



OVERSTRAND MUNICIPALITY	OVERSTRAND MUNISIPALITEIT	UMASIPALA WASE-OVERSTRAND
<u>ERF 3605, 27 HARBOUR ROAD, KLEINMOND: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, REZONING AND CONSENT USE: WRAP PROJECT OFFICE ON BEHALF OF THEEBO PROPERTIES PROPRIETARY LIMITED</u> Notice is hereby given in terms of Sections 47 and 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), of the following applications applicable to Erf 3605, Kleinmond (the property), namely: <u>Removal of a Restrictive Title Deed Conditions</u> Application in terms of Section 16(2)(f) of the By-Law for the removal of a restrictive title deed conditions I.C.2., II.C.2., III.C.2., IV.C.2, V.C.2 and VI.C.2 as contained in Title Deed T63023/2024 of the property to accommodate the proposed development and utilization of the site for commercial purposes. <u>Rezoning</u> Application in terms of Section 16(2)(a) of the By-Law to rezone Erf 3605, Kleinmond from Residential Zone 1: Single Residential (SR1) to Business Zone 2: General Business (B2) to accommodate the proposed commercial and tourism related activities on the property. <u>Consent Use</u> Application in terms of Section 16(2)(o) of the By-Law to accommodate a warehouse to utilize a portion of the proposed structure on the property as storage and maturation of wine barrels associated with the owner's existing wine farm operation. Full details regarding the proposals above are available for inspection during weekdays between 08:00 and 16:30 at the Division: Town and Spatial Planning, 16 Paterson Street, Hermanus, at the Kleinmond Library, Fifth Avenue, Kleinmond and on the municipal webpage at the following link https://www.overstrand.gov.za/document/town-spatial-planning/land-use-planning-applications/ Any comments must be in writing and reach the Municipality (16 Paterson Street, Hermanus / (e) landuse@overstrand.gov.za) on or before 23 October 2026, with your name, address, contact details, interest in the application and the reasons for comment. Telephonic inquiries can be made to the Principal Town Planner, Mrs. H. van der Stoep at 028-3138900. The Municipality may refuse to accept comments after the closing date. Any person who cannot read or write can visit the Division: Town and Spatial Planning where they will be assisted by a municipal official in formulating their comments. <i>Please note that in terms of the Protection of Personal Information Act (POPIA), you will be entering into a public process and as such agree and consent to your name, surname, contact details and comment(s) may be disclosed / used in the (application) process.</i>	<u>ERF 3605, HAWEWEG 27, KLEINMOND: AANSOEK OM OPHEFFING VAN BEPERKENDE TITELAKTEVOORWAARDES, HERSONERING EN VERGUNNINGSGEBRUIK: WRAP PROJECT OFFICE NAMENS THEEBO PROPERTIES PROPRIETARY LIMITED</u> Kragtens Artikel 47 en 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening) word hiermee kennis gegee van die onderstaande aansoek van toepassing op Erf 3605, Kleinmond (die eiendom), naamlik: <u>Opheffing van 'n Beperkende Titelaktevoorwaardes</u> Aansoek ingevolge Artikel 16(2)(f) van die Verordening vir die opheffing van 'n beperkende titelaktevoorwaardes I.C.2., II.C.2., III.C.2., IV.C.2, V.C.2 en VI.C.2 soos vervat in Titelakte T63023/2024 van die eiendom om die voorgestelde ontwikkeling en gebruik van die terrein vir kommersiële doeleindes te akkommodeer. <u>Hersonering</u> Aansoek ingevolge Artikel 16(2)(a) van die Verordening om Erf 3605, Kleinmond vanaf Residensiële Sone 1: Enkelwoonsone (SR1) na Sakesone 2: Algemene Sake (B2) te hersoneer om die voorgestelde kommersiële en toerismeverwante aktiwiteite op die eiendom te akkommodeer. <u>Vergunningsgebruik</u> Aansoek ingevolge Artikel 16(2)(o) van die Verordening om 'n pakhuis te akkommodeer ten einde 'n gedeelte van die voorgestelde struktuur op die eiendom te gebruik vir die stoor en veroudering van wynvate wat verband hou met die eienaar se bestaande wynplaasbedryfswighe. Besonderhede aangaande die voorstel lê ter insae gedurende weekdae tussen 08:00 en 16:30 by die Afdeling: Stads- en Streekbeplanning te Patersonstraat 16, Hermanus, by die Kleinmond Biblioteek, Vyfdelaan, Kleinmond en op die munisipale webtuiste by die volgende skakel https://www.overstrand.gov.za/document/town-spatial-planning/land-use-planning-applications/ Enige kommentaar moet skriftelik wees en die Munisipaliteit (Patersonstraat 16, Hermanus / (e) landuse@overstrand.gov.za) voor of op 23 Oktober 2026, met u naam, adres, kontak besonderhede, belang in die aansoek en die redes vir kommentaar. Telefoniese navrae kan gerig word aan die Hoof Stadsbeplanner, Me. H. Van der Stoep by 028-3138900. Die Munisipaliteit mag weier om kommentare te aanvaar na die sluitingsdatum. Enige persoon wat nie kan lees of skryf nie kan die Afdeling: Stads- en Streekbeplanning besoek waar hul deur 'n munisipale amptenaar bygestaan sal word ten einde hul kommentaar te formuleer. <i>U aandag word gevestig op die Bepalinge van die "POPI" Wet, en aangesien u opmerking deel sal uitmaak van 'n openbare deelname proses, u derhalwe toestem dat u naam, van en kontakbesonderhede openbaar gemaak mag word.</i>	<u>ISIZA 3605, 27 HARBOUR ROAD, KLEINMOND: ISICELO SOKUSUSWA KWEEMKO EZITHINTELAYO KWITAYITILE YOBUNINI, UKUMISELWA KWAKHONA KUNYE SEMVUME YOKUSETYENZISWA: WRAP PROJECT OFFICE EGAMENI LIKA THEEBO PROPERTIES PROPRIETARY LIMITED</u> Isaziso siyanikezelwa ngokweCandelo lama-47 nelama-48 loMthetho kaMasipala oLungisiweyo kaMasipala waseOverstrand kuCwangciso lokuSetyenziswa koMhlaba kaMasipala, ka-2020 (uMthetho kaMasipala) izicelo esebenzayo Isiza 3605, Kleinmond: (iipropati) esizezi: <u>Sokususwa kweemeko ezithintelayo kwitayitile yobunini</u> Isicelo ngokungqinelana neCandelo 16(2)(f) loMthetho kaMasipala sokususwa kwemiqathango yesithintelo setayitile yobunini ngolu hlobo lulandelayo I.C.2., II.C.2., III.C.2., IV.C.2, V.C.2 and VI.C.2 njengoko kuqulethwe kwiSivumelwano soBunini Nomb T63023/2024 yepropati ukulungiselela uphuhliso olucetywayo kunye nokusetyenziswa kwesiza ngeenjongo zorhwebo. <u>Ukutshintshwa kokusetyenziswa komhlaba</u> Isicelo ngokweCandelo le-16 (2) (a) loMthetho kaMasipala esebenzayo Isiza 3605, Kleinmond ukulungiselela ukucandwa isuswa kwindawo yokuHlala 1: Indawo yokuHlala umntu omnye (SR1) ukuya kwindawo yoShishino 2: Ishishini Ngokubanzi (B2) ukulungiselela imisebenzi ecetywayo enxulumene nezoshishino nokhenketho kwesi siza. <u>Semvume Yokusetyenziswa</u> Isicelo ngokweCandelo le-16(2)(o) lalo Mthetho, Ukulungiselela indawo yokugcina impahla ukuze kusetyenziswe inxalenye yesakhiwo esicetywayo kwesi siza njengendawo yokugcina nokuvuthisa iibhareli zewayini, nto leyo ehambelana nomsebenzi wefama yewayini osele uqhutywa ngumntu. Iinkcukacha ezipheleleyo malunga neziphakamiso ezingentla ziyafumaneka ukuze zihlolewe ngeentsuku zeveki phakathi kwentsimbi yesi-08:00 neye-16:30 kwiCandelo loCwangciso lweDolophu noMhlaba, kwa-16 Paterson Street, eHermanus, nakwiThala leeNcwadi laseKleinmond, eFifth Avenue, eKleinmond, kunye nakwiwebhusayithi kamasipala kwikhonkco elilandelayo. https://www.overstrand.gov.za/document/town-spatial-planning/land-use-planning-applications/ Naziphi na izimvo kufuneka zibhalwe phantsi zize zifike kuMasipala (16 Paterson Street, Hermanus / (e) landuse@overstrand.gov.za) ngomhla okanye ngaphambi komhla wama-23 kweyeDwarha ngo-2026, ziquka igama lakho, idilesi, iinkcukacha zoqhagamshelwano, umdla wakho kwesi sicelo kunye nezizathu zoluvo lwakho. Imibuzo ngomnxeba ingenziwa kuMcwangcisi Oyintloko weDolophu, uNkskz. H. van der Stoep, kule nombolo: 028-3138900. UMasipala unokwala ukwamkela izimvo emva komhla wokuvalwa kokwamkelwa kwazo. Nabani na ongakwaziyo ukufunda okanye ukubhala angatyelela iCandelo loCwangciso lweDolophu noCwangciso lweNdawo (Division: Town and Spatial Planning) apho aya kuncediswa khona ligosa likamasipala ekubhaleni izimvo zakhe. <i>Nceda uqaphele ukuba, ngokungqinelana noMthetho woKhuseleko lweNkcukacha zoBuqu (POPIA), uza kungena kwinkqubo kawonke-wonke; ngoko ke uyavuma kwaye unika imvume yokuba igama lakho, ifani yakho, iinkcukacha zoqhagamshelwano kunye nezimvo zakho zingatyhilwa okanye zisetyenziswe kwinkqubo (yesicelo).</i>
EW JANTJIES Acting Municipal Manager / Waarnemende Munisipale Bestuurder / Umphathi Kamasipala Obambeleyo PO Box / Posbus / Ibhokisi yePosi 20 HERMANUS 7200		

Notice no. / Kennisgewing nr. / Inothi si yeNomb: 198/2026

Plan 1 - Locality Plan
Remainder of Erf 3605 Kleinmond

Plan prepared by: Thian Jansen

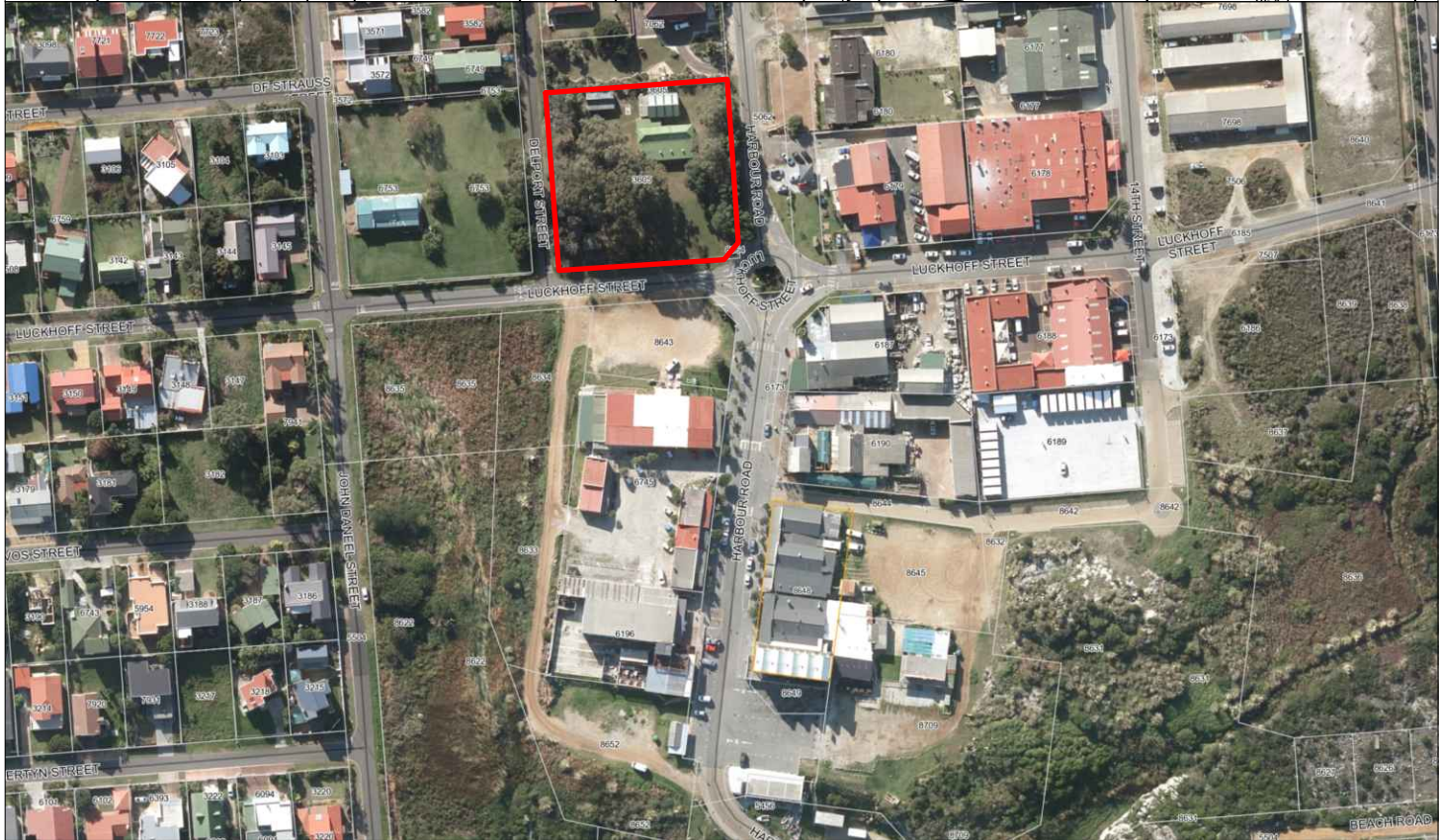
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ERF 3605 KLEINMOND

APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, REZONING AND CONSENT USES

Application prepared for:

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Submitted

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1. PROPERTY DETAILS

Property description	Erf 3605 Kleinmond
Extent	3840m ²
Current Zoning	Residential Zone 1: Single Residential (SR1)
Title Deed	T63023/2024

2. EXECUTIVE SUMMARY

Erf 3605 Kleinmond, hereafter referred to as the subject property, is situated at 27 Harbour Road, Kleinmond, as illustrated in **Plan 1: Locality Plan**. WRAP Project Office was appointed by the owners to prepare and submit the necessary land use application and the authority to act on behalf of the owner is confirmed in **Annexure A: Power of Attorney**.

The subject property measures approximately 3840m² in extent and is currently zoned Residential Zone 1: Single Residential (SR1) in terms of the Overstrand Municipality Land Use Scheme (OMLUS). The property is presently developed with a single dwelling house and associated residential improvements. The owner acquired the property with the intention of developing and utilising the site for commercial purposes that are compatible with the surrounding mixed-use character of the area. In order to accommodate the proposed land uses, an application for rezoning of the property is required.

The property is favourably located along Harbour Road within an area characterised by a combination of residential, commercial, business, industrial and tourism related land uses. As illustrated in **Plan 2: Zoning Plan**, the surrounding area already exhibits a mixed-use development pattern, with several non-residential activities operating in close proximity to the subject property. The proposal is therefore considered to be aligned with the existing and emerging character of the area and represents a logical extension of the surrounding land use pattern.

The proposed development seeks to establish a low intensity commercial node centred around the operations of an existing wine farm in the area. The intended uses include a warehouse component associated with the storage and distribution of wine products, a wine tasting area, a restaurant, and a multifunctional space capable of accommodating a variety of ancillary activities and events. These activities are intended to complement one another and create a unique destination that contributes to the local tourism and hospitality economy.

Importantly, the proposed uses are intended to remain low impact in nature and are not expected to create undue nuisance or negatively affect the amenity of surrounding properties. The scale and nature of the proposed activities will be managed in a manner that is sensitive to the surrounding context, while operating hours, traffic generation, parking provision and general site management can be appropriately controlled through the land use application process and any conditions of approval imposed by the Municipality.

The proposal is further expected to provide positive socio-economic benefits through the creation of employment opportunities, increased tourism activity, support for local agricultural enterprises and the productive reuse of an existing property within the urban area of Kleinmond. The application therefore represents an appropriate and desirable form of development that responds to the evolving nature of the area while remaining compatible with surrounding land uses.



3. PROCEDURE TO ACHIEVE THE OWNERS' INTENT

This application is submitted in terms of the By-Law and consists of various components:

3.1 Removal of restrictive title deed conditions to accommodate the proposed development;

Condition I(C)(2):

- C. *Onderhewig verder aan en met die voordeel van die spesiale voorwaardes genoem in die aanhangsel geheg aan Transportakte Nr T3634/1933, gemerk "A" wat lees:*
2. *The COMPANY reserves to itself and its successors in title the sole right to all Hotels and all Liquor Licences and no purchasers of erven or their successors in title shall erect any Hotel or hold any liquor licence or General Dealer's licence without the written consent of the Directors of the Company, or its successors in title, first had and obtained; and no shop, store or business shall be erected or opened on any stands therein sold, without the written permission of the COMPANY by its Directors or its successors in title, first had and obtained thereto.*

Condition II(C)(2):

- C. *ONDERHEWIG VERDER aan en met die voordeel van die spesiale voorwaardes genoem in die aanhangsel geheg aan gesegde Transportakte Nr. T3634/1933, gemerk "A" wat lees:-*
2. *The COMPANY reserves to itself and its successors in title the sole right to all Hotels and all liquor licences, and no purchasers of erven or their successors in title shall erect any Hotel or hold any liquor licence without the written consent of the Directors of the COMPANY, or its successors in title, first had and obtained; and no shop, store or business shall be erected or opened on any stands situate in Blocks B, C, D, E, F, P1, A2, L2, M2, X2,Y2,J3,K3,L3,M3, without the written permission of the COMPANY by its Directors or its successors in title, first had and obtained thereto.*

Condition III(C)(2):

- C. *ONDERHEWIG VERDER aan en met die voordeel van die voorwaardes bevat en aanhangsel gemerk "B" geheg aan Transportakte Nr. T12074/1926 gedateer 26 November 1926, opgele deur KLEINMOND SYNDICATE LIMITED, Nrs. 2, 4, 8, 9, 9 en 10 waarvan as volg lees :-*
2. *The COMPANY reserves to itself and its successors in title the sole right to all Hotels and all liquor licences, and no purchasers of erven or their successors in title shall erect any Hotel or hold any liquor licence or General Dealer's Licence without the written consent of the Directors of the COMPANY, or its successors in title, first had and obtained; and no shop, store or business shall be erected or opened on any stands herein sold, without the written permission of the COMPANY by its Directors or its successors in title, first had and obtained thereto.*

Condition IV(C)(2):

- C. *ONDERHEWIG VERDER aan en met die voordeel van die voorwaardes bevat in die aanhangsel "B" van gesegde Transportakte Nr. T12073/1926, Nrs. 2, 3, 7 en 10 waarvan as volg lees :-*



2. The COMPANY (Kleinmond Syndicate Limited) reserves to itself and its successors in title the sole right to all Hotels and all liquor licences, and no purchasers of erven or their successors in title shall erect any Hotel or hold any liquor licence or General Dealer's Licence without the written consent of the Directors of the COMPANY, or its successors in title, first had and obtained; and no shop, store or business shall be erected or opened on any stands herein sold, without the written permission of the COMPANY by its Directors or its successors in title, first had and obtained thereto.
<u>Condition V(C)(2):</u> C. ONDERHEWIG VERDER aan die voorwaardes genoem in die aanhangsel geheg aan Transportakte Nr. T11153/1927 gedateer 8 November 1927, gemerk "B". Nrs. 2, 4, 8, 9 en 10 waarvan lees :- 2. The COMPANY (Kleinmond Syndicate Limited) reserves to itself and its successors in title the sole right to all Hotels and all liquor licences, and no purchasers of erven or their successors in title shall erect any Hotel or hold any liquor licence or General Dealer's Licence without the written consent of the Directors of the COMPANY, or its successors in title, first had and obtained; and no shop, store or business shall be erected or opened on any stands herein sold, without the written permission of the COMPANY by its Directors or its successors in title, first had and obtained thereto.
<u>Condition VI(C)(2):</u> C. ONDERHEWIG VERDER aan en met die voordeel van die spesiale voorwaardes van verkoop geheg aan Transportakte Nr. T11578/1929 gedateer 21 November 1929, gemerk "B" wat lees:- 2. The COMPANY reserves to itself and its successors in title the sole right to all Hotels and all liquor licences, and no purchasers of erven or their successors in title shall erect any Hotel or hold any liquor licence or General Dealer's licence without the written consent of the Directors of the COMPANY, or its successors in title, first had and obtained; and no shop, store or business shall be erected or opened on any stands herein sold, without the written permission of the COMPANY by its Directors or its successors in title, first had and obtained thereto.

Erf 3605 Kleinmond is a consolidation of Erven 3600, 3601, 3604, 3606, 3607 and 3608 Kleinmond. As a result of the consolidation process, several restrictive title deed conditions contained in the original title deeds of the individual erven were carried forward into the consolidated title deed for the subject property. These historical conditions were originally imposed by the Kleinmond Syndicate Limited during the early establishment and development of the area and were intended to regulate and control certain land uses within Kleinmond at the time.

A review of the title deed conditions identified several restrictions relating to the establishment of businesses, hotels, liquor licences and commercial activities on the property. The relevant conditions generally reserved to the original company and its successors the sole right to hotels and liquor licences and prohibit the operation of shops, stores, businesses or liquor related activities on the properties without written consent. These conditions are reflected under Conditions I(C)(2), II(C)(2), III(C)(2), IV(C)(2), V(C)(2) and VI(C)(2) of Title Deed T63023/2024.

In order to accurately determine which restrictive conditions, require removal or amendment for the proposed development, a conveyancer's certificate was obtained and is attached as **Annexure C**. The conveyancer's certificate confirms the specific title deed restrictions

affecting the subject property and identifies those conditions that require removal to enable the proposed commercial activities. In particular, the restrictions limiting the ability to obtain and utilise liquor licences on the property require removal to facilitate the proposed restaurant and wine tasting area.

Motivation for the removal of conditions I(C)(2), II(C)(2), III(C)(2), IV(C)(2), V(C)(2) & VI(C)(2)
The rationale for the proposed removal
The restrictive title deed conditions contained under Conditions I(C)(2), II(C)(2), III(C)(2), IV(C)(2), V(C)(2) and VI(C)(2) were originally imposed by the Kleinmond Syndicate Limited during the early development of Kleinmond. At the time, these restrictions were intended to control and centralise commercial activities, liquor licences and business rights within the town. While such conditions may have served a practical purpose historically, the planning and development context of Kleinmond has changed substantially over the decades. The restrictions are now considered outdated in the context of the modern planning framework and no longer reflect the current land use character, economic realities or development objectives applicable to the area. Kleinmond has evolved into a well-established coastal settlement with a diverse range of land uses, including residential, tourism, hospitality, commercial and mixed-use activities. The subject property itself is located within an area where a variety of non-residential and commercial activities already occur, particularly along Harbour Road and the surrounding precinct. The proposed removal of the restrictive conditions is necessary to facilitate the reasonable and economically viable use of the property. The owner intends to establish a low intensity commercial development consisting of a wine tasting area, restaurant, warehouse component and multifunctional area associated with an existing wine farm operation. These uses are considered appropriate within the surrounding context and will contribute positively toward the local economy, tourism sector and employment opportunities within Kleinmond. Importantly, the application does not seek to establish land uses that would create excessive nuisance, noise or disruption to the surrounding neighbourhood. The proposed uses are tourism and hospitality orientated in nature and are intended to operate in a controlled and complementary manner. The removal of the restrictive conditions will therefore merely enable the property to be utilised in a manner that is aligned with the existing and emerging mixed-use character of the area. The liquor licence restriction in particular represents a significant limitation on the proposed wine tasting and restaurant activities. The ability to obtain the necessary liquor licensing approvals is fundamental to the operation of a wine tasting facility and restaurant associated with a wine farm enterprise. Without the removal of these restrictive conditions, the proposed development cannot operate effectively or fulfil its intended purpose. Furthermore, the restrictive conditions no longer provide a meaningful public benefit and their continued enforcement would unnecessarily limit investment and economic activity on the property. The removal of the conditions will not negatively affect the rights or reasonable expectations of surrounding property owners, nor will it alter the essential character of the area in an undesirable manner. Instead, the proposal represents an opportunity to revitalise and productively utilise the property while supporting local tourism and business activity.

Status quo
The original intent of the restrictive title deed conditions was to protect the residential character of the area and regulate the establishment of commercial activities, hotels and liquor related uses within Kleinmond during the early development of the town.
Over time, however, the character of the area surrounding the subject property has evolved significantly. Harbour Road and the broader Kleinmond area now accommodate a mixture of residential, commercial, tourism and hospitality related land uses, creating an established mixed-use environment.
The subject property is located within this evolving context and is considered suitable for the proposed low impact commercial activities, including the restaurant and wine tasting area. The restrictive conditions are therefore no longer aligned with the present-day character and functioning of the area and unnecessarily limit the reasonable and beneficial use of the property.
The proposed removal of the restrictive conditions will not negatively alter the character of the area but rather facilitate a compatible development that aligns with the existing mixed use nature of Harbour Road and surrounding properties.

In terms of the requirements of LUPA, the table below addressed the removal of the restrictive title deed conditions I(C)(2), II(C)(2), III(C)(2), IV(C)(2), V(C)(2) & VI(C)(2) in terms of Section 39(5)(a-f):

LUPA, Section 39(5) (a-f)		
(a)	<i>the financial or other value of the rights in terms of the restrictive condition enjoyed by a person or entity, irrespective of whether these rights are personal or vest in the person as the owner of a dominant tenement;</i>	No person or entity will be negatively affected financially or otherwise by the removal of the restrictive title deed conditions. The conditions are historical in nature and there is no identifiable party currently deriving value or enforceable benefit from their continued existence.
(b)	<i>the personal benefits which accrue to the holder of rights in terms of the restrictive condition;</i>	No specific person or entity currently benefits from the restrictive conditions. The conditions primarily restrict the utilisation of the property and no evidence exists that surrounding property owners derive any direct personal benefit from their enforcement.
(c)	<i>the personal benefits which will accrue to the person seeking the removal, suspension or amendment of the restrictive condition if it is removed, suspended or amended;</i>	The removal of the restrictive conditions will allow the owners to utilise the property for the proposed restaurant, wine tasting area and associated commercial activities linked to the existing wine farm operation. This will enable the reasonable and beneficial use of the property while supporting tourism and economic activity within Kleinmond.
(d)	<i>the social benefit of the restrictive condition remaining in place in its existing form;</i>	The restrictive conditions no longer provide a meaningful social benefit in the current planning context. The surrounding area has

(e)	<i>the social benefit of the removal, suspension or amendment of the restrictive condition; and</i>	evolved into a mixed-use environment containing residential, commercial and tourism related activities, and the conditions no longer serve their original purpose effectively. The removal of the restrictive conditions will facilitate investment in the property and support local economic development, tourism and employment opportunities. The proposed development will contribute positively to the vitality of Harbour Road and provide an additional tourism and hospitality offering within Kleinmond.
(f)	<i>whether the removal, suspension or amendment of the restrictive condition will completely remove all rights enjoyed by the beneficiary or only some of those rights.</i>	There is no identifiable beneficiary currently enjoying enforceable rights in terms of these restrictive conditions. The removal of the conditions will therefore not prejudice any person or entity or remove any existing rights currently being exercised.

In summary, the removal of the restrictive title deed conditions will be beneficial to the owners of the subject property as it will enable the reasonable and beneficial utilisation of the property for the proposed restaurant, wine tasting area and associated commercial activities. The removal of the conditions will facilitate investment in the property and support local tourism and economic development within Kleinmond.

Furthermore, the removal of the restrictive conditions does not detract from or conflict with the development rights and land uses permitted in terms of the applicable Overstrand Municipality Land Use Scheme. The proposed development is considered compatible with the mixed-use character of the surrounding area and aligns with the evolving nature of Harbour Road and the broader Kleinmond context.

It is therefore submitted that the removal of Conditions I(C)(2), II(C)(2), III(C)(2), IV(C)(2), V(C)(2) and VI(C)(2) is justified and desirable from a planning and land use perspective.

3.2 Rezoning of Erf 3605, Kleinmond from Residential Zone 1: Single Residential to Business Zone 2: General Business;

3.3 Consent Use to allow a warehouse on Erf 3605, Kleinmond;

The application proposes the rezoning of Erf 3605 Kleinmond from Residential Zone 1: Single Residential to Business Zone 2: General Business in order to accommodate the proposed commercial and tourism related activities on the property. The proposed rezoning is considered appropriate and desirable within the context of the surrounding area and is aligned with the evolving land use character of Harbour Road and the broader Kleinmond area.

The subject property is strategically located within an area that already exhibits a mixed-use character, with a combination of residential, commercial, tourism and hospitality related activities occurring in close proximity to the site. The property's location along Harbour Road places it within an active movement corridor that is well suited to accommodate

appropriately scaled commercial activities. The proposed rezoning therefore represents a logical and compatible extension of the existing development pattern in the area.

The proposed uses associated with the rezoning include a wine tasting area, restaurant, warehouse component and multifunctional space linked to an existing wine farm operation. These activities are intended to function as a low intensity commercial and tourism destination that contributes positively toward the local economy and hospitality offering within Kleinmond. The proposal is not intended to establish a high intensity commercial centre or nuisance generating activity, but rather a carefully managed and context sensitive development that complements surrounding land uses.

The rezoning of the property will enable the productive utilisation of a well-located urban property and facilitate investment within Kleinmond. The proposal is expected to generate a number of positive socio-economic benefits, including:

- The creation of employment opportunities during both the construction and operational phases;
- Increased tourism activity and visitor attraction within Kleinmond;
- Support for local agricultural enterprises and wine related tourism;
- Additional business and economic activity within the local area;
- Improved utilisation of existing infrastructure and services within the urban area; and
- The enhancement and revitalisation of Harbour Road as an active mixed-use corridor.

From a planning perspective, the proposed rezoning is considered consistent with the principles of spatial justice, sustainability, efficiency and spatial resilience as promoted by the Overstrand Municipality Land Use Scheme and applicable planning legislation. The proposal promotes the integration of compatible land uses within the existing urban area and supports economic development without resulting in urban sprawl or the unnecessary expansion of infrastructure networks.

Importantly, the proposed development is considered compatible with the surrounding area and is not expected to create unacceptable impacts on neighbouring properties. The scale and nature of the proposed uses remain relatively low impact and can be appropriately managed through site design, operational controls and conditions of approval imposed by the Municipality. Adequate parking, access and service arrangements will be provided to ensure that the development functions efficiently and does not negatively affect the surrounding road network or residential amenity.

The rezoning application also responds to changing economic and land use trends within Kleinmond, where tourism, hospitality and mixed-use activities increasingly form part of the town's character and local economy. The proposal therefore represents an opportunity to support sustainable economic growth while maintaining compatibility with the surrounding environment.

Design and Proposed Uses

The proposal entails the demolition of the existing structures on the property in order to create a cohesive and purpose designed development that responds appropriately to the site and surrounding area. A key design consideration throughout the planning of the development has been the retention of as many existing mature trees as possible. The owners are committed to preserving the established vegetation on the property due to both its visual contribution and environmental value. The layout and placement of the proposed buildings,

parking areas and open spaces have therefore been carefully considered to minimise the unnecessary removal of mature trees and to retain the landscaped character of the site.

The proposed development has been designed as a unique wine and hospitality destination associated with the client's activities on an existing wine farm situated outside Botrivier. The primary component of the development consists of specialised wine barrel maturation and storage areas which will be utilised in support of the wine farm operation. The warehouse component has been integrated into the overall architectural design in a manner that contributes positively to the aesthetic and functional character of the development rather than presenting as a traditional industrial warehouse.

In addition to the storage component, the proposal includes a dedicated vinoteek and wine tasting area intended to create an interactive and destination orientated experience for visitors. This space will allow patrons to experience and purchase wines directly linked to the farm operation while contributing to the growing tourism and hospitality economy of Kleinmond. The wine tasting component is further complemented by a proposed restaurant designed to provide a high-quality dining experience focused on wine culture and local produce. The integration of these uses creates a cohesive hospitality offering that is considered highly compatible with the coastal and tourism character of Kleinmond.

The development further includes a multifunctional space located on the first floor of the building. This area is intended to accommodate small scale events, private functions, gatherings, conferences and related activities. The multifunctional room has been positioned and designed to integrate with the remainder of the development while taking advantage of the elevated position and visitor balcony area.

From a design perspective, the proposal demonstrates a modern and well-integrated architectural approach. The buildings are arranged around a central courtyard space which softens the visual impact of the development and creates an attractive and inviting internal environment for visitors. Large veranda and patio areas further contribute to the open and interactive character of the development while ensuring that the building massing is broken up appropriately.

Adequate on-site parking has been incorporated into the design, including dedicated staff parking and visitor parking areas accessed primarily from Delpot Street. The internal circulation and access arrangements have been designed to ensure efficient movement throughout the site while limiting impacts on surrounding roads and neighbouring properties. Landscaping and open space areas remain prominent features of the proposal and contribute toward maintaining a softer interface between the development and surrounding properties. Refer to **Plan 4** and **Annexure D**.

Overall, the proposed design represents a high quality and context sensitive development that combines tourism, hospitality and agricultural related activities into a unique destination within Kleinmond. The development has been carefully planned to remain compatible with the surrounding area while creating a visually attractive and economically beneficial addition to Harbour Road.

Warehouse

A warehouse is not a primary right within Business Zone 2: General Business in terms of the applicable Overstrand Municipality Land Use Scheme and therefore requires the Municipality's consent in order to permit the proposed storage component on the property.



The application specifically seeks consent to allow a portion of the proposed structure, identified as barrel maturation on the Site Development Plan, to be utilised for the storage and maturation of wine barrels associated with the owner's existing wine farm operation.

The proposed warehouse component is directly linked to and supportive of the overall wine tasting, vinoteek and restaurant activities proposed on the property. The storage area is not intended to function as a traditional large scale industrial warehouse or distribution centre, but rather as a specialised and low intensity storage facility associated with the maturation and presentation of wine products. The use is therefore considered ancillary and complementary to the primary hospitality and tourism related activities proposed on the site. Importantly, the scale and nature of the warehouse component are not expected to generate significant negative impacts on surrounding properties or the character of the area.

The storage of wine barrels is a relatively low impact activity that will not create excessive noise, dust, odours or heavy industrial activity. Deliveries and operational requirements associated with the barrel storage component are expected to remain limited and manageable within the context of the surrounding road network and mixed-use nature of Harbour Road.

The proposed consent use further contributes toward creating a unique tourism and hospitality destination within Kleinmond by allowing visitors to experience elements of the wine production and maturation process as part of the broader vinoteek and restaurant offering. The integration of the barrel maturation area into the overall development therefore adds authenticity and experiential value to the proposed destination while strengthening its relationship with the associated wine farm operation.

From a planning perspective, the proposed warehouse use is considered appropriate due to its ancillary nature, low operational impact and compatibility with the surrounding mixed-use environment. The consent use will facilitate economic activity, support local tourism and enable the efficient functioning of the proposed development without detracting from the amenity of the area.

It is therefore submitted that sufficient planning justification exists for the Municipality to support the proposed consent use for a warehouse component on Erf 3605 Kleinmond.

4. PLANNING ASSESSMENT

4.1. ZONING

The proposal is to rezone the property to Business Zone 2: General Business, the proposed development will comply with all the development parameters as earmarked in the OMLUS.

Business Zone 2: General Business – Development parameters			
	Allowed	Proposed / Existing	
Floor Factor	1.5	1506m ² = 0.39	Comply
Coverage	80%	24%	Comply
Building lines	Street building line = 4m Side building lines = 0m & where a property zoned Business Zone 2 abuts a residential or	3m	Comply



MOTIVATION

	community zone, the building line is 3,0 m		
Height	10,5m	10,5m	Comply

Parking	
Use	Required
Warehouse	Two bays per 100 m ² GLA up to 500 m ² , thereafter one per 100 m ² GLA Total GLA Proposed = 280m ² 280m ² GLA = 5.6 Parking Bays (6)
Restaurant & Vinoteek	Four bays per 100m ² GLA Total GLA proposed = 480m ² 480m ² GLA = 19,2 Parking Bays (20)
TOTAL	26 PARKING BAYS REQUIRED
	27 PARKING BAYS PROVIDED

The multifunctional room will be used for small scale events, private functions, business meetings, wine related gatherings, conferences and similar activities associated with the overall hospitality and tourism offering on the property. The space is intended to function as an ancillary component to the restaurant and vinoteek and will not operate as an independent large-scale events venue. Its use will therefore remain compatible with the surrounding area and complementary to the primary activities proposed on the property.

Due to the nature of the proposed uses on the site, the peak utilisation of the various land uses is not anticipated to occur concurrently at all times. The restaurant, vinoteek, wine tasting area and multifunctional room are expected to experience varying operational peaks depending on the time of day, type of event and operational requirements. As a result, the parking areas on the property will effectively function as a shared parking facility serving the various land uses collectively.

In this regard, provision is made within the applicable Land Use Scheme for the Municipality to consider a reduction in parking requirements where two or more land uses share a common parking area, provided that the Municipality is satisfied that the utilisation of the parking areas by the different activities is not concurrent and that the parking bays will remain available for shared use unless otherwise approved by the Municipality.

The shared parking arrangement is therefore considered appropriate and practical within the context of the proposed development, particularly given the integrated nature of the uses on the property. The proposal will allow the site to operate efficiently while avoiding the unnecessary overprovision of parking areas, thereby also assisting in retaining landscaped areas and mature trees on the property.

4.2. ENGINEERING SERVICES

The availability and capacity of municipal engineering services is a relevant consideration in terms of Section 42(1)(c)(v) of SPLUMA and is addressed below.

The subject property is already connected to the existing municipal engineering service networks within Kleinmond, including water, sewerage and electricity infrastructure. The property is located within the established urban area and is therefore capable of being serviced through the existing municipal systems.

The proposed development is not anticipated to place an unreasonable burden on the existing municipal infrastructure networks. While the proposed rezoning and associated land uses may result in an increased demand for municipal services when compared to the current residential use of the property, such demand is considered manageable within the context of the surrounding urban environment and existing service networks.

Should the Municipality determine that additional capacity contributions are required, the owners may be liable for the payment of bulk infrastructure contribution levies as part of the approval process. These contributions can then be utilised by the Municipality toward the upgrading and maintenance of engineering infrastructure within the local area where required.

Solid waste removal services are currently provided to the area by the Overstrand Municipality on a weekly basis and the proposed development can continue to be accommodated within the existing waste collection framework. The solid waste will be collected on-site, in accordance with Section 17.4 of the OMLUS.

Overall, it is considered that sufficient municipal services are available to accommodate the proposed development and that no engineering services constraints have been identified that would prevent the approval of the application.

Access, Egress and Parking

Access and egress to the subject property will be obtained from multiple points surrounding the site in order to ensure efficient movement and the appropriate separation of public, staff and pedestrian activity. The proposed access arrangements have been designed to support the functioning of the development while minimising traffic impacts on the surrounding road network.

A lower intensity access point is proposed from Harbour Road, which will primarily be utilised by staff and for limited-service related movements associated with the operation of the property. This access point will not function as the primary public entrance to the site and is therefore expected to generate limited traffic activity along Harbour Road.

The primary public vehicular access to the property will be obtained from Delport Street, where the majority of the on-site parking areas are proposed. The parking area has been designed to accommodate visitors to the restaurant, vinoteek, wine tasting area and multifunctional space in an organised and accessible manner. The concentration of parking on the Delport Street side of the property assists in improving internal circulation and reducing unnecessary vehicle movement through the site.

In addition to vehicular access, a dedicated pedestrian access point is proposed from Luckhoff Street. This access will improve pedestrian permeability and accessibility to the development while encouraging walkability within the surrounding area.

The proposed parking and circulation layout has been carefully integrated into the overall design of the site to ensure the efficient operation of the development while also retaining landscaped areas and mature trees where possible. Adequate parking is proposed on site and the integrated nature of the various land uses further allows for shared parking opportunities due to differing peak operating times between the restaurant, multifunctional space and wine related activities.

Overall, the proposed access, egress and parking arrangements are considered appropriate for the scale and nature of the proposed development and are not expected to create unacceptable impacts on the surrounding road network or neighbouring properties.

4.3. POLICIES AND REGULATIONS

4.3.1. Overstrand Municipality Environmental Protection Overlay Zone (EMOZ)

The subject property is not located within the EMOZ.

4.3.2. Overstrand Municipality Heritage Protection Overlay Zone (HPOZ)

The subject property is located within the Coastal Strip HPOZ. The purpose is to ensure that any land use application resulting in additional rights complies with the existing character and contextual significance.

- To protect and enhance the nature of the transition zone between the built fabric along the coastal strip, including the first line of erven facing the coast, the coastal walkway and the coastline;
- To protect the natural, environmental and scenic qualities along the coastal strip;
- To protect lateral views between the mountain and coastline by ensuring the continuation of existing view lines and by controlling the massing and form of buildings adjacent to the coastal strip;
- To ensure the retention of the relatively fine-grain form of development characteristic of the Overstrand holiday home vernacular evident along the coastal strip; and
- To ensure the retention of the existing structures identified as having intrinsic and contextual significance.

The opinion is that the proposed development is not expected to have a negative effect on the property.

4.3.3. Spatial Planning Policies

The consistency of this proposal with the applicable spatial development policies will herewith be illustrated. The spatial policies which are pertinent to the submitted proposal are the following:

PSDF
The PSDF is the result of a provincial inter-departmental and inter-governmental collaboration, guided by the inter-departmental steering committee in partnership with the private sector, academia, and non-governmental organisations. This broad participatory process has fostered a shared spatial vision intended to guide spatial development patterns in both urban and rural areas of the province. Throughout the PSDF, the importance of developing integrated and sustainable settlements is emphasised as a key objective of the framework. The PSDF also outlines a settlement agenda that addresses the full spectrum of Western Cape settlements, from the metropolitan area of Cape Town to the smallest hamlets.

OMSDF

The Municipal Spatial Development Framework is a sectoral component of the Integrated Development Plan (IDP) that, in terms of the Municipal Systems Act (MSA), provides general direction to guide decision-making on an ongoing basis. Its aim is the creation of integrated, sustainable, and habitable regions, cities, towns, and residential areas.

The PSDF and OMSDF are frameworks that should be interpreted at a local level. National policies, such as the National Development Plan and the National Spatial Development Framework, provide guidelines on several important aspects, including human settlements. Focusing on provincial and local policies ensures alignment with the higher hierarchy of legislation and policies mentioned above.

PSDF

To ensure the proposed residential development aligns with the PSDF and the Provincial Settlement Policy Objectives, the development was evaluated against these policy objectives.

Provincial settlement policy objective	Alignment of the proposal with the policy objectives.
Protect and enhance sense of place and settlement patterns	The proposed development has been designed to complement the evolving mixed use and tourism orientated character of Kleinmond while remaining sensitive to the surrounding area. The architectural design, landscaping and retention of mature trees contribute positively toward the sense of place and coastal character of Harbour Road. The proposal further promotes the revitalisation and productive use of a well-located urban property within the existing settlement area.
Improve accessibility at all scales	The subject property is strategically located within the existing urban area of Kleinmond and is accessible from Harbour Road, Delpont Street and Luckhoff Street. The development incorporates multiple access points for vehicles, staff and pedestrians, thereby improving accessibility and internal circulation. The location of the property within the built-up area also allows convenient access for both residents and visitors without the need for outward urban expansion.
Promote an appropriate land use mix and density in settlements	The proposal promotes an appropriate mix of tourism, hospitality, commercial and ancillary land uses within an area that already exhibits a mixed-use character. The proposed restaurant, vinoteek, wine tasting area and multifunctional space are considered compatible with the surrounding development pattern and contribute toward creating a more active and economically diverse urban environment. The proposal further encourages the integration of compatible land uses within the existing urban footprint.
Ensure effective and equitable social services and facilities	The development will contribute positively toward the local economy and tourism sector through the creation of employment opportunities and additional hospitality facilities within Kleinmond. The subject property is already connected to existing municipal engineering services and can be accommodated within the established infrastructure network. The proposal therefore supports the efficient use of existing urban infrastructure and services.

OMSDF

The OMSDF is guided by a hierarchy of planning legislation and policy frameworks, including SPLUMA, LUPA, the Municipal Planning By-Law, the PSDF and the Integrated Development Plan (IDP). These instruments collectively shape the OMSDF, which seeks to provide clear direction on appropriate spatial development patterns and land uses within the designated urban edge.

The OMSDF was formulated following a comprehensive public participation process and input from various government departments, resulting in a shared spatial vision for the future development of the municipality. This vision encourages sustainable, efficient and integrated growth and is intended to guide decision making on land development proposals. To ensure consistency with broader planning goals, the OMSDF synthesises the strategic aims and policy directives of national and provincial frameworks such as the PSDF and the National Development Plan (NDP).

The proposed development is considered consistent with the policy directives and spatial objectives contained within the OMSDF and associated MSDF policies. The proposal seeks to redevelop a well-located property situated within the existing urban area of Kleinmond and within the established urban edge. The development therefore supports the principle of directing investment and growth toward existing urban areas rather than encouraging outward urban sprawl, consistent with EO 2(ii), which promotes sustainable densification and managed urban growth.

The proposal further aligns with VO 1(ii) and VO 1(ix), which encourage commercial and mixed-use activities to be concentrated within urban centres, neighbourhood nodes and areas that can function as activity clusters. The proposed restaurant, vinoteek, wine tasting area and multifunctional space will contribute toward strengthening the economic and tourism role of the Kleinmond urban area while reinforcing Harbour Road as part of an active mixed-use environment.

The development also responds positively to ECO 1(ii), which encourages tourism destinations to be accessible, safe and attractive through the maintenance and development of supporting facilities. The proposal introduces a high-quality tourism and hospitality destination associated with an existing wine farm operation and is expected to contribute positively toward the tourism offering and local economy of Kleinmond.

The site layout and design further demonstrate alignment with LO 7(ii) and EO 3(i), which encourage the development and retention of open space systems and environmentally sensitive features. Particular consideration has been given to retaining mature trees and landscaped areas on the property, with the design intentionally structured around preserving the established natural character of the site where possible. This contributes toward maintaining the visual quality and sense of place within the area.

In terms of VO 2(iii), the proposal creates a social and recreational environment through the inclusion of public orientated hospitality and gathering spaces such as the restaurant, patios, verandas, vinoteek and multifunctional room. These spaces are intended to support social interaction, tourism and community activity within Kleinmond.

The proposal also supports AO 5(i) through the inclusion of dedicated pedestrian access and the integration of the site within the surrounding urban fabric. The multiple access points and pedestrian connectivity contribute toward improving accessibility and encouraging walkability within the area.

Overall, the proposed development is considered to align with the broader spatial vision and policy objectives of the OMSDF and MSDf by promoting sustainable urban development, tourism, economic activity, compatible mixed-use development and the efficient utilisation of land within the existing urban area of Kleinmond.

OMGMS – OVERSTRAND MUNICIPAL GROWTH MANAGEMENT STRATEGY

On 27 May 2020, the Municipal Council adopted the OMSDF and simultaneously rescinded the Overstrand Municipal Spatial Growth Management Strategy, 2010 (OMGMS). Although the OMGMS was formally rescinded, the Overstrand Municipality Town Planning Department continues to utilise the document as a guiding informant when considering land use and development proposals within the municipal area.

The subject property is located within Planning Unit 20, identified as the Kleinmond Harbour precinct. This planning unit is prominently located adjacent to the R43 Main Road on the south western side of Kleinmond and is recognised as an important tourism and economic area within the town. The Jongensklip Harbour area, with its established restaurants, art related activities and tourism attractions, functions as a significant local and regional destination.

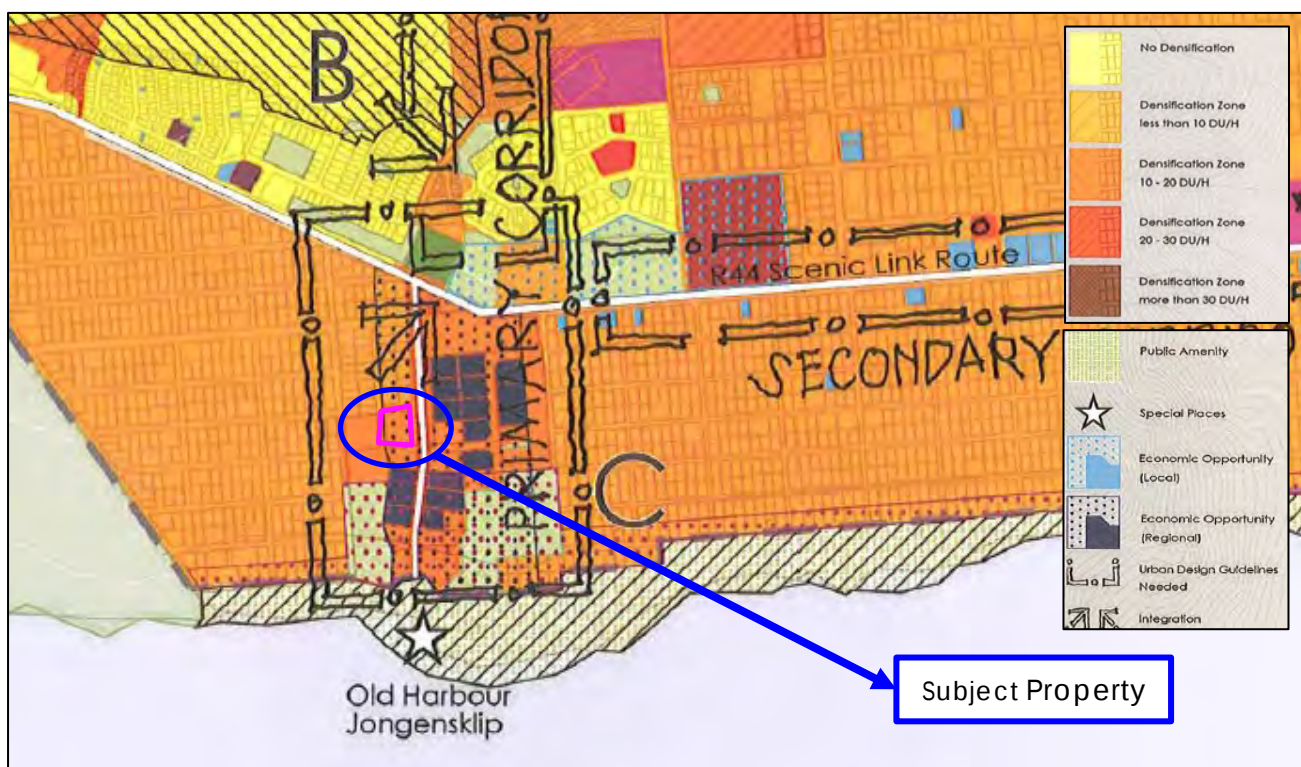


Figure 1: Subject property in terms of the OMGMS

Importantly, the OMGMS identifies Planning Unit 20 as an area with substantial potential for further economic development and employment generation within Kleinmond. In support of this objective, portions of municipal land within the area have already been rezoned for tourism and related commercial uses. The proposed development on Erf 3605 Kleinmond is therefore considered directly aligned with the broader development vision for the planning unit.

The proposed restaurant, vinoteek, wine tasting area and multifunctional hospitality space will contribute toward strengthening the tourism and economic role of the harbour precinct while complementing the existing tourism related activities already present in the area. The proposal introduces a unique destination orientated development associated with an existing wine

farm operation, thereby diversifying and enhancing the tourism offering available within Kleinmond.

The proposal further supports the OMGMS objective of promoting mixed use development within Planning Unit 20. While the strategy encourages residential densification in portions of the area, it simultaneously recognises the importance of supporting economic activity, tourism infrastructure and employment opportunities within the harbour precinct. The proposed development contributes positively toward these objectives by activating a well-located property with a development that is economically productive, tourism orientated and compatible with the surrounding mixed-use character.

The development is also considered consistent with the broader vision of creating vibrant and integrated activity areas that support social interaction, recreation and economic growth. Through the inclusion of public orientated hospitality spaces, landscaped outdoor areas and multifunctional gathering spaces, the proposal contributes toward the creation of an active and attractive urban environment within Planning Unit 20.

Furthermore, the subject property is located within the existing urban area where municipal engineering services are already available. The proposal therefore represents an efficient utilisation of existing infrastructure networks in line with the growth management principles promoted within the OMGMS and OMSDF.

Overall, the proposed development is considered highly compatible with the identified economic and tourism objectives for Planning Unit 20 and will contribute positively toward strengthening Kleinmond Harbour as an attractive tourism, hospitality and economic destination.

4.4. PLANNING PRINCIPLES

Chapter 2 of SPLUMA sets out five fundamental development principles that are compulsory considerations for all land use and development applications. These principles provide the normative basis against which proposals are assessed and must guide decision-making to ensure spatial justice, sustainability, and efficiency. The principles of SPLUMA that are pertinent to this proposal are outlined:

Spatial justice

The proposal supports spatial justice through the productive utilisation of a well-located property within the existing urban area of Kleinmond. The development contributes toward expanding tourism and economic opportunities within the harbour precinct while creating employment opportunities and supporting local economic activity. The proposal further promotes broader access to hospitality, recreational and social spaces within the area.

Spatial sustainability and Efficiency

The proposed development is located within the existing urban edge and makes use of already available municipal engineering infrastructure and road networks. The redevelopment of an underutilised property for mixed use tourism and hospitality purposes promotes more efficient land use and supports the integration of compatible land uses within the urban area. The proposal also incorporates the retention of mature trees and landscaped areas, contributing toward environmental sustainability and the preservation of the site's character.



Spatial resilience

The proposal contributes toward the economic resilience of Kleinmond through the diversification of tourism and hospitality offerings within the harbour precinct. The development supports local tourism, agriculture related economic activity and employment generation, thereby strengthening the economic adaptability and long-term sustainability of the area. The mixed-use nature of the proposal further enhances the flexibility and resilience of the urban environment.

Good administration

The application has been prepared in accordance with the requirements of SPLUMA, LUPA, the By-Law and the OMLUS. The proposal is supported by the necessary plans, technical information and policy assessments to enable the Municipality to properly evaluate the application. The development also aligns with the broader spatial planning objectives contained within the OMSDF and associated municipal policy frameworks.

5. NEED AND DESIRABILITY

The need and desirability of the approval and implementation of this proposal in accordance with Section 66(1)(c) of the OM By-Law is outlined in the table below:

Socio-economic impact	The proposed development is expected to have a positive socio-economic impact on Kleinmond and the surrounding area. The proposal will contribute toward local economic growth through investment in the property, the creation of employment opportunities and the expansion of tourism and hospitality related activities within the harbour precinct. The development will further support local businesses and strengthen the tourism economy by introducing an additional destination orientated hospitality offering linked to an existing wine farm operation.
Compatibility with surrounding uses	The proposed development is considered compatible with the surrounding land use pattern and the evolving mixed-use character of the area. Harbour Road and the surrounding precinct already accommodate a combination of residential, tourism, hospitality and commercial activities. The proposed restaurant, vinoteek, wine tasting area and multifunctional space are therefore regarded as appropriate and complementary land uses within this context. The proposal is further designed to operate as a low impact development that will not detract from the amenity of neighbouring properties.
Impact on the external engineering services	The subject property is situated within the existing urban area of Kleinmond and is already connected to municipal engineering services including water, sewerage and electricity infrastructure. The proposed development is not expected to place an unreasonable burden on the existing municipal service networks and any additional infrastructure contributions required by the Municipality can be addressed through the normal development contribution process. No engineering services constraints have been identified that would prevent the approval of the application.
Impact on safety, health and wellbeing of the surrounding community	The proposal is not anticipated to negatively impact the safety, health or wellbeing of the surrounding community. The proposed uses are hospitality and tourism orientated in nature and do not involve heavy industrial activities or nuisance generating operations. The development has been designed with controlled access points, on-site parking and pedestrian connectivity to ensure safe and efficient

	movement throughout the site. The activation and improvement of the property is also expected to contribute positively toward the overall vitality and passive surveillance of the area.
Impact on heritage	The proposal is not anticipated to negatively impact any known heritage resources or cultural landscapes. The existing structures on the property do not appear to possess significant heritage value and has been approved by the local heritage committee to be demolished. The proposed redevelopment has been designed in a manner that responds appropriately to the surrounding coastal and tourism character of Kleinmond. The retention of mature trees and landscaped areas further contributes toward maintaining the visual quality and character of the site.
Impact on the biophysical environment	The proposed development is located within the existing urban area and does not result in the expansion of the urban footprint or encroachment into environmentally sensitive areas. Consideration has specifically been given to retaining as many mature trees on the property as possible, with the layout and design structured around preserving the existing natural character of the site where feasible. The proposal is therefore not expected to result in significant negative impacts on the biophysical environment.
Traffic impacts, parking, access and other transport related considerations	The proposed development is not anticipated to generate unacceptable traffic impacts on the surrounding road network. Access to the property is provided from Harbour Road, Delpont Street and Luckhoff Street, allowing for the separation of staff, visitor and pedestrian movement. The majority of on-site parking is provided from Delpont Street, while shared parking arrangements between the various land uses will assist in ensuring the efficient utilisation of parking areas. The integrated nature of the development and differing peak operating times of the proposed uses further reduce pressure on parking demand and traffic generation.

Impact on views, sunlight and character of the area

The proposed development has been designed with consideration for the surrounding built environment and is not expected to result in significant negative impacts on surrounding views, access to sunlight or the general character of the area. The proposed building scale and layout remain appropriate within the context of the surrounding urban environment and the mixed-use nature of the Kleinmond harbour precinct.

The development consists primarily of low scale structures with carefully integrated outdoor spaces, verandas and patios that reduce the visual bulk of the buildings and contribute toward an open and interactive architectural character. While the proposal includes a first-floor multifunctional area, the overall building form and positioning are not anticipated to create unreasonable overshadowing or materially impact sunlight access to neighbouring properties.

The proposal is further considered compatible with the evolving character of Harbour Road and the surrounding area, which already accommodates a combination of residential, tourism, hospitality and commercial activities. The architectural approach, landscaping and retention of mature trees contribute positively toward maintaining and enhancing the visual quality and sense of place within the area.

Overall, the proposed development is expected to complement the existing character of Kleinmond while contributing toward the creation of an active and attractive tourism and hospitality destination within the harbour precinct.

Economic impact

The proposed development is expected to have a positive economic impact on Kleinmond and the surrounding area through the introduction of a new tourism and hospitality destination within the harbour precinct. The proposal represents a significant private investment into the property and will contribute toward the ongoing economic revitalisation and diversification of the local economy.

The proposed restaurant, vinoteek, wine tasting area and multifunctional space will support the local tourism sector by attracting visitors to Kleinmond and encouraging longer visitor stays within the area. The development further complements the existing tourism and hospitality activities associated with the Kleinmond harbour precinct and strengthens the area's role as a regional tourism destination.

The proposal is also expected to create both direct and indirect employment opportunities during the construction and operational phases of the development. Permanent employment opportunities associated with the restaurant, hospitality, tourism and operational components of the development will contribute positively toward local economic activity and income generation within the area.

In addition, the development supports local agricultural and wine related industries through its direct association with the existing wine farm operation outside Botrivier. The integration of wine storage, maturation, tasting and hospitality activities creates an economic link between the agricultural sector and tourism economy, thereby contributing toward broader regional economic development.

The productive utilisation of a strategically located urban property will further contribute toward increasing the economic activity and vitality of Harbour Road and the surrounding precinct. The proposal is therefore considered desirable from an economic development perspective and aligns with broader municipal and provincial objectives aimed at supporting tourism, investment and sustainable local economic growth.

Opportunity cost

An opportunity cost in the context of land use planning refers to a development proposal that results in the devaluation or loss of existing land use rights or development opportunities available to interested and affected parties as a result of the approval of an application.

The proposed development is not anticipated to result in any negative opportunity cost impacts on surrounding properties or neighbouring landowners. The proposal does not restrict or remove any existing development rights enjoyed by surrounding properties, nor does it prevent neighbouring properties from continuing to utilise or develop their properties in accordance with the applicable land use rights and planning framework.

On the contrary, the proposed development is expected to contribute positively toward the surrounding area through investment, tourism activity and the enhancement of the Kleinmond harbour precinct. The redevelopment of the property into a high-quality hospitality and tourism destination may further contribute toward strengthening the economic vitality and attractiveness of the area, which could have positive indirect benefits for surrounding properties and businesses.

It is therefore considered that the proposal will not create adverse opportunity cost implications and that the overall impact of the development on the surrounding area is expected to be positive.

Environmental impact

The proposed development is located within the existing urban area of Kleinmond and does not result in the expansion of the urban footprint into undeveloped or environmentally sensitive areas. The redevelopment of the property therefore represents an efficient utilisation of already disturbed urban land within the existing built environment.

Particular consideration has been given to the environmental character of the site during the design process. The owners have specifically indicated their intention to retain as many mature trees on the property as possible due to their aesthetic and environmental value. The layout and placement of the proposed structures, parking areas and open spaces have accordingly been designed to minimise the unnecessary removal of established vegetation and to maintain the landscaped character of the property.

The proposed land uses are further considered low impact in nature and are not expected to generate significant pollution, excessive noise, dust or other environmental nuisances. The development consists primarily of hospitality, tourism and ancillary wine related activities that are compatible with the surrounding urban and coastal environment.

The proposal also promotes more sustainable urban development principles by directing investment and redevelopment toward an existing urban property that is already serviced by municipal infrastructure. This reduces pressure for outward urban expansion and supports the efficient use of existing resources and infrastructure networks.

Overall, the environmental impact of the proposed development is considered limited and acceptable within the context of the surrounding urban area, while the retention of landscaping and mature vegetation will contribute positively toward maintaining the visual and environmental quality of the site.

6. CONCLUSION

This application seeks approval for the removal of restrictive title deed conditions, the rezoning of Erf 3605 Kleinmond from Residential Zone 1: Single Residential to Business Zone 2: General Business, as well as the necessary consent use to accommodate the proposed warehouse component associated with the wine barrel maturation and storage areas.

The proposal has been comprehensively assessed against the applicable legislative and policy framework, including SPLUMA, LUPA, the Overstrand Municipality Land Use Scheme, the OMSDF, the PSDF and the guiding principles contained within the OMGMS. The assessment confirms that the proposed development is consistent with the broader spatial planning objectives applicable to Kleinmond and specifically the harbour precinct and Planning Unit 20.

The proposed development represents an appropriate and desirable form of mixed-use tourism and hospitality development within an established urban area. The proposal will facilitate the productive redevelopment of a strategically located property through the establishment of a restaurant, vinoteek, wine tasting area, multifunctional space and ancillary wine storage facilities associated with an existing wine farm operation. The integrated nature of the development creates a unique destination that contributes positively toward the tourism, hospitality and economic offering of Kleinmond.



Importantly, the proposal has been carefully designed to remain compatible with the surrounding area and to minimise potential impacts on neighbouring properties. Consideration has specifically been given to retaining mature trees and landscaped areas on the property, while the scale, layout and operational nature of the development remain appropriate within the context of the evolving mixed-use character of Harbour Road and the surrounding precinct.

The application is further expected to generate a number of positive socio-economic benefits, including employment creation, tourism growth, support for local agricultural enterprises and increased economic activity within Kleinmond. The proposal also promotes the efficient utilisation of existing urban land and municipal engineering infrastructure without contributing toward urban sprawl or placing unreasonable pressure on municipal services.

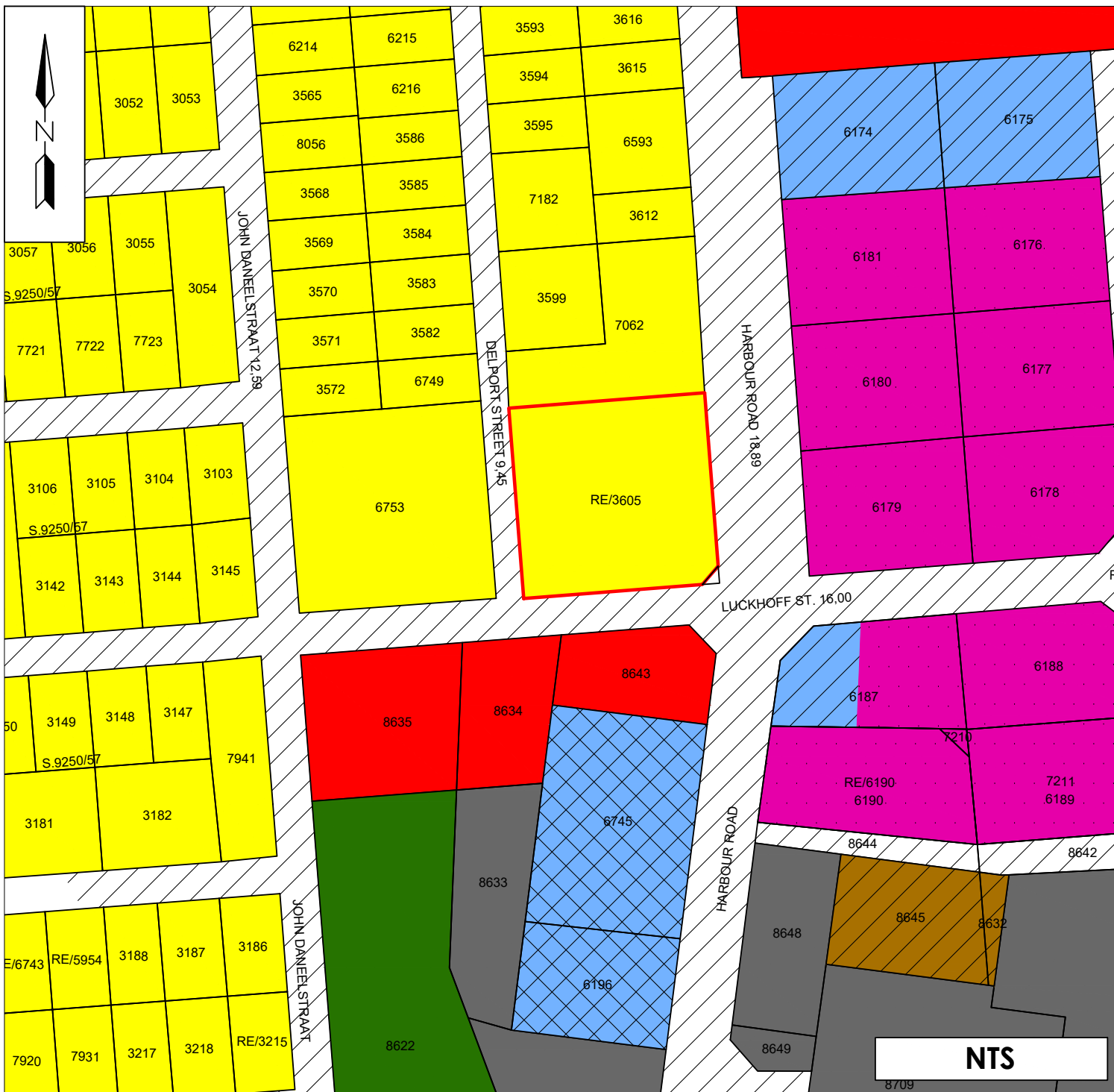
The removal of the restrictive title deed conditions is considered justified as the conditions are outdated in the current planning context and no longer serve their original purpose effectively. Their removal will enable the reasonable and beneficial utilisation of the property while not prejudicing any surrounding property owners or interested parties.



7. RECOMMENDATION

Based on the motivation, it is recommended that the following be approved:

- 7.1 Removal of restrictive title deed conditions** in terms of Section 16(2)(f) of the Overstrand Amendment By-Law on Municipal Land Use Planning, 2020;
- 7.2 Rezoning** of Erf 3605, Kleinmond from Residential Zone 1: Single Residential to Business Zone 2: General Business in terms of Section 16(2)(a) of the Overstrand Amendment By-Law on Municipal Land Use Planning, 2020; and
- 7.3 Consent Use** to allow a warehouse on Erf 3605, Kleinmond in terms of Section 16(2)(f) of the Overstrand Amendment By-Law on Municipal Land Use Planning, 2020.



Plan 2 - Status Quo Zoning Plan

Remainder of Erf 3605

Kleinmond

-  Residential Zone 1: Single Residential
-  Open Space Zone 3: Public Open Space
-  Industrial Zone 1: General Industry
-  Business Zone 2: General Business Bulk Zone 2
-  Business Zone 3: Local Business
-  Transport Zone 2: Road and Parking (Public)
-  Transport Zone 2: Road and Parking (Private)
-  Special Zone
-  Authority Zone : Authority Usage

Plan prepared by: Thian Jansen

All distances are approximate and subject to a survey

Tel: 028 313 1411

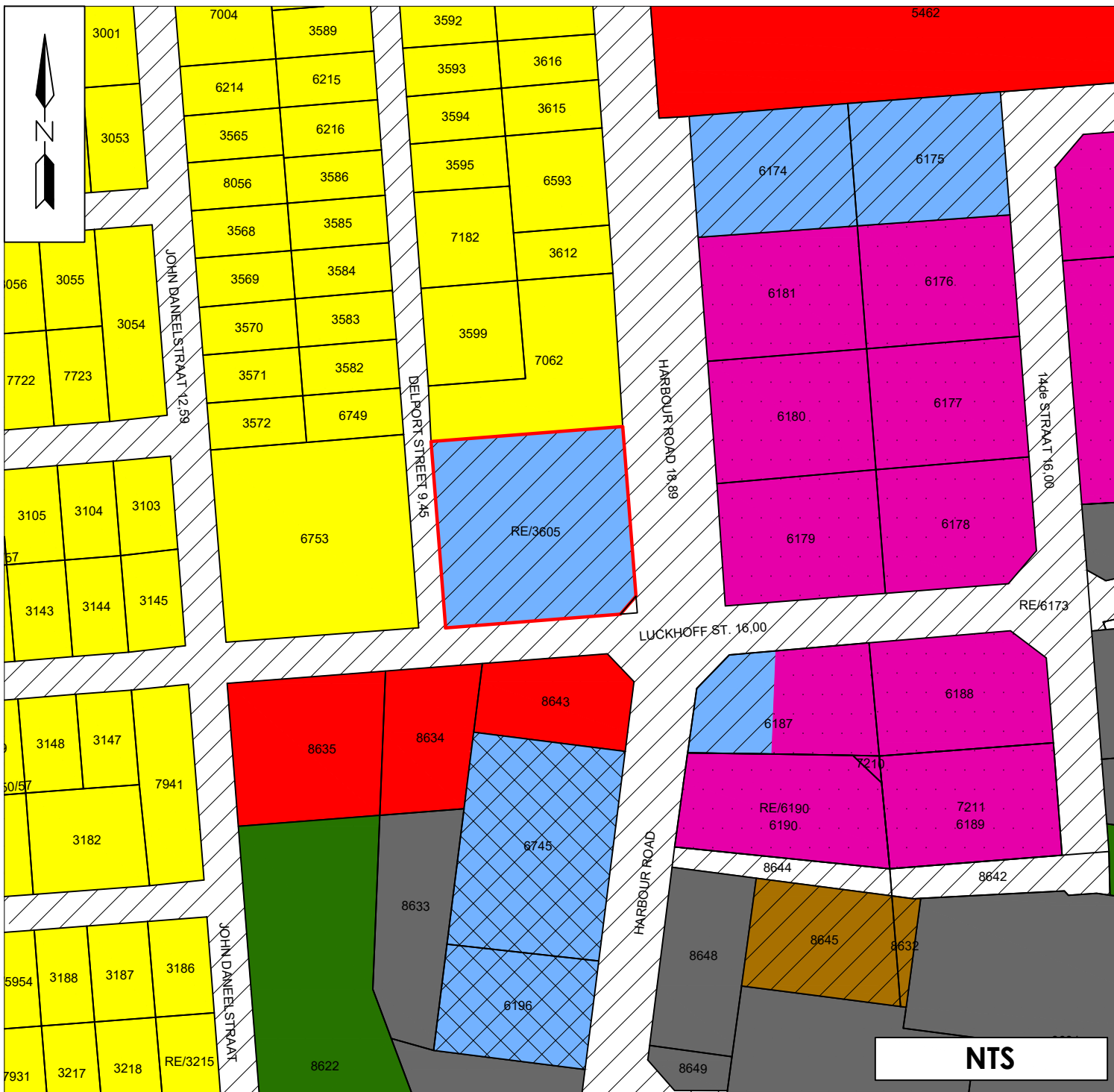
Email: admin@wrapgroup.co.za

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Plan 3 - Proposed Zoning Plan

Remainder of the Erf 3605 Kleinmond

-  Residential Zone 1: Single Residential
-  Open Space Zone 3: Public Open Space
-  Industrial Zone 1: General Industry
-  Business Zone 2: General Business
Bulk Zone 2
-  Business Zone 3: Local Business
-  Transport Zone 2: Road and Parking (Public)
-  Transport Zone 2: Road and Parking (Private)
-  Special Zone
-  Authority Zone : Authority Usage

Plan prepared by: Thian Jansen

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GROUND FLOOR

Scale 1 : 250

**Plan 4: Proposed
Site Development Plan**
Remainder of Erf 3605 Kleinmond

Remainder of Erf 3605 Kleinmond
3839m²

Proposed Structures

Coverage - ±902m² / 24%

Proposed Parking
25 Parking Bays required
25 Parking Bays provided

Plan prepared by: Thian Jansen on 13/07/2026

Plan number: 23/81 (002)

All distances are approximate
and subject to a survey

Tel: 028 313 1411

Email: admin@wrapgroup.co.za

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Street Hermanus, 7200

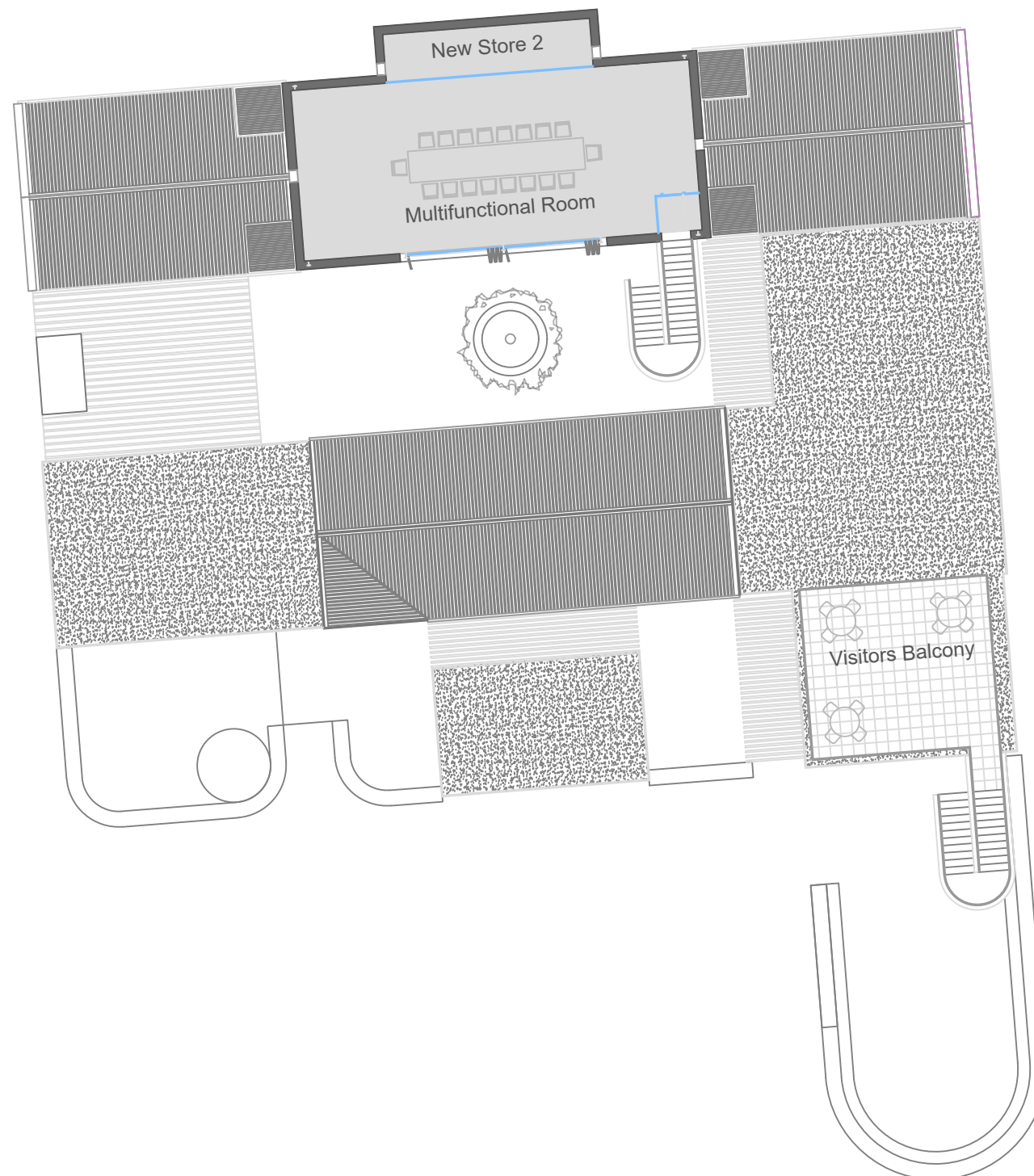


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Delport Street

Harbour Road



FIRST FLOOR

Scale 1 : 250

Plan 4: Proposed Site Development Plan Remainder of Erf 3605 Kleinmond

Remainder of Erf 3605 Kleinmond
3839m²

Proposed Structures

Coverage - ±902m² / 24%

Proposed Parking
25 Parking Bays required
25 Parking Bays provided

Plan prepared by: Thian Jansen on 13/07/2026

Plan number: 23/81 (002)

All distances are approximate
and subject to a survey

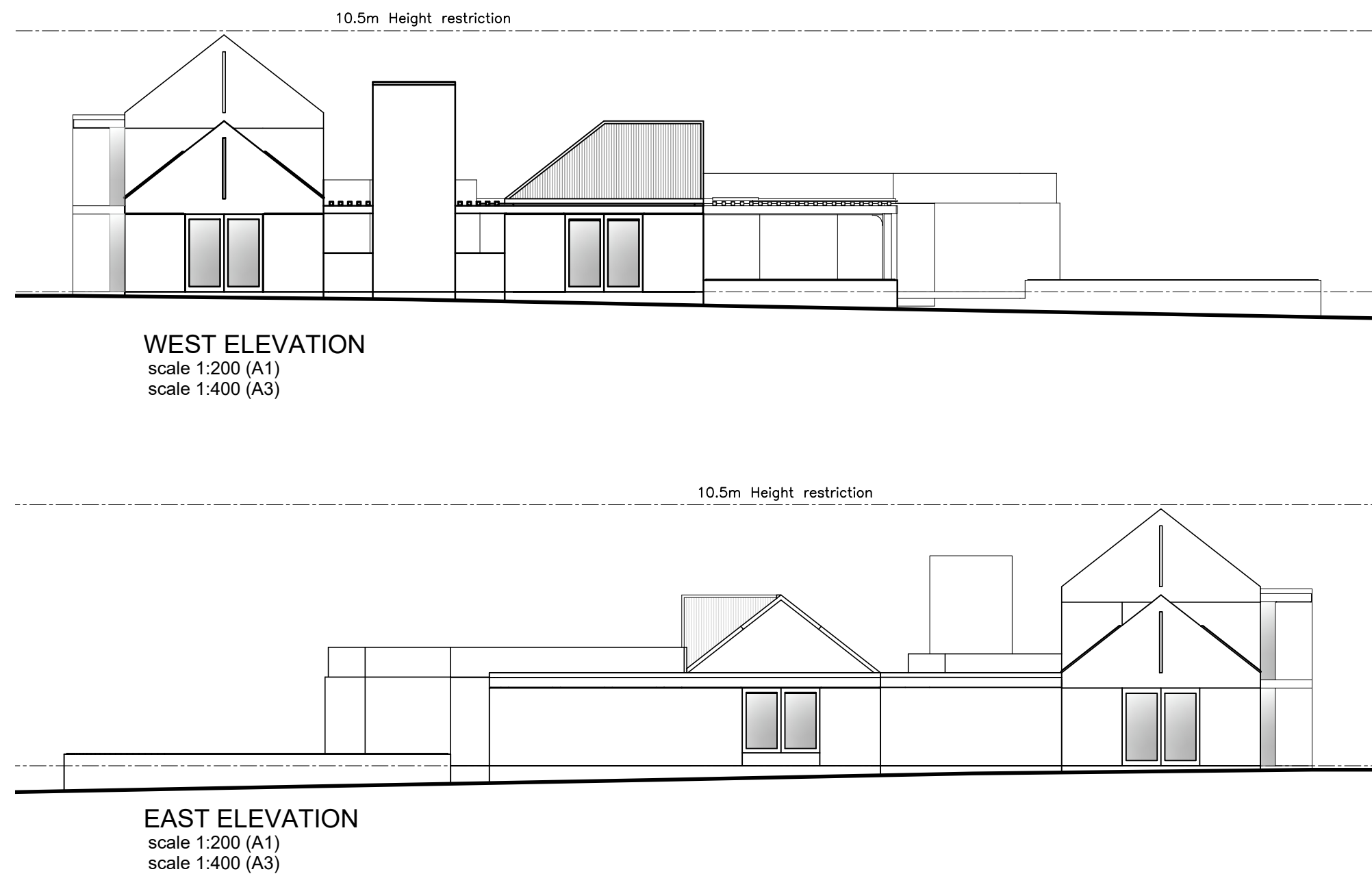
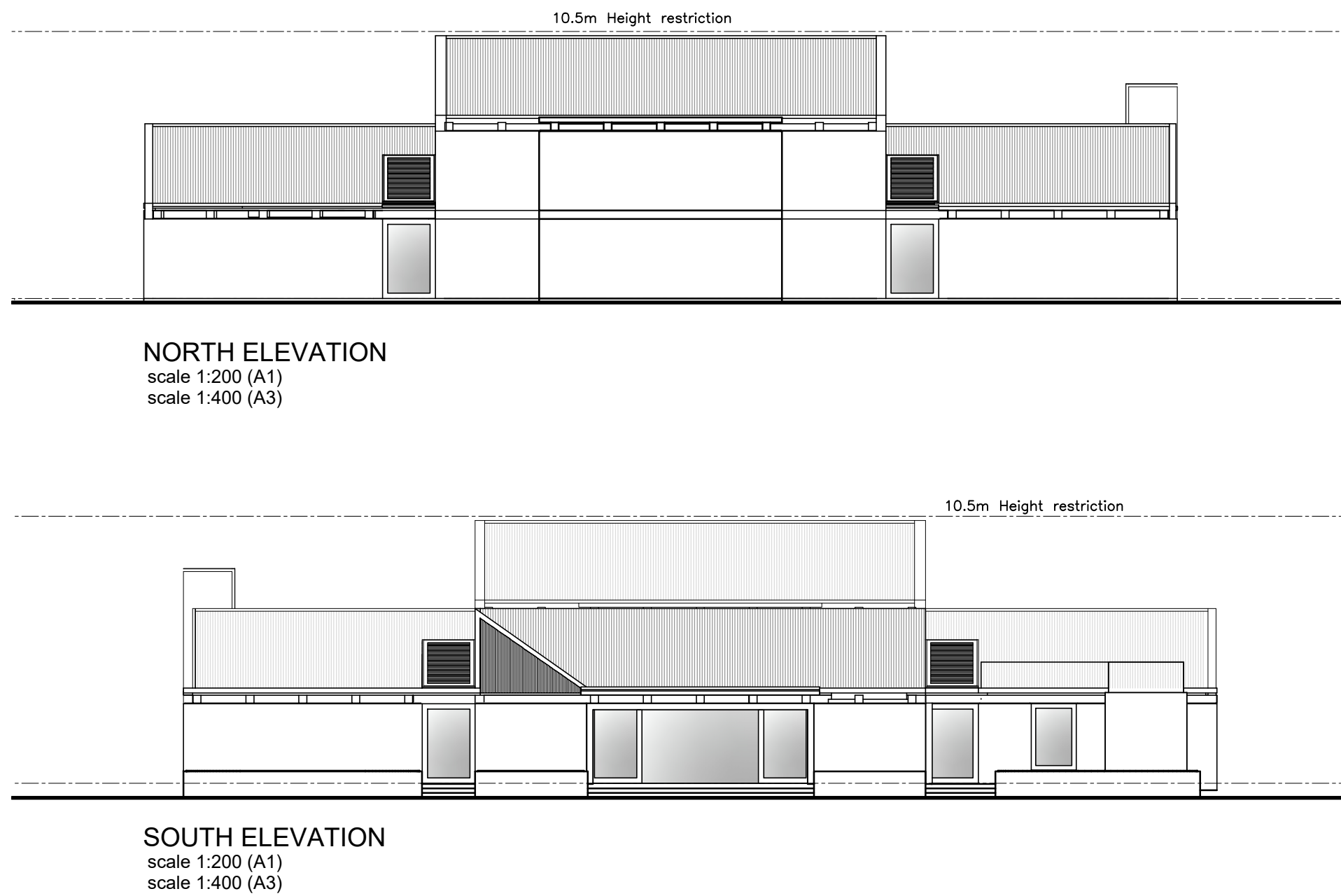
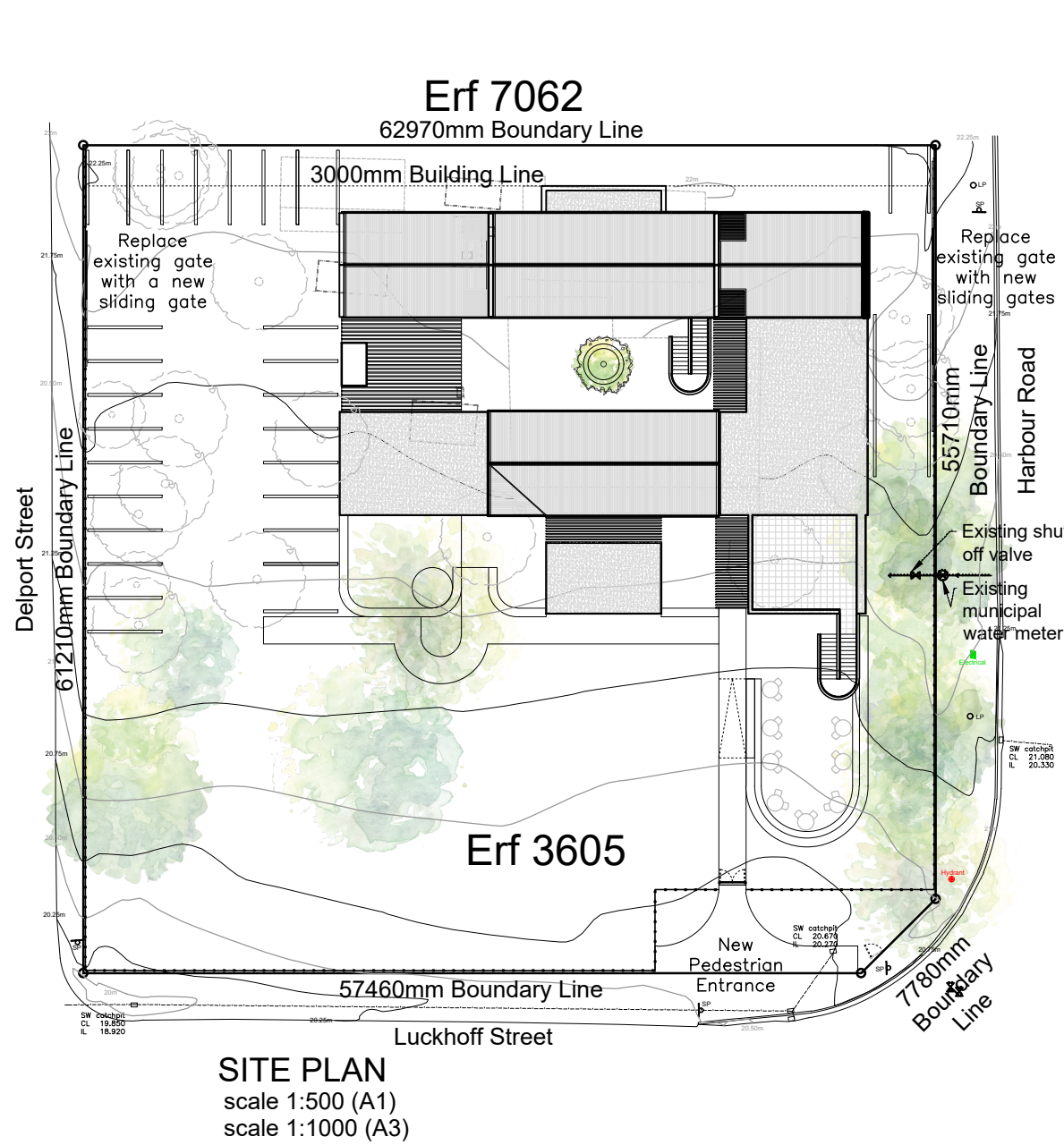
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Street Hermanus, 7200



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NOTE:
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Site Area	:3839m ²
Climatic Zone	:4
-Proposed New Ground Floor	:745m ²
-Proposed New First Floor	:149m ²
-Proposed New Balcony	:55m ²
-Proposed New Verandas	:157m ²
-Proposed New Patios	:400m ²
TOTAL NEW CONSTRUCTION AREA	:1506m²
TOTAL NEW COVERAGE	:902m² (24%)
Existing coverage to be demolished	:370m ²

Wine Storage	
Occupancy	:J3
Area	:248m ²
Population (1 person per 50m ²)	:5 People
Parking (2 parking bays / 100m ² GLA)	:5 Parking bays

Restaurant	
Occupancy	:A1
Area	:480m ²
Population (number of fixed seats)	:174 People
Population (1person per 1m ²)	:480 People
Parking (4 parking bays / 100m ² GLA)	:20 Parking bays

Sanitary fixtures	
Female (89 People)	:7 toilets
Male (89 People)	:5 toilets, 3 Urinals

