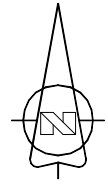


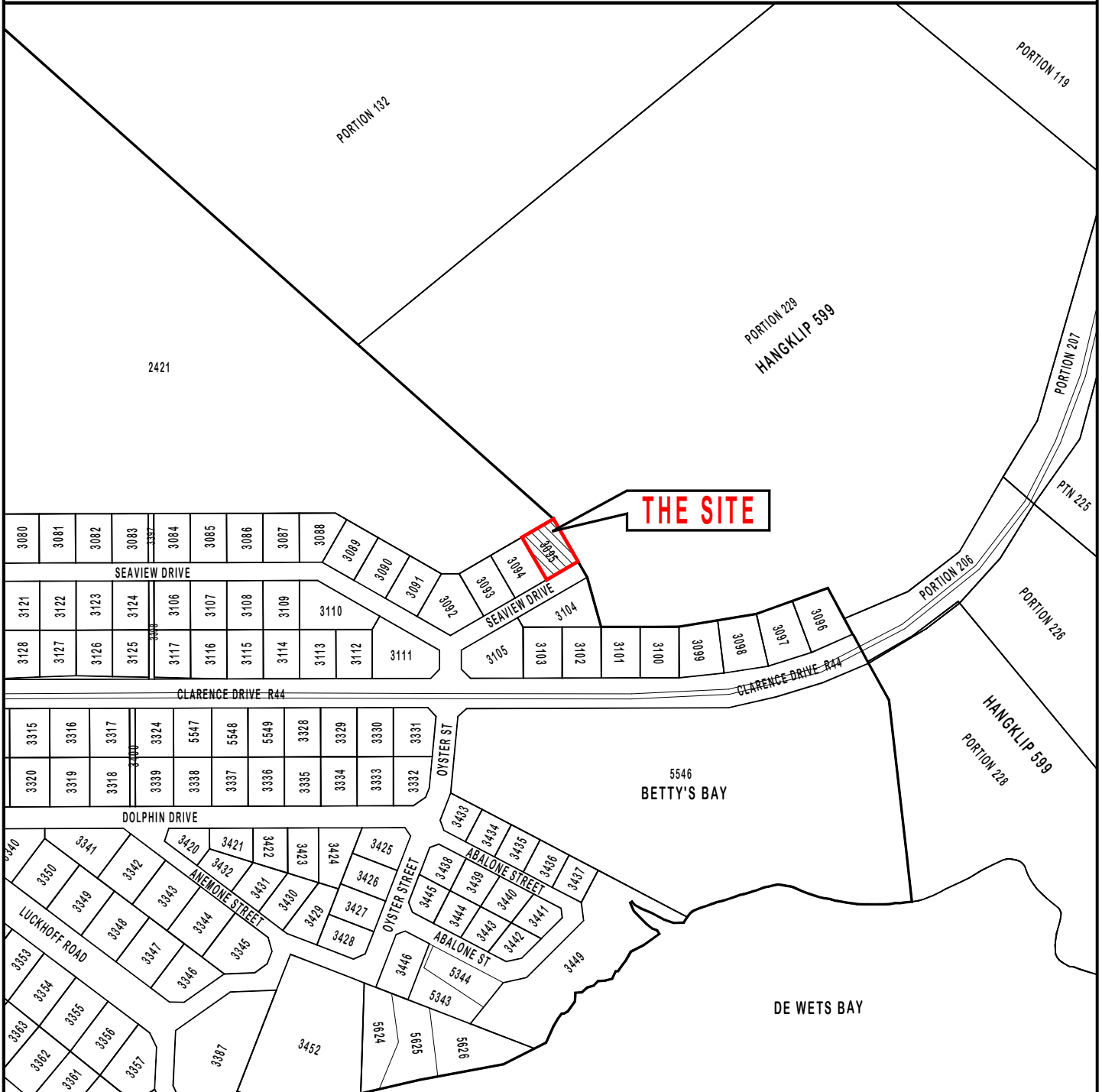
| OVERSTRAND MUNICIPALITY | OVERSTRAND MUNISIPALITEIT | UMASIPALA WASE-OVERSTRAND |
|---|--|---|
| <p><u>ERF 3095, 93 SEAVIEW DRIVE, BETTY'S BAY: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, DEPARTURES AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: PLATINUM TOWN & REGIONAL PLANNERS CC ON BEHALF OF SONIC COMPUTERS AND WI-FI CC</u></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 the following applications applicable to Erf 3095, Betty's Bay (the property), namely:</p> <p><u>Removal of Restrictive Title Deed Conditions</u> Application in terms of Section 16(2)(f) of the By-Law for the removal of restrictive title deed conditions B.(2), B.(4), B.(6), C.(i)5.(b), C.(i)5.(d), and C.(ii)(n) as contained in Title Deed T11954/2019 of the property.</p> <p><u>Departures</u> Application in terms of Section 16(2)(b) of the By-Law to – (i) relax the street building line from 4m to 0m to accommodate the existing infill area, (ii) relax the lateral building line from 2m to 0m to accommodate the existing dwelling, and (iii) exceed the permissible 8m height restriction to accommodate the existing 10m high transmission apparatus on the property.</p> <p><u>Determination of an Administrative Penalty</u> Application in terms of the provisions of Section 16(2)(q) of the By-Law for the determination of an administrative penalty for unauthorized land uses 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) loretta@overstrand.gov.za) on or before 20 December 2024, with your name, address, contact details, interest in the application and the reasons for comment. Telephonic inquiries can be made to the Senior Town Planner, Mrs. H. van der Stoep 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><u>ERF 3095, SEAVIEWRYLAAN 93, BETTYSBAAI: AANSOEK OM OPHEFFING VAN BEPERKENDE TITELAKTEVOORWAARDES, AFWYKINGS EN BEPALING VAN 'N ADMINISTRATIEWE BOETE: PLATINUM STADS- EN STREEKSBEPLANNERS BK NAMENS SONIC COMPUTERS AND WI-FI CC</u></p> <p>Kragtens Artikel 47 en 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening) word hiermee kennis gegee van die onderstaande aansoeke van toepassing op Erf 3095, Bettysbaai (die eiendom), naamlik:</p> <p><u>Opheffing van Beperkende Titelaktevoorwaardes</u> Aansoek ingevolge Artikel 16(2)(f) van die Verordening vir die opheffing van beperkende titelaktevoorwaardes B.(2), B.(4), B.(6), C.(i)5.(b), C.(i)5.(d), en C.(ii)(n) soos vervat in Titelakte T11954/2019 van die eiendom.</p> <p><u>Afwykinge</u> Aansoek ingevolge Artikel 16(2)(b) van die Verordening ten einde – (i) die straatboulyn vanaf 4m na 0m te verslap om die bestaande invul area te akkommodeer, (ii) die syboulyn vanaf 2m na 0m te verslap om die bestaande woonhuis te akkommodeer, en (iii) die toelaatbare 8m hoogtebeperking te oorskry om die bestaande 10m hoë transmissieapparaat op die eiendom te akkommodeer.</p> <p><u>Bepaling van 'n Administratiewe Boete</u> Aansoek ingevolge die bepaling van Artikel 16(2)(q) van die Verordening vir die bepaling van 'n administratiewe boete vir ongemagtigde grondgebruike op die eiendom.</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) loretta@overstrand.gov.za) voor of op 20 Desember 2024, met u naam, adres, kontak besonderhede, belang in die aansoek en die redes vir kommentaar. Telefoniese navrae kan gerig word aan die Senior Stadsbeplanner, Me. H. van der Stoep 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><u>ISIZA 3095, 93 SEAVIEW DRIVE, E-BETTY'SBAY: ISICELO SOKUSUSWA KWEZITHINTELO KWISIVUMELWANO SOBUNINIMHLABA, UKUNDULUKA, IMVUME YOKUSEBENZISA KUNYE UKUMISELWA KWEZOHLOWAYO ZOLAWULO: PLATINUM TOWN & REGIONAL PLANNERS CC EGAMENI LE-SONIC COMPUTERS & WIFI CC</u></p> <p>Isaziso siyanikezelwa ngokweCandelo lama-47 nelama-48 loMthetho kaMasipala woLungiso loMthetho kaMasipala kuCwangciso lokuSetyenziswa koMhlaba kaMasipala, ka-2020 (uMthetho kaMasipala), kwezi zicelo zilandelayo zisebenza kwiSiza 3095, eBetty'sBay (kwipropati), ezizezi:</p> <p><u>Ukususwa kweMiqathango yeSivumelwano soBunini esiThintelweyo</u> Isicelo ngokungqinelana neCandelo 16(2)(f) loMthetho kaMasipala sokushenxisa imiqathango yesithintelo setayitile yobunini B.(2), B.(4), B.(6), C.(i)5.(b), C.(i)5.(d), kwakunye no-C.(ii)(n) njengoko iqulethwe kwiSivumelwano soBunini T11954/2019 sale proprati.</p> <p><u>Uphambuko</u> Isicelo ngokwemiGaqo yeCandelo le-16(2)(b) loMthetho kaMasipala soku – (i) nyenyisa umda umda wesakhiwo osuka kwii-mitha eziyi-4m ukuya ku-0m ukulungiselela indawo esele ikhona, (ii) nyenyisa umda wesakhiwo osecaleni ukusuka kwii-mitha eziyi-2m ukuya ku-0m ukulungiselela indawo yokuhlala ekhoyo kunye (iii) gqitha kwisithintelo sobude obuvumelekileyo bee-mitha eziyi-8m ukuze kuhlaliswe isikhobo esikhoyo see-mitha eziyi-10m esiphezulu sothumelo kwipropati.</p> <p><u>Ukumiselwa kweSohlwayo soLawulo</u> Ukusetyenziswa ngokwemiGaqo yeCandelo le-16(2)(q) loMthetho kaMasipala ukumiselwa kwesohlwayo solawulo kusetyenziso lomhlaba olungagunyaziswanga 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 nakwiiThala leeNcwadi lase-Betty's Bay, Clarence Drive, e-Betty's Bay.</p> <p>Naziphi na izimvo ezibhaliweyo mazifike kwaMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / (e) loretta@overstrand.gov.za) ngomhla okanye ngaphambi komhla wama-20 Disemba 2024, zibe negama lakho idilesi, iinkcukacha ofumaneka kuzo, umdla wakho kwesi sicelo nezizathu zokuhlomla kwakho. Imibuzo ngefowuni ingathunyelwa kuMcWangcisi Omkhulu weDolophu, Nkskz. H. van der Stoep 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 Municipal Manager / Munisipale Bestuurder / Umphathi Kamasipala PO Box / Posbus / Ibhokisi yePosi 20 HERMANUS 7200</p> <p style="text-align: right;">Notice No / Kennisgewing nr / Inombolo yesaziso: 195/2024</p> | | |

LOCALITY MAP

ERF 3095, BETTY'S BAY



SCALE: 1 : 5 000



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



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Email: amund@vodamail.co.za

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

Dear Hanneen;

ERF 3095 BETTY'S BAY

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

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

Trust this will suffice.

Thanks

Amund
29 / 10 / 2024



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

Dear Sir/Madam;

ERF 3095 BETTY'S BAY

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

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

Please advise on the way forward.

Thanks

Amund
13 / 09 / 2024



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MEMORANDUM

ERF 3095 BETTYS BAY

A. PROPERTY DESCRIPTION

The property is known as Erf 3095 Bettys Bay. The Erf is approximately 1338m² in extent.

B. OWNERSHIP

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

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

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

C. LOCATION

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

D. ZONING

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

E. APPLICATIONS

E.1 History

Please refer to the Map below.



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

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

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

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

E.2 Applications

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

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

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

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

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

Criteria for the determination of the Administrative Penalty:

- The nature / duration / gravity / extent of the Contravention: The Landowner bought Erf 3095 Bettys Bay in 2019, without knowing that the “*transmission apparatus (cell phone tower)*” is illegal or that the foundation/base of the latter and a portion of the dwelling house is transgressing the erf boundary. The transgressions per se is approximately 10m² in the case of the “*transmission apparatus (cell phone tower)*” and 5m² in the case of the dwelling house. These transgressions do not significantly impact the surrounding environment or land use. The adjacent property is a farm portion known as Portion 229 Hangklip 599, which is vacant. The Landowner of the said farm portion was made aware of the situation with the possibility of buying a portion of the said farm portion to rectify the situation. The Landowner of Erf 3095 Bettys Bay, however, opted to rather rectify the situation through the relocation of the “*transmission apparatus (cell phone tower)*” to within the erf boundary and the demolishing of the portion of the dwelling house up to the erf boundary. Steps, therefore, are being taken to address the situation.
- The conduct of the person involved in the contravention: Upon the discovering of the situation, the Landowner promptly acted responsibly with the appointment of Platinum Town and Regional Planners to submit the required Land-use Applications to rectify the situation.
- Whether the unlawful conduct was stopped: The “*transmission apparatus (cell phone tower)*” is in operation since the late 1990’s. The current Landowner bought the property in 2019. The unlawful conduct, in this case, was only noticed when the Landowner was recently made aware that the “*transmission apparatus (cell phone tower)*” is illegal. The illegality of the “*transmission apparatus (cell phone tower)*” and the transgressions over the erf boundary were not intentionally and the

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

F. NEED AND DESIRABILITY

F.1 PROPERTY

The property is known as Erf 3095 Bettys Bay.

F.2 APPLICABLE LEGISLATION

The following legislation is applicable:

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

F.3 APPLICABLE PLANNING POLICIES / DOCUMENTS

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

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

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

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

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

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

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

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

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

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

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

The required public participation process, in accordance with the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020, will be sufficiently dealt with via the advertising of the Applications. Their respective rights and all those affected will be adequately addressed during this process. The “*audi 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 itself will ample open space be provided.

F.3.2 The National Development Plan (NDP)

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

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

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

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

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

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

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

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

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

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



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

F.3.4 Overberg District Spatial Development Framework (ODSDF)

The purpose of ODSDF is to:

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



F.3.5 Overstrand Integrated Development Planning (IDP)

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

F.3.6 Overstrand Municipality Spatial Development Framework (SDF)

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

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

G. ENGINEERING SERVICES

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

H. ENVIRONMENTAL ISSUE

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

I. CONCLUSION

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



Platinum

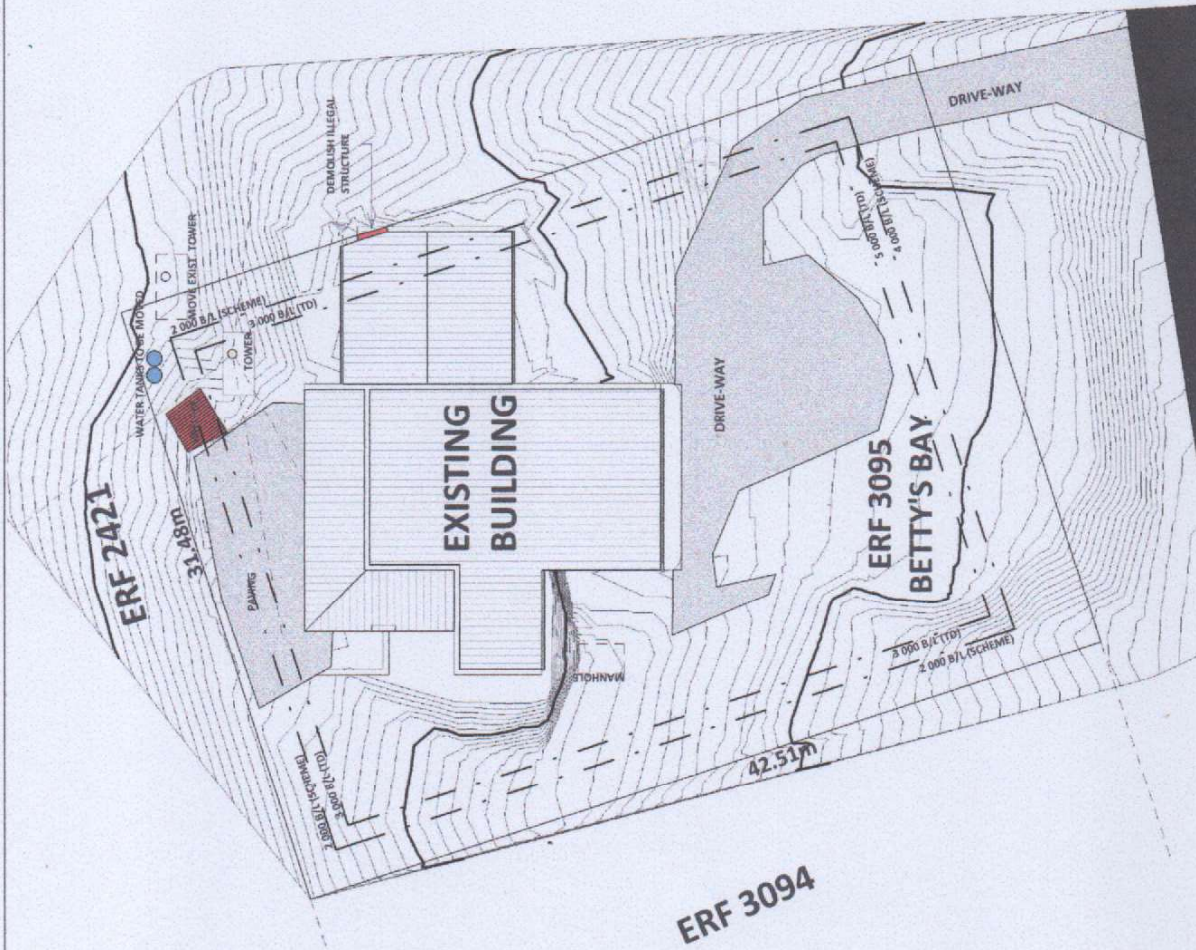
TOWN PLANNERS

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

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ANNEXURE E.2

| | |
|-----------------|----------------------|
| TOTAL SITE AREA | 13380m ² |
| GROUND FL | 297.41m ² |
| FIRST FL | 168.17m ² |
| BASEMENT FL | 51.66m ² |
| PATIO | 15m ² |
| TOTAL AREA | 297.41m ² |
| COVERAGE | 22.23% |



SONIC
 ERF 3095
 93 SEAVIEW DRIVE
 BETTY'S BAY

SONIC

| | |
|----------------|------------|
| PROJECT NUMBER | 240803 |
| DATE | 2024/10/16 |
| DRAWN BY | JCK |
| CHECKED BY: | Divz SCALE |
| | 1:250 |

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