



**MEETING OF THE
MUNICIPAL PLANNING TRIBUNAL
(MPT)**

A G E N D A

DATE:	27 SEPTEMBER 2017
VENUE:	TOWN PLANNING COMMITTEE ROOM HERMANUS
TIME:	14:00

OVERSTRAND MUNICIPALITY

Office of the Municipal Manager
Civic Centre
HERMANUS
7200

6 September 2017

TO : THE CHAIRPERSON AND MEMBERS OF THE MUNICIPAL PLANNING TRIBUNAL

CONVENING NOTICE : SESSION OF THE MUNICIPAL PLANNING TRIBUNAL (MPT)

NOTICE IS HEREBY GIVEN that a meeting of the **Municipal Planning Tribunal (MPT)** will go into session on **Wednesday, 27 September 2017 at 14:00, Town Planning Committee Room, 16 Paterson Street, Hermanus**, to consider the attached agenda.

**COENIE GROENEWALD
CHAIRPERSON : MUNICIPAL PLANNING TRIBUNAL**

Distribution:

1. Mr C Groenewald (Chairperson)
2. Mr S Müller (Vice-Chairperson)
3. Mr S Madikane (Member)
4. Mr R Williams (Member)
5. Mr R Kuchar (Member)
6. Ms H Janser (Member)
7. Mr S van der Merwe (Senior Town Planner)
8. Ms H van der Stoep (Senior Town Planner)
9. Secretariat

AGENDA OF THE MUNICIPAL PLANNING TRIBUNAL: 27 SEPTEMBER 2017

- 1. OPENING**

- 2. APPLICATIONS FOR LEAVE OF ABSENCE**

- 3. CONFIRMATION OF MINUTES**
- 3.1 Minutes of a Municipal Planning Tribunal Meeting held on 30 August 2017**

- 4. ITEMS FOR CONSIDERATION**
- 4.1 ERF 5553, 30 WALLERS ROAD, BETTY'S BAY, OVERSTRAND MUNICIPAL AREA : PROPOSED REZONING, DEPARTURE, CONSENT USE AND DEVIATION FROM SPATIAL DEVELOPMENT FRAMEWORK : MESSRS PLANACTIVE ON BEHALF OF BETTYSBAAI JEUGSENTRUM**

Report attached

MUNICIPAL PLANNING TRIBUNAL (MPT)

27 September 2017

I N D E X

ITEM

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NUMBER**

APPLICATIONS FOR LEAVE OF ABSENCE

- | | | |
|------------|---|----------|
| 4.1 | ERF 5553, 30 WALLERS ROAD, BETTY'S BAY, OVERSTRAND MUNICIPAL AREA : PROPOSED REZONING, DEPARTURE, CONSENT USE AND DEVIATION FROM SPATIAL DEVELOPMENT FRAMEWORK : MESSRS PLANACTIVE ON BEHALF OF BETTYSBAAI JEUGSENTRUM | 1 |
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AGENDA OF THE MUNICIPAL PLANNING TRIBUNAL: 27 SEPTEMBER 2017**4.1**

ERF 5553, 30 WALLERS ROAD, BETTY'S BAY, OVERSTRAND MUNICIPAL AREA : PROPOSED REZONING, DEPARTURE, CONSENT USE AND DEVIATION FROM SPATIAL DEVELOPMENT FRAMEWORK : MESSRS PLANACTIVE ON BEHALF OF BETTYSBAAI JEUGSENTRUM

5553 KBB (3553)

**H van der Stoep
13 July 2017**

(028) 313 8900

Hermanus Administration

1. EXECUTIVE SUMMARY

Applications have been received on 13 December 2016 from Messrs Plan Active on behalf of Betty's Bay Youth Centre on Erf 5553, Betty's Bay for the following:

- ❖ Rezoning in terms of Section 16(2)(a) of the aforementioned By-Law, from Resort Zone: Holiday Resorts (RZ) to Community Zone I: Community Facilities (CO1).
- ❖ Departure in terms of Section 16(2)(b) of the aforementioned By-Law, to relax the following:
 - Lateral building line with erf 4315 from 5m to 3,72m to accommodate the existing building A within the new building line of the proposed rezoned property; and
 - Street building line with Wallers Road from 5m to 0m to accommodate the existing building G & H within the new building line of the proposed rezoned property.
- ❖ Consent use in terms of Section 16(2)(o) of the aforementioned By-Law, for an institution in order to accommodate a frail care centre.
- ❖ Deviation from the spatial development framework in terms of Section 10(1) of the aforementioned By-Law, and in terms of the Municipal Systems Act, Act 32 of 2000 to accommodate a frail care centre on the proposed rezoned property.

A Locality Plan of the property concerned is attached as Annexure A. The proposed Site Development Plan is attached as Annexure B, while the Motivation Report from the applicant in support of the proposal is attached as Annexure C.

2. DECISION AUTHORITY

Municipal Planning Tribunal and Council

3. BACKGROUND / SITE HISTORY

Erf 5553 Betty's Bay, also known as "Mooihawens", is situated in Wallers Road and is located in the western side of Betty's Bay. The property was used as a holiday camp. The only period the property was not utilised as a holiday camp was during World War II when the property was utilised as a radar station. Three (3) radar stations were erected during the period.

AGENDA OF THE MUNICIPAL PLANNING TRIBUNAL: 27 SEPTEMBER 2017

During 1973 the Dutch Reform Church purchased and utilised it as a holiday retreat. During 2000, the property was purchased by the Youth Centre of Betty's Bay and used as tourist accommodation.

The structures on the property have historical value as per the Heritage Statement prepared by Raymond Smith and Liza Malan. Heritage Western Cape has given positive comments and has no objection against the application.

4. SUMMARY OF APPLICANT'S MOTIVATION

The application is for the change of the existing resort to a Frail Care Centre for people with Alzheimer Disease (Dementia). Due to the history of the site, the proposed development will be with a minimalist approach to accommodate the proposed uses in the existing structures, and also will have a minimal impact on the environment. The proposed use will have less impact than a resort, comparing to the accommodation of approximately 150 to 170 people. The latter is the amount that can be accommodated in terms of the resort zoning.

The proposed activity will cater for the Rooi Els to Kleinmond area, which is known as a retirement destination. People suffering from Dementia and or Alzheimer's usually have to relocate to other areas away from the family due to facilities not available in the area to cater for their needs. The facility will be able to assist people and their families to ensure quality of life.

The change of use will have no impact on municipal services. The present zoning of a resort has had more of an impact than the proposed facilities. The resort could cater for 170 people as a wedding venue, whilst the proposed development will accommodate approximately 150 people with no public facilities.

The Title Deed has no restrictions applicable to the proposed land use.

The Heritage value has been determined with the compilation of the Heritage Statement. Although some of the structures are dilapidated, the intrinsic value of the cultural and heritage value has informed the proposed development. A minimalistic approach is taken to upgrades and to ensure that the heritage value will remain intact.

In terms of the forward planning documents, the erf is indicated as Resort and thus a deviation is required to bring the Spatial Development Framework in line with the proposed application. The land use will have less of an impact and be an asset to the community and the Overstrand.

Building Departures:

The change of land use triggered the departure of building lines to accommodate the existing buildings. The general building line of 5m for the Community Zoning is applicable and thus the existing buildings transgress the aforementioned.

Building A: The encroachment is 1,28m

Buildings G & H: The encroachment is 5m.

The development proposal is as follows:

AGENDA OF THE MUNICIPAL PLANNING TRIBUNAL: 27 SEPTEMBER 2017

Existing Building A (1021m²):

The building was constructed in 2008 and has 14 flats. The proposal is that the flats be refurbished and be the frail care units. Each unit will have a bedroom, bathroom, kitchenette and living area.

All meals will be served in a dining hall, which will be located in a proposed addition to the building. The addition will make provision for a nurse's station, additional bathroom facilities, kitchen and dining facilities.

Parking: 18 bays for visitors and 9 bays for staff. Access onto the property will be controlled to ensure the safety of residents.

Building B (134m²):	Proposed use - offices and a laundry
Building C:	Ablution facilities
Building D (304m²):	Reminiscence therapy rooms and museum for residence of the frail care centre caring for the Alzheimer patients.
Building E (50m²):	Reception
Building F (231m²):	Same as Building D
Building G & H (174m²):	Storage and Ablution facilities
Building I (50m²):	Storage and Ablution facilities
Building J:	Water trough and will remain unchanged.
Building K (105m²):	4 Units residence of personnel
Building L (25m²):	Store room
Building M (244m²):	Recreational space
Building N (400m²):	Chapel and 2 Units, the latter for personnel housing

Parking: Total 38 parking bays

Building A:	18 parking bays
Building B:	9 parking bays
Building N&F:	7 parking bays
Building K:	4 parking bays

In the calculation of the parking required, a parking bay is earmarked for ambulance service, wheelchair friendly and a loading bay. Parking for the chapel and storage was not provided, since it will only be used by the inhabitants of the facility. Due to the nature of the facility it cannot be used by the public.

AGENDA OF THE MUNICIPAL PLANNING TRIBUNAL: 27 SEPTEMBER 2017Access:

Access will be obtained from Wallers Road. One (1) access is existing and the access point is located on the northern cite boundary. The latter will be the main entrance.

5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
Press	Yes	9 February 2017	17 March 2017
Gazette	Yes	10 February 2017	17 March 2017
Notices	Yes	9 February 2017	17 March 2017
Ward councillor	Yes	9 February 2017	17 March 2017
Total comments	ONE (1)		
Was public participation undertaken in accordance with Section 45 - 49 of the Proposed Draft By-Law on Municipal Land Use Planning?			Yes
Was the application processed correctly (if no, elaborate below):			Yes
Is the proposal consistent with the principles referred to in Chapter 2 of SPLUMA and Chapter VI of LUPA? (can be elaborated further below)			Yes

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

Name	Date received	Summary of comments	Recommendation
Fire Department	28/03/2017	Comply with National Fire Regulations.	Positive
Building Control	17/02/2017	Supported – in compliance with SANS 10400	Positive
Solid Waste	7/04/2017	Refuse area to be erected to municipal specifications.	Positive
Engineering Services	11/04/2017	Attached as Annexure F.	Positive
Western Cape Government : Environmental Affairs and Development Planning	5/05/2017	Will not impact on the character of the surrounding erven.	Positive

AGENDA OF THE MUNICIPAL PLANNING TRIBUNAL: 27 SEPTEMBER 2017

Heritage Western Cape	3/03/2017	Will not impact on heritage resources.	Positive
Local Heritage	17/02/2017	In compliance with Heritage Act 25 of 1999	Positive
District Health	6/03/2017	Kitchen must comply with Regulation 962 – Regulations governing general hygiene requirements for food premises, need to apply for a Certificate of Acceptability for the kitchen. Also need to apply for a Health Certificate for the frail care centre.	Positive
Operational Services	20/02/2017	No additional tanks – only service existing tanks.	Positive

7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATIONBetty's Bay Ratepayer's Association:

- That no development will commence before approval.
- Local residents get preference regarding admission.
- The development be for the purpose as motivated in the application.

8. SUMMARY OF APPLICANT'S REPLY TO COMMENTS

The applicant did undertake in writing that the conditions as per the Betty's Bay Ratepayer's comments will be adhered to.

9. MUNICIPAL ASSESSMENT OF COMMENTS**Town Planner's comment on objections**

Same as Point 8

Internal Departments

No objection has been received by the internal departments.

AGENDA OF THE MUNICIPAL PLANNING TRIBUNAL: 27 SEPTEMBER 2017

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

10.1 Background

The structures on the property were erected during World War II and other related building during 1952. The site is graded as a 3B and has a significant social and historical value. The recommendation of the Heritage Statement clearly indicated that structures remain intact and a minimalistic approach is followed to ensure the value of the property.

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 Justice

The proposed facility will create work opportunities for local residents and provide much needed services to people in the area who suffer from Alzheimer's.

Spatial sustainability

The proposed development will be minimalistic and make efficient use of existing buildings and services.

Efficiency

Existing municipal services will be utilised optimally with no additional impact on the services presently provided by the Municipality.

Spatial Resilience

The use of the existing structures enables the developer to withstand possible negative financial environment and climate change.

Good administration

The applicant did comply with the prescribed administrative process.

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

Same.

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

Same.

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

N/A

AGENDA OF THE MUNICIPAL PLANNING TRIBUNAL: 27 SEPTEMBER 2017**10.6 Impact on Municipal engineering services**

None.

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

Heritage report recommendation is adhered to.

10.8 Existing and proposed zoning comparisons and considerations

The change in use to Community Zone can be accommodated in terms of the Zoning Scheme.

11. THE DESIRABILITY OF THE PROPOSAL

The application for an Alzheimer Centre is appropriate for the Overstrand area, taking in cognisance that the area, in terms of demographics, has the oldest population in South Africa. The need for services for the elderly has become greater, and can be seen in the development of older persons medical facilities and specialised services that have been developed over the past 10 years.

The proposed application will assist the Municipality in providing essential social services for its community. The proposed development will make use of existing structures and services already existing on the property concerned. This is evident in the development proposal of the developer.

Due to the Heritage Statement, the developer has taken the grading of property into consideration and will keep the structures intact. The impact on the environment will thus be minimal. It is due to this quiet nature of the area that the facility will be ideal for the inhabitants in terms of their wellbeing. Family and visitors will be able to socialise with the inhabitants in a peaceful environment.

Due to the nature of the facility, it will not be accessible for the public but restricted to its inhabitant. The parking requirements are in line with the nature of the facility, and the chapel and storage use will be subservient to the facility and for its use only.

The deviation from the Spatial Development Framework is viewed positive, since forward planning cannot make provision for such specialised services depending on the need of the community. Thus, to sterilise land for the possibility of specialised institutions is not pro-active and has no value to the wider community. The impact will be less of a disturbance for the surrounding community and environment. The benefit is that the historical value of the property will be intact and upgraded.

The consent use for the Frail Care Centre is to still allow residents with privacy and the fact that many of the residents are not bed ridden and have able movement. The meals will be provided in the dining hall and the kitchenette is for basic needs such as the ability to make coffee, tea, etc.

The departures applied for are to accommodate buildings erected during the 50's. It is not for any new structures that will have to comply with the building line if constructed.

AGENDA OF THE MUNICIPAL PLANNING TRIBUNAL: 27 SEPTEMBER 2017

The application is recommended for approval.

12. RECOMMENDATION

1. that, in terms of Section 16(2)(o) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 (By-Law), an application for a consent use on Erf 5553, Betty's Bay in order to operate a Frail Care Centre on the property concerned, **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the application for departure in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 (By-Law) on Erf 5553, Betty's Bay to relax the building lines from 5m to 3,72 and 0m respectively to accommodate the existing buildings, **be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the application in terms of Section 16(2)(a) for the rezoning of Erf 5553, Betty's Bay from Resort to Community Zone I, **be approved** in terms of the provisions of Section 61 of the By-Law, and
4. that the approvals of 1, 2 and 3 above be subject to the following conditions:
 - (a) that building plans be submitted to the Building Department for approval and that all conditions of the Building- and the Fire Department be complied with;
 - (b) that the development be restricted to the Brigadoon Village Phase I, Site Development Plan, as submitted with the application;
 - (c) that the approval does not absolve the applicant / owner from compliance with any other relevant legislation;
 - (d) that all other development parameters, as prescribed in the relevant Zoning Scheme, be complied with;
 - (e) that all conditions in the Services Report (attached as Annexure F), be complied with;
 - (f) that the facility complies with Health and Safety Legislation and that this approval will be subject to regular inspections by the Fire Control Co-ordinator and the Health Inspector;
 - (g) that compliance with Fire Safety Regulations is pre requisite - SANS 10400T:2011;
 - (h) that a Fire Safety Competent Specialist be appointed;
 - (i) that a refuse area be created according to municipal requirements; and
 - (j) that the deviation of the Spatial Development Framework (SDF) be approved by Council as per the recommendation in Paragraph 5. of the resolution.

AGENDA OF THE MUNICIPAL PLANNING TRIBUNAL: 27 SEPTEMBER 2017**RECOMMENDATION TO COUNCIL:**

5. that the application for the deviation of the Spatial Development Framework, 2006 and Growth Management Strategy, 2010 in order to utilise Erf 5553, Betty's Bay for Community Zone I in terms of the Municipal Systems Act, 2000 (Act 32 of 2000), **be recommended for approval.**

13. REASONS FOR RECOMMENDATION

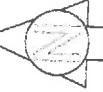
- A much needed facility in existing structures that will be upgraded.
- The Heritage value of the property will remain intact
- No objections from the Departments and or public
- Heritage Western Cape approve the application
- The deviation is site specific.

14. ANNEXURES

Annexure A:	Locality Plan
Annexure B:	Site Development Plan
Annexure C:	Motivation Report
Annexure D:	Objection received
Annexure E:	Applicant's response to objection received
Annexure F:	Services Report

SIGNATURES**REGISTERED PLANNER**

Name :	H VAN DER STOEP
SACPLAN registration number:	A/1708/2013
Signature :	_____
Date:	_____



PLANNING
Stads- en Streeksbeplanners
Town & Regional Planners

All distances approximate
and subject to survey.
COPY RIGHT RESERVED

Property Description:
**ERF 5553
BETTY'S BAY**

Plan Description:
LOCALITY MAP

Scale: **NTS**
Drawing Nr: **Bett5553L.drw**
Date: **12/2016**

**APPLICATION FOR REZONING, CONSENT
USE, DEPARTURE AND DEVIATION
FROM THE SPATIAL DEVELOPMENT
FRAMEWORK**

ERF 5553 BETTY'S BAY

1. **BACKGROUND**

The owner, Bettysbaai Jeugsentrum (Betty's Bay Youth Centre), of 5553 Betty's Bay, has instructed Plan Active Town and Regional Planners to apply for a rezoning, consent use, departure and deviation from the Spatial Development Framework in order to accommodate a frail care centre caring for people that suffers from Alzheimer's Disease (Dementia).

Erf 5553 Betty's Bay (Mooihawens) is situated in Wallers Way that is situated in the western portion of the Betty's Bay Township. Erf 5553 Betty's Bay, formerly erven 2380, 2381 & 2403 Betty's Bay situated at Stoney Point was also part of the Farm Hangklip. The subject property was used as a holiday camp with a tea room and restaurant.

During World War II a number of properties in Betty's Bay were requisitioned for military purposes to install radar systems monitoring Allied Forces supply ship convoys around the Cape which were vulnerable to attacks from German U-boats and surface attacks.

The following 3 Radar systems were constructed:

- one at Hangklip situated high up the mountain with personal headquarters at the foot the mountain where the Hangklip Hotel is;
- a second installation was situated at Silversands;

- at Stoney Point / Mooihawens a Transportable radar unit was installed that was setup to detect high flying aircraft.

Woman were recruited to be trained as radar system operators and to work in the filter rooms. They worked in 5 hour shifts and shared the barrack accommodation at Mooihawens with male technicians and officers.

In 1973 erven 2380, 2381 & 2403 Betty's Bay were purchased by the Dutch Reform Church that also utilised the properties as a holiday retreat. In 2003 erven 2380, 2381 & 2403 were consolidated to create Erf 5553 Betty's Bay and was sold to the Jeugsentrum Bettysbaai in 2005 that is currently managing the site as a tourist accommodation establishment.

The above history information was obtained from a Heritage Statement dated October 2014 prepared by Liza Malan and Raymond Smith.

It is now proposed that the land use be changed from a resort to a frail care centre as mentioned above.

2. APPLICATION DETAILS

2.1 Property Description

Erf 5553 Betty's Bay is 2.051ha in extent, held by Title Deed T56039/2005 and is situated in Wallers Way situated in the western portion of Betty's Bay. Please refer to the enclosed locality map.

The property is within an area of natural beauty and is primarily used for resort purposes. The following structures are established on the site:



Identification of Buildings & Heritage Resources on Site

- A - New flats built 2008
- B - Living unit & laundry room (1954 ?)
13 x 11m; single storey; painted & plastered, brick walls. 10 deg. double pitch asbestos roof; contemporary wood window frames
- C - Barreck extension 2008
10 x 7m - Ablutions: single storey, painted, plastered brick walls. 20 deg. double pitch asbestos roof; contemp wood window frames
- D - Barracks - west wing (1942/3)
30 x 7m; single storey, 9 single rooms; sea facing verandah; concrete floors, creosoted pine boards on pine stud frame, steel window frames with contemporary wood insertions; 20 deg. double pitch asbestos roof, square posts replaced by round; interior & exterior intact.
- F - Reception (1954 ?)
9 x 5m, single storey, painted & plastered brick walls. 20 deg. double pitch asbestos roof; contemp wood window frames.
- F - Barracks - east wing (1942/3)
24 x 7m, single storey, 9 single rooms, sea facing verandah; concrete floors, creosoted pine boards on pine stud frame, steel window frames with contemp wood insertions. 20 deg. double pitch asbestos roof, interior & exterior intact.
- G - Ablution (1954 ?)
6 x 4m, painted & plastered brick walls. 10 deg. mono asbestos roof
- H - Store room (1954 ?)
9 x 4m, painted & plastered brick walls, 10 deg. mono asbestos roof
- I - Ablution (1954 ?)
6 x 4m, painted & plastered brick walls. 10 deg. mono asbestos roof
- J - Water trough (1930's ?)
4.5 x 2m, 500mm height, plastered & painted clay brick
- K - Worker housing (1954 ?)
19 x 4m; single storey, painted & plastered brick walls. 10 deg. roof
- L - Store rooms (1954 ?)
4 x 3m & 4 x 4m, single storey, painted & plastered brick walls. 10 deg. mono-pitch asbestos roofs.
- M - Dining / Function Hall (1942/3)
20 x 10m, single storey, painted & plastered brick walls, stone plinth. 20 deg. double pitch asbestos roof; see guidelines for renovation work.
- N - "Kliphuis" (Conference offices & living) (1942 (see Fig's 42-56 p30-34)
Single storey, U shaped building; 2 x wings of same pine construction as the barracks. 27 x 6.5m each, with painted & plastered brick linking element of 19 x 6m. 20 deg. double pitch asbestos roofs; steel window frames; interior & exterior intact.
- O - Spider Gum trees (Eucalyptus lohmanni) (1942/3)
- P - Tennis court foundations (1954 ?) (see Fig.61, p35 & 65, p36)
39 x 15m, double brick foundation & broken up asphalt surface



A - New flats (built 2008), looking west (L.Malan, 2014)



B - Living unit (built 1954 ?), looking north-east (L.Malan)



C - Barrack extension (built 2008), looking east (L.Malan)



D - Barracks - west wing (built 1942/3), looking east (L.M)



E - Reception (built 1954?), looking south-west (L.M,2014)



E - Reception (built 1954 ?), looking north (L.M,2014)



Fig.29 F - Barracks - east wing (built 1942/3),looking n-east (L.M)



Fig.30 F - Barracks - east wing (built 1942/3),looking s-west



G, H & I - Ablutions on left & right with store room in middle (built 1954 ?), looking east



I - Ablutions, looking west (built 1954?) (L.M, 2014)



J - Water trough (built 1930's?), looking east (L.M)



J - Water trough (built 1930's?) (L.M, 2014)



K - Worker housing (built 1954?)



L - Store rooms (built 1954?), looking north (L.M, 2014)



M - Dining/ Functions hall (built 1942/3), looking south-east



M - Dining/ Functions hall (built 1942/3), looking south-west



N - "Kliphuis" Conference/ offices/ living unit (built 1942)



N - "Kliphuis" Conference/ offices/ living unit (built 1942)

The above photographs are abstracts from a Heritage Statement dated October 2014 prepared by Liza Malan and Raymond Smith.

All service infrastructures such as water reticulation, sewer system, electricity and access roads have been constructed by the previous owners and will be sufficient to provide the proposed frail care centre with services.

2.2 Application

The application entails the following:

- Change of the land use of the existing resort to a frail care centre caring for people that suffers from Alzheimer's Disease (Dementia);
- Make use of the existing structures on-site of which the uses of some structures will change and become auxiliary buildings to the frail care centre;
- Renovate and upgrade existing buildings;
- Extend existing Building A;
- To make provision for strategically located parking areas.

Application is therefore made for the following:

- Chapter 4, Section 16(2)(a) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, for the rezoning of the property to Community Zone 1.
- Chapter 4, Section 16(2)(b) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, for a departure in order to accommodate existing buildings within the new building lines.
- Chapter 4, Section 16(2)(0) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, for a consent use for an institution in order to accommodate a frail care centre.
- Deviation from the Spatial Development Frame Work for which provision is made for in terms of Section 10(1) of the Overstrand Municipality By-Law on Municipal Land Use Planning and Chapter 4 Section 22(2) of the Spatial Planning Land Use Management Act.

3. ZONING

Erf 5553 Betty's Bay is zoned Resort Zone in terms of the Overstrand Municipality Zoning Scheme.

4. LAND USE

As mentioned earlier in this report, Erf 5553 Betty's Bay is still being used as a resort. The following buildings are situated on the subject erf being used for tourist related uses:

Identification of Buildings

- A - New flats built 2008
- B - Living unit & laundry room (1954 ?)
13 x 11m; single storey; painted & plastered, brick walls; 10 deg. double pitch asbestos roof; contemporary wood window frames
- C - Barrack extension 2008
10 x 7m - Ablutions: single storey; painted, plastered brick walls; 20 deg. double pitch asbestos roof; contemp wood window frames
- D - Barracks - west wing
30 x 7m; single storey; 9 single rooms; sea facing verandah; concrete floors; creosoted pine boards on pine stud frame; steel window frames with contemporary wood insertions; 20 deg double pitch asbestos roof; square posts replaced by round; interior & exterior intact.
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4.5 x 2m; 500mm height; plastered & painted clay brick
- K - Worker housing (1954 ?)
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- M - Dining/ Functions hall (1942/3)
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- N - "Kliphuis" (Conference offices & living)(1942)
Single storey, U-shaped building; 2 x wings of same pine construction as the barracks, 27 x 6.5m each, with painted & plastered brick linking element of 19 x 6m; 20 deg. double pitch asbestos roofs; steel window frames; Interior & exterior intact.
- O - Spider Gum trees (Eucalyptus lehmanni)(1942/3)
- Tennis court foundations (1954 ?)
39 x 15m; double brick foundation & broken up asphalt surface

The following infrastructure exists:

- Access roads;
- All services: Water, electricity, sewage and refuse disposal.

5. PROPOSAL

As mentioned in this report, it is proposed that the existing resort be changed into a frail care centre that would be caring for people that suffers from Alzheimer's Disease (Dementia). In order to accommodate a frail care centre on Erf 5553 Betty's Bay it would be required that the property be rezoned from Resort Zone to Community Zone 1. Under Community Zone 1 provision is made for an institution. The definition for an institution reads as follows:

"institution" means a property used as a social, health or welfare facility, or for the administration thereof and includes a hospital, special needs school, clinic, homes for the aged, indigent or handicapped, a reformatory or place of detention, whether of commercial or charitable nature, but does not include a jail;

With reference to the proposed site development plan, the proposed land uses can be described as follow:

- **Existing Building A ($\pm 1021\text{m}^2$)**

This building was constructed in 2008 and has 14 flats. It is proposed that the 14 flats be refurbished in order to accommodate 14 frail care residential units. Each unit will accommodate a single patient. The internal layout of each unit will consist of a bedroom, bathroom, living area and kitchenette. All meals will be enjoyed at a dining hall that will be located within the proposed extension of the building complex, Building A. No meals will be prepared by patients in their frail care unit.

A building addition of 177.75m^2 is proposed in order to make provision for a nurses station, additional bathroom facilities, kitchen facilities and dining facilities. Furthermore an open stoep of 80m^2 is also proposed. The building is currently $\pm 1021\text{m}^2$ in extent and will be $\pm 1198.75\text{m}^2$ after alterations and additions.

In the vicinity of Building A, 18 visitors parking bays are proposed and 9 additional parking bays for staff members and supplier parking. Access to the property and frail care centre will be accessed controlled for the safety of the residents.

- **Existing Building B ($\pm 134\text{m}^2$)**

Building B is currently used as a living unit and a laundry. The existing building will be refurbished and used as 2 offices and a laundry.

- **Existing Building C**

Building C is an addition to the old barrack Building D. Building C is the ablution facilities for the barrack that is used for holiday accommodation purposes. Please note that with the rezoning of the subject property it will not be used for resort purposes any longer. Building C and its use as ablution facilities will remain unchanged.

- **Existing Building D ($\pm 304\text{m}^2$)**

Building D is the West Wing Barrack that was built in 1942/1943. This barrack will be used as reminiscence therapy rooms with period interiors (museum) for residence of the frail care centre caring for Alzheimer patients.

- **Existing Building E ($\pm 50\text{m}^2$)**

Building E is the reception and will be utilised as a props storage room. This Building will remain unchanged.

- **Existing Building F ($\pm 231\text{m}^2$)**

Building F is the East Wing Barrack that was also built in 1942/1943. This barrack will also be used as reminiscence therapy rooms with period interiors (museum) for residence of the frail care centre as mentioned above.

- **Existing Building G & H ($\pm 174\text{m}^2$)**

The Existing building labelled G & H on the site development plan was constructed in 1954 and is used as storage and also ablution facilities. The land use of this building will remain unchanged.

- **Existing Building I ($\pm 50\text{m}^2$)**

The Existing building labelled I on the site development plan was also constructed in 1954 and is being used as storage and also ablution facilities. The land use of this building will also remain unchanged.

- **Existing Building J**

Building J refers to a water trough situated east of the building labelled G & H. With reference to Paragraph 2.1 above that contains photographs of the trough it can be seen that it is a ruin. The trough will remain unchanged.

- **Existing Building K ($\pm 105\text{m}^2$)**

Building K consists of 4 units that are currently used as worker's housing. With reference to the size of the site, the upkeep of the grounds and buildings it would be required that the land use of Building K be retained. Building K will therefore still be used for the purpose of housing workers.

- **Existing Building L ($\pm 25\text{m}^2$)**

Existing Building L is a store room and the land use of this building will remain unchanged.

- **Existing Building M ($\pm 244\text{m}^2$)**

Building is being used as a dining and function hall. The land use of Building M will change to make provision for recreational space for the residents.

- **Existing Building N ($\pm 400\text{m}^2$)**

Building N is also known as the "Kliphuis" and is being used as a chapel, an office and 2 living units. It is proposed that the "Kliphuis" be used as a chapel for residence of the frail care facility only and the 2 living units will also be retained and used for staff / workers accommodation.

- **PROPOSED PARKING AREAS**

With reference to the site development plan provision is made for 4 parking areas that can be summarised as follow:

- A parking area consisting of 18 parking bays is proposed directly north and abutting Building A, these 18 parking bays will be for the use of visitors.
- A parking area consisting of 9 parking bays is proposed directly south and abutting Building B. These 9 parking bays will be for the use of staff members and supplier's vehicle parking.
- A parking area consisting of 7 parking bays is proposed north-east of Building N and south of Building F. These parking bays will be used as additional visitors parking.

- A parking area consisting of 4 parking bays are proposed east of Building K and will be for the sole use of workers residing within the 4 workers housing units.

The detail of the parking and the calculation thereof will be described below in paragraph 7.

6. BUILDING LINE DEPARTURE

With reference to the site development plan and the buildings that were surveyed, some of the buildings encroach the new building lines that will be applicable to the site once the rezoning is approved.

With this application it is proposed that Erf 5553 Betty's Bay be rezoned from Resort Zone to Community Zone 1 with a consent use for an institution and would the land use restrictions under this zoning apply. Subsequently the building lines on all boundaries will be 5m.

The corner of Building A located in close proximity of the western boundary of the erf encroach the building line. The corner of the building is located 3.720m from the erf boundary and it would therefore be required that we apply for a building line relaxation to make provision for the 1.280m encroachment to accommodate the existing building.

The building labelled as G & H is situated on the northern street boundary abutting Wallers Way. In order to accommodate this existing building it would be required that the building line be relaxed from 5m to 0m.

Please note that the application for the building line relaxation of the structures mentioned above is to accommodate existing structures. It is not proposed that any new structure be built within the prescribed building lines.

7. ACCESS ROADS AND PARKING

With reference to the site development plan there are 2 access points from Wallers Way. The first access is situated north-north-east of Building K and is being used by the workers residing in the 4 workers housing units to access the parking area as depicted on the site development plan as being parking bays No.35-38. (4 Parking Bays)

A second access exists of Wallers Way situated between Buildings E and F and on the northern site boundary. This access can be seen as the existing main access and provides access to the additional visitors parking bays Nr.28-34. Parking bays No.1 to 27 is also accessible from the last mentioned access, but the new proposed access described below will function as the main access to Buildings A and B and parking bays No.1-27.

As mentioned above a new additional access is proposed between Buildings A and C on the northern boundary. This access will be the main access to the frail care facility and the visitors parking bays No. 1-18 and the staff / supplier parking bays No. 19-27 as depicted on the site development plan.

With reference to the Overstrand Municipality Zoning Scheme the calculation for the provision of parking are as follows:

- With reference to the minimum off-street parking requirements it is our opinion that the most suited land uses to make use of for the calculation of the parking requirements is hospital / clinic or retirement home. The parking requirements is prescribed as being 1 parking bay per bed and 4 bays per consulting room for a hospital / clinic and 1 parking bay per bedroom plus 0.25 parking bays per frail care bed.
- It also our opinion that 1 parking bay per staff / workers unit would be sufficient.

Parking bays No. 1-18 are parking bays allocated for the sole use as visitors parking, 18 Parking bays are provided, 14 frail care units are proposed within the existing Building A. with reference to both parking schedule scenarios mentioned above the parking bays required can be calculated as being 14 and 17.5 respectively. Taking the worst case scenario into consideration the 18 parking bays that are provided will be in order. Please take note that patients residing at the facility do not have the ability to drive a motor vehicle any more. The parking bays allocated would therefore be mainly for visitors only. It is proposed that parking bay No.1 be utilised as a dedicated loading bay and Parking Bay 18 is a dedicated wheelchair friendly parking bay.

In addition to the 18 parking bays a further 9 parking bays are provided east of Building A and south of Building B, No. 19-27. These parking bays are allocated to staff members and supplier vehicles. It is proposed that parking bay No.19 is a dedicated ambulance parking bay, parking bay No.20 is a wheelchair friendly bay and parking bay No.21 is a

loading bay.

7 visitors parking bays are proposed north-east of Building N and consists of 2 wheelchair friendly parking bays and 5 standard parking bays.

4 Parking bays have also been provided at Building K to be used by the residents of the 4 workers / staff accommodation units.

A total of 38 parking bays are provided on site and it is our opinion that it will be sufficient. Please refer to the table below that summarises the parking requirements and the provision of parking:

Proposed Land Use	Parking Requirement	Parking bays required
14 Frail Care units	1 Parking bay per frail care room and 4 parking bays per consulting room =18	18
2 Offices & Laundry	6 Bays per 100m ² GLA	8
6 Workers / Staff Accommodation	1 Parking bay per unit	6
Chapel	1 parking bay per 6 seats	0 parking bays are provided, the chapel will be accessible only to the residents of the frail care rooms and staff
Storage rooms	2 bays per 100m ² GLA	0 Parking bays are provided. storage rooms to be used by staff members and residents of the frail care centre.
TOTAL		32

With reference to the table above a total number of 32 parking bays area required. With this application the total number of parking bays provided is 38 and will be sufficient to cater for visitors, staff, medical vehicles and delivery vehicles.

It should be kept in mind that all buildings on site relates to the frail care centre (Building A) and to be utilised by the residents of 14 frail care units. After the approval of this

application the property will not be utilised as a resort and buildings will also not be rented out for functions. All buildings will be utilised by the owners as stated in Paragraph 5 above.

8. PROVISION OF SERVICES

All services with regards to the provision of water, electricity, sewerage and refuse removal exist. The property is currently functioning as a resort that consists of the following:

- 14 Flats that accommodates 4-6 people per flat or 16 rooms that sleeps between 3 and 8 people each;
- Dormitory style accommodation within the barracks that sleeps 7-16 people per room.
- Overnight accommodation of groups of ± 170 people can be accommodated on-site;
- Wedding venue.

With this application the number of people and land uses that will be accommodate on-site can be described as follow:

- 14 Patients;
- Staff members;
- Office personnel;
- 8 workers residing on the property.

The number of people that will be accommodated on-site will drastically decrease from 170 people to ± 40 to ± 50 people that include all staff members, frail care residents, and workers residing on the premises. It is therefore our opinion that the current services provided will be sufficient to service the site for the proposed land uses as set out above.

9. CHARACTER OF THE ENVIRONMENT

It is proposed to make use of an existing resort and its infrastructure to create an institution that will consist of a frail care facility specialising in care for people that suffers from Alzheimer Disease (Dementia). Primarily the existing 14 flats that were constructed in 2008

will be refurbished and extended to make provision for 14 frail care units, additional toilet facilities, kitchen, dining facilities and nurses station. All other buildings on-site will remain as is but their land use will be changed as mentioned in our Paragraph 5 above.

A minimalist approach was taken for the development due to the history of the site and therefore it is proposed that all structures be retained but only the usage thereof be changed. The current zoning of the subject erf is Resort Zone and will be changed to Community Zone 1 with a consent use for a institution. A minimalistic approach was used to accommodate the various proposed land uses within existing structures and therefore the impact on the character of the area will be minimal.

10. POTENTIAL OF THE PROPERTY (DESIRABILITY OF THE PROPOSED UTILIZATION)

The subject property will be rezoned and the land use of the existing structures on-site will now be utilised as a frail care centre and associated auxiliary buildings. The proposed change of land use from resort to frail care centre will have a lesser impact on the surrounding land owners due to the fact that only 14 frail care units are proposed that sleeps a single person per unit and associated auxiliary buildings versus a resort that can accommodate up to 170 guests.

The area that includes Rooi-Els, Pringle Bay, Betty's Bay and Kleinmond is very popular as a retirement destination. Subsequently the need arises for frail care uses and other social related land uses. There will also now be a care facility in the area that caters for people that suffers from Alzheimer Disease (Dementia) and that had previously to be treated and cared for elsewhere. Therefore people that have been residents in the area would have to relocate and most of the time has the leave their friends and family behind. Establishing a frail care facility on Erf 5553 Betty's Bay will be great asset to the area.

3.3 TITLE DEED

There are no restrictive title deed conditions in Title Deed T56039/2005 that will have to be removed to accommodate the proposed frail care establishment. The frail care establishment falls under the zoning of "Institution" and the Title Deed makes specific

provision for such a land use. Please refer to page 16, paragraph (C)5.(a) that reads as follows:

"This erf shall be used solely for the purpose of erecting thereon one dwelling, a residential building or an **institution**, or other buildings for such purpose as the Administration may, from time to time after reference to the Township Board and the local authority, approve, provided that if the erf is included within the area of a Town Planning Scheme, the local authority may permit such other uses as are permitted by the Scheme subject to the conditions and restrictions stipulated by the scheme."

With reference to our application for the relaxation of the building lines the Title Deed also has no restrictions. Please refer to page 16, paragraph (C)5.(b)(i) that reads as follows:

"no building or structure or any portion thereof except boundary walls and fences shall be erected nearer than 4.72 mts. To any boundary **other** than the boundary common to Portion 43 of the farm "Hangklip"

Portion 43 of the Farm Hangklip is therefore exempt from the above prescribed building line. Please refer to Diagram 1632/52 that depicts Portion 43 of the Farm Hangklip and the built structures. It should also be noted that the above mentioned condition(C)5.(b)(i) was only imposed in 1967. Portion 43 of the Farm Hangklip later changed to Erf 2381 Betty's Bay that was consolidated with erven 2380 and 2403 Betty's Bay to create the subject erf, Erf 5553 Betty's Bay.

There are no bonds registered against the subject erf. Please refer to the copy of the Title Deed that shows a bond endorsement dated 9 February 2006 that was cancelled as per the endorsement dated 14 September 2009.

3.4 OTHER RELEVANT LEGISLATION FOR CONSIDERATION OF THE APPLICATION

3.4.1 HERITAGE VALUE

In terms of the Overstrand Heritage Survey report the Erf 5553 Betty's Bay has heritage grading, 3B. Please refer to an abstract of the report below for easy reference.

Mooihawens - old coast guard barracks	5553	Cape Hangklip coastal terrace Betty's Bay	3B	Social historical link with WWII sites along the Cape Peninsula and the West Coast Considerable significance as representative and intact examples of WWII accommodation for radar staff. Significant also in terms of dramatic coastal use and continued semi
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A Heritage Statement was also compiled by Lize Malan and Raymond Smith in October 2014. Please refer to an abstract of the statement, Page 39, Paragraph 8 dealing with the "Analysis, Grading and Statement of Cultural Significance" below:

Analysis, Grading and Statement of Cultural Significance

Previous Evaluation and Grading

In the official survey by OHLG¹⁷ of 2009 which was commissioned by the Overstrand Municipality, the site in question was regarded as significant for its historical link with WW II sites along the Cape Peninsula and as having representative and intact examples of WWII accommodation for radar staff. It was also noted for its continued semi-public accommodation use in a dramatic coastal context.

The HIA undertaken by Aikman Associates in 2001 identified the two barrack structures on the north boundary as significant and recommended that these be retained. The resultant HWC decision and recommendation were as follows:

1. That consideration should be given to preserve as many of the existing prefabricated structures as possible, since they have intrinsic historical value. This can be done by relocating these structures on the premises and using the same.
2. That archaeological assessment is to take place during construction and with the relocation of the existing prefabricated structures by an accredited archaeologist.
3. That the architectural treatment of the proposed structures is required to be in keeping with that of the local area.¹⁵

Present Evaluation and Grading

Although a degradation in authentic fabric has taken place due to unfortunate alterations and renovations on some structures, the sense of place and over all character still convey its imbedded historical qualities. Having considered the resources and qualities associated with Erf 5553, Betty's Bay, this report confirms the officially ratified III B grading of the site.

Proposed grading of individual structures: East barrack – III B; West barrack – III C; Kliphuis – III C; Function hall – III C; Water trough – III B. All other structures on the site lack heritage value and are therefore not graded.

Statement of Cultural significance

Intrinsic architectural qualities exist with specific reference to the authentic barracks (D & F) and "Kliphuis" (N). It contains rare surviving examples of temporary WW II barrack accommodation.

Contextually the property contributes positively to the public/ private spatial interaction while adding value to the streetscape and townscape character. Together with Erven 2392, 2393 and 2394, which are the nearby sites where the actual radar antennae and monitoring facilities were installed, as well as the Hangklip site, it forms an important grouping to convey the storey.

Associative values embedded in the property is of high historical value with special reference to the work of the SSS and South Africa's role in WW II radar activity which played a significant part in protecting Allied ship convoys around the Cape. This contributes to the historic role and identity of the place while serving public memory. It is also noteworthy that the founder of the Special Signals Services, BFJ Schonland, and other core personnel as responsible for the establishment of CSIR.

With reference to the abstracts above pertaining to the heritage value of the site a minimalist approach was taken as mentioned previously in this document. All buildings will remain, and the only additions proposed are proposed for Building A that consists of 14 flats, that was constructed in 2008 and that has no historic value. It is our opinion that with the minimalist

approach taken the historic value of the site will remain intact and that the proposed application will not have a negative impact on the historic value of the site.

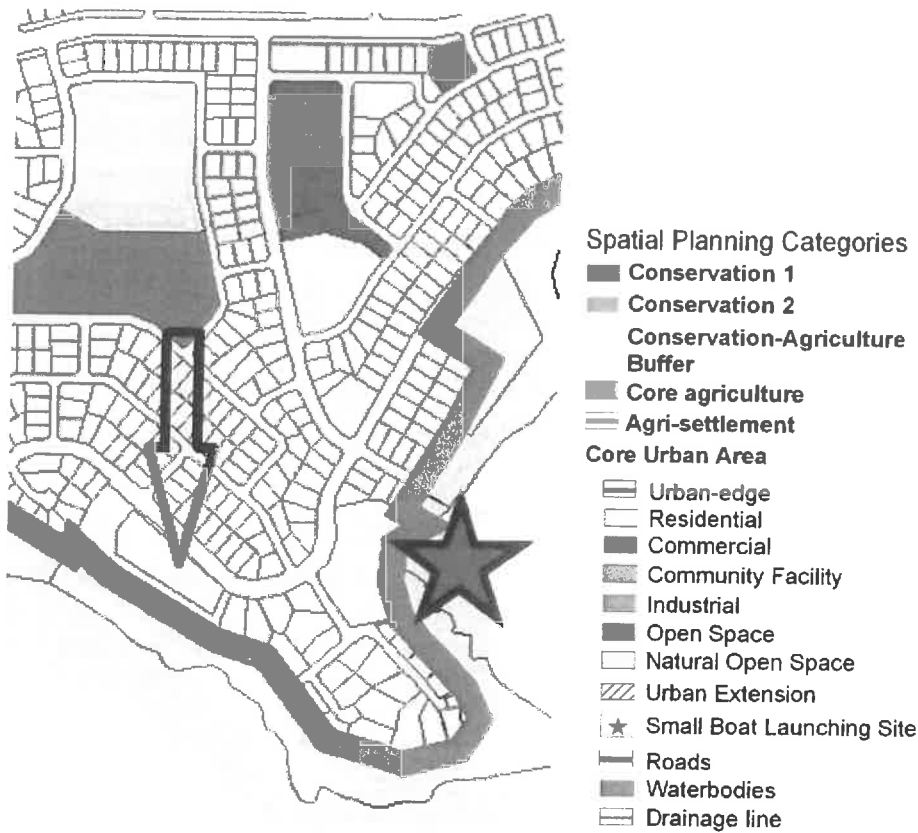
3.4.2 IMPACT ON THE BIOPHYSICAL ENVIRONMENT

A minimalistic approach was taken to make provision for a frail care centre as motivated above. The property is already disturbed due to the fact that it was utilised mainly as a resort. All buildings will be retained and refurbished with the exception of Building A, the 14 flats that were constructed in 2008. Renovations and additions will be made to this building to make provision for 14 frail care units, ablution facilities, kitchen, dining room and nurses' station.

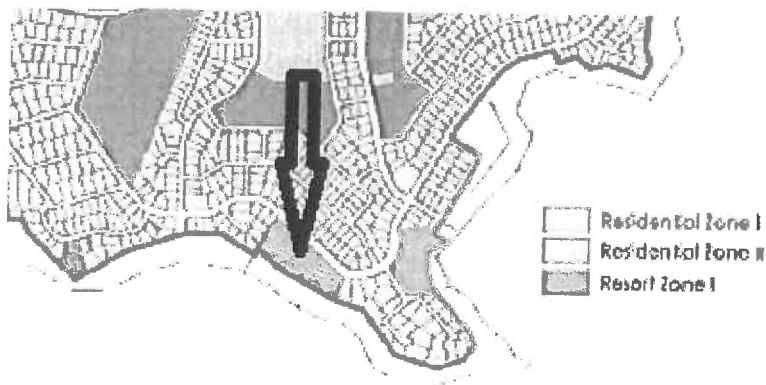
With reference to the proposal no listed activities in terms of the National Environmental Management Act will be triggered. The impact on the biophysical environment will in fact be much less than the existing resort once the application is approved.

3.5 FORWARD PLANNING AND LAND USE DOCUMENTS

The *Overstrand Spatial Development Framework (2006)* earmarks the area where Erf 5553 Betty's Bay is situated, as residential even though the erf was used primarily as a resort with exception of the military use during World War II. Please refer to the abstract from the SDF below:



The *Overstrand Municipal Growth Management Strategy (OMGMS, 2010)* earmarks Erf 5553 Betty's Bay for resort uses and falls within Planning Unit 3 and is also located within the Heritage Overlay Zone. Please refer to the abstract from the Overstrand Municipal Growth Management Strategy below:



With reference to the above mentioned forward planning documents that earmark the subject property as resort and residential use we are therefore applying that the Overstrand Municipality deviate from these documents in order to make provision for a frail care facility under the zoning of Community Zone 1 with a consent use for an institution. It is our opinion

that the proposed frail care centre is compatible with the surrounding land uses and that it can be justified for a site-specific departure from the Spatial Development Framework.

Taking into consideration the existing land use, resort, that can accommodate up to 170 guests versus the proposed 14 frail care units and associated auxiliary buildings it is clear that the impact would be far less. Furthermore the proposed frail care facility is a much needed use within a popular retirement destination that would be an asset to the community. The deviation from the SDF can therefore be supported.

3.6 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 frail care facility will create employment opportunities for the local residents of the area and also provide a much needed service to people that suffers from Alzheimer Disease (Dementia) that requires assistance and care in an area where no such a facility exists.

Spatial sustainability: The proposed frail care facility is accommodated within an established urban area consisting mainly of single residential houses, holiday houses and guesthouses. All the existing buildings will be utilised for the purpose of a functioning frail care facility as mentioned in our motivation. A minimalist approach was taken with the proposed frail care facility and therefore it will have no impact on the conservation worthy areas and the land use will be in line with the character of the area.

Efficiency: The proposed frail care facility will be easily accessible and is conveniently located within an urban area utilising all the existing structures. No frail care facility specialising in people suffering from Alzheimer Disease (Dementia) exists in the region and will be a great asset.

Spatial Resilience: as mentioned in this document and minimalist approach was taken to accommodate a frail care centre within existing structures with the exception of Building A that will be extended. All existing buildings will be used be refurbished and only their land use in certain circumstances will change as described in this report.

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.

RECOMMENDATION

- The proposed rezoning, consent use, departure from the building lines and deviation from the SDF to accommodate a frail care facility that will specialise in the care of people suffering from Alzheimer Disease (Dementia) will not have a negative effect on the current character and land values of the surrounding erven.
- The current resort is within an area of natural beauty and the existing resources are being utilised in order to create a unique frail care centre.
- No other facility as proposed exists within the region and will be a great asset to the area and people suffering from Alzheimer Disease.
- A minimalistic approach was taken to make provision for the frail care facility by means of making use of all the existing structures.
- A number of jobs will be created in an area where it is desperately needed.
- Because of the minimalist approach taken the historic value of the site will remain intact and that the proposed application will not have a negative impact on the historic value of the site.
- The proposed land use is compatible with the current residential character of the surrounding erven.
- No additional strain will be put on municipal services and no additional services will be required.
- The impact on municipal services will in fact decrease by $\pm 65\%$

With regards to the above mentioned it will be appreciated if the Overstrand municipality will support the following application:

- Chapter 4, Section 16(2)(a) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, for the rezoning of the property to Community Zone 1.
- Chapter 4, Section 16(2)(b) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, for a departure in order to accommodate existing buildings within the new building lines.
- Chapter 4, Section 16(2)(0) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, for a consent use for an institution in order to accommodate a frail care centre.
- Deviation from the spatial Development Frame Work for which provision is made for in terms of Section 10(1) of the Overstrand Municipality By-Law on Municipal Land Use Planning and Chapter 4 Section 22(2) of the Spatial Planning Land Use Management Act.



BBRA / BBBV

Betty's Bay Ratepayers' Association
Bettysbaaise Belastingbetalersvereniging

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TP - A Theart
(Huld Stoep)



17 March 2017

Ref no: Municipal Notice No. 19/2017

Erf 5553 30 Wallers Road, Betty's Bay, Overstrand Municipal Area

PROPOSED REZONING, DEPARTURE, CONSENT USE AND DEVIATION FROM SPATIAL DEVELOPMENT FRAMEWORK: PLAN ACTIVE (obo BETTY'S BAY JEUGSENTRUM)

Re: Erf 5553, Betty's Bay

Sir/Madam

1. INTRODUCTION

1.1 The notice received from Plan Active by registered mail, refers. It must be said that we would have liked to make personal contact with the owner of the land in order to clarify certain issues. It is thus difficult that he/she/they are faceless and just known as Bettiesbaai Jeugsentrum. Members of the Betty's Bay Ratepayer's Association have enquired about the property owners of Jeugsentrum. This would have made it easier to evaluate whether the owners will serve the interest of the residents of Betty's Bay.

1.2 This submission is made on behalf of the 400 + members of the Betty's Bay Ratepayers Association (BBRA)

2. POSITION

2.1 The approval of the BBRA for the application before the Municipality is conditional and subject to **the following:**

- a. that no development will commence until the written sanction of all the relevant authorities have been obtained.
- b. and that, should any proposed development commence premature, the owners will be stopped without delay and the entire development to be declared null and void,
- c. local residents get preference regarding admission.
- d. the facility is developed for the purpose as motivated in the application, and nothing else

In principle, the BBRA does not have objections to the following:

2.2 the application for the rezoning in terms of Section 16(2) (a) of the Overstrand Municipal By Law on Municipal Land Use from Holiday Resorts (R2) to Community Zone Community Facilities (CO1) and

2.3 deviation from the spatial development framework in terms of Section 10 (1) of the said By Law, to accommodate a frail care centre on the proposed rezoned property.

Chairman: Rudi Perold
028 272 9054

Treasurer: Adrian de Kock
082 940 4619

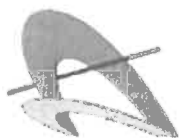
Secretary: Adrian de Kock
0282729098

BBRA, P.O. Box 48, Betty's Bay 7141

BBBV, Posbus 48, Bettysbaai, 7141

FILE NO: EL 5553-BB
03
SCAN NO:

TP
17 MAR 2017



BBRA / BBBV

Betty's Bay Ratepayers' Association
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2.4 consent use for an institution in order to accommodate a frail care centre.

The above position is taken in the light of the demographic composition of the Betty's Bay and the Hangklip region, with most of the residents over the age of 60 yrs. This area does not have a facility of this nature. Again, the position of the BBRA is on condition that the proposed facility (institution) is indeed developed for local residents and for the purpose as motivated in the application.

2.5. Regarding the relaxation of building lines, there is no objection provided that it is only for the purpose of condoning the transgression of the present existing structures to be used by the developer. The 0m building line on Wallers Road is thus applicable only to the existing building G and H. No new development or any additions on the street building line to be allowed in transgression of the 5m building line. The same applies to building A.

3. CONCERNS

3.1 We understand that the owner must start somewhere to pave the way for the establishment of a frail care centre. It must however be born in mind that various Government Departments with strict requirements, prescripts and conditions pertaining to the establishment of a frail care centre, will have to give consent to such a project and will have to oversee the construction and development thereof according to their requirements. This will be a lengthy process before the first admission can take place after all the certificates were obtained.

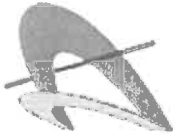
Has the owner/ applicant approached these authorities to get principle approval for the proposed project and is such documentation available at Overberg Municipal Council?

It is thus proposed that any rezoning or deviation be on condition that the requirements of the State Departments regarding the establishment and development of the institution, are met.

3.2 Although the need exists for such a facility in our region, it is questioned whether the use thereof will be to benefit of our community, taking into consideration that only 14 frail care units will be available. This will place a high financial burden on the proposed facility - taking into consideration the development cost, the proposed building additions, specialized, trained medical personnel, hospitality services and security and safety (fencing and access control).

3.3 We take note of the fact that the proposal from Plan Active mentions that there will be a reduction of pressure on the municipal services. However, this also means that the youth groups who used the facility for recreation and educational development, will now be **depriving** the youth of such a facility.

3.4 **Fencing.** It is not clear from the proposal what steps the owner/ developer will take to safeguard the residents with Alzheimer disease. The erf, to the Southern side, is

**BBRA / BBBV**

Betty's Bay Ratepayers' Association
Bettysbaaise Belastingbetalersvereniging

facing the sea. There is no boundary wall or security fence. Alzheimer patients tend to wander off. Measures to secure the premises must be in place.

3.5 **Wooden structures.** The wooden structures date from world War II. This will place an additional financial burden on the facility in terms of meeting the requirements from local government with regards to these structures, as Betty's Bay is situated within a high fire risk area. Therefor no comments can be given wrt the wooden structures, as detailed plans are not available and the agent acting on behalf of the owner/developer has indicated that these structures will be utilized as part of the frail care unit.

3.6 **Title deed.** A copy of the title deed obtained, confirms that an institution is allowed on the property. The problem however, remains: what is the interpretation of an institution? Can the proposed frail care centre be regarded as an institution?

Regards,

WRB PEROLD
CHAIRPERSON BETTY'S BAY RATEPAYERS ASSOCIATION

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FILE NO:	EL 5553
SCAN NO:	Betty's Bay
	25
COLLABORATOR NO:	1015618

Our reference: PA16098

The Municipal Manager
Overstrand Municipality
PO Box 20
HERMANUS
7200

18 April 2017



For attention: Mrs. Hanneen van der Stoep

Sir,

COMMENTS ON OBJECTION: ERF 5553 BETTY'S BAY: PROPOSED REZONING, DEPARTURE, CONSENT USE AND DEVIATION FROM THE SPATIAL DEVELOPMENT FRAMEWORK

Your e-mail dated 7 April 2017 with the comments / objections from the Betty's Bay Rate Payers Association refers. Our comments after consulting with our client on the comments / objections received can be summarised as follow:

- Our client travel to Betty's Bay on a regularly basis in order to have meetings with the Architect and they are willing to meet with the Betty's Bay Rate Payers Association.
- Our client also confirmed that no development will take place until all approvals are in place and also agreed on the rest of the contents of the remaining paragraph 2. Please refer to the following abstracts from their letter dated 11 April 2017:

"It goes without saying that we cannot proceed without adhering to the Municipal Regulations (health, fire, etc.) and any other Government Acts (Old Persons Act, Nursing Act, etc.)."

Our industry is governed by the Dept. of Mental Health as well as the Dept. of Social Development. We have been in contact with these Departments regarding our plans at Betty's Bay and they indicated that the procedure is that once we are up and running, they will send their auditors out to inspect the facility and licences are then issued. Any non-compliance is pointed out at these audits and need to be addressed and corrected, before

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licensing is done. This is the same procedure that we went through, 3 years ago when we started our residence in Durbanville. The regulations of the Old Persons Act (No 13 of 2006) and the Mental Health Care Amendment Act (No 12 of 2014) forms the basis of these audits.

The Dept. of Social Services issues a once-off licence while licensing by the Dept. of Mental Health is done on an annual basis.

We will only move residents onto the premises once the Municipality's occupation certificate has been issued. However, the occupation by residents is not subject to licensing described above. In other words both Departments will only do the licensing audit once the residents have moved in."

"We would like to clarify that this development is a residential facility (home) for people who has been diagnosed with dementia (it is basically a retirement home for people with dementia). Our aim is to create a "Reminiscence Village", incorporating the current WW2 barracks that will be used in our therapy- and activity programmes. To be clear, this will not be a clinic, some of our residents might be frail, due to the deteriorating properties of the illness. There will be no medical services rendered by us – at most a GP will come out to make house calls. Nursing services will be provided."

- The application has been circulated to all the relevant Authorities for the comments. All approvals will be obtained prior to the commencement of the project.
- This application constitutes the first phase of the proposed facility making use of all the existing structures to accommodate 14 units. Another 16 units are planned for similar use in the future.
- The land use will change from a resort to an institution as proposed. Our client visited the site regularly in 2016 and can confirm that the site has not been used exclusively as a camp for youths. There were several church groups consisting of adults and youths, holiday makers consisting of families and even bachelor parties.

Please take note of the following abstract from our client's letter dated 11 April 2017:

"We will be creating in excess of 30 jobs (which will benefit the local youths as well as the rest of the community), we intend to involve the community through Memory Cafés, volunteering and involvement in our activity programmes. Examples: at Brigadoon Lodge in Durbanville we have church groups that come out and interact with our residents by singing hymns and traditional songs, students who come out and play chess and other board- and card games with residents, etc."

- Safeguarding the residents is of high importance. Measures will be put in place to secure the area. Our client is making use of a local Architect, Raymond Smith who will also attend to this matter. Mr. Smith is also a specialist in heritage sites and will assure that the secure measures will suite the area.

- The wooden structures will be utilised as part of reminiscence therapy and all fire regulations will be adhered to.
- The definition as published in the Overstrand Municipality Zoning Scheme reads as follow:

“institution” means a property used as a social, health or welfare facility, or for the administration thereof and includes a hospital, special needs school, clinic, homes for the aged, indigent or handicapped, a reformatory or place of detention, whether of commercial or charitable nature, but does not include a jail;

With reference to the above definition it is clear that the proposed centre falls within the definition of an institution.

In addition to the comments received from our client, Mr. J.C. Hanekom would also like to mention the following with reference to his family’s involvement in Betty’s Bay:

“In conclusion some back ground of our commitment to and love for Betty’s Bay.

Liesel and Elseline has been coming to Betty’s Bay, since the early 60’s. At first they camped at Four Seasons Resort (later Mooihawens). Their parents fell in love with the remoteness and natural tranquillity of Betty’s Bay. In 1969 they built a house in Lover’s Walk, Silversands and were residents of Betty’s Bay until 2010. Their father, Brian Rorich, was an active member of BBRA and as a result of his legal knowledge, helped to preserve and defend the interests of the residents of Betty’s Bay.

Liesel is still a home owner in Betty’s Bay and Elseline and I plan to relocate to Betty’s Bay in the foreseeable future.

Our vision is to utilise the natural beauty of Betty’s Bay to enhance the quality of life of our residents and it follows that we are in favour of the conservation of the natural beauty and heritage of Betty’s Bay and this is the philosophy we will follow, developing the Reminiscence Village.”

Should the Betty’s Bay Rate Payers Association would need any further information they could contact Mr. J.C. Hanekom at murraystreet3@gmail.com

We trust that you would find our comment on the objections in order and that the application will be favourably dealt with.

Yours faithfully



John Mc Lachlan

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REZONONG, DEPARTURE, CONSENT USE & DEVIATION
FROM SPATIAL DEVELOPMENT FRAMEWORK: ERF 5553, BETTY'S BAY
(3553)**

Stormwater (SW)	:	In Order
Electricity	:	Eskom area
Water	:	In Order
Sewer	:	In Order
Roads and traffic	:	In Order

Conditions:

1. that the developer adhere to the following conditions should any changes and alteration been made to the existing services;
 - 1.1 that the developer at his cost constructs the internal municipal civil and electrical services for the development as well as any link or bulk municipal services that need to be provided;
 - 1.1.1 the Director: Infrastructure and Planning may require the developer to construct internal, link, and/or bulk municipal services to a higher capacity than warranted by the development for purposes of allowing other existing or future developments to also utilise such services, provided;
 - 1.2.1 the rates and prices of such work be established in terms of a system which is fair, equitable, transparent and cost effective;
 - 1.3.1 if link municipal services have already been provided, the developer to contribute towards the cost thereof, the Director: Infrastructure and Planning to determine the amount of such contribution in terms of a system which is fair and equitable;
2. that servitudes for municipal services be registered in favour of the Council at the developer's cost in respect of all main services to be taken over by the Council and all existing municipal services concerned crossing private property;
3. that the developer indemnifies and keep the Council indemnified against all actions, proceedings, claims and demands, costs, damages and expenses arising out of the establishment of the township, the provision of services to the township or the use of servitude areas or municipal property;
 - 3.1 for a period which shall commence on the date that the installation of the services to the township are commenced with and shall expire after completion of the maintenance period;


- 3.2 the developer to submit an acceptable public liability insurance policy to the Council and to pay the premium in advance for the period as set out above before any work concerned may commence;
 - 3.3 the insurance to be to an amount which shall not be less than that required by the CESA;
 - 3.4. such indemnification against loss, claims or damages, to include claims pertaining to consequential damages by third parties and whether as a result of the damage to or interruption of or interference with the Council's services or apparatus or otherwise;
4. that a plan of all existing services be submitted to the Director: Infrastructure and Planning, by the developer and that any of the services that need to be relocated, be done by the developer at his cost to the satisfaction of the Director: Infrastructure and Planning:
 - 4.1 way-leaves must be obtained from the Operational Manager;
 - 4.2 such way-leaves to be obtained prior to any excavation on public property or property where existing services are located;
5. that the developer may enter into an agreement with the Council to install or upgrade bulk and/or link municipal services and amenities at an agreed cost, subject to the following:
 - 5.1 such costs to be established in accordance with a system which is fair, equitable, transparent, competitive and cost effective;
 - 5.2 such costs shall be set-off against (part or full) development contributions payable in respect of engineering services;
 - 5.3 to the extent that such costs exceed the development contributions payable, the Council will refund the developer the difference with interest calculated at the prime rate, when funds are available;
6. that plans of all the internal municipal civil and electrical (high and low voltage supply) services and such link services as required by the Director: Infrastructure and Planning, prepared by an ECSA registered professional engineer/technologist, be submitted to the Director: Infrastructure and Planning for his prior approval;
7. the "Guidelines for the Provision of Engineering Services in Residential Townships" (Blue Book), SANS 1200 specifications and the Design and Construction Standards for civil and electrical services of the Council to be used as the standard design and construction criteria with which such plans must comply;
8. the Director: Infrastructure and Planning to be notified in writing of all deviations from the Standard Design and Construction Criteria when plans are

submitted for his approval and such deviations to be separately approved in writing by the Director: Infrastructure and Planning;

9. the successful completion of such works to be supervised and certified by an independent professional civil engineer/technologist i.e. a professional civil engineer/technologist who has no direct financial interest in the development, other than payment as standard professional fees for the work concerned; and
10. such independent professional civil engineer/technologist to furnish the Director: Infrastructure and Planning with satisfactory proof of his professional indemnity insurance to an amount which shall not be less than that required by the CESA and which insurance shall be valid for the relevant contract and maintenance period;
11. that all municipal civil and electrical services installed or constructed by the developer, be maintained after completion thereof for a maintenance period, as described in the General Condition of Contract for works of Civil Engineering Construction – 2010, of 12 months, and
12. that a Certificate of Completion together with as-built services plans be provided by the independent professional engineer/technologist to the Overstrand Municipality. As-built plans to be on quality paper, together with a DXF file thereof;
13. that the Home Owners Association be responsible for the operational costs and maintenance of street lighting, electrical reticulation and metering and all internal services;
14. that the developer provide bulk meters for water and electricity at approved positions as well as individual meters at each consumption point;
15. that an approved refuse collection area/room to sufficiently accommodate the refuse generated by the development and which is to be proved with the following:
 - a. properly ventilated;
 - b. a cement floor;
 - c. a tap and running water, as well as a drainage point which is connected to the sewer network;
 - d. at a position nearest to an access road for the development and be accessible for the refuse truck at all times, to the satisfaction of the Director: Infrastructure and Planning;
16. that the refuse collection area be constructed in accordance with the requirements of the Overberg District Municipality;
17. that a stormwater management plan, which may include attenuation facilities to ensure that the pre-development run-off is not exceeded and that erosion and pollution is minimised, be submitted to the Director: Infrastructure and

Planning for approval and that the approved management plan be implemented by the developer at his cost to the satisfaction of the Director: Infrastructure and Planning;

18. that the above stormwater management plan include the following:
 - 18.1 pre-development run-off from the catchment area;
 - 18.2 post-development run-off from catchment area;
 - 18.3 existing stormwater reticulation system and the capacity thereof;
 - 18.4 connection of internal stormwater reticulation system;
overland escape routes;
19. that the connection to the stormwater reticulation system be provided according to the stormwater management plan, by the developer and approved by Overstrand Municipality;
20. that no off-street parking will be allowed;
21. that damage to the existing roads, used as routes for access to the development, for the provision of services, be repaired by the developer.



DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

11 / 4 / 2017

DATE