

**ERF 3114, 23 DF STRAUSS STREET, KLEINMOND: APPLICATION FOR DEPARTURE: FVS TOWN AND REGIONAL PLANNERS (obo AP & DR GOUWS)**

Notice is hereby given in terms of Section 48, read with Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 that an application has been received for a departure to exceed the 9m restriction of a building on one specific boundary to accommodate a tandem garage, of which a portion will be constructed on the lateral boundary in lieu of the 2m building line.

Full detail regarding the proposal is 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, 5<sup>th</sup> Avenue, Kleinmond. 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) [loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)) on or before **24 June 2022**, quoting your name, address and contact details, interest in the application and reasons for comments. Telephonic enquiries can be made to **Ms. 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 Planning Department where a municipal official will assist them in order to formalize their comment.

**ERF 3114, DF STRAUSSSTRAAT 23, KLEINMOND: AANSOEK OM AFWYKING: FVS STAD- EN STREEKBEPLANNERS (nms AP & DR GOUWS)**

Kennis word hiermee gegee ingevolge Artikel 48, saamgelees met Artikel 16(2)(b) van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 dat 'n aansoek ontvang is vir 'n afwyking om die 9m beperking van 'n struktuur op een spesifieke grenslyn te oorskry, om 'n tandem motorhuis te akkommodeer, waarvan 'n gedeelte op die sygrens in plaas van die 2m boulyn gebou gaan word.

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 die Kleinmond Biblioteek, 5de Laan, Kleinmond. 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) [loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)) voor of op **24 Junie 2022**, 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** 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.

**ISIZA 3114, 23 DF STRAUSS STREET, KLEINMOND: ISICELO SOPHAMBUKO: FVS TOWN AND REGIONAL PLANNERS (obo AP & DR GOUWS)**

Isaziso sinikwe ngokwemiqathango yeCandelo 48, elifundwa kunye neCandelo 16(2)(b) loMthetho kaMasipala oLungisiweyo woMasipala wase-Overstrand ongoCwangciso lokuSetyenziswa koMhlaba kaMasipala, 2020 sokokuba isicelo sifunyenwe sokuphambuka ukulungiselela ukugqitha kwisithintelo se-9m sesakhiwo kumda omnye othile ukulungiselela ulwakhiwo lwegaraji, apho isahlulo siya kwakhiwa kumda osecaleni endaweni yomda wesakhiwo oyi-2m.

linkcukacha ezipheleleyo malunga nesi sindululo ziyafumaneka ngeentsuku zomsebenzi phakathi kweyure-08:00 ne-16:30 kwiSebe: Town Planning, Paterson Street, Hermanus nakwiThala leeNcwadi laseKleinmond, 5<sup>th</sup> Avenue, eKleinmond. Naziphi na izimvo ezibhaliweyo mazingeniswe ngokwezibonelelo zamaCandelo 51 nelama-52 alo Mthetho kamasipala zithunyelwe kuMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / (e) [loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)) ngolu suku okanye ngaphambi komhla wama-**24 kuJuni 2022**, unike igama lakho, idilesi neenkukacha zonxibelelwano nawe, umdla wakho kwesi sicelo nezizathu zokunika izimvo. Xa ufuna ukubuza into malunga nesi saziso ungafonela **Nksk. H van der Stoep** kule nombolo yomnxeba 028-313 8900. UMasipala angala ukuzamkela izimvo ezifike emva komhla wokuvalwa. Nabani na ongakwaziyo ukufunda okanye ukubhala makaye kwiSebe loYilo lweDolophu apho igosa likamasipala liya kumncedisa azibhale izimvo zakhe.





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## **1. SECTION 1: 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.

### **1.1. BACKGROUND INFORMATION**

The property owner, Anton and Diana Gouws, approached the architect, Die Ontwerp Ateljee, for advice pertaining to certain extensions and alterations that are to be made to their dwelling. The architect subsequently contacted this office on a consultancy basis. During the consultation it became evident that a land use application will have to be submitted to the local authorities, Overstrand Municipality, to obtain approval for the aforesaid application. This was subsequently conveyed to the property owner.

### **1.2. PLANNING BRIEF**

Taking the aforesaid into consideration, application is hereby made in terms of Section 16 of the Overstrand Municipality By-law on Municipal Land Use Planning for the following:

1.2.1. Section 16 (2) (b) - Permanent departure from the provisions of the zoning scheme.

Please refer to the following annexures for the Application Form and Power of Attorney:

**Annexure A – Application Form**

**Annexure B – Power of Attorney**

Section 3 of this motivation report will provide the reader with a full description of the proposed additions and alterations as proposed.



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## 2. SECTION 2: PROPERTY DETAILS

Section 2 of this report consists of the details pertaining to the subject property, such as its locality and ownership details and the property.

### 2.1. OWNERSHIP DETAILS

A perusal of the title deed revealed that there are no restrictive conditions registered that could prohibit the approval of this land-use planning application.

Below are the details of the title deeds of the Properties.

Property Description	Erf 3114, Kleinmond, in the Overstrand Municipality, Division of Caledon, Province of the Western Cape
Deed Number	T51663/2016
Ownership	Antonie Petrus Gouws & Diana Rene Gouws
Extent	595m <sup>2</sup>

The subject property is currently under a Bond. The owner is in the process of obtaining approval from the Bondholder, by the time that this application was written. Formal approval from the Bondholder will be communicated to the Town Planning Department of Overstrand Municipality once this office has received subsequent approval letter.

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

### 2.2. LOCALITY

The application site is situated on DF Strauss Street in the coastal town of Kleinmond, in the Overberg District of the Western Cape Province. Kleinmond is approximately 90km east of Cape Town on the southern coast of the Western Cape.

Kleinmond is a small coastal town situated on the Whale Coast Route, east of Cape Town, in a UNESCO -declared biosphere. The town is also a popular retirement town. Hermanus is the main town of the Overstrand Municipal Jurisdiction Area and consists of many smaller towns such as Kleinmond, Betty's Bay, Gansbaai, Franskraal, and many others.

Please refer to Annexure D for the Locality Plan.

### 2.3. CHARACTER OF THE SURROUNDING AREA

The application site is situated towards the western part of Kleinmond, in proximity of the Kleinmond Harbour. This area is known as Palmiet. The immediate surrounding erven are zoned as Single Residential Zone 1 and is thus a predominately residential area. Due to the high number of tourists that travel to, and through, Kleinmond it is regarded as understandable that numerous properties in the surrounding area are utilised as both residential erven and self-catering (or similar such as B&B, Lodge, or similar types of short-term holiday) accommodation.

Kleinmond, including other towns in the area, is mainly sustained by the tourism trade and offers a wide variety of activities such as golfing, hiking, and other tourist related activities such as fishing and kayaking. The surrounding area is further stimulated by various economic activities associated with the normal functions of any town. The subject property is further located in proximity to the Kleinmond Harbour, and Industrial development.

The figures below should provide the reader with a relative understanding of the surrounding area. Figure 1 provides the reader with a simple zoning extract, while Figure 2 provides the reader with an aerial photograph of the application site and surrounding properties.

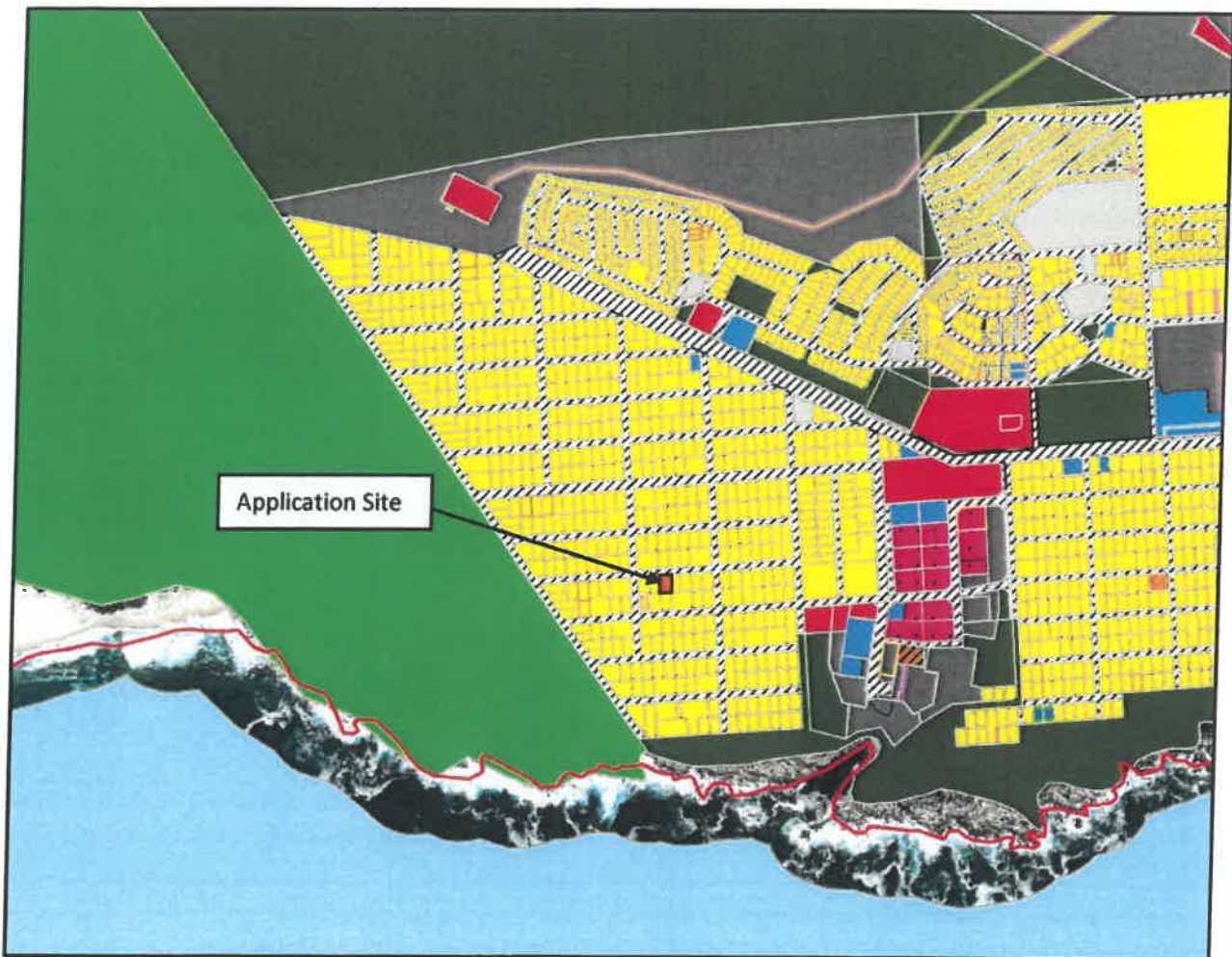


Figure 1: Surrounding Zonings (Overstrand Public Viewer, November 2021)



Figure 2: Aerial Photograph of application site and surrounding area (Overstrand Public Viewer, November 2021)



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### 3. SECTION 3: MOTIVATION

Section 3 of the motivation report deals specifically with the type of application and what will be applied for, as well as the development particulars.

#### 3.1. THE APPLICATION

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

*“Permanent Departure from the provisions of the zoning scheme:”*

- Application is hereby made for the deviation of the Development Parameters as prescribed in the Overstrand Municipality By-Law Chapter 16.1.1.C (iii), which reads as follow:

*“c) The Municipality may approve the construction of a structure used for the housing of vehicles that encroaches onto the side and rear building lines, provided that:*

*(iii) the length and width of the structure does not exceed one third of the lateral and rear boundary concerned or 9,0 m, whichever is the most restrictive...”*

#### 3.2. THE PROPOSAL

The proposal entails the permanent departure of the provisions of the zoning scheme. The additions and alterations include the following:

- New garage of approximately 33m<sup>2</sup> (interleaving with existing house and tandem garage)
- Extension of existing braai room by 10m<sup>2</sup>
- Bedroom 1 to be enlarged by 6m<sup>2</sup>
- New carport
- New timber staircase leading to new second dwelling unit
- Second dwelling unit to be constructed on existing house
- Second dwelling unit will be approximately 68m<sup>2</sup> in extent and will consist of living area, kitchenette, bedroom with en-suite, and an open timber deck.

The proposed new garage (33m<sup>2</sup>) will be joined to the existing tandem garage (43m<sup>2</sup>) and will form one large garage, used solely for the storage of motor vehicles. The new garage will have a maximum length of approximately 20,14m (exceeds one third of the lateral boundary and exceeds 9m in length), which is proposed to be interleaving with the existing dwelling. Extracts of the proposed site development plan is included in this motivation report as Figures 3, 4 and 5, on the following pages. The proposal further entails the construction of a new carport situated on the eastern boundary of the application site, approximately 0.875m from the common boundary between this erf and the neighbouring property, Erf 3113.

The property owner has numerous vehicles that he stores at the subject property. The vehicles include his personal vehicles (three), three vehicles which are used for his business and the two motorcycles. The property owner is also a business owner of a prominent entity within Kleinmond, which provide employment opportunities to numerous people within Kleinmond. In the past, the vehicles which are being used for his business was stored at the business premises but was frequently damaged by vandals or broken in to. The owner subsequently decided to move the vehicles to his private residence where they are safer in terms of security.



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Additional storage space is further required for the storage of woodworking equipment which the property owner practises as a hobby. The hobby is not business orientated and is within the prescribed regulations pertaining to the practises as normally associated with a hobby.

Please refer to the figures below for extracts from the proposed site development plan, attached hereto as Annexure E.

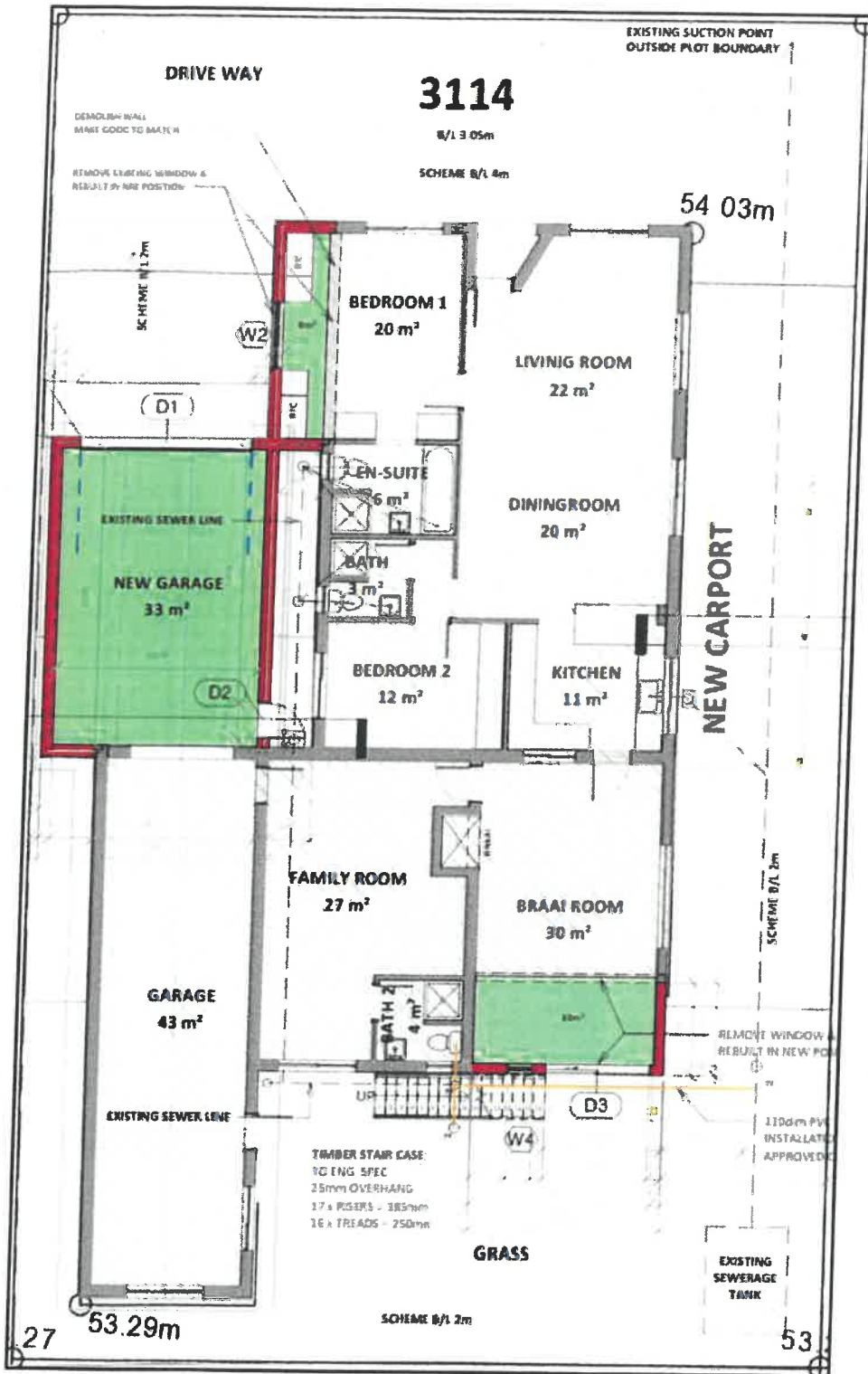


Figure 3: Proposed additions and alterations (Ground Floor)

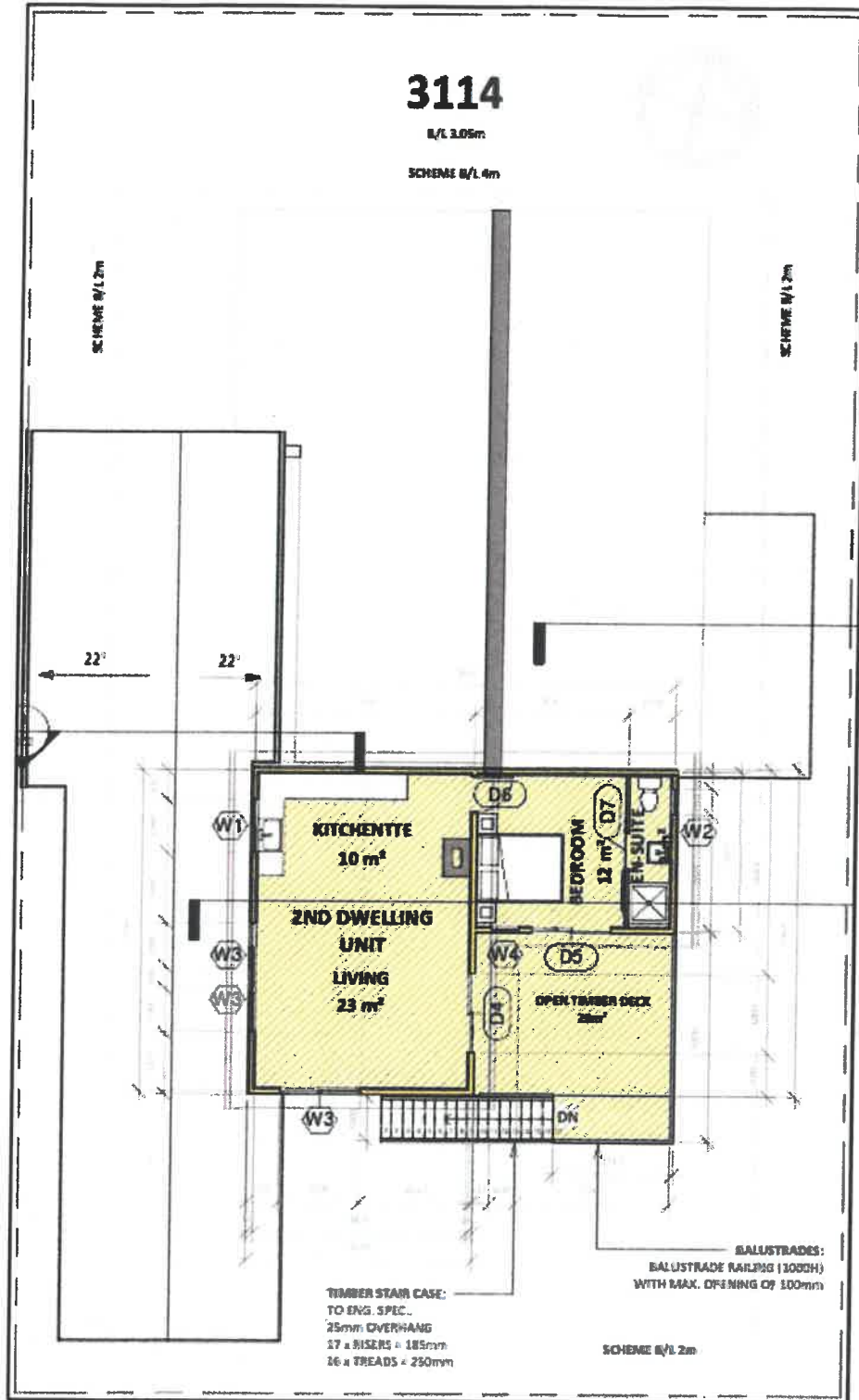


Figure 4: Proposed additions and alterations (First Floor)



Figure 5: Architectural representation of proposed additions and alterations (Rear View)

### 3.3. ZONING

Erf 3114, 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 the development parameters, such as Primary and Consent uses, and building lines pertaining to the Single Residential Zone 1.

The table below is to provide the reader with the Development Parameters as prescribed in the Overstrand Municipality Planning By-Law. Additional Development Parameters are identified under Chapter 16 of the Overstrand Municipality Planning By-Law.

<b>OVERSTRAND MUNICIPALITY LAND USE SCHEME OF 2020</b> In terms of Section 16 of the Overstrand Municipality By-Law	
<b>Development Parameters</b> Erf 3114, Kleinmond	
<b>Zoning</b>	Single Residential Zone 1
<b>Primary Uses</b>	Crèche, dwelling house, guest rooms, home occupation, second dwelling and self-catering.
<b>Consent Uses</b>	Day care centre, green house, guest house, house shop, institution, place of instruction, place of worship, residential building, and intensive horticulture.
<b>Building Lines - Street</b>	4m (erven larger than 400m <sup>2</sup> )
<b>Building Lines – Side and Rear</b>	2m (erven larger than 400m <sup>2</sup> )
<b>Height</b>	8m from base level
<b>Coverage</b>	50% (erven larger than 400m <sup>2</sup> )
<b>Parking</b>	Please refer to Chapter 17.1 of the Overstrand Municipality Land Use Scheme of 2020

### 3.4. 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:

#### 3.4.1. Water

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

#### 3.4.2. Electricity

Erf 3114 is currently supplied with sufficient electrical needs as currently supplied by Eskom.

### 3.4.3. Sewerage

The application site is connected to the Overstrand Municipal sewage network providing services to the surrounding neighbourhood. No additional increase in capacity is foreseen

### 3.4.4. 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.

### 3.4.5. Access

Access to the application site will not be altered as is to remain the same, i.e., from DF Strauss Street.

Please note that the proposal will not lead to an increase in the existing services network as the current capacity is deemed to be sufficient.

## 3.5. PHOTOS OF THE SITE

This office took photos during a site visit at the application site. The photos are for information purposes to assist the reader and to provide a feel for the proposed application. Please see the photos hereunder.



**Photo 1**

View from DF Straus Street. Existing tandem garage.



**Photo 2**  
Area of Second Dwelling Unit.



**Photo 3**  
Existing tandem garage and house. Alternative angle.

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**Photo 4**  
Area of second dwelling  
unit. Alternative angle.

## 4. SECTION 4: LEGISLATION

Section 4 of this report consists of the applicable Legislation pertaining to this application.

### 4.1. 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).
- 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



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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.

Although the proposal will not be evaluated on a Provincial level it is important to take consideration of the SDF's objectives. It is important to point out that the proposal takes cognisance of the settlement patten of people. The proposal in is line with any normal residential area and is thus not out of character for that of a residential area. The proposal further protects biodiversity areas and agricultural resources as it is in an already developed area.

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

#### Overstrand 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.
- 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.



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- 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.

The proposal is not deemed to be in contravention with the Overstrand SDF as it is not in contradiction with the abovementioned statutory requirements of the SDF.

*Overstrand Municipal Growth Management Strategy (May 2010)*

The Overstrand Municipal Growth Management Strategy places emphasis on the Densification of urban areas (urban footprint) to reduce the negative impact of urban sprawl (outward expansion of the urban footprint) on natural and sensitive areas, that form the basis of the greater Overstrand Municipal region. Urban sprawl is threatening the long-term sustainability of the Overstrand Environmental Land and its subregions. The Growth Management Strategy list a few concerns:

- Agricultural land and natural undeveloped areas on the edge of Overstrand towns are increasingly being consumed by urban development. These areas, which often include areas forming the natural resource base of Overstrand tourism, are being eroded.
- Low density urban sprawl results in long travel distances. The result is a reliance on private road-based transport resulting in rapidly increasing traffic congestion and CO<sup>2</sup> emissions.
- Fragmented and dispersed development patterns destroy the place making qualities and opportunities for urban vibrancy in the Overstrand towns and neighbourhoods.
- Low density development (in the form of large single residential erven) increases the cost of infrastructure provision and maintenance. The current low-density form of development dissipates the positive economic effect of agglomeration and economic scale, limiting access to opportunities, causing operational inefficiencies and a wastage of supporting economic resources and infrastructure.
- Greenfield land suitable for urban development is a limited resource – there will be an increasing shortage of suitable Greenfield land to accommodate both the existing subsidy and affordable housing backlogs, as well as the future projected needs of the area, if the current low density development patterns are allowed to continue.

The Growth Management Strategy devised a plan to reduce the negative impact of urban sprawl by means of densification as an integral part of the aforesaid strategy to positively redress the effects of urban sprawl. This is to ensure the longer-term sustainability of the Overstrand Municipality and its subregions. The objective of the Growth Management Strategy is to:

- Integrate, update, and rationalise service provision, infrastructure planning and budgeting, as well as implementation, as part of a sustainable cohesive growth management strategy for the Overstrand Municipal IDP.
- Guide the Overstrand Municipalities Planning Committee's decision-making process.



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- Inform the Spatial Development Framework (SDF) with an integrated densification policy that is area specific and sensitive to the character, heritage, and environmental conditions unique to the Overstrand.
- Provide an integrated policy framework that will guide the detailed planning and design of market driven development initiatives and inform the compilation of more detailed precinct plans, for specific areas or identified opportunities.
- Align density patterns, trends, and proposals with the land use management / zoning regulations and infrastructural capacity and future provision.
- Identify pragmatic mechanisms and processes (area-wide to local level) to facilitate and support the appropriate planned implementation and management of higher densities.

The goal of this Growth Management Strategy is to achieve the following goals:

- Ensure optimal land use planning and the efficient use of infrastructure, services, facilities, and land
- Improve levels of access, especially for the poor, to region's resources and amenities
- Provide a framework and clear guidelines for the assessment of local level development proposals that promote densification
- Provide inhabitants, property owner and property investors with a level of certainty regarding the densification areas and the various forms of densification foreseen
- Protect, manage, and enhance the natural and built environment and landscapes
- Ensure that the scale and character (in terms of bulk, height, and architectural styling) of the higher density areas are appropriate to the immediate context
- Support the development of mixed land uses providing vitality, opportunities, and integrated living environments
- Contribute to place making and the development of attractive and safe urban environments

The Overstrand Growth Management Strategy has further divided Kleinmond into 21 "Planning Units". Palmiet falls under Planning Unit number 21. The Growth Management Strategy identified this area as a purely low-density residential area and is of the opinion that this Planning area can be densified by means of subdivision of larger erven to create smaller residential erven.

Taking the above into consideration, the proposal entails the construction of a second dwelling unit. The Growth Management Strategy does not identify second dwelling units as a means of densification; however, this office is of the opinion that a second dwelling unit is a viable means of densification. A second dwelling unit can be utilised on a permanent basis or on a temporary basis, depending on the need of the property owners.

It is the opinion of this office that the proposal is in line with the Growth Management Strategy in terms of densification as the proposed second dwelling unit is a viable means of densification.

#### 4.2. 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:



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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 any environmentally sensitive areas and cultural landscapes, as it is in an already developed residential area, and will thus not alter any environmentally sensitive areas.

Efficiency

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

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

Spatial Resilience

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

The proposed development is well aligned with the spatial plans and policies 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.

#### 4.3. National Environmental Management Act (NEMA), No 107 of 1998

NEMA reiterates the provisions of section 24 of the Constitution and contains the internationally accepted principles of sustainability. It is therefore a legal requirement that these principles must be taken into consideration



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in all decisions that may affect the environment. Furthermore, the need for intergovernmental co-ordination and harmonisation of policies, legislation, and actions relating to the environment, is emphasised.

It is also important to note that the Best Practical Environmental Option (BPEO) is defined in NEMA as “the option that provides the most benefit or causes the least damage to the environment as a whole, at a cost acceptable to society, in the long term as well as the short term”.

## 5. SECTION 5: 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.

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 proposal is within the existing timeframe intended by the existing approved SDF. Section 4 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	Due to the small scale of the proposal, it is deemed that the application will not have a detrimental impact on the surrounding community or the greater Kleinmond area
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 services 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.



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Need and Desirability Measure	Yes / No	Applicability to the subject 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 motivated under Section 4 of this motivation report.
Do location factors favour this land use?	Yes	The location and land use are in line with any residential neighbourhood property.
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 greater Kleinmond area. The property is 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.

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.

When considering this application, the desirability can further be measured against the following facts:

- The existing as well as the future character of the area.
- Traffic generation and access.
- The impact on services.

- Existing and future character of the area:

The surrounding area, being residential in nature, is not deemed to be negatively impact by the proposal as it is substantially in accordance with any residential neighbourhood. The proposal is not regarded as being undesirable and will not have any detrimental impact on the rights of surrounding property owners nor the existing built environment in future. It forms part of the existing building. The materials used will be of high quality and will contribute to the aesthetics of the environment in general. The abutting neighbours have indicated, verbally, that are not affected by the proposal and will thus not have any objection to this.



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- **Traffic generation and access:**

The intended use of the additional garage and carport is not deemed to impact negatively on the existing traffic flow of DF Strauss Street as it has very limited traffic flow, even during peak hours. There is no alteration to the exiting entrance to the subject property.

- **Services:**

The site is fully serviced, in an existing neighbourhood with existing services that are available. The proposal will however not require an increase in the existing services.

To reiterate, the proposal is generally consistent with any residential neighbourhood, and is to ensure the safety and security of the owner's property (motor vehicles) and business assets. The proposal will further add value to the existing property and will subsequently have a roll-over effect on the surrounding properties, in terms of the increase in property values.

## 6. SECTION 6: CONCLUSION

### 6.1. REASONS FOR APPROVAL

- *No additional Municipal Services will be required. The application site is already serviced and will thus not require the creation of additional services capacity. Please refer to Section 3.4 of this motivation report.*
- *The proposal is deemed desirable in terms of the Overstrand Municipality Land Use Scheme of 2020, as set out under Section 4 of this Motivation report.*
- *No negative impact is foreseen on the abutting neighbours in terms of privacy as no new windows will be placed in such a manner as to face directly onto the abutting neighbours.*
- *The proposal is in line with any residential neighbourhood, and similar instances can be found throughout the town of Kleinmond and surrounds.*
- *The proposal is further deemed to add value to the application site as it will increase the resell value.*
- *The proposal is in line with the Growth Management Strategy as it promotes the densification of Erf 3114.*

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

*Approval for the proposed additions and alterations in terms of the Overstrand Municipality Land Use Planning By-law on Erf 3114, Kleinmond.*

Kind Regards,



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**Jaco van Schaikwyk**  
**Director of FVS Town and Regional Planners**



30 MAR 2022

**GENERAL NOTES**

ALL DIMENSIONS AND HEIGHTS TO BE CHECKED ON SITE PRIOR TO CONSTRUCTION. VERIFY ALL DIMENSIONS AND HEIGHTS AGAINST THE ARCHITECT'S INTENT TO BE SCALED. ALL CURVES TO BE DIRECTED TO THE ARCHITECT.

INDICATED DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.

ALL WINDOWS AS PER WINDOW SCHEDULE.

ALL GLASS TYPES AND SIZES TO ADHERE TO SANS 1037 REGULATIONS AND STANDARDS. ALL GLASS TO BE SAFETY GLASS UNLESS OTHERWISE NOTED. ALL GLASS TO BE SAFETY GLASS UNLESS OTHERWISE NOTED.

ALL WINDOWS LOWER THAN 2000mm FROM FINISHED FLOOR LEVEL TO HAVE SAFETY GLASS TO BE SAFETY GLASS.

PC CONCRETE UNITS WITH 4 COURSES BACKWORK WITH REINFORCE OVER ALL UNITS TO BE SAFETY GLASS.

ALL STRUCTURAL TIMBER AND METAL WALLS ARE TO BE COVERED WITH DPC. SANS APPROVED FLASHING WHERE ROOF PROFILE MEETS EXISTING WALL - ALL TO BE SAFETY GLASS UNLESS OTHERWISE NOTED.

DOWN TO OUTER BAY ACROSS CAVITIES AND USE 570 BLACK POLYURETHANE AROUND ALL DOWNING TO EXTERNAL WALLS & UNDER ALL WINDOW CILLS. TO BE MIN 150mm DEEP.

ALL STRIKES TO BE 18mm (IF AN OPENING IS KNOWN). TRIMS MINIMUM 200mm AND RISES MAXIMUM 200mm. HORIZONTALS TO BE 100mm HIGH.

**GLAZING:**

ALL GLASS TYPES AND SIZES TO ADHERE TO SANS 1037 & SANS 1040 PART 1 UNLESS OTHERWISE NOTED.

ALL ACCESS DOORS AND DOOR LIGHTS TO HAVE SAFETY GLASS.

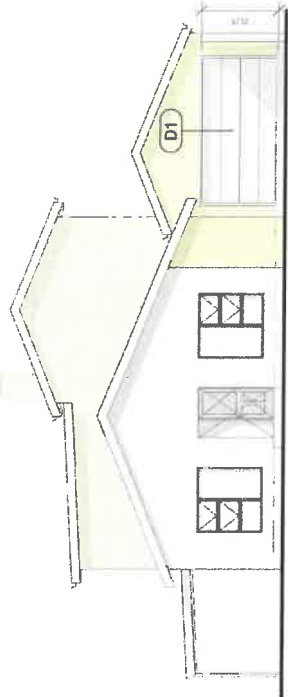
ALL WINDOWS LOWER THAN 2000mm FROM FINISHED FLOOR LEVEL TO HAVE SAFETY GLASS UNLESS OTHERWISE NOTED.

ALL WINDOWS LOWER THAN 2000mm ABOVE FINISH LINE OF STAIRS AND SHOP FRONTS TO BE SAFETY GLASS AND CLEANLY FINISHED AS SUCH ON GLASS AT THE LEVEL.

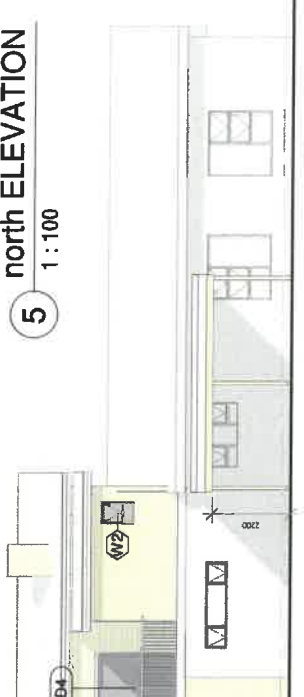
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BLANC Reg. No. 242220  
 Architectural Drawing 05m/05e  
 022 410-5564 / (022) 271-9145  
 daniel.jacob@ontwerp-atel.be

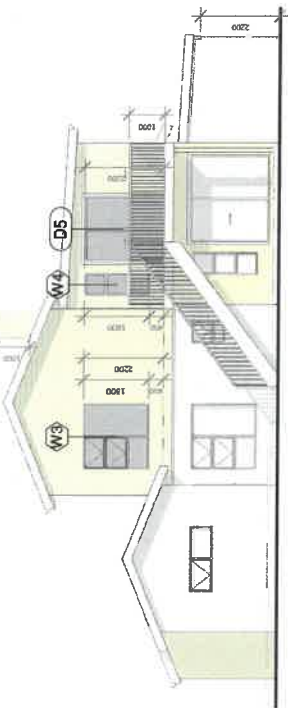
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PROPOSED ADDITIONS & ALTERATIONS		002	
ERF 3114		REVISION	
23 DE STRAUSS STREET		DRAWN BY	
PALMIET		DATE	
SECTION NAME		2022-03-09	
SECTION & ELEVATION		JCS	
DRAWING NO		2021 - 025	
SCALE		AS INDICATED	
AS INDICATED		D.V.Z.	
COPYRIGHT RESERVED			



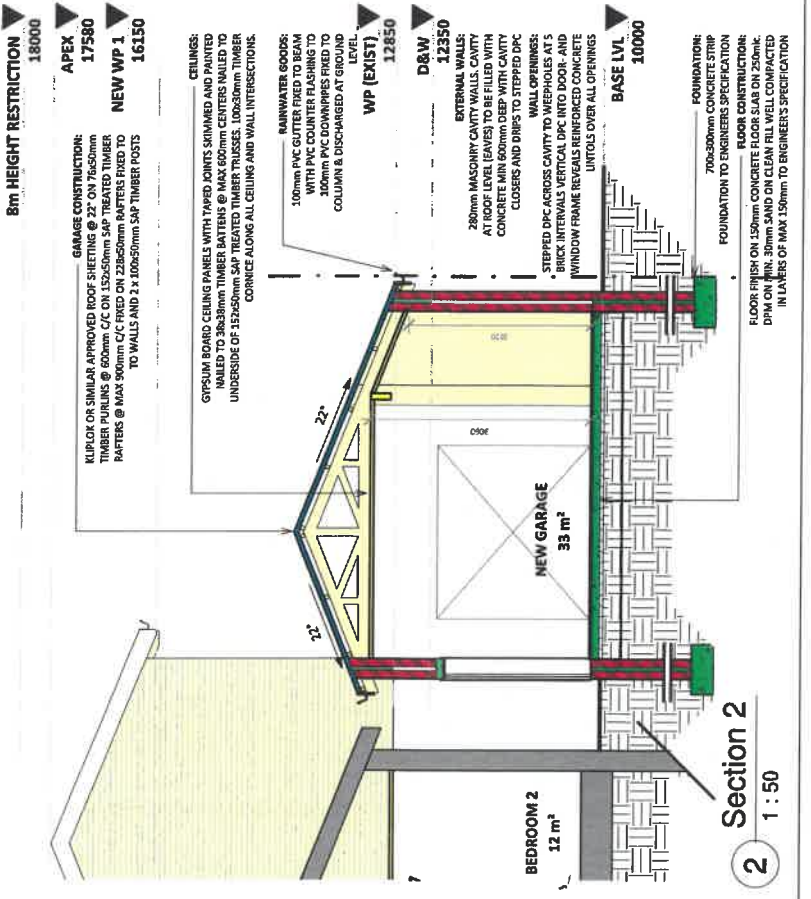
5 north ELEVATION  
1 : 100



4 east ELEVATION  
1 : 100



3 south ELEVATION  
1 : 100



1 Section 3  
1 : 50

2 Section 2  
1 : 50

