

## 4.6

**ERF 5580, 2 CORAL ROAD, BETTYS BAY, OVERSTRAND MUNICIPAL AREA:  
PROPOSED REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND CONSENT  
USE: MESSRS PLAN ACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF THE  
BOUWER TRUST**

5580 KBB (2901/2018)

H van der Stoep

13 October 2020

(028) 313 8900

Hermanus Administration

## 1. EXECUTIVE SUMMARY

An application was received on 13 December 2018 from Messrs Plan Active Town and Regional Planners on behalf of the Bouwer Trust on Erf 5580, Betty's Bay for the following:

- ❖ Removal of restrictive title condition in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 on Erf 5580, Betty's Bay for the amendment of the restrictive conditions on Page 3, Clause No. I.D.A.(a), Page 5, Clause No. II,D.A.(a) and Page 8, Clause No. III,D.(l)(a) in Title Deed T10710/2018.

### The restrictive conditions read as follows:

#### Page 3, Clause I No. D.A.(a) :

*"D. SUBJECT FURTHER to the following special condition contained in Deed of Transfer No. T2078/1947, namely:*

- A. As being in favour of the registered owner of any erf in Betty's Bay Township Extension No. 1 and subject to the change and amendment by the Administrator in terms of the provisions of Section 18(3) of Ordinance No. 33 of 1934:*

- (a) That only one building for the use as shops, business premises (which shall not include a licensed hotel, off sales liquor license, bottle store, garage or cinema), a dwelling house, residential building, place of public workshop and/or a building combining two or more of such uses, together with such outbuildings as are ordinarily required to be used therewith be erected on this erf.*

#### Page 5, Clause II No. D.A.(a) :

*"D. SUBJECT FURTHER to the following special conditions contained in Deed of Transfer No. T14143/1949, namely:*

- A. As being in favour of the registered owner of any erf in Betty's Bay Township Extension No. 1 and subject to the change and amendment by the Administrator in terms of the provisions of Section 18(3) of Ordinance No. 33 of 1934:*

- (a) That only one building for the use as shops, business premises (which shall not include a licensed hotel, off sales liquor license, bottle store,*

*garage or cinema), a dwelling house, residential building, place of public workshop and/or a building combining two or more of such uses, together with such outbuildings as are ordinarily required to be used therewith, be erected on this erf.*

Page 8. Clause III No. D.(l).(a) :

*“D. SUBJECT FURTHER to the following special conditions contained in Deed of Transfer No. T14144/1949, namely:*

*I. As synde ten gunste van die geregistreerde eienaar van enige erf in die Dorp Bettysbaai en onderhewig aan wysigings of veranderinge deur die Administrateur kragtens die bepalings van Artikel 18(3) van Ordonnansie Nr. 33 van 1934:*

*(a) That only one building for the use as shops, business premises, which shall not include a licensed hotel, off sales liquor license, bottle store, garage or cinema), a dwelling house, residential building, place of public workshop and/or a building combining two or more of such uses, together with such outbuildings as are ordinarily required to be used therewith, be erected on this erf.*

- ❖ Consent Use in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 in order to utilize a portion of the existing building on the property concerned for a Tops Liquor Shop.

A Locality Plan of the property concerned is attached as Annexure A. The Motivation Report from the applicant in support of the proposal is attached as Annexure B, while the proposed Site Development Plan is attached as Annexure C and the amended Site Development Plan (SDP) as Annexure D. Title Deed T10710/2018 is attached as Annexure E.

## **2. DECISION AUTHORITY**

Municipal Planning Tribunal

## **3. BACKGROUND / SITE HISTORY**

The erf is situated in a small business node consisting of eleven (11) business erven located on the corner of Clarence Drive and Coral Road Betty's Bay. The erf was created during the establishment of Betty's Bay Extension 1, approved in 1943. The erf measures 2635m<sup>2</sup> in extent and is zoned Business Zone 3. The property is developed with an existing structure used for business purposes over the years.

There was a small shopping centre on the northern half of the site that consists of 2 shops, 3 offices and associated parking bays per approved building plan. Future extensions are indicated on a site plan dated back to the 90's, however the future extensions were not constructed.

The total extent of the building including the walkway is approximately 296m<sup>2</sup> in extent. Most of the offices are vacant and a restaurant is operating from one of the shops.

#### 4. SUMMARY OF APPLICANT'S MOTIVATION

##### CONSENT USE

- ❖ The erf is situated in an established business node, abutting Clarence Drive, in close proximity of a petrol/diesel filling station, convenience shop and restaurants.
- ❖ The subject property is within a mixed land use area consisting of business erven and on the outer perimeter of residential erven.
- ❖ There are no liquor shops in Betty's Bay and the closest such shops are situated in Pringle Bay and Kleinmond. These shops are well managed and do not detract from the value of the surrounding business and residential land uses.
- ❖ The proposed Spar Tops liquor shop will be a high-quality shop and well managed in order not to attract negative elements to the area.
- ❖ No low budget alcoholic beverages and "quart" beer will be sold from the premises.
- ❖ The Spar Tops liquor shop is ideally located within Betty's Bay in an established business node. The nearest liquor shops are located 8km from the site in Pringle Bay and 15km from a liquor shop in Kleinmond. With the escalating costs of living people tend to travel less and by providing a larger spectrum of shops centrally located, would assist.
- ❖ The primary business right will remain in place and the proposal will not have a negative impact on the character of the area
- ❖ The Tops liquor shop will be located in Office 3, which is located in the eastern side of the building and will be 56m<sup>2</sup> in extent.

##### AMENDMENT OF THE RESTRICTIVE CONDITIONS:

- ❖ Condition D.(a) needs to be addressed as per Conveyancing Certificate from Messrs Smith Tabata Buchanan Boyes Attorneys, attached as Annexure E.
- ❖ The condition restricts an off-sales liquor licence bottle store and one building and other land uses. However, the condition will not be removed, but amended to remove the wording of an off-sales liquor licence bottle store and one building, whilst the remainder of the condition remain intact.
- ❖ The amendment proposed reads as follows:

*"That the erf may only be used for uses as shops, business premises and bottle store which shall not include a licensed hotel, garage and/or buildings combining two or more of such uses together with such outbuildings as are ordinarily required to be used therewith, be erected on this erf."*

- ❖ The reasons for the proposed amendment are as follows:
  - The property consists of three (3) consolidated erven and was limited to one (1) building on each of the properties. Being consolidated this condition was transferred and now only one (1) building is allowed. One (1) large building on-site would be out of character due to the restriction imposed on smaller erven. It would suit the character of the area better if development is done in two (2) or more buildings as the restriction intended.
  - The proposed Tops Liquor Shop will be located in the existing building of approximately 56m<sup>2</sup> in extent. The shop is part of a well-established

franchise and will be well-managed not to have any negative impact on the established business area.

- The property is easily accessible to the existing business hub.

#### **Other applicable legislation:**

##### Heritage Value

The proposed change of land use of Office 3 to a Spar Tops Liquor shop will not have any impact on the heritage value of the shopping centre.

##### Impact on the Biophysical Environment

The proposed change in land use of 56m<sup>2</sup> and amendment of the restrictive condition do not trigger any listed activities in terms of NEMA.

#### **Forward Planning:**

##### Overstrand Spatial Development Framework (SDF) (2006)

The SDF earmarks Erf 5580, Betty's Bay for commercial purposes. The current Business Zone 3 zoning will be retained and is in line with the spatial guidelines for the area.

##### Overstrand Municipal Growth Management Strategy

The erf falls within Planning Unit 6 that consists of a retail node on the western side of the town. The density on the subject erf will not increase and is thus in line with the Strategy.

#### **Planning Principles**

##### Spatial Justice

The proposed Tops Liquor shop will sell a variety of quality of liquor. There are currently no bottle stores in Betty's Bay and residents have to travel to Pringle Bay or Kleinmond. The proposed the liquor shop will be 56m<sup>2</sup> in extent within an established business node. It is a well-known franchise that will be managed and will not detract from the current established business character of the area.

##### Spatial Sustainability

The property is within the Urban Edge and will have no impact on agricultural land, environmentally sensitive areas of biodiversity rich areas.

##### Efficiency

The erf is easily accessible and conveniently located for passing residents. The application constitutes only the change of land use of a portion of 56m<sup>2</sup> on an existing small shopping centre from an office to a liquor shop. No additional shopping space is created and no additional services are required.

##### Spatial Resilience

N/A

Good Administration

The Municipality is consulted in the process and a public participation process will be followed.

**5. ADMINISTRATIVE COMPLIANCE**

Methods of advertising		Date published	Closing date for comments
Gazette	<b>Yes</b>	18 April 2019	24 May 2019
Local newspaper	<b>Yes</b>	18 April 2019	24 May 2019
Registered notices	<b>Yes</b>	18 April 2019	24 May 2019
Ward councillor	<b>Yes</b>	16 April 2019	24 May 2019
Total comments	<b>ONE HUNDRED AND FIFTY THREE (153)</b>		
Total letters of support	<b>FIVE (5)</b>		
Was public participation undertaken in accordance with Section 46 - 50 of the By-Law on Municipal Land Use Planning?			<b>Yes</b>
Was the application processed correctly (if no, elaborate below):			<b>Yes</b>
Is the proposal consistent with the principles referred to in Chapter 2 of SPLUMA and Chapter VI of LUPA? (can be elaborated further below)			<b>Yes</b>

**6. SUMMARY OF COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS**

Name	Date received	Summary of comments
Building Control	10/05/2019	Supported that if building plans are to be submitted in compliance with SANS 10400.
Waste Management	10/05/2019	No objection. The site just needs to provide for the provision of refuse storage in terms of part U of SANS 10400 of the NBR.
Health Department	9/05/2019	No requirements.
Engineering Services	21/11/2019	See Annexure H.
Fire Department	30/09/2019	See Annexure I.
Western Cape Government : Transport & Public Works	28/10/2019	See Annexure J.

## **7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION, THE APPLICANT'S RESPONSE AND THE MUNICIPAL TOWN PLANNER'S RESPONSE THEREON**

An amount of 153 comments / objections / support letters were received (attached as Annexure F). The applicant was provided an opportunity to comment, and their comments are attached as Annexure G.

### **1. General comments from the applicant**

The objections / comments received can be categorised into 4 categories:

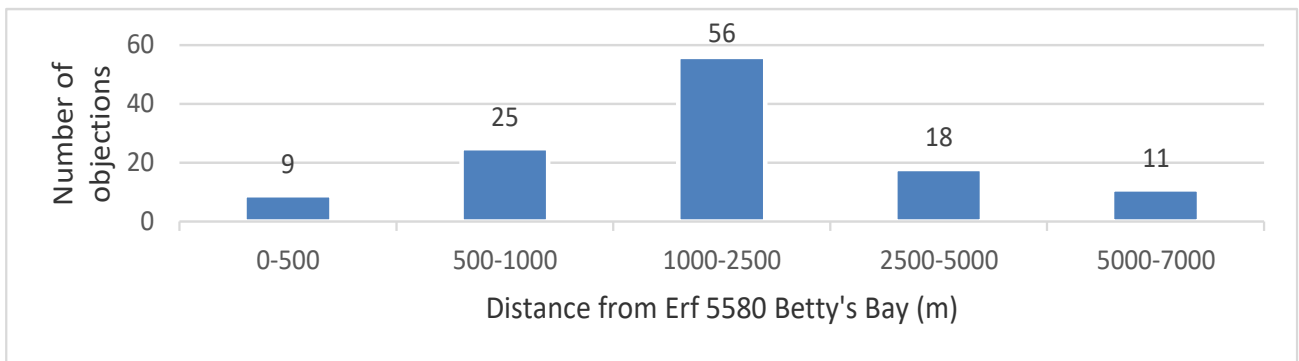
- 2, 15 and 36 copies of the exact same letters respectively of objections;
- 2 petition lists;
- general objections;
- 5 letters of support.

A total number of two hundred and fifty three (253) notices were sent via registered post of which only thirty (30) people, that constitutes 12%, responded to the proposed consent use for a bottle store. One hundred and fifty three (153) objections were received and by excluding duplicated erf numbers pertaining to persons that objected and commented on the application that disclosed their addresses, the number of objections/comments are reduced to one hundred and twenty four (124).

The address information of the people that objected/commented on the application who disclosed their physical addresses and mapped it on a base map of Betty's Bay that was used in order to ascertain their proximity to the proposed bottle store. A copy of the map is enclosed for easy reference. See Annexure F.

From the mapped information the following conclusions can be make:

- No adjoining land owner objected against the proposed bottle store except for the owner of Erf 2669, Betty's Bay that requests that a wall be erected between her property and the bottle store and that the owner ensures that bottles possibly being thrown over the wall into her property be picked up;
- No objections were received from businesses in Betty's Bay;
- Within a radius of 1km from Erf 5580, Betty's Bay thirty four (34) people have commented/objected, and between 1km to 7km eighty five (85) people have commented/objected. It can therefore be argued that the majority of people that commented/objected are not in close proximity to the proposed bottle store. Please refer to the graph below indicating the number of comments/objections received in relation to the distance of the persons who have provided comments/objections, from Erf 5580, Betty's Bay.



- It can be argued that  $\pm 88\%$ , two hundred and two (202) of the adjoining landowners within the same extension of Betty's Bay support the application. The same statistics apply to the number of permanent households in Betty's Bay. Percentage wise only  $\pm 12\%$  opposed the application. Subsequently the majority permanent households support the application for a consent use to establish a bottle store on Erf 5580, Betty's Bay.
- The BETTY'S BAY RATEPAYERS ASSOCIATION are not going to be voicing an opinion as an association, per se, instead each member in their personal capacity will be individually, putting their comments forward. There is no majority decision within the committee hence the decision taken.

Cognisance should be taken of the fact that Erf 5580, Betty's Bay is an established business site that is zoned Business Zone 3 and 2635m<sup>2</sup> in extent. The primary land use rights under the property's current zoning are shops, flats and offices. In order to develop the site taking up these land use rights only requires a building plan submission of which the plans must conform to the land use restriction applicable under the property's zoning. The definition of a shop reads as follow:

**"shop"** means a property or part of a property used for the retail sale of goods, items and services to the public, including a retail concern where goods which are sold are manufactured and repaired; provided that the floor space relating to such manufacture or repair shall not exceed 50% of the floor space of the shop; "shop" does not include an industry, service trade, motor repair garage, service station, restaurant, adult entertainment business or sale of alcoholic beverages, and if such uses are included on the property they shall be regarded as separate uses subject to such separate development rules as may be determined by Council;

With reference to the above definition of shop, the main concern is the retail sale of goods, but excludes the sale of alcoholic beverages. In order to establish a bottle store requires that an application be lodged for a consent use, however the zoning remains the same.

It can be argued that even though a consent use is required, the land use would remain the same. The main concern would still be the retail sale of goods, it is just a matter of the fact that a small portion of the existing small shopping centre consisting of  $\pm 56\text{m}^2$  will be used for the retail sale of alcoholic beverages.

The fact that the zoning be retained and that the business premises would not be expanded, no additional parking would be required. Twelve (12) parking bays were approved on the building plan and twelve (12) parking bays are still being provided on-site. The minimum of parking bays was calculated in terms of the Section 8

Scheme Regulations contained in Ordinance 15 of 1985 that was applicable at the time of the approval of the building plans. Should the need arise for additional parking space  $\pm 88\%$  of the subject erf is still vacant and can be utilised to establish additional parking bays.

This application is for a Tops Liquor Shop only and not a Spar Supermarket as stated by many objectors. The owner of Erf 5580, Betty's Bay is also the owner of a Tops Liquor Shop in Grabouw that is managed in the same fashion that we are proposing. No low budget wines and so called "quarts" (750ml beer bottles and crates of 750ml bottles of beer) will be sold from the premises. This has been implemented at the owner's Tops Liquor Shop in Grabouw and it makes a great difference to the clientele supporting the liquor shop. Subsequently vagrants and other unwanted elements are successfully deterred from entering and hanging around the liquor shop.

The accesses in terms of the site plan reflect the current layout of the site and the existing accesses being used from Clarence Drive (R44) and Coral Road. What we could ascertain via Google Earth aerial photography is that these accesses have been in use since 2005. Please refer to the aerial photographs below:



Aerial Photograph 2005



Aerial Photograph 2019

## 2. COMMENTS ON THE OBJECTIONS

The objections (in **bold** print) and the applicant's response thereon can be summarised as follow:

### **Objection**

**2.1. Betty's Bay is quiet town of which the most inhabitants are pensioners with a small influx of younger people that work in Somerset West, Cape Town and Hermanus. The people that commute to work in other towns can buy their alcoholic beverages on-route and the pensioners are not interested in purchasing alcoholic beverages. Subsequently there is no demand for a bottle store.**

### Applicant's response

Some people do have the luxury to purchase groceries and liquor elsewhere on route to and from their place of work. Some of the pensioners in Betty's Bay are also

financially sound to be able to commute to Somerset West, Kleinmond and Hermanus to do their shopping that includes the purchase of liquor. As mentioned above only 12% of the people responded to the notices that was sent and it should also be kept in mind that the application was also advertised in the local newspaper.

The majority of residents in Betty's Bay did not respond and it could be argued that they then subsequently give their consent for the establishment of a Tops Liquor Shop within the existing small shopping centre. Not all the residents in Betty's Bay can afford to commute to adjoining towns due to the high fuel prices and small pension that they receive. Betty's Bay has expanded tremendously over the last couple of years where it is not only a small holiday village anymore, but a town that justifies a diversity of shops.

To give an indication of the current growth of Betty's Bay, a total number of 68 building plans for new houses were approved from 1 July 2018 to 30 June 2019. The last-mentioned information was obtained from the Overstrand Municipality Building Control Office, Hermanus.

#### Town Planner's response

The objector mentioned people can buy their alcoholic beverages en-route and pensioners are not interested in purchasing alcohol beverages, is an assumption not proven by the objector. The fact that Betty's Bay is a quiet town does not implicate that a liquor shop will change the quietness.

#### **Objection**

**2.2. There are 4 bottle stores in Kleinmond and 1 bottle store in Pringle Bay. There are also a number of restaurants within close proximity of Erf 5580 Betty's Bay that have liquor licences. The proposed bottle store will have a negative impact on the existing bottle stores established in Pringle Bay, Kleinmond and also the restaurants that are established in the vicinity of Erf 5580 Kleinmond.**

#### Applicant's response

The application constitutes the establishment of a Tops Liquor Shop within an existing shopping centre that will be ±56m<sup>2</sup> in extent. Providing a liquor shop diversifies the retail sale goods in Betty's Bay. Subsequently money will be spent in Betty's Bay and not elsewhere. The general population would benefit from both keeping business in Betty's Bay and save hard earned money on the cost of traveling. It is also our opinion that because liquor is available in town, there would be no need to commute to neighbouring towns and subsequently the local shops and deli's in the area would also be supported.

When considering any application, cognisance should be taken of the desirability of the contemplated utilisation of land by measuring it against the principles contained in the provisions of a relevant integrated development framework, sectoral plan, structure plan or zoning scheme regulations/by-laws, in so far as these relate to desirability, or of the effect of the application on existing rights, but not any alleged right to protection against trading competition.

There are a number of restaurants in Betty's Bay that do have liquor licenses, but the liquor licence is for the consumption of liquor on-site. Subsequently the liquor bought

must be consumed at the restaurant and may not be taken home. Subsequently the objectors are promoting the consumption of liquor at restaurants and bars that could cause a greater threat to road users as the patrons have to drive or walk back home.

Town Planner's response

The fact that a bottle store in Betty's Bay will be to the detriment of the other towns' bottle stores are a business objection, which none of them objected to the proposed application is thus unfounded. Taking into consideration that as indicated by the objectors that Betty's Bay consist mostly of pensioners, it is evident that diversity of commercial activities should be available in the town to cater for the elderly that is not able to or can afford to drive long distances and are now forced to do so to their detriment.

**Objection**

**2.3. Erf 5580, Betty's Bay is within a conservation area where Klipspringers (small antelope) and baboons and other wild animals still make their appearance. The bottle store will have a negative impact on the character of the area.**

Applicant's response

Cognisance is taken of the fact that Betty's Bay is located within an area of natural beauty, but it should also be kept in mind that in fact Betty's Bay is an established, developed township that consists of residential erven, public roads, public open spaces, and established business erven. Erf 5580, Betty's Bay is an established business erf and is being utilised as such.

Our application does not constitute an expansion of an urban area within a nature area. It is proposed that a portion of an existing shopping centre established on Erf 5580, Betty's Bay be utilised as a liquor store. In effect it would be the change of use of a portion of an existing business building that is ±56m<sup>2</sup> in extent to a shop now selling liquor.

Subsequently the application will not have a negative impact on the character of Betty's Bay, as stated. The primary use will remain.

Town Planner's response

It is unclear what the wildlife has to do with a bottle store. There is no proof that a bottle store impact on the wildlife. Pringle Bay has a bottle store and the wildlife there is still exactly the same as in Betty's Bay.

**Objection**

**2.4. A chain bottle store will impact diversely on the character of Betty's Bay. Many people have bought property here for the village/quiet and un-commercial feel of the town and such atmosphere will change if the application is approved.**

Applicant's response

As mentioned above, the application constitutes the change of a portion of an existing business building to a shop that will sell liquor. The small shopping centre is located on an established 2635m<sup>2</sup> business site within an established commercial area. Subsequently the owner can expand the shops, make provision for offices and flats should he wish to do so within his current land use restriction.

Subsequently the proposed Tops Liquor Shop will not have an impact from a business use point of view or the atmosphere of Betty's Bay. Betty's Bay is an expanding coastal town and subsequently vacant business erven will be developed in order to cater for the needs of the inhabitants of the town and existing shops could expand and diversify for the same reasons.

Town Planner's response

Betty's Bay's character cannot be impacted on by a bottle store, since it is located in an existing business node with various land uses. The latter already impacted on the character of the area.

**Objection**

**2.5. *The granting of permission to sell liquor at this or any other premises will not fit in with the general atmosphere of this small holiday town. The availability of alcohol will have a detrimental social effect on especially the vulnerable members of society. The granting of this application will bring no advantage to this area.***

Applicant's response

As mentioned above the proposed liquor shop will not have an impact on the atmosphere of Betty's Bay. A clear example, would be the bottle store that is established in Pringle Bay. The atmosphere of Pringle Bay remained that of a village after a bottle store was established within its business centre. One cannot safeguard all the residents of a town, there will always be social problems, substance abuse, etc., but it is always the minority of people. One should also make provision for the majority of people within a township and provide also for their needs. As mentioned in our general comments above, no low budget wines and so called "quarts" (750ml beer bottles and crates of 750ml bottles of beer) will be sold from the premises.

The advantages brought to the town have been mentioned in our response and can be summarised as follow:

- Business will remain in Betty's Bay instead of residents commuting to adjoining towns to support businesses there.
- Because residents are not traveling to surrounding towns to purchase their liquor, they would more than likely now also support the local shops and delis.
- Residents will save money on traveling costs.
- Because more people will spend money in Betty's Bay more job opportunities will be created.

Town Planner's response

By diversifying business in Betty's Bay make for a more sustainable commercial enterprise, which is to the advantage of the local community.

**Objection**

**2.6. *It is believed that ready access to alcohol creates social problems due to alcohol abuse, which also may increase accidents and crime in the area and that the levels of policing are not sufficient to deal with such issues.***

Applicant's response

From the objections received many objectors promote the consumption of alcoholic beverages at the local restaurants and pubs as we have mentioned earlier in our response. We are of the opinion that this poses a greater threat than the proposed liquor shop. Patrons of the bars and restaurants have to drive or walk back to their place of residence that poses a great risk to other road users. By introducing a bottle store, residents can now enjoy alcoholic beverages at their homes and would reduce the number of intoxicated road users.

The nearest South African Police Services (SAPS) is located in the Main Road, Kleinmond that is an extension of the R44. With the exception of a few stop signs in Kleinmond the remaining extent of the R44 has no stops along the way to the site. Subsequently Erf 5580, Betty's Bay is easy accessible to the local SAPS that also patrol areas of Betty's Bay regularly. Pringle Bay is further removed from the Kleinmond SAPS and the established bottle store in Pringle Bay causes no issues.

It is a common occurrence that security guards are appointed by liquor shops in order to assist the local SAPS. Examples can be found at most of the Tops and Checkers liquor shops. The same would apply to the proposed liquor shop. The owner has confirmed that there would be a security guard at the liquor shop during all operating hours.

Town Planner's response

The social impact of the misuse of alcohol is not disputed, however again it needs to be reiterated it comes down to human behaviour. Crime is evident in every town and the bottle store cannot be held responsible for crime and other social evils in a town.

**Objection**

**2.7. *The location of the proposed shop is problematic.***

Applicant's response

Our application constitutes the change of land use of a portion of an existing business building located on an established business property with a zoning of Business Zone 3. We are not creating new business premises. The existing road infrastructure should be revisited by the Overstrand Municipality to create safe access to the existing business properties gaining access from Coral Road.

Our client wishes to retain the access from the R44. The shopping centre is visible from the R44 and access from the R44 would be more favourable than gaining

access from Coral Road only. We take cognisance of the fact that the existing access from the R44 is very narrow and steep. The owner of Erf 5580, Betty's Bay is willing to upgrade the access from the R44 to an extent that it meets the approval of the Western Cape Government : Transport & Public Works (DOT).

We have made contact with Mr. Faisal Fakier at DOT and also requested the Overstrand Municipality to forward the application to them for their comment. The matter with regards to access will be further dealt with and clarified after receiving their comments. We will also discuss the matter with the Overstrand Municipality Engineering Department.

#### Town Planner's response

The proposed liquor shop is located on the fringe of the residential area and are thus appropriately located versus a location in the centre of a residential township.

#### **Objection**

#### **2.8. The lack of a liquor shop helps to keep the "village" feel of Betty's Bay.**

#### Applicant's response

The use of a portion of an existing business premises to change the land use to make provision for a liquor shop will not change the so called "village" feel. As mentioned earlier, Betty's Bay is a growing town; business will expand and diversify to cater for the needs of the town.

#### Town Planner's response

Betty's Bay is predominantly a holiday town, but recently has seen an influx of permanent residents. It is uncertain how a bottle store can influence the village feel, since the present community shops can apply for a grocer license to sell various quality of wines. Pringle Bay is a prime example of retaining a village feel even with a bottle store.

#### **Objection**

#### **2.9. Location also not ideal being close to the main road which can increase road and pedestrian accidents. It is also felt that police levels are not sufficient to deal with the current levels of crime which may well increase as access to alcohol increases.**

#### Applicant's response

Please refer to the comments under paragraphs 2.6 & 2.7 above.

#### Town Planner's response

The locality has been discussed under point 2.7 above. It is thus acknowledged that crime without a bottle store does exist and it is unclear how the bottle store will exacerbate the present situation. The fact that a police station does not exist in the area, is a concern to be taken up with the Department of Correctional Services, should residents feel that a SAPS Police Station is required.

**Objection****2.10. Glass on beaches, noise on beaches and picnic areas, increase in rubbish. Betty's Bay is almost strictly residential.**Applicant's response

Betty's Bay is also a popular holiday destination and experiences a great influx of people over the school holidays and long weekends. Visitors to Betty's Bay do not always share the same sentiment when it comes to preserving the natural beauty the town has to offer. Littering and noise pollution do occur, but the proposed bottle store or bottle stores in the neighbouring towns cannot be held responsible for this occurrence. It is also our opinion that the most litter derives from general dealers and cafes consist of cold drink cans / bottles, food wrappers, take-away boxes and other food packaging. Law abiding citizens do not drink alcoholic beverages on beaches and public accessed areas as this is against the law.

The rubbish output of a liquor store is much less than a general dealer or shop due to the fact that no food stuffs are prepared on-site, and no perishables are being sold. It is also a known fact that liquor shops make use of the boxes that liquor arrives in to be reused as packaging for their patrons instead of making use of plastic bags.

Town Planner's response

Betty's Bay do have commercial space and not just residential. It is illegal to drink alcohol in public places and the liquor store cannot be blamed for these irregularities.

**Objection****2.11. There are numerous restaurants that are licensed in Betty's Bay where alcoholic beverages can be purchased and enjoyed while having a meal & admire the scenery and tranquillity.**Applicant's response

Not everyone can afford to have drinks at a restaurant where liquor is being sold at escalated prices. With the current traffic laws in place one can hardly enjoy a single drink and not be over the legal limit. Subsequently people prefer buying alcoholic beverages and enjoy it in the comfort of their own home. We cannot promote that people should rather enjoy alcoholic beverages at restaurants rather than at home due to the fact that it would cause more people to drive under the influence of alcohol placing other road users at risk.

Town Planner's response

Concur with the applicant.

**Objection****2.12. A bottle store is unnecessary and will attract undesirable elements and spoil the character of the nature orientated area. As such the market value of properties will be negative affected.**

Applicant's response

Please refer to our comments under paragraphs 2.3 and 2.5 above. Also take note of the fact that the objector is located within a primary single residential area  $\pm$  450m (in a straight line) from Erf 5580, Betty's Bay. The proposed liquor shop will therefore not have a negative impact on the market value of their property.

Town Planner's response

It is unclear why the bottle store will attract undesirable elements since it will most probably be of service to residents and holiday makers. Again it is pure speculation that a liquor store will spoil the nature orientated character of the area. Again, Pringle Bay could serve as an example that it does not.

**Objection**

**2.13. A bottle store will attract alcoholics and some potential homeless and destitute to the village, increasing the potential for crime.**

Applicant's response

Please refer to our comments under paragraph 2.5 above.

Town Planner's response

The comment is unfounded, since alcoholics will obtain liquor at any place, fashion or price. Bottle stores cannot be held responsible for human behaviour and possible homeless people. It is the society that must address these issues, not the proposed land use.

**Objection**

**2.14. A bottle store will only encourage individuals that flock to Betty's Bay for the sole purpose of consuming as much alcohol as possible and then speed on the dirt roads and keep their neighbours awake with loud music and rowdy behaviour.**

Applicant's response

We believe that in general people visit Betty's Bay for its natural beauty, its beaches, the Harold Porter Botanical Garden and the penguin colony found at Stoney Point. The proposed liquor shop will definitely not be the cause of people flocking to Betty's Bay. To consume as much alcohol as possible would not be the priority on their to-do-list. It can also be argued that if it is their prerogative to do so that they might bring their alcoholic beverage with them that they have purchased elsewhere.

If any person is loitering or is under the influence of alcohol or doing anything else illegal it should be reported to the SAPS who will investigate the matter. The proposed liquor store cannot be solely held accountable for the misuse of alcohol due to other factors such as restaurants and pubs selling liquor and also liquor being purchased in other towns to be enjoyed in Betty's Bay.

Town Planner's response

The comment is unfounded and purely speculative. Why would people flock to Betty's Bay to buy alcohol if they can anyway obtain it in other areas.

**Objection**

**2.15. It would cause more hazards on the main road, drunken pedestrians, loitering, an increase in crime which we work very hard to keep to a minimum. All establishments serve alcohol in any case.**

Applicant's response

Please refer to our comments under paragraphs 2.5 and 2.6 above.

Town Planner's response

The liquor shop is subservient to the Spar Grocery Shop with security measures in place. Access will not be from Main Road and in terms of South African Law, loitering is not a crime. Drunken pedestrians can also be a result of them frequenting a restaurant. The objector refer to other establishments that serve alcohol in any case, why should it thus be different for a bottle store.

**Objection**

**2.16. Studies show that alcohol outlets contribute to both crime and urban decay.**

Applicant's response

It is our opinion that each liquor store should be dealt with on its own merit. The social envelope plays a great role and where a bottle store is located. A further factor is how the bottle store is managed and stocked. We have received a letter of support referring to a Tops Liquor Shop in Stellenbosch that poses no risk and has no impact on the urban environment. The uncontrolled sale of liquor within low cost housing developments does pose a threat to the social wellbeing of the residents within a township and does impact negatively on a community.

We are proposing a reputable liquor shop that will not sell low budget wines, etc. as mentioned in paragraph 2.5 above. The liquor shop will be established within an existing business building on an established business property within a business node of Betty's Bay that will be well-managed.

Town Planner's response

The objector's comments are noted, however this relates to predominantly to stand alone bottle stores. If part of the shop, this is managed due to the impact it can have on the supermarket. It is thus in the best interest of the grocery shop to ensure that the liquor shop is managed in a similar fashion.

**Objection****2.17. A big chain business will only damage the business environment that the local businesses have cultivated.**Applicant's response

Our application is for the establishment of a Tops Liquor Shop. There are no liquor stores in Betty's Bay and therefore it will not have a negative impact on the business environment. It is our opinion that the local shops will rather benefit from the liquor shop due to the fact that residents do not have to drive to other towns to purchase their liquor where they would more than likely also do their grocery shopping. All their shopping needs can now be fulfilled in Betty's Bay.

Town Planner's response

The extent of the Spar is of such a nature, that it is seen as a community grocery shop. However a shop is a primary right and thus cannot be evaluated in terms of this application, only the consent use for a liquor shop.

Residents can benefit from the business competition ensuring quality of service, produce and competitive prices.

**Objection****2.18. Our coloured community does not want a liquor store.**Applicant's response

Having read all the objections and petitions and mapping all the properties of owners who have objected it can be stated that no objection was received from the coloured community.

Town Planner's response

The Mooiuitsig Community did not comment and is it presumptions to comment on their behalf.

**Objection****2.19. We do not need big shops and bottle stores that will make liquor cheap and easy to come by and increase the number of inebriated and unwanted characters in the neighbourhood. Have a drink at the restaurant or if you are that desperate then drive to Kleinmond, but keep Betty's Bay free of alcohol abuse and unwanted elements.**Applicant's response

Our application does not constitute the establishment of a large shopping centre, but a Tops Liquor Shop that will be located within an existing small shopping centre. The Tops Liquor Shop will be ±56m<sup>2</sup> in extent.

Please also refer to paragraphs 2.2, 2.5 and 2.11 above.

Town Planner's response

The Spar Shop is not part of the application as it is a primary right. The extent of the building is as such that it cannot be viewed as a big shop. It is unfair to burden the surrounding towns with facilities and vices of the residents of Betty's Bay. The applicant did indicate that no papsak and quarts will be sold, the so-called "cheap liquor".

**Objection**

**2.20. There is no guarantee that it will not sell budget liquor right on the provincial road that has a speed limit of 80 – 100 km/h speed limit with dangerous exit / entry onto it. The risk of increase of drunk people on beaches and braaiing that will increase fire risk.**

Applicant's response

We have mentioned that the owner will not sell budget liquor. Please refer to paragraph 2.5 above. The owner also manages a Tops Liquor Shop in Grabouw the same way with great success. In order to safeguard our proposal the Overstrand Municipality can make it a condition of approval.

Please also refer to our comments under paragraphs 2.7 and 2.14 above.

**Town Planner's response**

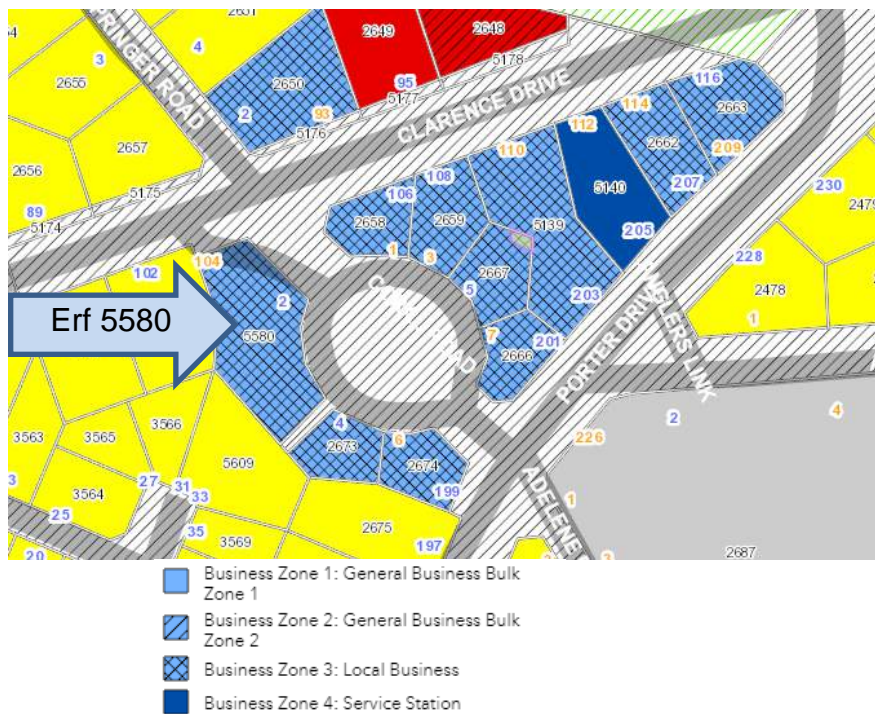
The access will to the provincial road will be closed, since the Department of Transport did not approve such an access. As the objector mentioned, people can consume liquor at establishments or get it from other areas. It is thus unfounded how the liquor store could be blamed for this behaviour on beaches.

**Objection**

**2.21. Betty's Bay does not need a business hub.**

Applicant's response

Betty's Bay is a growing coastal town as mentioned in paragraph 2.1 above. A business hub is not being created with this application. Erf 5580, Betty's Bay is within an already established business node. Please refer to an abstract below from the Overstrand Municipality's Zoning Map for easy reference:



### Town Planner's response

The erf is located in an existing hub as per the Township Establishment dated 1943, thus the business hub was there since the establishment of Betty's Bay Extension 1.

### **Objection**

**2.22. Whilst we are not against development in principle, we are opposed to this application as it goes against the original Title Deed restrictions and ethos of the village.**

### Applicant's response

With reference to our comments under paragraph 2.1 above referring to the growth of Betty's bay is it clear that businesses have to diversify in order to accommodate the needs of its residents. The restrictions were a very important governing tool prior to the Municipal Zoning Schemes coming into effect. Please refer to the following relevant statement received in writing during our public participation process.

"According to somewhat out-dated (possibly 2017) statistics there are 1 807 built erven (out of a total of 3 221) and with a permanent population of 2 600 in the 1 080 permanent households. According to some estate agents about 50 plus new houses have on average been built each year for the last 4 to 5 years - many of which are for permanent residents. As a result a SPAR has possibly become a viable option and so also a TOPS."

With reference to the above is it clear that Betty's Bay has grown to an extent where land uses as proposed becomes viable. The land use restriction imposed in the Title Deeds of Betty's Bay can be deemed to be out-dated and that the current Zoning Scheme Regulations are more than capable to govern land uses in a modern world. The liquor shop will be well managed as stated in paragraph 2.5 and will be compatible with the character of the established Betty's Bay business node.

Town Planner's response

The objector's comment is noted, however the same title deed makes provision that the Administrator may amend or alter the conditions, should the situation arise. The town was established in 1943 and that the owners and their needs have changed substantially over the past 77 years and the possibility to cater for the future was already enshrined in the Conditions of Establishment with the possibility that conditions may be altered or amended. The ethos thus has not been affected and was provided for.

In terms of the Conditions of Establishment for Betty's Bay Extension 1, Erf 349 was allocated for hotel purposes only. Thus an "off-sales" was allowed in the township.

**Objection**

**2.23. The current access from the R44 coming from Cape Town is an accident waiting to happen, and the road must be engineered and marked to have a right-hand only turning lane so that people wanting to shop at the Spar can safely wait before turning and more importantly those carrying straight on can do so safely. The emergency lane might have to be removed to allow for this.**

Applicant's response

As stated in paragraph 2.7 the accesses to the site will be further investigated on receipt of the comments from DOT.

Town Planner's response

The access to the R44 will be closed.

**Objection**

**2.24. It is not allowed for delivery lorries to offload on main roads. Deliveries must offload on side roads or on private land. Therefore deliveries to Spar / Tops must either access the site from the R44 down the steep drive or from Porter Drive via the traffic circle in Coral Road.**

Applicant's response

Please refer to paragraph 2.7 and 2.23 above. The provision of a loading bay will also be investigated on receipt of the comments from DOT.

Town Planner's response

The access to the R44 will be closed.

**Objection**

**2.25. As all Spars have a food takeaway section there is an issue of littering being dropped up to a kilometre away by those on foot who are eating their takeaway. Spar should commit to having a litter pick up plan.**

Applicant's response

Our application is solely for the establishment of a Tops Liquor Shop only. Taking the current zoning of the subject erf into consideration, the owner will be able to establish a Spar Grocery Shop (not a supermarket) on the site within his current land use right. He will have to conform to the land use restrictions in terms of its zoning and the National Building Regulations.

Town Planner's response

The same principle that applies to all the other businesses in Betty's Bay with regard to ensure cleanliness in and around their business, will apply to this business site.

**Objection**

**2.26. Spar and Tops should not be allowed to add to our refuse burden and should have a recycling and waste management plan which shows their commitment to recycling.**

Applicant's response

The property is within an approved established business centre of Betty's Bay that is already serviced by the Overstrand Municipality that has the capacity to service the site in all aspects. No additional business erven are being created and it is not proposed with this application that the current building be expanded.

It is known facts that liquor shops make use of their delivery boxes to pack patrons liquor purchased. Subsequently the boxes are being recycled and less plastic bags are being used. The waste output of a liquor store in general is much less than shops in general. Please also refer to our comments under paragraph 2.10 above.

Town Planner's response

The same will apply to this site as to every business site with regard to refuse removal.

**Objection**

**2.27. We are totally inundated with poachers and their reckless driving. This is an obvious breach of the law to which SAPS, or Cape Nature for that matter, are not responding adequately. Does anyone believe that either party would respond to drunk and disorderly behaviour? Betty's Bay is already permeated by crime. Alcohol feeds aggression in many people.**

Applicant's response

Poachers in the vicinity and their doings are not related to this application. Also refer to our comments under paragraph 2.14 above.

Town Planner's response

Comments of the objector are noted. The comments does not relate in any way to the liquor store application and is thus irrelevant.

**Objection**

**2.28. The approval of the proposed consent use and amendment of the Title Deed would be fixed to the property and not the owner. Should the property be sold after approval has been obtained there would be no guarantees in place that the new owner would follow suit to also not sell low budget wines and beer quarts. There are no restrictions in terms of the definition of a bottle store of what kind of liquor may be sold.**

Applicant's response

Please refer to our comments under paragraph 2.20 above.

Town Planner's response

The objector is correct; the rights of the consent will vest against the property and not the owner. A condition to deal with the "cheap liquor" can be dealt with as a condition.

**Objection**

**2.29. The shelf life of liquor is very long and the price relatively expensive. The result is the normal household buy it at best price and use it over a long period of time. Most residents will thus not buy at the liquor store as the price will be high as the result of low turnover.**

Applicant's response

The application for consent use is to establish a Tops Liquor Shop within an existing business building. Being part of a great franchise will they be able to provide quality liquor at competitive prices.

Town Planner's response

The objectors are contradicting themselves by saying people would get drunk, but also because it is expensive they would use it for a long period which would then prevent them getting drunk.

**Objection**

**2.30. There is no justification as to why the Spar in Kleinmond should be replaced and lose business. The distance to travel to another bottle stores is well within the equivalent distances which would be travelled in Cape Town or Johannesburg or any other urban centre. The Spar in Kleinmond is well equipped and will lose business. If they lose business, they will be forced to lay off workers. The current population of Betty's Bay is not projected to grow.**

Applicant's response

When considering any application, cognisance should be taken of the desirability of the contemplated utilisation of land by measuring it against the principles contained in the provisions of a relevant integrated development framework, sectoral plan, structure plan or Zoning Scheme Regulations/By-Laws, in so far as these relate to

desirability, or of the effect of the application on existing rights, but not any alleged right to protection against trading competition.

It is our opinion that taking the growth of Betty's Bay into account that it justifies the establishment of a liquor shop and that it would not have a detrimental effect on the established liquor shops that are situated in the surrounding towns. No bottle store owner objected or raised any concerns during the public participation process.

Town Planner's response

The shop is a primary right on the erf. The extent of the shop is of such a nature that it will cater for Betty's Bay residents. It is not the Municipality's prerogative to safeguard certain businesses from market competition. The current population of Betty's Bay is growing based on the amount of building plans received in the last five (5) years. It is also a principle to allow people to work, shop and play in the area where they reside in, therefore reducing travelling cost. This again would make more money available to then spend on other items.

**Objection**

**2.31. Unless you consider Betty's Bay to be full of raging alcoholics, alcohol purchase can easily be planned on one of the inevitable forays into town such as Kleinmond, Strand or Somerset West.**

Applicant's response

Please refer to paragraph 2.1 above.

Town Planner's response

There is no reason for the abovementioned objection, and it is unfair to burden the surrounding towns with the vices of the residents of Betty's Bay. The availability of alcohol does not imply that the area is occupied by alcoholics.

**Objection**

**2.32. We note with surprise and dismay that Paragraph 3.5 of the motivation headed "Character of the Environment" does not contain any consideration or even a reference to the fact that we are dealing here with the buffer zone of South Africa's first Biosphere Reserve.**

Applicant's response

Please refer to our comments under paragraph 2.3 above.

Town Planner's response

It is imperative that people realise that the Kogelberg Biosphere Framework is not a conservation area (Stoll-Kleemann & Welp 2008) and thus regard the conservation function as the most important, which is factually incorrect. The erf is located in the Settlement SPCs which gives guidance on land uses in such category. The proposed land use is not in conflict with the Kogelberg Biosphere Framework.

**Objection**

- 2.33. To make it clear, it would take the same time to drive to the Village centre in Betty's Bay to access a liquor outlet as it does to Kleinmond, where there are at least, a wider range of general shops and service outlets available.**

Applicant's response

Cognisance should be taken of the fact that Betty's Bay is ±10km in width. Depending on where you live have a great impact on the distance required to travel to the liquor shops that are established in Pringle Bay and Kleinmond. Business will remain in Betty's Bay instead of residents commuting to adjoining towns to support businesses elsewhere. Because residents are not traveling to surrounding towns to purchase their liquor, they would more than likely now also support the local shops and delis.

Town Planner's response

Concur with the applicant.

**Objection**

- 2.34. The road infrastructure in the considered area is not suited for the kind of traffic that a liquor shop would incur.**

Applicant's response

Please refer to our comment under paragraphs 2.7, 2.23 and 2.24 above.

Town Planner's response

The road infrastructure was taken into consideration when the town was established. It is further unclear why the proposed consent use will have any more impact versus the existing rights that can be developed.

**Objection**

- 2.35. Our village does not need a liquor store and even a supermarket of any kind. In the light of the high substance abuse, domestic disfunction and poor social conditions amongst some parts of our community, especially the township of Mooiuitsig, we consider it an unwise and insensitive move to open a Tops and Spar in Betty's Bay.**

Applicant's response

Please refer to paragraphs 2.2, 2.4, 2.5 and 2.18 above.

Town Planner's response

This comment is unfounded and speculative and even derogative to the people residing in Mooiuitsig, since substance abuse, alcoholism, etc. is not only prevalent in less affluent communities, but rather prevalent in more affluent communities who can afford the various vices in the market.

**Objection**

- 2.36. The community of Betty's Bay has consistently rejected having a liquor store in Betty's Bay. This public sentiment continues still to this day as is reflected by the objections and should not be ignored.**

Applicant's response

As mentioned under our general comment above, only 12 percent of the residents responded to the notices that were sent and it should also be kept in mind that the application was also advertised in the local newspaper.

The majority of residents in Betty's Bay did not respond and it could be argued that the remaining extent of the township subsequently supports the consent use for the establishment of a Tops Liquor Shop within the existing small shopping centre. Not all the residents in Betty's Bay can afford to commute to adjoining towns due to the high fuel prices and small pension that they receive. Betty's Bay has expanded tremendously over the last couple of years where it is not only a small holiday village anymore, but a town that justifies a diversity of shops.

Town Planner's response

Concur with the applicant.

**Objection**

- 2.37. Most of the people do their shopping in Kleinmond, Strand and Somerset-West.**

Applicant's response

Please refer to our comments under paragraph 2.1 above.

We would also like to mention the following comments received during the public participation process from residents of Betty's Bay.

- "Betty's Bay needs a supermarket. With fuel prices sky high it will solve a lot of problems. Tops will be a winner. All the nice wine you can buy when you urgently need it."
- "I both personally, as a resident of Betty's Bay and the property portfolio holder of the Betty's Bay Ratepayers Association, have no qualms with regard to either a Spar or Tops coming to Betty's Bay, progress is inevitable together with the fact that many visitors/potential property owners always ask as to where would one buy groceries, etc. For Betty's Bay to be 'self-sufficient' to a degree will go a long way to improving the offerings of Betty's Bay without losing the 'country feeling'.

Town Planner's response

It is evident from the objector that the present facilities cannot cater for the residents' needs in Betty's Bay and that they do not have a choice, but to access goods from the surrounding towns. For the elderly that cannot drive the distances, it will now be possible to access the shopping centre to purchase all the products they need locally.

**Objection**

**2.38. This will result in an escalation of crime in this area i.e. drunk driving and the illegal sale of liquor to persons under the age of 18 years.**

Applicant's response

Please refer to our comments under paragraph 2.6 above. Our client is also the owner of the Tops Liquor Shop in Grabouw. He runs a well-managed liquor shop and knows what the consequences will be if alcohol is sold to under aged persons. Our client will manage the proposed Liquor Shop in the same responsible manner.

Town Planner's response

People buying alcohol under the age of 18 does not buy it at a bottle store. The age restriction is a legislative requirement for liquor shops in South Africa and will apply to the shop.

**Objection**

**2.39. Press reports have indicated that the Police in the Overstrand are understaffed and poorly equipped. Their ability to contain crime in Betty's Bay is at present token and should not be aggravated by the sale of intoxication substances. If an additional distribution point for liquor is required, please locate it close to the Kleinmond Police Station or in Pringle Bay.**

Applicant's response

The press reports referred to are not related to the general policing of our coastal towns, but to combat the endless battle against poachers in the area. This matter is being addressed by the South African Police. We find the suggestion rather confusing to locate a liquor distributor to Pringle Bay as it is further from the Police Station in Kleinmond or to be located in Kleinmond where there are already five (5) established Liquor Shops.

Town Planner's response

Objection is not relevant, should a police station be required in Betty's Bay, the request should be directed to the SAPS. Poaching is not relevant to the application.

**Objection**

**2.40. No building of the suggested liquor store or its associated supermarket is undertaken before Clarence Drive in that area has been provided with a traffic calming arrangement. I would object to any additional shopping facilities associated with the area where the Caltex fuel station is without such traffic calming.**

Applicant's response

Please refer to our comments under paragraphs 2.7, 2.23 and 2.24 above.

Town Planner's response

The Western Cape Government: Transport & Public Works must decide on this issue and is not for the applicant to decide. The shopping facilities are provided on properties where the business rights already exist.

**Objection**

**2.41. I object unless a wall is built between my property (Erf 2669 Betty's Bay) and the bottle store and that all bottles that are thrown over the wall onto my property be picked up by the bottle store owner.**

Applicant's response

Please note that the proposed liquor shop is located on the far side of the building in relation to Erf 2669, Betty's Bay. Please refer to the aerial photograph below:



It is our opinion that being a business site and the location of the proposed liquor shop that the impact of the business site in its current state and what is proposed will be similar.

Town Planner's response

This aspect can be addressed in the condition

**Objection**

**2.42. The application is only for a small portion of an existing building. There are also market stalls and additional toilet facilities indicated on the plan. even though the application is only for a small portion of ±56m² the application can only be evaluated if the full picture for the whole site is available.**

Applicant's response

The plans referred to were for the future development of the site within its current land use rights. Erf 5580, Betty's Bay is an established business site that can be developed within the parameters of the applicable land use restrictions. Our application does not constitute a rezoning to create a business premises, but merely to make use of a consent use. Subsequently the application can be dealt with in its current format.

Town Planner's response

The application is for a consent use of approximately of 56m<sup>2</sup>. Should the owner in future extend his business operations within the context of the primary right, it will be dealt with a building plan. Should he intend to make use of his consent uses, an application will have to be submitted.

**Objection**

**2.43. My concern is the fact that parking and vehicular aspects of the whole development should be known and approved by way of a sufficient detailed SDP / TIA. The access from the R44 should be closed and only Coral Road should be used to gain access.**

Applicant's response

Please refer to paragraphs 2.7, 2.23 and 2.24 above.

Town Planner's response

The access to Clarence Drive will be closed. A TIA is thus not relevant, since this aspect was taken into consideration with the establishment of the town. It was also not required by the Municipal Engineering Services Department.

**Objection**

**2.44. Parking onsite should be provided at a ratio of 6 bays per 100m<sup>2</sup> and a loading bay should also be provided on-site.**

Applicant's response

A site plan for the building was approved with a total number of twelve (12) parking bays. This plan was approved taking cognisance of the Section 8 Scheme Regulation contained in the Ordinance 15 of 1985. The regulations applicable at the time required less parking bays than what is required in the current Overstrand Municipality Zoning Scheme. Because we are not applying to extend the current building, but to change the land use, the parking provided in the past should suffice.

Twelve (12) parking bays were approved on the building plan and twelve (12) parking bays are still being provided on-site. Should the need arise for additional parking space ±88% of the subject erf is still vacant and can be utilised to establish sufficient parking.

Town Planner's response

The building was approved with parking bays. The applicant does not extend the building, thus the approval as per approved building remains in place. Configuration of the parking bays may be required to ensure traffic flow. Loading bay requirements will be resolved with the Engineering Department.

**Objection**

**2.45. *The liquor store should not be operational before the Spar grocery store. The site should also be appropriately fenced for security purposes.***

Applicant's response

Being within an area where fencing is not promoted and the fact that the business premises is one of the largest business sites in Betty's Bay a fence would look out of place and could have a negative impact on the character of the area. The owner does have land use rights to develop the site within its current land use rights. One cannot dictate how development should be phased if existing land use rights exist.

Town Planner's response

The applicant's comments are noted, but the objector does have a valid point. The whole application motivation is based on the Spar Grocery Store management of the property to indicate that the liquor shop will be managed properly and is part and parcel of the grocery shop. The consent use is a secondary right to the primary land uses and it would not be unreasonable to expect that either both the grocery shop and liquor shop be developed simultaneously or that the grocery shop be established before the liquor shop.

**Objection**

**2.46. *The current access point of Coral Road (or what appears to be Coral) onto the R44 is probably not only illegal but also problematic both from an ingress and egress point. Coral is very narrow at that point and with the somewhat steep approach gradient will also present stacking and visibility problems for motorists waiting to enter or exit the property. A widened road is essential, whether at its current access or a repositioned one, and should be wide enough to accommodate at least one car in each direction.***

Applicant's response

Please refer to paragraphs 2.7, 2.23 and 2.24 above.

Town Planner's response

The access to the R44 will be closed.

**Objection**

**2.47. *With more vehicular movements expected from the increased commercial activities on Erf 5580 the access point on Porter Drive can become very problematic. There are already nine (9) turnoffs from Porter Avenue***

***within about 400 hundred metres. Porter Drive is too narrow to properly accommodate such intensified traffic and there is no provision for any holding lanes or speed reduction slipways for turning vehicles.***

Applicant's response

Please refer to paragraphs 2.7, 2.23 and 2.24 above.

Town Planner's response

This aspect needs to be addressed by the Engineering Services Department. However, the application erf obtains it access from Coral Road via Porter Drive. There is enough road reserve to widen the road and is the responsibility of the Municipality to address the issue not the applicant's responsibility.

***Objection***

***2.48. The present narrow one-way system in Coral Road may cause problems for heavy delivery vehicles and could also result in conflicting movements with passenger cars.***

Applicant's response

Please refer to paragraphs 2.7, 2.23 and 2.24 above.

Town Planner's response

Refer to point 2.46.

***Objection***

***2.49. The on and off-loading areas of delivery vehicles must be carefully planned and provided. At present the rear wall is a solid blank wall with no access points/doors. Even if this were to be provided, it will still require road construction, which could be problematic.***

Applicant's response

Please refer to paragraphs 2.7, 2.23 and 2.24 above.

Town Planner's response

The erf has an approved building plan and the application will not extend the footprint of the building. Should the loading be problematic, the issue will be discussed with the applicant to see how one can address the issue.

***Objection***

***2.50. Practical loading areas will at present only be in front of the building thus compromising the car parking area. This may result in an inadequate car parking ratio. It should be at least 6 parking bays per 100m<sup>2</sup> gross leasable area excluding the loading zones.***

Applicant's response

Please refer to paragraphs 2.7, 2.23 and 2.24 above.

Town Planner's response

The building was approved as a business structure and the issue of loading bays should have been addressed. However, the point is duly noted and will be addressed at the building plan stage.

**Objection**

**2.51. *Should parking be provided on the R44 such parking bays should not be included in the parking requirement referred to above.***

Applicant's response

No parking bays are proposed on Clarence Drive (R44).

Town Planner's response

Concur with applicant.

**Objection**

**2.52. *Coral Road is currently a gravel road and should be tarred. With the gradient of Coral Road and the regular use by heavy vehicles it can be expected that, especially in the rainy season, Coral Road could, in its present state, become impassable.***

Applicant's response

Please refer to paragraphs 2.7, 2.23 and 2.24 above.

Town Planner's response

The application erf is zoned business since 1943 and thus envisaged that heavy vehicles will make use of the road. The tarring of Coral Road will have to be addressed by the Operational Department of the Municipality.

**Objection**

**2.53. *Given the abovementioned traffic related matters it is imperative that a proper traffic study be done, and a traffic flow and parking plan be developed.***

Applicant's response

Please refer to paragraphs 2.7, 2.23 and 2.24 above.

Town Planner's response

A TIA was not requested by the Engineering Services Department.

**Objection**

- 2.54. The approval of the Provincial Roads authority should be obtained as the current Coral/R44 access is unacceptable and dangerous.**

Applicant's response

Please refer to paragraphs 2.7, 2.23 and 2.24 above.

Town Planner's response

The access to the R44 will be closed.

**Objection**

- 2.55. It is appreciated that although it might not be stated as a consent use condition it would nevertheless be a benefit if local labour, and specifically from Mooi Uitsig be employed.**

Applicant's response

The correct procedures will be followed to advertise any vacancies and the appointment of staff will be done in line with Labour Law legislation.

Town Planner's response

The applicant will be requested to consider local employment where possible.

**3. SUPPORT:**

- 3.1. Betty's Bay is no longer a small rural community whose houses were mainly used for holiday purposes. According to somewhat outdated (possibly 2017) statistics there are 1807 built erven (out of a total of 3221) and with a permanent population of 2600 in the 1 080 permanent households. According to some estate agents about 50 plus new houses have on average been built each year for the last 4 to 5 years - many of which are for permanent residents. As a result, Spar has possibly become a viable option and so also a Tops.
- 3.2. The nearest bottle stores are in Pringle Bay (a smaller community than Betty's Bay) and without presenting any evident social problems and a few in Kleinmond – again without too many social problems.
- 3.3. It can be safely stated that most Betty's Bay property owners have liquor, and especially wines, in stock and also regularly offer their guests a social drink. The mere presence of a local liquor store could not have a detrimental effect on the daily lives of residents, but could save costs to travel to neighbouring towns while supporting the local Betty's Bay economy.
- 3.4. Assuming that the restrictive title condition is lifted then the consent use should not pose any serious problem other than specific issues relating to the locality, layout and topographical aspects thereof.
- 3.5. The Boord Stellenbosch has a Spar with a bottle store and across the street a Medi-Clinic and a residential area.

- 3.6. There was never problems in the 20 years I have resided there. The future development will be to the benefit of the town. Should problems arised, it can be verdict with management. I do not foresee any problems with the Spar or selling of alcohol.
- 3.7. Betty's Bay needs a supermarket. With fuel prices sky high it will solve a lot of problems. Tops will be a winner. All the nice wine you can buy when you urgently need it.
- 3.8. I both personally, as a resident of Betty's Bay and the property portfolio holder of the Betty's Bay Ratepayers Association, have no qualms with regard to either a Spar or Tops coming to Betty's Bay, progress is inevitable together with the fact that many visitors/potential property owners always ask as to where would one buy groceries, etc. For Betty's Bay to be 'self-sufficient to a degree will go a long way to improving the offerings of Betty's without losing the 'country feeling'.
- 3.9. When considering this application, it should be encouraged that local people are given first opportunity to apply for posts which will inevitably become available, which then already uplifts our area.
- 3.10. The non- selling of 750 ml quarts and cheap wine needs to be firmly controlled.
- 3.11. A condition which would be hugely welcomed by all, regardless of their stance, would be if the entire Coral Circle was tarred, i.e. from Porter entrance, round past Camelot, past Erf 5580, up to Clarence and down past the Post Office and ASK Security, meeting Porter entrance. Everything in life is a choice, thus I as a resident of Betty's Bay have no qualms with the restrictions being lifted on Erf 5580 so as to accommodate a Tops.
- 3.12. I have been staying in Betty's Bay for 10 years. The Spar will be a benefit and their bottle stores are always properly managed. I have no objection against the application.

We trust that you would find our comments on the objections in order and that the application will be dealt with favourably. We will keep the Overstrand Municipality informed of any further discussions with DOT regarding the existing accesses to the site and if any amendments to the site plan is required.

Town Planner's response

Noted.

**8. SUMMARY OF APPLICANT'S REPLY TO COMMENTS**

See Paragraph 7 above.

**9. MUNICIPAL ASSESSMENT OF COMMENTS (Town Planner's comment on objections/and response thereon)**

See Paragraph 7 above.

### Internal and External Departments

The application was supported by all internal municipal departments.

## 10. MUNICIPAL PLANNING EVALUATION (REFER TO RELEVANT CONSIDERATIONS GUIDELINE)

### 10.1 Background

N/A

### 10.2 (In)consistency with the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)

The application is in line with the planning objectives applicable to this application.

The objectives relating to:

#### Spatial Sustainability

The application is within the urban edge and will not impact on agricultural land or environmental areas. The application is in line with the promoting of compaction and mixed-use urban environments. The use of existing appropriate zoned land promotes long term financial sustainability.

#### Efficiency

The landowner wants to use the property to its full potential and make optimal use of municipal services available to the erf. The proposed use will enable the provision of service to the community thus eliminate travelling long distances that in return contribute economic well-being.

#### Spatial Resilience

The application is in line with local policies which promote optimal use of an erf to limit urban sprawl. The application will enable the applicant to optimise his assets, should it be necessary due to economic and/or financial reasons. The aforementioned is not applicable to the applicant but also the residents in creating employment opportunities within the area they reside in.

#### Good Administration

Administrative procedure was followed as prescribed by the Municipality.

### 10.3 (In)consistency with the principles referred to in Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014)

Same as Point 10.2 above.

### 10.4 (In)consistency with the IDP/Various levels of SDF's/Applicable policies

The IDP and Overstrand Municipality promote the establishment of tourist accommodation in the Overstrand area.

### 10.5 (In)consistency with guidelines prepared by the Provincial Minister

N/A

**10.6 Impact on Municipal Engineering Services**

Existing services will be used.

**10.7 Outcomes of investigations/applications i.t.o other legislation**

N/A

**10.8 Existing and proposed zoning comparisons and considerations**

The Overstrand Municipality Zoning Scheme Regulations is applicable to this area. The application is consistent with the primary rights and development trends in the area.

**11. ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS****The financial or other value of the rights**

The financial value of the right has not been discounted.

**The personal benefits which will accrue to the holder of rights and/or to the person seeking the removal**

The personal benefit to the person seeking the amendment of the condition is that the applicant can exercise the secondary rights attached to the zoning.

**The social benefit of the restrictive condition remaining in place, and/or being removed / amended**

The social benefit is the availability of a product to the benefit of the community, especially those who does not have the financial means or vehicles travelling to surrounding towns.

**Will the removal, suspension or amendment completely remove all rights enjoyed by the beneficiary or only some of those rights**

The proposed amendment will not remove any rights, since the business right e.g. is attached to the erf. The restriction of the sale of alcohol is removing the right of the applicant to exercise the secondary rights on the property.

**12. THE DESIRABILITY OF THE PROPOSAL**

The objections have been dealt with extensively and the discussion will be focussed on the desirability on the application for a consent use for a liquor shop.

In terms of desirability the following aspects need to be considered namely:

Economic Impact: the shop will attract money to the area. It will also stimulate growth within the existing business node that is in dire need of people visiting the node.

The applicant will make a substantial investment on the property that will add value to the node, especially taking into consideration that the property has had various tenants. The building at this stage is not fully occupied.

The engineering services is available and in existence to and on the property. A fully operational building will contribute to income generation to the Municipality, which if not fully utilised becomes a burden to the taxpayers.

The property is surrounded by business and residential erven. The proposed location of the shop within an existing building is located furthest away from the residential erven towards Coral Road. The impact of such a small shop will have little bearing on the residential erven since the operating hours are limited. Adjacent owners did purchase property adjacent an existing business node that does allow primary and consent uses. The directly affected owners did not object to the application, except the request that the property be walled.

The impact on safety, health and well-being on the community by the proposed liquor shop have not been proven by the objectors. In the Overstrand area, Pringle Bay and Kleinmond bottle stores do not have an impact on the aforementioned; it is the human behaviour that may be to the detriment of any community.

The proposed consent use will have no impact on the biophysical environment or heritage value of the area.

The property is located in a business node and Coral Road has a wide reserve to cater should it be necessary to widen the road. The building was approved, and a portion of an approved building will be utilized for the liquor shop. This aspect was taken into account with the approval of the building plan. However, one should also take into account that over the past 77 years delivery vehicles have evolved and it recommended that the applicant provides a service road off Coral Road at the back of his property to ensure manageable delivery vehicle movement. This aspect will have to be investigated and discussed with the owner and surrounding property owners.

In order to address the objections, the applicant made provision that no cheap liquor such as "papsak" and quarts be sold in the liquor shop. The owner will be requested to wall the property ensuring to limit the impact of the activities on the site with regard to the neighbouring properties.

The conditions of establishment of Betty's Bay was imposed 77 years ago and with development over this period of time with more and more residents permanently staying in Betty's Bay and development of the business erven, it is clear that the needs have changed. The conditions of establishment made provision for the changes by giving the option of the removal or amendment of conditions, if found desirable. The economic impetus into Betty's Bay with its growing community and younger community, it is viable for the applicant to develop the erf within the primary and consent use rights available to cater for the community. It is imperative to note that Extension 1 was established with a hotel site, where off-sales are allowed. The sale of alcohol was made provision for by the Township Developers.

Under the heading General, the applicant plotted the objections on a map and graphically indicated the locality of the objections. An amount of two hundred and fifty three (253) notices was distributed of which nine (9) objections were received within a radius of 500m and twenty five (25) objections between the radius of 500m

to 1000m. Most objections were received from people residing between 1km - 7km from the application site. The applicant argued that the majority of people objected are not in close proximity to the proposed liquor shop.

The objections received refer to the social impact of liquor, however the proposed application cannot be held responsible for human behaviour. The objections referring to the availability of alcohol in restaurants have its own implications, the notion that it is more acceptable to drink and drive. The aforementioned has more of a social and safety impact than the consumption of alcohol in your own home. The fact that the surrounding towns have bottle stores/liquor shops are irrelevant since a town must cater for its own vices and not burden the surrounding towns.

Betty's Bay demographic population is changing and therefore the needs of the permanent community. This is evident in the amount of building plans submitted and enquiries related to the development of existing business even.

The application for a liquor shop located in a business node on the fringe of the township is found desirable.

### 13. RECOMMENDATION

1. that the application in terms of Section 16(2)(f) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 (By-Law) on Erf 5580, Betty's Bay for the amendment of the restrictive conditions Page 3, Clause No. I.D.A.(a), Page 5, Clause No. II,D.A.(a) and Page 8, Clause No. III,D.(l)(a) in Title Deed T10710/2018, **be approved** to read as follows:
  - ❖ *"That the erf may only be used for uses as shops, business premises and bottle store which shall not include a licensed hotel, garage and/or buildings combining two or more of such uses together with such outbuildings as are ordinarily required to be used therewith, be erected on this erf."*
2. that the application in terms of Section 16(2)(o) of the By-Law for a consent use in order to utilize a portion of the existing building on the property concerned for a Tops Liquor Shop, **be approved** in terms of the provisions of Section 61 of the By-Law
3. that the approvals in Points 1 and 2 above be subject to the following conditions:
  - (a) the liquor shop be developed simultaneously with the Spar Grocery Shop;
  - (b) that no cheap liquor such as quarts and "papsak" be sold from the premises;
  - (c) that commercial rates and service tariffs, as determined by the annual budget be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
  - (d) that the facility complies with Health and Safety Legislation and Fire Regulations and that applications be made for the relevant Health and Safety and Fire Certificates;
  - (e) that adequate provision be made to manage the behaviour of patrons (both inside and outside the building) and for security and protection of

- surrounding properties, patrons, vehicles, etc. to the satisfaction of the Senior Manager: Town- and Spatial Planning;
- (f) that a single non-illuminated sign, that complies with the Municipal By-Law on Signage, may be displayed on the premises;
  - (g) that the trading hours of business be in accordance with Overstrand Liquor By-Law;
  - (h) that a Certificate of Acceptability from the Health Department of the Overberg District Council and Fire Prevention Certificate be obtained from the Municipal Fire Department;
  - (i) that the Overstrand Municipality retains the right to enforce any relevant legislation, as well as law and order on the premises, on the landowner/s;
  - (j) that the site provide for the provision of refuse storage in terms of Part U of SANS 10400 of the National Building Regulations;
  - (k) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
  - (l) that all the conditions in the Services Report (attached as Annexure H), be complied with, and
  - (m) that all the conditions imposed by the Western Cape Government : Transport & Public Works (attached as Annexure J), be complied with.
4. that the applicant and objectors be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above decision.

#### 14. REASONS FOR RECOMMENDATION

- ❖ The application has followed due procedure.
- ❖ A total of two hundred and fifty three (253) registered letters were send of which only nine (9) was within a radius of 500m. The direct surrounding owners did not object to the application.
- ❖ The property is located in an existing business node.
- ❖ It is located on the fringe of a residential area with the R44 Provincial Road as the northern boundary.
- ❖ Many of the objections are assumptions, whilst similar businesses are being conducted successfully in the surrounding towns.
- ❖ The character of an undeveloped sleepy town of Betty's Bay has changed substantially the past 77 years, permanent residents and a younger demographic is evident, which creates an economic market to cater for the different needs.
- ❖ No new municipal services will be required.
- ❖ The application is in line with the aims of the Overstrand Municipality Spatial Development Framework and Growth Management Strategy to promote economic development within the existing business nodes.
- ❖ The objections received question the desirability of the application in relation to the impact on the character of the area. The area is however identified as a business node.

- ❖ The objectors question the desirability of the application in relation to the impact on surrounding property owners. The surrounding owners did not object to the application.
- ❖ The approval of the application would create job opportunities and also benefit the economy of the area with residents' spending money in the area.

**15. ANNEXURES**

Annexure A:	Locality Plan
Annexure B:	Motivation Report
Annexure C:	Original Site Development Plan
Annexure D:	Amended Site Development Plan
Annexure E:	Title Deed T10710/2018 and Conveyancer Certificate
Annexure F:	Objections received
Annexure G:	Applicant's response to objections received
Annexure H:	Services Report
Annexure I:	Comment: Fire Department
Annexure J:	Comment : Western Cape Government : Transport & Public Works

**SIGNATURE****REGISTERED PLANNER**

Name: **H VAN DER STOEP**

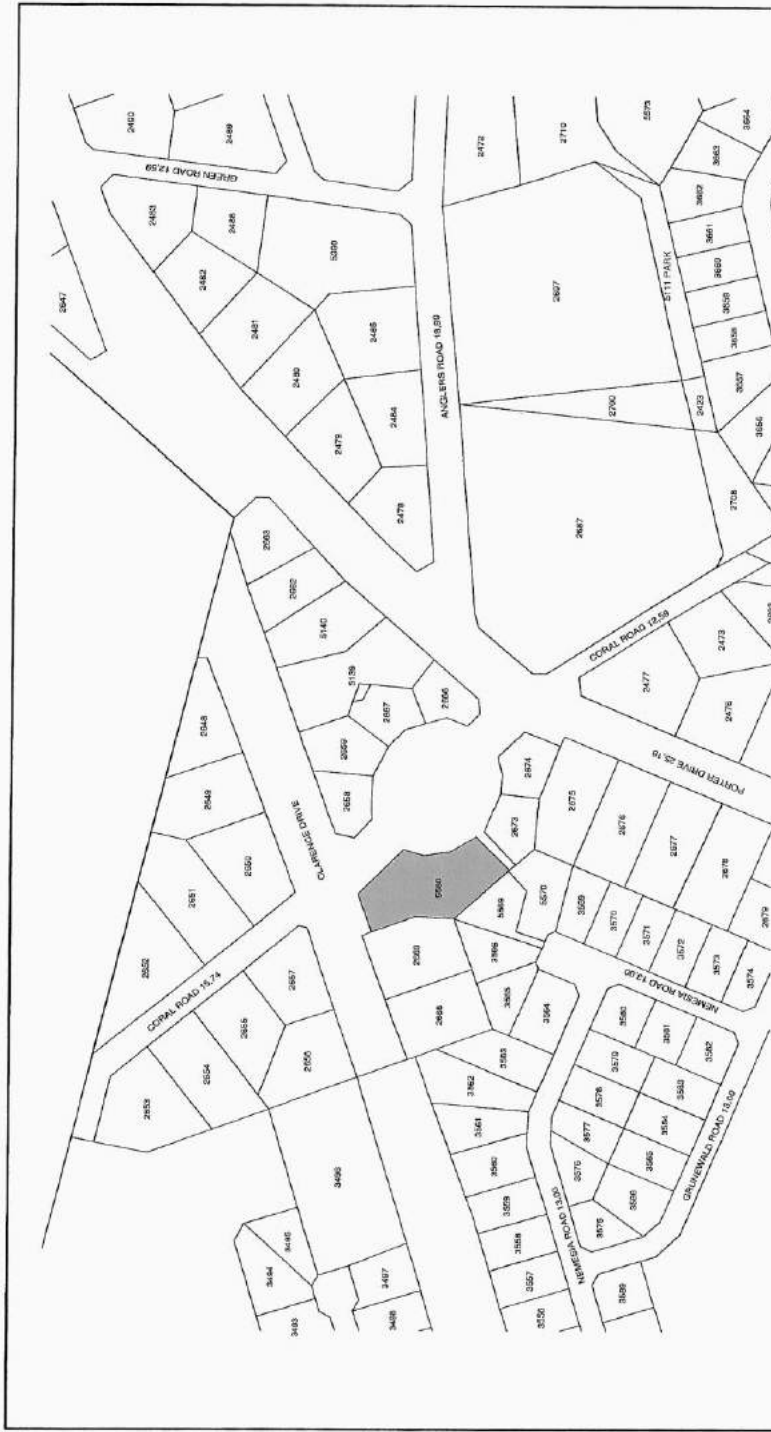
SACPLAN Reg No: **A/1708/2013**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_



<b>PLAN</b> Active	Stads- en Streeksbeplanners Town & Regional Planners	All distances approximate and subject to survey. COPY RIGHT RESERVED	Property Description:	ERF 5580 BETTY'S BAY	Plan Description:	AERIAL PHOTOGRAPH	Scale:	1:1000
						Drawing Nr: bell5580a6.dwg	Date:	12/2018



<b>PLAn</b> Stads- en Streeksbeplanners Town & Regional Planners	Property Description: <b>ERF 5580          BETTY'S BAY</b>	Plan Description: <b>LOCALITY MAP</b>	Scale: <b>NTS</b> Drawing Nr.: bett5580i.dwg Date: 12/2018
	All distances approximate and subject to survey.	COPY RIGHT RESERVED	

**PROPOSED CONSENT USE AND AMENDMENT OF  
RESTRICTIVE TITLE DEED CONDITIONS**

**ERF 5580 BETTY'S BAY**

**DIVISION: OVERSTRAND MUNICIPALITY**

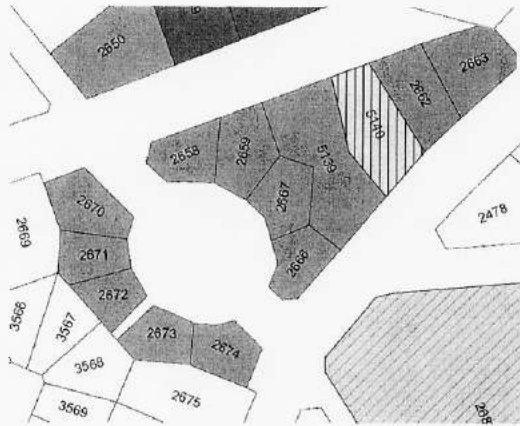
**MOTIVATION REPORT**

**1. BACKGROUND**

Plan Active Town & Regional Planners has been appointed by the Bouver Trust, the owner of Erf 5580 Betty's Bay to apply for a consent use and the amendment of restrictive Title Deed conditions in order to accommodate a Spar Tops Liquor Shop within the approved business building.

Erf 5580 Betty's Bay is held by Title Deed T10710/2018 and is 2635m<sup>2</sup> in extent. The subject property formerly consisted of erven 2670, 2671 and 2672 Betty's Bay that were consolidated.

In terms of the current Overstrand Zoning Scheme the zoning is Business Zone 3 and is developed as such. Offices, shops, a restaurant and parking are established on the site. This property is part of a small business hub consisting of approximately 11 business erven. Please refer to the zoning abstract below:



## **2. APPLICATION DETAILS**

Application is made for / in terms of:

- Chapter 4, Section 16(2)(o) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, for the consent use of Erf 5580 Betty's Bay to establish a liquor shop on the subject property;
- Chapter 4, Section 16(2)(f) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, for the amendment of a restrictive Title Deed condition.

## **3. GENERAL APPLICATION INFORMATION**

### **3.1 PROPERTY DESCRIPTION**

Erf 5580 Betty's Bay is situated within a small business hub consisting of 11 business erven and is located on the corner of Clarence Drive and Coral Road Betty's Bay. Please refer to the enclosed locality map.

The erf is 2635m<sup>2</sup> in extent and is an established business erf that is being utilised as such as per the approved building plans. The as built parking layout differs slightly from the site layout that accompanied the building plans and will also be addressed with this application. The majority of the site is vacant and offers ample space for future developments and additional parking space should it be required.

### 3.2 ZONING

The subject erf is zoned Business Zone 3. The primary land use rights and consent uses in terms of the Business Zone 3 Zoning are as follow:

- (a) **Primary uses** are: shops, flats (above ground floor), offices;
- (b) **Consent uses** are: bottle store, business premises, clinic, conference facility, flats (on ground floor), town housing, guest house, hotel, informal trading, institution, place of assembly, place of entertainment, place of instruction, place of worship, recreational facilities, residential building, restaurant, rooftop base station, sale of alcoholic beverages, service station, service trade, transmission tower.

### 3.3 LAND USE

As mentioned above, there is a small shopping centre established on the northern half of the site that consist of 2 shops, 3 offices and associated parking bays as per the approved building plans. Future extensions on the site were also indicated on 2 of the site plans in terms of the municipal records, but these extensions were not constructed. Please refer to Addendum A that contains the last mentioned site plans.

The total extent of the small shopping centre including the covered walkway is ±296m<sup>2</sup>. Most of the offices are currently vacant and a restaurant is operated from one of the shops.

The parking area established on-site differs slightly from the site plans that accompanied the building plans and will be addressed later in this report.

Erf 5580 Betty's Bay is within one of the established business areas created with the original design of the town.

Surrounding land uses consist of vacant business erven, shops, restaurants, petrol / diesel filling station and residential dwellings located outside the business hub.

### 3.4 PROPOSED APPLICATION

- Chapter 4, Section 16(2)(o) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, for the consent use of Erf 5580 Betty's Bay to establish a liquor shop on the subject property;
- Chapter 4, Section 16(2)(f) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, for the amendment of a restrictive Title Deed condition.

The definition of a shop does not include the sale of alcoholic beverages for offsite consumption. Provision is however made under the zoning of Business Zone 3 for a consent use for a bottle store. The definition of a bottle store reads as follows:

**"bottle store"** means an establishment where the dominant use is the retail sale of alcoholic beverages for consumption off the property, and includes an off-sales facility which is under the same management as a licensed hotel;

The proposed Spar Tops Liquor shop falls within the definition of a bottle store. The Spar Tops Liquor shop franchise is A well-known and well managed franchise.

With reference to the approved building plan, that we have attached to this application for easy reference, it is proposed that Office 3, that is located in the most eastern section of the building, be utilised as a liquor shop. The shop will be  $\pm 56\text{m}^2$  in extent and will be used for the selling of alcoholic beverages excluding the sale of low budget wines and so-called "quarts" (750ml beer bottles and 750ml crates of beer).

### 3.5 CHARACTER OF THE ENVIRONMENT

Erf 5580 Betty's Bay is situated within one of the business nodes established in Betty's Bay, abutting Clarence Drive, in close proximity of the petrol / diesel filling station, convenience shop and restaurants. This business node, according to our knowledge is the oldest developed business node of the area. The subject property is within a mixed land use area that consists of various businesses within this business node and residential properties outside of this node.

The residential composition of Betty's Bay consists mainly of holiday housing, retired residents and a small influx of younger entrepreneurs working from home or that commute to Somerset West, Cape Town and Hermanus.

There are no liquor shops established in Betty's Bay. The closest liquor shops are situated in Pringle Bay and Kleinmond. The liquor shops in Kleinmond and Pringle Bay are well managed liquor shops and do not retract from the value of the surrounding business land uses and residential land uses. The proposed Spar Tops Liquor shop will be a high quality liquor shop and will be well managed in order not to attract negative elements to the area. The owner of the liquor shop has also confirmed that no low budget alcoholic beverages and "quarts" beer will be sold from the premises as mentioned in this report.

The Spar Tops liquor shop will be conveniently located within Betty's Bay within an established business node. The nearest liquor shop from Erf 5580 Betty's Bay is one located  $\pm 8$ km from the site in Pringle Bay and the other liquor shop is  $\pm 15$ km from the site and located in Kleinmond. With the escalating cost of living people tend to travel less and by providing a larger spectrum of shops centrally located, would assist.

The primary business rights would remain. The proposal will not have a negative impact on the character of the area.

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

As previously mentioned, Erf 5580 Betty's Bay is situated within an area earmarked for business purposes. A building plan has been approved in order to construct a small shopping centre consisting of shops and offices. The proposed Spar Tops Liquor shop that will be  $\pm 56\text{m}^2$  in extent will not sell low budget wines or quarts (750ml) beer and is conveniently located within an existing business node.

In the light of the above it is clear that the proposed consent use can be supported from a desirability point of view due to the fact the proposal is in line with business land use tendencies within the area.

### **3.7 IMPACT ON EXTERNAL ENGINEERING SERVICES**

#### **3.7.1 PROVISION OF SERVICES**

The proposed Spar Tops Liquor shop as described above will be established within an existing small shopping centre. The business zoning will remain the same, but a portion of the existing shopping centre will be used exclusively for the sale of alcoholic beverages. All services already exist, and no additional services will be required to change the land use to a Spar Tops Liquor shop.

#### **3.7.2 TRAFFIC IMPACT, PARKING AND ACCESS**

As mentioned above, the use as business site will remain the same, but a portion of the building that is  $\pm 56\text{m}^2$  in extent, will be used to establish a Spar Tops Liquor Shop that will sell alcoholic beverages. No additional shopping space is created, but only the change of Office 3 to a liquor shop.

The consent use will therefore have no impact on the volume of traffic, traffic flow and no additional parking bays that are required. A total of 12 parking bays were approved with reference to the approved building plan for the shopping centre. After our site visit and with reference to aerial photography the actual constructed parking bays differ slightly from the layout.

With reference to our site plan we have indicated the existing parking bays numbered 5 to 12. An additional 4 parking bays are required to comply with the approved site plan and subsequently we have made provision for 4 parking bays numbered 1 to 4 on the proposed site plan.

### 3.8 TITLE DEED

The Title Deed T5150/2018 has restrictions that need to be amended in order for this application for consent use to be approved. Please refer to the enclosed Conveyancer Certificate from Smith Tabata Buchanan Boyes Attorneys.

The following restriction will have to be addressed:

Pages 3, 5 and 8, paragraph D. (a) that reads as follow:

- (a) That only one building for use as shops, business premises, which shall not include a licensed hotel, off sales liquor licence bottle store, garage or cinema) a dwelling house, residential building, place of public worship and/or a building combining two or more of such uses together with such outbuildings as are ordinarily required to be used therewith, be erected on this erf.

If paragraph D(a) of the above mentioned Title Deed is not amended the owner will be restricted to only use the property for shops and business premises excluding off

sales liquor license bottle store. Other land uses that are also permitted in terms of the Title Deed is a dwelling house, residential building, place of public worship and / or a building combining two or more of such uses together with such outbuildings as are ordinarily required to be used therewith. Subsequently a liquor shop is not allowed, and the owner will also be restricted to 1 building.

We are therefore applying to amend the restrictive Title Deed condition to read as follows:

**That the erf may only be used for uses as shops, business premises, and bottle store which shall not include a licensed hotel, garage or cinema, a dwelling house, residential building, place of public worship and / or buildings combining two or more of such uses together with such outbuildings as are ordinarily required to be used therewith, be erected on this erf.**

The reasons for the above amendment of the Title Deed restriction are as follow:

- This property consists of 3 consolidated erven and was limited to 1 building on each of the properties. Being consolidated this condition was transferred to the consolidated erf and now only 1 building is allowed. Amending the restriction in order to make provision to erect more than 1 building would be beneficial to the built character of the surrounding area. One large building on the site would be out of character due to the fact that the restriction was imposed on smaller erven. The subject erf, being the size of 3 erven, would suit the built character much better if the future development of the site be done in 2 or more buildings. The same as what the restriction intended.
- Currently a bottle store is excluded in terms of the above restriction. As mentioned in our report, a Spar Tops Liquor Shop of ±56m<sup>2</sup> will be established within a portion of the existing small shopping centre. The liquor shop is part of a well-established franchise that will make provision for the sale of quality liquor. It will be well managed and will not have a negative impact on the established business area. The business property is easily accessible and located within an already established business hub.

### 3.9 OTHER RELEVANT LEGISLATION FOR CONSIDERATION OF THE APPLICATION

#### 3.9.1 HERITAGE VALUE

The proposed change of land use of Office 3 from an office to a Spar Tops Liquor shop will have no impact on the heritage value of the existing shopping centre. The outer appearance of the shopping centre will remain the same with the exception of the branding of this specific proposed liquor shop that will be  $\pm 56\text{m}^2$  in extent.

#### 3.9.2 IMPACT ON THE BIOPHYSICAL ENVIRONMENT

The proposed consent use and amendment of the restrictive Title Deed condition to change the office to a liquor shop 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

#### 3.10.1 OVERSTRAND SPATIAL DEVELOPMENT FRAMEWORK (2006)

The Overstrand Spatial Development Framework (2006) earmarks the area where Erf 5580 Betty's Bay is situated, for commercial purposes. The current Business Zone 3 zoning will be retained for Erf 5580 Betty's Bay and this application only constitutes a consent use and amendment of a restrictive Title Deed conditions to accommodate a Spar Tops Liquor shop within an existing small shopping centre. Subsequently the proposal will be in line with the spatial planning guidelines for the area.

The proposed Spar Tops Liquor shop will also be compatible with the existing commercial land uses of the area.

### **3.10.2 OVERSTRAND MUNICIPAL GROWTH MANAGEMENT STRATEGY (2010)**

With reference to the Overstrand Growth Management Strategy the subject erf falls within Planning Unit 6 that consists of a retail node on the western side of the village.

Site consolidation is proposed for this planning unit to be developed as two storey simplex-row type housing at a density of 56 dwelling units per hectare over an assumed developable 20% of the area.

With the proposed consent use and amendment of a restrictive Title Deed condition in order to accommodate a liquor shop within an established small shopping centre. The density on the subject erf will not be increased and therefore the Growth Management Strategy does not apply to this application.

### **3.11 PLANNING PRINCIPLES**

The planning principles of spatial justice, spatial sustainability, efficiency and spatial resilience of this application can be described as follows:

Spatial Justice: The proposed Spar Tops Liquor Shop will make provision for the sale of a wide variety of quality liquor. There are currently no bottle stores situated in Betty's Bay and residents have to travel either to Pringle Bay or Kleinmond to buy liquor. The proposed liquor shop will be ±56m<sup>2</sup> in extent within an established business node. Being a well-known franchise that will be well managed will not detract from the current established business character of the area.

Spatial sustainability: The proposed consent use is the change of an office within an established small shopping centre to a liquor shop. The proposed application will have no impact on the conservation worthy areas and the land use will be in line with the business character of the area and is easily accessible.

Efficiency: Erf 5580 Betty's Bay is easily accessible and conveniently located for passing residents. The application constitutes only the change of land use of a portion of ±56m<sup>2</sup> of an existing small shopping centre from an office to a liquor shop. The primary use which remains in essence a small shopping centre will be retained. No additional shopping space is being created and no additional services are required.

Spatial Resilience: Spatial resilience is not applicable to this application.

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.

#### 4. RECOMMENDATION

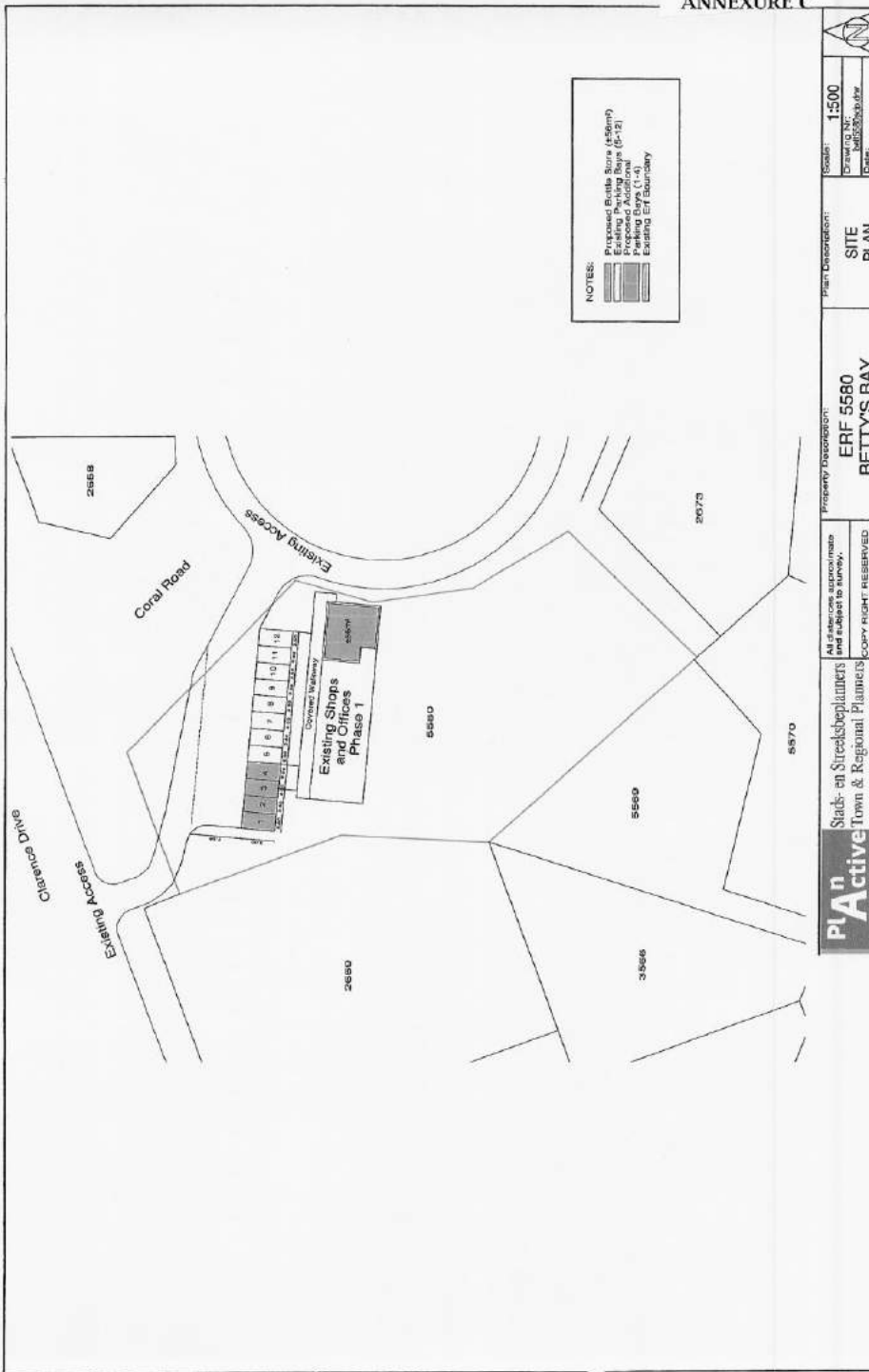
When this application is evaluated it is important to take note of the following:

- No additional services are required and the liquor shop will be located within an approved small shopping centre within an established business node;
- The footprint of the existing small shopping centre will remain the same;
- Spar Tops Liquor Shops is a well-managed franchise making provision for the sale of quality liquor. No low budget wines and quart beers and quart beer cases will be sold from the liquor shop.
- The shopping centre is conveniently located and easily accessible;

- The zoning of Erf 5580 Betty's Bay remains the same as well as the primary use of the site. The application constitutes only the change of land use from an office to a liquor shop;
- The proposed consent use will not have a negative impact on Erf 5580 Betty's Bay and the land uses of surrounding properties in the area;
- The proposal is compatible with the existing built character of the area.

With reference to the above is it our opinion that the proposal for a consent use for a liquor shop and the amendment of Title Deed restrictions can be supported for your favourable evaluation.

ANNEXURE C

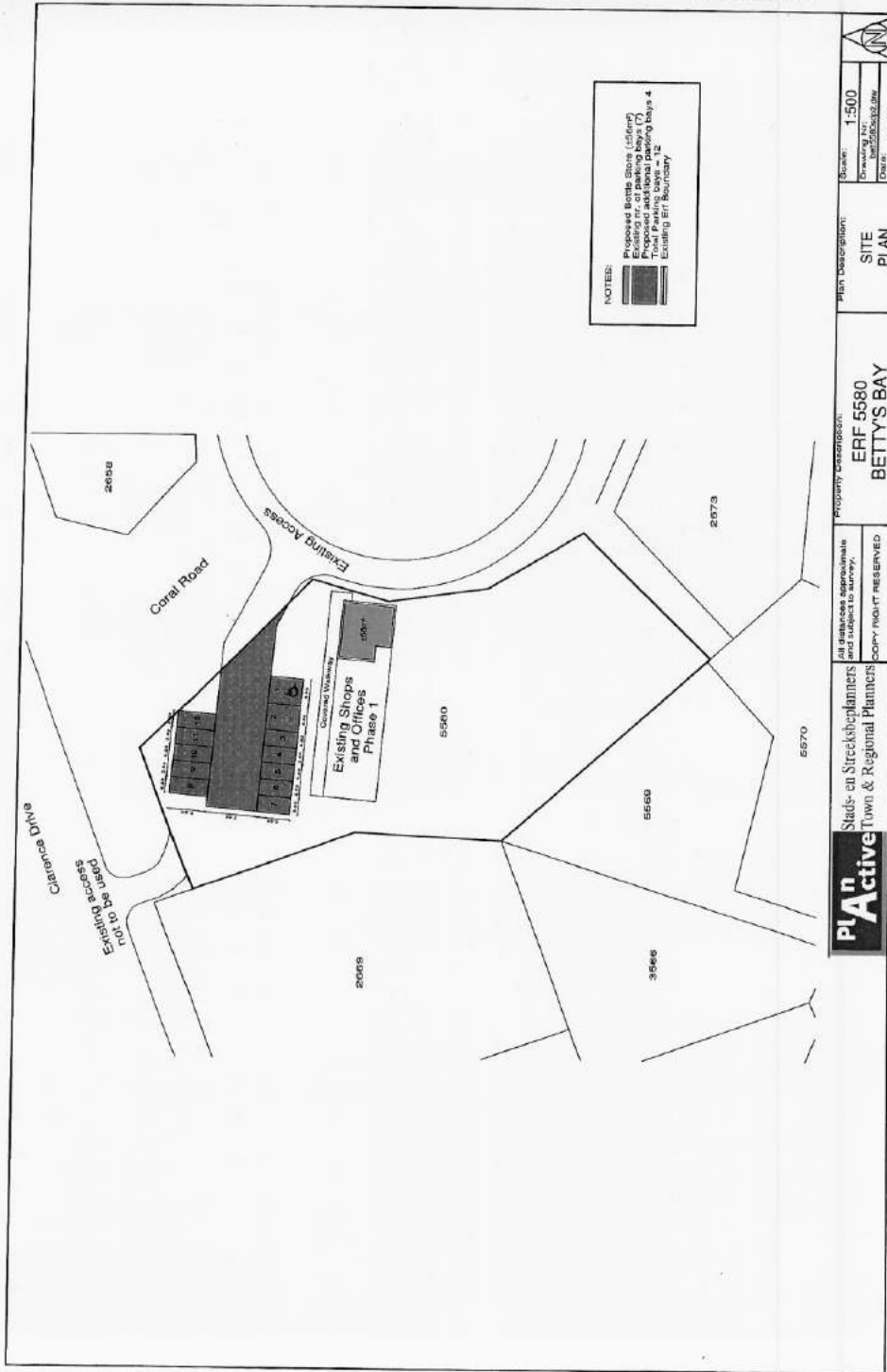


NOTES:

- Proposed Retail Sites (A5000)
- Existing Parking Bays (A5-12)
- Proposed Additional Parking
- Existing ERF Boundary

<b>PLAN</b> Active Streetscape Town & Regional Planning	All dimensions approximate and subject to survey. COPYRIGHT RESERVED	Property Information: <b>ERF 5560</b> <b>BETTYS BAY</b>	Plan Orientation: <b>SITE PLAN</b>	Scale: <b>1:500</b>
		Drawing No: 122018	Date: 12/2018	

ANNEXURE D



**340**

DYKES VAN HEERDEN SLABBERT  
 HOPKINS  
 Unit E4/2  
 Edward IV  
 120-122 Edward Road  
 Bellville 7530  
 South Africa

Prepared by me

*Lise Coetzee*  
 CONVEYANCER  
 LISE COETZEE

	Fee endorsement	
	Amount	Office fee
Purchase price/Value	R 3 306 000,00	R 1215,00
Mortgage capital Amount	R 340	R
Reason for exemption	Exempt lit. o	
	Cat. section Act	

T 000010710 / 2018

**DEED OF TRANSFER**

BE IT HEREBY MADE KNOWN THAT

**LISE COETZEE**

appeared before me, REGISTRAR OF DEEDS at CAPE TOWN, the said appearer being duly authorised thereto by a Power of Attorney which said Power of Attorney was signed at Table View on 16 February 2018 granted to him by

**GREEN VILLAGE TRADING CENTRE CC**  
 Registration Number 2009/128119/23

DATA / VERIFY  
 20 MAR 2018  
 NOLUVO MTYAMBA

And the appearer declared that his said principal had, on 26 January 2018, truly and legally sold by Private Treaty, and that he, the said Appearer, in his capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

**The Trustees for the time being of BOUWER TRUST  
Registration Number IT941/1990**

its Successors in Office or assigns, in full and free property

ERF 5580 BETTYS BAY  
IN THE OVERSTRAND MUNICIPALITY  
DIVISION CALEDON  
WESTERN CAPE PROVINCE

IN EXTENT 2635 (TWO THOUSAND SIX HUNDRED AND THIRTY FIVE)  
Square metres

THE TRUSTEES FOR THE TIME BEING OF BOUWER TRUST  
FIRST TRANSFERRED and still held by Certificate of Consolidated Title No.  
T69002/2008 with Diagram SG No. 3263/2008 relating thereto

- I. **AS TO** the area depicted by the figure ABCHJ on Diagram SG No. 3263/2008.
- A. **SUBJECT** to the conditions referred to in Certificate of Registered Title No. T11939/1943.
- B. **ENTITLED** to the benefit of the conditions referred to in the endorsement dated 24 June 1940 endorsed on Certificate of Consolidated Title No. 3720/1937 which endorsement reads as follows, namely :  
By Deed of Transfer No. 6068/1940 dated 24/6/40 certain conditions relating to (a) non-subdivision for a period of 10 years (b) prohibition of petrol station on land (c) ..... (d) wood and iron buildings (e) slaughter poles, cattle kraals and manufacture of bricks, tiles etc, have been imposed on the property thereby conveyed for the benefit of the owner and its successors in title of the remainder of the property held hereunder as will more fully appear on reference to the said Deed of Transfer.
- D. **SUBJECT FURTHER** to the following special condition contained in Deed of Transfer No. T2078/1947, namely :

*GhostConvey 16.3.1.2*

- A. As being in favour of the registered owner of any erf in Betty's Bay Township Extension No. 1 and subject to the change and amendment by the Administrator in terms of the provisions of Section 18(3) of Ordinance No. 33 of 1934 :
- (a) That only one building for the use as shops, business premises (which shall not include a licensed hotel, off sales liquor license, bottle store, garage or cinema) a dwelling house, residential building, place of public workshop and/or a building combining two or more of such uses, together with such outbuildings as are ordinarily required to be used therewith be erected on this erf.
  - (b) That not more than 80% of the area of this erf be built upon.
  - (c) That no building or structure or any portion thereof except boundary walls and fences shall be erected nearer than 3.15 meters to the back and side of boundaries for a distance of 9.45 metres from the building line on the street front.
- B. As being in favour of the Administrator
- (d) That this erf be not subdivided except with the consent in writing of the Administrator.
- C. As being in favour of the Local Authority
- (e) That the owner of this erf shall be obliged to allow the drainage or sewerage of any other erf to be conveyed over this erf if deemed necessary by the local authority.
  - (f) That the owner of this erf shall be obliged to receive material to give a proper slope to the bank if this erf is below the level of the adjoining street, he shall in like manner permit a safe slope to the bank, unless in either case he shall elect to build retaining walls to the satisfaction of the local authority and within a period to be determined by the local authority.

(g) That pending the establishment of a local authority for this township, the sewage of this erf shall not be disposed of otherwise than by means of a properly constructed septic tank on this erf if the nature of the soil permits of the use of a septic tank, otherwise to a properly constructed vacuum tank serving one or more erven. On the establishment of such local authority of the owner of any erf or erven served by a septic or vacuum tank shall if required by such local authority be obliged without compensation to remove the septic or vacuum tank, after three months' notice in writing has been given by such local authority.

D. As being in favour of the registered owner of any erf in the said township:

- (b) No wood or iron building of any description shall be erected on this erf nor shall corrugated iron be used for roofing purposes.
- (c) No slaughter poles, cattle kraals, pig sties or cow sheds shall be erected or carried on by any person whomsoever on this erf.
- (d) Save with the consent in writing of the Company and of any local authority the owner shall not have the right to make or cause to be made upon the erf for any purpose whatsoever any bricks, tiles or earthenware pipes or other articles of such nature, nor shall he have the right (save and except to prepare the erf for building purposes) to dig or quarry any earth, gravel, lime or stone thereon.
- (e) No building shall be erected on this erf at a cost less than R800.00 exclusive of the cost of the land.
- (f) No noxious trade or noxious business shall be carried on on this erf.
- (g) No garage or service station may be erected or carried on on the land hereby conveyed.
- (h) The transferee shall not camp overnight or light fires on the erf save with the written consent of the Company.

Of the said conditions D (b) (c) (d) (e) (f) (g) (h) are imposed by the "Hangklip Beach Estates Limited."

- II. **AS TO** the area depicted by the figures HCDxG on Diagram SG No. 3263/2008.
- A. **SUBJECT** to the conditions as referred to in Deed of Transfer No. T24859/1970.
- B. ....
- C. **ENTITLED** to the benefit of the conditions referred to in the Servitude Endorsement dated 24 June 1940 on Certificate of Consolidated Title T3720/1937, which endorsement reads as follows :  
 "By Deed of Transfer No. 6068/1940 dated 24/6/40 certain conditions relating to (b) prohibition of Petrol Station on land (d) wood and iron buildings (e) slaughter poles, cattle kraals and manufacture of bricks, tiles, etc. have been imposed on the property thereby conveyed for the benefit of the owner and its successors in title of the remainder of the property held hereunder as will more fully appear on reference to the said Deed of Transfer."
- D. **SUBJECT FURTHER** to the following special conditions contained in Deed of Transfer Nos. T14143/1949, which read as follows :-
- A. As being in favour of the registered owner of any erf in the Township (Betty's Bay Township Extension No. 1) and subject to the amendment or alteration by the Administrator under the provisions of Section 18(3) of Ordinance No. 33 of 1934 :
- (a) That only one building for use as shops, business premises (which shall not include a licensed hotel, off sales liquor licence bottle store, garage or cinema) a dwelling house, residential building, place of public worship and/or a building combining two or more of such uses, together with such outbuildings as are ordinarily required to be used therewith, be erected on this erf.
- (b) That not more than 80% of the area of this erf be built upon.

Page 6

- (c) That no building or structure or any portion thereof except boundary walls and fences, shall be erected nearer than 3,15 metres to the back and side boundaries of this erf, excluding the portions of the side boundaries for a distance of 9,45 metres from the building line on the street front.
- B. As being in favour of the Administrator :
- (d) That this erf shall not be subdivided except with the consent in writing of the Administrator.
- C. As being in favour of the Local Authority :
- (e) That the owner of this erf shall be obliged to allow the drainage and sewerage of any other erf to be conveyed over this erf if deemed necessary by the Local Authority.
- (f) That the owner of this erf shall be obliged to receive material to give a proper slope to the bank if this erf is below the level of the adjoining street, and if this erf is above the level of the adjoining street he shall in like manner permit a safe slope to the bank unless in either case he shall elect to build retaining walls to the satisfaction of the Local Authority and within a period to be determined by the Local Authority.
- (g) That pending the establishment of a Local Authority for this Township, the sewerage of this erf shall not be disposed of otherwise than by means of a properly constructed septic tank on this erf in the nature of the soil permits of the use of a septic tank, otherwise to a properly constructed vacuum tank serving one or more erven. On the establishment of such Local Authority, the owner of any erf or erven served by a septic or vacuum tank shall if required by such Local Authority be obliged within compensation to remove the septic or vacuum tank after three months' notice in writing has been given by such Local Authority.
- D. As being in favour of the registered owner of any erf in the Township :
- (b) No wood and iron buildings of any description shall be erected on this erf nor shall corrugated iron be used for roofing purposes.

- (c) No slaughter poles, cattle kraals, pig-sties or cow sheds shall be erected or carried on by any person whomsoever on this erf.
- (d) Save with the consent in writing of the Company and of any Local Authority the owner shall not have the right to make or cause to be made upon the erf for any purpose whatsoever any bricks, tiles or earthenware pipes or other articles of such nature, nor shall he have the right (save and except to prepare the erf for building purposes) to dig or quarry any earth, gravel, lime or stone thereon.
- (e) No building shall be erected on this erf at a cost of less than R800.00 exclusive of the cost of the land.
- (f) No noxious trade or noxious business shall be carried on this erf.
- (g) No garage or service station may be erected or carried on this erf.
- (h) The Transferee shall not camp overnight or light fires on the erf save with the written consent of the Company.

Of the foregoing conditions D (b) (c) (d) (e) (f) (g) and (h) have been imposed by the HANGKLIP BEACH ESTATES LIMITED.

In the foregoing conditions the words and expressions used shall have the meaning assigned to them in the Regulations published under Provincial Notice No. 401 dated 17<sup>th</sup> October 1935.

- III. **AS TO** the areas depicted by figures DEFx on Diagram SG No. 3263/2008.
- A. **SUBJECT** to the conditions referred to in Deed of Transfer No. T24859/1970.
- B. ....
- C. **ENTITLED** to the benefit of the conditions referred to in the Servitude Endorsement dated 24<sup>th</sup> June 1940 on Certificate of Consolidated Title No. 3720/1937, which endorsement reads as follows :-

"By Deed of Transfer No. T6068/40 dated 24/6/40 certain conditions relating to

- (b) prohibition of petrol station on land
- (d) wood and iron buildings; and
- (e) slaughter poles, cattle kraals and manufacture of bricks, tiles, etc.,

Have been imposed on the property thereby conveyed for the benefit of the owner and its successors in title of the remainder of the property held hereunder as will more fully appear on reference to the said Deed of Transfer."

D. **SUBJECT FURTHER** to the special conditions contained in Deed of Transfer No. T14144/1949, namely :

I. As synde ten gunste van die geregistreerde eienaar van enige erf in die Dorp Betty'sbaai en onderhewig aan wysiging of veranderings deur die Administrateur kragtens die bepalings van Artikel 18(3) van Ordonnansie Nr. 33 van 1934 :

(a) That only one building for use as shops, business premises, which shall not include a licensed hotel, off sales liquor licence bottle store, garage or cinema) a dwelling house, residential building, place of public worship and/or a building combining two or more of such uses together with such outbuildings as are ordinarily required to be used therewith, be erected on this erf.

(b) That not more than 80% of the area of this erf be built upon.

(c) That no building or structure or any portion thereof except boundary walls and fences, shall be erected nearer than 3,15 metres to the back and side boundaries of this erf, excluding the portions of the side boundaries for a distance of 9,45 metres from the building line on the street front.

II. As synde ten gunste van die Administrateur :

(d) That this erf shall not be subdivided except with the consent in writing of the Administrator.

III. As synde ten gunste van die Plaaslike Bestuur :

(e) That the owner of this erf, shall be obliged to allow the drainage or sewerage of any other erf to be conveyed over this erf if deemed necessary by the Local Authority.

(f) That the owner of this erf shall be obliged to receive material to give a proper slope to the bank if this erf is below the level of the adjoining street, and if this erf is above the level of the adjoining street he shall in like manner permit a safe slope to the bank unless in either case he shall elect to building retaining walls to the satisfaction of the Local Authority and within a period to be determined by the Local Authority.

(g) That pending the establishment of a Local Authority for this Township, the sewage of this erf shall not be disposed of otherwise than by means of a properly constructed septic tank on this erf if the nature of the soil permits of the use of a septic tank, otherwise to a properly constructed vacuum tank serving one or more erven. On the establishment of such Local Authority, the owner of any erf or erven served by a septic or vacuum tank shall if required by such Local Authority, be obliged, without compensation, to remove the septic or vacuum tank, after three months' notice in writing has been given by such Local Authority.

IV As synde ten gunste van die geregistreerde eienaar van enige erf in die Dorp :

a. No wood and iron buildings of any description shall be erected on this erf nor shall corrugated iron be used for roofing purposes.

b. No slaughter, poles, cattle kraals, pigsties or cow sheds shall be erected or carried on by any person whomsoever on this erf.

Page 10

- c. Save with the consent in writing of the Company and of any Local Authority the owner shall not have the right to make or cause to be made upon the erf for any purpose whatsoever any bricks, tiles or earthenware pipes or other articles of such nature, nor shall he have the right (save and except to prepare the erf for building purposes) to dig or quarry any earth, gravel, lime or stone thereon.
- d. No building shall be erected on this erf at a cost of less than R800.00 exclusive of the cost of the land.
- e. No noxious trade or noxious business shall be carried on this erf.
- f. No garage or service station may be erected or carried on the land hereby conveyed.
- g. The Transferee shall not camp overnight or light fires on the erf save for the written consent of the Company.

The foregoing conditions IV (b) (c) (d) (e) (f) (g) and (h) have been imposed by the HANGKLIP BEACH ESTATE LIMITED.

In the foregoing conditions the words and expressions used shall have the same meanings assigned to them in the regulations published under Provincial Notice No. 401 dated 17<sup>th</sup> October 1935.

WHEREFORE the said Appearer, renouncing all rights and title which the said

**GREEN VILLAGE TRADING CENTRE CC**  
Registration Number 2009/128119/23

heretofore had to the premises, did in consequence also acknowledge it to be entirely dispossessed of, and disentitled to the same, and that by virtue of these presents, the said

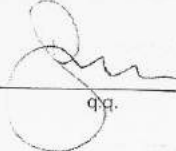
**The Trustees for the time being of BOUWER TRUST**  
Registration Number IT941/1990

its Successors in Office or assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of R2 900 000,00 (TWO MILLION NINE HUNDRED THOUSAND RAND) excluding VAT in the sum of R406 000,00 (FOUR HUNDRED AND SIX THOUSAND RAND), total consideration paid by the transferee to the transferor being the amount of R3 306 000,00 (THREE MILLION THREE HUNDRED AND SIX THOUSAND RAND).


IN WITNESS WHEREOF, I the said Registrar, together with the Appearer, have subscribed to these presents, and have caused the Seal of Office to be affixed thereto.

THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS at CAPE TOWN on


16 MAR 2010

  
\_\_\_\_\_

In my presence

  
\_\_\_\_\_

REGISTRAR OF DEEDS





**Conveyancer Certificate**

I, Hendrik Johannes Mouton, hereby certify that a search was conducted in the Deeds Registry, Cape Town, regarding the following properties:

**Erf 5580 Betty's Bay**

**Situated in the Overstrand Municipality**

**Division Caledon**

**Western Cape Province**

**In Extent: 2635 Square meters**

**Held by Deed of Transfer Number: T 10710/2018**

AND confirm that there are restrictive conditions applicable in respect of the above property under current zoning of Business Zone III.

The following restrictive conditions are applicable and will have to be dealt with in order for the owner to establish a bottle store on the property:

Clause I No. D (A) (a) on page 3 reading as follows:

D. SUBJECT FURTHER to the following special condition contained in Deed of Transfer No. T2078/1947, namely:

A. As being favour of the registered owner of any erf in Betty's Bay Township Extension No.1 and subject to the change and amendment by the Administrator in terms of the provisions of Section 18(3) of Ordinance No. 33 of 1934:

(a) That only one building for the use as shops, business premises (which shall not include a licensed hotel, off sales liquor license, bottle store, garage or cinema), a dwelling house, residential building, place of public workshop and/or a building combining two or more of such uses, together with such outbuildings as are ordinarily required to be used therewith be erected on this erf.

AND

Clause II No. D (A) (a) on page 5 reading as follows:



D. SUBJECT FURTHER to the following special conditions contained in Deed of Transfer No. T14143/1949, namely:

A. As being favour of the registered owner of any erf in Betty's Bay Township Extension No.1 and subject to the change and amendment by the Administrator in terms of the provisions of Section 18(3) of Ordinance No. 33 of 1934:

(a) That only one building for use as shops, business premises (which shall not include a licensed hotel, off sales liquor license, bottle store, garage or cinema), a dwelling house, residential building, place of public workshop and/or a building combining two or more of such uses, together with such outbuildings as are ordinarily required to be used therewith, be erected on this erf.

AND

Clause III No. D (l) (a) on page 8 reading as follows:

D. SUBJECT FURTHER to the following special conditions contained in Deed of Transfer No. T14144/1949, namely:

I. As synde ten gunste van die geregistreerde eienaar van enige erf in die Dorp Bettysbaai en onderhewig aan wysiging of veranderings deur die Administrateur kragtens die bepalings van Artikel 18(3) van Ordonnansie Nr. 33 van 1934:

(a) That only one building for use as shops, business premises, which shall not include a licensed hotel, off sales liquor license, bottle store, garage or cinema), a dwelling house, residential building, place of public workshop and/or a building combining two or more of such uses, together with such outbuildings as are ordinarily required to be used therewith, be erected on this erf.

SIGNED AT CAPE TOWN on the 13<sup>th</sup> December 2018

  
HENDRIK JOHANNES MOUTON

*TPA Threat (Huld Sheep)*



**From:** Pauline Todd <paul.mary.todd@gmail.com>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 15/07/2019 11:48 AM  
**Subject:** Erf5580, 2 Coral Road Bettys Bay

From owner Erf2546 Bettys Bay PM Todd.

I object to the Removal of Title Deed Restrictions and Consent use of Erf5580 Betty Bay.

(2019/07/16) Loretta Gillion - Erf5580, 2 Coral Road Bettys Bay  
Reason: do not approve of a liquor outlet in Bettys Bay.

From Pauline Todd

Sent from my iPad  
From: Pauline Todd <paul.mary.todd@gmail.com>  
To: <loretta@overstrand.gov.za>  
Date: 15/07/2019 11:48 AM  
Subject: Erf5580, 2 Coral Road Bettys Bay



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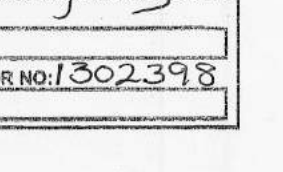
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Reason: do not approve of a liquor outlet in Bettys Bay.

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Reason: do not approve of a liquor outlet in Bettys Bay.

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From owner Erf2546 Bettys Bay PM Todd.

I object to the Removal of Title Deed Restrictions and Consent use of Erf5580 Betty Bay.

(2019/07/16) Loretta Gillion - Erf5580, 2 Coral Road Bettys Bay  
Reason: do not approve of a liquor outlet in Bettys Bay.

From Pauline Todd

FILE NO:	EL 5580
	Bettys Bay
SCAN NO:	
COLLABORATOR NO:	1302398

*TP* 15 JUL 2019

TR A Theat  
(Hvd stoep)



Loretta Gillion - Removal Of Title Deeds Erf 5580-my erf no 5424 Betty's Bay

**From:** "Peter Berrisford" <peterb5424@gmail.com>  
**To:** <loretta@overstrand.gov.za>, "Coenie Groenewald" <cgroenewald@overstra...>  
**Date:** 26/04/2019 01:24 PM  
**Subject:** Removal Of Title Deeds Erf 5580-my erf no 5424 Betty's Bay  
**Cc:** "Adrian De Kock" <adrian25@telkomsa.net>, "Richard Starke" <richard@...>

Gooday

I refer to the circular letter from Plan Active:

Firstly I have never felt the need to obtain Liquor in Betty's Bay. (You can now buy on-line delivery free of charge.)

Secondly; Many optimistic entrepreneurs constantly open new businesses of one kind or another, only for those particular businesses to close down after a month or two. Betty's Bay is a coastal township stretching at least 10 kilometers from Silversands to the Palmiet bridge. It is a community characterized by absentee landlords. Except for December/January and Easter.

For example, I live in Bass Rd which is maybe 1.5k's long. Apart from me, only two houses are occupied at present.

The only businesses that survive are those that have been established for many years and have developed special reputations.

There are vacant premises in the complex you are referring to right now. There is absolutely no need for a liquor store. I think that the idea that a bottle store has any chance of surviving in a sparsely populated community like Betty's Bay is somebody's pipedream. So I don't think the idea of a bottle store should be supported. If it closes down in due course, the residue will simply have to be cleared up.

So tell the folk who are thinking about becoming wealthy selling booze, that they are sadly deluded.

So I don't support changing the title deeds.

A P Berrisford

Copied to Ratepayer's Association for their records!

FILE NO: EL 5580  
KBB  
SCAN NO: 33  
COLLABORATOR NO: 1280914

TP 26 APR 2019

**Loretta Gillion - ERF5580 Coral Road Betty's bayOverstrand Municipal Area  
OBJECTION**



**From:** "Eily Bates" <allofus@mweb.co.za> (H. vd. Steep)  
**To:** <loretta@overstrand.gov.za>  
**Date:** 26/04/2019 10:05 AM  
**Subject:** ERF5580 Coral Road Betty's bayOverstrand Municipal Area OBJECTION

From: AE, BN and EM Bates owners E Y BATES (usufruct) of erf 2140 of Vlei and Grebe Road, Betty's Bay  
Loretta Gillion - ERF5580 Coral Road Betty's bayOverstrand Municipal Area  
To: who it may concern

It has come to my notice in the Overstrand Herald on 18 April, page 31 that an application for change of title deed of the erf 5580 has been made in order to establish a liquor store on the property.

We wish to object ion the STRONGEST TERMS for the following reasons:

1. This liquor store will be totally out of concept with the existing World Heritage status enjoyed by the area where priceless and irreplaceable plant and animal life exist at present.
2. A number of the local community live in poverty and are compromised financially and socially. A bottle store will do considerable damage socially to this existing underprivileged community.
3. Considerable crime is already problematic in the area. Violent crime may possibly become prevalent as a result of drunkenness.
4. Family violence may increase as a result of excess drinking.
5. There are liquor outlets at Kleinmond and Pringle Bay where there is an established commercial area. Why does Betty's Bay require one? Make the acquisition of alcohol more difficult to obtain rather than easier.
6. The establishment of liquor outlet may very well negate the efforts of a number of local inhabitants trying to uplift an already uneducated and impoverished community.
7. A liquor store will NOT increase work opportunities for locals to any large extent.
8. A liquor store will promote begging and other anti-social problems is the immediate area.

PLEASE. This removal of the title deed to establish a liquor store must be CAREFULLY rethought in view of the following objections.

Yours  
AE, BN, EM and EY Bates

FILE NO:	EL 5580
	Betty's Bay
SCAN NO:	32
COLLABORATOR NO:	280913

TP

26 APR 2019

4/223

TP - A Theart  
CH vld Steep



Loretta Gillion - Objection RE: Municipal Notice 52/2019

**From:** Samantha Rhodes <barbarasamanthaann@gmail.com>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 26/04/2019 10:30 AM  
**Subject:** Objection RE: Municipal Notice 52/2019

Re: Erf 5580 KBB

Good day,

I would like to formally object to the application of a liquor store in Betty's Bay.

Having lived in Betty's Bay for 17 years and survived without a liquor store or a shop bigger than a cafe, I see no reason why things should change. We moved here knowing that we would have to drive to Kleinmond for our groceries and alcohol and we were happy with that.

We love our small town feel here and don't want it commercialized in any way, shape or form.

In my opinion, opening a bottle store will also encourage unsavoury characters to linger in our towns center and undoubtedly cause trouble and make a nuisance of themselves.

Many thanks,  
Samantha Rhodes  
3571 (39) Nemesia Road,  
Betty's Bay, 7141  
073 899 6057

FILE NO:	EL 5580
	Betty's Bay
SCAN NO:	30
COLLABORATOR NO:	1280911

TP 26 APR 2019

5/223

**Loretta Gillion - Erf 5580, Bettysbaai. Aansoek om opheffing van beperking en toestemmingsgebruik**

**From:** "Briand Louw" <briand@sonicmail.co.za>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 24/04/2019 09:32 PM  
**Subject:** Erf 5580, Bettysbaai. Aansoek om opheffing van beperking en toestemmingsgebruik  
**Attachments:** Erf 5580 Scan.pdf



Goede dag Loretta,  
 Erf 5580, Bettysbaai. Aansoek om opheffing van beperking en toestemmingsgebruik.

TP-A Theart  
 (H. N. d. Stoep)

Aangeheg vind asb my kommentaar op die Munisipaliteit se advertensie Nr 52/2019 tov erf 5580. Ek bevestig dat ek vanmiddag die oorspronklike dokument by jou afgelewer het.

My kontakbesonderhede is soos hieronder vermeld.

My belang in die aansoek en redes vir kommentaar is dat ek 'n Belastingbetaler van Bettysbaai is, dat die aansoek breë dekking en kommentaar in die media ontlok het en dat ek van mening is dat my kommentaar van wesentlike belang is om gebalanseerde menings te help vorm oor die aansoek. Verder sal die goedkeuring van die aansoek, in samehang met die vestiging van 'n Spar groot besparings vir my persoonlik inhou.

*Briand Louw*

Tel: 028 272 9895  
 Sel: 082 857 9077  
 Epos: briand@sonicmail.co.za

Posbus 436  
 Bettysbaai  
 7141

FILE NO:	EL 5580-KBB
SCAN NO:	KBB 5580
COLLABORATOR NO:	1280585

TP

25 APR 2019

6/223

BG Louw  
 PO Box 436  
 2 Coot Rd  
 BETTYS BAY  
 7141

The Municipal Manager,

PO Box 20

HERMANUS

7200

Dear Sir,

ERF 5580, 2 CORAL ROAD, BETTYS BAY, OVERSTAND MUNICIPAL AREA: PROPOSED REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND CONSENT USE: PLAN ACTIVE ON BEHALF OF BOUWER TRUST

I wish to refer to Municipal Notice No 52/2019

Having studied the Motivation Report and Annexure, I wish to comment as follows:

1. I have no objection to the application for removal of title deed conditions and approving of the consent use as applied for in principle.
2. I do however have the following concerns and comments regarding this application:
  - (a) As I understand it, this application is only part of the development of the site, as the development also entails a Spar franchise which includes the normal general dealer/groceries business of 261,7 m<sup>2</sup> (if the whole additional proposed premises is used for this purpose) as well as a number of market stalls on the remainder of the site, as can be deducted from the supplied Site Plan. Furthermore additional offices and ablution facilities are also shown. I maintain that, although the application only applies to a small portion of the site (56m<sup>2</sup>) this application can only be evaluated if the full picture for the development of the site is available.
  - (b) My main concern is the fact that the parking and vehicular aspects of the whole development should be known and approved by way of a sufficiently detailed Site Development Plan/TIA:
    - (i) The current access on Clarence Drive is not in accordance with the approved building plan and should be rectified with this application. Any additional vehicular access on Clarence Drive as a result of the Liquor outlet will exacerbate an already dangerous situation. The current access from Erf 5580 directly on to Clarence drive needs to be closed permanently, with access only on Coral Crescent. The access from Coral Crescent to Clarence Drive

does not currently exist and should be constructed by the developer if he wants more direct access to Clarence Drive. Alternatively he will have to accept access via Porter Drive until such time that the Municipality can provide access to Clarence Drive. It is noted that the extension of Coral Crescent on to Clarence Drive will be a costly exercise resulting from height differences and marshy conditions.

- (ii) Vehicular movement on site is not addressed: the loading bay indicated on the plan seems to be placed in a location which will prohibit any circular movement on site.
  - (iii) Parking on site for the total development must be evaluated against the prescribed norms, which indicate at least 30 parking bays for the total development (at 6 bays per 100m<sup>2</sup>). I am not sure that the provision of market stalls and parking on the same area will be compatible – markets are usually held on the busiest days, so parking will be forced off-site, which is not acceptable.
- (c) I am aware of a huge outcry against the provision of a Liquor outlet in Betty's Bay, in my opinion mostly emotional. However, experience in Kleinmond of unwanted social consequences creates fears of similar negative behaviour on this site. I would strongly recommend that the developer phases his development of the entire site in such a way that the Liquor outlet forms part of the bigger development of the Spar and is not seen as something separate. I understand that the Liquor outlet forms part of the existing building but should NOT be opened before the Spar grocery store is completed. That would make the provision of security on site much easier and affordable. Appropriate fencing of the site would also add to security. If this cannot be a condition of approval I request that the Municipality strongly recommends these measures to the Developer.
3. In summary: I am of the opinion that the application for the removal of the restrictive title deed conditions and consent use can only be approved once the issues mentioned in Par 2 above have been adequately addressed.

For the record: I am a property owner in Betty's Bay and therefor an Interested and Affected Party.

Kind regards,



Brian Louw.

24/04/2019

From: <property@bettysbay.info>  
 To: <loretta@overstrand.gov.za>  
 Date: 22/05/2019 09:36 AM  
 Subject: Municipal Notice 52/2019

Re: Erf 5580 Betty's Bay

TR A Theart  
 (Hudstorp)

To whom it may concern.

The BETTY'S BAY RATEPAYERS ASSOCIATION are not going to be voicing an opinion as an association, per se, instead each member in their personal capacity will be individually, putting their comments forward. There is no majority decision within the committee hence the decision taken

Regards,  
 Karon.

From: <property@bettysbay.info>  
 To: <loretta@overstrand.gov.za>  
 Date: 22/05/2019 09:36 AM  
 Subject: Municipal Notice 52/2019



To whom it may concern.

FILE NO:	EL 5580 V
	Betty's Bay
SCAN NO:	
	BBRA
COLLABORATOR NO:	
	1286890

TP

22 MAY 2019

9/223

TP - A. Theart  
(H. v. d. Stoop)

**Loretta Gillion - Proposed Consent Use and Amendments of Restrictive Title Deed Conditions: EF 5580 Bettys Bay**



**From:** "Marcel du Toit" <mduoit@optinvest.co.za>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 21/05/2019 02:18 PM  
**Subject:** Proposed Consent Use and Amendments of Restrictive Title Deed Conditions: EF 5580 Bettys Bay

Good Day,

I am writing on behalf of the Bettys Bay Family Trust to register the Trusts objection to the proposed amendment.

The Trust has owned property in Bettys Bay for over 50 years. One of the reasons why the Trust owns property in Bettys Bay and has invested in the town is that there is no liquor store. The opening of a liquor store will directly create annoyance, disturbance and inconvenience to those who live and spend their holidays within the area. A liquor store will increase alcohol abuse, misuse, criminal activity and lead to associated violence within the area.

The Bettys Bay Family Trust strongly objects to the amendment.

Kind regards

M du Toit

Trustee

FILE NO:	EL 5580
	Betty's Bay
SCAN NO:	BBFT
COLLABORATOR NO:	1286893

TP

22 MAY 2019

10/223

TRA Theob  
CH (old shop)

Loretta Gillion - Municipal Notice No. 52/2019

Re: Erf 5580 Betty's Bay

**From:** Karon Scholefield <karon.s@everitt.co.za>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 21/05/2019 12:14 PM  
**Subject:** Municipal Notice No. 52/2019



I both personally, as a resident of Betty's Bay and the property portfolio holder of the Betty's Bay Ratepayers Association, have no qualms wrt either a SPAR or TOPS coming to Betty's Bay, progress is inevitable together with the fact that many visitors/potential property owners always ask as to where would one buy groceries, etc. For Betty's Bay to be 'self-sufficient' to a degree will go a long way to improving the offerings of Betty's without losing the 'country feeling'.

When considering this application it should be encouraged that local people are given first opportunity to apply for posts which will inevitably become available, which then already uplifts our area.

The NON selling of 750 ml quarts and cheap wine needs to be firmly controlled.

A condition which would be hugely welcomed by all, regardless of their stance, would be if the entire Coral circle was tarred, ie from Porter entrance, round past Camelot, past 5580, up to Clarence and down past Post Office and ASK security, meeting Porter entrance.

Everything in life is A CHOICE, thus I as a resident of Betty's Bay have no qualms with the restrictions being lifted on Erf 5580 so as to accommodate a TOPS.

Regards.

Karon.

FILE NO:	EZ 5580 ✓
	Betty's Bay
SCAN NO:	
	KARON
COLLABORATOR NO:	Master Agent
	1286875



**Karon Scholefield**

Master Agent  
Master Practitioner Real Estate MIEASA  
FFC 2019373752

T: 028 271 3238 M: 082 322 6722 F: 066 620 0606 E: karon.s@everitt.co.za

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22 MAY 2019

TR A Theat  
C H vld Stoep)

**From:** <online2252739@telkomsa.net>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 21/05/2019 11:50 AM  
**Subject:** Tops liquorshop

Erf 5580 Betty's Bay

Good morning  
I have been a rate payer since 1968 , a weekender since 1971 and a full time resident since 2003 .

I object to the above plan for the following reasons :

1. Most of the crimes committed here are by people under the influence of drugs .
2. Making liquor more accessible will increase the incidence of crime .
3. Providing only more expensive liquor is not the answer , as the price of drugs is no deterrent to drug abuse , and may increase theft and break-ins to finance the cost .

I trust good judgement and sanity will prevail , Dr. WMLAUSCHER Erf 2441 2442



FILE NO:	EL 5580
	Betty's Bay
SCAN NO:	LAUSCHER
COLLABORATOR NO:	1286836

22 MAY 2019

12/223

TR A Theart  
(H. del stoep)

**Loretta Gillion - Proposed Consent Use and Amendments of Restrictive Title Deed**  
**Conditions: ERF 5580 Bettys Bay**



**From:** "Marcel du Toit" <marcel@plexprop.co.za>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 21/05/2019 03:38 PM  
**Subject:** Proposed Consent Use and Amendments of Restrictive Title Deed Conditions: ERF 5580 Bettys Bay

Good Day,

I am writing to register an objection in my personal capacity to the proposed amendment.

The opening of a liquor store will directly lead to increased alcohol abuse, increased criminal activity and increased violence in the area. The Overstrand Municipality can only allow the amendment should the Municipality be willing to take full legal and financial responsibility for any damages caused to property or person committed by individuals whilst under the influence of alcohol obtained from this liquor store.

Kind regards

MW du Toit

FILE NO:	EL 5580
	Bettys Bay
SCAN NO:	MARCEL
COLLABORATOR NO:	1286910

22 MAY 2019

TP

13/223



TR A Theart  
(H v d stoep)

P O Box 325

Hermanus

7200

21 May 2019.

The Municipal Manager ( For attention: Ms H v d Stoep)

Overstrand Municipality.

P O Box 20

Hermanus

7200

Dear sir

FILE NO:	EL 5580
	Betty's Bay
SCAN NO:	
COLLABORATOR NO:	1286676

Restrictive Title Conditions and Consent Use: Betty's Bay Erf 5580

The advertisement regarding the above matter refers. My submission is made as an interested and affected resident of Betty's Bay being the owner and permanent resident of erf 3418 (12 Albertyn Drive).

I read the application and also visited the site

The way I see it no approval is required for a SPAR although my comments below do have an indirect impact thereon.

As regards the TOPS application there are 2 matters to consider namely (a) the removal of a restrictive title condition and (b) a consent use application.

The restrictive title condition was imposed many decades ago and should be evaluated against current norms and needs.

One can only speculate as to the original reason, but it most likely had to do with either the then anti-alcohol culture and with extremely rigid control measures or it might have been to discourage holiday-makers, many of whom may have been fishermen on a men only break without their families, from over indulging. Whatever the reason, its validity must be evaluated in terms of current norms and needs.

Betty's Bay is no longer a small rural community whose houses were mainly used for holiday purposes. According to somewhat outdated (possibly 2017) statistics there are 1 807 built erven (out of a total of 3 221) and with a permanent population of 2 600 in the 1 080 permanent households. According to some estate agents about 50 plus new houses have on average been built each year for the last 4 to 5 years - many of which are for permanent residents. As a result a SPAR has possibly become a viable option and so also a TOPS.

TR 21 MAY 2019

The nearest bottle stores are in Pringle Bay ( a smaller community than Betty's Bay) and without presenting any evident social problems and a few in Kleinmond - again without too many social problems.

It can be safely stated that most Betty's Bay property owners have liquor, and especially wines, in stock and also regularly offer their guests a social drink. The mere presence of a local liquor store could not have a detrimental effect on the daily lives of residents, but could save costs to travel to neighbouring towns while supporting the local Betty's Bay economy.

Assuming that the restrictive title condition is lifted then the consent use should not pose any serious problem other than specific issues relating to the locality, layout and topographical aspects thereof. The plans accompanying the application were of a poor quality and somewhat confusing. The text of the application and the plans also don't appear to match.

These specific issues are listed as follows:

1. The current access point of Coral Road (or what appears to be Coral) onto the R44 is probably not only illegal but also problematic both from an ingress and egress point. Coral is very narrow at that point and with the somewhat steep approach gradient will also present stacking and visibility problems for motorists waiting to enter or exit the property. A widened road is essential, whether at its current access or a repositioned one, and should be wide enough to accommodate at least one car in each direction.
2. With more vehicular movements expected from the increased commercial activities on erf 5580 the access point on Porter Drive can become very problematic. There are already 9 (nine) turnoffs from Porter Avenue within about 400 hundred metres. Porter Drive is too narrow to properly accommodate such intensified traffic and there is no provision for any holding lanes or speed reduction slipways for turning vehicles.
3. The present narrow one-way system in Coral Road may cause problems for heavy delivery vehicles and could also result in conflicting movements with passenger cars.
4. The on and off loading areas of delivery vehicles must be carefully planned and provided. At present the rear wall is a solid blank wall with no access points/doors. Even if this were to be provided, it will still require road construction which could be problematic.
5. Practical loading areas referred to in 4 above will at present only be in front of the building thus compromising the car parking area. This may result in an inadequate car parking ratio. It should be at least 6 parking bays per 100m<sup>2</sup> gross leasable area **excluding** the loading zones.
6. Should parking be provided on the R44 such parking bays should not be included in the parking requirement referred to in 5 above.

15/223

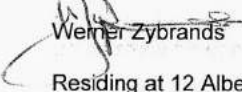
7. Coral is currently a gravel road and should be tarred. With the gradient of Coral and the regular use by heavy vehicles it can be expected that, especially in the rainy season, Coral could, in its present state, become impassable.

8. Given the above mentioned traffic related matters it is imperative that a proper traffic study be done and a traffic flow and parking plan be developed.

9. The approval of the Provincial Roads authority should be obtained as the current Coral/R44 access is unacceptable and dangerous.

10. It is appreciated that although it might not be stated as a consent use condition it would nevertheless be a benefit if local labour, and specifically from Mooi Uitsig be employed.

Kind regards.

  
Werner Zybrands

Residing at 12 Albertyn Drive (erf 3418) Betty's Bay

*TR A Theart  
(H. J. d. Stoop)*



**From:** Astrid Twomey <astridtwomey@gmail.com>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 21/05/2019 08:45 AM  
**Subject:** Overstrand Municipality, Erf 5580, 2 Coral Road, Bettys Bay : Proposed Removal of restrictive Title Deed Conditions and consent use: Plan active on behalf of Bouwer Trust

Good morning Loretta

TO WHOM IT MAY CONCERN

I herewith object strongly to the removal of above Title Deed Conditions for the following reasons:

- (a) One of the reasons I purchased my property in Bettys Bay is that it does not allow for liquor trade in this area.
- (b) A liquor store has a negative connotation as it can introduce a bad element into the area which would impact negatively on property and the area in general.
- (c) We have sufficient liquor outlets in very close proximity to Bettys Bay - a liquor store in Pringle Bay and two more in Kleinmond.

Kindly consider above points.

Kind regards  
ASTRID TWOMEY  
16 Lipkin Road  
Bettys Bay

Tel: 028-272-9107  
Mobile: 083 725 0437

FILE NO:	EL 5580 ✓ Bettys Bay
SCAN NO:	ASTRID
COLLABORATOR NO:	1286670

19 MAY 2019

17/223

**Loretta Gillion - Objection regarding erf 5580 Betties Bay**TPA Theart  
(Huld staep)

**From:** Marelize Goodwin <office@dripsanddrains.com>  
**To:** "loretta@overstrand.gov.za" <loretta@overstrand.gov.za>  
**Date:** 2019/05/15 08:01 PM  
**Subject:** Objection regarding erf 5580 Betties Bay



To whom it may concern:

We have owned property and have resided here for more than 50 years and feel that Betties Bay needs to retain it's small town elements which is why many of it's inhabitants move/live here. As soon as a liquor store comes in, many other elements come in which are undesirable.

I will most certainly object to the removal of the title deed restrictions for the erf 5580 to be used as a Tops Liquor store.

Regards  
 M.R. Goodwin

FILE NO:	EL 5580 ✓
SCAN NO:	Betty's Bay
	GOODWIN
COLLABORATOR NO:	1286677

15 MAY 2019

file:///C:/Users/aknoetze/AppData/Local/Temp/XPgprwise/5CDC702CHermanusMun... 2019/05/17

18/223

*TRATHART  
CHUDSTOEP*  
Loretta Gillion - MUNICIPAL NOTICE No. 52/2019

**From:** David Hofmeyr <dgmhofmeyr@gmail.com>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 24/05/2019 12:02 PM  
**Subject:** MUNICIPAL NOTICE No. 52/2019



Dear Loretta,

As a resident of Betty's Bay, I am strongly opposed to the establishment of a liquor shop on Erf 5580, 2 Coral Road, Betty's Bay for the following reasons:

- Betty's Bay is well served by liquor shops in neighbouring villages
- Betty's Bay is a small village, with few permanent residents, rural in nature, with no shopping centres where the incorporation of a liquor shop is more appropriate
- A liquor shop will introduce undesirable behaviour where it is not easy to control the effects
- The introduction of a liquor shop will lead to an increase of crime
- I am happy to drive to a neighbouring village to purchase liquor when shopping for groceries at a supermarket

My address is "Malkopsvlei", Erf 2464, Angler's Road, Betty's Bay.

Kind regards,  
David Hofmeyr

FILE NO:	EZ 5580 ✓
	Betty's Bay
SCAN NO:	DAVID
COLLABORATOR NO:	1287924

*TP* 24 MAY 2019

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19/223

Date: 24. Mei 19 TR A Theart  
 From: Giorgio Schmoeder (M vbl Stoop)  
 Address: 46 Circular Drive KAYSUS  
 Contact Details: 071 373 3580  
 Interest: Concerned Resident  
 Reasons and Comments: no pol. station in BD



6571 - 9r post  
 1577 - later

**I do not support this removal of Title Deed restriction or the Consent use for a bottle store for Erf 5580**

We are being totally inundated with poachers who are becoming so brazened that they are now entering the water from the penguin car park area under the nose of Cape Nature and are now loud when in the water - shouting and whistling to each other whereas until as recently as last year they were in much smaller groups, shy of being seen and more secretive in general. This is an obvious breach of the law to which SAPS or Cape Nature for that matter are not responding adequately by any stretch of the imagination. Does anybody really believe that either party would respond to drunk and disorderly behaviour. The same behaviour is apparent over weekends at the Kleinmond Harbour where alcohol are used in public.

Betty's Bay is already entirely permeated by crime. We do not need to add more fuel to the fire with a bottle store which has never had an entirely positive outcome. Apart from the above mentioned the increase speed at which the large number of poaching associated vehicles is now screaming through Betty's Bay any member of the public not responding decisively and submissively to the 'getaway cars' is in for a major accident. Alcohol feeds aggression in many people.

The Application states that sales of low budget wine and so called quarts will be excluded. **There is no guarantee** that this will not change in the future and with accompanying potential negative impact on the community.

The Title Deed Restriction change and Consent use change are attached to the property, not the current owner. Should the current owner sell the property, and the Consent use, Title Deed Restriction on the Erf has been changed, a **future owner** of a potential bottle store there can take over and sell any alcohol including lower budget wines and quarts etc.

**The new owner operates** under the Consent use: Bottle store: means an establishment where the dominate use is the retail sales of alcoholic beverages for consumption off the property; There are no restrictions on what can be sold.

The shelf life of liquor is very long and the price relatively expensive. The result is the normal household buy it at the best price and use it over longer periods. Most residents will thus not buy at this liquor store as the price will be high as the result of low turnover (low number of residents). Visitors that drank more than what they had planned for, will gain the most out of such store. They do however impact on the tourism potential and the quality of life of the residents of the area. Remember, noise travel in BD as the background noise is very low.

Signed:

FILE NO:	EL 5580 ✓
SCAN NO:	Betty's Bay
	GIORGIO
COLLABORATOR NO:	1287995

24 MAY 2019

20/223

Loretta Gillion - Municipal Notice No. 52/2019

KBB 5580

TR A Theart  
(Hazel Steep)

**From:** "Sam & Ann Moore" <moores@tiscali.co.za>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 28/05/2019 09:25 AM  
**Subject:** Municipal Notice No. 52/2019



**Subject:** Municipal Notice No. 52/2019 – Objection to a bottle store in Betty's Bay

Dear Loretta

As a resident of Betty's Bay, and trustee for the H A Moore Family Trust, owner of Erf 2463, 28 Angler's Road, Betty's Bay, I write to object to the proposed bottle store in Betty's Bay. Betty's Bay is a small rural town with not many permanent residents. I have been coming to Betty's Bay for holidays and weekends for over 60 years and have never felt the need of a supermarket, let alone a bottle store. Kleinmond is only 14 kilometers away and has enough supermarkets and bottle stores to meet the needs of people staying or living in Betty's Bay and I do not believe a supermarket or bottle store is sustainably in Betty's Bay – most shops struggle because of the seasonal nature of occupation of the area. Liquor stores tend to attract undesirable loitering, with potential for increasing crime.

Kind regards

Hazel Ann Moore  
 Trustee for the H A Moore Family Trust

FILE NO:	EL 5580 ✓
	Betty's Bay
SCAN NO:	HAZEL
COLLABORATOR NO:	1288560

28 MAY 2019

28 MAY 2019

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21/223

Loretta Gillion - Municipal Notice No. 52/2019

KBB 5580

**From:** "Sam & Ann Moore" <moores@tiscali.co.za>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 28/05/2019 09:25 AM  
**Subject:** Municipal Notice No. 52/2019

TR A Theart  
 (Huld Stoep)



**Subject:** Municipal Notice No. 52/2019 – Objection to a bottle store in Betty's Bay

Dear Loretta

As a resident of Betty's Bay, and trustee for the H A Moore Family Trust, owner of Erf 2521, 25 Bass Road, Betty's Bay, I write to object to the proposed bottle store in Betty's Bay. Betty's Bay is a small rural town with not many permanent residents.

I have been coming to Betty's Bay for holidays and weekends for over 50 years and have never felt the need of a supermarket, let alone a bottle store.

Kleinmond is only 14 kilometers away and has enough supermarkets and bottle stores to meet the needs of people staying or living in Betty's Bay and I do not believe a supermarket or bottle store is sustainably in Betty's Bay – most shops struggle because of the seasonal nature of occupation of the area.

Liquor stores tend to attract undesirable loitering, with potential for increasing crime.

Kind regards

Samuel William Moore  
 Trustee for the H A Moore Family Trust

Professor SW Moore  
 Professor Emeritas  
 Division of Paediatric Surgery  
 University of Stellenbosch

FILE NO:	E2 5580 ✓
	Betty's Bay
SCAN NO:	
	SAMUEL
COLLABORATOR NO:	
	1288566

28 MAY 2019

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22/223

Loretta Gillion - Objection to liquor store

KB 5580

TR A Theart  
(H vld stoep)

**From:** "Estienne de Beer" <estienne@lantic.net>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 27/05/2019 11:23 AM  
**Subject:** Objection to liquor store



Ms Gillion,

I would like to voice my objection against the opening of the proposed liquor store in Betty's Bay.

Regards,  
Estienne de Beer  
4147 Vlei str  
Betty's Bay

FILE NO:	EL 5580
	Betty's Bay
SCAN NO:	
COLLABORATOR NO:	1288109

TP 27 MAY 2019

23/223



TP - A Theart  
(CH old stoep)

Date: 25/5/2019

From: LORNA Lindsey + Yvonne PARK

Address: Disa Street 3882 Betty's Bay 7141

Contact Details: 079 7375621 0829622902

Interest: Concerned Resident

Reasons and Comments: ENOUGH BOTTLE STORES IN THE AREA!

I do not support this removal of Title Deed restriction or the Consent use for a bottle store for Erf 5580

I'm against the Spar and ESPECIALLY the Liquor Store at erf 5580 or any other Property in Betty's Bay

1. Dedicated right hand turning lane.

The current access from the R44 coming from the west (Cape Town) is an accident waiting to happen, and the road must be engineered and marked to have a right-hand only turning lane so that people wanting to shop at the Spar can safely wait before turning and more importantly those carrying straight on can do so in safety. The emergency lane might have to be removed to allow for this.

2. Deliveries by suppliers

It is not allowed in KZN (not sure about here but as R44 is a provincial road it must have similar restrictions) for delivery lorries to offload on main roads. Delivery lorries must offload on side roads or on private land. Therefore the deliveries to Spar / Tops must either access the site from the R44 down the steep drive or from Porter Drive via the traffic circle in Coral Road

3. Litter

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4. Recycling

Spar and Tops should not be allowed to add to our refuse burden and should have a recycling and waste management plan which shows their commitment to recycling, disposal and refuse handling. They must not be allowed to dump their refuse and waste along with householders but (as I understand other Spars do) have their refuse and recycling removed privately.

Signed: L.J. Lindsey + M. Park

FILE NO:	EL 5580
	Betty's Bay
SCAN NO:	
COLLABORATOR NO:	1288121

TP 24 MAY 2019

24/223

Date: 24/05/19  
 From: H. van Wyk  
 Address: 4197 CRASSULA ST. BB  
 Contact Details: 0832287304  
 Interest: Concerned Resident  
 Reasons and Comments: AS BELOW



TP H T heart  
 (H Jd Steep)

**I do not support this removal of Title Deed restriction or the Consent use for a bottle store for Erf 5580**

I'm against the Spar and ESPECIALLY the Liquor Store at erf 5580 or any other Property in Betty's Bay

1. Dedicated right hand turning lane.  
 The current access from the R44 coming from the west (Cape Town) is an accident waiting to happen, and the road must be engineered and marked to have a right-hand only turning lane so that people wanting to shop at the Spar can safely wait before turning and more importantly those carrying straight on can do so in safety. The emergency lane might have to be removed to allow for this.
2. Deliveries by suppliers  
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Signed: [Signature]

FILE NO:	EL 5580
	Betty's Bay
SCAN NO:	
COLLABORATOR NO:	1288113

TP 24 MAY 2019

*TP-AT heart  
CH vld Stoep*



**From:** Ruargh Potgieter <ruarghpotgieter@gmail.com>  
**To:** "loretta@overstrand.gov.za" <loretta@overstrand.gov.za>  
**Date:** 24/05/2019 04:27 PM  
**Subject:** Objection erf 5580

I have been a resident in Betty's bay for 20 years and have actively participated in previous successful objections to the opening of a liquor store.

Main objection is the local access to liquor in a society already plagued by alcoholism and drug abuse.

Increased family abuse and poverty.

Increase in break ins which are a real problem.

ZD BOTHMA  
4343 ADENANDRA  
CELL 0829906258

Sent from my Huawei Mobile

FILE NO:	<i>EL 5580</i>
	<i>Betty's Bay</i>
SCAN NO:	
COLLABORATOR NO:	<i>1288100</i>

*TP* 24 MAY 2019

26/223

Loretta Gillion - Application Erf 5580

KBB



**From:** Hans van Dyk <hansvdyk@gmail.com>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 24/05/2019 04:49 PM  
**Subject:** Application Erf 5580

TP A Theart  
 (H vld Stoep)

To: Ms Loretta Gillion

Administrator, Town & Spatial Planning

Overstrand Municipality.

Subject: Application for removal of title deed restrictions and consent use of Erf 5580 Betty's Bay

I wish to lodge an objection against allowing the proposed liquor store in Betty's Bay on the above or any other site.

Previous applications have failed and circumstances have not changed. There is no need for this kind of business in this town. The granting of permission to sell liquor at these or any other premises will not fit in with the general atmosphere of this small holiday town. The availability of alcohol will have a detrimental social effect on especially the vulnerable members of society. The granting of this application will bring no advantages to this area.

Thank you,

Hans van Dyk,

Owner Erf 2943

Pastor, Lakeside Chapel

FILE NO:	EL 5580
	Betty's Bay
SCAN NO:	
COLLABORATOR NO:	1288167

TP 24 MAY 2019

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27/223

Loretta Gillion - EFT 5580 *KB**TRATHART  
(Huld Stoep)*

**From:** "renee@peteoxford.com" <renee@peteoxford.com>  
**To:** Loretta Gillion <lpage@overstrand.gov.za>  
**Date:** 24/05/2019 07:45 PM  
**Subject:** EFT 5580



To Whom it May Concern

As an 83 year old woman who does not drive long distances anymore I think having a Doctor's consulting room in this location would be a much better option than a bottle store. Alcohol can be delivered to Betty's Bay via Courier but we do need Doctors here especially as the town is growing.

Your's sincerely

Very Wood

My postal address is

PO Box 475, Betty's Bay

As I don't have internet I am using my daughters email account.

FILE NO:	<i>E 5580</i>
	<i>Betty's Bay</i>
SCAN NO:	
COLLABORATOR NO:	<i>1288153</i>

24 MAY 2019

28/223

Date: 24/5/2019 TR A Theart  
 (H. v. d. Stoop)  
 From: Elizabeth McGregor  
 Address: 4297 Proteus Road  
 Contact Details: 082 349 3526



Interest: Concerned Resident

Reasons and Comments: Worried about criminal element

**I do not support this removal of Title Deed restriction or the Consent use for a bottle store for Erf 5580**

We are being totally inundated with poachers who are becoming so brazened that they are now entering the water from the penguin car park area under the nose of Cape Nature and are now loud when in the water - shouting and whistling to each other whereas until as recently as last year they were in much smaller groups, shy of being seen and more secretive in general. This is an obvious breach of the law to which SAPS or Cape Nature for that matter are not responding adequately by any stretch of the imagination. Does anybody really believe that either party would respond to drunk and disorderly behaviour. The same behaviour is apparent over weekends at the Kleinmond Harbour where alcohol are used in public.

Bettys' Bay is already entirely permeated by crime. We do not need to add more fuel to the fire with a bottle store which has never had an entirely positive outcome. Apart from the above mentioned the increase speed at which the large number of poaching associated vehicles is now screaming through Betty's Bay any member of the public not responding decisively and submissively to the 'getaway cars' is in for a major accident. Alcohol feeds aggression in many people.

The Application states that sales of low budget wine and so called quarts will be excluded. There is no guarantee that this will not change in the future and with accompanying potential negative impact on the community.

The Title Deed Restriction change and Consent use change are attached to the property, not the current owner. Should the current owner sell the property, and the Consent use, Title Deed Restriction on the Erf has been changed, a future owner of a potential bottle store there can take over and sell any alcohol including lower budget wines and quarts etc.

The new owner operates under the Consent use: Bottle store: means an establishment where the dominate use is the retail sales of alcoholic beverages for consumption off the property; There are no restrictions on what can be sold.

The shelf life of liquor is very long and the price relatively expensive. The result is the normal household buy it at the best price and use it over longer periods. Most residents will thus not buy at this liquor store as the price will be high as the result of low turnover (low number of residents). Visitors that drank more than what they had planned for, will gain the most out of such store. They do however impact on the tourism potential and the quality of life of the residents of the area. Remember, noise travel in BB as the background noise is very low.

Signed: E

FILE NO:	<u>E7.5580</u>
	<u>Betty's Bay</u>
SCAN NO:	
COLLABORATOR NO:	<u>1288143</u>

TP 24 MAY 2019



Date: ~~24~~ 5.2019 A-Theart  
(H. J. de Steep)  
From: HELENA Uys  
Address: Disa Street 388-2 Betty's Bay 7141  
Contact Details: elrus.hcb.uys@gmail.com

Interest: Concerned Resident

Reasons and Comments: *I am very against it, as it will be a place  
for jobless people to gather - waste their money on booze*  
I do not support this removal of Title Deed restriction or the Consent use for a bottle store for Erf  
5580

I'm against the Spar and ESPECIALLY the Liquor Store at erf 5580 or any other Property in  
Betty's Bay

1. Dedicated right hand turning lane.

The current access from the R44 coming from the west (Cape Town) is an accident waiting to happen, and the road must be engineered and marked to have a right-hand only turning lane so that people wanting to shop at the Spar can safely wait before turning and more importantly those carrying straight on can do so in safety. The emergency lane might have to be removed to allow for this.

2. Deliveries by suppliers

It is not allowed in KZN (not sure about here but as R44 is a provincial road it must have similar restrictions) for delivery lorries to offload on main roads. Delivery lorries must offload on side roads or on private land. Therefore the deliveries to Spar / Tops must either access the site from the R44 down the steep drive or from Porter Drive via the traffic circle in Coral Road

3. Litter

As all Spars that I know of, have a food take away section there is an issue of litter being dropped anything up to a kilometer away by those on foot who are eating their purchase as they walk along and drop the packaging as they finish. Spar should commit to having a litter pick up plan and ensure that staff members daily walk the area collecting any such rubbish dropped by their customers

4. Recycling

Spar and Tops should not be allowed to add to our refuse burden and should have a recycling and waste management plan which shows their commitment to recycling, disposal and refuse handling. They must not be allowed to dump their refuse and waste along with householders but (as I understand other Spars do) have their refuse and recycling removed privately.

Signed: 

FILE NO:	EL 5580
	Betty's Bay
SCAN NO:	
COLLABORATOR NO:	1288138

TP 24 MAY 2019

30/223

Date: 04/5/2019 **TRATHAART (HuldStoop)**  
 From: MARTINUS KENN  
 Address: 3335 DECATIN DRIVE  
 Contact Details: 082 413 6858



Interest: Concerned Resident

Reasons and Comments: BETTY'S IS IN DISTRESS AND SHOULD BE PROTECTED

**I do not support this removal of Title Deed restriction or the Consent use for a bottle store for Erf 5580**

I'm against the Spar and ESPECIALLY the Liquor Store at erf 5580 or any other Property in Betty's Bay

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Signed: 

FILE NO:	<u>EL 5580</u>
	<u>Betty's Bay</u>
SCAN NO:	
COLLABORATOR NO:	<u>1288124</u>

TP 24 MAY 2019

31/223

Date: 24/5/2019 TP - Theart  
 (CH del Stoep)  
 From: JAPHNE YORKE  
 Address: 3116 CLAREALE DRIVE  
 Contact Details: 0714421690  
 Interest: Concerned Resident  
 Reasons and Comments: Bettys Bay is a biosphere



**I do not support this removal of Title Deed restriction or the Consent use for a bottle store for Erf 5580**

I'm against the Spar and ESPECIALLY the Liquor Store at erf 5580 or any other Property in Betty's Bay

1. Dedicated right hand turning lane.

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Signed: [Signature]

FILE NO:	EL 5580
	Betty's Bay
SCAN NO:	
COLLABORATOR NO:	1288118

TP 24 MAY 2019

32/223

Date: 24/5/2019From: BB GlassAddress: 3005 Clarence Ave. Betty's BayContact Details: 076 187 0766Interest: Concerned Resident

Reasons and Comments: \_\_\_\_\_



**I do not support this removal of Title Deed restriction or the Consent use for a bottle store for Erf 5580**

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Signed: 

FILE NO:	<u>EL 5580</u>
	<u>Betty's Bay</u>
SCAN NO:	
COLLABORATOR NO:	<u>1288114</u>

TP 24 MAY 2019

33/223

**Loretta Gillion - Objection to Removal of Title Deed Restrictions T10710/2018 and objection to consent use to establish a liquor store Erf 5580 2 Coral Road Betty's Bay**

**From:** Dominique Erlank <dom.erlank@gmail.com> *TRATheart*  
**To:** <loretta@overstrand.gov.za> *CH vbl shop*  
**Date:** 24/05/2019 09:01 PM  
**Subject:** Objection to Removal of Title Deed Restrictions T10710/2018 and objection to consent use to establish a liquor store Erf 5580 2 Coral Road Betty's Bay



**Objection to Removal of Title Deed Restrictions T10710/2018 and objection to consent use to establish a liquor store Erf 5580 2 Coral Road Betty's Bay**

From Dominique Erlank

32 William Road Norwood Johannesburg 2192

082 459 6528

Part Owner of Plot 2818 Clarence Drive Betty's Bay for > 20 years and regular visitor to Betty's Bay for > 40 years

FILE NO:	EZ 5580
	Betty's Bay
SCAN NO:	
COLLABORATOR NO:	1288002

**Reason for Objection**

There are sufficient liquor stores within the greater Rooi Els, Pringle Bay, Betty's Bay, and Kleinmond to service the existing permanent residents and holiday visitors of these communities.

There is no business justification as to why an additional liquor store is needed and no justification as to the impact on the current community and current existing liquor stores. And no justification as to why the Spar in Kleinmond should be replaced and lose business.

The distances to travel are well within the equivalent distances which would be travelled in Cape Town or Johannesburg or any other urban centre.

The existing Spar in Kleinmond is well equipped to provide exactly what is being proposed and would lose all business from the local community who no longer need to shop and would take their business away.

The existing Spar will lose valuable holiday business and in the current economic climate cannot afford to lose this business.

If they lose business they will be forced to lay off workers who will no longer be able to support themselves and will increase the unemployment rate.

The negative impact on existing local Betty's Bay businesses which have supported these communities over the years. These business will lose business as clients move and take their business to new shops. Business owners will potentially go out of business and/or will have to lay off workers. This makes no sense in our current economic environment. This is not good business and our current economy is dependent on small businesses staying in business.

*TP* 24 MAY 2019

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34/223

The current population of Betty's Bay is not projected to grow. There are numerous properties for sale, indicative of the poor economic climate and that people cannot afford holiday properties.

35/223

FILE NO:	EL 5580
SCAN NO:	Betty's Bay
COLLABORATOR NO:	1288008

MCI Gunther  
 Klipspringerweg 2654  
 Posbus 312  
 Bettiesbaai  
 7141  
 Selfoon:0823207184

TRATHAAT  
 (H. v. d. Stoep)



Die Munisipale Bestuurder,  
 Overstrand Munisipaliteit,  
 Hermanus Administrasie,  
 Posbus 20,  
 Hermanus  
 7200

BESWARE TEEN AANSOEK OM OPHEFFING VAN TITELBEPERKINGE EN  
 VERGUNNINGSGEBRUIK VAN ERF 5580 BETTIESBAAI. Munisipale Kennisgewing Nr52/2019

Geagte Munisipale Bestuurder,

Die applikasie om 'n drankwinkel op die betrokke perseel op te rig word ten sterkste afgekeur deur al die ondergetekendes van hierdie dokument wat dien as beswaar teen die oprig van 'n drankwinkel.

Redes aangevoer hiervoor word selfs in die aansoeker se dokument aangehaal onder die hofie "Karakter van die Omgewing" en is onder andere as volg:

- Bettiesbaai is 'n stil dorpie en die inwoners is meesal afgetrede mense. 'n Klein invloed van jonger mense wat in en uitry na Somerset Wes, Kaapstad en Hermanus.

*Dit is so waar, dit is dus duidelik dat daar geen aanvraag deur die inwoners om 'n drankwinkel hier in Bettiesbaai te open nie – die afgetrede inwoners stel nie belang nie en die jonger mense kan hulle drank koop in Somerset Wes, Kaapstad of Hermanus soos en wanneer hulle in en uitry na hulle werk.*

- Daar is geen drankwinkel in Bettiesbaai nie. Die naaste is in Pringelbaai en Kleinmond.

*Dit is ook waar. Daar is, soos verstaan ten minste vier(4) drankwinkels in Kleinmond en drankwinkels in Pringelbaai. Daar is ook ten minste drie(3) restaurante binne 'n radius van 100 tot 200 meter vanaf die perseel, wat ALMAL dranklisensies het. 'n Drankwinkel sal dus nie net die besigheid van die huidige besighede invloed nie, maar ook n negatiewe invloed om hierdie stil en rustige omgewing he. Ons het nie die behoefte aan 'n drankwinkel nie en nóg nooit was daar 'n "hoe kwaliteit" drankwinkel in die wereld nie!! Lees net die*

1

TP 24 MAY 2019

boodskappe om "face-book" om die "hoe-kwaliteit" van sommige van die kommentaar te sien.


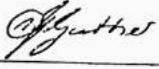


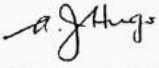

• Beibesbaai het eerder 'n apteek nodig – daar is net twee apteke in Kleinmond en geen in enige van ons ander dorpie nie.

- Die voorstel sal nie n negatiewe invloed op die karakter van die area he nie.



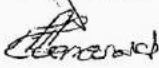
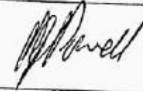
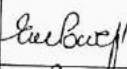
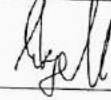




Hierdie stelling is absoluut ONWAAR. Die area is deel van n bewaringsgebied, waar die kklipspringers ( Klipspringerweg is oorkant die perseel) gereeld hul verskyning maak, die bobbejane gereeld by die munisipale kantore rondloop, die ystervarke hul deel doen, die partrysies kom kos eet – N DRANKWINKEL SAL BESLIS DIE KARKATER NEGATIEF BEINVLOED!

Judy Gunther,  
Klipspringerweg,  
Erf 2654  
Bettiesbaai  
Tel 0823207184

Gemagtigde verteenwoordiger van al die ondergetekendes  
PS Hierdie brief verteenwoordig al die ondergetekendes

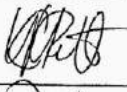
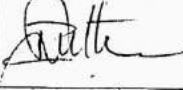

Volle Naam	Fisiese Adres	Handtekening	Kontak Nummer
Gustav Friedrich Gunther	2654 Klipspringerweg, Bettiesbaai		0833807121
Martha Catherine Judith Gunther	2654 Klipspringerweg, Bettiesbaai		0823207184
Carolina Johanna Swart	2654 Klipspringerweg, Bettiesbaai		0833831077
Petrus Paulus Hugo	3256 Paranomus- straat Bettiesbaai		082 9575326
Anna Johanna Hugo	3526 Paranomus- straat, Bettiesbaai		0827385299
Engela Moen	3538 Oxalisweg Bettiesbaai		0828202311

Petisie teen oopmaak van bettelstoa in Betty'sbaai.

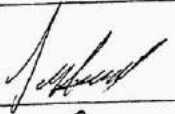

Volle Naam	Fisiese adres	Handtekening	Kontak Nummer
V Manser	3545 Percinanus Road	V Manser	0828776724
R Manser	3545 Percinanus Road		1
M DE JAGER	2121 VLEI STR		0825047227
DEON GREENWALD	3531 No. 8 OXALIS BA		083 8766/103.
PETER POWELL	3541 OXALIS RD BETHYS		0828923772
Estelle POWELL	3541 OXALIS Rd Betty		0836595691
Andre Engelle	3518 OXALIS Rd Betty's		0823097135
Pieter Kotze	5620 Restio Close		0796792001
Corn Gretling	5620 RESTIO CLOSE		083581 7329
JOHAN BUEGER	9 RESTIO CLOSE		0736095509
MARLEEN BUEGER	9 RESTIO CLOSE		0834432898

Volle Naam	Adres	Handtekening	Tel Nummer
Hester Withelmima Theron	7653 Klipspringer Street Bettiesbaai	Muthery	0834033978
Abbie van Zyl	7653 Klipspringerstr Bettiesbaai		0836601156
ELSABE MULLER	2949 HIGH LEVEL RD BETTIESBAAI	E.m.m.	0826648774
C. LAWRENCE	2949 HIGH LEVEL RD BETTIES BAY		0282729240
H Hyman	No 5 Straight Street Bettys Bay		0765849290
S.D. Britz	2207 Wlelor Str Bettys bay		0820545266
RJ Britz	2207 Wlelor Str Bettys bay	RJ Britz	0282729896
DARLEN	11		061-293-0550
Freda Meyburgh	2162 COOT ROAD,		0746164007
HET MEYBURGH	2162 Coot Road		0849994638
Fantho Perera	22 Coot Street Bettie Bay		0790484356
PAUL DE REUCK	2163 COOTSTRAAT BETTIES BAAI		0828281712
LEONIA DE REUCK	2163 COOTSTRAAT BETTIES BAAI		0824550318

39/223

Name	Address	Signature	Call #
CARA RUTHVEN	3544 PARADISE ROAD		
IAN RUTHVEN	4738 OXALIS ROAD B/BAY		
SHARON COULDRIDGE	4873 SALTERA CLOSE B/BAY		

Volle Naam	Fisiese adres	Handtekening	Kontak Nommer
JOHANNES NICOLAAS ROETS	3533 OXALIS ROAD		0822597319
CRANE KENTUR KULLOPS	3544 OXALIS Rd		073527 8081

Volle Naam	Fisiese Adres	Handtekening	Tel Nommer
San-Mari	2163 Coot Street Betty's Bay		072 143 1523
O. S. BARRON	2161 Easy Rd, Betty Bay		0824155046
			5



41/223

TP-A Theart  
(H vld Steep)

**Loretta Gillion - RE: erf 5580 Betty's Bay liquor shop objections**

**From:** Annalie Pinch <apinch@ensafrica.com>  
**To:** Loretta Gillion <lpage@overstrand.gov.za>, "loretta@overstrand.gov.za" <...>  
**Date:** 24/05/2019 08:29 PM  
**Subject:** RE: erf 5580 Betty's Bay liquor shop objections  
**Cc:** Annalie Pinch <apinch@ensafrica.com>  
**Attachments:** Objection (24-05-19).xlsx



Dear Loretta

Please find attached details of objections to the above application.

I am the authorised representative and my details are as follows:

Annalie Pinch  
Erf 4069 Diastella Betty's Bay or 32 Campground Road, Rosebank 7700  
[annaliepinch@gmail.com](mailto:annaliepinch@gmail.com)

Each signatory was requested to provide reasons for objecting and those are set out in the attached. In general, the concerns are:

- a chain drink shop will impact adverse on the character of Betty's Bay. Many people have bought property here or moved here for the village/quiet and un-commercial feel of Betty's Bay and such atmosphere will change if the proposed application is approved;
- it is believed that ready access to alcohol creates social problems due to alcohol abuse which also may increase accidents and crime in the area and that the levels of policing are not sufficient to deal with such issues;
- the location of the proposed shop is problematic;
- there is no need for a liquor store as there is one in Pringle Bay (in an unobtrusive location) and many in Kleinmond.

Please let me know if you have any comments or questions.

Kind regards  
Annalie

**Annalie Pinch**  
 principal associate  
 tax  
 +27 21 410 2500  
 +27 82 923 9754  
[apinch@ENSafrica.com](mailto:apinch@ENSafrica.com)  
[ENSafrica locations](#)

ENSafrica email disclaimer

**From:** Loretta Gillion <lpage@overstrand.gov.za>  
**Sent:** 23 May 2019 03:08 PM  
**To:** Annalie Pinch <apinch@ensafrica.com>  
**Subject:** Re: erf 5580 Betty's Bay objections

Dear Annalie

Attached please find the relevant extract from the By-Law, as requested.

Regards

**Loretta Gillion**  
Administrator, Town & Spatial Planning

FILE NO:	EL 5580
	Betty's Bay
SCAN NO:	
COLLABORATOR NO:	1288017

TP 24 MAY 2019

Full name	Address 1	Address 2	City	Telephone number	Email	The establishment of a liquor shop will have an undesired effect on Betty's Bay and should be opposed	Reason	Interest
Daniel Russell Pinch	Erf 4069	Diastella Road	Betty's Bay	0824544617	<a href="mailto:dan@kingjames.digital">dan@kingjames.digital</a>	Agree	Local liquor shop will destroy the peaceful community. Drink shops in Kleinmond & Pringle Bay sufficient for those not wishing to abuse alcohol. for the application - drink shops in Pringle Bay and Kleinmond sufficiently serves the market. The lack of liquor shop helps to keep the "village" feel of Betty's Bay and there are serious concerns on the adverse impacts of having alcohol readily available. Location also not ideal as so close to a main road which can increase road and pedestrian accidents. It felt that police levels are not sufficient to deal with current levels of crime which may well increase as access to alcohol increases.	Home owner
Annalie Pinch	Erf 4069	Diastella Road	Betty's Bay	0829239754	<a href="mailto:spinch@dens.co.za">spinch@dens.co.za</a> <a href="mailto:annaliepinch@gmail.com">annaliepinch@gmail.com</a>	Agree	Betty's Bay is a peaceful village and we do not need things like liquor stores and the problems they bring that are connected to cities. It will change the peaceful atmosphere and cause problems for Betty's Bay which we don't need.	Home owner
Tailiha Rabie	3250 Dolphin Drive		7141		<a href="mailto:tailiharabie@gmail.com">tailiharabie@gmail.com</a>	Agree		Resident
Jac Conradie	Diastella 4007		Bettesbaai	0833173577	<a href="mailto:jac@jul.ac.za">jac@jul.ac.za</a>	Agree	More crime	Home owner
Desiree Scott Anna Conradie	5986 Serruria Circle 4007 Diastella rd		Betty's Bay Betty's Bay	0721849029 0828648818	<a href="mailto:pm@mweb.co.za">pm@mweb.co.za</a> <a href="mailto:annaco@talkomsa.net">annaco@talkomsa.net</a>	Agree Agree	This service is available in Kleinmond & Gordon's Bay.	Resident & Betty's Bay Home owner
Michael William Broom	4409 Ichenalla road		Betty's Bay	0832526868	<a href="mailto:mike@marketingscience.co.za">mike@marketingscience.co.za</a>	Agree	Glass on beaches, noise on beaches & picnic areas, increased rubbish	Home owner
Willem P Malherbe	Mermidweg 3369		Bettesbaai	27842473595	<a href="mailto:wpm@isales.co.za">wpm@isales.co.za</a>	Agree	Betty's Bay is almost strictly residential. It has always been a quiet peaceful neighbourhood with overwhelming natural assets	Resident & home owner in Betty's Bay

<p>Tranquility will be destroyed                  Liquor shop will be destroyed                  Numerous restaurants in vicinity                  where liquor can be purchased &amp;                  enjoyed while relaxing enjoying a                  meal &amp; admiring the scenery &amp;                  tranquility</p> <p>Bottle store in Pringle Bay                  Restaurants in Pringle Bay where                  liquor can be purchased &amp; enjoyed                  while relaxing enjoying a meal &amp;                  admiring the scenery &amp; tranquility                  Numerous bottle stores in Kleinmond                  Restaurants in Kleinmond where                  liquor can be purchased &amp; enjoyed                  while relaxing enjoying a meal &amp;                  admiring the scenery &amp; tranquility                  Further afield there are numerous                  bottle stores in Hermanus &amp; Somerset                  West where stock can be purchased                  while grocery shopping</p>	<p>Betty's Bay</p>	<p>0826723099</p>	<p>Silversands</p>	<p>2301 Lakeside Drive</p>	<p>Doug Bolton</p>	<p>dragonflies@vodmail.co.za</p>	<p>Agree</p>
<p>There are liquor licences in Hangklip,                  Pringle Bay and Kleinmond so                  another will only bring more anti social                  problems with it</p> <p>Betty's Bay is in a protected                  biosphere. A bottle store in Betty's                  Bay is completely out of character with                  the area and is absolutely not in                  keeping with a village where nature                  and lack of commercial entities is the                  very reason that it attracts the people                  who live there. The fact that there is                  more than one bottle store in                  Kleinmond just a few minutes away as                  well as the fact that there are                  restaurants in Betty's Bay that have a                  liquor license, we strongly resist this                  application.</p> <p>Unnecessary, will attract undesirable                  elements and spoil character of nature                  oriented area.</p>	<p>Betty's Bay</p>	<p>082.8503439</p>	<p>Marine Drive</p>	<p>Erf 2930</p>	<p>Brian Stuart Brice</p>	<p>merjuk@intermail.co.za</p>	<p>Agree</p>
<p>We have been                  property owners                  in Betty's Bay                  since 1990</p>	<p>Betty's Bay</p>	<p>0833570400</p>	<p>Lachenalia road</p>	<p>PLOT 4410</p>	<p>Dave and Lujina Shaw</p>	<p>shinedave@mweb.co.za</p>	<p>Agree</p>
<p>Home owner in                  Betty's Bay                  some 40 years                  under The                  Mestjui Trust                  and a beer and                  wine drinker</p>	<p>Betty's Bay</p>	<p>0827087148</p>	<p>Sunny Sees</p>	<p>3250 Dolphin dr</p>	<p>Marinus André Rabie</p>	<p>andrerabie@sonicmail.co.za</p>	<p>Agree</p>

Julius Oosthuizen	2191 Heron Road	Betty's Bay	083 877 6500	<a href="mailto:julius.oosthuizen@gmail.com">julius.oosthuizen@gmail.com</a>	Agree	<p>I don't see the need for a liquor store, when facilities are already available in both Kleinmond and Pringle Bay. Adding a store will contribute to the commercialisation of Betty's Bay, which I would like to avoid in order to preserve the quiet and rustic nature of the community.</p> <p>Home owner in Betty's Bay</p>
Eric Bateman	5155 Anglers Way	Betty's Bay	0605033044	<a href="mailto:ebp1h@icon.co.za">ebp1h@icon.co.za</a>	Agree	<p>1. Ready access to alcohol encourages alcohol abuse that is a major medical issue in the RSA, as frequently stated by our National Minister. 2. A store will attract alcoholics some potentially homeless and destitute to the village, increasing potential for crime. 3. There are sufficient stores in Kleinmond.</p> <p>Homeowner and owner of additional plot where I intend to build</p>
Justine Hoppe	1 Welgelaë Road	Cape Town	0824012218	<a href="mailto:justinehoppe@gmail.com">justinehoppe@gmail.com</a>	Agree	<p>Betty's Bay has always been a small community with limited retail. This has preserved a culture, look and feel enjoyed by its residents. Liquor shops frequently bring with them undesirable social behaviour which is not wanted by residents. Kleinmond is only 15min away and has multiple liquor stores.</p> <p>Resident</p> <p>1. There are five bottle stores within a 20km radius of Betty's Bay, another is NOT needed.</p> <p>2. A bottle store will only encourage individuals that flock to Betty's Bay for the sole purpose of consuming as much alcohol as possible, and then speed on the dirt roads and keep their neighbours awake with loud music and rowdy behaviour.</p>
Wendy Lucas	2034 Delpoort Road	Betty's Bay	0833833534	<a href="mailto:wendylucas.e@gmail.com">wendylucas.e@gmail.com</a>	Agree	<p>It would cause more hazards on the main road, drunk pedestrians, loitering, an increase in crime which we work very hard to keep to a minimum. With a bottle store in Pringle Bay AND Kleinmond both less than 15 mins away it would be totally UNNECESSARY. All establishments serve alcohol here in any case</p> <p>Resident</p>
Sharon Crawford	3978 Gladious Crescent	Betty's Bay	082850914	<a href="mailto:sharoncrawford7@gmail.com">sharoncrawford7@gmail.com</a>	Agree	<p>Studies show that alcohol outlets contribute to both crime and urban decay.</p> <p>Home owner in Betty's Bay</p>
Cynthia M Gould	4483 Ida Rd	Betty's Bay	0724152827	<a href="mailto:cynthia.m.gould@gmail.com">cynthia.m.gould@gmail.com</a>	Agree	

Stuart Vester	2343 Pine Road	Betty's Bay	0827311636	stuart.vester@gmail.com	Agree	<p>It negatively effects the local community-created and community driven businesses. The areas relies on the cooperation and support of small local businesses. A big chain business will only damage the business environment that the local businesses have cultivated.</p> <p>We have enough liquor stores and wine farms in our vicinity. Betty's Bay is a holiday destination and only busy in holiday times no need for a liquor store here. Our own coloured community do not want a liquor store, because of the social problems they are experiencing when alcohol is involved.</p> <p>I am a resident staying in Betty's Bay. We do not want a liquor store here.</p>
Meilinda Ridgard	3235 Albertyn Street	Betty's Bay	0839739223	meilindaridgard@gmail.com	Agree	<p>Policing in the Overstrand is stretched thin as it is. Once existing crime like poaching is under control then we can revisit the idea of a bottle store.</p>
Richarda B Gould	4483 Ixia Road	Betty's Bay	0745043078	Richarda.gould@gmail.com	Agree	<p>Betty's Bay does not want a bottle store. It goes against everything we came here for. In general it attracts undesirable elements We don't want to be just another town. Bottle stores bring riff raff and problems to the area</p>
Jean Vester	2343 Pine Road	Betty's Bay	0820408601	jean@tourism.co.za	Agree	<p>Home owner in Betty's Bay</p>
Wikus Olivier	3217 Dolphin Drive	Betty's Bay	27837035917	wikus.olivier74@gmail.com	Agree	<p>Home owner in Betty's Bay</p>
Xanske le Roux	Aster Crescent 4164	Betty's Bay	0646666877	xanske1@gmail.com	Agree	<p>Resident and home owner in Betty's Bay</p>
Richard Charles Gould	4483 Ixia Road	Betty's Bay	0724152827	richard.gould@gmail.com	Agree	<p>Home owner in Betty's Bay</p>
Shirley Diane Theron	4912 Lakeside drive	Betty's Bay	0833018621	theronshirley1@gmail.com	Agree	<p>Home owner in Betty's Bay</p>
Timothy Tucker	Erf 4975	Betty's Bay	0823339344	tim@sead.co.za	Agree	<p>Owner of 3 properties</p>
Sone Lang	21 Heron Straat	Betty's Bay	0624499426	sone.lang@gmail.com	Agree	<p>Home owner in Betty's Bay</p>
						<p>There is a liquor shop in Kleinmond, there is not a market for 1 in Betty's. it does not fit in the relaxed nature of the area</p> <p>Preserve the culture of the community. Believe it will have a negative impact on our town and is unnecessary as there are liquor stores in Kleinmond and Pringle Bay.</p> <p>Failure of SAPS to prevent crime in Betty's Bay will only become even worse if this facility is allowed.</p> <p>There is no need for a bottle store on Betty's Bay. People can go to Kleinmond</p>

We do not need big shops and bottle stores that will make liquor cheap and easy to come by and increase the number of inebriated and unwanted characters in the neighbourhood. Have a drink at a restaurant or if you are that desperate then drive to Kleinmond, but keep Betty's Bay free of alcohol abuse and unwanted elements in our peaceful village. It's a biosphere. We don't want it and the elements coming with it. We want peace and quietness. That's why we bought there. They can take there liquor store somewhere else.

Bottle stores in Kleinmond + Pringle are enough to service small Betty's Bay population who purchase alcohol; no guarantee it won't sell low budget liquor; right on provincial road with 80 - 100km speed limit with dangerous exit/entry onto it; risk of increase drunk people on beaches braaing that will increase fire risk; will attract increased crime. Pringle bay bottle store is within village + not on visible dangerous piece on R44; Kleinmond SAPS doesn't have resources to deal with resulting increased crime; negative impacts on Betty's Bay far outweighs the "convenience" factor for a small population who buy their alcohol when they go shopping for other things anyway; sunny Seas closer to Kleinmond than driving to erf 5680; put a more uplifting business for Home owner in BB on that spot

Pilot owner planning to be resident in Betty's Bay by end 2020

Home owner & resident in Betty's Bay

Home owner in Betty's Bay

It will draw more crime

Agree

Agree

lizette.swart1s@gmail.com

Betty's Bay 0832263122

4350 Arctopus Road

Lizette Swart

Agree

koos.elloff9@gmail.com

Betty's Bay 0834621285

2865 Protea Avenue

Koos Elloff

Agree

rstore@absmail.co.za

Betty's Bay 0827331677

erf 3422

Carol Clark

Agree

bethsbayaccommodation@gmail.com

Betty's Bay 0828938501

4165 Aster crescent

Marie le Roux

Andrew Vester	2343 Pine road	Betty's Bay 0832482138	andrew@kyacom.com	Agree	<p>There are enough bottle stores around. People from Rooibos will not use it because they will go to a Pringle Bay. Pringle's away residents won't use it because they already have a bottle store that I am sure they all support. Kleinmond residents already have an abundance of liquor stores so they will not use it.</p> <p>Permanent home owner and resident in Betty's Bay</p>
Mari Geriok	2948 High Level Road	Betty's Bay 0828056105	marism10@icloud.com	Agree	<p>Betty's Bay does not need a business hub, it is close enough to Kleinmond.</p> <p>Resident in Betty's Bay</p>
Jess Smit	3495 Restio Close	Betty's Bay 0837762077	jesssm107@gmail.com	Agree	<p>There will always be drunk people crossing the road through Bettiesbaai and there will be accidents daily. The influx of workers (with no place to live) and also the undesirable clientele surrounding a liquor store, would have a negative impact on our quiet little town.</p> <p>Resident in Betty's Bay</p>
Eugene Griesel	5408 Leichenalla Road	Betty's Bay 0825948157	ingl.griesel@gmail.com	Agree	<p>We purchased property in Betty's Bay specifically because there was no shopping Centre/bottle store and it was a quiet village. Whilst we are not against development in principle, we are opposed to this application as it goes against the original title deed restrictions and ethos of the village. liquor shop will encourage more characters to hang around the area.</p> <p>Home owner in Betty's Bay</p>
Wendy Viola	4327 Aotopus Road	Betty's Bay 0828365009	wviola100@gmail.com	Agree	<p>The beauty of Betty's is the tranquility. Let's try keep it that way!</p> <p>Weekend resident</p>
Amanda Stagman	2352 Park Road	Betty's Bay 0726164431	amandaslagman@gmail.com	Agree	

Date: 24/05.2019  
 From: RICHARD JACOBS  
 Address: 4811 OVALS ROAD BETTY'S BAY  
 Contact Details: 012 2574651

TP-A Theart  
 CH vld stoep



Interest: Concerned Resident

Reasons and Comments: Against liquor license being issued

**I do not support this removal of Title Deed restriction or the Consent use for a bottle store for Erf 5580**

I'm against the Spar and ESPECIALLY the Liquor Store at erf 5580 or any other Property in Betty's Bay

1. Dedicated right hand turning lane.

The current access from the R44 coming from the west (Cape Town) is an accident waiting to happen, and the road must be engineered and marked to have a right-hand only turning lane so that people wanting to shop at the Spar can safely wait before turning and more importantly those carrying straight on can do so in safety. The emergency lane might have to be removed to allow for this.

2. Deliveries by suppliers

It is not allowed in KZN (not sure about here but as R44 is a provincial road it must have similar restrictions) for delivery lorries to offload on main roads. Delivery lorries must offload on side roads or on private land. Therefore the deliveries to Spar / Tops must either access the site from the R44 down the steep drive or from Porter Drive via the traffic circle in Coral Road

3. Litter

As all Spars, that I know of, have a food take away section there is an issue of litter being dropped anything up to a kilometer away by those on foot who are eating their purchase as they walk along and drop the packaging as they finish. Spar should commit to having a litter pick up plan and ensure that staff members daily walk the area collecting any such rubbish dropped by their customers

4. Recycling

Spar and Tops should not be allowed to add to our refuse burden and should have a recycling and waste management plan which shows their commitment to recycling, disposal and refuse handling. They must not be allowed to dump their refuse and waste along with householders but (as I understand other Spars do) have their refuse and recycling removed privately.

Signed: [Signature]

FILE NO:	<u>EL 5580 ✓</u>
	<u>Betty's Bay</u>
SCAN NO:	<u>RICHARD</u>
COLLABORATOR NO:	<u>1288001</u>

24 MAY 2019

49/223

Date: 24.05.2019  
 From: Santie Pienaar  
 Address: Sea Way 2, Betty's Bay  
 Contact Details: 072 425 6050

TRATheart  
 (Huldstoep)



Interest: Concerned Resident

Reasons and Comments: Strek gekant teen die drankwinkel — moek  
Wagings t.o.v. ons Natuur Reserve Biosfeer  
 I do not support this removal of Title Deed restriction or the Consent use for a bottle store for Erf 5580

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Signed: S. Pienaar

FILE NO:	<u>E-5580 ✓</u>
SCAN NO:	<u>Betty's Bay</u>
	<u>SANTIE</u>
COLLABORATOR NO:	<u>1288005</u>

24 MAY 2019

50/223

Loretta Gillion - Re: Municipal Notice No. 52/2019

**From:** "Abri Meiring" <abrimeiring@telkomsa.net>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 24/05/2019 11:57 AM  
**Subject:** Re: Municipal Notice No. 52/2019



The Municipal Manager  
Overstrand Municipality

Dear Sir,

EL 5580 ✓
SCAN NO: Betty's Bay
ABRI
COLLABORATOR NO:
1287942

We refer to the above Notice and hereby address this to the e-mail address provided therein.

We need to point out in limine that the closing date for comment in the Notice and in the covering letter from a certain J MC Lachlan are in conflict. This would have created confusion and may have deterred legitimate comment, thus rendering the process open to legal challenge.

1. We note the intention to sell alcoholic beverages "excluding the sale of low budget wines and so-called "quarts" (750ml beer bottles and 750ml crates of beer)".
  - 1.1 This is a highly problematic enforcement issue in practice and it is extremely doubtful that it could be effectively policed by the Municipality.
  - 1.2 The problems inherent in cheap and accessible alcohol sales are self-evident and highly undesirable per se.
  - 1.3 There is a legal risk that this "condition" may fall foul of the Competition Act ("restrictive condition of supply") with expensive litigation consequences for the Municipality in the future.
2. We note with surprise and dismay that Para 3.5 of the so-called "Motivation Report" headed "Character of the Environment" does not contain any consideration or even a reference to the fact that we are dealing here with the buffer zone of South Africa's first (and arguably most important) Biosphere Reserve.
  - 2.1 Is this aligned with the Municipality's view of its custodianship in this regard – and its own Spatial Development Framework principles?
  - 2.2 It is trite that a bottle store generates glass bottles which will find their way into the thick fynbos vegetation on all road verges in the vicinity with a significant spontaneous fire risk in summer.
  - 2.3 There may even be legal consequences (also for the Municipality) in this regard due to insufficient (and thus presumed to be negligent) cleaning up of glass in the environment.
3. We submit that, on balance, the utility/need of a bottle store in this area is far outweighed by the potentially highly negative social and environmental consequences.
  - 3.1 We are not ideologically or in principle opposed to the consumption or even promotion of alcoholic beverages. (I am a member of the KWV).
  - 3.2 There is good access to alcoholic beverages in the town of Kleinmond where the vast majority of residents do their regular shopping.
  - 3.3 If the thinking is to provide a bottle store for non residents or passers by, there are additional serious social and road safety concerns which cannot be ignored.

TP

24 MAY 2019

file:///C:/Users/loretta/AppData/Local/Temp/XPgrpwise/5CE7DC13HermanusMunpo... 2019/05/24

51/223

We are strongly opposed to the amendment of the relevant provision of the Title Deed to now provide for a bottle store. We do not have any confidence that this will be somehow ameliorated by excluding certain products. The community and the public at large will be best served by the current restrictive Title Deed condition – as would the environment.

Please acknowledge receipt for our records.

Adv A. B. Meiring  
also pp Ms O. Meiring

Your ref: AB&O Meiring  
ERF 5423 BETTY'S BAY

52/223

In re: Application for a liquor licence: Erf 5580, 2 Coral Road, Betty's Bay, Overstrand Municipal Area

TRATT heart  
C Huld Stoop



We oppose this application on the following grounds.

Firstly, this application must be seen in the context of the proposed low-income housing development in the locale of the proposed liquor outlet, and also within the context of uncontrolled poaching of marine resources in Betty's Bay.

On this second point, the local South African Police Services, stationed in Kleinmond are on record as saying that they are underresourced and unable to protect Betty's Bay residents from the poaching gangs operating here. We have been explicitly told not to confront poachers as they are dangerous and SAPS is unable to protect us.

If this is the case, and large numbers of unemployed people reliant on Government Grants are settled in the Mooi Uitsig area, the security of the existing residents of Betty's Bay cannot be guaranteed by the South African Police Services. It is also a matter of fact that crime is narrowly correlated to alcohol use. If the SAPS cannot control existing serious criminal activity in the Betty's Bay area, they will not have the resources to control the relatively minor crime of public drunkenness. It must be noted that this proposed liquor outlet will be in close proximity to residential housing.

On this point, if the proposed settlement of people on Government Social Grants takes place, and if they embark, as has been the case in Kleinmond and Hermanus, on violent service delivery protests, history has shown that local businesses, especially liquor stores become targets for plunder. A store of alcohol is therefore not in the future interests of the maintenance of public order.

Secondly, Kleinmond has a number of liquor outlets, and Pringle Bay has one. The area is therefore oversupplied with liquor outlets.

Thirdly, no detail has been supplied as to the market research done in respect of this proposed liquor store so it is impossible to know what the justification is for the establishment of the business.

Signed:

Name: G.A.G. McGregor

Address: 4297 Archopus Rd, Betty's Bay 7141

Contact Details: 082 492 3302

Date: 24/5/2019

FILE NO:	EL 5580 ✓
	Betty's Bay
SCAN NO:	GAG
COLLABORATOR NO:	128 8026

24 MAY 2019

53/223

In re: Application for a liquor licence: Erf 5580, 2 Coral Road, Betty's Bay, Overstrand Municipal Area

We oppose this application on the following grounds.

TRATheart  
CHuld stoop



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On this second point, the local South African Police Services, stationed in Kleinmond are on record as saying that they are underresourced and unable to protect Betty's Bay residents from the poaching gangs operating here. We have been explicitly told not to confront poachers as they are dangerous and SAPS is unable to protect us.

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Signed: 

Name: E.C. McGregor

Address: 4297 Arctopus Road Betty's Bay 7141

Contact Details: 082 349 3526 / 028 272 9399

Date: 24/5/2019

FILE NO:	EZ 5580 V
	Betty's Bay
SCAN NO:	
	MCGREGOR
COLLABORATOR NO:	
	1288024

24 MAY 2019

54/223

Loretta Gillion - Municipal Notice No 52/2019

Re: Erf 5580 KBB

TRATheart  
C H Jld Stoop)

**From:** "Dragonflies" <dragonflies@vodamail.co.za>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 24/05/2019 09:59 AM  
**Subject:** Municipal Notice No 52/2019



Dear Sir / Madam

We hereby advise that we oppose the removal of the restrictive title deed conditions as well as establishing and erecting of a liquor shop.

Our reasons therefor are as follows:

- The tranquillity of Betty's Bay will be destroyed
- The tranquillity of the area around the proposed liquor shop will be destroyed
- There are numerous restaurants in the vicinity where liquor can be purchased and enjoyed while sitting relaxing and enjoying a meal while admiring the scenery and tranquillity of the area
- In Pringle Bay there is a bottle store
- In Pringle Bay there are restaurants where liquor can be purchased and enjoyed while sitting relaxing and enjoying a meal while admiring the scenery and tranquillity of the area
- In Kleinmond there are numerous bottle stores
- In Kleinmond there are restaurants where liquor can be purchased and enjoyed while sitting relaxing and enjoying a meal while admiring the scenery and tranquillity of the area
- Further afield in Hermanus and at the Whale Coast Shopping Mall there are numerous bottle stores where one can purchase and stock up on ones liquor while doing grocery shopping
- Somerset West and at the Somerset West Shopping Mall there are numerous bottle stores where one can purchase and stock up on ones liquor while doing grocery shopping

Thanking you

*D Bolton*

2301 (48) Lakeside Drive, Betty's Bay  
 mobile: +27 82 672 3099  
 e-mail: dragonflies@vodamail.co.za

FILE NO:	EL 5580 ✓
	Betty's Bay
SCAN NO:	
	BOLTON
COLLABORATOR NO:	
	1287484

24 MAY 2019

TP

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55/223

**Loretta Gillion - Application for removal of title deed restrictions and consent use of Erf 5580 Betty's Bay**

*TPA Theat  
CH vld stea*



**From:** Mike L Anderson <mike@mikelanderson.com>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 24/05/2019 09:20 AM  
**Subject:** Application for removal of title deed restrictions and consent use of Erf 5580 Betty's Bay

To: Ms Loretta Gillion

Administrator, Town & Spatial Planning Overstrand Municipality.

I wish to lodge an objection to the proposed construction of a liquor store in Betty's Bay. The application is only the latest of repeated attempts which have always been resisted. Clearly ratepayers, including me, do not want one.

Regards

Dr Mike L Anderson

Erf 4734 Oxalis Road, P O Box 218. Betty's Bay, 7141

FILE NO:	EL 5580 ✓
	Betty's Bay
SCAN NO:	
	MIKE
COLLABORATOR NO:	
	1287482

*TP* 24 MAY 2019

56/223

Loretta Gillion - Fwd: Bottle store objection

**From:** Stephnie Hodge <stephniehodge@gmail.com>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 24/05/2019 09:09 AM  
**Subject:** Fwd: Bottle store objection



Administrator – Town & Spatial Planning  
 Overstrand Municipality

Date: 24 May 2019

FILE NO:	EL 5580 ✓
SCAN NO:	Betty's Bay
	HODGE
COLLABORATOR NO:	1287481

Subject: Application for the removal of title deed restrictions and consent use of erf 5580 Betty's Bay.

The following objection to the public notice is hereby made in terms of section 52 of the relevant By-Law.

My reasons to be listed as an interested and affected party are hereafter listed.

Compliance with section 52(3) is as follows:

- (a). Full names: Stephnie Charlene Hodge
- (b). Address 3622 Betty's Bay, 7141 email address: [stephniehodge@gmail.com](mailto:stephniehodge@gmail.com)
- (c). I am the registered owner of erf 3622 in Betty's and I reside in the proximate vicinity of the proposed liquor outlet.
- (d). Reasons substantiating my objection:
  1. It is common cause that liquor outlets attract vagrants and persons with alcohol related problems and accordingly the outlet will have an undesirable effect on the area in which we reside.
  2. As such the market value of our property will be negatively affected.
  3. A readily accessible liquor outlet is already situated in Pringle Bay and which lies less than 10 kilometres away.
  4. The proposed outlet lies next to Clarence Drive (R64) which is a busy road with a speed limit of 80 kph – the liquor outlet would create a dangerous situation for persons wanting to cross Clarence Drive, especially towards the evening.
  5. The majority of the thefts and housebreakings in our area are drug/alcohol related and this outlet would probably have the effect of increasing the crime rate.
  6. Residents do their primary shopping in Kleinmond, The Strand and Hermanus where there are a number of available liquor outlets – accordingly there is not a specific need for a liquor outlet in Betty' Bay.

TP

24 MAY 2019

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57/223

7. A large percentage of the property owners live permanently outside Betty's Bay and bring their own alcohol when they come for a weekend or on holiday.
8. Apparently the applicant resides in Grabouw, so there would not be any personal supervision at the outlet.
9. The majority of the permanent residents purchased their properties due to the quiet and uniqueness of Betty's Bay and this includes the absence of both street lights and liquor outlets.

In the light of the above submissions, it is specifically requested that the special consent requisite for the removal of the title deed restriction relating to the issuing of a liquor licence, not be approved by the relevant authorities.

Regards  
Stephnie Hodge  
0746458402

58/223

Date: 24/05/2019  
 From: Leonie McAlpine  
 Address: 3866 Cyrenella Place, Betty's Bay  
 Contact Details: 083 380 7892 imax@polka.co.za

TRATheart  
 C M Jd Stoep



Interest: Concerned Resident

Reasons and Comments: Also in opposition because of high substance abuse occurrence in Betty's Bay/Mbambasa.  
 I do not support this removal of Title Deed restriction or the Consent use for a bottle store for Erf 5580

I'm against the Spar and ESPECIALLY the Liquor Store at erf 5580 or any other Property in Betty's Bay

1. Dedicated right hand turning lane.

The current access from the R44 coming from the west (Cape Town) is an accident waiting to happen, and the road must be engineered and marked to have a right-hand only turning lane so that people wanting to shop at the Spar can safely wait before turning and more importantly those carrying straight on can do so in safety. The emergency lane might have to be removed to allow for this.

2. Deliveries by suppliers

It is not allowed in KZN (not sure about here but as R44 is a provincial road it must have similar restrictions) for delivery lorries to offload on main roads. Delivery lorries must offload on side roads or on private land. Therefore the deliveries to Spar / Tops must either access the site from the R44 down the steep drive or from Porter Drive via the traffic circle in Coral Road

3. Litter

As all Spars, that I know of, have a food take away section there is an issue of litter being dropped anything up to a kilometer away by those on foot who are eating their purchase as they walk along and drop the packaging as they finish. Spar should commit to having a litter pick up plan and ensure that staff members daily walk the area collecting any such rubbish dropped by their customers

4. Recycling

Spar and Tops should not be allowed to add to our refuse burden and should have a recycling and waste management plan which shows their commitment to recycling, disposal and refuse handling. They must not be allowed to dump their refuse and waste along with householders but (as I understand other Spars do) have their refuse and recycling removed privately.

Signed: 

FILE NO:	EL 5580 ✓ Betty's Bay
SCAN NO:	LEONIE
COLLABORATOR NO:	1288003

24 MAY 2019

59/223

Date: 24 May 2019  
 From: Filva Whit  
 Address: 2235 Park Rd, Betty's Bay.  
 Contact Details: 071561853

TR-A Theart  
(H old stoep)



Interest: Concerned Resident

Reasons and Comments: As There is no law-enforcement in BB.

**I do not support this removal of Title Deed restriction or the Consent use for a bottle store for Erf 5580**

We are being totally inundated with poachers who are becoming so brazened that they are now entering the water from the penguin car park area under the nose of Cape Nature and are now loud when in the water - shouting and whistling to each other whereas until as recently as last year they were in much smaller groups, shy of being seen and more secretive in general. This is an obvious breach of the law to which SAPS or Cape Nature for that matter are not responding adequately by any stretch of the imagination. Does anybody really believe that either party would respond to drunk and disorderly behaviour. The same behaviour is apparent over weekends at the Kleinmond Harbour where alcohol are used in public.

Betty's Bay is already entirely permeated by crime. We do not need to add more fuel to the fire with a bottle store which has never had an entirely positive outcome. Apart from the above mentioned the increase speed at which the large number of poaching associated vehicles is now screaming through Betty's Bay any member of the public not responding decisively and submissively to the 'getaway cars' is in for a major accident. Alcohol feeds aggression in many people.

The Application states that sales of low budget wine and so called quarts will be excluded. There is no guarantee that this will not change in the future and with accompanying potential negative impact on the community.

The Title Deed Restriction change and Consent use change are attached to the property, not the current owner. Should the current owner sell the property, and the Consent use, Title Deed Restriction on the Erf has been changed, a future owner of a potential bottle store there can take over and sell any alcohol including lower budget wines and quarts etc.

The new owner operates under the Consent use: Bottle store: means an establishment where the dominate use is the retail sales of alcoholic beverages for consumption off the property: There are no restrictions on what can be sold.

The shelf life of liquor is very long and the price relatively expensive. The result is the normal household buy it at the best price and use it over longer periods. Most residents will thus not buy at this liquor store as the price will be high as the result of low turnover (low number of residents). Visitors that drank more than what they had planned for, will gain the most out of such store. They do however impact on the tourism potential and the quality of life of the residents of the area. Remember, noise travel in BB as the background noise is very low.

Signed:

*Filva Whit*

FILE NO:	EL 5580 ✓
	Betty's Bay
SCAN NO:	JULIA
COLLABORATOR NO:	1287989

24 MAY 2019

60/223

TPA Theat  
(Hvd Steep)

**Loretta Gillion - Totally against liquor store in Betty's Bay.**



**From:** Melinda Ridgard <melindaridgard@gmail.com>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 24/05/2019 12:23 PM  
**Subject:** Totally against liquor store in Betty's Bay.

To whom it may concern.

Good day.

I am Melinda Ridgard resident at 3235 Albertyn Street, Sunny Seas, Betty's Bay.

I am totally opposed to a liquor store in Betty's Bay.

We do not need a liquor store there are more than enough liquor stores and wine farms in our vicinity.

Our own coloured community is also against it, because of the social problems a liquor store brings.

We are a holiday town with not a lot of permanent residents and most of us shop in Somerset or Kleinmond. We will not support this liquor store.

Rather create job opportunities through tourism or getting rid of all these alien invasive trees that burned down half of Betties. We do not want more drunk people in our street or behind a wheel. This is a family friendly town.

No to a liquor store.

Kind regards

Melinda Ridgard.

FILE NO:	EZ 5580 ✓ Betty's Bay
SCAN NO:	MELINDA
COLLABORATOR NO:	1287978

TP 24 MAY 2019

61/223

**Loretta Gillion - RE: objection: municipal notice 52/2019**

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**From:** CT Gaunt <ct.gaunt@uct.ac.za>  
**To:** "loretta@overstrand.gov.za" <loretta@overstrand.gov.za>  
**Date:** 24/05/2019 10:24 AM  
**Subject:** RE: objection: municipal notice 52/2019

---

Loretta,  
I omitted my contact details:  
Postal address: 16 Portland Road, Rondebosch, 7700  
Cell: 083-2659196  
Regards, .. Trevor Gaunt

**From:** CT Gaunt  
**Sent:** Friday, 24 May, 2019 10:21  
**To:** loretta@overstrand.gov.za  
**Subject:** objection: municipal notice 52/2019

Loretta,  
Thanks for the notice from J McLachlan.  
I do not want or need a bottle store or liquor shop in Betty's Bay.  
The proposed tenant/owner or restrictions on what may be sold are irrelevant to a removal of the zoning or title deed restriction.  
Regards,  
CT Gaunt  
Trevor Gaunt Family Trust  
Erf 2559 Betty's Bay  
Disclaimer - University of Cape Town This email is subject to UCT policies and email disclaimer published on our website at <http://www.uct.ac.za/main/email-disclaimer> or obtainable from +27 21 650 9111. If this email is not related to the business of UCT, it is sent by the sender in an individual capacity. Please report security incidents or abuse via <https://csirt.uct.ac.za/page/report-an-incident.php>.

62/223

Date: 24 May 2019  
 From: HAZEL JACOBS  
 Address: 4811 Oxalus Road Betty's Bay  
 Contact Details: 072 622 9721  
 Interest: Concerned Resident  
 Reasons and Comments: ANTI LIQUOR LICENCE.



**I do not support this removal of Title Deed restriction or the Consent use for a bottle store for Erf 5580**

I'm against the Spar and ESPECIALLY the Liquor Store at erf 5580 or any other Property in Betty's Bay

1. Dedicated right hand turning lane.

The current access from the R44 coming from the west (Cape Town) is an accident waiting to happen, and the road must be engineered and marked to have a right-hand only turning lane so that people wanting to shop at the Spar can safely wait before turning and more importantly those carrying straight on can do so in safety. The emergency lane might have to be removed to allow for this.

2. Deliveries by suppliers

It is not allowed in KZN (not sure about here but as R44 is a provincial road it must have similar restrictions) for delivery lorries to offload on main roads. Delivery lorries must offload on side roads or on private land. Therefore the deliveries to Spar / Tops must either access the site from the R44 down the steep drive or from Porter Drive via the traffic circle in Coral Road

3. Litter

As all Spars, that I know of, have a food take away section there is an issue of litter being dropped anything up to a kilometer away by those on foot who are eating their purchase as they walk along and drop the packaging as they finish. Spar should commit to having a litter pick up plan and ensure that staff members daily walk the area collecting any such rubbish dropped by their customers

4. Recycling

Spar and Tops should not be allowed to add to our refuse burden and should have a recycling and waste management plan which shows their commitment to recycling, disposal and refuse handling. They must not be allowed to dump their refuse and waste along with householders but (as I understand other Spars do) have their refuse and recycling removed privately.

Signed: Hazel Jacobs

FILE NO:	<u>EZ 5580 ✓</u>
	<u>Betty's Bay</u>
SCAN NO:	<u>HAZEL</u>
COLLABORATOR NO:	<u>1288011</u>

24 MAY 2019

63/223

Date: 24/05/2019  
 From: IAN McALPINE  
 Address: 3866 CYANELLA PLACE  
 Contact Details: 083 268 5761

TRA Threat  
(Hvd Steep)



Interest: Concerned Resident

Reasons and Comments: DUE TO HIGH LEVEL OF SUBSTANCE ABUSE IN BETTY'S BAY AND THE IMPACT THIS HAS ON CAME  
**I do not support this removal of Title Deed restriction or the Consent use for a bottle store for Erf 5580** IN THE AREA.

I'm against the Spar and ESPECIALLY the Liquor Store at erf 5580 or any other Property in Betty's Bay

1. Dedicated right hand turning lane.

The current access from the R44 coming from the west (Cape Town) is an accident waiting to happen, and the road must be engineered and marked to have a right-hand only turning lane so that people wanting to shop at the Spar can safely wait before turning and more importantly those carrying straight on can do so in safety. The emergency lane might have to be removed to allow for this.

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3. Litter

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4. Recycling

Spar and Tops should not be allowed to add to our refuse burden and should have a recycling and waste management plan which shows their commitment to recycling, disposal and refuse handling. They must not be allowed to dump their refuse and waste along with householders but (as I understand other Spars do) have their refuse and recycling removed privately.

Signed: \_\_\_\_\_

FILE NO:	<u>EL 5580 ✓</u>
	<u>Betty's Bay</u>
SCAN NO:	<u>IAN</u>
COLLABORATOR NO:	<u>1288016</u>

24 MAY 2019

64/223

TRATheat  
(Hvd Stoep)**Loretta Gillion - OBJECTION NOTICE No.52/2019 Bottle Store in Betty's Bay**

**From:** Eric Bateman <eric.bateman@uct.ac.za>  
**To:** "loretta@overstrand.gov.za" <loretta@overstrand.gov.za>  
**Date:** 24/05/2019 12:43 PM  
**Subject:** OBJECTION NOTICE No.52/2019 Bottle Store in Betty's Bay  
**Cc:** "ebpih@icon.co.za" <ebpih@icon.co.za>



Dear Loretta,

I write as a homeowner of a house (5156 Anglers Way) and a plot in Bass Road, and as custodian of a house in Reed Road, Betty's Bay. Although not a permanent resident, I and my immediate family have been coming to Bettys Bay for many weekends and most school holidays since the 1960s.

I wish to record my strong opposition and objection to the granting of a license to establish a bottle store in Betty's Bay for the following reasons:

1. The principle is wrong. The consequences of alcohol abuse is common knowledge and has destroyed the fabric of much of South Africa. It has been identified by our national Minister of Health as one of the priorities to be addressed by legislation, and plans are underway to do so. Ease of access to alcohol has been proven in many countries to be a major driver of consumption, especially by under-aged persons, and the poor. A first step in alcohol control is to limit the number of retail stores. There are sufficient outlets in the Kleinmond to Pringle Bay area.
2. Local impact: Bottle stores attract alcoholics and those whose abuse leads to personal neglect, homelessness, vagrancy and even crime. The proposed location in Betty's Bay is quite inappropriate, being in a location where such persons do not naturally frequent or have access to accommodation. The current outlets in the Overstrand are in larger conurbations where the social environment better accommodates such people, policing is more effective and potential for rehabilitation is greater.
3. Historical precedent: Betty's Bay has actively resisted the building of bottle stores and liquor outlets over the last 70 or more years during which my wife's family have been residents. Between members of our family we own more than 15 houses and plots, and Betty's Bay is for our family and the many, many parties that freely use these facilities, a haven of peace and natural beauty that restores the soul and draws people to appreciate spiritual values in God's creation. These values and the long success of successive generations to keep Betty's Bay alcohol free (in terms of outlets) has contributed to the value of the area. Those proposing opening a bottle store appear to have scant appreciation and regard for this aspect of Betty Bay, that is shared by past and current owners of property in Bettys Bay and who have invested heavily to keep it that way.

I urge the Council to heed the concerns of the many members of the Bettys Bay community who have voiced objections to this proposal, not approve this application, and support the maintenance of values in the Overstrand Municipal area.

Yours sincerely,  
Eric Bateman

TP 24 MAY 2019

FILE NO:	EL 5580 ✓
	Betty's Bay
SCAN NO:	
	ERIC
COLLABORATOR NO:	
	12879116

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**Eric D Bateman MB ChB (UCT), MD (UCT), FRCP, DCH(UK)**

Emeritus Professor

Division of Pulmonology &amp; Department of Medicine

University of Cape Town

and

Knowledge Translation Unit, University of Cape Town Lung Institute

George Street, Mowbray 7700

Cape Town, South Africa

Mobile: +27 (0)60 503 3944

Tel: +27 (0) 21 406 6901

Fax: +27 (0) 21 406 6902

Email: [eric.bateman@uct.ac.za](mailto:eric.bateman@uct.ac.za)Web: [www.lunginstitute.co.za](http://www.lunginstitute.co.za)

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66/223

*TPA Theat (H vld Stoep)*  
**Loretta Gillion - Application for removal of title deed restrictions and consent use of Erf 5580 Betty's Bay**

**From:** "Albert" <vniekerkalbertelda@gmail.com>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 24/05/2019 12:37 PM  
**Subject:** Application for removal of title deed restrictions and consent use of Erf 5580 Betty's Bay



To whom it may concern,  
 We hereby wish to lodge an objection to the proposed construction of a liquor store in Betty's Bay. The application is only the latest of repeated attempts which have always been resisted. We as permanent residents do not want a liquor store in Betty's Bay.  
 Regards

Albert and Elda van Niekerk  
 ( owners of stand 3071 and 3078 Betty's Bay)  
 vniekerkalbertelda@gmail.com  
 Mobile phone Albert: 0823269521  
 Mobile phone Elda: 0835013949  
 Home: Rondon-mooi  
 3071 Seaview Drive  
 PO Box 324, Betty's Bay, 7141.  
 Keep The faith.

FILE NO:	EL 5580 ✓
	Betty's Bay
SCAN NO:	ALBERT
COLLABORATOR NO:	1287920

*TP* 24 MAY 2019

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TRA Theart  
CH vel Steep



**From:** "pete@peteoxford.com" <pete@peteoxford.com>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 24/05/2019 12:23 PM  
**Subject:** ERF 5580

Dear Loretta,

With regard to the Erf 5580 in Bettys Bay on which there is proposed the construction of Spar and Tops stores.

As a full-time resident of Bettys Bay, I firstly understand the convenience of a neighbourhood Spar. However I am against the idea of a Tops store.

Surely there are a host of other options which would have a more positive effect and benefit to the community than an alcohol seller.

Unless you consider Bettys Bay to be full of raging alcoholics, alcohol purchase can easily be PLANNED (as indeed are many other household necessities that would not be available even in a Spar) on one of the inevitable forays into towns such as Kleinmond, Strand or Somerset West.

I wonder how many positive benefits of an alcohol shop compared to the negative ones that there are examples of in other places. I greatly suspect that the answer is skewed in the favor of the negatives. Are we too thick-skinned to learn from those examples?

Let us build the community positively not in a negative downward spiral.

Needless to say, I am FOR a proposed Spar but AGAINST a proposed Tops

Pete Oxford  
 mobile: 082 4213174

FILE NO:	EL 5580
	Bettys Bay
SCAN NO:	PETE
COLLABORATOR NO:	1287922

TP 24 MAY 2019

68/223

Loretta Gillion - MUNICIPAL NOTICE No. 52/2019

**From:** David Hofmeyr <dgmhofmeyr@gmail.com>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 24/05/2019 12:02 PM  
**Subject:** MUNICIPAL NOTICE No. 52/2019



Dear Loretta,

As a resident of Betty's Bay, I am strongly opposed to the establishment of a liquor shop on Erf 5580, 2 Coral Road, Betty's Bay for the following reasons:

- Betty's Bay is well served by liquor shops in neighbouring villages
- Betty's Bay is a small village, with few permanent residents, rural in nature, with no shopping centres where the incorporation of a liquor shop is more appropriate
- A liquor shop will introduce undesirable behaviour where it is not easy to control the effects
- The introduction of a liquor shop will lead to an increase of crime
- I am happy to drive to a neighbouring village to purchase liquor when shopping for groceries at a supermarket

My address is "Malkopsvlei", Erf 2464, Angler's Road, Betty's Bay.

Kind regards,  
David Hofmeyr

FILE NO:	E2 5580 ✓
	Betty's Bay
SCAN NO:	DAVID
COLLABORATOR NO:	1287924

TP 24 MAY 2019

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69/223

Loretta Gillion - ERF 5580 Bettys Bay

TRA Theat  
(Huld Stoop)

**From:** <renee@peteoxford.com>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 24/05/2019 11:58 AM  
**Subject:** ERF 5580 Bettys Bay



Dear Loretta

I would like to voice my opinion of the proposed TOPS bottle store planned for Betty's Bay on ERF 5580 and let it be know that I am totally against such a business venture in our town.

I am concerned about an increase of alcohol related incidences on the beach and wildlife areas. Already we have almost no police support in these places so can not deal with added problems. The same applies to drunk driving incidents on our roads where again we have almost no traffic officer support. The site is also on our main road as you enter into the town. Not a pretty sight but also a dangerous entryway to both the TOPS and Spar stores as traffic entering into Betty's Bay is still often driving over the 80km per hour speed limit. This is a large retirement community where the drivers often do not have a very fast response to get out of the way of fast traffic.

The community of Mooi uisig is right across the road. They already suffer a lot from alcohol and drug use. If the Spar usually sells wine and beer which is apparently what is mostly consumed by the people in Mooi Uitsig so they can buy this there. Do we need a bottlestore to give them even easier access to harder liquor?

Sincerely

Renee Bish

0606 567 341

FILE NO:	EL 5580 ✓
	Betty's Bay
SCAN NO:	
	RENEE
COLLABORATOR NO:	
	1287936

TP 24 MAY 2019

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70/223

Date : 24/05/19

TRA Theart  
CH vd Stoep

From: Amanda Stagman

Address: 2352 Park Road, Betty's

Bay

Contact Details : 0726194431



Interest: Concerned Resident

Reasons and Comments : \_\_\_ Let's try keep Betty's the beautiful tranquil area it is. Any shops will encourage "busyness" and will change the overall holiday feel of the town.

**I do not support this removal of Title Deed restriction or the Consent use for a bottle store for Erf 5580**

I'm against the Spar and ESPECIALLY the Liquor Store at erf 5580 or any other Property in Betty's Bay

1. Dedicated right hand turning lane.

The current access from the R44 coming from the west (Cape Town) is an accident waiting to happen, and the road must be engineered and marked to have a right-hand only turning lane so that people wanting to shop at the Spar can safely wait before turning and more importantly those carrying straight on can do so in safety. The emergency lane might have to be removed to allow for this.

2. Deliveries by suppliers

It is not allowed in KZN (not sure about here but as R44 is a provincial road it must have similar restrictions) for delivery lorries to offload on main roads. Delivery lorries must offload on side roads or on private land. Therefore the deliveries to Spar / Tops must either access the site from the R44 down the steep drive or from Porter Drive via the traffic circle in Coral Road

3. Litter

As all Spars, that I know of, have a food take away section there is an issue of litter being dropped anything up to a kilometer away by those on foot who are eating their purchase as they walk along and drop the packaging as they finish. Spar should commit to having a litter pick up plan and ensure that staff members daily walk the area collecting any such rubbish dropped by their customers

4. Recycling

Spar and Tops should not be allowed to add to our refuse burden and should have a recycling and waste management plan which shows their commitment to recycling, disposal and refuse handling. They must not be allowed to dump their refuse and waste along with householders but (as I understand other Spars do) have their refuse and recycling removed privately.

Signed: A. Stagman

FILE NO:	EL 5580 ✓
	Betty's Bay
SCAN NO:	MANDI
COLLABORATOR NO:	1287949

TP 24 MAY 2019

71/223

Date: 24/5/19  
 From: A. COETZEE  
 Address: 4070 DIAS TOLLA BETTYSBAY  
 Contact Details: 076 8853441  
 Interest: Concerned Resident  
 Reasons and Comments: None

TRA Theart  
 (H old stoep)



I do not support this removal of Title Deed restriction or the Consent use for a bottle store for Erf 5580

I'm against the Spar and ESPECIALLY the Liquor Store at erf 5580 or any other Property in Betty's Bay

1. Dedicated right hand turning lane.

The current access from the R44 coming from the west (Cape Town) is an accident waiting to happen, and the road must be engineered and marked to have a right-hand only turning lane so that people wanting to shop at the Spar can safely wait before turning and more importantly those carrying straight on can do so in safety. The emergency lane might have to be removed to allow for this.

2. Deliveries by suppliers


It is not allowed in KZN (not sure about here but as R44 is a provincial road it must have similar restrictions) for delivery lorries to offload on main roads. Delivery lorries must offload on side roads or on private land. Therefore the deliveries to Spar / Tops must either access the site from the R44 down the steep drive or from Porter Drive via the traffic circle in Coral Road

3. Litter

As all Spars, that I know of, have a food take away section there is an issue of litter being dropped anything up to a kilometer away by those on foot who are eating their purchase as they walk along and drop the packaging as they finish. Spar should commit to having a litter pick up plan and ensure that staff members daily walk the area collecting any such rubbish dropped by their customers

4. Recycling

Spar and Tops should not be allowed to add to our refuse burden and should have a recycling and waste management plan which shows their commitment to recycling, disposal and refuse handling. They must not be allowed to dump their refuse and waste along with householders but (as I understand other Spars do) have their refuse and recycling removed privately.

Signed: \_\_\_\_\_  


TP 24 MAY 2019

FILE NO:	EL 5580 ✓
	Betty's Bay
SCAN NO:	DRIES
COLLABORATOR NO:	1287954

72/223

**Loretta Gillion - Proposed Bottle Store in Betty's Bay Erf 5580 Betty's Bay**

TRATheat  
(Huld, Stoop)

**From:** Dorrienne Maes <dorrienne.maes1950@gmail.com>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 24/05/2019 10:08 AM  
**Subject:** Proposed Bottle Store in Betty's Bay Erf 5580 Betty's Bay



Good day.

As per our conversation earlier, I hereby wish to raise my objection to such a proposal.

Kleinmond and Pringle Bay both currently have Bottle Stores. Residents of Betty's Bay, located just a 5 minute drive from Kleinmond, generally do their shopping in Kleinmond and there are more than enough liquor outlets there to serve their needs.

To make it clearer, it would take me as long to drive to the Village Centre in Betty's Bay to access a liquor outlet as it does so to Kleinmond, where there are at least, a wider range of general shops and service outlets available.

The permanent population of Betty's Bay consists mostly of retirees and younger families. Their motivation for settling here, being the peaceful, safer and idyllic environment.

Liquor outlets in shopping centres generally attract undesirables and require suitable monitoring or security guards, as is the case at Tops in Kleinmond.

In conclusion, I believe there is no need or appetite for a bottle store in Betty's Bay.

Yours faithfully,  
 Dorrienne Maes ( Mrs )

Details: Erf 3269, Pearl Drive  
 Betty's Bay.

P.O.Box 636,  
 Betty's Bay  
 7141.

FILE NO:	EL 5580 ✓
	Betty's Bay
SCAN NO:	DORRIENNE
COLLABORATOR NO:	1287969

TP 24 MAY 2019

73/223

TAA Theat  
(Huld Stoop)**Loretta Gillion - Re: Objection to building of bottle store at erf 5580 in Betty's Bay**

**From:** Kari Longman <kari.longman@gmail.com>  
**To:** Loretta Gillion <lpage@overstrand.gov.za>  
**Date:** 24/05/2019 12:57 PM  
**Subject:** Re: Objection to building of bottle store at erf 5580 in Betty's Bay



Dear Loretta

Our postal address is 15 Loch Rd, Rondebosch, Cape Town, 7700.

The reason for our objection is mainly around the fact that Betty's Bay is a very small community, and there is already a bottle store in both Pringle Bay and in Kleinmond. We would like Betty's Bay to continue to maintain its small town feel, as that is one of its greatest attractions to residents and visitors alike. If anything, I believe it could do with a slightly better shop for daily groceries, long before a bottle store is needed.

Kind regards,  
Kari

**Kari Longman**  
 +27 79 515 5557  
<https://za.linkedin.com/in/kari-longman-78b7b21>

On Fri, May 24, 2019 at 12:51 PM Loretta Gillion &lt;lpage@overstrand.gov.za&gt; wrote:

Dear Ms Longman

Your objection refers. Kindly provide your reasons for your objection as well.  
 Kindly provide your full postal address to enable our office to forward formal communication in this regard.

Regards

**Loretta Gillion**  
 Administrator, Town & Spatial Planning  
 Overstrand Municipality  
 A: 16 Paterson Street, Hermanus, 7200 P: P O Box 20  
 T: 028 313 8900 | F: 028 313 2093 | E: [loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)

FILE NO:	EL5580 ✓
	Betty's Bay
SCAN NO:	
	LONGMAN
COLLABORATOR NO:	
	128 7915

TP 24 MAY 2019

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74/223

**Loretta Gillion - Objection to building of bottle store at erf 5580 in Betty's Bay**

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**From:** Kari Longman <kari.longman@gmail.com>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 24/05/2019 12:27 PM  
**Subject:** Objection to building of bottle store at erf 5580 in Betty's Bay

---

Dear Loretta

As owners of a home in Betty's Bay (4037 Ferrara Road), we hereby would like to notify you that we are not in favour of a bottle store being built at erf 5580 in Betty's Bay.

Kind regards,  
Kari and Alistair Longman

**Kari Longman**  
**+27 79 515 5557**  
<https://za.linkedin.com/in/kari-longman-78b7b21>

75/223

*TPH Theart  
C Huld Stoep*

Loretta Gillion - Objection to : municipal notice 52/2019



**From:** Vanessa le Borgne <vanessal@lambertsbayfoods.co.za>  
**To:** "loretta@overstrand.gov.za" <loretta@overstrand.gov.za>  
**Date:** 24/05/2019 10:48 AM  
**Subject:** Objection to : municipal notice 52/2019  
**Attachments:** IMG-20190524-WA0000.jpg

Hi Loretta

I am a property owner in BB – erf 2818. Cliff rd. I own a third of this property.

**I object!**

There are so many reasons ( the list is endless)why we should not have a bottle store in BB.

We escape the bright lights and the city for this haven of peace.

We do not need a bottle store in BB, this will forever change the dynamic in every way of this tiny beachside resort.

Thank you

Vanessa

Vanessa Le Borgne

T (021) 551 4220 ext: 260 | C 082 468 0011  
E vanessal@lambertsbayfoods.co.za | www.famousbrands.co.za

### LAMBERTS BAY FOODS

OUR CORE BELIEFS GROWTH | QUALITY | INNOVATION  
SPEED | AGILITY | INTEGRITY | HUMILITY

FILE NO:	EZ 5580 ✓
	Betty's Bay
SCAN NO:	VANESSA
COLLABORATOR NO:	12879167

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*TP* 24 MAY 2019

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76/223

Loretta Gillion - Erf 5580 Bottle Store

TR A Theart  
C Huld Stoep



**From:** "John Benn" <bennest@mweb.co.za>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 24/05/2019 11:10 AM  
**Subject:** Erf 5580 Bottle Store

Thank you for sending me the note dated 18 April from the Town and Regional Planners. One of the objectives of the owners of this erf is to include a bottle store in the reconfiguration of their commercial property. There is absolutely no motivation as to the need for a bottle store in Bettys Bay, just a throw away statement on page 12 that changing the consent use to allow a bottle store will not have a negative impact.

Our village has managed very well over the years without a bottle store. Locals have no problem purchasing their alcohol at Kleinmond or Somerset West on major shopping visits each month. The considerable group of 'week enders' bring their own needs with them.

Without a detailed motivation as to the need for a bottle store in our village there is no compelling reason as to why it should be approved.

As the owner of Erf 2547 I must record my objection. I trust that you will see fit to disallow the owners application.

Mrs Andrea Benn  
 A M G BENN

FILE NO:	EL 5580 ✓
	Betty's Bay
SCAN NO:	ANDREA
COLLABORATOR NO:	1287966

TP 24 MAY 2019

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**Loretta Gillion - Application for removal of title deed restrictions and consent use of Erf 5580 Betty's Bay**



*T.A. Theart  
CH v.d. Stoep*

**From:** Tricia Horne <trish@horne.za.net>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 24/05/2019 11:29 AM  
**Subject:** Application for removal of title deed restrictions and consent use of Erf 5580 Betty's Bay

Good day,

I hereby wish to lodge my objection to the consent of use of the above listed property to establish a liquor shop.

The road infrastructure in the considered area is not suited for the kind of traffic that a liquor shop would incur. A dedicated right-hand turning lane would have to be created and clearly marked off the R44. Delivery trucks would need access to the shop and should not be allowed to stop and unload on the R44. Not to mention all the litter that said shop would generate and negatively impact the Biosphere if the necessary bins and waste removal plans have not been put in place.

Trusting my objections will be taken into consideration,

Mrs Tricia Horne

Erf 3193 Pearl Drive, PO Box 536 Betty's Bay 7141

Tel. 028 272 9052

FILE NO:	EZ 5580
	Betty's Bay
SCAN NO:	
	TRICIA
COLLABORATOR NO:	
	1287463

*TP 24 MAY 2019*

78/223

24 May 2019

Rosemary and James Elphick  
4994 Senecio Circle  
Betty's Bay

*T.P.A. Theat  
Child Support*



In re: Application for a liquor licence: Erf 5580, 2 Coral Road, Betty's Bay, Overstrand Municipal Area

We oppose this application on the following grounds.

Firstly, this application must be seen in the context of the proposed low-income housing development in the locale of the proposed liquor outlet, and also within the context of uncontrolled poaching of marine resources in Betty's Bay.

On this second point, the local South African Police Services, stationed in Kleinmond are on record as saying that they are underresourced and unable to protect Betty's Bay residents from the poaching gangs operating here. We have been explicitly told not to confront poachers as they are dangerous and SAPS is unable to protect us.

If this is the case, and large numbers of unemployed people reliant on Government Grants are settled in the Mooi Uitsig area, the security of the existing residents of Betty's Bay cannot be guaranteed by the South African Police Services. It is also a matter of fact that crime is narrowly correlated to alcohol use. If the SAPS cannot control existing serious criminal activity in the Betty's Bay area, they will not have the resources to control the relatively minor crime of public drunkenness. It must be noted that this proposed liquor outlet will be in close proximity to residential housing.

On this point, if the proposed settlement of people on Government Social Grants takes place, and if they embark, as has been the case in Kleinmond and Hermanus, on violent service delivery protests, history has shown that local businesses, especially liquor stores become targets for plunder. A store of alcohol is therefore not in the future interests of the maintenance of public order.

Secondly, Kleinmond has a number of liquor outlets, and Pringle Bay has one. The area is therefore oversupplied with liquor outlets.

Thirdly, no detail has been supplied as to the market research done in respect of this proposed liquor store so it is impossible to know what the justification is for the establishment of the business.

Signed:

*[Handwritten signature]*

*[Handwritten signature]*

FILE NO:	62 5580 ✓
	Betty's Bay
SCAN NO:	ROSE
COLLABORATOR NO:	1287959

TP 24 MAY 2019

79/223

**Loretta Gillion - Objection: Erf 5580, Betty's Bay (Reference municipal notice no. 52/2019)**

**From:** Mark Lucas <framed@madebyhand.co.za>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 24/05/2019 03:02 PM  
**Subject:** Objection: Erf 5580, Betty's Bay (Reference municipal notice no. 52/2019)



Dear Ms Loretta Gillion

I hereby submit my objection to the proposed removal of restrictive title deed conditions and consent use wrt Erf 5580 / Bouver Trust, as published in Municipal Notice 52/2019.

**Name:** Mr Mark Lucas  
**Address:** Erf 2034, Delpport Road, Bettys Bay  
**Contact number:** 083 336 7016  
**Email:** framed@madebyhand.co.za

I strongly object to a liquor store in the Bettys Bay for the following reasons:

1. There are **FIVE** liquor stores within close proximity to Betty's Bay; one in Pringle Bay, a mere 3 kilometers away, and another **FOUR** in Kleinmond, no more than 17 kilometers away. There is absolutely no need to have yet another one in Betty's Bay.
2. The introduction of liquor stores has never been a positive addition to any town, and Bettys will be no exception. Having lived in Pinelands, a dry suburb, for the last 20 years it was perfectly acceptable for those residents so inclined to go out of the area for their liquor shopping. It's perfectly acceptable for the residents of Betty's Bay to do the same.
3. The proximity of the proposed liquor store to Mooiutsig, a lower income area that has a history of attracting a negative element, cannot be considered positive or uplifting for this community, or that of the extended Betty's Bay community.

Even though I'm a Betty's Bay resident that supports the liquor stores in Kleinmond and Pringle Bay, I WILL NOT support a liquor store in Betty's Bay.

I trust that my comments and objection will be taken into account.

Yours sincerely  
 Mark Lucas

FILE NO:	Erf 5580
	Betty's Bay
SCAN NO:	
COLLABORATOR NO:	1287958

24 MAY 2019

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80/223

**Loretta Gillion - Fwd: Objection to liquor license approval for ERF 5580 2 Corel Rd, Bettys Bay**

**From:** Joy Rourke <joyrourke@gmail.com>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 24/05/2019 01:06 PM  
**Subject:** Fwd: Objection to liquor license approval for ERF 5580 2 Corel Rd, Bettys Bay



Begin forwarded message:

**From:** Joy Rourke <joyrourke@gmail.com>  
**Subject:** Objection to liquor license approval for ERF 5580 2 Corel Rd, Bettys Bay  
**Date:** 24 May 2019 at 1:02:55 PM SAST  
**To:** [loretta@overstrandgov.za](mailto:loretta@overstrandgov.za)

Addressed to authority for review of title restrictions:

As a (retired) medical practitioner and concerned resident of Betty's Bay, I wish to register my strong objection to the notification received of intent to remove a title restriction on ERF 5580 -(2 Corel Rd, Betty's Bay) in order to allow for a liquor outlet on this site.

The majority of Hangklip residents in Betty's Bay, Pringle Bay and Rooi Els who require liquor and drink in moderation are perfectly content to source alcohol from Kleinmond and further afield. A local outlet would, I am convinced, mainly serve as a convenience for the indigent and a number of locals who have a problem with alcohol abuse and struggle with transport to Kleinmond.

I am sure you are aware of the prevalence of social problems with alcohol and drug abuse in the Mooi Uitsig community in particular, and there is no doubt that a local easily accessible source of liquor would exacerbate these problems and undermine what we are as a community actively trying to overcome.

A much more pressing need for this area is a pharmacy outlet, to serve a large number of residents ( from a range of socio-economic backgrounds) who, without transport cannot easily access regular required medication and related products.

A liquor outlet here many of us believe would be a disaster, not an asset for this community- and completely un-necessary.

With kind regards,  
 Joy Rourke

FILE NO:	62 5580
	Betty's Bay
SCAN NO:	
COLLABORATOR NO:	1287820

24 MAY 2019

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81/223

**Loretta Gillion - RE: OBJECTION: Municipal Notice No. 52/2019**

**From:** <ebpih@icon.co.za>  
**To:** "Loretta Gillion" <lpage@overstrand.gov.za>  
**Date:** 24/05/2019 01:49 PM  
**Subject:** RE: OBJECTION: Municipal Notice No. 52/2019  
**Cc:** <ebpih@icon.co.za>



Dear Loretta

There are many reasons why I object to the granting of a licence for a bottle store in Betty Bay. To mention but a few:

1. Alcohol abuse is the cause of many social misdemeanours. As a medical doctor, I am aware of the destruction of lives through road accidents, domestic violence and abuse against women and children. Easy access to alcohol fuels the abuse.
2. Betty's Bay is a location where environmental issues and the sensitive nature of the biosphere need to be cared for in a responsible manner. Potential easy access to alcohol disrupts that serious responsibility of caring for our environment. The existing availability of alcohol in Kleinmond and elsewhere is sufficient.
3. As a member of a family that has contributed too and been part of the community in Betty's Bay for more than half a century, the lack of a bottle store has enhanced the community. We should keep it that way.

There are many who do not wish to have a bottle store in the community. Please take note of the community wishes and refrain from the granting of a licence to develop a bottle store.

Yours sincerely,

Dr Mary Bateman

36 Anglers Way  
 Betty's Bay

Or  
 PO Box 34560, Groote Schuur, 7937

**From:** Loretta Gillion <lpage@overstrand.gov.za>  
**Sent:** 23 May 2019 03:56 PM  
**To:** ebpih@icon.co.za  
**Subject:** Re: OBJECTION: Municipal Notice No. 52/2019

Dear Dr Bateman

Your comment refers. No reasons are provided for your objection. Kindly provide your reasons.

24 MAY 2019

FILE NO:	EL 5580
	Betty's Bay
SCAN NO:	
COLLABORATOR NO:	1287813

82/223

TR A Theart  
(H vld Stoep)

**Loretta Gillion - Kommentaar Ingevolgeaanzoek ivm voorgestelde Opheffing van beperkende titel akte voorwaardes: Erf 5580, Coralpad 2, Bettiesbaai**



**From:** Mari S <mari40x@yahoo.com>  
**To:** "loretta@overstrand.gov.za" <loretta@overstrand.gov.za>  
**Date:** 24/05/2019 01:52 PM  
**Subject:** Kommentaar Ingevolgeaanzoek ivm voorgestelde Opheffing van beperkende titel akte voorwaardes: Erf 5580, Coralpad 2, Bettiesbaai

Geagte Munisipale beamptes,

Hiermee wens ek my toekanting uit te spreek in die voorgenome opheffing van Beperkende Titelaktevoorwaarde van Titelakte nr. T10710/2018 sa beperkings ingevolge Artikel 16 (2)(f) vir die wysiging van 'n beperkende titelaktevoorwaarde.

Ons is ten sterkste gekant teen die aansoek, wat die voorafgaande is vir die oprigting van 'n drankwinkel, en daaropvolgende supermark in Bettiesbaai.

Daar is verskeie drankwinkels in Kleinmond, binne maklike bereik sou enigeen wens om drank aan te koop.

Ook is daar 'n drankwinkel in Pringlebaai, sou enigeen wat nader aan Pringlebaai as aan Kleinmond is - dit nodig ag om drank aan te koop.

Die aantal permanente inwoners wat deurlopende kliente sou kon wees, regverdig nie die goedkeuring van die aansoek nie.

Vakansiegangers en naweekbesoekers ken die karakter van Bettiesbaai, en sou hul behoefte hê aan die gebruik van drank, bring hul dit gewoon saam, of koop aanvullende voorraad in nabygeleë dorpe aan.

Die ligging ook spesifiek so na as moontlik aan Mooiuisig laat mens ook wonder.....  
 Wil die voorgenome eienaars dan juis spesifiek dit so maklik as moontlik maak aan die inwoners om binne maklike loopafstand van 'n drankwinkel te wees?

Ook is dit baie naby aan die hooftstrand.

Des niteenstaande die ligging, maak ons sterk kopsie teen enige oprigting van enige drankwinkel of supermarkte in Bettiesbaai.

Dit gaan 'n geweldige negatiewe impak hê op die reeds bestaande plaaslike inwoners wat alreeds finansieël sukkel om kop bo water te hou.

Daar is ook alreeds natuurlik drank beskikbaar in die hele aantal restaurante wat reeds in Bettiesbaai sake doen, so ek kan regtig nie insien hoekom nog 'n addisionele verskaffer van drank nodig is nie.

Bettiesbaai is midde in 'n goedgekeurde Biosfeer, die inbring van diesulke addisionele besighede is regtig nie goed daurdink nie, en BESLUS nie in die beste balans van die opgewing of die plaaslike inwoners nie.

Nog minder sal dit bydra tot die bewaring van die area,

Inteendeel:

Dit sal lei tot verdere negatiewe omgewingsimpak in terme van geraas en lawaai, dronkenskap en misdaad.  
 Asook verdere gepaardgaande rommelstrooiing wat nog verder negatiewe impak op die omgewing teweeg sal bring.

Dankie en groete,

Ek wil noem, ons is permanente inwoners in Bettiesbaai.

ME Scholtz en PL Mienie  
 Serruria Sirkel 5016  
 Bettiesbaai  
 7141

Tel no: 082 411 9193  
 Email: mari40x@yahoo.com

FILE NO:	EL 5580
SCAN NO:	Betty's Bay
COLLABORATOR NO:	1287811

24 MAY 2019

83/223

TPA Theat  
(Hvd Stoap)

**Loretta Gillion - Municipal notice 52/2019 (Proposed removal of restrictive title deed conditions: Erf 5580, 2 Coral Road, Betty's Bay)**



**From:** Leonie McAlpine <imax@polka.co.za>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 24/05/2019 03:51 PM  
**Subject:** Municipal notice 52/2019 (Proposed removal of restrictive title deed conditions: Erf 5580, 2 Coral Road, Betty's Bay)

Dear Town Planning Department  
 Overstrand Municipality

**Re Municipal notice 52/2019 (Proposed removal of restrictive title deed conditions: Erf 5580, 2 Coral Road, Betty's Bay)**

As residents and homeowners of Betty's Bay, we would like to lodge our objection to the removal of title deed restrictions of Erf 5580, 2 Coral Road, Betty's Bay.

In light of the high substance abuse, domestic disfunction and poor social conditions amongst some parts of our community, especially the township of Mooiuitsig, we consider it an unwise and insensitive move to open a TOPS at SPAR in Betty's Bay. Our village does NOT need a liquor store (and even a supermarket) of any kind. We have managed very well for many decades without a retail outlet for alcoholic beverages and will continue to do so. Please do not grant the removal of the title deed restrictions to the Bouwer Trust.

Thank you for your consideration.

Kind regards

Ian and Leonie McAlpine  
 3866 (no 8) Cyanella Place  
 Betty's Bay

P O Box 414  
 Betty's Bay  
 7141

0833807892  
 0832685761

FILE NO:	EL 5580
	Betty's Bay
SCAN NO:	
COLLABORATOR NO:	1287786

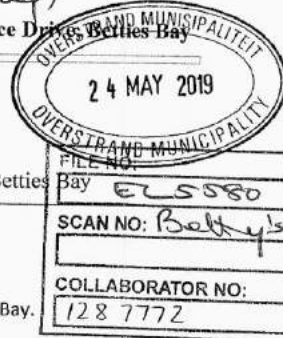
TP 24 MAY 2019

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84/223

*T.A. Theat (H. v. d. Staap)*  
**Loretta Gillion - objection to proposed bottle store - erf 5580, Clarence Drive, Betties Bay**

**From:** "Craig Archbold" <c.archbold@attorneys.law.za>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 24/05/2019 02:36 PM  
**Subject:** objection to proposed bottle store - erf 5580, Clarence Drive, Betties Bay



Good day

I address you on behalf of Dr Carrihill the owner of 3069 Seaview Drive, Betties Bay.

I also address you in my personal capacity as the spouse of Dr Carrihill and a resident at 3069 Seaview Drive, Betties Bay.

At a very late stage we have been advised of a proposed bottle store in Betties Bay at erf 5580, Clarence Drive, Betties Bay.

We have not received any notification from the Local Authority regarding this proposed bottle store in Betties Bay and reserve the right to supplement these objections on receipt of better information.

I am advised that at 1430 today that the application is one for a consent use and I am also advised that there is an application to amend title deed restrictions neither of which I have sight of or have been served by the Local Authority.

Therefore I object to not having sight of the application in the first place.

Be advised that we both hereby lodge our preliminary objections to a proposed bottle store in Betties Bay for the following reasons:

- a) Any decision to remove the title deed restrictions constitutes arbitrary deprivation of property contrary to the provisions of section 25 (1) of the Constitution of Republic of South Africa Act, 108 of 1996 (the Constitution).
- b) The Overstrand Municipality's manner of dealing with the application and the process of objection thereto is in breach of section 34 of the Constitution that provides a dispute to be resolved by the application of law decided in a fair public hearing before a court or where appropriate another independent and impartial tribunal or forum.
- c) The Promotion of Administrative Justice Act No 3 of 2000, together with its Regulations was promulgated in Government Notice no R 1022 of 31 July 2002 and published in Government Gazette No. 23674); is in breach of section 33 of the Constitution by reason of its procedural time limits as contained therein.
- d) The title deed restrictions amendments require that we inspect the deeds office and determine the exiting land right – which we cannot do today
- e) A bottle store is not required as there are several bottle stores in Kleinmond.
- f) A bottle store will require rezoning depending on the current zoning.

24 MAY 2019

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- g) A bottle store cannot be authorised without a formal rezoning process where notice is required and we have not received any notice at all.
- h) Permitting a bottle store is contrary to the predominantly residential use of the land in Betties Bay and will impact negatively on residents.
- i) The site of proposed bottle store is close to the lower income area of Betties Bay and will act as a negative influence for residents of this vulnerable area.
- j) The site of proposed bottle store is opposite to the Municipal Library and negative impacts on the close to the lower income area

Furthermore please be advised that the application:

1. Is being considered without notice to the interested and affected persons; As no notice of the application made was given to our client, any decision flowing from the current application falls to be set aside.
2. The Application does not comply with the procedural requirements stipulated in Section 3 of the Removal of Restrictions Act and subsequent legislation.
3. The Applicant and the Overstrand Municipality have failed to comply with inter alia;
  - a. Section 44 of Act No. 3 of 2014: Western Cape Land Use Planning Act;
  - b. Section 33 read with item 23(2)(b) of Schedule 6 of the Constitution;
  - d. Section 34 read with item 23(2)(b) of Schedule 6 of the Constitution
  - e. The Promotion of Administrative Justice Act No 3 of 2000, together with its Regulations was promulgated in Government Notice no R 1022 of 31 July 2002 and published in Government Gazette No. 23674);

in that they have failed to service due and proper notice on our client.

4. The Applicant has failed to comply with
  - a. Section 44 of Act No. 3 of 2014: Western Cape Land Use Planning Act;
  - b. Section 33 read with item 23(2)(b) of Schedule 6 of the Constitution;
  - c. The Promotion of Administrative Justice Act No 3 of 2000, together with its Regulations was promulgated in Government Notice no R 1022 of 31 July 2002 and published in Government Gazette No. 23674);

in that they have failed to service due and proper notice on other persons whose rights or legitimate expectations will be affected if the matter or application is approved, including but not limited to

- i. residents in Betties Bay but not identified for notice by Overstrand Municipality;
- ii. non-residents owners living Republic of South Africa but outside of Betties Bay;
- iii. non-residents owners living outside of the Republic of South Africa.

5. As an administrative action in terms of the Promotion of Administrative Justice Act no 3 of 2000 (PAJA) Application 70409129 falls to be reviewed and set aside for:
  - a. procedural unfairness as it will be taken without affording the applicant a hearing;
  - b. having been taken in bad faith;

86/223

- c. having been taken capriciously;
6. As the current application stands it is so unreasonable that no reasonable person will take it;
7. As the current application stands it is unconstitutional (for procedural unfairness) and unlawful (for bad faith).

Therefore kindly email a copy of the application itself in order that our objections made be properly formulated and then conveyed to your offices.

Craig Archbold  
6th Floor, Constitution House  
124 Adderley Street, Cape Town, 8001  
P O Box 4537, Cape Town, 8000  
Office : 27 21 426 5667  
Fax : 27 21 426 4119  
Mobile : 27 83 270 4424

87/223

**Loretta Gillion - Objection Notice No.52/2019 Bottle Store in Betty's Bay**

TR A Theod  
(H ud shop)

**From:** Alison Mellon <alison.mellon@bowmanslaw.com>  
**To:** "loretta@overstrand.gov.za" <loretta@overstrand.gov.za>  
**Date:** 24/05/2019 02:07 PM  
**Subject:** Objection Notice No.52/2019 Bottle Store in Betty's Bay



Dear Loretta

I am writing in my personal capacity to state that I am strongly opposed to the establishment of a liquor store in Betty's Bay. I am not resident in Betty's Bay but my family has a house (Erf 5156, Anglers Way, Betty's Bay) there, and my extended family has several houses and plots there.

- **Enough liquor stores in wider area:** Betty's Bay is well served by the liquor stores in neighbouring villages. There is no need to increase the number of liquor stores in the wider area by placing one in Betty's Bay village.
- **Effective control and regulation of liquor sales and consumption:** Betty's Bay is a very small village with few permanent residents and with no proper shopping centres. An established shopping centre in an urban area or town is an appropriate place for a liquor store where the sale of liquor can be properly controlled and regulated as required by the law.
- **Inappropriate site for bottle store:** The proposed site for the bottle store in addition is not appropriate as it is far from any places where people would be accommodated and possibly need a liquor store.
- **No benefits:** The negative impact of the liquor store (encouraging alcohol abuse, homelessness, crime, MVAs) will far outweigh any potential benefits of having a liquor store. Our argument is that small business can be created without causing the social issues brought by alcohol and therefore, there is no economic argument for allowing the liquor store in Betty's Bay.
- **Historical and current sentiment:** The community of Betty's Bay has consistently rejected having a liquor store in Betty's Bay. This public sentiment continues still to this day as is reflected by the objections and should not be ignored.
- **Character of Betty's Bay:** Betty's Bay is a village which has focussed on providing a haven for the protection of nature and the environment. The emphasis on eco-tourism (Stony Point nature reserve, Kogelberg nature reserve and Harold Porter Botanical Gardens) does not align with needing a liquor store in Betty's Bay.

Please feel free to use this email address or my postal address below for any further correspondence. Thank you for considering my objections.

Kind regards,

Alison Mellon



**BOWMANS**

T +27 21 480 7800 | D +27 21 480 7942  
 M +27 83 344 2204

24 MAY 2019

file:///C:/Users/loretta/AppData/Local/Temp/XPgrpwise/SCE7FAB5HermanusMunpo... 2019/05/24

FILE NO:	EC 5580
	Betty's Bay
SCAN NO:	
COLLABORATOR NO:	1287750

88/223

**Loretta Gillion - Application for the removal of title deed restrictions and consent use of erf 5580 Betty's Bay.**

*TP - A Theart  
(H vld stoep)*

**From:** Yolanda Luiters <yolandaluiters@gmail.com>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 24/05/2019 06:42 AM  
**Subject:** Application for the removal of title deed restrictions and consent use of erf 5580 Betty's Bay.



Date: 24 May 2019

FILE NO:	EZ 5580 ✓
SCAN NO:	Betty's
	LUITERS J
COLLABORATOR NO:	12871436

The following objection to the public notice is hereby made in terms of section 52 of the relevant By-Law.

My reasons to be listed as an interested and affected party are hereafter listed.

Compliance with section 52(3) is as follows:

- (a). Full names: Yolanda Luiters
- (b). 4759 Satyrium street, Betty's Bay, 7141 or email address: [yolandaluiters@gmail.com](mailto:yolandaluiters@gmail.com)
- (c). I am the registered owner of erf 4759 in Betty's and I reside in the proximate vicinity of the proposed liquor outlet.
- (d). Reasons substantiating my objection:
  1. It is common cause that liquor outlets attract vagrants and persons with alcohol related problems and accordingly the outlet will have an undesirable effect on the area in which we reside.
  2. As such the market value of our property will be negatively affected.
  3. A readily accessible liquor outlet is already situated in Pringle Bay and which lies less than 10 kilometres away.
  4. The proposed outlet lies next to Clarence Drive (R64) which is a busy road with a speed limit of 80 kph – the liquor outlet would create a dangerous situation for persons wanting to cross Clarence Drive, especially towards the evening.
  5. The majority of the thefts and housebreakings in our area are drug/alcohol related and this outlet would probably have the effect of increasing the crime rate.
  6. Residents do their primary shopping in Kleinmond, The Strand and Hermanus where there are a number of available liquor outlets – accordingly there is not a specific need for a liquor outlet in Betty' Bay.
  7. A large percentage of the property owners live permanently outside Betty's Bay and bring their own alcohol when they come for a weekend or on holiday.

*TP* 23 MAY 2019

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8. Apparently the applicant resides in Grabouw, so there would not be any personal supervision at the outlet.

9. The majority of the permanent residents purchased their properties due to the quiet and uniqueness of Betty's Bay and this includes the absence of both street lights and liquor outlets.

In the light of the above submissions, it is specifically requested that the special consent requisite for the removal of the title deed restriction relating to the issuing of a liquor licence, not be approved by the relevant authorities.

Regards

Yolanda Luiters

TPA Theart  
(H vld steep)



**From:** Catherine Jaussaud <catherine.jaussaud12@gmail.com>  
**To:** Loretta Overstrand <loretta@overstrand.gov.za>  
**Date:** 18/04/2019 10:23 PM  
**Subject:** Municipal notice No 52/2019

Re: Ef 5580 KBB

Dear Loretta

I would like to object to the removal of the clause on the above title deed of 5580 in Betty s Bay.

I have moved to Betty s Bay because it was a conservation area and because of a certain way of life. I do not find it necessary to have a bottle store here as we already have one in Pringle bay and in Kleimond.

It also encourage bad behavior and certainly won't be an asset to Betty s Bay.

I therefore would like to lodge my objections to this submission.

Best regards  
Catherine Jaussaud  
076 8336523  
4211 Crassula Avenue Betty s Bay

Sent from my iPhone

FILE NO:	EL 5580
	Betty's Bay
SCAN NO:	24
COLLABORATOR NO:	1279667

TP

23 APR 2019

91/223

Loretta Gillion - OBJECTION: Municipal Notice No. 52/2019

**From:** "Stuart Bateman" <sebateman@gmail.com>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 23/05/2019 03:36 PM  
**Subject:** OBJECTION: Municipal Notice No. 52/2019



Good afternoon Loretta,

This afternoon I learnt of an application to open a liquor store in Betty's Bay. Betty's Bay is a quiet and peaceful village and a bottle store would have a negative impact on the community as a whole.

I object in the strongest possible terms to a liquor store in Betty's Bay.

Sincerely,

Mr. Stuart E. Bateman

082 965 9362  
 Anglers Way, Betty's Bay

FILE NO:	EL 5580 ✓
	Betty's Bay
SCAN NO:	STUART
COLLABORATOR NO:	1287456

*TP* 23 MAY 2019

92/223

Date: 23 May 2019  
 From: Johani Goldie  
 Address: 5555 Clavere Drive  
 Contact Details: 082 6722 429



Interest: Concerned Resident

Reasons and Comments: Not a good idea

TRAITMENT  
 CH old sheep

**I do not support this removal of Title Deed restriction or the Consent use for a bottle store for Erf 5580**

We are being totally inundated with poachers who are becoming so brazened that they are now entering the water from the penguin car park area under the nose of Cape Nature and are now loud when in the water - shouting and whistling to each other whereas until as recently as last year they were in much smaller groups, shy of being seen and more secretive in general. This is an obvious breach of the law to which SAPS or Cape Nature for that matter are not responding adequately by any stretch of the imagination. Does anybody really believe that either party would respond to drunk and disorderly behaviour. The same behaviour is apparent over weekends at the Kleinmond Harbour where alcohol are used in public.

Bettys' Bay is already entirely permeated by crime. We do not need to add more fuel to the fire with a bottle store which has never had an entirely positive outcome. Apart from the above mentioned the increase speed at which the large number of poaching associated vehicles is now screaming through Betty's Bay any member of the public not responding decisively and submissively to the 'getaway cars' is in for a major accident. Alcohol feeds aggression in many people.

The Application states that sales of low budget wine and so called quarts will be excluded. **There is no guarantee** that this will not change in the future and with accompanying potential negative impact on the community.

The Title Deed Restriction change and Consent use change are attached to the property, not the current owner. Should the current owner sell the property, and the Consent use, Title Deed Restriction on the Erf has been changed, a **future owner** of a potential bottle store there can take over and sell any alcohol including lower budget wines and quarts etc.

**The new owner operates** under the Consent use: Bottle store: means an establishment where the dominate use is the retail sales of alcoholic beverages for consumption off the property; There are no restrictions on what can be sold.

The shelf life of liquor is very long and the price relatively expensive. The result is the normal household buy it at the best price and use it over longer periods. Most residents will thus not buy at this liquor store as the price will be high as the result of low turnover (low number of residents). Visitors that drank more than what they had planned for, will gain the most out of such store. They do however impact on the tourism potential and the quality of life of the residents of the area. Remember, noise travel in BB as the background noise is very low.

Signed: \_\_\_\_\_

24 MAY 2019

FILE NO:	EL 5580
SCAN NO:	Betty's Bay
COLLABORATOR NO:	1288000

93/223

Date: 23 May 2019  
 From: Giretha Sittig  
 Address: 2192 Heron St. BB  
 Contact Details: 073 946 5226

TPA Theart  
(H. vd. Stoep)



Interest: Concerned Resident

Reasons and Comments: We want the small businesses in BB to survive!

**I do not support this removal of Title Deed restriction or the Consent use for a bottle store for Erf 5580**

We are being totally inundated with poachers who are becoming so brazened that they are now entering the water from the penguin car park area under the nose of Cape Nature and are now loud when in the water - shouting and whistling to each other whereas until as recently as last year they were in much smaller groups, shy of being seen and more secretive in general. This is an obvious breach of the law to which SAPS or Cape Nature for that matter are not responding adequately by any stretch of the imagination. Does anybody really believe that either party would respond to drunk and disorderly behaviour. The same behaviour is apparent over weekends at the Kleinmond Harbour where alcohol are used in public.

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The Application states that sales of low budget wine and so called quarts will be excluded. There is no guarantee that this will not change in the future and with accompanying potential negative impact on the community.

The Title Deed Restriction change and Consent use change are attached to the property, not the current owner. Should the current owner sell the property, and the Consent use, Title Deed Restriction on the Erf has been changed, a future owner of a potential bottle store there can take over and sell any alcohol including lower budget wines and quarts etc.

The new owner operates under the Consent use: Bottle store: means an establishment where the dominate use is the retail sales of alcoholic beverages for consumption off the property; There are no restrictions on what can be sold.

The shelf life of liquor is very long and the price relatively expensive. The result is the normal household buy it at the best price and use it over longer periods. Most residents will thus not buy at this liquor store as the price will be high as the result of low turnover (low number of residents). Visitors that drank more than what they had planned for, will gain the most out of such store. They do however impact on the tourism potential and the quality of life of the residents of the area. Remember, noise travel in BB as the background noise is very low.

Signed: MSittig

FILE NO:	<u>EL 5580</u>
	<u>Betty's Bay</u>
SCAN NO:	
COLLABORATOR NO:	<u>1288013</u>

24 MAY 2019

94/223



Date: 23<sup>rd</sup> May 2019  
From: MARY ROSE BERRISFORD  
Address: 71 BASS RD, BETTY'S BAY  
Contact Details: 082 571 3923

TR-A Theat  
CHoldstap)

Interest: Concerned Resident

Reasons and Comments: Betty's Bay community DOES NOT need a liquor store being well-served by Kleinmond stores. The special, tranquil character I do not support this removal of Title Deed restriction or the Consent use for a bottle store for Erf 5580 of the area will be changed for the worse by having a focal point - the liquor store - for layabouts to congregate.

We are being totally inundated with poachers who are becoming so brazened that they are now entering the water from the penguin car park area under the nose of Cape Nature and are now loud when in the water - shouting and whistling to each other whereas until as recently as last year they were in much smaller groups, shy of being seen and more secretive in general. This is an obvious breach of the law to which SAPS or Cape Nature for that matter are not responding adequately by any stretch of the imagination. Does anybody really believe that either party would respond to drunk and disorderly behaviour. The same behaviour is apparent over weekends at the Kleinmond Harbour where alcohol are used in public.

Betty's Bay is already entirely permeated by crime. We do not need to add more fuel to the fire with a bottle store which has never had an entirely positive outcome. Apart from the above mentioned the increase speed at which the large number of poaching associated vehicles is now screaming through Betty's Bay any member of the public not responding decisively and submissively to the 'getaway cars' is in for a major accident. Alcohol feeds aggression in many people.

The Application states that sales of low budget wine and so called quarts will be excluded. There is no guarantee that this will not change in the future and with accompanying potential negative impact on the community.

The Title Deed Restriction change and Consent use change are attached to the property, not the current owner. Should the current owner sell the property, and the Consent use, Title Deed Restriction on the Erf has been changed, a future owner of a potential bottle store there can take over and sell any alcohol including lower budget wines and quarts etc.

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Signed: MR Sew

- I endorse what is written above.

FILE NO:	EL 5580
SCAN NO:	Betty's Bay
COLLABORATOR NO:	1288020

24 MAY 2019

95/223

Date: 23/5/2019.  
 From: Abas Pretorius  
 Address: 585 Clarence Drive  
 Contact Details: 063 3040670

TR A Thont  
(Huld Sheep)



Interest: Concerned Resident

Reasons and Comments: Harm to local shops

**I do not support this removal of Title Deed restriction or the Consent use for a bottle store for Erf 5580**

We are being totally inundated with poachers who are becoming so brazened that they are now entering the water from the penguin car park area under the nose of Cape Nature and are now loud when in the water - shouting and whistling to each other whereas until as recently as last year they were in much smaller groups, shy of being seen and more secretive in general. This is an obvious breach of the law to which SAPS or Cape Nature for that matter are not responding adequately by any stretch of the imagination. Does anybody really believe that either party would respond to drunk and disorderly behaviour. The same behaviour is apparent over weekends at the Kleinmond Harbour where alcohol are used in public.

Bettys' Bay is already entirely permeated by crime. We do not need to add more fuel to the fire with a bottle store which has never had an entirely positive outcome. Apart from the above mentioned the increase speed at which the large number of poaching associated vehicles is now screaming through Betty's Bay any member of the public not responding decisively and submissively to the 'getaway cars' is in for a major accident. Alcohol feeds aggression in many people.

The Application states that sales of low budget wine and so called quarts will be excluded. **There is no guarantee** that this will not change in the future and with accompanying potential negative impact on the community.

The Title Deed Restriction change and Consent use change are attached to the property, not the current owner. Should the current owner sell the property, and the Consent use, Title Deed Restriction on the Erf has been changed, a **future owner** of a potential bottle store there can take over and **sell any alcohol** including lower budget wines and quarts etc.

**The new owner operates** under the Consent use: Bottle store: means an establishment where the dominate use is the retail sales of alcoholic beverages for consumption off the property: There are no restrictions on what can be sold.

The shelf life of liquor is very long and the price relatively expensive. The result is the normal household buy it at the best price and use it over longer periods. Most residents will thus not buy at this liquor store as the price will be high as the result of low turnover (low number of residents). Visitors that drank more than what they had planned for, will gain the most out of such store. They do however impact on the tourism potential and the quality of life of the residents of the area. Remember, noise travel in BB as the background noise is very low.

Signed: [Signature]

FILE NO:	ERF 5580 - KRB
SCAN NO:	
	NAAS
COLLABORATOR NO:	1288021

24 MAY 2019

96/223

Date: 23 May 2019From: Kleinmond E. MANSAddress: 49, 13th Avenue, KleinmondContact Details: 682 824 6272TR A Theort  
(Child Steep)

Interest: Concerned Resident

Reasons and Comments: We want the small businesses to survive and no bottle store

**I do not support this removal of Title Deed restriction or the Consent use for a bottle store for Erf 5580**

We are being totally inundated with poachers who are becoming so brazened that they are now entering the water from the penguin car park area under the nose of Cape Nature and are now loud when in the water - shouting and whistling to each other whereas until as recently as last year they were in much smaller groups, shy of being seen and more secretive in general. This is an obvious breach of the law to which SAPS or Cape Nature for that matter are not responding adequately by any stretch of the imagination. Does anybody really believe that either party would respond to drunk and disorderly behaviour. The same behaviour is apparent over weekends at the Kleinmond Harbour where alcohol are used in public.

Bettys' Bay is already entirely permeated by crime. We do not need to add more fuel to the fire with a bottle store which has never had an entirely positive outcome. Apart from the above mentioned the increase speed at which the large number of poaching associated vehicles is now screaming through Betty's Bay any member of the public not responding decisively and submissively to the 'getaway cars' is in for a major accident. Alcohol feeds aggression in many people.

The Application states that sales of low budget wine and so called quarts will be excluded. There is no guarantee that this will not change in the future and with accompanying potential negative impact on the community.

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Signed: \_\_\_\_\_

E MANS

FILE NO:	EL 5580 ✓
SCAN NO:	Betty's Bay
COLLABORATOR NO:	MANS
	1288018

24 MAY 2019

97/223

Date: 23/05/19  
From: Arnold Muller  
Address: 5555 Cloveucc Drive  
Contact Details: 0796247680

TRA Threat  
CH rd steep



Interest: Concerned Resident

Reasons and Comments :

**I do not support this removal of Title Deed restriction or the Consent use for a bottle store for Erf 5580**

We are being totally inundated with poachers who are becoming so brazened that they are now entering the water from the penguin car park area under the nose of Cape Nature and are now loud when in the water - shouting and whistling to each other whereas until as recently as last year they were in much smaller groups, shy of being seen and more secretive in general. This is an obvious breach of the law to which SAPS or Cape Nature for that matter are not responding adequately by any stretch of the imagination. Does anybody really believe that either party would respond to drunk and disorderly behaviour. The same behaviour is apparent over weekends at the Kleinmond Harbour where alcohol are used in public.

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The Application states that sales of low budget wine and so called quarts will be excluded. **There is no guarantee** that this will not change in the future and with accompanying potential negative impact on the community.

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Signed: \_\_\_\_\_

FILE NO:	EL 5580
	Betty's Bay
SCAN NO:	1287871
COLLABORATOR NO:	

24 MAY 2019

98/223

Date: 23 May 2019  
 From: Michael Goldie  
 Address: 5555 Clarence drive Bettys Bay  
 Contact Details: 0768641528

TR A Theat  
 (H Jld stoep)



Interest: Concerned Resident

Reasons and Comments: We don't need a bottle store nor a spur

**I do not support this removal of Title Deed restriction or the Consent use for a bottle store for Erf 5580**

We are being totally inundated with poachers who are becoming so brazened that they are now entering the water from the penguin car park area under the nose of Cape Nature and are now loud when in the water - shouting and whistling to each other whereas until as recently as last year they were in much smaller groups, shy of being seen and more secretive in general. This is an obvious breach of the law to which SAPS or Cape Nature for that matter are not responding adequately by any stretch of the imagination. Does anybody really believe that either party would respond to drunk and disorderly behaviour. The same behaviour is apparent over weekends at the Kleinmond Harbour where alcohol are used in public.

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Signed: \_\_\_\_\_

24 MAY 2019

FILE NO:	EZ 5580
SCAN NO:	Betty's Bay
COLLABORATOR NO:	1287895

Date: 23 May 2019 <sup>TR-A Theast</sup>  
 From: Kydia Baumker <sup>CH vld steep</sup>  
 Address: 5555 Clarence Drive  
 Contact Details: 082 6722 429



Interest: Concerned Resident

Reasons and Comments: I do not agree that having a Spa or a TIPS is a good idea.  
**I do not support this removal of Title Deed restriction or the Consent use for a bottle store for Erf 5580**

We are being totally inundated with poachers who are becoming so brazened that they are now entering the water from the penguin car park area under the nose of Cape Nature and are now loud when in the water - shouting and whistling to each other whereas until as recently as last year they were in much smaller groups, shy of being seen and more secretive in general. This is an obvious breach of the law to which SAPS or Cape Nature for that matter are not responding adequately by any stretch of the imagination. Does anybody really believe that either party would respond to drunk and disorderly behaviour. The same behaviour is apparent over weekends at the Kleinmond Harbour where alcohol are used in public.

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Signed: 

FILE NO:	57 5580
SCAN NO:	Betty's Bay
COLLABORATOR NO:	1287917

24 MAY 2019

100/223

Date: 23/5/2019 TRATHheart  
(Hub/Shop)  
 From: Anel Fernhout  
 Address: Heron Road 2209  
 Contact Details: 082 754 2778



Interest: Concerned Resident

Reasons and Comments: Crime

**I do not support this removal of Title Deed restriction or the Consent use for a bottle store for Erf 5580**

We are being totally inundated with poachers who are becoming so brazened that they are now entering the water from the penguin car park area under the nose of Cape Nature and are now loud when in the water - shouting and whistling to each other whereas until as recently as last year they were in much smaller groups, shy of being seen and more secretive in general. This is an obvious breach of the law to which SAPS or Cape Nature for that matter are not responding adequately by any stretch of the imagination. Does anybody really believe that either party would respond to drunk and disorderly behaviour. The same behaviour is apparent over weekends at the Kleinmond Harbour where alcohol are used in public.

Bettys' Bay is already entirely permeated by crime. We do not need to add more fuel to the fire with a bottle store which has never had an entirely positive outcome. Apart from the above mentioned the increase speed at which the large number of poaching associated vehicles is now screaming through Betty's Bay any member of the public not responding decisively and submissively to the 'getaway cars' is in for a major accident. Alcohol feeds aggression in many people.

The Application states that sales of low budget wine and so called quarts will be excluded. **There is no guarantee** that this will not change in the future and with accompanying potential negative impact on the community.

The Title Deed Restriction change and Consent use change are attached to the property, not the current owner. Should the current owner sell the property, and the Consent use, Title Deed Restriction on the Erf has been changed, a **future owner** of a potential bottle store there can take over and sell any alcohol including lower budget wines and quarts etc.

**The new owner operates** under the Consent use: Bottle store: means an establishment where the dominate use is the retail sales of alcoholic beverages for consumption off the property; There are no restrictions on what can be sold.

The shelf life of liquor is very long and the price relatively expensive. The result is the normal household buy it at the best price and use it over longer periods. Most residents will thus not buy at this liquor store as the price will be high as the result of low turnover (low number of residents). Visitors that drank more than what they had planned for, will gain the most out of such store. They do however impact on the tourism potential and the quality of life of the residents of the area. Remember, noise travel in BB as the background noise is very low.

Signed: [Signature]

FILE NO:	<u>EL 5580</u>
SCAN NO:	<u>Betty's Bay</u>
COLLABORATOR NO:	<u>1287968</u>

24 MAY 2019

Date: 23 May 2019 TRA Theert 101/223  
(Huld Stoop)  
 From: HILDEGARD BAUNKE  
 Address: 555 Clarence  
 Contact Details: 082 6722429



Interest: Concerned Resident

Reasons and Comments: Preserve the Cafes already here.

**I do not support this removal of Title Deed restriction or the Consent use for a bottle store for Erf 5580**

We are being totally inundated with poachers who are becoming so brazened that they are now entering the water from the penguin car park area under the nose of Cape Nature and are now loud when in the water - shouting and whistling to each other whereas until as recently as last year they were in much smaller groups, shy of being seen and more secretive in general. This is an obvious breach of the law to which SAPS or Cape Nature for that matter are not responding adequately by any stretch of the imagination. Does anybody really believe that either party would respond to drunk and disorderly behaviour. The same behaviour is apparent over weekends at the Kleinmond Harbour where alcohol are used in public.

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The Application states that sales of low budget wine and so called quarts will be excluded. There is no guarantee that this will not change in the future and with accompanying potential negative impact on the community.

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The new owner operates under the Consent use: Bottle store: means an establishment where the dominate use is the retail sales of alcoholic beverages for consumption off the property; There are no restrictions on what can be sold.

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Signed:

24 MAY 2019

FILE NO:	<u>ET 5580</u>
	<u>Betty's Bay</u>
SCAN NO:	
COLLABORATOR NO:	<u>1287962</u>

102/223

Date: 23/5/2019From: LIZE BAUERMEISTERAddress: Porter Drive 2475Contact Details: 082 750 5526

Interest: Concerned Resident

Reasons and Comments: Crime Relating Issues

TR A Theart  
(Huld Stoep)

**I do not support this removal of Title Deed restriction or the Consent use for a bottle store for Erf 5580**

We are being totally inundated with poachers who are becoming so brazened that they are now entering the water from the penguin car park area under the nose of Cape Nature and are now loud when in the water - shouting and whistling to each other whereas until as recently as last year they were in much smaller groups, shy of being seen and more secretive in general. This is an obvious breach of the law to which SAPS or Cape Nature for that matter are not responding adequately by any stretch of the imagination. Does anybody really believe that either party would respond to drunk and disorderly behaviour. The same behaviour is apparent over weekends at the Kleinmond Harbour where alcohol are used in public.

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Signed:

A handwritten signature in black ink that reads "Lize Bauermeister".

24 MAY 2019

FILE NO:	FL 5580
	Betty's Bay
SCAN NO:	
COLLABORATOR NO:	1287974

103/223

Date: 23/5/2019  
 From: ANDRE' LAYEN.  
 Address: 2224 PORTER RD B/BAY  
 Contact Details: 074782 0925



Interest: Concerned Resident  
 Reasons and Comments: AS BELOW. (CRIME) *TPA threat (Hvlel Steep)*

**I do not support this removal of Title Deed restriction or the Consent use for a bottle store for Erf 5580**

We are being totally inundated with poachers who are becoming so brazened that they are now entering the water from the penguin car park area under the nose of Cape Nature and are now loud when in the water - shouting and whistling to each other whereas until as recently as last year they were in much smaller groups, shy of being seen and more secretive in general. This is an obvious breach of the law to which SAPS or Cape Nature for that matter are not responding adequately by any stretch of the imagination. Does anybody really believe that either party would respond to drunk and disorderly behaviour. The same behaviour is apparent over weekends at the Kleinmond Harbour where alcohol are used in public.

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Signed:

FILE NO:	<u>Erf 5580</u>
	<u>Betty's Bay</u>
SCAN NO:	
COLLABORATOR NO:	<u>128 7946</u>

24 MAY 2019

104/223

Date: 23/5/2019  
 From: Olga Mostert  
 Address: Heron Road 2209  
 Contact Details: 082 493 6015



Interest: Concerned Resident

Reasons and Comments: Crime

TRATHAAT  
(H. v. d. Stoop)

**I do not support this removal of Title Deed restriction or the Consent use for a bottle store for Erf 5580**

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Signed: Olga Mostert

FILE NO:	<u>57 5580</u>
	<u>Betty's Bay</u>
SCAN NO:	<u>1287831</u>
COLLABORATOR NO:	

24 MAY 2019

105/223

Date: 23/5/2019  
 From: Ettienne Fernhout  
 Address: Heron Road 2209  
 Contact Details: 071 675 0567



Interest: Concerned Resident

Reasons and Comments: Crime

TR A Theart  
C Huld (steep)

**I do not support this removal of Title Deed restriction or the Consent use for a bottle store for Erf 5580**

We are being totally inundated with poachers who are becoming so brazened that they are now entering the water from the penguin car park area under the nose of Cape Nature and are now loud when in the water - shouting and whistling to each other whereas until as recently as last year they were in much smaller groups, shy of being seen and more secretive in general. This is an obvious breach of the law to which SAPS or Cape Nature for that matter are not responding adequately by any stretch of the imagination. Does anybody really believe that either party would respond to drunk and disorderly behaviour. The same behaviour is apparent over weekends at the Kleinmond Harbour where alcohol are used in public.

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**The new owner operates** under the Consent use: Bottle store: means an establishment where the dominate use is the retail sales of alcoholic beverages for consumption off the property; There are no restrictions on what can be sold.

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Signed: Ettienne Fernhout

FILE NO:	<u>EL 5580</u>
	<u>Betty's Bay</u>
SCAN NO:	
COLLABORATOR NO:	<u>1287824</u>

24 MAY 2019

106/223

**Loretta Gillion - Objection municipal notice 52/2019**

**From:** Kath Bateman <kattbatt@gmail.com>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 23/05/2019 11:02 PM  
**Subject:** Objection municipal notice 52/2019

*TR A Theart  
 CH Molsboep*

Dear sir or madam,

I wish to lodge my strong objection to the application to open a bottle store in Betty's bay. The presence of a bottle store would be detrimental to the promotion of peaceful law and order in the region.

Yours sincerely  
 Dr Kathleen Bateman  
 076 733 1515

FILE NO:	EL 5580 ✓
	Betty's Bay
SCAN NO:	KATH
COLLABORATOR NO:	1287453

*TP* 23 MAY 2019

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107/223



**Carringtonweg 8**  
**Kimberley, 8301**

23 Mei 2019

TPA Theart  
 (H. van der Stoop)

Die Munisipale Bestuurder  
 Overstrand Munisipaliteit  
 Hermanus Administrasie  
 Posbus 20  
 Hermanus  
 7200

FILE NO:	E 5580 ✓
SCAN NO:	Betty's Bay
	JOE
COLLABORATOR NO:	1287449

Vir aandag: Me H van der Stioep

**BESWAAR TEN OPSIGTE VAN AANSOEK  
 RAKENDE ERF 5580, BETTIESBAAI**

Hiermee maak die eienaars van Erf 2885,  
 Bettiesbaai, beswaar teen die opheffing van  
 titelbeperkinge en vergunningsgebruik van  
 erf 5580, Bettiesbaai.

TP 23 MAY 2019

Motivering vir die beswaar:

‘n Drankwinkel in Bettiesbaai sal ongetwyfeld ‘n erg negatiewe impak op die uniek rustige atmosfeer van Bettiesbaai hê.

Soos meeste Bettiesbaaiers hul inkopies in die nabygeleë Kleinmond doen, kan aankope van drank ook daar gedoen word en sodoende meedoen om ongewenste elemente en wat daarmee saamgaan, plaaslik te beperk.

Hoewel die aansoek meld dat ‘low budget wines’ en ‘quarts’ bier nie in die winkel verkoop sal word nie, is dit ‘n vals voorwendsel, en met ander Spar Tops drankwinkels wat dit wel doen, is die potensiële opheffing van sodanige onderneming ‘n blote formaliteit. Hierdie

onderneming deur die ontwikkelaar is op sigself 'n bedekte erkenning deur hom van die alombekende negatiewe impak wat verwag kan word, en dikwels elders gesien word.

Dankie vir u ernstige aandag.

Eienaars van erf 2885:

JH MYNHARDT, & E MYNHARDT  
[sel: 082 8071200]

*TPA Theart  
(Huld stoep)*



**From:** ulli niemann <ulliniemann14@gmail.com>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 23/05/2019 03:40 PM  
**Subject:** Municipal notice No 52/2019

Dear Loretta,  
I would like to object to the removal of the clause for the above title deed of 5580 in Betty s Bay.

I do not find it necessary to have a bottle store here in Betty s Bay as we already have one in Pringle Bay and Kleinmond.

It also encourages bad behavior and attract to wrong type of people in the area.

I therefore would like to lodge my objections to this submission.

Best regards

Ernst - Ulrich Niemann  
082 3736935  
4211 Crassula Avenue  
Betty s Bay

Sent from my iPhone

FILE NO:	EL 5580 / <i>Betty's Bay</i>
SCAN NO:	NIEMANN
COLLABORATOR NO:	1287440

*TP* 23 MAY 2019

111/223

**Loretta Gillion - Objection: Municipal Notice No. 52/2019**



**From:** Rachel Bateman <rachbateman@gmail.com>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 23/05/2019 03:37 PM  
**Subject:** Objection: Municipal Notice No. 52/2019

*TP-A Theart  
C H Mt Steep*

Dear Sir/Madam,

I strongly object to the opening of a bottle store in Betty's Bay, given the related risks. These include potentially increasing alcoholism and crime in the area.

Kind regards,

Rachel Bateman  
Anglers Way, Betty's Bay  
Mobile: +2772 741 0139  
Skype: rachel.bateman1

FILE NO:	EL 5580 ✓
	Betty's Bay
SCAN NO:	
COLLABORATOR NO:	1287360

*TP* 23 MAY 2019

112/223

**Loretta Gillion - Municipal Notice 52/2019, Liquor licence**

**From:** "Ian Murray" <ian.murray@absamail.co.za>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 23/05/2019 02:17 PM  
**Subject:** Municipal Notice 52/2019, Liquor licence

TP-A Theart  
 (Huld Shop)

Dear Loretta

I note that there has been an application for a liquor licence for Erf 5580 in Betty's Bay.

I object to this application on the following grounds:

- There are at least two liquor shops in Kleinmond. Kleinmond is close to Betty's Bay and another distribution point in the Hangklip area is not justified or required.
- With liquor inevitably comes crime. Betty's Bay has a rural environment that should be preserved and no action should be taken or allowed that could increase crime in and around Betty's Bay.
- There are a number of restaurants in Betty's Bay and the adjacent Pringle Bay and Rooiels that have liquor licences, so another supplier of liquor is unnecessary and highly undesirable.
- Betty's Bay does not have a commercial centre and has not developed a strong central business area or community as has Pringle Bay and Kleinmond. Pringle Bay does have a strong central business development. Liquor shops in Kleinmond and Pringle Bay are undesirable, but may have to be tolerated. That is not the case in Betty's Bay. We do not want an additional liquor store in Betty's Bay.
- The area around this proposed liquor shop will be difficult to police as the closest Police station is in Kleinmond. Drunks and vagrants will congregate around the liquor shop and be bold, knowing that the Kleinmond Police station is far away.
- Press reports have indicated that the Police in the Overstrand are under-staffed and poorly equipped. Their ability to contain crime in Betty's Bay is at present token and the situation should not be aggravated by the sale of intoxication substances in Betty's Bay. If an additional distribution point for liquor is required, please locate it close to the Kleinmond Police station or in Pringle Bay.

This is an application that the Municipality should proudly refuse in the interest of the Betty's Bay residents, rather than in the interest of businesses that make money out of the misery of alcohol users.

I trust that you will seriously consider the above points and refuse the request.

Ian Murray  
 Erf 2047  
 Silversands  
 Betty's Bay  
 082-551-4774

FILE NO:	EL 5580
SCAN NO:	Betty's Bay
COLLABORATOR NO:	128 7365

TP 23 MAY 2019

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113/223

**Loretta Gillion - Objection relating to the removal of title deed restrictions on Erf 5580 Betty's Bay**

**From:** "John" <jhcarroll@sonicmail.co.za>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 23/05/2019 02:26 PM  
**Subject:** Objection relating to the removal of title deed restrictions on Erf 5580 Betty's Bay  
**Cc:** "Coenie Groenewald" <cgroenewald@overstrand.gov.za>, "Fanie Krige" <...>



TP-A Theert  
(Huld/steep)

To: Ms Loretta Gillion  
 Administrator – Town & Spatial Planning  
 Overstrand Municipality

Date: 23 May 2019

Subject: Application for the removal of title deed restrictions and consent use of erf 5580 Betty's Bay.

FILE NO:	EL 5580 ✓
SCAN NO:	Betty's Bay
COLLABORATOR NO:	CARROLL
	1287431

The following objection to the public notice is hereby made in terms of section 52 of the relevant By-Law.

My reasons to be listed as an interested and affected party are hereafter listed.

Compliance with section 52(3) is as follows:

(a). Full names: JOHN HENRY CARROLL.

(b). PO Box 600, Betty's Bay, 7141 or email address: [jhcarroll@sonicmail.co.za](mailto:jhcarroll@sonicmail.co.za).

(c). I have been the part registered owner of erf 4833 in Betty's Bay for an excess of 12 years and I reside in the proximate vicinity of the proposed liquor outlet.

(d). Reasons substantiating the objection:

1. It is common cause that liquor outlets attract vagrants and persons with alcohol related problems and accordingly the outlet will have an undesirable effect on the area in which we reside.
2. As such the market value of our property will be negatively affected.
3. A readily accessible liquor outlet is already situated in Pringle Bay and which lies less than 10 kilometres away.
4. The proposed outlet lies next to Clarence Drive (R64) which is a busy road with a speed limit of 80 kph – the liquor outlet would create a dangerous situation for persons wanting to cross Clarence Drive, especially towards the evening.
5. The majority of the thefts and housebreakings in our area are drug/alcohol related and this outlet would probably have the effect of increasing the crime rate.

TP 23 MAY 2019

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114/223

6. Residents do their primary shopping in Kleinmond, The Strand and Hermanus where there are a number of available liquor outlets – accordingly there is not a specific need for a liquor outlet in Betty's Bay.

7. A large percentage of the property owners live permanently outside Betty's Bay and bring their own alcohol when they come for a weekend or on holiday.

8. Apparently the applicant resides in Grabouw, so there would not be any personal supervision at the outlet.

9. The majority of the permanent residents purchased their properties due to the quiet and uniqueness of Betty's Bay and this includes the absence of both street lights and liquor outlets.

In the light of the above submissions, it is specifically requested that the special consent requisite for the removal of the title deed restriction relating to the issuing of a liquor licence, not be approved by the relevant authorities.

Regards

John Carroll.

115/223

TRA Theart  
(M. J. Stoop)

Loretta Gillion - Application relating to Erf 5580 Betty's Bay



**From:** "John" <jhcarroll@sonicmail.co.za>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 23/05/2019 10:29 AM  
**Subject:** Application relating to Erf 5580 Betty's Bay  
**Cc:** "Coenie Groenewald" <cgroenewald@overstrand.gov.za>, "Fanie Krige" <...>

To: Ms Loretta Gillion  
 Administrator, Town & Spatial Planning  
 Overstrand Municipality.

Subject: Application for removal of title deed restrictions and consent use of Erf 5580 Betty's Bay.

Date: 23 May 2019.

An objection to the above application is hereby made on behalf of the following property owners who own erven in the Rondevlei area in Betty's Bay.

- × 1. JH Carroll – Erf 4833 Satyrium Rd – Postal address: PO Box 600 Betty's Bay, 7141.
- × 2. M Webber – Erf 4742 Oxalis Road – Postal Address: PO Box 851 Betty's Bay, 7141.
- × 3. Y Luiters – Erf 4759 Satyrium Rd – Same postal address – email: [luitersjoey@gmail.com](mailto:luitersjoey@gmail.com).

Our reasons for the objection are, *inter alia*:

1. It is common cause that liquor outlets attract vagrants and persons with alcohol related problems.
2. There is a liquor outlet in Pringle Bay which lies less than 10 kilometres away and is thus readily accessible.
3. The proposed outlet lies next to Clarence Drive which is a very busy road with a speed limit of 80 kph – the liquor outlet would create a dangerous situation for persons wanting to cross Clarence Drive.
4. The majority of the thefts and housebreakings in our area are drug/liquor related and this outlet could well have the effect of increasing the crime rate.
5. Residents do their main shopping at Kleinmond, The Strand or Hermanus, where they also purchase their alcohol requirements.

The majority of the residents purchased their properties due to the uniqueness of Betty's Bay and this included the relative absence of street lighting as well as the absence of a liquor outlet.

It is thus specifically requested that the special consent requisite for the removal of the title deed restriction relating to the issuing of a liquor licence, not be approved by the relevant authorities.

Regards

John Carroll  
 Tel: 028 272 9898

23 MAY 2019

TP  
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FILE NO:	EL 5580 ✓
SCAN NO:	Betty's Bay
COLLABORATOR NO:	JOHN
	1287223

116/223

Mobile: 083 475 4289.

117/223

**Loretta Gillion - FW: Application relating to Erf 5580 Betty's Bay**

**From:** "John" <jhcarroll@sonicmail.co.za>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 23/05/2019 10:59 AM  
**Subject:** FW: Application relating to Erf 5580 Betty's Bay  
**Cc:** "Fanie Krige" <sdkrige@gmail.com>, <billsteyn@sonicmail.co.za>, <webbe...

Morning Loretta

Could you please add the name of the following property owner to the list of objectors:

✕ 4. Dr Mike L Anderson – Erf 4734 Oxalis Rd – Postal Address: PO Box 218 Betty's Bay, 7141.

Regards

John Carroll.

**From:** John [jhcarroll@sonicmail.co.za]  
**Sent:** 23 May 2019 10:29 AM  
**To:** 'loretta@overstrand.gov.za'  
**Cc:** 'Coenie Groenewald'; 'Fanie Krige'; 'billsteyn@sonicmail.co.za'; 'webbermarleen@gmail.com'; 'luitersjoey@gmail.com'  
**Subject:** Application relating to Erf 5580 Betty's Bay

To: Ms Loretta Gillion  
 Administrator, Town & Spatial Planning  
 Overstrand Municipality.

Subject: Application for removal of title deed restrictions and consent use of Erf 5580 Betty's Bay.

Date: 23 May 2019.

An objection to the above application is hereby made on behalf of the following property owners who own erven in the Rondevlei area in Betty's Bay.

1. JH Carroll – Erf 4833 Satyrium Rd – Postal address: PO Box 600 Betty's Bay, 7141.
2. M Webber – Erf 4742 Oxalis Road – Postal Address: PO Box 851 Betty's Bay, 7141.
3. Y Luiters – Erf 4759 Satyrium Rd – Same postal address – email: [luitersjoey@gmail.com](mailto:luitersjoey@gmail.com).

Our reasons for the objection are, *inter alia*:

1. It is common cause that liquor outlets attract vagrants and persons with alcohol related problems.
2. There is a liquor outlet in Pringle Bay which lies less than 10 kilometres away and is thus readily accessible.

118/223

**Loretta Gillion - Re: FW: Application relating to Erf 5580 Betty's Bay**

*TR A Theart  
C H v d'shoep*

**From:** Loretta Gillion  
**To:** John  
**Date:** 23/05/2019 12:24 PM  
**Subject:** Re: FW: Application relating to Erf 5580 Betty's Bay  
**Cc:** luitersjoey@gmail.com; Fanie Krige; webbermarleen@gmail.com; mike@mik...  
**Attachments:** Sections 51 & 52.pdf



Dear Mr Carroll

Your e-mails refer.

Please note that an objector list of four (4) individuals were provided. The e-mail does not meet the minimum requirements as stipulated in Section 51 of the By-Law. (See extract of the By-Law attached.)

If you wish to submit a petition list, a list with signatures should be submitted with the full details of each individual and one authorised representative should be identified. Only the authorised representative will receive correspondence in this regard, and will be responsible to inform all signatories about any communication.

Should you wish to not submit a petition list, please forward your comments/objections separately (to myself per e-mail or via post) with your full name, postal address and reasons to be registered as an interested and affected party in this matter.

Regards

**Loretta Gillion**  
 Administrator, Town & Spatial Planning  
 Overstrand Municipality  
**A:** 16 Paterson Street, Hermanus, 7200 **P:** P O Box 20  
**T:** 028 313 8900 | **F:** 028 313 2093 | **E:** [loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)

>>> "John" <jhcarroll@sonicmail.co.za> 23/05/2019 10:59 AM >>>  
 Morning Loretta

Could you please add the name of the following property owner to the list of objectors:

4. Dr Mike L. Anderson – Erf 4734 Oxalis Rd – Postal Address: PO Box 218 Betty's Bay, 7141.

Regards

John Carroll.

**From:** John [[jhcarroll@sonicmail.co.za](mailto:jhcarroll@sonicmail.co.za)]  
**Sent:** 23 May 2019 10:29 AM  
**To:** 'loretta@overstrand.gov.za'

FILE NO:	EL 5580 Betty's Bay
SCAN NO:	LORETTAS REPLY
COLLABORATOR NO:	1287223

*TP* 23 MAY 2019

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119/223

**Loretta Gillion - Erf 5580, 2 Coral Rd Betty's Bay Removal of Restrictions**

*TPATheart  
(Huldsteep)*

**From:** "Richard Starke" <richard@recirc.co.za>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 23/05/2019 04:40 PM  
**Subject:** Erf 5580, 2 Coral Rd Betty's Bay Removal of Restrictions  
**Cc:** "Carol Clark" <restore@absamail.co.za>



To Overstrand municipality,  
 in terms of section 16 (two) (F)  
 removal of restrictions for consent use to establish a liquor shop on the above property.

Dear Sirs

we have lived in Betty's Bay since 1948 and had two houses during that period. We have never seen the need for a bottle store to provide liquor which is readily available either in Pringle Bay or in Kleinmond.

My preference is that such a relaxation of the restriction is not granted.

However I would move to insist that, in the event that democracy prevails and the majority of people would accept such an addition to the community, that no building of the suggested liquor store or its associated supermarket is undertaken before Clarence drive in that area has been provided with a traffic calming arrangement.

This traffic calming should take the form of either a traffic circle or a specific road narrowing and speed restriction as recently proposed.

Currently traffic pours through Betty's Bay unrestricted with no attempt to prevent speeding and only such narrowing or placement of circles or stop signs will solve the problem. I would object to any additional shopping facilities associated with the area where the Caltex fuel station is without such traffic calming.

Adjusted these points will be given serious consideration particularly given by position as a resident for seventy years.

Yours sincerely

Richard Starke  
 White Horses  
 PO Box 68  
 Betty's Bay 7141  
 Cape  
 South Africa  
 Home 028 272 9417  
 Mobile 082 900 6931 (WhatsApp)  
 Skype richardstarke  
 richard@recirc.co.za

FILE NO:	EL 5580
	Betty's Bay
SCAN NO:	
COLLABORATOR NO:	1287353

"Not everybody wins, and certainly not everybody wins all the time.  
 But once you get into your boat and push off,  
 tie into your shoes and boot stretchers  
 and "lean on the oars", you have indeed  
 won far more than those who have never tried"

*TP* 23 MAY 2019

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120/223

**Loretta Gillion - Municipal Notice No. 52/2019**

**From:** Stephen Hofmeyr QC <SHofmeyr@7kbw.co.uk>  
**To:** "loretta@overstrand.gov.za" <loretta@overstrand.gov.za>  
**Date:** 23/05/2019 04:33 PM  
**Subject:** Municipal Notice No. 52/2019

TR A Theart  
 (H old sheep)

Dear Loretta

As a resident of Betty's Bay, I write to object to the proposed bottle store in Betty's Bay. There is no need for a bottle store in Betty's Bay, which is a rural area with few houses. It is also a relatively safe environment. A bottle store is likely to create local social problems which do not currently exist.

My address is "Milkwood", Erf 5157 Angler's Road, Betty's Bay.

If you have any questions, please do not hesitate to ask.

Kind regards  
 Stephen Hofmeyr

Stephen Hofmeyr QC  
 Barrister



7 King's Bench Walk  
 Temple, London  
 EC4Y 7DS  
 Tel: +44 (0)20 7910 8300  
 Fax: +44 (0)20 7910 8400

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FILE NO:	FL 5580
	Betty's Bay
SCAN NO:	
COLLABORATOR NO:	1287363

For further information please visit our website at <http://www.7kbw.co.uk>  
 Please note the terms of our privacy notice at <https://www.7kbw.co.uk/privacy>

*Unless otherwise agreed in writing, all instructions accepted by members of 7 King's Bench Walk are accepted on the Standard Contractual Terms for the Supply of Legal Services by Barristers to Authorised Persons 2012 (as updated in 2018), a copy of which can be downloaded [here](#)*

TP 23 MAY 2019

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121/223



Erf 3422  
Bettys Bay  
23 May 2019

TP A Theart  
(H vld Steep)

Dear Loretta

**OBJECTION to PROPOSED RESTRICTIVE TITLE DEED AMENDMENT AND CONSENT USE APPLICATION for Erf 5580 BETTYS BAY**

I object to the Amendment of Title Deed restriction and the change in Consent use to allow a bottle store on Erf 5580.

My opinion, based on research and other evidence is that the bottle store will have an overall negative impact on Betties Bay and its residents.

**1. WEAK APPLICATION**

Generally applicants usually "try their luck" re departures, consent use changes, title deed restriction changes etc. to see what they can get away with. If they get away with it, they are happy. If they don't, they go to the modified more appropriate "Plan B" that they always had as a back-up, in anticipation that their Application may not be accepted.

- I find this Application to be rather weak.
- Besides the "its 8km from the site to Pringle Bay or 15 km from the site to Kleinmond to the nearest bottle stores" there is no good motivation or reason for a Tops on this Erf. Sunny Seas residents are much closer to Kleinmond than the listed "15 km to Kleinmond" to buy alcohol. They will probably be closer to the nearest bottle store in Kleinmond than driving to Erf 5580.
- In reality the Applicants isn't altruistic wanting to save BB residents from driving a few kilometres to buy their alcohol " due to the rising costs in living" , he wants them to buy what they currently buy and preferably more, from his shop for his personal profit.
- In another paragraph he actually refers to the fact that residents commute to Somerset West, Cape Town and Hermanus. Plenty of opportunity for them to purchase their alcohol requirements there too.
- The Application states that sales of low budget wine and so called quarts will be excluded. There is no guarantee that this will not change in the future and with accompanying potential negative impact on the community. For example, some Tops have begun with "normal" hours but later apply for extended hours.
- **The Title Deed Restriction change and Consent use change are attached to the property, not the current owner.** Should the current owner sell the property, and the Consent use, Title Deed Restriction on the Erf has been changed, a future owner of a potential bottle store there can take over and sell any alcohol including lower budget wines and quarts etc.
- The new owner operates under the Consent use: Bottle store: means an establishment where the dominate use is the retail sales of alcoholic beverages for consumption off the property. There are no restrictions on what can be sold.

**2. CURRENT POPULATION**

- The population of permanent residents in Bettys Bay is relatively small.

FILE NO:	E 5580
SCAN NO:	Betty's Rev
COLLABORATOR NO:	1287370

TP 23 MAY 2019

- The Application actually states: *"The residential composition of Bettys Bay consists mainly of holiday housing, retired residents and a small influx of younger entrepreneurs working from home or that commute to Somerset West, Cape Town or Hermanus."*
- Bettys Bay populations is seasonal - there is holiday influx over the main school holidays, especially Dec/Jan and there are many rental properties. These two bring a variety of people of various socio economic backgrounds to Bettys Bay.
- To date the small population of "retired residents and young entrepreneurs" in BB purchase alcohol when shopping for other things. It's just a matter of planning which everyone is currently doing without too much inconvenience.

### 3. SITUATION of ERF 5580

- This Erf is more suited to its current usage which was a few small offices and a restaurant . Its entry and exit roads are narrow and the short one onto/off Clarence Drive is uphill. It has very limited parking on site.
- This site on Erf 5580 is not tucked away only for villagers use – it's like the "Welcome to Bettys Bay" from the Pringle side. A Tops is hardly the best "welcome" tone for Bettys Bay. Like an invitation to " come and buy alcohol when you enter our village"
- In comparison Pringle Bay's bottle store is not on the R44 passing through Pringle Bay. It is within the village and therefore frequented by villagers. This is a totally different position and scenario. Not even Kleinmond Tops is visible on the Main Road
- The Erf is positioned just before or after the change to/from 100km/hr on a Provincial road the R44. There is a high risk of accidents when people have to turn through and into 80km/hr oncoming traffic that is anticipating increasing to 100km/hr traffic or hasn't yet slowed down from 100km/hr, to cross the road back to Bettys Bay (after shopping for booze or more maybe booze ... and hopefully not already over the alcohol intake limit?
- There have been calls from some Bettys Bay residents to introduce a means of reducing speed in the area of Penguin Café where a handful of businesses are, for safety purposes. Erf 5580 is in even a greater safety risk position for proposed increased "feet through the door" than in the Penguin Café area?

### 4. "CONVENIENCE"

- Separating a "convenience factor" of saving a few km's drive from the long term reality of increased alcohol on tap in the village is not taking the full picture and impact into account. Those impacts are well documented and placing Betty's bay "in the line-up" for these can't be deemed as "progress" e.g. two thirds of domestic violence is alcohol related, increase crime and an in drunken driving accidents. A well know resident in Bettys Bay, John the Potter and his family, have experienced the devastation associated by those kinds of accidents. They can hit close to home.
- This Application has far reaching effects and "convenience" is just one piece of the puzzle. The others also have to be taken into account to get the full picture of the future impact on Bettys Bay and its residents and it's not all the " fun and enjoy life" as a Tops ad would like to paint below:

- o TOPS : At TOPS at SPAR, you can expect a spirit of celebration in every one of our stores. We want you to have fun and enjoy life - and that's why, from the moment you walk in the door, you'll be captivated

#### 5. POTENTIAL INCREASE IN IRRESPONSIBLE DRINKERS IN BETTYS BAY

Through many people are responsible drinkers, it is a known fact that many are not.

This bottle store would not be tucked away within Bettys Bay and known only to and frequented only by residents. It would be situated in a very visible spot right next to Clarence and seen by passer by traffic and those *en route* to Bettys Bay beaches etc.

Irresponsible drinkers potentially become:

- *Irresponsible braaiers*: especially visitors to Bettys Bay who are not fire aware or wind aware. Having just had a devastating fire in January 2019 and previous examples of braai's by visitors being the source of a fire, Bettys Bay does not need an increase in this risk
- *Irresponsible beachgoers and swimmers*: Potential people who pass by a new Tops on Clarence and stock up *en route* to the beach especially during peak holiday season. There aren't enough Law enforcement officers to keep alcohol off the beaches. It only takes one or two "under the influence" people with accompanying negative social behaviour to make it unpleasant for other beachgoers. The combination of sun, heat, and alcohol increases risk for these swimmers, and drivers who are then an increased risk on roads driving home afterwards
- *Irresponsible drivers* within Bettys and on roads leading in and out of Bettys placing the people, children, pets and wildlife at more risk.
- *Irresponsible visitors/tenants/neighbours*: we've had examples near us of very loud music, noise, talking so loudly, etc. from people who clearly have "had too much" and who have no consideration for the impact their noise and behaviour has on neighbouring properties and how the noise disturbance carries.
- *Irresponsible family members*: 2/3 of domestic violence is alcohol related. This is a researched fact.

None of these is an asset to Betty's Bay

Should there be an increase in property and other crime in Bettys Bay that research shows often occurs within the vicinity of a bottle store, our current overstretched Kleinmond SAPS, with their limited staff and vehicle resources, will be even more hard pressed to respond.

#### 6. MANY OTHER BETTER OPTIONS FOR A BUSINESS on ERF 5580

- TOPS does not have to go wherever there a Spar is. In other places the 2 "stand alone" separate from each other.
- As the Applications says on page 7 : "*If paragraph D(a) of the above mentioned Title Deed is not amended the owner will be restricted to only use the property for shops and business premises excluding off sales liquor licence bottle store.*"

- The owner will have a Plan B for this office space.
- In the Business Zone 3 his primary uses are: shops, flats (above ground), offices. Consent uses include a variety of other options besides a bottle store
- There are many other possible businesses or offices that could go in this portion of the Erf e.g. Bank with ATM, pharmacy, bakery, Bloubakkie equivalent, vet/pet shop, maybe another vet to service the Hangklip area. Currently people drive the few kilometres into Kleinmond to these types of shops too. Businesses like these may better service the general BB community without potential negative impacts associated with even a so called "up market" bottle store.

#### 7. OVERSTRAND MUNICIPALITY DECISION

- It would be very sad to look back and see a degradation in Bettys Bay and trace it back to a 2019 decision that the Overstrand Municipality gave support to a change in Title Deed restrictions and Consent use for a bottle store on Erf 5580
- If this application is supported what long term impact it will have on Bettys Bay and the community -especially since the Title Deed and Consent use change is attached to the property and not the current owner. These restrictions and consent use were put in place for the benefit of the Bettys Bay community.
- If the OM does not support this Application, then the Applicant will just make another plan for this 56m2 in his personal business development plan.
- I think it is in the best interest of the general community and future of Bettys Bay that the OM does not support this Application – right on Clarence Drive, a provincial Road and in an unsafe exit/entry place

I think it would be better to have a more uplifting and needed business for the community on Erf 5580 than the applied for bottle store.

Thanks

Graham Clark



**Loretta Gillion - OBJECTION: Municipal Notice No. 52/2019**

**From:** "Andrew Vester [Kyacom Communications]" <andrew@kyacom.com>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 23/05/2019 12:50 PM  
**Subject:** OBJECTION: Municipal Notice No. 52/2019

*TPA Theart  
(C M v/d Stoep)*

Good afternoon Loretta, hope you are well?  
I would like to add my objection to the above notice.  
I am a resident of Bettys Bay and do not want a bottle store to be opened in Bettys Bay.  
My address is 2343 Pine Road, Bettys Bay, 7141  
Contact Number: 083 248 2138

Regards  
Andrew Vester

FILE NO:	EL 5580 ✓
	Betty's Bay
SCAN NO:	VESTER
COLLABORATOR NO:	1287426

*TP* 23 MAY 2019

**Loretta Gillion - OBJECTION: Municipal Notice No. 52/2019**

**From:** Stuart Vester <stuart.vester@gmail.com>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 23/05/2019 12:58 PM  
**Subject:** OBJECTION: Municipal Notice No. 52/2019



*TP - A Theart  
(H vld sheep)*

Hi Loretta,

I would like to add my objection to the above notice.

I am a resident of Bettys Bay and I do not want a bottle store to be opened in Bettys Bay.

My address is 2343 Pine Road, Bettys Bay, 7141

Contact Number: 082 731-1636

Regards

Stuart Vester

FILE NO:	EL 5580
	Betty's Bay
SCAN NO:	
COLLABORATOR NO:	1287430

*TP* 23 MAY 2019

127/223

**Loretta Gillion - Bottle store objection**

**From:** Jean Vester <jeanvester@icloud.com>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 23/05/2019 01:00 PM  
**Subject:** Bottle store objection



*TR. A. Theart  
(H. v.d. Stoep)*

**SUBJECT:**  
 OBJECTION: Municipal Notice No. 52/2019

**BODY:**  
 Hi Loretta,  
 I would like to add my objection to the above notice.  
 I am a resident of Bettys Bay and I do not want a bottle store to be opened in Bettys Bay.  
 My address is 2343 Pine Road, Bettys Bay, 7141  
 Contact Number: 082 040 9501

Regards  
 Jean Vester

Sent from my iPhone

FILE NO:	EL 5580
	Bettys Bay
SCAN NO:	
COLLABORATOR NO:	1287433

*TP* 23 MAY 2019

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128/223

TP A Theart  
(H. J. de Stoop)

Loretta Gillion - Proposed removal of restrictive title deed, Municipal Notice No. 52/2019

**From:** "Brenda Scholly" <brenda.scholly@gmail.com>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 23/05/2019 04:02 PM  
**Subject:** Proposed removal of restrictive title deed, Municipal Notice No. 52/2019



RE: Erf 5580, 2 Coral Road, Bettys Bay, Overstrand Municipal Area: Proposed removal of restrictive title deed conditions and consent use : Plan Active on behalf of Bouwer Trust

Mrs Brenda Scholly  
 3147 Seaview Drive  
 Betts Bay

Cell: 083 222 5598

Reason for comment:

Against the removal of the restrictive title deed conditions in order to establish a liquor shop in Bettys Bay.

This will result in an escalation of crime in this area i.e. drunk driving and the illegal sale of liquor to persons under 18.

Law enforcement is already not able to control the speeding on Clarence Drive, so how are they going to cope with the above issues? Traffic officers are very seldom visible in Bettys Bay. Hence the concern of another potential source of criminal activity.

FILE NO:	EL 5580 ✓
	Betty's Bay
SCAN NO:	Scholly
COLLABORATOR NO:	128/1422

TP 23 MAY 2019

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## ACACIA TRUST



Posbus 479

BETTYSBAAI

7141

Stads &amp; Streeksbeplanners

Posbus 296

HERMANUS

7200

TRATHAART  
(H. v.d. Stoep)

**INSAKE : VERGUNNINGSGEBRUIK VAN ERF 5580, BETTYSBAAI**

**VERGUNNINGSGEBRUIK INGEVOLGE ARTIKEL 16 (2) (O) TEN EINDE 'N DRANKWINKEL OP DIE BETROKKE EIENDOM TE VESTIG.**

Hiermee maak ek Christina Maria Jacobs ID 580919 0022 08 6, eienaar en trustee van Acacia Trust, van eiendom 2682 Porter Drive, Bettysbaai, beswaar teen die bogenoemde drankwinkel maak.

1. 'n Drankwinkel lok ongewenste elemente (mense) na die eiendom en dorp toe.
2. Daar is altyd 'n geraas en bakleiery.
3. Ongewenste persone wat oral slaap en urineer.
4. Drank is nie 'n noodsaaklikheid nie, indien iemand regtig drank wil koop, kan hulle Pringlebaai of Kleinmond toe ry.
5. Drank lei gewoonlik na hoër misdaad, kriminele oortredings en ongelukke.
6. 'n Drankwinkel in die omgewing kan lei tot 'n hoër alkohol verslawing en mishandeling syfer.
7. In die huidige ekonomiese tye kan daar geen goeie rede wees vir 'n drankwinkel nie.

Vanaf die stigting van Bettysbaai, kon die gemeenskap klaar kom sonder 'n drankwinkel en is daar geen rede hoekom daar nou skielik 'n drankwinkel moet kom nie.

Vriendelike groete

Marietjie Jacobs

(Acacia Trust)

FILE NO:	EL 5580 V
SCAN NO:	Betty's Bay
COLLABORATOR NO:	JACOBS
	128 1429

TP 23 MAY 2019

(2019/05/23) Loretta Gillion - ERF 5580, 2 Coral Road, Betty's Bay

130/223

*TP - A Theart  
(H Hotel Stoe)*

**From:** Karin de Beer <debeer.kaz@gmail.com>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 23/05/2019 02:37 PM  
**Subject:** ERF 5580, 2 Coral Road, Betty's Bay



To whom it may concern

We would like to strongly object to the approval of a bottle store at the above address as we feel there are enough bottle stores in close proximity of Betty's Bay. The addition of a bottle store would encourage the wrong element to this area.

Regards  
JJ and Karin de Beer  
4215 Crassula Avenue  
Betty's Bay  
084 246 1869

Sent from my iPhone

FILE NO:	ER 5580
	Betty's Bay
SCAN NO:	DE BEER
COLLABORATOR NO:	1287434

*TP* 23 MAY 2019

Loretta Gillion - Objection: Municipal Notice No. 52/2019



From: <ebpih@icon.co.za>  
To: <loretta@overstrand.gov.za>  
Date: 23/05/2019 03:29 PM  
Subject: Objection: Municipal Notice No. 52/2019

TP A Theart  
(H v d stoep)

Good day

This is to inform you that we object most strongly to a Bottle Store in Betty's Bay.  
We trust that this will NOT be permitted.

Kind Regards

Prof ED and Mrs ME Bateman

29 Bass Road  
Betty's Bay

Ph 060 5033 944

FILE NO:	E) 5580
SCAN NO:	Betty's Bay
COLLABORATOR NO:	1287408

TP 23 MAY 2019

132/223

**Loretta Gillion - Spar Tops - Application of removal of Title Deeds restrictions**

*TP - A Theart  
(H. v. d. Stoep)*

**From:** "Rene Todd (Britehouse)" <Rene.Todd@britehouse.co.za>  
**To:** "loretta@overstrand.gov.za" <loretta@overstrand.gov.za>  
**Date:** 23/05/2019 04:43 PM  
**Subject:** Spar Tops - Application of removal of Title Deeds restrictions



Hi Ms H van der Stoep

As a B Bay land owner, I am not in favour of the granting of a license, as I do not see the need in such a small seaside village. I am also not in favour because of the attraction liquor shops have for alcoholics who spend money on booze before their families.

I own erf 2564

My full name is Rene Todd, ID Number 700909 00 33 089, residing permanently at 14 Summit Way Constantia, Cape Town. My cell is 079 501 8662.

Thank you  
Rene

Rene Todd (Britehouse)  
SAP Retail Customer Engagement Executive



T +27 11 5756229  
M  
E rene.todd@britehouse.co.za  
[www.britehouse.co.za](http://www.britehouse.co.za)

[View Disclaimer](#)

FILE NO:	625580
	Be Hoy's Bay
SCAN NO:	
COLLABORATOR NO:	1287395

*TP* 23 MAY 2019

133/223

**Loretta Gillion - OBJECTION: Municipal Notice No. 52/2019**

**From:** <ebpih@icon.co.za>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 23/05/2019 03:18 PM  
**Subject:** OBJECTION: Municipal Notice No. 52/2019



*TP A Theat  
(Muld stoep)*

Good day

This is to inform you that I object most strongly to a Bottle Store in Betty's Bay.

Thank you for your attention to this.

Dr M E Bateman

Erf 5156  
Anglers Way  
Betty's Bay

Ph 083 652 5649

FILE NO:	EL 5580
	Betty's Bay
SCAN NO:	
COLLABORATOR NO:	1287406

*TP* 23 MAY 2019

134/223



Date: 22/5/2019

From: Guy McGeer

Address: 4297 ARCOFUS ROAD BETTYS BAY

Contact Details: 082 492 3302

Interest: Concerned Resident

Reasons and Comments:

TR A Theart  
(Huld Steep)

**I do not support this removal of Title Deed restriction or the Consent use for a bottle store for Erf 5580**

We are being totally inundated with poachers who are becoming so brazened that they are now entering the water from the penguin car park area under the nose of Cape Nature and are now loud when in the water - shouting and whistling to each other whereas until as recently as last year they were in much smaller groups, shy of being seen and more secretive in general. This is an obvious breach of the law to which SAPS or Cape Nature for that matter are not responding adequately by any stretch of the imagination. Does anybody really believe that either party would respond to drunk and disorderly behaviour. The same behaviour is apparent over weekends at the Kleinmond Harbour where alcohol are used in public.

Bettys' Bay is already entirely permeated by crime. We do not need to add more fuel to the fire with a bottle store which has never had an entirely positive outcome. Apart from the above mentioned the increase speed at which the large number of poaching associated vehicles is now screaming through Bettys' Bay any member of the public not responding decisively and submissively to the 'getaway cars' is in for a major accident. Alcohol feeds aggression in many people.

The Application states that sales of low budget wine and so called quarts will be excluded. There is no guarantee that this will not change in the future and with accompanying potential negative impact on the community.

The Title Deed Restriction change and Consent use change are attached to the property, not the current owner. Should the current owner sell the property, and the Consent use, Title Deed Restriction on the Erf has been changed, a future owner of a potential bottle store there can take over and sell any alcohol including lower budget wines and quarts etc.

The new owner operates under the Consent use: Bottle store: means an establishment where the dominate use is the retail sales of alcoholic beverages for consumption off the property. There are no restrictions on what can be sold.

The shelf life of liquor is very long and the price relatively expensive. The result is the normal household buy it at the best price and use it over longer periods. Most residents will thus not buy at this liquor store as the price will be high as the result of low turnover (low number of residents). Visitors that drank more than what they had planned for, will gain the most out of such store. They do however impact on the tourism potential and the quality of life of the residents of the area. Remember, noise travel in BB as the background noise is very low.

Signed:

24 MAY 2019

FILE NO:	GL 5580
	Bettys' Bay
SCAN NO:	
COLLABORATOR NO:	1287996

135/223

Date: 22/5/2019  
 From: Ingrid Mare  
 Address: 3678 Myrica Rd, Betty's Bay  
 Contact Details: 0760394379

TP-ATheart  
 CHJd stoep)



Interest: Concerned Resident

Reasons and Comments: not required

**I do not support this removal of Title Deed restriction or the Consent use for a bottle store for Erf 5580**

We are being totally inundated with poachers who are becoming so brazened that they are now entering the water from the penguin car park area under the nose of Cape Nature and are now loud when in the water - shouting and whistling to each other whereas until as recently as last year they were in much smaller groups, shy of being seen and more secretive in general. This is an obvious breach of the law to which SAPS or Cape Nature for that matter are not responding adequately by any stretch of the imagination. Does anybody really believe that either party would respond to drunk and disorderly behaviour. The same behaviour is apparent over weekends at the Kleinmond Harbour where alcohol are used in public.

Betty's Bay is already entirely permeated by crime. We do not need to add more fuel to the fire with a bottle store which has never had an entirely positive outcome. Apart from the above mentioned the increase speed at which the large number of poaching associated vehicles is now screaming through Betty's Bay any member of the public not responding decisively and submissively to the 'getaway cars' is in for a major accident. Alcohol feeds aggression in many people.

The Application states that sales of low budget wine and so called quarts will be excluded. There is no guarantee that this will not change in the future and with accompanying potential negative impact on the community.

The Title Deed Restriction change and Consent use change are attached to the property, not the current owner. Should the current owner sell the property, and the Consent use, Title Deed Restriction on the Erf has been changed, a future owner of a potential bottle store there can take over and sell any alcohol including lower budget wines and quarts etc.

The new owner operates under the Consent use: Bottle store: means an establishment where the dominate use is the retail sales of alcoholic beverages for consumption off the property; There are no restrictions on what can be sold.

The shelf life of liquor is very long and the price relatively expensive. The result is the normal household buy it at the best price and use it over longer periods. Most residents will thus not buy at this liquor store as the price will be high as the result of low turnover (low number of residents). Visitors that drank more than what they had planned for, will gain the most out of such store. They do however impact on the tourism potential and the quality of life of the residents of the area. Remember, noise travel in BB as the background noise is very low.

Signed: J. Mare

24 MAY 2019

FILE NO:	<u>EZ-5580 ✓</u>
	<u>Betty's Bay</u>
SCAN NO:	<u>INGRID</u>
COLLABORATOR NO:	<u>1287999</u>

136/223

Date: 22 May 2019  
 From: Jose Keyserling  
 Address: 956 (P.O) Pinnacle Bay  
 Contact Details: 025 273 5958

TP-A Theart  
 (H old steep)



Interest: Concerned Resident

Reasons and Comments: Encourages undesirable.

**I do not support this removal of Title Deed restriction or the Consent use for a bottle store for Erf 5580**

We are being totally inundated with poachers who are becoming so brazened that they are now entering the water from the penguin car park area under the nose of Cape Nature and are now loud when in the water - shouting and whistling to each other whereas until as recently as last year they were in much smaller groups, shy of being seen and more secretive in general. This is an obvious breach of the law to which SAPS or Cape Nature for that matter are not responding adequately by any stretch of the imagination. Does anybody really believe that either party would respond to drunk and disorderly behaviour. The same behaviour is apparent over weekends at the Kleinmond Harbour where alcohol are used in public.

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Signed: J. Keyserling

FILE NO:	<u>EL 5580 ✓</u>
SCAN NO:	<u>Betty's Bay</u>
	<u>JUNE</u>
COLLABORATOR NO:	<u>1287998</u>

21 MAY 2019

2019 05/22 22:35

VANDERHORST

021 686 0248

#435

137/223

THE MUNICIPAL MANAGER  
ATT. MS H VAN DER STOEP  
OVERSTRAND MUNICIPALITY  
FAX 028 313 2093



TP-A Theart  
C Huld Stoep)

22/05/2019

**RE: ERF 5580 BETTY'S BAY APPLICATION FOR REMOVAL OF TITLE DEED RESTRICTIONS AND CONSENT USE**

Sir,

I am in receipt of a notice of 18 April 2019 regarding the above planning application to enable the owner of erf 5580 to operate a liquor store on those premises. I have been the registered owner of erf 2520 Betty's Bay for the last 25 years. I am familiar with the site. Thank you for affording me the opportunity to comment

**EXECUTIVE SUMMARY:**

In my opinion the application is entirely opportunistic. There is neither need nor desirability. No benefit to the area, the community or the general public has been demonstrated, let alone that it exists. On the contrary this application is self-serving to the commercial interests of the owner of the land, at the expense of and to the prejudice of the community and the general public. For the last 40 years similar applications have been refused. Neither the application for the removal of title deed restrictions nor the application for consent use should be entertained. **Both applications need to be refused.**

**LOCATION**

The subject property is just a few steps away from:

- the Caltex Petrol Station;
- the principal provincial Road (Grootpad) R44;
- the scheduled taxi stop for regular transport between Kleinmond and Rooi Els; and
- a small convenience centre for a section of the local population, but also a natural stop for motorists and tourists who wish to pull off the R44.

**ALCOHOL & ITS EFFECTS IN GENERAL, ON BETTY'S BAY AND MOOI UITSIG IN PARTICULAR**

The proposed liquor store will be within very short walking distance of the Mooi Uitsig township, which had been established by the municipality several decades ago to house its municipal workers. Many poor families live there. Alcoholism has made the lives of such women and children a misery and, in the past, the women of Mooi Uitsig have been known for their adamant opposition to any bottle store in Betty's Bay, let alone right on their very doorstep. Their argument has been that the men should spend the money they earned towards their families' basic needs, and not drink it all up on the way home from work, already. The liquor trade may not like to hear the temperance argument. But it is a serious concern, which local government cannot and shall not ignore.

The Mooi Uitsig community is vulnerable in another respect. They are mostly pedestrians, who walk along the R44 and have to cross it to get to the shops or the taxi stop. The traffic is

FILE NO:	EL5580
	Betty's Bay <sup>1</sup>
SCAN NO:	KBB 5580
COLLABORATOR NO:	1287211

TP 23 MAY 2019

heavy and fast. The death toll/accident rate of intoxicated pedestrians is very high in South Africa. It is unwise to increase this risk by allowing a bottle store right at the door step of Mooi Uitsig. It drastically increases the risk of drunken pedestrians being knocked over.

Alcohol use/abuse was a contributing cause to the fire of 31 December 2018 that devastated Betty's Bay, destroyed more than 20 houses, damaged more than 40 houses and destroyed vast tracts of pristine Fynbos of the core of the Kogelberg Biosphere Reserve. It was the fire of the century that no resident and firefighter will forget for the next two generations.

**NATIONAL POLICY ON ROAD SAFETY AND CAMPAIGNS AGAINST DRUNKEN DRIVING AND PEDESTRIAN SAFETY**

Drunken driving is the most significant cause of death and serious accidents on South African roads. In 65% of such cases alcohol abuse was involved, the balance is made up of speeding, reckless and distracted driving. Drunken driving is out-lawed. It is national and provincial policy to drastically and effectively increase road safety and to curb drinking and driving. Although road safety on provincial roads and the granting of liquor licences does not fall into the municipality's competence, all tiers of government are obliged to actively promote the campaign against drinking and driving. Municipal planning may not ignore such policy, let alone undermine it by giving planning permission for a bottle store in this particular location.

**INFORMATION SUPPLIED IN THE APPLICATION INADEQUATE AND UNRELIABLE**

The application ("paragraph 3.5.") is devoid of contents and substance on which an official could rely.

- It glosses over the fact that the proposed liquor store is on the R44 and within 500 m of the only petrol station between Gordon's Bay and Kleinmond. The proposed location as such is risky and enables drinking and driving. The liquor store in Pringle Bay is not comparable, being 5km away from the R44, and not visible from there.
- The proposed location is on the doorstep to Mooi Uitsig. No mention is made of this important fact either. I dealt with this aspect above. The key issue is not that negative elements would be drawn to a bottle store (which the applicant piously hopes to avoid) but that a vulnerable community will be exposed to easily obtainable liquor with the social consequences set out above. **There is no information that even a well-managed liquor store in that location would have any positive socio-economic impact on this socio-economically weak and vulnerable community!**
- The application does not even contain any accurate recent demographics:
  - To my knowledge: of the about 1700 permanent residents in BB, some 300 residents are living at Mooi Uitsig, at the doorstep of the proposed liquor store.
  - How the remaining 1400 permanent residents are distributed over the widely stretched out Betty's Bay, is a key factor, but not disclosed.
  - In any event, the whole area of Sunny Seas is closer to Kleinmond than to the centre shops of Betty's Bay.
  - There is mention of "a small influx of entrepreneurs working from home or commuting to Somerset West, Hermanus or Cape Town". How much is "a small influx"? The information is as vague, as it is irrelevant. Those few

newcomers will shop for their high-budget beverages near their place of work. They are unlikely to become regular customers of a small TOPS in BB.

- Generalisations like “due to higher living costs residents of BB tend to travel less”, and therefore need the convenience of a bottle store in Betty’s Bay, are misleading/irrelevant. The supply of essentials like fresh fruit and vegetables is inadequate in Betty’s Bay. Every resident has to do a weekly shopping trip to Kleinmond, even if they would prefer to travel less, and will combine it with a stop at the bottle store.
- The demographics and the target market are relevant, as an insufficient clientele would force the business to lower its standards and sell cheap wine and beer. All the lofty promises about keeping negative elements away by selling only high-quality stuff, on which this application is predicated, will come to naught, when the “responsible TOPS franchisee” cannot make money.
- The allegation that all bottle stores in Kleinmond are well-managed and do not attract “negative elements”, is not true, either. What may apply to the Tops franchise inside the Spar Mall, does to my knowledge not apply to all other liquor outlets along the Main Road in a westerly direction.
- Lastly, in para.3.9, no mention is made of the Liquor Act and National Policies relating to the responsible distribution and use of liquor, including policies and campaigns to curb drunken driving.

#### **THE TEST FOR THE REMOVAL OF TITLE DEED RESTRICTIONS**

Although the municipality is now the authority to remove restrictive title deed conditions, the test for their removal has remained the same as before. For as long as the “Administrator” or the Minister were the competent authorities, the removal of title deed restrictions relating to a liquor store in Betty’s Bay, had always been refused.

The Applicant alleges that a liquor store in that position would be “harmless”, that

- o Any negative effect could be mitigated and minimized;
- o It would not detract from the character of the area; and that
- o It would even add to the convenience of the better-off section of the local population, who “tend to travel less due to the escalating costs of living”.

The alleged absence of prejudice does not make it desirable for the purpose of the removal of Title Deed Restrictions. It is trite law that Title Deed restrictions are imposed for the benefit of the area, community concerned or the general public and that they will only be removed if their removal brings about a necessary clear positive change for the benefit of the area, the community or the public at large. If the proposed liquor store improved the safety of the road for drivers and pedestrians, curbed drinking and driving, if it minimised the fire hazard in the Kogelberg Biosphere, if it saved time and costs to the majority of residents to obtain essential services, and finally if it improved the socio-economic outcome of the vulnerable women, children and pedestrians of Mooi Uitsig, then the title deed condition prohibiting liquor stores in Betty’s Bay could and should be amended or removed. That is simply not true. There are no benefits that would flow to

the communities concerned or the general public. Therefore, the restrictive conditions cannot/ should not be amended or removed.

The applicant merely expresses the well-meaning hope that a TOPS franchisee will manage to hold the negative impacts at bay by not stocking cheap alcohol. Even that promise is questionable, as he has not even identified a sufficiently large target market. With the greatest of respect to the applicant and its TOPS franchisee, the low-budget stock will find its way onto the shelves of the shop, if that is the only way of running a profitable business. At the risk of belabouring the point: the alleged potential convenience to a small part of the residential population of Betty's Bay does not justify the removal/amendment of the title deed condition that are still necessary for the well-being of the area, the community and the general public, especially in this location.

#### CONSENT USE

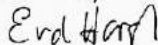
Since it would be illegal to remove the title deed condition prohibiting a liquor store in this location, it is not necessary to deal with desirability again in the context of a consent use application. The same arguments apply. The application would have to be refused for lack of desirability.

Normally, commercial arguments do not enter the debate in planning applications, as it is the applicant's risk whether its business succeeds in a particular location or fails. In this case, however, it is different, as commercial success is essential to the running of a responsible liquor store that does not cause a nuisance to neighbours, other businesses and/or the community. Once a liquor store site, always a liquor store site. Negative elements can no longer be kept at bay, and the nuisance will increase if the business is deteriorating. Eventually, the dealer will start selling cheaper alcohol. As stated above, the applicant has not even laid the foundation for a sufficient target market. The location makes a liquor store undesirable for all the reasons referred to above.

**Conclusion: Both applications need to be refused.**

Kindly acknowledge receipt, and advise me of the date of any hearing by the Planning Tribunal, as I request a right of audience if the Municipality intends to entertain this application.

Yours faithfully



Eleonore van der Horst  
8 Dundee Road  
Newlands 7700  
Tel 021- 6857509

141/223



Erf 3422  
Bettys Bay  
22 May 2019

TPA Theart  
CH (old stoep)

Dear Loretta

**OBJECTION to PROPOSED RESTRICTIVE TITLE DEED AMENDMENT AND CONSENT USE APPLICATION for Erf 5580 BETTYS BAY**

I object to the Amendment of Title Deed restriction and the change in Consent use to allow a bottle store on Erf 5580.

**WEAK APPLICATION**

Generally applicants usually "try their luck" re departures, consent use changes, title deed restriction changes etc. to see what they can get away with. If they get away with it, they are happy. If they don't, they go to the modified more appropriate "Plan B" that they always had as a back-up, in anticipation that their Application may not be accepted.

- I find this Application to be rather weak.
- Besides the "its 8km from the site to Pringle Bay or 15 km from the site to Kleinmond to the nearest bottle stores" there is no good motivation or reason for a Tops on this Erf. Sunny Seas residents are much closer to Kleinmond than the listed "15 km to Kleinmond" to buy alcohol. They will probably be closer to the nearest bottle store in Kleinmond than driving to Erf 5580.
- In reality the Applicants isn't altruistic wanting to save BB residents from driving a few kilometres to buy their alcohol "due to the rising costs in living", he wants them to buy what they currently buy and preferably more, from his shop for his personal profit.
- In another paragraph he actually refers to the fact that residents commute to Somers West, Cape Town and Hermanus. Plenty of opportunity for them to purchase their alcohol requirements there too.
- The Application states that sales of low budget wine and so called quarts will be excluded. There is no guarantee that this will not change in the future and with accompanying potential negative impact on the community. For example, some Tops have begun with "normal" hours but later apply for extended hours.
- **The Title Deed Restriction change and Consent use change are attached to the property, not the current owner.** Should the current owner sell the property, and the Consent use, Title Deed Restriction on the Erf has been changed, a future owner of a potential bottle store there can take over and sell any alcohol including lower budget wines and quarts etc.
- The new owner operates under the Consent use: Bottle store: means an establishment where the dominate use is the retail sales of alcoholic beverages for consumption off the property. There are no restrictions on what can be sold.

**CURRENT POPULATION**

- The population of permanent residents in Bettys Bay is relatively small.

TP 23 MAY 2019

FILE NO:	EL 5580
SCAN NO:	Betty's Bay
COLLABORATOR NO:	1287380

- The Application actually states: *"The residential composition of Bettys Bay consists mainly of holiday housing, retired residents and a small influx of younger entrepreneurs working from home or that commute to Somerset West, Cape Town or Hermanus."*
- Bettys Bay populations is seasonal - there is holiday influx over the main school holidays, especially Dec/Jan and there are many rental properties. These two bring a variety of people of various socio economic backgrounds to Bettys Bay
- To date the small population of "retired residents and young entrepreneurs" in BB purchase alcohol when shopping for other things. It's just a matter of planning which everyone is currently doing without too much inconvenience.

#### SITUATION of ERF 5580

- This Erf is more suited to its current usage which was a few small offices and a restaurant . Its entry and exit roads are narrow and the short one onto/off Clarence Drive is uphill. It has very limited parking on site.
- This site on Erf 5580 is not tucked away only for villagers use – it's like the "Welcome to Bettys Bay" from the Pringle side. A Tops is hardly the best "welcome" tone for Bettys Bay. Like an invitation to " come and buy alcohol when you enter our village"
- In comparison Pringle Bay's bottle store is not on the R44 passing through Pringle Bay. It is within the village and therefore frequented by villagers. This is a totally different position and scenario. Not even Kleinmond Tops is visible on the Main Road
- The Erf is positioned just before or after the change to/from 100km/hr on a Provincial road the R44. There is a high risk of accidents when people have to turn through and into 80km/hr oncoming traffic that is anticipating increasing to 100km/hr traffic or hasn't yet slowed down from 100km/hr, to cross the road back to Bettys Bay (after shopping for booze or more maybe booze ... and hopefully not already over the limit?
- There have been calls from some Bettys Bay residents to introduce a means of reducing speed in the area of Penguin Café where a handful of businesses are, for safety purposes. Erf 5580 is in even a greater safety risk position for proposed increased "feet through the door" than in the Penguin Café area?

#### "CONVENIENCE"

- Separating a "convenience factor" of saving a few kms drive from the long term reality of increased alcohol on tap in the village is not taking the full picture and impact into account. Those impacts are well documented and placing Betty's bay "in the line up" for these can't be deemed as "progress" e.g. two thirds of domestic violence is alcohol related, increase crime and an in drunken driving accidents. A well know resident in Bettys Bay, John the Potter and his family, have experienced the devastation associated by those kinds of accidents. They can hit close to home.
- This Application has far reaching effects and "convenience " is just one piece of the puzzle. The others also have to be taken into account to get the full picture of the future impact on Bettys Bay and its residents and it's not all the " fun and enjoy life" as a Tops ad would like to paint below:

- o TOPS : At TOPS at SPAR, you can expect a spirit of celebration in every one of our stores. We want you to have fun and enjoy life – and that's why, from the moment you walk in the door, you'll be captivated

#### POTENTIAL INCREASE IN IRRESPONSIBLE DRINKERS IN BETTYS BAY

Through many people are responsible drinkers, it is a known fact that many are not.

This bottle store would not be tucked away within Bettys Bay and known only to and frequented only by residents. It would be situated in a very visible spot right next to Clarence and seen by passer by traffic and those *en route* to Bettys Bay beaches etc.

Irresponsible drinkers potentially become:

- *Irresponsible braaiers*: especially visitors to Bettys Bay who are not fire aware or wind aware. Having just had a devastating fire in January 2019 and previous examples of braai's by visitors being the source of a fire, Bettys Bay does not need an increase in this risk
- *Irresponsible beachgoers and swimmers*: Potential people who pass by a new Tops on Clarence and stock up *en route* to the beach especially during peak holiday season. There aren't enough Law enforcement officers to keep alcohol off the beaches. It only takes one or two "under the influence" people with accompanying negative social behaviour to make it unpleasant for other beachgoers. The combination of sun, heat, and alcohol increases risk for these swimmers, and drivers who are then an increased risk on roads driving home afterwards
- *Irresponsible drivers* within Bettys and on roads leading in and out of Bettys placing the people, children, pets and wildlife at more risk.
- *Irresponsible visitors/tenants/neighbours*: we've had examples near us of very loud music, noise, talking so loudly, etc. from people who clearly have "had too much" and who have no consideration for the impact their noise and behaviour has on neighbouring properties and how the noise disturbance carries.
- *Irresponsible family members*: 2/3 of domestic violence is alcohol related.

None of these is an asset to Betty's Bay

Should there be an increase in property and other crime in Bettys Bay that research shows often occurs within the vicinity of a bottle store, our current overstretched Kleinmond SAPS, with their limited staff and vehicle resources, will be even more hard pressed to respond.

#### MANY OTHER BETTER OPTIONS FOR A BUSINESS on ERF 5580

- TOPS does not have to go wherever there a Spar is. In other places the 2 "stand alone" separate from each other.

- As the Applications says on page 7 :*"If paragraph D(a) of the above mentioned Title Deed is not amended the owner will be restricted to only use the property for shops and business premises excluding off sales liquor licence bottle store."*
- The owner will have a Plan B for this office space.
- In the Business Zone 3 his primary uses are: shops, flats (above ground), offices. Consent uses include a variety of other options beside a bottle store
- There are many other possible businesses or offices that could go in this portion of the Erf e.g. Bank with ATM, pharmacy, bakery, Bloubakkie equivalent, vet/pet shop, maybe another vet to service the Hangklip area. Currently people drive the few kilometres into Kleinmond to these types of shops too. Businesses like these may better service the general BB community without potential negative impacts associated with even a so called "up market" bottle store.

#### **OVERSTRAND MUNICIPALITY DECISION**

- It would be very sad to look back and see a degradation in Bettys Bay and trace it back to a 2019 decision that the Overstrand Municipality gave support to a change in Title Deed restrictions and Consent use for a bottle store on Erf 5580
- If this application is supported what long term impact it will have on Bettys Bay and the community -especially since the Title Deed and Consent use change is attached to the property and not the current owner. These restrictions and consent use were put in place for the benefit of the Bettys Bay community.
- If the OM does not support this Application, then the Applicant will just make another plan for this 56m2 in his personal business development plan.
- I think it is in the best interest of the general community and future of Bettys Bay that the OM does not support this Application – right on Clarence Drive, a provincial Road and in an unsafe exit/entry place

I think it would be better to have a more uplifting and needed business for the community on Erf 5580 than the applied for bottle store.

Thanks

Carol



22 Mei 2019

Die Munisipale Bestuurder  
Overstrand Munisipaliteit  
Hermanus Administrasie  
Posbus 20  
Hermanus  
7200

ERF 2465 BETTIESBAAI  
VALLEYWEG 23  
HENNOPSPARK  
CENTURION  
0157

TRATHAART  
(H vld stoep)

Vir aandag: Me H van der Stioep

**BESWAAR TEN OPSIGTE VAN AANSOEK RAKENDE ERF 5580, BETTIESBAAI**

Hiermee maak die eienaars van Erf 2465, Bettiesbaai, beswaar teen die opheffing van titelbeperkinge en vergunningsgebruik van erf 5580, Bettiesbaai.

Redes vir die beswaar:

- 'n Drankwinkel in Bettiesbaai sal die atmosfeer van Bettiesbaai negatief beïnvloed.
- Inwoners doen die grootste deel van hul inkopies in Kleinmond of in groter sentrums, aankope vir drank kan ook daar gedoen word.
- Die aansoek sê dat 'low budget wines' en 'quarts' bier nie in die winkel verkoop sal word nie. Met 'n navraag by twee Spar Tops drankwinkels is bevestig dat beide 'low budget wines' en 'quarts' bier verkoop word. Die navraag is gedoen by die winkels in Kleinmond en Klerksdorp.

Die voorneme van die aansoek om nie hierdie drank aan te hou nie, kan nie volhoubaar gewaarborg word nie:

klënte kan aandrïng dat dieselfde voorraad [as in ander Spar Tops winkels] ook in hierdie winkel beskikbaar moet wees;  
as dit deel is van die 'normale voorraad' van Spar Tops winkels, sal so 'n winkel in Bettiesbaai dit mos ook in voorraad moet hou.

- Indien die opheffing van titelbeperkinge en vergunningsgebruik nou toegestaan word, kan daar maklik na 'n tyd weer aansoek gedoen word vir 'n verdere vergunning om die goedkoper drank te verkoop.

Vriendelike groete

Eienaars van erf 2465:

JH MYNHARDT, P JANSE VAN RENSBURG  
MG MYNHARDT, AM ROUX  
[sel: 082 376 0966 of 072 244 9479]

FILE NO:	EL 5580
SCAN NO:	Betty's Bay
COLLABORATOR NO:	1287384

TP 23 MAY 2019

146/223

50 Dolphin Drive  
Betty Bay  
21 May 2019



Dear Sr/madam

TP-A Theart  
(H. J. Steep)

RE: Erf 5580 Betty Bay

I hereby object to the Removal of the Title Deed restriction and the change in the consent use to allow a bottle store on Erf 5580

yours sincerely

D. Pould.

(060 6663449)

FILE NO:	EL5580
SCAN NO:	Betty's Bay
COLLABORATOR NO:	1287391

TP 23 MAY 2019

147/223

58 Dolphin Rd  
 Betty's Bay  
 21 May 2019  
 TRATHART  
 (Child steep)



Dear Sir/Madam

Re: Erf 5580 Betty's Bay

I hereby object to the removal of the Tottle Deed restriction & the change in the consent of the use to allow a bottle store on the Erf 5580.

Yours Sincerely

J. Gould.

(079) 5781767

FILE NO:	EL 5580
SCAN NO:	Betty's Bay
COLLABORATOR NO:	1287389

TP 23 MAY 2019

148/223

Loretta Gillion - BESWAAR TEEN AANSOEK: ERF 5580

**From:** "Leroi Macgregor" <leroi.macgregor@gmail.com>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 20/05/2019 12:12 PM  
**Subject:** BESWAAR TEEN AANSOEK: ERF 5580



Geagte Meneer,

Bettysbaai is n stil kusdorp met baie min permanente inwoners. Ons het nie 'n kettingwinkel nodig en allermins nie 'n bottelstoor nie.

Ons ondersteun graag die plaaslike twee winkels op die dorp. Die bottelstoor sal weer eens drankmisbruik op straat vermeerder met gevolglike misdaad wat daaruit ontstaan.

Ek is ten sterkste teen die beoogde oprigting van n ketting winkel en bottelstoor gekant.  
 Die uwe

Me. E C Macgregor en Dr. L A Macgregor  
 ERF nommer 2578  
 Bettysbaai

FILE NO:	EL 5580
SCAN NO:	Betty's Bay
COLLABORATOR NO:	MACG
	1286245

TP 20 MAY 2019

149/223

Loretta Gillion - Objection: Municipal notice no 52/2019

TPA Theart  
(H. v. d. Stoep)

**From:** Annemi <aslabbert@gmail.com>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 20/05/2019 04:38 PM  
**Subject:** Objection: Municipal notice no 52/2019



Good day,

I own property in Betty's Bay and hereby object to the proposed removal of the title deed restrictions (title deed no T10710/2018) and the application for consent to open a liquor shop on the property.

I do not believe that there is a need for a liquor shop or a big grocery store in Betty's Bay. Kleinmond is 10 km's away and have various liquor stores. There is also a liquor store in Pringel Bay. Visitors can either buy liquor in Gordon's Bay (if they travel via the coastal road, or in Kleinmond (if they travel via the N2). People can also easily drive to Kleinmond to buy liquor or groceries.

Betty's Bay is a village with a unique character and opening a big shop and liquor shop will change the feel and character of the town. We bought property in Betty's Bay exactly because of this character, understanding that we will have to buy groceries and liquor somewhere else.

Kind regard  
 Annemi Slabbert  
 3247 Dolphin Drive  
 Betty's Bay  
 0827744230

FILE NO:	EC 5580
	Betty's Bay
SCAN NO:	ANNEMI
COLLABORATOR NO:	1286425

TP 20 MAY 2019

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150/223

**Loretta Gillon - Objection: Re Erf 5580, Bettys Bay (Reference municipal notice no.52/2019)**

**From:** Kevin Waller <helifly@live.co.za>  
**To:** "lpage@overstrand.gov.za" <lpage@overstrand.gov.za>  
**Date:** 07/05/2019 08:53 PM  
**Subject:** Objection: Re Erf 5580, Bettys Bay (Reference municipal notice no.52/2019)



TP - A Theart  
(H vld Stoep)

Dear Ms Loretta Gillon

I hereby submit my objection to the proposed removal of restrictive title deed conditions and consent use wrt Erf 5580 / Bouwer Trust, as published in Municipal Notice 52/2019.

Name: Mr Kevin Waller  
 Residential address: 13 Hockey Close, Pinelands  
 Bettys Bay address: Erf 4508, Ixia Road, Bettys Bay  
 Contact phone number: 083 7383 167  
 Email: helifly@live.co.za

I would like to object to a liquor store in the town of Bettys Bay. Kleinmond is not a very long drive away and I see no need for one in Bettys Bay.

Keeping Bettys Bay and the surrounding areas as untouched as possible is part of the draw for the people and tourists to the area, by allowing commercial developments in the area is going to ruin the biosphere.

Yours sincerely  
 Mr Kevin Waller

FILE NO:	EL 5580-KBB
SCAN NO:	
	WALLER
COLLABORATOR NO:	1283690

TP  
 - 9 MAY 2019

151/223



TRIA Theart  
(H vld Stoep)

16, Herschel Walk  
CLAREMONT  
7800

Email: rchaplin@mweb.co.za  
Tel: 021 762 3965  
Cell: 084 684 8888

3<sup>rd</sup> May 2019

The Municipal Manager  
Overstrand Municipality  
Hermanus Administrative  
P.O. Box 20  
HERMANUS  
7200

For the attention of Ms. H. van der Stoep

Our property: - ERF 2471 Betty's Bay

Objection to the Removal of Title Deed Restrictions & Consent use of ERF 5580 Betty's Bay

Historically liquor stores also attract amongst its customers, undesirable elements of the community who have a tendency to loiter in close proximity to the outlet and that includes the liquor store in Kleinmond which has security guards on duty and a police station within a few hundred metres. **Betty's Bay has no police station or security guards.**

The full time population of Betty's Bay which is spread over a large area will not make this venture financially viable; the latest business to close was a fish & chip shop which bordered on Clarence Drive **in front of the proposed liquor store.**

Locals go into Kleinmond for shopping as the drive warrants the saving as the small local store cannot complete with the prices of a national chain.

To enter the shopping centre in Kleinmond customers have to pass the liquor store so who will make a separate drive to the proposed liquor store in Betty's Bay when one is so readily available? The undesirable elements of the community and vagrants who have no transport.

It is highly unlikely that any director of Spar Tops Liquor Stores, municipal councillors, town planners or the lawyers involved with this application would permit a liquor store in close proximity to their own property!

Yours sincerely

  
RICHARD CHAPLIN CEng, MIET

FILE NO:	EL 5580
	Betty's Bay
SCAN NO:	Chaplin
COLLATION NO:	1283987

**Loretta Gillion - Beswaar teen oprigting van drankwinkel op erf 5580 Bettiesbaai**

**From:** "Carl Vogts" <vogts@kingsley.co.za>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 2019/05/16 09:49 PM  
**Subject:** Beswaar teen oprigting van drankwinkel op erf 5580 Bettiesbaai

TP-A Theart  
 (HvdStoep)

Die Munisipale Bestuurder  
 Overstrand Munisipaliteit  
 Hermanus Administrasie  
 Posbus 20  
 Hermanus 7200



Hiermee maak die BMW Trust, eienaar van erwe 2438 en 2444 Bettiesbaai ten sterkste beswaar teen die opheffing van titelbeperking en vergunningsgebruik van erf 5580 Bettiesbaai. Die trustees van die BMW Trust is ten sterkste gekant teen die oprigting van 'n drankwinkel in Bettysbaai. Dit sal nie alleen die unieke aard van Bettiesbaai onherroeplike skade berokken nie maar ongewenste elemente lok.

Die uwe

BMW Trust  
 Dr B C VOGTS

FILE NO:	E2 5580
	Betty's Bay
SCAN NO:	Carl
COLLABORATOR NO:	285755

TP 17 MAY 2019

153/223

*TR A Theart  
C Huld Stoop*

**Loretta Gillion - OBJECTION TO PROPOSED REMOVAL OF TITLE DEED RESTRICTIONS AND CONSENT USE ERF 5580 BETTY/S BAY**

**From:** David Ramsay <RamsayD@cput.ac.za>  
**To:** "loretta@overstrand.gov.za" <loretta@overstrand.gov.za>  
**Date:** 15/05/2019 11:59 AM  
**Subject:** OBJECTION TO PROPOSED REMOVAL OF TITLE DEED RESTRICTIONS AND CONSENT USE ERF 5580 BETTY/S BAY

**For the Attention of:**

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

Per e-mail : [loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)

FILE NO:	<i>EC 5580</i>
	<i>Betty's Bay</i>
SCAN NO:	<i>David</i>
COLLABORATOR NO:	<i>1285842</i>

Dear Ms Van der Stoep,

**OBJECTION TO PROPOSED REMOVAL OF TITLE DEED RESTRICTIONS AND CONSENT USE ERF 5580 BETTY/S BAY**

*Plan Active Town & Regional Planners* letter dated 18 April 2019 has reference:

I would like to have it placed on the record that as a Holiday Home Owner and one time permanent resident in Betty's Bay from 1978, that I am vehemently opposed to having the title deed restrictions on erf 5580 removed or any amendment being made to the consent use.

As correctly stated in the above mentioned letter, there are already two existing liquor retail outlets within the Kleinmond, Betty's Bay and Pringle Bay area of the Overstrand Municipality. I am of the opinion that there is absolutely no merit or further need in establishing an additional liquor retail outlet in Betty's Bay. To what extent have the views and opinions of the local residents been canvassed to gauge their desire for and or need for a further liquor retail outlet in this area?

Despite the claims made by the Town & Regional Planners that the proposal will not have a negative impact on the character of the area I wish to place on record that I strongly oppose this view. The proximity of this proposed outlet and the existing "*Mooiuitsig*" township needs to be taken into consideration.

*TP*

17 MAY 2019

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The letter makes reference to the fact that "low budget" wines and so called "quarts" will not be sold. This is very subjective statement. What is the exact definition of low budget?. If this is not formally defined and included in the title deed, what legal right will residents of Betty's Bay have in the future, should the owner renege on his comment that he will not retail "low budget wines".

The above mentioned letter is couched in wording that is purely speculative at best. By way of example Item 3.5 para 3 page 5 "*will be well managed in order not to attract negative elements to the area*". How can this guarantee be given to the residents of Betty's Bay?. What would the situation be, should the franchise be sold to a new owner in the future, and who does not then manage the retail outlet in a good manner?. What if any prospective new owner buys the retail franchise and decides not to abide by the previous owners statement that he will not retail in his own words "Low budget wines and Quarts"?? What legal rights and enforcement will be available to residents of Betty's Bay?

In lodging this objection my request is that you take into consideration all objections submitted and received in opposition to the change in Title deed and consent use, and apply your mind as is required of you in your position as Municipal Manager in the best interests of all concerned Betty's Bay residents.

**You are kindly requested to acknowledge receipt of this objection by way of reply to this e-mail or to my permanent postal address as shown below.**

Yours faithfully

*Margret Ramsay*

Erf 2640  
8 Pipe Road, Betty's Bay

Permanent Address: 150 Pinewood Village, University Drive Pinelands, 7405  
Tel 021 5327550

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TPA Theart  
(Hvd/Sheep)

**Loretta Gillion - APPLICATION FOR REMOVAL OF TITLE DEED RESTRICTONS AND CONSENT USE OF ERF 5580 BETTYS BAY**



**From:** "Isabel Holland Muter" <isabel@lhmutter.co.za>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 22/05/2019 06:52 PM  
**Subject:** APPLICATION FOR REMOVAL OF TITLE DEED RESTRICTONS AND CONSENT USE OF ERF 5580 BETTYS BAY

Dear Madam,

The Application on behalf of the Bouver Trust for the removal of title deed restrictions and consent use of Erf 5580 Betty's Bay received by Registered Post from Messrs. Plan Active Town and Regional Planners refers.

I, the registered owner of Erf 2440 Betty's Bay, confirm by way of this email communication that I have no objection to the proposed removal of title deed restrictions and consent use of Erf 5580 Betty's Bay for the proposed liquor shop.

Kindly acknowledge receipt of this email.

Kind Regards

Isabel Holland Muter  
Managing Director  
Cell: 083 336 5484  
Office: 012 991 2695  
Fax: 012 991 0796



**Holland-Muter & Associates CC**  
Reg No: 2003/0006521  
Engineering and Environmental Geologists  
P.O. Box 1470 Eerste 4211 0534  
Tel: (012) 991 2695 Fax: (012) 991 0796  
C/O 083 473 2610 email: hmuter@lhm.co.za

FILE NO:	EL 5580 ✓
	Betty's Bay
SCAN NO:	MUTER
COLLABORATOR NO:	128 7230

TP 23 MAY 2019

156/223

**Loretta Gillion - Objection regarding erf 5580 Betties Bay**

*TR A Theart  
(Huld Stoep)*

**From:** Marelize Goodwin <office@dripsanddrains.com>  
**To:** "loretta@overstrand.gov.za" <loretta@overstrand.gov.za>  
**Date:** 2019/05/15 08:01 PM  
**Subject:** Objection regarding erf 5580 Betties Bay



To whom it may concern:

We have owned property and have resided here for more than 50 years and feel that Betties Bay needs to retain it's small town elements which is why many of it's inhabitants move/live here. As soon as a liquor store comes in, many other elements come in which are undesirable.

I will most certainly object to the removal of the title deed restrictions for the erf 5580 to be used as a Tops Liquor store.

Regards  
M.R. Goodwin

FILE NO:	EL 5580
	Bettys Bay
SCAN NO:	
	Goodwin
COLLABORATOR NO:	1285756

*TP* 17 MAY 2019

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157/223

**Loretta Gillion - OBJECTION TO PROPOSED REMOVAL OF TITLE DEED RESTRICTIONS AND CONSENT USE ERF 5580 BETTY/S BAY**



**From:** David Ramsay <RamsayD@cput.ac.za>  
**To:** "loretta@overstrand.gov.za" <loretta@overstrand.gov.za>  
**Date:** 15/05/2019 11:59 AM  
**Subject:** OBJECTION TO PROPOSED REMOVAL OF TITLE DEED RESTRICTIONS AND CONSENT USE ERF 5580 BETTY/S BAY

**For the Attention of:**

The Municipal Manager  
 Overstrand Municipality  
 PO Box 20  
 Hermanus 7200

Per e-mail : [loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)

TPA Theart  
 C H Olivier)

FILE NO:	EL 5580
	Betty's Bay
SCAN NO:	David
COLLABORATOR NO:	1285166

Dear Ms Van der Stoep,

**OBJECTION TO PROPOSED REMOVAL OF TITLE DEED RESTRICTIONS AND CONSENT USE ERF 5580 BETTY/S BAY**

Plan Active Town & Regional Planners letter dated 18 April 2019 has reference:

I would like to have it placed on the record that as a Holiday Home Owner and one time permanent resident in Betty's Bay from 1978, that I am vehemently opposed to having the title deed restrictions on erf 5580 removed or any amendment being made to the consent use.

As correctly stated in the above mentioned letter, there are already two existing liquor retail outlets within the Kleinmond, Betty's Bay and Pringle Bay area of the Overstrand Municipality. I am of the opinion that there is absolutely no merit or further need in establishing an additional liquor retail outlet in Betty's Bay. To what extent have the views and opinions of the local residents been canvassed to gauge their desire for and or need for a further liquor retail outlet in this area?

Despite the claims made by the Town & Regional Planners that the proposal will not have a negative impact on the character of the area I wish to place on record that I strongly oppose this view. The proximity of this proposed outlet and the existing "Mooiuitsig" township needs to be taken into consideration.

TP 15 MAY 2019

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The letter makes reference to the fact that "low budget" wines and so called "quarts" will not be sold. This is very subjective statement. What is the exact definition of low budget?. If this is not formally defined and included in the title deed, what legal right will residents of Betty's Bay have in the future, should the owner renege on his comment that he will not retail "low budget wines".

The above mentioned letter is couched in wording that is purely speculative at best. By way of example Item 3.5 para 3 page 5 "*will be well managed in order not to attract negative elements to the area*". How can this guarantee be given to the residents of Betty's Bay?. What would the situation be, should the franchise be sold to a new owner in the future, and who does not then manage the retail outlet in a good manner?. What if any prospective new owner buys the retail franchise and decides not to abide by the previous owners statement that he will not retail in his own words "Low budget wines and Quarts"?? What legal rights and enforcement will be available to residents of Betty's Bay?

In lodging this objection my request is that you take into consideration all objections submitted and received in opposition to the change in Title deed and consent use, and apply your mind as is required of you in your position as Municipal Manager in the best interests of all concerned Betty's Bay residents.

**You are kindly requested to acknowledge receipt of this objection by way of reply to this e-mail or to my permanent postal address as shown below.**

Yours faithfully

*Margret Ramsay*

Erf 2640  
8 Pipe Road, Betty's Bay

Permanent Address: 150 Pinewood Village, University Drive Pinelands, 7405  
Tel 021 5327550

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*TP A Threat (Hdd Stoop)*

**Loretta Gillion - Objection: Erf 5580, Betty's Bay (Reference municipal notice no. 52/2019)**



**From:** wendy lucas <wendylucas.ct@gmail.com>  
**To:** "loretta@overstrand.gov.za" <loretta@overstrand.gov.za>, "lpage@overstra...  
**Date:** 14/05/2019 12:11 AM  
**Subject:** Objection: Erf 5580, Betty's Bay (Reference municipal notice no. 52/2019)

Dear Ms Loretta Gillon

I hereby submit my objection to the proposed removal of restrictive title deed conditions and consent use wrt Erf 5580 / Bouver Trust, as published in Municipal Notice 52/2019.

Name: Mrs Wendy Lucas  
 Address: Erf 2034, Delport Road, Bettys Bay  
 Contact number: 083 383 3534  
 Email: wendylucas.ct@gmail.com

I strongly object to a liquor store in the Bettys Bay for the following reasons:

1. There are **FIVE** liquor stores within close proximity to Betty's Bay; one in Pringle Bay, a mere 3 kilometers away, and another **FOUR** in Kleinmond, no more than 17 kilometers away. There is absolutely no need to have yet another one in Betty's Bay.
2. The introduction of liquor stores has never been a positive addition to any town, and Bettys will be no exception. Having lived in Pinelands, a dry suburb, for the last 20 years it was perfectly acceptable for those residents so inclined to go out of the area for their liquor shopping. It's perfectly acceptable for the residents of Betty's Bay to do the same.
3. The proximity of the proposed liquor store to Mooiutsig, a lower income area that has a history of attracting a negative element, cannot be considered positive or uplifting for this community, or that of the extended Betty's Bay community.

Even though I'm a Betty's Bay resident that supports the liquor stores in Kleinmond and Pringle Bay, I WILL NOT support a liquor store in Betty's Bay.

I trust that my comments and objection will be taken into account.

Yours sincerely  
 Wendy Lucas

wendylucas.ct@gmail.com  
 Cell: 083 383 3534

✓ EL 5580	COLLABORATOR NO:
Betty's Bay	
WENDY	SCAN NO:
1285158	FILE NO:

15 MAY 2019

*TP*

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160/223

**Loretta Gillion - Objection to Deed Restriction Removal of Erf 5580 Betty's Bay**

**From:** Claire Michelle Winterton <clairemwinterton@yahoo.com>  
**To:** "loretta@overstrand.gov.za" <loretta@overstrand.gov.za>  
**Date:** 14/05/2019 09:52 AM  
**Subject:** Objection to Deed Restriction Removal of Erf 5580 Betty's Bay



To the Overstrand Municipality,

*TPA Theard  
C. H. vd Stoep*

In accordance with the information required by the applicable By-law concerning an objection to the establishment of a liquor store on Erf 5580, Betty's Bay:-

**Property Owner Name:** Claire Michelle Winterton (ID 8007130004085)

**Address:** Erf 2647, cnr Clarence Drive and Pipe Road, Betty's Bay

**Contact Details:** P.O. Box 504, Betty's Bay, 7141.

028 272 9901

082 7872833

**Email:** clairemwinterton@yahoo.com

EL 5580	COLLABORATOR NO:
Betty's Bay	
CLAIRE	SCAN NO:
1285125	FILE NO:

**Interest in the proposed application:**

1. Exploitation of the vulnerable members of the Betty's Bay community and especially Mooiuitsig
2. Increasing danger of increased traffic for existing residents and especially pedestrians
3. The attraction of undesirables and potential increase in alcohol abuse and violence against women and children
4. Damage to the sensitive ecosystem of Betty's Bay and natural beauty and tranquility

**Reasons for comment:**

1. Betty's Bay is a community of mostly retired elderly residents that live off pensions and limited income. Mooiuitsig is a community that is full of struggling residents, trying to raise families and often supported by the community of Betty's Bay. It is a known fact that alcohol abuse is often higher in struggling communities and only leads to an increased burden on an already vulnerable community. Penguin Kids and the NG church are also in very close proximity to this community and the location of the proposed bottle store. The main beach to Betty's Bay is not even 1km away and a bottle store so close will lead to an increase in drinking on the beach and potential

15 MAY 2019

TP

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increase in drowning. Betty's Bay is also frequently visited by youth groups and camps which choose such a location because of the safe environment for young people and very limited exposure to potential risks such as underage drinking. It has been proven that underage drinking is higher at bottle stores than in restaurants. Not selling so called cheap alcohol will not have any impact on alcohol abuse and those that can afford alcohol are absolutely satisfied to purchase their alcohol from the existing stores in Kleinmond. Pringle Bay is only 8km away so there is absolutely no need for a bottle store in Betty's Bay. Should anyone be desperate to drink, Camelot Restaurant and Pub is not even 100m from the proposed location and as far as I am aware they have a license to sell alcohol. Residents can consume alcohol there in a safe and controlled environment. This also encourages support of existing local business.

2. Clarence Drive is known for speeding cars and motorbikes and there are no speed calming zones on the road. The speed limit is also 80km per hour and not 60km per hour as in Kleinmond. I am constantly requesting the traffic department to have more visible policing and speed traps, but I believe they are most likely understaffed as this only happens on a very limited bases. There are regular accidents due to speeding and even fatal ones recently. When the N2 is closed, Clarence Drive becomes the alternative route to Gordon's Bay which makes the road almost impossible to cross due to increased traffic volumes. There are no street lights on this road which adds to the risk of pedestrians crossing or walking on the road in the dark or low visibility. There is no safe pedestrian crossing at the proposed location of the bottle store and this will then lead to a huge increase in risk to both drivers and pedestrians crossing the road at this area. The risk is even higher when pedestrians are under the influence of alcohol, which will almost be guaranteed if a bottle store is present at that location

3. It has been proven that bottle stores are a known factor to attract undesirables and provide a gathering area for such people. There is already an increase in crime in Betty's Bay and undesirables, together with a problem of poaching. Studies have shown that there is a marked increase in abuse towards women and children in areas in close proximity to bottle stores. We already have socioeconomic problems of abuse in vulnerable communities and adding a bottle store to this will only lead to an increase in violence and abuse. The shopping Centre where the proposed location of the bottle store is to be also has many alleys and areas hidden from view which will be a perfect area for undesirables to hide away and be able to prey on unsuspecting elderly residents or women and children. The post boxes are also in this area which will force residents to pass the bottle store to get their post. I have witnessed undesirables in the area before, but they move on as there is nothing to keep them around and attract them to stay in the area. I am a young female athlete that enjoys running any cycling around Betty's Bay and often exercise alone in the dark during the early morning and evening. Having a bottle store open and potential undesirables will definitely propose an increased risk to my safety and others. Many elderly and young children walk freely around Betty's Bay and past the proposed location in Porter Drive and to the beach. No street lights and many bushy areas to conceal undesirables adds to the risk. There are no toilet facilities, so the smell of urine will be rife in the car park. Paper, bottles, cans, litter all around our fynbos in Porter Drive which leads visitors to the Betty's Bay beach. You need only to walk or drive along Clarence Drive and see the vast amount of empty alcoholic bottles strewn in the fynbos and along the road to realize there is no shortage of alcohol in the area and no need for a bottle store.

4. Betty's Bay is known for its natural beauty and diverse ecosystem. Harold Porter Botanical gardens is world famous and attracts many overseas visitors, as does Stony Point and the Penguins. Imagine our beautiful area around Porter Drive being strewn with papers, bottles and people drinking in the car park, revving cars and speeding

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motorbikes right on the main road leading to the Penguins and right next to our visitor Centre, coffee shops and only garage in Betty's Bay and on the way to the main beach.

There has been applications for a bottle store in Betty's Bay previously and it was hunanamously rejected by the residents, churches and especially the women of Mooiuitsig. I hope and pray that our community stand together and that the Overstrand Municipal officials will reject this proposal as it is not in the best interest of the community. It is nearly an application to exploit and pray on the vulnerable people in and around Betty's Bay. We need to stand together in our fight against drug and alcohol addiction and continue to build a prosperous Overstrand Municipality that we are already so proud to be a part of and will continue to support and be proud of.

Kind regards,

Claire Winterton

15 MAY 2019

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**Loretta Gillion - Liquor objection Notice no:52/2019**

TR A Theart  
(Huld stoep)

**From:** Alfred Smidt <alfredsmidt59@gmail.com>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 13/05/2019 11:22 AM  
**Subject:** Liquor objection Notice no:52/2019



I hereby object against the granting of a liquor license in Bettysbay. We do not need a liquor store here.

- 1) There is currently not enough police to cover the normal crime in Bettysbay and putting an extra burden on an already over-stretched police force is just not going to work.
- 2) The neighbourhood watch also only can do so much.
- 3) We came here to have peace and quiet not to have noisy drunken people on the streets. If you really need liquor feel free to buy it in Kleinmond and drink at home.

kind regards,  
 Alfred Smidt  
 Restio close 3485  
 Bettysbay  
 +27 83 247 3928

FILE NO:	EL 5580
	Betty's Bay
SCAN NO:	ALFRED
COLLABORATOR NO:	1285118

TP 15 MAY 2019

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264/223

**Loretta Gillion - Application for removal of title deed restrictions & consent of use of ERF 5580 Bettys Bay**

**From:** "Peter Holdt" <pdholdt@mweb.co.za> *TP-A Theart (HJld Stoep)*  
**To:** <loretta@overstrand.gov.za>  
**Date:** 14/05/2019 12:45 PM  
**Subject:** Application for removal of title deed restrictions & consent of use of ERF 5580 Bettys Bay



Dear Ms van der Stoep

**Application for removal of title deed restrictions & consent of use of ERF 5580 Bettys Bay**

This letter serves to confirm that I **object** to the removal of restrictions on ERF 5580 Bettys Bay.

Interest in the application: An active member of the Bettys Bay community for over 30 years and property owner.

Reasons for comment: The removal of this restriction on ERF 5580 Bettys Bay will change the type of community and visitor that Bettys Bay attracts as a holiday destination and as a peaceful coastal town.

Details of Bettys Bay property owner:

Name: Mr HJM Holdt  
 Property owned at Bettys Bay: ERF 2587 Bettys Bay  
 Address: 29 Allen Road, Bedfordview, 2007  
 Contact number: 0829017700

Yours sincerely  
 HJM Holdt

FILE NO: EL 5580 - KBB
SCAN NO: Holdt
COLLABORATOR NO: 1284981

TP

14 MAY 2019

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THE MUNICIPAL MANAGER  
 OVERSTRAND MUNICIPALITY  
 HERMANUS ADMINISTRATIVE  
 P O BOX 20  
 HERMANUS  
 7200



TRATheart  
 (Hvd Stoep)

FILE NO:	EL 5580
SCAN NO:	Betty's Bay
COLLABORATOR NO:	PORTER
	1285092

12 FOREST LANE  
 HILTON  
 3201

12 MAY 2019

**APPLICATION FOR REMOVAL OF TITLE DEED RESTRICTIONS AND CONSENT USE OF  
 ERF 5580 BETTY'S BAY: OBJECTION TO THIS APPLICATION.**

Dear Sir / Madam,

Municipal Notice No. 52/2019, refers. My wife and I are owners of Erf 2611, Betty's Bay and hereby lodge our objection to this Application.

Our interest in the Application.

As long-time owners of our property (Erf 2611) we treasure the current environmental quality of the area when staying in our house which is situated in the environs and close to Erf 5580. We want such **sense of place** to continue and be maintained into the future. We object to such developments that would change the status quo such as the removal of title deed restrictions.

Reasons for our objection.

1). A bottle store cannot be accepted given that there is **no local law enforcement authority** in Betty's Bay that would ensure, enforce, or maintain the peace and security particularly after sunset, or on week-ends, and or during holiday periods. The convenience of a local bottle store allows for an increased frequency of rowdy revelry and parties at such times, that is, there is no state authority in Betty's Bay that would ensure such parties do not get out of hand or continue into the early hours of the morning.

TP 15 MAY 2019

2). **We question the need** for a bottle store in the village given the number of 'sports bars' that exist and that residents can readily obtain their alcohol needs when shopping in nearby towns and villages for food and other essentials. This they have done for many, many years and will have to continue to do so given that many other services are not available to them in Betty's Bay.

3). **The application fails** to explain how a 'well managed, high quality liquor shop' will 'not attract negative elements into the area', especially in the absence of any nearby official law enforcement personnel.

4). That the owner of the bottle store would undertake to 'not sell low budget alcoholic beverages and 'quarts' of beer' is rejected on the grounds that there is no assurance that (i) he may change his mind, or (ii) should the business be sold the new buyer might not be committed to this undertaking.

Yours sincerely,



15 MAY 2019

R N Porter.



I B Porter.

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**Loretta Gillion - Objection to Deed Restriction Removal of Erf 5580 Betty's Bay**

**From:** "Olivia Winterton" <oliviaw@worldonline.co.za>  
**To:** "Overstrand Municipality" <loretta@overstrand.gov.za>  
**Date:** 10/05/2019 02:08 PM  
**Subject:** Objection to Deed Restriction Removal of Erf 5580 Betty's Bay



TR A Theart  
C Hvd stoep

Dear sir,

In accordance with the information required by the applicable By-law concerning an objection to the establishment of a liquor store on Erf 5580, Betty's Bay:-

**Property Owner Name:** Kenneth Bruce Winterton  
**Address:** Erf 2509, Clarence Drive, Betty's Bay  
**Contact Details:** P.O. Box 504, Betty's Bay, 7141.  
 028 272 9901  
 082 578 2258 (wife)  
**Email:** [oliviaw@worldonline.co.za](mailto:oliviaw@worldonline.co.za)

FILE NO:	EL 5580 Betty's Bay
SCAN NO:	KEN
COLLABORATOR NO:	1285113

**Interest in the proposed application:**

1. The destruction of the peaceful and tranquil character of Betty's Bay. Weekenders with revving motor cars and motor cycles will be roaring in and out of the shopping complex.
2. The danger of increased traffic and pedestrians.
3. The attraction of undesirables.
4. An additional problem within the struggling residents of Betty's Bay and Mooiuitsig.

**Reasons for comment:**

1. Betty's Bay is a small country village famous for its tranquillity and get-away from the city life. The residents around the centre are almost all pensioners, including myself and my wife.
2. It is difficult enough to exit our driveway into Clarence Drive with the existing passing traffic. To add to this would be extremely dangerous for us as residents. In addition, a bottle store would encourage pedestrians to cross Clarence Drive as well. We have already had several fatalities due to speeding on this dangerous stretch of road.
3. Bottle Stores are a known factor to attract undesirables. Bottle stores become a hangout and meeting place for these people. There are no toilet facilities, so the smell of urine will be rife in the car park. Paper, bottles, cans, litter all around our fynbos in Porter Drive which leads visitors to the Betty's Bay beach. Beer, whether in a quart bottle or a can is alcoholic and causes inebriation. There is absolutely no guarantee that by not selling cheap alcohol, one can control the consumption of people. The people that can afford expensive alcohol, shop in Kleinmond, Hermanus and Somerset West. Pringle Bay bottle store is only 8kms away. We do not need another bottle store.
4. Betty's Bay, including Mooiuitsig have a very large amount of families which live off state pensions and limited incomes. Churches and other charities work continuously to try and help these

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15 MAY 2019

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People. By opening up a bottle store within their midst is not a wise or recommended idea. It will only lead to more abuse and misery and an increase in petty crime.

I do sincerely hope and pray that our Overstrand Municipal officials will look at this matter seriously and reject this proposal. We stand together in our fight against drug and alcohol addiction and are proud of our Overstrand district and governance.

Kind regards,  
Ken Winterton.

15 MAY 2019

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Loretta Gillion - Opheffing Titelbeperkings Erf 5580 Bettysbaai



**From:** Johannes Moes <hmoes2010@gmail.com>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 09/05/2019 05:06 PM  
**Subject:** Opheffing Titelbeperkings Erf 5580 Bettysbaai  
**Cc:** "Moes, Corine" <cmoes@distell.co.za>

FILE NO:	EL 5580 Bettysbaai
SCAN NO:	MOES
COLLABORATOR NO:	1285106

Geagte Me van der Stoep

Ek verwys na die aansoek deur Plan Active, dok. PA18079, van 18 April 2019, wat ek vandag, 9 Mei 2019, per geregisteerde pos van die poskantoor ontvang het. Plan Active doen, namens Bouwer Trust, aansoek om opheffing van titelbeperkings en vergunningsgebruik van Erf 5580 te Betty'sbaai, sodat hulle die kantoor Nr. 3 van die gebou op daardie erf kan omskep in 'n drankwinkel. Besware kan, volgens u Munisipale Kennisgewing Nr. 52/2019, by u ingedien word. Graag maak ek gebruik daarvan.

Soos u self seker reeds opgemerk het word in die motivering van die aansoek dieselfde sake oor en oor herhaal. Verder is die logika van die aansoek baie swak, soos dat die drankwinkel "will be well managed in order not to attract negative elements to the area". Volgens die land se Grondwet mag jy nie eers mense wat op die stoep voor jou winkel oornag verwyder nie. Dus hoe kan hulle drankwinkel-bestuurder "negatiewe elemente" weghou uit die gebied? En hoe gaan hy of sy sien wie hierdie "negatiewe elemente" is? As daarmee mense bedoel word vereis die Grondwet dat hulle met respek en met menswaardigheid behandel word en dat hulle nie deur privaat persone uit 'n gebied weggestuur kan word nie. Maar hiermee is die **groot probleem wat drankwinkels oorals in die land ondervind** wel onderken en aangedui. Manse hang, vir een of ander rede, rond by drankwinkels, met negatiewe gevolge vir die omgewing soos hieronder aangedui. Ek stem dus nie saam met hulle stelling: "The proposal will not have a negative impact on the character of the area". Ek meen 'n drankwinkel sal wel 'n negatiewe impak he op die omgewing.

Die ander swak logika in hulle aansoek is die konklusie, nadat hulle gemeld het dat die Spar Tops Liquor drankwinkel geen lae-koste wyn of bier sal verkoop (nooit of nie onmiddelik?) nie, dat: "In the light of the above it is clear that the proposed consent use can be supported from a desirability point of view...". Die teenoorgestelde is eerder die geval. Die enigste rede wat hulle aanvoer is dat die naaste drankwinkels in Kleinmond en Pringlebaai is.

Ek is die eienaar van Erf 2481, op 'n kort afstand wes van winkel-gebied. Ons verwag dat ons area wel negatief beïnvloed sal word deur die aanwesigheid van 'n drankwinkel op Erf 5580. Ons ervaring is dat mense wat 'n ongesonde belangstelling het vir drank, rondhang by drankwinkels. Sodanige mense doen nie moeite om 'n publieke toilet te soek wanneer hulle dit nodig het nie, bevuil die omgewing en raas en ander mense daar rondom lastig val deur bedel, soebat of baklei. Enige polisie-offisier sal dit kan bevestig. Die **natuurlike omgewing van 'n drankwinkel sal dus skade ondervind** as gevolg van vervuiling met bottels, sakke, doppe, blikkies, ens. omdat baie van die gekoopte produkte onmiddelik genuttig word en die verpakking daar en dan weggegooi word. Wanneer een keer 'n drankwinkel-lisensie uitgereik is, dan is dit moeilik om dit weer terug te trek.

Die bewoners van Betty'sbaai is deurgaans verantwoordelike mense, wat hulle inkopies, insluitende drank, deeglik kan beplan. Hulle het dus **nie 'n plaaslike drankwinkel nodig nie**.

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Die drankwinkel sal dus veral gebruik word deur mense wat deur Betty'sbaai ry, of op die strand of in die natuur gaan rondhang. Daar sal die gebruik van alkoholiese drankes selfs 'n gevaar en oorlas vorm vir hulleself en ander pad- en natuur-gebruikers. Mense verdrink elke somer in die see as gevolg van drankgebruik (vra gerus die See-reddings Instituut se mense).

In die lig van hierdie besware versoek ek dus dat die Munisipaliteit die aanvraag van Plan Active / Bouwer Trust nie ondersteun of goedkeur nie en **geen opheffing verleen** om die kantoor op Erf 5580 te omskep in 'n drankwinkel nie.

Met vriendelike groete  
J Moes  
Bonfoislot 8  
Kuilsrivier

15 MAY 2019

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**Loretta Gillion - Bettys Bay - Objection to rezoning application - erf 5580, 2 Coral Road, Bettys Bay**

**From:** "Ann Bradshaw" <annie@safarikidz.co.za>  
**To:** <lpage@overstrand.gov.za>, <loretta@overstrand.gov.za>  
**Date:** 05/05/2019 01:36 PM  
**Subject:** Bettys Bay - Objection to rezoning application - erf 5580, 2 Coral Road, Bettys Bay

TP-A Theart  
 CH vld Steep

Name: Ann Patricia Mary Bradshaw  
 4140 Agapanthus Road, Betty's Bay,  
 Contact: 082923 5565



To Whom it may concern,

This letter of objection refers to the rezoning erf 5580: commercial rezoning with the aim of opening a bottle Store.

As background to this objection I quote directly from the Kogelberg Biosphere Reserve's website:

*"To better understand how the biosphere works, identify who the players are, and promote more collaboration, in turn, improves decision-making, builds trust amongst the community, businesses, and organizations, and supports the UNESCO mandate for development in the area that is more sustainable in the long run".*

Bettys Bay's natural beauty should be protected at all costs, our focus should be on establishing an enviro-touristic and socio-economic way of working. Enviro-tourism is a fast growing world trend. People who seek this type of tourism want to visit places where all commercial activities have a small environmental impact. Examples of industries typically formed are; sustainable plant based farming, sustainable food production (home and/or community based), sustainable manufacturing (health products - fynbos related, clothing and footwear)etc. Emphasis should be on analysing and supporting technological and all-inclusive social innovations. This is the type of economic development that should be promoted in Bettys Bay, not the perpetuation of large corporate developments.

There are 6 bottle stores within a maximum of 16 km from Bettys Bay, we do not need any more.

Bettys Bay already has a significant 'Drinking Hole' – The Camelot.

The list of bottle stores in Pringle Bay and Kleinmond are:

**Pringle Bay – Distance from Bettys Bay +/-9 Km**

- Hangklip Bottle Store

**Kleinmond – Distance +/- 16 Km**

- Protea Bottle Store
- Aroma Liquor Store
- Lagune Bottle Store
- OK Liquor Store
- Tops Liquor Store

That is a lot of access to alcohol, we do not need anymore.

The attraction to Bettys Bay should be its dirt roads, the unreticulated sewage system, its beautiful night skies, its unfenced properties, its fynbos filled properties, its magnificent beaches and dams. It is these attractions which we need to promote and augment with enviro-touristic and socio-economic developments.

**We must protect our precious biosphere, we must think differently, we must do things differently.**

I object vehemently to the rezoning of erf 5580 for the purposes of opening yet another bottle store.

FILE NO:	EL 5580
	Betty's Bay
SCAN NO:	
	ANN
COLLABORATOR NO:	
	1282852

TP - 6 MAY 2019

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Kind Regards,  
Ann Bradshaw  
082 923 5565

173/223

TR A Theart  
CH Jol stoep

Loretta Gillion - Re possible rezoning of Erf 5580 - Ref Municipal Notice no 55/2019

**From:** "Judy New" <judy.h.new@gmail.com>  
**To:** <lpage@overstrand.gov.za>  
**Date:** 04/05/2019 02:41 PM  
**Subject:** Re possible rezoning of Erf 5580 - Ref Municipal Notice no 55/2019



To whom it may concern:

As two of the reasonably few permanent residents in Betty' Bay, we are totally opposed to the possible rezoning of Erf 5580 to allow for a Spar supermarket and Tops bottle store in the Centre Stores area of the village. For 11 months of the year, our permanent population is minimal and the superettes in the village are able to supply most of our day to day requirements. They have loyally opened up every day of the year (except for Xmas Day) to provide us with essentials and as residents, we think it would be very unfair to permit the establishment of a Spar in the area. And Betty's Bay most certainly does NOT need a bottle store – most people are quite OK with having to go to Kleinmond for buying alcohol, or will order it on line for delivery to their door.

We would not support the suggestion of this rezoning and granting permission for Spar or Tops to open a shop in our village.

Yours faithfully,

Christopher and Judy New  
 10 Otter Close, Betty's Bay 7141  
 028 2729 006

FILE NO:	EL 5580
SCAN NO:	Betty's Bay
	NEW
COLLABORATOR NO:	1282855

TP - 6 MAY 2019

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*TR Theart  
C Huld Steep*

**Loretta Gillion - Objection: Re Erf 5580, Bettys Bay (Reference municipal notice no.52/2019)**

**From:** Jean Sleigh <jean.sleigh@gmail.com>  
**To:** <loretta@overstrand.gov.za>, <lpage@overstrand.gov.za>  
**Date:** 03/05/2019 09:52 AM  
**Subject:** Objection: Re Erf 5580, Bettys Bay (Reference municipal notice no.52/2019)  
**Cc:** Kevin Waller <helify@live.co.za>, Wendy Lucas <wendylucas.ct@gmail.com>



Dear Ms Loretta Gillion

I hereby submit my objection to the proposed removal of restrictive title deed conditions and consent use wrt Erf 5580 / Bouwer Trust, as published in Municipal Notice 52/2019.

Name: Ms Jean Sleigh  
 Residential address: 13 Hockey Close, Pinelands  
 Bettys Bay address: Erf 4508, Ixia Road, Bettys Bay (plot at the moment)  
 Contact phone number: 084 575 3444  
 Email: [jean.sleigh@gmail.com](mailto:jean.sleigh@gmail.com)

I strongly object to a liquor store in the Bettys Bay. Kleinmond is a short convenient distance away and there is no need to bring increased traffic (cars and delivery trucks), noise, litter/pollution etc to Bettys Bay.

The introduction of liquor stores has never been a positive addition to any town, and Bettys will be no exception. I was raised and still live in Pinelands, a dry suburb and it functions perfectly without its own liquor store. The same applies to Bettys Bay.

As for developing the wetlands in front of Mooiuitsig, that is unacceptable, no matter what the purpose will be. The area was declared a Biosphere for good reason and to have it's laws changed at will is not right. Natural open space must be preserved, respected and protected. Political and social pressures must not be allowed to cloud the vision of the biosphere and it's future. It benefits the Overberg and the World beyond measure.

If social development for previously disadvantaged needs to take place, so that the relevant 'boxes can be ticked', then this must be done on a small scale, in a location that is immediate to the people it will benefit and the development must have no negative impact on the surrounding areas or residents.

It must also have zero negative impact on the Nature surrounding it. The natural beauty is what makes that entire area. It is the only draw card for residents and tourists to Rooiels, Pringle and Bettys Bay. Why ruin it?

I sincerely hope you will take my comments and objection into account.

Yours sincerely  
 J Sleigh (Ms)

**Jean Sleigh**  
 084 575 3444

*TP*  
 - 3 MAY 2019

FILE NO:	EL5580
SCAN NO:	Bettys Bay
	SLEIGH
COLLABORATOR NO:	1282574

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021 531 5413

[www.jeansleigh.co.za](http://www.jeansleigh.co.za)

= Indigenous &amp; water-wise garden landscaping

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**Loretta Gillion - Objection to rezoning application - erf 5580, 2 Coral Road, Bettys Bay**

**From:** "Sue Trott" <sueptrott@gmail.com>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 03/05/2019 01:40 PM  
**Subject:** Objection to rezoning application - erf 5580, 2 Coral Road, Bettys Bay

TPA Theart  
(H vldStep)



Name: Susan Patricia Trott on behalf of Andrew Norman Trott  
 Erf 2448, 23 Reed Road, Betty's Bay,  
 Contact: 0829260491 or (021) 6714961

Interest in the application – My son owns a property in Betty's Bay which I frequent on a weekly basis.  
 I plan to retire to the property in time.

To Whom it may concern,

I vehemently oppose this application to rezone erf 5580 in order to allow a bottle store to be run from the premises.

Betty's Bay is a UNESCO declared biosphere. There is very little litter on the beaches, the roads, and the whole environment.

No doubt this will change with the introduction of a bottle store. The entire character of Betty's Bay will change for the worse.

Litter, mostly plastics from the wrapping of contents will become a drain on the environment, affect bird and animal life and threaten the beauty of the sea and its natural surroundings.

Currently in Betty's Bay, nowhere do you see drunkards walking the streets or sitting on street corners. Currently you are required to own a car in order to purchase your alcohol – whatever it may be.

This is not a bad thing at all – it means that people drink their alcohol in the privacy of their own homes and dispose of the litter through the correct channels.

These same people make provision to take what they require with them when visiting Betty's Bay or travel less than 8km to purchase it from a store in Pringle Bay.

The only person who will benefit from rezoning this property to allow for the building of a bottle store is the applicant. He is sure to make lots of money in the process.

This is not good for the community as a whole. If the applicant employs locals in the bottle store, they will not benefit from high wages – he will pay a minimum salary in order to maximise his profit.

I feel it is unfair for residents of Betty's Bay to be subjected to a change in the bylaws to allow one individual (Bouwer Trust) to benefit by taking advantage of the community who live and visit Betty's Bay. The majority of residents and visitors have the same reasons for wanting to live in a town unspoiled by retail outlets such as the one identified in the application. To change the zoning on this property can affect the large financial investment which property owners in this town have made.

I can be contacted for further information.  
 Yours Faithfully, (Mrs) SP Trott

FILE NO:	EL 5580 ✓
SCAN NO:	Betty's Bay
	TROTT
COLLABORATOR NO:	1282510

TP - 3 MAY 2019

FILE NO:	EL 5580
	Betty's Bay
SCAN NO:	KBB 5580
COLLABORATOR NO:	128 2566



177/223  
TP - A. Theart  
(H. v.d. Stoep)

16, Herschel Walk  
CLAREMONT  
7800

Email: rchaplin@mweb.co.za  
Tel: 021 762 3965  
Cell: 084 684 8888

3<sup>rd</sup> May 2019

The Municipal Manager  
Overstrand Municipality  
Hermanus Administrative  
P.O. Box 20  
HERMANUS  
7200

For the attention of Ms. H. van der Stoep

Our property: - ERF 2471 Betty's Bay

Objection to the Removal of Title Deed Restrictions & Consent use of ERF 5580 Betty's Bay

Historically liquor stores also attract amongst its customers, undesirable elements of the community who have a tendency to loiter in close proximity to the outlet and that includes the liquor store in Kleinmond which has security guards on duty and a police station within a few hundred metres. **Betty's Bay has no police station or security guards.**

The full time population of Betty's Bay which is spread over a large area will not make this venture financially viable; the latest business to close was a fish & chip shop which bordered on Clarence Drive in front of the proposed liquor store.

Locals go into Kleinmond for shopping as the drive warrants the saving as the small local store cannot complete with the prices of a national chain.

To enter the shopping centre in Kleinmond customers have to pass the liquor store so who will make a separate drive to the proposed liquor store in Betty's Bay when one is so readily available? The undesirable elements of the community and vagrants who have no transport.

It is highly unlikely that any director of Spar Tops Liquor Stores, municipal councillors, town planners or the lawyers involved with this application would permit a liquor store in close proximity to their own property!

Yours sincerely

  
RICHARD CHAPLIN CEng. MIET

TP  
- 3 MAY 2019

178/223

TPA Theun  
(H. vd Stoep)

**Loretta Gillion - Re application for removal of title deed restrictions and consent use of ERF 5580 Betty's Bay**



**From:** "Kathy Madlener" <kathy@bestbookmark.co.za>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 28/04/2019 03:14 PM  
**Subject:** Re application for removal of title deed restrictions and consent use of ERF 5580 Betty's Bay

Good Afternoon,

I would like to lodge my objection to the proposed liquor store in Betty's Bay, I read that the reason the owner of Erf 5580 is applying for an amendment of the Title Deeds on this plot, is to accommodate a Liquor Store/Liquor Off Sales.

I feel that Introducing a liquor store in Betty's Bay will have a significant negative affect on the area and increase the crime element. One of the standing attributes of Betty's is that it does not have a liquor store and you have to drive to get to one.

I have had a holiday house in Betty's Bay for over 30 years and all our family love to visit. We are happy to drive to one of the nearby liquor stores when necessary.

My details are:

Mrs Kathy Madlener  
 Erf 2455  
 Betty's bay  
 E mail: [kathym@iafrica.com](mailto:kathym@iafrica.com)

Please may any developments regarding this proposed liquor store be communicated to me at the email address above.

Many thanks  
 Kathy Madlener

FILE NO:	EL 5580
	Betty's Bay
SCAN NO:	
	Madlener
COLLABORATOR NO:	281783

TP

30 APR 2019

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179/223

TRA Theat  
C Huld Steap

Loretta Gillion - Re application for removal of title deed restrictions and consent  
ERF 5580 Betty's Bay



**From:** Dougal Bennett <dougal\_bennett@hotmail.com>  
**To:** "loretta@overstrand.gov.za" <loretta@overstrand.gov.za>, "loretta@overst...  
**Date:** 27/04/2019 08:48 PM  
**Subject:** Re application for removal of title deed restrictions and consent use of ERF 5580  
 Betty's Bay

Good evening,

I would like to lodge my objection to the proposed liquor store in Betty's Bay. I have family there and regularly visit. Introducing a liquor store in Betty's Bay will have a significant negative affect on the area and increase the crime element. One of the standing attributes of Betty's is that it does not have a liquor store and you have to drive to get to one.

My details are:  
 Dougal Bennett  
 2 Connor Close  
 Constantia  
 Cape Town  
 7806  
 dougal\_bennett@hotmail.com

Please may any developments regarding this proposed liquor store be communicated to me at the email address above.

Many thanks  
 Dougal Bennett

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FILE NO:	EL 5580
	Betty's Bay
SCAN NO:	
	Bennett
COLLABORATOR NO:	1281777

TP  
 30 APR 2019

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FILE NO: EL 5580 Betty's Bay
SCAN NO: 35
COLLABORATOR NO: 1280112

BG Louw  
PO Box 436  
2 Coot Rd  
BETTYS BAY  
7141

TPA Theart  
(Held Shop)



The Municipal Manager,

PO Box 20

HERMANUS

7200

Dear Sir,

ERF 5580, 2 CORAL ROAD, BETTYS BAY, OVERSTAND MUNICIPAL AREA: PROPOSED REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND CONSENT USE: PLAN ACTIVE ON BEHALF OF BOUWER TRUST

I wish to refer to Municipal Notice No 52/2019

Having studied the Motivation Report and Annexure, I wish to comment as follows:

1. I have no objection to the application for removal of title deed conditions and approving of the consent use as applied for in principle.
2. I do however have the following concerns and comments regarding this application:
  - (a) As I understand it, this application is only part of the development of the site, as the development also entails a Spar franchise which includes the normal general dealer/groceries business of 261,7 m<sup>2</sup> (if the whole additional proposed premises is used for this purpose) as well as a number of market stalls on the remainder of the site, as can be deducted from the supplied Site Plan. Furthermore additional offices and ablution facilities are also shown. I maintain that, although the application only applies to a small portion of the site (56m<sup>2</sup>) this application can only be evaluated if the full picture for the development of the site is available.
  - (b) My main concern is the fact that the parking and vehicular aspects of the whole development should be known and approved by way of a sufficiently detailed Site Development Plan/TIA:
    - (i) The current access on Clarence Drive is not in accordance with the approved building plan and should be rectified with this application. Any additional vehicular access on Clarence Drive as a result of the Liquor outlet will exacerbate an already dangerous situation. The current access from Erf 5580 directly on to Clarence drive needs to be closed permanently, with access only on Coral Crescent. The access from Coral Crescent to Clarence Drive

TP  
24 APR 2019

does not currently exist and should be constructed by the developer if he wants more direct access to Clarence Drive. Alternatively he will have to accept access via Porter Drive until such time that the Municipality can provide access to Clarence Drive. It is noted that the extension of Coral Crescent on to Clarence Drive will be a costly exercise resulting from height differences and marshy conditions.

- (ii) Vehicular movement on site is not addressed: the loading bay indicated on the plan seems to be placed in a location which will prohibit any circular movement on site.
  - (iii) Parking on site for the total development must be evaluated against the prescribed norms, which indicate at least 30 parking bays for the total development (at 6 bays per 100m<sup>2</sup>). I am not sure that the provision of market stalls and parking on the same area will be compatible – markets are usually held on the busiest days, so parking will be forced off-site, which is not acceptable.
- (c) I am aware of a huge outcry against the provision of a Liquor outlet in Betty's Bay, in my opinion mostly emotional. However, experience in Kleinmond of unwanted social consequences creates fears of similar negative behaviour on this site. I would strongly recommend that the developer phases his development of the entire site in such a way that the Liquor outlet forms part of the bigger development of the Spar and is not seen as something separate. I understand that the Liquor outlet forms part of the existing building but should NOT be opened before the Spar grocery store is completed. That would make the provision of security on site much easier and affordable. Appropriate fencing of the site would also add to security. If this cannot be a condition of approval I request that the Municipality strongly recommends these measures to the Developer.
3. In summary: I am of the opinion that the application for the removal of the restrictive title deed conditions and consent use can only be approved once the issues mentioned in Par 2 above have been adequately addressed.

For the record: I am a property owner in Betty's Bay and therefor an Interested and Affected Party.

Kind regards,



Briand Louw.

24/04/2019

182/223

TPA Theart  
C Huld Stoop

Loretta Gillion - Munisipale Kennisgewing Nr 52/2019



**From:** <carol.safekm@gmail.com>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 23/04/2019 01:35 PM  
**Subject:** Munisipale Kennisgewing Nr 52/2019

Re: Erf 5580 KBB

Geagte Loretta

Ek verwys na die Overstrand Munisipaliteit se kennisgewing in die Overstrand Herald, Gedateer 18 April 2019 insake die opheffing van beperkende titelakte, Erf 5580.

My belang:

Ek is die eienaars van 102 Clarence Rylaan wat reg langs die erf in kennisgewing gelee is.

Ek maak beswaar teen die voorgenome oprigting van 'n bottelstoor. Die rede is dat die perseel waar die bottelstoor beplan word, reg langs my erf is. Soos u weet is daar nie heinings in Bettiesbaai nie. Mense gaan kortpad oor my erf vat. Lee bottels en plastiek sal op my erf gegooi word, wat later brande in die fynbos gaan veroorsaak. Die waarde van die erf sal ook afneem. My erf is nie gehersoneer as 'n besigheidserf nie.

Ek maak beswaar, tensy die aansoeker 'n heining oprig tussen my erf en die voorgenome bottelstoor. Enige drank houers wat oor die muur of heining gegooi word, deur die eienaar van die bottelstoor opgetel word, ten minste op weeklikse basis.

Die advertensie kennisgewingbord is tans op my erf opgerig en moet ook asb verskuif word tot op die perseel van die aansoeker of verwyder moet word.

Ek verneem graag van u want ek sien hierdie in 'n baie ernstige lig.

Carol Mostert  
 12 U Singlentonstraat  
 Kleinmond  
 0723306333

FILE NO:	EL 5580
SCAN NO:	Betty's Bay
	12
COLLABORATOR NO:	1279814

TP 23 APR 2019

file:///C:/Users/loretta/AppData/Local/Temp/XPgrwise/5CBF14B3HermanusMunpo... 2019/04/23

**From:** Belinda Bowling <belinda.bowling@gmail.com>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 21/04/2019 08:43 PM  
**Subject:** Objection to liquor store in Bettys Bay

*Re: Erf 5580 KBB*

Dear Sirs

I hereby register my objection against the application to open a liquor store in Bettys Bay.

Yours faithfully,  
 Belinda Bowling  
 Owner: 2783 Four Streams Road, Bettys Bay

*TP-A Theart  
(Huld Steep)*

Sent from my iPhone



FILE NO:	<i>EL 5580</i>
	<i>Betty's Bay</i>
SCAN NO:	<i>15</i>
COLLABORATOR NO:	<i>1279820</i>

*TP* 23 APR 2019

Loretta Gillion - Municipal Notice No. 52/2019



From: "Lizette Swart" <lizette.swart.ls@gmail.com>  
To: <loretta@overstrand.gov.za>  
Date: 19/04/2019 01:36 PM  
Subject: Municipal Notice No. 52/2019

Re: Erf 5580 KBB TPA Theart  
CHuldsteep

Good day Loretta,

I own property in Betty's Bay, plot 4350 Arctopus Road, account number loretta@overstrand.gov.za, and I strongly object to the proposed building of a liquor store in the village. It is a small little town with a village atmosphere, which is why I bought property there and intend to build and move there in the near future. Erection of a liquor store will give access to alcohol to an unwanted element, that will purchase alcohol at lower prices at liquor stores than at restaurants. This is unwanted, we do not need any more shops in Betty's, Kleinmond is close enough. And look at Kleinmond compared to Betys, a busy town with tons of traffic and people, we do not want Betty's to go the same way. I strongly object to the erection of a liquor store in Betty's.

Regards

Lizette

Lizette Swart  
+27 83 226 3122

See Collab 12 19216

FILE NO:	EZ 5580
	Betty's Bay
SCAN NO:	22
COLLABORATOR NO:	279664

TP 23 APR 2019

**Loretta Gillion - Re Municipal Notice No. 52/2019, objection to liquor store in Betty's Bay**

**From:** June Dickie <junedickie@gmail.com>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 19/04/2019 06:10 PM  
**Subject:** Re Municipal Notice No. 52/2019, objection to liquor store in Betty's Bay

*Re: Erf 5580, Betty's Bay*

*TP-ATheart  
(C Hvd/Steep)*

Good day,

I wish to voice my objection to a liquor store in Betty's Bay. We do not want to spoil this special place with a liquor store.

Sincerely,  
June Dickie, 15 Waterford Circle, Kirstenhof 7945 (082 0606 350)

[junedickie@gmail.com](mailto:junedickie@gmail.com)



FILE NO:	EL 5580
	Betty's Bay
SCAN NO:	21
COLLABORATOR NO:	1279662

*TP* 23 APR 2019

**Loretta Gillion - Removal of Title Deed Restrictions T10710-/2018**

**From:** Richard Gould <richard.gould@gmail.com>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 19/04/2019 12:22 PM  
**Subject:** Removal of Title Deed Restrictions T10710-/2018

re: EHF 5580 KBB

**OVERSTRAND MUNICIPALITY**  
**167 5580, 1 COPRAL ROAD, BETTYS**  
**BAY, OVERSTRAND MUNICIPAL AREA**  
**PROPOSED REMOVAL OF**  
**RESTRICTIVE TITLE DEED CONDITIONS**  
**AND CONSENT TO PLANT ACTIVE OR**  
**BEHALF OF ACQUAVER TRUST**

Notice is hereby given in terms of Section 47 of the Overstrand Municipality By-law on Municipal Land Use Planning, 2015 that an application has been received for the following:

- Removal of title deed no T10710/2018 restrictions in terms of Section 15(2)(b) for the amendment of a restrictive title deed conditions.
- Consent to in terms of Section 15 (2)(a) to establish a liquor shop on the subject property.

Details regarding the proposal is available for inspection during weekdays between 08:00 and 16:30 at the Department: Town Planning at 16 Paterson Street, Hermanus and at the Kleinmond Library, 90th Avenue, Kleinmond.

Any written comments must be submitted in accordance with the provisions of Sections 51 and 52 of the said By-law to the Municipality 116 Paterson Street, Hermanus / (P 0263332093 / (c) loretta@overstrand.gov.za) on or before **Friday, 24 May 2019**, quoting your name, address, contact details. Interest in the application and reasons for comments. Telephonic enquiries can be made to the Senior Town Planner, Ms. H van der Steep at 036-



FILE NO:	EL5580
	Betty's Bay
SCAN NO:	26
COLLABORATOR NO:	1279669

Dear Loretta,

Per the above notice for an application for opening a shop selling liquor in Betty's Bay I would like to ask the following questions of the Overstrand Municipality;

1. Given that there is no actual SAPS presence in Betty's Bay to deal with the current crimes why does the Municipality want to increase the crime rate risk by allowing for a liquor store to be opened?
2. Why must the Betty's Bay residents be exposed to even more potential crimes when not even the current crimes can be prevented?
3. Why is the safety of the Betty's Bay residents not a priority when it comes to preventing an increase in crime in the area?

Regards  
 Richard Gould

TP 23 APR 2019

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072 415 2827

51 Ixia Road  
Betty's Bay 7141

 Virus-free. [www.avast.com](http://www.avast.com)

188/223

*TPA Theat (Huld Stoep)*  
**Loretta Gillion - Objection to rezoning of 5580, 2 Coral Road**

**From:** "Sweetnam private" <anneline@sweetnam.co.za>  
**To:** "" <loretta@overstrand.gov.za>  
**Date:** 19/04/2019 11:57 AM  
**Subject:** Objection to rezoning of 5580, 2 Coral Road



Dear Sir/Madam,

I would like to herewith lodge my objection to the proposed removal of restrictive title deed on erf 5580, 2 Coral Road, Betty's Bay, and the consent to establish a liquor shop on the subject property.

Betty's Bay is a quiet rural village, in the heart of the Kogelberg Biosphere. It already suffers from an unresolved crime problem, and lack of adequate policing resources. The introduction of a liquor shop inevitably brings with it more crime, homelessness and desperation. This is not desired in this village, and definitely not needed. It is also contrary to the initial principles of the establishment of Betty's Bay.

Kind regards,

Anneline Sweetnam  
 ID: 6011080051080  
 2171 Coot Road  
 Betty's Bay  
 Tel: 0828292773

FILE NO:	EZ 5580
	Betty's Bay
SCAN NO:	25
COLLABORATOR NO:	1279668

*TP* 23 APR 2019

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189/223

*TPA Threat  
(H old shop)*

**Loretta Gillion - OBJECTION TO LIQUOR STORE IN BETTYS BAY. Municipal Notice  
No. 52/2019**

**From:** Sharon Crawford <sharoncrawford7@gmail.com>  
**To:** "loretta@overstrand.gov.za" <loretta@overstrand.gov.za>  
**Date:** 18/04/2019 09:12 PM  
**Subject:** OBJECTION TO LIQUOR STORE IN BETTYS BAY. Municipal Notice No. 52/2019



*Re: E/f 5580 KBB*

I would like to lodge my very strong objection to opening or even having a Liquor Store in Bettys Bay.

1. We already have issues with regard to crime and to bring a Liquor Store into this Village will only make it a hundred times worse.
2. Opening it on the main road is even more idiotic as this will result in people walking across the road drunk as it will attract . vagrants and loiterers, not to mention the increase in drunk driving incidents.
3. We are no more that ten minutes away from a Liquor store in Pringle Bay and fifteen minutes in Kleinmond, anyone who cannot wait ten or fifteen minutes to get to a liquor store already has a problem
4. With the high rate of unemployment and drug problems that exist why on EARTH would you want to make it easier and more accessible?????
5. The initial fire in BB on New Year's Day was set off from the poorer area where liquor is already a factor and now you want to compound that.
6. We are a World Heritage Biodiversity Area why can we not keep it clean, free from loiterers, trash and litter????
7. There are MORE than enough establishments in BB which sell alcohol in any case.

PLASE, PLEASE, PLEASE don't allow this to happen and spoil the Village we have all chosen to live in because of the way it is. If we wanted bright lights, chain stores, bottle stores we would have bought property in a different town.  
 PLEASE LEAVE BETTYS BAY THE WAY IT IS.

Sincerely  
 SHARON CRAWFORD  
 3978 GLADIOULOUS CRESCENT.  
 BETTYS BAY.  
 CEL. 0828550914.  
[Sharoncrawford7@gmail.com](mailto:Sharoncrawford7@gmail.com)

FILE NO:	<i>EL 5580</i>
SCAN NO:	<i>Betty's Bay</i>
	<i>23</i>
COLLABORATOR NO:	<i>1279666</i>

*TP* 23 APR 2019

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Loretta Gillion - Tops Drankwinkel



From: "Heinie Foot" <heiniefoot@lantic.net>  
To: <lpage@overstrand.gov.za>  
Date: 22/05/2019 10:42 AM  
Subject: Tops Drankwinkel  
Cc: <karon.s@everitt.co.za>

Re: EF 5580 KBB (Hvd/Steep) TRATheart

Waltersway 4262 ( 53 )  
Bettys Bay  
7141

Hiermee word bevestig dat ek die eienaar is van bogenoemde eiendom en woon alreeds 10 jaar permanent in Bettiesbaai  
Die Spar sal n aanwins vir Bettiesbaai wees en hul drankwinkels was nogaltyd baie netjies en goed bestuur dus het ek geen besware teen n Tops Drankwinkel nie  
Groete  
Heinrich Foot

Virus-free [www.avg.com](http://www.avg.com)

FILE NO:	EL 5580
	Betty's Bay
SCAN NO:	
COLLABORATOR NO:	1286892

TP

Loretta Gillion - Application for a TOPS. Municipal Notice 52/2019 \_ Erf 5580 Betty's Bay



TRA Theart  
CH vld Stoop  
Re: erf 5580 KBB

**From:** Jan Briers <janbecol@gmail.com>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 22/05/2019 11:49 AM  
**Subject:** Application for a TOPS. Municipal Notice 52/2019 \_ Erf 5580 Betty's Bay

Dear Loretta Gillion

I am a permanent resident of Betties bay and a member of the BB Residents Association. The most important sector of the economy of Betty's bay is tourism as it brings a sustainable income stream into the area. This economic sector has the One of the greatest threats of tourism / development in BB and frustration to BB residents is noisy visitors. Noise is frequently the result of the use of liquor particularly because particularly irregular visitors do have a relationship/association with the people of BB. Residents do not phone the Police or Municipality in case of noise as the problem will not be stopped.

The shelf life of liquor is very long and the price relatively expensive. The result is the majority of residents of Betties bay purchase liquor at the best price while on other business and use it over longer periods. Most residents will thus not buy at this liquor store as the price will be high as the result of low turnover (low number of residents).

Visitors that drank more than what they had planned for, will gain the most out of such store. They do however negatively impact on (i) the tourism potential and (ii) the quality of life of the residents of the area. Remember, noise travel in BB as the background noise is very low. The tourism industry must choose what in important for the future development of the industry; parties or people that enjoy the environment and the activities linked thereto.

**Planners should chose what is the bigger contributor to the current and future economy of BB. I would argue that the cost and risk of a liquor store to the tourism outweigh the possible benefit thereof and thus hamper "economic growth".**

I do not support and object to the lifting of any restriction or Consent use for Bottle store on erf 5580.

J H Briers.

FILE NO:	EL 5580
	Betty's Bay
SCAN NO:	
COLLABORATOR NO:	1286887

TP

**From:** <property@bettybay.info>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 22/05/2019 09:36 AM  
**Subject:** Municipal Notice 52/2019

Re: Erf 5580 Betty's Bay

TR A Theart  
(Hudstrop)

To whom it may concern.

The BETTY'S BAY RATEPAYERS ASSOCIATION are not going to be voicing an opinion as an association, per se, instead each member in their personal capacity will be individually, putting their comments forward. There is no majority decision within the committee hence the decision taken

Regards.  
Karon.



FILE NO:	EL 5580 V
	Betty's Bay
SCAN NO:	BBRA
COLLABORATOR NO:	1286890

TP

22 MAY 2019

193/223



TR A Theart  
(H v d stoep)

P O Box 325

Hermanus

7200

21 May 2019.

The Municipal Manager ( For attention: Ms H v d Stoep)

Overstrand Municipality.

P O Box20

Hermanus

7200

Dear sir

FILE NO:	EL 5580
	Betty's Bay
SCAN NO:	
COLLABORATOR NO:	1286676

Restrictive Title Conditions and Consent Use: Betty's Bay Erf 5580

The advertisement regarding the above matter refers. My submission is made as an interested and affected resident of Betty's Bay being the owner and permanent resident of erf 3418 (12 Albertyn Drive).

I read the application and also visited the site

The way I see it no approval is required for a SPAR although my comments below do have an indirect impact thereon.

As regards the TOPS application there are 2 matters to consider namely (a) the removal of a restrictive title condition and (b) a consent use application.

The restrictive title condition was imposed many decades ago and should be evaluated against current norms and needs.

One can only speculate as to the original reason, but it most likely had to do with either the then anti-alcohol culture and with extremely rigid control measures or it might have been to discourage holiday-makers, many of whom may have been fishermen on a men only break without their families, from over indulging. Whatever the reason, its validity must be evaluated in terms of current norms and needs.

Betty's Bay is no longer a small rural community whose houses were mainly used for holiday purposes. According to somewhat outdated (possibly 2017) statistics there are 1 807 built erven (out of a total of 3 221) and with a permanent population of 2 600 in the 1 080 permanent households. According to some estate agents about 50 plus new houses have on average been built each year for the last 4 to 5 years - many of which are for permanent residents. As a result a SPAR has possibly become a viable option and so also a TOPS.

TP 21 MAY 2019

The nearest bottle stores are in Pringle Bay ( a smaller community than Betty's Bay) and without presenting any evident social problems and a few in Kleinmond - again without too many social problems.

It can be safely stated that most Betty's Bay property owners have liquor, and especially wines, in stock and also regularly offer their guests a social drink. The mere presence of a local liquor store could not have a detrimental effect on the daily lives of residents, but could save costs to travel to neighbouring towns while supporting the local Betty's Bay economy.

Assuming that the restrictive title condition is lifted then the consent use should not pose any serious problem other than specific issues relating to the locality, layout and topographical aspects thereof. The plans accompanying the application were of a poor quality and somewhat confusing. The text of the application and the plans also don't appear to match.

These specific issues are listed as follows:

1. The current access point of Coral Road (or what appears to be Coral) onto the R44 is probably not only illegal but also problematic both from an ingress and egress point. Coral is very narrow at that point and with the somewhat steep approach gradient will also present stacking and visibility problems for motorists waiting to enter or exit the property. A widened road is essential, whether at its current access or a repositioned one, and should be wide enough to accommodate at least one car in each direction.
2. With more vehicular movements expected from the increased commercial activities on erf 5580 the access point on Porter Drive can become very problematic. There are already 9 (nine) turnoffs from Porter Avenue within about 400 hundred metres. Porter Drive is too narrow to properly accommodate such intensified traffic and there is no provision for any holding lanes or speed reduction slipways for turning vehicles.
3. The present narrow one-way system in Coral Road may cause problems for heavy delivery vehicles and could also result in conflicting movements with passenger cars.
4. The on and off loading areas of delivery vehicles must be carefully planned and provided. At present the rear wall is a solid blank wall with no access points/doors. Even if this were to be provided, it will still require road construction which could be problematic.
5. Practical loading areas referred to in 4 above will at present only be in front of the building thus compromising the car parking area. This may result in an inadequate car parking ratio. It should be at least 6 parking bays per 100m<sup>2</sup> gross leasable area **excluding** the loading zones.
6. Should parking be provided on the R44 such parking bays should not be included in the parking requirement referred to in 5 above.

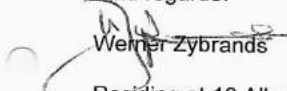
7. Coral is currently a gravel road and should be tarred. With the gradient of Coral and the regular use by heavy vehicles it can be expected that, especially in the rainy season, Coral could, in its present state, become impassable.

8. Given the above mentioned traffic related matters it is imperative that a proper traffic study be done and a traffic flow and parking plan be developed.

9. The approval of the Provincial Roads authority should be obtained as the current Coral/R44 access is unacceptable and dangerous.

10. It is appreciated that although it might not be stated as a consent use condition it would nevertheless be a benefit if local labour, and specifically from Mooi Uitsig be employed.

Kind regards.

  
Werner Zybrands

Residing at 12 Albertyn Drive (erf 3418) Betty's Bay

TRATheart  
(Huld Steep)



Loretta Gillion

**From:** Pam van der Merwe <vdm1pam@gmail.com>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 26/04/2019 09:06 AM  
*Re: Erf 5580 KBB*

Dear Loretta

I join others, as a resident and owner in Edwards Avenue, Bettys Bay in protesting the building of a bottle store in Bettys Bay. There is one in Pringle and others in Kleinmond. This is enough for the whole area. Please consider putting a stop to this as our unique Bettys Bay with precious plant life and quiet, safe life will never be the same again.

Please use your influence wisely  
Kind regards  
Pam van der Merwe

FILE NO:	EL 5580
	Betty's Bay
SCAN NO:	31
COLLABORATOR NO:	1280912

TP

26 APR 2019

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197/223

*TPH Theart  
(Huld Stoep)*

Loretta Gillion - Objection to : municipal notice 52/2019



**From:** Vanessa le Borgne <vanessal@lambertsbayfoods.co.za>  
**To:** "loretta@overstrand.gov.za" <loretta@overstrand.gov.za>  
**Date:** 24/05/2019 10:48 AM  
**Subject:** Objection to : municipal notice 52/2019  
**Attachments:** IMG-20190524-WA0000.jpg

Hi Loretta

I am a property owner in BB – erf 2818. Cliff rd. I own a third of this property.

I object!

There are so many reasons ( the list is endless)why we should not have a bottle store in BB.

We escape the bright lights and the city for this haven of peace.

We do not need a bottle store in BB, this will forever change the dynamic in every way of this tiny beachside resort.

Thank you

Vanessa

Vanessa Le Borgne

T (021) 551 4220 ext: 260 | C 082 468 0011  
E vanessal@lambertsbayfoods.co.za | www.famousbrands.co.za

**LAMBERTS BAY FOODS**

OUR CORE BELIEFS | GROWTH | QUALITY | INNOVATION | SPEED | AGILITY | INTEGRITY | HUMILITY

FILE NO:	EZ 5580 ✓
	Betty's Bay
SCAN NO:	VANESSA
COLLABORATOR NO:	1287967

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*TP* 24 MAY 2019

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198/223

Date: 24 May 2019From: Nicol LindAddress: 4949 Ursinia Crescent, Betty's BayContact Details: 082 556 4208

Interest: Concerned Resident

Reasons and Comments: \_\_\_\_\_

**I do not support this removal of Title Deed restriction or the Consent use for a bottle store for Erf 5580**

We are being totally inundated with poachers who are becoming so brazened that they are now entering the water from the penguin car park area under the nose of Cape Nature and are now loud when in the water - shouting and whistling to each other whereas until as recently as last year they were in much smaller groups, shy of being seen and more secretive in general. This is an obvious breach of the law to which SAPS or Cape Nature for that matter are not responding adequately by any stretch of the imagination. Does anybody really believe that either party would respond to drunk and disorderly behaviour. The same behaviour is apparent over weekends at the Kleinmond Harbour where alcohol are used in public.

Bettys' Bay is already entirely permeated by crime. We do not need to add more fuel to the fire with a bottle store which has never had an entirely positive outcome. Apart from the above mentioned the increase speed at which the large number of poaching associated vehicles is now screaming through Betty's Bay any member of the public not responding decisively and submissively to the 'getaway cars' is in for a major accident. Alcohol feeds aggression in many people.

The Application states that sales of low budget wine and so called quarts will be excluded. **There is no guarantee** that this will not change in the future and with accompanying potential negative impact on the community.

**The Title Deed Restriction change and Consent use change are attached to the property, not the current owner.** Should the current owner sell the property, and the Consent use, Title Deed Restriction on the Erf has been changed, a **future owner** of a potential bottle store there can take over and sell any alcohol including lower budget wines and quarts etc.

**The new owner operates** under the Consent use: Bottle store: means an establishment where the dominate use is the retail sales of alcoholic beverages for consumption off the property; There are no restrictions on what can be sold.

The shelf life of liquor is very long and the price relatively expensive. The result is the normal household buy it at the best price and use it over longer periods. Most residents will thus not buy at this liquor store as the price will be high as the result of low turnover (low number of residents). Visitors that drank more than what they had planned for, will gain the most out of such store. They do however impact on the tourism potential and the quality of life of the residents of the area. Remember, noise travel in BB as the background noise is very low.

Signed: \_\_\_\_\_



199/223

Date: 24 May 2019

From: William Schultz

Address: 4949 Ursinia Crescent, Betty's Bay

Contact Details: 082 775 8606

TR A Theat  
(Hub Stoop)

Interest: Concerned Resident

Reasons and Comments :

**I do not support this removal of Title Deed restriction or the Consent use for a bottle store for Erf 5580**

We are being totally inundated with poachers who are becoming so brazened that they are now entering the water from the penguin car park area under the nose of Cape Nature and are now loud when in the water - shouting and whistling to each other whereas until as recently as last year they were in much smaller groups, shy of being seen and more secretive in general. This is an obvious breach of the law to which SAPS or Cape Nature for that matter are not responding adequately by any stretch of the imagination. Does anybody really believe that either party would respond to drunk and disorderly behaviour. The same behaviour is apparent over weekends at the Kleinmond Harbour where alcohol are used in public.

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Signed:

W Schultz

FILE NO:	EL 5580
SCAN NO:	
COLLABORATOR NO:	1287764

24 MAY 2019

200/223

Date: 24 May 2019.  
 From: Christine Lind  
 Address: 4949 Ursinia Crescent, Betty's Bay  
 Contact Details: 082 448 5911

Interest: Concerned Resident

Reasons and Comments: \_\_\_\_\_

**I do not support this removal of Title Deed restriction or the Consent use for a bottle store for Erf 5580**

We are being totally inundated with poachers who are becoming so brazened that they are now entering the water from the penguin car park area under the nose of Cape Nature and are now loud when in the water - shouting and whistling to each other whereas until as recently as last year they were in much smaller groups, shy of being seen and more secretive in general. This is an obvious breach of the law to which SAPS or Cape Nature for that matter are not responding adequately by any stretch of the imagination. Does anybody really believe that either party would respond to drunk and disorderly behaviour. The same behaviour is apparent over weekends at the Kleinmond Harbour where alcohol are used in public.

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The shelf life of liquor is very long and the price relatively expensive. The result is the normal household buy it at the best price and use it over longer periods. Most residents will thus not buy at this liquor store as the price will be high as the result of low turnover (low number of residents). Visitors that drank more than what they had planned for, will gain the most out of such store. They do however impact on the tourism potential and the quality of life of the residents of the area. Remember, noise travel in BB as the background noise is very low.

Signed: Christine Lind

*TRA That  
CH old shop*



Loretta Gillion - objection: municipal notice 52/2019

**From:** CT Gaunt <ct.gaunt@uct.ac.za>  
**To:** "loretta@overstrand.gov.za" <loretta@overstrand.gov.za>  
**Date:** 24/05/2019 10:21 AM  
**Subject:** objection: municipal notice 52/2019

Loretta,  
Thanks for the notice from J McLachlan.  
I do not want or need a bottle store or liquor shop in Betty's Bay.  
The proposed tenant/owner or restrictions on what may be sold are irrelevant to a removal of the zoning or title deed restriction.  
Regards,  
CT Gaunt  
Trevor Gaunt Family Trust  
Erf 2559 Betty's Bay  
Disclaimer - University of Cape Town This email is subject to UCT policies and email disclaimer published on our website at <http://www.uct.ac.za/main/email-disclaimer> or obtainable from +27 21 650 9111. If this email is not related to the business of UCT, it is sent by the sender in an individual capacity. Please report security incidents or abuse via <https://csirt.uct.ac.za/page/report-an-incident.php>.

FILE NO:	EL 5550
	Betty's Bay
SCAN NO:	TREVOR
COLLABORATOR NO:	1287975

24 MAY 2019

TP

*TPA Theat  
CHd Steep*

**Loretta Gillion - Totally against liquor store in Betty's Bay.**

**From:** Melinda Ridgard <melindaridgard@gmail.com>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 24/05/2019 12:23 PM  
**Subject:** Totally against liquor store in Betty's Bay.



To whom it may concern.

Good day.

I am Melinda Ridgard resident at 3235 Albertyn Street, Sunny Seas, Betty's Bay.

I am totally opposed to a liquor store in Betty's Bay.

We do not need a liquor store there are more than enough liquor stores and wine farms in our vicinity.

Our own coloured community is also against it, because of the social problems a liquor store brings.

We are a holiday town with not a lot of permanent residents and most of us shop in Somerset or Kleinmond. We will not support this liquor store.

Rather create job opportunities through tourism or getting rid of all these alien invasive trees that burned down half of Betties. We do not want more drunk people in our street or behind a wheel. This is a family friendly town.

No to a liquor store.

Kind regards

Melinda Ridgard.

FILE NO:	EL 5580
	Betty's Bay
SCAN NO:	
	MELINDA
COLLABORATOR NO:	
	1287978

*TP* 24 MAY 2019

file:///C:/Users/loretta/AppData/Local/Temp/XPgrpwise/5CE7E242HermanusMunpos... 2019/05/24

203/223

Date: 24.5.2019From: Betty's BayAddress: 2492 Clarence driveContact Details: 083 308 6170Interest: Concerned ResidentReasons and Comments: Below

**I do not support this removal of Title Deed restriction or the Consent use for a bottle store for Erf 5580**

I'm against the Spar and ESPECIALLY the Liquor Store at erf 5580 or any other Property in Betty's Bay

**1. Dedicated right hand turning lane.**

The current access from the R44 coming from the west (Cape Town) is an accident waiting to happen, and the road must be engineered and marked to have a right-hand only turning lane so that people wanting to shop at the Spar can safely wait before turning and more importantly those carrying straight on can do so in safety. The emergency lane might have to be removed to allow for this.

**2. Deliveries by suppliers**

It is not allowed in KZN (not sure about here but as R44 is a provincial road it must have similar restrictions) for delivery lorries to offload on main roads. Delivery lorries must offload on side roads or on private land. Therefore the deliveries to Spar / Tops must either access the site from the R44 down the steep drive or from Porter Drive via the traffic circle in Coral Road

**3. Litter**

As all Spars, that I know of, have a food take away section there is an issue of litter being dropped anything up to a kilometer away by those on foot who are eating their purchase as they walk along and drop the packaging as they finish. Spar should commit to having a litter pick up plan and ensure that staff members daily walk the area collecting any such rubbish dropped by their customers

**4. Recycling**

Spar and Tops should not be allowed to add to our refuse burden and should have a recycling and waste management plan which shows their commitment to recycling, disposal and refuse handling. They must not be allowed to dump their refuse and waste along with householders but (as I understand other Spars do) have their refuse and recycling removed privately.

Signed:

A handwritten signature in black ink, appearing to read "Raymond", written over a horizontal line.

FILE NO:	<u>EZ 5580</u>
	<u>Betty's Bay</u>
SCAN NO:	
COLLABORATOR NO:	<u>1288116</u>

TP

24 MAY 2019

204/223

Date: 24. Mai 19 TR A Theart  
 From: Giorgio Schmedel (Muid Stoop)  
 Address: 46 Circular Drive Kaysus  
 Contact Details: 071 373 3580



Interest: Concerned Resident

Reasons and Comments: no pol. station in BB

**I do not support this removal of Title Deed restriction or the Consent use for a bottle store for Erf 5580**

We are being totally inundated with poachers who are becoming so brazened that they are now entering the water from the penguin car park area under the nose of Cape Nature and are now loud when in the water - shouting and whistling to each other whereas until as recently as last year they were in much smaller groups, shy of being seen and more secretive in general. This is an obvious breach of the law to which SAPS or Cape Nature for that matter are not responding adequately by any stretch of the imagination. Does anybody really believe that either party would respond to drunk and disorderly behaviour. The same behaviour is apparent over weekends at the Kleinmond Harbour where alcohol are used in public.

Betty's Bay is already entirely permeated by crime. We do not need to add more fuel to the fire with a bottle store which has never had an entirely positive outcome. Apart from the above mentioned the increase speed at which the large number of poaching associated vehicles is now screaming through Betty's Bay any member of the public not responding decisively and submissively to the 'getaway cars' is in for a major accident. Alcohol feeds aggression in many people.

The Application states that sales of low budget wine and so called quarts will be excluded. There is no guarantee that this will not change in the future and with accompanying potential negative impact on the community.

The Title Deed Restriction change and Consent use change are attached to the property, not the current owner. Should the current owner sell the property, and the Consent use, Title Deed Restriction on the Erf has been changed, a future owner of a potential bottle store there can take over and sell any alcohol including lower budget wines and quarts etc.

The new owner operates under the Consent use: Bottle store: means an establishment where the dominate use is the retail sales of alcoholic beverages for consumption off the property; There are no restrictions on what can be sold.

The shelf life of liquor is very long and the price relatively expensive. The result is the normal household buy it at the best price and use it over longer periods. Most residents will thus not buy at this liquor store as the price will be high as the result of low turnover (low number of residents). Visitors that drank more than what they had planned for, will gain the most out of such store. They do however impact on the tourism potential and the quality of life of the residents of the area. Remember, noise travel in BB as the background noise is very low.

Signed: Giorgio Schmedel

FILE NO:	EL 5580 ✓
SCAN NO:	Betty's Bay
COLLABORATOR NO:	GIORGIO
	1287995

24 MAY 2019

205/223

Date: 24 MAY 2019TR-A Theert  
CH vd Steep\* From: SOMERSET WESTAddress: P.O. Box 692, SOMERSET HALL, 7137Contact Details: 062 0895313Interest: Concerned ResidentReasons and Comments: NOT GOOD FOR THE OTHER SMALL  
BUSINESSES IN THE AREA.

**I do not support this removal of Title Deed restriction or the Consent use for a bottle store for Erf 5580**

I'm against the Spar and ESPECIALLY the Liquor Store at erf 5580 or any other Property in Betty's Bay

**1. Dedicated right hand turning lane.**

The current access from the R44 coming from the west (Cape Town) is an accident waiting to happen, and the road must be engineered and marked to have a right-hand only turning lane so that people wanting to shop at the Spar can safely wait before turning and more importantly those carrying straight on can do so in safety. The emergency lane might have to be removed to allow for this.

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**3. Litter**

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**4. Recycling**

Spar and Tops should not be allowed to add to our refuse burden and should have a recycling and waste management plan which shows their commitment to recycling, disposal and refuse handling. They must not be allowed to dump their refuse and waste along with householders but (as I understand other Spars do) have their refuse and recycling removed privately.

Signed: \_\_\_\_\_

A handwritten signature in black ink, appearing to be "P" followed by a flourish, written over a horizontal line.

FILE NO:	<u>EL 5580 ✓</u>
	<u>Betty's Bay</u>
SCAN NO:	
COLLABORATOR NO:	<u>1287986</u>

24 MAY 2019

206/223

Date: 24 MAY 2019From: SOMERSET WESTAddress: P.O. BOX 692, SOMERSET MARK, 7137Contact Details: 0620998313Interest: Concerned ResidentReasons and Comments: NOT GOOD FOR THE OTHER SMALL  
BUSINESSES IN THE AREA

I do not support this removal of Title Deed restriction or the Consent use for a bottle store for Erf 5580

I'm against the Spar and ESPECIALLY the Liquor Store at erf 5580 or any other Property in Betty's Bay

**1. Dedicated right hand turning lane.**

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Signed: 

FILE NO:	<u>GL 5580</u>
	<u>Betty's Bay</u>
SCAN NO:	
COLLABORATOR NO:	<u>1288025</u>

24 MAY 2019



207/223

Date: 23/05/2019  
 From: Dominique Cedra  
 Address: 16 PS Vilhoelstreet  
 Contact Details: 0656376051

TP-A Theart  
 (M udl stoop)



Interest: Concerned Resident

Reasons and Comments: Crime

**I do not support this removal of Title Deed restriction or the Consent use for a bottle store for Erf 5580**

We are being totally inundated with poachers who are becoming so brazened that they are now entering the water from the penguin car park area under the nose of Cape Nature and are now loud when in the water - shouting and whistling to each other whereas until as recently as last year they were in much smaller groups, shy of being seen and more secretive in general. This is an obvious breach of the law to which SAPS or Cape Nature for that matter are not responding adequately by any stretch of the imagination. Does anybody really believe that either party would respond to drunk and disorderly behaviour. The same behaviour is apparent over weekends at the Kleinmond Harbour where alcohol are used in public.

Betty's Bay is already entirely permeated by crime. We do not need to add more fuel to the fire with a bottle store which has never had an entirely positive outcome. Apart from the above mentioned the increase speed at which the large number of poaching associated vehicles is now screaming through Betty's Bay any member of the public not responding decisively and submissively to the 'getaway cars' is in for a major accident. Alcohol feeds aggression in many people.

The Application states that sales of low budget wine and so called quarts will be excluded. **There is no guarantee** that this will not change in the future and with accompanying potential negative impact on the community.

The Title Deed Restriction change and Consent use change are attached to the property, not the current owner. Should the current owner sell the property, and the Consent use, Title Deed Restriction on the Erf has been changed, a **future owner** of a potential bottle store there can take over and **sell any alcohol** including lower budget wines and quarts etc.

**The new owner operates** under the Consent use: Bottle store: means an establishment where the dominate use is the retail sales of alcoholic beverages for consumption off the property; There are no restrictions on what can be sold.

The shelf life of liquor is very long and the price relatively expensive. The result is the normal household buy it at the best price and use it over longer periods. Most residents will thus not buy at this liquor store as the price will be high as the result of low turnover (low number of residents). Visitors that drank more than what they had planned for, will gain the most out of such store. They do however impact on the tourism potential and the quality of life of the residents of the area. Remember, noise travel in BB as the background noise is very low.

Signed: \_\_\_\_\_

24 MAY 2019

FILE NO:	EL 5580
SCAN NO:	Betty's Bay
COLLABORATOR NO:	1287858

208/223

Date: 23/5/2019  
 From: Thomas  
 Address: 4116 Astor Close  
 Contact Details: 082 321 7265  
 Interest: Concerned Resident  
 Reasons and Comments: Crime / Licensing

TP-ATheart  
(Huld Stoop)



**I do not support this removal of Title Deed restriction or the Consent use for a bottle store for Erf 5580**

We are being totally inundated with poachers who are becoming so brazened that they are now entering the water from the penguin car park area under the nose of Cape Nature and are now loud when in the water - shouting and whistling to each other whereas until as recently as last year they were in much smaller groups, shy of being seen and more secretive in general. This is an obvious breach of the law to which SAPS or Cape Nature for that matter are not responding adequately by any stretch of the imagination. Does anybody really believe that either party would respond to drunk and disorderly behaviour. The same behaviour is apparent over weekends at the Kleinmond Harbour where alcohol are used in public.

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Signed: Thomas

24 MAY 2019

FILE NO:	<u>62 5580</u>
	<u>Betty's Bay</u>
SCAN NO:	
COLLABORATOR NO:	<u>1287976</u>

209/223

Date: 23/05/2019  
 From: J.S. Khatge  
 Address: 41 Ushinyi  
 Contact Details: 0828001677

TRATHART  
(CH Jd Steep)



Interest: Concerned Resident

Reasons and Comments: Because I want to

**I do not support this removal of Title Deed restriction or the Consent use for a bottle store for Erf 5580**

We are being totally inundated with poachers who are becoming so brazened that they are now entering the water from the penguin car park area under the nose of Cape Nature and are now loud when in the water - shouting and whistling to each other whereas until as recently as last year they were in much smaller groups, shy of being seen and more secretive in general. This is an obvious breach of the law to which SAPS or Cape Nature for that matter are not responding adequately by any stretch of the imagination. Does anybody really believe that either party would respond to drunk and disorderly behaviour. The same behaviour is apparent over weekends at the Kleinmond Harbour where alcohol are used in public.

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Signed: [Signature]

FILE NO:	<u>E2 5580</u>
SCAN NO:	<u>Betty's Bay</u>
COLLABORATOR NO:	<u>128 7923</u>

24 MAY 2019

Date: 23-5-19  
From: BETTY'S BAY  
Address: EXHA ROAD  
Contact Details: 076 774 6188

TRA Threat  
(CH Ud Stoep)



Interest: Concerned Resident

Reasons and Comments: CRIME AND VAGRANCY WILL INCREASE

I do not support this removal of Title Deed restriction or the Consent use for a bottle store for Erf 5580

We are being totally inundated with poachers who are becoming so brazened that they are now entering the water from the penguin car park area under the nose of Cape Nature and are now loud when in the water - shouting and whistling to each other whereas until as recently as last year they were in much smaller groups, shy of being seen and more secretive in general. This is an obvious breach of the law to which SAPS or Cape Nature for that matter are not responding adequately by any stretch of the imagination. Does anybody really believe that either party would respond to drunk and disorderly behaviour. The same behaviour is apparent over weekends at the Kleinmond Harbour where alcohol are used in public.

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Signed:

24 MAY 2019

FILE NO:	EL 5580
	Betty's Bay
SCAN NO:	
COLLABORATOR NO:	1287988

Date: 23-5-19  
From: Betty's Bay  
Address: Ixia Street  
Contact Details: 076 7746188

TRA Threat  
(Huld Stoop)



Interest: Concerned Resident

Reasons and Comments: Crime. Small businesses will suffer financially.

**I do not support this removal of Title Deed restriction or the Consent use for a bottle store for Erf 5580**

We are being totally inundated with poachers who are becoming so brazened that they are now entering the water from the penguin car park area under the nose of Cape Nature and are now loud when in the water - shouting and whistling to each other whereas until as recently as last year they were in much smaller groups, shy of being seen and more secretive in general. This is an obvious breach of the law to which SAPS or Cape Nature for that matter are not responding adequately by any stretch of the imagination. Does anybody really believe that either party would respond to drunk and disorderly behaviour. The same behaviour is apparent over weekends at the Kleinmond Harbour where alcohol are used in public.

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Signed:

*[Handwritten signature]*

24 MAY 2019

FILE NO:	<u>EL 5580</u>
	<u>Betty's Bay</u>
SCAN NO:	
COLLABORATOR NO:	<u>1287984</u>

212/223

Date: 23/05/2019T R A Theart  
(H vld Stoep)

From: \_\_\_\_\_

Address: 2813 Clarence Drive, Betty's BayContact Details: livinghealthscore@gmail.com 052 366 3617Interest: Concerned ResidentReasons and Comments: Don't want SPAR or TOPS

**I do not support this removal of Title Deed restriction or the Consent use for a bottle store for Erf 5580**

We are being totally inundated with poachers who are becoming so brazened that they are now entering the water from the penguin car park area under the nose of Cape Nature and are now loud when in the water - shouting and whistling to each other whereas until as recently as last year they were in much smaller groups, shy of being seen and more secretive in general. This is an obvious breach of the law to which SAPS or Cape Nature for that matter are not responding adequately by any stretch of the imagination. Does anybody really believe that either party would respond to drunk and disorderly behaviour. The same behaviour is apparent over weekends at the Kleinmond Harbour where alcohol are used in public.

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Signed: 

24 MAY 2019

FILE NO:	<u>EL 5580</u>
	<u>Betty's Bay</u>
SCAN NO:	
COLLABORATOR NO:	<u>1287979</u>

213/223

Date: 22.5.2019.

From: Mawseen Stewart

Address: Dalman Rd

Contact Details: 0723926926

Interest: Concerned Resident

Reasons and Comments:

Crime - Littering



**I do not support this removal of Title Deed restriction or the Consent use for a bottle store for Erf 5580**

We are being totally inundated with poachers who are becoming so brazened that they are now entering the water from the penguin car park area under the nose of Cape Nature and are now loud when in the water - shouting and whistling to each other whereas until as recently as last year they were in much smaller groups, shy of being seen and more secretive in general. This is an obvious breach of the law to which SAPS or Cape Nature for that matter are not responding adequately by any stretch of the imagination. Does anybody really believe that either party would respond to drunk and disorderly behaviour. The same behaviour is apparent over weekends at the Kleinmond Harbour where alcohol are used in public.

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Signed: M. Stewart

FILE NO:	EL 5580
	Betty's Bay
SCAN NO:	
COLLABORATOR NO:	1287845

24 MAY 2019

214/223

Date: 22/5/2019From: Betty's BayAddress: Clarence Drive 2827Contact Details: 082 756 1999

Interest: Concerned Resident

Reasons and Comments: As below

TRATheart  
(H lol stoop)

**I do not support this removal of Title Deed restriction or the Consent use for a bottle store for Erf 5580**

We are being totally inundated with poachers who are becoming so brazened that they are now entering the water from the penguin car park area under the nose of Cape Nature and are now loud when in the water - shouting and whistling to each other whereas until as recently as last year they were in much smaller groups, shy of being seen and more secretive in general. This is an obvious breach of the law to which SAPS or Cape Nature for that matter are not responding adequately by any stretch of the imagination. Does anybody really believe that either party would respond to drunk and disorderly behaviour. The same behaviour is apparent over weekends at the Kleinmond Harbour where alcohol are used in public.

Betty's Bay is already entirely permeated by crime. We do not need to add more fuel to the fire with a bottle store which has never had an entirely positive outcome. Apart from the above mentioned the increase speed at which the large number of poaching associated vehicles is now screaming through Betty's Bay any member of the public not responding decisively and submissively to the 'getaway cars' is in for a major accident. Alcohol feeds aggression in many people.

The Application states that sales of low budget wine and so called quarts will be excluded. **There is no guarantee** that this will not change in the future and with accompanying potential negative impact on the community.

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Signed: 

FILE NO:	<u>EL 5580</u>
	<u>Betty's Bay</u>
SCAN NO:	
COLLABORATOR NO:	<u>1287991</u>

215/223

Date: 23/05/19  
 From: Adriana Lutz Kleinmond - Holman Lutz  
 Address: 35 New Road road  
 Contact Details: 0780960788



Interest: Concerned Resident

Reasons and Comments: Alcohol abuse/local nuisance

**I do not support this removal of Title Deed restriction or the Consent use for a bottle store for Erf 5580**

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Signed: \_\_\_\_\_

24 MAY 2019

FILE NO:	EL 5580
	Betty's Bay
SCAN NO:	
COLLABORATOR NO:	1287904

216/223

Date: 23/05/2019

From: KLEINMOND - HARBOUR LATEGAN

TPA Threat (Huld Stoop)

Address: 16 HARBOUR ROAD



Contact Details: 083576 4357 - HARBOUR

Interest: Concerned Resident

Reasons and Comments: TOO MANY SMALL SHOPS MAKING A LIVING NOW FI

I do not support this removal of Title Deed restriction or the Consent use for a bottle store for Erf 5580

We are being totally inundated with poachers who are becoming so brazened that they are now entering the water from the penguin car park area under the nose of Cape Nature and are now loud when in the water - shouting and whistling to each other whereas until as recently as last year they were in much smaller groups, shy of being seen and more secretive in general. This is an obvious breach of the law to which SAPS or Cape Nature for that matter are not responding adequately by any stretch of the imagination. Does anybody really believe that either party would respond to drunk and disorderly behaviour. The same behaviour is apparent over weekends at the Kleinmond Harbour where alcohol are used in public.

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Signed: [Handwritten signature]

FILE NO:	EL 5580
	Betty's Bay
SCAN NO:	
COLLABORATOR NO:	1287914

24 MAY 2019

217/223

*TRH Threat  
(H id Soap)*

**Loretta Gillion - Re application for removal of title deed restrictions and consent use of ERF 5580 Betty's Bay**



**From:** "Kathy Madlener" <kathy@bestbookmark.co.za>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 28/04/2019 03:17 PM  
**Subject:** Re application for removal of title deed restrictions and consent use of ERF 5580 Betty's Bay

Good Afternoon,

I would like to lodge my objection to the proposed liquor store in Betty's Bay, I read that the reason the owner of Erf 5580 is applying for an amendment of the Title Deeds on this plot, is to accommodate a Liquor Store/Liquor Off Sales.

I feel that Introducing a liquor store in Betty's Bay will have a significant negative affect on the area and increase the crime element. One of the standing attributes of Betty's is that it does not have a liquor store and you have to drive to get to one.

Our family has had a holiday house in Betty's Bay for over 30 years and all our family love to visit. We are happy to drive to one of the nearby liquor stores when necessary.

My details are:  
 Mr Michael Madlener  
 Erf 2456  
 Betty's bay  
 E mail:madconns@iafrica.com

Please may any developments regarding this proposed liquor store be communicated to me at the email address above.

Many thanks  
 Mike Madlener

FILE NO:	EL 5580
	Betty's Bay
SCAN NO:	Kathy
COLLABORATOR NO:	1281796

*TP* 30 APR 2019

file:///C:/Users/loretta/AppData/Local/Temp/XPgrpwise/5CC5C400HermanusMunpo... 2019/04/30

218/223

Date: 23/5/2019  
 From: Ansie Bauermeister  
 Address: Heron Road 2209  
 Contact Details: 072 418 2480  
 Interest: Concerned Resident  
 Reasons and Comments: Crime



TRATheart  
(H. v. d. Stoop)

**I do not support this removal of Title Deed restriction or the Consent use for a bottle store for Erf 5580**

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Signed: Ansie Bauermeister

FILE NO:	<u>EL 5580</u>
	<u>Betty's Bay</u>
SCAN NO:	
COLLABORATOR NO:	<u>1287881</u>

24 MAY 2019

219/223

Date: 23/5/2019  
 From: KARIN. HUYTER BERGH  
 Address: 2224 PORTER RD. B/Bay  
 Contact Details: 079 5266537  
 Interest: Concerned Resident  
 Reasons and Comments: AS BELOW (CRIME)



**I do not support this removal of Title Deed restriction or the Consent use for a bottle store for Erf 5580**

We are being totally inundated with poachers who are becoming so brazened that they are now entering the water from the penguin car park area under the nose of Cape Nature and are now loud when in the water - shouting and whistling to each other whereas until as recently as last year they were in much smaller groups, shy of being seen and more secretive in general. This is an obvious breach of the law to which SAPS or Cape Nature for that matter are not responding adequately by any stretch of the imagination. Does anybody really believe that either party would respond to drunk and disorderly behaviour. The same behaviour is apparent over weekends at the Kleinmond Harbour where alcohol are used in public.

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Signed: 

FILE NO:	EZ 5580
	Betty's Bay
SCAN NO:	
COLLABORATOR NO:	1287952

24 MAY 2019

**Loretta Gillion - Petition**

---

**From:** Nicol Lind <nicolgiselalind@gmail.com>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 24/05/2019 02:04 PM  
**Subject:** Petition  
**Attachments:** petition 24 May2019.pdf

---

Hi Loretta

Please find attached a few signed petitions.

Kind regards  
Nicol Lind

Mobile: +27 (0) 82 5564208

Date: 24 May 2019  
 From: Nicol Lind  
 Address: 4949 Ursinia Crescent, Betty's Bay  
 Contact Details: 082 556 4208

Interest: Concerned Resident

Reasons and Comments: \_\_\_\_\_

**I do not support this removal of Title Deed restriction or the Consent use for a bottle store for Erf 5580**

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Signed: \_\_\_\_\_



222/223

Date: 24 May 2019.From: Christine LindAddress: 4949 Ursinia Crescent, Betty's BayContact Details: 082 448 5911Interest: Concerned Resident

Reasons and Comments: \_\_\_\_\_

**I do not support this removal of Title Deed restriction or the Consent use for a bottle store for Erf 5580**

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Signed: \_\_\_\_\_

Christine Lind

223/223

Date: 24 May 2019  
From: William Schultz  
Address: 4949 Ursinia Crescent, Betty's Bay  
Contact Details: 082 775 8606

TR A Theat  
(H vbl stamp)



Interest: Concerned Resident

Reasons and Comments :

**I do not support this removal of Title Deed restriction or the Consent use for a bottle store for Erf 5580**

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Signed: W Schultz

FILE NO:	EL 5580
SCAN NO:	
COLLABORATOR NO:	1287764

24 MAY 2019

ANNEXURE G 1/19

**Plan Active**  
Town & Regional Planners  
Stads-en Streeksbeplanners



6 Magnolia St / Str  
PO Box / Posbus 296  
HERMANUS  
7200  
Tel: (028) 313 1673  
Fax / Faks: (028) 312 1951

Email: [planactive@hermanus.co.za](mailto:planactive@hermanus.co.za)  
Website: [www.planactive.co.za](http://www.planactive.co.za)

Our reference: PA18079  
Your reference: 5580 KBB

22 July 2019

The Municipal Manager  
Overstrand Municipality  
PO Box 20  
HERMANUS  
7200

FILE NO:	EL 5580
SCAN NO:	Betty's Bay
	KBB 5580
COLLABORATOR NO:	1304551

For attention: Mrs. Hanneen van der Stoep

Sir,

**COMMENTS ON OBJECTIONS: ERF 5580 BETTY'S BAY: PROPOSED CONSENT USE AND THE AMENDMENT OF THE TITLE DEED**

Your letter dated 7 June 2019 with copies of 153 comments / objections / support letters and our e-mail correspondence that followed requesting an additional 30 days to provide our comments refer. Subsequently our request for the extension of the commenting period with an additional 30 days was granted and lapses on the 7<sup>th</sup> of August 2019. We would like to make use of the opportunity to comment on the comments and objections received. Our comments are as follow:

**1. GENERAL**

The objections / comments received can be categorised into 4 categories:

- 2, 15 and 36 copies of the exact same letters respectively of objections;
- 2 petition lists;
- general objections;
- 5 letters of support.

A total number of 253 notices were sent via registered post of which only 30 people, that constitutes 12%, responded to the proposed consent use for a bottle store. 153 Objections were received and by excluding duplicated erf numbers pertaining to persons that objected and commented on the application that disclosed their addresses, the number of objections / comments are reduced to 124.

We have also used the address information of the people that objected / commented on the application who disclosed their physical addresses and mapped it on a base map of Betty's Bay in order to ascertain their proximity to the proposed bottle store. We have enclosed a copy of the map for easy reference. From the mapped information we can make the following conclusions:

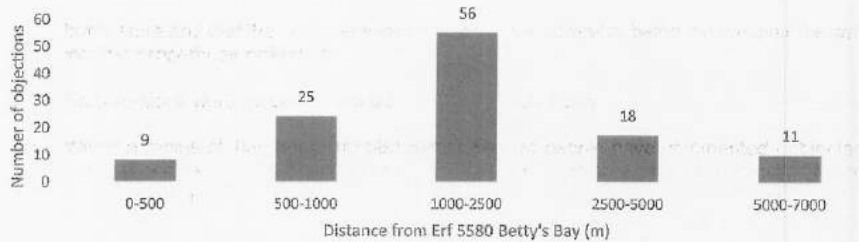
- o No adjoining land owner objected against the proposed bottle store except for the owner of Erf 2669 Betty's Bay that requests that a wall be erected between her property and the

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Reg. No. 2006/030921/07  
Vat. No. 4770250340

John Mc Lachlan: Ndip (Town Planning) Tech Witwatersrand; MSAPI Nr.10908; SACPLAN Tch.Pln B/8250/2014  
Pauline Spronk: B (Soc.Sc) US, BA Hon (UNISA)  
Meriké Lerm: B. Art et Scien Cum Laude (Town Planning) UNW; SACPLAN Pr.Pln A/158/2009

bottle store and that the owner ensures that the bottles possibly being thrown over the wall into her property be picked up;

- o No objections were received from businesses in Betty's Bay;
- o Within a radius of 1km from Erf 5580 Betty's Bay 34 people have commented / objected and between 1km to 7km 85 people have commented / objected. It can therefore be argued that the majority of people that commented / objected are not in close proximity to the proposed bottle store. Please refer to the graph below indicating the number of comments / objections received in relation to the distance, of the persons whom have provided comments / objections, from Erf 5580 Betty's Bay.



- o It can be argued that  $\pm 88\%$ , 202 of the adjoining land owners within the same extension of Betty's Bay support the application. The same statistics apply to the number of permanent households in Betty's Bay. Percentage wise only  $\pm 12\%$  opposed the application. Subsequently the majority permanent households support the application for a consent use to establish a bottle store on Erf 5580 Betty's Bay.
- o The BETTY'S BAY RATEPAYERS ASSOCIATION are not going to be voicing an opinion as an association, per se, instead each member in their personal capacity will be individually, putting their comments forward. There is no majority decision within the committee hence the decision taken.

Cognisance should be taken of the fact that Erf 5580 Betty's Bay is an established business site that is Business Zone 3 that is 2635m<sup>2</sup> in extent. The primary land use rights under the property's current zoning are shops, flats and offices. In order to develop the site taking up these land use rights only requires a building plan submission of which the plans must conform to the land use restriction applicable under the property's zoning. The definition of a shop reads as follow:

**"shop"** means a property or part of a property used for the retail sale of goods, items and services to the public, including a retail concern where goods which are sold are manufactured and repaired; provided that the floor space relating to such manufacture or repair shall not exceed 50% of the floor space of the shop; "shop" does not include an industry, service trade, motor repair garage, service station, restaurant, adult entertainment business or sale of alcoholic beverages, and if such uses are included on the property they shall be regarded as separate uses subject to such separate development rules as may be determined by Council;

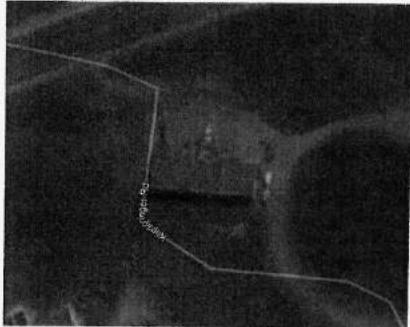
With reference to the above definition of shop, the main concern is the retail sale of goods, but excludes the sale of alcoholic beverages. In order to establish a bottle store requires that an application be lodged for a consent use, however the zoning remains the same.

It can be argued that even though a consent use is required, the land use would remain the same. The main concern would still be the retail sale of goods, it is just a matter of the fact that a small portion of the existing small shopping centre consisting of  $\pm 56\text{m}^2$  will be used for the retail sale of alcoholic beverages.

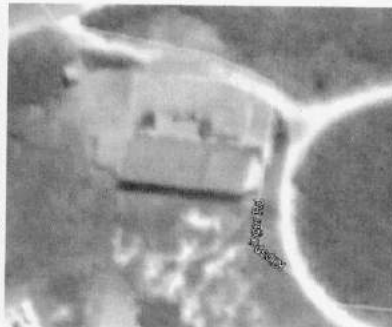
The fact that the zoning be retained and that the business premises would not be expanded no additional parking would be required. 12 parking bays were approved on the building plan and 12 parking bays are still being provided on-site. The minimum of parking bays were calculated in terms of the Section 8 Scheme Regulations contained in Ordinance 15 of 1985 that was applicable at the time of the approval of the building plans. Should the need arise for additional parking space  $\pm 88\%$  of the subject erf is still vacant and can be utilised to establish additional parking bays.

This application is for a Tops Liquor Shop only and not a Spar Supermarket as stated by many objectors. The owner of Erf 5580 Betty's Bay is also the owner of a Tops Liquor Shop in Grabouw that is managed in the same fashion that we are proposing. No low budget wines and so called "quarts" (750ml beer bottles and crates of 750ml bottles of beer) will be sold from the premises. This has been implemented at the owner's Tops Liquor Shop in Grabouw and it makes a great difference to the clientele supporting the liquor shop. Subsequently vagrants and other unwanted elements are successfully deterred from entering and hanging around the Liquor Shop.

The accesses in terms of our site plan reflects the current layout of the site and the existing accesses being used from Clarence Drive (R44) and Coral Road. What we could ascertain via Google Earth aerial photography is that these accesses have been in use since 2005. Please refer to the aerial photographs below:



Aerial Photograph 2005



Aerial Photograph 2019

## 2. COMMENTS ON THE OBJECTIONS

The objections (in **bold print**) and our comments (*Italic print*) thereon can be summarised as follow:

- 2.1. **Betty's Bay is quiet town of which the most inhabitants are pensioners with a small influx of younger people that work in Somerset West, Cape Town and Hermanus. The people that commute to work in other towns can buy their alcoholic beverages on-route and the pensioners are not interested in purchasing alcoholic beverages. Subsequently there is no demand for a bottle store.**

*Some people do have the luxury to purchase groceries and liquor elsewhere on route to and from their place of work. Some of the pensioners in Betty's Bay are also financially sound to*

*be able to commute to Somerset West, Kleinmond and Hermanus to do their shopping that includes the purchase of liquor. As mentioned above only 12 percent of the people responded to the notices that was sent and it should also be kept in mind that the application was also advertised in the local newspaper.*

*The majority of residents in Betty's Bay did not respond and it could be argued that they then subsequently give their consent for the establishment of a Tops Liquor Shop within the existing small shopping centre. Not all the residents in Betty's Bay can afford to commute to adjoining towns due to the high fuel prices and small pension that they receive. Betty's Bay has expanded tremendously over the last couple of years where it is not only a small holiday village anymore, but a town that justifies a diversity of shops.*

*To give an indication of the current growth of Betty's Bay, a total number of 68 building plans for new houses were approved from 01/07/2018 to 30/06/2019. The last mentioned information was obtained from the Overstrand Municipality Building Control Office, Hermanus.*

- 2.2. There are 4 bottle stores in Kleinmond and 1 bottle store in Pringle Bay. There are also a number of restaurants within close proximity of Erf 5580 Betty's Bay that have liquor licences. The proposed bottle store will have a negative impact on the existing bottle stores established in Pringle Bay, Kleinmond and also the restaurants that are established in the vicinity of Erf 5580 Kleinmond.**

*The application constitutes the establishment of a Tops Liquor Shop within an existing shopping centre that will be ±56m<sup>2</sup> in extent. Providing a liquor shop diversifies the retail sale goods in Betty's Bay. Subsequently money will be spent in Betty's Bay and not elsewhere. The general population would benefit from both keeping business in Betty's Bay and save hard earned money on the cost of traveling. It is also our opinion that because liquor is available in town, there would be no need to commute to neighbouring towns and subsequently the local shops and deli's in the area would also be supported.*

*When considering any application, cognisance should be taken of the desirability of the contemplated utilisation of land by measuring it against the principles contained in the provisions of a relevant integrated development framework, sectoral plan, structure plan or zoning scheme regulations / by-laws, in so far as these relate to desirability, or of the effect of the application on existing rights, but not any alleged right to protection against trading competition.*

*There are a number of restaurants in Betty's Bay that do have liquor licenses, but the liquor licence is for the consumption of liquor on-site. Subsequently the liquor bought must be consumed at the restaurant and may not be taken home. Subsequently the objectors are promoting the consumption of liquor at restaurants and bars that could cause a greater threat to road users as the patrons have to drive or walk back home.*

- 2.3. Erf 5580 Betty's Bay is within a conservation area where Klipspringers (small antelope) and baboons and other wild animals still make their appearance. The bottle store will have a negative impact on the character of the area.**

*Cognisance is taken of the fact that Betty's Bay is located within an area of natural beauty, but it should also be kept in mind that in fact, Betty's Bay is an established, developed township that consists of residential erven, public roads, public open spaces, and established business erven. Erf 5580 Betty's Bay is an established business erf and is being utilised as such.*

*Our application does not constitute an expansion of an urban area within a nature area. It is proposed that a portion of an existing shopping centre established on Erf 5580 Betty's Bay be utilised as a liquor store. In effect it would be the change of use of a portion of an existing business building that is  $\pm 56m^2$  in extent to a shop now selling liquor.*

*Subsequently the application will not have a negative impact on the character of Betty's Bay as stated. The primary use will remain.*

**2.4. A chain bottle store will impact diversely on the character of Betty's Bay. Many people have bought property here for the village / quiet and un-commercial feel of the town and such atmosphere will change if the application is approved.**

*As mentioned above, the application constitutes the change of a portion of an existing business building to a shop that will sell liquor. The small shopping centre is located on an established 2635m<sup>2</sup> business site within an established commercial area. Subsequently the owner can expand the shops, make provision for offices and flats should he wishes to do so within his current land use restriction.*

*Subsequently the proposed Tops Liquor Shop will not have an impact from a business use point of view or the atmosphere of Betty's Bay. Betty's Bay is an expanding coastal town and subsequently vacant business erven will be developed in order to cater for the needs of the inhabitants of the town and existing shops could expand and diversify for the same reasons.*

**2.5. The granting of permission to sell liquor at this or any other premises will not fit in with the general atmosphere of this small holiday town. The availability of alcohol will have a detrimental social effect on especially the vulnerable members of society. The granting of this application will bring no advantage to this area.**

*As mentioned above the proposed liquor shop will not have an impact on the atmosphere of Betty's Bay. A clear example would be the bottle store that is established in Pringle Bay. The atmosphere of Pringle Bay remained that of a village after a bottle store was established within its business centre. One cannot safeguard all the residence of a town, there will always be social problems, substance abuse etc. but it is always the minority of people. One should also make provision for the majority of people within a township and provide also for their needs. As mentioned in our general comments above, no low budget wines and so called "quarts" (750ml beer bottles and crates of 750ml bottles of beer) will be sold from the premises.*

*The advantages brought to the town have been mentioned in our response and can be summarised as follow:*

- o Business will remain in Betty's Bay instead of residents commuting to adjoining towns to support businesses there.*
- o Because residents are not traveling to surrounding towns to purchase their liquor they would more than likely now also support the local shops and delis.*
- o Residents will save money on traveling costs.*
- o Because more people will spend money in Betty's Bay more job opportunities will be created.*

**2.6. It is believed that ready access to alcohol creates social problems due to alcohol abuse which also may increase accidents and crime in the area and that the levels of policing are not sufficient to deal with such issues.**

*From the objections received many objectors promote the consumption of alcoholic beverages at the local restaurants and pubs as we have mentioned earlier in our response. We are of the opinion that this poses a greater threat than the proposed liquor shop. Patrons of the bars and restaurants have to drive or walk back to their place of residence that poses a great risk to other road users. By introducing a bottle store, residents can now enjoy alcoholic beverages at their homes and would reduce the number of intoxicated road users.*

*The nearest Police Station is located in the Main Road, Kleinmond, that is an extension of the R44. With the exception of a few stop signs in Kleinmond the remaining extent of the R44 has no stops along the way to the site. Subsequently Erf 5580 Betty's is easy accessible to the local Police that also patrol areas of Betty's Bay regularly. Pringle Bay is further removed from the Kleinmond Police Station and the established bottle store in Pringle Bay causes no issues.*

*It is a common occurrence that security guards are appointed by liquor shops in order to assist the local Police. Examples can be found at most of the Tops and Checkers liquor shops. The same would apply to the proposed liquor shop. The owner has confirmed that there would be a security guard at the liquor shop during all operating hours.*

**2.7. The location of the proposed shop is problematic.**

*Our application constitute the change of land use of a portion of an existing business building located on an established business property with a zoning of Business Zone 3. We are not creating new business premises. The existing road infrastructure should be revisited by the Overstrand Municipality to create safe access to the existing business properties gaining access from Coral Road.*

*Our client wishes to retain the access from the R44. The shopping centre is visible from the R44 and access from the R44 would be more favourable than gaining access from Coral Road only. We take cognisance of the fact that the existing access from the R44 is very narrow and steep. The owner of Erf 5580 Betty's Bay is willing to upgrade the access from the R44 to an extent that it meets the approval of the Department of Transport (DOT).*

*We have made contact with Mr. Faisal Fakier at the DOT and also requested the Overstrand Municipality to forward the application to them for their comment. The matter with regards to access will be further dealt with and clarified after receiving their comments. We will also discuss the matter with the Overstrand Municipality Engineering Department.*

**2.8. The lack of a liquor shop helps to keep the "village" feel of Betty's Bay.**

*The use of a portion of an existing business premises to change the land use to make provision for a liquor shop will not change the so called "village" feel. As mentioned earlier, Betty's Bay is a growing town, business will expand and diversify to cater for the needs of the town.*

**2.9. Location also not ideal being close to the main road which can increase road and pedestrian accidents. It is also felt that police levels are not sufficient to deal with the current levels of crime which may well increase as access to alcohol increases.**

*Please refer to our comments under paragraphs 2.6 & 2.7 above.*

**2.10. Glass on beaches, noise on beaches and picnic areas, increase in rubbish. Betty's Bay is almost strictly residential.**

*Betty's Bay is also a popular holiday destination and experiences a great influx of people over the school holidays and long weekends. Visitors to Betty's Bay do not always share the same sentiment when it comes to preserving the natural beauty the town has to offer.*

*Littering and noise pollution do occur but the proposed bottle store or bottle stores in the neighbouring towns can not be held responsible for this occurrence.*

*It is also our opinion that the most litter derives from general dealers and cafes and consist of cold drink cans / bottle, food wrappers, take-away boxes and other food packaging. Law abiding citizens do not drink alcoholic beverages on beaches and public accessed areas as this is against the law.*

*The rubbish output of a liquor store is much less than a general dealer or shop due to the fact that no food stuffs are prepared on site and no perishables are being sold. It is also a known fact that liquor shops make use of the boxes that liquor arrives in to be reused as packaging for their patrons instead of making use of plastic bags.*

**2.11. There are numerous restaurants that are licensed in Betty's Bay where alcoholic beverages can be purchased and enjoyed while having a meal & admire the scenery and tranquillity.**

*Not everyone can afford to have drinks at a restaurant where liquor is being sold at escalated prices. With the current traffic laws in place one can hardly enjoy a single drink and not be over the legal limit. Subsequently people prefer buying alcoholic beverages and enjoy it in the comfort of their own home. We can not promote that people should rather enjoy alcoholic beverages at restaurants rather than at home due to the fact that it would cause more people to drive under the influence of alcohol placing other road users at risk.*

**2.12. A bottle store is unnecessary and will attract undesirable elements and spoil the character of the nature orientated area. As such the market value of properties will be negative affected.**

*Please refer to our comments under paragraphs 2.3 and 2.5 above. Also take note of the fact that the objector is located within a primary single residential area  $\pm$  450m (in a straight line) from Erf 5580 Betty's Bay. The proposed liquor shop will therefore not have a negative impact on the market value of their property.*

**2.13. A bottle store will attract alcoholics and some potential homeless and destitute to the village, increasing the potential for crime.**

*Please refer to our comments under paragraph 2.5 above.*

**2.14. A bottle store will only encourage individuals that flock to Betty's Bay for the sole purpose of consuming as much alcohol as possible and then speed on the dirt roads and keep their neighbours awake with loud music and rowdy behaviour.**

*We believe that in general people visit Betty's Bay for its natural beauty, its beaches, The Harold Porter Botanical Garden and the penguin colony found at Stoney Point. The proposed liquor shop will definitely not be the cause of people flocking to Betty's Bay. To consume as much alcohol as possible would not be the priority on their to do list. It can also be argued that if it is their prerogative to do so that they might bring their alcoholic beverage with them that they have purchased elsewhere.*

*If any person is loitering, or is under the influence of alcohol or doing anything else illegal it should be reported to the Police whom will investigate the matter. The proposed liquor store cannot be solely held accountable for the misuse of alcohol due to other factors such as restaurants and pubs selling liquor and also liquor being purchased in other towns to be enjoyed in Betty's Bay.*

- 2.15. It would cause more hazards on the main road, drunk pedestrians, loitering, an increase in crime which we work very hard to keep to a minimum. All establishments serve alcohol in any case.**

*Please refer to our comments under paragraphs 2.5 & 2.6 above.*

- 2.16. Studies show that alcohol outlets contribute to both crime and urban decay.**

*It is our opinion that each liquor store should be dealt with on its own merit. The social envelope plays a great roll and where a bottle store is located. A further factor is how the bottle store is managed and stocked. We have received a letter of support referring to a Tops Liquor Shop in Stellenbosch that poses no risk and has no impact on the urban environment. The uncontrolled sale of liquor within low cost housing developments does pose a threat to the social wellbeing of the residents within a township and does impact negatively on a community.*

*We are proposing a reputable liquor shop that will not sell low budget wines etc. as mentioned in paragraph 2.5 above. The liquor shop will be established within an existing business building on an established business property within a business node of Betty's Bay that will be well managed.*

- 2.17. A big chain business will only damage the business environment that the local businesses have cultivated.**

*Our application is for the establishment of a Tops Liquor Shop. There are no liquor stores in Betty's Bay and therefore it will not have a negative impact on the business environment. It is our opinion that the local shops will rather benefit from the liquor shop due to the fact that residents do not have to drive to other towns to purchase their liquor where they would more than likely also do their grocery shopping. All their shopping needs can now be fulfilled in Betty's Bay.*

- 2.18. Our coloured community does not want a liquor store.**

*Having read all the objections and petitions and mapping all the properties of owners whom has objected it can be stated that no objection was received from the Coloured community.*

- 2.19. We do not need big shops and bottle stores that will make liquor cheap and easy to come by and increase the number of inebriated and unwanted characters in the neighbourhood. Have a drink at the restaurant or if you are that desperate then drive to Kleinmond, but keep Betty's Bay free of alcohol abuse and unwanted elements.**

*Our application does not constitute the establishment of a large shopping centre, but a Tops Liquor Shop that will be located within an existing small shopping centre. The Tops Liquor Shop will be ±56m<sup>2</sup> in extent.*

*Please also refer to paragraphs 2.2, 2.5 and 2.11 above.*

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- 2.20. There is no guarantee that it will not sell budget liquor right on the provincial road that has a speed limit of 80 – 100 km/h speed limit with dangerous exit / entry onto it. The risk of increase of drunk people on beaches and braaiing that will increase fire risk.**

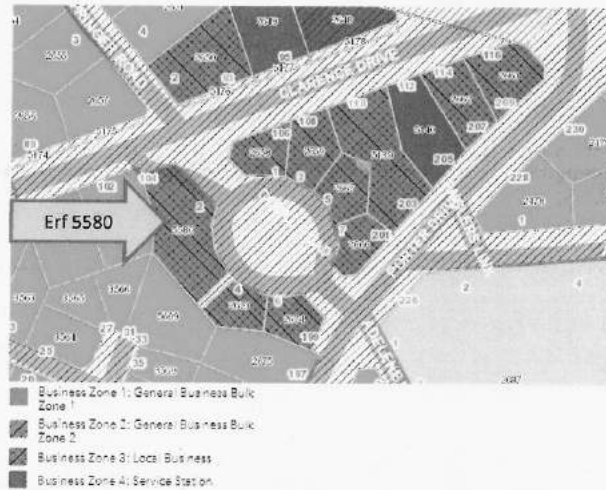
*We have mentioned that the owner will not sell budget liquor. Please refer to paragraph 2.5 above.*

*The owner also manages a Tops Liquor Shop in Grabouw the same way with great success. In order to safeguard our proposal the Overstrand Municipality can make it a condition of approval.*

*Please also refer to our comments under paragraphs 2.7 and 2.14 above.*

- 2.21. Betty's Bay does not need a business hub.**

*Betty's Bay is a growing coastal town as mentioned in paragraph 2.1 above. A business hub is not being created with this application. Erf 5580 Betty's Bay is within an already established business node. Please refer to an abstract below from the Overstrand Municipality's Zoning Map for easy reference:*



- 2.22. Whilst we are not against development in principle, we are opposed to this application as it goes against the original Title Deed restrictions and ethos of the village.**

*With reference to our comments under paragraph 2.1 above referring to the growth of Betty's bay is it clear that businesses have to diversify in order to accommodate the needs of its residents. The restrictions were a very important governing tool prior to the Municipal Zoning Schemes coming into effect. Please refer to the following relevant statement received in writing during our public participation process.*

*"According to somewhat outdated (possibly 2017) statistics there are 1 807 built erven (out of a total of 3 221) and with a permanent population of 2 600 in the 1 080 permanent households. According to some estate agents about 50 plus new houses have on average*

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*been built each year for the last 4 to 5 years - many of which are for permanent residents. As a result a SPAR has possibly become a viable option and so also a TOPS."*

*With reference to the above is it clear that Betty's Bay has grown to an extent where land uses as proposed becomes viable. The land use restriction imposed in the Title Deeds of Betty's Bay can be deemed to be outdated and that the current Zoning Scheme Regulations are more than capable to govern land uses in a modern world. The liquor shop will be well managed as stated in paragraph 2.5 and will be compatible with the character of the established Betty's Bay business node.*

- 2.23. The current access from the R44 coming from Cape Town is an accident waiting to happen, and the road must be engineered and marked to have a right-hand only turning lane so that people wanting to shop at the Spar can safely wait before turning and more importantly those carrying straight on can do so safely. The emergency lane might have to be removed to allow for this.**

*As stated in paragraph 2.7, the accesses to the site will be further investigated on receipt of the comments from DOT.*

- 2.24. It is not allowed for delivery lorries to offload on main roads. Deliveries must offload on side roads or on private land. Therefore deliveries to Spar / Tops must either access the site from the R44 down the steep drive or from Porter Drive via the traffic circle in Coral Road.**

*Please refer to paragraph 2.7 and 2.23 above. The provision of a loading bay will also be investigated on receipt of the comments from DOT.*

- 2.25. As all Spars have a food takeaway section there is an issue of littering being dropped up to a kilometre away by those on foot who are eating their take away. Spar should commit to having a litter pick up plan.**

*Our application is solely for the establishment of a Tops Liquor Shop only. Taking the current zoning of the subject erf into consideration the owner will be able to establish a Spar grocery shop (not a supermarket) on the site within his current land use right. He will have to conform to the land use restrictions in terms of its zoning and the National Building Regulations.*

- 2.26. Spar and Tops should not be allowed to add to our refuse burden and should have a recycling and waste management plan which shows their commitment to recycling.**

*The property is within an approved established business centre of Betty's Bay that is already serviced by the Overstrand Municipality that has the capacity to service the site in all aspects. No additional business erven are being created and it is not proposed with this application that the current building be expanded.*

*It is a known fact that liquor shops makes use of their delivery boxes to pack patrons liquor purchased. Subsequently the boxes are being recycled and less plastic bags are being used. The waste output of a liquor store in general is much less than shops in general. Please also refer to our comments under paragraph 2.10.*

- 2.27. We are totally inundated with poachers and their reckless driving. This is an obvious breach of the law to which SAPS or Cape Nature for that matter are not responding adequately. Does anyone believe that either party would respond to drunk and disorderly behaviour. Betty's Bay is already permeated by crime. Alcohol feeds aggression in many people.**

*Poachers in the vicinity and their doings are not related to this application. Also refer to our comments under paragraph 2.14.*

- 2.28. The approval of the proposed consent use and amendment of the Title Deed would be fixed to the property and not the owner. Should the property be sold after approval has been obtained there would be no guarantees in place that the new owner would follow suit to also not sell low budget wines and beer quarts. There are no restrictions in terms of the definition of a bottle store of what kind of liquor may be sold.**

*Please refer to our comments under paragraph 2.20 above.*

- 2.29. The shelf life of liquor is very long and the price relatively expensive. The result is the normal household buy it at best price and use it over a long period of time. Most residents will thus not buy at the liquor store as the price will be high as the result of low turnover.**

*The application for consent use is to establish a Tops Liquor Shop within an existing business building. Being part of a great franchise will they be able to provide quality liquor at competitive prices.*

- 2.30. There is no justification as to why the Spar in Kleinmond should be replaced and lose business. The distance to travel to another bottle stores is well within the equivalent distances which would be travelled in Cape Town or Johannesburg or any other urban centre. The Spar in Kleinmond is well equipped and will lose business. If they lose business they will be forced to lay off workers. The current population of Betty's Bay is not projected to grow.**

*When considering any application, cognisance should be taken of the desirability of the contemplated utilisation of land by measuring it against the principles contained in the provisions of a relevant integrated development framework, sectoral plan, structure plan or zoning scheme regulations / by-laws, in so far as these relate to desirability, or of the effect of the application on existing rights, but not any alleged right to protection against trading competition.*

*It is our opinion that taking the growth of Betty's Bay into account that it justifies the establishment of a liquor shop and that it would not have a detrimental effect on the established liquor shops that are situated in the surrounding towns. No bottle store owner objected or raised any concerns during the public participation process.*

- 2.31. Unless you consider Betty's Bay to be full of raging alcoholics, alcohol purchase can easily be planned on one of the inevitable forays into town such as Kleinmond, Strand or Somerset West.**

*Please refer to paragraph 2.1 above.*

- 2.32. We note with surprise and dismay that Paragraph 3.5 of the motivation headed "Character of the Environment" does not contain any consideration or even a reference to the fact that we are dealing here with the buffer zone of South Africa's first Biosphere Reserve.**

*Please refer to our comments under paragraph 2.3 above.*

- 2.33. To make it clear, it would take the same time to drive to the Village centre in Betty's Bay to access a liquor outlet as it does to Kleinmond, where there are at least, a wider range of general shops and service outlets available.**

*Cognisance should be taken of the fact that Betty's Bay is  $\pm$  10km in width . Depending on where you live has a great impact on the distance required to travel to the liquor shops that are established in Pringle Bay and Kleinmond. Business will remain in Betty's Bay instead of residents commuting to adjoining towns to support businesses elsewhere. Because residents are not traveling to surrounding towns to purchase their liquor they would more than likely now also support the local shops and delis.*

- 2.34. The road infrastructure in the considered area is not suited for the kind of traffic that a liquor shop would incur.**

*Please refer to our comment under paragraphs 2.7, 2.23 and 2.24 above.*

- 2.35. Our village does not need a liquor store and even a supermarket of any kind. In the light of the high substance abuse, domestic disfunction and poor social conditions amongst some parts of our community, especially the township of Mooiuitsig, we consider it an unwise and insensitive move to open a Tops and Spar in Betty's Bay.**

*Please refer to paragraphs 2.2, 2.4, 2.5 and 2.18 above.*

- 2.36. The community of Betty's Bay has consistently rejected having a liquor store in Betty's Bay. This public sentiment continues still to this day as is reflected by the objections and should not be ignored.**

*As mentioned under our general comment above, only 12 percent of the residents responded to the notices that were sent and it should also be kept in mind that the application was also advertised in the local newspaper.*

*The majority of residents in Betty's Bay did not respond and it could be argued that the remaining extent of the township subsequently supports the consent use for the establishment of a Tops Liquor Shop within the existing small shopping centre. Not all the residents in Betty's Bay can afford to commute to adjoining towns due to the high fuel prices and small pension that they receive. Betty's Bay has expanded tremendously over the last couple of years where it is not only a small holiday village anymore, but a town that justifies a diversity of shops.*

- 2.37. Most of the people do their shopping in Kleinmond, Strand and Somerset West.**

*Please refer to our comments under paragraph 2.1 above. We would also like to mention the following comments received during the public participation process from residents of Betty's Bay.*

*"Betty's Bay needs a supermarket. With fuel prices sky high it will solve a lot of problems. Tops will be a winner. All the nice wine you can buy when you urgently need it."*

"I both personally, as a resident of Betty's Bay and the property portfolio holder of the Betty's Bay Ratepayers Association, have no qualms with regard to either a SPAR or TOPS coming to Betty's Bay, progress is inevitable together with the fact that many visitors/potential property owners always ask as to where would one buy groceries, etc. For Betty's Bay to be 'self-sufficient to a degree will go a long way to improving the offerings of Betty's Bay without losing the 'country feeling'."

**2.38. This will result in an escalation of crime in this area i.e. drunk driving and the illegal sale of liquor to persons under the age of 18 years.**

*Please refer to our comments under paragraph 2.6 above. Our client is also the owner of the Tops Liquor Shop in Grabouw. He runs a well-managed liquor shop and knows what the consequences will be if alcohol is sold to under aged persons. Our client will manage the proposed Liquor Shop in the same responsible manner.*

**2.39. Press reports have indicated that the Police in the Overstrand are under-staffed and poorly equipped. Their ability to contain crime in Betty's Bay is at present token and should not be aggravated by the sale of intoxication substances. If an additional distribution point for liquor is required, please locate it close to the Kleinmond Police Station or in Pringle Bay.**

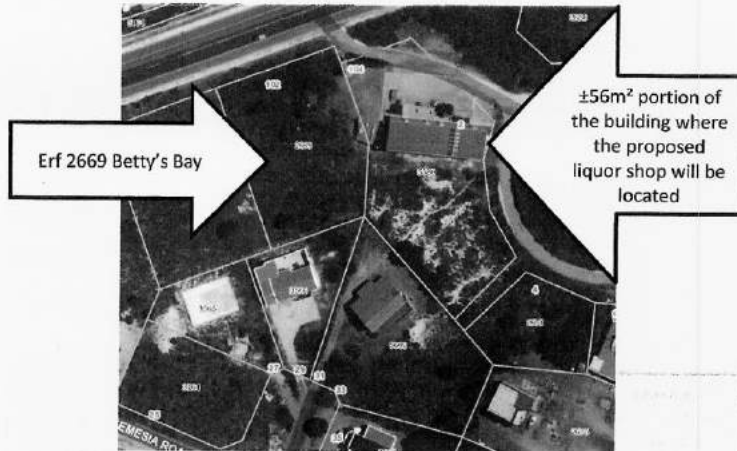
*The press reports referred to are not related to the general policing of our coastal towns but to combat the endless battle against poachers in the area. This matter is being addressed by the South African Police. We find the suggestion rather confusing to locate a liquor distributor to Pringle Bay as it is further from the Police Station in Kleinmond or to be located in Kleinmond where there are already 5 established Liquor shops.*

**2.40. No building of the suggested liquor store or its associated supermarket is undertaken before Clarence Drive in that area has been provided with a traffic calming arrangement. I would object to any additional shopping facilities associated with the area where the Caltex fuel station is without such traffic calming.**

*Please refer to our comments under paragraphs 2.7, 2.23 and 2.24 above.*

**2.41. I object unless a wall is built between my property (Erf 2669 Betty's Bay) and the bottle store and that all bottles that are thrown over the wall onto my property be picked up by the bottle store owner.**

*Please note that the proposed liquor shop is located on the far side of the building in relation to Erf 2669 Betty's Bay. Please refer to the aerial photograph below:*



*It is our opinion that being a business site and the location of the proposed Liquor shop that the impact of the business site in its current state and what is proposed will be similar.*

- 2.42. The application is only for a small portion of an existing building. There are also market stalls and additional toilet facilities indicated on the plan. even though the application is only for a small portion of ±56m<sup>2</sup> the application can only be evaluated if the full picture for the whole site is available.**

*The plans referred to were for the future development of the site within its current land use rights. Erf 5580 Betty's Bay is an established business site that can be developed within the parameters of the applicable land use restrictions. Our application does not constitute a rezoning to create a business premises but merely to make use of a consent use. Subsequently the application can be dealt with in its current format.*

- 2.43. My concern is the fact that parking and vehicular aspects of the whole development should be known and approved by way of a sufficient detailed SDP / TIA. The access from the R44 should be closed and only Coral Road should be used to gain access.**

*Please refer to paragraphs 2.7, 2.23 and 2.24 above.*

- 2.44. Parking onsite should be provide at a ration of 6 bays per 100m<sup>2</sup> and a loading bay should also be provided on-site.**

*A site plan for the building was approved with a total number of 12 parking bays. This plan was approved taking cognisance of the Section 8 Scheme Regulation contained in the Ordinance 15 of 1985. The regulations applicable at the time required less parking bays than what is required in the current Overstrand Municipality Zoning Scheme. Because we are not applying to extend the current building but to change the land use, the parking provided in the past should suffice.*

12 parking bays were approved on the building plan and 12 parking bays are still being provided on-site. Should the need arise for additional parking space ±88% of the subject erf is still vacant and can be utilised to establish sufficient parking.

- 2.45. The liquor store should not be operational before the Spar grocery store. The site should also be appropriately fenced for security purposes.**

*Being within an area where fencing is not promoted and the fact that the business premises is one of the largest business sites in Betty's Bay a fence would look out of place and could have a negative impact on the character of the area. The owner does have land use rights to develop the site within its current land use rights. One cannot dictate how development should be phased if existing land use rights exist.*

- 2.46. The current access point of Coral Road (or what appears to be Coral) onto the R44 is probably not only illegal but also problematic both from an ingress and egress point. Coral is very narrow at that point and with the somewhat steep approach gradient will also present stacking and visibility problems for motorists waiting to enter or exit the property. A widened road is essential, whether at its current access or a repositioned one, and should be wide enough to accommodate at least one car in each direction.**

*Please refer to paragraphs 2.7, 2.23 and 2.24 above.*

- 2.47. With more vehicular movements expected from the increased commercial activities on erf 5580 the access point on Porter Drive can become very problematic. There are already 9 (nine) turnoffs from Porter Avenue within about 400 hundred metres. Porter Drive is too narrow to properly accommodate such intensified traffic and there is no provision for any holding lanes or speed reduction slipways for turning vehicles.**

*Please refer to paragraphs 2.7, 2.23 and 2.24 above.*

- 2.48. The present narrow one-way system in Coral Road may cause problems for heavy delivery vehicles and could also result in conflicting movements with passenger cars.**

*Please refer to paragraphs 2.7, 2.23 and 2.24 above.*

- 2.49. The on and off loading areas of delivery vehicles must be carefully planned and provided. At present the rear wall is a solid blank wall with no access points/doors. Even if this were to be provided, it will still require road construction which could be problematic.**

*Please refer to paragraphs 2.7, 2.23 and 2.24 above.*

- 2.50. Practical loading areas will at present only be in front of the building thus compromising the car parking area. This may result in an inadequate car parking ratio. It should be at least 6 parking bays per 100m<sup>2</sup> gross leasable area excluding the loading zones.**

*Please refer to paragraphs 2.7, 2.23 and 2.24 above.*

- 2.51. Should parking be provided on the R44 such parking bays should not be included in the parking requirement referred to above.**

*No Parking bays are proposed on Clarence Drive (R44).*

- 2.52. Coral is currently a gravel road and should be tarred. With the gradient of Coral and the regular use by heavy vehicles it can be expected that,**

**especially in the rainy season, Coral could, in its present state, become impassable.**

*Please refer to paragraphs 2.7, 2.23 and 2.24 above.*

**2.53. Given the above mentioned traffic related matters it is imperative that a proper traffic study be done and a traffic flow and parking plan be developed.**

*Please refer to paragraphs 2.7, 2.23 and 2.24 above.*

**2.54. The approval of the Provincial Roads authority should be obtained as the current Coral/R44 access is unacceptable and dangerous.**

*Please refer to paragraphs 2.7, 2.23 and 2.24 above.*

**2.55. It is appreciated that although it might not be stated as a consent use condition it would nevertheless be a benefit if local labour, and specifically from Mooi Uitsig be employed.**

*The correct procedures will be followed to advertise any vacancies and the appointment of staff will be done in line with Labour Law legislation.*

### **3. Support:**

- 3.1. Betty's Bay is no longer a small rural community whose houses were mainly used for holiday purposes. According to somewhat outdated (possibly 2017) statistics there are 1 807 built erven (out of a total of 3 221) and with a permanent population of 2 600 in the 1 080 permanent households. According to some estate agents about 50 plus new houses have on average been built each year for the last 4 to 5 years - many of which are for permanent residents. As a result a SPAR has possibly become a viable option and so also a TOPS.
- 3.2. The nearest bottle stores are in Pringle Bay ( a smaller community than Betty's Bay) and without presenting any evident social problems and a few in Kleinmond – again without too many social problems.
- 3.3. It can be safely stated that most Betty's Bay property owners have liquor, and especially wines, in stock and also regularly offer their guests a social drink. The mere presence of a local liquor store could not have a detrimental effect on the daily lives of residents, but could save costs to travel to neighbouring towns while supporting the local Betty's Bay economy.
- 3.4. Assuming that the restrictive title condition is lifted then the consent use should not pose any serious problem other than specific issues relating to the locality, layout and topographical aspects thereof.
- 3.5. In die Boord Stellenbosch is 'n Spar met 'n drank winkel en oorkant die straat is die Medi-Clinic en dan die woongebied.
- 3.6. Daar was nog nooit probleme met persone wat hulle wangedra het of wat dronk was nie terwyl ek daar 20 jaar gewoon het. Met die toekomstige ontwikkeling van ons dorp sal dit 'n aanwinst wees en sou daar 'n probleem opduik dan kan dit met die bestuurder uitgeklaar word. Met die ander drinkplekke hier was daar maar min voorvalle van wangedrag. So ek sien nie 'n probleem met die Spar of die verkope van drank nie.

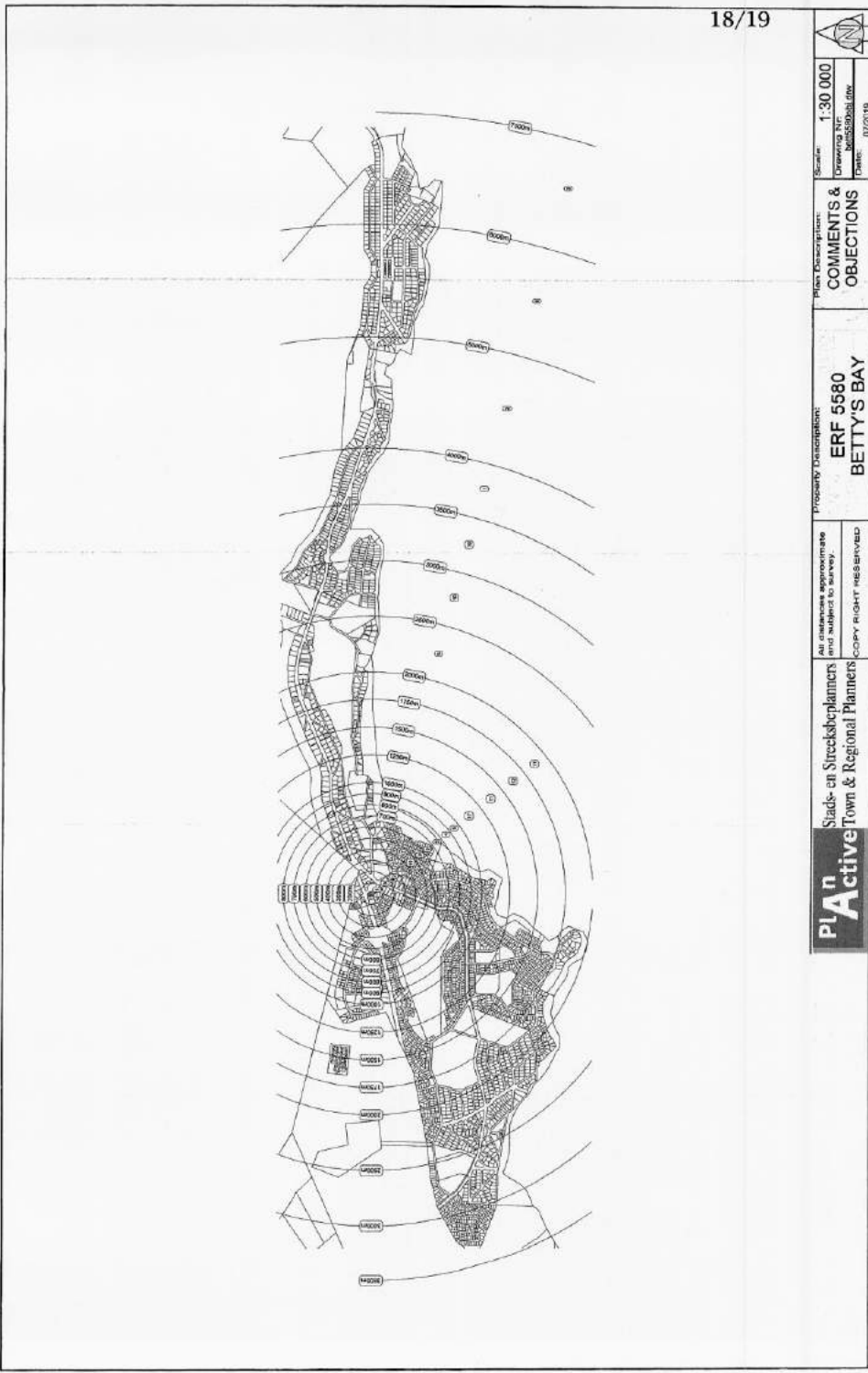
- 3.7. Betty's Bay needs a supermarket. With fuel prices sky high it will solve a lot of problems. Tops will be a winner. All the nice wine you can buy when you urgently need it.
- 3.8. I both personally, as a resident of Betty's Bay and the property portfolio holder of the Betty's Bay Ratepayers Association, have no qualms with regard to either a SPAR or TOPS coming to Betty's Bay, progress is inevitable together with the fact that many visitors/potential property owners always ask as to where would one buy groceries, etc. For Betty's Bay to be 'self-sufficient to a degree will go a long way to improving the offerings of Betty's without losing the 'country feeling'.
- 3.9. When considering this application it should be encouraged that local people are given first opportunity to apply for posts which will inevitably become available, which then already uplifts our area.
- 3.10. The NON selling of 750 ml quarts and cheap wine needs to be firmly controlled.
- 3.11. A condition which would be hugely welcomed by all, regardless of their stance, would be if the entire Coral circle was tarred, ie from Porter entrance, round past Camelot, past 5580, up to Clarence and down past Post Office and ASK security, meeting Porter entrance.
- 3.12. Everything in life is a choice, thus I as a resident of Betty's Bay have no qualms with the restrictions being lifted on Erf 5580 so as to accommodate a TOPS.
- 3.13. Hiermee word bevestig dat ek die eienaar is van 'n erf en woon alreeds 10 jaar permanent in Bettiesbaai. Die Spar sal n aanwins vir Bettiesbaai wees en hul drankwinkels was nog altyd baie netjies en goed bestuur. Dus het ek geen besware teen n Tops Drankwinkel nie.

We trust that you would find our comments on the objections in order and that the application will be dealt with favourably. We will keep the Overstrand Municipality informed of any further discussions with the DOT regarding the existing accesses to the site and if any amendments to the site plan is required.

Yours faithfully



John Mc Lachlan



Scale: 1:30 000  
 Drawing: N/A  
 Date: 07/02/19

Plan Description:  
**COMMENTS &  
 OBJECTIONS**

Proposed Subdivision:  
**ERF 5580  
 BETTY'S BAY**

All dimensions approximate  
 and subject to survey.  
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Stads- en Streeksplanners  
 Town & Regional Planners

**PI n  
 Active**

19/19

**Loretta Gillion - RE: Erf 5580, 2 Coral Road Bettys Bay**

**From:** <planactive@maxitec.co.za>  
**To:** "Loretta Gillion" <lpage@overstrand.gov.za>  
**Date:** 05/11/2019 08:06 AM  
**Subject:** RE: Erf 5580, 2 Coral Road Bettys Bay



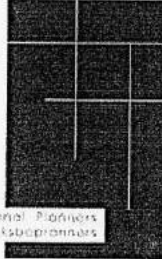
Thank you very much for your e-mail below. The objector provides no reasons for her objection and subsequently it does not conform to the requirements for a valid objection in terms of Chapter V, Section 52 of the Overstrand Municipality By-Law on Municipal Land Use Planning.

Kind regards

John Mc Lachlan

Tch. Pln B/8250/2014

MSAPI Nr. 10908



FILE NO:	EF 5580 / Bettys Bay
SCAN NO:	KBB 5580
COLLABORATOR NO:	1351276

Tel: 028 313 1673  
 Fax: 028 312 1351  
 web: [www.planactive.co.za](http://www.planactive.co.za)

**From:** Loretta Gillion <lpage@overstrand.gov.za>  
**Sent:** 04 November 2019 03:28 PM  
**To:** John McLachlan <planactive@hermanus.co.za>  
**Subject:** Fwd: Erf 5580, 2 Coral Road Bettys Bay

Middag John

Met betrekking tot bogenoemde aansoek, vind hierby aangeheg 'n **laat** beswaar op 15 Julie 2019. Die kommentaartydperk het gesluit op 24 Mei 2019. Die laat beswaar was telefonies bespreek, maar dit blyk ek het nagelaat om die beswaar aan te stuur vir aandag/bespreking. sien dus onderaan die beswaar vir u rekords/kennisname.

Jammer vir die oorsig in hierdie verband.

Groete

**Loretta Gillion**

TP

file:///C:/Users/loretta/AppData/Local/Temp/XPgrpwise/5DC12D9AHermanusMunp... 2019/11/05

## ANNEXURE H

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS &  
CONSENT USE: ERF 5580, BETTY'S BAY (2901/2019)**

Stormwater (SW) : In order  
Electricity : Eskom  
Water : In order  
Sewer : In order  
Roads and traffic : Refer to conditions 3, 4 & 5.

**Conditions**

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;
2. that should additional services connections be required, the owner will be responsible for the payment of bulk services levies;
3. that any proposal or plans to access the Trunk Road 27/1 provincial road will be subject to approval by the Western Cape Department of Transport and Public Works and all other relevant authorities.
4. that, the existing, illegal access off Truck Road 27/1 be permanently closed and;
5. that access to the property is taken via Coral Road;
6. that stormwater be allowed to discharge through Erf 5580, Betty's Bay, unobstructed;
7. that no on-street parking be allowed.

  
**DENNIS HENDRIKS**  
**SENIOR MANAGER:ENGINEERING SERVICES**

  
**DATE**



ANNEXURE J



## ROAD NETWORK MANAGEMENT

Email: Grace.Swanepoel@westerncape.gov.za  
tel: +27 21 483 4669  
Rm 335, 9 Dorp Street, Cape Town, 8001  
PO Box 2603, Cape Town, 8000

TP - A. Ahoort  
(H. J. d. Stoep)

REFERENCE: TPW/CFS/RP/LUD/REZ/SUB-21/197 (Job 27355)  
ENQUIRIES: Ms GD Swanepoel  
DATE: 28 October 2019

The Municipal Manager  
Overstrand Municipality  
PO Box 20  
HERMANUS  
7200

Attention: Ms H van der Stoep

Dear Madam

FILE NO:	CF 5580 ✓
	Betty's Bay
SCAN NO:	KBB 5580
COLLABORATOR NO:	1356828

**ERF 5580, 2 CORAL ROAD, BETTY'S BAY, OVERSTRAND MUNICIPAL AREA: TRUNK ROAD 27 SECTION 1: PROPOSED CONSENT USE AND REMOVAL OF TITLE DEED RESTRICTIONS**

1. Your letter 5580 KBB dated 27 September 2019 refers.
2. The subject property is located in Betty's Bay and takes access off Coral Road and it also has an illegally constructed access off Trunk Road 27 Section 1.
3. This application is for Consent Use and Removal of Restrictive Title Deed conditions in order to establish a liquor shop.
4. It is noted that the local road network is not completed as far as the link between Trunk Road 27 Section 1 and Coral Road is concerned.
5. This Branch offers no objection to the application in terms of the Land Use Planning Act, No 3 of 2014, subject to the following conditions:
  - 5.1 The illegal access off Trunk Road 27 Section 1, is immediately and permanently closed and
  - 5.2 Access to the property is taken via Coral Road.

Yours faithfully

**SW CARSTENS**  
For CHIEF DIRECTOR: ROAD NETWORK MANAGEMENT