



REMAINDER ERF 11, 13 KUSWEG & ERF 117, 8 KUSWEG, VAN DYKSBAAI (KLEINBAAI), OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DELETION OF CONDITIONS OF APPROVAL: MESSRS PLAN ACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF THE CONKEV TRUST

Notice is hereby given in terms of Section 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-law), that an application has been received on Erf 17, Van Dyksbaai in terms of Chapter 4, Section 16(2)(h) of the By-Law, for the deletion of conditions 2., 4. & 5. (b), (c), (d) and (f) of the existing approval, dated 3 September 2010.

Full details regarding the proposal are available for inspection during weekdays between 08:00 and 16:30 at the Department: Town Planning, Paterson Street, Hermanus. 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 / (f) 0283132093 / (e) alida@overstrand.gov.za) on or before **Friday, 13 December 2024**, quoting your name, address and contact details, interest in the application and reasons for comments. Telephonic enquiries can be made to **Senior Town Planner, Mr SW van der Merwe** 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 Planning Department where a municipal official will assist them in order to formalize their comment.

REMANANT ERF 11, KUSWEG 13 & ERF 117, KUSWEG 8, VAN DYKSBAAI (KLEINBAAI), OVERSTRAND MUNISIPALE AREA: AANSOEK OM SKRAPPING VAN GOEDKEURINGSVOORWAARDES: MESSRS PLAN ACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF THE CONKEV TRUST

Kennis word hiermee gegee ingevolge Artikel 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening), dat 'n aansoek ontvang is op Erf 17, Van Dyksbaai ingevolge Hoofstuk 4, Artikel 16(2)(h) van die Verordening, vir die skrapping van voorwaardes 2., 4. & 5. (b), (c), (d) en (f) van die bestaande goedkeuring, gedateer 3 September 2010.

Volle besonderhede rakende die voorstel is beskikbaar vir inspeksie gedurende woensdae tussen 08:00 en 16:30 by die Departement: Stadsbeplanning, Patersonstraat 16, Hermanus. 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 / (f) 0283132093 / (e) alida@overstrand.gov.za) voor of op **Vrydag, 13 Desember 2024**, met die naam, adres en kontakbesonderhede, belang in die aansoek sowel as redes vir die kommentaar aangedui. Telefoniese navrae kan gerig word aan **Senior Stadsbeplanner, Mnr SW van der Merwe** by 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 Stadsbeplanning besoek waar hul deur 'n munisipale amptenaar bygestaan sal word ten einde hul kommentaar te formaliseer.

INTSALELA YESIZA ESNGU-ERF 11, 13 KUSWEG & ERF 117, 8 KUSWEG, VAN DYKSBAAI (KLEINBAAI), KUMMANDLA KAMASIPALA WASE-OVERSTRAND: ISICELO SOKUCIMA/SOKUSUSA IIMEKO ZOKUVUMELA: ABANUM. BAKWAPLAN ACTIVE TOWN & REGIONAL PLANNERS EGAMENI LE CONKEV TRUST

Kukhutshwe isaziso esimayela nemiba yeSoloty lama-48 loMthethwana kaMasipala wase-Overstrand engoMthethwana OsisiHlomelo sikaMasipala ngeZicwangciso zokuSetyenziswa koMhlaba kaMasipala ku2020 (UMthethwana), isaziso esi sithi kufunyenwe isicelo esimayela neSiza esingu-Erf 17, Van Dyksbaai ngokwemiba yeSahluko se-4, iSoloty le16(2)(h) loMthethwana ongokucinywa/ngokususwa kweemeko 2., 4. & 5. (b), (c), (d) kunye (f) nesivumelwano esele sikhona, somhla we-3 Septemba 2010.

linkcukacha ezipheleleyo ngesi siphakamiso ziyafumaneka ukuze zihlolwe kwiintsuku zaphakathi evekini phakathi kwentsimbi ye-08:00 neye-16:30 kwiSebe: Lezicwangciso zeDolophu, Paterson Street, Hermanus. Naziphina na izimvo ezibhaliweyo mazingeniswe ngokwezibonelelo zeSoloty lama-51 nelama-52 loMthethwana kaMasipala ochazwe ngentla zifike kwaMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) ngomhla okanye ngaphambi **koLwesihlanu 13 EyoMnga 2024**, uchaze igama lakho, idilesi neenkukacha ofumaneka kuzo, umdla wakho kwesi sicelo nezizathu zokuhlomla kwakho. Imibuzo ngefowuni ingathunyelwa **kuMchwangcisi Omkhulu weDolophu, uMnu SW van der Merwe** kwa-028 313 8900. UMasipala angala ukwamkela izimvo ezifunyenwe emva komhla wokuvula. Nabani na ongakwazi ukufundisa nokubhala angahambela kwiSebe LeziCwangciso zeDolophu apho igosa likamasipala liza kumnceda ukuhlomla ngokusemthethweni.



Scale: NTS
 Drawing Nr: vand/ks117L.drw
 Date: September 2024

Plan Description:
LOCALITY MAP

Property Description:
**ERVEN 11 & 17
 VAN DYKSBAAI**

All distances approximate
 and subject to survey.
 COPY RIGHT RESERVED

PLAn Stads- en Streeksbeplanners
 Town & Regional Planners



66

316

**PROPOSED DELETION OF APPROVAL CONDITIONS IN
RESPECT OF AN EXISTING APPROVAL**

REMAINDER ERF 11 AND ERF 117 VAN DYKSBAAI

OVERSTRAND MUNICIPALITY

MOTIVATION REPORT

1. BACKGROUND

Plan Active Town & Regional Planners has been appointed by Selwyn Solomon, on behalf of The Conkev Trust, the owner of Remainder erf 11 and 117 Van Dyksbaai, to apply for the deletion of approval conditions in respect of an existing approval.

An application for the rezoning of erf 117 Van Dyksbaai was approved on 7 December 2006 by the Department of Environmental Affairs & Development Planning (copy of the letter attached). An application for amendment of conditions of approval, departure and alternative parking provision was approved for erf 117 Van Dyksbaai by Overstrand Municipality on 3 September 2010 (copy of the letter attached). The alternative parking provision on Remainder erf 11 (three parking bays) in favour of erf 117 Van Dyksbaai to accommodate the increased restaurant floor area / gross leasable area (GLA) to use the deck for additional restaurant seating was a condition of the 2010 approval. The condition was never implemented, although the deck was used for restaurant purposes.

The restaurant no longer exists, and the deck on erf 117 Van Dyksbaai (for additional restaurant seating purposes) was approved on the condition that three parking spaces would be provided on Remainder erf 11 Van Dyksbaai for the benefit of erf 117 Van Dyksbaai. The properties were to be linked by a notarial tie. Erven 11 and 117 Van Dyksbaai were recently sold to separate entities, and, according to the

municipality, the off-site parking and deck conditions must be removed before they can issue a clearance certificate.

2. APPLICATION DETAILS

Application is made in terms of:

- Chapter 4, Section 16(2)(h) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, for the deletion of conditions in respect of an existing approval of erf 117 Van Dyksbaai.

3. NEED AND DESIRABILITY

3.1 PROPERTY DESCRIPTION

Remainder erf 11 Van Dyksbaai is situated at 13 Kusweg, Kleinbaai. Erf 117 Van Dyksbaai is situated on the corner of Kusweg and Geelbek Street (9 Kusweg / 23 Geelbek Street), Kleinbaai. Refer to the locality plan attached. Remainder erf 11 Van Dyksbaai is 1091m² in extent and is held by title deed no. T37853/2008. Erf 117 Van Dyksbaai is 937m² in extent and held by title deed no. T37854/2008.

3.2 ZONING

Remainder Erf 11 and Erf 117 Van Dyksbaai have the following land use rights:

ERF NUMBER	ZONING
Remainder erf 11 Van Dyksbaai	Residential Zone 1: Single Residential (SR1)
Erf 117 Van Dyksbaai	Business Zone 3: Local Business (B3) Copy of zoning certificate dated 26 April 2024 and letters of approval dated 7 December 2006 and 3 September 2010 respectively attached.

Surrounding properties are zoned for single residential, public road and public open space purposes.

3.3 LAND USE

Remainder erf 11 Van Dyksbaai is developed for single residential purposes (dwelling with outbuildings). Erf 117 Van Dyksbaai is developed for commercial purposes (double storey building now used for shark cage diving purposes).

Land uses that surround the subject properties are Kleinbaai harbour, shark cage diving businesses, tourist accommodation dwellings, public open spaces and public roads.

3.4 PROPOSAL

The following is proposed:

- The deletion of conditions in respect of an existing approval of erf 117 Van Dyksbaai issued by Overstrand Municipality dated 3 September 2024 in terms of Chapter 4, Section 16(2)(h) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020:

Delete:

"2. That the application received from JLR & Associates on behalf of the owner of Erf 117, Van Dyksbaai in order to amend condition 2.3 of the approval in order to accommodate the existing deck of 60m², which deck exceeds the maximum permissible floor area by 60m², be recommended for approval to the Provincial Government: Western Cape in terms of the provisions of Section 42 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985).

4. that the owner of Erf 117, Van Dyksbaai in terms of the provisions of the Gansbaai Zoning Scheme Regulations be allowed to engage in an

alternative to the normal on site parking requirements by means of the provision of three (3) off site parking spaces on Erf 11, Van Dyksbaai in respect of the proposed expansion of the floor space of the restaurant on the property,

5. that the approval of the applications in paragraphs 2, 3 and 4 be subject to the following conditions:

(b) that the business hours applicable to the deck area on the northern side of the property be restricted to 21:00 from Monday to Sunday.

(c) that the three (3) parking spaces on Erf 11, Van Dyksbaai be provided in accordance with the Site Development Plan (Plan No. DKG 346 dated June 2009) to the satisfaction of the Manager: Town Planning and Property Administration;

(d) that a Notarial Tie be registered against Erf 11, Van Dyksbaai, which Notarial Tie shall ensure that the Municipality and the general public will have free access to the parking and that aforesaid Notarial Tie may not be cancelled without the prior permission of the Municipality;

(f) that the deck may not be utilized for commercial purposes before all the conditions of approval are complied with,"

An application for amendment of conditions of approval, departure and alternative parking provision was approved for erf 117 Van Dyksbaai on 3 September 2010. The application entailed an increase in the GLA of the restaurant by 60m² to allow the deck to be used for restaurant purposes. Sufficient parking to accommodate the increase in the restaurant floor area / GLA could not be provided on site. The alternative parking provision on Remainder erf 11 (three parking bays) in favour of erf 117 Van Dyksbaai to accommodate the increased restaurant floor area to allow the use of the deck for additional restaurant seating were conditions of the 2010 approval. These conditions were never implemented, although the deck was used for restaurant purposes.

The restaurant no longer exists, and the deck (previously used for additional restaurant seating) on erf 117 Van Dyksbaai was approved on the condition that

three parking spaces would be provided on Remainder erf 11 Van Dyksbaai for the benefit of erf 117 Van Dyksbaai. The properties were to be linked by a notarial tie. Erven 11 and 117 Van Dyksbaai were recently sold, and, according to the municipality, the parking and deck conditions must be removed before they can issue a clearance certificate. The change of use of the deck (60m² GLA) and the subsequent removal of the three parking bays on Erf 11 Van Dyksbaai will restore the Gross Leasable Area (GLA) of the building to its originally approved GLA (269m²). This adjustment ensures that the site retains enough on-site parking as initially provided.

We therefore apply for the deletion of conditions 2., 4. and 5.(b), (c), (d) and (f) of the decision letter issued by Overstrand Municipality dated 3 September 2010 as stipulated above for the following reasons:

- The restaurant on erf 117 Van Dyksbaai no longer exists and the deck seating (GLA of 60m² that was added in 2010) is superfluous. As a result, the three (3) alternative parking bays are no longer required;
- The deck will no longer be used for restaurant purposes. It is proposed to remove the balustrades and the door providing access to the deck and enclose the area with a window. The deck will then become a covered area, allowing patrons to proceed "under cover" to the restrooms.

A site development plan (SDP) is not currently available. It is proposed that a condition of approval be established requiring the submission of a revised SDP for erf 117 Van Dyksbaai. The revised plan will indicate the proposed changes to the deck and exclude the alternative parking bays on Remainder erf 11 Van Dyksbaai.

The proposed application will not affect the character or property values of the surrounding properties. The deletion of the approval conditions will not interfere with passing traffic or public activity, given the low impact of the proposed changes.

The zoning of erven 11 and 117 Van Dyksbaai will remain unchanged as well as the current primary land uses. As previously mentioned, erf 117 Van Dyksbaai is no longer used for restaurant purposes but is now utilized for shark cage diving activities. Visitors gather at the premises for briefings and refreshments.

Except for minor alterations to the deck (to exclude the approved floor area / GLA for restaurant purposes), the As Built structures will remain unchanged. Consequently,

the proposed application will not have a greater visual impact on the surrounding properties.

It is submitted that the proposal is compatible with the character of the area, do not impact negatively on the rights of anyone else and that no good reason exists for not approving this application. Removing the deck from restaurant use can help ensure that the property complies with current zoning and land use regulations. This change will also eliminate the need to use an adjacent property to meet minimum on-site parking requirements. Adjusting the deck's use will lead to a more cohesive and aesthetically pleasing environment that aligns with the primary function of the property.

The proposed application is not in contrast to the existing land use tendencies in the surrounding environment and we therefore do not foresee any problems with the proposed application.

3.5 THE POTENTIAL OF THE PROPERTY

The extent of erf 117 Van Dyksbaai has (prior to the 2010 application) and will continue to accommodate the reduced commercial floor area / GLA and the minimum required parking bays on site in line with the reduced GLA. Cancelling these conditions ensures that the property's use aligns with its current function, avoiding potential zoning or land use conflicts. In addition, it simplifies compliance with local regulations and planning approvals, potentially reducing the complexity of future applications. This will lead to more effective land use and better development potential of the site.

The simplified parking and use arrangements offer a more straightforward and compliant operational setup, which is more desirable for the prospective property owners.

Overall, cancelling these approval conditions can enhance the property's operational efficiency, compliance, and value while providing cost savings benefits.

3.6 ECONOMIC IMPACT

Eliminating the need for off-site parking bays avoids costs associated with acquiring, developing, and maintaining additional parking spaces. The simplified use arrangements and parking requirements make the property more attractive to the new buyer and will enable the issuing of the clearance certificate to give effect to the transfer of the subject properties.

In addition, a more straightforward compliance setup reduces the time and costs associated with regulatory approvals and ongoing legal or administrative expenses for any future land use applications (if any).

3.7 SOCIAL IMPACT

The proposed cancellation of approval conditions to reduce the GLA and omit off-site parking bays will increase the accessibility of erf 117 Van Dyksbaai. Simplified parking arrangements will make the property more accessible to the public, reducing the need for complex parking solutions and improving ease of access for visitors or customers.

Removing the GLA of the deck and associated off-site parking bays will reduce noise and traffic disruptions in the neighbourhood, creating a quieter and more pleasant environment.

No negative impact on the social wellbeing of the surrounding community is anticipated. It is submitted that the existing developed property is compatible with the character of the area and does not impact negatively on the rights of anyone else.

3.8 COMPATIBILITY WITH SURROUNDING LAND USES

The subject property is situated in an existing residential, business and harbour area. The application does not propose to change the zoning or land use of the subject properties and therefore the proposal is compatible with the surrounding land uses.

3.9 IMPACT ON EXTERNAL ENGINEERING SERVICES

All services on the subject property already exist. The deletion of the approval conditions will have no impact on the scale and usage of the existing available services since no additional loading of the existing civil infrastructure is anticipated.

Additional services (if required) will be provided to the satisfaction of the Overstrand Municipality.

3.10 IMPACT ON SAFETY, HEALTH AND WELLBEING OF SURROUNDING COMMUNITY

The proposed deletion of approval conditions will have no impact on the general safety and wellbeing of the surrounding community. The subject properties will continue to be used for residential (Remainder erf 11) and commercial (erf 117) purposes.

3.11 IMPACT ON HERITAGE

The application does not involve changing the character of a site larger than 5 000m². Consequently, the proposed application does not trigger Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999).

Remainder erf 11 and erf 117 Van Dyksbaai are situated within the Heritage Protective Overlay Zone: Coastal Strip as determined by the Overstrand Municipality's Land Use Scheme Heritage Overlay Zone (HPOZ, 2020). The purpose of the Coastal Strip HPOZ is to ensure that any land use application resulting in additional rights complies with the existing character and contextual significance. It aims 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. Another objective is 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.

Except for alterations to the existing deck (to exclude the GLA of the deck from the total GLA of the commercial building), no new additions or alterations are proposed. The existing building is not considered conservation worthy. In addition, the change of use of the deck will not overwhelm the original structure in terms of massing and height. The alterations to the existing deck to change the use of the deck is considered sensitive and appropriate to the context. The architectural style will remain unchanged, and the property will still be used for commercial purposes.

The subject properties are not designated for heritage conservation according to the Overstrand Municipal Growth Management Strategy (2010). It does not have connections to notable individuals, groups, significant events, or activities. Additionally, the properties are not linked to the history of slavery and are not utilized for living heritage purposes.

In the light of the above mentioned it is evident that the proposed application will not have a negative impact on the heritage value of the Kleinbaai area.

3.12 IMPACT ON THE BIOPHYSICAL ENVIRONMENT

The proposed application does not trigger any listed activities in terms of the National Environmental Management Act (NEMA), 1998 (Act no. 107 of 1998). The subject property is not situated within the Overstrand Municipality's Land Use Scheme Environmental Overlay Zone (2020).

The subject properties are situated within the Environmental Management Overlay Zone: Coastal Protection Zone. Commercial activities within the EMOZ: Coastal Protection Zone needs consent from the municipality. The subject property is already developed for commercial purposes and the footprint will remain unchanged and the GLA will be reduced. The alterations to the deck will be done in accordance with the land use requirements for B3 zoned properties. The existing commercial building has no impact on the Coastal Protection Overlay Zone, as no new

development or additions are proposed.

3.13 TRAFFIC IMPACT, PARKING AND ACCESS

Access to erf 117 Van Dyksbaai will remain unchanged from Geelbek Street. Access to erf 11 Van Dyksbaai will also remain unchanged and will be from Kusweg.

The restaurant no longer exists on erf 117 Van Dyksbaai, and the deck on erf 117 Van Dyksbaai (for additional restaurant seating purposes) was approved on the condition that three parking spaces would be provided on Remainder erf 11 Van Dyksbaai for the benefit of erf 117 Van Dyksbaai. The change of use of the deck (reducing erf 117 Van Dyksbaai's GLA with 60m²) and the subsequent removal of the three parking bays on Erf 11 Van Dyksbaai will restore the Gross Leasable Area (GLA) of the building to its originally approved GLA (269m²). This adjustment ensures that the site retains enough on-site parking as initially provided.

By eliminating the off-site parking requirements, the impact on local traffic and parking congestion is minimized, leading to a more harmonious integration with the neighbourhood.

3.14 TITLE DEED

Title deeds no. T37853/2008 and T37854/2008 have no restrictions that need to be removed to accommodate the proposed application. Conveyancer's certificates are not included with this application since the title deeds are straight forward.

3.15 FORWARD PLANNING AND LAND USE DOCUMENTS

The *Overstrand Spatial Development Framework (2020)* earmarks the area where erven 11 and 117 Van Dyksbaai are situated, for urban development purposes. The zoning and use of the subject properties will remain unchanged. The subject properties fall within sensitive development areas (HPOZ and EMOZ). The impact of the proposed application on the HPOZ and EMOZ was discussed in the previous sections of this report. As a result, the impact of the proposed application on the spatial integrity of the area will be minimal and is therefore consistent with the *Overstrand SDF (2020)*.

Although the *Overstrand SDF (2020)* does not stipulated new development areas for Kleinbaai, a nodal development study for Kleinbaai was conducted in the past. The *Kleinbaai Nodal Development Study (2016)* compiled by DECA Consulting Engineers and CSM Urban Design indicated that the absence of commercially zoned properties and an established, planned central business area in Kleinbaai lead to a natural progression in the land use on Geelbek and Van Dyk / Swart Street from residential towards commercial. From a planning perspective, it makes sense that commercial properties should be located near the town entrance and close to the harbour, which is the town's focal point.

The proposed application seeks a slight reduction in the Gross Leasable Area (GLA) of erf 117 Van Dyksbaai to eliminate the off-site parking requirements specified in the previous land use approval. Given that erven 11 and 117 Van Dyksbaai are situated within the designated proposed extension of the Kleinbaai business area, erf 117 Van Dyksbaai's continued use for commercial purposes is supported. Consequently, this proposal aligns with the spatial planning studies conducted for the area.

The *Overstrand Municipal Growth Management Strategy (OMGMS, 2010)* specifies that erven 11 and 117 Van Dyksbaai form part of Planning Unit no. 5. This planning unit stipulates an increase in the density of the area from 8,1 du/ha to 9,7 du/ha. No additional portions or units are proposed with this application. The status quo of the area will remain unchanged.

The properties do however fall within the coastal management zone and are earmarked for economic opportunity (regional). The impact / compatibility with the

coastal management zone is discussed in the above paragraphs. In terms of the regional economy the shark cage diving business significantly contribute to the regional economy in several ways:

- Shark cage diving draws tourists from around the world who are eager to experience close encounters with sharks. This influx of visitors generates direct spending on various local services, including accommodation, dining, and entertainment.
- Tourists who come for shark cage diving often extend their stay to explore other attractions in the region, further increasing overall tourism revenue.
- The demand for shark cage diving can stimulate growth in related local businesses, including tour operators, hotels, restaurants, and shops.

The proposal will promote land development in a location that is sustainable. The proposed application is to improved erven within an established residential and commercial area and will not impact on urban sprawl or upon a sensitive environment. The impact on the overall density of Kleinbaai will be kept to a minimum since the proposed application still promotes a low-density residential area with commercial activities in the designated economic opportunity / commercial node areas. It is therefore evident that the proposed development adheres and complies with the relevant municipal spatial planning policies for the Kleinbaai / Franskraal area.

3.16 PLANNING PRINCIPLES

The planning principle of spatial resilience does not apply to this application.

Spatial justice: The proposed land use application ties in with the existing character of the area and will not have a negative impact on the surrounding neighbours. The impact on the biophysical environment will be low as the subject properties have been in existence since 1971.

The proposed application will not exacerbate spatial development imbalances. It pertains to erven within the framework of the existing Kleinbaai Township. The

application aligns with the character of the area, and thus, approving it will not introduce any spatial bias.

Spatial sustainability: The proposed deletion of approval conditions will have no impact on the visual elements of the subject property and surroundings since no new additions are proposed. It is submitted that the proposed application is compatible with the character of the area (as motivated in previous sections of this report). The application has no impact on the massing of the buildings and the impact on the streetscape or passers-by. The impact on the biophysical environment will be kept to a minimum.

The proposal has no impact on the protection of agricultural land, plays no noteworthy role in the effective and equitable functioning of land markets, has no impact on social services and will not contribute (or detract from) viable communities.

The application is deemed spatially sustainable and neutral, as it ensures the optimal use of existing properties without disturbing natural vegetation. The proposed decrease in GLA and removing the off-site parking requirements are in harmony with the area's character and do not negatively impact the rights of any neighbouring property owners.

Efficiency: The subject properties are easily accessible and conveniently located in an ideal position close to the Kleinbaai Harbour and form part of the business area of Kleinbaai. It proves to be resourceful to approve the application since it is compatible with the existing built environment. The proposal supports sustainable development by facilitating better land use and encouraging more efficient urban planning. The approval of the application will not detract from the principle of efficiency but, if anything, contribute to promote same.

The proposed application is efficient as it addresses urban sprawl by promoting densification and more compact towns and cities. This approach supports responsible resource and infrastructure use and aligns with sustainable development principles. Additionally, the proposal makes efficient use of existing resources and infrastructure, maintaining the current suburban development typology.

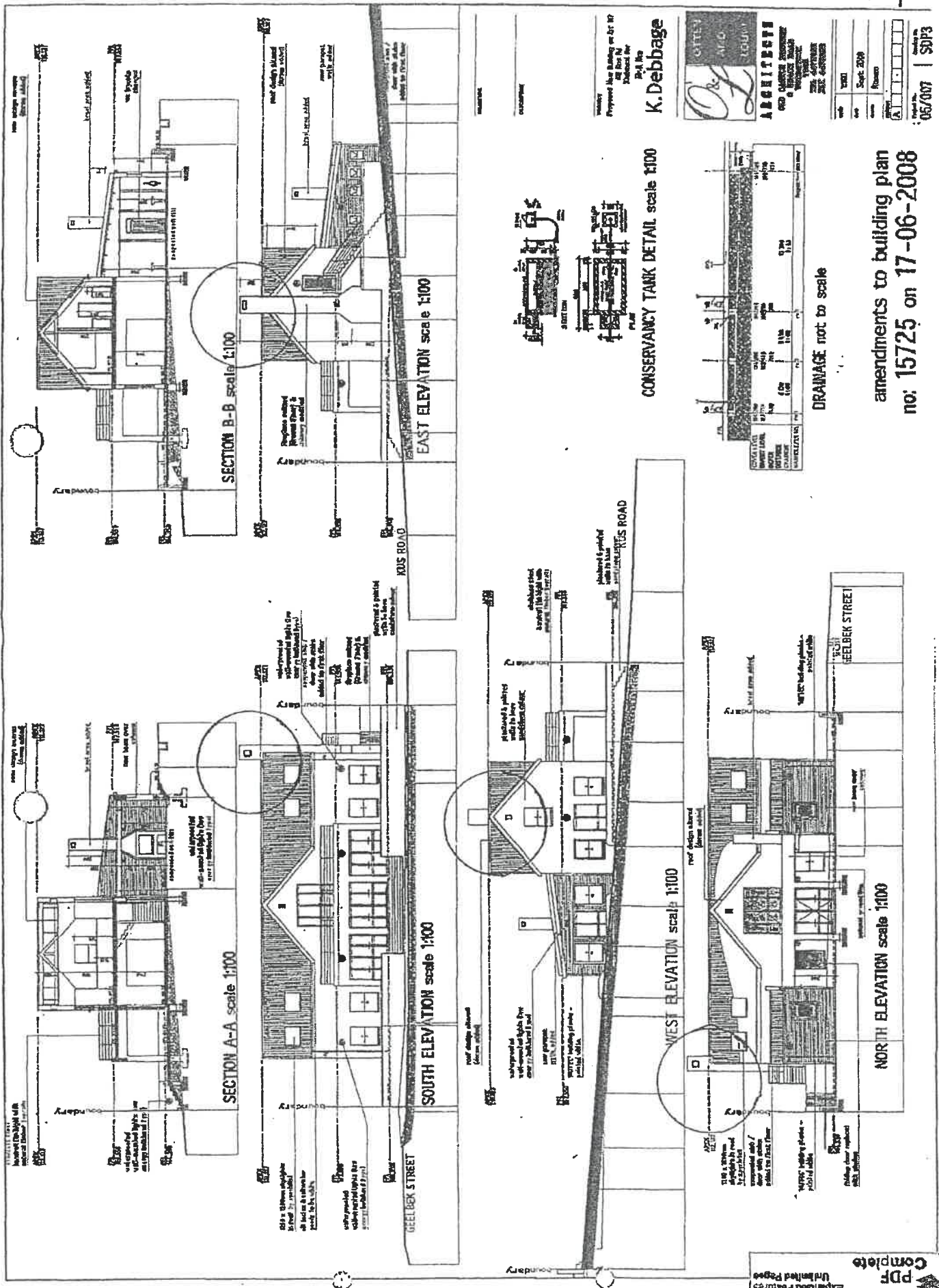
Good administration: Our firm is committed to the principle of good administration and will cooperate with the Overstrand Municipality to ensure a time efficient, uncomplicated land use planning process. The land use application will follow due process as stipulated in the relevant municipality's bylaw and related provincial and national land use planning legislation. All measures will be taken to ensure an efficient and streamlined process within the applicable timeframes as stipulated by the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020.

4. RECOMMENDATION

When this application is evaluated, it is important to take note of the following:

- The commercial zoning of erf 117 Van Dyksbaai will remain unchanged;
- The application proposes to remove the deck's GLA and to subsequently provide on-site parking bays only (since the deck is no longer used for restaurant / commercial purposes);
- All services on the subject properties already exist and no additional loading of the existing infrastructure is anticipated;
- The proposal is compatible with the existing built character of the area;
- Impact on the traffic will be kept to a minimum;
- There are no heritage aspects that will negatively impact the application;
- There are no environmental aspects that will negatively impact the application and the application will not have a negative impact on any environmental factors;
- The proposal is compatible with the spatial planning strategies for the area;
- The application is fully compliant with the applicable planning principles described in the LUPA (2014) and SPLUMA (2013).

The application can be supported for your favourable evaluation. The opinion is held that this application will have no negative impact on the land values, privacy, built environment and character of the area.

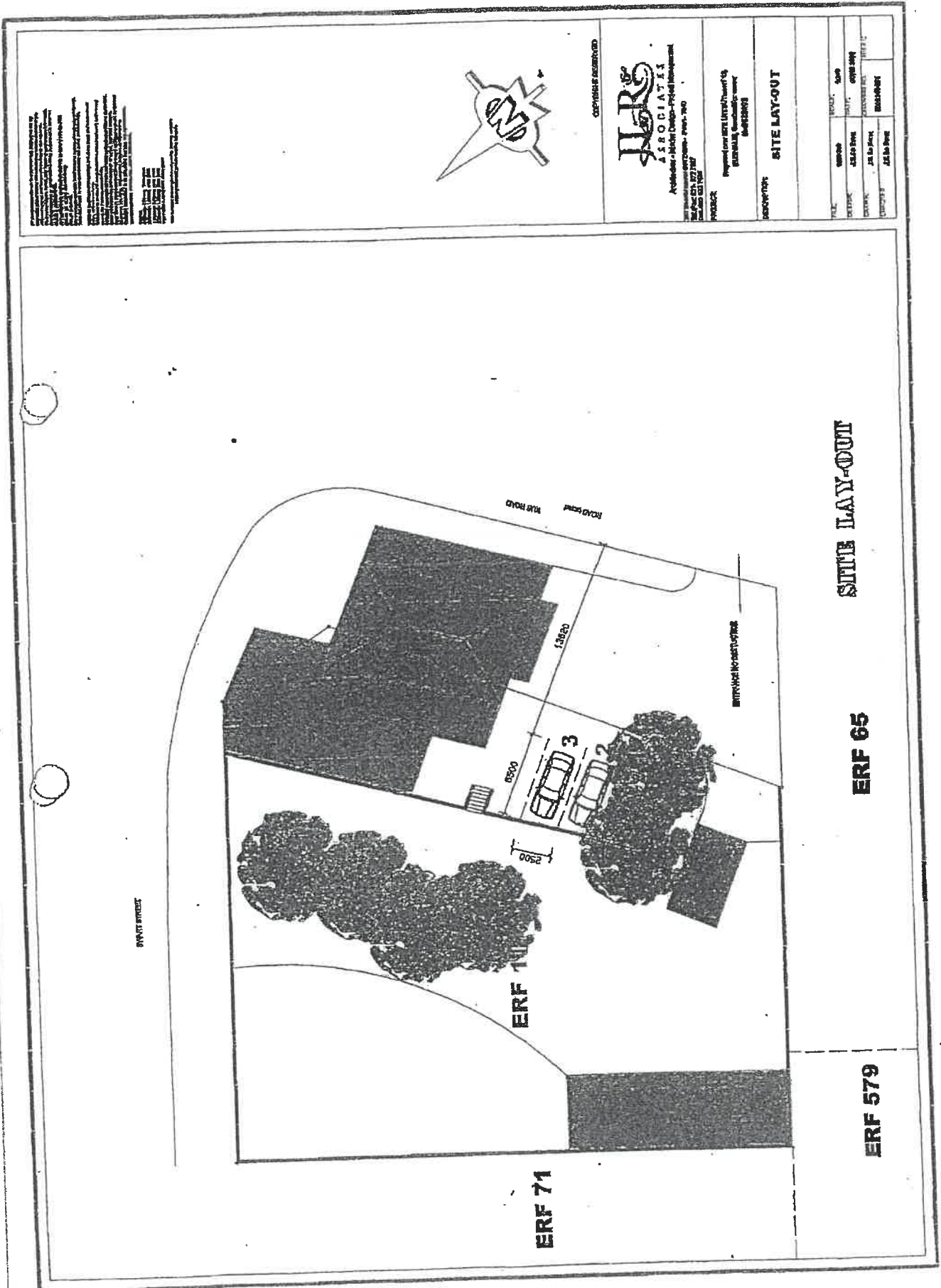


Prepared for: **K. Debagge**
 Project No: **17-06-2008**

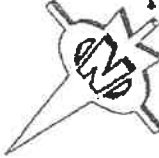
OTLEY A/C
ARCHITECTS
 100, GARDNER STREET
 WINDHOLE, NAIROBI
 TEL: 254 20 222 4000

DATE	NO.	DESCRIPTION
17-06-2008	1	ISSUED FOR PERMIT
17-06-2008	2	ISSUED FOR PERMIT
17-06-2008	3	ISSUED FOR PERMIT
17-06-2008	4	ISSUED FOR PERMIT
17-06-2008	5	ISSUED FOR PERMIT
17-06-2008	6	ISSUED FOR PERMIT
17-06-2008	7	ISSUED FOR PERMIT
17-06-2008	8	ISSUED FOR PERMIT
17-06-2008	9	ISSUED FOR PERMIT
17-06-2008	10	ISSUED FOR PERMIT

amendments to building plan
 no: 15725 on 17-06-2008



NOTES:
 1. THE SITE LAYOUT IS SUBJECT TO THE APPROVAL OF THE LOCAL AUTHORITY.
 2. THE SITE LAYOUT IS SUBJECT TO THE APPROVAL OF THE LOCAL AUTHORITY.
 3. THE SITE LAYOUT IS SUBJECT TO THE APPROVAL OF THE LOCAL AUTHORITY.
 4. THE SITE LAYOUT IS SUBJECT TO THE APPROVAL OF THE LOCAL AUTHORITY.
 5. THE SITE LAYOUT IS SUBJECT TO THE APPROVAL OF THE LOCAL AUTHORITY.
 6. THE SITE LAYOUT IS SUBJECT TO THE APPROVAL OF THE LOCAL AUTHORITY.
 7. THE SITE LAYOUT IS SUBJECT TO THE APPROVAL OF THE LOCAL AUTHORITY.
 8. THE SITE LAYOUT IS SUBJECT TO THE APPROVAL OF THE LOCAL AUTHORITY.
 9. THE SITE LAYOUT IS SUBJECT TO THE APPROVAL OF THE LOCAL AUTHORITY.
 10. THE SITE LAYOUT IS SUBJECT TO THE APPROVAL OF THE LOCAL AUTHORITY.



CONSULTANTS
HRS ASSOCIATES
 Architects - Interior Design - Project Management
 100, PEARSON ROAD, #04-01, SINGAPORE 139648
 TEL: 673 877 288
 FAX: 673 877 289
 WWW: HRS.CO.SG

PROJECT: **SITE LAYOUT**

PREPARED FOR: **THE DEVELOPER**

DATE: **01/11/2011**

NO.	REVISION	DATE	BY
01	ISSUED FOR PERMIT	01/11/2011	[Signature]
02	ISSUED FOR PERMIT	01/11/2011	[Signature]