



**MUNISIPALITEIT OVERSTRAND**  
**GEDEELTE 31 ('N GEDEELTE VAN GEDEELTE 6)**  
**VAN DIE PLAAS NR. 711, KLIP FONTEYN,**  
**AFDELING CALEDON: AANSOEK OM**  
**ONDERVERDELING EN WYSIGING VAN**  
**GOEDKEURINGSVOORWAARDES: MNRE ATLAS**  
**TOWN PLANNING NAMENS KLEINBAAI**  
**EIENDOMME (EDMS) BPK**

Kennis word hiermee gegee ingevolge Artikels 47 & 48 van die Overstrand Munisipaliteit Wysigingsverordening op Munisipale Grondgebruikbeplanning, 2020 (Verordening), van die volgende aansoeke van toepassing op bogenoemde eiendom vir die volgende, naamlik:

**Onderverdeling**

Aansoek ingevolge Artikel 16(2)(d) van die Verordening, om ongeregisteerde Erf 2253, Kleinbaai (privaat padreserwe) te onderverdeel om 'n addisionele erf ongeveer 667m<sup>2</sup> groot te skep.

**Wysiging van die goedkeuringsvoorwaarde**

Aansoek ingevolge Artikel 16(2)(h) van die Verordening, om die vergunningsgebruik goedkeuring vir 'n aftreeroord gedateer 26 Februarie 2015, te herroep.

Besonderhede aangaande die voorstel lê ter insae gedurende weksdae tussen 08:00 and 16:30 by die Departement: Stadsbeplanning te Patersonstraat 16, Hermanus en by Gansbaai Biblioteek, Hoofweg, Gansbaai. Enige kommentaar moet skriftelik wees ingevolge die bepaling van Artikels 51 en 52 van die Verordening en die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / (e) [alida@overstrand.gov.za](mailto:alida@overstrand.gov.za)) bereik voor of op **Vrydag, 22 September 2023**, met u naam, adres, kontakbesonderhede, belang in die aansoek, en die redes vir kommentaar. Telefoniese navrae kan gerig word aan die **Senior Stadsbeplanner, Mnr SW van der Merwe** 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.

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

*Munisipale Kennisgewing Nr. 132/2023*

**OVERSTRAND MUNICIPALITY**  
**PORTION 31 (A PORTION OF PORTION 6) OF**  
**THE FARM NO. 711, KLIP FONTEYN, CALEDON**  
**DIVISION: APPLICATION FOR SUBDIVISION AND**  
**AMENDMENT OF CONDITIONS OF APPROVAL:**  
**MESSRS ATLAS TOWN PLANNING ON BEHALF**  
**OF KLEINBAAI EIENDOMME (EDMS) BPK**

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

**Subdivision**

Application in terms of Section 16(2)(d) of the By-Law, to subdivide Unregistered Erf 2253, Kleinbaai (private road reserve) to create an additional erf approximately 667m<sup>2</sup> in extent.

**Amendment of conditions of approval**

Application in terms of Section 16(2)(h) of the By-Law, to rescind the consent use approval for a retirement village dated 26 February 2015.

Details 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 Gansbaai Library, Main Road, Gansbaai. Any comments must be in writing in terms of the provisions of Sections 51 and 52 of the By-law and reach the Municipality (16 Paterson Street, Hermanus / (f) 0283132093/ (e) [alida@overstrand.gov.za](mailto:alida@overstrand.gov.za)) on or before **Friday, 22 September 2023**, quoting your name, address, contact details, interest in the application and reasons for comment. Telephonic enquiries can be made to the **Senior Town Planner, Mr SW van der Merwe** at 028-313 8900. The Municipality may refuse to accept comment received after the closing date. Any person who cannot read or write may visit the Town Planning Department where a municipal official will assist them in order to formalize their comment.

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

*Municipal Notice No. 132/2023*

**UMASIPALA WASE-OVERSTRAND**  
**INXALENYE 31 (INXALENYE YENXALENYE 6)**  
**YEFAMA ENOMBOLO 711, KLIP FONTEYN,**  
**KUMMANDLA WASECALEDON: ISICELO**  
**SOKWAHLULA NOKUTSHINTSHWA**  
**KWEMIQATHANGO YESIGUNYAZISO: ABAKW**  
**ATLAS TOWN PLANNING EGAMENI LABAKW**  
**KLEINBAAI EIENDOMME (EDMS) BPK**

Kukhutshwa isaziso ngokumayela neCandelo neCandelo 48 loMthetho Otshintshiwe woMasipala waseOverstra ongokuSetyenziswa Nokucetywa koMhla kaMasipala, 2020 (uMthetho kaMasipal ukuba kufunyenwe ezi zicelo zilandela ezimayela nale propathi ichazwe ngasent ukuba:

**Ukwahlulwa**

Isicelo ngokumayela neCandelo 16(2) loMthetho kaMasipala ukuze kwahlulahlul' Isiza 2253 Esingabhaliswanga, Kleinbaai (indl yabucala) ukuze kwenziwe is esongezelelekileyo esinobukhulu be-667m<sup>2</sup>.

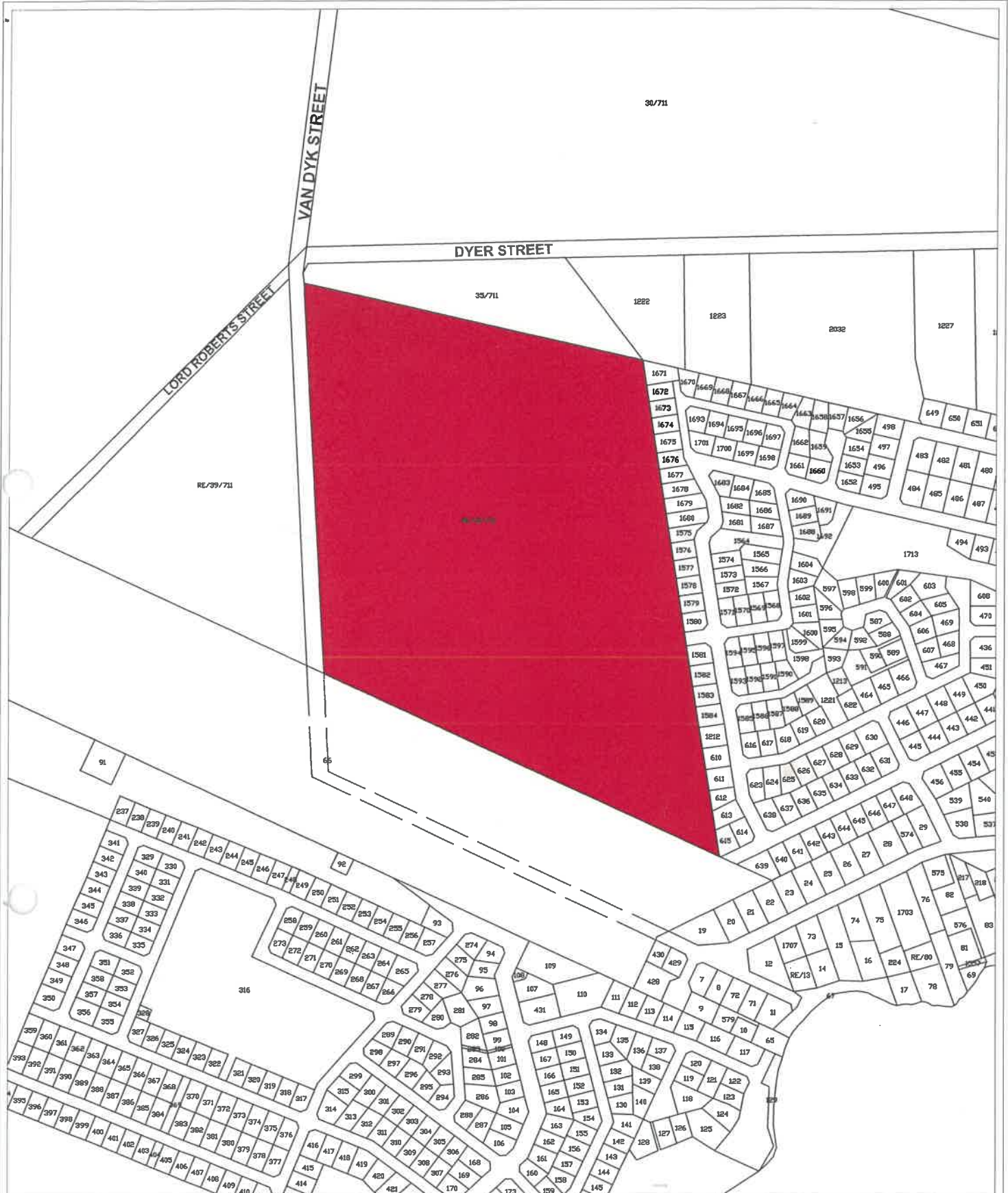
**Ukutshintshwa kwemiqathango yogunyaziso**

Isicelo ngokumayela neCandelo 16(2) loMthetho kaMasipala ukuba kurhoxis' imvume yosetyenziso enomhla we-26 Februw 2015, eyayigunyazisa indawo yokuhlala abar abathathe umhlala-phantsi.

linkcukacha mayela nesindululo ziyafumane ukuze zihlolwe phakathi evekini ngamaxes omsebenzi ukusuka kwintsimbi ye08:00 uku kweye16:30 kwiSebe: Ucwangciso Lwedolop kwanombolo 16 Paterson Street, eHerman nakwithala lencwadi eGansbaai, Main Ro: eGansbaai.Naziphi na izim ezibhaliweyozingangeniswa ngokwezibonele zamaSoloty ama-51 nama-52 kwaMasipala ( Paterson Street, Hermanus / (f) 028313209: (e) [alida@overstrand.gov.za](mailto:alida@overstrand.gov.za)) ngomhla okar ngaphambi komhla wa **22 uSeptemba 2023**, uchaze igama lakl idilesi, iinkcukacha ofumaneka kuzo, um wakho kwesi sicelo nezizathu zokunika izim' Imibuzo ngefowuni ingabhekiswa ku**Mcwangi weDolophu ophezulu, uMnu SW van c Merwe** ku-028-313 8900. UMasipala ang ukwamkela izimvo ezifike emva koml wokuvala. Nabani na ongakwazi ukufun okanye ukubhala angaya kwiCandelo leDolop apho igosa likamasipala liza kumnceda avakal izimvo zakhe ngokusemthethweni.

Umlawuli kaMasipala, uMasip:  
waseOverstrand, P.O. Box 20, **HERMANUS**, 72

*Inothi kaMasipala 132/2023*



**PLAN:**  
LOCALITY

**DATE:**  
APRIL 2023

**CLIENT:**  
KLEINBAAI PROPERTIES (PTY) LTD

**AMENDMENT OF CONDITIONS  
& SUBDIVISION - PORTION 31  
OF FARM 711, CALEDON  
(KLEINBAAI)**

**N.T.S.**



**ATLAS**  
Town Planning  
P.O. BOX 380, KUILSRIVIER, 7579 (021)801 7446

## **Introduction**

### **1.1 Background**

The subject property is Portion 31 of Farm No 711, Klipfonteyn, Division Caledon (Kleinbaai). The property is zoned as Subdivisional Area to be developed as Townhousing scheme, more particular a "retirement village". This approval was initially granted during 2015 with minor amendments and extensions of the validity period since, but the actual development did not gain traction in the market. A new developer was approached and is proceeding with the physical development of the site in accordance with the approvals granted. It is however apparent that there is not sufficient demand for a 300 unit retirement village at his location and it is therefore the intention to not limit marketing to retirees only. There appears to be a much larger demand for buyers seeking the secure lifestyle offered.

It is also the intention to subdivide a portion of the unregistered road reserve (Erf 2253 on the approved general plan) measuring +/-667m<sup>2</sup>. A recent amendment of the approved subdivision plan resulted in the removal of 3 residential opportunities in order to ensure that sufficient space be provided for access control off Van Dyk Street. After the final design, it became apparent that the full complement of the area provided is not required. This component of the application is therefore seen as a partial reversal of recent amendment made. A use for this portion must still be decided and will likely result in a future rezoning application, but the area may be used as overflow parking and to serve the estate in the mean-time.

### **1.2 Brief and application**

ATLAS Town Planning was consequently requested to prepare a land use application to have the decision to develop the Townhousing scheme as a "retirement village" repealed and to again subdivide a portion of the unregistered road reserve w.r.t the proposed residential development on a portion of Portion 31 of Farm No 711, Klipfonteyn, Division Caledon (Kleinbaai).

Application is herewith made:

- i) In terms of 16(2)(h) of the Overstrand Municipal Planning By-Law of 2015 for the removal of the following decision taken by the Mayoral Committee at the meeting held on 26 February 2015, namely;

“2. *that the application for consent use (retirement village) in terms of Section 8 of the Zoning Scheme Regulations, **be approved;** “*

- ii) In terms of Section 16(2)(d) of the Overstrand Municipal Planning By-Law of 2015 for subdivision of Unregistered Erf 2253, Kleinbaai (private road reserve) to create a separate erf measuring +/-667m<sup>2</sup> as indicated on the proposed plan of subdivision;

Property Details

**2.1 Property Description**

This application has bearing on Portion 31 of Farm No 711, Klipfonteyn, Division Caledon (Kleinbaai), Western Cape Province. The property measures 21.4ha and is registered in the name of *Kleinbaai Eiendomme (Edms)Bpk*. A copy of the title deed (T26575/1975) is attached to the application. The application involves minor amendments of the approvals granted before and it is evident that there aren't any restrictive title deed conditions pertaining to the intended use.

**2.2 Locality**

The subject property is located in Kleinbaai, a small sea side village located near Gans Bay. The development will be accessed via Van Dyks Street, the primary access route between Kleinbaai and Gans Bay. It should be noted that a secondary access towards Blesbok Street was previously approved. Due to the development being planned as a gated estate, the secondary access has been retained as an emergency access only.

**2.3 Existing land use and zoning**

The zoning of the property was confirmed as Subdivisional Area (Townhousing with community facilities, private roads and open spaces). The property has an extensive planning history and approval for the current scheme was granted as far back as 2015. The property is currently in its natural state and the developers are busy breaking ground to commence with services in accordance with the approved subdivision.

## **2.4 Physical characteristics**

The property is in its natural state and extensive site clearing is still required to accommodate the proposed development. It should be noted that the relevant environmental and planning permissions were obtained for this and the development ultimately involves retaining those areas worthy of preservation within the private open spaces. The development of the property was duly assessed before and matters pertaining to the physical transformation of the property addressed accordingly.

### **Planning context**

#### **3.1 Surrounding land uses**

The subject property is located on the northern edge of Kleinbaai and surrounded by agricultural / rural homesteads on the northern and western flanks. The proposed development borders onto the existing township establishments on the southern and eastern sides. These areas are considered conventional, medium density residential neighbourhoods. Commercial activities are mostly located around the harbour area. The proposal to develop this property for residential use was previously assessed. This application merely involves opening the development to a range of buyers as opposed to retirees only. The minor subdivision is also not expected to have any external impacts on surrounding land uses.

#### **3.2 Existing forward planning and policy frameworks**

The Overstrand Spatial Development Framework is applicable to this area. The SDF is used as a guide for appropriate use of land within the boundaries of the Overstrand Municipality. The principle to establish a Townhousing development on this property was duly assessed before and the general plans have been approved. Development of the property has been commenced with. This application has no impact on the physical development of the site, merely seeking the removal of a decision that limits the use to that of a "retirement village". The opinion is therefore held that this will not have any impact on the forward planning policy as the use remains residential infill development. The opinion is therefore held that this application remains aligned with the objectives of the particular forward planning policy.

### **3.3 Legal aspects**

Land Use applications are dealt with in accordance with the Land Use Planning Act (Act 3 of 2014), the Spatial Planning and Land Use Management Act of 2013 and consequent Municipal Planning By-Laws. Application is made in terms of Sections 16(2)(h) and (d) of the Overstrand Municipal Planning By-Law of 2015.

An Environmental Authorisation has been granted before. The proposed removal of the decision to permit a retirement village does will not result in any changes to the zonings approved before nor has the scope of the development changed. It is therefore trusted that the environmental authorisation granted and record of decision from Heritage Western Cape remains in force.

## **4. Development Proposal**

The approved development comprises of 302 Townhouses, a property earmarked for community use and the remaining extent of this property to be private roads, private open spaces and a utility service (electrical substation). No additional zonings will be introduced and the minor subdivision will not have any material impact as the original approval was for 305 Townhouses in any event. This application is merely to repeal the decision that the property be developed for a retirement village per say. The property earmarked for Community Use would have been developed as frail care. This property will in future be developed as multifunctional hall for the residents.

The minor subdivision involves again subdividing a portion of the private road reserve to create a separate erf. The zoning and use of this portion has not been decided upon at this early stage of the development. The subdivision at this stage is merely to create an opportunity for this portion of the property to be better utilised in future. The development proposal is thus inherently the same as what has been approved before. As a result of the time that has lapsed since the original approval, services reports and traffic studies were updated in accordance with the proposed use. The full reports are available and this report will deal with the general findings.

### **4.1 Socio - Economic Impact**

Socio-economic impact assessment focuses on evaluating the impacts of a proposed development or land use on the community's social and economic well-being. The

subject property has been earmarked for residential development for some time. The application to repeal the decision that the development be marketed to retirees only does not exclude such persons as potential end users and merely opens up the development to a larger target market. Development in the area has stagnated over the past years. Development leads to employment opportunities, both during construction but also in the long term in forms ranging for domestic workers, garden services and even service trades that relies on a sufficient threshold to support the services offered. The opinion is therefore held that the physical development of the property will have positive socio-economic spin offs for the area as a whole.

#### **4.2 Safety, health and well-being of surrounding community**

Approval of this application will not have any adverse impact on the general well-being of the surrounding community as it does not have any impact on the physical development of the property. It should again be emphasised that the original approval allowed for access to Blesbok Street and this would impact on the particular neighbourhood in terms of vehicles passing through. It is again confirmed that the proposal to develop a gated estate has resulted in the particular access being earmarked for emergency use only.

#### **4.3 Consistency w.r.t surrounding land uses**

The proposal to develop the property for residential use has been duly assessed before and is deemed to be compatible with the surrounding land uses. It is very likely that the development will still appeal to older persons wishing to retire in a secure lifestyle estate, but not limiting the development to only such users will improve the general tempo of the development and feasibility of the project. This will ultimately benefit everyone.

#### **4.4 Traffic and Parking**

The trip generation for a retirement village would differ from that of a conventional residential development, albeit that Kleinbaai remains a sea side village and that the area generally only experience higher traffic volumes over holiday periods. ITS Engineers were approached to assess the impact of changing this development to a

conventional Townhouse scheme and to look at access and egress w.r.t the Van Wyk Street entrance / exit. The following conclusions are drawn from this report:

### ***“Conclusions and Recommendations***

*Based on the evaluation in this report, the conclusions and recommendations are as follows:*

- *The existing conditions, all intersections operate at acceptable levels-of-service from a capacity analysis point of view.*
- *For the Background Traffic Conditions, a growth rate of 3% per annum was applied to the existing traffic volumes as per assessment of link volumes from the Western Cape Government's RNIS. All intersections were found to operate at acceptable levels-of-service under background conditions.*
- *The trips generated by the proposed new land uses now applied for is approximately 257 total new trips with a 25/75 peak directional split (in/out) during the a.m. peak hour and 70/30 directional split during the weekday p.m. peak hour. This results in in/out splits of 64/193 and 180/77 during the a.m. and p.m. weekday peak hours respectively.*
- *Access is proposed off Van Dyk Street ≈300m south of the Dyer Street/Van Dyk Street. The access will have two egress and two ingress lanes with a separate construction/service access lane. The stacking distance of 24m provided between die access control booms and the edge of the road is sufficient.*
- *Based on the traffic volumes evaluated in this report, a dedicated right turn lane on Van Dyk Street is not required.*
- *Parking should be provided in accordance with the local zoning scheme requirements.*
- *Two public transport bays are recommended along Van Dyk Street downstream of the access.*
- *There are no NMT facilities in the site vicinity and no NMT facilities are recommended for the proposed development.*

*Based on the transport impact evaluation in this report, it is evident that the expected transport impact of the proposed Kleinbaai Lifestyle Estate on Portion 31 of Farm 711, Kleinbaai will be low, and it is recommended that the development be approved from a transport perspective.”*

#### 4.5 Engineering Services

Albeit that the development was approved before, GLS Consulting Engineers were appointed to assess the development in terms of current services capacities based on the principle of a conventional Townhousing scheme.

The full services report is available. From the below summary of the conclusions, it is evident that the development will require certain upgrades to storage capacity for water and future upgrades to the sewer network in general. The report contains interim proposals to deal with the latter in particular.

##### ***“CONCLUSION***

*The developer of the proposed development on portion 31 of Farm 711 in Kleinbaai may be liable for the payment of a Development Contribution (as calculated by the Overstrand Municipality) for bulk water and sewer infrastructure as per Council Policy.*

*There is sufficient capacity in the existing water reticulation network to accommodate the proposed development to comply with the pressure and fire flow criteria as set out in the master plan.*

*The existing Kleinbaai reservoirs however have insufficient storage capacity to accommodate the proposed development. Additional reservoir storage capacity should be provided at the Kleinbaai reservoir site in order to accommodate the proposed development in the existing water system.*

*There is no sewer infrastructure located within close proximity of the proposed development, except for the sewer pipes to the east of the development that drains towards the Kleinbaai Conservancy Tank no. 2. The internal sewer network of the proposed development can however not connect to this infrastructure.*

*In the sewer master plan for Kleinbaai a new bulk sewer PS is proposed for Kleinbaai at the intersection of Lord Roberts, Dyer and Van Dyk Streets, that discharges directly at the Gansbaai WWTP via a new 355 mm diameter rising main. It is proposed that the sewage of the proposed development is pumped via a private PS and accompanying rising main to this PS.*

*In the interim (before the bulk PS and accompanying rising main to the WWTP are*

*constructed), it is proposed that the sump of the proposed bulk PS is constructed where sewage from the proposed development can be collected via municipal sewage trucks and transferred to the Gansbaai WWTP.”*

#### **4.6 Heritage Impact**

This particular application will not have any heritage impact as the physical development of the property will be the same as envisaged when the initial approvals were granted.

#### **4.7 Environmental Impact**

This opinion is also held that the particular application will not have any additional environmental impact. There is no increase in the development density or the areas to be cleared for development and the physical development of the property will be the same as envisaged when the initial approvals were granted.

#### **4.8 Compliance with other legislation**

It was stated earlier in the report that the application has bearing on various legislative requirements. Notwithstanding the information in this report, it is also important to refer to in particular the decision making criteria as stipulated in terms of Section 42 of the Spatial Planning and Land Use Management Act of 2013.

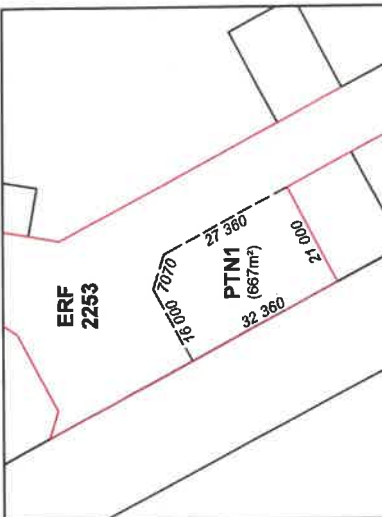
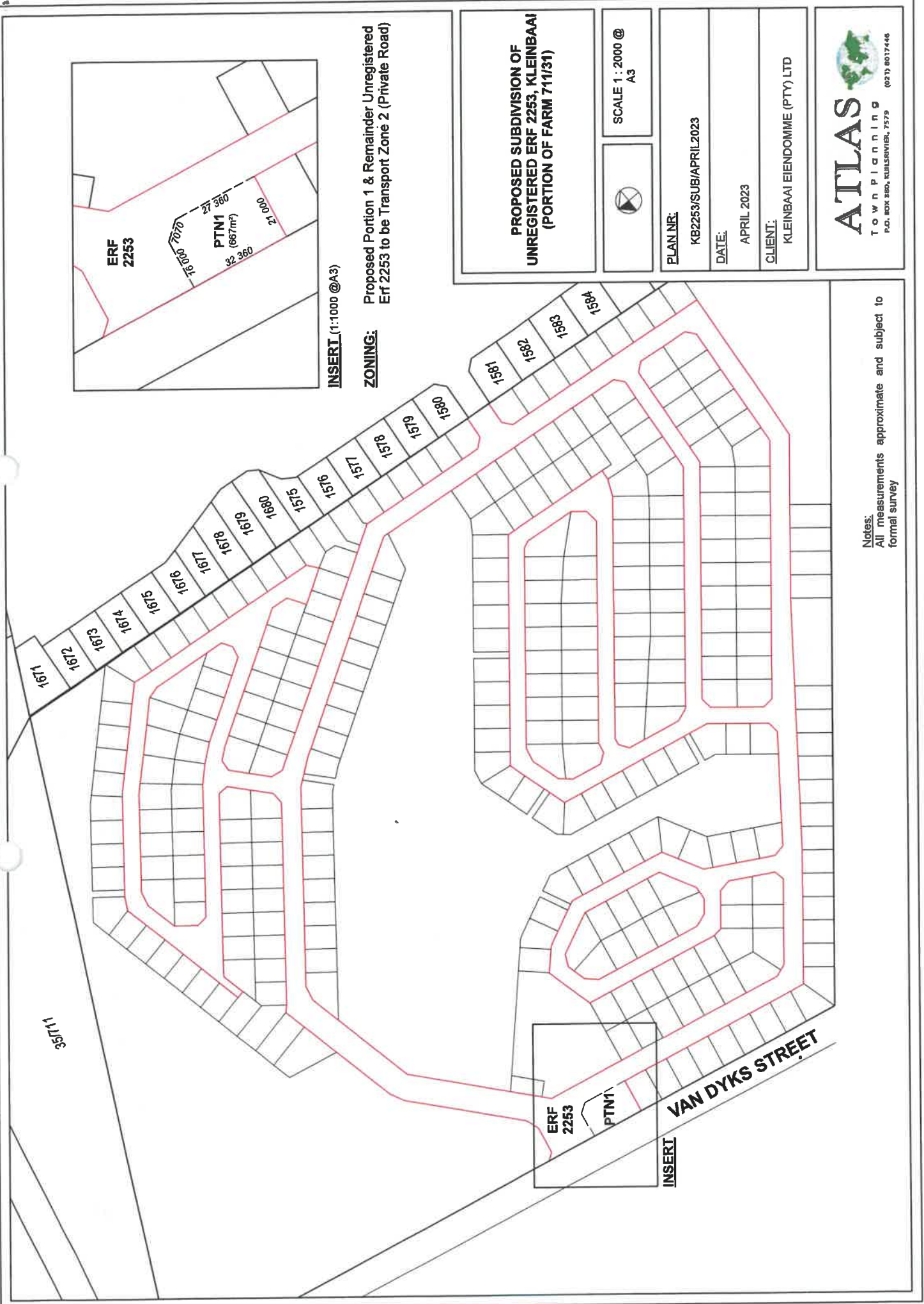
It can be surmised that:

- The application to repeal the approval pertaining to the development of the property as a “retirement village” will not have any negative impact on the welfare or well-being of the general public. The development was approved before and the physical development of the property will be exactly the same. General Plans for the development has been approved and construction will take place in accordance with the approved layout. The impacts on neighbours will be the same as assessed before with the added benefit that Blesbok Street will no longer be required for access other than emergency services.

- The process being followed is transparent and relevant information is available in the application documents. The planning history of the property and related information is clear and the same applies to the objectives and motivation for the application.
- The application will have no material impact on the rights of property owners in the immediate area. Any obligations resulting from this application will rest with the municipality and the owner insofar as these have bearing on the processing of the application and fulfilment of requirements pertaining thereto.
- The principle of a residential development in this location was assessed before and this application effectively relates to the marketing of the development. No new zonings are being introduced and the scale of the development has not increased from what was approved before. Traffic and services reports were updated to identify improvements required to accommodate the development at this stage and to ensure that the necessary capacities are created within the infrastructure network.

## 5. **Conclusion**

The proposal to develop a conventional Townhousing scheme as opposed to a "retirement village" as well as the minor subdivision of the private road reserve will not have any material impact on the surrounding area. The opinion is in fact held that it would be beneficial to the area as a whole that this property be developed as proposed. It is important to keep track of the demand in the market and a retirement village at this scale and at this location does not appear to be feasible. This application does not propose material changes to the physical development of this property and the proposal remains aligned with the relevant forward planning policies and objectives for the area. It is therefore trusted that this application will receive the necessary support.



**INSERT** (1:1000 @A3)

**ZONING:** Proposed Portion 1 & Remainder Unregistered Erf 2253 to be Transport Zone 2 (Private Road)

**PROPOSED SUBDIVISION OF UNREGISTERED ERF 2253, KLEINBAAI (PORTION OF FARM 711/31)**

SCALE 1 : 2000 @ A3

**PLAN NR.:** KB2253/SUBI/APRIL2023

**DATE:** APRIL 2023

**CLIENT:** KLEINBAAI EIENDOMME (PTY) LTD



**Notes:**  
All measurements approximate and subject to formal survey



