
1. INTRODUCTION

1.1 This Application

Hereby formal application is made for the following:

- (i) In terms of **Section 17** of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) for the **Rezoning** of Erf 4740 Kleinmond from **Residential zone I (SR1)** to **General Residential zone I (GR1)** to permit a proposed residential development thereon as illustrated on the attached Site Development Plan; and
- (ii) In terms of **Section 24** of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) for the Subdivision of Erf 4740 Kleinmond into 9 portions as illustrated on the attached Plan of Subdivision
- (iii) In terms of **Section 15** of the Land Use Planning Ordinance 1985 (Ordinance 15 of 1985), the following departure:
 - On the Western and Eastern perimeter boundaries, 2 metres in lieu of 3 metres

1.2 This Report

The purpose of this report is:

- (i) To collate all the relevant information with respect to the proposed rezoning and subdivision into one document;
- (ii) To present the relevant information with regard to the natural and manmade environment; and
- (iii) To motivate the desirability of the proposed applications in terms of Section 36 of Ordinance 15 of 1985.

The contents of this report will also serve as a broad framework upon which more detailed plans will be based.

2. BACKGROUND WITH REGARD TO THE PROPERTY

2.1 Owner/Applicant

JACOBUS HENDRIK SAMUEL MANS as registered owner of **Erf 4740 Kleinmond**, appointed *David Hellig & Abrahamse Professional Land Surveyors in association with P-J le Roux Town Planners* to prepare a formal application for the rezoning and subdivision of the subject property on their behalf and to submit it to the relevant authorities for formal approval (*Power of Attorney attached*).

2.2 Description

The subject property is described as **Erf 4740 Kleinmond** located in 13th Avenue Kleinmond within the area of jurisdiction of the Overstrand Municipality, Division of Caledon, Western Cape Province and measures **4461m²** in extent.

2.3 Title Deed

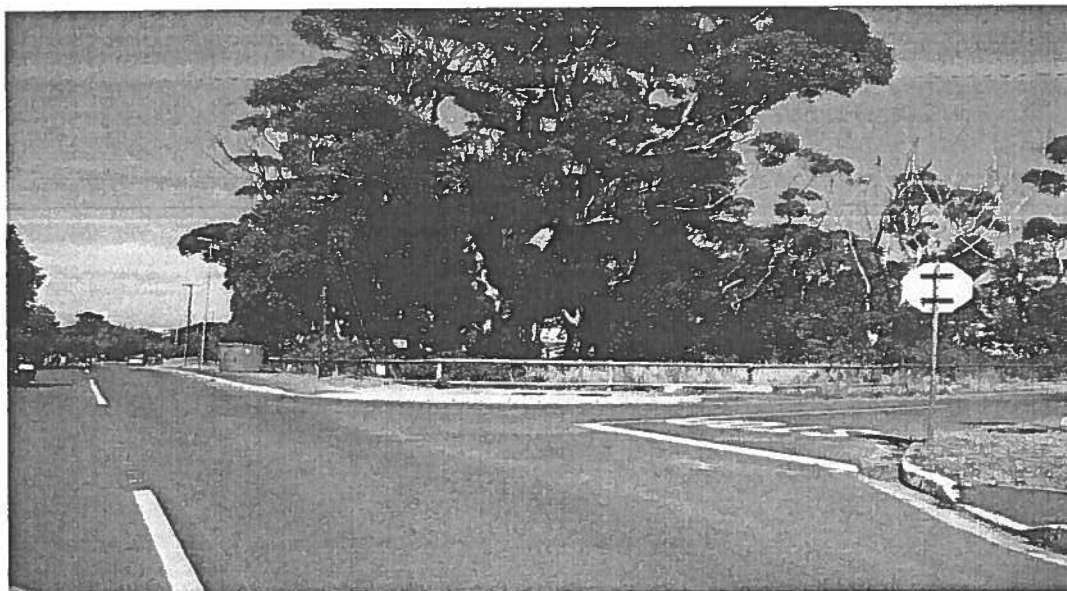
The subject property is currently held by **JACOBUS HENDRIK SAMUEL MANS** vide Title Deed No. **T52313/90**.

The Title Deed contains no restrictive conditions that will prevent the proposed subdivision and Rezoning of the property (*Copy of Title Deed and Conveyancer certificate attached*).

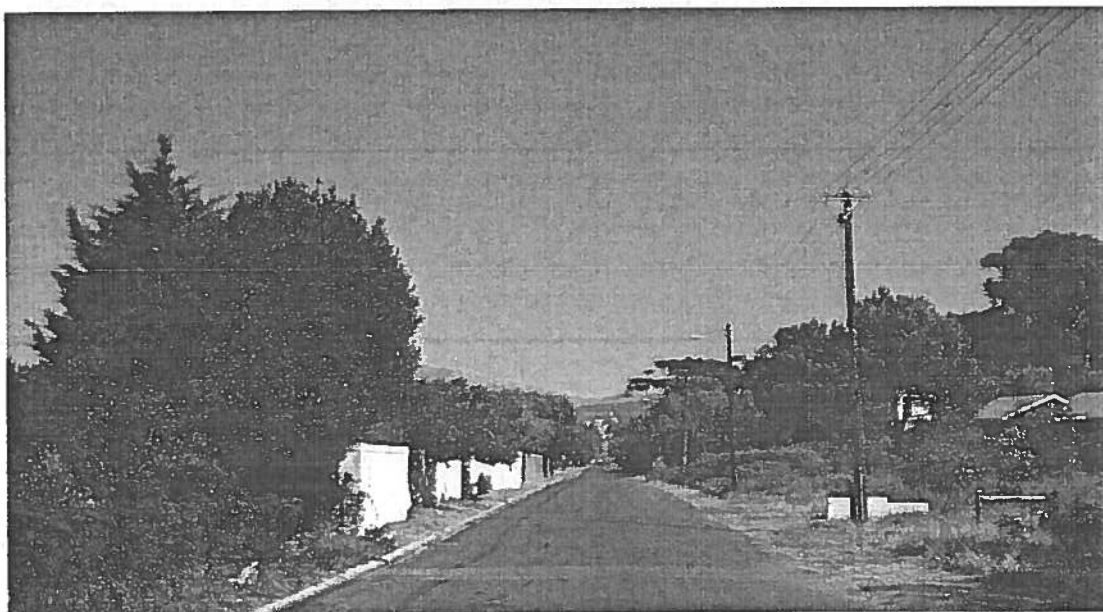
2.4 Location

The subject property is located in 13th Avenue north of the Central Business Area of Kleinmond (*Plan 1: Locality Plan*).

The subject property is located within the approved urban edge for Kleinmond and forms part of the existing residential neighbourhood situated north of the central business area of Kleinmond. This neighbourhood is characterised by larger residential erven of which some have already been subdivided and where densification have taken place in the past. Since the subject property forms part of the existing urban fabric and built environment the utilisation of the property for smaller residential purposes will be in line with the existing character of the area and what is already present in the area.



13th Avenue and Bot River street intersection



13th Avenue with subject property to the right

According to the Overstrand Municipality the subject property is located within the area earmarked for higher density developments (maximum of 20 units/ha) as reflected in the approved Growth Management Strategy for Kleinmond.

The property is bounded to the south by 13th Avenue which intersects with Bot River Road approximately 180m east thereof. Bot River Road serves as main collector which provides access to the central business area of Kleinmond and the R44 passing through Kleinmond.

Access to the subject property is taken directly from 13th Avenue which is an existing municipal street with more than sufficient capacity to accommodate the proposed rezoning and subdivision of the subject property into 9 separate townhouse erven. The intention is to have one central security entrance from 13th Avenue which will serve each of the 9 erven, exactly similar to the existing Lobelia Development in the immediate surrounds.



Existing access from 13th Avenue to Lobelia Development in the area

Due to its location and the existing road infrastructure in the area, the property is easily accessible from all directions and within a short distance from the existing central business area.

Since the intention of the applicant is to rezone and subdivide the property into 9 townhouse erven with only one entrance from 13th Avenue, no external road infrastructure will be required to accommodate the new proposed erven.

2.5 Existing Zonings and Land Use

2.5.1 Existing Zoning

According to the Overstrand Municipality the subject property is currently zoned **Residential zone I (SR1)** in terms of the Overstrand Municipality Zoning Scheme Regulations which was promulgated in November 2013 in terms of Section 9(2) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985).

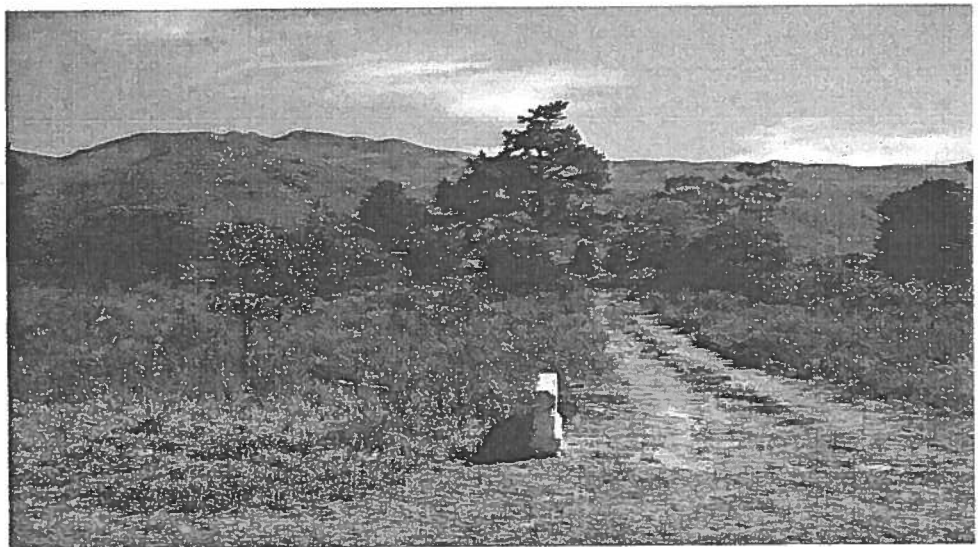
According to this Zoning Scheme the following land use rights are allowed under Residential zone I zoning:

Use Zone	Primary Uses	Consent Uses
Residential zone I: Single Residential (SR1)	Day care centre Dwelling house Guest rooms Home occupation Second dwelling unit	Crèche Green house Guest house House shop Institution Place of instruction Place of worship Residential building Tourist accommodation

Table 1: Extract from Overstrand Zoning Scheme

2.5.2 Existing land use

The improvements on the subject property comprise a well built small dwelling located on the south eastern portion of the property close to 13th Avenue. The remainder of the property is vacant with no temporary or permanent structures present.



Existing entrance road and dwelling on the subject property



The subject property

The intention with this application is to demolish the existing dwelling and redevelop the subject property into a townhouse complex comprising 9 separate townhouse erven with individual townhouses thereon as illustrated on the attached Site Development Plan.

3. PROPOSED DEVELOPMENT

3.1 Statement of Purpose

It is the intention of the applicant and the purpose of this report to utilise the existing natural and man made environment to optimise the subject property to its fullest potential by creating new residential opportunities thereon. The proposed development will not only fit in with the immediate surrounds but will also optimize the existing infrastructure and services already available in the area. The development proposal also fits in with the future spatial planning proposals and policies for the area in which the subject property is located. Apart from supplying in the demand for smaller town housing units within the urban area of Kleinmond, the proposed development will also strengthen the existing urban fabric of the area.

3.2 Proposed Development

The proposed development will comprise the rezoning and subdivision of the subject property to permit a town housing development comprising of **9 townhouse erven** at a density of **20 units/ha**.

The townhouses will comprise single storey units with floor areas varying from 370 m² to 449m² in extent. The individual townhouses will have a maximum height of 6,2m and will comprise 3 bedrooms, 2 bathrooms, and a lounge and kitchen area. A garage and carport together with additional visitors parking are also provided in the private road.

In terms of the planning scheme, the required minimum of 2 bays per unit are satisfied.

These townhouses will be architecturally designed and positioned on each of the individual erven to optimize the erf and also create a specific theme for the development (*see site development plan and architectural perspectives attached*).

Due to the configuration of the subject property, all the proposed erven will abut a centrally located brick paved private road which will provide access to each of the individual erven and dwellings. This road will connect with 13th Avenue in the centre of the subject property via a 6m wide entrance which will be secured by a proposed sliding gate to ensure security of the development. This private road will be owned, managed and maintained by the established Home Owners Association.

4. PROPOSED REZONING AND SUBDIVISION

4.1 Proposed Rezoning

Since the current zoning of the subject property does not allow for the proposed residential development thereon a formal change in land use rights must be applied for. It is the intention of the applicant and the purpose of this report to change the existing zoning of Erf 4740 Kleinmond in such a manner that the proposed development will be permitted.

In order to allow the aforementioned a formal application in terms of Section 17 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1986) for the **Rezoning of Erf 4740 Kleinmond from Residential Zone I: Single Residential (SR1) to General Residential Zone I: Town Housing (GR1)** is required.

According to the Overberg Zoning Scheme the land use right pertaining to General Residential-zone I zoning are:

Use Zone	Primary Uses	Consent Uses
General Residential zone I: Town Housing (GR1)	Dwelling unit in accordance with 6.1.2 Town housing Private road Private open space	Crèche Day care centre Flats Green house Home occupation Residential building Retirement village Tourist accommodation

Table 3: Extract from Overstrand Zoning Scheme

In terms of the zoning scheme regulations, town housing is defined as follows:

"Town Housing and town housing scheme means a row or group of linked, attached or detached dwelling units, which are designed and built as a harmonious architectural entity of which every dwelling unit has a ground floor, such dwelling units may be cadastrally subdivided or be sold individually in some other manner"

4.1 Proposed Subdivision

The intention of this application is to subdivide the rezoned property into 10 portions as illustrated on the attached Plan of Subdivision

Portions 1 – 9 will represent the proposed residential erven on which the proposed townhouses will be constructed. Due to the configuration of the subject property and to ensure access to each of the individual erven, the individual portions will be positioned along the eastern and western boundaries of the subject property with portions 1-4 along the western boundary and portions 5-9 along the eastern boundary. These townhouse erven will be positioned around a centrally located private road which represents **Portion10**. This private road will provide direct access to each of the individual erven and will be managed by the to be established Home Owners Association.

These proposed smaller erven will be used for residential purposes (townhouses) with the restrictions as stipulated in the Overstrand Zoning Scheme Regulations and will each be limited to one dwelling unit plus garage and carport as illustrated in the attached Architects design proposal.

The proposed erven will represent a density of 20 units/ha which is in line with the densification parameters recommended in the growth management Strategy for Kleinmond as well as similar gated developments in the immediate surrounds.

The proposed subdivision of the land units is set out below as follows:

Existing land unit	Extent	Proposed subdivided components	Extent	Proposed Land Use
Erf 4740 Kleinmond	1,6946m ²	Portion 1	387m ²	Townhouse
		Portion 2	370m ²	Townhouse
		Portion 3	379m ²	Townhouse
		Portion 4	449m ²	Townhouse
		Portion 5	500m ²	Townhouse
		Portion 6	371m ²	Townhouse
		Portion 7	371m ²	Townhouse
		Portion 8	387m ²	Townhouse
		Portion 9	425m ²	Townhouse
		Portion 10	649m ²	Private Road
		Portion 11	173m ²	Public Road (road improvement)

Table 2: Proposed Subdivision

5. DESIRABILITY OF THE APPLICATION

Section 36(1) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) (LUPO) provides that:

'Any application under Chapter II or III shall be refused solely on the basis of a lack of desirability of the contemplated utilisation of land concerned including the guideline proposals included in a relevant structure plan in so far as it relates to desirability, or on the basis of its effect on existing rights concerned (except any alleged right to protection against trade competition).'

'Utilization', in relation to land is defined as meaning *'the use of land for a purpose or the improvement of land'*.

In terms of section 36(1) of LUPO, therefore, an application in terms of this legislation may only be refused on the basis of a *'lack of desirability'* of the contemplated utilization of the land concerned, including the *"guideline proposals included in a relevant structure plan"* or on the basis of its *"effect on existing rights"* concerned.

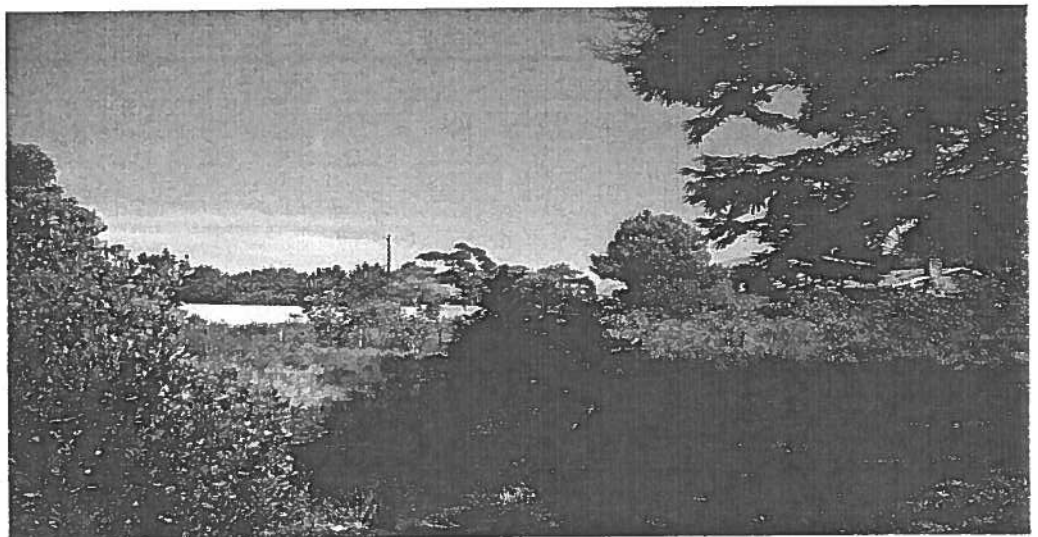
The desirability of this application for rezoning and subdivision will be discussed with regard to the following aspects

- Physical characteristics
- Character of the area
- Accessibility
- Future Planning in the area
- Provision of services

5.1 Physical Characteristics of the Property

5.1.1. Topography

The subject property forms part of the existing urban area of Kleinmond and has a levelled surface which makes it more than suitable to be subdivided and used for residential purposes. Since the improvements on the subject property comprise a dwelling house which will be demolished to make way for the proposed development, there are no physical features present on the property which will influence the proposed subdivision and rezoning thereof.



View across the subject property with levelled surface

5.1.2. Climate

The subject property is located within the Cape Overberg Region and in more particular the Kogelberg Region which is a range of mountains along the False Bay coast in the Western Cape of South Africa reaching as far as Kleinmond.

This area forms part of the Mediterranean climate system of the Western Cape however much milder than average due to the constant maritime winds blowing off the South Atlantic Ocean. The area is known for its cold and wet winters and dry warm summers. The wind is predominantly north westerly during the winter months and strong south easterly in the summer time. Snow occasionally occurs on the highest mountain peaks.

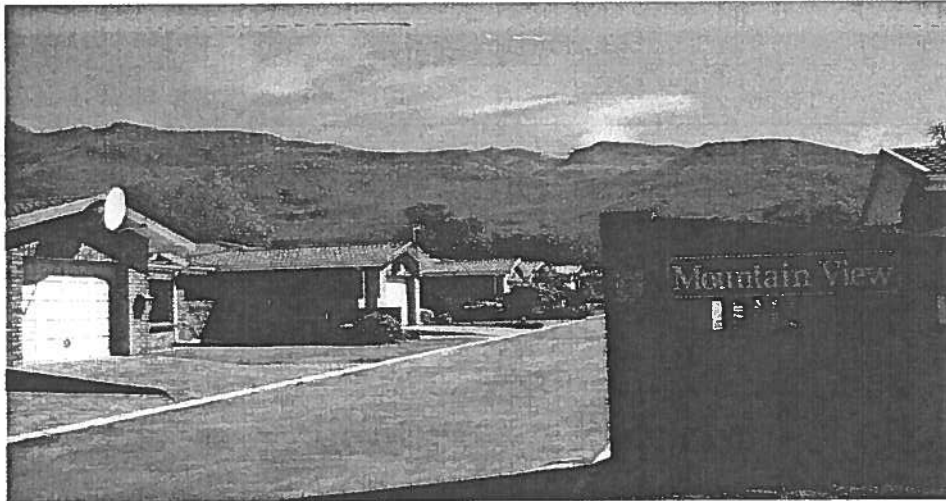
Since the subject property forms part of the existing urban fabric of Kleinmond and the proposed development comprise 9 townhouses on the subject property, no negative impact on the existing micro climate of the area is expected.

5.2 Character of the Area

The subject property is located with the existing residential area located to the north of the central business area of Kleinmond and has a typical residential character. This area is primarily made up by larger residential erven on which a number of gated developments with smaller residential erven has developed on properties in the immediate surrounds in recent years.



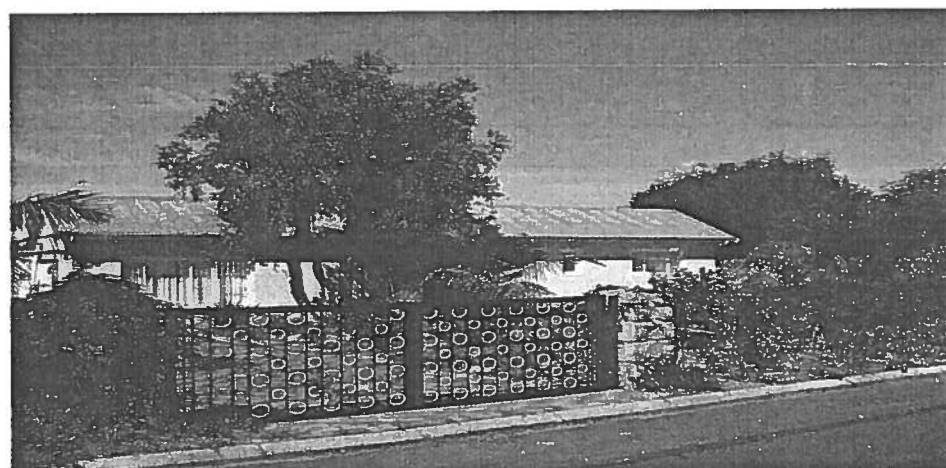
Existing gated development in the immediate surrounds



Existing gated development in the immediate surrounds



Existing dwellings in the immediate surrounds



Existing dwellings in the immediate surrounds

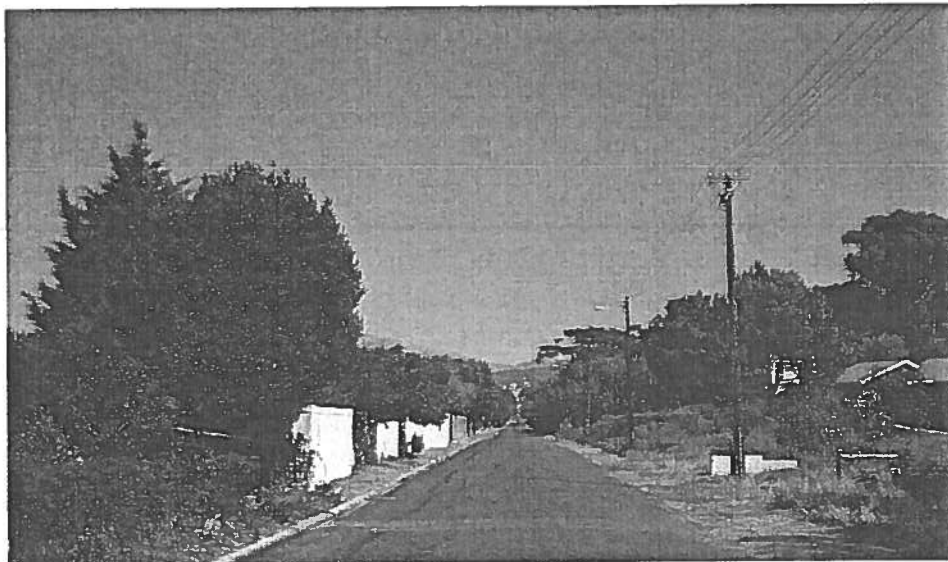
According to the spatial planning policies for Kleinmond, this particular area has been earmarked for smaller erven and higher density developments which is in line with what is proposed by this application. Although the proposed townhouse development requires a rezoning and subdivision it will still retain the residential character of the area despite the smaller erven.

We are of the opinion that the increase in density by subdividing the subject property into 9 townhouse erven, will optimize the existing infrastructure and services in the area. This statement is supported by the civil engineering investigation which indicates that the existing infrastructure and services to the area are sufficient to accommodate the proposed development.

We are of the opinion that the proposed subdivision and 9 new residential (townhouse) erven on the subject property abutting 13th Avenue will not have any negative impacts on the existing character of the area and that it can be deemed as desirable.

5.2 Location and Accessibility

The subject property is located in the central part of Kleinmond approximately 700m north of the central business area and forms part of the existing urban fabric of Kleinmond and surrounded by existing residential erven.



13th Avenue with subject property to the right

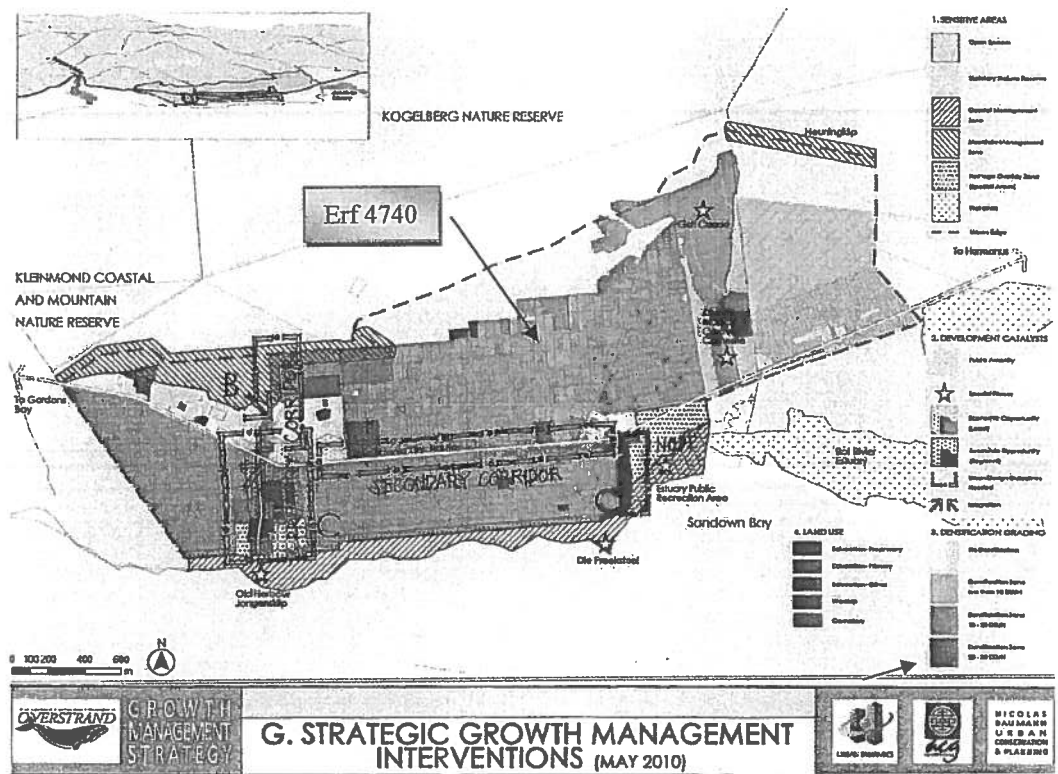
The main access to the subject property is taken directly from 13th Avenue which bounded the subject property to the south and serves as a municipal street providing access to the residential properties in the immediate area. This municipal street

(13th Avenue) connects approximately 180m east of the subject property with Bot River Road which serves as a main collector road providing direct access from the area north to the central business area of Kleinmond.

Due to the existing road network in the area, the subject property is easily accessible from all directions. We are of the opinion that the expected increase in traffic as a result of this application will be insignificant to the area and the existing road network infrastructure. The fact that only one entrance is proposed from 13th Avenue and access to the individual erven will be via a proposed private road, no significant impact on the municipal street is expected.

5.2 Future Planning of the Area

According to the **Overstrand Growth Management Strategy** for Kleinmond dated May 2010 the subject property is not only located within the approved urban edge for Kleinmond but is also included into the Densification zone (10-20 units/ha as illustrated on the extract plan below.



The intention with this strategy is to ensure future development in Kleinmond takes place in a structured manner. The allocation of the area in which the subject property is located for densification purposes will ensure an optimum use of the

existing infrastructure and will guide the future development within Kleinmond in a more structured manner.

The proposed development on the subject property will in our view not only optimize the existing road and other infrastructure in the area, but will also give structure to future developments within this particular area of Kleinmond.

5.2 Provision of Services

Messrs TN CONSULTING ENGINEERS was appointed to compile a civil engineering report in respect of the proposed rezoning and subdivision of the subject property into 9 new town housing erven.

According to the civil report dated 19 March 2015 which is supported by a **Capacity Analysis of the Bulk Water & Sewer Services Report** dated 19 March 2015 compiled by **Messrs GLS CONSULTING**, it is concluded that there are sufficient capacity in the existing water reticulation network as well as in the existing sewer reticulation system to accommodate the proposed development (*Copy of reports attached*).

The Developer will however be liable for the Bulk Services Levy (as calculated by the Overstrand Municipality) as a contribution towards both bulk water and sewer infrastructure.

6. CONCLUSION

From the aforementioned it is evident that the proposed rezoning and subdivision of Erf 4740 Kleinmond in order to create a townhouse development comprising of 9 townhouses thereon is in line with **Section 36 of Ordinance 15 of 1985** and is therefore regarded as highly desirable

Although this application will create nine new residential erven (townhouses) this increase in density is recommended and strongly supported by the existing future spatial planning policies (Growth Management Strategy) for Kleinmond and this area in particular. Despite the development proposal the existing residential character will be retained and no changes to the overall character of the area are expected. This subdivision will not only optimize the existing property to its fullest potential, but will also create new revenue to the Overstrand Municipality in terms of building plan fees, construction levies and municipal taxes.

Professional engineering consultants have confirmed that the existing infrastructure and services in respect to the civil engineering services (internal and bulk services) have

sufficient capacity to easily accommodate the proposed development and that the development will also optimize the existing infrastructure and services to the area.

I trust therefore that the application for the **Rezoning, Subdivision** and concomitant departures of **Erf 4740 Kleinmond** into 10 portions (9 residential and 1 private road) in order to permit the proposed development of **nine townhouses** thereon will be favourably considered.

RICHARD CLIFTON ABRAHAMSE
Professional Land Surveyor
PLS0002

PIERRE-JEAN LE ROUX
Professional Town Planner
Pr. PIn:803/1995