



OVERSTRAND MUNICIPALITY

PORTION OF ERF 2715, BROADWITH AND HIGH LEVEL ROADS AND ERF 3463, HIGH LEVEL ROAD, BETTY'S BAY: APPLICATION FOR CLOSURE OF A PUBLIC PLACE, SUBDIVISION, REZONING AND CONSOLIDATION: FRIEDLAENDER BURGER & VOLKMANN (obo OVERSTRAND MUNICIPALITY / THE MICHAEL DALL FAMILY TRUST AND THE PETER DALL FAMILY TRUST)

UMASIPALA WASE-OVERSTRAND

INXALENYE YESIZA 2715, BROADWITH KUNYE NE HIGH LEVEL ROADS NESIZA 3463, HIGH LEVEL ROAD, BETTY'S BAY: ISICELO SOKUVALWA KWENDAWO KAWONKE-WONKE, UKWAHLULWA, UKUMISELWA KWAKHONA NOKUHLANGANISWA: FRIEDLAENDER BURGER & VOLKMAN DALL FAMILY egameni LOMASIPALA WESE OVERSTRAND TRUST AND THE PETER DALL FAMILY TRUST)

**OVERSTRAND MUNISIPALITEIT
GEDEELTE VAN ERF 2715, BROADWITH- EN HIGH LEVELWEG EN ERF 3463, HIGH LEVELWEG,
BETTYSBAAI: AANSOEK OM SLUITING VAN PUBLIEKE PLEK, ONDERVERDELING, HERSONERING EN KONSOLIDASIE: FRIEDLAENDER BURGER & VOLKMANN (nms OVERSTRAND MUNISIPALITEIT / THE MICHAEL DALL FAMILY TRUST EN THE PETER DALL FAMILY TRUST)**

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 hiemeer kennis gegee van die volgende aansoek van toepassing op Erwe 2715 en 3463, Bettysbaai, naamlik, die:

1. (a) **sluiting van publieke plek** ingevolge Artikel 16(2)(n) van die Verordening om die sluiting van 'n gedeelte van 'n publieke plek te akkommodeer (gedeelte van Erf 2715, Broadwith- en High Levelweg, Bettysbaai);
- (b) **onderverdeling** van Gedeelte van Erf 2715, Bettysbaai ingevolge Artikel 16(2)(d) van die Verordening in 2 gedeeltes, naamlik 'n Restant en 'n Gedeelte A (die geslote padgedeelte ±3462m²);
- (c) **hersonering** van Gedeelte A ingevolge Artikel 16(2)(a) van die Verordening vanaf Vervoersone 2: Pad en Parkering (TR2) na Landelike Sone 2: Bewaringsgebruik (R2);
- (d) **konsolidasie** van Gedeelte A met Erf 3463, Bettysbaai ingevolge Artikel 16(2)(e) van die Verordening om 'n meer funksionele grondeenheid te skep; 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 3463, Bettysbaai met die volgende besonderhede:

Koper:	Michael Dall Family Trust en Peter Dall Family Trust
Koopsom:	R20.00/m ² (BTW uitgesluit)
Ligging:	Geleë te Broadway- en High Levelstraat, Bettysbaai
Doel:	Om die bewaring van die omgewing te verseker en landskapontwerp
Grootte:	±3,293m ²

Volle besonderhede rakende die voorstel in **paragrafe 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, Clarencerylaan, 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) moet bereik voor of op **28 Januarie 2022**. Telefoniese navrae kan gerig word aan die **Senior Stadsbeplanner, Me. H van der Stoep** by 028 313 8900.

Volledige besonderhede rakende die voorstel in **paragraaf 2** hierbo is per afspraak beskikbaar 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) moet bereik voor of op **28 Januarie 2022**. Telefoniese navrae kan gerig word aan die **Hoofklerk, Mej. W Murtz** by 0283165801.

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

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

Munisipale Kennisgewing Nr. 168/2021

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 2715 and 3463, Betty's Bay, namely, the:

1. (a) **closure of public place** in terms of Section 16(2)(n) of the By-Law to accommodate the closure of a portion of a public place (portion of Erf 2715, Broadwith and High Level Roads, Betty's Bay);
- (b) **subdivision** of a Portion of Erf 2715, Betty's Bay in terms of Section 16(2)(d) of the By-Law into 2 portions, namely a Remainder and a Portion A (the closed road portion ±3462m²);
- (c) **rezoning** of Portion A in terms of Section 16(2)(a) of the By-Law from Transport Zone 2: Road and Parking (TR2) to Rural Zone: Conservation Usage (R2);
- (d) **consolidation** of Portion A with Erf 3463, Betty's Bay in terms of Section 16(2)(e) of the By-Law to create a more functional land unit; 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 3463, Betty's Bay with the following details:

Purchaser:	Michael Dall Family Trust and Peter Dall Family Trust
Purchase Price:	R20.00/m ² (VAT excluded)
Locality:	Situated at Broadway and High Level Road, Betty's Bay
Purpose:	Ensure the preservation of the environment and for landscaping
Size:	±3,293m 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) on or before **28 January 2022**. 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) on or before **28 January 2022**. 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. 168/2021

Isaziso sinikwe ngokwemiqathango yeCandelo 47 nelama-48 loMthetho oYilwayo loMasipala wase-Overstrand ongoCwangciso lokuSetyenziswa koMhlaba kaMasipala, 2015 (uMthetho oYilwayo) sokokuba izicelo ezilandelayo zifunyenwe:

1. (a) **ukuvulwa kwendawo kawonke-wonke** ngokwemigaqo yeCandelo le-16(2)(n) loMthetho kaMasipala ukulungiselela ukuvulwa kwendawo kawonke-wonke (inxalenye yeSiza 2715, iBroadwith kunye neHigh Level Road, eBetty's Bay.);
- (b) **Ulwahlulo lweSahlulo** seSiza-2715, eBetty's Bay ngokweCandelo le-16(2)(d) loMthetho kaMasipala ube ziinxalenye ezi-2, ezizezi, INtsalela kunye neSahlulo A (inxalenye yendlela evaliweyo ±3462m²);
- (c) **ukucandwa ngokutsha kweSahlulo A** ngokweCandelo le-16(2)(a) loMthetho kaMasipala ukusuka kwiZowuni yezoThutho yesi-2: Indlela nePaka (TR2) ukuya kuMmandla wasemaphandleni: uSetyenziso ngoLondolozo (R2);
- (d) **ukudityaniswa kweSahlulo A** kunye neSiza-3463, eBetty's Bay ngokweCandelo le-16(2)(e) loMthetho kaMasipala ukuze kuyilwe iyunithi yomhlaba esebenza ngakumbi; kwaye

2. Injongo yeBhunga ngokweCandelo le-14 loMthetho wonikezelo lweSahlulo A ku-1. ngasentla kumnini weSiza 3463, eBetty's Bay ngezi nkukacha zilandelayo:

Umthengi:	UMichael Dall Family Trustkunye noPetros Dall Family Trust
Ixabiso lokuThenga:	R20.00/m ² (-VAT ayibandakanywanga)
Indawo:	Ime kwiBroadway kunye neNqanaba eIiPhezuluIndlela, Betty's Bay
Injongo:	Ukuqinisekisa ugcino lwe okusingqongileyo kunye nokulungisa umhlaba ± 3,293m ²
Ubungakanani:	

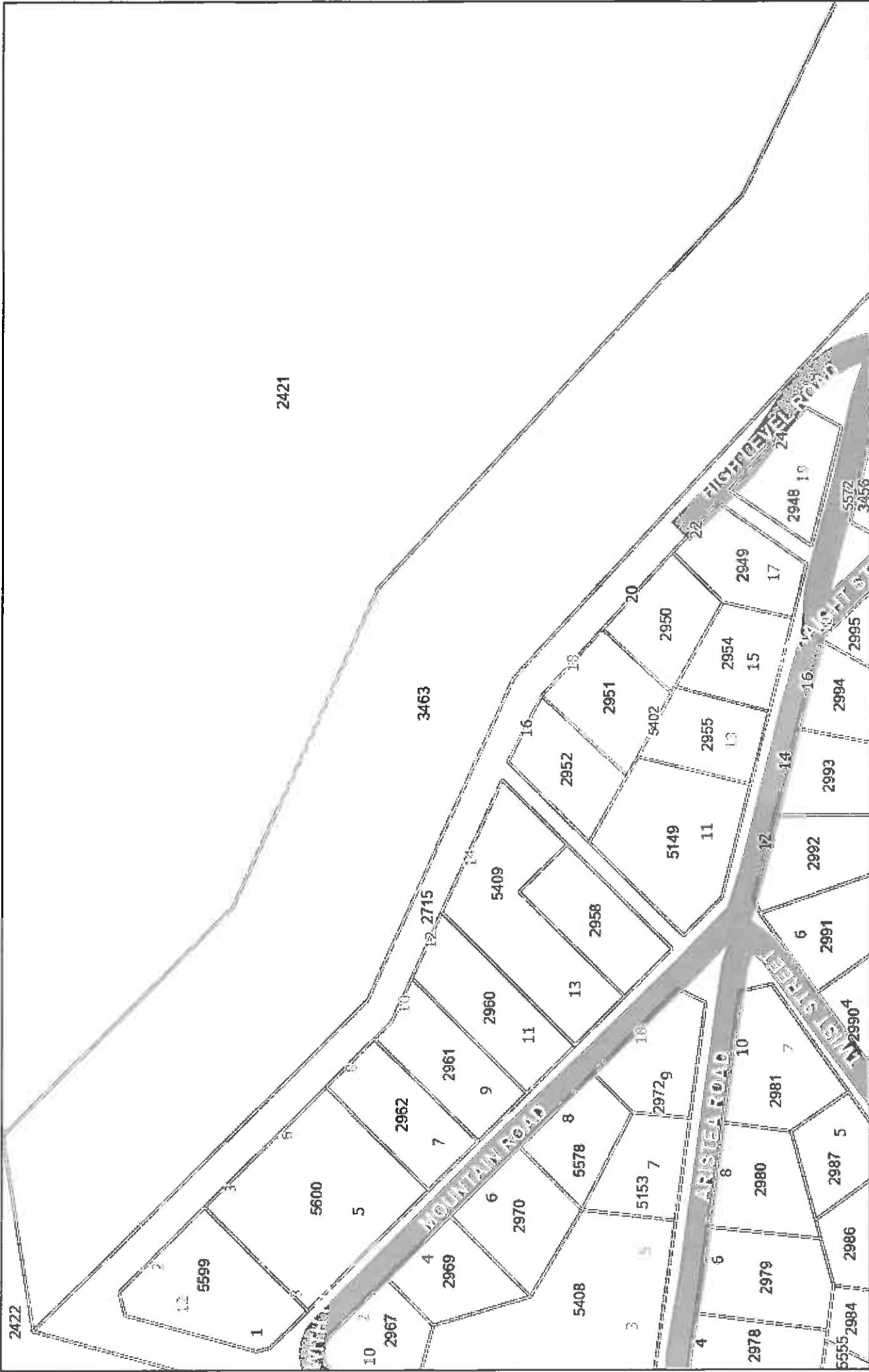
Iinkukacha eziphelileyo mayela nesi siphakamiso imihlathi 1.(a) (b), (c) kunye no-(d) apha ngasentla ziyafumaneka ukuze zihlole ngeentsuku zeveki phakathi kwentsimbi ye08:00 neye16:30 kwiSebe: loCwangciso lweDolophu 16 Paterson Street, Hermanus. Naziphi na izimvo ezibhalweyo kufuneka zingeniswe kwaMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / (e) loretta@overstrand.gov.za) ngomhla we **28 ka Januwari 2022** okanye phambi kwayo. Imibuzo ngomxeba ingenziwa kuMwangciso lweDolophu oPhezulu, uNk. H van der Stoep apha 0283138900.

Iinkukacha eziphelileyo malunga nesi sindululo esikumhlathi 2. apha ngasentla ziyafumaneka kwingqesho nganye ukuze zihlole phakathi eveki phakathi ko-08:00 no-16:30 kwiSebe loLawulo lwePropati, c/o Molteno naseViljoen Street, Onrustrivier. Naluphi na uluvo malubhalwe phantsi, ucaphule igama lakho, idilesi kunye neenkukacha zoqhagamshelwano, kwakunye nomdla wakho kwisicelo kunye nezizathu zokuhlomla, izimvo ezo mazifike kuMasipala (c/o Molteno kunye neViljoen Street, Onrustrivier / (f) 0283163721 / (i-imeyile) wmurtz@overstrand.gov.za) ngomhla okanye ngaphambi kwe-**28 Januwari 2022**. Imibuzo ngomxeba ingenziwa kuMabhalane oyiNtloko, uNk. W Murtz kule nombolo 0283165601

UMasipala unokwala ukwamkela izimvo ezifunyenwe emva komhla wokwala. Nabani na umntu ongakwaziyo ukufunda okanye ukubhala angandwendwela iSebe likaMasipala elifanelekileyo apho igosa likaMasipala liya kubancedisa ekwenzeni izimvo zabo

UMphathi kaMasipala, Overstrand Municipality, P.O. Box 20, HERMANUS, 7200

INombolo yeSaziso sikaMasipala..... 168/2021



Locality Map
Erven 2715 & 3463 Betty's Bay

1 Proposal

Acting on behalf of the owner of Erf 2715 ("the property") we propose to close portion of a public place (portions of High Level & Broadwith Roads) and consolidated it with the adjoining property.

A locality plan is provided as **Annexure A** and a plan of proposed subdivision & consolidation as **Annexure B**

In terms of Section 16(2)(n) and 16(2)(d) and 16(2)(a) and 16(2)(e) of the Overstrand Municipality Planning Land Use Planning By-Law, application is therefore made for the

- i. Closure of public place, in extent $\pm 3462 \text{ m}^2$, portion of High Level & Broadwidth Roads, and
- ii. Subdivision of Portion A, and
- iii. Rezoning of Portion A from Transport zone 2 to Rural Zone 2 : Conservation Usage (R2), and
- iv. Consolidation of Portion A with Erf 3463 Betty's Bay

The Properties are owned by:

- Erf 2715 – Overstrand Municipality
The title deed is attached as **Annexures C** and the power of attorney/and authorisation as **Annexure D**
- Erf 3463– Michael Dall Family Trust & Peter Dall Family Trust
The title deeds are attached as **Annexures E** and the power of attorney/and authorisation as **Annexure F**

2 The Erf

2.1 Description

The portion of High Level & Broadwith Road to be closed is part of the road reserve situated on Erf 2715 Betty's Bay

Erf 3463 adjoins the portion of road to be closed

The diagrams are attached as **Annexures G & Annexures H**

2.2 Current use and zoning

Erf 2715 is zoned Transport zone 2, with no road construction on the portion to be closed.

Erf 3463 is a piece of vacant land with a Zoning of Rural Zone 2: Conservation Usage (R2).

The Zoning Certificate is attached as **Annexure I**

2.3 Services

There are no municipal services connected to the property.

2.4 Restrictive Title Conditions

There are no restrictive Title Conditions

3 Reason for the proposal

The portion of road to be closed has been identified as non-viable property in terms of Municipal Policy as the road has not been constructed and there is no actual requirement for a road. All the immediately adjoining owners, other than the owners of Erf 3463, have confirmed that they are not interested in purchasing portion of the property. Due process was followed with Council and the required application made to purchase the property.

All internal Departments supported the application and the report served before Council. Council has in principle approved the application and entered into a purchase agreement with the owners of Erf 3463. A Signed Deed of Sale is attached as **Annexure J**

An application now has to be lodged for the closure, subdivision, rezoning and consolidation of the property.

4 Motivation

CURRENT SITUATION

As can be seen from the attached documentation, the section of High Level Road and Broadwith Road under discussion has never been constructed and does not provide access to any of the properties along the section that is proposed to be closed. The access for the properties adjoining the proposed closure is off Mountain Road.

It is not envisaged that the section of road would be utilised for any future urban planning. The road reserve for the extension of Broadwith Road is very steep and there are other physical constraints and would make the construction of a road very difficult.

There are no municipal services in the road reserve that is proposed to be closed and there is currently no envisaged development on Erf 3463 that would require access in this area. Discussions with the Municipality Engineering Department have indicated that it is unlikely that the road will ever be constructed or needed for the provision of services.

The Surveyor General has issued a Status Report that is attached as **Annexure K**

PLANNING REQUIREMENTS

It is envisaged that 3481 square meters of road reserve adjacent to Erven 5599, 5600, 2962 and 2961 be closed, subdivided, rezoned and consolidated with Erf 3463.

The following applications are required:

- Application in terms of Section 16(2)(n) for the closure of portion of a public place
- Application in terms of Section 16(2)(d) for the subdivision of Portion A (closed road) measuring approx. 3462 sqm.
- Application for the Rezoning of Portion A in terms of Section 16(2) (a) from Transport Zone 2 to Rural Zone 2 : Conservation Usage (R2)
- Application for the consolidation with Erf 3463 to create one land unit that will continue to be utilised for conservation purposes.

The application for closure complies with the requirements of Section 28 of the By-Law. No person will suffer any loss and the portion of closed road will be consolidated with the adjoining property.

None of the normal requirements in term of the Rezoning of Land in terms Section 18 of the By-Law are applicable and the sole purpose of the rezoning is to make the zoning of the closed portion of road the same as the adjacent property that it will be consolidated with.

Likewise the normal conditions required in terms of Section 22 for the subdivision of land are not applicable as there are no services for Erf 3463 and other than access no services are required at this stage for the portion of road to be closed.

The consolidation is a requirement in term of the purchase agreement signed by Municipality and the owners of Erf 3463 that the closed portion of road must be consolidated with Erf 3463. After consolidation no additional land unit will be created and there will be one land unit with one zoning.

FORWARD PLANNING AND PLANNING PRINCIPLES

The Overstrand Municipal Spatial Development Framework (May 2020) is a sectoral component of the Integrated Development Plan 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.

The Overstrand SDF is informed by the Spatial Planning and Land Use Management Act, 2013 and the Western Cape Land Use Planning Act, 2014. The application does not contradict the land use planning principles contained the said Acts with regard to the following:

Spatial justice:

The proposal will have no impact on the principle of spatial justice. Municipal services, land, transport and the settlement form of Betties Bay will not be influenced in any way.

Spatial sustainability

The proposal does not impact on the environment, natural environment, social environment and infrastructure as well as social, economic, natural, ecological and urban processes.

The sense of place and character of the surrounding area will be maintained and there will be no impact on the natural environment, heritage and agricultural resources. The proposal will not result in any form of urban development and urban sprawl.

Spatial Efficiency

The proposed closure of the road will have no impact on the just and efficient use of resources and the development pattern of the area.

Good administration:

The alienation of the land has already been approved by Council. The application will be internally circulated for input. The relative legislation and policies have been taken into

consideration. The proposal will not lead to negative financial, social, economic or environmental impacts.

Spatial resilience:

The proposal is consistent with the planning proposals and strategies put forward in the SDF. It will have no impact on the economy and environment.

OVERSTRAND SPATIAL DEVELOPMENT STRATEGY

The proposal is consistent and does not deviate from the overarching spatial development planning principles and objectives with reference to the following:

Identity and overarching spatial development pattern within a clear hierarchy of nodes and settlements

The proposal will not influence the hierarchy of the Betties Bay node.

Containment

The proposal will not lead to the growth of the urban node and rural / agricultural settlements.

Compaction and Densification

The proposal will not result and/or constitute any form of urban development

Ecological Integrity

The proposal will not impact on the diversity, health and productivity of natural ecosystems. The proposal conforms to the proposals and principles set out in the Overstrand Strategic Environmental Management Framework (2014).

Agricultural enhancement

No impact

Land Use

No impact

ENVIRONMENTALLY SUSTAINABILITY AND RESILIENCE OVERSTRAND

- The resilience of ecosystems will be maintained and enhanced
- Protect Biodiversity and agricultural resources will not be affected
- No impact on the ecosystem and biodiversity areas
- No impact on threats posed by climate change and natural disasters.
- The proposal has a low or positive impact on the natural environment.

PLANNING PROPOSALS AND STRATEGIES: LOCAL LEVEL BETTY'S BAY

The proposal is consistent with the planning proposals of the Betty's Bay Local Area in so far the following;

- The natural open space systems within urban and rural settlements will be maintained.
- No development will occur within environmentally sensitive areas, significant cultural landscapes and heritage sites.
- Prominent indigenous vegetation and the habitats of indigenous fauna will be protected.
- No form of urban development outside the urban edge will occur
- No impact on the open space network, waterways and natural environment.

The proposal will not impact on the Critical Biodiversity areas that surround Betty's Bay.

IMPLICATION IN TERMS OF ENVIROMENTAL OVERLAY ZONES (EMOZ)

Erf 3463 and the portion of closed road does do not fall within the Coastal Protection EMOZ, the Riverine EMOZ or the Mountain Catchment EMOZ

Erf 3463 and the portion of closed road do not fall within the Urban Conservation EMOZ , but is adjacent to Erf 5599 that has been identified.



Erf 3463 does fall within the designated Protected Area Buffer EMOZ.



The current zoning of Rural Zone 2: Conversation Usage is an appropriate land use in line with the purpose of the Protected Area Buffer and no additional constraints need to be imposed.

None of the prohibited activities listed in this zone take place on Erf3463. There are no activities that require Councils Consent, issuing of permits or authorisation. There is no requirement for access in Protected Areas Buffer and there is no envisaged development.

It is proposed that the portion of road to be closed will have the same zoning as Erf 3463, Rural Zone 2: Conversation Usage, in line with the purpose of a Protected Area Buffer and should be incorporated into the Buffer Area.

The Environmental Motivation as prepared by Doug Jeffery Environmental Consultants is attached as **Annexure L**

The report also provides strong environmental motivation why the portion of road should be closed and preserved.

Annexure B



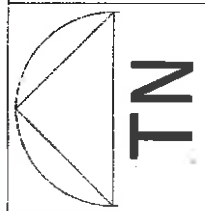
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PROPOSED ROAD CLOSURE, RE-ZONING AND CONSOLIDATION WITH ERF 3463 OF PORTION OF BROADWIDTH AND HIGH LEVEL ROAD BETTY'S BAY

Ref: BB3463 Dwg: PROP_CLOSURE - REV5

friedlaender, burger & volkmann
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- Caution**
- Any areas and dimensions are provisional and will be finalised at time of subdivision survey.
 - All levels are to be confirmed prior to construction.



TN