



**OVERSTRAND MUNISIPALITEIT**  
**RESTANT VAN ERF 2423 EN ERF 2674,**  
**PORTERRYLAAAN, BETTYSBAAI: AANSOEK OM**  
**ONDERVERDELING, HERSONERING,**  
**KONSOLIDASIE EN SLUITING VAN PUBLIEKE PLEK:**  
**WRAP (nms OVERSTRAND MUNISIPALITEIT EN**  
**AFRICA PROCURE CC)**

Kragtens Artikel 47 en 48 van die Overstrand Munisipaliteit Gewysigde Verordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening), asook Artikel 14 van die Wet op Plaaslike Regering: Munisipale Finansiëlebestuur (Wet 56 van 2003) (die Wet) word hiermee kennis gegee van die volgende aansoeke van toepassing op Erf 2423 en 2674 Bettysbaai, naamlik, die:

1. (a) **onderverdeling** van Restant van Erf 2423, Bettysbaai ingevolge Artikel 16(2)(d) van die Verordening in 2 gedeeltes, naamlik Gedeelte A ( $\pm 60\text{m}^2$ ) en 'n Restant ( $\pm 1448069\text{m}^2$ );
  - (b) **hersonering** van Gedeelte A ingevolge Artikel 16(2)(a) van die Verordening vanaf Vervoersone 2: Pad en Parkering (TR2) na Sakesone 3: Plaaslike sake (B3);
  - (c) **konsolidasie** van Gedeelte A met Erf 2674, Bettysbaai ingevolge Artikel 16(2)(e) van die Verordening om 'n gekonsolideerde eiendom van  $\pm 953\text{m}^2$  te skep;
  - (d) **sluiting van publieke plek** ingevolge Artikel 16(2)(n) van die Verordening om die sluiting van Gedeelte A as 'n publieke plek, te akkommodeer; en
2. die Raad se voorneme ingevolge Artikel 14 van die Wet van die oordrag van Gedeelte A in 1. hierbo aan die eienaar van Erf 2674 Bettysbaai met die volgende besonderhede:

**Koper:** Africa Pro Cure CC  
**Koopsom:** R150.00 per m<sup>2</sup> (BTW uitgesluit)  
**Ligging:** Porterrylaan 199, Bettysbaai  
**Doel:** Parkering  
**Grootte:**  $\pm 60\text{m}^2$

Volle besonderhede rakende die voorneme in **paragraaf 1.(a), (b), (c) en (d)** hierbo is beskikbaar vir inspeksie gedurende weksdae tussen 08:00 en 16:30 by die **Departement: Stadsbeplanning, Patersonstraat 16, Hermanus** en by die Bettysbaai Biblioteek, Clarendrylaan, Bettysbaai. Enige kommentare moet skriftelik wees, u naam, adres, en kontakbesonderhede bevat, sowel as u belang in die aansoek en die redes vir kommentaar, welke kommentaar die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / (epos) [loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)) moet bereik voor of op **9 April 2021**. Telefoniese navrae kan gerig word aan die **Senior Stadsbeplanner, Me. H van der Stoep** by 028 313 8900.

Volledige besonderhede rakende die voorneme in **paragraaf 2** hierbo is per afspraak beskikbaar vir inspeksie gedurende weksdae tussen 08:00 en 16:30 by die **Departement: Eiendomsadministrasie, h/v Molteno- en Viljoenstraat, Onrustrivier**. Enige kommentaar moet skriftelik wees, u naam, adres, en kontakbesonderhede bevat, sowel as u belang in die aansoek en die redes vir kommentaar, welke kommentaar die Munisipaliteit (h/v Molteno- en Viljoenstraat, Onrustrivier / (f) 0283163721 / (epos) [wmurtz@overstrand.gov.za](mailto:wmurtz@overstrand.gov.za)) moet bereik voor of op **9 April 2021**. Telefoniese navrae kan gerig word aan die **Hoofklerk, Me. W Murtz** by 0283165601.

Die Munisipaliteit mag weer om kommentare te aanvaar na die sluitingsdatum. Enige persone wat nie kan lees of skryf nie kan bogenoemde toepaslike Munisipale Departement besoek waar hul deur 'n munisipale amptenaar bygestaan sal word ten einde hul kommentaar te formuleer.

Munisipale Bestuurder, Overstrand Munisipaliteit,  
Posbus 20, HERMANUS, 7200

Munisipale Kennisgewing Nr. 34/2021

**OVERSTRAND MUNICIPALITY**  
**REMAINDER OF ERF 2423 AND ERF 2674, PORTER**  
**DRIVE, BETTY'S BAY: APPLICATION FOR**  
**SUBDIVISION, REZONING, CONSOLIDATION AND**  
**CLOSURE OF PUBLIC PLACE: WRAP (obo**  
**OVERSTRAND MUNICIPALITY AND AFRICA**  
**PROCURE CC)**

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), as well as Section 14 of the Local Government: Municipal Finance Management Act (Act 56 of 2003) (the Act) of the following applications applicable to Erven 2423 and 2674 Betty's Bay, namely, the:

1. (a) **subdivision** of Remainder of Erf 2423, Betty's Bay in terms of Section 16(2)(d) of the By-Law into 2 portions, namely Portion A ( $\pm 60\text{m}^2$ ) and a Remainder ( $\pm 1448069\text{m}^2$ );
  - (b) **rezoning** of Portion A in terms of Section 16(2)(a) of the By-Law from Transport Zone 2: Road and Parking (TR2) to Business Zone 3: Local Business (B3);
  - (c) **consolidation** of Portion A with Erf 2674, Betty's Bay in terms of Section 16(2)(e) of the By-Law to create a consolidated property of  $\pm 953\text{m}^2$  in extent;
  - (d) **closure of public place** in terms of Section 16(2)(n) of the By-Law to accommodate the closure of Portion A as a public place; and
2. the Council's intention in terms of Section 14 of the Act of the **transfer** of Portion A in 1. above to the owner of Erf 2674 Betty's Bay with the following details:

**Purchaser:** Africa Pro Cure CC  
**Purchase Price:** R150.00 per m<sup>2</sup> (VAT excl.)  
**Locality:** 199 Porter Drive, Betty's Bay  
**Purpose:** Parking  
**Size:**  $\pm 60\text{m}^2$

Full details regarding the proposal in **paragraphs 1.(a) (b), (c) and (d)** above are available for inspection during weekdays between 08:00 and 16:30 at the **Department: Town Planning, 16 Paterson Street, Hermanus** and at the Betty's Bay Library, Clarence Drive, Betty's Bay. Any comment must be in writing, quoting your name, address and contact details, as well as your interest in the application and the reasons for comment, which comment must reach the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / (email) [loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)) on or before **9 April 2021**. Telephonic enquiries can be made to the **Senior Town Planner, Ms. H van der Stoep** at 0283138900.

Full details regarding the proposal in **paragraph 2.** above are available per appointment for inspection during weekdays between 08:00 and 16:30 at the **Department: Property Administration, c/o Molteno and Viljoen Street, Onrustrivier**. Any comment must be in writing, quoting your name, address and contact details, as well as your interest in the application and the reasons for comment, which comment must reach the Municipality (c/o Molteno and Viljoen Street, Onrustrivier / (f) 0283163721 / (email) [wmurtz@overstrand.gov.za](mailto:wmurtz@overstrand.gov.za)) on or before **9 April 2021**. Telephonic enquiries can be made to the **Principal Clerk, Ms. W Murtz** at 0283165601.

The Municipality may refuse to accept comments received after the closing date. Any persons who cannot read or write may visit the above appropriate Municipal Department where a Municipal official will assist them in formulating their comment.

Municipal Manager, Overstrand Municipality, P.O. Box 20, HERMANUS, 7200

Municipal Notice No. 34/2021

**UMASIPALA WASE-OVERSTRAND**  
**INTSALELA YESIZA 2423 KWAYE ISIZA 2674,**  
**EPORTER DRIVE, EBETTY'S BAY: ISICELO**  
**SOKWAHLULA-HLULA, UKUCANDWA NGOKUTSHA,**  
**UKUHLANGANISA KWAYE NOKUVALWA**  
**KWENDAWO YOLUNTU: WRAP (EGAMENI LIKA**  
**OVERSTRAND MUNICIPALITY KWAYE AFRICA**  
**PROCURE CC)**

Esi saziso sikhutshwa ngokwemiqathango yeSoloty 47 no 48 loMthethwana kaMasipala waseOverstrand woYilo lokuSetyenziswa koMhlaba wowama-2020 (Mthethwana), kwaye ngokwemiqathango yeSoloty 14 OoRhulumente Bamakhaya: UMthetho woLawulo lweMali kaMasipala (Umthetho 56 ka-2003) (UMthetho) ngokwezicelo ezifunyenweyo ezichapazela Isiza 2423 kwaye 2674 eBetty's Bay ezichazwe ngezantsi:

1. (a) **ukwahlula-hlula** intsalela yesiza 2423 ebetty's bay ngokwemiqathango yeSoloty 16(2)(d) lalo Mthethwana kwinxalenye ezimbini, iNxalenye A ( $\pm 60\text{m}^2$ ) neNtsalela ( $\pm 1448069\text{m}^2$ );
  - (b) **ukucandwa** ngokutsha kweNxalenye A ngokwemiqathango yeSoloty 16(2)(a) lalo Mthethwana ukusuka kwindawo yoThutho 2: Indlela nePaki (TR2) ukuya kuMmandla woShishino 3: Ishishini laseleNgingqi (B3);
  - (c) **ukuhlanganisa** kunye kweNxalenye A kunye neSiza 2674, eBetty's Bay ngokwemiqathango yeSoloty 16(2)(e) lalo Mthethwana ukudala ipropati idityanisiwe eyi  $\pm 953\text{m}^2$  ubukhulu;
  - (d) **ukuvalwa** ngokwemiqathango yeSoloty 16(2)(n) lalo Mthethwana kweNxalenye A ukuvumela ukuvalwa kwendawo yoluntu; kwaye
2. Injongo yeBhunga ngokwemiqathango yeSoloty 14 lalo Mthetho kwaye **nokudluliselwa** kweNxalenye A echazwe ku 1 ngaphezulu ukuya kumnini weSiza 2674 eBetty's Bay wezi nkukakha zilandelayo:

**Umthengi:** Africa Pro Cure CC  
**Ixabiso lokuthenga:** R150.00 m<sup>2</sup> nganye (VAT ikhutshelwe ngaphandle)  
**Indawo:** 199 ePorter Drive, eBetty's Bay  
**Injongo:** ukupaka  
**Ubukhulu:**  $\pm 60\text{m}^2$

linkcukacha ngokwemiba yezizindululo **kwimihlathi 1.(a), (b), (c)** kwaye (d) ziyafumaneka ukuze zihlolwe ngulowo nalowo ufuna ukuzifundela ngeentsuku zokusebenza ngamaxesha okusebenza aphakathi kwentsimbi yesi-08:00 ne-16:30 **Isebe: Ucwangiso lweDolophu** kwa-16 Paterson Street, eHermanus nakwithala leencwadi laseBetty's Bay, eClarence Drive, eBetty's Bay. Naziphi na izimvo kufuneka zingeniswe ngokubhaliweyo, ucaphule igama lakho, idilesi kunye neenkukacha zonxibelelwano, kunye nomdla wakho kwisicelo kunye nezizathu zenkazo, olo luvo kufuneka lufike kuMasipala (16 Paterson Street, eHermanus / (f) 0283132093 / imeyile [loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)) phambi okanye ngomhla **we-9 UTshazimpunzi (uAprili) 2021**. Imibuzo yefowuni inokwenziwa **kuMwangcisi weDolophu, uNksz H van der Stoep** ku 0283138900.

linkcukacha ngokwemiba yesisindululo **kumhlathi 2.** ziyafumaneka ukuze zihlolwe phakathi evekini emva kokulungiselela intlanganiselo kwentsimbi yesi-08:00 ne-16:30 **Isebe: Ulawulo lwePropathi** Molteno kwaye Viljoen Street. Naziphi na izimvo kufuneka zingeniswe ngokubhaliweyo, ucaphule igama lakho, idilesi kunye neenkukacha zonxibelelwano, kunye nomdla wakho kwisicelo kunye nezizathu zenkazo, olo luvo kufuneka lufike kuMasipala (c/o Molteno kwaye Viljoen Street, eOnrustrivier / (f) 0283163721 / (imeyile) [wmurtz@overstrand.gov.za](mailto:wmurtz@overstrand.gov.za)) phambi okanye ngomhla **we-9 UTshazimpunzi (uAprili) 2021**. Imibuzo yefowuni inokwenziwa **kuMabhalane oyintioko, uNksz W Murtz** ku 0283165601.

UMasipala unokwala ukwamkela izimvo ezifunyenwe emva komhla wokuvula. Nawuphi na umtu ongakwaziyo ukufunda okanye ukubhala angatyelela eli Sebe likaMasipala lifanelekileyo apho igosa likaMasipala liya kubanceda ekwenzeni intetho.

Umanejala kaMasipala, uMasipala wase-Overstrand,  
P.O. Ibhokisi yama-20, yaseHERMANUS, yowama-7200

Isaziso sikaMasipala Nq. 34/2021



# Plan 1: Locality Plan

## Erf 2674 Bettys Bay and Remainder of Erf 2423 Bettys Bay

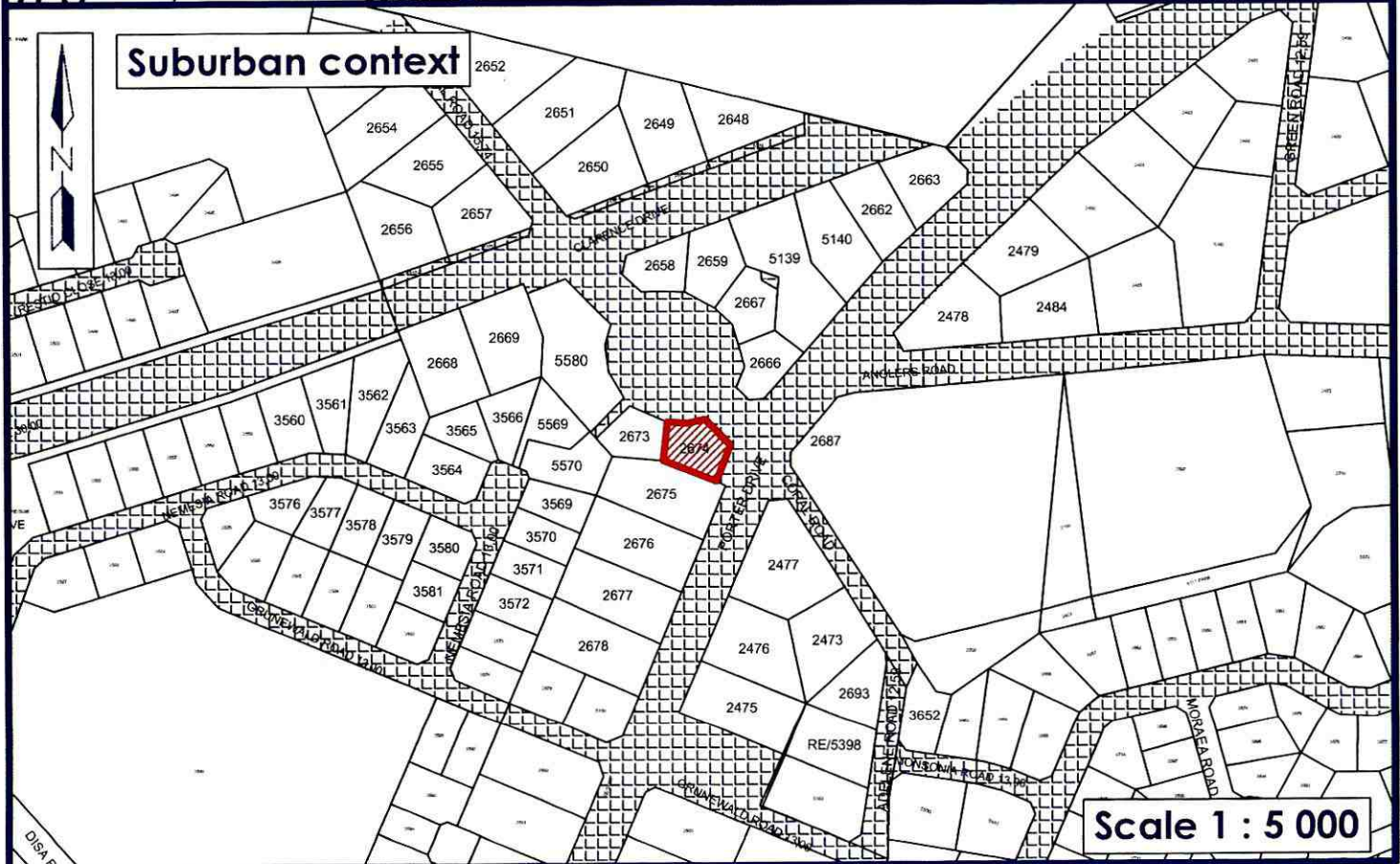
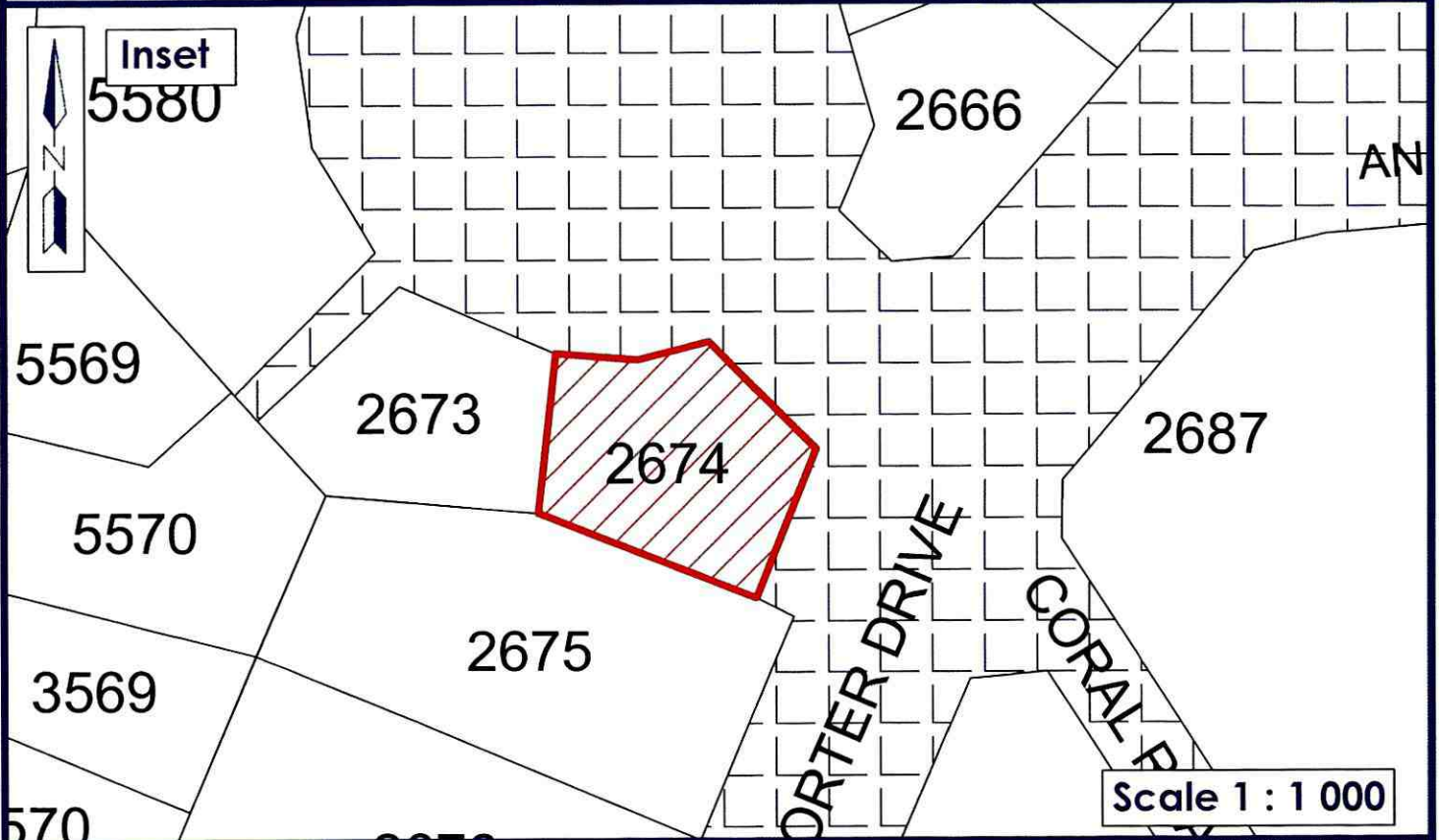
 Erf 2674 Betty's Bay (893m<sup>2</sup>)

 Erf 2423 Betty's Bay (1448129m<sup>2</sup>)

Tel: 028 313 1411  
 Email: admin@wrapgroup.co.za  
 Plan 1.1  
 Unit B, Corner of Royal and Dirkie Uys  
 Street Hermanus, 7200  
 Plan prepared by: Reatlehile Jankie  
 All distances are approximate  
 and subject to a survey



**Project Office**  
 Town Planning & Project Management







**1. ABBREVIATIONS**

1.1	<b>OMZS</b>	Overstrand Municipality Zoning Scheme, 2020
1.2	<b>SDF</b>	Overstrand Municipality Spatial Development Framework, 2020
1.3	<b>OM</b>	Overstrand Municipality
1.4	<b>OM By-Law</b>	Overstrand Municipality By-Law on Municipal Land Use Planning, 2015, as amended
1.5	<b>LUPA</b>	Land Use Planning Act, 2014
1.6	<b>DEADP</b>	Western Cape Department of Environmental Affairs and Development Planning
1.7	<b>PSDF</b>	Western Cape Provincial Spatial Development Framework, 2014
1.8	<b>SDP</b>	Site Development Plan
1.9	<b>HPOZ</b>	Heritage Protection Overlay Zone, 2020
1.10	<b>EMOZ</b>	Environmental Management Overlay Zone, 2020
1.11	<b>B3</b>	Business Zone 3: Local Business
1.12	<b>TR2 A &amp; B</b>	Transport Zone 2: Road and Parking

**2. SUMMARY OF PROPERTY DETAILS**

2.1	Property description	Erf 2674 Bettys Bay	Remainder of Erf 2423 Bettys Bay
2.2	<b>Registered owner</b>	Africa Pro Cure CC	Overstrand Municipality
2.3	<b>Consultant</b>	WRAP Project Office	WRAP Project Office
2.4	<b>Restrictive title deed conditions</b>	None	None
2.5	<b>Property extent</b>	893m <sup>2</sup>	144,8129 ha
2.6	<b>Current zoning</b>	Business Zone 3: Local Business (B3)	Transport Zone 2: Road and Parking (B)
2.7	<b>Current land use</b>	Restaurant	Public Road

**3. BACKGROUND AND PROPERTY OWNERS INTENT**

- 3.1 The owner of Erf 2674 Bettys Bay currently operates a restaurant trading under the name of Camelot and has parking which encroaches on the eastern boundary line, a road reserve that vests in the OM;
- 3.2 The owner of Erf 2674 Bettys Bay has signed a deed of sale with the OM for the alienation of a portion of the Remainder of Erf 2423 Bettys Bay which measures (±60m<sup>2</sup>) to be consolidated with Erf 2674 Bettys Bay to be exclusively be used for parking purposes (refer **Annexure C**);
- 3.3 The condition of the deed of sale is that no structures of any kind, excluding a boundary wall or fence, be constructed on the (±60m<sup>2</sup>) parcel of land to be alienated to the owner of Erf 2674 Bettys Bay and the use of the land for parking purposes complies with this condition.

**4. TECHNICAL PROCEDURES PROPOSED**

The following applications are proposed for the owner of Erf 2674 Bettys Bay to attain the development intent highlighted in Section 3:

- 4.1 Subdivision of the Remainder of Erf 2423 Bettys Bay (1448129m<sup>2</sup>) in terms of Section 16(2)(d) of the Overstrand Municipality By-Law on Municipal Land Use Planning Act, 2015 as amended, to create the following:
  - a. Portion A (±60m<sup>2</sup>); and
  - b. Remainder (±1448069m<sup>2</sup>);
- 4.2 Closure of Portion A as a public place in terms of Section 16(2)(n) of the Overstrand Municipality By-Law on Municipal Land Use Planning Act, 2015 as amended;
- 4.3 Rezoning Portion A from Transport Zone 2: Road and Parking (TR2 B) to Business Zone 3: Local Business in terms of Section 16(2)(a) of the Overstrand Municipality By-Law on Municipal Land Use Planning Act, 2015 as amended; and
- 4.4 Consolidation of Portion A with Erf 2674 Bettys Bay to create a consolidated Erf (±953m<sup>2</sup>) in terms of Section 16(2)(e) of the Overstrand Municipality By-Law on Municipal Land Use Planning Act, 2015 as amended.



Figure 1 depicts Portion A which is proposed for subdivision and closure. The size and location of Portion A does not possess potential to be developed independently due to the small size thereof and can be regarded a non-viable property.





The only feasible use would be for the proposed Portion A to be consolidated with Erf 2674 Bettys Bay to formalise the informal parking currently occurring on the two properties. It will also be illustrated through a series of illustrations that the proposed closure of Portion A will leave ample space for the public to have sufficient access to a pavement and a road reserve which is wide enough for two-way traffic in different directions.

Erf 2674 Bettys Bay is currently zoned Business Zone 3: Local Business and the rationale for rezoning Portion A from Transport Zone 2: Road and Parking (TR2 B) to Business Zone 3: Local Business is to ensure that the entire consolidated land unit has the same zoning.

This proposal entails the minor amendment of two common boundaries as the size of Erf 2674 Bettys Bay is proposed to increase by 6,71% and the size of Remainder of Erf 2423 Bettys Bay which is a road reserve will decrease by 0,004143%. Under normal circumstances a subdivision and consolidation which results in such a minor amendment of common boundaries is exempt from an application in terms of Section 26(1)(c) of the By Law. This proposal entails a rezoning and closure of a public place which are not exempt but constitute an application under Section 16 of the By-Law. This application is therefore submitted to comply with the prescripts of the By-Law.

This proposal by the owner of Erf 2674 Bettys Bay to acquire more land for parking purposes arose from the fact that Bettys Bay has been planned in a manner which results in the residential and commercial erven being the same size at best or smaller in some instances. This is in contrast with standard planning practice where commercial erven tend to be larger than residential erven due to the higher parking requirements. This proposal is therefore intended to harmonise this proposal with standard planning practice by ensuring that the subject property is slightly enlarged to accommodate parking on site.

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## 5. APPLICATION

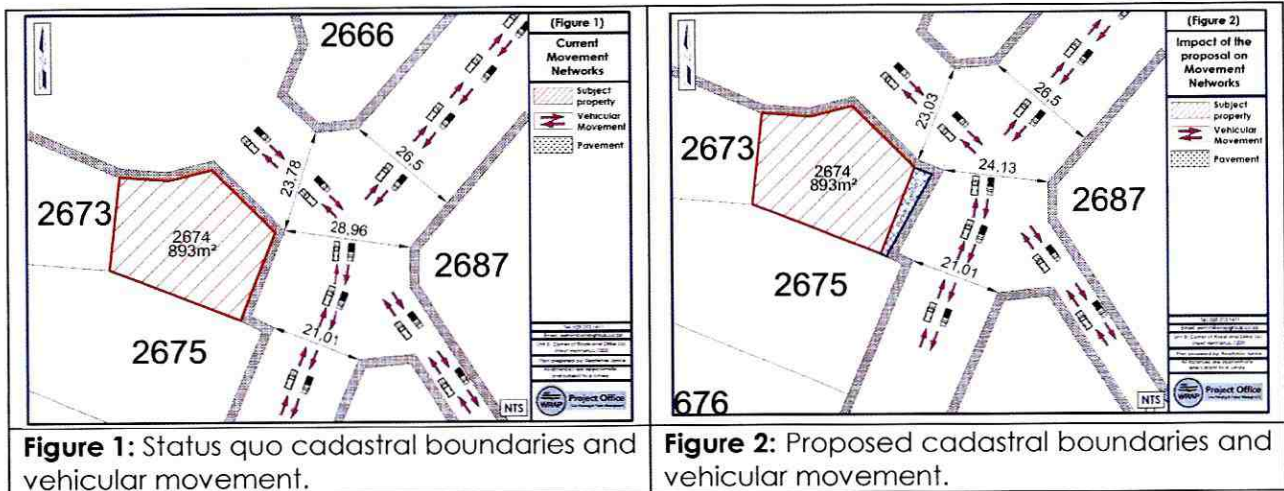
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Considering the above, application is made for the following:

- 5.1 Subdivision** of the Remainder of Erf 2423 Bettys Bay (1448129m<sup>2</sup>) in terms of Section 16(2)(d) of the Overstrand Municipality By-Law on Municipal Land Use Planning Act, 2015 as amended to create the following:
  - ❖ Portion A (±60m<sup>2</sup>); and
  - ❖ Remainder (±1448069m<sup>2</sup>);
- 5.2 Closure** of Portion A as a public place in terms of Section 16(2)(n) of the Overstrand Municipality By-Law on Municipal Land Use Planning Act, 2015 as amended;
- 5.3 Rezoning** of Portion A from Transport Zone 2: Road and Parking (TR2 B) to Business Zone 3: Local Business in terms of Section 16(2)(a) of the Overstrand Municipality By-Law on Municipal Land Use Planning Act, 2015 as amended; and
- 5.4 Consolidation** of Portion A with Erf 2674 Bettys Bay to create a consolidated Erf (±953m<sup>2</sup>) in terms of Section 16(2)(e) of the Overstrand Municipality By-Law on Municipal Land Use Planning Act, 2015 as amended.

**6. IMPACT ON MOVEMENTS OF TRAFFIC AND MOVEMENT NETWORKS**

- a. Although this arrangement has been informally implemented by the owner of Erf 2674 Bettys Bay, it will herewith be illustrated that the regularisation for which land use rights are sought in this application does not adversely impact on existing pedestrian and vehicular movement and is sound from a planning point of view which is motivated as follow.
  - i. Figure 1 illustrates the cadastral boundaries of Erf 2674 Bettys Bay in relation to the cadastral boundaries of Remainder of Erf 2423 Bettys Bay. This illustrates that the width of the road reserve when pavements measuring 2m wide are deducted on both sides measures between 21,01m and 28,96m. These widths are similar to provincial road reserves which is quite excessive for a neighbourhood which is the size of Bettys Bay.
  - ii. Figure 2 illustrates the cadastral boundaries which are proposed for realignment to conform with the existing land use situation for which regularisation is sought. This illustrates that the cadastral boundary of the road reserve when 2m pavements are deducted on both sides will be reduced from 28,96m<sup>2</sup> to 21,01m<sup>2</sup> and is wide enough to have two-way traffic in opposite directions and for sufficient space for pedestrians to move around.
  - iii. Figures 1 and 2 therefore illustrate that the existing land uses for which regularisation is sought in this application will not make the road reserve and pedestrian walkways too narrow and can be regarded as sound from a planning perspective.



**7. TITLE DEED**

Title deed T49778/2017 was perused and there are no restrictive title deed conditions which prohibit the proposed subdivision, closure, rezoning and consolidation. Title Deed for Erf 2423 Bettys Bay is however not available for scrutiny as the land vests in the Overstrand Municipality and is not transferred yet.





**8. ZONING**

This compliance of this proposal with the zoning of B3 can be illustrated as follows:

<b>Business Zone 3: Local Business (B3)</b>			
	<b>Parameters</b>	<b>Proposal</b>	<b>Comply/ deviate</b>
<b>Primary use</b>	shops, dwelling unit (above ground floor) in accordance with 6.3.2, flats (above ground floor), offices, restaurant, caretaker's accommodation and self-catering.	Restaurant	Comply
<b>Consent use</b>	bottle store, business premises, clinic, conference facility, dwelling unit (on ground floor) in accordance with 6.3.2, flats (on ground floor), town housing in accordance with 6.3.2, tourist accommodation, 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 the provisions of Chapter 16.10).	N/A	N/A
<b>Land Use Restrictions</b>			
<b>Coverage</b>	The maximum coverage for all buildings on the land unit is 75%.	26,2%	Comply
<b>Floor factor</b>	The maximum floor factor is 1.5.	0,26	Comply
<b>Height</b>	(i) The maximum height of a building, measured from the base level to the top of the structure, is 8,5 m. (ii) The maximum number of storeys is 2.	(i) Lower than 8,5m; and (ii) 1 Storey.	Comply
<b>Setback</b>	(i) The Municipality may require that all buildings and structures on the property are set back at least 6,5 m from the centre line of the street. (ii) Where special circumstances exist, the Municipality may require a greater setback. (iii) The general provisions of 16.2 apply.	(i) 14m from the setback line; (ii) N/A; and (iii) N/A	Comply
<b>Building lines</b>	(i) The street building line is 0 m, provided that a 5,0 m building line applies where fuel pumps are erected; (ii) The side building line is 0 m, provided that where any Business Zone 3 abuts	(i) 5m; (ii) 1,6m; (iii) N/A;	Comply



## EXECUTIVE SUMMARY

	<p>another zone, the side building line is 3,0 m;</p> <p>(iii) The rear building line is 3,0 m, provided that where any Business Zone 3 abuts another zone, the rear building line is 3,0 m; and</p> <p>(iv) Provided that the Municipality may require more restrictive building lines in the interests of public health or safety or the environment or in order to enforce any applicable law or right; and</p> <p>(v) The building line exemptions in 16.1 apply.</p>	<p>(iv) Subject to the request of the Municipality;</p> <p>(v) N/A</p>	
<b>Window and door placement</b>	<p>(i) Where a 0 m building line applies and where a wall of a building is erected 1,0 m or less from the side or rear building line, no door or window shall be permitted in the wall concerned.</p> <p>(ii) Any portion of the building which contains a door or window onto a side or rear boundary shall be at least 1,5 m away from such boundary.</p>	<p>(i) N/A; and</p> <p>(ii) N/A.</p>	Comply
<b>Parking and access</b>	Four bays per 100m <sup>2</sup> GLA	The GLA is 250m <sup>2</sup> . There are 10 parking bays required and 10 parking bays are provided.	
<b>Site development plan</b>	The Municipality may require that a site development plan be submitted for approval in accordance with 16.3.	A site development plan is submitted with the application as Plan 6.	Comply

### 9. REGULATORY REQUIREMENTS

**a. EMOZ**

Erf 2674 and Portion A which is proposed to be subdivided from Remainder of Erf 2423 Bettys Bay are not designated as environmentally sensitive in the EMOZ.

**b. HPOZ**

Erf 2674 and Portion A which is proposed to be subdivided from Remainder of Erf 2423 Bettys Bay are not designated as heritage sensitive in the HPOZ.

### 10. SERVICES

The availability of services is a relevant consideration in terms of Section 42(1)(c)(v) of SPLUMA and can be illustrated as follows:





**a. Solid waste**

Solid waste is collected by the OM on a weekly basis in Bettys Bay and the approval and implementation of this proposal will not alter this or lead to more waste generated on the subject property.

**b. Electricity**

The existing building is connected to the existing electricity network in Bettys Bay and the approval and implementation of this proposal will not alter this or increase electricity usage in the existing building.

**c. Water**

The existing building is connected to the existing reliable potable water network operated by the OM in Bettys Bay and the approval and implementation of this proposal will not alter this or increase water consumption in the existing building.

**d. Sewage**

The existing building is connected to a conservancy tank and the approval and implementation of this proposal will not alter that.

**e. Access and egress**

Access and egress to the property is gained from Coral Crescent and the approval and implementation of this proposal will not alter that or result in an increased traffic generation on the site.

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**11. SPLUMA MOTIVATION REQUIREMENTS**

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This application is motivated in terms of the relevant considerations in Section 42 (c) of SPLUMA as follows:

**a. Public interest**

Portion A currently forms part of the road reserve and does not contribute to the rates base of the OM. The consolidation of Portion A with Erf 2674 Bettys Bay will increase the size of the property as well as the value thereof which will consequently increase the rates payable to the OM which will be used for service delivery which is in the public interest.

**b. Impact on safety, health and wellbeing of the surrounding community**

The approval of this proposal is not projected to negatively impact on vehicular and pedestrian safety, or the wellbeing of the residents as illustrated in figures 1 and 2.

**c. Opportunity costs**

Opportunity cost in the context of land use planning refers to the devaluation or foregoing a valued land use right of interested and affected parties when an application is approved and implemented. The proposed cadastral boundaries constitute a minor amendment of the existing cadastral boundaries which is not projected to materially change what is on the ground and therefore not projected to result in an opportunity cost.





d. **Respective rights and obligations of all those affected**

The approval and implementation of this proposal is not projected to interfere with the ability of surrounding property owners to occupy respective properties in comfort. This is due to the existing restaurant conforming to the commercial land use rights of the surrounding.

**12. POLICY FRAMEWORK**

a. The compliance of this proposal with the applicable spatial development policies needs to be illustrated. These policies are instrumental in guiding spatial development and providing prescripts of what constitutes sound town planning development patterns in rural areas. The compliance of this proposal with provincial and local policy prescripts which are key development informants can be illustrated as follows:

	<b>Applicable policy</b>	<b>Authority</b>
i.	Western Cape Provincial Spatial Development Framework, 2014 (PSDF)	Provincial
ii.	Overstrand Municipality Spatial Development Framework, 2020 (SDF)	Municipal
iii.	Overstrand Municipal Growth Management Strategy, 2010 (OMGMS)	Municipal

b. **PSDF**

i. **Policy preface**

The PSDF is a product of a provincial inter departmental and inter-governmental collaboration under the guidance of the inter departmental steering committee with the private sector, academia, and non-governmental organisations. This broad participatory process has created a shared spatial vision which is intended to inform spatial development patterns in urban and rural areas in the province.

ii. **Broad policy objectives**

The objective of the policy is to create an enabling policy environment which prioritises the creation of employment opportunities, social inclusion and improvement of the quality of life of the Western Cape inhabitants. The development principles in the PSDF are informed by other spatial planning policies which are aimed at creating a policy alignment between different spheres of government. This is intended to ensure that spatial development is uniformly guided according to spatial development principles which have been agreed upon by the stakeholders cited in Section 12.b.i.

iii. The compliance of this proposal with the policy proposals in the PSDF which are pertinent to this proposal are recorded below:

- ❖ The policy cites that the government can facilitate investment by using a partnership delivery model. The proposed alienation of Portion A by the OM to be consolidated with Erf 2674 Bettys Bay which is in private ownership symbolises a partnership between the OM and a private company. This partnership between the two parties is intended to facilitate the economic viability of the existing restaurant investment on Erf 2674 Bettys Bay as the availability of onsite parking is crucial towards the functionality of the business.





- ❖ The Overstrand Municipality is cited as a significant leisure, lifestyle and holiday economic centre in Hermanus which the existing restaurant on Erf 2674 Bettys Bay contributes towards. The approval and implementation of this proposal will therefore facilitate this as sufficient on-site parking will be available to for tourists to park and access the restaurant.

### c. SDF

#### i. Policy preface

The SDF's intention is to ensure compliance with national, provincial and district legislation policies and principles. The SDF aims to provide sufficient guidance regarding what constitutes appropriate spatial development land uses and direction in urban areas. The SDF was drafted after considering input from other state departments and the public and provides a shared spatial vision which development proposal should ideally attempt to synchronise with.

#### ii. Broad policy objectives

The broad policy objectives of the SDF include enhancing the image of the Overstrand as a liveable urban area which accommodates a variety of life. Development proposals should also capitalise on the unique sense of place which settlements in the Overstrand are renowned for. The SDF promotes developments which enhance the visual quality and attraction of the built environments while preserving the social and cultural attributes which are valued by inhabitants.

#### iii. The compliance of this proposal with the policy proposals in the SDF which are pertinent to this proposal are recorded below:

- ❖ The SDF promotes the concentration of commercial land uses within the existing central business district with an emphasis on avoiding large scale commercial decentralisation. Erf 2674 Bettys Bay is located within an existing central business district and the proposed subdivision of Portion A from Remainder of Erf 2423 Bettys Bay, rezoning thereof to Business Zone 3: Local Business and consolidation with Erf 2674 Bettys Bay are in harmony with this prescript.
- ❖ The SDF cites that only development which carefully considers the rural character of the area should be permitted in Bettys Bay. This proposal which entails a realignment of cadastral boundaries between subject properties will not change the character of the subject site which contributes towards the valued rural character of Bettys Bay as prescribed by the policy.
- ❖ Erf 2674 Bettys Bay is designated for commercial purposes while the Remainder of Remainder of Erf 2423 Bettys Bay is designated for urban development. This proposal is not in conflict with these spatial designations.

### d. OMGMS

#### i. Policy preface

The policy was created to manage the urban growth of the OM where densification would play a pivotal role in the effective implementation of infrastructure and community facilities provision. The policy carefully considered market cycles, municipal budgeting and capital spending.

#### ii. Broad policy objectives





## EXECUTIVE SUMMARY

The overall rationale for the document is to create an enabling environment for residents in the OM to attain an enhanced quality of life which can be achieved through a variety of spatial interventions.

- iii. The compliance of this proposal with the policy proposals in the OMGMS which are pertinent to this proposal are recorded below:
- ❖ The OMGMS promotes the enhancement of the built environment and landscapes. The approval of this application will incentivise the owner of Erf 2674 Bettys Bay to continually maintain the land parcel which is Portion A instead of being derelict which is in harmony with the OMGMS prescripts which promote the enhancement of the built environment.
  - ❖ The OMGMS cites that the scale, character, bulk and architectural styling of structures need to be appropriate within the immediate context. This proposal does not entail the alteration of the architectural styling or scale of the building on the subject property.
  - ❖ The spatial proposal plan designates Erf 2674 Bettys Bay and Portion A as a local economic opportunity node which this proposal is in harmony with.

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### 13. PLANNING PRINCIPLES

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Chapter 2 of SPLUMA contains 5 uncompromisable planning principles which each development application must be guided by. Policy proposal in SPLUMA which are pertinent to this proposal are recorded below:

**a. Spatial justice**

Spatial justice refers to addressing spatial development imbalances caused by apartheid planning. The employment opportunities on Erf 2674 Bettys Bay mostly benefit the historically economically marginalised and this proposal which is aimed at enhancing the viability of the business through remedying the parking situation will enhance the viability of the existing restaurant. This will therefore retain the incomes of the employees which are used to access land, housing and improve socio economic standing in society which is a hallmark of spatial justice.

**b. Spatial sustainability**

This proposal does not entail the encroachment on agricultural land, environmentally sensitive areas or biodiversity rich areas and can therefore be regarded as spatially sustainable.

**c. Efficiency**

This proposal promotes the optimal use of Portion A which would contribute towards the economic viability of the existing restaurant on Erf 2674 Bettys Bay while conforming to the commercial character of the area which promotes efficiency.

**d. Spatial resilience**

The subject development proposal is in synchrony with all relevant spatial planning policies. The spatial planning policies all contain policy proposals pertinent to this site which enables the land uses applied for to absorb environmental and economic shock in a timely and



efficient manner. The approval and implementation of this proposal will therefore promote spatial resilience.

**e. Good administration**

The OM has a credible track record of good administration regarding the method of public participation which accepts comments from the public to make an informed decision as well as complying with the prescribed time frames pertaining to the processing of applications.

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### 14. NEED AND DESIRABILITY

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The need and desirability for the approval and implementation of this proposal will be illustrated in accordance with Section 66 (1) (c) of the OM By-Law and DEADP Provincial Support Document on Relevant Considerations, 2015. The purpose of addressing the desirability of this proposal is to place the decision maker in a position to consider whether any positive advantages will accrue to the area or community by approving this application.

**a. Impact on views, sunlight and character of the area**

Neighbouring property owners have become accustomed to the existing parking bays on Portion A which is proposed to be consolidated with Erf 2674 Bettys Bay. No additional visual impact will occur.

**b. Economic impact**

The restaurant on the subject property which trades under the name of Camelot has a positive economic impact in Bettys Bay due to the employment opportunities created. This proposal which is intended to legalise the current parking situation on the subject property would enable the property owner to comply with prescribed parking requirements. This would ensure compliance with the OMZS parking requirements and avert legal prosecution due the insufficient parking on the premises. This would enable the business to operate without prospects of being closed and therefore retain existing employment.

**c. Social impact**

The subject restaurant promotes and enables multicultural interaction which contributes towards enhancing social ties and social cohesion which can be regarded as a positive social impact.

**d. Compatibility with surrounding land uses**

The subject property is located within a commercial node and the approval of this proposal would be in harmony with this node.

**e. Environmental impact**

No listed activities in terms of the National Environmental Management Act are triggered by this proposal.





### 15. EVALUATION

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This motivation report has illustrated the intent of this proposal is to subdivide a portion of an existing road reserve to consolidate with Erf 2674 Bettys Bay which would exclusively be used for parking purposes which would enhance the viability of the existing restaurant.

### 16. RECOMMENDATION

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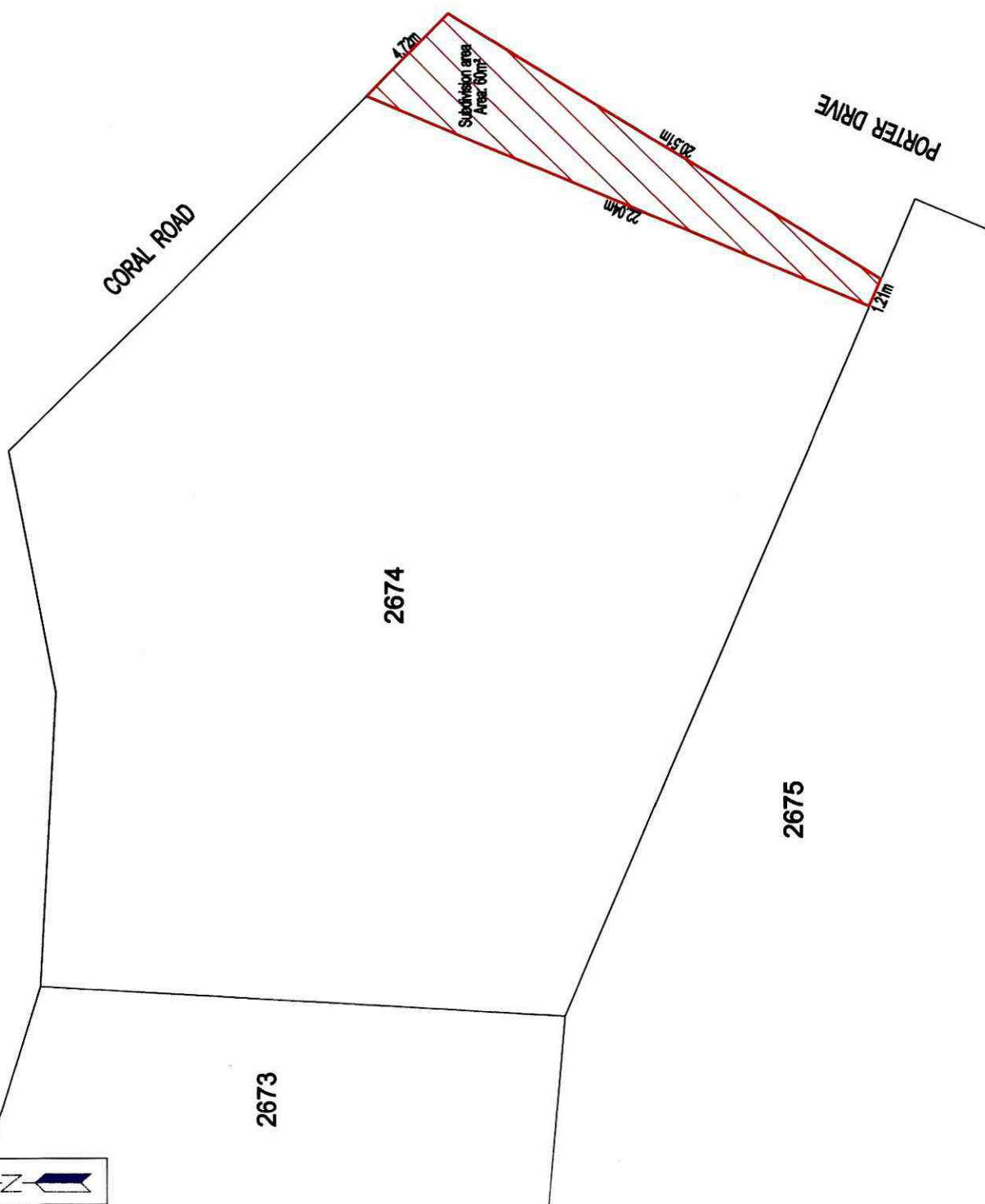
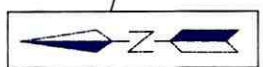
Considering the motivation of the report, application is made for the following:

- 16.1 Subdivision** of the Remainder of Erf 2423 Bettys Bay (1448129m<sup>2</sup>) in terms of Section 16(2)(d) of the Overstrand Municipality By-Law on Municipal Land Use Planning Act, 2015 as amended to create the following:
  - i. Portion A (±60m<sup>2</sup>); and
  - ii. Remainder (±1448069m<sup>2</sup>).
- 16.2 Closure** of Portion A as a public place in terms of Section 16(2)(n) of the Overstrand Municipality By-Law on Municipal Land Use Planning Act, 2015 as amended;
- 16.3 Rezoning** of Portion A from Transport Zone 2: Road and Parking (TR2 B) to Business Zone 3: Local Business in terms of Section 16(2)(a) of the Overstrand Municipality By-Law on Municipal Land Use Planning Act, 2015 as amended; and
- 16.4 Consolidation** of Portion A with Erf 2674 Bettys Bay to create a consolidated Erf (±953m<sup>2</sup>) in terms of Section 16(2)(e) of the Overstrand Municipality By-Law on Municipal Land Use Planning Act, 2015 as amended.

# Plan 3: Subdivision Plan

 Proposed Subdivision Area (60m<sup>2</sup>)

Tel: 028 313 1411  
Email: [admin@wrapgroup.co.za](mailto:admin@wrapgroup.co.za)  
Plan 3.1  
Unit B, Corner of Royal and Dirkie Uys  
Street Hermanus, 7200  
Plan prepared by: Reallehlie Jankie  
All distances are approximate  
and subject to a survey



Scale 1 : 250



# Plan 4: Consolidatoin Plan

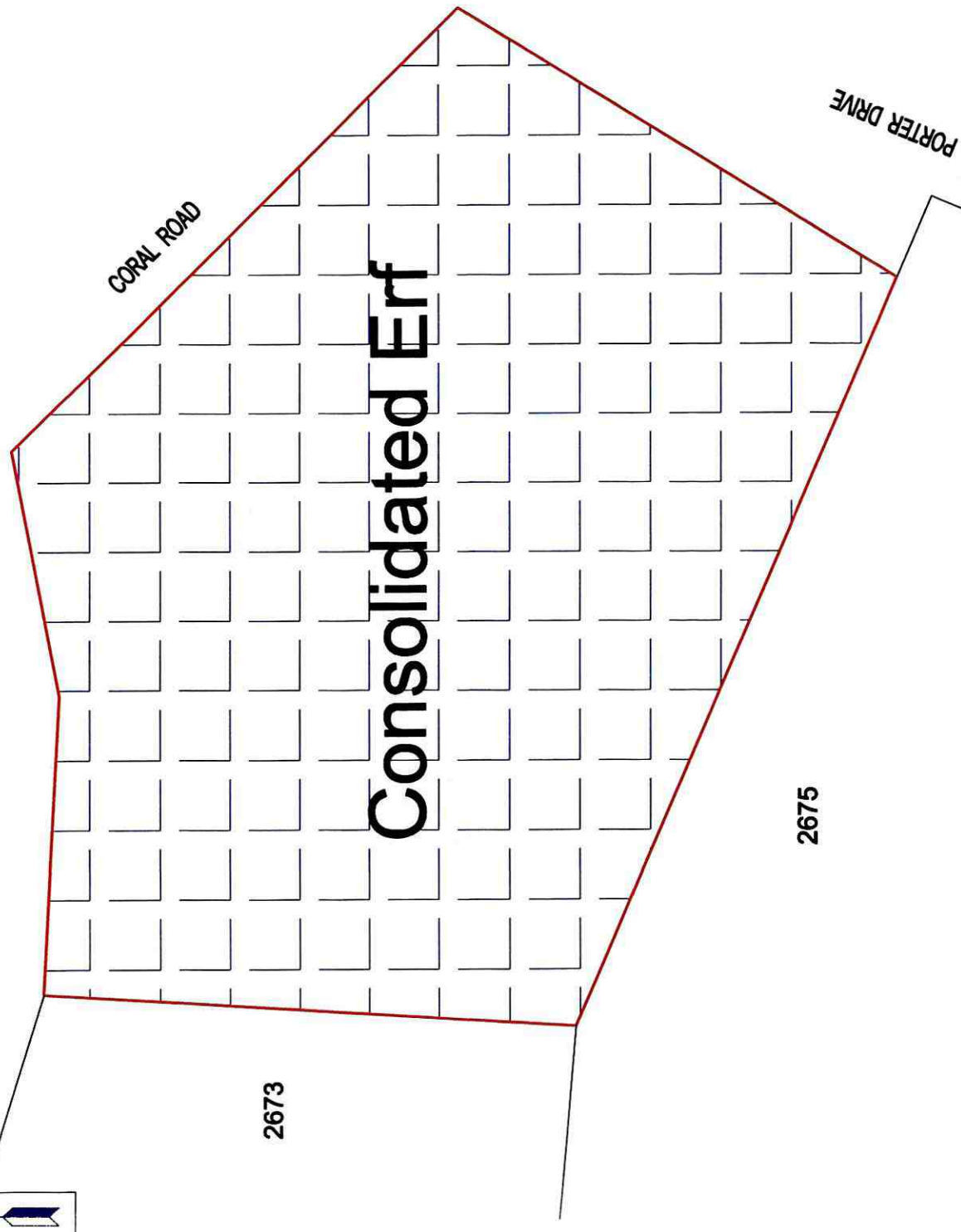


Proposed Consolidated Erf (953m²)

Tel: 028 313 1411  
Email: admin@wrapgroup.co.za  
Plan 4.1  
Unit B, Corner of Royal and Dirkie Uys  
Street Hermanus, 7200  
Plan prepared by: Reallehile Jankie  
All distances are approximate  
and subject to a survey









**Project Office**  
Town Planning & Project Management



Scale 1 : 250



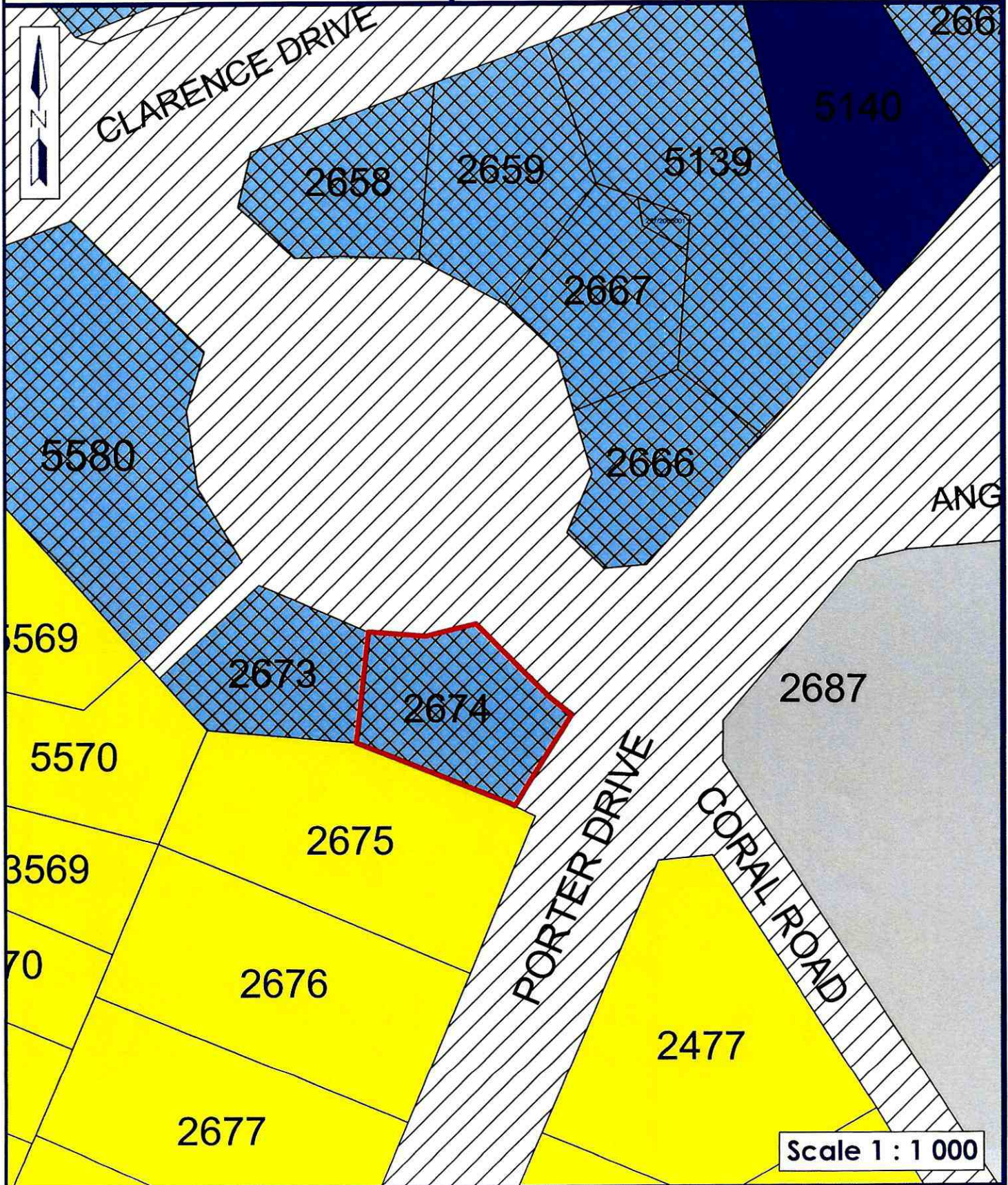
# Plan 5: Proposed Zoning Plan of the Consolidated Erf

-  Proposed Consolidated Erf (±953m<sup>2</sup>)
-  Residential Zone 1: Single Residential (SR1)
-  Business Zone 1: General Bulk Zone 1 (B1)
-  Business Zone 3: Local Business (B3)
-  Community Zone 1: Community Facilities (CO1)
-  Transport Zone 2: Road and Parking (TR B)

Tel: 028 313 1411
Email: admin@wrapgroup.co.za
Plan 5.1
Unit B, Corner of Royal and Dirkie Uys Street Hermanus, 7200
Plan prepared by: Reatlehile Jankie
All distances are approximate and subject to a survey



**Project Office**  
Town Planning & Project Management





# Plan 6: Site Development Plan Proposed Consolidated Erf

- Existing building
- Portion of land alienated from the OM

Consolidated erf size = 953m<sup>2</sup>

Permissible coverage = 75%  
Proposed coverage = 26,2%

Required parking = 10 bays  
Proposed parking = 10 bays

Permissible coverage = 1,5  
Proposed coverage = 0,26

Tel: 028 313 1411
Email: admin@wrapgroup.co.za
Plan 1.1
Unit 8, Corner of Royal and Dirkie Uys Street Hermanus, 7200
Plan prepared by: Reallehle Jankie
All distances are approximate and subject to a survey



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