



MEETING OF THE MUNICIPAL PLANNING TRIBUNAL (MPT)

A G E N D A

**THE MEETING HAS BEEN RESCHEDULED
TO 1 SEPTEMBER 2026 AT 10:00**

**DATE:
VENUE:**

**~~27 AUGUST 2026~~ 1 SEPTEMBER 2026
TOWN PLANNING COMMITTEE
ROOM
10:00**

TIME:

OVERSTRAND MUNICIPALITY

Office of the Chairperson: MPT
Civic Centre
HERMANUS
7200

20 August 2026

TO : THE MEMBERS OF THE MUNICIPAL PLANNING TRIBUNAL

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

NOTICE IS HEREBY GIVEN that the **Municipal Planning Tribunal (MPT)** will go into session in the Town Planning Committee Room on ~~Thursday, 27 August 2026~~ **Tuesday, 1 September 2026** at **10:00** to consider the attached agenda.

S MULLER
CHAIRPERSON : MUNICIPAL PLANNING TRIBUNAL

Distribution:

1. Mr S Müller (Chairperson)
2. Ms T de Waal (Vice-Chairperson)
3. Mr H Blignaut (Member)
4. Ms R Louw (Member)
5. Mr R Kuchar (Authorised Official)
6. Mr S van der Merwe (Principal Town Planner)
7. Ms H van der Stoep (Principal Town Planner)
8. Mr H Olivier (Town Planner)
9. Secretariat



OVERSTRAND MUNICIPAL PLANNING TRIBUNAL (MPT)

27 August 2026

I N D E X

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1. OPENING

2. APPLICATIONS FOR LEAVE OF ABSENCE

3. CONFIRMATION OF MINUTES

3.1 Minutes of a Municipal Planning Tribunal Meeting held on 4 August 2026

4. ITEMS FOR CONSIDERATION

4.1 REMAINDER ERF 5967, 88 MAIN ROAD, KLEINMOND, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE: PLATINUM TOWN AND REGIONAL PLANNERS ON BEHALF OF AC & CP DUVENAGE

Report attached

4.2 PORTIONS 210 AND 220 (PORTIONS OF PORTION 80) OF FARM AFDAKS RIVIER NO. 575, CALEDON DIVISION, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: WRAP PROJECT OFFICE ON BEHALF OF BENGUELA COVE HOMEOWNER'S ASSOCIATION

Report attached

4.1

**REMAINDER ERF 5967, 88 MAIN ROAD, KLEINMOND, OVERSTRAND MUNICIPAL AREA:
APPLICATION FOR CONSENT USE: PLATINUM TOWN AND REGIONAL PLANNERS ON
BEHALF OF AC & CP DUVENAGE**

5967 KKM (5044/2025)

H van der Stoep
20 July 2026

(028) 313 8900

Hermanus Administration

1. EXECUTIVE SUMMARY

An application was received on 21 July 2025 from Platinum Town & Regional Planners on behalf of AC & CP Duvenhage on Remainder Erf 5967, Kleinmond for a consent use in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to accommodate a business premises, limited to a shop, a restaurant, the sale of alcoholic beverages, a plant nursery, offices and building for similar uses and the sale of any small and big items.

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.

2. DECISION AUTHORITY

Municipal Planning Tribunal

3. BACKGROUND / SITE HISTORY

The current zoning of Erf 5967 Kleinmond is "Business Zone 3: *Local Business (B3)*". However, the land-uses permitted are limited to "*offices*" and "*a residential building limited to 86m*".

Under the same Zoning Certificate, it is stated that the following land-uses can be applied for as a "consent use": *bottle store, business premises, clinic, conference facility, dwelling unit (on ground floor), flats (on ground floor), town housing, tourist accommodation, hotel, institution, place of assembly, place of entertainment, place of instruction, place of worship, recreational facilities, residential building, sale of alcoholic beverages, service station, service trade and transmission apparatus (my underlining)*.

Application: An Application, in terms of Sections 16(2)(o) of the Overstrand Municipality Amendment By-law on Municipal Land-use Planning (2020) for "*consent*" to operate additional land-uses on Erf 5967 Kleinmond, is hereby submitted.

It is requested that consent be granted for "*business premises*" to be operated additionally to the approved land-use rights "*offices*" and "*a residential building limited to 86m*":

"Business premises" is defined in the Overstrand Municipality Land Use Scheme (2020) as: means a property from which business or services are conducted and includes a shop, a supermarket, a restaurant, the sale of alcoholic beverages, a plant nursery, offices, service trade, a financial institution and building for similar uses and the sale of any small and big items but excludes a place of assembly, a place of entertainment, an institution, a service station, a motor repair garage, an industry, an industrial hive, a noxious trade, a risk activity, an adult entertainment business or a bottle store.

For purposes of this Application and as discussed with the Directorate: Town and Spatial Planning on Friday, 22 August 2025, "business premises" are limited to:

a shop, a restaurant, the sale of alcoholic beverages, a plant nursery, offices and building for similar uses and the sale of any small and big items, but exclude a supermarket, service trade, a financial institution, a place of assembly, place of entertainment, an institution, a service station, a motor repair garage, an industry, and industrial hive, a noxious trade, a risk activity, an adult entertainment business or a bottle store.

4. SUMMARY OF APPLICANT'S MOTIVATION

THE MOTIVATION FOR THE APPLICATION IS AS FOLLOWS:

It is proposed that consent be granted for additional land-uses to be operated from Erf 5967 Kleinmond, in terms of Sections 16(2)(o) of the Overstrand Municipality Amendment By-law on Municipal Land-use Planning (2020).

The R44 from (i.e.) Gordons Bay to Kleinmond can be regarded as a Development Corridor. In general terms can a development corridor be defined as *a geographical area identified as a priority for investment to catalyze economic growth and development*. Along this R44-Corridor are coastal towns such as Rooi Els, Pringle Bay, Betty's Bay and Kleinmond located. The R44-Corridor then links with the R43-Development Corridor (Hermanus/Stanford/Gansbaai) further on.

In Kleinmond is development along the R44-Corridor (in Kleinmond Main Road) characterized by business development adjacent to it, with residential development to the south and the north of the Corridor. Further business development should be encouraged along this axis in Kleinmond.

Erf 5967 Kleinmond is located to the north of the R44-Corridor. Several erven along the R44-Corridor in Kleinmond have already been developed for business purposes.

Within the Overstrand SDF is Kleinmond also classified as a Sub-Regional Node. The following key strategic land-use proposals for Kleinmond are proposed:

- Conservation of the natural environment, particularly its combination of riverine estuarine conditions and sandy beaches;
- Spatial integration and accessibility of the different land-use components through (i.e.) pedestrian linkages;
- Promotion of Kleinmond as a retirement and tourism town.

The area surrounding Erf 5967 Kleinmond is mainly characterized by business (R44 Corridor/Main Road) and residential (low, medium and high density) development.

Erf 5967 Kleinmond, therefore, is ideally located to enhance the “*business character*” of Main Road in Kleinmond.

PROPOSAL

Preliminary Site Plan:

The proposed development parameters are:

Access will be from Main Road.

- The build-up area is as follows:
 - o Building: 405m²
 - o Residential Building allowed: 86m²
 - o Other uses: 319m²

In accordance with the Overstrand Municipality Land-Use Scheme (2020), the following regarding the Parking Schedule:

- Residential purposes: 2 parking bays
- Offices and Land-uses with “*consent*” 13 parking bays (@ 4 / 100m²)
- Total: 15 parking bays.

Municipal services

SERVICE	EXISTING INFRASTRUCTURE	PROPOSED APPLICATION IMPACT
Water	Yes	None
Electricity	Yes	None
Sewage	Yes	None
Access and Egress	Yes	None

Title Deed conditions

The attached Title Deed contains no restrictive conditions that would preclude a place of entertainment operating on the property. A Conveyancers Certificate also confirm this.

ENVIRONMENTAL ISSUES

Erf 5967 Kleinmond is located within an existing Township. The proposed Consent Use Application will have no negative effect on the environment. No environmental authorization is needed.

APPLICABLE POLICY AND REGULATIONS

Overstrand Municipality Spatial Development Framework, 2020

The Municipal Spatial Development Framework is a sectoral component of the IDP that, in terms of the Municipal Systems Act, is aimed at providing general directions to

guide decision making on an ongoing basis, aiming at the creation of integrated, sustainable, and habitable regions, cities, towns and residential areas.

Within the SDF a hierarchal classification of nodes is based on the nature of the function of the nodes, considering factors such as population size, influence sphere, interconnectivity, service delivery as well as informants from the Growth Potential of Towns Study, 2014 (GPTS).

Kleinmond is classified as Sub-Regional Node. The following key strategic land-use proposals for Kleinmond are proposed:

- Conservation of the natural environment, particularly its combination of riverine estuarine conditions and sandy beaches;
- Spatial integration and accessibility of the different land-use components through (i.e.) pedestrian linkages;
- Promotion of Kleinmond as a retirement and tourism town.

Erf 5967 Kleinmond falls within the area earmarked as “*urban development*”.

PLANNING PRINCIPLES

The following principles for development in the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA), are discussed:

Section 7(a) The principle of spatial justice

Section 7(b) the principle of spatial sustainability

Section 7(c) the principle of efficiency

Section 7(d) the principle of spatial resilience, whereby flexibility in spatial plans, policies and land use management systems are accommodated to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks.

The R44 from (i.e.) Gordons Bay to Kleinmond can be regarded as a Development Corridor. In general terms can a development corridor be defined as *a geographical area identified as a priority for investment to catalyze economic growth and development*. Along this R44-Corridor are coastal towns such as Rooi Els, Pringle Bay, Betty's Bay and Kleinmond located.

The R44-Corridor links with the R43-Development Corridor (Hermanus / Stanford / Gansbaai) further on.

In Kleinmond is development along the R44-Corridor (in Kleinmond known as Main Road) characterized by business development adjacent to it, with residential development to the south and the north of the Corridor. Further business development should be encouraged along this axis in Kleinmond.

Erf 5967 Kleinmond is in Main Road. Several erven along the R44-Corridor (Main Road) have already been developed for business purposes.

The proposed consent use for Erf 5967 Kleinmond is, therefore, in line with this.

Section 7(e) the principle of good administration

The required public participation process, in accordance with the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020, will be sufficiently dealt with via the advertising of the proposed Consent Use Application. The respective rights and all those affected will be adequately addressed during this process. The "*audi alterem partum-rule*", therefore, will have been complied with. The intrinsic knowledge of the process and the distribution of the Application to internal and external parties (where applicable) will also lead indisputably to the adherence of this requirement.

Section 42(c) take into account –

- (i) *the public interest*
- (iv) *the respective rights and obligations of all those affected*

The required public participation process, in accordance with the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020, will be sufficiently dealt with via the advertising of the proposed Consent Use Application. The respective rights and all those affected will be adequately addressed during this process. The "*audi alterum partum- rule*", therefore, will have been complied with. The intrinsic knowledge of the process and the distribution of the Application to internal and external parties (where applicable) will also lead indisputably to the adherence of this requirement.

- (ii) *the constitutional transformation imperatives and the related duties of the State*

The proposed Consent Use Application process forms part of and supplement the development character of the broader R44-Corridor (known as Main Road in Kleinmond) from a legal point to enhance the development of the broader area within a concise space.

The proposed Consent Use Application, therefore, adheres to the constitutional and transformation imperatives and the related duties of the State in the sense that, prior the exercising of the land-use rights, the correct legal procedure and route are followed to assist the State, and in this case the Overstrand Local Municipality, to exercise its mandate to comply with the Constitution.

- (iii) *the facts and circumstances relevant to the application*

Development along the R44-Corridor (in Kleinmond Main Road) should be encouraged. Erf 5967 Kleinmond is located to the north of the R44-Corridor in Kleinmond. Several erven along Main Road have already been developed for business purposes.

- (v) *the state and impact of engineering services, social infrastructure and open space requirements*

Engineering services (electricity, roads, storm water drainage, sewer and water) are readily available.

Within the broader development itself will be ample open space provided.

5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
Local newspaper	Yes	25 September 2025	31 October 2025
Email notices & site notice	Yes	25 September 2025	31 October 2025
Internal departments	Yes	25 September 2025	31 October 2025
Ward Councillor	Yes	25 September 2025	31 October 2025
Total comments	ONE (1)		
Total letters of support	NONE		
Was public participation undertaken in accordance with Section 46 - 50 of the 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
Fire Department	22/10/2025	No objection subject to compliance with the provisions of SANS 10400-A, 10400-T:2024 and the By-Law relating to fire safety.
Building Control	30/09/2026	No objection. All buildings to comply with the NBR and all other applicable law. <u>Buildings to be disabled friendly:</u> ▪ Disabled parkin (hard surface); ▪ Hard surface access from parking into the building including ramps, and ▪ Disabled toilet.
Engineering Services	08/01/2026	See Annexure F.
Western Cape Government: Infrastructure (Road Planning)	26/11/2025	See Annexure G.

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

The application was duly advertised in the local newspaper. Notices were e-mailed to surrounding residents in the area and the Kleinmond Ratepayers Association. A notice board was also placed on-site by the consultant.

One (1) letter of objection was received from **Mr. GE Smit** during the public participation process. The applicant was provided with an opportunity to respond to the objections. See Annexures D and E respectively.

The objection, the applicant's reply and the Municipal Town Planners response thereon can be summarized as follows:

OBJECTION 1

Point 1: "Shop" with a "no" as objection.

APPLICANT'S RESPONSE

The Overstrand Municipality Land Use Scheme (2020) defines a "shop" as:

"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; it excludes an industry, service trade, motor repair garage, service station, 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 parameters as may be determined by the Municipality".

The R44 from (i.e.) Gordon's bay to Kleinmond is regarded as a Development Corridor. In general terms, a development corridor defined as a geographical area is identified as a priority for investment to catalyze economic growth and development.

In Kleinmond is development along the R44-Corridor (in Kleinmond, known as Main Road) characterized by business development, i.e. shops adjacent to it, with residential development to the south and the north of the Corridor. Further business development should be encouraged along this axis in Kleinmond.

Erf 5967 Kleinmond is in Main Road. Several erven along the R44-Corridor (Main Road) have already been developed for business purposes, i.e. "shops".

The proposed additional land-uses as "*consent use for Erf 5967 Kleinmond*" is, therefore, in line with this.

TOWN PLANNER'S RESPONSE

In terms of the Overstrand Land Use Scheme, Zoning Category: Business Zone 3, has a shop as a primary use. The property was rezoned in 2017 which restricted the land use to residential and office use in terms of its primary uses. The Business Zone 3 zoning does allow for shop as a primary use, but due to the restriction, the applicant opted to apply for a consent use, business, within the Business Zone 3 category.

OBJECTION 3

Point 3: "Alcohol sales" with a "no" as objection.

APPLICANT'S RESPONSE

The Overstrand Municipality Land Use Scheme (2020) defines a “*restaurant*” as:

“means a licensed business in which mainly meals and beverages are primarily sold to seated patrons and includes the on-site consumption of liquor but does not include premises used exclusively as a bar, a pub or tavern (my underlining)”.

Alcohol, therefore, will only be sold to patrons. Furthermore, a *bottle store* per se is excluded from the requested consent for additional land uses (refer to Paragraph 1).

TOWN PLANNER'S RESPONSE

In terms of the Overstrand Land Use Scheme a restaurant is a primary use under the Business Zone 3 which includes the sale of alcohol beverages with meals to seated patrons. The primary uses were restricted to office use and residential only, thus the application is to make use of the consent use of business to allow the possibility of a restaurant on the property.

 OBJECTION 7

“Business on Sundays” with a “no” as objection”.

APPLICANT'S RESPONSE

The concept of business hours represents the standard time frame during which business operations are generally expected to be active and accessible. This is influenced by societal norms, local laws, and the specific industry in operation.

The reality of modern business is that business hours are far from uniform, varying significantly based on the particular business' core function and target customer. Operational availability in different fields is driven by distinct demands, moving beyond the standard office timetables during the week and over weekends.

The hours for retail and hospitality are primarily determined by consumer demand and foot traffic, resulting in timeframes that routinely include evenings and weekends. A retailer or restaurant operates when its customers are most likely to shop or dine. Location is also a factor, as a standalone (i.e.) shop may close earlier than one in a busy urban center. These businesses define their hours based on peak consumer activity, making the traditional weekday timeframe largely irrelevant.

The character of Main Road is “*business orientated*”. Business hours are determined by the “demand of its customers”. If there is no business, i.e. on Sundays, the particular business will not operate. If there is a “*demand*”, it will operate. This is evident in Main Road.

That is basic “economics”.

TOWN PLANNER'S RESPONSE

Agreed with applicant. Most businesses operate on a Sunday within Kleinmond. The objector did not indicate which type of activity should be restricted in terms of Sunday

trading with reasons. This makes it very difficult to limit and exclude some of the activities and prohibit them from trading on a Sunday.

No OBJECTION

The objector did indicate that he has no objection against the following as per objection letter, received on 31 October 2026.

Point 2: Restaurants
 Point 4: Nursery:
 Point 5: Offices
 Point 6: Sales of items

APPLICANT'S RESPONSE

Noted

TOWN PLANNERS' RESPONSE:

Noted. The objector does not give any reasons why these activities are acceptable and whether some of them will be allowed trading on a Sunday, for example a restaurant or that all business-related activities are prohibited from trading on a Sunday.

8. SUMMARY OF APPLICANT'S REPLY TO COMMENTS

Refer to point 7 of this report.

9. MUNICIPAL ASSESSMENT OF COMMENTS

Refer to point 7 of this report.

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 Justice

The proposal will not further perpetuate historic spatial imbalances.

Spatial sustainability

The development will be the conversion of the existing dwelling into four (4) residential units on a community zone erf. This has a spatial impact in terms of use and whether it is sustainable remains questionable to start providing housing opportunities on an erf, with a specific use as a Place of Worship.

Efficiency

Additional services to the property will not be required as the erf is fully serviced. However, should upgrade be required, it will be to the applicant's account.

Spatial Resilience

The building will be subject to the National Building Regulations, 1977 and SANS.

Good administration

The application followed the required planning procedures to ensure that land use activity is in line with Municipal By-Laws and a public participation process had been followed.

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 application is in line with the SDF 2020. The latter indicates in its management approach that business uses should be concentrated at one central location to take advantage of the economic synergies created and to offer a sense of identity.

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

N/A

10.6 Impact on Municipal Engineering Services

Existing services are provided by the Municipality.

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

N/A

10.8 Existing and proposed zoning comparisons and considerations

The existing zoning is Business Zone 3: Local Business.

11. ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

N/A

12. THE DESIRABILITY OF THE PROPOSAL

Kleinmond town is developing as the third largest town within the Overstrand Municipality. This is due to the in migration of people and the exorbitant property prices within the towns of Hermanus and Gansbaai. The Main Road of Kleinmond is indicative of a mixed-use ribbon development along a major arterial route. Due to the locality of residential erven along the Main Road, the trend of rezoning the erven from residential to business has occurred over the years, and the trend has escalated after COVID. The factors that influence this trend are the migration of people, high visibility and easy access of the erven along the route that creates business opportunities.

The erf was rezoned to Business Zone 3: Local Business and restricted to office use and a dwelling unit on ground floor. The application is to retain the restriction, but extent the business use by means of a consent use with limited activities as per the definition of a business as per the Overstrand Land Use Scheme. The application is thus not for the full extent of the activities allowed as per definition 'business purposes' in terms of the Overstrand Land Use Scheme. The requested activities relate to the following: *"a shop, a restaurant, the sale of alcoholic beverages, a plant nursery, offices and building for similar uses and the sale of any small and big items."* The land use 'offices' has already been approved in the approval dated 2017 and thus not applicable as indicated in the application for consent use.

It should be noted that the objector only objected to shops selling liquor and business on Sundays but did not object to the selling of small and big items, which relates to a shop or outdoor selling of items.

The property is 2717m² in extent with the existing structures of 405m² in extent. The property has sufficient space for the 15 parking bays as per the requirement of Section 17 of the Overstrand Land Use Scheme. The parking ration relates to residential (80m²) at 2 parking bays and business building (319m²) at 4 parking bays per 100sq. which entails 13 parking bays required. The 15 parking bays provided on site complies with the Overstrand Land Use Scheme.

Access to the property from the R44 (Trunk Road 27, Section 1), Main Road Kleinmond has been circulated to the Department of Transport. The Department supported the application subject that the access be located at km 12.52. Once the building plan is submitted, the access location will be verified with the Department of Transport to ensure that the access is correctly placed on plan as indicated by the Department of Transport.

One aspect that needs to be addressed, is that no parking of vehicles either by the patrons and or owners of the business premises be allowed to park vehicles on the area between the building and the Main Road. The reasons being that the Main Road is a scenic route and that the access and egress have been determined by the Department of Transport. At present, the area between the buildings and the Main Road is being utilized as parking by the public. The latter is not in line with the motivation and the approval of the Department of Transport and will be considered as a condition of approval.

The objection relating to limit Sunday's trading is not in line with businesses operating hours in the area and or in the town of Kleinmond. Various restaurants, supermarkets etc. trade on a Sunday and the request has not been motivated or explained. Since the objector did not elaborate the objections put forward, it is very difficult to ascertain the real reason of the objections or the impact of the activities applied for on the objector.

The application is recommended for approval.

13. RECOMMENDATION

1. that the objection be noted.

2. that the application in terms of Section 16.(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 5967, Kleinmond for consent use to accommodate a business premises, limited to a shop, a restaurant, the sale of alcoholic beverages, a plant nursery and building for similar uses and the sale of any small and big items, **be approved** in terms of the provisions of Section 61 of the By-Law, but, subject to the following conditions:
 - (a) that an amended site development plan (reflecting the Department of Transport access at 12,52km) with a parking layout to scale be submitted to the Divisional Manager: Town and Spatial Planning and Department of Transport for approval;
 - (b) that building plans reflecting the above decision be submitted to the Building Department for all new building work on the property for approval, and that all conditions of the Building and the Fire Department be complied with at that stage;
 - (c) that the consent use for business purposes is **restricted** to the following: *business premises" are limited to:*

"a shop, a restaurant, the sale of alcoholic beverages, a plant nursery and building for similar uses and the sale of any small and big items, but exclude a supermarket, service trade, a financial institution, a place of assembly, place of entertainment, an institution, a service station, a motor repair garage, an industry, and industrial hive, a noxious trade, a risk activity, an adult entertainment business or a bottle store";
 - (d) That no parking is allowed in the area between the Main Road and the building on site. All the parking be located at the rear of the erf as per site plan.
 - (e) that the conditions imposed by the Western Cape Government: Infrastructure: Road Planning (attached as Annexure G), be complied, and
 - (f) that the applicant takes due notice of the requirements and parameters of the Overstrand Land Use Scheme.
3. that the applicant and objector be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 regarding the above decision.

14. REASONS FOR RECOMMENDATION

- ❖ The property has established business rights.
- ❖ The property is located along the Main Road of Kleinmond which is a mixed-use area, with various businesses along the Main Road.
- ❖ The application did go through a public participation process and the one objection received has been dealt with adequately.
- ❖ The limitation of the land uses proposed will mitigate various concerns of the objector.
- ❖ The objector did not submit any reasons for the objections.

15. ANNEXURES

Annexure A: Locality Plan
Annexure B: Motivation Report
Annexure C: Site Development Plan
Annexure D: Objection letter received
Annexure E: Applicant's response to the objection received
Annexure F: Services Report
Annexure G: Comment: Western Cape Government: Infrastructure (Road Planning)

SIGNATURE**REGISTERED PLANNER**

Name: **H VAN DER STOEP**

SACPLAN registration number: **A/1708/2013**

Signature: _____

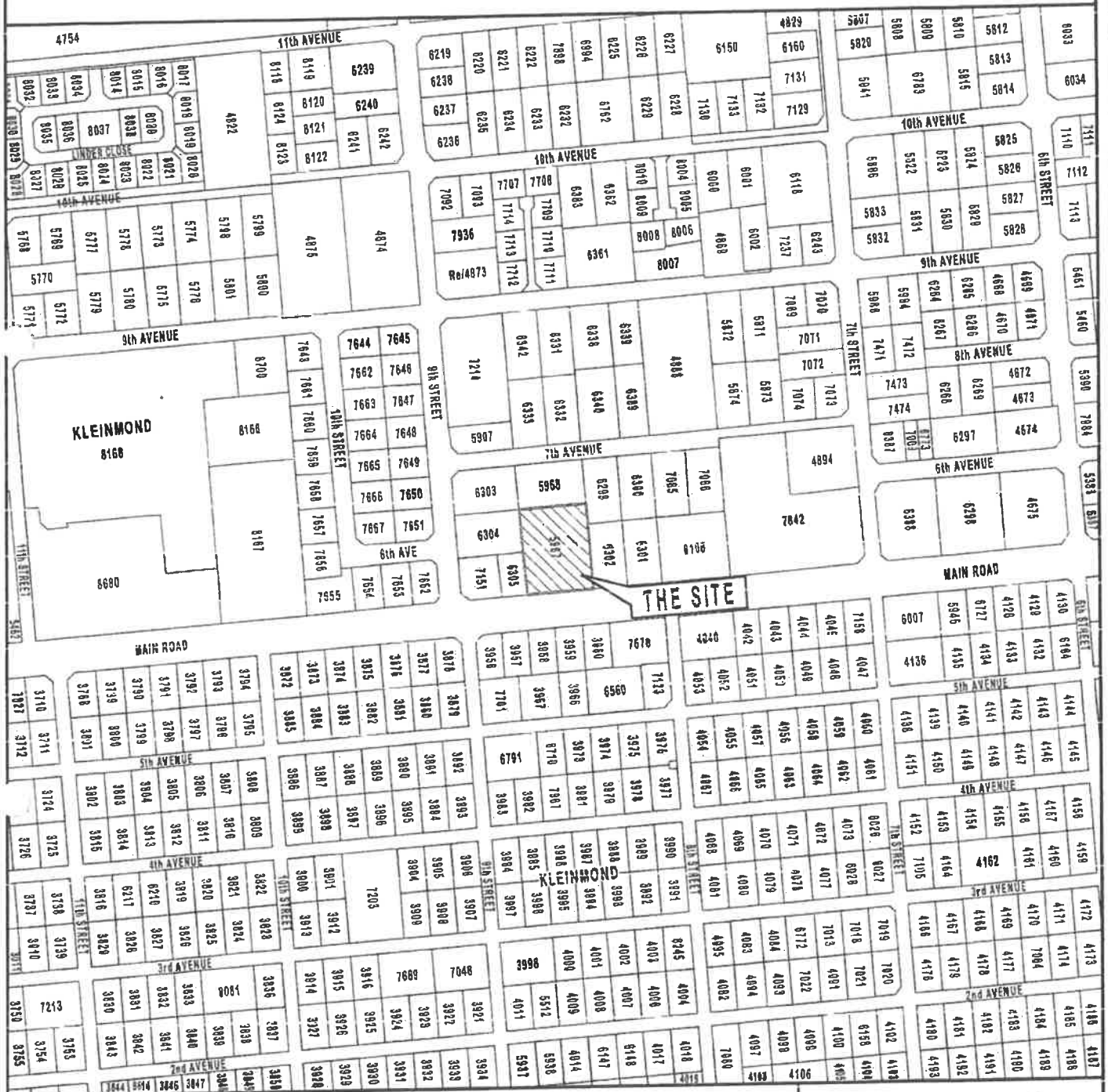
Date: _____

LOCALITY MAP

ERF 5967, KLEINMOND



SCALE: 1 : 4 000



REFERENCE



THE APPLICATION



TOWN PLANNERS

Overstrand Office:
52 Seaview Drive,
BETTY'S BAY
Cell : 072 184 9621
Email : amund@vodamail.co.za

Pratoria Office:
61 Woodlands Avenue,
PECANWOOD
Cell : 083 228 1316
Email : dehaas@telkomsa.net

Annexure B 1/11



PIETER DE HAAS (PR. PLN (A/283/1985))
 BA. Honnoreus (Economics)
 B. Art. et Scien. (Planning)

Mobile: 083 226 1316
 Email: pieterdehaas@platinum.co.za

Postnet Suite #51
 Private Bag X16
 Somerset West
 7129

AMUND BENEKE (PR. PLN (A/680/1992))
 M.Com (Business Management)
 B. Art. et Scien. (Planning)

Mobile: 072 164 9821
 Email: amund@vedamail.co.za

The Municipal Manager
Overstrand Local Municipality
PO Box 20
Hermanus
7200

Attention: Mrs. H van der Stoep (Senior Town Planner)

Dear Hanneen;

ERF 5967 KLEINMOND

You are referred to the attached Letter 5967KKM, dated 18 August 2025, received regarding the Application, in terms of Sections 16(2)(o) of the Overstrand Municipality Amendment By-law on Municipal Land-use Planning (2020), for "consent" to operate additional land-uses (i.e.) on Erf 5967 Kleinmond.

Following the meeting between this Office and your Office on Friday, 22 August 2025, an amended Application is hereby submitted. The Application is scaled down to request "consent" for ***"business premises, limited to a shop, a restaurant, the sale of alcoholic beverages, a plant nursery, offices and building for similar uses and the sale of any small and big items"***.

Please advise on the way forward.

Thanks

Amund
 25 August 2025



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MEMORANDUM

ERF 5967 KLEINMOND

CONSENT USE APPLICATION (25 August 2025)

A. PROPERTY DESCRIPTION

The property is known as Erf 5967 Kleinmond. The Locality Map is attached as **Annexure A**.

Erf 5967 Kleinmond is approximately 2717m² in extent.

B. OWNERSHIP

The property is registered in the names of "Abraham Christiaan Duvenage (640113 5194 086) and Charmaine Petronella Duvenage (710510 0065 085)". Title Deed T25575/2025 is attached as **Annexure B**.

The "Power of Attorney" is attached as **Annexure C**.

There is no bond registered against the said property.

C. LOCATION

Erf 5967 Kleinmond is located at 88 Main Road, Kleinmond (**Annexure A**).

D. ZONING

Erf 5967 Kleinmond is zoned "Business Zone 3: Local Business (B3)". (**Annexure D**)

The current surrounding land-uses are illustrated on **Annexure E**.

The zoning of the surrounding Erven is illustrated on **Annexure F**.



E. APPLICATION

The current zoning of Erf 5967 Kleinmond is **"Business Zone 3: Local Business (B3)"**. However, the land-uses permitted are limited to **"offices"** and **"a residential building limited to $\pm 86m^2$ " (Annexure D)**.

Under the same Zoning Certificate, it is stated that the following land-uses can be applied for as a **"consent use"**: *bottle store, business premises, clinic, conference facility, dwelling unit (on ground floor), flats (on ground floor), town housing, tourist accommodation, hotel, institution, place of assembly, place of entertainment, place of instruction, place of worship, recreational facilities, residential building, sale of alcoholic beverages, service station, service trade and transmission apparatus (my underlining)*.

Application: An Application, in terms of Sections 16(2)(o) of the Overstrand Municipality Amendment By-law on Municipal Land-use Planning (2020) for **"consent"** to operate additional land-uses on Erf 5967 Kleinmond, is hereby submitted.

It is requested that consent be granted for **"business premises"** to be operated additionally to the approved land-use rights **"offices"** and **"a residential building limited to $\pm 86m^2$ "**:

"Business premises" is defined in the Overstrand Municipality Land Use Scheme (2020) as: *means a property from which business or services are conducted and includes a shop, a supermarket, a restaurant, the sale of alcoholic beverages, a plant nursery, offices, service trade, a financial institution and building for similar uses and the sale of any small and big items but excludes a place of assembly, a place of entertainment, an institution, a service station, a motor repair garage, an industry, an industrial hive, a noxious trade, a risk activity, an adult entertainment business or a bottle store.*

For purposes of this Application and as discussed with the Directorate: Town and Spatial Planning on Friday, 22 August 2025, **"business premises"** is limited to:

"a shop, a restaurant, the sale of alcoholic beverages, a plant nursery, offices and building for similar uses and the sale of any small and big items but excludes a supermarket, service trade, a financial institution, a place of assembly, a place of entertainment, an institution, a service station, a motor repair garage, an industry, an industrial hive, a noxious trade, a risk activity, an adult entertainment business or a bottle store".

F. NEED AND DESIRABILITY

F.1 PROPERTY

The property is known as Erf 5967 Kleinmond.

F.2 APPLICABLE LEGISLATION

The following legislation is applicable:



- The Spatial Planning and Land-use Management Act, 2013 (Act 16 of 2013)(SPLUMA);
- The Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020; and
- The Overstrand Municipality Land-use Scheme, 2020.

F.3 APPLICABLE PLANNING POLICIES / DOCUMENTS

F.3.1 SPATIAL PLANNING AND LAND-USE MANAGEMENT ACT, 2013 (ACT 16 OF 2013)(SPLUMA)

The following principles for development in the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA), are discussed:

- **Section 7(a) The principle of spatial justice**
- **Section 7(b) the principle of spatial sustainability**
- **Section 7(c) the principle of efficiency**
- **Section 7(d) the principle of spatial resilience, whereby flexibility in spatial plans, policies and land use management systems are accommodated to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks**

The R44 from (i.e.) Gordonsbaai to Kleinmond can be regarded as a Development Corridor. In general terms can a development corridor be defined as a *geographical area identified as a priority for investment to catalyze economic growth and development*. Along this R44-Corridor is coastal towns such as Rooi Els, Pringle Bay, Betty's Bay and Kleinmond located.

The R44-Corridor links with the R43-Development Corridor (Hermanus / Stanford / Gansbaai) further on.

In Kleinmond is development along the R44-Corridor (in Kleinmond known as Main Road) characterized by business development adjacent to it, with residential development to the south and the north of the Corridor. Further business development should be encouraged along this axis in Kleinmond.

Erf 5967 Kleinmond is in Main Road. Several erven along the R44-Corridor (Main Road) have already been developed for business purposes.

The proposed consent use for Erf 5967 Kleinmond is, therefore, in line with this.

- **Section 7(e) the principle of good administration**

The required public participation process, in accordance with the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020, will be sufficiently dealt with via the advertising of the proposed Consent Use Application. The respective rights and all those affected will be adequately



addressed during this process. The "*audi alterem partum*-rule", therefore, will have been complied with. The intrinsic knowledge of the process and the distribution of the Application to internal and external parties (where applicable) will also lead indisputably to the adherence of this requirement.

- **Section 42(c) take into account –**

- (i) ***the public interest***
- (iv) ***the respective rights and obligations of all those affected***

The required public participation process, in accordance with the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020, will be sufficiently dealt with via the advertising of the proposed Consent Use Application. The respective rights and all those affected will be adequately addressed during this process. The "*audi alterem partum*-rule", therefore, will have been complied with. The intrinsic knowledge of the process and the distribution of the Application to internal and external parties (where applicable) will also lead indisputably to the adherence of this requirement.

- (ii) ***the constitutional transformation imperatives and the related duties of the State***

The proposed Consent Use Application process forms part of and supplement the development character of the broader R44-Corridor (known as Main Road in Kleinmond) from a legal point to enhance the development of the broader area within a concise space.

The proposed Consent Use Application, therefore, adheres to the constitutional and transformation imperatives and the related duties of the State in the sense that, prior the exercising of the land-use rights, the correct legal procedure and route are followed to assist the State, and in this case the Overstrand Local Municipality, to exercise its mandate to comply with the Constitution.

- (iii) ***the facts and circumstances relevant to the application***

Development along the R44-Corridor (in Kleinmond Main Road) should be encouraged. Erf 5967 Kleinmond is located to the north of the R44-Corridor in Kleinmond. Several erven along Main Road have already been developed for business purposes.

- (v) ***the state and impact of engineering services, social infrastructure and open space requirements***



Engineering services (electricity, roads, storm water drainage, sewer and water) are readily available.

Within the broader development itself will ample open space be provided.

F.3.2 The National Development Plan (NDP)

The NDP is the supreme and overarching plan for South Africa that sets out the most crucial objectives and actions that need to be undertaken in the Republic of South Africa. The focus is to eliminate poverty and reduce inequality by 2030. The following sets out some of the key interventions that the NDP seeks to achieve:

- Significantly reduce unemployment and increase the size of the economy through a range of actions.
- Invest in economic infrastructures, such as electricity, water, public transport, and broadband networks.
- Enhance environmental sustainability and resilience.
- Develop an inclusive rural economy through agri-processing and agriculture, tenure security, land reform.
- Increase trade within Southern Africa.
- Transform our human settlements, by co-locating places of work and human settlements, densifying our settlements, and improving public transport.
- Improve education, training, and innovation at all levels of the education system.
- Improve the health outcomes of the country.
- Enhance and ensure social protection and build safer communities.
- Build a capable state.
- Fight corruption.
- Promote nation-building.

While the NDP is an extensive plan with a significant amount of detail, more detailed Spatial Development Frameworks (SDF's) are needed at provincial level, district level and municipal level. These SDF's should be local tools through which the NDP is implemented.

F.3.3 Western Cape Provincial Spatial Development Framework (PSDF)

This PSDF aims to put in place a coherent framework for the Province's urban and rural areas that:

- gives spatial expression to the national and provincial development agendas;
- serves as basis for co-ordinating, integrating and aligning "on the ground" delivery of national and provincial departmental programmes;
- supports municipalities to fulfil their municipal planning mandate in line with the national and provincial agendas; and



- communicates government's spatial development intentions to the private sector and civil society.

In taking this forward the PSDF applies the following spatial principles:

- **Spatial Justice:** A socially just society based on the principles of equality, solidarity, and inclusion. Past spatial and other development imbalances should be redressed through improved access to and use of land.
- **Sustainability and Resilience:** Land development should be spatially compact, resource-frugal, compatible with cultural and scenic landscapes, and should not involve the conversion of high potential agricultural land or compromise ecosystems. The focus must be on creating complex, diverse and resilient spatial systems that are sustainable in all contexts.
- **Spatial Efficiency:** Efficiency relates to the form of settlements and use of resources - compaction as opposed to sprawl; mixed-use as opposed to mono-functional land uses; residential areas close to work opportunities as opposed to dormitory settlement, and prioritisation of public transport over private car use.
- **Accessibility:** Improving access to services, facilities, employment, training and recreation, and safe and efficient transport modes is essential to achieving the stated settlement transitions of the NDP and One Cape 2040. Accessibility is also defined by convenient and dignified access to private and public spaces for people with impaired mobility.
- **Quality and Liveability:** The quality of an environment directly contributes to its liveability. Legible built environments are characterized by the existence of landmarks such as notable buildings and landscaping, well- defined public spaces, as well as navigable street networks.

To deliver on the Western Cape Growth Strategic Objectives, the PSDF focuses on growing the economy, building greater environmental resilience and much better inclusion. It is summarised as follows:

- Growing the Western Cape economy in partnership with the private sector, non-governmental and community-based organisations
- Using infrastructure investment as primary lever to bring about the required urban and rural spatial transitions; and
- Improving oversight of the sustainable use of the Western Cape's spatial assets.

These focus points are the pillars for the more detailed Spatial Development Frameworks (SDF's) at district level (Overberg DC) and municipal (Overstrand LM) level.



F.3.4 Overberg District Spatial Development Framework (ODSDF)

The purpose of ODSDF is to:

- Prepare a spatial perspective of the current developmental status quo within the Overberg District Municipality (ODM) to inform a basis for discussion on key spatial issues and linkages to other sector plans and opportunities to inform the Districts' future spatial development;
- Review and update the spatial vision and strategic direction of the municipality, to inform the drafting/amendment of the Integrated Development Plan (IDP) of the ODM; and
- Review and update the Spatial Development Framework proposals to guide local municipalities in the District regarding future spatial planning, strategic decision-making, and regional integration. The Overberg District SDF will focus on the following:
 - Identifying the structure and role of settlement,
 - transportation, and regional services infrastructure across and between the local municipalities within the district area.
 - Classifying areas that require protection and conservation (i.e., protected areas), which include threatened ecosystems, critical biodiversity areas, valuable agricultural land, water catchment areas, and other resources of value within the District.
 - Identifying growth nodes, priority investment areas, and areas of rural decay within the District.
 - Classifying areas that require protection and conservation (i.e., protected areas), which include threatened ecosystems, critical biodiversity areas, valuable agricultural land, water catchment areas, and other resources of value within the District.
 - Resolving contradictions between the planning visions of the District's local municipalities.
 - Describing the general urban design principles to be applied in all settlements located in the District. Critically, the District SDF must guide local municipalities in the development of their own SDF's, without impeding on local-level planning detail. The District sets the framework and context for local municipalities to work within. It is also critical that the District aligns to the Provincial and National planning and policy context. It is therefore clear that the District must operate within a well-defined (at the conceptual level) policy and planning context and therefore is constrained to these insofar as proposals that can be made.

F.3.5 Overstrand Integrated Development Planning (IDP)

The Integrated Development Plan (IDP) is a municipality's principal strategic plan that deals with the most critical development needs of the municipal area (external focus) as well as the most critical governance needs of the organization (internal



focus). It aims to co-ordinate the work of local and other spheres of government in a coherent plan to improve the quality of life for all the people living in an area. It should consider the existing conditions and problems and resources available for development. The projects within the IDP are linked to the municipality's budget.

F.3.6 Overstrand Municipality Spatial Development Framework (SDF)

The Municipal Spatial Development Framework is a sectoral component of the IDP that, in terms of the Municipal Systems Act, is aimed at providing general direction to guide decision making on an ongoing basis, aiming at the creation of integrated, sustainable, and habitable regions, cities, towns and residential areas.

Within the SDF a hierarchal classification of nodes is based on the nature of the function of the nodes, considering factors such as population size, influence sphere, interconnectivity, service delivery as well as informants from the Growth Potential of Towns Study, 2014 (GPTS).

Kleinmond is classified as Sub-Regional Node. The following key strategic land-use proposals for Kleinmond is proposed:

- Conservation of the natural environment, particularly its combination of riverine estuarine conditions and sandy beaches;
- Spatial integration and accessibility of the different land-use components through (i.e.) pedestrian linkages;
- Promotion of Kleinmond as a retirement and tourism town.

Erf 5967 Kleinmond falls within the area earmarked as *"urban development"*.

F.3.7 Motivation for Consent Use

It is proposed that consent be granted for additional land-uses to be operated from Erf 5967 Kleinmond, in terms of Sections 16(2)(o) of the Overstrand Municipality Amendment By-law on Municipal Land-use Planning (2020).

The R44 from (i.e.) Gordonsbaai to Kleinmond can be regarded as a Development Corridor. In general terms can a development corridor be defined as a *geographical area identified as a priority for investment to catalyze economic growth and development*. Along this R44-Corridor is coastal towns such as Rooi Els, Pringle Bay, Betty's Bay and Kleinmond located. The R44-Corridor then links with the R43-Development Corridor (Hermanus/Stanford/Gansbaai) further on.

In Kleinmond is development along the R44-Corridor (in Kleinmond Main Road) characterized by business development adjacent to it, with residential development to the south and the north of the Corridor. Further business development should be encouraged along this axis in Kleinmond.



Erf 5967 Kleinmond is located to the north of the R44-Corridor. Several erven along the R44-Corridor in Kleinmond have already been developed for business purposes.



Within the Overstrand SDF is Kleinmond also classified as a Sub-Regional Node. The following key strategic land-use proposals for Kleinmond is proposed:

- Conservation of the natural environment, particularly its combination of riverine estuarine conditions and sandy beaches;
- Spatial integration and accessibility of the different land-use components through (i.e.) pedestrian linkages;
- Promotion of Kleinmond as a retirement and tourism town.

The area surrounding Erf 5967 Kleinmond is mainly characterized by business (R44 Corridor/Main Road) and residential (low, medium and high density) development.

Erf 5967 Kleinmond, therefore, is ideally located to enhance the "*business character*" of Main Road in Kleinmond.



Preliminary Site Plan (Annexure G):

The proposed development parameters are:

- Access will be from Main Road.
- The build-up area is as follow:
 - Building: $\pm 405\text{m}^2$
 - Residential Building allowed: $\pm 86\text{m}^2$
 - Other uses: $\pm 319\text{m}^2$

In accordance with the Overstrand Municipality Land-Use Scheme (2020), the following regarding the **Parking Schedule**:

- Residential purposes: 2 parking bays
- Offices and Land-uses with "*consent*": 13 parking bays (@ 4 / 100sqm)
- Total: 15 parking bays.

G. ENGINEERING SERVICES

Engineering services infrastructure (i.e. electricity, water, sewer and storm water drainage) are available.

H. ENVIRONMENTAL ISSUES

Erf 5967 Kleinmond is located within an existing Township. The proposed Consent Use Application will have no negative effect on the environment. No environmental authorization is needed.

I. TITLE DEED

There are no restrictive title conditions in Title Deed T25575/2025.

J. CONCLUSION

In view of the above mentioned it is recommended that Overstrand Local Municipality approves the Application, in terms of Sections 16(2)(o) of the Overstrand Municipality Amendment By-law on Municipal Land-use Planning (2020) for "*consent*" to operate the following additional land-uses on Erf 5967 Kleinmond: ***"business premises, limited to a shop, a restaurant, the sale of alcoholic beverages, a plant nursery, offices and building for similar uses and the sale of any small and big items"***.

—0—

**SKETCH PLAN:
SITE LAYOUT
CONSENT USE FOR:**

ERF 5967,

KLEINMOND

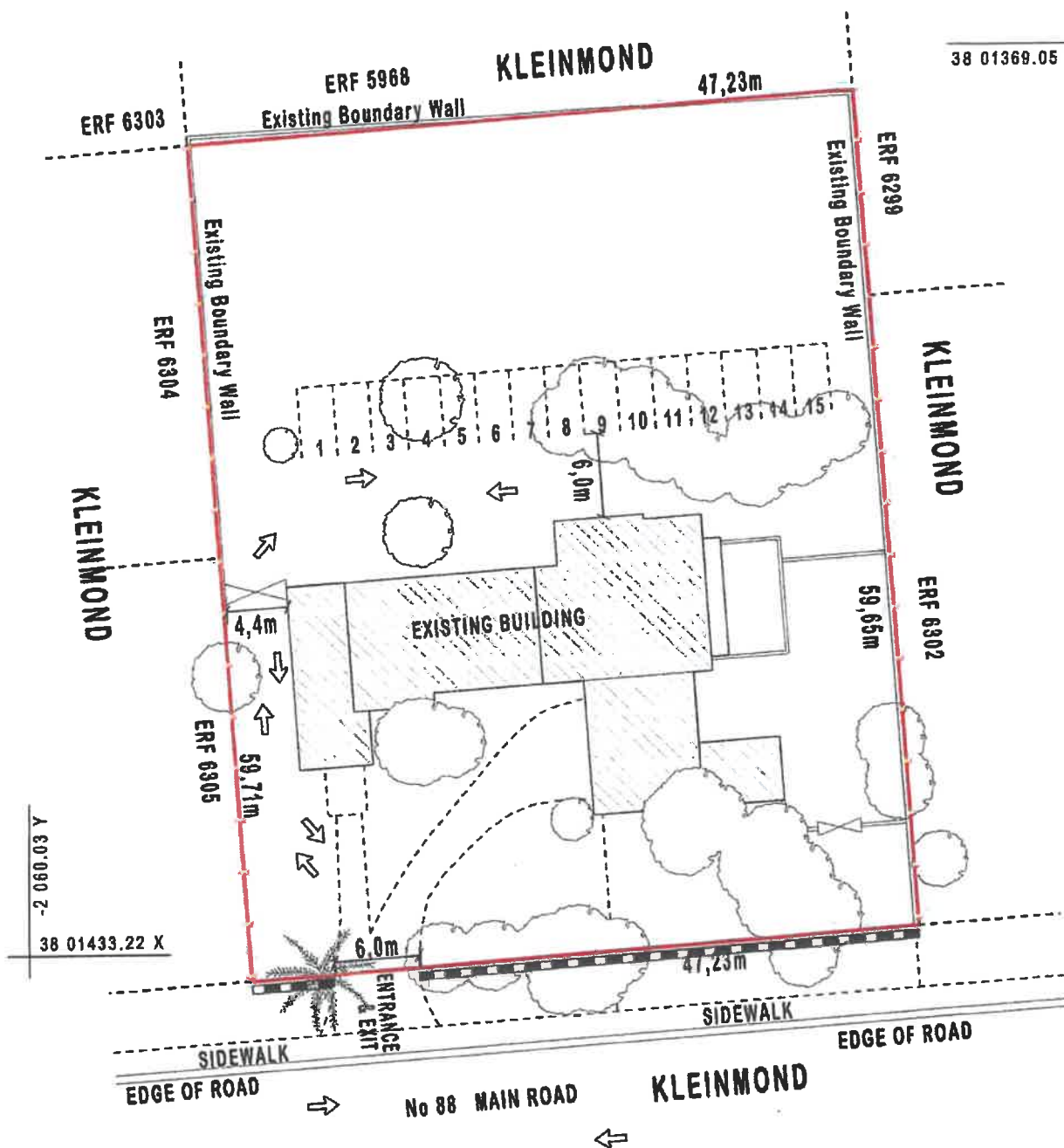
LOCAL AUTHORITY: OVERSTRAND MUNICIPALITY.

0m 10m 20m 30m
ON ORIGINAL A4

ANNEXURE G



SCALE: 1 : 450



PARKING SCHEDULE:

1. RESIDENTIAL PURPOSES:	2 PARKING BAYS
2. OFFICES & LAND-USES WITH CONSENT:	13 PARKING BAYS (4 BAYS PER 100m ²)
TOTAL:	15 PARKING BAYS

GENERAL NOTES:

- ALL DIMENSIONS ARE APPROXIMATE AND SUBJECT TO FINAL SURVEY.
- GEODETIC DATUM PLANE : WG 19°.
- PROPERTY AREA : 2 717m².
- OWNER : Abraham Christian Duvange & Charmaine Patronella Duvange
- DEED OF TRANSFER : T25578/2025
- DENOTES A LINE OF NO ACCESS.

NOTE FOR CONSENT USE:

ERF 5967
BUSINESS S: Local Business limited to Offices and Residential building limited to approximately 86m²
CONSENT USE FOR: Business Premises limited to i.e. shop, restaurant, sale of alcoholic beverages, plant nursery, offices

PLAN NUMBER: 101	Applicant
REF: KLEINMOND 5967/01	Signature
DATE	AMENDMENTS
JULY 2025	SUBMISSION

AREA SCHEDULE:

1. RESIDENTIAL PURPOSES:	88m ²
2. OFFICES:	310m ²
TOTAL	406m²

Overstrand Office:
52 Seaview Drive,
BETTY'S BAY
Cell : 072 184 8621
Email : amund@vodamail.co.za

Pretoria Office:
81 Woodlands Avenue,
PECANWOOD
Cell : 083 226 1316
Email : dehaas@talkomsa.net

**Platinum
TOWN PLANNERS**

Loretta Gillion

Erf 7151
 Mr. G. E. Smith
 92 Main road
 Kleinmond.

Application Erf 5967

Shop No Shop just over the street
 Restaurant Yes
 Alcoholic Sales No There's enough drinking places
 Nursery Yes
 Offices Yes
 Sales of items Yes
 Business on Sundays No

G.E. Smith

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
31 OCT 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

TP-A Theart
 (H vld stoep)

FILE NO	Erf 5967-KM
SCAN NO.	
COLLABORATOR NO.	2893708



Annexure E 1/5

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Mobile: 072 184 9821
Email: amund@vodamail.co.za

THE DIVISIONAL MANAGER: TOWN AND SPATIAL PLANNING
PO BOX 20
HERMANUS
7200

ATTENTION:

- Hanneen van der Stoep (hvdstoep@overstrand.gov.za)
- Loretta Gillion (loretta@overstrand.gov.za)

Hallo Hanneen / Loretta;

FILE NO. Erf 5967- KM
SCAN NO.
COLLABORATOR NO. 2910822

ERF 5967 KLEINMOND

You are referred to the Land-use Application submitted for Erf 5967 Kleinmond; and more specifically the Objection received from Mr. G. Smit, the Owner of Erf 7151 Kleinmond (email dated 31st October 2025) (**Annexure A**) and the email from Overstrand Local Municipality dated 14th November 2025, attached as **Annexure B**.

Our Response:**1) LAND-USE APPLICATION**

For ease of reference the said Land-use Application, as discussed with the Directorate: Town and Spatial Planning on Friday, 22 August 2025, is to include the land-use "business premises" as a "consent use". However, it is limited to:

"a shop, a restaurant, the sale of alcoholic beverages, a plant nursery, offices and building for similar uses and the sale of any small and big items but excludes a supermarket, service trade, a financial institution, a place of assembly, a place of entertainment, an institution, a service station, a motor repair garage, an industry, an industrial hive, a noxious trade, a risk activity, an adult entertainment business or a bottle store".

2) E-MAIL dated 31st October 2025 (Mr. Smit)(Annexure A)

- i) Point 1: "Shop" with a "no" as objection.

19 NOV 2025



Response:

The Overstrand Municipality Land Use Scheme (2020) defines a "shop" as:

"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; it excludes an industry, service trade, motor repair garage, service station, 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 parameters as may be determined by the Municipality".

The R44 from (i.e.) Gordonsbaai to Kleinmond is regarded as a Development Corridor. In general terms is a development corridor defined as a geographical area identified as a priority for investment to catalyze economic growth and development.

In Kleinmond is development along the R44-Corridor (in Kleinmond known as Main Road) characterized by business development, i.e. shops, adjacent to it, with residential development to the south and the north of the Corridor. Further business development should be encouraged along this axis in Kleinmond.

Erf 5967 Kleinmond is in Main Road. Several erven along the R44-Corridor (Main Road) have already been developed for business purposes, i.e. "shops".

The proposed additional land-uses as "consent use for Erf 5967 Kleinmond" is, therefore, in line with this.

3) Point 3: "Alcohol sales" with a "no" as objection.

Response:

The Overstrand Municipality Land Use Scheme (2020) defines a "restaurant" as:

"means a licensed business in which mainly meals and beverages are primarily sold to seated patrons and includes the on-site consumption of liquor but does not include premises used exclusively as a bar, a pub or tavern (my underlining)".

Alcohol, therefore, will only be sold to seated patrons. Furthermore, a bottle store per se is excluded from the requested consent for additional land-uses (refer to Paragraph 1).

4) Point 7: "Business on Sundays" with a "no" as objection".

Response:

The concept of business hours represents the standard time frame during which business operations are generally expected to be active and accessible. This is influenced by societal norms, local laws, and the specific industry in operation.



The reality of modern business is that business hours are far from uniform, varying significantly based on the particular business's core function and target customer. Operational availability in different fields is driven by distinct demands, moving beyond the standard office timetables during the week and over weekends.

The hours for retail and hospitality are primarily determined by consumer demand and foot traffic, resulting in timeframes that routinely include evenings and weekends. A retailer or restaurant operates when its customers are most likely to shop or dine. Location is also a factor, as a standalone (i.e.) shop may close earlier than one in a busy urban center. These businesses define their hours based on peak consumer activity, making the traditional weekday timeframe largely irrelevant.

The character of Main Road is "*business orientated*". Business hours are determined by the "*demand of its customers*". If there is no business, i.e. on Sundays, the particular Business will not operate. If there is a "*demand*", it will operate. This is evident in Main Road.

That is basic "economics".

5) Points 2, 4, 5 and 6: No objections. Noted.

Please note that we hereby reserve our Client's rights to elaborate on the afore-mentioned Response Points, or any other points that might come to the fore.

Please acknowledge receipt of this Letter.

If there are any queries, please communicate directly with Amund (writer) at 072 184 9621 or amund@vodamail.co.za. Alternatively, phone Pieter on 083 226 1316.

Thank you

Amund
18 / 11 / 2025

ANNEXURE A

Loretha Gillson

Erf 7151
Mr. G.E. Smit
92 Main road
Kleinmond.

Application Erf 5967

- ① Shop No Shop just over the street
- ② Restaurant Yes
- ③ Alcoholic sales No There's enough drinking places
- ④ Nursery Yes
- ⑤ Offices Yes
- ⑥ Sale of items Yes
- ⑦ Business on Sundays No

Admit

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
31 OCT 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

TP-A Theart
(Hvd stoep)

FILE NO.	Erf 5967-KM
SCAN NO.	
COLLABORATOR NO.	2893708

ANNEXURE B**amund@vodamail.co.za**

From: Loretta Gillion <loretta@overstrand.gov.za>
Sent: Friday, 14 November 2025 10:42
To: amund@vodamail.co.za
Subject: Applicant to reply to comment / objection - Erf 5967 Kleinmond (5044/2025)
Attachments: PUBLIC COMMENT - G Smit.pdf

Platinum Town Planners
A Beneka

Dear Sir

APPLICANT TO REPLY TO COMMENT / OBJECTION

**REMAINDER ERF 5967, 88 MAIN ROAD, KLEINMOND, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR
 CONSENT USE: PLATINUM TOWN AND REGIONAL PLANNERS ON BEHALF OF AC & CP DUVENAGE**

Your application received on 21 July 2025 refers.

Attached please find a copy of one (1) comment / objection received forthcoming the public participation process:

1. GE Smit

Kindly provide this Municipality with a written reply within 30 days of this email. Arrangements can be made, prior to the 30 days lapsing, for a further period agreed upon with the Municipality for the submission of your response to the comment received.

Kindly note that comments from the Western Cape Government: Infrastructure (Road Planning) is still outstanding. Closing date for their comments is 25 November 2025.

Regards

Loretta Gillion

Administrative Officer: Town & Spatial Planning
Directorate: Planning & Development, Overstrand Municipality, Hermanus
 A: 16 Paterson Street, Hermanus, 7200 P: P O Box 20
 T: 028 313 8900 | E: loretta@overstrand.gov.za



**Overstrand
 Municipality**

A: 1 Magnolia Street,
 Hermanus, 7200
 P: P.O Box 20, Hermanus,
 7200

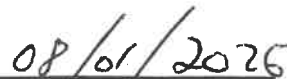
**COMMENTS FROM THE PROJECT MANAGEMENT DIVISION FOR:
APPLICATION FOR CONSENT USE: ERF 5967, KLEINMOND (5044/2025)**

Electricity	:	In order
Water	:	In order
Sewer	:	In order
Stormwater	:	In order
Roads and traffic	:	In order

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 only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the owner's cost;
3. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of *SANS 10400 – P: 2010: Drainage*;
4. that, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Principal Technologist: Kleinmond for written approval;
5. that any additional and / or extended vehicle entrances will be for the owner's account;
6. that no reservation of on-street parking be allowed;
7. that stormwater discharged from higher lying properties and generated in the catchment area of the property be allowed to drain freely through the property;
8. that stormwater reticulation and connection(s) to the municipal system be provided at the owners cost, if required.


RICARDO ANDREW


DATE

PRINCIPAL TECHNOLOGIST: DEVELOPMENT CONTROL



**Western Cape
Government**

Department of Infrastructure

Vanessa Stoffels

Chief Directorate: Road Planning

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Ref: DOI/CFS/RN/LU/REZ/SUB-21/320 (Application No: 2025-10-0092)

The Municipal Manager
Overstrand Municipality
PO Box 20
HERMANUS
7200

Attention: Ms L Isaacs

Dear Madam

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
15 JAN 2026
ORIGINAL
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

TP-A Theart
(H vld stoep)

ERF 5967, KLEINMOND: PROPOSED CONSENT USE

1. Your letter 5044/2025 to this Branch dated 25 September 2025.
2. The subject property is in Kleinmond and takes access off Trunk Road 27 Section 1 at km12.52.
3. The proposal is for consent use to allow business premises.
4. This Branch offers no objection to the proposal in terms of the Land Use Planning Act 3 of 2014.

Yours Sincerely

DD FORTUIN

For DEPUTY DIRECTOR-GENERAL: TRANSPORT INFRASTRUCTURE BRANCH

DATE: 26 NOVEMBER 2025

FILE NO. Erf 5967-KM
SCAN NO.
COLLABORATOR NO.
2918653