



OVERSTRAND MUNISIPALITEIT
ERF 2608, CLARENCERYLAAN 167,
BETTYSBAAI: AANSOEK OM OPHEFFING VAN
BEPERKENDE TITELAKTEVOORWAARDE EN
VERGUNNINGSGEBRUIK: PLAN ACTIVE (nms
CG & S SCOTT)

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 2608, Bettysbaai (die eiendom), naamlik:

Opheffing van Beperkende Titelaktevoorwaarde

Aansoek ingevolge Artikel 16(2)(f) van die Verordening vir die opheffing van beperkende titelaktevoorwaarde D.I.(a) soos vervat in Titelakte T49344/2021 van die eindom om 'n voorgestelde gastehuis te akkommodeer.

Vergunningsgebruik

Aansoek ingevolge Artikel 16(2)(o) van die Verordening om 'n vyf (5) slaapkamer gastehuis op die eiendom te akkommodeer.

Besonderhede aangaande die voorstel lê ter insae gedurende weksdae tussen 08:00 and 16:30 by die Departement: Stadsbeplanning te Patersonstraat 16, Hermanus en by die Bettysbaai Biblioteek, Clarencerylaan, Bettysbaai.

Enige kommentare moet skriftelik wees en die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / (e) loretta@overstrand.gov.za) bereik voor of op **24 Junie 2022**, met u naam, adres en kontakbesonderhede, 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 Stadsbeplanning besoek waar hul deur 'n munisipale amptenaar bygestaan sal word om hul kommentare te formuleer.

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

Munisipale Kennisgewing Nr. 52/2022

OVERSTRAND MUNICIPALITY
ERF 2608, 167 CLARENCE DRIVE, BETTY'S
BAY: APPLICATION FOR REMOVAL OF
RESTRICTIVE TITLE DEED CONDITION AND
CONSENT USE: PLAN ACTIVE (obo CG & S
SCOTT)

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 2608, Betty's Bay (the property), namely:

Removal of Restrictive Title Deed Condition

Application in terms of Section 16(2)(f) of the By-Law for the removal of restrictive title deed condition D.I.(a) as contained in Title Deed T49344/2021 of the property to accommodate a proposed guesthouse.

Consent Use

Application in terms of Section 16(2)(o) of the By-Law to accommodate a five (5) bedroom guesthouse on the property.

Details regarding the proposal are available for inspection during weekdays between 08:00 and 16:30 at the Department : Town Planning at 16 Paterson Street, Hermanus and at the Betty's Bay Library, Clarence Drive, Betty's Bay.

Any comments must be in writing to reach the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / (e) loretta@overstrand.gov.za) on or before **24 June 2022**, quoting your name, address and contact details, interest in the application, and the reasons for comment. Telephonic enquiries can be made to the **Senior Town Planner, Ms. H van der Stoep** at 028-313 8900. The Municipality may refuse to accept comment received after the closing date. Any person who cannot read or write may visit the Town Planning Department where a municipal official will assist them in order to formalize their comments.

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

Municipal Notice No. 52/2022

UMASIPALA WASEOVERSTRAND
ISIZA ESAZIWA NGE-ERF 2608, 167
CLARENCE DRIVE, BETTY'S BAY: ISICELO
SOKUSHENXISA IIMEKO EZIYIMIQOBO
KWITAYITILE YOBUNINI NOKUVUNYELWA
UKUSEBENZISA: NGABAKWAPLAN ACTIVE
(egameni likaCG & S SCOTT)

Kukhutshwe isaziso esimayela nemiba yeSoloty lama47 nelama48 elisisiHlomelo soMthethwana kaMasipala ngeziCwangciso zokuSetyenziswa koMhlaba kaMasipala waseOverstrand ku2020 (uMthethwana), saziso eso simayela nesicelo ezisebenza kwisiza esinguErf 2608, Betty's Bay (umhlaba/indlu), esicacisa oku:

Ukushenxiswa kweeMeko Eziyimiqobo kwiTayitile Yobunini

Isicelo esimayela neSoloty le16(2)(f) loMthethwana wokushenxiswa kweemeko eziyimiqobo kwitayitile yobunini D.I.(a) njengoko iqulathwe kwiTayitile Yobunini eyaziwa ngeTitle Deed T49344/2021 emayela nendawo le iphakanyiselwa ukwakha indlu yabahambi.

Isivumelwano Sokusebenzisa

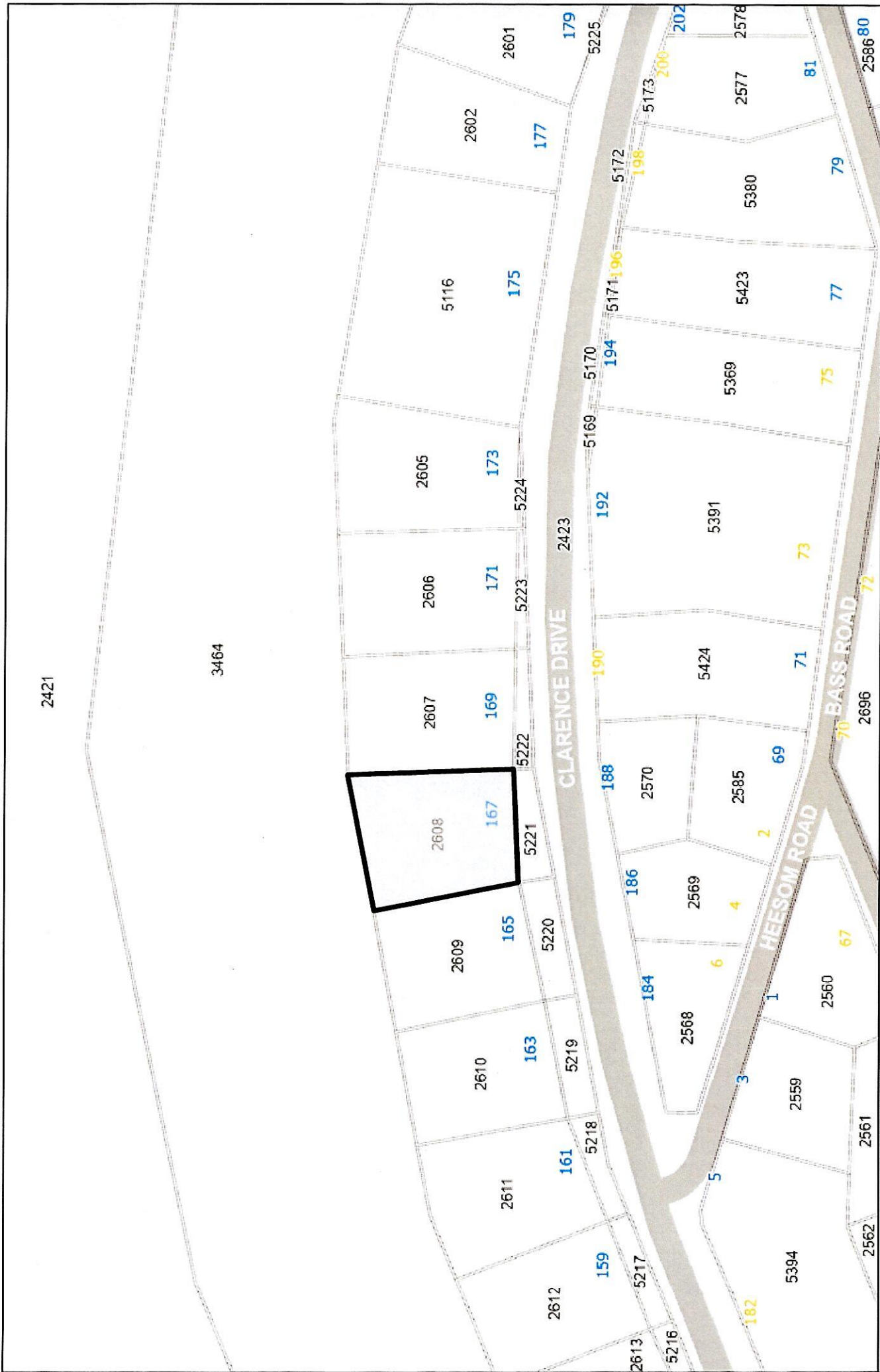
Isicelo esimayela nemiba yeSoloty le16(2)(o) loMthethwana ovumela ukwakhiwa wendlu yeendwendwe kumhlaba osesizeni ndlu leyo inamagumbi amahlanu okulala (5) bedroom.

Linkcukacha ezipheleleyo mayela nesi siphakamiso ziyafumaneka ukuze zihlolwe kwiintsuku zaphakathi evekini phakathi kwentsimbi ye08:00 neye16:30 kwiSebe: Lezicwangciso ngeDolophu kwa16 Paterson Street, Hermanus naseBetty's Bay Library, Clarence Drive, Betty's Bay.

Naziphi na izimvo ezibhaliweyo mazingeniswe kwaMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / e) loretta@overstrand.gov.za ngaphambi okanye ngomhla **wama24 kuJuni 2022**, uchaze igama lakho, idilesi neenkukacha ofumaneka kuzo, umdla wakho kwesi sicelo nezizathu zokuhlomla. Imibuzo ngefowuni ingabuzwa ku**Mcwangcisi Omkhulu weDolophu, Nkszn. H. van der Stoep kwa028-313 8900**. UMasipala angala ukwamkela izimvo ezifike emva komhla wokuvala. Nabani na ongakwazi ukufunda nokubhala angahambela kwiSebe leZicwangciso zeDolophu apho igosa likaMasipala liza kumnceda ukungenisa izimvo zakhe ngokusemthethweni.

Umlawuli kaMasipala, Overstrand Masipala, P.O. Box 20, **HERMANUS**, 7200

Inothisi kaMasipala Nomb. 52/2022



**PROPOSED CONSENT USE & REMOVAL OF A
RESTRICTIVE TITLE DEED CONDITION**

ERF 2608 BETTY'S BAY

DIVISION: CALEDON

OVERSTRAND MUNICIPALITY

MOTIVATION REPORT

1. BACKGROUND

Mr. Colin Graeme Scott and Mrs. Sjarlene Scott, the owners of erf 2608 Betty's Bay, have instructed the company Plan Active to apply for the consent use and removal of a restrictive Title Deed condition to allow them to operate a five bedroom guest house from the subject property.

Erf 2608 Betty's Bay is 3014m² in extent and is held by Title Deed number T49944/2021. It is proposed to construct a new dwelling and double garage on the property and to use the proposed dwelling as a guesthouse once an approval has been obtained. The owners submitted building plans for the proposed dwelling and double garage that have been approved by the Overstrand Municipality on the 25th of March 2022. The approved dwelling and proposed guesthouse will be the exact same configuration with the exception of the change of use of the 5 bedrooms to 5 guestrooms.

2. APPLICATION DETAILS

Application is made in terms of:

- Chapter 4, Section 16(2)(o) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2020, for the consent use of Erf 2608 Betty's Bay;

- Chapter 4, Section 16(2)(f) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2020, for the removal of a restrictive Title Deed condition of Erf 2608 Betty's Bay.

3. GENERAL APPLICATION INFORMATION

3.1 PROPERTY DESCRIPTION

Erf 2608 Betty's Bay is situated at 167 Clarence Drive, Betty's Bay. Refer to the locality plan attached. Erf 2608 Betty's Bay is 3014m² in extent and is situated in a mainly residential environment of which consent uses have been approved in the past for guesthouse purposes.

Erf 2608 Betty's Bay is ideally positioned to operate a guest house from the subject property since it offers ample space, it is easily accessible and located adjacent to Clarence Drive. The subject property is located at the foot of the mountain and has a rocky landscape with natural vegetation. The subject erf is currently vacant. As mentioned, a building plan for a dwelling and double garage have been approved. The construction of the approved dwelling and outbuilding is imminent. The property is elevated and boasts great sea views and is also in close proximity to the Herald Porter Botanical Garden, the Betty's Bay Penguin Sanctuary and local beaches. The Kogelberg Biosphere Reserve is also located north of Erf 2608 Betty's Bay.

3.2 ZONING

Erf 2608 Betty's Bay is zoned Residential Zone 1: Single Residential.

Surrounding properties are zoned for Residential Zone 1: Single Residential purposes.

3.3 LAND USE

Erf 2608 Betty's Bay is currently vacant. A dwelling and double garage will be constructed on the property as per the approved building plans.

Land uses that surround erf 2608 Betty's Bay are single residential dwellings, single residential dwellings being used as guesthouses, public open spaces and public roads.

3.4 PROPOSED DEVELOPMENT

- The consent use of erf 2608 Betty's Bay in terms of Chapter 4, Section 16(2)(o) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2020, to accommodate a five bedroom guest house on the subject property;
- The removal of a restrictive Title Deed condition in terms of Chapter 4, Section 16(2)(f) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2020, to accommodate a guest house on erf 2608 Betty's Bay.

The owners recently purchased Erf 2608 Betty's Bay looking for a way of life that allow them to commute less while enjoying the magnificent area in which they envisage to live. Having observed that there is a market for upmarket guesthouse accommodation in the Betty's Bay, Pringle Bay and Rooi Els areas, they submitted building plans for a dwelling and double garage that were subsequently approved. They envisage using the 5 bedroom dwelling as a five (5) bedroom guest house where rooms are adequately sized, all en-suite, have privacy from each other while also enjoying unique and significant connections to the surrounding views, vegetation and landscape.

A guest house can be accommodated as a consent use under the Residential Zone 1: Single Residential zoning. Application is therefore made for a consent use to establish a five bedroom guest house on erf 2608 Betty's Bay.

It is proposed that the dwelling to be constructed be used as a 5 bedroom guesthouse in the future. The guest house will consist of an entrance lobby, utilities room, 5 guest

bedrooms with en-suite bathrooms, a study, store room, guest toilet, open plan kitchen / lounge / dining room, breakfast room and a master bedroom. The master bedroom will be occupied by the owners and consists of a bedroom, master suite and en-suite bathroom. Due to the slope of the site upwards from Clarence Drive towards the mountain, the proposed dwelling will be a single storey structure built on 2 different interleading levels.

The 5 guestrooms are located on the western lower area of the site and the remaining extent of the dwelling is located on the northern side of the site. The guest rooms and remaining extent of the dwelling is linked via an elaborate, wide staircase and a passage. The proposed guesthouse being designed on 2 different levels makes provision for both the 5 guestrooms and the remaining extent of the guesthouse to have exceptional views of the lower laying areas of Betty's Bay below Clarence Drive and the Atlantic Ocean. Please refer to the site development plan and building plans attached.

All the bedrooms in the proposed guest house will be interleading to the main dwelling. The proposed guest house can also function as a single dwelling house in future.

In order to provide a more comprehensive and up market tourism experience, the guest house will provide meals prepared on site, while also providing additional employment by promoting places of interest found in the surrounding area. The guests will have access to all the communal facilities.

The building plans of the dwelling to be used as a guesthouse in future has been approved as mentioned earlier in this report and complies with all the land use restrictions applicable to Residential Zone 1: Single Residential properties.

The Overstrand Zoning Scheme Regulations (2022) stipulate the following land use restrictions for Residential Zone 1: Single Residential properties (larger than 400m²):

Coverage:	50%
Height:	8m (measured from the base level to top of roof)
Building lines: street:	4m
rear	2m
lateral	2m

After the construction of the dwelling, to be utilised in future as a guesthouse, including the double garage, the coverage of the structures will still be within the 50% maximum allowable coverage for SR1 zoned properties. The proposed coverage will be $\pm 517.74\text{m}^2$ that constitutes $\pm 17.2\%$ of the subject erf.

Title Deed No. T49344/2021 has a Title Deed condition that restricts the proposed consent use. For detail pertaining to the removal of the restrictive Title Deed condition applicable, refer to *Section 3.8 below* of this report.

The proposed consent use and removal of a restrictive Title Deed condition will not have a negative impact on the surrounding erven as the subject property's zoning will remain unchanged. An aesthetically pleasing high quality guest house and double garage will contribute towards the residential and tourism character of the area. The provision of parking was done in accordance with the relevant parking policy that will also be dealt with later in this report.

The proposed consent use and removal of a restrictive Title Deed condition of Erf 2608 Betty's Bay are not in contrast with the existing land use tendencies in the surrounding environment and we therefore do not foresee any complications with the proposed application.

3.5 CHARACTER OF THE ENVIRONMENT

Currently there is a demand for upmarket Guesthouse accommodation in the Betty's Bay, Pringle Bay and Rooi-Els areas. Erf 2608 Betty's Bay is ideally located in an area from where the beaches and other tourist attractions are easily accessible and boasts exceptional sea views in a southern direction. The diversification of the land uses on the subject property will blend in well with the existing built and natural environment.

The position of the new dwelling to be used as a guesthouse has been located as low as possible at the foot of the mountain in order to be easy accessible from Clarence Drive, due to the upwards slope from the said road and to make provision for guest parking bays. The 5 guest rooms are located on the lower portion of the site and even though the guestrooms are interleading to the main dwelling the guestrooms do provide a sense of privacy. Due to the slope of the site and the design of the dwelling

to be utilised as a 5 bedroom guesthouse both the guestrooms and the remaining extent of the guesthouse offer great views in a southern direction towards the Atlantic Ocean.

The approved dwelling and double garage comply with all the land use restrictions applicable with reference to height, building lines and coverage and we are therefore of the opinion that the impact on the existing character of the area will be kept to a minimum. The proposal to establish upmarket, luxurious guest accommodation will add value to the area and we do not foresee a negative impact on the surrounding property values.

The proposed guest house is considered a low impact development and subsequently the proposed land use will not adversely affect traffic flow, the streetscape or the general character of the area.

3.6 POTENTIAL OF THE PROPERTY (DESIRABILITY OF THE PROPOSED UTILIZATION)

The subject property's zoning will remain unchanged. The location of the subject property within a single residential area allows the property to be developed in future for low impact land uses only. The consent use application will not hamper any future land use applications on Erf 2608 Betty's Bay and the guesthouse can also function as a single residential dwelling unit.

Since the zoning will remain unchanged and the proposed guest house will be accommodated within the same land use restrictions applicable to a single residential zoned property, the impact on the surrounding properties will minimum. Property values of surrounding erven will therefore not be negatively affected by the proposed application.

Given the location of Erf 2608 Betty's Bay and the opportunities that the area offers, it lends itself to be used as a guest house. The subject property is also large enough to make provision for a guesthouse, associated parking and ample open space.

3.7 IMPACT ON EXTERNAL ENGINEERING SERVICES

3.7.1 PROVISION OF SERVICES

All services on the subject property already exist. The approved double garage and dwelling to be used as a guesthouse in the future will have a minimal impact on the existing available services.

The impact on municipal services of a dwelling and that of a guesthouse is similar and there should be no problem with capacity to empty the conservancy tank and to provide other services such as refuse removal, the provision of electricity and water.

3.7.2 TRAFFIC IMPACT, PARKING AND ACCESS

A new access to Erf 2608 Betty's Bay is proposed in close proximity to the western boundary line that was discussed with Mr. Faisal Fakier from the Department of Transport and Public Works. The proposed access point from Clarence Drive is ± 5 m wide. Please refer to the enclosed site development plan. The proposed access has been approved by the Overstrand Municipality in terms of the building plan submission for the proposed dwelling and double garage. Guests to the proposed guest house, the owners and the staff will make use of this proposed access from Clarence Drive.

The Overstrand Zoning Scheme Regulations (2020) determines that one parking bay per guest room must be provided on site and an additional two parking bays for the owner / manager. A total of 7 parking bays are provided for onsite, in line with the parking requirements. Provision is made for five open parking bays for guests and 2 parking bays within the double garage for the sole use of the owners. All parking bays adhere to the minimum parking requirements. Refer to the attached site development plan.

Vehicular access is proposed from Clarence Drive as mentioned above. The proposed guest house is a low impact development and subsequently the proposed parking bays will not adversely affect traffic flow, the streetscape, or the general character of the area.

Since the proposed land use is compatible with single residential land uses and the land uses in the area it is anticipated that the proposed guest house will have a very limited impact on the traffic flow in the area.

3.8 TITLE DEED

The Title Deed No. T49344/2021 contains a restrictive Title Deed condition that prohibits the proposed guest house on the subject property. Refer to a copy of the conveyancer's certificated compiled by STBB Attorneys dated 6 April 2022. It is therefore proposed to remove the condition in the Title Deed that prohibit a guest house on Erf 2608 Betty's Bay.

To accommodate the proposed guest house on Erf 2608 Betty's Bay, it is proposed to remove the following condition in the Title Deed:

Title Deed No. T49344/2021, page 2, paragraph D. I. (a):

"That this erf be used for residential purposes only but no building other than one dwelling, designed for use by a single family together with such outbuildings as are ordinarily required to be used therewith, may be erected thereon."

The above-mentioned Title Deed restriction prohibits the use of the dwelling as a guesthouse that makes provision for the accommodation of transient guests that is not related to the family occupying the dwelling.

In terms of **Chapter 4, Section 35(4)** of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2020 and **Section 39(5)** of the Land Use Planning Act, 2014, when the Municipality considers the removal, suspension or amendment of a restrictive condition; the municipality must consider the following:

- **The financial or other value of the rights in terms of the restrictive conditions enjoyed by a person or entity, irrespective of whether these rights are personal or vests in the person as the owner of a dominant tenement.**

The removal of the Title Deed restriction will allow the property to be developed as a 5 bedroom guesthouse as a consent use, as defined in terms the Overstrand Municipality Zoning Scheme. The owners will subsequently not be limited to the use of the dwelling for residential purposes only for the housing of a single family. The owners will be able to accommodate transient guests, that are not related as family members, within the proposed 5 guestrooms.

- **The personal benefit which accrues to the holder of rights in terms of the restrictive conditions.**

The personal benefit accumulated to the owners in the township is insignificant insofar as the Title Deed condition to be removed is concerned. None of the existing owners within the township will gain anything personally by having the restriction removed, which prevents the dwelling to also be used as a 5 bedroom guesthouse.

The proposal will have an extremely low impact on the existing built form and land use in the area, however, such land use changes have been supported in the area. Surrounding property owners are still protected by the policies in place for the area such as the **Zoning Scheme Regulations of the Overstrand Municipal Area** and the **Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020**. The proposed removal of the restrictive Title Deed condition will increase the market value of the property as well as the area. This in turn leads to the social and economic benefit of the local community as greater investment will be attracted.

- **The personal benefit which will accrue to the person seeking the removal of the restrictive conditions, if removed.**

The property owners will benefit from the removal of the mentioned Title Deed restriction as it will expand the development rights available on the subject property in terms of the primary land uses defined in the Overstrand Municipal Zoning Scheme Regulations and it will also allow the owners to utilise the approved dwelling as a 5 bedroom guesthouse.

- **The social benefit of the removal, suspension or amendment of the restrictive conditions remaining in place.**

This particular township has already changed with previous approved applications consisting of departures, consent uses, removal of restrictive Title Deed conditions or a combination of the last mentioned, within the township. If the condition remains in place, the status quo will remain. If the type of condition to be removed is considered, it is doubtful that the retention thereof would have a significant social benefit.

The retention of the restriction will add another layer to be enforced by the Overstrand Municipality, in addition to the current Zoning Scheme Regulations requirements.

- **The social benefit of the removal, suspension or amendment of the restrictive conditions**

It can be argued that the possible social benefit of removing the restrictive Title Deed condition and consequently allowing for the use of the approved dwelling as a 5 bedroom guesthouse will be positive. Appropriate land use changes should be encouraged in all areas. Removing the condition will enable the better utilization of the property in terms of modern development, contribute to the prevention of urban sprawl and align with various policies which require a more efficient use of land potential future amenities/facilities (self-catering units, guesthouses, etc.) within the area.

Furthermore, the removal of the Title Deed condition is in line with the land use planning principles of efficiency and spatial sustainability as set out in the SPLUMA and LUPA, in that the development curtails urban sprawl, and promotes intensification of land uses with the constraints of existing infrastructure, without detracting from the visual or residential appeal of the area.

- **Whether the removal, suspension or amendment of the restrictive conditions will completely remove all rights enjoyed by the beneficiary or only some of the rights**

The removal of the restrictions will not remove the rights completely, as the **Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020** provides a certain level of control that will guide the way the property is both used and developed.

With reference to Section 47 of the **Spatial Planning Land Use Management Act, 2013**, the removal of restrictive Title Deed restrictions will not deprive any person in the subject area of Betty's Bay as contemplated in Section 25 of the **Constitution of the Republic of South Africa**. By denying the removal of the Title Deed restriction, people will be deprived from taking up the land use rights listed as consent uses. It will also deprive the current owners from utilizing their property to its full potential.

The application for the removal of the applicable Title Deed restriction is made in the prescribed manner as per the **Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020**.

The proposed removal of a restriction will therefore be in the interest of the landowners and will not have a negative impact on the public in general. In relation to the above, the benefit of removing the Title Deed restriction outweighs the benefits of keeping the restriction in place.

The reasons to have the mentioned Title Deed restriction, Title Deed No. T49344/2021, page 2, paragraph D. I. (a) removed are mainly to give the owners the opportunity to utilise the property for the purposes of a 5 bedroom guesthouse.

There a bond registered against the subject property. The bondholder's consent to follow.

3.9 OTHER RELEVANT LEGISLATION FOR CONSIDERATION OF THE APPLICATION

3.9.1 HERITAGE VALUE

The subject property is not situated within a Heritage Overlay Zone as determined by the Overstrand Municipal Growth Management Strategy (2010). The subject property is also not earmarked for heritage conservation purposes. The subject property is not associated with any important persons or groups or important events and activities. The subject property has no association with the history of slavery and is not used for living heritage.

In the light of the above mentioned it is evident that the proposed consent use and the removal of a restrictive Title Deed condition will not have a negative impact on the heritage value of the Betty's Bay area.

The proposed consent use and the removal of a restrictive Title Deed condition do not trigger any other listed activities in terms of Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999).

3.9.2 IMPACT ON THE BIOPHYSICAL ENVIRONMENT

The proposed consent use and the removal of a restrictive Title Deed condition do not trigger any listed activities in terms of the National Environmental Management Act (NEMA), 1998 (Act no. 107 of 1998).

3.10 FORWARD PLANNING AND LAND USE DOCUMENTS

The ***Overstrand Spatial Development Framework (SDF), 2006***, earmarks the area where erf 2608 Betty's Bay is situated, for residential purposes. The application is for consent use to accommodate a five bedroom guest house on the subject property and the removal of a restrictive Title Deed condition. The character (residential) and zoning (Single Residential) for the subject property will remain unchanged. With reference to the above, the proposed guesthouse falls within the guidelines stipulated in the Overstrand SDF (2006) for the Betty's Bay area.

The ***Overstrand Municipal Growth Management Strategy (OMGMS, 2010)*** specifies that erf 2608 Betty's Bay forms part of Planning Unit no. 7. No density

increase is proposed for Betty's Bay. Our application is to utilise a dwelling with approved building plans as a 5 bedroom guesthouse. Subsequently no densification will occur with the approval of this application.

The ***Overstrand Municipality Spatial Development Framework, 2020***, earmarks the area where erf 2608 Betty's Bay is situated, as an urban development area located within the urban edge of Betty's Bay. Erf 2608 Betty's Bay is not earmarked as a sensitive development area in terms of the Heritage Protection Overlay Zones and the Environmental Management Overlay Zones. As mentioned above, the application is for consent use and the removal of a restrictive Title Deed condition and falls within the guidelines stipulated in the Overstrand Municipality Spatial Development Framework, 2020.

From the above it is evident that the proposed consent use and the removal of a restrictive Title Deed condition application adheres to the spatial planning policies for the Betty's Bay area and consequently falls within the existing planning for the Betty's Bay area.

3.11 PLANNING PRINCIPLES

The planning principles of spatial justice and spatial resilience do not apply to this application.

Spatial sustainability: The approved dwelling and double garage can without any alterations be utilised as an exceptional 5 bedroom guest house. The proposed guest house is compatible with the character of the area and will not impact negatively on the rights of anyone else. The proposed guest house will be accommodated in an established residential area within a residential dwelling with approved building plans, to be constructed on erf 2608 Betty's Bay. The proposed application will have no impact on the conservation worthy areas of Betty's Bay and the proposed guesthouse will be located on a single residential zoned property and will generate greater diversity of holiday accommodation in Betty's Bay – in line with the Spatial Planning Policies for

the area. Spatially the land use will be in keeping with the residential character of the area.

The anticipated impact of the guest house is considered low. The extent of the subject property, the location of the subject property, the need for more diverse holiday accommodation options in Betty's Bay, low impact on the privacy of neighbours, compliance with the land use restrictions applicable concerning parking, coverage, height, street building lines, etc. allow for the consideration and approval of the proposed guest house as a consent use and the removal of a restrictive Title Deed condition without having an adverse impact on the spatial sustainability of the area.

Efficiency: The subject property is easily accessible and conveniently located in a fantastic position in close proximity of established tourist attractions and boasting excellent views over the lower laying areas of Betty's Bay and the Atlantic Ocean.

The consent use and the removal of a restrictive Title Deed condition prove to be efficient since this will allow the optimal utilization of the subject property without compromising the biophysical environment. Given the extent of the subject property and its ideal location, it lends itself to be used more appropriately as a guest house than just for purely residential uses.

It is motivated that the proposed guest house is efficient as it discourages the phenomenon of urban sprawl, encourages diversification and tourism in Betty's Bay in line with the interventions / strategies proposed, all of which relates to more responsible resource use or sustainable development. Furthermore, the proposal is efficient in that it optimizes existing resources and continues the existing suburban development typology.

Good administration: Our firm is committed to the principle of good administration and will cooperate with the Overstrand Municipality to ensure a time efficient, uncomplicated land use planning process. The land use application will follow due process as stipulated in the relevant municipality's bylaw and related provincial and national land use planning legislation. All measures will be taken to ensure an efficient

and streamlined process within the applicable timeframes as stipulated by the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016.

4. RECOMMENDATION

When this application is evaluated, it is important to take note of the following:

- All services on the subject property are available and will be connected to with the construction of the proposed dwelling and double garage;
- The zoning of the subject property will remain unchanged;
- No deviations from the relevant zoning scheme regulations are proposed to allow the proposed consent use and removal of a restrictive Title Deed condition of erf 2608 Betty's Bay;
- The proposal is compatible with the existing built character of the area;
- Impact on the traffic will be insignificant;
- Sufficient parking bays are provided on site for the proposed guest house and the owners;
- The construction of the dwelling to be used as a guesthouse will be done in accordance with the land use restrictions applicable to Residential Zone 1: Single Residential properties;
- The guest house will be operated in a professional manner;
- The guest house does not negatively influence the existing character or land values in the area;
- The establishment of a guesthouse in Betty's Bay will contribute to enhancing the Betty's Bay area as a unique holiday destination;
- There are no environmental aspects that will negatively impact the application and the application will not have a negative impact on any environmental factors;
- The proposal is compatible with the spatial planning strategies for the area.

The application can be supported for your favourable evaluation. The opinion is held that this application will have no negative impact on the land values, privacy and traffic of the area.

0 mm 1000 2000 3000 3500
 * ALL DIMENSIONS TO BE CHECKED ON SITE
 * WORK TO UNDERSTAND THE WORKS
 * THIS DRAWING IS TO BE USED FOR INFORMATION ONLY TO THE CLIENT'S SATISFACTION

R.	DATE	REVISION	DESCRIPTION
1	2023-07-10	ISSUE FOR INFORMATION	ISSUE FOR INFORMATION
2	2023-07-10	ISSUE FOR APPROVAL	ISSUE FOR APPROVAL
3	2023-07-10	ISSUE FOR CONSTRUCTION	ISSUE FOR CONSTRUCTION

STRUCTURAL ENGINEERS
 LAND SURVEYORS
 DIESEL & MUMFORD INC
 1111 1111 STREET
 TEL: 911 911 911

ARCHITECT
 C G SCOTT B.Sc. (NSA) B Arch (NSA)
 1111 1111 STREET
 TEL: 911 911 911

CLIENT
 Mrs S. Scott
 Property Owner

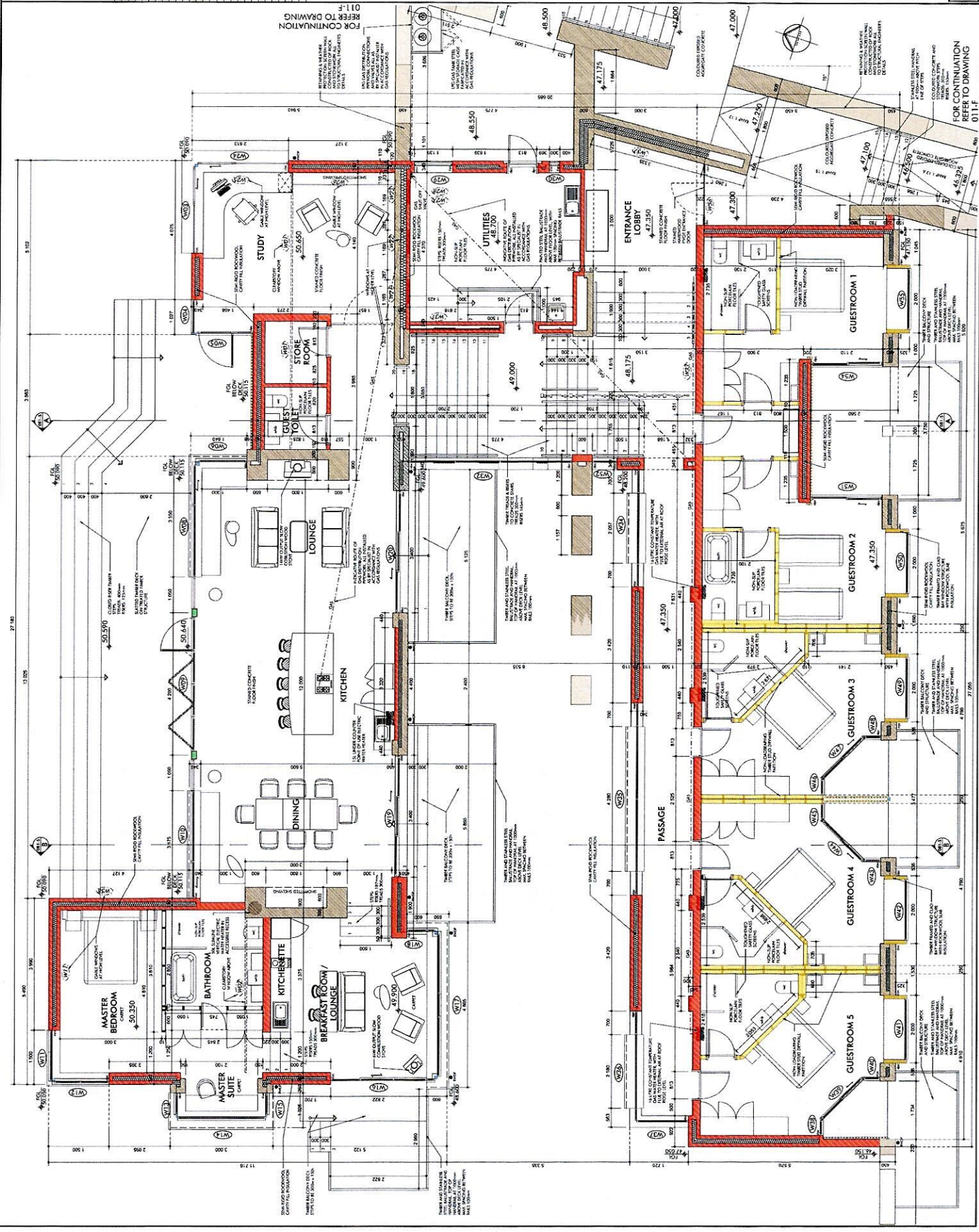
RESIDENCE SCOTT
 2608 CLARENCE DR.
 BETTY'S BAY
 CHIFFRE DRIVE
 BETTY'S BAY, EST. 17, 7143

FLOOR PLAN



CAILEAN Creative Pty Ltd
 1111 1111 STREET
 TEL: 911 911 911
 312 Bayswater Street, La Moerue
 www.cailean.co.za

DRAWN DATE SCALE PROJECT NO.
 2023-07-10 1:100 210C-01
 REV. 010-F D



FOR CONTINUATION
 REFER TO DRAWING
 011-F

FOR CONTINUATION
 REFER TO DRAWING
 011-F



RT	DATE	REVISION DESCRIPTION
1	20/03/20	ISSUE FOR PERMIT APPLICATION
2	20/03/20	ISSUE FOR CONSTRUCTION PERMIT

STRUCTURAL ENGINEERS
JARDING CONSULTING ENGINEERS (PTY) LTD
 111, 113, 115, 117, 119, 121, 123, 125, 127, 129, 131, 133, 135, 137, 139, 141, 143, 145, 147, 149, 151, 153, 155, 157, 159, 161, 163, 165, 167, 169, 171, 173, 175, 177, 179, 181, 183, 185, 187, 189, 191, 193, 195, 197, 199, 201, 203, 205, 207, 209, 211, 213, 215, 217, 219, 221, 223, 225, 227, 229, 231, 233, 235, 237, 239, 241, 243, 245, 247, 249, 251, 253, 255, 257, 259, 261, 263, 265, 267, 269, 271, 273, 275, 277, 279, 281, 283, 285, 287, 289, 291, 293, 295, 297, 299, 301, 303, 305, 307, 309, 311, 313, 315, 317, 319, 321, 323, 325, 327, 329, 331, 333, 335, 337, 339, 341, 343, 345, 347, 349, 351, 353, 355, 357, 359, 361, 363, 365, 367, 369, 371, 373, 375, 377, 379, 381, 383, 385, 387, 389, 391, 393, 395, 397, 399, 401, 403, 405, 407, 409, 411, 413, 415, 417, 419, 421, 423, 425, 427, 429, 431, 433, 435, 437, 439, 441, 443, 445, 447, 449, 451, 453, 455, 457, 459, 461, 463, 465, 467, 469, 471, 473, 475, 477, 479, 481, 483, 485, 487, 489, 491, 493, 495, 497, 499, 501, 503, 505, 507, 509, 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4247, 4249, 4251, 4253, 4255, 4257, 4259, 4261, 4263, 4265, 4267, 4269, 4271, 4273, 4275, 4277, 4

0 1000 2000 3000 4000
 * ALL DIMENSIONS TO BE CHECKED ON SITE
 * DIMENSIONS NOT TO BE SCALE FROM THIS DRAWING.

R.	DATE	INT. DESCRIPTION
1	2023/01/10	FOR INFORMATION

STRUCTURAL ENGINEERS
 T. G. 111
 LAND SURVEYORS
 DIESEL & MUNNIS INC.
 NO. 101/1000000
 T. G. 111/11111111
 T. G. 111
 T. G. 111

ARCHITECT:
 C. G. SCOTT B.Sc. (NSA) B.Arch (NSA)
 101/1000000
 T. G. 111/11111111
 COUNCIL NO. 101/1000000

CLIENT:
 Mrs S. Scott
 Property Owner

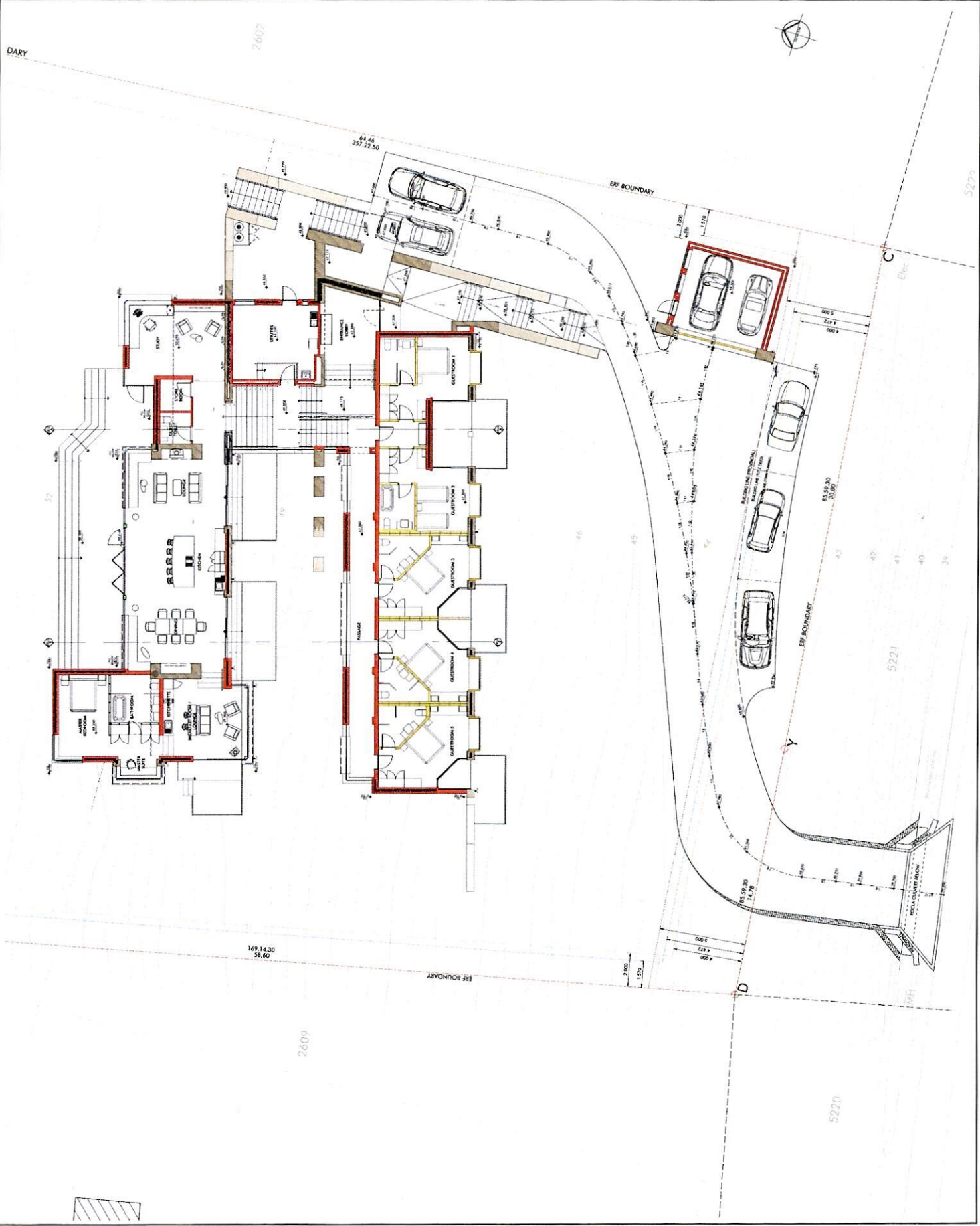
**RESIDENCE SCOTT
 2608 CLARENCE DR.
 BETTY'S BAY**
 CLARENCE DRIVE
 BETTY'S BAY, ACT, 2141

FLOOR PLAN



CAILEAN creative
 Cailean Creative Pty Ltd.
 101/1000000
 T. G. 111/11111111
 DIRECTION: C. Scott
 T. G. 111/11111111
 E. 101/1000000
 312 Rosemary Street, Launceston
 www.cailean.co.za

210c-01
 DATE: 23 JAN 2022
 SCALE: 1:100
 DWG NO: 012-F
 REV: A





R.	DATE	REV.	DESCRIPTION
A.	2022-02-28	1	ISSUED FOR INFORMATION
B.	2022-03-07	2	ISSUED FOR PERMIT APPLICATION
C.	2022-03-07	3	ISSUED TO CLIENT FOR APPROVAL

STRUCTURAL ENGINEERS
JARDINE CONSULTING ENGINEERS (PTY) LTD
 111 81 194987

LAND SURVEYORS
DIESEL & MUNNIS INC
 111 81 194988

ARCHITECT
C. G. SCOTT & SONS (MSA) B APT (WSA)
 Pt. Rich. M. Lamb P/A
 COUNCIL NO. 307

CLIENT:
 Mrs S. Scott
 Property Owner

RESIDENCE SCOTT
2608 CLARENCE DR.
BETTY'S BAY

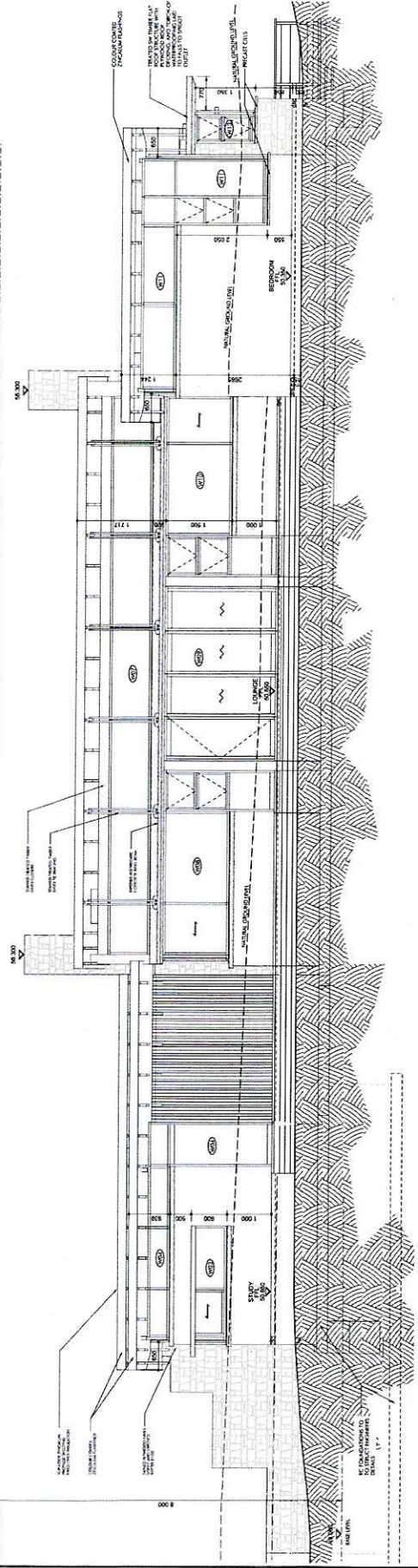
DETAILED ELEVATIONS
 Sheet 1 of 2



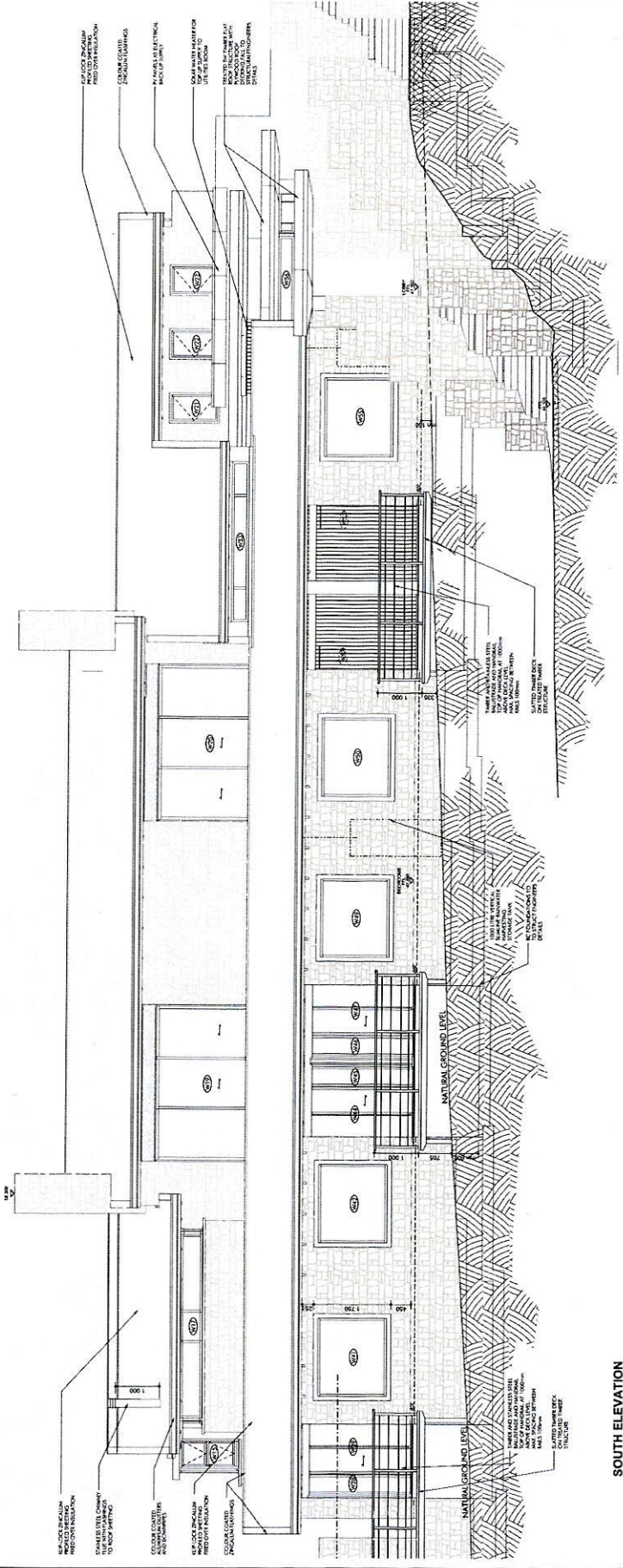
Callean Creative (Pty) Ltd.
 Reg No. 20181614407
 DIRECTOR: C. Scott P. Rich. M. Lamb
 E. C. G. Scott
 312 Robertson Street, La Mowbray
 Private Office
 WWW.CALLEAN.CO.ZA

DRAWN DATE SCALE PROJECT NO.
 CES 29 JAN 2022 A1:100 210c-01

DWG NO **REV**
 091-E C



NORTH ELEVATION



SOUTH ELEVATION

