

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 June 2017
(Also the agenda for the Mayoral Committee Meeting : 28 June 2017)**

4.

**ERF 8168, 104 MAIN ROAD, KLEINMOND, OVERSTRAND MUNICIPAL AREA :
SUBDIVISION, REZONING AND AMENDMENT OF SPATIAL DEVELOPMENT
FRAMEWORK: MESSRS PLAN ACTIVE ON BEHALF OF THE GRAIL CENTRE
TRUST**

8168 KKM (3236)

H van der Stoep

10 October 2016

(028) 313 8900

Hermanus Administration

1. Executive Summary

An application has been received on 3 July 2014 from Messrs Plan Active Town and Regional Planners on behalf of the Grail Centre Trust for the establishment of a small shopping centre on proposed Portion A of Erf 8168, Kleinmond (a portion of Erf 4880, Kleinmond).

The following applications were received:

- ❖ Subdivision of Erf 8168 (a portion of Erf 4880), Kleinmond to create 1 new portion (Portion A of ± 8840m²) and a Remainder (± 19 038m²);
- ❖ Rezoning of the subdivided Portion A from Special Zone to Business Zone II, and
- ❖ Amendment of the Overstrand Municipal Spatial Development Framework, 2006 (SDF) in order to accommodate the business premises as proposed (Portion A).

A Locality Plan of the property concerned is attached as Annexure A. The proposed Site Development Plan is attached as Annexure B, while the Motivation Report from the applicant in support of the proposal is attached as Annexure C.

This item served before the Executive Mayor on 31 May 2017. The item was referred back for further consultation and a site inspection. The Chairman of the Infrastructure & Planning Portfolio Committee will verbally report back on the outcomes when the item is tabled again.

2. Service Delivery and Budget Implementation Plan - IGNITE

Infrastructure and Planning
Town- and Spatial Planning

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3. Compliance with Strategic Priority

Provision of democratic, accountable and ethical governance

4. Delegated Authority

Partially delegated to the Executive Mayor.

5. Legal Requirements

Sections 24, 17, 34 and 4(7) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985)

6. Background/Discussion/Evaluation/Conclusion

Background

An application was received for the rezoning, subdivision and Amendment of the SDF for a small shopping centre on an area of approximately 7186m².

The application was distributed and advertised and one (1) objection was received from Messrs. J Kitching and L Marks. The Western Cape Government : Transport and Public Works requested an updated Traffic Impact Statement (TIS).

The objection dealt with the following issues:

- Noise pollution during construction;
- One (1) access point for both vehicles;
- Delivery vehicles on the eastern side in close proximity of the residential houses;
- What happened to the green development as was initially proposed and would this development landscape the area to buffer the existing residential developments?
- How will pedestrians be accommodated?
- And a traffic light will need to be installed due to heavy traffic, especially during the peak season.

Due to the comments from the Western Cape Government : Transport and Public Works and the objection, the applicant amended the application in order to accommodate the aforementioned. Thus an amended application was submitted and distributed for comments. No objections were received against the amended application.

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Discussion

The property is located along Main Road in Kleinmond and form part of the Mthimkhulu Village Development. The aforementioned obtained approval in 2009 for a Special Zone, consisting of business, educational and auxiliary uses. The property is located in a mixed use area consisting of informal trading, educational, businesses, offices and residential component. The approval for the special zone with a business component was limited in scale and related to the business hive concept.

Since the inception of the SDF, activities along the Main Road of Kleinmond have changed substantially. In terms of the SDF, LPL5 and LPL6, the need for accessibility for pedestrians to business and recreational are highlighted. This aspect links with the proposal of a Central Business District (CBD) Development Framework where it is indicated that there is a need to expand the CBD of Kleinmond. This application gives a clear indication that such a need exists. However, the primary development corridor does not include the application site and an additional development node will be established of high intensity. This will have an impact on the residential character prevalent of the surrounding area.

A shopping centre west of Kleinmond CBD will assist in the pedestrian linkage to accommodate the walking distance from the residential areas of Overhills and Palmiet to the proposed centre. The proposed shopping centre does fall outside of the primary corridor, identified in the SDF for development. A site in the corridor would have been a better option for development to cater for the communities west of the Kleinmond CBD. The other option is Erf 6928, which is already zoned for business purposes with limited development at present on the erf. The proximity of a retail development in close proximity of the residential developments with low vehicular ownership will assist in creating the pedestrian linkage as indicated in the SDF.

Kleinmond has developed to such an extent that additional retail is necessary. The present two (2) development nodes e.g. Harbour Development (west of Kleinmond) caters for the tourism market and the Spar Development on the eastern side of Kleinmond caters for the general public. The area around the Spar Development can be seen as the CBD of Kleinmond. However, this node is quite some distance from the informal and formal settlements of Overhills, Riemvasmaak and Poppedorp, which are located to the west of Kleinmond. The present CBD does not cater for the development towards the west of Kleinmond and a development node in and around the Harbour Development in the west of Kleinmond is earmarked for more tourist related activities and developments. At present there is one (1) major retail component e.g. the Spar and a small retail shop e.g. OK Minimarket, thus limiting the choices of the general public, especially the component of the public that does not have any transport and are forced to make use of the

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existing supermarket. In order to address this shortcoming, a more suited erf must be obtained within the development corridor as identified to achieve this goal. The proposed application does address the need, but is not found desirable in terms of scale and intensity and its location. The possibility of alternatives must be investigated, there is an empty municipal erf (Erf 7965) and Erf 6742 (existing municipal store), which is located in close proximity of the Overhills and housing developments. The aforementioned erven will not have the issue of right of way servitudes for adjacent erven to have access. The mixed traffic use through parking areas is not conducive to effective traffic flow.

During the first application, one (1) objection was received, but the objectors did not respond to the amended application. However, to deal with their initial objections, the loading bays were located towards the east of the property and have been moved towards the north west of the property in order to ensure privacy of the residential component on the eastern side of the property. The access, pedestrian movement and traffic flow have been addressed in the Traffic Impact Assessment (TIA) to the satisfaction of the Western Cape Government : Transport and Public Works, who is the custodian of the Main Road (R43).

It can be reasoned that a development node will be created and lead to a linear development of the R43 and that one must create compact CBD's. The Growth Management Strategy (OGMS) does indicate that the Planning Unit 7 has a variety of mixed uses, but of low intensity. This proposed development will have a high intensity level, which does not correspond with the proposed local development in terms the low intensity envisaged in this Planning Unit.

The zoning of the adjacent erven (Erven 8166 and 8167, Kleinmond) being educational and General Residential will remain intact and the proposed development will have a detrimental effect on the residential component in close proximity of the proposed development.

Evaluation

The application is for the rezoning of proposed Portion A from Special Zone to Business Zone II (B2). Business II is more suited for the proposed development, since one of the primary rights is business premises, which is defined as follows:

“a property from which a business or services are conducted and includes a shop, supermarket, restaurant, sale of alcoholic beverages, plant nursery, offices, service trade, financial institution and a building for similar uses, sale of small or big items, but does not include a place of assembly, place of entertainment, institution, service station, motor repair garage, industry, industry hive, noxious trade, risk activity, adult entertainment business or a bottle store”.

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The application is for a supermarket of approximately 1170m². The anchor shop does qualify as a supermarket, which is in the excess of 350m² as defined in the Overstrand Zoning Scheme. The proposed development will also have line shops at the entrance of the development, whilst the anchor shop will be located to the back of the property. The total development is approximately 2732m².

The proposed development is located on an erf of approximately 8840m² and the development is approximately 2732m² and thus will have a coverage of 31%, which is less than the allowed 80% in terms of the Scheme. The Scheme allows a floor factor of 1,5, whilst the proposed floor factor of the development equates to 0,3.

The parking requirements for business zoned properties are 6 parking bays per 100m². The proposed development has a GLA of 2528m² and thus needs to provide one hundred and fifty two (152) parking bays. The development provides one hundred and fifty four (154) parking bays, inclusive of disabled parking bays at the entrance of the proposed shopping centre. A maximum of three (3) loading bays are required in terms of the Zoning Scheme, which is located to north of the property. According to the TIS, the turning circle is sufficient to accommodate the delivery vehicles. On and off loading will be done within the building of the anchor shop. The loading bays are not indicated on the site plan and are thus unclear whether loading will not infringe on vehicle flow of the general public on the allocated parking bays.

Access is provided from the Main Road to two (2) erven e.g. proposed Erven 8168 and 8167. A right-of-servitude will be registered to ensure access to the latter two (2) erven. The owners of the erven have given permission that such an arrangement is acceptable. The TIS indicated that the proposed development will have no detrimental impact on the movement of vehicles and flow of traffic at present and with an escalation of 3% over the next five (5) years, the present access point will be at acceptable levels. The Western Cape Government : Transport and Public Works and the Engineering Services Department have accepted the TIS calculations and are in favour of the application. One of the main concerns is that the access will only be sufficient for a period of approximately five (5) years and no provision is made should the access not be sufficient. It is thus unclear in which manner access to the development will be addressed after a period of five (5) years.

The TIA for the proposed development did not take into account the traffic study done in 2004 pertaining to the harbour development. The generation of traffic from the harbour development and the proposed development cannot be assessed.

The restriction of a five (5) year validity of the TIA from the Department of Transport is not acceptable. The cumulative effect of the harbour

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development and proposed development and other uses on Main Road must be determined.

The Remainder of Erf 8168, which is the original Erf 4880 of Mthimkhulu Village, will remain with its zoning as Special and make use of an access point on Ninth Avenue. The uses will remain in place.

The Amendment of the Overstrand Municipal Wide SDF is necessary since the property is earmarked for residential purposes. In 2009 the Amendment of the SDF was lodged to accommodate the original application for a Special Zone, which included business uses on the property. The present application is now to separate the business activities from the educational and axillary uses. The scale however is much bigger with a definite impact and thus can be seen as a necessary application, which cannot directly relate to the previous approval. The subdivision of Erf 4880 is necessary due to the change of use and ownership. The subdivision will create the assuredly of ownership for the proposed development. The development is located in an identified local economic opportunity area; however the scale of approximately 8000m² of this proposed development does not fall within this category but should fall within the CBD business category.

The Title Deed has no restrictions pertaining to the proposed development, since the restrictions were removed during the 2009 application for Mthimkhulu Village as a Special Zone.

The proposed application footprint is well within the Overstrand Zoning Scheme development parameters for the Business II Zoning Category. However the following should be taken into consideration - the property is located in a mixed area with a substantial residential component bordering the property. The full sphere of development parameters of Business Zone II category in terms of visual development cannot be made applicable. Thus due to the character of the area and visual component next to the Main Road, the development will not be in line with the existing character of the area, which although a mixed use, but still is mainly residential in character.

Conclusion

The application for the Amendment of the SDF, rezoning and subdivision is not recommended for approval due to the following reasons:

- ❖ The development is not in line with the OGMS.
- ❖ The scale of the development is not in line with the residential character of the area.
- ❖ The access, although approved by the Western Cape Government : Transport & Public Works, is based on the fact that the access will only be sufficient for a period of five (5) years.

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- ❖ The proposal will establish a development node midway between the entrance and exit of the town and creep of commercial will be to the detriment of the residential areas.
- ❖ The principle of compacting and cluster development in order to prohibit sprawl of land uses as per the PSDF, 2014 Section 3.3.3.2.
- ❖ The proposed development will encourage the already linear development of Kleinmond, which does create access and traffic flow problems during high season.
- ❖ The proposed development will consist of a shopping centre and retail shops and delivery vehicles will have to cross the Main Road, which may be to the detriment of traffic flow.
- ❖ The other problem that may arise is the fact that a servitude area for a right of way through the parking area has to be created for the adjacent erf, which is earmarked for high density residential development. Such an arrangement causes problems as indicated in places where such an arrangement is applicable.
- ❖ There are existing municipal properties in close proximity of Overhills, etc.

7. Financial Implications

None

8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

Engineering Services Department

See Annexure D.

Building Control Department

Supported.

Fire Department

All structural developments must be in compliance with the National Fire Protection Regulations SANS 10400T:2011.

Waste Management

Refuse area to be constructed according to municipal specifications.

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District Health

No additional requirements.

Traffic Department

All in order – go ahead. Enough parking, entrances and exits are safe.

10. Annexures

Annexure A: Locality Plan

Annexure B: Site Development Plan

Annexure C: Motivation

Annexure D: Services Report

Annexure E: Comment: Western Cape Government : Transport and Public Works dated 14 June 2016

RECOMMENDATION:

1. that, in terms of Section 24 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), the application received for the subdivision of Erf 8168 (a portion of Erf 4880), Kleinmond to create 1 new portion (Portion A of ± 8840m²) and a Remainder (± 19 038m²), **not be approved**;
2. that, in terms of Sections 17 and 22(i)(a) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), the application received for the rezoning of the subdivided Portion A from Special Zone to Business Zone II, **not be approved**;
3. the non-approval of Points 1 and 2 are due to the following reasons:
 - (a) the development is not in line with the Overstrand Growth Management Strategy;
 - (b) the scale of the development is not in line with residential character of the area;
 - (c) the access, although approved by the Western Cape Government : Transport & Public Works, is based on the fact that the access will only be sufficient for a period of five (5) years;
 - (d) the proposal will establish a development node midway between the entrance and exit of the town and creep of commercial will be to the detriment of the residential areas;

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- (e) the principle of compacting and cluster development in order to prohibit sprawl of land uses as per the PSDF, 2014, Section 3.3.3.2;
 - (f) the proposed development will enhance the already linear development of Kleinmond, which does create access and traffic flow problems during high season;
 - (g) the proposed development will consist of a shopping centre and retail shops and delivery vehicles will have to cross the Main Road, which may be to the detriment of traffic flow; and
 - (h) the other problem that may arise is the fact that a servitude area for a right of way through the parking area has to be created for the adjacent erf, which is earmarked for high density residential development. Such an arrangement causes problems as indicated in places where such an arrangement is applicable.
4. that the applicant be notified of his right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above decision.

RECOMMENDATION TO THE COUNCIL:

that, in terms of Sections 4(7) and 34 of the Local Government: Municipal Systems Act (Act 32 of 2000) for the Amendment of the Overstrand Municipal Spatial Development Framework in order to accommodate the business premises as proposed (Portion A), **not be approved.**

RESPONSIBLE OFFICIAL :	H VAN DER STOEP
TARGET DATE FOR IMPLEMENTATION :	12 JULY 2017
TARGET DATE TO INFORM APPLICANT :	12 JULY 2017
TARGET DATE TO INFORM OBJECTORS :	12 JULY 2017

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**4.
ERF 8168, 104 MAIN ROAD, KLEINMOND, OVERSTRAND MUNICIPAL AREA :
SUBDIVISION, REZONING AND AMENDMENT OF SPATIAL DEVELOPMENT
FRAMEWORK: MESSRS PLAN ACTIVE ON BEHALF OF THE GRAIL CENTRE
TRUST**

**8168 KKM (3236)
H van der Stoep
10 October 2016**

(028) 313 8900

Hermanus Administration

**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON
20 JUNE 2017, WHICH COMMITTEE RECOMMENDED AS FOLLOWS:**

RECOMMENDATION:

that the item be dealt with at the forthcoming Mayoral Committee meeting.

RESPONSIBLE OFFICIAL :	H VAN DER STOEP
TARGET DATE FOR IMPLEMENTATION :	12 JULY 2017
TARGET DATE TO INFORM APPLICANT :	12 JULY 2017
TARGET DATE TO INFORM OBJECTORS :	12 JULY 2017



KEY:
□ The Site

Scale: NTS
Drawing Nr: kleinm81681.drw
Date: 18/06/2014

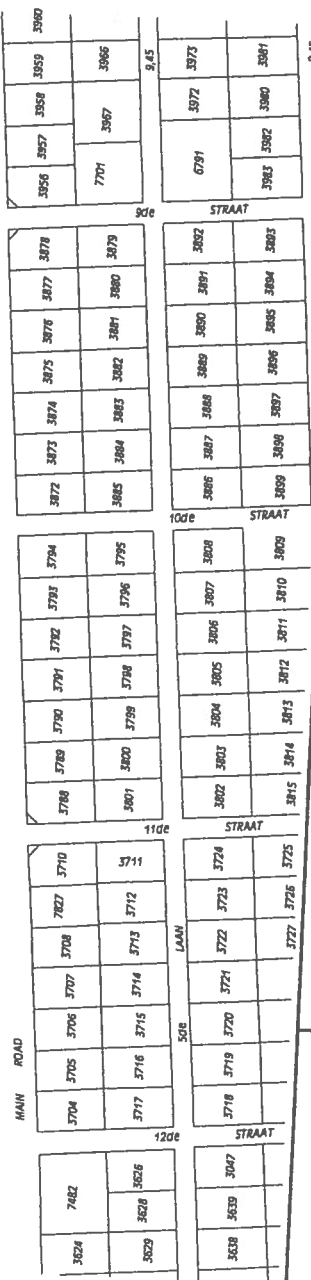
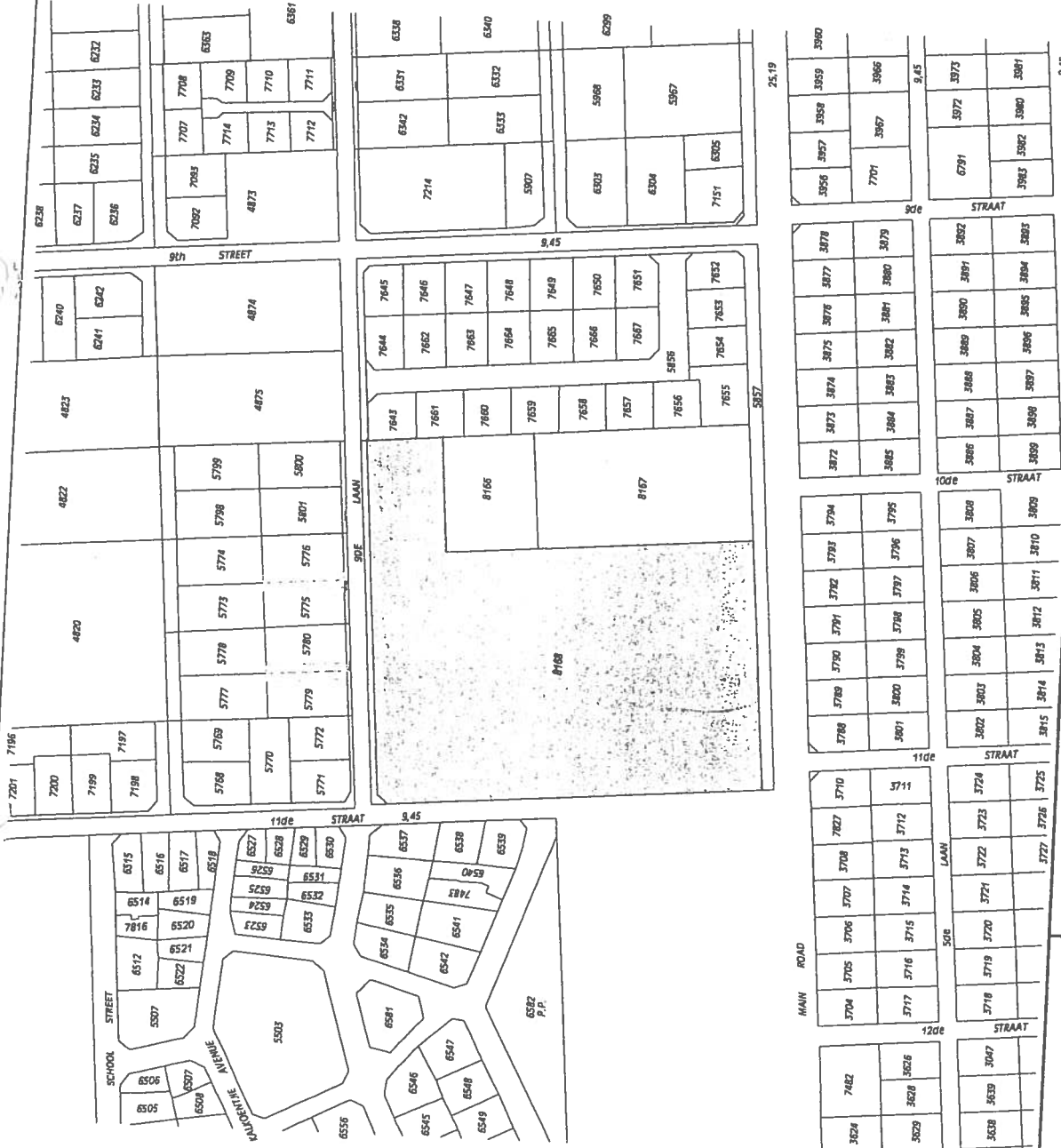
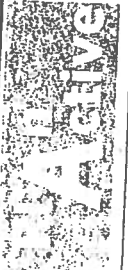
Plan Description:
LOCALITY MAP

Property Description:
**ERF 8168
KLEINMOND**

All distances approximate
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KEY:
 - - - Existing Boundary
 - - - Proposed Subdivision Lines
 Portion A = ±8840m²
 Remainder = ±19038m²



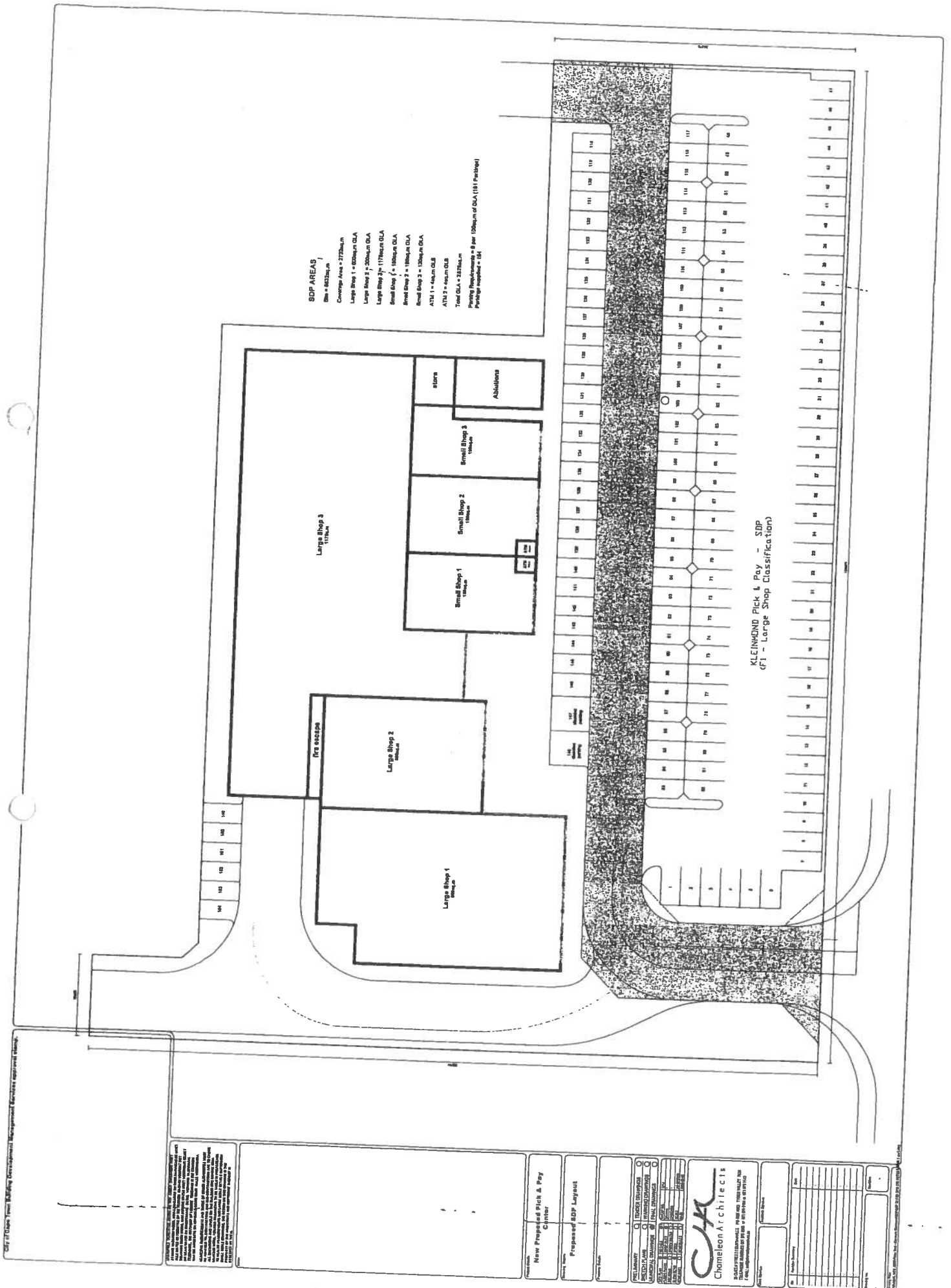
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 Date: 01/02/2016

Plan Description:
SUBDIVISION PLAN

Property Description:
**ERF 8168
 HERMANUS**

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PLAN
 Stads- en Sreksbeplanners
 Town & Regional Planners



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(H v d Stoep)

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HERMANUS
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Email: planactive@hermanus.co.za

Website: www.planactive.co.za



23 February 2016

TP 3236

Our reference: PA14011

The Municipal Manager
Overstrand Municipality
PO Box 20
HERMANUS
7200

For attention: Mrs. H. van der Stoep

FILE NO:	EL 8168 km
SCAN NO:	PLAN ACTIVE
COLLABORATOR NO:	878295

Sir,

ERF 8168, A PORTION OF Erf 4880 KLEINMOND:
PROPOSED REZONING, SUBDIVISION AND AMENDMENT OF
THE SPATIAL DEVELOPMENT FRAMEWORK

The e-mail dated 26 October 2015 with the objections, comments from the Building Department and the comments from the Department of Transport refers.

Our client appointed EFG Engineers (Pty)Ltd to compile a traffic impact assessment. Taking the objections into account and also the input received from the traffic engineers, it was advised that the site development be amended to address traffic flow issues and the objections. The amendments can be summarised as follow:

- The layout of the shopping centre has been changed in order to have the delivery yard on the western rear boundary adjoining an un-built public road and a sport field and not on the eastern street boundary as previously proposed. This will minimise the impact of deliveries on the residential erven in the vicinity.
- Changing the layout of the shopping centre required that the proposed subdivision plan be amended. The size of the site increased and has also changed in shape. These changes however are minimal. The original application for subdivision consisted of a Remainder of $\pm 20692\text{m}^2$ and Portion A that is $\pm 7186\text{m}^2$. With the amendment the proposed Remainder will be $\pm 19038\text{m}^2$ and Portion A $\pm 8840\text{m}^2$. The main reason for the change in size is due to the fact that a building line in terms of the land use restrictions has now been provided for.
- The changes with reference to the shopping centre can be tabled as follow:

Use	Original layout	Revised layout	Difference
Anchor Tennant	1537m ² GLA	1170m ² GLA	<367m ²
Line and other shops	605m ² GLA	1350m ² GLA	>745m ²
Footprint	2142m ²	2732m ²	>590m ²
Parking	131 parking bays	154 parking bays	>23

Divine Inspiration Trading 329 (Pty) Ltd. trading as Plan Active
Reg. No. 2006/030921/07
Vat. No. 4770250340

John Mc Lachlan: Ndip (Town Planning) Tech Witwatersrand; MSAPI Nr.10908; SACPLAN Tch.Pln B/8250/2014
Pauline Spronk: B (Soc Sc) US, BA Hon (UNISA)

Meriké Lerm: B. Art et Scien Cum Laude (Town Planning) UNW; SACPLAN Pr.Pln A/158/2009

23 FEB 2016

23 FEB 2016

- It was also advised by the traffic engineers that the access servitude be moved into a northern direction parallel to the main road. Enclosed please find the 2 letters of support for the change of the access servitude from the land owners of Erf 8166 Kleinmond and Erf 8167 Kleinmond, in favour of whom the access servitude was created.
- We enclose a copy of an amended motivation report with all the Annexures for easy reference.
- It is our opinion that most of the objections have been addressed by the proposed amendments to the SDP and the inclusion of an updated traffic impact assessment. It would be on order if the application is be sent to the effected surrounding land owners for comments / objections.

We trust that you would find the revised motivation and traffic impact assessment in order and that the application will be dealt with favourably.

Yours faithfully



John Mc Lachlan

ERF 8168 KLEINMOND:
A PORTION OF ERF 4880 KLEINMOND
PROPOSED REZONING, SUBDIVISION
AND THE AMENDMENT OF THE
SPATIAL DEVELOPMENT FRAMEWORK

MOTIVATION REPORT

1. BACKGROUND

An application was lodged for the rezoning, subdivision, consent use, departure, amendment of the Spatial Development Framework and the removal of restrictive Title Deed conditions of Erf 4880 in order to accommodate the following:

- Educational Facilities;
- A flower packaging warehouse;
- Shops;
- Offices;
- Interpretation Centre;
- Informal trading area;
- Amphitheatre;
- Staff housing (8 residential units);
- Parking areas;
- 34 Flats;
- Private School.

The application for the above mentioned land uses was approved on the 17th of August 2009. Please refer to Annexure A. With reference to specifically the Mthimkhulu Village a second application was lodged for the amendment of the site development plan. The scale of the development of the Mthimkhulu Village was reduced in order to save money on bulk services levies. This application was approved on the 27th of June 2012. Please refer to Annexure B. The

Mthimkhulu Village paid their bulk services levies and the property is currently in the process of being registered by Eksteen Lubbe Attorneys. After the registration of the subject portion of Erf 4880 Kleinmond it will be known as Erf 8168 Kleinmond and will also be referred to as such in this application. Please note that this application has reference only to Erf 8168 Kleinmond and not the private school or flats. We have enclosed the erf diagrams for Erven 8168, 8167 & 8168 Kleinmond portions of Erf 4880 Kleinmond for easy reference. (Annexure C)

The Mthimkhulu Village is a non profit organisation that is an asset to the local community of Kleinmond educating the people and teaching them life skills. In order for them to operate, the village relies on donations. Due to the current financial climate donations are scarce and they require additional funds to make ends meet. They have decided to sell a portion of the land facing Main Road in order to obtain additional funds. Subsequently they have been contacted by a one of the biggest shopping group franchises to purchase a portion of Erf 8168 Kleinmond in order to erect a small shopping centre.

Plan Active has been instructed by the Grail Center Trust (Mthimkhulu Village) as owners of Erf 8168 Kleinmond, a portion of Erf 4880 Kleinmond, to apply for the subdivision, rezoning and the amendment of the Spatial Development Framework. The detail of the application will follow.

2. APPLICATION DETAILS

Application is made in terms of:

- Section 17 of the Ordinance on Land Use Planning, Ordinance 15 of 1985 for the rezoning of a portion of Erf 8168 Kleinmond, from Special Zone to Business Zone II (B2);
- Section 24 of the Ordinance on Land Use Planning, Ordinance 15 of 1985 for the subdivision of Erf 8168 Kleinmond;
- Section 4(7) of the Land Use Planning Ordinance, Ordinance 15 of 1985 for the amendment of the Spatial Development Framework;

3. DESIRABILITY

3.1 PROPERTY DESCRIPTION & LOCATION

The total size of Erf 8168 Kleinmond is 2.7877ha and accommodates the Mthimkhulu Village. The subject property is situated on the corner of Main Road and 11th Street Kleinmond. Please refer to the enclosed locality map, Annexure D.

3.2 ZONING

Erf 8168 Kleinmond is zoned Special Zone, currently with the following land use rights:

- Administration Building: 4 Offices
- 5 classrooms
- Catering School
- Small Business Training Centre
- Ablution Facilities
- RDP Demonstration Structure & Classroom
- Classroom Training Centre
- Skills and Job Training Centre

3.3 LAND USE

The subject erf is situated within an area that consists of mixed land uses. The existing land uses can be listed as follow:

- Residential properties
- Informal trading
- Retail shops and café's
- Flats
- Community facilities
- Offices
- Educational

..... Eryen alongside Main Road Kleinmond experience enormous pressure to be used for businesses purposes due to their accessibility and exposure. Please refer to the enclosed land use plan indicating the business orientated land uses as Annexure E.

3.4 THE TITLE DEED

The property is currently in the process of being registered by Eksteen Lubbe Attorneys. After the registration of the subject portion of Erf 4880 Kleinmond it will be known as Erf 8168 Kleinmond, as being referred to in this application. Not being registered yet, the Title Deed for Erf 4880 Kleinmond will be applicable.

The Title Deed contains no restrictive conditions. The restrictive conditions were already addressed in our previous application and the Title deed was endorsed accordingly. Please refer to a copy of the Title Deed as Annexure F.

3.5 PROPOSAL

- Proposed rezoning of a portion of Erf 8168 Kleinmond in terms of Section 17 of the Ordinance on Land Use Planning, Ordinance 15 of 1985, from Special Zone to Business Zone II (B2);
- Proposed subdivision of Erf 8168 Kleinmond in terms of Section 24 of the Ordinance on Land Use Planning, Ordinance 15 of 1985;
- Proposed amendment of the Spatial Development Framework in terms of Section 4(7) of the Land Use Planning Ordinance, Ordinance 15 of 1985.

It is the intention of the owners of Erf 8168 Kleinmond to subdivide a portion of the erf and to change the land use from a mixed land use to business premises for Portion A. The detail of the application can be described as follows:

3.5.1 Proposed Subdivision

It is required that a portion of Erf 8168 Kleinmond, on the southern boundary that abuts Main Road, be subdivided in order to have it rezoned to be used as business premises.

Erf 8168 Kleinmond is currently 2.7877ha in extent. It is proposed to subdivide the subject property into 1 additional erf of $\pm 8840\text{m}^2$, Portion A, and a remainder of $\pm 19038\text{m}^2$. Please refer to the enclosed subdivision plan as Annexure G. Portion A abuts Main Road and it is proposed that this portion be rezoned and utilised as a business premises. The remaining extent of Erf 8168 Kleinmond will retain its Special Zone zoning and will still accommodate the Mthimkhulu Village.

3.5.2 Proposed Rezoning

In order to utilise the proposed Portion A that is $\pm 8840\text{m}^2$ in extent as a business premises it would be required that this portion be rezoned to Business Zone II (B2). One of the primary land use rights under this zoning is "Business Premises" and is defined as follows:

"Business premises means a property from which a business or services is conducted and includes a shop, supermarket, restaurant, sale of alcoholic beverages, plant nursery, offices, service trade, financial institution and building for similar uses, sale of any small or big items; but does not include a place of assembly, place of entertainment, institution, service station, motor repair garage, industry, industry hive, noxious trade, risk activity, adult entertainment business, or bottle store."

The developer intends to construct a small shopping centre on Portion A. The anchor shop will be $\pm 1170\text{m}^2$ in extent. Due to the fact that the anchor shop is bigger than 350m^2 it qualifies as a supermarket and therefore a proposed zoning of Business Zone II (B2) would be the most suitable for the proposed use. In order to accommodate the shopping centre it would also be required that the existing classroom training centre and small business training centre be demolished.

With the subdivision and rezoning of Portion A, the Mthimkhulu Village will lose 72 parking bays that were allocated for the use by the village on the approved site development plan. The site development plan indicating the remaining extent of Erf 8168 Kleinmond was amended accordingly. A new parking area has been located west of the Skills & Job Training Centre as indicated on the site development plan. Please refer to Annexure H.

A total number of 104 parking bays were required with the previous approved site development plan and now 109 parking bays are provided on the revised site development plan. It should also be noted that with the proposed subdivision the classroom training centre and small business training centre will be demolished. Therefore less parking will have to be provided as the area of these buildings were also used to calculate the 104 parking bays that were previously provided. It is clear that the 109 parking bays that are provided on the new site development plan will be sufficient for the use by the Mthimkhulu Village.

As mentioned above, Portion A will be used to accommodate a small shopping centre. The shopping centre will consist of an anchor shop of $\pm 1170\text{m}^2$ and a number of large shops, Large Shop 1 & 2, and small shops, Small Shop 1-3, a fire escape, store and ablution facilities. Please refer to the enclosed site development plan as Annexure I. The total area of the line shops is $\pm 2550\text{m}^2$. The line shops are located at the entrance of the shopping centre.

The existing access to the site will be used that is located opposite 11th Street. The proposed shopping centre is shifted back, against the proposed subdivision line in order to accommodate the existing access servitude that provides access to erven 8166 & 8167 Kleinmond. The area abutting Main Road will be used to accommodate the required parking bays. A goods receiving yard is proposed at the western side of the anchor shop for the delivery of goods.

The proposed small shopping centre conforms to all the land use restrictions applicable in terms of the proposed zoning, Business Zone II (B2). The site is $\pm 8840\text{m}^2$ in extent and the proposed shopping centre $\pm 2732\text{m}^2$. The coverage of the proposed development is 31%.

Currently Kleinmond has only 1 small shopping centre located at the eastern side of the town on the corner of Botrivier Road and 9th Avenue. During the busy holiday seasons this area is heavily congested, and the traffic becomes a problem. Kleinmond does not have any other vacant land that is large enough to accommodate an additional small shopping centre. Erf 8168, a portion of Erf 4880 Kleinmond is the only ideally situated piece of land.

The face of the Main Road has changed during the last couple of years and many major business franchises has opened in Main Road, the last being the Sasol Filling Station and convenience shop.

It is our opinion that there is a great need for an additional supermarket in Kleinmond and that a portion of Erf 8168 Kleinmond is ideal for the proposed use. The proposed small shopping centre will create additional jobs in an area where it is well needed and also in close proximity of the people that has to walk all the way to the opposite side of the town to do their shopping. Creating another small shopping centre in the opposite side of Main Road will also alleviate the traffic congestion experienced during peak holiday seasons in the vicinity of the existing shopping centre.

3.5.3 Proposed Amendment of the Spatial Development Framework

An application was lodged for the amendment of the Spatial Development Framework with the original application for the Mthimkhulu Village, private school and flats. The approval that was obtained was to change the reservation of Erf 4880 Kleinmond from Formal Residential to a private school and Special Zone to include the Mthimkhulu Village and ancillary land uses. The land uses approved for the Mthimkhulu Village was for educational facilities, a flower packaging warehouse, shops, offices, amphitheatre and informal trading area.

With reference to the above it is our opinion that the application for the amendment of the Spatial Development Framework should now be from a Special Zone to include the Mthimkhulu Village to business premises for a portion of Erf 8168 Kleinmond, proposed Portion A. The previous approval also contained business uses and it is our opinion that with this application the educational facilities will be split from the business uses and the business uses will now be accommodated on Portion A.

3.6 ACCESS & PARKING

Access to the proposed small shopping centre will be from the previously approved access from Main Road, opposite 11th Street. The majority of the parking bays are located on the western quarter of the proposed Portion A as indicated on the site development plan. (Annexure I) Parking bays are also located on the southern boundary of proposed Portion A. A ratio of 6 parking bays are provide for every

100m² of the small shopping centre. 70 parking bays are provided for the Anchor Shop that is ±1170m² in extent and 81 parking bays are provided for the Line Shops that are ±1350m² in extent. In total it is required that 151 parking bays be provided and the proposed site development plan makes provision for 154 parking bays.

A traffic impact assessment was done by EFG Engineers (Pty) Ltd. Enclosed is a copy of the Assessment as Annexure J.

Their conclusions and recommendations are as follow:

10. CONCLUSIONS

Based on the findings of this report the following conclusions are made:

- This Transport Impact Assessment is for Erf 8168, Kleinmond where a retail development is planned;
- The proposed development will include a supermarket and line shops and be ±2600m² GLA in total;
- Traffic counts revealed fairly low traffic volumes on Main Road (also known as Trunk Road 27) at the intersections in the vicinity of the development;
- Access to the development is proposed from Main Road opposite 11th Street. This will be the only access to the development and it will be a full access.
- The development is expected to generate 206 new and diverted trips in the Friday PM Peak Hour and 247 new and diverted trips in the Saturday MD Peak Hour;
- The analysis scenario for the peak hours was the existing traffic plus traffic growth (at 3% per year for 5 years) plus the development trips. Acceptable service levels were found at all intersections in the study area;
- The parking and delivery facilities are adequate;
- Taxi volumes along Main Road are low and provision can be made to allocate one or two parking bays as taxi bays; and
- Paved sidewalks and a signalised crossing are available for pedestrians.

11. RECOMMENDATIONS

Based on the conclusions of this report it is recommended that the proposed Kleinmond Retail Centre on Erf 8168 be approved.

3.7 SERVICES

Erven in the surrounding area including the subject erf have been developed and will the proposal link up with the existing services, which are available. The

development of Erf 8168 Kleinmond with regards to the provision of services will be in accordance with the regulations as set out by the Municipality.

It is our opinion that there would be sufficient services available for the proposed small Shopping Centre and that the proposed land use does not constitute a land use that puts great strain on services. Services were available for the development when the original application was approved on the 17th of June 2009 and that several of the land uses were given up afterwards to reduce costs as mentioned above under the heading Access and Parking. Therefore the proposed small shopping centre will not put any additional strain on services as was already catered for, for the original Mthimkhulu Village layout, private school and flats.

3.8 FORWARD PLANNING

Overstrand Municipal Wide Spatial Development Framework

In terms of the Overstrand Wide Spatial Development Framework the subject property is still earmarked for residential purposes. Please note that an approval was obtained for the amendment of the spatial development framework to change the reservation from Residential to accommodate a private school and special zone to accommodate the Mthimkhulu Village. The Mthimkhulu Village that was approved was for educational facilities, flower packaging warehouse, shops, offices, interpretation centre, informal trading area, amphitheatre and staff housing.

Overstrand Growth Management Strategy

With reference to the Overstrand Growth Management Strategy the subject erf falls within planning unit 7 that consist of low intensity mixed used.

Residential densification of 60% for this area is proposed in the form of simplex freestanding and duplex row type housing. This will contribute to a potential increase of 131 dwelling units.

Community facilities such as 1 primary school and 1 workshop facility is proposed for this planning unit.

With reference to the previous approval for the rezoning and subdivision of Erf 4880 Kleinmond to create the Mthimkhulu Village, private School and flats the amendment of the SDF was already approved. The amendment of the SDF was approved to accommodate shops, offices and informal trading area that are now replaced with the business premises.

The Growth management Strategy requires additional housing that was created through the previous application that was approved for 34 flats and that educational facilities are also required. The remainder of Erf 8168 Kleinmond on which the Mthimkhulu Village will still be located will fulfil the educational needs as require in terms of the growth Management Strategy.

With reference to the above mentioned it our opinion that the proposed subdivision and rezoning is in line with forward planning strategies and also the current land use trends for the area and should be supported.

4. RECOMMENDATION

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

- Most services on the subject property already exist;
- The proposed rezoning, subdivision and amendment of SDF falls within the existing land use tendencies in the area;
- The proposal is compatible with the existing built character of the area;
- The impact on the traffic and services will be kept to a minimum;
- The proposed rezoning, subdivision and amendment of SDF will not have a negative impact on the current character and land values of the surrounding erven.
- The proposed small shopping centre will have positive spinoffs such as the creation of additional jobs, the alleviation of traffic congestion in the vicinity of Botrivier Road and Main Road during peak holiday seasons and weekends.

- No other vacant land exists in the Kleinmond area that is ideally situated such as Erf 8168 Kleinmond to accommodate a small shopping centre as we proposed.
- The locality of the subject erf is ideally situated in town that makes it easily accessible to all.
- Ample parking is provided and the proposal conforms with the land use restrictions applicable under the proposed zoning of Business Zone II (B2).

With regards to the above mentioned it would be appreciated if Council would approve the proposed subdivision, rezoning and amendment of the spatial development framework for Erf 8168 Kleinmond.

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR SUBDIVISION, REZONING AND AMENDMENT OF
SPATIAL DEVELOPMENT FRAMEWORK: ERF 8168, KLEINMOND (3236)**

Water	:	According to Revised GLS report
Sewer	:	According to Revised GLS report
Roads and traffic	:	Access according to Chief Director: Road Network Management
Stormwater	:	Pre-development run-off be maintained
Electricity	:	Investigation Required

Conditions:

1. That a Bulk Services Contribution Levy (BICL) be paid by the developer to supplement municipal services and amenities in accordance with the relevant legislation and as determined by the Council. The BICL tariff is adjusted by Council annually. The total BICL payable will be the amount as determined by the BICL Policy and tariff at the date of actual payment. BICL amounts quoted in any document will normally be applicable to the particular year in which the document was compiled and Council will not be bound by the quoted amounts.

- 1.1 Developments containing Sectional Title Units/ Commercial Buildings (non-free standing properties – property is not to be subdivided).

The BICLs are to be paid in full prior to submission of the building plans. Building Plans will not be accepted unless the BICL is paid in full.

- 1.2 Developments with free standing properties (property that is subdivided and plots to be sold individually).

The BICLs are payable prior to clearance being issued by the Income Department of the Municipality.

The contribution according to the current policy (2016/2017) is as follows:

Shops & Offices (Portion A) Equivalent Units			
Water	R 21 500.00	x 10.08	= R 216 720.00
Sewerage	R 14 496.00	x 7.56	= R 109 589.76
Roads	R 6 500.00	x 71.47	= R 464 555.00
Stormwater	R 7 500.00	x 26.34	= R 197 550.00
Solid Waste	R 1 300.00	x 29.17	= R 37 921.00
TOTAL (inclusive of VAT)			= <u>R1 026 335.76</u>

Note:

- 1.3 The above figures are estimates;

- 1.4 The above figures excludes Development Contributions (DC) for the supply of electricity;
 - 1.5 The DC for electricity will be determined by the electricity department of Overstrand Municipality, based on the supply required and the DC policy at the time of rates clearance application;
2. that the developer at his cost constructs the internal municipal civil and electrical services for the development as well as any link or bulk municipal services that need to be proved:
- 2.1 the Director: Infrastructure and Planning may require the developer to construct internal, link, and/or bulk municipal services to a higher capacity than warranted by the development for purposes of allowing other existing or future developments to also utilise such services, provided;
 - 2.2 the rates and prices of such work be established in terms of a system which is fair, equitable, transparent and cost effective;
 - 2.3 if link municipal services have already been provided, the developer to contribute towards the cost thereof, the Director: Infrastructure and Planning to determine the amount of such contribution in terms of a system which is fair and equitable;
3. that servitudes for municipal services be registered in favour of the Council at the developer's cost in respect of all main services to be taken over by the Council and all existing municipal services concerned crossing private property;
4. that a servitude be registered in favour of the Council for in respect of the pressure and gravity sewer pipeline and associated manholes crossing the proposed parking area located on the erf boundary next to Main Road;
5. that the abovementioned services are accessible at all times;
6. that the developer indemnifies and keep the Council indemnified against all actions, proceedings, claims and demands, costs, damages and expenses arising out of the establishment of the township, the provision of services to the township or the use of servitude areas or municipal property:
- 6.1 for a period which shall commence on the date that the installation of the services to the township are commenced with and shall expire after completion of the maintenance period;

- 6.2 the developer to submit an acceptable public liability insurance policy to the Council and to pay the premium in advance for the period as set out above before any work concerned may commence;
 - 6.3 the insurance to be to an amount which shall not be less than that required by the CESA;
 - 6.4 such indemnification against loss, claims or damages, to include claims pertaining to consequential damages by third parties and whether as a result of the damage to or interruption of or interference with the Council's services or apparatus or otherwise;
7. that a plan of all existing services be submitted to the Director: Infrastructure and Planning, by the developer and that any of the services that need to be relocated, be done by the developer at his cost to the satisfaction of the Director: Infrastructure and Planning:
- 7.1 way-leaves must be obtained from the Operational Manager;
 - 7.2 such way-leaves to be obtained prior to any excavation on public property or property where existing services are located;
8. that the developer may enter into an agreement with the Council to install or upgrade bulk and/or link municipal services and amenities at an agreed cost, subject to the following:
- 8.1 such costs to be established in accordance with a system which is fair, equitable, transparent, competitive and cost effective;
 - 8.2 such costs shall be set-off against (part or full) development contributions payable in respect of engineering services;
 - 8.3 to the extent that such costs exceed the development contributions payable, the Council will refund the developer the difference with interest calculated at the prime rate, when funds are available;
9. that plans of all the internal municipal civil and electrical (high and low voltage supply) services and such link services as required by the Director: Infrastructure and Planning, prepared by an ECSA registered professional engineer/technologist, be submitted to the Director: Infrastructure and Planning for his prior approval;

10. the "Guidelines for the Provision of Engineering Services in Residential Townships" (Blue Book), SABS 1200 specifications and the Design and Construction Standards for civil and electrical services of the Council to be used as the standard design and construction criteria with which such plans must comply;
11. the Director: Infrastructure and Planning to be notified in writing of all deviations from the Standard Design and Construction Criteria when plans are submitted for his approval and such deviations to be separately approved in writing by the Director: Infrastructure and Planning;
12. the successful completion of such works to be supervised and certified by an independent professional civil engineer/technologist i.e. a professional civil engineer/technologist who has no direct financial interest in the development, other than payment as standard professional fees for the work concerned; and
13. such independent professional civil engineer/technologist to furnish the Director: Infrastructure and Planning with satisfactory proof of his professional indemnity insurance to an amount which shall not be less than that required by the CESA and which insurance shall be valid for the relevant contract and maintenance period;
14. that all municipal civil and electrical services installed or constructed by the developer, be maintained after completion thereof for a maintenance period, as described in the General Condition of Contract for works of Civil Engineering Construction – 2010, of 12 months, and
15. that a Certificate of Completion together with as-built services plans be provided by the independent professional engineer/technologist to the Overstrand Municipality. As-built plans to be on quality paper, together with a DXF file thereof;
16. that the developer furnish the Council with a bank guarantee equal to 2.5% of the value of the provided municipal civil and electrical services as certified by the independent professional engineer/technologist. The guarantee shall be to the satisfaction of the Director: Infrastructure and Planning and valid for the 12 months maintenance period which commences from date of the Certificate of Completion;
17. that the Home Owners Association be responsible for the operational costs and maintenance of street lighting, electrical reticulation and metering and all internal services;
18. that the developer provide bulk meters for water and electricity at approved positions as well as individual meters at each consumption point;

19. that approved refuse collection areas/rooms to sufficiently accommodate the refuse generated by each portion of the development and which is to be provided with the following:
 - a. properly ventilated;
 - b. a cement floor;
 - c. a tap and running water, as well as a drainage point which is connected to the sewer network;
 - d. is a position nearest to an access road for the development and be accessible for the refuse truck at all times, to the satisfaction of the Director: Infrastructure and Planning;
20. that the refuse rooms be completed prior to occupation of the first unit, to the satisfaction of the Director: Infrastructure and Planning;
21. that only the existing electricity connection is available to the proposed development;
22. that an investigation be conducted by the applicant, at the applicant's cost and application be submitted to the electricity department of Overstrand Municipality for any additional electricity supply;
23. that a stormwater management plan, which may include attenuation facilities to ensure that the pre-development run-off is not exceeded and that erosion and pollution is minimised, be submitted to the Director: Infrastructure and Planning for approval and that the approved management plan be implemented by the developer at his cost to the satisfaction of the Director: Infrastructure and Planning;
24. that the above stormwater management plan include the following:
 - 24.1 pre-development run-off from the catchment area;
 - 24.2 post-development run-off from catchment area;
 - 24.3 existing stormwater reticulation system and the capacity thereof;
 - 24.4 connection of internal stormwater reticulation system;
 - 24.5 overland escape routes;
25. that the pre-development stormwater run-off be maintained;
26. that the connection to the existing stormwater reticulation system be in accordance to the requirements and standard determined by Council;
27. that the water and sewerage reticulation be provided according to the revise report by messers GLS consulting engineers for the new subdivision;
28. that the developer apply for a temporary water connection on the prescribed application form at Overstrand Municipality's Finance Department, before commencement of construction;

29. that the developer apply for a bulk water connection on the prescribed application form, at Overstrand Municipality's Finance Department and that the installation of the bulk water meter, by the developer, be done under the supervision of the Operational Manager, Kleinmond;
30. that the connection to the main water line will only be done by the Operational Department after payment of the connection fee, by the developer;
31. that damage to the existing roads, used as routes for access to the development, for the provision of services, be repaired by the developer;
32. that a plan for the delivery facilities be submitted to the Department Engineering Services for final approval to ensure that it adhere to the minimum requirements;
33. that any conditions imposed by the Provincial Department Transportation and Public Works dated 14 June 2016, which is in conflict with the TIA report of EFG Engineer, will prevail;
34. that the conditions of the Department of Transport & Public Works as per their letter dated 14 June 2016, be adhered to.



DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

13 September 2016
DATE



Western Cape
Government

Transport and Public Works



ROAD NETWORK MANAGEMENT
Email: Grace.Swanepoel@westerncape.gov.za
tel: +27 21 483 4669
Rm 335, 9 Dorp Street, Cape Town, 8001
PO Box 2603, Cape Town, 8000

TP - A Theart
(H vld Stoep)

REFERENCE: 16/9/6/1-21/51 (Job 23342)

ENQUIRIES: Ms GD Swanepoel

DATE: 14 June 2016

The Municipal Manager
Overstrand Municipality
Private Bag X3
KLEINMOND
7195

Attention: Ms L Gillion

Dear Madam

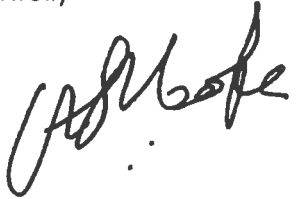
FILE NO: EL 8168-Km
SCAN NO:
COLLABORATOR NO: 911332

ERF 8168, MAIN ROAD, KLEINMOND, OVERSTRAND MUNICIPAL AREA: PROPOSED REZONING, SUBDIVISION AND AMENDMENT OF THE SPATIAL DEVELOPMENT FRAMEWORK

1. Your letter 8168 KKM (3236) dated 25 May 2016 refers.
2. Erf 8168 is situated adjacent to Trunk Road 27 Section 1, in Kleinmond.
3. This application is for the following:
 - 3.1 Subdivision of the property into Portion A ($\pm 8840 \text{ m}^2$) and Remainder ($\pm 19038 \text{ m}^2$);
 - 3.2 Rezoning of Portion A from Special Zone to Business Zone II to accommodate shops and
 - 3.3 Amendment of the Overstrand Municipal Spatial Development Framework in order to accommodate the business premises.
4. In terms of the Transport Impact Assessment undertaken by EFG Engineers (Pty) Ltd left turn and right turn lanes are warranted from the Trunk Road into the development but are not to be implemented for various reasons.
5. Notwithstanding the reasoning set forth for not implementing the left and right turn lanes, the capacity of the intersection will be improved if the lanes are implemented.

6. This Branch offers no objection to the application in terms of the Land Use Planning Ordinance, No 15 of 1985, subject to the implementation of the left and right turn lanes.
7. All detail designs are to be submitted for approval to this Branch's Design Directorate (Mr WM Silbernagl 021 483 2170).

Yours faithfully



ML WATERS

For CHIEF DIRECTOR: ROAD NETWORK MANAGEMENT