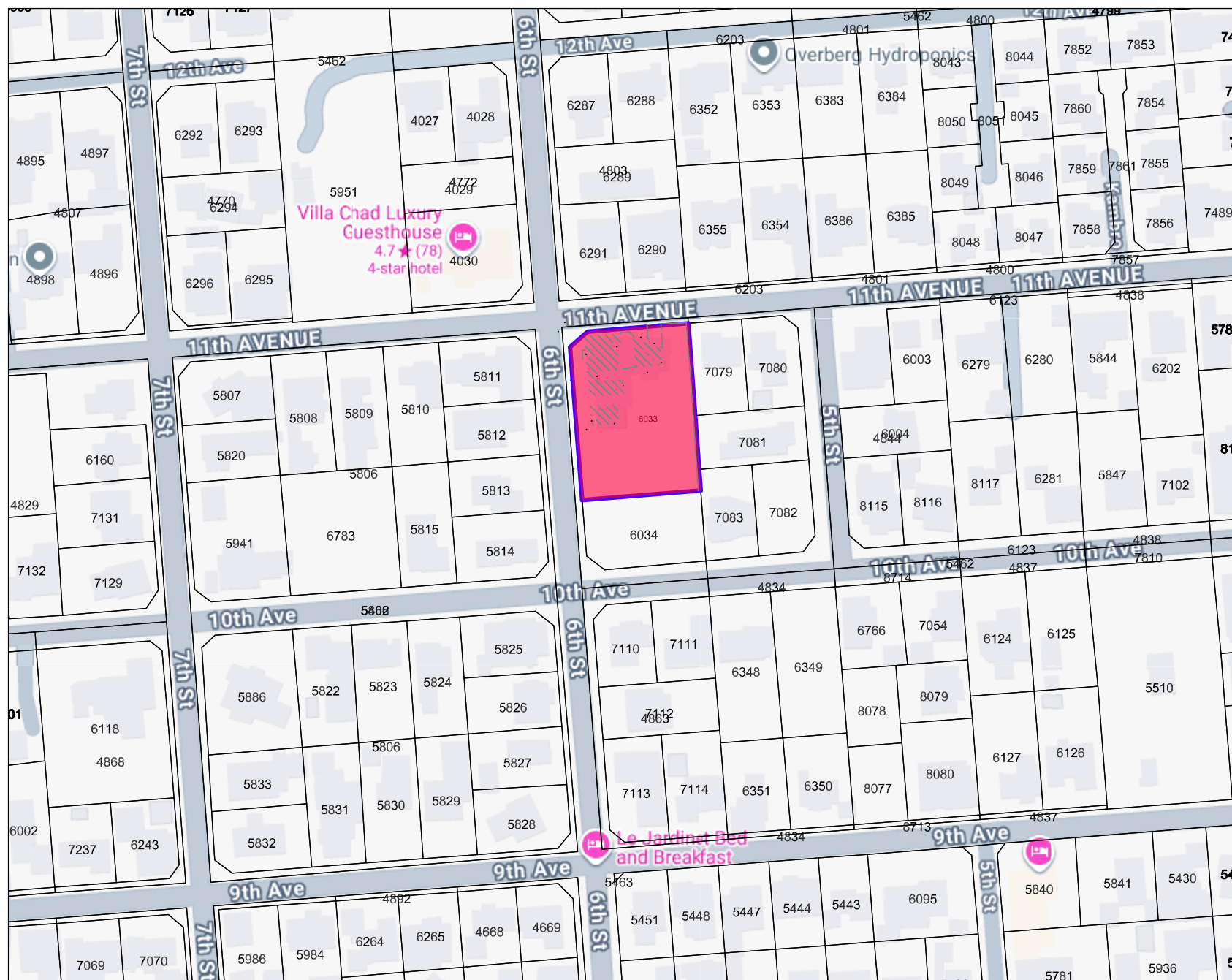




OVERSTRAND MUNICIPALITY	OVERSTRAND MUNISIPALITEIT	UMASIPALA WASE-OVERSTRAND
ERF 6033, 48 6th STREET, KLEINMOND: APPLICATION FOR REZONING AND SUBDIVISION: PLAN ACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF JM DAVIES Notice is hereby given in terms of Sections 47 and 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), of the following applications applicable to Erf 6033, Kleinmond (the property), namely: Rezoning Application in terms of Section 16(2)(a) of the By-Law to rezone the property from Business Zone 3: Local Business (B3) to Residential Zone 1: Single Residential (SR1) to align the formal zoning with the actual and intended use of the property. Subdivision Application in terms of Section 16(2)(d) of the By-Law to subdivide the property into three (3) portions namely, a Portion A of approximately 727m² in extent, a Portion B of approximately 1056m² in extent and a Remainder of approximately 810m² in extent. 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.	ERF 6033, 6^{de} STRAAT 48, KLEINMOND: AANSOEK OM HERSONERING EN ONDERVERDELING: PLAN ACTIVE STADS- EN STREEK BEPLANNERS NAMENS JM DAVIES Kragtens Artikel 47 en 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening) word hiermee kennis gegee van die onderstaande aansoeke van toepassing op Erf 6033, Kleinmond (die eiendom), naamlik: Hersonering Aansoek ingevolge Artikel 16(2)(a) van die Verordening om die eiendom vanaf Sakesone 3: Plaaslike Sake (B3) na Residensiële Sone 1: Enkelwoonsone (SR1) te hersoneer sodat die formele sonering met die werklike en beoogde gebruik van die eiendom ooreenstem. Onderverdeling Aansoek ingevolge Artikel 16(2)(d) van die Verordening om die eiendom in drie (3) gedeeltes, naamlik 'n Gedeelte A van ongeveer 727m² in grootte, 'n Gedeelte B van ongeveer 1056m² en 'n Restant van ongeveer 810m² in grootte, te onderverdeel. Besonderhede aangaande die voorstel lê ter insae gedurende weekdae tussen 08:00 en 16:30 by die Afdeling: Stads- en Streekbeplanning te Patersonstraat 16, Hermanus, by die Kleinmond Biblioteek, Vyfde laan, 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 Hoof Stadsbeplanner, Me. H. Van der Stoep by 028-3138900. Die Munisipaliteit mag weier om kommentare te aanvaar na die sluitingsdatum. Enige persoon wat nie kan lees of skryf nie kan die Afdeling: Stads- en Streekbeplanning besoek waar hul deur 'n munisipale amptenaar bygestaan sal word ten einde hul kommentaar te formuleer.	ISIZA -ERF 6033, 48 6th STREET, KLEINMOND: ISICELO SOKUCANDA KWAKHONA NOKWAHLULAHULA: PLAN ACTIVE TOWN & NABACWANGCISI BENGINGQI EGAMENI LIKA JM DAVIES Kukhutshwe isaziso esimayela nemiba yeSolotya lama-47 nelama-48 loMthethwana kaMasipala waseOverstrand Osisihlomelo SoMthethwana Ongezicwangciso zokuSetyenziswa koMhlaba kaMasipala ku2020 (Umthethwana), osebenza kwezi zicelo zilandelayo nezisebenziseka kwiSiza esingu-Erf 6033, Kleinmond (Isiza/umhlaba), ezibizwa: Ukucanda kwakhona Isicelo esimayela nemiba yeSolotya le16(2)(a) loMthethwana kaMasipala ongokucanda kwakhona umhlaba/isiza ukusuka kwiZowuni YoShishino 3: Ushishino LwaseKhaya (B3) ibe Yindawo Yokuhlala Abantu iZowuni 1: INdawo Esisicuku Esinye (SR1) ukungqamana nokucanda okusemthethweni ngenjongo yokusebenzisa umhlaba/isiza. Ukwahlulahlula Isicelo esingemiba yeSolotya le16(2)(d) loMthethwana wokwahlula-hlula umhlaba/isiza sibe zizohlulo ezintathu (3) ezibizwa, Isohlulo A esimayela neemitha ezingama 727m² ubungakanani, Isohlulo B esingumlinganiselo ozizikwemitha ezingama 1056m² ubungakanani neNtsalela ebungakanani obuzizikwemitha ezingama- 810m². linkcukacha eziphelelyo mayela nesi siphakamiso ziyafumanea ukuze zihlowe kwiintsuku zaphakathi evelini ukusukela kwixesha eliphakathi kwentsimbi ye-08:00 neye-16:30 kwiCandelo: LeziCwangciso zeDolophu noBume beNdawo, 16 Paterson Street, Hermanus, eKleinmond Library, Fifth Avenue, Kleinmond nakwiwebhpheyiji kwamasisipala kweli qhakamshela lilandelayo https://www.overstrand.gov.za/document/town-spatial-planning/land-use-planning-applications/ Naziphi na izimvo mazibhalwe phantsi zifike kwaMasipala (16 Paterson Street, Hermanus / (e) landuse@overstrand.gov.za) ngomhla okanye ngaphambi kwama 30 Okthobha 2026, uchaze igama lakho, idilesi, iinkcukacha ofumaneka kuzo, umdla wakho kwesi sicelo nezizathu zakho zokuhlomla. Imibuzo ngefowuni ingathunyelwa kuMcwangcisi weDolophu OyiNtloko, Nksk. H. van der Stoep kwa-028-3138900. Umasipala angala ukwamkela izimvo ezifike emva kpmhla wokuvala. Nabani na ongakwazi ukufunda nokubhala angahambela kwiCandelo: LeziCwangciso zeDolophu noBume beNdawo apho igosa likamasipala liza kumnceda afake izimvo zakhe ahlomle ngokusemthethweni.
<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>	<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>	<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>
EW JANTJIES Acting Municipal Manager / Waarnemende Munisipale Bestuurder / Umphathi Kamasipala Obambeleyo PO Box / Posbus / Ibhokisi yePosi 20 HERMANUS 7200		

Notice no. / Kennisgewing nr. / Inothi si yeNomb: 203/2026



MOTIVATION REPORT

Application for the Rezoning and Subdivision of Erf 6033, Kleinmond, in terms of Sections 16(2)(a) and 16(2)(d) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020

ERF 6033 KLEINMOND OVERSTRAND MUNICIPALITY

Property	Erf 6033 Kleinmond
Physical Address	Corner of 11th Avenue and 6th Street, Kleinmond
Title Deed	Deed of Transfer No. T66705/1996
Registered Owner	Jacqueline Mary Davies
Extent	2575m ² (two thousand five hundred and seventy five square metres)
Current Zoning	Business Zone 3: Local Business, with a consent use for a residential dwelling on ground floor
Proposed Zoning	Residential Zone 1: Single Residential
Application	Rezoning in terms of Section 16(2)(a) and subdivision in terms of Section 16(2)(d) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020
Proposal	Rezoning of Erf 6033 Kleinmond from Business Zone 3: Local Business to Residential Zone 1: Single Residential, and subdivision into three portions: Portion A (±727m ²), Portion B (±1056m ²) and the Remainder (±810m ²)
Prepared By	Plan Active, Town & Regional Planners

1. BACKGROUND

Plan Active, Town & Regional Planners, acting on behalf of the registered owner of Erf 6033 Kleinmond, hereby submits an application for the rezoning and subdivision of the subject property in terms of Sections 16(2)(a) and 16(2)(d) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 (hereinafter referred to as “the By-Law”).

Erf 6033 Kleinmond (hereinafter referred to as “the subject property”) is a large corner erf, 2 575m² in extent, situated on the corner of 11th Avenue and 6th Street within the established single residential fabric of central Kleinmond. The property is registered in the name of Jacqueline Mary Davies in terms of Deed of Transfer No. T66705/1996.

Although the property is currently zoned Business Zone 3: Local Business (with a consent use for a residential dwelling on ground floor), it is not, and has not been, used for business purposes. Since the registered owner, Mrs Davies, acquired the subject property under Deed of Transfer No. T66705/1996 on 29 August 1996, no business use has ever been made of the property or any part thereof. The property functions in fact as a single residential land unit, accommodating two dwelling houses, associated outbuildings and two garages. Its surroundings comprise an entirely single residential neighbourhood.

It is accordingly proposed:

- **firstly**, to rezone the subject property from Business Zone 3: Local Business to Residential Zone 1: Single Residential, in order to bring the formal zoning in line with the actual and intended residential use of the property and with the character of the surrounding area; and
- **secondly**, to subdivide the subject property into three portions, namely Portion A ($\pm 727\text{m}^2$), Portion B ($\pm 1\,056\text{m}^2$) and the Remainder of Erf 6033 ($\pm 810\text{m}^2$), as indicated on the Proposed Subdivision Plan (Drawing No. KLEINMOND6033a.dwg, dated 3 July 2026). All distances and extents are approximate and remain subject to final survey by a professional land surveyor.

This report describes the subject property and its context, sets out the details of the proposal, and motivates the desirability of the application with reference to the Overstrand Municipal Spatial Growth Management Strategy (October 2010), the applicable forward planning framework, and the development principles contained in national and provincial planning legislation.

2. APPLICATION DETAILS

The following land use planning applications are made in terms of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020:

Section 16(2)(a): the rezoning of Erf 6033 Kleinmond from Business Zone 3: Local Business (with a consent use for a residential dwelling on ground floor) to Residential Zone 1: Single Residential.

Section 16(2)(d): the subdivision of Erf 6033 Kleinmond into three portions, namely Portion A ($\pm 727\text{m}^2$ in extent), Portion B ($\pm 1\,056\text{m}^2$ in extent) and the Remainder of Erf 6033 ($\pm 810\text{m}^2$ in extent), as depicted on the Proposed Subdivision Plan.

No consent use or departure forms part of this application. Each of the resulting portions will, upon rezoning and subdivision, be zoned Residential Zone 1: Single Residential and will be used for single residential purposes, in accordance with the applicable zoning scheme provisions.

3. DESIRABILITY

3.1 Property Location

The subject property is centrally located within the established urban fabric of Kleinmond, on the south-eastern corner of the intersection of 11th Avenue and 6th Street. The surrounding area comprises a consolidated single residential neighbourhood characterised by freestanding dwelling houses on erven of varying sizes, with a regular grid street pattern.

The property is well located relative to the Kleinmond central business area and community facilities, and is bounded by 11th Avenue to the north, 6th Street to the west, Erven 7079 and 7081 to the east, and Erf 6034 to the south.

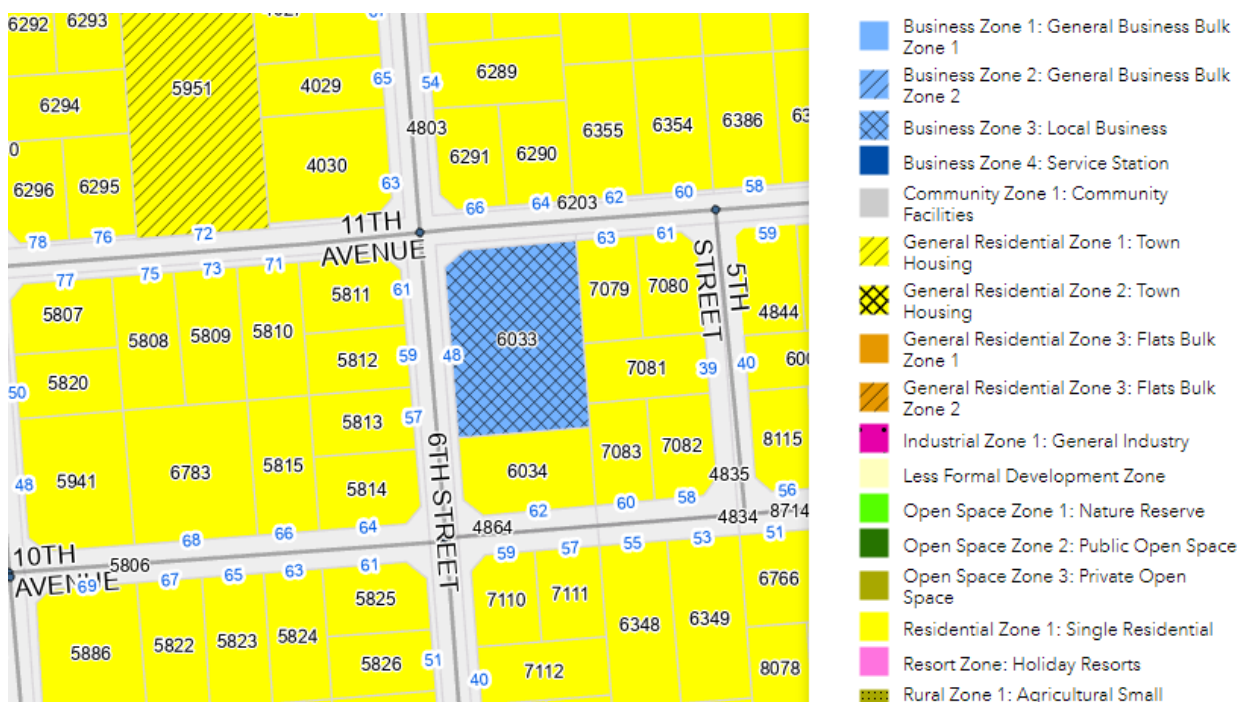


Figure 1: Locality Map, Erf 6033 Kleinmond (Plan Active, 3 July 2026)

3.2 Zoning

The subject property is presently zoned Business Zone 3: Local Business in terms of the applicable Overstrand zoning scheme provisions, with a consent use permitting a residential dwelling on ground floor. The current business zoning is, however, anomalous in the context of the property's actual use and its

surroundings: the property has not been developed or used for any business purpose, and every erf abutting it and every erf in its immediate neighbourhood is used for freestanding single residential purposes.



The proposed rezoning to Residential Zone 1: Single Residential will bring the formal zoning of the property in line with its actual and intended use, and with the prevailing character of the surrounding area. The rezoning does not introduce a new land use: it merely regularises the use to which the property is in fact already put. It also removes a latent potential for future business intensification in what is unequivocally a single residential neighbourhood, which represents a net positive outcome for the surrounding property owners and for the character of the area.

Upon rezoning and subdivision, each of the resulting portions of $\pm 727\text{m}^2$, $\pm 810\text{m}^2$ and $\pm 1\,056\text{m}^2$ respectively will be zoned Residential Zone 1: Single Residential and will accommodate a single dwelling house. The resulting portions remain generous, conventionally sized single residential erven that are fully compatible with, and in several instances larger than, surrounding erven in the immediate neighbourhood.

3.3 Existing Land Use

Throughout the period of Mrs Davies' ownership of the property, being from 29 August 1996 to date, no business use of the property has occurred, and the property has been used exclusively for single residential purposes. The subject property is improved with two existing dwellings and associated outbuildings. The main dwelling is situated within the area of proposed Portion A, and the second dwelling

is situated within the area of the proposed Remainder, both as indicated on the Proposed Subdivision Plan. The southern part of the property, comprising Proposed Portion B, is vacant.

The main dwelling is the larger of the two dwellings, comprising three bedrooms, two kitchens (a main kitchen and a second, smaller kitchen), and one bathroom, supported by a lounge, sunroom, TV/living/entertainment room, lobby, laundry, covered patios and an open courtyard. The second dwelling, situated above the garages, is more compact, comprising two bedrooms, one kitchen and a study, arranged around a central living room and bathroom.

The property is nevertheless not fully utilised in its current form: a corner erf of 2 575m² in a fully serviced central residential neighbourhood, of which a substantial vacant southern portion is readily capable of accommodating an additional single residential dwelling, in an area where municipal forward planning actively supports sensitive densification through the subdivision of over-sized erven into additional single residential opportunities.

4. PROPOSAL

4.1 Proposed Rezoning

It is proposed that Erf 6033 Kleinmond be rezoned from Business Zone 3: Local Business (with a consent use for a residential dwelling on ground floor) to Residential Zone 1: Single Residential, in terms of Section 16(2)(a) of the By-Law.

The rezoning is motivated by, and is desirable for, the following reasons:

- **Alignment with actual use:** The subject property has not, at any point since Mrs Davies acquired it in 1996, been used for business purposes. It has functioned throughout that period as a single residential erf, accommodating two existing dwellings and associated outbuildings on its northern part, with a vacant southern part. The proposed rezoning brings the formal zoning of the property into line with its actual and long-standing residential use.
- **Alignment with area character:** The subject property is embedded in a consolidated single residential neighbourhood. Every abutting erf and every erf in the immediate vicinity is used for single residential purposes. The proposed Residential Zone 1: Single Residential zoning is the zoning appropriate to, and consistent with, the prevailing character of the surrounding area.
- **Alignment with the intended use of the resulting portions:** The subdivision applied for below creates three portions that will each be used for a single dwelling house. Residential Zone 1: Single

Residential is the appropriate underlying zoning for each of those portions and is consistent with the single residential intent of the proposed layout.

- **Removal of a latent business right in a residential area:** The proposed rezoning removes the theoretical possibility of future business intensification of the subject property under its present Business Zone 3 zoning, a possibility which, in the context of an established single residential neighbourhood, would not be desirable. The rezoning therefore protects, rather than threatens, the amenity of the surrounding owners.
- **No adverse consequence:** The rezoning does not introduce any land use that is not already present on, and permitted for, the property; it does not intensify use; it imposes no additional demand on services; it triggers no listed environmental activity; and it is unencumbered by any restrictive title condition. It is a routine and unobjectionable planning intervention.

4.2 Proposed Subdivision

It is proposed that Erf 6033 Kleinmond be subdivided in terms of Section 16(2)(d) of the By-Law into three portions as set out in the table below and as depicted on the Proposed Subdivision Plan:

Portion	Approximate Extent	Street Frontage	Status
Portion A	±727m ²	11th Avenue / 6th Street	Improved: main dwelling and outbuildings
Remainder Erf 6033	±810m ²	11th Avenue	Improved: second dwelling
Portion B	±1 056m ²	6th Street	Vacant

All extents are approximate, as noted on the Proposed Subdivision Plan, and are subject to final cadastral survey. The position of the existing buildings on Erf 6033 were surveyed, and their surveyed positions were used to determine the placement of the proposed subdivision lines. The subdivision lines have accordingly been positioned so as to accommodate the main dwelling and its outbuildings wholly within Proposed Portion A, and the second dwelling wholly within the Proposed Remainder, and so as to ensure that no building line encroachments are created by the proposed subdivision. The southern part of the erf forms Proposed Portion B, a regular and practically developable vacant portion. Each resulting portion will be used for single residential purposes.



Figure 2: Proposed Subdivision Plan, Erf 6033 Kleinmond (Plan Active, 3 July 2026, scale 1:300)

The braai area located between proposed Portions A and the Remainder to the north that is bisected by the proposed subdivision line will be demolished.

Each resulting portion constitutes a conventional, regularly shaped single residential erf with direct frontage onto an existing constructed public street. No panhandle or landlocked portions are created, and no consolidation, servitude of right of way or private access arrangement is required to give effect to the subdivision.

4.3 Alignment with the Growth Management Strategy: Planning Unit 9

In terms of the Overstrand Municipal Spatial Growth Management Strategy (Final Report, October 2010) ("the GMS"), the subject property is located within Planning Unit 9 of Kleinmond. The GMS describes Planning Unit 9 as follows:

Planning Unit 9, being the largest Planning Unit and located in the northern central section of Kleinmond, is presently the area where the most middle to high income development is taking place.

With respect to residential densification within Planning Unit 9, the GMS provides the following:

The densification proposed for this Planning Unit consists of a variety of incremental proposals (housing typologies B1, B2, C1, C2 and C3) and site development at densities between 17 and 46 dwelling units per hectare. Large areas of this Planning Unit are subject to drainage problems and therefore only 20% of

this area is assumed to be suitable for densification. Following the densification proposals, the overall density for this Planning Unit should not exceed 12.3 dwelling units per hectare, which represents an increase of approximately 375 dwelling units.

The proposed rezoning and subdivision are entirely consistent with this policy directive, for the following reasons:

- **Incremental densification typology:** The GMS expressly identifies incremental densification, including the subdivision of larger erven into additional residential units, as the appropriate densification mechanism for this part of Kleinmond. The rezoning of the subject property to single residential and its subdivision into three conventional residential portions is precisely the modest, incremental form of densification the GMS envisages.
- **Density well within the policy ceiling:** Three dwelling units on 2 575m² equates to a gross density of approximately 11.7 dwelling units per hectare on the subject land unit, which remains below the overall ceiling of 12.3 dwelling units per hectare set by the GMS for Planning Unit 9, and far below the site development densities of 17 to 46 dwelling units per hectare contemplated for suitable sites within the Planning Unit.
- **Contribution to planned unit yield:** The GMS anticipates an increase of approximately 375 dwelling units within Planning Unit 9. The proposal contributes an additional developable dwelling opportunity on Proposed Portion B towards this planned yield, and at the same time formalises the two existing dwellings on separate single residential erven, all without requiring the extension of the urban edge or the development of greenfield land.
- **Compatible with area character:** The resulting erven of ±727m² to ±1 056m², each zoned Residential Zone 1: Single Residential, are consistent with the prevailing grain of erven in the surrounding neighbourhood and will accommodate freestanding dwelling houses of the same typology as the surrounding area.

5. ACCESS AND PARKING

The subject property is a corner erf with substantial frontage onto both 11th Avenue and 6th Street, both of which are existing constructed public streets within the Kleinmond street grid. Proposed Portion A will take access from 6th Street; the Remainder will take access from 11th Avenue; and Proposed Portion B will take access from 6th Street.

Each portion is therefore capable of obtaining safe, direct and independent vehicular access from an existing public street, without reliance on servitudes of right of way. All required parking for each dwelling house will be provided on site within the respective portions, in accordance with the parking requirements

of the applicable zoning scheme. The proposal will not generate traffic volumes beyond what is normal for, and readily accommodated within, an established single residential neighbourhood.

6. MUNICIPAL SERVICES

The subject property is located within the established, fully serviced urban area of Kleinmond and is currently connected to the municipal engineering services networks. Municipal water, sewerage, electricity and stormwater infrastructure is available within the abutting road reserves of 11th Avenue and 6th Street. Each new portion will be provided with its own individual service connections in accordance with the requirements and standards of the Overstrand Municipality's Directorate: Infrastructure and Planning. The applicant accepts that the payment of applicable development charges, and the provision of individual connections at the cost of the owner, may be imposed as conditions of approval.

It is noted that the GMS requires, at the Planning Unit scale, investigations into the sufficiency of the existing water, stormwater and electrical networks to accommodate the cumulative densification proposed for Planning Unit 9. The present proposal, comprising the formal separation of two existing dwellings onto their own erven and the addition of only one further dwelling opportunity on the vacant Portion B, all on an already serviced erf, represents a negligible incremental demand that can readily be accommodated within the existing networks, subject to the Municipality's standard engineering conditions.

7. TITLE DEED

The subject property is held by Deed of Transfer No. T66705/1996, in terms of which the property is subject to the following conditions:

- **Condition A:** Subject to the conditions referred to in Deed of Transfer No. T32287/1973.
- **Condition B:** Subject to the conditions of clause 12 contained in Annexure A to Deed of Transfer No. T3729/1918, which records (in Dutch) that the property is sold subject to the rights, privileges and encumbrances of owners of erven purchased from the then registered owner, as more fully set out in the conditions of sale attached to the transfers of the said erven.
- **Condition C:** Subject to, and entitled to the benefit of, certain township establishment conditions set out in Annexure E to Deed of Transfer No. T3975/1928, imposed by Kleinmond Syndicate Limited. These conditions include, inter alia, restrictions relating to hotels, liquor and general dealers' licences; grazing rights; the approval of building plans by the company; servitudes for electric, telegraph and telephone wires and for piping; a building line of 3,15 metres from the street or avenue line; a setback of 9,45 metres from any street or 6,30 metres from any avenue for outbuildings; and the reservation of mineral and water rights.

- **Condition D:** Subject to the terms of the endorsement dated 9 October 1979 on Deed of Transfer No. T4061/1978, comprising conditions imposed by the Administrator in terms of Section 9 of Ordinance No. 33 of 1934 against the Remainder of Erf 4864 (a portion of Erf 4834) Kleinmond, obliging the owner to permit municipal services (gas, electricity, telecommunications, water, sewerage, drainage and stormwater) to be conveyed across the erf where deemed necessary by the local authority, and to receive material or permit excavation in connection with street construction.

The title deed contains no condition prohibiting or restricting the rezoning or the subdivision of the subject property, and no restrictive condition that would preclude the use of each resulting portion for single residential purposes. Accordingly, no application for the removal, suspension or amendment of restrictive title conditions is required, and the registered title conditions will devolve upon the resulting portions in the ordinary course upon registration.

The historic township building line conditions referred to in Condition C above will continue to apply to the resulting portions and can be complied with in the ordinary course when building plans for the vacant portions are prepared, given the generous dimensions of each portion.

8. FORWARD PLANNING

In terms of Section 42(2) of SPLUMA and the corresponding provisions of LUPA and the By-Law, the Municipality must, in considering a land use application, have due regard to the applicable spatial development frameworks and adopted policies at each tier of the planning hierarchy. The purpose of this section is to test the proposal against each such framework and policy, starting at the municipal level (which is the tier of most direct application) and working outwards to the provincial and national tiers. It will be shown that the proposal is not merely consistent with the applicable forward planning framework, but actively implements it in the location, at the scale and in the typology that the framework expressly identifies as appropriate.

8.1 Overstrand Municipal Spatial Development Framework

The Overstrand Municipal Spatial Development Framework ("SDF"), adopted in terms of Section 20 of SPLUMA and Section 11 of LUPA, is the principal statutory spatial policy of the Municipality and the framework within which all land use decisions are taken. The SDF establishes an urban edge for each of the Overstrand's coastal towns, identifies a hierarchy of nodes and corridors, and directs new residential development in the first instance to infill and densification opportunities within the existing urban footprint. The subject property is located comfortably within the urban edge of Kleinmond, within an established, fully serviced and consolidated single residential area. It is not situated on, or adjacent to, any structuring element of the SDF such as a coastal setback line, a movement corridor, a public open space system, or

a critical biodiversity area. The rezoning and subdivision therefore engage the SDF at the routine urban-fabric level rather than at any structuring level, and do not require the amendment of, or a departure from, any spatial element of the SDF. The rezoning of the subject property to Residential Zone 1: Single Residential, in particular, is entirely consistent with the residential designation of this part of Kleinmond at the SDF scale.

The compact-settlement policy stance of the SDF is a direct response to the particular structural constraints of the Overstrand's coastal towns: the urban areas are hemmed in between the coastline and the mountains, are surrounded by land of exceptional biodiversity value within and adjoining the Kogelberg Biosphere Reserve, and are served by bulk infrastructure whose extension is costly relative to the municipal fiscal base. Every residential opportunity created within the existing footprint therefore relieves, in a small but cumulative way, the pressure for outward expansion onto greenfield and environmentally sensitive land. The proposal is a textbook example of the development pattern that the SDF seeks to achieve: the formal separation of two existing dwellings onto their own erven, together with one additional dwelling opportunity, on an existing urban erf, with no extension of the urban edge, no loss of natural or agricultural land, and no extension of municipal networks.

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 fine-grained spatial effect to the SDF by dividing each town into Planning Units and, for each unit, prescribing a growth management approach, the appropriate housing typologies, a density ceiling, the associated community facility requirements and the civil services implications of the proposed densification. The GMS is accordingly the tier of spatial policy at which the appropriateness of any particular densification proposal in Kleinmond falls to be tested most directly.

As set out in Section 4.3 above, the subject property 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 variety of incremental proposals (housing typologies B1, B2, 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 for the Planning Unit as a whole and representing an anticipated increase of approximately 375 dwelling units within the unit.

Measured against this directive, the proposal performs as follows:

GMS Parameter: Planning Unit 9	GMS Provision	The Proposal
Densification mechanism	Incremental proposals, including subdivision-based typologies	Rezoning to single residential and subdivision of one 2 575m ² erf into three conventional erven
Overall density ceiling	Not to exceed 12.3 dwelling units per hectare	±11.7 dwelling units per hectare on the land unit
Site development densities	17 – 46 dwelling units per hectare on suitable sites	Well below: freestanding single residential typology retained
Planned additional yield	±375 additional dwelling units in the Planning Unit	Contributes 1 new dwelling on Portion B; two existing dwellings formalised on separate erven
Drainage sensitivity	Only ±20% of unit assumed suitable for densification	Serviced corner erf; stormwater addressed at building plan stage
Housing typology	B, C series typologies	Freestanding dwellings on conventional single residential erven, compatible with prevailing area character
Community facility implication	Additional facilities planned at Planning Unit scale	One new dwelling; two existing dwellings formalised on separate erven; negligible facility demand

The proposal therefore not only complies with the GMS but actively implements it: it delivers exactly the scale, typology and location of densification that the strategy plans for, while remaining below the density ceiling set for the Planning Unit. It is precisely the type of incremental subdivision-based densification that the GMS envisages as the ordinary means by which the anticipated 375 additional dwelling units within Planning Unit 9 are to be delivered over time.

8.3 Kleinmond Local Context and the Kogelberg Biosphere

Kleinmond is a coastal town situated within the transition zone of the Kogelberg Biosphere Reserve, which was declared by UNESCO as the first Biosphere Reserve in South Africa in 1998. The biosphere structure comprises core, buffer and transition zones, in terms of which the urban footprint of Kleinmond falls squarely within the transition zone, that is, the area explicitly designated for sustainable human settlement and economic activity, in which densification and consolidation are actively promoted precisely so as to protect the ecological integrity of the surrounding buffer and core zones.

The proposal accords with, and gives effect to, this biosphere-scale spatial logic. By absorbing incremental residential demand on an existing serviced erf within the urban edge, the proposal contributes, in a small

but cumulative way, to reducing the pressure for outward expansion onto land which forms part of, or adjoins, the biosphere's buffer and core zones. There is accordingly a direct and positive relationship between the modest urban intervention proposed and the protection of a globally significant conservation area.

8.4 Cumulative Implementation of the Growth Management Strategy

The GMS's projected additional yield of approximately 375 dwelling units within Planning Unit 9 will, on the strategy's own terms, be delivered incrementally through a succession of individual subdivision-based and small-scale housing applications processed over the implementation horizon of the GMS. That aggregate outcome is not the product of any single flagship intervention, but of the routine, cumulative processing of proposals of exactly the kind here presented. The GMS is, in that sense, a strategy that is delivered one modest application at a time.

A refusal of the present application would, viewed in this light, be inconsistent with the very implementation mechanism that the GMS itself contemplates. Approval on the merits, by contrast, contributes proportionately (one additional dwelling opportunity of the anticipated 375, together with the formalisation of the two existing dwellings on separate single residential erven) to the delivery of the strategy at the scale at which it was designed to operate.

The subdivision of over-sized erven into two or three single residential portions is, moreover, a well-established and routinely approved application category within the established residential areas of Kleinmond, and is expressly identified as an appropriate densification typology within the Planning Unit. The proposal fits comfortably within that pattern and does not seek any indulgence beyond what the applicable statutory and policy framework already provides.

8.5 Kleinmond as a Sensitive Coastal Town

Kleinmond's forward planning environment reflects two related considerations that distinguish it from typical inland small towns and that reinforce the desirability of infill densification of the type here proposed. First, Kleinmond is set within the coastal fynbos landscape of the Kogelberg Biosphere Reserve (a landscape of exceptional biodiversity value and international significance), with the practical consequence that outward expansion of the urban footprint is both spatially and environmentally constrained in every direction. Every residential opportunity accommodated within the existing footprint is therefore, in a small but cumulative way, an opportunity that need not be sought at the environmental expense of the biosphere's buffer and core zones.

Secondly, Kleinmond's economic base is heavily dependent on nature-based tourism and on lifestyle-driven residential investment, both of which are premised on the maintenance of the town's characteristic scale, streetscape and environmental setting. Both considerations point in the same direction as the proposal. Absorbing incremental residential demand on already serviced erven within the existing urban

footprint is precisely how a coastal town in Kleinmond's position is expected to grow. The proposal preserves the freestanding single residential typology and the existing streetscape, and it does not exceed the settlement's environmental carrying capacity. It therefore protects rather than compromises the amenity on which the local economy depends.

9. OTHER RELEVANT LEGISLATION

Beyond the Overstrand By-Law itself, a number of other statutes and regulations may in principle be relevant to a rezoning and subdivision application of this kind. The purpose of this section is to identify each such instrument, to test the proposal against its provisions, and to demonstrate that no separate authorisation is required, and no adverse consequence is anticipated.

9.1 Heritage Resources

The National Heritage Resources Act, 1999 (Act 25 of 1999) ("NHRA"), administered in the Western Cape by Heritage Western Cape ("HWC"), is relevant to land use applications 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 which is older than 60 years without a permit from the responsible heritage resources authority. The present application is a rezoning and a cadastral subdivision only: it does not authorise, require or entail the demolition or alteration of any structure. The subdivision lines have been positioned deliberately, on the basis of a survey of the existing buildings, so as to retain the main dwelling and its outbuildings intact within Proposed Portion A, and the second dwelling intact within the Remainder, and to ensure that no building line encroachments are created. Should any of the existing structures on the property later be found to be older than 60 years, any future demolition or alteration thereof would be dealt with under Section 34 at building plan stage, entirely independently of this application, and does not affect the desirability of the rezoning or the subdivision.

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 or activity which will change the character of a site exceeding 5 000m² 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. The subject property is 2 575m² in extent and is a single erf; on each of the three principal thresholds the proposal accordingly falls comfortably below the trigger for Section 38(1) notification, and no notification of HWC is required.

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 late twentieth-century residential development of no identified conservation significance, and no known

archaeological or palaeontological sensitivity attaches to the site. The proposal accordingly has no 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 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 land use applications are principally directed at (i) developments outside urban areas, (ii) the transformation of indigenous vegetation beyond stated thresholds, (iii) developments within watercourses, wetlands, estuaries or the coastal protection zone, (iv) infrastructure beyond stated capacities, and (v) activities in areas of particular biodiversity or conservation sensitivity.

The present proposal (the rezoning and subdivision of a single already-serviced residential erf within the urban edge of an established town, with no intensification of land use, no clearance of intact indigenous vegetation, no infrastructure beyond that provided as ordinary house connections, and no proximity to any watercourse, wetland, estuary or coastal protection zone) triggers none of the listed activities. No environmental authorisation in terms of NEMA is accordingly required for the proposed rezoning or subdivision. Should any future built development on any of the resulting portions in due course trigger a listed activity (which is not anticipated for ordinary single residential dwellings), that would be dealt with at building plan stage, entirely independently of, and without prejudice to, the present application.

10. PLANNING PRINCIPLES

Section 7 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (“SPLUMA”) sets out the development principles that apply to all organs of state responsible for the implementation of legislation regulating the use and development of land, and which must inform and guide the consideration of every land use application. Chapter VI of the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014) (“LUPA”) restates and supplements these principles at the provincial level. The purpose of this section is to test the proposal against each principle in turn, and thereafter against the general considerations for decision-making applicable under the By-Law.

10.1 Spatial Justice: Section 7(a) of SPLUMA

The principle of spatial justice requires, inter alia, that past spatial and other development imbalances be redressed through improved access to and use of land; that spatial development frameworks and land use management systems accommodate a diversity of land uses and residential opportunities; and that land use management systems include all areas of a municipality, including informal settlements and areas not previously subject to a land use scheme.

The proposal is modest in scale and its contribution to redressing broader spatial imbalances is correspondingly modest. It nevertheless operates in the direction the principle requires and produces no effect adverse to it. The proposal increases the supply of residential erven within an established, well-located and fully serviced urban area with existing access to community facilities, and thereby broadens the residential opportunity available in Kleinmond. The rezoning of the property to single residential and its subdivision into three smaller and therefore relatively more attainable land units incrementally improves the affordability profile of the neighbourhood without altering its character. Cumulatively across many similar applications within Planning Unit 9, this pattern of incremental rezoning and subdivision is precisely what the GMS anticipates in delivering the projected 375 additional dwelling units within the unit, and is precisely the mechanism by which the spatial economy of Kleinmond becomes more inclusive over time.

10.2 Spatial Sustainability: Section 7(b) of SPLUMA

The principle of spatial sustainability requires, inter alia, that land development promote land markets that function effectively and equitably; be within the fiscal, institutional and administrative means of the Republic; protect prime and unique agricultural land and environmental assets; promote land development in locations that are sustainable; limit urban sprawl; and result in communities that are viable. The proposal advances this principle across each of its component elements:

- it locates new residential opportunities on land that is already serviced, already within the urban edge, and already integrated into the town's movement network, imposing no capital cost on the Municipality;
- it protects agricultural land and the environmental assets of the Kogelberg coastal and mountain environment by absorbing incremental residential demand within the existing urban footprint rather than at the urban periphery;
- it directly counters urban sprawl, being the precise opposite of peripheral expansion and the archetypal form of infill densification promoted by the SDF, the GMS and the PSDF alike;
- it converts a 2 575m² land unit (which presently accommodates two dwellings on its northern part with a substantial vacant southern part, in a location the GMS identifies as suitable for densification) into three viable, conventionally sized single residential erven; and
- it operates well within the fiscal and administrative means of the Municipality, requiring only the ordinary processing of the rezoning and subdivision components and, in due course, individual service connections at the cost of the owner.

10.3 Efficiency: Section 7(c) of SPLUMA

The efficiency principle requires, inter alia, that land development optimise the use of existing resources and infrastructure; that decision-making procedures be designed to minimise negative financial, social, economic or environmental impacts; and that development application procedures be efficient and streamlined and timeframes be adhered to by all parties.

At every level, the proposal is a paradigm of the efficient use of existing resources. The existing street network of 11th Avenue and 6th Street is used without modification and without new road construction. The existing water, sewer and electrical reticulation abutting the property is used without extension, with only the addition of ordinary house connections in due course. The existing community facility catchment of Kleinmond is used without any new community facility being required. Even the existing building improvements on the parent erf, both the main dwelling and the second dwelling, are retained intact by virtue of the deliberate positioning of the subdivision lines, which were placed on the basis of a survey of the existing buildings so as to prevent any building line encroachment. Each of these is, in aggregate, a small saving; collectively, and across many similar applications, they constitute the compact and efficient settlement pattern that the SPLUMA principle contemplates.

At the procedural level, the application combines only two integrally related components under the By-Law: a rezoning under Section 16(2)(a), and a related subdivision under Section 16(2)(d), both of which arise from, and support, a single, coherent single residential outcome. It is accordingly capable of efficient and expeditious 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, policies and land use management systems, so as to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks. Resilience, in the applied planning sense, is largely a function of settlement form: compact, mixed-scale, well-serviced settlements are inherently more resilient than dispersed, mono-functional and infrastructure-hungry ones, because they share infrastructure among more households, contain travel distances, and spare the ecological support systems on which the settlement ultimately depends.

The proposal contributes, at the scale of a single land unit, to the resilience of the Kleinmond settlement pattern. Incremental subdivision-based densification of the existing settlement produces a more finely grained and more adaptable urban form, in which residential capacity can grow modestly over time without any single point of failure. The Planning Unit and density-ceiling structure of the GMS is itself an instrument of managed flexibility (it enables incremental densification within defined limits), and the proposal operates squarely within the flexibility that instrument provides.

10.5 Good Administration: Section 7(e) of SPLUMA

The principle of good administration requires that all spheres of government ensure an integrated approach to land development; that no government department may withhold its sector input unreasonably; that the requirements of any law relating to land development and land use be met timeously; and that the public 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. It will be circulated to the relevant internal municipal departments (planning, engineering services, environmental management and, where applicable, heritage) for comment, and will be subject to the public participation processes provided for in the By-Law, in terms of which surrounding owners will be notified and afforded the opportunity to comment or object. All information reasonably required for an informed decision (the title deed, the proposed subdivision plan, the locality plan, and this motivation) accompanies the application, and further information will be furnished promptly on request.

10.6 LUPA Principles

Chapter VI of LUPA restates the SPLUMA principles for application in the Western Cape and requires, in addition, that land use planning promote and protect the spatial planning vision of the province, and that decisions be consistent with the applicable spatial development frameworks. As demonstrated in Sections 4.3 and 8 above, the proposal is consistent with, and actively implements, the applicable municipal spatial policy at every tier (the SDF and the GMS), and it does not depart from any structuring element of the SDF. The proposal accordingly satisfies 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 the light of the applicable considerations. These considerations, though variously expressed in different by-laws, consistently include the compatibility of the proposal with the surrounding land use pattern and character of the area; the impact on engineering services; the impact on the environment; the impact on the socio-economic conditions of the area; the impact on heritage; the impact on traffic and safety; and the consistency of the proposal with the applicable policy framework.

Against each such consideration the proposal performs positively:

- **Compatibility with area character:** the rezoning to Residential Zone 1: Single Residential brings the zoning of the property into line with the entirely single residential character of the surrounding area, and the resulting erven of $\pm 727\text{m}^2$ to $\pm 1\,056\text{m}^2$ are of the same order as surrounding erven, will accommodate the same freestanding single residential typology, and will not alter the visual or functional character of the neighbourhood.
- **Engineering services:** bulk services are in place; each portion will be individually connected at the cost of the owner; no bulk extension is required.
- **Environmental impact:** the property is a transformed urban erf; no listed activity is triggered; no environmental authorisation is required; the proposal is consistent with the Kogelberg Biosphere's transition-zone rationale.

- **Socio-economic impact:** the proposal creates two additional rateable single residential erven in Kleinmond (in place of the single erf currently existing) and modestly broadens the range of erf sizes available in the market, with no adverse socio-economic consequences.
- **Heritage impact:** none of the Section 38(1) NHRA thresholds is triggered; no heritage designation applies; no heritage impact is anticipated.
- **Traffic and safety:** each portion has direct access to an existing constructed public street; no new street or servitude is required; traffic generation is normal for the neighbourhood, and the rezoning to single residential removes any potential for business-related traffic impact under the current Business Zone 3 zoning.
- **Policy consistency:** the proposal is consistent with, and actively implements, every tier of the applicable spatial policy hierarchy, and is expressly supported by the GMS at the Planning Unit scale.

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.

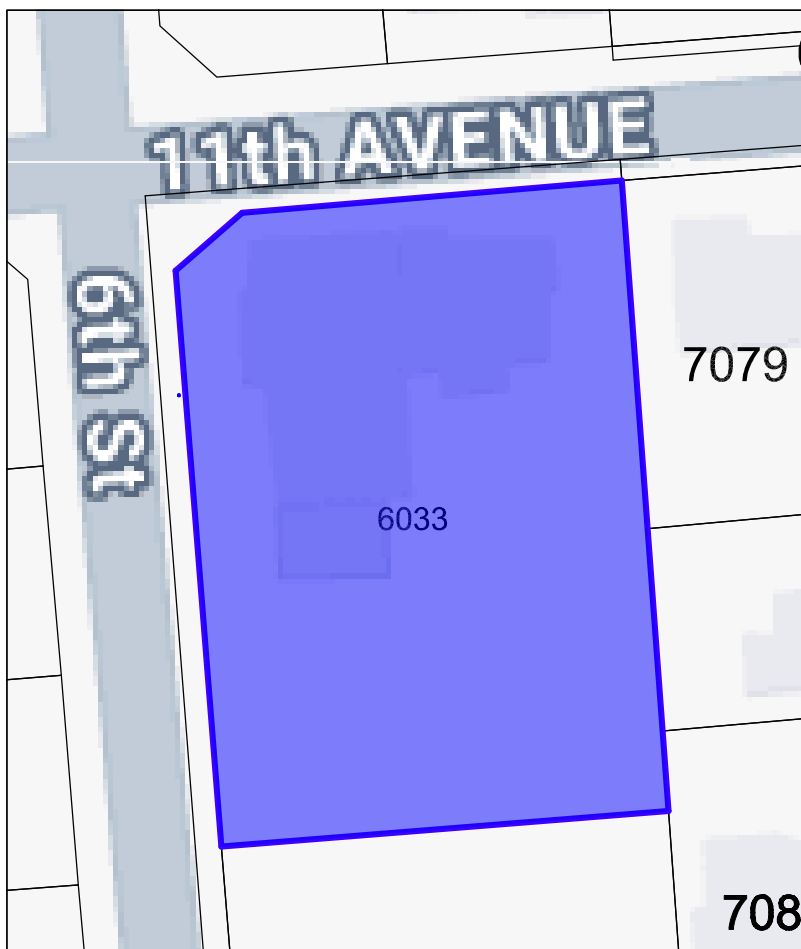
11. RECOMMENDATION

The proposed rezoning of Erf 6033 Kleinmond from Business Zone 3: Local Business (with a consent use for a residential dwelling on ground floor) to Residential Zone 1: Single Residential, and its subdivision into Portion A ($\pm 727\text{m}^2$), Portion B ($\pm 1\,056\text{m}^2$) and the Remainder ($\pm 810\text{m}^2$):

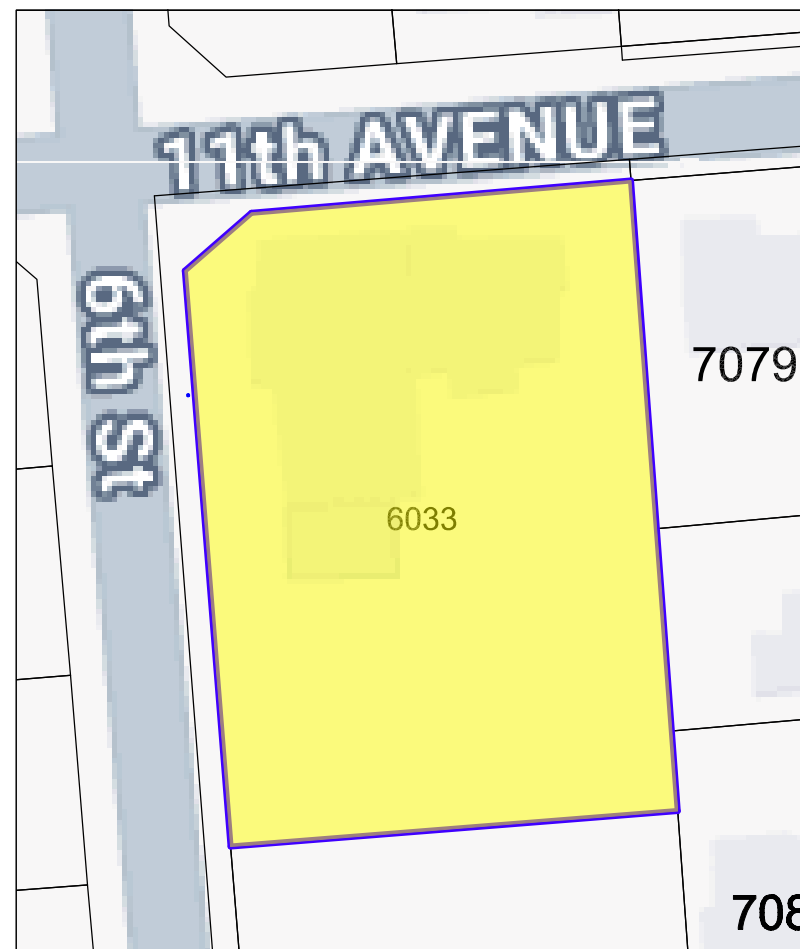
- brings the formal zoning of the subject property into line with its actual and long-standing single residential use, and with the entirely single residential character of the surrounding neighbourhood;
- removes the latent possibility of future business intensification of the property under its current Business Zone 3 zoning, thereby protecting the amenity of surrounding owners;
- constitutes modest, incremental infill densification of a $2\,575\text{m}^2$ erf within the urban edge of Kleinmond, of which a substantial vacant southern portion is capable of accommodating an additional single residential dwelling;
- is expressly supported by the Overstrand Municipal Spatial Growth Management Strategy for Planning Unit 9, and remains below the overall density ceiling of 12.3 dwelling units per hectare set for the Planning Unit;
- creates three conventional, regularly shaped single residential erven, each with direct frontage and independent access onto an existing constructed public street, and each to be used for single residential purposes;
- places no material additional demand on municipal engineering services, with each portion to be individually connected at the cost of the owner and subject to applicable development charges;
- is unencumbered by any restrictive title condition prohibiting rezoning or subdivision; and

- is consistent with the development principles of SPLUMA and LUPA and with the applicable forward planning framework.

It is accordingly submitted that the proposed rezoning and subdivision of Erf 6033 Kleinmond are desirable, consistent with applicable policy and legislation, and in the public interest, and it is respectfully requested that the applications in terms of Sections 16(2)(a) and 16(2)(d) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 be approved, subject to the Municipality's standard conditions of approval.



Existing Zoning: Business Zone 3



Proposed Zoning: Residential Zone 1

