



#### OVERSTRAND MUNISIPALITEIT

**RESTANT ERF 5504, KLEINMOND EN ERF 4711, LAER KUSWEG 30, KLEINMOND: AANSOEK OM ONDERVERDELING, HERSONERING, KONSOLIDASIE EN SLUITING VAN 'N PUBLIEKE PLEK: FUTURE PLAN STADS- EN STREEKBEPLANNERS NAMENS OVERSTRAND MUNISIPALITEIT EN DIE EILEEN THORN FAMILIETRUST**

Kragtens Artikel 47 en 48 van die Overstrand Munisipaliteit Gewysigde Verordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening), asook Artikel 14 van die Wet op Plaaslike Regering: Munisipale Finansiëlebestuur (Wet 56 van 2003) (die Wet) word hiermee kennis gegee van die volgende aansoeke van toepassing op Erf 5504 en 4711, Kleinmond, naamlik, die:

- onderverdeling van Restant Erf 5504, Kleinmond ingevolge Artikel 16(2)(d) van die Verordening in 2 gedeeltes, naamlik 'n Restant en 'n Gedeelte A (±65m<sup>2</sup>);
  - herosenering ingevolge Artikel 16(2)(a) van die Verordening van onderverdeelde Gedeelte A vanaf Oopruimtesone 2: Openbare Oopruimte na Residensiële Sone I: Enkelresidensiële (SR1);
  - konsolidasie ingevolge Artikel 16(2)(e) van die Verordening van die onderverdeelde Gedeelte A (±65m<sup>2</sup>) met Erf 4711, Kleinmond om 'n enkelresidensiële eiendom van ± 660m<sup>2</sup> in grootte te skep;
  - sluiting van publieke plek ingevolge Artikel 16(2)(n) van die Verordening om die sluiting van 'n openbare plek te akkommodeer (onderverdeelde Gedeelte A (±65m<sup>2</sup>); en
- die Raad se voorneme ingevolge Artikel 14 van die Wet van die oordrag van Gedeelte A van Erf 5504, Kleinmond in 1. hierbo aan die Eileen Thorn Familietrust met die volgende besonderhede:

Koper:	Eileen Thorn Familietrust
Ligging:	'n Gedeelte van Restant Erf 5504, Kleinmond
Grootte:	±65m <sup>2</sup>
Koopsom:	R2 000.00/m <sup>2</sup> (BTW uitgesluit)
Doel:	Om deel te vorm van enkelresidensiële Erf 4711, Kleinmond wat in privaat besit is vir parkering doeleindes.

Volle besonderhede rakende die voorstel in paragrawe 1.(a), (b), (c) en (d) hierbo is beskikbaar vir inspeksie gedurende weksdae tussen 08:00 en 16:30 by die Departement: Stadsbeplanning, Patersonstraat 16, Hermanus en by die Kleinmond Biblioteek, Vyfdelaan, Kleinmond. Enige kommentare moet skriftelik wees, u naam, adres, en kontakbesonderhede bevat, sowel as u belang in die aansoek en die redes vir kommentaar, welke kommentaar die Munisipaliteit (h/v Molteno- en Viljoenstraat, Onrustvriër / (f) 0283132093 / (epos) [loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)) moet bereik voor of op 12 April 2024. Telefoniese navrae kan gerig word aan die Senior Stadsbeplanner, Me. H van der Stoep by 028 313 8900.

Volledige besonderhede rakende die voorstel in paragraaf 2 hierbo is per afspraak beskikbaar gedurende weksdae tussen 08:00 en 16:30 by die Departement: Elendomsadministrasie, h/v Molteno- en Viljoenstraat, Onrustvriër. Enige kommentaar moet skriftelik wees, u naam, adres, en kontakbesonderhede bevat, sowel as u belang in die aansoek en die redes vir kommentaar, welke kommentaar die Munisipaliteit (h/v Molteno- en Viljoenstraat, Onrustvriër / (f) 0283163721 / (epos) [wmurtz@overstrand.gov.za](mailto:wmurtz@overstrand.gov.za)) moet bereik voor of op 12 April 2024. Telefoniese navrae kan gerig word aan die Hoofklerk, Me. W Murtz by 0283165601.

Die Munisipaliteit mag weier om kommentare te aanvaar na die sluitingsdatum. Enige persone wat nie kan lees of skryf nie kan bogenoemde toepaslike Munisipale Departement besoek waar hul deur 'n telefoniese amptenaar bygestaan sal word ten einde hul kommentaar te formuleer.

Munisipale Bestuurder, Overstrand Munisipaliteit, Posbus 20, HERMANUS, 7200

Munisipale Kennisgewing Nr. 37/2024

#### OVERSTRAND MUNICIPALITY

**REMAINDER ERF 5504, KLEINMOND AND ERF 4711, 30 LOWER BEACH ROAD, KLEINMOND: APPLICATION FOR REZONING, SUBDIVISION, CONSOLIDATION AND CLOSURE OF A PUBLIC PLACE: FUTURE PLAN TOWN & REGIONAL PLANNERS ON BEHALF OF OVERSTRAND MUNICIPALITY AND THE EILEEN THORN FAMILY TRUST**

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), as well as Section 14 of the Local Government: Municipal Finance Management Act (Act 56 of 2003) (the Act) of the following applications applicable to Erven 5504 and 4711, Kleinmond, namely, the:

- subdivision of Remainder Erf 5504, Kleinmond in terms of Section 16(2)(d) of the By-Law into 2 portions, namely a Remainder and a Portion A (±65m<sup>2</sup>);
  - rezoning in terms of Section 16(2)(a) of the By-Law of subdivided Portion A from Open Space Zone 2: Public Open Space to Residential Zone I: Single Residential (SR1);
  - consolidation in terms of Section 16(2)(e) of the By-Law of subdivided Portion A (±65m<sup>2</sup>) with Erf 4711, Kleinmond to create a single residential property of ± 660m<sup>2</sup> in extent;
  - closure of public place in terms of Section 16(2)(n) of the By-Law to accommodate the closure of a public place (subdivided Portion A (±65m<sup>2</sup>); and
- the Council's intention in terms of Section 14 of the Act of the transfer of subdivided Portion A of Erf 5504 Kleinmond in 1. above to the Eileen Thorn Family Trust with the following details:

Purchaser:	The Eileen Thorn Family Trust
Locality:	a Portion of Remainder Erf 5504 Kleinmond
Size:	±65m <sup>2</sup>
Purchase Price:	R2 000.00/m <sup>2</sup> (VAT excluded)
Purpose:	To form part of privately owned single residential Erf 4711, Kleinmond, for parking purposes.

Full details regarding the proposal in paragraphs 1.(a) (b), (c) and (d) above are available for inspection during weekdays between 08:00 and 16:30 at the Department: Town Planning, 16 Paterson Street, Hermanus and at the Kleinmond Library, Fifth Avenue, Kleinmond. Any comment must be in writing, quoting your name, address and contact details, as well as your interest in the application and the reasons for comment, which comment must reach the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / (email) [loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)) on or before 12 April 2024. Telephonic enquiries can be made to the Senior Town Planner, Ms. H van der Stoep at 0283138900.

Full details regarding the proposal in paragraph 2. above are available per appointment for inspection during weekdays between 08:00 and 16:30 at the Department: Property Administration, c/o Molteno and Viljoen Street, Onrustvriër. Any comment must be in writing, quoting your name, address and contact details, as well as your interest in the application and the reasons for comment, which comment must reach the Municipality (c/o Molteno and Viljoen Street, Onrustvriër / (f) 0283163721 / (email) [wmurtz@overstrand.gov.za](mailto:wmurtz@overstrand.gov.za)) on or before 12 April 2024. Telephonic enquiries can be made to the Principal Clerk, Ms. W Murtz at 0283165601.

The Municipality may refuse to accept comments received after the closing date. Any persons who cannot read or write may visit the above appropriate Municipal Department where a Municipal official will assist them in formulating their comment.

Municipal Manager, Overstrand Municipality, P.O. Box 20, HERMANUS, 7200

Municipal Notice No. 37/2024

#### UMASIPALA WASE-OVERSTRAND

**INTSALELA YESIZA 5504, E-KLEINMOND KUNYE NESIZA 4711, 30 LOWER BEACH ROAD, KLEINMOND: ISICELO SOKUCANDWA NGOKUTSHA, SOKWAHLULWA-HLULWA, SOKUHLANGANISWA NOKUHLAWA KWENDAWO KAWONKE-WONKE: ISICWANGCISO SEKESHA EUZAYO SABACWANGCISI BEDOLOPHU NABOMMANDLA EGAMENI LOMASIPALA WASE-OVERSTRAND KUNYE NE-EILEEN THORN FAMILY TRUST**

Isaziso zinikezwe ngokwemiqathango yamaCandelo 47 nelama-48 loMthetho kaMasipala oLungisiweyo woMasipala wase-Overstrand ongoCwangciso lokuSetyenziswa koMhlaba kaMasipala, 2020 (uMthetho kaMasipala), ngokunjalo neCandelo 14 loMthetho kaMasipala: uMthetho woLawulo lweMali kaMasipala (uMthetho 56 wama-2003) (uMthetho) lezicelo ezilandelayo ezisebenza kwiZiza 5504 kunye nesama-4711, eKleinmond, esisesi:

- ukwahlulwa-hlulwa kweNtsalela yeSiza 5504, eKleinmond ngokwemiqathango yeCandelo 16(2)(d) loMthetho kaMasipala kube zizahlulo ezi-2, ezizezi iNtsalela kunye neSahlulo A (±65m<sup>2</sup>);
  - ukucandwa ngokutsha ngokwemiqathango yeCandelo 16(2)(a) loMthetho kaMasipala kweSahlulo A esahlulo-hlulweyo esivela kwiZoni 2 yeSithuba esiVulekileyo: Isithuba esiVulekileyo sikaWonke-wonke kuMmandla 1 weNdwawo yokuHlala: iNdawo eNye yokuHlala (SR1);
  - ukuhlanganiswa ngokwemiqathango yeCandelo 16(2)(e) loMthetho kaMasipala wokwahlulwa-hlulwa kweSahlulo A (±65m<sup>2</sup>) kunye neSiza 4711, eKleinmond ukwenza iprati enye yendawo ebungakanani buzi-± 660m<sup>2</sup>;
  - ukuvalwa kwendawo kawonke-wonke ngokwemiqathango yeCandelo 16(2)(n) loMthetho kaMasipala ukulungiselela ukuvalwa kwendawo kawonke-wonke (eyahlulwa-hlulwe kwiSahlulo A (±65m<sup>2</sup>); kunye
- nenjongo yeBhunga ngokwemiqathango yeCandelo 14 loMthetho wokukhutshelwa kweSahlulo A esahlulo-hlulweyo seSiza 5504 Kleinmond kwi-1 ngasentla kwi-Eileen Thorn Family Trust solungu kncukacha zilandelayo:

UMthengi:	The Eileen Thorn Family Trust
INDawo:	iSahlulo seNtsalela yeSiza 5504 eKleinmond
Ubukhulu:	±65m <sup>2</sup>
Ixabiso lokuThenga:	R2 000.00/m <sup>2</sup> (iVAT ayibandakanywa)
Injongo:	Ukusenza sibe yinxalenye yendawo yokuhlala enomjini wangasesi Siza 4711, eKleinmond, kulungiselelwa injongo zokupaka imoto.

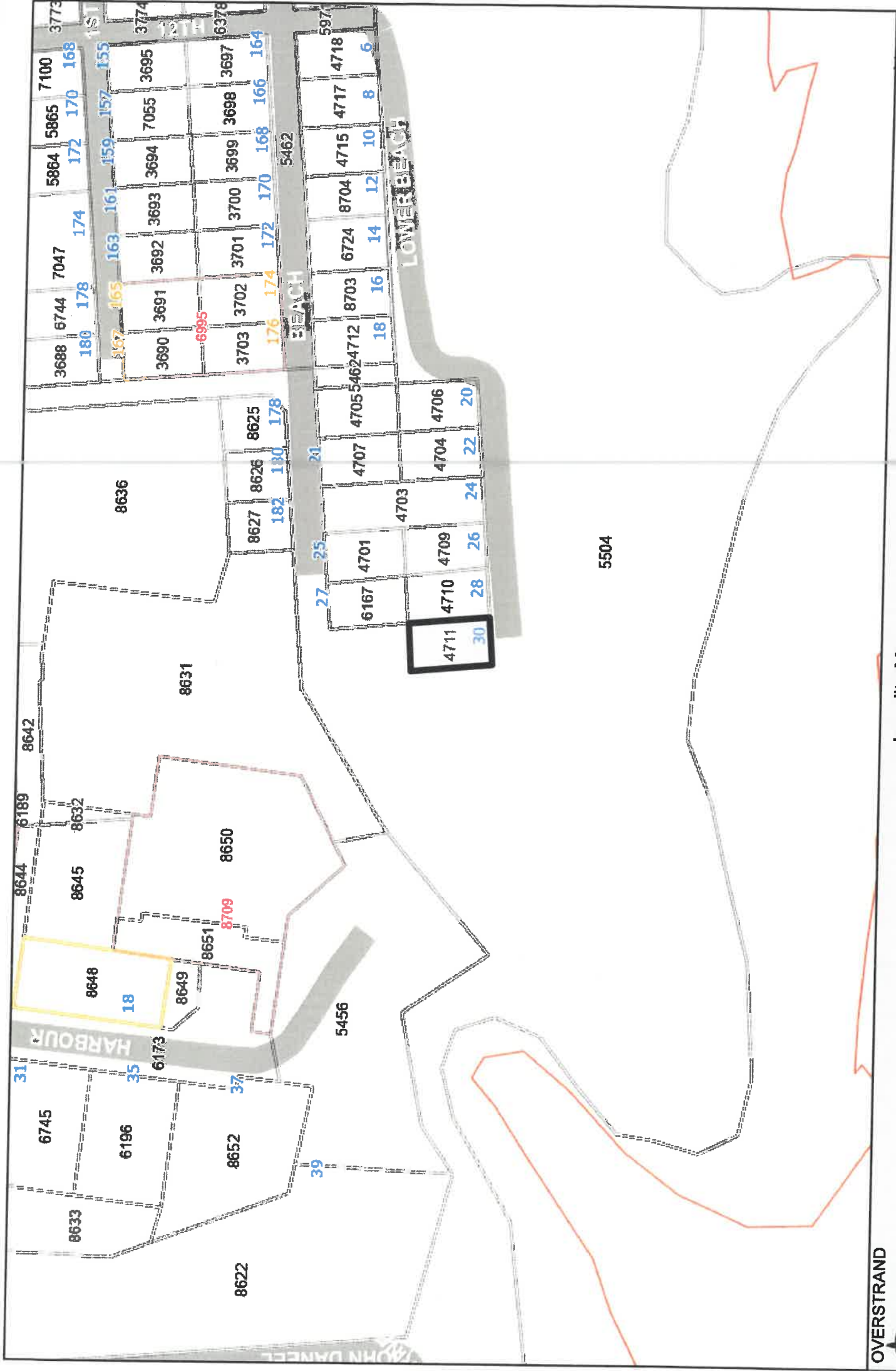
Iinkcukacha ezipheleleyo malunga nesi siphakamiso sikumhlathi 1.(a) (b), (c) no (d) ngasentla ziyafumaneka ukzwe zihloliwe kwiintsuku evekini phakathi kwentsimbi yesi-08:00 neyesi-16:30 kwiSebe: UCwangciso lweDolophu, 16 Paterson Street, Hermanus nakwiThala leeNcwadi laseKleinmond, Fifth Avenue, Kleinmond. Naziphi na izimvo kufuneka zibhalwe, uchaze igama lakho, idilesi neenkukacha zozhagamshelwano, ngokunjalo nomdla wakho kwesi sicelo kunye nezizathu zokuhlomla emazifike kwaMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / (imeyile) [loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)) ngomhla okanye ngaphambi komhla wama-12 uAprili 2024. Imibuzo ngomxebe inakho ukuthunyelwa kuMcwangciso weDolophu oPhezulu, uNksk. H van der Stoep kule nombolo 0283138900.

Iinkcukacha ezipheleleyo mayela nesi sindululo sikumhlathi west-2 ngasentla ziyafumaneka ngokwenza idinga lokuzihlola kwiintsuku zivekini phakathi kwentsimbi yesi-08:00 neyesi-16:30 kwiSebe: ULawulo lwePropati, c/o Molteno neViljoen Street, Onrustvriër. Naziphi na izimvo kufuneka zibhalwe, uchaze igama lakho, idilesi yakho neenkukacha zozhagamshelwano, umdla wakho kwesi sicelo nezizathu zakho zokuhlomla nemazifike kwaMasipala (c/o Molteno neViljoen Street, Onrustvriër / (f) 0283163721 / (imeyile) [wmurtz@overstrand.gov.za](mailto:wmurtz@overstrand.gov.za)) ngomhla okanye ngaphambi komhla wama-12 uAprili 2024. Imibuzo ngomxebe ingathunyelwa kuMabhalana Oyintloko, uNksk. W. Murtz kule nombolo 0283165601.

UMasipala unakho ukwala ukwamkela izimvo ezifunyenwe emva komhla wokwahlulwa. Nabani na ongakwaziyo ukufunda nokubhala angaya kwiSebe likaMasipala apho igosa likaMasipala liya kumnceda ukubhala izimvo zakhe ngokusemthethweni.

UMlawuli kaMasipala, uMasipala waseOverstrand, P.O. Box 20, HERMANUS, 7200

Isaziso sikaMasipala. 37/2024



Locality Map

Erf 4711 Kleinmond





**FUTURE PLAN**  
TOWN AND REGIONAL PLANNING

## ERF 4711, KLEINMOND

APPLICATION IN TERMS OF SECTION 16 OF THE OVERSTRAND MUNICIPALITY AMENDMENT BY-LAW ON  
MUNICIPAL LAND USE PLANNING OF 2020 FOR:

- Section 16 (2) (a) - Rezoning of land
- Section 16 (2) (d) - Subdivision of land that is not exempted in terms of Section 26
- Section 16 (2) (e) - Consolidation of Land that is not exempted in terms of Section 26
- Section 16 (2) (n) - Closure of a public place or part thereof.

### Application prepared for:

Eileen Thorne Family Trust & Overstrand Municipality

### Application prepared by:

Future Plan Town and Regional Planners

P.O. Box 66 | Bot River | 7185

Cell: 082 576 0901 | 071 331 9337

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### Author:

Jaco van Schalkwyk (C/8702/2018)

### Principal Planner:

Jan Visagie (A/1080/1999)

### Submitted:

September 2023

OVERSTRAND MUNISIPALITEIT

REKORDBEHEER

18 SEP 2023

DOCUMENT CONTROL

OVERSTRAND MUNICIPALITY

TP-n./theal  
(H. Jd Skoop)

FILE NO.

EF 4711  
Kleinmond

SCAN NO.

COLLABORATOR NO.

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TP

18 SEP 2023



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## **1. EXECUTIVE SUMMARY**

### **1.1. Background Information**

Future Plan Town and Regional Planners (hereafter referred to as *this office*) was approached by the property owner to assist with the applicable town planning application as was deemed necessary. After lengthy consultation between Future Plan Town and Regional Planners and the property owner, a decision was made to proceed with the application.

The property owners applied to Council to purchase of a portion of Council owned Property, Remainder of Erf 5504, Kleinmond in order to utilise it for purposes that they deem fit. The application was subsequently approved at a market related price which both parties have felt was a reasonable price. This application is lodge as was prescribed to this office by the Overstrand Municipality.

### **1.2. Application Summary**

Herewith a land use planning application is made in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning of 2020 (OMLUS) for:

- *Section 16 (2) (a) - Rezoning of land*
- *Section 16 (2) (d) - Subdivision of land that is not exempted in terms of Section 26*
- *Section 16 (2) (e) - Consolidation of Land that is not exempted in terms of Section 26*
- *Section 16 (2) (n) - Closure of a public place or part thereof.*

Please refer to the following attached Annexures:

**Annexure A:** Application Form

**Annexure B:** Power of Attorney

**Annexure C:** Title Deed





## **2. THE PROPOSAL**

To reiterate Section 1 of this motivation report, an application is hereby made for the following:

### **2.1. Subdivision of Land (Section 16 (2) (d))**

A portion of Remainder of Erf 5504 (Council owned Property) is to be subdivided and hereafter referred to as Portion A, measuring approximately 65m<sup>2</sup> in extent.

### **2.2. Rezoning of Land (Section 16 (2) (a))**

The subdivided Portion A, currently zoned for Open Space Zone 2 purposes, will be rezoned to Single Residential Zone 1 zoning.

### **2.3. Consolidation of Land (Section 16 (2) (e))**

Portion A (±65m<sup>2</sup>) will be consolidated with Erf 4711 (595m<sup>2</sup>) to form one property measuring approximately 660m<sup>2</sup>.

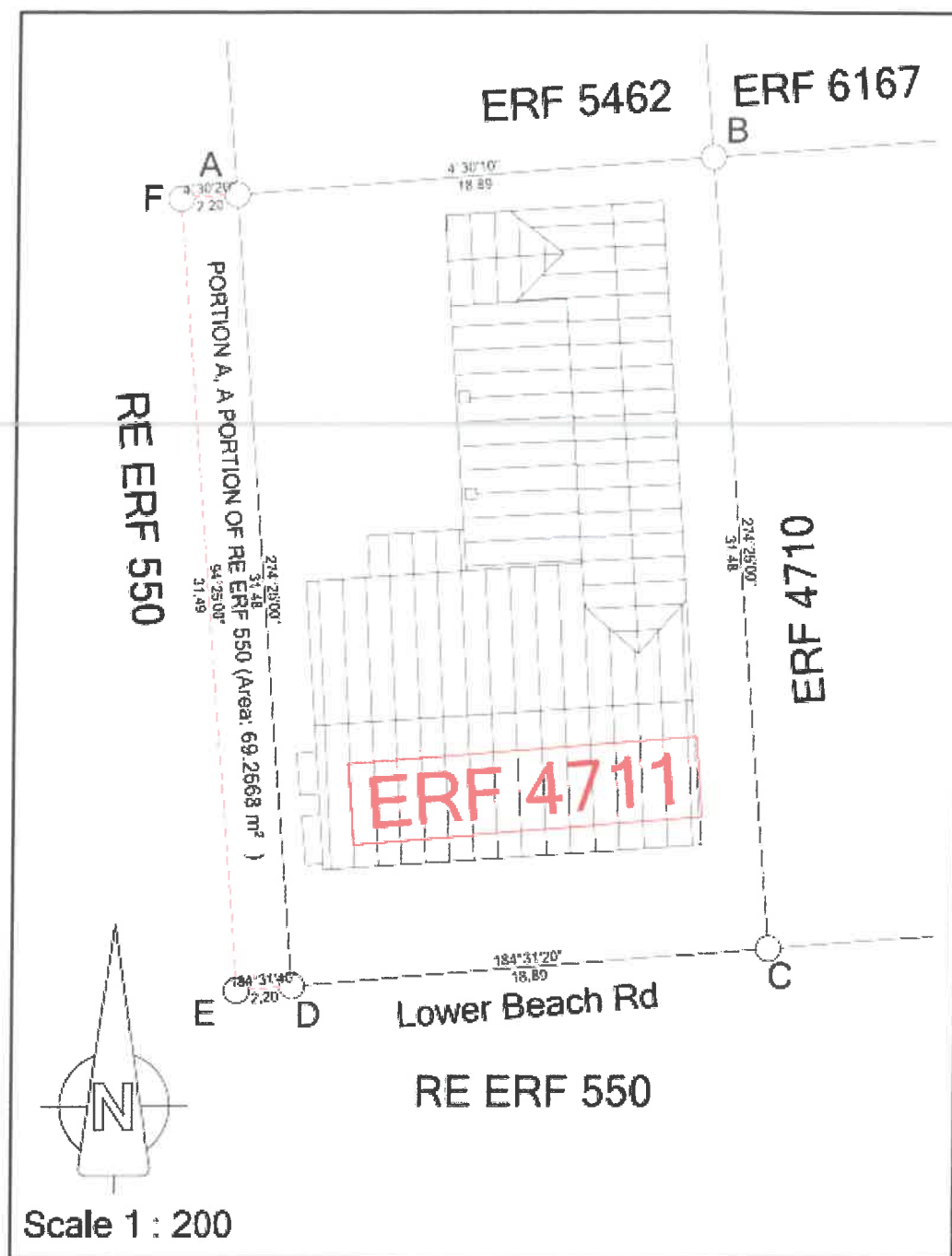
Please refer to the attached Site Development Plan (Plan 2) for the full extent and layout of the proposed subdivision.

### **2.4. Closure of Public Place or part thereof (Section 16 (2) (n))**

As stated under Section 1.1 of this Motivation report, the owners of Erf 4711 recently purchased a portion of Council property, a portion (measuring ±65m<sup>2</sup>) of Remainder of Erf 5504. Overstrand Municipality owns the latter and, therefore, a public place.

This application informs readers that the subdivided Portion A will be closed and no longer form part of the greater Remainder of Erf 5504, Kleinmond. The subject portion will longer be considered public land and will thus form part of the privately owned Erf 4711.









### **3. CHARACTER OF ENVIRONMENT**

#### **3.1. Ownership Details**

A perusal of the title deed revealed that no restrictive conditions could prohibit the approval of this land use planning application. Below are the details of the subject title deed.

Property Description	Erf 4711, Kleinmond in the Overstrand Municipality, Division Caledon, Province of the Western Cape
Ownership	The Trustees of the Eileen Thorne Family Trust
Extent	595m <sup>2</sup> (607.08m <sup>2</sup> - cad measurement)
Title Deed Number	T11065/2019

#### **3.2. Current Zoning and Utilisation**

Erf 4711 is zoned as Single Residential Zone 1 (SR1) and used for residential purposes as intended by the zoning.

#### **3.3. Locality and Surrounding Land Uses**

The subject erf is located at 30 Lower Beach Road within Kleinmond, Overstrand Municipal districts.

Erf 4711 is situated in a residential area southeast of Kleinmond Harbour Precinct.

Please refer to the Figures on Page 7.

#### **3.4. Municipal Services, Access, and Parking**

The application site is well-serviced in terms of municipal services. Therefore, the proposal is not deemed to have a negative impact on the existing services network. Furthermore, access to the application site will not be altered. It will thus remain as is.





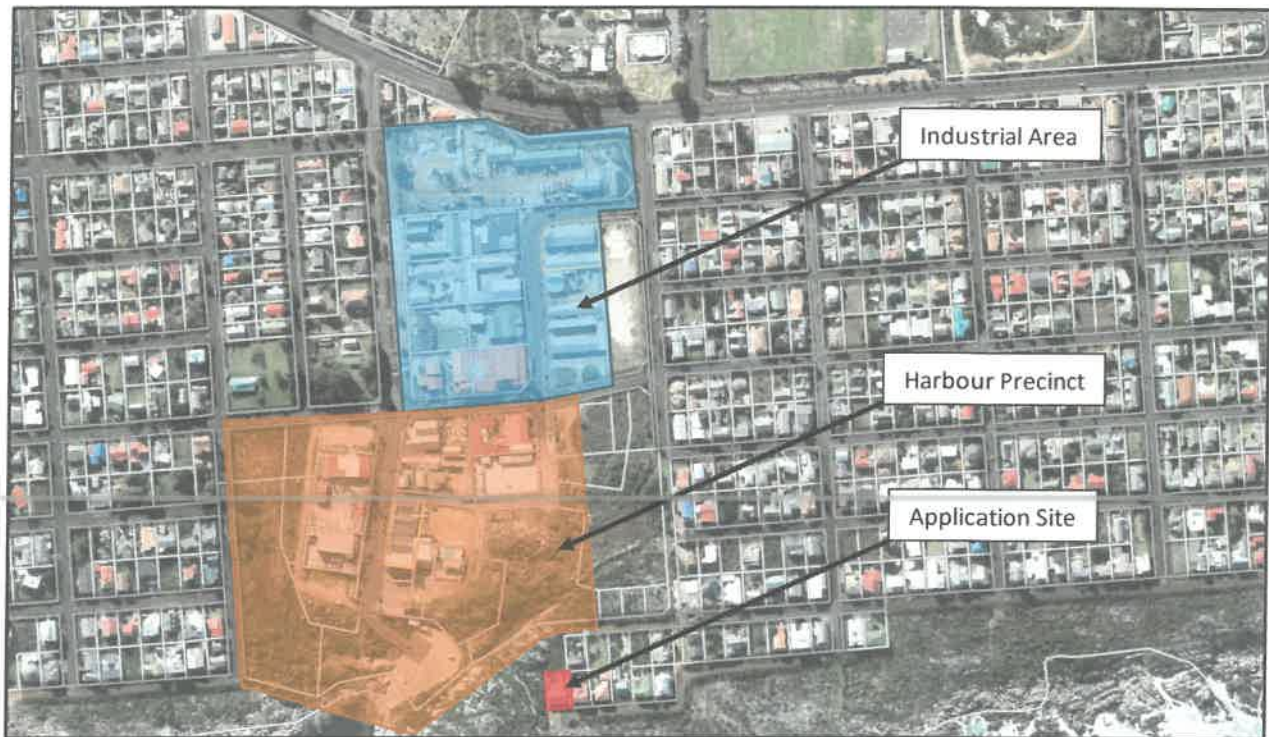


Figure 1: Application site in relation to the Harbour Precinct and Industrial Area.

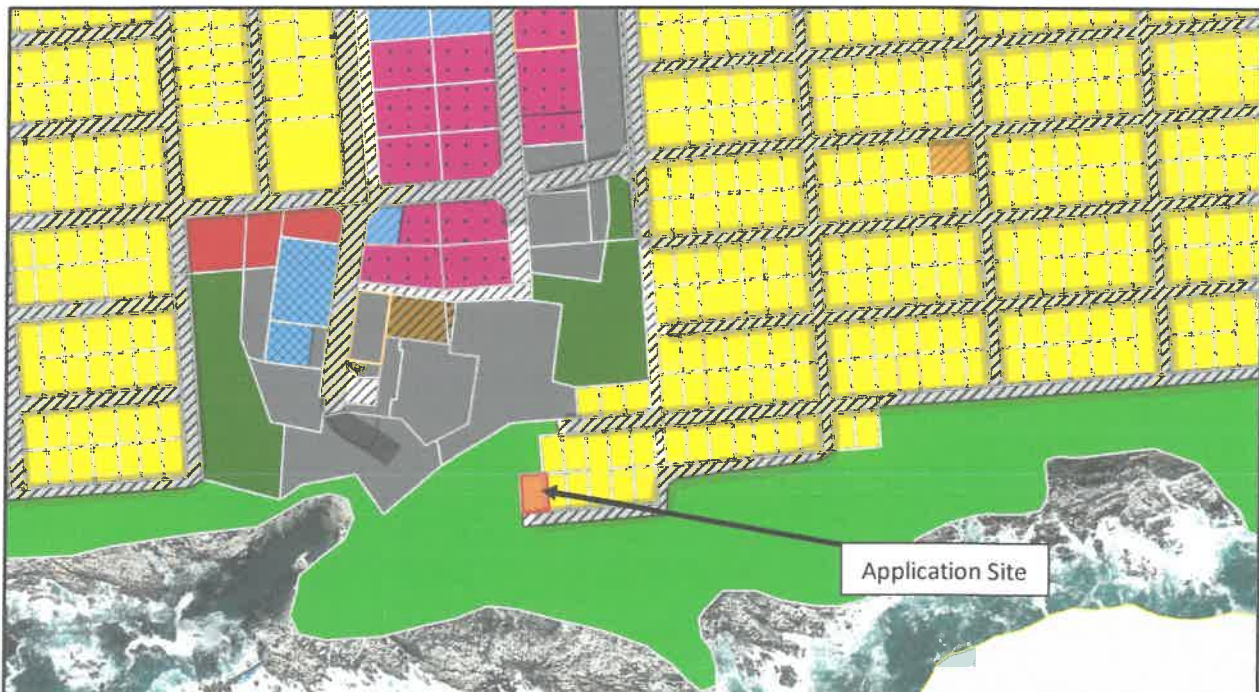


Figure 2: Predominately residential use of surrounding erven.





#### 4. NEED & DESIRABILITY

For an informed decision by the Authorised Official, it is crucial to address the need and desirability of an application. Therefore, this office has summarised a few site-specific key aspects that should be considered before a decision is made. Herewith is the need for the proposal:

- The property owner expressed their wish to acquire an additional piece of land, which was subsequently approved as per Annexure D.
- In order to formalise the transfer from Overstrand Municipality to the owner of Erf 4711, application for the subdivision, rezoning, and consolidation has to be submitted and approved by the Local Authority.

The proposal is deemed desirable due to the following reasons:

- It is possible that the proposal may add value to Erf 4711.
- The proposal will not detract from the abutting neighbours regarding privacy.
- No additional Municipal services will be required for the proposal.
- The application site (and subdivided Portion A) is situated within an existing residential area and thus is not deemed to impact any environmentally sensitive areas negatively.

The following aspects are also crucial to take into consideration when determining the desirability of an application:

Section 66 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning of 2020:

- *When the Authorised Official or Municipal Planning Tribunal considers an application, it must have regard to the following:*
  - *the application submitted in terms of this By-law;*
  - *the procedure followed in processing the application;*
  - *the desirability of the proposed utilisation of land and any guidelines issued by the Provincial Minister regarding proposed land uses;*
  - *the comments in response to the notice of the application and the comments received from organs of state and internal departments;*
  - *the response by the applicant to the comments referred to in paragraph (d);*
  - *investigations carried out in terms of other laws which are relevant to the consideration of the application;*
  - *a registered planner, or a planner eligible for registration, written assessment, which includes:*
    - *an amendment of a Spatial Development Framework or land use scheme*
    - *an approval of an overlay zone contemplated in the land use scheme*
    - *a phasing, amendment or cancellation of a subdivision plan or part thereof*
    - *a determination of a zoning*
    - *a rezoning*
  - *the integrated development plan and Municipal Spatial Development Framework;*
  - *the applicable Local Spatial Development Frameworks adopted by the Municipality;*
  - *the applicable policies of the Municipality that guide decision-making;*
  - *the Provincial Spatial Development Framework;*
  - *where applicable, the regional spatial development framework;*
  - *the policies, principles, planning and development norms and criteria set by the national and provincial government;*





- *the matters referred to in Section 42 of the Spatial Planning and Land Use Management Act;*
- *the principles referred to in Chapter VI of the Land Use Planning Act; and*
- *the relevant provisions of the land use scheme.*
- *An Authorised Official or Municipal Planning Tribunal must approve a site development plan submitted to the Municipality for approval in terms of applicable development parameters or conditions of approval if the site development plan—*
  - *is consistent with the development parameters of the zoning;*
  - *is consistent with the development parameters of the overlay zone;*
  - *complies with the conditions of approval; and*
  - *complies with this By-law.*
- *When a site development plan is required in terms of development parameters or conditions of approval—*
  - *the Municipality may not approve a building plan if the site development plan has not been approved;*  
*and*
  - *the Municipality may not approve a building plan that is inconsistent with the approved site development plan.*

The application, site development plan and subsequent attachments conform to the specified regulations listed above. The application in its current state can thus be accepted. The application shall thus be motivated and assessed in terms of its merits and desirability.

Section 49 of the Western Cape Land Use Planning Act of 2014:

*When a municipality considers and decides on a land use application, the municipality must have regard to at least—*

- *the applicable spatial development frameworks;*
- *the applicable structure plans;*
- *the principles referred to in Chapter VI;*
- *the desirability of the proposed land use, and*
- *guidelines that may be issued by the Provincial Minister regarding the desirability of proposed land use.*

It is the opinion of this office that the proposed application is well motivated in terms of the legislation as provided for in this motivation report and is not deemed to impose an unusual risk to the surrounding community due to the following reasons:

- No negative visual impact on the abutting neighbours.
- The proposal will not detract from the existing tourist walkways near the application site.
- Vistas and other rights, such as privacy, remain intact.
- No threat to the health and safety of the surrounding community is envisaged.
- The proposal and current land use are not out of character for the surrounding area.

Thus, this office believes that the proposal can be deemed desirable.





## 5. LEGISLATION

### Overstrand Municipality Spatial Development Framework (May 2020)

The Municipal Spatial Development Framework is a sectoral component of the IDP that, in terms of the Municipal Systems Act, 2000 (Act No. 32 of 2000), 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.

The key statutory requirements of the SDF are as follows:

- give effect to the principles, norms, and standards.
- Include a written and spatial representation of the Municipality's five-year spatial development plan.
- Include a longer spatial development vision statement.
- Identify current and future structuring elements of the Municipal spatial form (i.e., development corridors, activity spines, economic nodes, etc.).
- Include population growth estimates for the next five years.
- Include estimates for the demand for housing units and the planned location and density of future housing developments.
- Include estimates of economic activity, employment trends, and locations in the Municipality for the next five years.
- Identify, quantify, and provide location requirements for the next five years of engineering infrastructure and services.
- Identify the designated areas where a national or provincial inclusionary housing policy may be applicable.
- Include a strategic assessment of the environmental pressures.
- Create opportunities (incl. spatial location of environmental sensitivities, high potential agricultural land, and coastal strips).
- Identify areas where more detailed local plans must be developed and shortened land use procedures may be applicable.
- Provide spatial expression of integration of municipal sectoral policies.
- Determine a capital expenditure framework for the Municipal development programmes depicted spatially.
- Include an implementation.

The proposal is not deemed to be in contravention of the Overstrand SDF as it does not contradict the abovementioned statutory requirements of the SDF. Further to those described above, the application site is





in an urban development area within the urban edge of Kleinmond. The proposal is thus not in contravention of the SDF.

Overstrand Integrated Development Plan (May 2020)

The Overstrand Municipality Integrated Development Plan (IDP) aims to address our communities' development needs with clearly defined strategic objectives and performance indicators. These strategic objectives are as follows:

- The provision of democratic, accountable, and ethical governance
- The provision and maintenance of municipal services
- The encouragement of structured community participation in the matters of the municipality
- The creation and maintenance of a safe and healthy environment
- The promotion of tourism and economic and social development.

The IDP is crucial to take into consideration in any planning-related application. It is the opinion of this office that the proposal promotes social development and creates a safe and healthy environment, not only for the property owner but also for the surrounding residents of the area.

Overstrand Municipal Growth Management Strategy (2010)

The Growth Management Strategy does not refer to individual erven but provides a guideline for densification and additional community facilities. This proposal does not entail the densification of Erf 4711 and would thus not contradict the Growth Management Strategy. Furthermore, the proposal adds to the character and natural landscape of the surrounding area as a holiday destination. It would thus positively impact tourism promotion, economic development, and job creation.

The application site is not within a Heritage Overlay Zone defined in the Growth Management Strategy and will thus not constitute any heritage-related aspects.

Overstrand Municipality Amended By-Law on Municipal Land Use Planning (2020)

It is essential to consider Section 66 of the Overstrand Municipality Amended By-Law on Municipal Land Use Planning in terms of the "General criteria for consideration of applications":

- When the Authorised Official or Municipal Planning Tribunal considers an application, it must have regard to the following:
  - the application submitted in terms of this By-law;
  - the procedure followed in processing the application;





- the desirability of the proposed utilisation of land and any guidelines issued by the Provincial Minister regarding proposed land uses;
- the comments in response to the notice of the application and the comments received from organs of state and internal departments;
- the response by the applicant to the comments referred to in paragraph (d);
- investigations carried out in terms of other laws which are relevant to the consideration of the application;
- a registered planner, or a planner eligible for registration, written assessment, which includes:
  - an amendment of a Spatial Development Framework or land use scheme
  - an approval of an overlay zone contemplated in the land use scheme
  - a phasing, amendment or cancellation of a subdivision plan or part thereof
  - a determination of a zoning
  - a rezoning
- the integrated development plan and Municipal Spatial Development Framework;
- the applicable Local Spatial Development Frameworks adopted by the Municipality;
- the applicable policies of the Municipality that guide decision-making;
- the Provincial Spatial Development Framework;
- where applicable, the regional spatial development framework;
- the policies, principles, planning and development norms and criteria set by the national and provincial government;
- the matters referred to in Section 42 of the Spatial Planning and Land Use Management Act;
- the principles referred to in Chapter VI of the Land Use Planning Act; and
- the relevant provisions of the land use scheme.
- An Authorized Official or Municipal Planning Tribunal must approve a site development plan submitted to the Municipality for approval in terms of applicable development parameters or conditions of approval if the site development plan—
  - is consistent with the development parameters of the zoning;
  - is consistent with the development parameters of the overlay zone;
  - complies with the conditions of approval; and
  - complies with this By-law.
- When a site development plan is required in terms of development parameters or conditions of approval—
  - the Municipality may not approve a building plan if the site development plan has not been approved; and







- the Municipality may not approve a building plan that is inconsistent with the approved site development plan.

The proposal is not considered a deviation from the requirements above; however, it is substantially in accordance with any residential neighbourhood and is not deemed to pose a significant threat to the surrounding community.

#### Planning Principles

The proposed development supports the principles of Chapter VI (Article 59) of the Land Use Planning Act (LUPA), Act 3 of 2014, and Chapter 2 (Article 7) of the Spatial Planning and Land Use Management Act (SPLUMA), Act 16 of 2013, as follows:

##### Spatial Justice

*Refers to the need to redress the past apartheid spatial development imbalances and aim for equity in the provision of access opportunities, facilities, services, and land.*

The proposed application will not contribute to perpetuating past apartheid spatial development imbalances.

##### Spatial Sustainability

*A spatially sustainable settlement will have an equitable land market while ensuring the protection of valuable agricultural land, environmentally sensitive and biodiversity-rich areas, scenic and cultural landscapes, and ultimately limiting urban sprawl.*

The proposal will not negatively impact valuable agricultural land, environmentally sensitive areas, or scenic landscapes and ultimately not contribute to urban sprawl.

##### Efficiency

*Efficiency refers to the need to create settlements that optimise the use of space, energy, infrastructure, resources, and land.*

The proposed development will optimally harness the potential that sustainably exists on the subject property, as is evident in the proposed SDP.







#### Spatial Resilience

*Spatial resilience in the context of land use planning refers to spatial plans, policies and land use management systems that should enable the communities to be able to resist, absorb and accommodate economic and environmental shocks and to recover from these shocks in a timely and efficient manner.*

The proposed development is well aligned with the spatial plans and policies, enabling the subject property to resist, absorb and accommodate environmental and economic shocks and recover from shocks in a timely and efficient manner.

#### Good Administration

*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.*

The proposed development will promote consultative planning as the Municipality will advertise the proposal to the public to allow the comments of the public to be taken into consideration. In addition, Future Plan Town and Regional Planners will also respond to the public's comments and consider the comments in the project's planning.

This section outlines how the proposed development aligns with the core planning principles outlined in SPLUMA and LUPA. The proposal can, therefore, encompass and promote all planning principles.





## 6. CONCLUSION & RECOMMENDATION

The motivation report has provided a clear and complete analysis of the land use proposal. It was proven that the application is desirable and will not adversely impact the existing landscape. It was also demonstrated that the proposal is well aligned with the spatial planning initiatives for the area in which it is located.

The following factors should also be considered when evaluating the feasibility of the proposed application:

- The proposal will not negatively impact the abutting neighbours regarding privacy.
- It can be argued that the proposal will not negatively impact the health and safety of the surrounding community.
- The proposal is consistent with any residential property and subsequent neighbourhood.
- The proposal will not contribute to urban sprawl.
- Should the proposal be considered favourably, can it be deemed that existing vistas of the surrounding area will be protected and remain as is the current situation.

Considering the above, it is recommended that the following applications:

- *Section 16 (2) (a) - Rezoning of land,*
- *Section 16 (2) (d) - Subdivision of land that is not exempted in terms of Section 26,*
- *Section 16 (2) (e) - Consolidation of Land that is not exempted in terms of Section 26, and*
- *Section 16 (2) (n) - Closure of a public place or part thereof,*

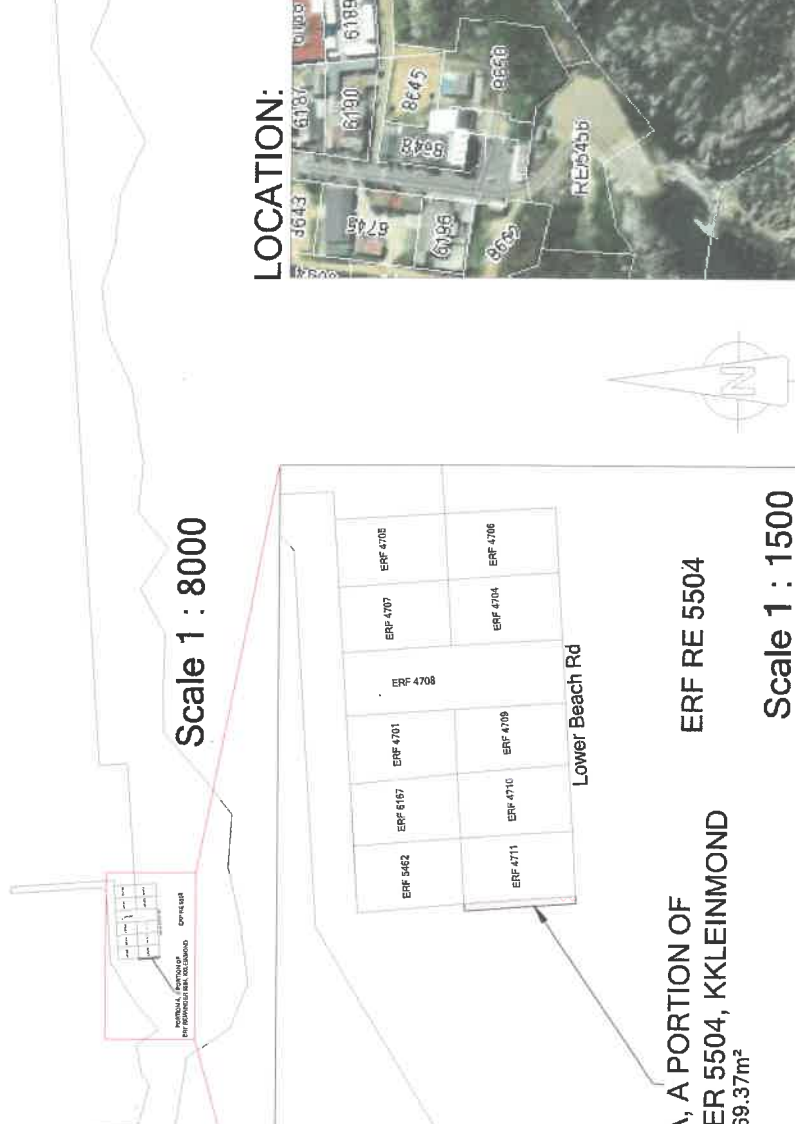
be approved in terms of Section 16 of the OMLUS.



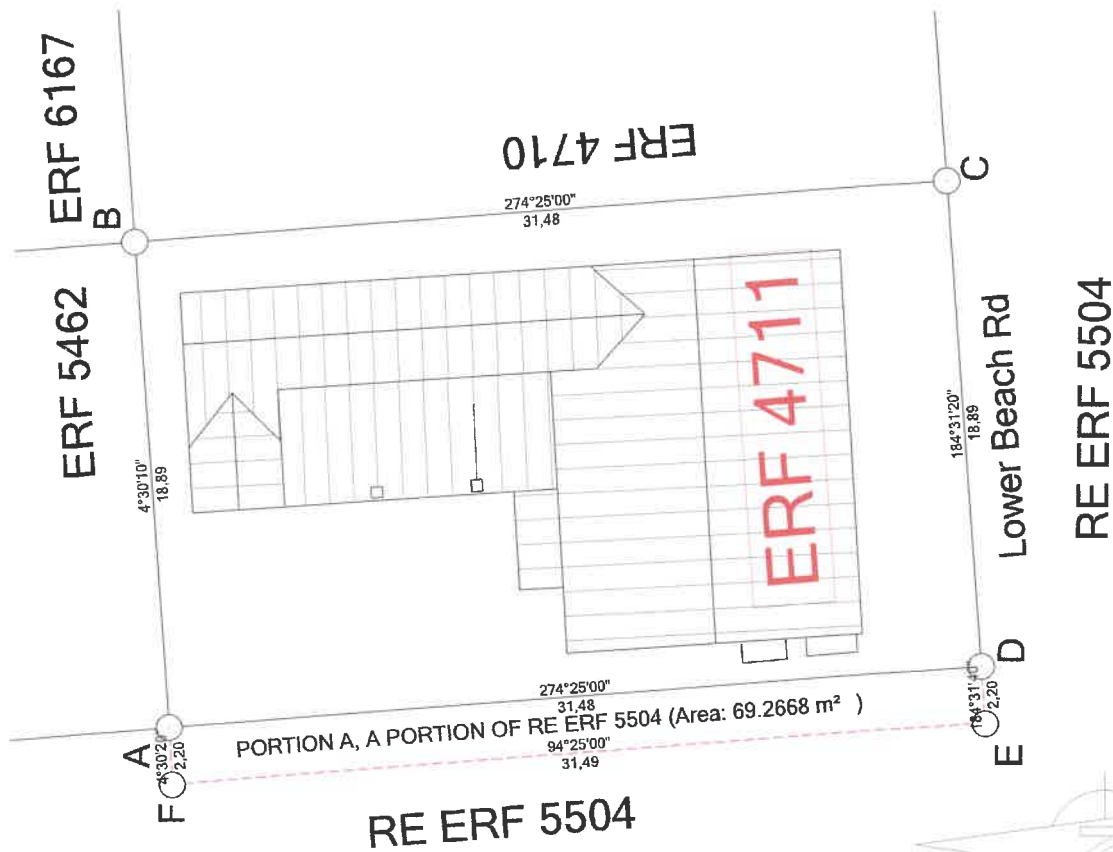
**GENERAL NOTES:**

ALL DIMENSIONS AND COORDINATES  
MUST BE CORRELATED BY A  
PROFESSIONAL AND REGISTERED LAND  
SURVEYOR. ANY DIFFERENCES MUST BE  
BROUGHT TO THE ATTENTION OF THE  
DRAUGHTSMAN IMMEDIATELY.  
COPYRIGHT IS RESERVED ON ALL  
DRAWINGS AND MAPS.

**LEGEND:**



SITE DEVELOPMENT PLAN FOR THE SUBDIVISION OF RE ERF 5504, CLOSURE OF PUBLIC PLACE & REZONING TO RESIDENTIAL OF PORTION OF SUBDIVISION AND CONSOLIDATION OF PORTION OF RE ERF 5504 (PORTION A) WITH ERF 4711, KLEINMOND, OVERSTRAND MUNICIPALITY



Scale 1 : 200

Erf Pegs representing Erf 4711, Kleinmond			
Coordinate System		WGS Lo19	
Erf Pegs	Y-Coordinates	X-Coordinate	
A	-1387.5780		3801984.2362
B	-1406.4095		3801982.7532
C	-1408.8339		3802014.1380
D	-1390.0024		3802015.6273

Erf Pegs representing Portioin A, A Portion of Erf 5504, Kleirmond			
Coordinate System		WGS lo19	
Erf Pegs	X-Coordinates	Y-Coordinates	X-Coordinate
A	-1387.5780		3801984.2362
D	-1390.0024		3802015.6273
E	-1387.8090		3802015.8010
F	-1385.3850		3801984.4090

Erf Pegs representing Consolidation of Portion A of Erf Re 5504 & Erf 4711, Kleinmond			
Coordinate System		WGS Lo19	
Erf Pegs	Y-Coordinates	X-Coordinate	
A	-1387.5780	3801984.2362	
B	-1406.4095	3801982.7532	
C	-1408.8339	3802014.1380	
D	-1390.0024	3802015.6273	
E	-1387.8090	3802015.8010	
F	-1385.3850	3801984.4090	

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A. RELEASE JMS ID: 11299-086							



EILEEN TORN FAMILY TRUST

SUBDIVISION OF RE ERF 550  
CLOSURE OF SUBDIVIDED PORTION A  
REZONING TO RESIDENTIAL ZONE 1  
CONSOLIDATION OF PORTION A WITH  
ERF 4711, KLEINMOND.

DATE	2018/02/23	DRIVING	JAV	SCALE	7.8900	OSM10	24/03/2023
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