



OVERSTRAND MUNISIPALITEIT
ERF 4888, NEENDELAAN 83, KLEINMOND:
AANSOEK OM ONDERVERDELING EN
HERSONERING: PLATINUM
STADSBEPANNERS NAMENS MC & JL DE
BEER

Kragtens Artikel 47 en 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening) word hiermee kennis gegee van die onderstaande aansoeke van toepassing op Erf 4888, Kleinmond (die eiendom), vir die:

- 1. onderverdeling** ingevolge Artikel 16(2)(d) van die Verordening van bogenoemde eiendom in 3 gedeeltes naamlik, 'n Gedeelte 1 ($\pm 779m^2$), 'n Gedeelte 2 ($\pm 2954m^2$) en 'n Restant ($\pm 779m^2$); en Gedeelte 2 in 'n Onderverdelings Area.
- 2. hersonering** ingevolge Artikel 16(2)(a) van die Verordening van voorgestelde Gedeelte 2 vanaf Residensiële Sone 1: Enkelresidensiële (SR1) tot Algemene Residensiële Sone 1: Dorpsbehuising (GR1).

Besonderhede aangaande die voorstel lê ter insae gedurende weksdae tussen 08:00 en 16:30 by die Departement: Stadsbeplanning te Patersonstraat 16, Hermanus en by die Kleinmond Biblioteek, Vyfdelaan, Kleinmond.

Enige kommentaar moet skriftelik wees en die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / (e) loretta@overstrand.gov.za) voor of op **25 Augustus 2023**, met u naam, adres, kontak besonderhede, belang in die aansoek en die redes vir kommentaar. Telefoniese navrae kan gerig word aan die **Senior Stadsbeplanner, Me. H. Van der Stoep** by 028-3138900. Die Munisipaliteit mag weier om kommentare te aanvaar na die sluitingsdatum. Enige persoon wat nie kan lees of skryf nie kan die Departement Stadsbeplanning besoek waar hul deur 'n munisipale amptenaar bygestaan sal word ten einde hul kommentaar te formuleer.

DGI O'Neill, Munisipale Bestuurder, Overstrand Munisipaliteit, Posbus 20, **HERMANUS**, 7200

Munisipale Kennisgewing Nr. **116/2023**

OVERSTRAND MUNICIPALITY
ERF 4888, 83 NINTH AVENUE,
KLEINMOND: APPLICATION FOR
SUBDIVISION AND REZONING: PLATINUM
TOWN PLANNERS ON BEHALF OF MC & JL
DE BEER

Notice is hereby given in terms of Sections 47 and 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), of the following applications applicable to Erf 4888, Kleinmond (the property) for the:

- 1. subdivision** in terms of Section 16(2)(d) of the By-Law to subdivide the above property into 3 portions namely; a Portion 1 ($\pm 779m^2$), a Portion 2 ($\pm 2954m^2$), and a Remainder ($\pm 779m^2$); and Portion 2 in a Subdivisional Area.
- 2. rezoning** in terms of Section 16(2)(a) of the By-Law of proposed Portion 2 from Residential Zone 1: Single Residential (SR1) to General Residential Zone 1: Town Housing (GR1).

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

Any comments must be in writing and reach the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / (e) loretta@overstrand.gov.za) on or before **25 August 2023**, with your name, address, contact details, interest in the application and the reasons for comment. Telephonic inquiries can be made to the **Senior Town Planner, Mrs. H. van der Stoep** at 028-3138900. The Municipality may refuse to accept comments after the closing date. Any person who cannot read or write can visit the Town Planning Department where they will be assisted by a municipal official in formulating their comments.

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

Municipal Notice No. **116/2023**

UMASIPALA WASE-OVERSTRAND
ISIZA SAMA- 4888, 83 NINTH AVENUE,
EKLEINMOND: ISICELO SOKWAHLULA
KWAKHONA NOKUPHINDA KUNCANDWE:
PLATINUM TOWN PLANNERS EGAMENI MC & JL
DE BEER

Kukhuthswe isaziso esimayela nemiba yeSolotya lama47 nelama-48 loMthethwana kaMasipala waseOverstrand OngeZicwangciso Zokusetyenziswa koMhlaba kaMasipala ku2020 (uMthethwana) izicelo eziyimfuneko ezilandelayo kwisiza sama- 4888, eKleinmond (kumhlaba) ukuze:

- 1. kwahlulwe kwakhona** ngokuphathelele kwiCandelo le- 16(2)(d) loMthetho kaMasipala ukwahlula kwakhona umhlaba ongasentla ube zinxalenye zi-3 ezizezi; iNxalenye 1 ($\pm 779m^2$), iNxalenye 2 ($\pm 2954m^2$), neNtsalela ($\pm 779m^2$); neNxalenye 2 kwindawo eyahluliweyo kwakhona.
- 2. Ukucandwe kwakhona** ngokuphathelele kwiCandelo le- 16(2)(a) loMthetho kaMasipala weNxalenye 2 endululwayo kwiNdawo yokuHlala yoku- 1: iNdawo yokuHlala eyodwa (SR1) kwindawo yokuHlala jikelele e-1: Ukuhlaliswa edolophini (GR1).

Iinkcukacha ezipheleleyo ezimayela nezi ziphakamiso zingentla ziyafumaneka ukuze zihlolwe kwiintsuku zaphakathi evekini phakathi kwentsimbi ye8:00 neye16:30 kwiSebe: Izicwangciso NgeDolophu, 16 Paterson Street, Hermanus, nakwithala leencwadi laseKleinmond, Fifth Avenue, eKleinmond.

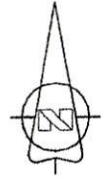
Naziphi na izimvo mazibhalwe zize zifike kwaMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / (e) loretta@overstrand.gov.za) ngomhla okanye ngaphambi komhla **wama-25 Agasti 2023**, uchaze igama lakho, idilesi, iinkcukacha ofumaneka kuzo, umdla wakho kwesi sicelo kunye nezizathu zakho zokuhlomla. Imibuzo ngefowuni ingabuzwa ku**Mcwangcisi weDolophu, H. van der Stoep** kwa028-3138900. UMasipala angala ukwamkela izimvo emva komhla wokuvala. Nabani na ongakwazi ukubhala nokufunda angahambela kwiSebe Lezicwangciso ngeDolophu apho igosa likamasipala liza kumnceda ukungenisa izimvo zakhe ngokusemthethweni.

DGI O'Neill, Umlawuli kaMasipala, Overstrand Municipality, P.O. Box 20, **HERMANUS**, 7200

Inombolo yeNothisi kaMasipala. **116/2023**

LOCALITY MAP

ERF 4888, KLEINMOND



SCALE: 1 : 5 000



REFERENCE



THE APPLICATION



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

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61 Woodlands Avenue,
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MEMORANDUM (AMENDED 15 MAY 2023)

ERF 4888 KLEINMOND

SIMULTANEOUS APPLICATION - SUBDIVISION AND REZONING

A. PROPERTY DESCRIPTION

The property is known as Erf 4888 Kleinmond. The Locality Map is attached as **Annexure A**.

Erf 4888 Kleinmond is approximately 5517m² in extent. Because of areas that have been / are needed for road widening in 9th and 7th Avenue (proposed Remainder A and Remainder B Erf 4888 Kleinmond ((proposed Subdivision Diagram (**Annexure E**)), only 4512m² in extent is approximately available for development.

B. OWNERSHIP

The property is registered in the names of Michelle Clinton De Beer (711212 5259 081) and Jeannette Luna de Beer (730313 0141 089). Title Deed T43634/22 is attached as **Annexure B**.

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

There is no bond registered against the said property.

C. LOCATION

Erf 4888 Kleinmond is located at 83 9th Avenue, Kleinmond (**Annexure A**).

D. ZONING

Erf 4888 Kleinmond is zoned "Residential Zone 1: Single Residential (SR1)". (**Annexure D**)

17 MAY 2023

E. APPLICATION

A simultaneous Application is submitted:

- **Application 1:** the subdivision of Erf 4888 Kleinmond in terms of Sections 16(2) and 22 of the Overstrand Municipality Amendment By-law on Municipal Land-use Planning (2020)(refer to the attached Sketch Plan: Proposed Subdivision - **Annexure E**):
 - Proposed Remainder A of Erf 4888, approximately 84m² in extent;
 - Proposed Remainder B of Erf 4888, approximately 614m² in extent
 - proposed Portion 1 of Erf 4888, approximately 779m²;
 - proposed Portion 2 of Erf 4888, approximately 779m² in extent; and
 - proposed Portion 3 of Erf 4888, approximately 2954m² in extent.

Please note that Remainder A and Remainder B is for "road widening"/"public road" purposes.

- **Application 2:** the rezoning of the following areas terms of Sections 16(2) and 18 of the Overstrand Municipality Amendment By-law on Municipal Land-use Planning (2020):
 - proposed Portion 3 Erf 4888 Kleinmond in from "*Residential Zone 1: Single Residential (SR1)*" to "*General Residential 1: Town Housing (GR1)*"; and
 - proposed Remainder A and Remainder B of Erf 4888 Kleinmond from "*Residential Zone 1: Single Residential (SR1)*" to "*Transport Zone 2: Road and Parking (TR2 B)*". These two portions are already used as "*public road and public parking*".

The proposed development controls for proposed Portion 3 Erf 4888 Kleinmond (*General Residential 1: Town Housing (GR1)*) are attached as **Annexure F-1**.

The proposed development controls for proposed Remainder A and Remainder B of Erf 4888 Kleinmond (*Transport Zone 2: Road and Parking (TR2 B)*) are attached as **Annexure F-2**.

F. NEED AND DESIRABILITY

F.1 PROPERTY

The property is known as Erf 4888 Kleinmond.

F.2 APPLICABLE LEGISLATION

The following legislation is applicable:

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

- The Overstrand Municipality Land-use Scheme, 2020.

F.3 APPLICABLE PLANNING POLICIES / DOCUMENTS

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

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

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

The R44 from (i.e.) Gordonsbaai to Kleinmond can be regarded as a Development Corridor. In general terms can a development corridor be defined as a *geographical area identified as a priority for investment to catalyze economic growth and development*. Along this R44-Corridor is coastal towns such as Rooi Els, Pringle Bay, Betty's Bay and Kleinmond located. The R44-Corridor links with the R43-Development Corridor (Hermanus / Stanford / Gansbaai) further on.

In Kleinmond is development along the R44-Corridor (in Kleinmond known as Main Road) characterized by mainly business development adjacent to it, with residential development to the south and the north of the Corridor. Further business development should be encouraged along this axis.

Erf 4888 Kleinmond is located to the north of the R44-Corridor, between 7th and 9th Avenue. Several erven in the broader area north of the R44-Corridor (Main Road) have already been developed as medium to higher density residential development.

The Overstrand Municipality Spatial Development Framework (SDF) identifies Kleinmond as a *"retirement, residential and tourism/holiday town/destination"*. For this should further medium to higher density residential development, where possible, be considered.

The proposed subdivision and rezoning of one of the subdivision erven for *"townhouses"*, therefore, is in line with this.

- **Section 7(e) the principle of good administration**

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

- **Section 42(c) take into account –**

- (i) ***the public interest***

- (iv) ***the respective rights and obligations of all those affected***

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

- (ii) ***the constitutional transformation imperatives and the related duties of the State***

The proposed Subdivision and Rezoning Application process forms part of and supplement the development character of the broader R44-Corridor (known as Main Road in Kleinmond) from a legal point to enhance the development of the broader area within a concise space. The simultaneous Subdivision / Rezoning Application, therefore, adheres to the constitutional and transformation imperatives and the related duties of the State in the sense that, prior the exercising of the land-use rights, the correct legal procedure and route are followed to assist the State, and in this case the Overstrand Local Municipality, to exercise its mandate to comply with the Constitution.

- (iii) ***the facts and circumstances relevant to the application***

The Overstrand Municipal SDF acknowledge Kleinmond as a "*retirement, residential and tourism town/destination*". Higher density residential development along the R44-Corridor (in Kleinmond Main Road) should be

encouraged. Erf 4888 Kleinmond is located to the north of the R44-Corridor, between 7th and 9th Avenue. Several erven in the broader area have already been developed as medium to higher density residential development.

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

Engineering services (electricity, roads, storm water drainage, sewer and water) are readily available.

Within the broader development itself will ample open space be provided.

F.3.2 The National Development Plan (NDP)

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

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

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

F.3.3 Western Cape Provincial Spatial Development Framework (PSDF)

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

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

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

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

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

- Growing the Western Cape economy in partnership with the private sector, non-governmental and community-based organisations;

- Using infrastructure investment as primary lever to bring about the required urban and rural spatial transitions; and
- Improving oversight of the sustainable use of the Western Cape's spatial assets.

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

F.3.4 Overberg District Spatial Development Framework (ODSDF)

The purpose of ODSDF is to:

- Prepare a spatial perspective of the current developmental status quo within the Overberg District Municipality (ODM) to inform a basis for discussion on key spatial issues and linkages to other sector plans and opportunities to inform the Districts' future spatial development;
- Review and update the spatial vision and strategic direction of the municipality, to inform the drafting/amendment of the Integrated Development Plan (IDP) of the ODM; and
- Review and update the Spatial Development Framework proposals to guide local municipalities in the District regarding future spatial planning, strategic decision-making, and regional integration. The Overberg District SDF will focus on the following:
 - Identifying the structure and role of settlement,
 - transportation, and regional services infrastructure across and between the local municipalities within the district area.
 - Classifying areas that require protection and conservation (i.e., protected areas), which include threatened ecosystems, critical biodiversity areas, valuable agricultural land, water catchment areas, and other resources of value within the District.
 - Identifying growth nodes, priority investment areas, and areas of rural decay within the District.
 - Classifying areas that require protection and conservation (i.e., protected areas), which include threatened ecosystems, critical biodiversity areas, valuable agricultural land, water catchment areas, and other resources of value within the District.
 - Resolving contradictions between the planning visions of the District's local municipalities.
 - Describing the general urban design principles to be applied in all settlements located in the District. Critically, the District SDF must guide local municipalities in the development of their own SDF's, without impeding on local-level planning detail. The District sets the framework and context for local municipalities to work within. It is also critical that the District aligns to the Provincial and National planning and policy context. It is therefore clear that the District must operate within a well-

defined (at the conceptual level) policy and planning context and therefore is constrained to these insofar as possible proposals that can be made.

F.3.5 Overstrand Integrated Development Planning (IDP)

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

F.3.6 Overstrand Municipality Spatial Development Framework (SDF)

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

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

Kleinmond is classified as Sub-Regional Node. The following key strategic land-use proposals for Kleinmond is proposed:

- Conservation of the natural environment, particularly its combination of riverine estuarine conditions and sandy beaches;
- Spatial integration and accessibility of the different land-use components through (i.e.) pedestrian linkages;
- Promotion of Kleinmond as a retirement and tourism town.

Erf 4888 Kleinmond falls within the area earmarked as "*urban development*".

F.3.7 Motivation for Subdivision / Rezoning

The following is proposed:

- the subdivision of Erf 4888 Kleinmond in terms of Sections 16(2) and 22 of the Overstrand Municipality Amendment By-law on Municipal Land-use Planning (2020)(refer to the attached Sketch Plan: Proposed Subdivision - **Annexure E**):
 - Proposed Remainder A of Erf 4888, approximately 84m² in extent;

- Proposed Remainder B of Erf 4888, approximately 614m² in extent
 - proposed Portion 1, approximately 779m²;
 - proposed Portion 2, approximately 779m² in extent; and
 - proposed Portion 3, approximately 2954m² in extent.
- the rezoning of the following areas terms of Sections 16(2) and 18 of the Overstrand Municipality Amendment By-law on Municipal Land-use Planning (2020):
 - proposed Portion 3 Erf 4888 Kleinmond in from "*Residential Zone 1: Single Residential (SR1)*" to "*General Residential 1: Town Housing (GR1)*"; and
 - proposed Remainder A and Remainder B of Erf 4888 Kleinmond from "*Residential Zone 1: Single Residential (SR1)*" to "*Transport Zone 2: Road and Parking (TR2 B)*". These two portions are already used as "*public road and public parking*".

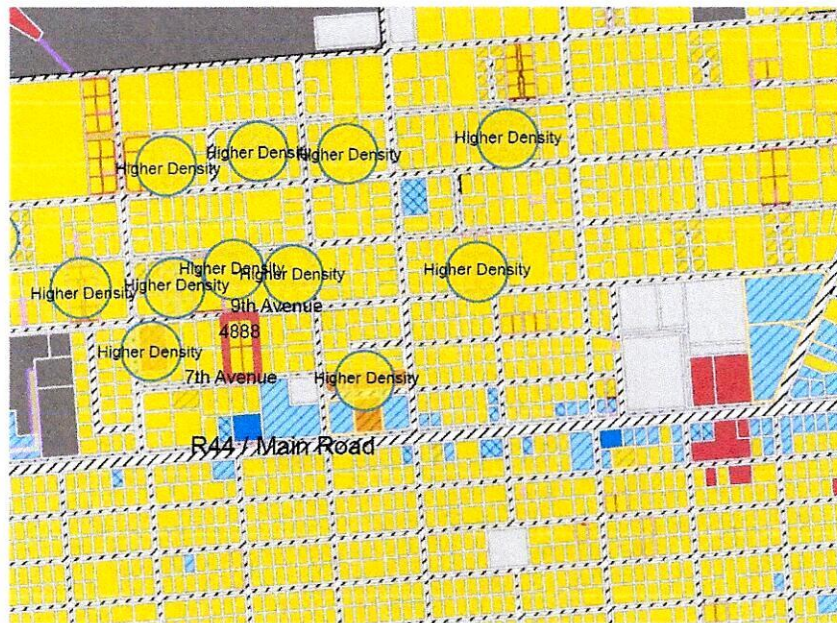
The proposed development controls for proposed Portion 3 Erf 4888 Kleinmond (*General Residential 1: Town Housing (GR1)*) are attached as **Annexure F-1**.

Remainder A and Remainder B of Erf 4888 Kleinmond are already used for "*road widening*"/"*public road*" purposes. The proposed development controls for proposed Remainder A and Remainder B of Erf 4888 Kleinmond (*Transport Zone 2: Road and Parking (TR2 B)*) are attached as **Annexure F-2**.

The R44 from (i.e.) Gordonsbaai to Kleinmond can be regarded as a Development Corridor. In general terms can a development corridor be defined as a *geographical area identified as a priority for investment to catalyze economic growth and development*. Along this R44-Corridor is coastal towns such as Rooi Els, Pringle Bay, Betty's Bay and Kleinmond located. The R44-Corridor then links with the R43-Development Corridor (Hermanus/Stanford/Gansbaai) further on.

In Kleinmond is development along the R44-Corridor (in Kleinmond Main Road) characterized by mainly business development adjacent to it, with residential development to the south and the north of the Corridor. Further business development should be encouraged along this axis.

Erf 4888 Kleinmond is located to the north of the R44-Corridor, between 7th and 9th Avenue. Several erven in the broader area north of the R44-Corridor have already been developed as higher density residential development.



The Overstrand Municipality Spatial Development Framework earmarks Kleinmond as a "retirement, residential and tourism/holiday town/destination". For this should medium to higher density residential development, where possible, be considered.

Within the Overstrand SDF is Kleinmond also classified as a Sub-Regional Node. The following key strategic land-use proposals for Kleinmond is proposed:

- Conservation of the natural environment, particularly its combination of riverine estuarine conditions and sandy beaches;
- Spatial integration and accessibility of the different land-use components through (i.e.) pedestrian linkages;
- Promotion of Kleinmond as a retirement and tourism town.

The area surrounding Erf 4888 Kleinmond is mainly characterized by business (R44 Corridor/Main Road) and residential (low, medium and high density) development.

Erf 4888 Kleinmond, therefore, is ideally located for more higher density residential development:

- Proposed Portions 1 and 2 Erf 4888 Kleinmond - low density residential development, single dwelling house per erf; and
- Proposed Portion 3 Erf 4888 Kleinmond - medium density residential development, 6 town houses at a density of 21 townhouses per hectare.

The proposed development controls for Portion 3 Erf 4888 Kleinmond are attached as **Annexure F-1**.

1	Use Zone	General Residential 1: Town Housing (GR1)
2	Uses permitted	Town housing, private road and private open space.
3	Uses with consent	In accordance with the Overstrand Municipality Land-Use Scheme, 2020
4	Definitions	In accordance with the Overstrand Municipality Land-Use Scheme, 2020
5	Density	21 units per hectare (limited to 6 units)
6	Coverage	65%; excluding covered parking
7	Height	8m
8	Floor area ratio	1.2; excluding covered parking
9	Site development plan and landscape development plan	A site development plan shall be submitted to the Municipality for approval prior to the approval of the building plans.
10	Street Building Lines	In accordance with the Overstrand Municipality Land-Use Scheme, 2020
11	Parking requirements	In accordance with the Overstrand Municipality Land-Use Scheme, 2020
12	Access to the erf	<ul style="list-style-type: none"> • Access will be in accordance with the approved Site Development Plan. • Access to the proposed Portion 3 Erf 4888 Kleinmond (<i>General Residential 1: Town Housing (GR1)</i>) will be via the proposed "R.O.W. Servitude for Access" from 7th Avenue.

Access:

Access will be as follow (refer to the attached Sketch Plan: Proposed Subdivision - **Annexure E**):



- access to the proposed Portions 1 and 2 Erf 4888 Kleinmond (*Residential Zone 1: Single Residential (SR1)*) will be from 9th Avenue;
- access to the proposed Portion 3 Erf 4888 Kleinmond (*General Residential 1: Town Housing (GR1)*) will be from 7th Avenue; and
- the maintenance of the proposed "*R.O.W. Servitude for Access*" from 7th Avenue will form part of the "*common area*" of the Body Corporate. Access to the proposed 6 units will be from this "*R.O.W. Servitude*". Overstrand Local Municipality shall not be liable for the malfunction of the surfacing of the access way and/or the storm water drainage system, and/or any essential services within this "*R.O.W. Servitude*".

Parking:

Parking will be in accordance with the conditions of the Overstrand Municipality Land-use Scheme (2020).

G. ENGINEERING SERVICES

Engineering services infrastructure (i.e. electricity, water, sewer and storm water drainage) are available.

H. ENVIRONMENTAL ISSUES

Erf 4888 Kleinmond is located within an existing Township. The proposed Subdivision / Rezoning Application will have no negative effect on the environment. No environmental authorization is needed.

I. TITLE DEED

There are no restrictive title conditions in Title Deed T43634/22.

J. CONSTITUTION OF A BODY CORPORATE

The Owner/Developer of the proposed Portion 3 Erf 4888 Kleinmond shall provide written proof to the Overstrand Local Municipality that a Body Corporate has been properly and legally constituted in terms of the Sectional Title Act/Sectional Title Management Act with the transfer of the first unit.

Each owner of units to be developed on the proposed Portion 3 Erf 4888 Kleinmond shall become members of the Body Corporate and be subjected to the Memorandum of Articles of Association upon transfer of the unit until such owner ceases to be the owner of such unit.



The Body Corporate shall have full legal power to levy, from each member, the costs incurred in fulfilling its function, and shall have legal resources to recover such fees in the event of a default in payments by any member.

The maintenance of the proposed "*R.O.W. Servitude for Access*" from 7th Avenue will form part of the "*common area*" of the Body Corporate. Overstrand Local Municipality shall not be liable for the malfunction of the surfacing of the access way and/or the storm water drainage system, and/or any essential services within the development.

Access from and to the proposed 6 units will be via the proposed "*R.O.W. Servitude*", which intersects with 7th Avenue.

K. CONCLUSION

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

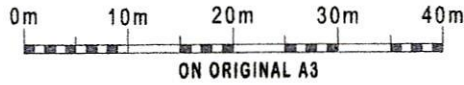
- the subdivision of Erf 4888 Kleinmond in terms of Sections 16(2) and 22 of the Overstrand Municipality Amendment By-law on Municipal Land-use Planning (2020)(refer to the attached Sketch Plan: Proposed Subdivision - **Annexure E**):
 - Proposed Remainder A of Erf 4888, approximately 84m² in extent;
 - Proposed Remainder B of Erf 4888, approximately 614m² in extent
 - proposed Portion 1 of Erf 4888, approximately 779m²;
 - proposed Portion 2 of Erf 4888, approximately 779m² in extent; and
 - proposed Portion 3 of Erf 4888, approximately 2954m² in extent.
- the rezoning of the following areas terms of Sections 16(2) and 18 of the Overstrand Municipality Amendment By-law on Municipal Land-use Planning (2020):
 - proposed Portion 3 Erf 4888 Kleinmond from "*Residential Zone 1: Single Residential (SR1)*" to "*General Residential 1: Town Housing (GR1)*"; and
 - proposed Remainder A and Remainder B of Erf 4888 Kleinmond from "*Residential Zone 1: Single Residential (SR1)*" to "*Transport Zone 2: Road and Parking (TR2 B)*".

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**SKETCH PLAN:
PROPOSED SUBDIVISION AND
REZONING OF**

ERF 4888,
KLEINMOND

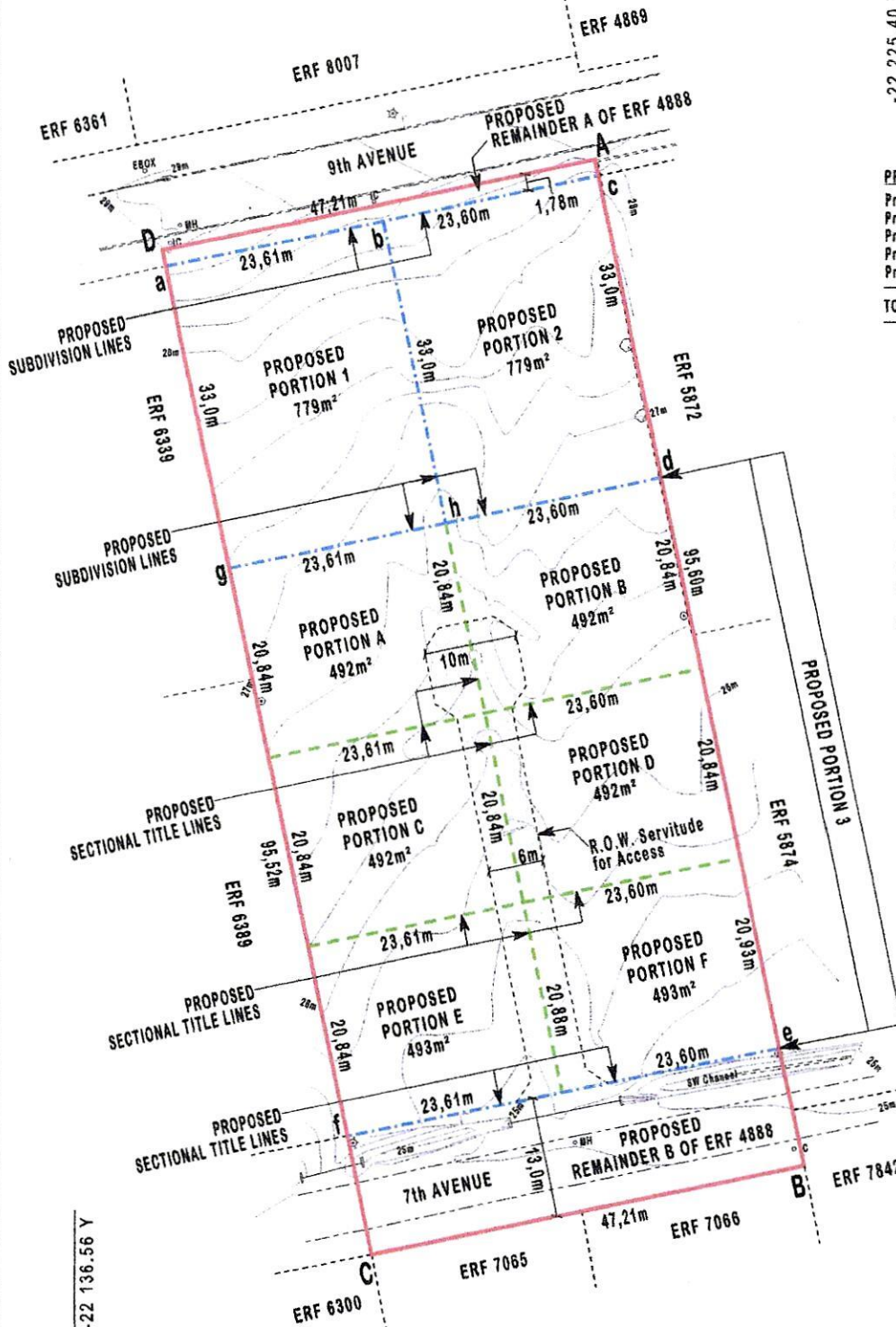
LOCAL AUTHORITY: OVERSTRAND MUNICIPALITY.



SCALE: 1 : 500

38 01197.06 X

-22 225.40 Y



PROPOSED SUBDIVISION AREAS:

Proposed Portion 1 (Fig: a-A-b-c-a)	779m ²
Proposed Portion 2 (Fig: b-c-d-b-b)	779m ²
Proposed Portion 3 (Fig: g-h-d-e-f-g)	2 954m ²
Proposed Remainder A (Fig: A-c-b-a-D)	84m ²
Proposed Remainder B (Fig: e-B-C-f-e)	614m ²

TOTAL AREA OF ERF 4888 5 209m²

GENERAL NOTES:

- ALL DIMENSIONS ARE APPROXIMATE AND SUBJECT TO FINAL SURVEY.
- GEODETIC SYSTEM : WG 29°
- CONTOURS : Richard M Lorton (Surveyor)
- CONTOUR INTERVAL : 0,25m
- PROPERTY AREA : 4 512m²
(Excluding public roads)
- OWNER : M.C. & J.L. de Beer.
- DEED OF TRANSFER : T43694/22
- -- DENOTES THE PROPOSED SUBDIVISION LINES.
- -- DENOTES THE PROPOSED SECTIONAL TITLE LINES.

NOTE FOR ZONING:

PORTION 1 AND 2:
RESIDENTIAL ZONE 1: SINGLE RESIDENTIAL
PORTION 3:
RESIDENTIAL ZONE 1: TOWN HOUSING (GR1)
REMAINDER A AND B
PUBLIC ROAD

-22 136.56 Y
38 01348.81 X

17 MAY 2023

PLAN NUMBER: /01		Applicant Signature
REF: KLEINMOND 4888/01		
DATE	AMENDMENTS	
FEB 2023	SUBMISSION	

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