



OVERSTRAND MUNISIPALITEIT
ERF 6304, 9de STRAAT 28,
KLEINMOND: AANSOEK OM
VERGUNNINGSGEBRUIK : FVS
STADS- EN STREEK
BEPLANNERS (nms L
SINGLETON)

Kragtens Artikel 47 en 48 van die Overstrand Munisipaliteit Gewysigde Verordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening) word hiermee kennis gegee van die volgende aansoeke van toepassing op Erf 6304, Kleinmond, naamlik:

Vergunningsgebruik

Aansoek ingevolge Artikel 16(2)(o) van die Verordening ten einde 'n plek van onderrig vanuit die bestaande huis op die eiendom te bedryf.

Volle besonderhede rakende die voorstel 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 kommentaar op die voorstel moet skriftelik ingedien word in terme van Artikels 51 en 52 van die voorgeskrewe Verordening by die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / (e) loretta@overstrand.gov.za) voor of op **22 Oktober 2021** met die naam, adres en kontakbesonderhede, belang in die aansoek sowel as redes vir die kommentaar aangedui. Telefoniese navrae kan gerig word aan die **Senior Stadsbeplanner, Me. H van der Stoep** by 028313 8900. Die Munisipaliteit mag weier om kommentare 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 formuleer.

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

Munisipale Kennisgewing Nr. 136/2021

OVERSTRAND MUNICIPALITY
ERF 6304, 28 9th STREET,
KLEINMOND: APPLICATION FOR
CONSENT USE: FVS TOWN AND
REGIONAL PLANNERS (obo L
SINGLETON)

Notice is hereby given in terms of Sections 47 and 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) of the following applications applicable to Erf 6304, Kleinmond; namely:

Consent Use

Application in terms of Section 16(2)(o) of the By-Law to operate a place of instruction from the existing house on the property.

Full details regarding the proposal are available for inspection during weekdays between 08:00 and 16:30 at the Department : Town Planning at 16 Paterson Street, Hermanus and at the Kleinmond Library, Fifth Avenue, Kleinmond.

Any written comments must be submitted to the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / (e) loretta@overstrand.gov.za) in accordance with the provisions of Sections 51 and 52 of the said By-law on or before **22 October 2021**, quoting your name, address and contact details, interest in the application and reasons for comment. Telephonic enquiries can be made to the **Senior Town Planner, Ms. H van der Stoep** at 028-313 8900. The Municipality may refuse to accept comment 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 to formulate their comment.

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

Municipal Notice No. 136/2021

UMASIPALA WASE-
OVERSTRAND
ISIZA 6304, 28 9th STREET,
KLEINMOND: ISICELO SEMVUME
YOSETYENZISO: FVS TOWN AND
REGIONAL PLANNERS (obo L
SINGLETON)

Isaziso sikhutshwa ngokwemiqathango samaCandelo 47 nelama-48 loMthetho kaMasipala oLungisiweyo woMasipala waseOverstrand ongokuSetyenziswa koMhlaba kaMasipala, 2020 (uMthetho kaMasipala) wezi zicelo zilandelayo ezisebanza kwiSiza 6304, eKleinmond; ezizezi:

Yosetyenziso

Isicelo ngokwemiqathango yeCandelo le-16 (2) (o) loMthetho kaMasipala ukuqhuba indawo yokufundisa kwindlu esele ikho kwipropati.

linkcukacha eziphelileyo mayela nesi sindululo ziyafumaneka ukuze zihlolwe phakathi evekini phakathi kwentsimbi yesi-08:00 neye-16:30 kwiSebe: loCwangciso lweDolophu (16 Paterson Street, Hermanus kunye nakwiThala lwencwadi eKleinmond, Fifth Avenue, eKleinmond.

Naziphi na izimvo ezibhaliweyo mazingeniswe kuMasipala (16 Paterson Street Hermanus / (f) 0283132093 / (e) loretta@overstrand.gov.za) ngokuhambelana nezibonelelo zamaCandelo 51 nele 52 lalo Mthetho kaMasipala uchaziweyo ngomhla okanye ngaphambi komhla **wama-22 uOktoberha 2021**, unike igama lakho, idilesi yakho kunye neenkukacha zoqhagamshelwano, umdla wakho kwisicelo nezizathu zokubhala izimvo zakho. Imibuzo ngomnxeba ingatsalelwa ku**Mcwangcisi oPhezulu, Nksk H. van der Stoep** kule nombolo 028-313 8900. UMasipala angala ukuzamkela izimvo ezifike emva komhla wokuvalwa. Nabani na ongakwaziyo ukufunda okanye ukubhala makaye kwiSebe loCwangciso lweDolophu apho igosa likamasipala liya kumncedisa azibhale izimvo zakhe.

Umlawuli kaMasipala, UMasipala wase-Overstrand, P.O. Box 20, **HERMANUS, 7200**

ISaziso sikaMasipala No. 136/2021





Town and Regional Planners

INTRODUCTION

FVS Town and Regional Planners is a professional town planning consultancy based in the Western Cape of South Africa, with project experience throughout the country. We strive to deliver town planning services to individuals, companies, and communities to create sustainable environments.

We have a combined experience of 10 years in both public sector and private sector. We can assist with all varieties of land - use related issues. With a dynamic and efficient team, we can assist with the management of both large and small-town planning projects and will be able to provide our consultation services where necessary.

Background Information

The property owner, Leatitia Singleton, currently operates a place of instruction (1 000 Voetjies) on the application site. The property owner applied for a temporary departure to permit the place of instruction. The temporary departure is due to expire, to which the property owner approached FVS Town and Regional Planners for consultation on the process to follow and what needs to be done in order to proceed with the place of instruction.

FVS Town and Regional Planners conducted a site visit, in which it was pointed out that a Land Use Application will have to be submitted to Council for approval.

Planning Brief

This motivation report and supporting documents have been submitted to apply for the consent use as described in Section 2 of this report. Please see herewith the Motivation Report and supporting documentation that includes the following:

- Application Form
- Power of Attorney
- Title Deed
- Locality Plan
- Proposed Building Plan
- Surveyor General Diagram
- Proposed Building Plan
- Neighbour's Consent
- Proof of Payment



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PROPERTY DETAILS

Section 1 of this report consists of the details pertaining to the subject property, such as its locality and ownership details and the property.

Ownership Details

Erf 6304, Kleinmond (Title Deed Number: T64339/2007) is currently registered in the name of LEATITIA SINGLETON and described as the following:

Erf 6304, KLEINMOND
In the OVERSTRAND MUNICIPALITY
CALEDON Division, WESTERN CAPE
In extent: 1371m²

Please refer to **Annexure C** for a complete copy of the Title Deed.

Locality

The application site is situated Beach Road in the coastal town Kleinmond, in the Overberg District of the Western Cape Province. Kleinmond is situated approximately 90km east of Cape Town, between Betty's Bay and Hermanus. The town's main economic trade consists mainly out of the tourism trade. Please refer to **Annexure D** for the Locality Plan.

Character of the Surrounding Area

Due to the town's relatively small footprint the application site is situated in close proximity of the Central Business District (CBD), as indicated in the Figure 1 below. The surrounding area consists mainly of residential dwellings and business sites, being located in close proximity to the CBD. Figure 2 gives an indication of surrounding zonings in the area, consisting of residential, business, special use and open space zonings. Kleinmond currently has one primary school and a few institutions similar to 1 000 Voetjies.

Kleinmond, including other towns such as Betty's Bay, Pringle Bay and Hermanus, is mainly sustained by the tourism trade and offers a wide variety of activities such as golfing, hiking, horse riding and other water related activities such as fishing and kayaking. Kleinmond is further stimulated by holiday goers coming to visit their holiday homes and a relatively large retirement community.

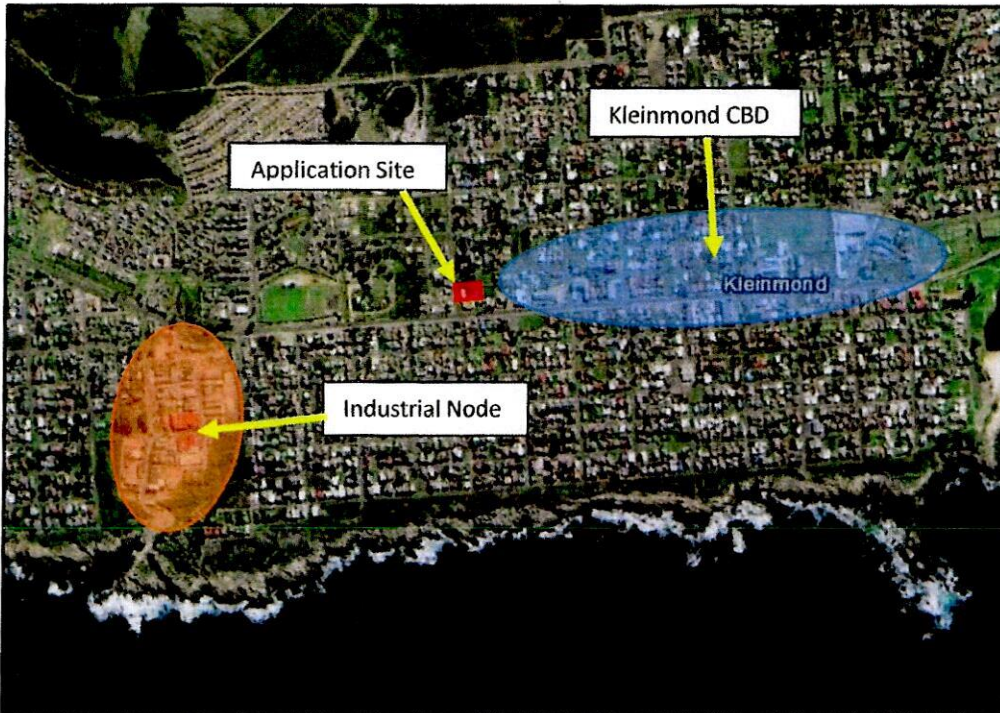


Figure 1: CapeFarmMapper, June 2021 – Kleinmond CBD

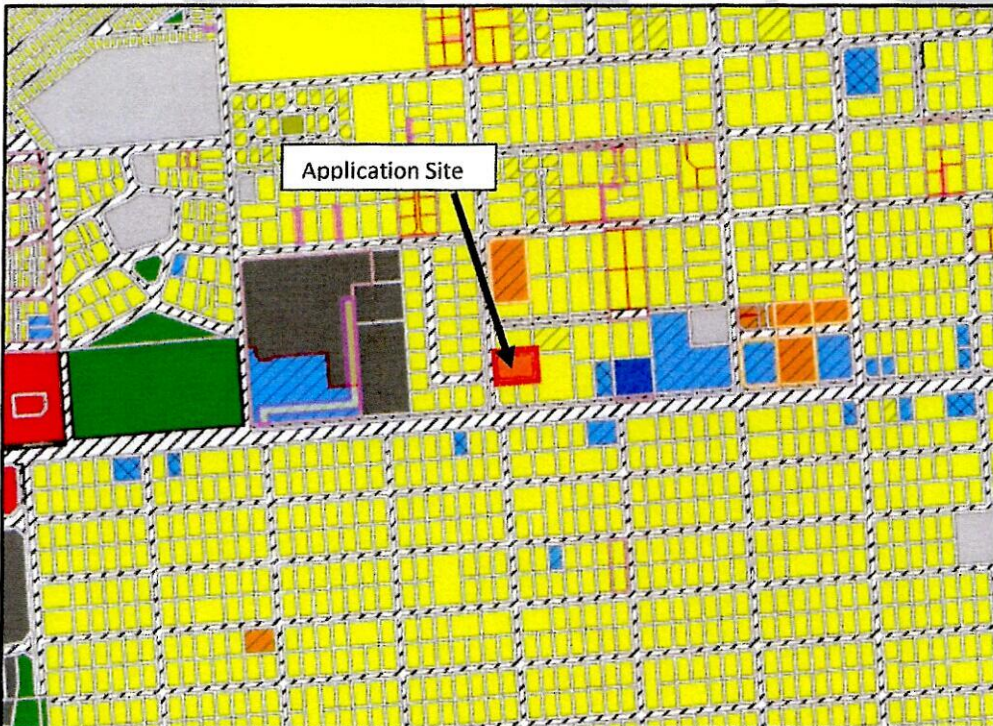


Figure 2: Overstrand Public Viewer, June 2021 – Surrounding Zonings



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MOTIVATION

Section 2 of the motivation report deals specifically with the type of application and what will be applied for.

The Application

Application is hereby made in terms Section 16 (2) (o) of the Overstrand Municipal Land Use Planning By-Law for the following:

"Consent use provided for in the zoning scheme:"

- Application is hereby made for a place of instruction for a maximum of 50 children.

Please refer to the following attached Annexures:

Annexure A: Application Form

Annexure B: Power of Attorney

The Proposal

The proposed place of instruction will consist of the following:

Number of Children

1 000 Voetjies currently consists of 33 children between the ages of three (3) to six (6) years old.

2 years old	3 children
3 years old	6 children
4 years old	10 children
5 and 6 years old	14 children

The aim is to increase the current number of children from 33 children to a maximum of 50 children.

Hours of Operation

The place of instruction operates from 08:00 in the morning till 12:30 in the afternoons on weekdays only. No activities will take place over the weekends unless the need for it would arise. Prior notice will of such activities will be communicated to the surrounding neighbours.

Staff

The place of instruction currently has four (4) staff members.



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On-site Food Preparation

Please note that no food services are implemented, and that parents or legal guardians provide their own food for the children.

Classrooms

Please refer to the attached **Annexure E** for the Building Plan (Plan Nr. 040305b) and floor layout of the place of instruction. The following room are utilised as such:

Bedroom 1:	Classroom 1
Bedroom 2:	To remain as is.
Bedroom 3:	Classroom 2
Bedroom 4:	Classroom 3
Bedroom 5:	Classroom 4
Kitchen:	To remain as is.
Dining Room:	To remain as is.
Living Room:	Play Area 1
Lounge:	Play Area 2
Garage:	To remain as is.
Laundry Room:	To remain as is.
Work Area:	To remain as is.

Certain rooms are to remain unchanged in order to retain the residential aspect of the application site. The owner of said application site will not always be at the place of instruction, however, a caretaker for the place of instruction will remain at the application site.

Parking

The existing garage is to retain its use and provide parking for two motor vehicles. The place of instruction has four staff members, two of which will make use of the existing garage for parking, while the other two staff members reside in proximity and are in walking distance of the place of instruction.

Drop and Go Facility

1 000 Voetjies implements a drop and go facility instead of on-site parking. Children between the ages of two (2), three (3) and four (4) years old are being drop off between 08:00 till 08:15 in the morning and collected from 12:15 in the afternoon.

Children between the ages of five (5) and six (6) years old are being dropped off 08:15 till 08:30 in the morning and collected from 12:15 till 12:30 in the afternoon.



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Please note that two staff members assist with the drop and go at all times to ensure that there is no delay and to ensure that there is no congestion when children are being dropped off or collected.

Property Particulars

Erf 6304, Kleinmond is currently zoned as Single Residential Zone 1. Please refer to the table below for an extract from the Overstrand Municipality Land Use Scheme 2020. Also, refer to the Overstrand Municipality Land Use Scheme, 2020 for additional parameters, such as parking, loading bays and screening, pertaining to the Single Residential Zone 1.

OVERSTRAND MUNICIPALITY LAND USE SCHEME OF 2020 In terms of Section 16 of the Overstrand Municipality By-Law	
Development Parameters Erf 6304, Kleinmond	
Zoning	Single Residential Zone 1
Primary Uses	Crèche, dwelling house, guest rooms, home occupation, second dwelling and self-catering.
Consent Uses	Day care centre, green house, guest house, house shop, institution, place of instruction, place of worship, residential building, and intensive horticulture.
Building Lines - Street	4m (erven larger than 400m ²)
Building Lines – Side and Rear	2m (erven larger than 400m ²)
Height	8m from base level
Coverage	50% (erven larger than 400m ²)
Parking	Please refer to Chapter 17.1 of the Overstrand Municipality Land Use Scheme of 2020

LEGISLATION

Section 3 of this report consists of the details pertaining to the subject property, such as its locality and ownership details and the property.

Forward Planning

Western Cape Provincial SDF, 2005 & 2009

The Western Cape Provincial Spatial Development Framework (WCPSDF) is a structured plan approved in terms of Section 4(6) of the Land Use Planning Ordinance, aimed at providing spatial expression to the Provincial Growth and Development Strategy.

The guiding principle of the Western Cape Provincial Spatial Development Framework (WCPSDF) is sustainable development. Accepted international consensus is that sustainability consists of three pillars, often referred to as the "triple bottom line", namely "economic efficiency/prosperity", "ecological integrity" and "social equity".

Sustainability encompasses all three pillars. Ecological integrity or social equity alone does not constitute sustainability. The triple bottom line propagates a holistic approach. The WCPSDF contains several objectives. These are:

- Align the future settlement pattern of the Province with economic potential and the location of environmental resources e.g., the Provincial urbanisation strategy.
- Optimise the provincial settlement pattern concerning where people live, the availability of resources and future economic potential for growth.
- Economic development locations - Tourism within the whole Province with Tourism Development Areas (TDAs) and golf and eco-estates inside urban edges.
- Combined road and rail transport corridors - Transport corridors containing both road and rail routes should be developed as primary freight and passenger routes and settlements along these linkage corridors should generally be Priority Fixed Investment Urban Settlements.
- Deliver human development programmes and basic needs programmes wherever they may be required.
- Strategically invest scarce public resources where they will incur the highest socio-economic returns (e.g., Priority Fixed Investment Urban Settlements - Settlements that show high economic growth potential and have high population thresholds shall be prioritised as locations for fixed infrastructure investment).
- Support land reform.
- Conserve and strengthen the sense of place of important natural, cultural, and productive landscapes, artefacts, and buildings (e.g., appropriate architectural character - foreign and unsympathetic styles shall be discouraged in urban settlements and rural areas to strengthen the local sense of place and minimise visual impact).
- End the apartheid structure of urban settlements (e.g., through densification).
- Conveniently locate urban activities and promote public and non-motorised transport (e.g., through the integration of urban activities).
- Protect biodiversity and agricultural resources (e.g., through land use management).



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- Minimise the consumption of scarce environmental resources, particularly water, fuel, building materials, mineral resources, electricity, and land (e.g., through water conservation).

Notwithstanding the above, it should be noted that the WCPSDF defines guidelines as “policies that are intended as general developmental goals and whose detailed implementation may vary due to place specific conditions and therefore requiring a certain amount of flexibility in their application.” The WCPSDF has as one of its goals to be sensitive to the principle of co-operative governance and recognise that the detailed implementation of principles and policies must occur at the local authority (municipal) level.

Integrated Development Plan (May 2020)

The Overstrand Municipality Integrated Development Plan (IDP) is aimed towards addressing the development needs of our communities 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, economic and social development.

The IDP further supports the initiative of early childhood development centres (as the one proposed) as a crucial element in our communities to alleviate poverty and inequality.

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 follow:

- Give effect to the principles, norms, and standards.
- Include a written and spatial representation of a five-year spatial development plan for the Municipality.
- 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 of housing units and the planned location and density of future housing developments.
- Include estimates of economic activity and employment trends and locations in the Municipality for the next five years.



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- Identify, quantify, and provide location requirements of engineering infrastructure and services provision for the next five years.
- 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 in which 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.

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 the perpetuation of past apartheid spatial development imbalances.

Spatial Sustainability

A spatially sustainable settlement will be one which has an equitable land market while ensuring the protection of valuable agricultural land, environmentally sensitive and biodiversity-rich areas, as well as scenic and cultural landscape and ultimately limits urban sprawl.

The proposed development will continue to protect valuable business opportunities and will not harm any environmentally sensitive areas and cultural landscapes.

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.

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.



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The proposed development is well aligned with the spatial plans and policies and that will enable the subject property to be able 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. FVS Town and Regional Planners will also respond to the comments of the public and take the comments into consideration in the planning of the project.

This section outlines how the proposed development is aligned with the core planning principles as outlined in SPLUMA and LUPA. The proposed can therefore be viewed as encompassing and promoting all planning principles.

NEMA

The proposal is not deemed to have a negative impact on National Heritage Resources Act as it is not older than 60 years and would also not have an impact on NEMA. The application site is not situated in the flood line area, the 1:10 year, 1:50 year and 1:100-year flood lines and is not situated in an environmentally sensitive area.

Impact on Municipal Services

The proposal is not deemed to have a negative impact on the municipal engineering services. The application site is well serviced, and the proposal is not deemed to have an additional impact on the municipal services. See hereunder the use of each of the services:

Water

The application site is already connected to the existing water network of the Overstrand Municipality, providing services to the neighbourhood.

Electricity

Erf 6304 is currently supplied with sufficient electrical needs as currently supplied by Eskom.

Sewerage

The application site is connected to the Overstrand Municipal sewage network providing services to the neighbourhood.



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Surface Water

All surface water will be accommodated on the property and will be channelled via the Overstrand Municipality Stormwater system of the town, as is the current situation.

Access

Access will be obtained via 9th Street, Kleinmond.



Photos of the Site



Photo 1
Classroom 1

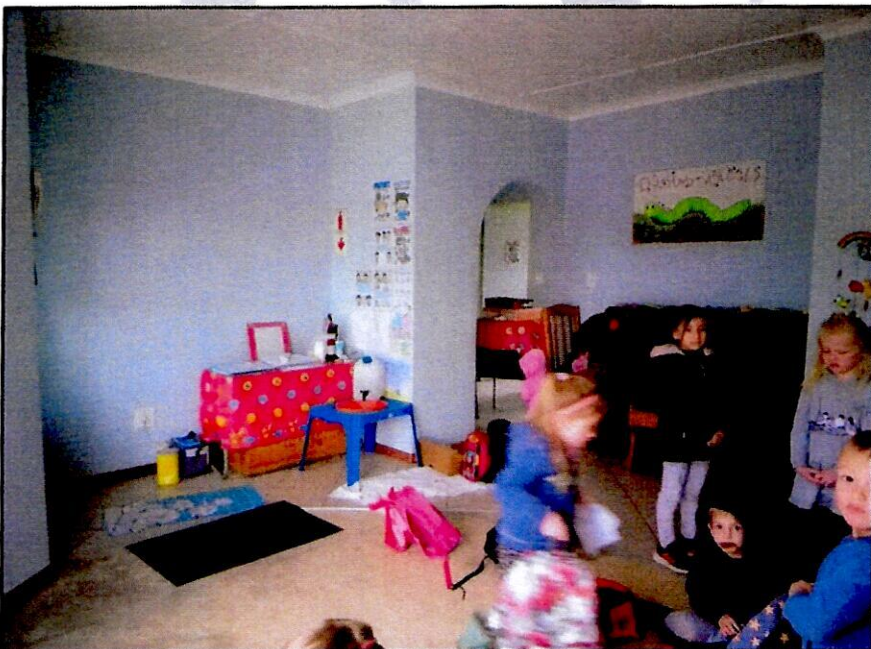


Photo 2
Classroom 1

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Photo 3
Classroom 2

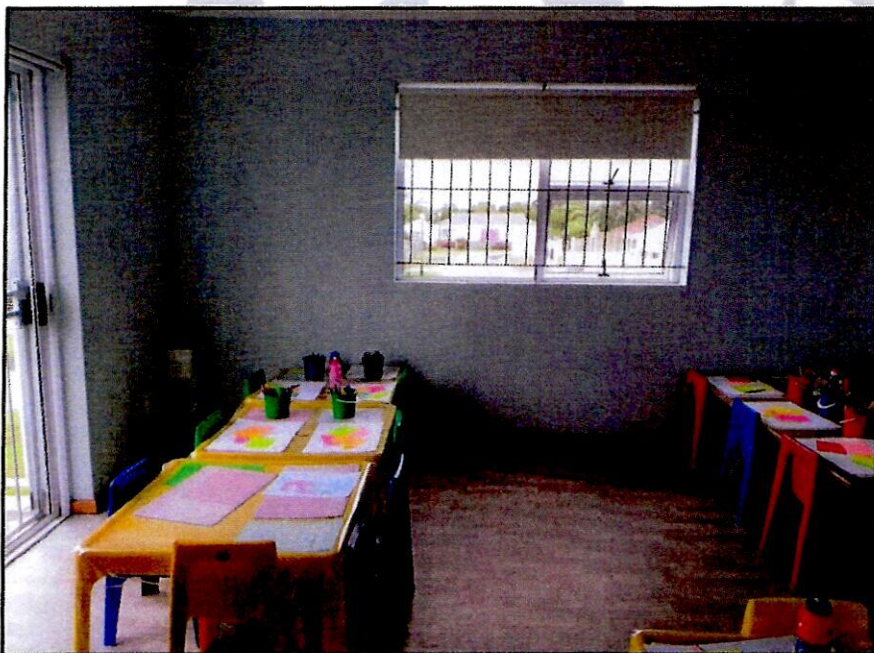


Photo 4
Classroom 2

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Photo 5
Classroom 3



Photo 6
Classroom 3

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Photo 7

Classroom 4

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Photo 8
Drop and Go Facility



Photo 9
Front of 1 000 Voetjies

DESIRABILITY

In terms of Section 55 (b) and Section 55 (c) of the Western Cape Land Use Planning Act, 2014, an application can be refused based on whether it is undesirable. The measure to assess the desirability of the application is the consistency of the application with spatial development frameworks, applicable structure plans, the planning principles and guidelines issued by the Provincial Minister regarding the desirability of the proposed development.

The proposed development needs to be desirable and consistent with the logical character of the area and surrounding properties and must add value for the owner and the community.

The Department of Environmental Affairs and Development Planning (DEADP) published a Guideline on Need and Desirability as part of the EIA Guideline and Information Document Series. Although this application does not include an environmental authorization, the desirability guidelines set out in the document are also applicable in planning and thus appropriated to use in this land-use planning application for a consent use.

To evaluate the proposed land use activity, the layout of the current and proposed activities should be scrutinized within of what is proposed. In terms afore mentioned, several questions need to be asked concerning the need and desirability of a proposal, which includes the following:

Need and Desirability Measure	Yes / No	Applicability to the subject property
Is the land use considered within the timeframe intended by the existing approved SDF agreed to by the relevant environmental authority?	Yes	The proposed development is within the existing timeframe intended by the existing approved SDF. The spatial planning initiatives section of this report will also motivate how the proposal is well aligned with the core principles of the SDF.
Does the community / area need the activity and the associated land use concerned?	Yes	There is a definite need for the proposed development as it will create more economic activities within the area. This can then contribute to job creation to the benefit of the community and maintain food security. It will also enhance the activities being catered for within the community.
Are the necessary services with adequate capacity currently available, or must additional capacity be created to cater for the development?	Yes	There are existing services available for the application site that have adequate capacity and there is no need for the provision of additional service capacity.

Is this development the best practicable environmental option for this land/site?	Yes	The proposed development will not have any adverse impact on the environment as the property will be utilised sustainably. The proposed development can, therefore, be deemed as the best practicable environmental option for the property.
Would the approval of this application compromise the integrity of the existing approved and credible municipal IDP and SDF as agreed to by the relevant authorities?	No	The proposal is well aligned with the approved municipal SDF and IDP as the spatial planning initiatives section of this report will prove.
Do location factors favour this land use?	Yes	The location and land use are in line with any neighbourhood property. The proposal is desirable as the need for childhood development is of great importance in any community.
How will the activity or the land use associated with the activity applied for, impact on sensitive natural and cultural areas?		The proposed application is on land which is outside the sensitive natural and disturbed areas of the property. The properties are within the urban edge of Kleinmond and already developed.
Will the proposed activity or the land use associated with the activity applied for, result in unacceptable opportunity costs?	No	The proposed development will not result in an unacceptable opportunity cost.
Will the proposed land use result in an unacceptable cumulative impact?	No	The proposed development will not result in an unacceptable cumulative impact on society, the environment, and the economy of the property and surrounding area. Education is one of the most critical elements of development in South Africa, and this opportunity can in a very small-scale help with this process.

The table above indicates that the proposed development is aligned with the core principles of the SDF, no additional services are required, and no additional capacity needs to be created due to the proposal, and location factors favour this land use. The proposal will also not harm the sensitive natural and cultural areas. The proposed development can, therefore, be deemed to be aligned with the principles of desirability as stipulated above.

CONCLUSION

Reasons for Approval

- No additional Municipal Services will be required.
- The proposal is deemed desirable in terms of the Overstrand Municipality Land Use Scheme of 2020.
- No negative impact is foreseen on the abutting neighbours as the proposed place of instruction is limited within certain operating hours, and that no additional activities will take place outside the proposed hours of operation.

Considering the above information, Council is respectfully requested to favourably consider the application for the following:

Approval for the consent use to allow for a place of instruction, in terms of the Overstrand Municipality Land Use Planning By-law on Erf 6304, Kleinmond.

Kind Regards,



Jaco van Schalkwyk
Director of FVS Town and Regional Planners

