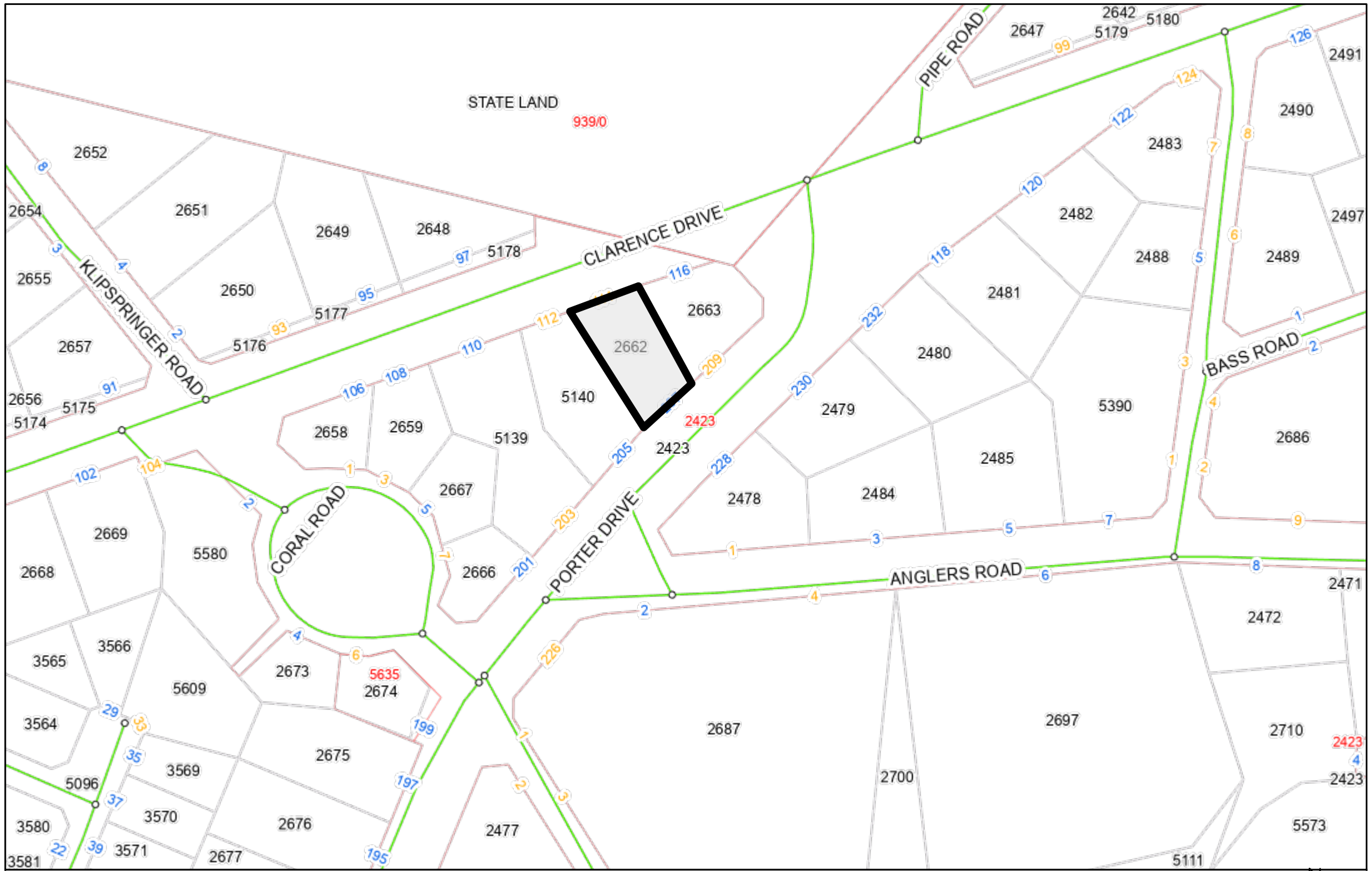


OVERSTRAND MUNICIPALITY	OVERSTRAND MUNISIPALITEIT	UMASIPALA WASE-OVERSTRAND
<p><b><u>ERF 2662, 207 PORTER DRIVE, BETTY'S BAY: APPLICATION FOR CONSENT USE: EMENDO (PTY) LTD ON BEHALF OF WHALING STATION BETTYS BAY PROPRIETARY LIMITED</u></b></p> <p>Notice is hereby given in terms of Sections 47 and 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) of an application received for a <b>consent use</b> in terms of Section 16(2)(o) to operate a bottle store on the property.</p> <p>Full details regarding the proposals above are available for inspection during weekdays between 08:00 and 16:30 at the Department: Town and Spatial Planning, 16 Paterson Street, Hermanus and at the Betty's Bay Library, Clarence Drive, Betty's Bay.</p> <p>Any comments must be in writing and reach the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / (e) <a href="mailto:loretta@overstrand.gov.za">loretta@overstrand.gov.za</a>) on or before <b>14 March 2025</b>, with your name, address, contact details, interest in the application and the reasons for comment. Telephonic inquiries can be made to the <b>Senior Town Planner, Mrs. H. van der Stoep</b> at 028-3138900. The Municipality may refuse to accept comments after the closing date. Any person who cannot read or write can visit the Town and Spatial Planning Department where they will be assisted by a municipal official in formulating their comments.</p>	<p><b><u>ERF 2662, PORTERRYLAAN 207, BETTYSBAAI: AANSOEK OM VERGUNNINGSGEBRUIK: EMENDO (PTY) LTD NAMENS WHALING STATION BETTYS BAY PROPRIETARY LIMITED</u></b></p> <p>Kennis word hiermee gegee ingevolge Artikels 47 en 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening) van 'n aansoek ontvang vir 'n <b>vergunningsgebruik</b> ingevolge Artikel 16(2)(o) ontvang is om 'n drankwinkel op die eiendom te bedryf.</p> <p>Besonderhede aangaande die voorstel lê ter insae gedurende weksdae tussen 08:00 en 16:30 by die Departement: Stads- en Streekbeplanning te Patersonstraat 16, Hermanus en by die Bettysbaai Biblioteek, Clarencerylaan, Bettysbaai.</p> <p>Enige kommentaar moet skriftelik wees en die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / (e) <a href="mailto:loretta@overstrand.gov.za">loretta@overstrand.gov.za</a>) voor of op <b>14 Maart 2025</b>, met u naam, adres, kontak besonderhede, belang in die aansoek en die redes vir kommentaar. Telefoniese navrae kan gerig word aan die <b>Senior Stadsbeplanner, Me. H. van der Stoep</b> by 028-3138900. Die Munisipaliteit mag weier om kommentare te aanvaar na die sluitingsdatum. Enige persoon wat nie kan lees of skryf nie kan die Departement Stads- en Streekbeplanning besoek waar hul deur 'n munisipale amptenaar bygestaan sal word ten einde hul kommentaar te formuleer.</p>	<p><b><u>I-ERF 2662, 207 PORTER DRIVE, BETTY'S BAY: ISICELO SOKUSETYENZISWA KWEMVUME: EMENDO (PTY) LTD NGENXA YE-WHALING STATION BETTYS BAY PROPRIETARY LIMITED</u></b></p> <p>Isaziso siyanikezelwa ngokungqinelana neCandelo lama-47 nelama-48 loMthetho kaMasipala waseOverstrand oLungisiweyo wokuSetyenziswa koMhlaba, ka-2020 (uMthetho kaMasipala), ngesicelo esifunyenweyo <b>sokusetyenziswa kwemvume</b> ngokweCandelo le-16(2)(o) ukuqhuba ivenkile yebhotile kwipropati.</p> <p>linkcukacha ezipheleleyo mayela nesi siphakamiso ziyafumaneka ukuze zihlolwe kwiintsuku zaphakathi evekini phakathi kwentsimbi ye-08:00 neye-16:30kwiSebe: Lezicwangciso Zedolophu neNdawo, 16 Paterson Street, Hermanus nase Betty's Bay Library, Clarence Drive, Betty's Bay.</p> <p>Naziphi na izimvo ezibhaliweyo mazifike kwaMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / (e) <a href="mailto:loretta@overstrand.gov.za">loretta@overstrand.gov.za</a>) ngomhla okanye ngaphambi komhla wama <b>14 uMatshi 2025</b>, zibe negama lakho idilesi, iinkcukacha ofumaneka kuzo, umdla wakho kwesi sicelo nezizathu zokuhlomla kwakho. Imibuzo ngefowuni ingathunyelwa ku<b>Mcwangcisi Omkhulu weDolophu, Nkskz. H. van der Stoep</b> ku-028-3138900. UMasipala angala ukwamkela izimvo ezifike emva komhla wokuvala. Nabani ongakwazi ukufunda nokubhala angahambela kwiSebe Lezicwangciso zeDolophu neNdawo apho baza kuncedwa ligosa likamasipala ukwakha uluvo nokubhala izimvo zakhe.</p>
<p>Dr DGI O'Neill  <b>Municipal Manager / Munisipale Bestuurder / Umphathi Kamasipala</b>          PO Box / Posbus / Ibhokisi yePosi 20 HERMANUS 7200</p> <p style="text-align: right;"><i>Notice No / Kennisgewing nr / Inombolo yesaziso: 20/2025</i></p>		



# OVERSTRAND MUNICIPALITY

APPLICATION FOR CONSENT USE ON ERF 2662, BETTYS BAY (WHALING STATION) IN TERMS OF SECTION 16(2)(0) OF THE OVERSTRAND MUNICIPALITY AMENDMENT BY-LAW ON MUNICIPAL LAND USE PLANNING, 2020

REPORT

11 NOVEMBER 2024

Bettys Bay  
Western Cape  
[andre@emendo.co.za](mailto:andre@emendo.co.za)



**Emendo**  
Project Managers & Planners

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## ANNEXURES:

- Annexure A: Company Resolution
- Annexure B: Power of Attorney
- Annexure C: Title Deed
- Annexure D: Removal of Condition
- Annexure E: Bondholder’s Consent
- Annexure F: Zoning Certificate
- Annexure G: Site Plan
- Annexure H: Zoning Map
- Annexure I: Population Distribution
- Annexure J: Layout

## 1. APPLICATION

Application is herewith made for Consent Use in terms of Section 16(2)(0) read with Section 21 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the purposes of a boutique "Bottle Store" as defined in terms of the Overstrand Municipal Land Use Scheme, 2020 on Erf 2662, Bettys Bay (subject property). The proposed activity (intent and operational) will be explained in detail in Section 6 of this application.

## 2. LOCALITY

Erf 2662, Bettys Bay (Whaling Station) is located in the Bettys Bay Business Node at the intersection of Clarence Drive (R44) and Porter Road as indicated on the attached Locality Map.

## 3. LEGAL

### 3.1 COMPANY RESOLUTION

The Company Resolution is attached in **Annexure A**, where Messrs Whaling Station Bettys Bay have mandated Helena Oerlemans to act on behalf of the company in matters pertaining to the Consent Use Application on Erf 2662, Bettys Bay (Whaling Station).

### 3.2 POWER OF ATTORNEY

**Annexure B** contains the "Power of Attorney" where Emendo (Pty) Ltd, as represented by Mr. Andre Kotze has been provided by Helena Oerlemans, as fully authorised by Whaling Station Bettys Bay (Pty) Ltd.

### 3.3 TITLE DEED/S

Erf 2662, Bettys Bay is owned by "Whaling Station Bettys Bay (Pty) Ltd" by virtue of Title Deed No: T000040731/2023. Erf 2662 measures 1330m<sup>2</sup> in extent. (see **Annexure C**).

In terms of the above Title Deed, there are **no** restrictions pertaining to the use of the building for the purposes of "Off-Sales Liquor and Bottle Store".

The use of "Off-Sales Liquor and Bottle Store" was removed from the previous Title Deed (T76798/91) during 1998 as indicated by way of an endorsement against the Title Deed (Condition DA(a), Proclamation No: 204, dated 24-4-98 in Official Gazette No: 5253). (Refer to **Annexure D**, Page 8).

### **3.4 BONDHOLDERS CONSENT**

The subject property is bonded. **Annexure E** contains the bondholder's consent for the use of a "Bottle Store" on Erf 2662, Bettys Bay.

### **3.5 LIQUOR LICENCE**

#### **3.5.1 Background**

At present a "Wine Boutique" is being operated from Erf 2989, Bettys Bay (The Hub). The operator (Tennant) of the "Wine Boutique" and Bistro (since relocated to Erf 2662, Bettys Bay (Whaling Station)) applied to the Western Cape Liquor Authority for the "Removal of a Licence" in terms of Section 66(2) of the Western Cape Liquor Act, 2008 (Act 4 of 2008) from Erf 2989 (The Hub) to Erf 2662 (Whaling Station).

The above application for relocation was necessitated by challenges pertaining to the future expansion of the Wine Boutique, connection with supporting retail facilities and community concerns (traffic, social impact).

#### **3.5.2 Procedure**

The application procedure was as follows:

- A) An application was submitted to the Western Cape Liquor Authority on the 23<sup>rd</sup> August 2023 for the "Removal of a Licence".
- B) The application notice as displayed at the proposed "Bottle Store" premises (Erf 2662) in terms of Regulation 33(2) of the Western Cape Liquor Act, 2008, upon which any potential objector could scrutinize the application and submit an objection if deemed necessary. The notice served for a period of 28 days as from the 22<sup>nd</sup> August 2023. The application was also submitted to the Overstrand Municipality for consideration.
- C) No objections were received from the Public.
- D) The Overstrand Municipality responded by **not** supporting the Liquor Licence since an application for a Consent Use had to be submitted in line with the zoning of Erf 2662. At present Erf 2662, Bettys Bay does not allow the use of a "Bottle Storer" as a primary land use.
- E) Once the application for Consent Use have been submitted, considered and approve by the Council, the Liquor Licence will be issued.

## 4. TOWN PLANNING

### 4.1 ZONING

Erf 2662 is zoned "Business Zone III": Local Business (B3) as per the Zoning Certificate which is attached in **Annexure F**.

The zoning of the subject property permits the following uses:

- A) **Primary Use:** Shops, dwelling must be (above ground floor) in accordance with 6.3.2, Flats (above ground floor), offices, restaurant, caretakers' accommodation and self-catering.
- B) **Consent Uses (to be applied for to Council):** Bottle store, business premises, clinic, conference facility, dwelling must (on ground floor) in accordance with 6.3.2, tourist accommodating, hotel, institution, place of assembly, place of entertainment, place of instruction, place of worship, recreational facilities, residential building, sale of alcoholic beverages, service station, service trade and transmission apparatus (subject to provisions of Chapter 16.10).

The Consent Use refer to two (2) types of activities where alcoholic beverages can be sold namely, "Bottle Store" and "Sale of Alcoholic Beverages". The definition of each is indicated below:

- A) "**Bottle Store**" means an establishment where the main purpose is the retail sale of alcoholic beverages for off-site consumption.
- B) "**Sale of Alcoholic Beverages**" means the sale or offering for sale of drinks capable of producing intoxication in a consumer and may indicate bars, pubs and taverns.

In view of the above, it is **not** the intention for the landowner to provide bars, pubs and taverns, but rather to focus on off-site sale of alcoholic beverages hence, the proposal to apply for a Consent Use for "Bottle Store" as opposed to "Sale of Alcoholic Beverages".

### 4.2 BUILDING CONTROLS

The old Whaling Station (Erf 2662) was upgraded in line with the approved building plans dated 30 November 2023. In terms of the development controls, as per the Overstrand Municipal Land Use Scheme, 2020, the building comprises of a Gross Leasable Area (GLA) of 516m<sup>2</sup>, of which a total of 21 parking bays are required (22 parking bays have been provided at a ratio of 4 bays per 100m<sup>2</sup> GLA). (**Annexure G**). Adequate on-site parking is provided.

The coverage (42,39%) and the Floor Area Ratio (FAR) (0,61) is in line with the provisions of the Land Use Scheme.

### 4.3 **EXISTING LAND USE**

The building (Whaling Station) on Erf 2662, Bettys Bay have been upgraded during 2024 and comprise of the following exiting mixed activities;

- Restaurant (Waaigat)
- Bistro
- Offices (Pam Golding and Beinbettysbay)
- Art Studio



A total of eleven (11) parking areas are provided along Clarence Drive (R44) and eleven (11) parking areas to the south of the building where access is obtained via Porter Drive.

### 4.4 **ADJACENT ZONING AND LAND USES**

Erf 2662, Bettys Bay is surrounded by higher order zonings which includes the following activities (see **Annexure H**);

A) **Area to the east:**

\* Erf 2663 (Zoning – Local Business)

Jocks Restaurant, Coffee Shop, Bed and Breakfast Accommodation and a Vet Shop.



**B) Area to the west / southwest:**

**\* Erf 5140 (Zoning – Service Station)**

Caltex Filling Station, Greeff Architects, Build It Better Construction and Sandown Bay Security. The Erf is accessible from both Clarence Drive and Porter Drive.

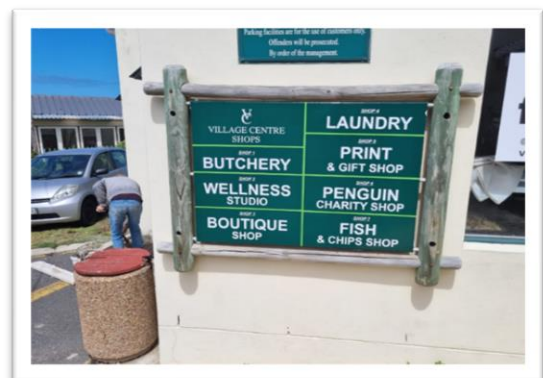


**\* Erf 2667 (Zoning – Local Business)**

Village Centre: The Village Centre is a small localized centre which provides a variety of convenience goods to the local community. The activities include:

- Bettys Bay Post Office
- Butchery
- Wellness Studio
- Boutique Shop
- Laundry
- Print and Gift Shop
- Charity Shop
- Fish and Chips Shop

Several parking areas are provided with access from Porter Drive.



\* Erf 2659 (Zoning – Local Business)

Disa Centre: Located directly to the west of Village Centre, it has direct access off Clarence Drive and provides the following activities:

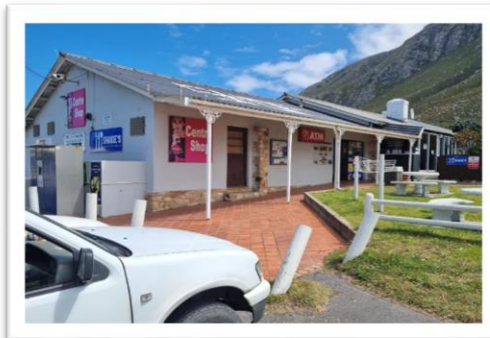
- Sitar Restaurant
- Seeff Properties



\* Erf 5139 (Zoning – Local Business)

The following activities are located on the property, namely:

- Centre Shop (Convenience store)
- Shakies (Restaurant / Pub)
- Parking (+/- 31 Bays)



\* Erf 2666 (Zoning – Local Business)

This property is being used by ASK Security.



\* Erf 2674 (Zoning – Local Business)

This property is being used as a Restaurant and Pub (Camelot).



\* Erf 2658 and 2673 (Zoning – Local Business)

This site is vacant.

\* Erf 5580 (Zoning – Local Business)

This property was used for the purposes of a pre-school but has since closed. The building is currently vacant.

**C) Area to the north / northwest:**

\* Erf 2648 (Zoning – Utility Service)

The site is being used as a Telkom Tower / facility.

\* Erf 2649 (Zoning – Authority Usage)

This site is used for the purposes of community activities (Council owned) which includes a library and small household transfer station.

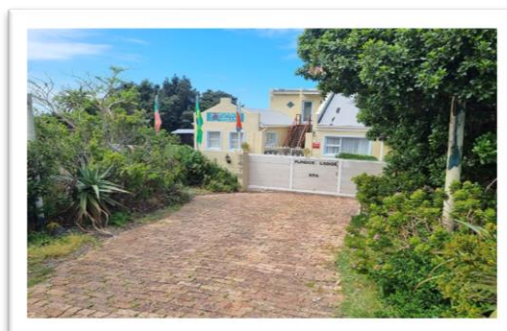
\* Farm land (Zoning – Agriculture)

This site is vacant which forms part of the Nature Conservation area.

**D) Area to the south:**

\* Erf 2478 (Zoning – Single Residential)

This erf is being used for residential purposes, lodge and spa.



\* Erf2479 (Zoning – Single Residential)

This site is vacant.

\* Erf2480 (Zoning – Single Residential)

Residential Dwelling.

### **CONCLUSIONS**

**The conclusions are as follows:**

- A. Erf 2662, Bettys Bay is surrounded by Local Business zonings linked to a variety of existing shops, community activities and utilities.**
- B. Erf 2662, Bettys Bay is located within the existing Business Node at the intersection of Clarence Drive (Scenic / Tourism Route) and Porter Road (higher order circulation and collection road).**
- C. Access to Erf 2662 is directly off Clarence Drive and Porter Road.**
- D. Several restaurants / pubs within the Business Node provide on-site sale of alcoholic beverages.**

#### **4.5 CATCHMENT AREA**

Bettys Bay extends +/- 10km in length along Clarence Drive between Pringle Bay and Kleinmond.

Based on an assessment of the residential distribution of properties in Bettys Bay (see **Annexure I**) from Harold Porter Botanical Gardens eastwards and westwards, a total of 2235 (**77%**) residential properties are located to the west of Harold Porter Botanical Gardens and 661 (**23%**) properties to the east. This assessment supports the strengthening of the Business Node and the provision / establishment of additional complimentary uses to the node as the majority of residents are located within the western section of Bettys Bay (Silversands, Rondevlei, Stony Point, Disa Circle and Central).

#### **4.6 OVERSTRAND MUNICIPALITY SPATIAL DEVELOPMENT FRAMEWORK, 2020**

In terms of the Overstrand Municipal Spatial Development Framework, the following principles and guidelines have been approved by Council for Bettys Bay;

- Ensure that development is confirmed within the urban edge and growth is managed based on sustainable densification principles.
- Ensure that mixed-use densification of land uses is achieved when managing urban growth.
- Ensure that facilities / amenities cater for the needs of all of the Overstrand inhabitants, including those reliant on public transport, the elderly and physically impaired.
- Ensure that tourist destinations are accessible, safe and attractive by means of maintaining and developing new facilities.
- Southern Retail Node: Promote the establishment of a mixed-use medium density retail centre forming the primary node of Bettys Bay, based on strict development and design parameters to preserve views from the scenic drive. This node is the preferred option for densification.
- Commercial: Business uses, commercial, retail and offices should be concentrated within the Central Business District as far as possible and prevent further large-scale decentralisation of commercial development should not be permitted.

#### **CONCLUSIONS**

**Erf 2662, Bettys Bay (Whaling Station) falls within Southern Retail Node (CBD) and complies to all the principles and guidelines for the establishment of a "Bottle Store". The SDF refers to the promotion of "Business Uses" (under Commercial), which includes the off-site sale of alcoholic beverages. Thus, the establishment of a "Bottle Store" is in line with the policy directive.**

## **5. POPULATION GROWTH / PROPERTY TRENDS**

### **5.1 OVERSTRAND POPULATION**

The Overstrand Municipal area population statistics is indicated in the Table below:

<b>Year</b>	<b>Source</b>	<b>Population</b>	<b>Growth</b>
2011	Stats SA	80 432	2,6 %
2022	Stats SA	132 495	
2025 (Projection)	Western Cape Government	150 639	

Although Bettys Bay only represents a small percentage of the total Overstrand Municipality population, the importance of the above Table is that the Municipal area has shown a growth of almost 100% between 2011 and the projected 2025 figure. Semigration to the region is the largest growth contributor.

The above population growth has the following implications:

- Increased traffic flow along the N2 and Clarence Drive (R44) which traverses Bettys Bay.
- Influx of purchasing power to the region.
- Need for higher order retail and social services.
- Emphasis on Clarence Drive as a scenic/tourism route which will attract more tourist orientated through traffic.
- Pressure on infrastructure.

## **5.2 BETTYS BAY**

With regard to Bettys Bay, the following information could be obtained:

### **A. Overstrand Municipal Spatial Development Framework, 2020 (Population)**

The terms of the Overstrand Municipal Spatial Development Framework, the population figures and projections for Bettys Bay is indicated in the Table below:

<b>Year</b>	<b>Population</b>
2001 Census	893
2011 Census	1380
2022 – Projected MPBS, 2019	2216
2025 – Projected MPBS, 2019	2521
2028 – Projected MPBS, 2019	2869

From the above Table, the following can be concluded:

- Since the 2001 Census, it is projected that Bettys Bay population will triple (more than 300%) by the year 2028.
- Unfortunately, the 2022 Census ward information is not yet available.

### **B. Independent Electoral Commission (IEC)**

Based on registration voters' role for Ward 10 (Rooiels, Pringle Bay and Bettys Bay), the number of registered voters during the 2019 National General Election was 2550 and during the 2024 National General Election, 4199.

Although several residents have not registered as voters in Ward 10, the importance of this information is that there was an increase of 1649 voters which relates to the increase of population and purchasing power within the ward.

### **5.3 PROPERTY TRENDS**

Based on the information as obtained from "Property 24", a summary of the property trends in Bettys Bay is as follows:

- The average selling price of property in Bettys Bay in 2024 is R1,6m (asking price – R2,1m) as compared to 2020 where the average selling price was R600 000 (Vacant erven included).
- The total number of properties for sale (September 2024) is 254 of which 142 properties are vacant (56%).
- The average listing price for a 2-bedroom house is R2,1m, R2,9m for a 3-bedroom house and R4,7m for a 4-bedroom house.
- The average sold price of vacant erven in 2019 was R450 000 as opposed to the average sold price of R1,6m in 2024.
- The majority (51,2%) of sellers falls in the age category of 65 years and older.
- The majority (73%) of buyers falls between the ages of 36 to 64 years of age.
- The majority (42,7%) of owners falls between the age of 50 and 65 years of age.

#### **CONCLUSIONS**

**Deriving from this section, the following can be concluded:**

- A. That Bettys Bay is experiencing a population growth as reflected in the different statistics.**
- B. That the age profile of new owners is younger, with 32% buying in the 34 to 49 age group and 41% in the age group between 49 and 65 years (73% new buyers).**
- C. The majority (42,7%) of owners fall within the 49 to 65 years age group.**
- D. The majority (51,2%) of sellers are above the age of 65 years, who also relocate from Bettys Bay owing to a lack of sufficient retirement facilities.**
- E. The property prices have dramatically increased over the last 5 years where the income profile can be categorised as higher / middle to high income residents.**

**FROM THE ABOVE, IT IS EVIDENT THAT THE POPULATION IS NOT ONLY INCREASING, BUT THAT THE SOCIO-ECONOMIC PROFILE OF BETTYS BAY RESIDENTS IS CHANGING TO A YOUNGER AGE GROUP WITH DIFFERENT PURCHASING NEEDS.**

**The above have a major impact on retail needs, where complimentary facilities, linked to higher order retail and other services will be required.**

## 6. PROPOSED BOTTLE STORE (THIRSTY'S LIQUOR BOUTIQUE)

The proposed boutique "Bottle Store" to be established on Erf 2662, Bettys Bay will focus on the following vision, goods and operational structure:

### 6.1 VISION

- The primary focus of the boutique "Bottle Store" will be to provide an exclusive, up market and artisan liquor experience, in providing primarily locally produced products to the benefit of the local community and visitors to the area.
- To provide a facility which is accessible to the residents of Bettys Bay;
- No large scale commercially produced liquor will be sold.
- To respond to the changing socio-economic profile of the local community.
- To promote economic growth within the sub-region, where locally produced goods can be marketed and sold. This activity will facilitate additional awareness of the locally produced liquor(wines/other) to the benefit of economic growth in the sub-region.
- To provide a complimentary service to un-licenced restaurants within the area, where patrons can purchase goods to be consumed at the respective restaurants.
- To establish a safe and healthy environment.
- To establish additional work opportunities within the area which is much needed with the existing high level of unemployment.

### 6.2 OPERATIONAL

#### A. Locality and Extent

The activity will be located within the recently upgraded "Whaling Station" building on Erf 2662, Bettys Bay. The activity was allocated Shop 4 (see **Annexure J**), which measures 40m<sup>2</sup> in extent.

The entrance to the "Bottle Store" will be onto the passageway which provide access to the other activities within the retail centre (Offices, Restaurant and Bistro). The passageway provides pedestrian through movement to the respective activities from the Clarence Drive (R44) parking towards the Porter Drive parking, and vice versa.

In view of the restricted extent of the facility, the provision / stocking of liquor products will be limited in terms of volume and variety.

**B. Interior**

The interior of the activity will comprise of the following:

- Solid wood shelving units.
- 3 x Wine barrels on wheels.
- 2 x Small display tables.
- 2 x Wine fridge and an ice freezer

**C. Delivery**

**No** large trucks will be used for delivery. In most cases, delivery will be undertaken by normal SUV vehicles (small quantities). There will be deliveries on a Tuesday and Friday.

**D. Operating Hours**

The operating hours will be established by the operator in line with local conditions and in line with the conditions from the Western Cape Liquor Authority.

**E. Security**

The passageway within the retail centre will be locked at night and has CCTV cameras which is monitored by Sandown Bay Security 24 hours per day.

Sandown Bay Security is located directly adjacent (off Porter Drive) to Erf 2662 (Whaling Station).

**F. Parking**

Adequate parking is provided to the proposed activity, as indicated in **Annexure G**.

**G. Services**

Water, sanitation and electricity is provided to the Whaling Station Retail Centre.

## 7. ARGUMENTS IN SUPPORT OF APPLICATION

The desirability of the application is motivated in line with the principles as set out in Section 42 of the Spatial Planning and Land Use Management Act, 2013 (SPLUMA) and Chapter VI of the Land Use Planning Act, 2014 (LUPA).

### 7.1 SPATIAL JUSTICE / GOOD GOVERNANCE

- A. **Legal and policy compliance:** The establishment of the boutique "Bottle Store" on Erf 2662, Bettys Bay is located within the Business Node of Bettys Bay as indicated in the Spatial Development Framework.

The zoning and the land use on Erf 2662, Bettys Bay and adjacent thereto is already being used and zoned for a variety of retail and complementary uses.

The zoning (Local Business 3) makes provision for the establishment of a "Bottle Store" as a Consent Use which have the implication that the right of the owners to develop the proposed activity should be recognised. The Overstrand SDF also refers to the proposal that "businesses" should develop within the Business Node. The establishment of the boutique "Bottle Store" falls within the definition thereof and should be supported.

- B. **Building compliance:** The approval of the 2023 Building Plan for Erf 2662, Bettys Bay have made provision for sufficient parking areas in line with the proposed uses and Gross Leasable Area.
- C. **Engineering services:** Engineering services are already being provided to Erf 2662, Bettys Bay. No additional bulk will be required.

### 7.2 SPATIAL SUSTAINABILITY

The establishment of the "Bottle Store" will have **no** impact on the structuring and functioning of the existing Business Node owing to the following reasons:

- A. **Need for diversity/symbiotic cohesion:** The proposed activity will promote the diversity of existing activities within the Business Node by creating symbiotic cohesion with other retail land uses in support of each other.

Within the context of Bettys Bay, the existing retail, recreation and social services which are located within the Business Node addresses convenience needs to primarily residents and visitors / tourist to the area. The establishment of the "Bottle Store" will provide a complimentary need to residents, visitors and tourists regardless of race or income level.

- B. **Traffic impact:** There will be **no** additional traffic generation along Clarence Drive (R44) or Porter Drive as potential clients could visit the activities within the Local Node for other required goods. The proposed boutique "Bottle Store" will be "added" to the retail experience.

In some cases, the traffic between Bettys Bay towards either Pringle Bay or Kleinmond could be less as certain alcoholic beverages could be purchased in Bettys Bay.

- C. **Clarence Drive:** With the increase of permanent residents and tourists, the sub-region (Rooi Els, Pringle Bay, Bettys Bay, Kleinmond and Hermanus) an increase along Clarence Drive (R44) along the scenic corridor from Cape Town towards Hermanus / Garden Route and back can be expected.

The Bettys Bay Business Node has been in existence for some years with direct access being obtained from Clarence Drive (R44) and Porter Road.

The sight distance from Erf 2662, Bettys Bay along Clarence Drive towards the east and west is at least 700m in both directions. The occurrence of vehicular or pedestrian accidents will be minimised.

- D. **Need to increase and diversify retail offerings:** The Socio-economic profile of residents within Bettys Bay and surrounding areas are changing (younger age), with the result that purchasing patterns are also changing. Residents must have access to a diversity of facilities to fulfil personal preferences. The establishment of a boutique "Bottle Store" at the Business Node will complement existing facilities within the Business Node with different offerings.

- E. **Residential /social impact:** Except for some residential properties to the south of Erf 2662, Bettys Bay (Erf 2478-lodge and spa), the other properties are located towards the intersection of Clarens Drive and Porter Drive. The properties are defined and buffered by Porter Road (higher order collector /circulation road), with the implication that the proposed boutique "Bottle Store", together with the already existing (being there for some years) will not increase the status quo which have been there for some time.

No other social facilities are near the proposed boutique "Bottle Store".

### 7.3 **EFFICIENCY**

- A. **Population Growth:** With the increased population growth within the sub-region and the change of demographic profile (ages, groups), the need to accommodate holistic and integrated retail experiences will increase. The establishment of the boutique "Bottle Store" will contribute to this need as residents do not have to travel to either Pringle Bay or Kleinmond for basic purchases. Other alcoholic purchases will continue in surrounding towns.
- B. **Existing consumption:** Within the Business Node there are several existing restaurants/pubs which have liquor licences for on-site consumption. Thus, the use of alcoholic beverages within Bettys Bay has been present for some time without any incidents or crime.

The sale of off-site alcoholic beverages will not increase any crime related activity as most households within Bettys Bay, regardless of income or race, make use of alcoholic beverages for the purposes of cooking, home entertainment or gifts.

With the establishment of the boutique "Bottle Store", the sales will be off-site, as opposed to being on-site. Thus, the sale of alcoholic beverages will continue, regardless of the type of licence.

The establishment of the boutique "Bottle Store" will have **no** impact on the sale of alcoholic beverages.

- C. **Extent:** The proposed "Bottle Store" will be small in extent (+/- 40m<sup>2</sup>) and will focus primarily on locally selected alcoholic beverages. The average retail prices for these products are usually higher than the prices of national producers and breweries which will not be sold at the "Bottle Store". Thus, the proposed "Bottle Store" products will focus on the "Niche" market.
- D. **Safety /crime:** Crime is a national phenomenon and even Bettys Bay is not crime free. Adequate provision has been made by the "whaling station" building and management to prevent any potential incidents by implementing a 24-hour surveillance camera system and the closing of the passageway (entrance to boutique "Bottle Store") after the closure of the respective restaurants at night.
- E. **Tourism Value Chain:** To grow the economy and to establish jobs, a "Tourism Value Chain" needs to be structured / established in Bettys Bay, where tourists can experience a diversity of attractions and services offered, which include the purchase of up-market locally produced alcoholic beverages. These beverages could be used as memories, gifts or consumption with friends.

With the identification and emphasis of Clarence Drive as a scenic/tourism route, businesses along this road should capitalize on the interception of through traffic, where activities, in support of each other (restaurants, pubs, services, etc), including the boutique "Bottle Store" will benefit.

#### **7.4 GENERAL**

Although the proposed "Bottle Store" will not contribute to increased traffic flow, the value-added activities within the Business Node, increased population and the sub-regional increase of traffic along Clarence Drive will require speed reducing measures along certain sections within Bettys Bay. Although not a traffic engineer, proposed turning circles could be investigated at the intersection of Disa Road / Clarence Drive and Porter / Clarence Drive (R44) with reduced speed limits between the mentioned intersections.

## 8. CONCLUSIONS AND RECOMMENDATIONS

Deriving from the information that was provided in the memorandum, it was clearly established that the proposed boutique "Bottle Store" will contribute to the tourist (value chain), economic growth, symbiotic cohesion with existing retail facilities and strengthening of the existing Business Node.

It is herewith recommended that the applications for Consent Use in terms of Section 16(2)(0) of the Overstand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for a "Bottle Store" on Erf 2662, Bettys Bay be approved.

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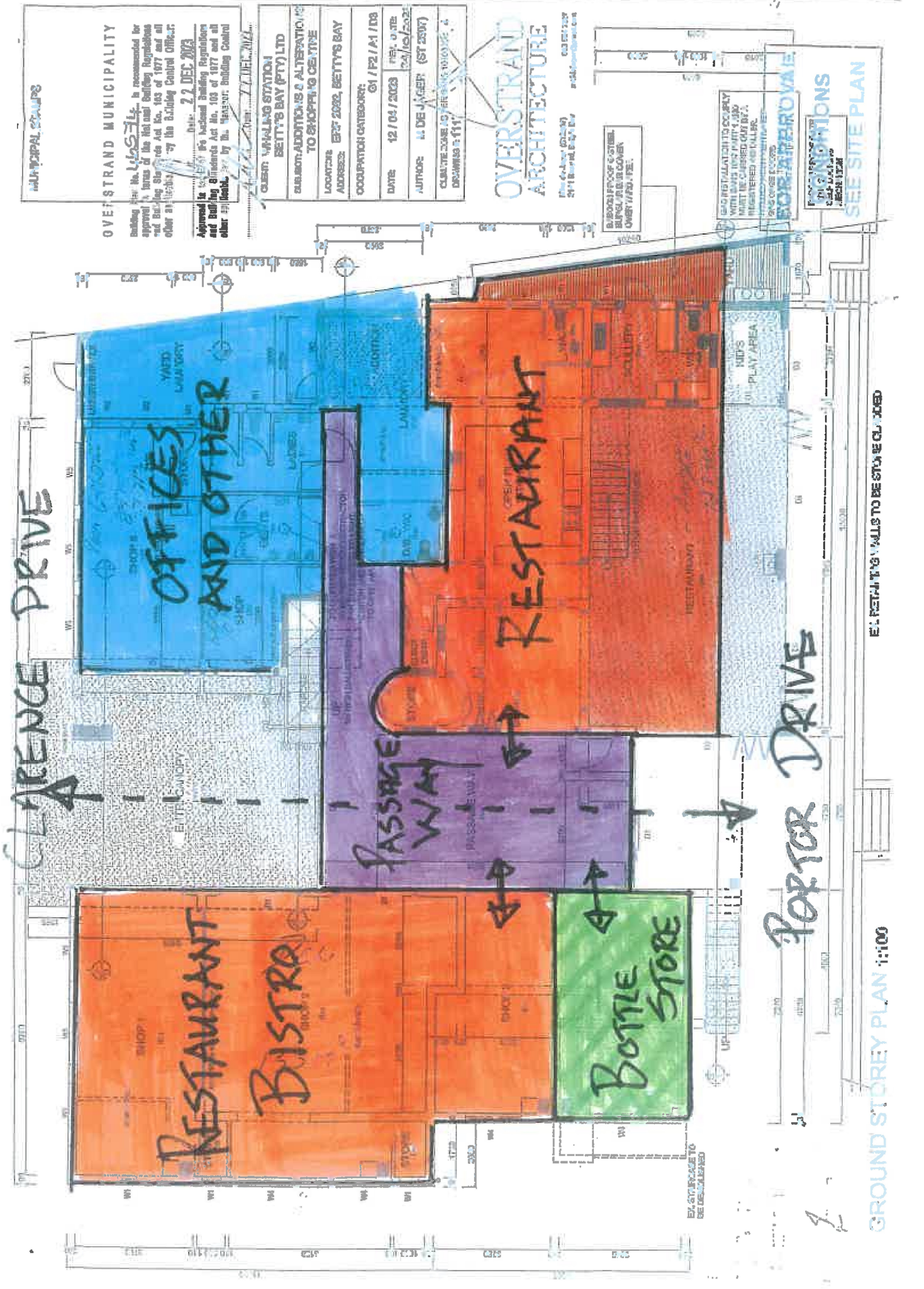
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11 NOVEMBER 2024



MUNICIPAL STAMPS

**OVERSTRAND MUNICIPALITY**  
 Building Plan No. 1465/14 is recommended for approval in terms of the National Building Regulations and Building Standards Act No. 103 of 1977 and all other applicable legislation by the Building Control Officer.  
 Date: **22 DEC 2023**

Approved in terms of the National Building Regulations and Building Standards Act No. 103 of 1977 and all other applicable legislation by the Engineer, Building Control  
 Date: **22 DEC 2023**

CLIENT: WALKING STATION BETTIE'S BAY (PTY) LTD
SUBMIT: ADDITIONS & ALTERATIONS TO SHOPPING CENTRE
LOCATION: ER27 2022, BETTIE'S BAY
ADDRESS: ER27 2022, BETTIE'S BAY
OCCUPATION CATEGORY: G1 / F2 / A1 / D3
DATE: 12 / 04 / 2023
REV. DATE: 26 / 05 / 2023
AUTHOR: M. DE VRIES (ST 2007)
CALCULATE SCALE AND REFERENCE TO DRAWING & DIMENSIONS: 1:111

**OVERSTRAND ARCHITECTURE**  
 1111 B. DE VRIES BLVD  
 6010 ERVEN  
 031 551 7237  
 031 551 7237

BEFORE STORAGE COVER IS INSTALLED, THE COVER MUST BE CLIPPED OVER THE OVERHANGING PART.

BEFORE INSTALLATION TO OCCUPY WITH A CHILDREN'S PLAY AREA, THE PLAY AREA MUST BE CLIPPED OVER THE OVERHANGING PART.

**FOR APPROVAL BY THE MUNICIPALITY**  
**CONTRIBUTIONS**  
 SEE SITE PLAN

BEFORE INSTALLATION TO OCCUPY WITH A CHILDREN'S PLAY AREA, THE PLAY AREA MUST BE CLIPPED OVER THE OVERHANGING PART.

GROUND STOREY PLAN 1:100