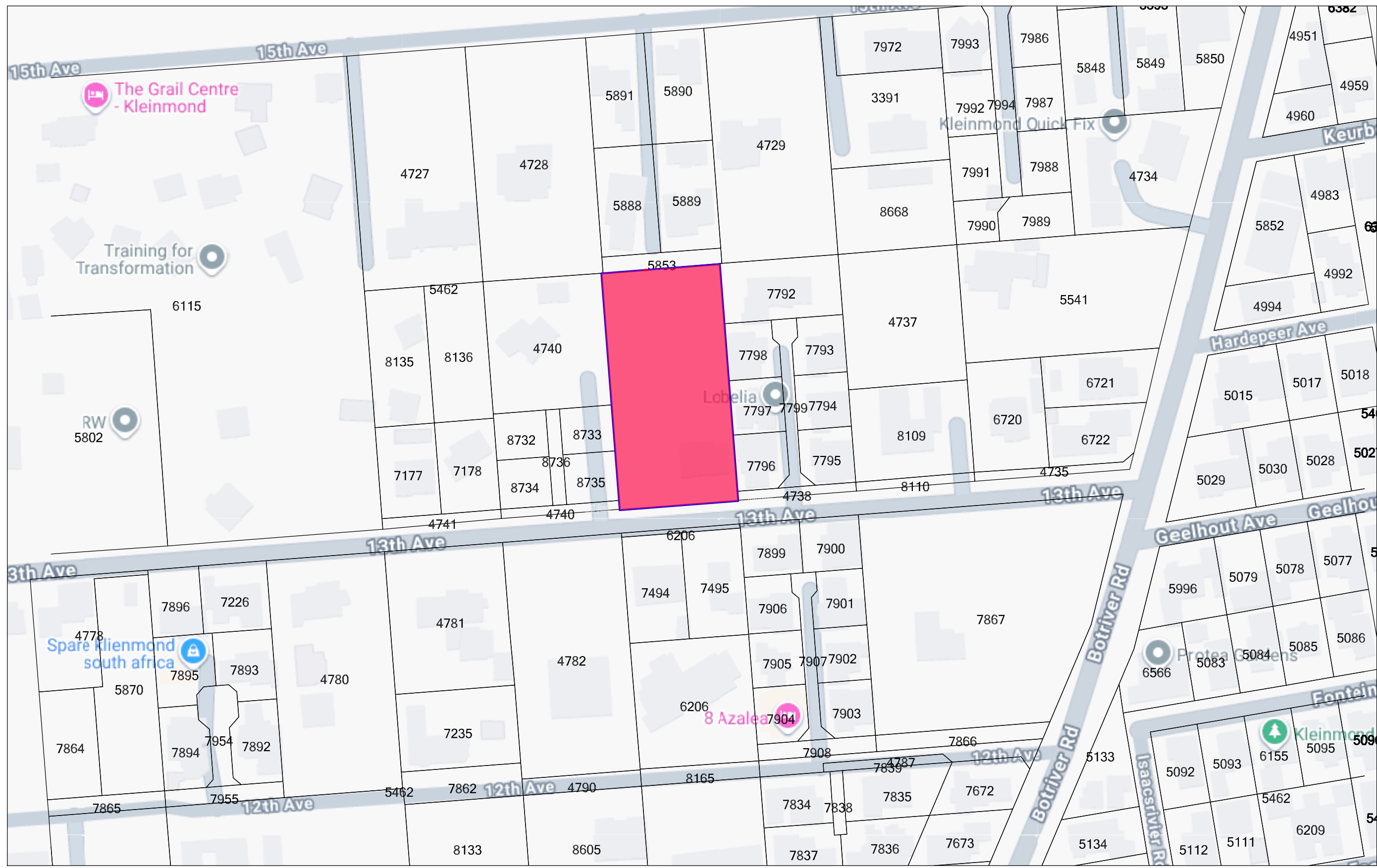




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ERF 4739, 18 13th AVENUE, KLEINMOND: APPLICATION FOR REZONING, SUBDIVISION AND DEPARTURE: PLAN ACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF EGD TERBLANCHE Notice is hereby given in terms of Sections 47 and 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) of the following applications applicable to Erf 4739 Kleinmond, namely: Rezoning Application in terms of Section 16(2)(a) of the By-Law to rezone Erf 4739 Kleinmond from Residential Zone 1: Single Residential (SR 1) to Subdivisional Area (SA). Subdivision Application in terms of Section 16(2)(d) of the By-Law to subdivide Erf 4739 Kleinmond into eleven (11) portions as follows: <table><tr><th>Proposed Erf</th><th>Size</th><th>Proposed Land Use</th><th>Proposed Zoning</th></tr><tr><td>Erf 1</td><td>490m²</td><td>Townhouse</td><td>GR 1</td></tr><tr><td>Erf 2</td><td>491m²</td><td>Townhouse</td><td>GR 1</td></tr><tr><td>Erf 3</td><td>422m²</td><td>Townhouse</td><td>GR 1</td></tr><tr><td>Erf 4</td><td>449m²</td><td>Townhouse</td><td>GR 1</td></tr><tr><td>Erf 5</td><td>544m²</td><td>Townhouse (existing dwelling)</td><td>GR 1</td></tr><tr><td>Erf 6</td><td>400m²</td><td>Townhouse</td><td>GR 1</td></tr><tr><td>Erf 7</td><td>452m²</td><td>Townhouse</td><td>GR 1</td></tr><tr><td>Erf 8</td><td>422m²</td><td>Townhouse</td><td>GR 1</td></tr><tr><td>Erf 9</td><td>612m²</td><td>Private Road (internal access)</td><td>GR 1</td></tr><tr><td>Erf 10</td><td>10m²</td><td>Private Open Space (refuse storage)</td><td>GR 1</td></tr><tr><td>Erf 11</td><td>168m²</td><td>Public Road (13th Avenue widening)</td><td>TR 2</td></tr></table> Departure Application in terms of Section 16(2)(b) of the By-Law to relax the western lateral building line applicable to proposed Erf 5 from 1m to 0m, to accommodate the existing garage. Full details regarding the proposals above are available for inspection during weekdays between 08:00 and 16:30 at the Division: Town and Spatial Planning, 16 Paterson Street, Hermanus, at the Kleinmond Library, Fifth Avenue, Kleinmond and on the municipal webpage at the following link https://www.overstrand.gov.za/document/town-spatial-planning/land-use-planning-applications/ Any comments must be in writing and reach the Municipality (16 Paterson Street, Hermanus / (e) landuse@overstrand.gov.za) on or before 30 October 2026, with your name, address, contact details, interest in the application and the reasons for comment. Telephonic inquiries can be made to the Principal 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 Division: Town and Spatial Planning where they will be assisted by a municipal official in formulating their comments. <i>Please note that in terms of the Protection of Personal Information Act (POPIA), you will be entering into a public process and as such agree and consent to your name, surname, contact details and comment(s) may be disclosed / used in the (application) process.</i>	Proposed Erf	Size	Proposed Land Use	Proposed Zoning	Erf 1	490m ²	Townhouse	GR 1	Erf 2	491m ²	Townhouse	GR 1	Erf 3	422m ²	Townhouse	GR 1	Erf 4	449m ²	Townhouse	GR 1	Erf 5	544m ²	Townhouse (existing dwelling)	GR 1	Erf 6	400m ²	Townhouse	GR 1	Erf 7	452m ²	Townhouse	GR 1	Erf 8	422m ²	Townhouse	GR 1	Erf 9	612m ²	Private Road (internal access)	GR 1	Erf 10	10m ²	Private Open Space (refuse storage)	GR 1	Erf 11	168m ²	Public Road (13 th Avenue widening)	TR 2	ERF 4739, 13de LAAN 18, KLEINMOND: AANSOEK OM HERSONERING, ONDERVERDELING EN AFWYKING: PLAN ACTIVE STADS- EN STREEKBEPLANNERS NAMENS EGD TERBLANCHE Kragtens Artikels 47 en 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening) word hiermee kennis gegee van die volgende aansoek van toepassing op Erf 4739 Kleinmond, naamlik: Hersonering Aansoek ingevolge Artikel 16(2)(a) van die Verordening om Erf 4739 Kleinmond vanaf Residensiële Sone 1: Enkelwoonsone (SR 1) na Onderverdelingsgebied (SA) te hersoneer. Onderverdeling Aansoek ingevolge Artikel 16(2)(d) van die Verordening om Erf 4739 Kleinmond in elf (11) gedeeltes te onderverdeel, soos volg: <table><tr><th>Voorgestelde Erf</th><th>Grootte</th><th>Voorgestelde Grondgebruik</th><th>Voorgestelde Sonering</th></tr><tr><td>Erf 1</td><td>490m²</td><td>Dorhuis</td><td>GR 1</td></tr><tr><td>Erf 2</td><td>491m²</td><td>Dorhuis</td><td>GR 1</td></tr><tr><td>Erf 3</td><td>422m²</td><td>Dorhuis</td><td>GR 1</td></tr><tr><td>Erf 4</td><td>449m²</td><td>Dorhuis</td><td>GR 1</td></tr><tr><td>Erf 5</td><td>544m²</td><td>Dorhuis (bestaande woning)</td><td>GR 1</td></tr><tr><td>Erf 6</td><td>400m²</td><td>Dorhuis</td><td>GR 1</td></tr><tr><td>Erf 7</td><td>452m²</td><td>Dorhuis</td><td>GR 1</td></tr><tr><td>Erf 8</td><td>422m²</td><td>Dorhuis</td><td>GR 1</td></tr><tr><td>Erf 9</td><td>612m²</td><td>Privaat Pad (interne toegang)</td><td>GR 1</td></tr><tr><td>Erf 10</td><td>10m²</td><td>Privaat Oop Ruimte (vullis stoer)</td><td>GR 1</td></tr><tr><td>Erf 11</td><td>168m²</td><td>Publieke Pad (13de Laan verbreding)</td><td>TR 2</td></tr></table> Afwyking Aansoek ingevolge Artikel 16(2)(b) van die Verordening om die westelike syboulyn van toepassing op Erf 5, vanaf 1m na 0m te verslap om die bestaande motorhuis te akkommodeer. Besonderhede aangaande die voorstel lê ter insae gedurende weksdae tussen 08:00 en 16:30 by die Afdeling: Stads- en Streekbeplanning te Patersonstraat 16, Hermanus, by die Kleinmond Biblioteek, Vyfdelaan, Kleinmond en op die munisipale webtuiste by die volgende skakel https://www.overstrand.gov.za/document/town-spatial-planning/land-use-planning-applications/ Enige kommentaar moet skriftelik wees en die Munisipaliteit (Patersonstraat 16, Hermanus / (e) landuse@overstrand.gov.za) voor of op 30 Oktober 2026, met u naam, adres, kontak besonderhede, belang in die aansoek en die redes vir kommentaar. Telefoniese navrae kan gerig word aan die Hoofdstadsbeplanner, Me. H. van der Stoep by 028-3138900. Die Munisipaliteit mag weer om kommentare te aanvaar na die sluitingsdatum. Enige persoon wat nie kan lees of skryf nie kan die Afdeling: Stads- en Streekbeplanning besoek waar hul deur 'n munisipale amptenaar bygestaan sal word ten einde hul kommentaar te formuleer. <i>U aandag word gevestig op die Bepalinge van die "POPI" Wet, en aangesien u opmerking deel sal uitmaak van 'n openbare deelname proses, u derhalwe toestem dat u naam, van en kontakbesonderhede openbaar gemaak mag word.</i>	Voorgestelde Erf	Grootte	Voorgestelde Grondgebruik	Voorgestelde Sonering	Erf 1	490m ²	Dorhuis	GR 1	Erf 2	491m ²	Dorhuis	GR 1	Erf 3	422m ²	Dorhuis	GR 1	Erf 4	449m ²	Dorhuis	GR 1	Erf 5	544m ²	Dorhuis (bestaande woning)	GR 1	Erf 6	400m ²	Dorhuis	GR 1	Erf 7	452m ²	Dorhuis	GR 1	Erf 8	422m ²	Dorhuis	GR 1	Erf 9	612m ²	Privaat Pad (interne toegang)	GR 1	Erf 10	10m ²	Privaat Oop Ruimte (vullis stoer)	GR 1	Erf 11	168m ²	Publieke Pad (13de Laan verbreding)	TR 2	ISIZA ESINGU-ERF 4739, 18 13th AVENUE, KLEINMOND: ISICELO SOKUCANDA KWAKHONA, UKWAHLULA-HLULA NOKWAHLUKA: PLAN ACTIVE TOWN & NABACWANGCISI BENGINGQI EGAMENI LIKA EGD TERBLANCHE Kukhutshwe isaziso esimayela nemiba yeSolotya lama-47 nelama-48 loMthethwana Osisihlomelo soMthethwana kaMasipala waseOverstrand NgeZicwangciso zokusetyenziswa koMhlaba kaMasipala ku2020 (Umthethwana) lezicelo ezisebenziseka kwiSiza uErf 4739 Kleinmond, ezaziwa ngolu hlobo: Ukucanda kwakhona Iisiza esimayela nemiba yeSolotya le16(2)(a) loMthethwana osebenziseka ukucanda isiza uErf 4739 Kleinmond ukusuka kwiZowuni1 Yokuhlala Abantu: indawo Esisicuku Esinye (SR 1) ibe nguMmandla Owohlulahluleyo (SA). Ukwahlula-hlula Isicelo esimayela nemiba yeSolotya le16(2)(d) loMthethwana ukwahlulahlula Isiza esinguErf 4739 Kleinmond ibe zizihlulo ezishumi elinanye (11) ngoluhlobo lulandelayo: <table><tr><th>Isiphakamiso seSiza- Erf</th><th>Isayizi</th><th>Isiphakamiso Sokusetyenziswa Komhlaba</th><th>Isiphakamiso Sokucanda</th></tr><tr><td>Erf 1</td><td>490m²</td><td>Indlu yaseDolophini</td><td>GR 1</td></tr><tr><td>Erf 2</td><td>491m²</td><td>Indlu yaseDolophini</td><td>GR 1</td></tr><tr><td>Erf 3</td><td>422m²</td><td>Indlu aseDolophini</td><td>GR 1</td></tr><tr><td>Erf 4</td><td>449m²</td><td>Indlu yaseDolophini</td><td>GR 1</td></tr><tr><td>Erf 5</td><td>544m²</td><td>Indlu yaseDolophini (indly/esele ikhona)</td><td>GR 1</td></tr><tr><td>Erf 6</td><td>400m²</td><td>Indlu yaseDolophini</td><td>GR 1</td></tr><tr><td>Erf 7</td><td>452m²</td><td>Indlu yaseDolophini</td><td>GR 1</td></tr><tr><td>Erf 8</td><td>422m²</td><td>Indlu yaseDolophini</td><td>GR 1</td></tr><tr><td>Erf 9</td><td>612m²</td><td>Indlela YaBucala (ukufikelela ngaphakthi)</td><td>GR 1</td></tr><tr><td>Erf 10</td><td>10m²</td><td>Ibala labucala elivulekileyo (indawo yokugcina inkunkuma)</td><td>GR 1</td></tr><tr><td>Erf 11</td><td>168m²</td><td>Indlela yaBucala (13th Ukwandiswa kwesitrato)</td><td>TR 2</td></tr></table> Ukwahluka Iisicelo esingemiba yeSolotya le16(2)(b) loMthethwana ongokunyeniswa umgca omelene nesakhiwo kwicala elikwintshona yesakhiwo esisebenziseka kwiSiza esiphakanyiswayo uErf 5 ukusuka kwiimitha e-1m ukuya kwi-0m, ukulungiselela igaraji esele ikhona. Iinkcukacha ezipheleleyo mayela nesi siphakamiso singentla ziyafumneka ukuze zihlowe kwiintsuku zaphakathievekini ukusuka phakathi kwentsimbi yesi-08:00 neye-16:30 kwiCandelo: Izicwangciso zeDolophu noBume beNdawo, 16 Paterson Street, Hermanus, eKleinmond Library, Fifth Avenue, Kleinmond nakwiwebhpheyiji kamasipala kweli qhakamshela lilandelayo https://www.overstrand.gov.za/document/town-spatial-planning/land-use-planning-applications/ Naziphi na izimvo ezibhaliweyo mazibhalwe phantsi zifike kwaMasipala (16 Paterson Street, Hermanus / (e) landuse@overstrand.gov.za) ngomhla okanye phambi kwama-30 Okthibha 2026, uchaze igama lakho, ifani, iinkcukacha ofumaneka kuzo, umdla wakho kwesi sicelo nezizathu zokuhlomla kwakho. Imibuzo ngefowuni ingathunyelwa kuMchwangcisi weDolophu OyiNtloko, Nkskz. H. van der Stoep kwa-028-3138900. UMasipala angala ukwamkela izimvo ezifunyenwe emva komhla wokuvala. Nabani na ongakwazi ukufunda okanye ukubhala angahambela kwiCandelo: Lezicwangciso zeDolophu noBume beNdawo apho igosa likamasipala liza kumnceda ukufaka uluvo lwakhe ahlomle ngokusemthethweni. <i>Nceda uqaphele ukuba Uthetho omayela noMthetho Wokhuseleko Lwengxelo Ngomntu (POPIA), uza kuba ungena kwinkqubo yoluntu ngoko ke uvumela kwaye uvumelana nokusetyenziswa kwegama lakho, ifani, iinkcukacha ofumaneka kuzo kunye noluvo(nezimvo) zakhe zingadizwa / zingasetyenziswa (kwisicelo) kwinkqubo.</i>	Isiphakamiso seSiza- Erf	Isayizi	Isiphakamiso Sokusetyenziswa Komhlaba	Isiphakamiso Sokucanda	Erf 1	490m ²	Indlu yaseDolophini	GR 1	Erf 2	491m ²	Indlu yaseDolophini	GR 1	Erf 3	422m ²	Indlu aseDolophini	GR 1	Erf 4	449m ²	Indlu yaseDolophini	GR 1	Erf 5	544m ²	Indlu yaseDolophini (indly/esele ikhona)	GR 1	Erf 6	400m ²	Indlu yaseDolophini	GR 1	Erf 7	452m ²	Indlu yaseDolophini	GR 1	Erf 8	422m ²	Indlu yaseDolophini	GR 1	Erf 9	612m ²	Indlela YaBucala (ukufikelela ngaphakthi)	GR 1	Erf 10	10m ²	Ibala labucala elivulekileyo (indawo yokugcina inkunkuma)	GR 1	Erf 11	168m ²	Indlela yaBucala (13 th Ukwandiswa kwesitrato)	TR 2
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EW JANTJIES Acting Municipal Manager / Waarnemende Munisipale Bestuurder / Umphathi Kamasipala Obambeleyo PO Box / Posbus / Ibhokisi yePosi 20 HERMANUS 7200 <i>Notice no. / Kennisgewina nr. / Inothi si veNomb: 202/2026</i>																																																																																																																																																		



MOTIVATION REPORT

Proposed Rezoning, Subdivision and Departure

ERF 4739 KLEINMOND | OVERSTRAND MUNICIPALITY

Property	Erf 4739 Kleinmond
Extent	4461m ²
Registered Owner	Emile Gert Delarose Terblanche
Title Deed No.	T2710/2026
Current Zoning	Residential Zone 1
Proposed Rezoning	Subdivisional Area - to General Residential Zone 1 & Transport Zone 2
Applications	Rezoning, Subdivision and Departure
Applicant	Plan Active Town & Regional Planners

1. BACKGROUND

The registered owner of Erf 4739 Kleinmond, Mr Emile Gert Delarose Terblanche, has instructed the company Plan Active Town & Regional Planners to apply for the rezoning, subdivision and departure applicable to the subject property.

Erf 4739 Kleinmond is 4461m² in extent and is registered in the name of the owner under Title Deed No. T2710/2026.

It is proposed to rezone Erf 4739 Kleinmond from Residential Zone 1 to Subdivisional Area, in order to facilitate the subdivision of the property into eleven (11) portions. Upon registration of the subdivision, the individual portions will take on their final zoning as set out in this report, namely General Residential Zone 1 (applicable to the eight townhouse erven, the private road and the private open space) and Transport Zone 2 (applicable to the public road portion). The proposed subdivision will create eight (8) erven for townhouse purposes (proposed Erven 1 to 8), a private road portion providing internal access (proposed Erf 9), a small private open space portion for refuse storage (proposed Erf 10), and a portion to be transferred to the Overstrand Municipality as public road (proposed Erf 11). Please refer to the enclosed proposed subdivision and rezoning plan.

Proposed Erf 11 constitutes a road widening of 13th Avenue along the southern boundary of the subject property, to match the road widening already approved on the eastern side of Erf 4739 Kleinmond.

No servitude is proposed as part of this application. Internal vehicular and pedestrian access to proposed Erven 1 to 8 will be obtained via proposed Erf 9, the private road, which is intended to be held collectively by the owners of the newly created residential erven, rather than by way of a registered right of way servitude.

An existing dwelling is established on the portion of Erf 4739 Kleinmond that will become proposed Erf 5. The western section of this dwelling comprises a garage, which will continue to be utilised for that purpose, with vehicular access to be obtained from the southern side of proposed Erf 5. In order to accommodate the existing garage in its current position, a departure from the applicable building line is also applied for, relaxing the western lateral building line of proposed Erf 5 from 1m to 0m.

2. APPLICATION DETAILS

Application is made in terms of:

- Chapter 4, Section 16(2)(a) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, for the rezoning of Erf 4739 Kleinmond from Residential Zone 1 to Subdivisional Area, to facilitate the subdivision described below, with the final zoning of each proposed portion as set out in Section 4 of this report.
- Chapter 4, Section 16(2)(d) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, for the subdivision of Erf 4739 Kleinmond into eleven (11) portions, as set out in this report.
- Chapter 4, Section 16(2)(b) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, for a departure to relax the western lateral building line applicable to proposed Erf 5 Kleinmond from 1m to 0m, in order to accommodate the existing garage.

3. DESIRABILITY

3.1 Property Location

Erf 4739 Kleinmond is located within an established residential area of Kleinmond, within the Overstrand Municipality. The property is bounded by single residential erven to the north and west, by a similarly subdivided development to the east, and fronts onto 13th Avenue (Erf 4738) to the south. Please refer to the enclosed proposed subdivision and rezoning plan for the location and layout of the subject property.

3.2 Zoning

Erf 4739 Kleinmond is currently zoned Residential Zone 1. It is proposed to rezone the property to Subdivisional Area in order to accommodate the subdivision of the property into the portions described in Section 4 of this report, with the final zoning of each proposed portion being General Residential Zone 1

(townhouse erven, private road and private open space) and Transport Zone 2 (public road widening). The surrounding erven are similarly zoned for residential purposes, with public roads bounding the area.

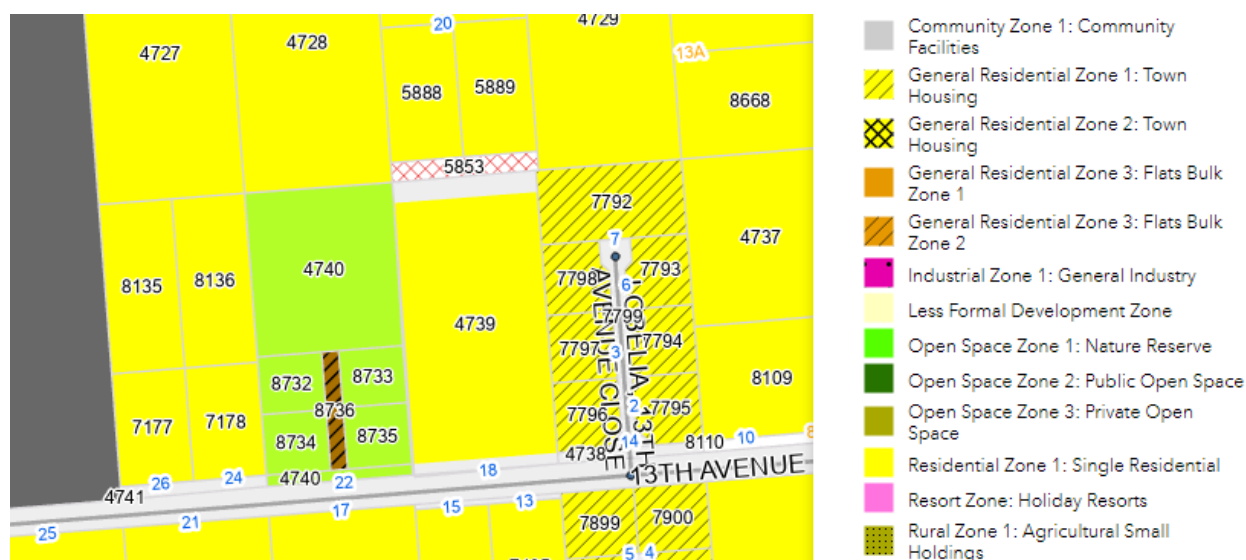


Figure 1: Existing Zoning Map

3.3 Existing Land Use

Erf 4739 Kleinmond is currently utilised for residential purposes. A single dwelling, with an attached garage on its western side, is established on the portion of the property that will become proposed Erf 5. The remainder of the property is presently undeveloped. Erven surrounding Erf 4739 Kleinmond to the north and west are improved with single residential dwellings, and the erf directly east of, and abutting, the subject property has already been developed in line with a similar approved subdivision. The subject property is accordingly situated within a predominantly residential area that already reflects some of the incremental subdivision proposed in this application.

4. PROPOSAL

The following is proposed:

- The rezoning of Erf 4739 Kleinmond from Residential Zone 1 to Subdivisional Area, to facilitate the subdivision described below.
- The subdivision of Erf 4739 Kleinmond into eleven (11) portions, as set out below.
- A departure to relax the western lateral building line applicable to proposed Erf 5 from 1m to 0m, to accommodate the existing garage.

4.1 Proposed Rezoning and Subdivision

Erf 4739 Kleinmond is 4461m² in extent. The intention of the owner is to rezone the property from Residential Zone 1 to Subdivisional Area and to subdivide it into eight (8) residential erven for townhouse purposes, a private road portion providing internal access, a private open space portion for refuse storage, and a portion to be transferred to the Overstrand Municipality as public road. The detail of the proposed subdivision, including the final zoning applicable to each portion upon registration, is set out in the table below.

Proposed Erf	Size	Proposed Land Use	Proposed Zoning
Erf 1	490m ²	Townhouse	General Residential Zone 1
Erf 2	491m ²	Townhouse	General Residential Zone 1
Erf 3	422m ²	Townhouse	General Residential Zone 1
Erf 4	449m ²	Townhouse	General Residential Zone 1
Erf 5	544m ²	Townhouse (existing dwelling)	General Residential Zone 1
Erf 6	400m ²	Townhouse	General Residential Zone 1
Erf 7	452m ²	Townhouse	General Residential Zone 1
Erf 8	422m ²	Townhouse	General Residential Zone 1
Erf 9	612m ²	Private Road (internal access)	General Residential Zone 1
Erf 10	10m ²	Private Open Space (refuse storage)	General Residential Zone 1
Erf 11	168m ²	Public Road (13th Avenue widening)	Transport Zone 2
TOTAL	4461m²		

Note: individual erf sizes are per the proposed subdivision diagram and remain subject to final land survey; a variance of up to 1m² may occur between the sum of the individual portions and the registered extent of the parent erf, which is a normal function of survey rounding.

Proposed Erven 1 to 8, ranging between 400m² and 544m², are comparable in size to the erven found in the surrounding residential block and are considered compatible with the established character of the area. Proposed Erf 9 (612m²) will be held collectively by the owners of proposed Erven 1 to 8 and will provide shared vehicular and pedestrian access. Proposed Erf 10 (10m²) is a private open space portion set aside for the storage of refuse, to be collected weekly by the Overstrand Municipality. Proposed Erf 11 (168m²) constitutes a road widening of 13th Avenue along the southern boundary of the property, to match the road widening already approved on the eastern side of the subject erf, and will be transferred to the Overstrand Municipality to form part of the public road, zoned Transport Zone 2.

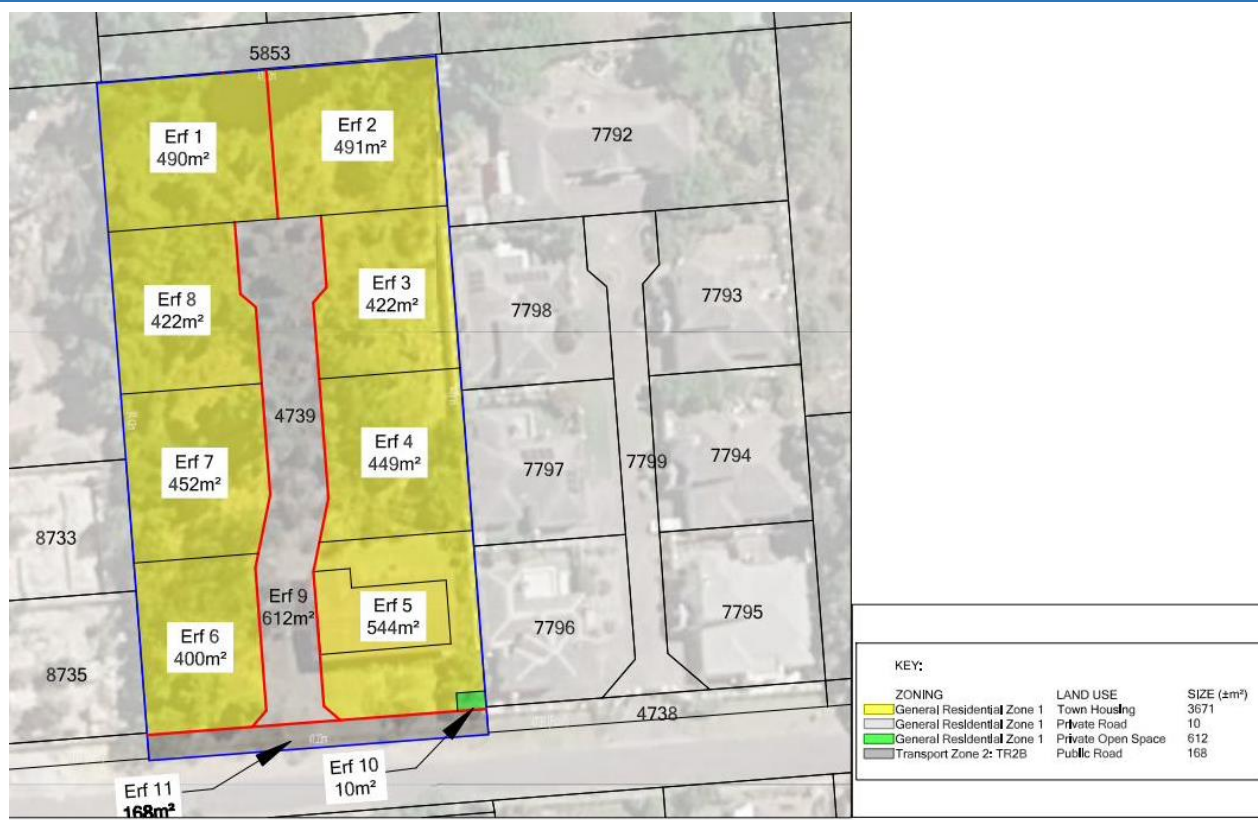


Figure 2: Proposed Subdivision and Rezoning Plan – Erf 4739 Kleinmond

Townhouse erven are typically $\pm 350\text{m}^2$ to 375m^2 in extent, with a separate private open space erf created within the development for use as a communal play area, usually calculated at 10% per erf. In this instance, proposed Erven 1 to 8 range between 400m^2 and 544m^2 , considerably larger than the norm for townhouse erven. As a result of this larger erf size, more than the required 10% private open space per erf has already been allocated on each individual property, to be enjoyed exclusively by each owner. It is therefore not considered necessary to create a separate communal play area as part of this development.

The rezoning and subdivision of Erf 4739 Kleinmond will not have a negative impact on the character of this area of Kleinmond. The proposed erven remain residential in nature, are compatible in size with the surrounding erven, and the layout retains the existing dwelling on proposed Erf 5 without requiring its relocation or demolition. The proposed development matches the existing development located directly east of, and abutting, the subject erf, both in terms of the erf sizes and the road widening along the shared boundary, and is therefore considered a logical continuation of the established development pattern in this part of Kleinmond.

An architect has been appointed by the owner for the design of the proposed townhouses, and architectural design guidelines will be submitted to the Overstrand Municipality for approval before any construction commences on site. The architectural design guidelines will be of a high standard, ensuring that the proposed townhouses will not detract from the current built character of the area, but will rather be an asset to it.

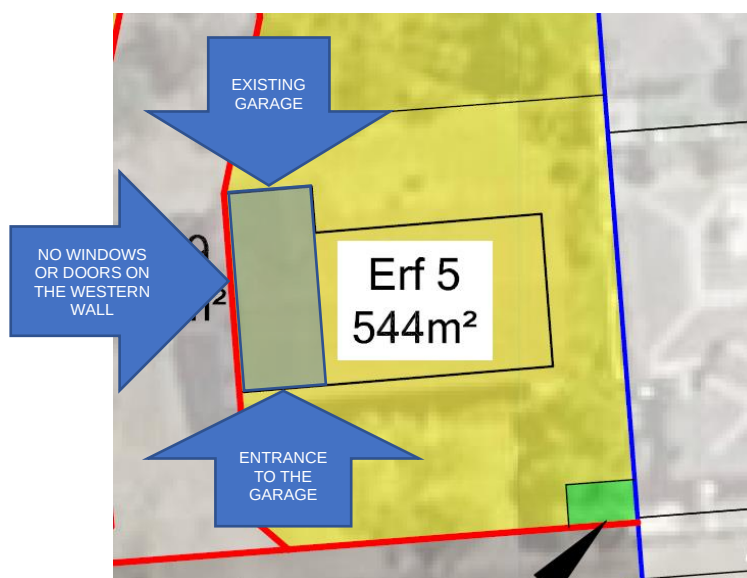
The proposed rezoning and subdivision will have a positive impact on the local economy. By allowing the subdivision, additional residential opportunities will be created from which the Municipality can derive bulk services contributions as well as monthly rates and taxes. Future development of the newly created erven will also generate temporary employment during the construction phase.

4.2 Building Line Departure

An existing dwelling with an attached garage on its western side is established on the portion of Erf 4739 Kleinmond that will become proposed Erf 5. The garage will continue to be used for that purpose following the subdivision, with vehicular access to be obtained from the southern side of proposed Erf 5. To accommodate the garage in its existing position, a departure is applied for to relax the applicable building line.

4.2.1 Western Boundary – Proposed Erf 5

The western lateral building line applicable to proposed Erf 5, ordinarily required to be 1m in terms of the General Residential Zone 1 development parameters, is applied to be relaxed to 0m in order to accommodate the existing garage, which is situated on the western side of the dwelling.



Departure sought: relaxation of the western lateral building line applicable to proposed Erf 5 from 1m to 0m, to accommodate the existing garage.

It is important to note that the western boundary of proposed Erf 5 abuts proposed Erf 9, the private road providing internal access to the subdivision. The proposed departure will therefore have no impact on the property rights or amenity of any adjoining private landowner. The garage has been in its existing position for a considerable period and its continued use will not alter the established character.

The existing garage will have no door or window facing the western street boundary of proposed Erf 5, being the boundary shared with proposed Erf 9.

The garage forms an integral, attached part of the existing dwelling rather than a free-standing outbuilding, and its retention in its current position is considered a practical and reasonable accommodation of an established improvement, rather than a new encroachment.

5. ACCESS AND PARKING

Vehicular and pedestrian access to proposed Erven 1 to 8 will be obtained via proposed Erf 9, the private road providing internal access, which connects directly to 13th Avenue via proposed Erf 11. Access to the existing dwelling and garage on proposed Erf 5 will be obtained from the southern side of the erf.

It is noted that on-site parking bays are required to be provided per dwelling unit in terms of the Overstrand Zoning Scheme Regulations, 2020, provided that on erven of less than 440m², only one on-site parking bay is required. The existing garage on proposed Erf 5 will continue to provide on-site parking for that erf, accessed from the south. The additional access arrangement will not have a material impact on traffic within the area, as the proposed subdivision is in line with the current status quo of the surrounding residential area.

The cul-de-sac at the terminus of proposed Erf 9 has been designed to accommodate a turning circle sufficient for standard and emergency vehicles, allowing municipal service vehicles to access, turn and exit the development in a forward direction without having to reverse onto 13th Avenue. Visitor parking and access arrangements will be addressed as part of the site development plan to be submitted with the building plans for the individual townhouse units.

6. MUNICIPAL SERVICES

Erf 4739 Kleinmond is situated within an already developed residential area. Municipal services already exist and are available to which the newly created erven can connect. All required services will be installed and upgraded, where necessary, according to the specifications of the Overstrand Municipality.

Proposed Erf 10 (10m²) is set aside as a private open space for the storage of refuse generated by proposed Erven 1 to 8, to be collected once a week by the Overstrand Municipality. In terms of the Overstrand Zoning Scheme Regulations, 2020, 0.5m² of refuse storage space is required per 100m² of a residential unit. The size of proposed Erf 10 was calculated on the assumption that each of the eight proposed townhouse erven will accommodate a dwelling unit of 250m², as follows:

Refuse storage calculation: $250\text{m}^2 \div 100 \times 0.5\text{m}^2 \times 8 \text{ units} = 10\text{m}^2$.

Proposed Erf 10 (10m²) therefore satisfies the refuse storage requirement applicable to the eight proposed townhouse erven.

The internal road reserve (proposed Erf 9) is 8m wide throughout the development, terminating in a cul-de-sac. The development will be access controlled.

Water, sewer and electricity connection points are available within the 13th Avenue road reserve, to which the internal reticulation within proposed Erf 9 will connect. The detailed design of the internal services will be undertaken by a suitably qualified civil engineer, in accordance with the Overstrand Municipality's engineering standards, and submitted to the Municipality for approval prior to the commencement of any bulk earthworks or installation of services. Stormwater generated within the development will be managed internally and directed to the existing municipal stormwater system serving 13th Avenue.

7. TITLE DEED

Erf 4739 Kleinmond is registered in the name of Emile Gert Delarose Terblanche in terms of Title Deed No. T2710/2026. The property was first transferred by Deed of Transfer No. T1439/1929, with Diagram No. A177/29 relating thereto, and has subsequently been held by Deed of Transfer No. T74432/1993 and Deed of Transfer No. T9116/2001.

The Title Deed reflects the following conditions:

Condition A: the property is subject to the conditions referred to in Deed of Transfer No. T27275/1970.

Condition B: the property is subject further to the conditions of Clause 12 marked "A" referred to in Deed of Transfer No. T.3729 dated 30 April 1918, which reads as follows:

"Deze eigendom wordt verkocht volgens de rechten voorrechten en hindernissen van eigenaars van erven gekocht van de tegenwoordige geregistreeerde eigenaar, welke rechten enz zijn volledigier voorgezet in de konditien van verkoping bijgevoegd aan de Transporten van gezegde erven."

In broad translation, this historic condition records that the property is sold subject to the rights, privileges and burdens applicable to erf owners who purchased from the then registered owner, more fully set out in the conditions of sale attached to the transfers of the erven concerned.

Condition C: the property is subject further and entitled, as the case may be, to the conditions contained in Annexure A to Deed of Transfer No. T.1439 dated 18 February 1929, imposed in favour of and against successors in title by the erstwhile Kleinmond Syndicate Limited. These conditions include, among others:

- All purchasers of erven are subject to rules, regulations and by-laws which the Company, any Board of Management, or the Municipality may promulgate for the good conduct and management of the township.

- The Company reserved the sole right to hotels and liquor licences, and no shop, store or business could be erected without the written consent of the Company's directors.
- The land between certain identified blocks and lots and the sea was to remain vacant, with no further erven to be sold in that area.
- Erf owners with an approved dwelling were historically entitled to limited grazing rights over portions of the Company's property set aside for that purpose, subject to withdrawal on notice.
- No building could be erected on any stand unless the plans had been submitted to and approved by the directors of the Company or its successors in title.
- Owners of erven were entitled to divert streams of water running on their erven to run alongside the streets shown on the General Plan of the township.
- The Company reserved the right to the free passage of electric, telegraph and telephone wires over any portion of the erven, and the right to lay and maintain water piping under any portion of the erven, with access for maintenance purposes.

Condition 10: "All buildings to be erected on the land herein sold shall stand back at least three comma fifteen (3.15) metres from the line of the street or avenue on which the Lot or Lots herein mentioned may front." Condition 11: "All outbuildings to be erected on the land herein sold shall stand back at least nine comma forty five (9.45) metres from any street or six comma thirty (6.30) metres from any Avenue on which the Lot or Lots herein mentioned may front."

The above historic conditions, imposed in 1918 and 1929 by the erstwhile Kleinmond Syndicate Limited, a company that has long since ceased to exist, primarily regulate the position of buildings relative to street and avenue frontages, together with certain historic administrative, service and grazing rights associated with the original township establishment. These conditions do not impose any restriction on the western (side) building line applicable to proposed Erf 5, and no removal or amendment of Title Deed conditions is accordingly required to accommodate the building line departure applied for in this report.

8. FORWARD PLANNING

8.1 Overstrand Municipal Spatial Development Framework (2020)

In terms of the Overstrand Spatial Development Framework, the subject property is situated within an area earmarked for urban development purposes. The proposed rezoning to Subdivisional Area, and the subsequent subdivision of the property, remain consistent with this designation, retaining a residential land use on the newly created portions.

The Overstrand SDF further promotes the consolidation of development within the existing urban edge of towns such as Kleinmond, in order to limit urban sprawl and to make optimal use of existing bulk infrastructure and social facilities. As Erf 4739 Kleinmond is situated well within the established urban edge

and existing residential fabric of Kleinmond, the proposed subdivision supports this broader spatial planning objective.

8.2 Overstrand Municipal Spatial Growth Management Strategy (October 2010)

The Overstrand Municipal Spatial Growth Management Strategy (“the GMS”) is the Municipality’s dedicated densification and growth management instrument. It gives more detailed spatial effect to the SDF by dividing each town into Planning Units and, for each unit, prescribing a growth management approach, appropriate housing typologies, a density ceiling, and the associated community facility and civil services implications of the proposed densification. The GMS is accordingly a useful tier of spatial policy against which the appropriateness of a densification proposal in Kleinmond can be tested.

Erf 4739 Kleinmond falls within Planning Unit 9 of Kleinmond – the largest Planning Unit, located in the northern central section of the town, and the area where the most middle- to high-income development is presently taking place. The GMS supports densification within this unit through a range of incremental proposals (housing typologies B1, B, C1, C2 and C3) and site development at densities of between 17 and 46 dwelling units per hectare on suitable sites, subject to an overall ceiling of 12.3 dwelling units per hectare across the Planning Unit as a whole, and an anticipated increase of approximately 375 dwelling units within the unit over time.

Measured against this framework, the proposal performs as follows:

GMS Parameter – Planning Unit 9	GMS Provision	The Proposal
Densification mechanism	Incremental proposals, including subdivision-based townhouse typologies	Rezoning and subdivision of one 4461m ² erf into eight townhouse erven, a private road and a private open space
Overall density ceiling	Not to exceed 12.3 du/ha across Planning Unit 9 as a whole	±17.9 du/ha on the subject property, a modest contribution to the Unit-wide average
Site development densities	17 – 46 du/ha on suitable sites	±17.9 du/ha – within, and towards the lower end of, the suitable-site range
Planned additional yield	±375 additional dwelling units in the Planning Unit	Contributes 7 additional dwelling units (1 existing dwelling to be retained on proposed Erf 5), or approximately 1.9% of the planned yield
Housing typology	B, C series typologies	Townhouse units on General Residential Zone 1 erven – consistent with the C-series group housing typologies envisaged
Community facility implication	Additional facilities planned at Planning Unit scale	7 additional residential opportunities – a modest, incremental facility demand

The proposal is considered to be consistent with, and supportive of, the GMS: it applies a recognised densification typology, at a density within the range the GMS regards as appropriate for suitable sites in Planning Unit 9, while remaining a modest contribution relative to the density ceiling and planned yield for the Unit as a whole.

8.3 Kleinmond Local Context and the Kogelberg Biosphere

Kleinmond is a coastal town situated within the transition zone of the Kogelberg Biosphere Reserve, declared by UNESCO as the first Biosphere Reserve in South Africa in 1998. The biosphere structure comprises core, buffer and transition zones, and the urban footprint of Kleinmond falls within the transition zone – the area designated for sustainable human settlement and economic activity, in which densification and consolidation within the existing urban footprint are encouraged in order to help protect the ecological integrity of the surrounding buffer and core zones.

The proposal is consistent with this broader spatial logic. By accommodating incremental residential demand on an existing, serviced erf within the urban edge, the proposal contributes, in a modest but positive way, towards reducing pressure for outward expansion of Kleinmond's urban footprint.

8.4 Cumulative Implementation of the Growth Management Strategy

The GMS's projected additional yield of approximately 375 dwelling units within Planning Unit 9 is intended to be delivered incrementally, through a series of individual subdivision-based and small-scale housing applications processed over the implementation horizon of the GMS, rather than through any single development. Approval of the present application would contribute 7 of the anticipated 375 additional dwelling units, or approximately 1.9% of the planned yield, towards the delivery of the GMS at the scale at which it was designed to operate.

The subdivision and rezoning of larger single residential erven for townhouse purposes is an established and regularly considered application category within the established residential areas of Kleinmond, and is consistent with the densification typologies identified as appropriate for Planning Unit 9.

8.5 Kleinmond as a Sensitive Coastal Town

Kleinmond's forward planning environment reflects two considerations that reinforce the desirability of appropriately scaled infill densification of the type here proposed. First, Kleinmond is set within the coastal fynbos landscape of the Kogelberg Biosphere Reserve, a landscape of considerable biodiversity value, with the consequence that outward expansion of the urban footprint is both spatially and environmentally constrained. Residential opportunities accommodated within the existing footprint therefore need not be sought at the expense of the biosphere's buffer and core zones.

Secondly, Kleinmond's economic base relies significantly on nature-based tourism and lifestyle-driven residential investment, both of which depend on the maintenance of the town's characteristic scale, streetscape and environmental setting. The proposal accommodates incremental residential demand on an already serviced erf within the existing urban footprint, retains a residential character and scale compatible with the surrounding area, and does not appear to place any undue burden on the settlement's environmental carrying capacity.

9. OTHER RELEVANT LEGISLATION FOR CONSIDERATION OF THE APPLICATION

9.1 Heritage Resources

The National Heritage Resources Act, 1999 (Act No. 25 of 1999) ("NHRA"), administered in the Western Cape by Heritage Western Cape ("HWC"), is relevant to this application in two principal respects.

First, Section 34 of the NHRA provides that no person may alter or demolish any structure, or part of a structure, older than 60 years without a permit from the responsible heritage resources authority. The existing dwelling on proposed Erf 5 does not appear to meet this age threshold, and is in any event not proposed to be altered or demolished as part of this application; the garage will simply continue in its existing use. Should any structure on the property later be found to be older than 60 years, any future alteration or demolition would be dealt with under Section 34 at building plan stage, independently of this application.

Secondly, Section 38(1) of the NHRA requires notification of the heritage resources authority for certain categories of development, including (under Section 38(1)(c)(i)) any development changing the character of a site exceeding 5000m² in extent, (under Section 38(1)(c)(ii)) any development involving three or more existing erven or subdivisions thereof, and (under Section 38(1)(d)) the rezoning of a site exceeding 10 000m² in extent. Erf 4739 Kleinmond is 4461m² in extent, below the 5000m² threshold; it is a single existing erf, rather than a development involving three or more existing erven; and although this application does include a rezoning component, the property is well below the 10 000m² rezoning threshold. On each of these grounds, the application falls below the trigger for Section 38(1) notification, and no notification of HWC is considered necessary.

The subject property is not situated within a proclaimed heritage area, is not a declared heritage site, and carries no known heritage designation. The surrounding streetscape comprises conventional residential development of no identified conservation significance. It is nonetheless recommended that this be confirmed against the Overstrand Municipality's Heritage Survey records prior to finalisation of the application. The proposal is not considered to have any adverse heritage implications.

9.2 National Environmental Management Act and EIA Regulations

The Environmental Impact Assessment Regulations, 2014 (as amended) (“the EIA Regulations”), promulgated in terms of Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (“NEMA”), read together with Listing Notices 1, 2 and 3, list the activities for which environmental authorisation is required. The activities relevant to residential-scale applications are principally directed at development outside urban areas, the transformation of indigenous vegetation beyond stated thresholds, development within watercourses, wetlands, estuaries or the coastal protection zone, infrastructure beyond stated capacities, and activities within areas of particular biodiversity or conservation sensitivity. The proposed rezoning, subdivision and departure relate to a single, already serviced residential erf within the urban edge of an established town, do not entail the clearing of any intact indigenous vegetation, do not involve infrastructure beyond ordinary house and road connections, and are not situated near any watercourse, wetland, estuary or coastal protection zone. On this basis, the application does not appear to trigger any listed activity, and no environmental authorisation in terms of NEMA is considered necessary for the rezoning, subdivision and departure themselves. Should future building development on any of the resulting erven trigger a listed activity, this would be addressed at building plan stage, independently of the present application.

10. PLANNING PRINCIPLES

Section 7 of the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013) (“SPLUMA”) sets out the development principles that apply to organs of state responsible for land use decisions, and which must inform the consideration of every land use application. Chapter VI of the Western Cape Land Use Planning Act, 2014 (Act No. 3 of 2014) (“LUPA”) restates and supplements these principles at provincial level. The proposal is considered against each principle below.

10.1 Spatial Justice – Section 7(a) of SPLUMA

The principle of spatial justice requires, among other things, that land use management systems accommodate a diversity of land uses and residential opportunities, and that access to land be improved. The proposal is modest in scale, but operates in the direction the principle requires: it increases the supply of residential erven within an established, well-located and fully serviced part of Kleinmond, and the subdivision of an over-sized single residential erf into eight more modestly sized townhouse erven incrementally improves the range of, and access to, housing opportunities in the area, consistent with the incremental densification the GMS anticipates for Planning Unit 9.

10.2 Spatial Sustainability – Section 7(b) of SPLUMA

The principle of spatial sustainability requires, among other things, that development take place in locations that are sustainable, limit urban sprawl, and make efficient use of existing resources and infrastructure.

The proposal locates additional residential opportunities on land already serviced and already within the urban edge, imposing no material capital cost on the Municipality; it counters urban sprawl by absorbing incremental demand within the existing urban footprint rather than at the periphery of Kleinmond; and it converts an under-utilised 4461m² erf into viable, appropriately sized residential erven.

10.3 Efficiency – Section 7(c) of SPLUMA

The efficiency principle requires that land development optimise the use of existing resources and infrastructure, and that application procedures be efficient and streamlined. The proposal uses the existing 13th Avenue street network, widened only marginally to match the widening already approved on the eastern side of the subject erf, and the existing water, sewer and electrical services available within the 13th Avenue road reserve, with only ordinary house connections and internal reticulation required. The shared internal access road (proposed Erf 9) further reduces the servicing footprint per erf when compared to a series of individually accessed single residential erven. Although this application comprises three interrelated components – the rezoning, the subdivision and the building line departure – all three are directly related to the same development proposal and are capable of coordinated and efficient processing within the timeframes provided by the By-law.

10.4 Spatial Resilience – Section 7(d) of SPLUMA

The principle of spatial resilience requires flexibility in spatial plans and land use management systems, so as to promote sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks. The Planning Unit and density-ceiling structure of the GMS is itself an instrument of managed flexibility, enabling incremental densification within defined limits, and the proposal operates within the flexibility that instrument provides. In our opinion, this principle is not otherwise directly applicable to this application.

10.5 Good Administration – Section 7(e) of SPLUMA

The principle of good administration requires an integrated approach to land development, that requirements of any law relating to land development be met timeously, and that affected parties be afforded the opportunity to participate in decisions that affect them. The application is submitted in terms of the prescribed procedures of the By-law and will follow the ordinary internal and external circulation procedures, including circulation to the relevant internal municipal departments and the public participation process provided for in the By-law, in terms of which surrounding owners will be notified and afforded the opportunity to comment. All information reasonably required for an informed decision – the title deed, the proposed subdivision and rezoning plan, and this motivation – accompanies the application, and further information will be provided promptly on request.

10.6 LUPA Principles

Chapter VI of LUPA restates the SPLUMA principles for application in the Western Cape, and additionally requires that land use planning decisions be consistent with the applicable spatial development frameworks. As set out in Section 8 above, the proposal is considered consistent with the applicable municipal spatial policy, including the SDF and the GMS, and does not depart from any structuring element thereof. The proposal is accordingly considered to satisfy the LUPA consistency requirement, in addition to the SPLUMA principles.

10.7 Considerations for Decision-Making under the By-law

Beyond the SPLUMA and LUPA principles, the By-law requires the Municipality, in deciding a land use application, to have regard to the desirability of the proposal in light of the applicable considerations. These typically include compatibility with the surrounding land use pattern and character of the area, the impact on engineering services, the environment, socio-economic conditions, heritage, and traffic and safety, and the consistency of the proposal with the applicable policy framework. Against each of these considerations, the proposal is considered to perform as follows:

- Compatibility with area character: the resulting erven, ranging from 400m² to 544m², are comparable to surrounding erven, and the townhouse typology, subject to architectural design guidelines approved by the Municipality, is not expected to alter the visual or functional character of the neighbourhood.
- Engineering services: bulk services are already available within the 13th Avenue road reserve; each erf will be connected via the internal reticulation within proposed Erf 9, at the cost of the owner, with no bulk extension anticipated.
- Environmental impact: the property is a transformed urban erf; no listed NEMA activity is triggered by the rezoning, subdivision or departure; the proposal is consistent with the Kogelberg Biosphere's transition-zone rationale.
- Socio-economic impact: the proposal creates additional rateable residential opportunities in Kleinmond and modestly broadens the range of erf sizes available in the area, with no adverse socio-economic consequence anticipated.
- Heritage impact: none of the Section 38(1) NHRA notification thresholds is triggered; no heritage designation applies to the property; no heritage impact is anticipated.
- Traffic and safety: the development will be access controlled, with internal access via proposed Erf 9 (an 8m wide private road terminating in a cul-de-sac) connecting to 13th Avenue, itself widened to match the road widening already approved to the east; no additional servitude is required, and traffic generation is expected to remain in keeping with the surrounding residential area.
- Policy consistency: the proposal is considered consistent with the applicable spatial policy hierarchy, including the SDF and the GMS, and is supported at the Planning Unit 9 scale by the GMS.

It is respectfully submitted that, tested against the SPLUMA development principles, the LUPA principles and the general considerations for decision-making under the By-law, the proposal is desirable, does not raise any material adverse consideration, and merits favourable consideration.

11. RECOMMENDATION

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

- The proposed rezoning and subdivision of Erf 4739 Kleinmond, as described above, falls within the existing land use tendencies of the area;
- The proposal is compatible with the existing erf sizes in the surrounding area;
- The proposed rezoning and subdivision will not have a negative impact on the current character and land values of the surrounding erven;
- No servitude is proposed; internal access is instead provided via proposed Erf 9, avoiding the registration of a right of way servitude;
- The existing dwelling on proposed Erf 5 will remain in its current position and will continue to comply with the applicable land use restrictions, save for the western lateral building line departure applied for to accommodate the existing garage;
- The western building line departure sought affects only the boundary shared with proposed Erf 9, the private road providing internal access, and will therefore have no impact on any adjoining private landowner;
- The proposal is consistent with the densification approach set out for Planning Unit 9 in the Overstrand Growth Management Strategy, and contributes a modest proportion of the anticipated additional dwelling units planned for that Unit;
- The proposed application is in line with the Spatial Planning Land Use Management Act, 2013 (SPLUMA) and the Land Use Planning Act, 2014 (LUPA).

With regard to the above, it would be appreciated if the Overstrand Municipality would consider the application favourably for the rezoning, subdivision and departure applicable to Erf 4739 Kleinmond, in order to create the erven and accommodate the existing garage as described in this report.



KEY:		
ZONING	LAND USE	SIZE (±m²)
General Residential Zone 1	Town Housing	3671
General Residential Zone 1	Private Road	10
General Residential Zone 1	Private Open Space	612
Transport Zone 2: TR2B	Public Road	168

