



**ERF 4145, 5 WALLERS ROAD, BETTY'S BAY: APPLICATION FOR DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: PLATINUM TOWN & REGIONAL PLANNERS CC ON BEHALF OF HC & MM SWART**

Notice is hereby given in terms of Section 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 that an application has been received for the following:

- **departure** in terms of Section 16(2)(c) to operate the existing dog grooming parlour from the property.
- **determination of an administrative penalty** in terms of Section 16(2)(q) for unauthorised land use as mentioned above.

Full detail regarding the proposal is available for inspection during weekdays between 08:00 and 16:30 at the Department: Town and Spatial Planning at 16 Paterson Street, Hermanus and the Betty's Bay Library, Clarence Drive, Betty's Bay. Any written comments may be submitted in accordance with the provisions of Sections 51 and 52 of the said By-Law to the Municipality (16 Paterson Street, Hermanus / (e) [loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)) on or before **13 June 2025**, quoting your name, address and contact details, interest in the application and reasons for comments. Telephonic enquiries can be made to **Mrs. H van der Stoep** at 028-313 8900. The Municipality may refuse to accept comments received after the closing date. Any person who cannot read or write may visit the Town and Spatial Planning Department where a municipal official will assist them in order to formalize their comment.

**ERF 4145, WALLERSWEG 5, BETTYSBAAI: AANSOEK OM AFWYKING EN BEPALING VAN 'N ADMINISTRATIEWE BOETE: PLATINUM STADS- EN STREEKBEPLANNERS NAMENS HC & MM SWART.**

Kennis word hiermee gegee ingevolge Artikel 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 dat 'n aansoek soos volg ontvang is:

- **afwyking** ingevolge Artikel 16(2)(c) om die bestaande hondeversorgingsalon op die eiendom te bedryf.
- **bepaling van 'n administratiewe boete** ingevolge Artikel 16(2)(q) vir ongemagtigde grondgebruik soos bo genoem.

Volle besonderhede rakende die voorstel is beskikbaar vir inspeksie gedurende weksdae tussen 08:00 en 16:30 by die Departement: Stads- en Streekbeplanning, Patersonstraat 16, Hermanus en by die Bettysbaai Biblioteek, Clarencerylaan, Bettysbaai. Enige kommentaar op die voorstel moet skriftelik ingedien word in terme van Artikels 51 en 52 van die voorgeskrewe Verordening na die Munisipaliteit (Patersonstraat 16, Hermanus / (e) [loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)) voor of op **13 Junie 2025**, met die naam, adres en kontakbesonderhede, belang in die aansoek sowel as redes vir die kommentaar aangedui. Telefoniese navrae kan gerig word aan **Me. H van der Stoep** at 028-313 8900. Die Munisipaliteit mag weier om die kommentaar te aanvaar na die sluitingsdatum. Enige persoon wat nie kan lees of skryf nie kan die Departement: Stads- en Streekbeplanning besoek waar hul deur 'n munisipale amptenaar bygestaan sal word ten einde hul kommentaar te formaliseer.

**ISIZA 4145, 5,WALLERS ROAD,BETTY'S BAY: E-KLEINMOND: ISICELO SOPHAMBUKO KUNYE NOKUMISELWA KWESOHLWAYO SOLAWULO: PLATINUM TOWN & REGIOANL PLANNERS CC EGAMENI OF HC & MM SWART**

Isaziso sinikezelwa ngokwemiqathango yeCandelo 48 loMthetho kaMasipala oLungisiweyo woMasipala wase-Overstrand ongoCwangciso lokuSetyenziswa koMhlaba kaMasipala, 2020 sokuba isicelo sifunyenwe soku kulandelayo:

- **uphambuko** ngokwemiqathango yeCandelo 16(2)(c) ukusebenza kwegumbi lokuhlala izinja elilungisiweyo kwi propati.
- **ukumiselwa kwesohlwayo solawulo** ngokwemigaqo yeCandelo 16(2)(q) losebenziso lomhlaba ngokungekho mthethweni njengoko kukhankanyiwe ngasentla.

linkcukacha ezipheleleyo malunga nesi sindululo ziyafumaneka ukuze zihlolwe ngeentsuku zokusebenza ngamaxesha okusebenza phakathi kwentsimbi yesi-08:00 neye-16:30 kwiSebe: UCwangciso lweDolophu, 16 Paterson Street, eHermanus kunye neThala leeNcwadi laseBetty's Bay, Clarence Drive, eBetty's Bay. Naziphi na izimvo ezibhaliweyo mazingeniswe ngokuhambelana nezibonelelo zeCandelo lama-51 kunye nelama-52 alo Mthetho kaMasipala oxeliweyo kuMasipala (16 Paterson Street, e-Hermanus / [loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)) ngomhla okanye ngaphambi komhla wama-**13 Isilimela 2025** uchaze igama lakho, idilesi kunye neenkukacha zoqhagamshelwano, umdla kwisicelo kunye nezizathu zezimvo. Imibuzo ngomnxeba ingenziwa kuMchwangciso weDolophu, **UNksk. H van der Stoep** kule nombolo yomnxeba 028-313 8900. UMasipala unokwala ukwamkela izimvo ezifunyenwe emva komhla wokuvalwa. Nabani na ongakwaziyo ukufunda okanye ukubhala angandwendwela iSebe loCwangciso lweDolophu apho igosa likamasipala liya kuthi limncedise ukuze abhale ngokusesikweni izimvo zakhe.

## LOCALITY MAP ERF 4145, BETTY'S BAY



SCALE: 1 : 5 000



ATLANTIC OCEAN

### REFERENCE



THE APPLICATION

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



Pretoria Office:  
61 Woodlands Avenue,  
PECANWOOD  
Cell : 083 226 1316  
Email



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

Mobile: 083 226 1316  
Email: [dehaas@telkomsa.net](mailto:dehaas@telkomsa.net)

Postnet Suite #51  
Private Bag X15  
Somerset West  
7129

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

Mobile: 072 184 9621  
Email: [amund@vodamail.co.za](mailto:amund@vodamail.co.za)

THE MUNICIPAL MANAGER  
OVERSTRAND LOCAL MUNICIPALITY  
PO BOX 20  
HERMANUS  
7200

Dear Hanneen / Loretta;

**ERF 4145 BETTY'S BAY**

You are referred to the attached Letter 4145 KBB, dated 3 April 2025.

The following was requested:

- **Parking on-site:** please find attached a copy of the "Building Plan" indicating a minimum of 5 "parking bays/areas". The Landowners have two vehicles, of which only one is parked during the day in the garage (Parking Bay 1). This leaves 4 parking bays for clients, who only arrive as per appointment during operating hours between 08h00 and 17h00 (weekdays) and alternate Saturdays between 08h00 13h00 - one at a time, to drop-off and one at a time to pick up. Only two parking bays, therefore, might be occupied at the same time.
- **Building Plan:** a copy of the "approved Building Plan" is attached. Please note that we had to rely on "photos" as no facilities to copy building plans are available at Kleinmond Municipal Offices.
- **Building Alterations:** no building alterations were made. The "Doggy Parlor" is operated within one section of the garage with a Mobile Dog Unit (type of caravan) parked inside where the dogs are washed / dried and then taken to a table in front where they are groomed. There are no cages where the dogs are kept. When the grooming of the dogs is almost finished, the Owner is phoned and the dog is picked up on time.

Trust this will suffice.

Will gladly discuss.

Thanks

Amund  
07/04/2025



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

Mobile: 083 226 1316  
Email: [dehaas@teikomsa.net](mailto:dehaas@teikomsa.net)

Postnet Suite #51  
Private Bag X15  
Somerset West  
7129

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

Mobile: 072 184 9621  
Email: [amund@vodamail.co.za](mailto:amund@vodamail.co.za)

**THE MUNICIPAL MANAGER  
OVERSTRAND LOCAL MUNICIPALITY  
PO BOX 20  
HERMANUS  
7200**

Dear Sir/Madam;

**ERF 4145 BETTY'S BAY**

Please find herewith the following simultaneous Applications:

- **APPLICATION No. 1:** AN ADMINISTRATIVE PENALTY APPLICATION IN TERMS OF SECTIONS 90 OF THE OVERSTRAND MUNICIPALITY AMENDMENT BY-LAW ON MUNICIPAL LAND-USE PLANNING (2020).
- **APPLICATION No. 2:** TEMPORARY DEPARTURE APPLICATION IN TERMS OF SECTION 16(2)(C) OF THE OVERSTRAND MUNICIPALITY AMENDMENT BY-LAW ON MUNICIPAL LAND-USE PLANNING (2020).

The reasons for these Applications are:

- Discussions took place between the Officials of the Office: Town and Spatial Planning and this Office following a "Notice of Non-compliance" that was issued indicating "reasonable grounds to suspect transgression of the provisions as set out in the Overstrand Municipality Amendment By-Law On Municipal Land-Use Planning (2020)" by the Landowners of Erf 4145 Betty's Bay. During these discussions the following came to the fore:
  - It was agreed that there are no restrictive Title Conditions regarding the execution of a "home occupation".
  - However, a "Doggy Parlor" is a possible "grey area" as it is questioned if it can be regarded as a "personal service" within the ambit of a "home occupation" as a "primary right".

For this reasons it was agreed that the above-mentioned Applications be submitted:

- Although it is argued that no transgression is taking place, a "Notice of Non-compliance" was issued and needs to be addressed via **APPLICATION No. 1**; and
- Because of the "grey area" regarding the operation of a "Doggy Parlor" as a "home enterprise", **APPLICATION No. 2**.

Please advise on the way forward.

Thanks

Amund  
20 / 3 / 2025



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

Mobile: 083 226 1316  
Email: [dehaas@telkomsa.net](mailto:dehaas@telkomsa.net)

Postnet Suite #51  
Private Bag X15  
Somerset West  
7129

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

Mobile: 072 184 9621  
Email: [amund@vodamail.co.za](mailto:amund@vodamail.co.za)

## MEMORANDUM

### ERF 4145 BETTYS BAY

#### **A. PROPERTY DESCRIPTION**

The property is known as Erf 4145 Bettys Bay. The Erf is approximately 1106m<sup>2</sup> in extent.

#### **B. OWNERSHIP**

Erf 4145 Bettys Bay is owned by "*Helena Catharina Swart (ID: 690302 0060 082)*" and "*Magreta Magdalena Swart (ID: 750206 0176 086)*". Title Deed T52170/2018 is attached as **Annexure A**.

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

There is no bond registered against Erf 4145 Bettys Bay.

#### **C. LOCATION**

Erf 4145 Bettys Bay is located at 4145 (5) Vlei Street / Wallers Way, Bettys Bay. The Locality Map is attached as **Annexure C**.

#### **D. ZONING**

Erf 4145 Bettys Bay is zoned "*Residential Zone 1: Single Residential (SR1)*".

#### **E. HISTORY**

##### **E.1 Notice of Non-compliance**

A "*Notice of Non-compliance*" was issued on 31 January 2025. The "*Notice*" states that the Municipality has reasonable grounds to suspect that the Landowner(s) are in transgression of the provisions as set out in Section 84 of the Overstrand Municipality Amendment By-law on Municipal Land-use Planning (2020). Attached as **Annexure D**.

An "extension of time to comply with the Non-compliance Notice" was granted until 31 March 2025. Attached as **Annexure E**.

## **E.2 Use of Erf 4145 Betty's Bay**

The Landowners use approximately 35m<sup>2</sup> in extent of the Property for "home occupation" purposes. A "Doggy Parlor" is being operated from the site. Refer to the "aerial photograph" below:



The total building size is approximately 275m<sup>2</sup> in extent. Of this is approximately 75m<sup>2</sup> a double garage. Within the confinement of the "double garage" is approximately 35m<sup>2</sup> in extent used for "home occupation (Doggy Parlor)" purposes.

The Overstrand Municipality Land-use Scheme (2020):

- identifies under the Land-use Zones "Residential Zone 1: Single Residential (SR1)" "home occupation" as one of the "primary uses";
- "home occupation" is defined as: "means the practising of a non-residential use conducted from a dwelling provided that the dominant use of the dwelling concerned shall remain the accommodation of a single family, provided that the use and property complies with the requirements contained in this land use scheme for home occupation";



- identifies under Section 16.10 General Development Parameters, Section 16.10.10 Home Occupation, amongst others, the following parameters (our response in "red"):

(1) Home occupation will be restricted to the following non-residential categories:

e) personal services such as (*my underlining*) a barber, hairdresser, beautician, and masseuse. A "Doggy Palor" is regarded as the rendering of a personal service.

(2) General development parameters for home occupation (amongst others):

a) The proprietor of the home occupation must permanently reside in the dwelling. The Landowners reside permanently in the dwelling house.

b) The total area used for a home occupation, including storage area required for the use, shall not exceed 25% or 50m<sup>2</sup> (whichever is most restrictive) of the total floor area of the building from which it is to be conducted. Approximately 35m<sup>2</sup> in extent of the double garage is used for purposes of "home occupation".

c) No more than 3 persons in total shall be engaged in home occupation activities on the property, including the occupants or the occupant and any assistants. Only two people are involved in the "home occupation" - one of the Landowners as an "occupant" and an assistant.

d) Home occupation shall be conducted completely indoors. The "home occupation" is conducted within the confinement of the double garage.

e) The storage of products, goods, or supplies connected to the home occupation shall be inside a building. The storage of such goods is within the confinement of the double garage.

f) No more than one vehicle, not exceeding 3 500 kg in gross weight, shall be utilised for the home occupation. No vehicles are used for this purpose.

g) The hours of operation are restricted to 07h30 to 17h30 on Mondays to Fridays and 07h30 to 13h00 on Saturdays. The current operation is as follow:

- operating hours are:
  - between 08h00 and 17h00 on weekdays; and
  - every second Saturday between 08h00 and 13h00;
- dogs are not kept in cages, nor do they stay overnight;
- the client drops off the dog according to the appointment, either by car or being walked over (where the client stays nearby);
- the dog is then taken into the garage, and the garage door is closed;
- the dog is then washed and dried,
- the dog is then moved to the "grooming table",
- when the grooming of the dog is nearly finished, the Owner is notified that the dog is ready for collection.

h) On-site parking must be provided to the satisfaction of the Municipality, provided that at least two on-site parking bays are provided in addition to the normal parking required. Only one Client enters the Property at a time to drop-off a dog(s) to be groomed. Also, only one Client enters the Property to fetch a groomed dog. Thus, two Clients at most at any given time. Sufficient parking is provided within the boundaries of the Property.

i) The exercise of home occupation shall be subject to the submission of a site plan (for record purposes) demonstrating compliance with the requirements pertaining to home occupation and land use parameters. This condition will be properly addressed in due course.

- j) A conveyancing certificate shall be submitted, demonstrating there is no title deed restrictions that restrict the home occupation. Please refer to Paragraph E.2.1 of this Memorandum regarding Title Deed T52170/2018.
- k) The use shall also comply with all environmental and nuisance control regulations. The current operation complied with the regulations. The service is executed indoors and hairs cut disposed of on a weekly basis.
- l) The exterior of the building and the lot shall not be changed in such a way as to decrease its residential appearance, except for permitted parking spaces. The "home enterprise" is conducted within the confinement of the double garage. There are no changes to the exterior of the residential dwelling house, nor the erf.
- m) The use shall not involve the storage or use of hazardous, flammable, or explosive substances, other than types and amounts commonly found in a dwelling. The use shall not involve the use or storage of toxic substances. Only material(s), i.e. shampoos, used for grooming dogs are stored.
- n) The Municipality may impose additional conditions in order to minimise any potential public nuisance. Noted and accepted.
- o) Occupation shall be subject to the submission of a site plan for record purposes, demonstrating compliance with the requirements. This condition will be properly addressed in due course.

#### **F. POINT OF VIEW**

It is our submission that the Landowners of Erf 4145 Betty's Bay are not transgressing the Title Deed T52170/2018, nor the Overstrand Municipality Land-use Scheme (2020) for the following reasons:

- There are no restrictive conditions in Title Deed T52170/2018; and
- The land-use "home occupation" is a primary right under the Land-use Zones "Residential Zone 1: Single Residential (SR1)". The current "Doggy Parlor" is regarded as a "personal service", rendering the following services: wash, groom, cut and dry, wash and dry, nails trimming and related services to (i.e.) dogs.

#### **G. DISCUSSIONS WITH THE OFFICE: TOWN AND SPATIAL PLANNING**

Discussions took place between the Officials of the Office: Town and Spatial Planning and this Office.

During discussions the following came to the fore:

- It was agreed that there are no restrictive Title Conditions in Title Deed T52170/2018 regarding the execution of a "home occupation enterprise".
- However, a "Doggy Parlor" is a "grey area" as it is questioned if it can be regarded as a "personal service" under "home occupation".

It, therefore, was agreed that the following Applications be submitted:



*Platinum*  
TOWN PLANNERS

- **APPLICATION No. 1:** an Administrative Penalty Application in terms of Section 90 of the Overstrand Municipality Amendment By-Law On Municipal Land-Use Planning (2020).

Although it is argued that no transgression is taking place, a "*Notice of Non-compliance*" was issued and needs to be addressed.

- **APPLICATION No. 2:** Temporary Departure Application in terms of Section 16(2)(c) of the Overstrand Municipality Amendment By-Law On Municipal Land-Use Planning (2020).

Because of the "*grey area*" regarding the operation of a "*Doggy Parlor*" as a "*home enterprise*", it was agreed that a Section 16(2)(c) Application be submitted.

#### H. APPLICATION(S)

- H.1 **Application 1:** An Administrative Penalty Application in terms of Sections 90 of the Overstrand Municipality Amendment By-law on Municipal Land-use Planning (2020) is submitted.

Criteria for the determination of the Administrative Penalty:

- The nature / duration / gravity / extent of the Contravention:

It is our submission that the Landowner(s) of Erf 4145 Betty's Bay is not transgressing Title Deed T52170/2018, nor the Overstrand Municipality Land-use Scheme (2020) for the following reasons:

- There are no restrictive conditions in Title Deed T52170/2018; and
- The land-use "*home occupation*" is a primary right under the Land-use Zones "*Residential Zone 1: Single Residential (SR1)*". The current "*Doggy Parlor*" is regarded as a "*personal service*", rendering the following services: wash, groom, cut and dry, wash and dry, nails trimming and related services to (i.e.) dogs.

Because of the "*grey area*" regarding the operation of a "*Doggy Parlor*" as a "*home enterprise*", it was agreed that a Section 16(2)(c) Application be submitted.

- The conduct of the person involved in the contravention:

Upon the discovering of the situation, the Landowner(s) promptly acted responsibly with the appointment of Platinum Town and Regional Planners to enter into discussions with the Overstrand Local Municipality and to submit the required Land-use Applications, **if needed**, to rectify the situation.

- Whether the unlawful conduct was stopped:

The Landowners of Erf 4145 Betty's Bay are not in contravention of Title Deed T52170/2018, nor the Overstrand Municipality Land-use Scheme (2020) for the following reasons:

- There are no restrictive conditions in Title Deed T52170/2018; and
- The land-use "*home occupation*" is a primary right under the Land-use Zones "*Residential Zone 1: Single Residential (SR1)*". The current "*Doggy Parlor*" is regarded as a "*personal service*",



rendering the following services: wash, groom, cut and dry, wash and dry, nails trimming and related services to (i.e.) dogs.

Following several discussions with Officials of the Office: Town and Spatial Planning, it was concluded that the operation of a "Doggy Parlor" as a "home enterprise" is a "grey area". It, therefore, was agreed that a Section 16(2)(c) Application, in terms of the Overstrand Municipality Amendment By-Law On Municipal Land-Use Planning (2020), be submitted.

The Landowner(s) is co-operative in addressing the matter to ensure that it is resolved appropriately.

- A Report by a Quantity Surveyor on matters of unauthorized building/construction:

The total building size on Erf 4145 Betty's Bay is approximately 275m<sup>2</sup> in extent. Of this is approximately 75m<sup>2</sup> a double garage. Within the confinement of the "double garage" is approximately 35m<sup>2</sup> used for "home occupation (Doggy Parlor)" purposes.

This is in line with the "development parameter" for "home occupation": *the total area used for a home occupation, including storage area required for the use, shall not exceed 25% or 50m<sup>2</sup> (whichever is most restrictive) of the total floor area of the building from which it is to be conducted.*

- Whether a person involved in the contravention has previously contravened the By-law or a previous Planning Law:

It is our submission that the Landowner(s) of Erf 4145 Betty's Bay are not in contravention of Title Deed T52170/2018, nor the Overstrand Municipality Land-use Scheme (2020).

There is no record of any previous transgressions.

- Appeal for Consideration:

We respectfully appeal to the Overstrand Municipality to consider the fact that the current Landowner(s) are not in contravention of Title Deed T52170/2018, nor the Overstrand Municipality Land-use Scheme (2020) for the reasons mentioned above.

Because of the "grey area" regarding the "Doggy Parlor" as a "home occupation", the Landowner(s) is submitting Application No. 2 (below).

We, therefore, request that the Overstrand Municipality waive the penalty fee.

## H.2 Application 2: Temporary Departure Application in terms of Section 16(2)(c) of the Overstrand Municipality Amendment By-Law On Municipal Land-Use Planning (2020)

The land-use "home occupation" is a primary right under the Land-use Zones "Residential Zone 1: Single Residential (SR1)". The current "Doggy Parlor" is regarded as a "personal service", rendering the following services: wash, groom, cut and dry, wash and dry, nails trimming and related services to (i.e.) dogs.



Following several discussions with the Officials at the Office: Town and Spatial Planning, the operation of a "Doggy Parlor", as a "home enterprise", is seen as a "grey area". For this reason it was agreed to submit this Section 16(2)(c) Application. This to obtain "temporary permission" until such time the Overstrand Municipality Amendment By-Law On Municipal Land-Use Planning (2020) is reviewed / amended.

## I. NEED AND DESIRABILITY

### I.1 PROPERTY

The property is known as Erf 4145 Bettys Bay.

### I.2 APPLICABLE LEGISLATION

The following legislation is applicable:

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

### I.3 APPLICABLE PLANNING POLICIES / DOCUMENTS

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

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

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

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

- **Section 42(c) take into account –**
  - (i) **the public interest**

- (ii) ***the facts and circumstances relevant to the application***  
 (iii) ***the respective rights and obligations of all those affected***

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

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

There is no need for any additional engineering services (electricity, roads, storm water drainage, sewer and water), which are readily available.

Within the broader development, ample open space is provided.

### **I.3.2 The National Development Plan (NDP)**

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

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

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

### **I.3.3 Western Cape Provincial Spatial Development Framework (PSDF)**

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

- gives spatial expression to the national and provincial development agendas;
- serves as basis for co-ordinating, integrating and aligning "*on the ground*" delivery of national and provincial departmental programmes;
- supports municipalities to fulfil their municipal planning mandate in line with the national and provincial agendas; and
- communicates government's spatial development intentions to the private sector and civil society.

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

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

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

- Growing the Western Cape economy in partnership with the private sector, non-governmental and community-based organisations
- Using infrastructure investment as primary lever to bring about the required urban and rural spatial transitions; and

- Improving oversight of the sustainable use of the Western Cape's spatial assets.

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

#### **I.3.4 Overberg District Spatial Development Framework (ODSDF)**

The purpose of ODSDF is to:

- Prepare a spatial perspective of the current developmental status quo within the Overberg District Municipality (ODM) to inform a basis for discussion on key spatial issues and linkages to other sector plans and opportunities to inform the Districts' future spatial development;
- Review and update the spatial vision and strategic direction of the municipality, to inform the drafting/amendment of the Integrated Development Plan (IDP) of the ODM; and
- Review and update the Spatial Development Framework proposals to guide local municipalities in the District regarding future spatial planning, strategic decision-making, and regional integration.

The Overberg District SDF will focus on the following:

- Identifying the structure and role of settlement,
- transportation, and regional services infrastructure across and between the local municipalities within the district area.
- Classifying areas that require protection and conservation (i.e., protected areas), which include threatened ecosystems, critical biodiversity areas, valuable agricultural land, water catchment areas, and other resources of value within the District.
- Identifying growth nodes, priority investment areas, and areas of rural decay within the District.
- Classifying areas that require protection and conservation (i.e., protected areas), which include threatened ecosystems, critical biodiversity areas, valuable agricultural land, water catchment areas, and other resources of value within the District.
- Resolving contradictions between the planning visions of the District's local municipalities.
- Describing the general urban design principles to be applied in all settlements located in the District. Critically, the District SDF must guide local municipalities in the development of their own SDF's, without impeding on local-level planning detail. The District sets the framework and context for local municipalities to work within. It is also critical that the District aligns to the Provincial and National planning and policy context. It is therefore clear that the District must operate within a well-defined (at the conceptual level) policy and planning context and therefore is constrained to these insofar as possible proposals that can be made.

#### **I.3.5 Overstrand Integrated Development Planning (IDP)**

The Integrated Development Plan (IDP) is a municipality's principal strategic plan that deals with the most critical development needs of the municipal area (external focus) as well as the most critical governance needs of the organization (internal focus). It aims to co-ordinate the work of local and other spheres of government in a coherent plan to improve the quality of life for all the people living in an



area. It should consider the existing conditions and problems and resources available for development. The projects within the IDP are linked to the municipality's budget.

#### **I.3.6 Overstrand Municipality Spatial Development Framework (SDF)**

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

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

#### **J. ENGINEERING SERVICES**

The current usage of engineering services infrastructure (i.e. electricity, water, sewer and storm water drainage) will not increase.

#### **K. ENVIRONMENTAL ISSUE**

Erf 4145 Bettys Bay is located within an existing Township. No environmental authorization is needed.

#### **L. CONSULTATION WITH NEIGHBORS**

It is to be noted that the broader community in general supports the operating of the current "*Doggy Parlor*" on Erf 4145 Betty's Bay. Attached is **Annexure F**:

- A copy of one of the self-explanatory Letters circulated; and
- A copy of one of the self-explanatory Petition circulated.

If needed, the full "*pack*" can be submitted.

#### **M. CONCLUSION**

In view of the above mentioned it is recommended that Overstrand Local Municipality approves:

- **Application No. 1:** that no administrative penalty is paid in terms of Section 90 of the Overstrand Municipality Amendment By-law on Municipal Land-use Planning (2020); and



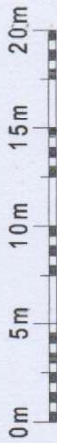
- **Application No. 2:** a "*Doggy Palor*" be regarded as a temporary "*personal service*" under the primary land-use right "*home occupation*" within the Land-use Zone "*Residential Zone 1: Single Residential (SR1)*", in terms of Section 16(2)(c) of the Overstrand Municipality Amendment By-Law On Municipal Land-Use Planning (2020).

--0--

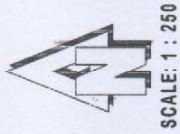
**SKETCH PLAN:  
SITE LAYOUT**

ERF 4145,  
BETTY'S BAY

LOCAL AUTHORITY: OVERSTRAND MUNICIPALITY.



ON ORIGINAL A3



SCALE: 1 : 250



**NOTES:**  
ERF 4145, BETTY'S BAY,  
RESIDENTIAL ZONE 1: SINGLE RESIDENTIAL (SR1)  
HOME OCCUPATION / DOGGIE PARLOUR **235m²**

**GENERAL NOTES:**  
1. ALL DIMENSIONS ARE APPROXIMATE AND SUBJECT TO FINAL SURVEY.  
2. PROPERTY AREA : 1 196m²  
3. OWNER : HC and MM SWART  
4. DEED OF TRANSFER : T921702/13

**Overstrand Office:**  
52 Seaside Drive,  
BETTY'S BAY  
Cell : 072 184 9831  
Email : emano@vodanet.co.za

**Pretoria Office:**  
61 Woodlands Avenue,  
PECANWOOD  
Cell : 083 226 1316  
Email : sehas@telkomsa.net

**Platinum**  
TOWN PLANNERS

PLAN NUMBER: BB41461	
DATE	AMENDMENTS
MAR 2025	SUBMISSION