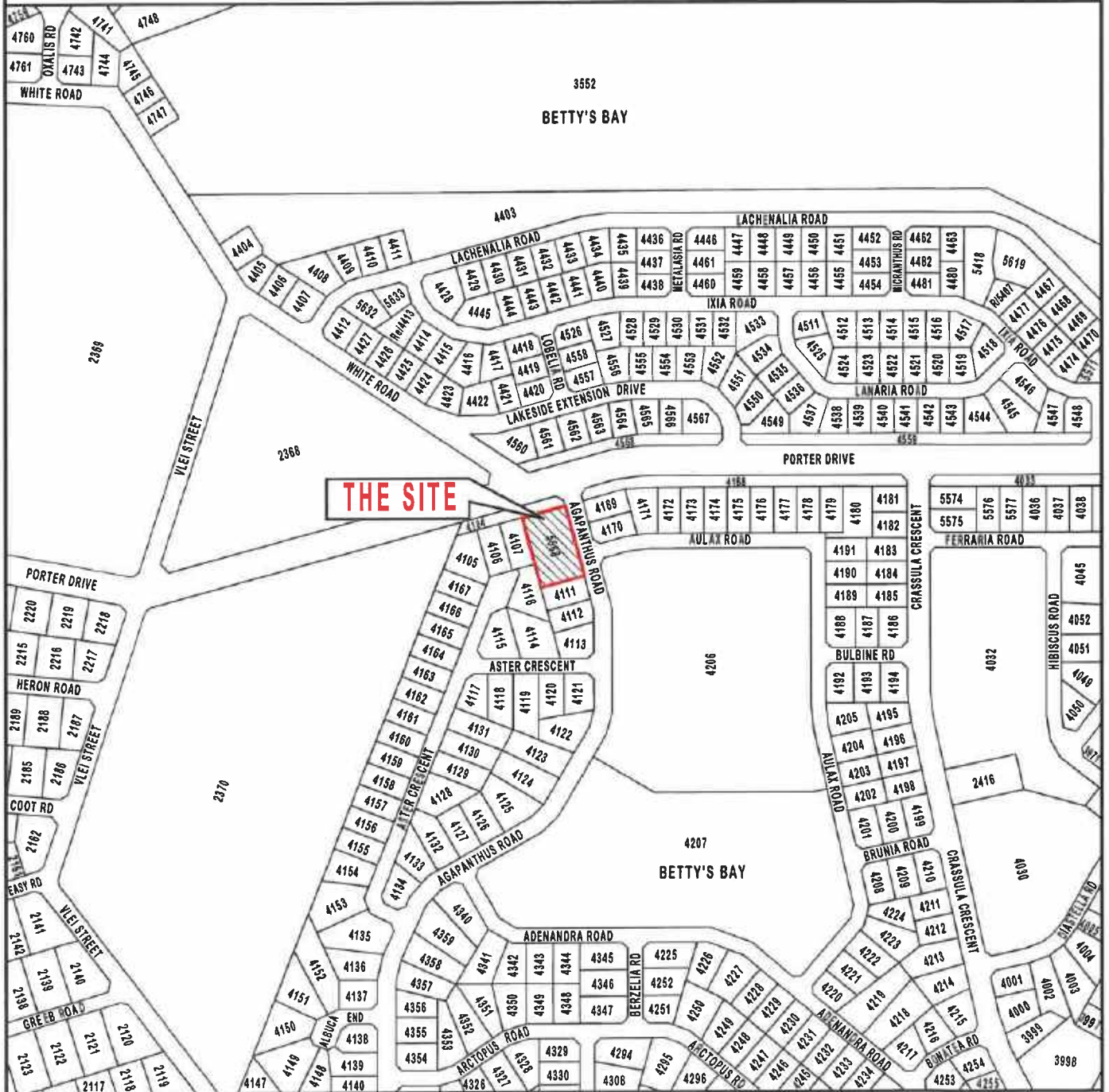
Date: _____

LOCALITY MAP

ERF 5568, BETTY'S BAY



SCALE: 1 : 5 000



THE SITE

REFERENCE



THE APPLICATION

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



Pretoria Office:
61 Woodlands Avenue,
PECANWOOD
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MEMORANDUM

ERF 5568 BETTY'S BAY

A. PROPERTY DESCRIPTION

The property is known as Erf 5568 Betty's Bay. The Erf is approximately 2451m² in extent.

B. OWNERSHIP

Erf 5568 Betty's Bay is owned by "Desmond Alfred Clarke (ID: 550603 5059 006) and Denise Pauline Clarke (ID: 561107 0091 086)". Title Deed T30376/2006 is attached as **Annexure A**.

The "Power of Attorney" is attached as **Annexure B**.

There is no bond registered against Erf 5568 Betty's Bay.

C. LOCATION

Erf 5568 Bay is located at 5568 Agapanthus Road (c/o Agapanthus and Porter Drive), Betty's Bay. The Locality Map is attached as **Annexure C**.

D. ZONING

Erf 5568 Betty's Bay is zoned "Residential Zone 1: Single Residential (SR1)".

E. APPLICATIONS

E.1 History

Erf 5568 Betty's Bay was originally three (3) erven, each approximately 817m² in extent.

Two (2) of the three (3) were then consolidated to form Erf 5442 Betty's Bay. Erf 5442 and Erf 4110 Betty's Bay were then consolidated to form Erf 5568 Betty's Bay (**Annexure D**).



There are residential / outbuildings on Erf 5568 Betty's Bay.

E.2 Applications

E.2.2 Application 1: Application is hereby made for the amendment, suspension or deletion of Conditions B.7 and C.7 in Title Deed T30376/2006 in terms of Sections 16(2)(f) of the Overstrand Municipality Amendment By-law on Municipal Land-use Planning (2020).

Conditions B.7 and C.7 in Title Deed T30376/2006, read as follows:

"No building or structure or any portion thereof except boundary walls fences, shall except with the consent of the Administrator be erected nearer than 5m to the street line which forms a boundary of this erf, nor within 3m of the rear or 3m of the lateral boundary common to any adjoining erf, provided"

It is the intention of the Landowners to subdivide Erf 5568 Betty's Bay into three new erven (refer to **Annexure E**):

- Proposed Remainder of Erf 5568 Betty's Bay, approximately 970m² in extent;
- Proposed Portion 1 of Erf 5568 Betty's Bay, approximately 757m² in extent;
- Proposed Portion 2 of Erf 5568 Betty's Bay, approximately 723m² in extent;

However, the "*building line conditions*" stipulated in the Title Deed restrict existing buildings / new buildings on the requested subdivisions. It, therefore, needs to be amended, suspended or deleted:

- Outer boundary of the existing Erf 5568 Betty's Bay:
 - On the northern boundary (Line "A-B" on **Annexure E**), the building line restriction is 3m as it is adjacent to Erf 4104 Betty's Bay. No building transgression is occurring;
 - On the eastern boundary (Line "B-b-c-C" on **Annexure E**), the building line restriction is 5m (street front). No building transgression is occurring;
 - On the southern boundary (Line "C-D" on **Annexure E**), the building restriction is 3m as it is adjacent to Erf 4111 Betty's Bay.
 - On the western boundary (Line "A-a-d-D" on **Annexure E**), the building restriction is 3m as it is adjacent to Erven 4107 and 4116 Betty's Bay. However:
 - the Building marked "Garage" (refer to **Annexure E**) seemingly transgresses the 3m building line restriction (Line "A-a-d" on **Annexure E**). However, the Building Plan (**Annexure F**), approved in 2000, acknowledges this "*transgression*". It is currently also being used as a "garage / outbuilding".



- In view of the approved Building Plan (**Annexure F**), an Administrative Penalty Application, in terms of Sections 90 of the Overstrand Municipality Amendment By-law on Municipal Land-use Planning (2020), is not required.
- Building line Proposal:
 - Western boundary of Erf 5568 Betty's Bay: it is suggested that the building line restriction on the western boundary (Line "A-a-d-D" on **Annexure E**) of the proposed Remainder, Portion 1 and Portion 2 of Erf 5568 Betty's Bay be relaxed to 1.0m.
 - Proposed Remainder of Erf 5568 and Portion 1 Erf 5568: it is suggested that the building line restriction between the Remainder and proposed Portion 1 be 2m (Line "a-b" on **Annexure E**); and
 - Proposed Portion 1 Erf 5568 and Portion 2 Erf 5568: it is suggested that the building line restriction between Portion 1 and Portion 2 be 2m (Line "d-c" on **Annexure E**).

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 subdivide Erf 5568 Betty's Bay into three (3) new erven. Financially the subdivision of the said Erf into three (3) new erven will benefit the Landowners as they will have the opportunity to sell them in the open market. However, the removal, suspension or amendment of Conditions B.7 and C.7 in Title Deed T30376/2006 will have no financial benefit for any person or entity.
- 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.7 and C.7 in Title Deed T30376/2006 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.7 and C.7 in Title Deed T30376/2006 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.7 and C.7 in Title Deed T30376/2006 will only remove some of the conditions in the applicable Title Deed.

E.2.3 Application 2: 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) regarding "building lines":

- It is suggested that the building line restriction on the western boundary (Line "A-a-d-D" on **Annexure E**) of the proposed Remainder, Portion 1 and Portion 2 of Erf 5568 Betty's Bay be relaxed to 1.0m.



- Proposed Remainder of Erf 5568 and Portion 1 Erf 5568: it is suggested that the building line restriction between the Remainder and proposed Portion 1 be 2m (Line "a-b" on Annexure E); and
- Proposed Portion 1 Erf 5568 and Portion 2 Erf 5568: it is suggested that the building line restriction between Portion 1 and Portion 2 be 2m (Line "d-c" on Annexure E).

E.2.4 Application 3: A Subdivision Application is submitted in terms of Sections 16(2)(d) and 18 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

Erf 5568 Betty's Bay was originally three (3) erven, each approximately 817m² in extent.

Two (2) of the three (3) were then consolidated to form Erf 5442 Betty's Bay. Erf 5442 and Erf 4110 Betty's Bay were then later consolidated to form Erf 5568 Betty's Bay (Annexure D).

It is proposed that Erf 5568 Betty's Bay be subdivided as follows (please refer to Annexure E):

- Proposed Remainder of Erf 5568 Betty's Bay, approximately 970m² in extent;
- Proposed Portion 1 of Erf 5568 Betty's Bay, approximately 757m² in extent;
- Proposed Portion 2 of Erf 5568 Betty's Bay, approximately 723m² in extent;

Access to the new proposed erven will be from Agapanthus Road.

Each new proposed erf will have its own water connection, electricity connection and septic tank.

F. NEED AND DESIRABILITY

F.1 PROPERTY

The property is known as Erf 5568 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**

Erf 5568 Betty's Bay was originally three (3) erven, each approximately 817m² in extent. Two (2) of the three (3) were then consolidated to form Erf 5442 Betty's Bay. Erf 5442 and Erf 4110 Betty's Bay were then later consolidated to form Erf 5568 Betty's Bay. It is proposed that Erf 5568 Betty's Bay be subdivided into three (3) new erven.

It is the intention of the Landowners to sell these three (3) erven in the open market.

- **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 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.

(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, ample open space will 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 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

Erf 5568 Betty's Bay was originally three (3) erven. Initially provision, therefore, was made for "*engineering services*" for the three (3) individual erven, nonetheless the fact that the three (3) erven have been consolidated over a number of years into one (1) erf.

Each new proposed erf will have its own water connection, electricity connection and septic tank.

Access to the new proposed erven will be from Agapanthus Road.



H. ENVIRONMENTAL ISSUE

Erf 5568 Bettys Bay is located within an existing Township. No environmental authorization is needed.

I. CONCLUSION

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

- I.1 Application 1:** The Application for the amendment, suspension or deletion of Conditions B.7 and C.7 in Title Deed T30376/2006 in terms of Sections 16(2)(f) of the Overstrand Municipality Amendment By-law on Municipal Land-use Planning (2020);
- I.2 Application 2:** The Application 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) regarding "*building lines*":
- the building line restriction on the western boundary (Line "A-a-d-D" on **Annexure E**) of the proposed Remainder, Portion 1 and Portion 2 of Erf 5568 Betty's Bay be relaxed to 1.0m.
 - the building line restriction between the Remainder and proposed Portion 1 be 2m (Line "a-b" on **Annexure E**) be relaxed to 2m; and
 - the building line restriction between Portion 1 and Portion 2 be 2m (Line "d-c" on **Annexure E**) be relaxed to 2m.
- I.3 Application 3:** The Subdivision Application in terms of Sections 16(2)(d) and 18 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020, to subdivide Erf 5568 Betty's Bay as follows:
- Proposed Remainder of Erf 5568 Betty's Bay, approximately 970m² in extent;
 - Proposed Portion 1 of Erf 5568 Betty's Bay, approximately 757m² in extent;
 - Proposed Portion 2 of Erf 5568 Betty's Bay, approximately 723m² in extent;

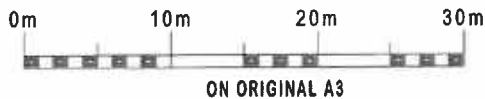
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**SKETCH PLAN:
PROPOSED SUBDIVISION AND
REZONING OF**

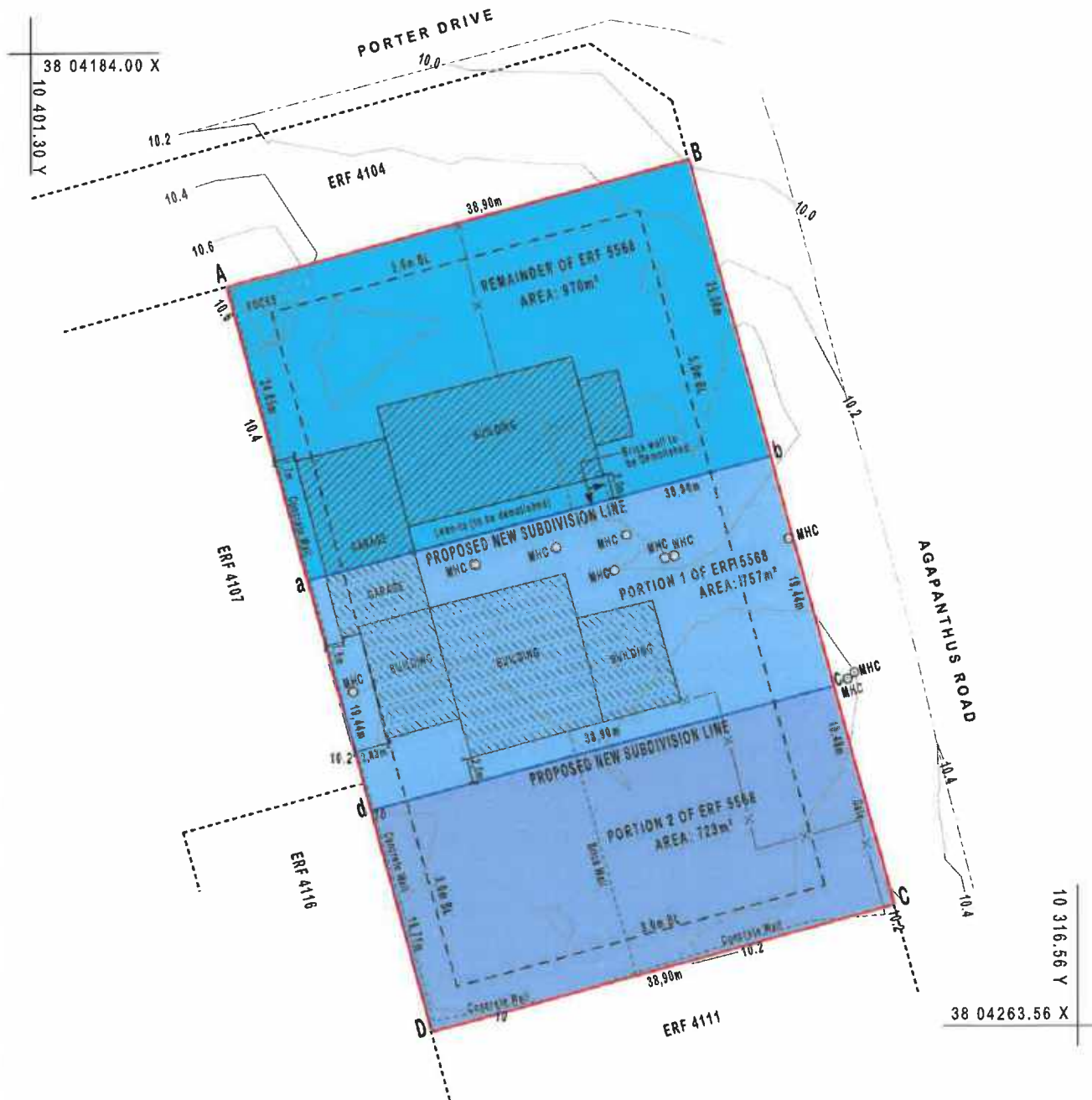
ERF 5568,

BETTY'S BAY

LOCAL AUTHORITY: OVERSTRAND MUNICIPALITY.



SCALE: 1 : 350



NOTE FOR ZONING:
PORTION 1, 2 AND REMAINDER:
RESIDENTIAL ZONE 1: SINGLE RESIDENTIAL

- GENERAL NOTES:**
1. ALL DIMENSIONS ARE APPROXIMATE AND SUBJECT TO FINAL SURVEY.
 2. GEODETIC DATUM PLANE : WGS 84° (LO 19°)
 3. CONTOURS : Gerhard Swart (Land Surveyor)
 4. CONTOUR INTERVAL : 0,20m
 5. PROPERTY AREA : 2 450m²
 6. OWNER : D.A. CLARKE
 7. DEED OF TRANSFER : T30376/2006
 8. : DENOTES THE PROPOSED SUBDIVISION LINES.

PROPOSED SUBDIVISION AREAS:

Proposed Portion 1 (Fig: a-b-c-d-a)	757m²
Proposed Portion 2 (Fig: d-c-C-D-d)	723m²
Proposed Remainder B (Fig: A-B-b-a-A)	970m²
TOTAL AREA OF ERF 4888	2 450m²

PLAN NUMBER: /01		Applicant
REF: BETTY'S BAY 5568/01		Signature
DATE	AMENDMENTS	
JAN 2025	SUBMISSION	

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

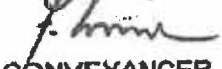
Pretoria Office:
61 Woodlands Avenue,
PECANWOOD
Cell : 083 226 1316
Email : dehaas@telkomsa.net



Annexure D 1/6

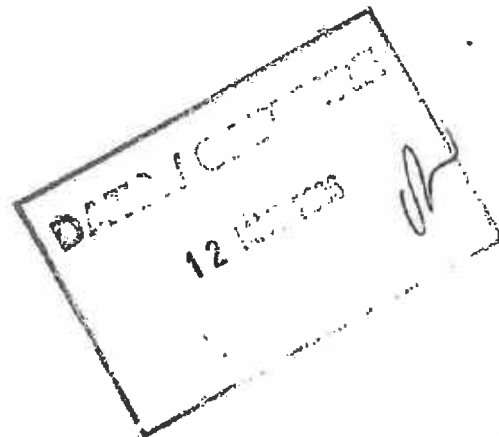
ANNEXURE A

Prepared by me,



**CONVEYANCER
MUGGLESTON F W**

FOCI FEE R.	95.00
----------------	-------



C & A FRIEDLANDER ATTORNEYS
 3rd FLOOR
 42 KEEROM STREET
 CAPE TOWN
 8001
 96 CAPE TOWN

T 000030376 / 2006

CERTIFICATE OF CONSOLIDATED TITLE

Issued under the provision of Section 40 of the Deeds Registries Act No. 47 of 1937

WHEREAS

DESMOND ALFRED CLARKE
 Identity number 550603 5059 00 6
 and **DENISE PAULINE CLARKE**
 Identity number 561107 0091 08 6
 Married in community of property to each other

(hereinafter referred to as the Applicants)

have applied for the issue to them of a Certificate of Consolidated Title under the provisions of Section 40 of the Deeds Registries Act No. 47 of 1937.

AND WHEREAS the Applicant is the registered owner of:

1. ERF 4110 BETTY'S BAY, situate in the Overstrand Municipality, Division Caledon, Province Western Cape;

HELD by Deed of Transfer No. T74446/1999; and

2. ERF 5442 BETTY'S BAY, situate in the Overstrand Municipality, Division Caledon, Province Western Cape;

HELD by Certificate of Consolidated Title, No. T10274/200

which said properties have been consolidated into the hereinafter described.

NOW THEREFORE in pursuance of the provisions of the said Act, I, the Registrar of Deeds at CAPE TOWN, do hereby certify that the said:

DESMOND ALFRED CLARKE
Identity number 550803 5059 00 6
and **DENISE PAULINE CLARKE**
Identity number 561107 0091 08 6
married in community of property to each other

their heirs, executors, administrators or assigns, are the registered owners of:

ERF 5568 BETTY'S BAY, situate in the Overstrand Municipality,
Division Caledon; Province Western Cape;

IN EXTENT: 2451 (TWO THOUSAND FOUR HUNDRED AND FIFTY ONE)
square metres;

AS WILL APPEAR from the annexed Diagram S G NO. 2125/2005;

A. INsofar as the whole of the erf is concerned :

1. SUBJECT to the conditions referred to in Deed of Transfer No. T26686/1970

B. INsofar as the figure wBCv on annexed Diagram S.G. No. 2125/2005 is concerned:

1. SUBJECT to the following conditions contained in Deed of Transfer No. T45066/1980, imposed by the Administrator of the Province of the Cape of Good Hope, in terms of Ordinance No. 33 of 1934, when approving of the establishment of Betty's Bay Township Extension No. 4, namely:

- "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 Notice No. 623 dated 14 August 1970.

2. In the event of a Town Planning Scheme or any portion thereof applying or being applicable to this erf, any provisions thereof which are more restrictive than any conditions of title applicable to this erf shall take precedence. Furthermore, nothing in these conditions shall be construed as overriding the provisions of Section 146 of Ordinance No. 15 of 1952, as amended.
3. The owner of this erf shall be obliged, without compensation, be obliged to allow electricity cables and/or wires and main and/or other waterpipes and the sewage and drainage, including stormwater of any other erf or even inside or outside this Township 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 for the purpose of constructing, altering, removing or inspecting any works connected with the above.
4. The owner of this erf shall be obliged, without compensation, to receive such material or permit such 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.
5. No building on this erf shall be used or converted to use for any purpose other than that permitted in terms of these conditions.
6. This erf shall be used solely for the purpose of constructing thereon one dwelling or other buildings for such purposes as the Administrator may, from time to time after reference to the Townships Board and the Local Authority, approve, provided that if the erf is included within the area of a Town Planning Scheme, the local authority may permit such other buildings as are permitted by the scheme subject to the conditions and restrictions stipulated by the scheme.

Residential House
7. No building or structure or any portion thereof except boundary walls fences, shall except with the consent of the Administrator be erected nearer than 5m to the street line which forms a boundary of this erf, nor within 3m of the rear or 3m of the lateral boundary common to any adjoining erf, provided that with the consent of the local authority –
 - (a) an outbuilding used solely for the housing of motor vehicles and not exceeding 3m in height, measuring from the ground floor of the outbuilding to the wall plate thereof, may be erected within such side and rear space and any other outbuilding of the same height may be erected within the rear space and side space for a distance of 12m measured from the rear boundary of the erf, provided that in the case of a corner erf the distance of 12m shall be measured from the point furthest from the streets abutting the erf.

(b) an outbuilding in terms of sub-paragraph (a) may only be erected nearer to a lateral or rear boundary of a site than the above prescribed spaces, if no windows or doors are inserted in any wall facing such boundary.

8. **On consolidation of this erf or any portion thereof with any abutting erf which is subject to the same conditions as herein set forth these conditions shall apply to the consolidated holding as if it was one erf.**
9. **In the event of this erf being subdivided, each subdivided portion, other than any portion deducted for road or similar purposes, shall be subject to the conditions herein set forth as if it were the original erf.**

C. INsofar as the figure AwwD on annexed Diagram S G No. 2125/2005 is concerned:

1. **SUBJECT to the conditions contained in Deed of Transfer No. T45066/1980 and Deed of Transfer No. T33673/1977 respectively, imposed by the Administrator of the Province of the Cape of Good Hope, in terms of Ordinance No. 33 of 1934, when approving of the establishment of Betty's Bay Township Nos. 2 and 4 respectively, namely:**
 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 Notice No. 623 dated 14 August 1970.**
 2. **In the event of a Town Planning Scheme or any portion thereof applying or being made applicable to this erf, any provisions thereof which are more restrictive than any conditions of title applicable to this erf shall take precedence. Furthermore, nothing in these conditions shall be construed as overriding the provisions of Section 146 of Ordinance No. 15 of 1952, as amended.**
 3. **The owner of this erf shall, without compensation, be obliged to allow electricity cables and/or wires and main and/or other waterpipes and the sewage and drainage, including stormwater of any other erf or even inside or outside this Township 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 for the purpose of constructing, altering, removing or inspecting any works connected with the above.**
 4. **The owner of this erf shall be obliged, without compensation, to receive such material or permit such 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.**
 5. **No building on this erf shall be used or converted to use for any purpose other than that permitted in terms of these conditions.**

6. This erf shall be used solely for the purpose of constructing thereon one dwelling or other buildings for such purposes as the Administrator may, from time to time after reference to the Townships Board and the Local Authority, approve, provided that if the erf is included within the area of a Town Planning Scheme, the local authority may permit such other buildings as are permitted by the scheme subject to the conditions and restrictions stipulated by the scheme.
7. No building or structure or any portion thereof except boundary walls fences, shall except with the consent of the Administrator, be erected nearer than 5m to the street line which forms a boundary of this erf, nor within 3m of the rear or 3m of the lateral boundary common to any adjoining erf, provided that with the consent of the local authority –
 - (a) an outbuilding used solely for the housing of motor vehicles and not exceeding 3m in height, measured from the ground floor of the outbuilding to the wall-plate thereof, may be erected within such side and rear space and any other outbuilding of the same height may be erected within the rear space and side space for a distance of 12m measured from the rear boundary of the erf, provided that in the case of a corner erf the distance of 12m shall be measured from the point furthest from the streets abutting the erf.
 - (b) an outbuilding in terms of sub-paragraph (a) may only be erected nearer to a lateral or rear boundary of a site than the above prescribed spaces, if no windows or doors are inserted in any wall facing such boundary.
8. On consolidation of this erf or any portion thereof with any abutting erf which is subject to the same conditions as herein set forth these conditions shall apply to the consolidated holding as if it was one erf.
9. In the event of this erf being subdivided, each subdivided portion, other than any portion deducted for road or similar purposes, shall be subject to the conditions herein set forth as if it were the original erf.

AND that by virtue of these presents the said DESMOND ALFRED CLARKE, identity number 550803 5059 00 8 and DENISE PAULINE CLARKE, identity number 581107 0091 08 8, married in community of property to each other,

their heirs, executors, administrators or assigns, now is and henceforth shall be entitled thereto conformably to local custom; the State, however reserving its rights.

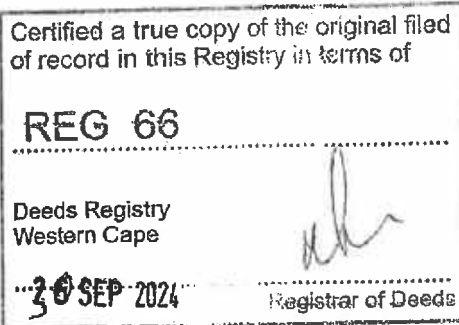
IN WITNESS WHEREOF I, the Registrar, have subscribed to these presents and have caused the Seal of Office to be affixed thereto.

THUS DONE AND EXECUTED at the Office of the REGISTRAR OF DEEDS for the Province of WESTERN CAPE at CAPE TOWN on *4th May 2006*



REGISTRAR OF DEEDS

Registered in the
Register
Folio
Registering Clerk



01 APR 2025

DOCUMENT CONTROL

OVERSTRAND MUNICIPALITY

Annexure E

Loretta Gillion

From: [redacted]
Sent: Monday, 31 March 2025 13:29
To: Loretta Gillion
Cc: pieter@platinumtownplanners.co.za; amund@vodamail.co.za
Subject: FW: LAND-USE APPLICATION : Erf 5568, 4 Agapanthus Road, Betty's Bay - OBJECTION TO THE PROPOSED CHANGES
Attachments: ADVERTISEMENT_Erf 5568, 4 Agapanthus Road, Betty's Bay (ROR Subd Dep).pdf

To whom it may concern

With respect to the abovementioned land use application for Erf 5568, 4 Agapanthus Road, Betty's Bay, I object to the proposal and do not support the application in part or entirety.

With respect to my interest in this issue, the residence in question shares a boundary with my property namely, Erf 4107, 37 Aster Crescent, Bettys Bay.

The reasons for my objections are as follows:

1. Reducing the boundary lines from two meters to one meter represents a fire hazard as it brings the Agapanthus property too close to my property.
2. The subdivision into three portions will detract from my view of the mountains as any buildings will be on smaller plots and the height of what these structures/buildings will be are not known and;
3. this will mean that not only will my privacy be infringed, but sunlight into my house/property/premises will be compromised.
4. The subdivision will also detract from the ambience of the Betty's Bay village with its large open space plots and habitat for indigenous flora and fauna.

Owner of Erf 4107, 37 Aster Crescent, Betty's Bay: Marion Johnson
 Contact Details: cell [redacted]
 Current address: 11 Derby Road, Lansdowne, 7780

Trusting that my objection contains all the relevant information that you need. If not, please do not hesitate to contact me via email or cell phone.

Kind regards
Marion Johnson

From: amund@vodamail.co.za <amund@vodamail.co.za>
Sent: Tuesday, 25 February 2025 11:53
Cc: 'Pieter de Haas' <pieter@platinumtownplanners.co.za>
Subject: LAND-USE APPLICATION : Erf 5568, 4 Agapanthus Road, Betty's Bay

Dear Resident;

Trust you are well?

Please find attached correspondence regarding **Erf 5568, 4 Agapanthus Road, Betty's Bay.**

FILE NO. Erf 5568-KBB
SCAN NO.
COLLABORATOR NO.
2636994

TP 01 APR 2025

29 APR 2025



Platinum

TOWN PLANNERS

Annexure F 1/4

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

Mobile: 083 226 1316
Email: dehaas@telkomsa.net

Postnet Suite #51
Private Bag X15
Somerset West
7129

AMUND BENEKE (PR. PLN (A/680/1992))
M.Com (Business Management)
B. Art. et Scien. (Planning)

Mobile: 072 184 9621
Email: 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)
- Loretta Gillion (loretta@overstrand.gov.za)

Hallo Hanneen / Loretta;

FILE NO. ERF 5568 Betty's Bay
SCAN NO.
COLLABORATOR NO. 2651634

ERF 5568 BETTY'S BAY (5568 KBB)(4907/2025)

You are referred to the Land-use Applications submitted for Erf 5568 Betty's Bay; and more specifically the Objection received from Mrs. Marion Johnson, the Owner of Erf 4107 Betty's Bay (email dated 31 March 2025, attached as **Annexure A**).

Our Response is as follow:

1) Objection Point 1: Reducing the boundary lines represents a fire hazard.

The Land-use Applications at hand have been forwarded to (i.e.) the Overstrand Local Municipality (OLM) Fire and Rescue Department for comments / input. The said Department must scrutinize the Applications and, if it poses a fire hazard, set certain conditions to comply with.

If the Land-use Applications are approved, similarly will final Site Development Plan and Building Plan(s) be submitted. These Plans will again be circulated by OLM to (i.e.) the Fire and Rescue Department. The SDP and Building Plans must adhere to all fire risk requirements before it is signed off by the said Department.

2) Objection Point 2: Subdivision into three portions will detract the view of the mountains and the height of the structures is unknown.

The point "detract from my view of the mountains" is a subjective statement with no evidence / data supporting it. The point, therefore, is regarded as invalid.

Regarding the point "the height of the structures is unknown", it is general condition that no building in Betty's Bay may be higher than 8m.



3) Objection Point 3: Privacy will be infringed and sunlight will be compromised.

This point is a subjective statement with no evidence / data supporting it. The point, therefore, is regarded as invalid.

Regarding "privacy", this issue will be addressed / attended to by the Architect. Similar will (i.e.) the OLM Building Control Department ensure that the privacy of adjacent neighbors is protected during the scrutiny of the Building Plan(s) submitted before it is signed off.

4) Objection Point 4: The subdivision will also detract from the ambience of Betty's Bay.

This point is a subjective statement with no evidence / data supporting it. The point, therefore, is regarded as invalid.

Erf 5568 doesn't form part of the existing large open space erven and habitat for indigenous flora and fauna. It is a residential erf with residential structures.

The self-explanatory Memorandum submitted with the Land-use Applications clearly states that Erf 5568 was originally three (3) erven (for ease of reference is the specific paragraph copied below):

E.2.4 Application 3: *A Subdivision Application is submitted in terms of Sections 16(2)(d) and 18 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.*

Erf 5568 Betty's Bay was originally three (3) erven, each approximately 817m² in extent.

Two (2) of the three (3) were then consolidated to form Erf 5442 Betty's Bay. Erf 5442 and Erf 4110 Betty's Bay were then later consolidated to form Erf 5568 Betty's Bay (Annexure D).

It is proposed that Erf 5568 Betty's Bay be subdivided as follows (please refer to Annexure E):

- *Proposed Remainder of Erf 5568 Betty's Bay, approximately 970m² in extent;*
- *Proposed Portion 1 of Erf 5568 Betty's Bay, approximately 757m² in extent;*
- *Proposed Portion 2 of Erf 5568 Betty's Bay, approximately 723m² in extent;*

Access to the new proposed erven will be from Agapanthus Road.

Each new proposed erf will have its own water connection, electricity connection and septic tank.

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. Alternatively, phone Pieter on 083 226 1316.

Thank you



Amund
25/04/2025

40
ANNEXURE A

OVERSTRAND MUNISIPALITEIT 4/4

REKORDBEHEER

01 APR 2025

DOCUMENT CONTROL

OVERSTRAND MUNICIPALITY

TP - A Theart
(H vld Steep)

Loretta Gillion

From:
Sent: Monday, 31 March 2025 13:29
To: Loretta Gillion
Cc: pieter@platinumtownplanners.co.za; amund@vodamail.co.za
Subject: FW: LAND-USE APPLICATION : Erf 5568, 4 Agapanthus Road, Betty's Bay -
OBJECTION TO THE PROPOSED CHANGES
Attachments: ADVERTISEMENT_Erf 5568, 4 Agapanthus Road, Betty's Bay (ROR Subd Dep).pdf

To whom it may concern

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With respect to my interest in this issue, the residence in question shares a boundary with my property namely, Erf 4107, 37 Aster Crescent, Bettys Bay.

The reasons for my objections are as follows:

1. Reducing the boundary lines from two meters to one meter represents a fire hazard as it brings the Agapanthus property too close to my property.
2. The subdivision into three portions will detract from my view of the mountains as any buildings will be on smaller plots and the height of what these structures/buildings will be are not known and;
3. this will mean that not only will my privacy be infringed, but sunlight into my house/property/premises will be compromised.
4. The subdivision will also detract from the ambience of the Betty's Bay village with its large open space plots and habitat for indigenous flora and fauna.

Owner of Erf 4107, 37 Aster Crescent, Betty's Bay: Marion Johnson
Contact Details: cell
Current address: 11 Derby Road, Lansdowne, 7780

Trusting that my objection contains all the relevant information that you need. If not, please do not hesitate to contact me via email or cell phone.

Kind regards
Marion Johnson

From: amund@vodamail.co.za <amund@vodamail.co.za>
Sent: Tuesday, 25 February 2025 11:53
Cc: 'Pieter de Haas' <pieter@platinumtownplanners.co.za>
Subject: LAND-USE APPLICATION : Erf 5568, 4 Agapanthus Road, Betty's Bay

Dear Resident;

Trust you are well?

Please find attached correspondence regarding **Erf 5568, 4 Agapanthus Road, Betty's Bay.**

FILE NO. Erf 5568-KBB
SCAN NO.
COLLABORATOR NO.
2636994

TP 5202

**COMMENTS FROM THE PROJECT MANAGEMENT DIVISION FOR:
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS,
SUBDIVISION & DEPARTURE: ERF 5568, BETTY'S BAY (4907/2025)**

Stormwater (SW)	:	In Order
Electricity	:	Eskom Area
Water	:	In Order
Sewer	:	In Order
Roads and traffic	:	In Order

Conditions:

1. That a Bulk Services Contribution Levy (BICL) be paid by the developer to supplement municipal services and amenities in accordance with the relevant legislation and as determined by the Council. The BICL tariff is adjusted by Council annually. The total BICL payable will be the amount as determined by the BICL Policy and tariff at the date of **actual payment**. BICL amounts quoted in any document will normally be applicable to the particular year in which the document was compiled and Council will not be bound by the quoted amounts.

1.1 Developments containing Sectional Title Units/ Commercial Buildings (non-free standing properties – property is not to be subdivided)

The BICLs are to be paid in full **prior** to submission of the building plans. Building Plans will not be accepted unless the BICL is paid in full.

1.2 Developments with free standing properties (property that is subdivided and plots to be sold individually).

The BICLs are payable **prior** to clearance being issued by the Income Department of the Municipality.

The contribution according to the current policy (**2024/2025**) is as follows:

Freehold erven:

Water	R 27 598.00 x 2	=	R 55 196.00
Sewerage	R 19 725.00 x 2	=	R 39 450.00
Roads	R 8 845.00 x 2	=	R 17 690.00
Stormwater	R 10 205.00 x 2	=	R 20 410.00
Solid Waste	R 1 769.00 x 2	=	<u>R 3 538.00</u>
TOTAL (inclusive of VAT)		=	R136 284.00

Please note that the above figures:

- a) are estimates**
- b) do not include investigation and connection fees**
- c) are subject to annual tariff adjustments**

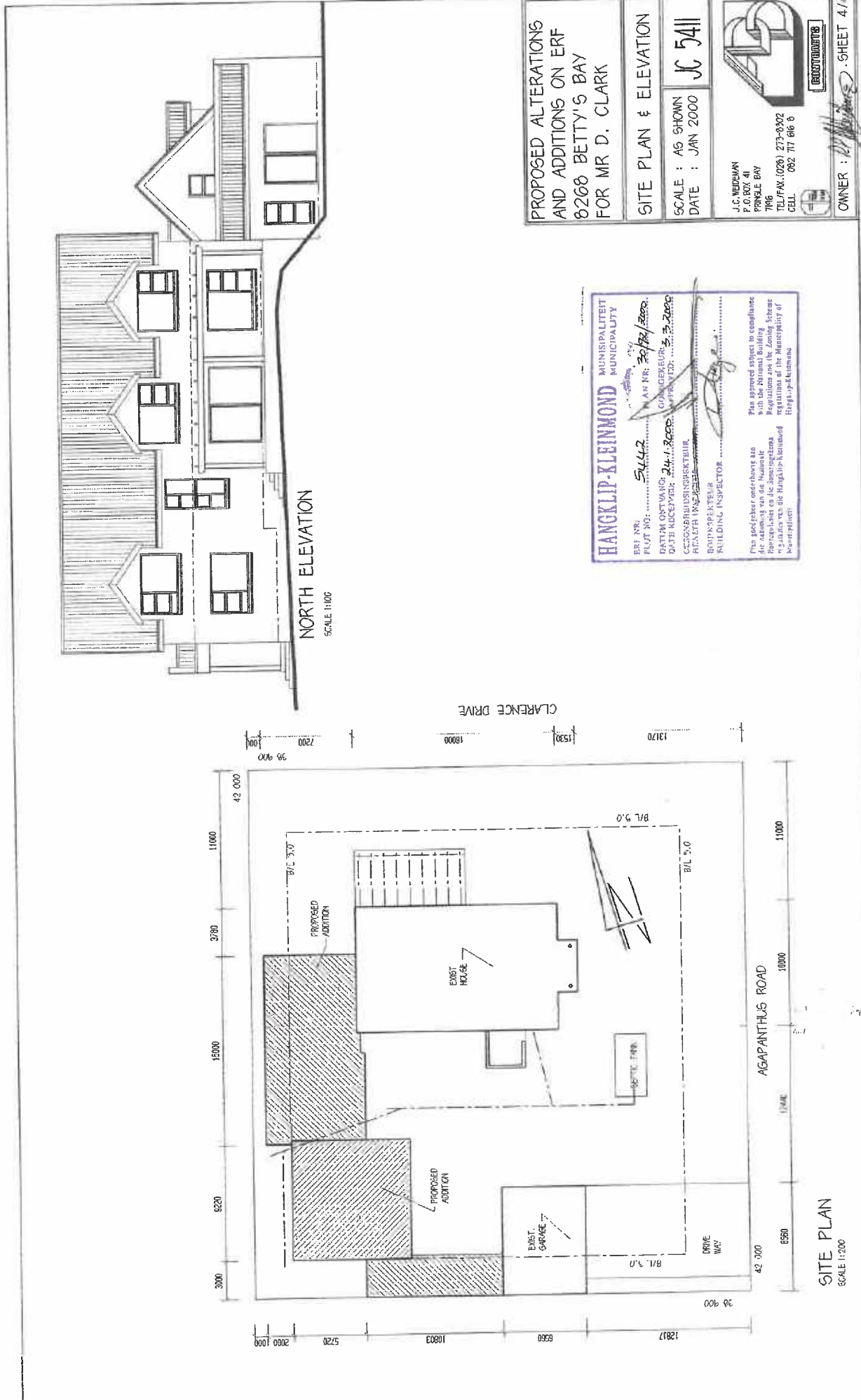
2. that the existing water connection to Erf 5568 shall be used to service the proposed Portion A, B and the Remainder of Erf 5568;

3. that any part of the existing water and sewer services on Erf 5568 that crosses the common boundary of Portion A, B and the Remainder of Erf 5568 shall be disconnected and sealed off;
4. that both the Remainder and Portion A, B of Erf 5568 must be serviced with individual and separate water connections which must comply with the standards of the Division: Civil Engineering Services;
5. that the proposed Portion A, B and Remainder of Erf 5568 must each be serviced with individual and separate sewer conservancy tanks, which must comply with the standards of the Division: Civil Engineering Services, and to which the sewer services of the individual erven must connect to;
6. that the developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 10400 – P: 2010: Drainage;
7. that on-site parking facilities be provided as per the Planning Schedule, and to the satisfaction of the Division: Civil Engineering Services;
8. that any additional and / or extended vehicle entrances will be for the owner's account;
9. that no reservation of on-street parking be allowed;
10. that stormwater discharged from higher lying properties and generated in the catchment area of the property be allowed to drain freely through the property;
11. that stormwater reticulation and connection(s) to the municipal system be provided at the owners cost, if required.



RICARDO ANDREW
PRINCIPAL TECHNOLOGIST:
DEVELOPMENT CONTROL

29/05/2025
DATE



MG BURGER
Attorney, Notary and Conveyancer

4147 Vlei Road
7141 BETTY'S BAY



PO Box 414
7141 BETTY'S BAY
Tel/fax: (028) 272 9902
e-mail: merda@lantic.net

Your ref:
My ref:

Date: 24 January 2000

Mr DA Clarke
28 Jasmyn Road
OTTERY
7800
Fax.:021-737167

BY HAND

5442
ERF ~~8288~~ BETTY'S BAY/REQUEST FOR BUILDING LINE RELAXATION

I confirm that I am acting on behalf of Rev AJH Buitendag, the owner of the adjoining erf 4107.

With reference to your letter dated 21st January 2000 and to our personal discussion today, I advise that Rev Buitendag is prepared to grant the required consent on the following conditions:

1. The proposed pool room, being 1 metre away from his boundary, must have no windows, gutters or down pipes in the wall facing his property.
2. The slope of the proposed flat roof of the building must be away from his property in order to prevent rain water from being discharged onto his property.
3. The proposed boundary walls must form part of the development/building plans and be plastered and neatly finished to his satisfaction on those sections facing his property. During our discussions you indicated that you do not intend building a boundary wall enclosing the narrow corridor formed between the boundary and the proposed pool room. This is acceptable to him, provided the end portions are blocked off to prevent access onto his property.

I trust that the above mentioned conditions as discussed are acceptable. A copy of this letter has been forwarded to the Municipality for their information.

Yours faithfully


MG BURGER

MR.D.A. CLARKE
28 JASMYN ROAD
OTTERY 7800
30 JANUARY 2000
Cell: 082 441 1425
Fax : 021-737 167

DIE BOU-INSPEKTEER
MUNISIPALITEIT HANGKLIP/KLEINMOND
PRIVAATSAK X3
KLEINMOND
7195

Meneer

5442
VERSLAPPING VAN BOULYN TE ERF ~~8268~~ BETTY'S BAAI

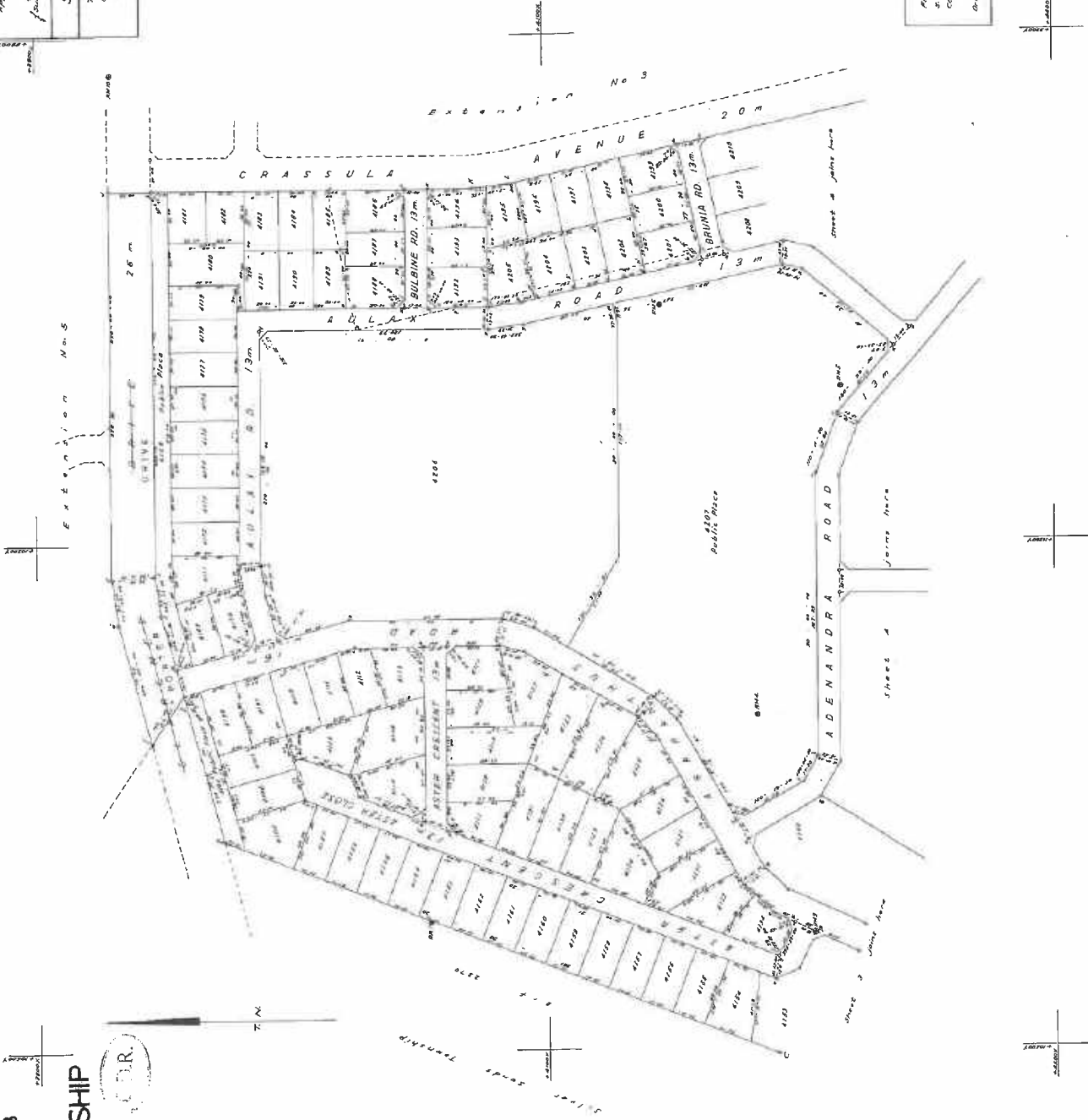
Hiermee gee ek, die ondergetekende, eienaar van ERF 4110
toestemming aan Mnr. D.A. CLARKE eienaar van bogenoemde erf,
gelee te BETTY'S BAAI OM SY BOULYN (soos op meegaande plan
aangedui) 3,000 meter te oorskry om 'n aanbouing op te rig.

Die uwe


EIENAAR

S. No. 8268/71
 Approved
 Municipal Engineer
 Bangalore-5-1972
SHEET 2
 This Plan
 Comprises
 & Streets.

File No. 8268/71
 S. No. 8268/71
 Comp. No. 8268/71
 Date of Approval
 5-1-1972



TP
GENERAL PLAN No. 8268
 OF THE
BETTY'S BAY TOWNSHIP
EXTENSION No. 4
BETTY'S BAY ALLOTMENT AREA
 Situate in the Village Management Area of Betty's Bay
 Administrative District, Chikita Taluk, Revenue of City of Bangalore
 Scale: 1 : 1000

8268 Sht. 2
 (M.P.C.)

Where alterations stated as being on drawings
 Dated 1972-11-10 By us
 Municipal Engineer
 Bangalore-5

S.G. No.

2125/2005

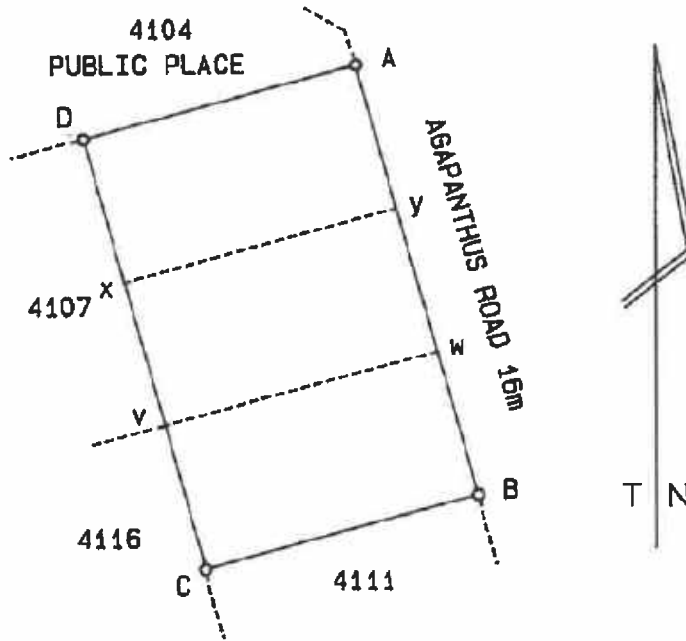
Approved

[Signature]

Surveyor-General
2005-05-19

Components:

- 1) The figure wBcV represents Erf 4110 Betty's Bay
Vide General Plan No.TPB268
- 2) The figure AwvD represents Erf 5442 Betty's Bay
Vide Dgm No.1864/1996 annexed to D/T 2000- -102' 4



Scale 1: 1000

The figure ABCD represents 2451 square metres of land, being Erf 5568 BETTY'S BAY comprising (1) and (2) above situate in the Overstrand Municipality Administrative District of Caledon Province of Western Cape
Compiled in April 2005
by me

[Signature]

R A PESCH Professional Land Surveyor
PLS 0859

This diagram relates to

The original diagrams are as quoted above.

File No. S/13048/3/6

No. CCT. 30376/2006
dated
t.g.v

S.R. No Compiled

Comp. AH-480/212 (376)

GEN. FLAN T.P.8268

Registrar of Deeds

LP I CO 30002

Erf 5568 BETTY'S BAY