

MOTIVATIONAL REPORT GUIDELINES

Section 66 of the Overstrand Municipality By-Law on Land Use Planning sets forth general criteria for the consideration of applications. Therefore, a comprehensive explanation substantiating that the application meets the general criteria is required. The extent of this report will vary from one application to the next, depending on the sensitivity of the environment and the size of the proposed development. **The following guidelines must be followed when compiling such a report:**

GENERAL INFORMATION

Provide clear and holistic information on the particulars for the proposed application and must include the following:

(A) PROPOSED DEVELOPMENT

Discuss and provide an overview of what the proposed application entails. This must be related to attachments provided as indicated in Annexure A and Annexure C. Discuss the accessibility of the property regarding the existing urban development, the main road network, and other infrastructure, as well as the effect of additional traffic, if any, on the environment. In the case of a rezoning to a sub-divisional area, the availability of land units with similar characteristics and the expected pace of development of such units must also be discussed.

(B) CHARACTER OF THE ENVIRONMENT

Discuss the degree of compatibility of the proposed change in land use with the types of land uses in the surrounding area, the accommodation density (e.g., sizes of properties), historical architectural or conservation worthy areas, natural assets, number of community facilities, privacy of neighbours, street scenes, views, etc. If possible, photos of the area under application should be submitted to clarify certain aspects of the application.

(C) DESIRABILITY OF THE PROPOSED UTILISATION

Discuss the potential of the property for other uses, e.g., agriculture (in an existing agricultural area) / conservation (of natural and urban environments) / recreation (especially along the coast) and how the proposal will influence the potential, and the benefit the proposed utilisation of land will have for the surrounding property owners.

(D) INVESTIGATIONS CARRIED OUT IN TERMS OF OTHER LAWS WHICH ARE RELEVANT TO THE CONSIDERATION OF THE APPLICATION

Discuss and provide evidence that prior investigations were done. This is done where the proposed application will be influenced by other laws such as the National Heritage Resources Act, Environmental Management: Air Quality Act, National Environmental Integrated Coastal Management Act, National Environmental Management Act, Subdivision of Agricultural Land Act, Occupational Health and Safety Act, Management: Waste and the National Water Act, etc.

(E) THE IMPACT OF THE PROPOSED LAND DEVELOPMENT ON MUNICIPAL ENGINEERING SERVICES

Discuss the possibility of the provision of services (do you anticipate any problems?), what type of services will be provided, what the cost of providing such services will be and whether it will be desirable to provide such services (e.g., how it would affect the natural environment, possible pollution, etc). Further discuss the accessibility of the property regarding the existing urban development, the main road network, and other infrastructure, as well as the effect of additional traffic, if any, on the environment. In the case of a rezoning to a sub-divisional area, the availability of land units with similar characteristics and the expected pace of development of such units must also be discussed.

(F) CONSIDERATION OF FORWARD PLANNING AND LAND USE DOCUMENTS

Discuss whether the proposed land use is in line with the relevant zoning scheme regulations and forward planning documentation. If the proposed land use is not in line with the aforementioned documentation, then the applicant should motivate as to why the application should be considered.

The following is a list of forward planning documents which must be considered:

- ✦ Integrated development plan, including the municipal spatial development framework;
- ✦ Integrated development plan and spatial development framework for the district municipality, where applicable;
- ✦ Applicable local spatial development frameworks adopted by the Municipality;
- ✦ Provincial spatial development framework; and - Regional spatial development framework in section 18 of SPLUMA and LUPA or provincial regional spatial development framework;
- ✦ Applicable structure or precinct plans.

(G) PLANNING PRINCIPLES

As part of the motivation, the applicant must also indicate that the policies, principles and planning and development norms and criteria as set out in Section 42 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA) and Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA) were regarded and that the proposed application is in compliance with these. The principles are defined below.

It is important to note that the explanations below are not legislative definitions, but rather an attempt at exploring each development principle.

‘SPATIAL JUSTICE’ refers to the need to redress the past apartheid spatial development imbalances and aim for equity in the provision of access to opportunities, facilities, services, and land. In the broadest sense, it seeks to promote the integration of communities and the creation of settlements that allow the poorest of the poor to access opportunities. In a spatially just settlement, opportunities and access are provided to those whose historical access and opportunities have been impeded by the practice of apartheid spatial planning. Land development procedures must include provisions that accommodate access to, and facilitation of, security of tenure and the incremental upgrading of informal areas.

‘SPATIAL SUSTAINABILITY’ essentially refers to a sustainable form of development. A part of this means promoting less resource consuming development typologies that promote compaction, pedestrianisation and mixed-use urban environments which allow for the development of a functional public transport system and space economy. A spatially sustainable settlement will be one which has an equitable land market, while ensuring the protection of valuable agricultural land, environmentally sensitive and biodiversity rich areas, as well as scenic and cultural landscapes and ultimately limits urban sprawl.

‘EFFICIENCY’ refers to the need to create settlements that optimise the use of space, energy, infrastructure, resources, and land. Inherent in this statement is the need to promote densification and urban (as opposed to suburban) development typologies. This also has to do with the manner in which the settlement itself is designed and functions, which should reduce the need to travel long distances to access services, facilities and opportunities. Efficiency also refers to decision making procedures which are designed to minimise negative financial, social, economic or environmental impacts. In addition, efficiency refers to the need for development application procedures that are efficient and streamlined.

‘SPATIAL RESILIENCE’ in the context of land use planning refers to the need to promote the development of sustainable livelihoods for the poor (i.e., communities that are most likely to suffer the impacts of economic and environmental shocks). Spatial Resilience also refers to the requirement for flexibility in spatial plans, policies and land use management systems to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks. The spatial plans, policies and land use management systems should enable the communities to be able to resist, absorb and accommodate these shocks and to recover from these shocks in a timely and efficient manner, which includes the preservation and restoration of essential basic infrastructure and functions, but also adaptation in order to ensure increased resilience in terms of future shocks (United Nations Office for Disaster Risk Reduction, 2009).

‘GOOD ADMINISTRATION’ in the context of land use planning refers to the promotion of integrated, consultative planning practices in which all spheres of government and other role-players ensure a joint planning approach is pursued. Furthermore, it is critical that decisions made in terms of land use planning seek to minimise the negative financial, social, economic, and environmental impacts of a development. Furthermore, ‘good administration’ in the context of land use planning, refers to a system which is efficient, well run and where the timeframe requirements are adhered to.

AMENDMENT, SUSPENSION OR REMOVAL OF RESTRICTIVE CONDITIONS

In terms of Section 41 of SPLUMA, No. 16 of 2013 the Municipality is the decision-making authority of land use applications, including an application for the removal, amendment or suspension of a restrictive condition. The principles, norms and standards and requirements as listed in Section 42 of SPLUMA, No 16 of 2013 and Section 35(4) of the Overstrand Municipality By-Law on Municipal Land Use Planning will form the basis for the decision-making process and therefore should be discussed as part of the motivation.

Points to be discussed are as follows :

- The financial or other value of the rights.
- The personal benefits which will accrue to the holder of rights and/or to the person seeking the removal.
- The social benefit of the restrictive condition remaining in place, and/or being removed / amended.
- Will the removal, suspension or amendment completely remove all rights enjoyed by the beneficiary or only some of those rights?