



ERF 5410, 13 NERINE CRESCENT, BETTY'S BAY AND ERF 5617, 17 NERINE CRESCENT, BETTY'S BAY: APPLICATION FOR CONSOLIDATION: FUTURE PLAN TOWN & REGIONAL PLANNERS ON BEHALF OF THE TRUSTEES FOR THE TIME BEING OF KLAASENBOSCH TRUST

Notice is hereby given in terms of Section 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 that an application has been received for the **consolidation** in terms of Section 16(2)(e) of Erf 5410, Betty's Bay with Erf 5617, Betty's Bay to create a consolidated property of $\pm 2760\text{m}^2$ in extent.

Full detail regarding the proposal is available for inspection during weekdays between 08:00 and 16:30 at the Department: Town and Spatial Planning at 16 Paterson Street, Hermanus and the Betty's Bay Library, Clarence Drive, Betty's Bay. Any written comments may be submitted in accordance with the provisions of Sections 51 and 52 of the said By-Law to the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / (e) loretta@overstrand.gov.za) on or before **2 May 2025**, quoting your name, address and contact details, interest in the application and reasons for comments. Telephonic enquiries can be made to **Mrs. H van der Stoep** at 028-313 8900. The Municipality may refuse to accept comments received after the closing date. Any person who cannot read or write may visit the Town and Spatial Planning Department where a municipal official will assist them in order to formalize their comment.

ERF 5410, NERINESINGEL 13, BETTYSBAAI EN ERF 5617, NERINESINGEL 17, BETTYSBAAI: AANSOEK OM KONSOLIDASIE: FUTURE PLAN STADS- EN STREEKBEPLANNERS NAMENS DIE TRUSTEES INDERTYD VAN KLAASENBOSCH TRUST

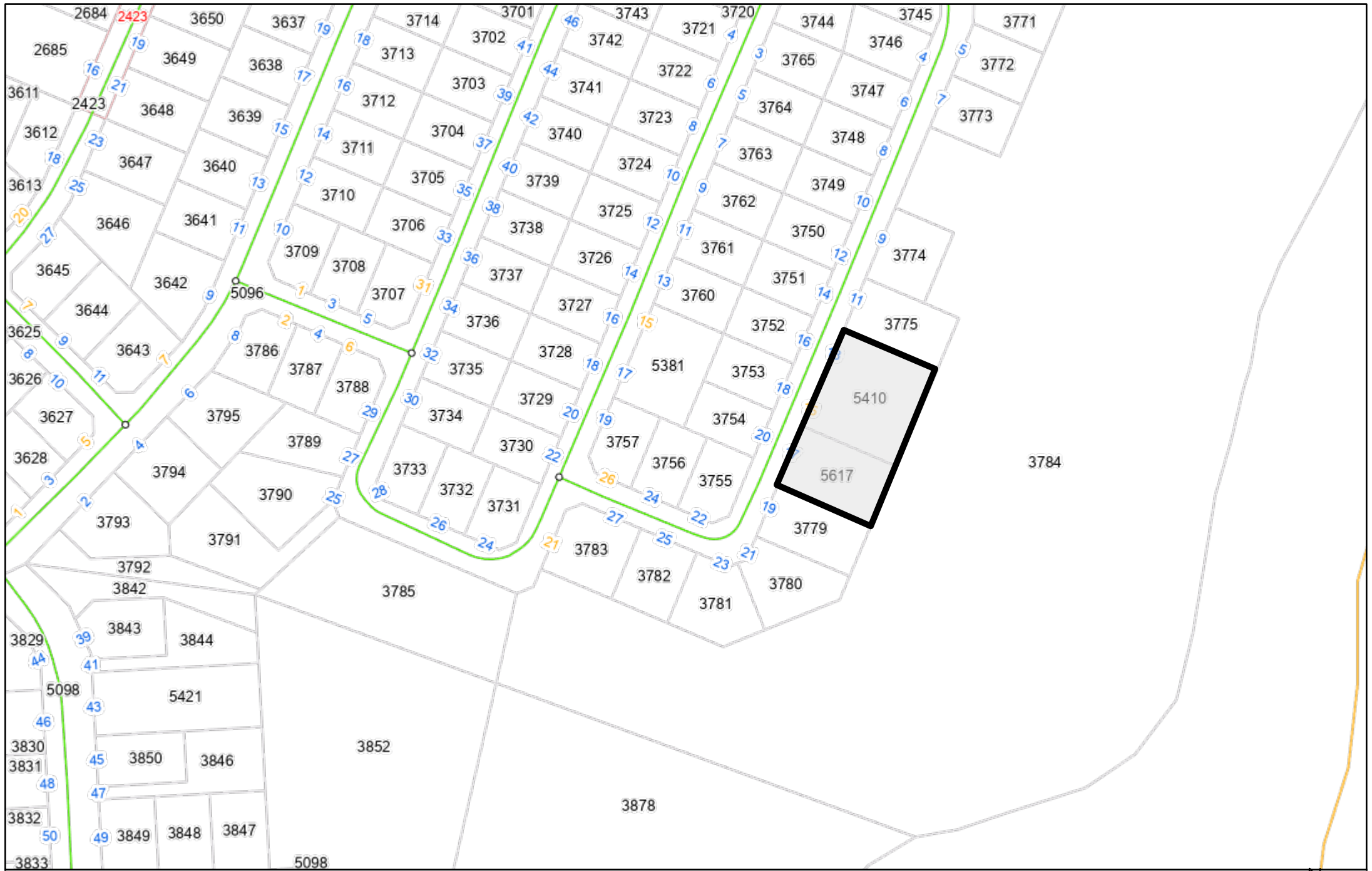
Kennis word hiermee gegee ingevolge Artikel 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 dat 'n aansoek om **konsolidasie** ingevolge Artikel 16(2)(e) ontvang is van Erf 5410, Bettysbaai met Erf 5617, Bettysbaai om 'n gekonsolideerde eiendom van $\pm 2760\text{m}^2$ in grootte te skep.

Volle besonderhede rakende die voorstel is beskikbaar vir inspeksie gedurende weksdae tussen 08:00 en 16:30 by die Departement: Stads- en Streekbeplanning, Patersonstraat 16, Hermanus en by die Bettysbaai Biblioteek, Clarencerylaan, Bettysbaai. Enige kommentaar op die voorstel moet skriftelik ingedien word in terme van Artikels 51 en 52 van die voorgeskrewe Verordening na die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / (e) loretta@overstrand.gov.za) voor of op **2 Mei 2025**, met die naam, adres en kontakbesonderhede, belang in die aansoek sowel as redes vir die kommentaar aangedui. Telefoniese navrae kan gerig word aan **Me. H van der Stoep** at 028-313 8900. Die Munisipaliteit mag weier om die kommentaar 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 formaliseer.

ISIZA 5410, 13 NERINE CRESCENT, E BETTY'S BAY, KUNYE NE SIZA 5617, 17 NERINE CRESCENT, BETTY'S BAY: ISICELO SOKUDIBANISA: FUTURE PLAN TOWN®IONAL PLANNERS EGAMENI LE TRUSTEES FOR THE TIME BEING OF KLAASENBOSCH TRUST

Isaziso sinikezelwa ngokwemiqathango yeCandelo 48 loMthetho kaMasipala oLungisiweyo woMasipala wase-Overstrand ongoCwangciso lokuSetyenziswa koMhlaba kaMasipala, 2020 sokuba isicelo sifunyenwe **sodibaniso** ngokwemiqathango yeCandelo 16(2)(e) kwi siza 5410, eBetty's Bay ngesiza 5617, eBetty's Bay ukwenza udibaniso lwepropati $\pm 2760\text{m}^2$ ububanzi.

linkcukacha eziphelileyo malunga nesi sindululo ziyafumaneka ukuze zihlolwe ngeentsuku zokusebenza ngamaxesha okusebenza phakathi kwentsimbi yesi-08:00 neye-16:30 kwiSebe: UCwangciso lweDolophu, 16 Paterson Street, eHermanus kunye nakwiThala leeNcwadi laseBetty's Bay, Clarence Drive, Betty's Bay. Naziphi na izimvo ezibhaliweyo mazingeniswe ngokuhambelana nezibonelelo zeCandelo lama-51 kunye nelama-52 alo Mthetho kaMasipala oxeliweyo kuMasipala (16 Paterson Street, e-Hermanus / loretta@overstrand.gov.za) ngomhla okanye ngaphambi komhla wama-**2 uCanzibe 2025**, uchaze igama lakho, idilesi kunye neenkukacha zoqhagamshelwano, umdla kwisicelo kunye nezizathu zezimvo. Imibuzo ngomnxeba ingenziwa kuMwangcisi weDolophu, **UNKsk. H van der Stoep** kule nombolo yomnxeba 028-313 8900. UMasipala unokwala ukwamkela izimvo ezifunyenwe emva komhla wokuvalwa. Nabani na ongakwaziyo ukufunda okanye ukubhala angandwendwela iSebe loCwangciso lweDolophu apho igosa likamasipala liya kuthi limncedise ukuze abhale ngokusesikweni izimvo zakhe.





ERVEN 5410 & 5617, BETTYS BAY

APPLICATION IN TERMS OF SECTION 16 OF THE OVERSTRAND MUNICIPALITY AMENDMENT BY-LAW ON
MUNICIPAL LAND USE PLANNING OF 2020 FOR:

- *Section 16 (2) (e) - Consolidation of Land*

Application prepared for:

Klaasenbosch Trust & Overstrand Municipality

Application prepared by:

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Submitted:

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1. EXECUTIVE SUMMARY

1.1. Background Information

Future Plan Town and Regional Planners (hereafter referred to as *this office*) was approached by the property owners to assist with the applicable town planning application as was deemed necessary.

After consultation between this office and the property owner, a decision was made to proceed with the application.

Please refer to the sections below for a comprehensive summary of the application particulars. This will enable the reader or authorised official to decide based on the merits of the proposal at hand.

1.2. Application Summary

Herewith, a land use planning application is made in terms of the Overstrand Municipality Amendment By-law on Municipal Land Use Planning of 2020 (OMLUS) for:

- *Section 16 (2) (e) - Consolidation of Land*
 - *Consolidation of Erf 5410 with Erf 5617*

Please refer to the following attached Annexures:

Annexure A: Application Form

Annexure B: Power of Attorney

Annexure C: Title Deed



2. THE PROPOSAL

To reiterate Section 1 of this motivation report, an application is hereby made for the following:

2.1. Consolidation of Land (Section 16 (2) (e))

It is proposed to consolidate Erf 5410 with Erf 5617, Bettys Bay, to form a single Erf with a new erf number, as follows:

Erf 5410: 1760m² in extent

Erf 5617: 1 000m² in extent

TOTAL: 2 760m² in extent

At this stage, no further development is envisaged by the property owners.

2.2. Desirability

For an informed decision by the Authorised Official, it is crucial to address the need and desirability of an application in terms of Section 66 of the OMLUS and Section 49 of the Western Cape Land Use Planning Act. Therefore, this office has summarised a few site-specific key aspects that should be considered before deciding. Herewith is the need for the proposal:

- The Owners identify themselves with the principles and desired outcome of the Overstrand Municipality Environmental Management Overlay Zone Regulations – EMOZ (2020). A later section deals with the application's principles and alignment to the EMOZ.
- The property owners wish to have a single erf instead of two separate erven to reduce municipal levies and administrative obligations.
- The owners were informed of the situation/process in the future if they wanted to re-subdivide the property and that the regulations at that stage of the Municipality would be applicable.

The proposal is deemed desirable due to the following reasons:

- A larger erf often has a higher market value than two smaller, separate erven.
- The application, site development plan, and subsequent attachments conform to the specified regulations and per Section 60 of the OMLUS requirement.
- The occupants can enjoy the potential for additional privacy.
- Potentially further, coherent subdivision may be available in the future. However, this is not the intention of the current owners
- The proposal will not detrimentally impact the surrounding area in terms of health and safety nor negatively impact the character of the surrounding area.



This office believes that the proposed application is well motivated in terms of the legislation as provided for in this motivation report and does not impose an unusual risk to the surrounding community due to the reasons listed under Section 4 of the Motivation report. It is proven that the application conforms to the parameters of Desirability.

3. CHARACTER OF ENVIRONMENT

3.1. Ownership Details

A perusal of the title deed revealed that no restrictive conditions could prohibit the approval of this land use planning application. Below are the details of the subject title deed.

Property Description	Erf 5410, Bettys Bay, in the Overstrand Municipality, Division Caledon, Western Cape Province
Ownership	Klaasenbosch Trust (Registration Number: IT3185/1996)
Extent	1760m ²
Title Deed Number	T2704/2014

Property Description	Erf 5617, Bettys Bay, in the Overstrand Municipality, Division Caledon, Western Cape Province
Ownership	Klaasenbosch Trust (Registration Number: IT3185/1996)
Extent	1000m ²
Title Deed Number	T45864/2017

3.2. Current Zoning, Utilisation, and Surrounding Area

- Zoning: Erf 5410 – Single Residential Zone 1
Erf 5617 – Single Residential Zone 1
- Utilisation: Erf 5410 – Vacant
Erf 5617 – Dwelling
- Surrounding Area: The area surrounding the application site is residential in nature. The proposal will not detract from the surrounding area, and the use of the application site (after consolidation) is to remain residential

3.3. Municipal Services, Access, and Parking

Municipal Service	Utilisation or impact of proposal
Water	Erf 5617 enjoys a connection to the municipal infrastructure. To our knowledge, no connection to Erf 5410 exists. However, it is not needed.
Sewerage	Erf 5617 is well-serviced in this regard, and no further upgrades are deemed necessary
Electricity	No additional increase in capacity is required.



Municipal Service	Utilisation or impact of proposal
Solid Waste	Solid waste is removed by the Overstrand Municipality as is currently the case.
Roads and Access	Access to the application site is from Nerine Crescent. No additional carriageways are required at this stage.

The proposal does not encourage the increase in service provision by the Overstrand Municipality.

4. LEGISLATION

Overstrand Municipality Spatial Development Framework (May 2020)

The Municipal Spatial Development Framework is a sectoral component of the IDP that, in terms of the Municipal Systems Act, 2000 (Act No. 32 of 2000), 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 proposal is not deemed to be in contravention of the Overstrand SDF as it does not contradict the key statutory requirements of the SDF. In addition to those described above, the application site is in an urban development area within the urban edge of Bettys Bay. Thus, the proposal does not contravene the SDF.

Overstrand Integrated Development Plan (May 2020)

The Overstrand Municipality Integrated Development Plan (IDP) aims to address our communities' development needs with clearly defined strategic objectives and performance indicators.

It is crucial to consider the IDP in any planning-related application. This office believes that the proposal promotes social development and creates a safe and healthy environment for the property owner and the surrounding residents of the area. The proposal will not negatively impact on the objectives stated above.

Overstrand Municipal Growth Management Strategy (2010)

According to the Overstrand Growth Management Strategy, Bettys Bay is regarded as a low-density residential and holiday village with few permanent residents. The town further consists of a small business node, with very limited amenities on offer for the public.

The application site situated in Planning Unit 3 does not entail any densification measures currently employed by the Overstrand Municipality. The proposal is regarded as fitting with the character and nature of the surrounding area.

Overstrand Municipality Amended By-Law on Municipal Land Use Planning (2020)

It is essential to consider Section 66 of the Overstrand Municipality Amended By-Law on Municipal Land Use Planning regarding the "General criteria for consideration of applications". The proposal is not considered a deviation from the requirements, and it should be reiterated that land use is regarded as a primary right.

Overstrand Municipality Environmental Management Overlay Zone Regulations – EMOZ (2020)

The subject properties are within the ‘Urban Area 3 – Bettys Bay West’ determination regarding the Overlay Zone.

The purpose of the Urban Conservation Environmental Management Zone (EMOZ) is to –

- *Identify viable conservation-worthy public open space areas (CWAs) for focussed conservation management interventions;*
- *Identify developed as well as undeveloped properties adjacent to CWAs for unique environmental awareness strategies or development planning to minimise risks and impacts on the CWAs and*
- *Ensure that development in urban areas will assist in maintaining a healthy environment through:*
 - *Conserving critical elements of environmentally sensitive areas and associated ecological processes,*
 - *Retaining and enhancing areas of eco-cultural tourism and recreation value, as well as*
 - *Retaining a natural ‘sense of place’.*

The Overlay Zone also identifies Specific Biophysical Characteristics of the Bettys Bay West Urban Conservation EMOZ that make it Conservation-worthy, which are –

- *Endangered wetlands as well as important drainage wetlands and water drainage lines.*
- *Part of Cape Whale Coast Important Bird Area (IBA).*
- *Open water wetland habitat for waterfowl of the region.*
- *Globally threatened vegetation type – Critically Endangered Kogelberg Sandstone Fynbos and Hangklip Sand Fynbos (Threatened Ecosystems – NEMBA).*
- *Remnant areas of highly impacted coastal plain (lowland) vegetation types and habitats.*
- *Contiguous or semi-contiguous ecological corridors from the mountain to the coast and along the coastal plain.*
- *There is associated indigenous wildlife present – some with restricted ranges specific to habitat/vegetation type—including several endangered SA Red Data plant, bird, and amphibian species.*
- *Falls within a Critical Biodiversity Area (CBA) and Ecological Support Area (ESA).*

Although the properties do not fall within the Conservation Areas for attention, the owners' care and maintenance of the consolidated property are in line with the EMOZ principles and are thus deemed to be in line with the principles and outcomes of the EMOZ.

Planning Principles

The proposed development supports the principles of Chapter VI (Article 59) of the Land Use Planning Act (LUPA), Act 3 of 2014, and Chapter 2 (Article 7) of the Spatial Planning and Land Use Management Act (SPLUMA), Act 16 of 2013.



The principles of Spatial Justice, Sustainability, Efficiency, Resilience, and Good Administration are not being impacted negatively. The application site is situated in a well-established residential area with adequate service capacity. The existing and intended land use all conform to primary rights in terms of the OMLUS and would, therefore, not constitute a threat to the surrounding community in terms of health and safety.



5. CONCLUSION & RECOMMENDATION

The motivation report has provided a clear and complete analysis of the land use proposal. It was proven that the application is desirable and will not adversely impact the existing landscape. It was also demonstrated that the proposal is well aligned with the spatial planning initiatives for the area in which it is located.

The following factors should also be considered when evaluating the feasibility of the proposed application:

- A larger erf often has a higher market value than two smaller, separate erven.
- The application, site development plan, and subsequent attachments conform to the specified regulations and per Section 60 of the OMLUS requirement.
- The application aligns with the principles and desired outcomes of EMOZ.
- The occupants can enjoy the potential for additional privacy.
- Potentially for further, coherent, subdivision may be available in the future, however, this is not the intention of the current owners
- The proposal will not detrimentally impact the surrounding area in terms of health and safety nor negatively impact the character of the surrounding area.

Considering the above, it is recommended that the following applications:

- *Section 16 (2) (e) - Consolidation of Land*
 - *Consolidation of Erf 5410 with Erf 5617*

be approved in terms of Section 16 of the OMLUS.

