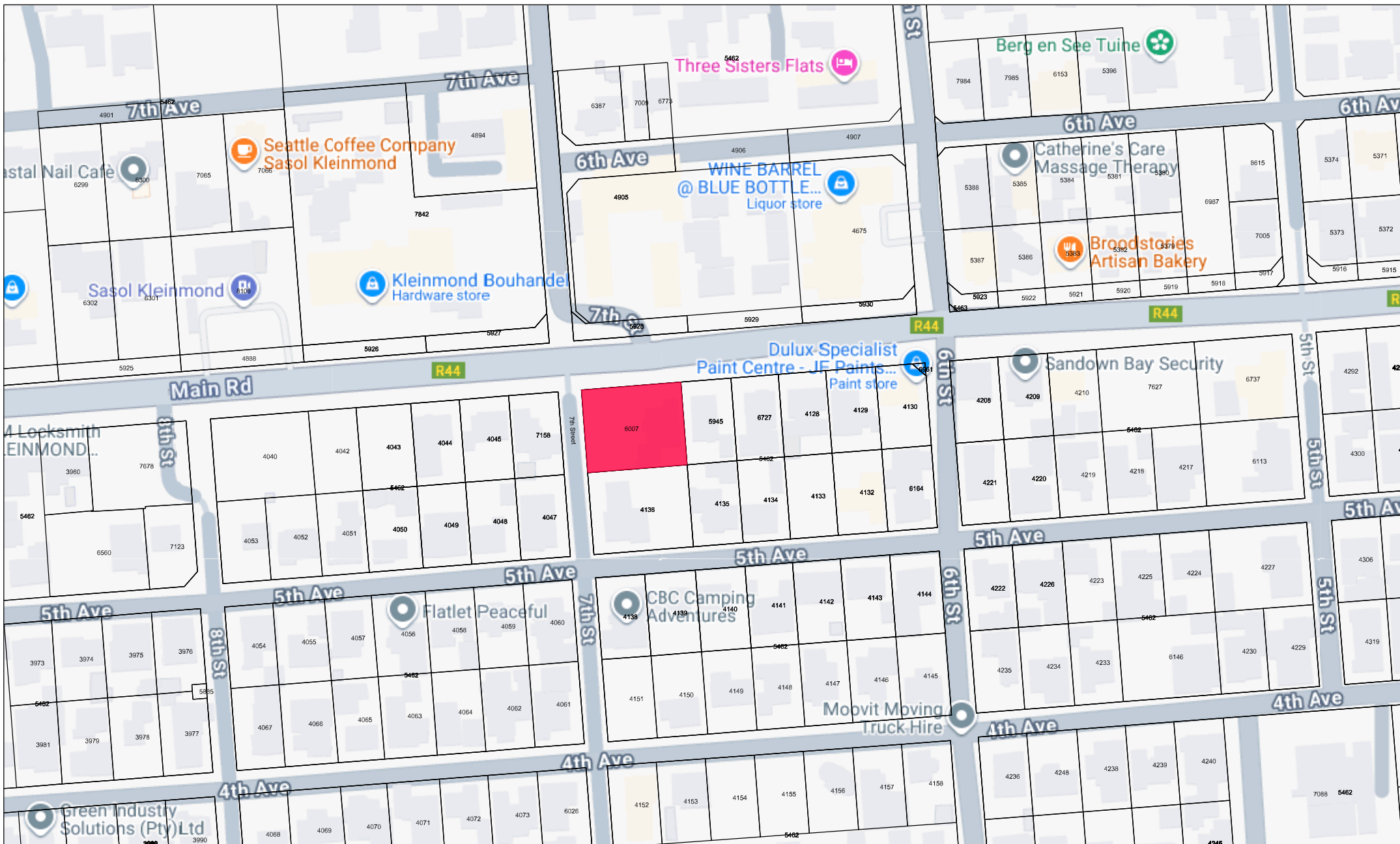


OVERSTRAND MUNICIPALITY	OVERSTRAND MUNISIPALITEIT	UMASIPALA WASE-OVERSTRAND
<p><u>ERF 6007, 91 MAIN ROAD, KLEINMOND: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, REZONING, CONSENT USE AND DEPARTURE: PLAN ACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF 3B PROPERTIES (PTY) LTD</u></p> <p>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 6007, Kleinmond (the property), namely:</p> <p>Removal of a Restrictive Title Deed Conditions Application in terms of Section 16(2)(f) of the By-Law for the removal of a restrictive title deed conditions I.C.2., I.C.11., I.C.12., II.C.7.(d) and II.C.7.(h) as contained in Title Deed T4146/2026 of the property to enable the owner to utilize the existing dwelling on the property as a proposed business premises.</p> <p>Rezoning Application in terms of Section 16(2)(a) of the By-Law to rezone Erf 6007, Kleinmond from Residential Zone 1: Single Residential (SR1) to Business Zone 3: Local Business (B3) to accommodate the proposed land use.</p> <p>Consent Use Application in terms of Section 16(2)(o) of the By-Law to accommodate a ground floor flat in the existing unit attached to the dwelling on the property.</p> <p>Departure Application in terms of Section 16(2)(b) of the By-Law to relax the following building lines to accommodate the existing building and future extensions on the property: - Eastern lateral building line from 3m to ±2,25m, and - Rear building line from 3m to ±2,60m.</p> <p>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/</p> <p>Any comments must be in writing and reach the Municipality (16 Paterson Street, Hermanus / (e) landuse@overstrand.gov.za) on or before 26 June 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.</p> <p><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></p>	<p><u>ERF 6007, HOOFWEG 91, KLEINMOND: AANSOEK OM OPHEFFING VAN BEPERKENDE TITELAKTEVOORWAARDES, HERSONERING, VERGUNNINGSGEBRUIK EN AFWYKING: PLAN ACTIVE STADS- EN STREEKBEPLANNERS NAMENS 3B PROPERTIES (PTY) LTD</u></p> <p>Kragtens Artikel 47 en 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening) word hiermee kennis gegee van die onderstaande aansoek van toepassing op Erf 6007, Kleinmond (die eiendom), naamlik:</p> <p>Opheffing van 'n Beperkende Titelaktevoorwaardes Aansoek ingevolge Artikel 16(2)(f) van die Verordening vir die opheffing van 'n beperkende titelaktevoorwaardes I.C.2., I.C.11., I.C.12., II.C.7.(d) en II.C.7.(h) soos vervat in Titelakte T4146/2026 van die eiendom om die eienaar in staat te stel om die bestaande woning op die eiendom as 'n voorgestelde sakeperseel te gebruik.</p> <p>Hersonering Aansoek ingevolge Artikel 16(2)(a) van die Verordening om Erf 6007, Kleinmond vanaf Residensiële Sone 1: Enkelwoonsone (SR1) na Sakesone 3: Plaaslike Sake (B3) te hersoneer om die voorgestelde grondgebruik te akkommodeer.</p> <p>Vergunningsgebruik Aansoek ingevolge Artikel 16(2)(o) van die Verordening om 'n woonstel op grondvloer te akkommodeer in die bestaande eenheid wat teenaan die woning op die eiendom gebou is.</p> <p>Afwyking Aansoek ingevolge Artikel 16(2)(b) van die Verordening om die volgende boulyne te verslap om die bestaande gebou en toekomstige uitbreidings op die eiendom te akkommodeer: - Oostelike syboulyn vanaf 3m tot ±2,25m, en - Agterboulyn vanaf 3m tot ±2,60m.</p> <p>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/</p> <p>Enige kommentaar moet skriftelik wees en die Munisipaliteit (Patersonstraat 16, Hermanus / (e) landuse@overstrand.gov.za) voor of op 26 Junie 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.</p> <p><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></p>	<p><u>ISIZA ESINGU-ERF 6007, 91 MAIN ROAD, KLEINMOND: ISICELO SOKUSHENXISWA KWEMEMKO EZIYIMIQOBO KWITAYITILE ZOBUNINI, UKUCANDA, UKUVUMELA UKUSEBENZISA NOKWAHLULA: NGABAKWAPLAN ACTIVE TOWN NABACWANGCISI BENGINGQI EGAMENI LE- 3B PROPERTIES (PTY) LTD</u></p> <p>Isaziso esingemiba emayela neSoloty lama-47 nelama-48 loMthethwana kaMasipala OsisiHlomelo soMthethwana kaMasipala NgeziCwangciso Zokusetyenziswa koMhlaba kaMasipala ku2020 (UMthethwana), esisicelo sisebenzisa kwiSiza uErf 6007, Kleinmond (Umhlaba), owaziwa:</p> <p>Ukushenxiswa Kweemeko eziyiMiqobo Kwiitayitile ZoBunini Isicelo esisebenza ngokwemiba yeSoloty la16(2)(f) loMthethwana ongokushenxiwa kweemeko eziyiMiqobo kwitayitile zobunini I.C.2., I.C.11., I.C.12., II.C.7.(d) ne II.C.7.(h) njengoko ziqulethwe kwiitayitile YoBunini T4146/2026 yesi siza ukulungiselela ukuba umnini asebenzise indawo yokuhlala esel ikhona kulo mhlaba njengoko kuphakanyiswe kwiindawo zokuhubela uShishino.</p> <p>Ukucanda kwakhona Isicelo ngokwemiba yeSoloty la16(2)(a) loMthethwana wokucanda kwakhona isiza i-Erf 6007, Kleinmond ukusuka kwiZowuni Yokuhlala 1: Indawo Enye Elungiselelwe Ukuhala Abantu Abaninzi (SR1) ibe yiZowuni yoShishino 3: KuShishino LwaseKhaya (B3)Jukulungiselela uusetyenziswa komhlaba okuphaanyiswayo.</p> <p>Ukuvumela Ukusebenzisa Isicelo ngokwemiba yeSoloty la16(2)(o) loMthethwana ukulungiselela ifithi ekumgangatho osezantsi kwiyunithi esele ikhona edityaniswe kwindlu ekwesi siza.</p> <p>Ukwahlula Isicelo ngokwemiba yeSoloty la16(2)(b) loMthethwana ongokunyenisa imigca yesakhawo elandelayo ukulungiselela isakhawo esele sikhona sibe zizongezo kwesi siza: - Umgca wesakhawo omelene necala eliseMpumala ukusuka kwiimitha ezi-3m ukuya kwi ±2,25m, kunye - Nomva nomgca wesakhawo ukusuka kwiimitha ezi-3m ukuya kwiimitha ezi- ±2,60m.</p> <p>Iinkcukacha ezipheleleyo mayela nesi siphakamiso ziyafumaneka ukuze zihlolwe kwiintsuku zaphakathi evekini ukusukela phakathi kwentsimbi ye-08:00 neye-16:30 kwiCandelo: LeziCwangciso zeDolophu NoBume, 16 Paterson Street, Hermanus, eKleinmond Library, Fifth Avenue, Kleinmond nakwiwebhpheji kamasipala kweeli qhakamshela lilandelayo https://www.overstrand.gov.za/document/town-spatial-planning/land-use-planning-applications/</p> <p>Naziphi na izimvo mazibhalwe phantsi zifike kwaMasipala (16 Paterson Street, Hermanus / (e) landuse@overstrand.gov.za) ngomhla okanye ngaphambi komhla wama-26 Junie 2026, uchaze igama lakho, idilesi, iinkcukacha ofumaneka kuzo, umdla wakho kwesi sicelo nezizathu zokuhlomla kwakho. Imibuzo ngefowuni ingabuzwa kuMcwangcisi WeDolophu Oyinqununu, Nkskz. H. van der Stoep kwa- 028-3138900. UMasipala angala ukwamkela izimvo ezifike emva komhla wokuvala. Nabani na ongakwazi ukufunda okane ukubhala angahambela kwiCandelo: IziCwangciso zeDolophu noBume beNdawo apho igosa likamasipala liza kuncedeka ukubeka uluvo lwakho nokuhlomla ngokusemthethweni.</p> <p><i>Nceda uqaphele ukuba ngokwemiba YoMthetho woKhuseleko Lwengxelo Yoluntu (POPIA), uza kungena kwinkqubo yoluntu ngoko ke uyavumelana kwaye uvuma ukuba kusetyenziswe igama lakho, ifani yakho, iinkcukacha ofumaneka kuzo noluvo/izimvo zakho zingadizwa kwinkqubo yokwenza isicelo (isicelo).</i></p>
<p>Dr DGI O'Neill Municipal Manager / Munisipale Bestuurder / Umphathi Kamasipala PO Box / Posbus / Ibhokisi yePosi 20 HERMANUS 7200</p> <p style="text-align: right;">Notice no. / Kennisgewing nr. / Inathisi yeNomb: 99/2026</p>		



**PROPOSED REZONING, CONSENT
USE, BUILDING LINE DEPARTURES
AND THE REMOVAL OF
RESTRICTIVE TITLE DEED
RESTRICTIONS**

ERF 6007 KLEINMOND

MOTIVATION REPORT

1. BACKGROUND

Plan Active Town and Regional Planners has been appointed by 3B Properties (Pty) Ltd, the registered owner of Erf 6007 Kleinmond, to prepare and submit a land use application to the Overstrand Municipality.

The application comprises the following components in terms of the Overstrand Municipality By-law on Municipal Land Use Planning, 2020:

- The rezoning of Erf 6007 Kleinmond from Residential Zone 1 to Business Zone 3 (Local Business);
- An application for consent use to permit a flat on the ground floor;
- Application for building line departures necessitated by more restrictive development parameters associated with the proposed zoning; and
- The removal of restrictive building line conditions contained in the Title Deed.

The subject property measures approximately 1,190m² in extent and is held under Title Deed No. T4146/2026. The Title Deed contains restrictive conditions relating to building lines, which must be addressed to accommodate the existing structures on the property.

It is further noted that there is no mortgage bond registered over the property.

2. APPLICATION DETAILS

This application is submitted in terms of the relevant provisions of the Overstrand Municipality Amended By-law on Municipal Land Use Planning, 2020, and seeks approval for land use rights pertaining to Erf 6007 Kleinmond.

The proposal is aimed at facilitating the appropriate redevelopment and optimal utilisation of the property, taking into account its strategic location along Main Road and its established historical use pattern.

The application is submitted in terms of Chapter 4 of the aforementioned By-law and comprises the following components:

- Section 16(2)(a): Application for the rezoning of Erf 6007 Kleinmond from Residential Zone 1 (Single Residential) to Business Zone 3 (Local Business);
- Section 16(2)(o): Application for consent use to permit a single flat on the ground floor of the subject property;
- Section 16(2)(b): Application for building line departures to regularise existing and proposed building line encroachments on the property; and
- Section 16(2)(f): Application for the removal of restrictive conditions contained in the Title Deed, specifically insofar as these relate to the prescribed building line setbacks applicable to Erf 6007 Kleinmond.

3. NEED AND DESIRABILITY

3.1 PROPERTY DESCRIPTION

Erf 6007 Kleinmond is located at 91 Main Road, Kleinmond, within a well-established and highly sought-after mixed-use corridor in the coastal town. The property forms part of a dynamic urban environment characterised by a diverse range of land uses, including retail establishments, offices, restaurants, and residential dwellings. This mix

of activities contributes to a vibrant and active streetscape along Main Road, which functions as one of the town's primary commercial and social spines.

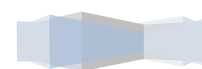
The property measures approximately 1,190m² in extent and is currently developed. An existing dwelling is situated on the eastern portion of the site, while the western portion remains largely undeveloped. In terms of the Overstrand Municipality Zoning Scheme Regulations, the property is presently zoned Residential Zone 1 (Single Residential), which restricts its use to a dwelling house and associated residential purposes.

The proposed rezoning to Business Zone 3 (Local Business) will enable the property to be utilised more efficiently and in a manner that is consistent with the surrounding mixed-use character. This will support the continued economic activity and spatial consolidation of the Main Road corridor.

It is further proposed to retain an existing secondary dwelling unit (granny flat) located on the south-western corner of the main dwelling. In this regard, a consent use application is required to regularise the continued use of this unit in accordance with the applicable zoning scheme provisions.

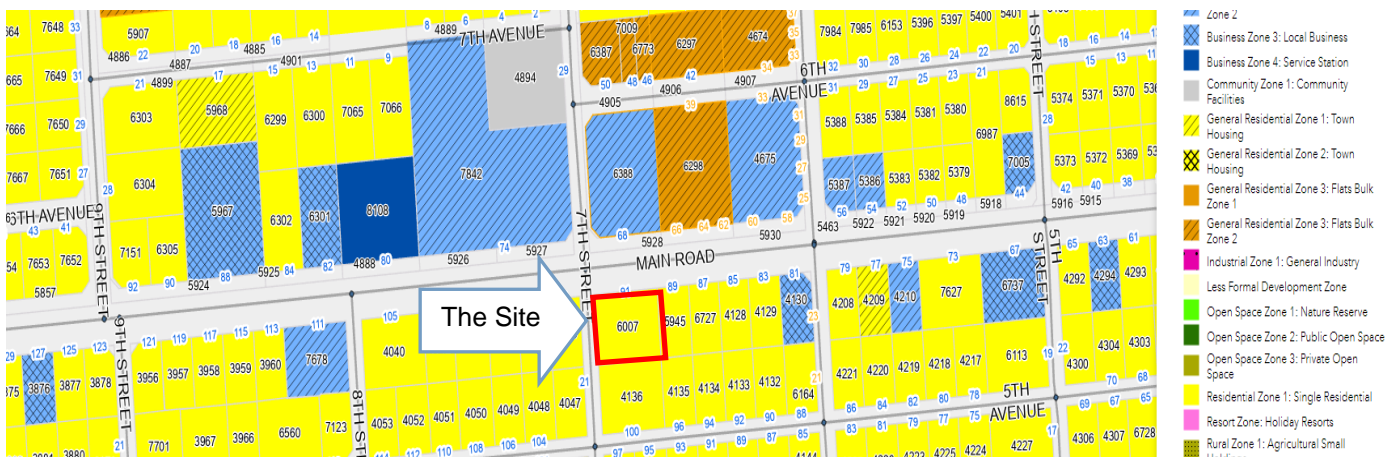
3.2 ZONING

Erf 6007 Kleinmond is currently zoned Residential Zone 1: Single Residential (SR1) in terms of the Overstrand Municipality Zoning Scheme. This zoning permits a range of primary uses, including a dwelling house, crèche, guest rooms, home occupation, second dwelling unit, and self-catering accommodation. In addition, the zoning allows several consent uses, such as a day care centre, greenhouse, guest house, house shop, institution, place of instruction, place of worship, residential building, and intensive horticulture.



The broader surrounding area exhibits a diverse zoning pattern, reflecting the gradual transformation of Main Road into a mixed-use corridor. Land use rights in the vicinity include Business Zone 2 and Business Zone 3, accommodating a variety of enterprises such as shops, restaurants, and estate agencies; General Residential Zone 3, which allows flats and higher-density housing; and Residential Zone 1, comprising established single residential dwellings.

This zoning context highlights the appropriateness and compatibility of the proposed rezoning of Erf 6007 Kleinmond to Business Zone 3: Local Business, as it will align the property with the prevailing mixed-use character of the area. Notably, the adjoining Erven 4210 and 6737 Kleinmond are already zoned Business Zone 3, reinforcing the spatial and functional continuity of commercial activity along this section of Main Road. A zoning map extract is attached to illustrate the property’s context and surrounding land use pattern.



3.3 LAND USE

Erf 6007 Kleinmond is currently used for residential purposes. The property forms part of the Main Road activity corridor, which represents the town’s primary commercial and mixed-use spine. The area accommodates a wide range of business, service, and residential activities that collectively define Kleinmond’s local economic and social character.

The eastern section of Main Road, near the Botriver Road junction, features several established commercial and community facilities, including SuperSpar, Wild Horse Restaurant and Bar, the Kleinmond Tourism Bureau, and the Kleinmond Police Station. These uses serve as prominent entry points to the town and contribute significantly to its local identity.

The central section of Main Road contains a concentration of small-scale retail and service-oriented enterprises such as Kleinmond Apteek (Pharmacy), various real estate offices (Kleinmond Estates, Pam Golding, and Seeff), Dr. Klopper's dental practice, and popular local businesses like Broodstories Bakery, Riker Motors/Atlantic Oil Service Station, Fundco Finance, Jan Biltong, and the Brass Anchor Restaurant. This section forms the heart of Kleinmond's business activity, accommodating a vibrant mix of shops and professional services.

Toward the western end of Main Road, closer to the Palmiet area, the character becomes more commercial in scale, with larger enterprises such as the Shoprite Centre, A.M. Locksmith, Kleinmond Gas & Hardware, and Sandown Security. Key amenities in this precinct include ABSA Bank (located within the Erika Centre), a Sasol Service Station, and popular eateries like Pizza World, Vic's Trading Co., and Perron 25 Coffee Shop, which occupies the historic station building and serves as a local community landmark.

Within this broader context, Erf 6007 occupies a strategic position along Main Road, surrounded by diverse and established land uses that reinforce its suitability for rezoning to Business Zone 3: Local Business, consistent with the area's prevailing development pattern and functional role within Kleinmond.

3.4 PROPOSAL

This application is submitted in terms of the relevant provisions of the Overstrand Municipality Amended By-law on Municipal Land Use Planning, 2020, and seeks approval for specific land use actions pertaining to Erf 6007 Kleinmond. The application is submitted in terms of Chapter 4 of the aforementioned By-law and comprises the following components:

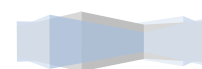
- Section 16(2)(a): Application for the rezoning of Erf 6007 Kleinmond from Residential Zone 1 (Single Residential) to Business Zone 3 (Local Business);
- Section 16(2)(o): Application for consent use to permit a single flat on the ground floor of the subject property;
- Section 16(2)(b): Application for building line departures to regularise existing and proposed building line encroachments on the property; and
- Section 16(2)(f): Application for the removal of restrictive conditions contained in the Title Deed, specifically insofar as these relate to the prescribed building line setbacks applicable to Erf 6007 Kleinmond.

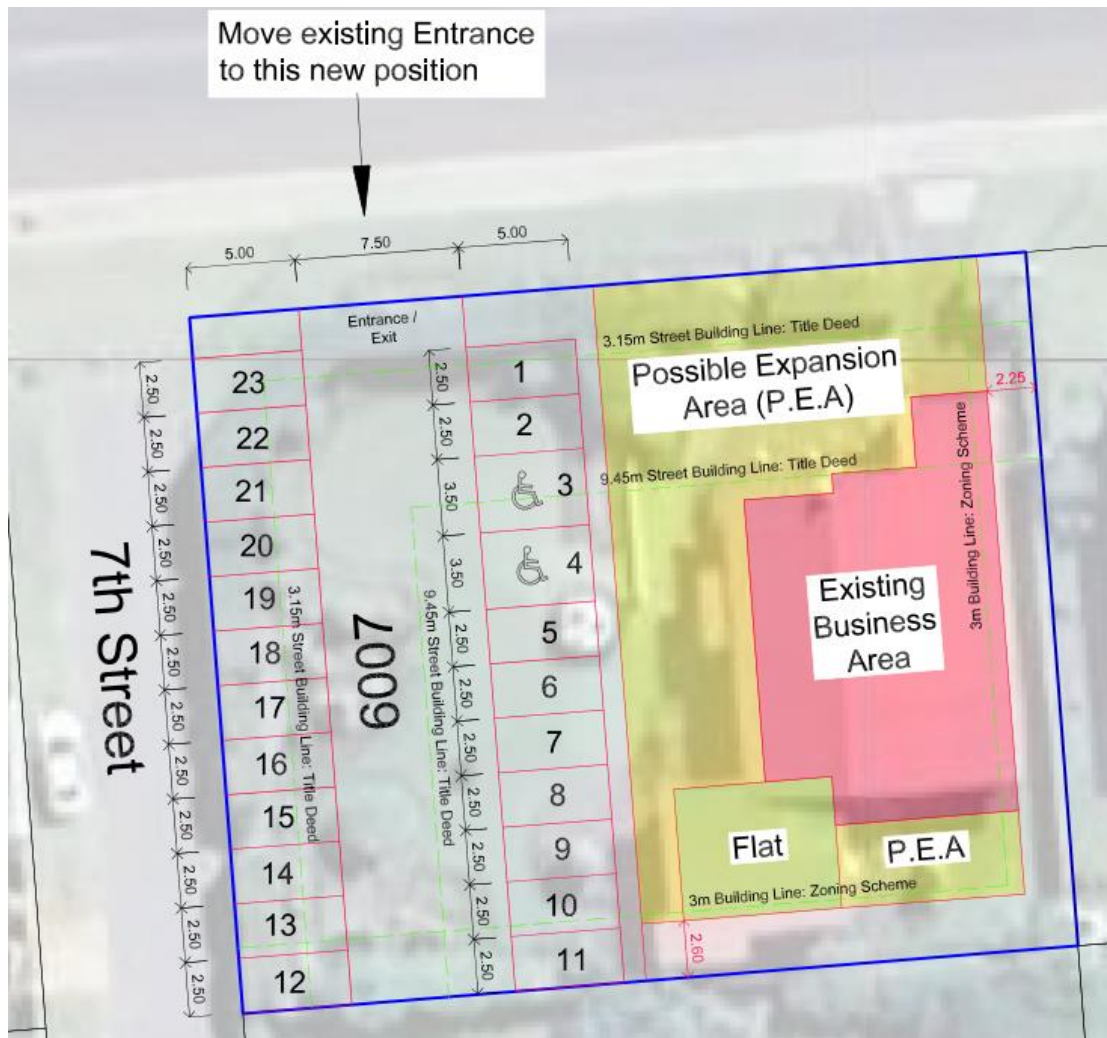
3.4.1 Proposed Rezoning

The proposed rezoning of Erf 6007 Kleinmond from Residential Zone 1 (Single Residential) to Business Zone 3 (Local Business) is considered both appropriate and desirable, given the property's strategic location along Main Road and its integration within an established mixed-use corridor.

Main Road functions as one of Kleinmond's primary activity streets, accommodating a range of commercial, service, and residential uses. The subject property, being prominently located on the corner of Main Road and 7th Street, is well-positioned to transition from a purely residential use to a more intensive mixed-use or commercial function that aligns with the prevailing development pattern in the area. The proposed rezoning will therefore formalise and reinforce the existing land use character of the corridor, contributing to its continued economic vitality and spatial consolidation.

The development proposal, as illustrated on the accompanying Site Development Plan and abstract below, provides for the utilisation of the existing building, together with proposed extensions, to accommodate a total business floor area of approximately $\pm 478\text{m}^2$.





Based on the available developable area on ground floor, the site could accommodate a maximum potential business floor area of approximately $\pm 478\text{m}^2$, approximately 40% of the site, should the full capacity of the property be realised. This remains within an appropriate scale for Business Zone 3 and is compatible with the surrounding urban context.

The building is intended to accommodate retail shops, office uses, or a combination thereof, depending on market demand at the time of development. Notably, the parking requirements for both land use components are identical, being calculated at a ratio of 4 parking bays per 100m^2 of Gross Leasable Floor Area. Based on the proposed and potential maximum floor area, sufficient space is available on the western portion of the property to accommodate the required number of parking bays.

The Site Development Plan demonstrates that the layout is capable of accommodating the full parking requirement, including the provision of designated accessible (universal access) parking bays in accordance with municipal and national standards. Two

parking bays have further been allocated to serve the proposed ground floor flat. Detailed parking design and compliance will be addressed in a subsequent section of this report.

Access to the property will be taken exclusively from Main Road. Although the property is a corner erf abutting both Main Road and 7th Street, no vehicular access will be provided from 7th Street. The existing access point will be relocated further west along the Main Road frontage to optimise vehicular movement and site functionality. This ensures that traffic generated by the proposed development will be directed onto the primary road network and will not impact the adjacent residential streets.

In addition to the primary commercial component, it is proposed to retain the existing secondary dwelling (granny flat), which will be formalised as a ground floor flat through a consent use application. This aspect will be addressed in detail later in the report.

In summary, the proposed rezoning facilitates a logical and contextually appropriate intensification of land use, supports economic activity along a key movement corridor, and ensures that the development remains compatible with both the surrounding built environment and applicable planning policies, while adequately accommodating all associated parking and access requirements.

3.4.2 Proposed Consent Use

A single-bedroom granny flat is currently established on Erf 6007 Kleinmond. The unit is attached to the existing dwelling and is located on the south-western corner of the structure, with an approximate floor area of $\pm 42\text{m}^2$.

The owners intend to retain this unit and formalise its use through a consent use application for a ground floor flat, as provided for under the consent use provisions applicable to Business Zone 3 (Local Business).



The flat comprises an open-plan living room and kitchen area, together with a separate bedroom and an en-suite bathroom. The unit is modest in scale and remains compatible with both the existing building and the surrounding land use context.

The proposed consent use will therefore regularise the existing situation and ensure compliance with the applicable zoning scheme requirements, without introducing any additional impacts on the property or surrounding area.

3.4.3 Proposed Building Line Departures

The application includes requests for building line departures to regularise existing encroachments as well as to accommodate proposed future extensions associated with the intended business use of the property.

The existing dwelling and attached granny flat have been constructed at reduced setbacks relative to the applicable building line requirements. The eastern lateral boundary setback of the main dwelling is approximately $\pm 2.25\text{m}$, while the rear boundary setback of the granny flat is approximately $\pm 2.60\text{m}$.

In terms of the Overstrand Municipality Zoning Scheme Regulations applicable to Business Zone 3 (Local Business), the following building lines apply:

- The street building line is 0m, except where fuel pumps are provided, in which case a 5.0m building line applies;
- The side building line is 0m, provided that where a Business Zone 3 property abuts another zoning, a side building line of 3.0m is applicable;
- The rear building line is 3.0m where the property abuts another zoning; and
- The Municipality may impose more restrictive building lines where required in the interest of public health, safety, environmental considerations, or to give effect to any applicable law or servitude.

Given that Erf 6007 Kleinmond abuts residentially zoned properties, a 3.0m building line is applicable along both the lateral and rear boundaries. The existing structures therefore encroach into the prescribed building lines, with the eastern boundary setback reduced by approximately 0.75m (from 3.0m to ± 2.25 m) and the rear boundary setback reduced by approximately 0.40m (from 3.0m to ± 2.60 m).

In addition to the existing encroachments, the proposed development includes potential future extensions to the building in order to accommodate business uses such as shops and/or offices. These extensions are proposed to align with the existing building footprint, maintaining a consistent setback of approximately ± 2.25 m from the eastern lateral boundary and ± 2.60 m from the rear boundary.

Accordingly, this application seeks approval for building line departures to:

- Regularise the existing encroachments associated with the dwelling and granny flat; and
- Permit the proposed future extensions to be constructed in line with the existing building envelope at the aforementioned setback distances.

The requested departures are considered minor in nature and will not result in any additional adverse impacts on adjoining properties. The reduced setbacks have already been established on site and do not compromise privacy, light, ventilation, or overall spatial quality. Furthermore, the proposal maintains a coherent and efficient building layout while optimising the use of the property within its urban context.

In summary, the proposed building line departures are reasonable, contextually appropriate, and necessary to facilitate both the regularisation of existing structures and the future development potential of the property in accordance with the proposed zoning.



3.4.4 Proposed Removal of Restrictive Title Deed conditions

Title Deed No. T4146/2026, applicable to Erf 6007 Kleinmond, contains restrictive building line conditions as confirmed by the Conveyancer Certificate provide by Van Zyl Kruger Attorneys which must be removed to enable the approval and implementation of the proposed rezoning and sit development plan.

The relevant restrictive conditions, recorded on pages 3 and 4, of the Title Deed, read as follows:

- “I(C) 2. The Company reserve tom itself and its successors in title the sole right to all Hotels, and Liquor Licenses, and no purchaser of erven or their successors in title shall erect any hotels or hold any Liquor License without the written consent of the Directors of the Company or its successors in title, first had and obtained; and no shop, store or business shall be erected or opened on any stands situated in Blocks B, C, D, E, F, P1, A2, L2, M2, X2, Y2, J3, K3, L3, M3, without the written permission from the Company by its Directors or its successors in title, first had and obtained thereto.”
- “I(C)11. All buildings to be erected on the land herein sold shall stand back at least 3.15 metres from the line of the street or avenue on which the Lot or Lots herein mentioned may front.”
- “I(C)12. That all buildings to be erected on the land herein sold shall stand back at least 9.45 metres from any street or twenty feet from any avenue on which the lot or lots mentioned may front.”
- “II(C)7(d). Bou beperkings;”
- “II(C)7(h). die distansie waarvan geboue en buite-geboue opgerig mag word van enige straat of laan.”

Condition I(C) 2 above is not applicable due to the fact that Erf 6007 Kleinmond is located in Block K1 as indicated on the General Plan K.44 of the Township of Kleinmond.

Title Deed restrictions I(C)11, I(C)12, II(C)7(d) and II(C)7(h). impose significantly more onerous street building lines than those currently applicable in terms of the

Overstrand Municipality Zoning Scheme for Business Zone 3, where a 0m street building line is permitted (except in specific circumstances such as fuel pump installations). The existence of these restrictions is therefore inconsistent with both the proposed zoning and the established development pattern along Main Road.

Legislative Consideration: Section 39(5) of LUPA

In terms of Section 39(5) of the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014) (“LUPA”), the Municipality must consider specific factors when assessing an application for the removal of restrictive conditions. These are addressed as follows:

❖ The financial or other value of the restrictive condition to any person

The restrictive conditions do not hold any discernible financial or other value to adjoining property owners or third parties. There is no evidence that neighbouring properties derive any measurable benefit from the enforcement of the 3.15m or 9.45m street building lines, particularly within a built environment that has evolved into a mixed-use corridor with more relaxed development parameters.

On the contrary, the retention of these restrictions limits the reasonable development potential of the property and constrains its ability to respond to the economic opportunities associated with its location along Main Road.

❖ The purpose of the restrictive condition

The original purpose of the restrictive building line conditions was to establish uniform building setbacks and maintain a low-density residential character along streets at the time of township establishment. These conditions were typically imposed to ensure spatial order, adequate light and air, and a consistent streetscape.

However, the character of the area has since transformed significantly. Main Road now functions as a mixed-use activity corridor, accommodating a range of commercial and business-related uses. As such, the original intent of maintaining a purely residential streetscape is no longer applicable in the current planning context.

❖ The period during which the condition has been applicable

The restrictive conditions have been in place for a considerable period, dating back to the original subdivision and development of the area. Over time, however, planning frameworks, zoning schemes, and development patterns have evolved substantially.

The prolonged existence of the conditions, coupled with changing land use dynamics, supports the argument that the restrictions have become outdated and no longer align with contemporary spatial planning objectives.

❖ Whether the condition is still enforceable

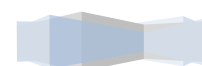
While the restrictive conditions remain legally enforceable through the Title Deed, their practical relevance have diminished. The current zoning scheme and municipal planning policies provide a more appropriate and updated regulatory framework for managing development, including building lines and urban form.

Furthermore, the Municipality is empowered in terms of LUPA and its By-law to regulate development through zoning controls, rendering the Title Deed restrictions redundant in this context.

❖ Whether the removal will materially affect the rights or legitimate expectations of any person

The removal of the restrictive conditions will not materially affect the rights or legitimate expectations of adjoining landowners or any other parties. The proposed development remains consistent with the surrounding mixed-use character and does not introduce any abnormal or intrusive land uses.

In addition, the development will continue to comply with applicable municipal regulations, including building line departures where required, thereby ensuring that adjacent properties are not adversely impacted.



❖ Whether the removal will be in the public interest

The removal of the restrictive conditions is in the public interest, as it will facilitate appropriate land use intensification along a primary activity corridor. The proposed rezoning to Business Zone 3 supports local economic development, encourages investment, and contributes to a more efficient and sustainable use of land.

By enabling the property to be developed in accordance with current planning policies, the removal of the restriction promotes orderly urban development and aligns with broader municipal objectives.

❖ Whether the removal will conflict with any applicable spatial development framework, land use scheme, or legislation

The removal of the restrictive conditions does not conflict with any applicable spatial development framework, land use scheme, or legislation. On the contrary, it supports alignment with the Overstrand Municipality Zoning Scheme and the broader spatial vision for Kleinmond, which recognises Main Road as a mixed-use corridor.

The proposal is therefore consistent with the principles of spatial transformation, integration, and economic development as promoted by LUPA and municipal planning policies.

Conclusion

The restrictive Title Deed conditions applicable to Erf 6007 Kleinmond are outdated, overly restrictive, and inconsistent with both the current zoning framework and the established character of the area.

Their removal is necessary to enable the proposed rezoning and associated development and is justified in terms of the considerations set out in Section 39(5) of LUPA. The removal will not prejudice any party, will support the public interest, and will facilitate appropriate and contextually responsive development along the Main Road corridor.



It is therefore respectfully submitted that the restrictive Title Deed conditions be supported for the removal of the following restrictions:

- “I(C)11. All buildings to be erected on the land herein sold shall stand back at least 3.15 metres from the line of the street or avenue on which the Lot or Lots herein mentioned may front.”
- “I(C)12. That all buildings to be erected on the land herein sold shall stand back at least 9.45 metres from any street or twenty feet from any avenue on which the lot or lots mentioned may front.”
- “II(C)7(d). Bou beperkings;”
- “II(C)7(h). die distansie waarvan geboue en buite-geboue opgerig mag word van enige straat of laan.”

3.5 TRAFFIC IMPACT, PARKING AND ACCESS

The proposed development on Erf 6007 Kleinmond has been carefully considered in terms of traffic generation, parking provision, and access, to ensure that it functions efficiently within the surrounding road network while minimising any potential impact on adjacent residential areas.

❖ Traffic Impact

The proposed rezoning to Business Zone 3 (Local Business) will introduce land uses such as shops and/or offices, which typically generate moderate traffic volumes associated with localised trips. Given the scale of the development—comprising a total potential Gross Leasable Area of approximately $\pm 478\text{m}^2$ —the anticipated traffic generation is considered to be low to moderate in intensity.

Importantly, the property is located along Main Road, which serves as a primary movement corridor within Kleinmond and is designed to accommodate higher traffic volumes compared to internal residential streets. The proposed development will therefore utilise existing road infrastructure that is appropriate for such activity, and no significant upgrades to the surrounding road network are anticipated to be required.

The nature of the proposed uses, being local business activities, is also expected to generate primarily short-duration and distributed trips throughout the day, rather than concentrated peak-hour traffic, thereby reducing the likelihood of congestion.

❖ Access

Although Erf 6007 Kleinmond is a corner property abutting both Main Road and 7th Street, vehicular access will be taken exclusively from Main Road. This is a deliberate design intervention aimed at protecting the residential character and safety of 7th Street and the surrounding neighbourhood.

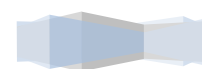
The existing access point along Main Road will be relocated further west along the frontage to improve site circulation, visibility, and ingress/egress efficiency. This repositioning will enhance internal vehicle movement and ensure safer access onto and off Main Road.

By restricting access to Main Road only, all traffic associated with the proposed development will be directed onto the primary road network, thereby preventing any intrusion into adjacent residential streets.

❖ Parking Provision

Parking provision for the proposed development has been calculated in accordance with the requirements of the Overstrand Municipality Zoning Scheme Regulations.

- Business component: Retail and office uses require parking at a ratio of 4 bays per 100m² of Gross Leasable Floor Area. Based on a maximum floor area of ±478m², a total of 19.12 parking bays are required (rounded up to 20 bays).
- Residential component (ground floor flat): An additional 1.5 parking bays are required for the proposed flat.



Accordingly, the total parking requirement equates to 20.62 bays, which is rounded up to a minimum requirement of 21 parking bays.

The proposed Site Development Plan demonstrates that a total of 23 parking bays can be accommodated on the property, primarily on the western portion of the site. This exceeds the minimum requirement and provides a surplus of parking capacity.

Of the 23 parking bays, 2 bays will be designated as accessible (handicapped) parking bays, designed in accordance with applicable standards to ensure universal accessibility.

The parking layout allows for efficient circulation, safe manoeuvring, and convenient access to the building, while also accommodating the needs of both the commercial component and the residential flat.

❖ **Conclusion**

The proposed development is appropriately scaled relative to the capacity of the surrounding road network and will not result in any significant adverse traffic impacts. Access has been carefully designed to utilise Main Road exclusively, thereby safeguarding the surrounding residential environment.

Adequate on-site parking—exceeding the minimum requirement and including accessible bays—can be comfortably accommodated on the property. The proposal therefore represents a well-considered, compliant, and sustainable approach to traffic management, parking provision, and site access.

3.6 TITLE DEED

Erf 6007 Kleinmond is held under Title Deed No. T4146/2026. The Title Deed contains certain restrictive conditions, specifically relating to prescribed building lines, which impact the development potential of the property.

These restrictive conditions are not aligned with the current planning context, nor with the proposed rezoning to Business Zone 3 (Local Business) and therefore necessitate formal removal in order to enable the proposed development.

A detailed assessment and motivation for the removal of the applicable restrictive Title Deed conditions have been provided in Section 3.4.4 of this report. This includes a full evaluation in terms of Section 39(5) of the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014) (“LUPA”).

It is further noted that no mortgage bond is registered over the property.

Accordingly, this section should be read together with Section 3.4.4, where the justification for the removal of the restrictive conditions is comprehensively addressed.

3.7 THE POTENTIAL OF THE PROPERTY

Erf 6007 Kleinmond holds significant development potential due to its strategic location along Main Road, which serves as one of the primary commercial and movement corridors within the town. The property is situated within an established mixed-use environment characterised by a combination of retail, office, service-related, and residential land uses, creating a vibrant and active urban edge.

The current zoning of Residential Zone 1 (Single Residential) underutilises the inherent potential of the property, particularly given its exposure, accessibility, and proximity to existing business activities. The proposed rezoning to Business Zone 3 (Local Business) will unlock this potential by enabling a more intensive and appropriate land use that is consistent with the surrounding context.

The size of the property ($\pm 1190\text{m}^2$), together with its configuration, allows for a well-designed development that can accommodate a business floor area of approximately $\pm 478\text{m}^2$, while still providing sufficient space for on-site parking, circulation, and access. This ensures that the property can be developed in a manner that is both

functional and compliant with municipal requirements.

The flexibility of Business Zone 3 further enhances the site's potential, as it allows for a range of permissible uses, including retail shops, offices, or a combination thereof. This adaptability enables the development to respond to changing market demands over time, thereby supporting long-term economic sustainability.

Importantly, the proposed development scale remains appropriate to the character of Kleinmond and does not represent overdevelopment. Instead, it reflects a logical intensification of land use along a primary corridor, contributing to a more efficient urban structure and reducing pressure for expansion into peripheral areas.

In addition, the provision of adequate on-site parking, controlled access from Main Road, and the retention of a residential component in the form of a ground floor flat, further contribute to a balanced and integrated development outcome.

In summary, the property presents a valuable opportunity to support local economic activity, enhance the streetscape, and contribute to the ongoing consolidation of the Main Road corridor. The proposed rezoning and development will enable the optimal utilisation of the site in a manner that is contextually appropriate, economically viable, and aligned with sound planning principles.

3.8 ECONOMIC IMPACT

The proposed rezoning of Erf 6007 Kleinmond to Business Zone 3 (Local Business) is expected to have a positive economic impact at both a local and broader municipal level. The development will contribute to economic activity, support small business growth, and enhance the overall functionality of the Main Road corridor as a commercial spine within Kleinmond.

The introduction of retail and/or office uses on the property will create opportunities for local enterprises, service providers, and entrepreneurs. The flexible nature of the proposed development allows it to respond to market demand, whether through the establishment of shops, professional offices, or a combination of both. This adaptability is particularly important in smaller coastal towns, where economic resilience depends on diversified and responsive land use.

During the construction phase, the proposed development will generate temporary employment opportunities within the building and related sectors. This includes contractors, labourers, and suppliers, thereby contributing to short-term economic stimulation.

In the operational phase, the development is expected to support permanent employment opportunities associated with the businesses that will occupy the premises. These may include retail staff, administrative personnel, and service-related employees, thereby contributing to ongoing local job creation.

The development will also contribute to the municipal revenue base through increased property rates and service charges, as the property transitions from a single residential use to a higher-value commercial use. This supports the financial sustainability of the municipality and its ability to provide services and infrastructure.

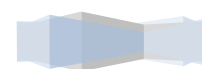
Furthermore, the intensification of land use along Main Road reinforces the role of this corridor as a focal point for economic activity. By consolidating development within an established area, the proposal promotes more efficient use of existing infrastructure and reduces the need for urban sprawl.

The scale of the proposed development ($\pm 478\text{m}^2$) is modest and appropriate, ensuring that it complements rather than competes detrimentally with existing businesses in Kleinmond. Instead, it is anticipated that the development will contribute to a critical mass of commercial activity, which in turn enhances foot traffic, visibility, and overall economic vitality of the area.

In summary, the proposed development will have a positive and sustainable economic impact by supporting local business development, creating employment opportunities, increasing municipal revenue, and strengthening the economic role of the Main Road corridor.

3.9 SOCIAL IMPACT

The proposed rezoning and development of Erf 6007 Kleinmond are expected to have a positive social impact by contributing to a more vibrant, accessible, and functional



urban environment along Main Road.

The introduction of business uses, including shops and/or offices, will enhance the availability of goods and services within the immediate area, thereby improving convenience for residents of Kleinmond. By locating such services along an established activity corridor, the development supports walkability and reduces the need for longer travel distances to access everyday amenities.

The proposal also contributes to the creation of a more active and engaged streetscape. The presence of commercial activity along Main Road promotes natural surveillance, increased pedestrian movement, and a sense of place, all of which are important components of a safe and socially cohesive environment.

Importantly, the development has been designed to respect and protect the surrounding residential areas. Access to the property will be taken exclusively from Main Road, ensuring that no additional traffic is introduced into adjacent residential streets such as 7th Street. This approach maintains the amenity and tranquillity of the surrounding neighbourhood.

The retention of the existing granny flat, to be formalised as a ground floor flat through a consent use application, further contributes to social sustainability by providing an additional residential unit. This supports more efficient land use and offers potential accommodation opportunities, whether for extended family, rental purposes, or local housing demand.

The provision of adequate on-site parking, including designated accessible (handicapped) parking bays, ensures that the development is inclusive and accessible to all users, including persons with disabilities.

The scale and nature of the proposed development are compatible with the character of Kleinmond and do not introduce any intrusive or undesirable land uses. Instead, the development represents a logical and sensitive intensification that enhances the overall functionality and social fabric of the area.

In summary, the proposed development will contribute positively to the social environment by improving access to services, supporting a more active and safer streetscape, maintaining residential amenity, and promoting inclusive and sustainable



urban development.

3.10 COMPATIBILITY WITH SURROUNDING LAND USES

The proposed rezoning of Erf 6007 Kleinmond to Business Zone 3 (Local Business) is considered highly compatible with the existing and emerging land use pattern in the surrounding area.

The subject property is located along Main Road, which functions as a well-established mixed-use corridor characterised by a combination of retail, office, service-related, and residential uses. This diverse land use pattern has evolved over time and reflects the transition of Main Road from a predominantly residential street to a vibrant activity spine within Kleinmond.

In this context, the introduction of additional business uses on Erf 6007 is not only appropriate but also reinforces the existing character of the area. The proposed development—comprising shops, offices, or a combination thereof—aligns with the scale and nature of surrounding uses and contributes to the consolidation of commercial activity along the corridor.

The scale of the proposed development ($\pm 478\text{m}^2$) remains modest and is in keeping with the surrounding built form. It does not represent an over-intensification of the site, but rather a logical and incremental enhancement of land use that supports the broader urban structure.

Importantly, the development has been designed to minimise any potential interface conflicts with adjacent residential properties. Vehicular access will be taken exclusively from Main Road, thereby preventing traffic intrusion into 7th Street and surrounding residential areas. In addition, building line departures are limited in extent and consistent with the existing building footprint, ensuring that the spatial relationship with neighbouring properties is maintained.

The provision of adequate on-site parking, including accessible bays, further ensures that the development will not place undue pressure on surrounding properties or public spaces.

The retention of a residential component in the form of a ground floor flat also contributes to a mixed-use outcome at a site level, reflecting the broader mixed-use character of the area and supporting a balanced development approach.

In summary, the proposed rezoning and development are fully compatible with surrounding land uses. The proposal strengthens the existing mixed-use character of Main Road, integrates appropriately with adjacent properties, and represents a coherent and contextually responsive planning outcome.

3.11 IMPACT ON EXTERNAL ENGINEERING SERVICES

The proposed rezoning and development of Erf 6007 Kleinmond are not expected to place undue strain on existing external engineering services. The property is located within an established urban area that is already serviced with the necessary municipal infrastructure, including water supply, sewerage, stormwater systems, electricity, and road access.

Water Supply: The proposed development, comprising shops and/or offices with a small residential component, is anticipated to result in a moderate increase in water demand compared to the existing single residential use. However, given the relatively limited scale of the development ($\pm 478\text{m}^2$), the additional demand is not expected to exceed the capacity of the existing municipal water network serving the area.

Sewerage: The increase in wastewater generation associated with the proposed development will similarly be moderate and well within the capacity of the existing sewer infrastructure. Commercial uses such as offices and small-scale retail typically generate manageable sewer loads, and no abnormal or industrial effluent is anticipated.

Stormwater: Stormwater management will be addressed at the site level to ensure that post-development runoff does not adversely affect adjoining properties or the municipal system. The development will incorporate appropriate measures to control and direct stormwater, ensuring compliance with municipal requirements. Given that the property is already partially developed, the impact on stormwater runoff is expected to be limited.

Electricity: The proposed development will increase electricity demand relative to the current residential use. However, the anticipated demand associated with small-scale commercial activities is not expected to exceed the capacity of the existing electrical infrastructure in the area. Any upgrades, if required, will be undertaken in consultation with the relevant service provider.

Roads and Access: The existing road network, particularly Main Road, is designed to accommodate higher traffic volumes and is considered adequate to support the proposed development. As noted previously, access will be taken exclusively from Main Road, ensuring efficient integration with the existing transport infrastructure without impacting residential streets.

Solid Waste: The proposed development will generate typical commercial waste streams associated with retail and office uses. Waste will be managed in accordance with municipal requirements, with provision made for on-site storage and regular collection. The scale of the development is such that no abnormal waste management issues are anticipated.

Conclusion: The proposed development will utilise existing municipal engineering services and infrastructure, all of which are considered adequate to accommodate the anticipated increase in demand. No significant upgrades or interventions are expected to be required, and the impact on external engineering services is therefore considered to be minimal and acceptable.

3.12 IMPACT ON SAFETY, HEALTH AND WELLBEING OF SURROUNDING COMMUNITY

The proposed rezoning and development of Erf 6007 Kleinmond are not expected to have any negative impact on the safety, health, or wellbeing of the surrounding community. On the contrary, the development is anticipated to contribute positively to the overall urban environment.

Safety: The introduction of business uses along Main Road will contribute to increased activity and passive surveillance within the area. Active frontages, regular foot traffic, and extended hours of operation associated with shops and/or offices enhance natural surveillance, which is a well-recognised factor in improving urban safety.

The controlled access arrangement—limited exclusively to Main Road—further contributes to safety by preventing additional traffic from entering adjacent residential streets such as 7th Street. This ensures that the residential character and safety of these areas are preserved.

In addition, the provision of adequate on-site parking will prevent spillover parking onto surrounding streets, thereby reducing potential traffic hazards and maintaining safe pedestrian and vehicular movement.

Health: The proposed development does not introduce any land uses that would pose a risk to public health. The intended uses—being shops and/or offices—are low-impact in nature and do not involve hazardous materials, excessive noise, or emissions.

The property is located within an established urban area with access to municipal services, ensuring that sanitation, waste removal, and water supply are managed in accordance with applicable standards. Solid waste will be handled through the normal municipal collection system, with no adverse health implications anticipated.

Wellbeing: The development will enhance the overall wellbeing of the community by improving access to local services and amenities within walking distance. This contributes to a more convenient and integrated living environment for residents of Kleinmond.

The proposal also supports a more vibrant and active streetscape along Main Road, which enhances the sense of place and community interaction. The retention of a residential component in the form of a ground floor flat further contributes to a balanced mixed-use environment.

Importantly, the scale and design of the development remain appropriate to the surrounding context, ensuring that no undue visual, noise, or operational impacts are imposed on neighbouring properties.

Conclusion: The proposed development is compatible with the surrounding environment and will not adversely affect the safety, health, or wellbeing of the community. Instead, it will contribute positively by enhancing natural surveillance, maintaining safe access arrangements, improving local amenity, and supporting a

more active and integrated urban environment.

3.13 **IMPACT ON HERITAGE**

Erf 6007 Kleinmond is located along Main Road (R44), which is identified as a Route of Regional Scenic Significance in terms of the Overstrand Municipality's Heritage Protection Overlay Zone (HPOZ) Regulations, 2020. This portion of the R44 forms part of the Scenic Corridor Heritage Protection Overlay Zone, the purpose of which is to protect and enhance the visual, environmental, and cultural qualities of designated scenic routes within the Overstrand area.

The intent of the HPOZ provisions is to ensure that development along these routes is contextually appropriate, modest in scale, and integrated with both the natural landscape and the existing built environment. The regulations emphasize that new development should not obstruct important scenic views, should remain visually recessive, and should complement rather than dominate the character of the area.

The proposed rezoning of Erf 6007 from Residential Zone 1 to Business Zone 3 (Local Business) will not adversely impact on the heritage or scenic qualities of the area. The property is situated within the urban edge of Kleinmond and forms part of an already established mixed-use environment along Main Road, characterized by buildings of comparable scale, form, and intensity.

The proposed development—limited to a floor area of approximately $\pm 478\text{m}^2$ —remains modest in scale and is consistent with the surrounding built form. The development will be required to comply with the Overstrand Municipality Land Use Scheme (2020) as well as the applicable HPOZ design parameters. This will ensure that building form, height, materials, and signage are appropriate to the context and do not detract from the scenic quality of the R44 corridor.

Furthermore, any future building plan submission will be subject to review by the Overstrand Heritage and Aesthetics Committee, as required for properties located along identified scenic routes. This review process will ensure that architectural design,

landscaping, and boundary treatments are visually compatible with the Scenic Corridor guidelines, particularly with regard to scale, placement, and the avoidance of visually intrusive elements such as inappropriate fencing or signage.

In conclusion, the proposed rezoning and associated development will not result in any negative heritage impact. The property is located within an established urban context where development can occur in a manner that respects and maintains the scenic and cultural significance of the R44/Main Road corridor. Through compliance with the HPOZ Regulations (2020) and the municipal design review process, the visual integrity and heritage value of this important scenic route will be preserved.

3.14 IMPACT ON THE BIOPHYSICAL ENVIRONMENT

The proposed rezoning of Erf 6007 Kleinmond from Residential Zone 1 to Business Zone 3 (Local Business) is not expected to have any significant impact on the biophysical environment.

The property is located within a fully developed urban area along Main Road (R44), where the surrounding land has already been transformed through established residential and commercial development. The erf itself is disturbed and does not contain any natural vegetation of ecological significance, watercourses, wetlands, or other environmentally sensitive features.

The site does not fall within any Critical Biodiversity Area (CBA), Ecological Support Area (ESA), or protected ecological buffer, and is located well outside the core conservation areas of the Kogelberg Biosphere Reserve. As such, the proposed development will not impact any listed ecosystems, threatened vegetation types, or habitats of conservation importance.

Stormwater generated by the proposed development will be managed in accordance with the Overstrand Municipality's stormwater management requirements. Appropriate on-site measures will be implemented to control runoff, minimise potential pollution, and ensure that discharge into the existing municipal stormwater system along Main Road occurs in a controlled and sustainable manner.

Landscaping associated with the development will make use of indigenous and water-wise plant species suited to the local coastal environment. This approach will promote water efficiency, reduce maintenance requirements, and ensure visual integration with the surrounding landscape.

During the construction phase, standard environmental management practices will be implemented to mitigate temporary impacts. These will include dust suppression, proper waste handling and disposal, and measures to prevent soil erosion and stormwater contamination. Given the limited scale of the development and its location within an already transformed urban area, any such impacts will be minor and short-term in nature.

In summary, the proposed rezoning and development represent a low-impact urban infill opportunity that makes efficient use of existing serviced land. The proposal does not result in any loss of natural habitat or ecological function and is therefore considered environmentally sustainable and fully compatible with the existing biophysical environment of Kleinmond.

3.15 FORWARD PLANNING AND LAND USE DOCUMENTS

The proposed rezoning of Erf 6007 Kleinmond from Residential Zone 1 to Business Zone 3 (Local Business) is fully aligned with the strategic objectives and development directives contained in the Overstrand Spatial Growth Management Strategy (2010) and the Overstrand Spatial Development Framework (Draft 2020).

The Overstrand Spatial Growth Management Strategy (2010) identifies the Kleinmond spatial structure as being centred around the linear Main Road activity spine, which accommodates the majority of the town's commercial, service, and community-related functions. This corridor is recognised as a primary development axis, where infill development, local business expansion, and mixed-use intensification are encouraged to strengthen the economic core of the town and improve accessibility.



Erf 6007 Kleinmond is located within Planning Unit 18, which encompasses the central Main Road corridor and its associated mixed-use precinct. This planning unit is identified as largely developed, with continued potential for incremental densification, redevelopment, and business revitalisation. The Strategy specifically supports small-scale commercial and mixed-use development along Main Road to reinforce its role as a key economic and social focus area, while ensuring compatibility with adjacent residential neighbourhoods. The proposed rezoning is therefore directly consistent with the spatial vision and land use management guidelines applicable to this planning unit.

The Overstrand Spatial Development Framework (Draft 2020) further reinforces this approach by identifying Kleinmond as a local urban node within the municipal hierarchy. The SDF promotes a compact urban form through infill development within the existing urban footprint, with particular emphasis on the utilisation of vacant or underutilised land along major transport routes such as Main Road (R44). Key policy objectives include spatial consolidation, functional integration of land uses, and the diversification of economic activity—objectives that are directly supported by the proposed rezoning.

In addition, both policy documents emphasise the importance of ensuring that development along scenic routes, such as the R44, is undertaken in a manner that is sensitive to heritage and environmental considerations. The proposal achieves this by facilitating development on an already disturbed and serviced site within the urban edge, thereby avoiding any encroachment into environmentally sensitive or undeveloped areas.

The proposed development—limited in scale to approximately $\pm 478\text{m}^2$ —represents an appropriate level of intensification that is consistent with the surrounding built environment and does not conflict with the character of the area.

In summary, the proposed rezoning of Erf 6007 Kleinmond is fully consistent with the applicable forward planning and policy framework. It supports the planned role of Planning Unit 18 as a mixed-use and local business corridor, contributes to the

consolidation and revitalisation of Main Road, and advances the Municipality's objectives of sustainable, efficient, and economically resilient urban development.

3.16 PLANNING PRINCIPLES

In terms of Section 42 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) – SPLUMA, and Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014) – LUPA, the proposed land use application must be evaluated against the applicable development principles, norms, and decision-making criteria contained in the relevant legislation.

This application for the rezoning of Erf 6007 Kleinmond has been prepared with due regard to these statutory requirements and demonstrates compliance with the national and provincial planning frameworks. The proposal aligns with the core principles of spatial justice, spatial sustainability, efficiency, and good administration, as outlined below:

Spatial Justice: The principle of spatial justice seeks to address past spatial imbalances and ensure equitable access to land use opportunities and services.

The proposed rezoning supports spatial justice by enabling more inclusive and equitable access to economic opportunities within Kleinmond. By introducing business uses along an established activity corridor, the development contributes to a more accessible distribution of services and employment opportunities within the town.

Furthermore, the proposal promotes the integration of land uses by allowing a mix of commercial and residential activities on a single site, thereby supporting a more inclusive and functional urban environment. The location along Main Road ensures that these opportunities are accessible to a broader segment of the community.



Spatial Sustainability: Spatial sustainability requires that land development promotes environmental protection, supports long-term viability, and is compatible with surrounding land uses.

The proposal represents a sustainable form of urban development by utilising land within the existing urban edge, thereby avoiding urban sprawl and the unnecessary consumption of undeveloped land. The development is of an appropriate scale ($\pm 478\text{m}^2$) and is consistent with the surrounding mixed-use character of Main Road.

As confirmed in previous sections, the site does not contain any environmentally sensitive features, and the development will not impact on biodiversity, heritage, or scenic resources. The proposal therefore supports a balanced approach to development that integrates economic, environmental, and social considerations.

Efficiency: The principle of efficiency promotes the optimal use of land and infrastructure, as well as the minimisation of duplication and waste.

The proposed rezoning enables more efficient utilisation of a well-located property that is currently underutilised under its existing residential zoning. By accommodating business uses within an established activity corridor, the development maximises the use of existing infrastructure, including roads, water, sewer, and electricity services.

The proposal also ensures efficient site planning through the provision of adequate on-site parking (23 bays, including accessible bays), appropriate access from Main Road, and a building footprint that allows for functional circulation and future adaptability. This contributes to an overall efficient and practical development outcome.

Good Administration: The application process will be conducted transparently and in accordance with the procedural requirements of the Overstrand Municipality Amended By-law on Municipal Land Use Planning (2020). All relevant authorities, including the Overstrand Heritage and Aesthetics Committee, will be consulted to ensure compliance with heritage, environmental, and servicing standards.

The proposal is consistent with the Municipality's approved Spatial Development Framework (2020) and Growth Management Strategy (2010), ensuring alignment between policy intent and implementation.

Conclusion: In summary, the proposed rezoning of Erf 6007 Kleinmond from Residential Zone 1 to Business Zone 3 (Local Business) satisfies the planning principles set out in both SPLUMA and LUPA. The development promotes equitable access to opportunities, supports sustainable and contextually appropriate land use, ensures efficient utilisation of land and infrastructure, and adheres to sound administrative processes.

4. RECOMMENDATION

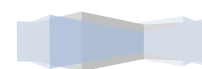
In view of the findings and considerations outlined in this report, it is respectfully recommended that the Overstrand Municipality approve the application in terms of Chapter 4 of the Overstrand Municipality Amended By-law on Municipal Land Use Planning, 2020, relating to Erf 6007 Kleinmond, for the following components:

- Section 16(2)(a): Rezoning from Residential Zone 1 (Single Residential) to Business Zone 3 (Local Business);
- Section 16(2)(o): Consent use for a ground floor flat;
- Section 16(2)(b): Building line departures; and
- Section 16(2)(f): Removal of restrictive Title Deed conditions.

The recommendation is based on the following:

- **Policy Alignment:** The proposal is fully aligned with the Overstrand Spatial Development Framework (2020) and the Overstrand Spatial Growth Management Strategy (2010), both of which promote infill development, mixed-use intensification, and economic consolidation along established corridors. Erf 6007 Kleinmond falls within Planning Unit 18, identified for business revitalisation and incremental densification along the Main Road activity spine.

- **Location and Context:** The property occupies a prominent position along Main Road (R44), Kleinmond's primary commercial and movement corridor. The proposed rezoning will reinforce the existing mixed-use character of the area and contribute to a more cohesive and active streetscape.
- **Compatibility with Surrounding Land Uses:** The proposed Business Zone 3 zoning is compatible with surrounding land uses, including adjacent business and residential properties. The intended scale of development ($\pm 478\text{m}^2$) and nature of uses (shops and/or offices) are appropriate and will integrate seamlessly with the established character of Main Road.
- **Infrastructure and Services:** The property is located within a fully serviced urban area, with access to existing municipal infrastructure, including water, electricity, stormwater, and road networks. The proposal will not place undue strain on these services and represents an efficient utilisation of existing infrastructure.
- **Traffic, Access, and Parking:** The development will have a low to moderate traffic impact and will utilise Main Road exclusively for access, thereby avoiding any impact on adjacent residential streets. A total of 23 on-site parking bays will be provided, including 2 accessible bays, exceeding the minimum requirement of 21 bays (including 1.5 bays for the ground floor flat), thereby ensuring adequate parking provision.
- **Heritage and Scenic Corridor:** The property is located along a Route of Regional Scenic Significance in terms of the HPOZ Regulations (2020). The proposal will comply with all applicable design and aesthetic requirements, and future building plans will be subject to review by the Overstrand Heritage and Aesthetics Committee. The development will not detract from the scenic or cultural value of the R44 corridor.



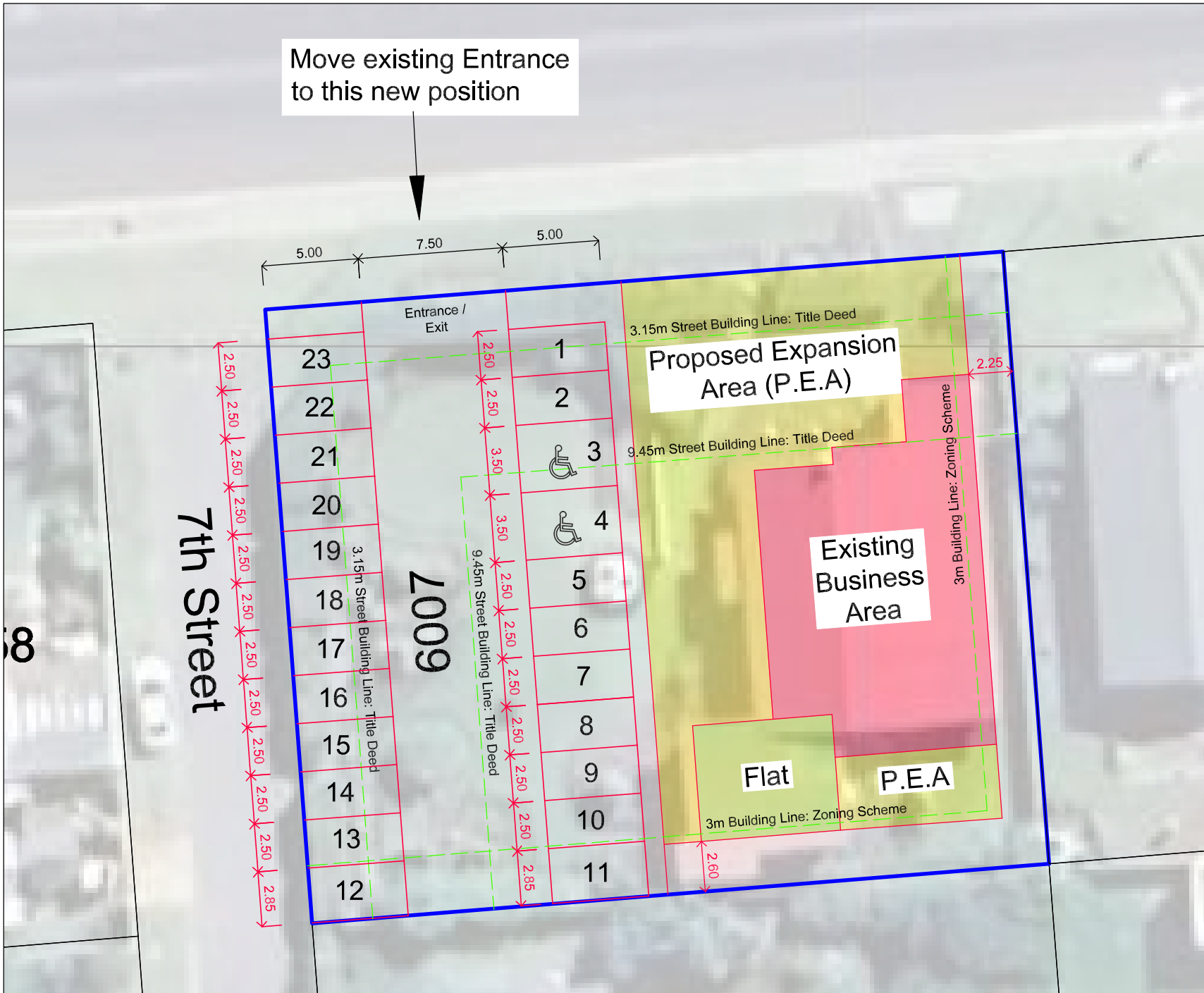
- **Environmental Considerations:** The site is located within a transformed urban environment and does not contain any environmentally sensitive features. The proposal represents a low-impact infill development that utilises already disturbed land without affecting biodiversity or ecological systems.
- **Socio-Economic Benefits:** The development will contribute positively to the local economy by creating employment opportunities, supporting small business development, increasing municipal revenue, and enhancing access to services within Kleinmond.
- **Compliance with SPLUMA and LUPA Principles:** The proposal satisfies the principles of spatial justice, sustainability, efficiency, and good administration. It promotes equitable access to opportunities, supports compact urban form, ensures efficient land use, and aligns with applicable planning policies.
- **Public Interest and Urban Quality:** The development will enhance the safety, functionality, and visual quality of the Main Road corridor by activating an underutilised property, increasing passive surveillance, and contributing to a more vibrant urban environment.

Conclusion

It is therefore recommended that the application for the rezoning of Erf 6007 Kleinmond from Residential Zone 1 (Single Residential) to Business Zone 3 (Local Business), together with the associated consent use, building line departures, and removal of restrictive Title Deed conditions, be approved, subject to standard conditions of approval as determined by the Overstrand Municipality.



Move existing Entrance to this new position



NOTES:

Existing dwelling to be used as shop / offices including the proposed expansion areas = $\pm 478m^2$.
 1 Proposed ground floor flat.

Parking bays calculated at 4 parking bays per $100m^2$ GLA and 1.5 parking bays per 1 bedroom flat.
 GLA = $\pm 478m^2$
 Number of 1 bedroom flats = 1
 Parking bays required = $19.12 + 1.5 = 20.62$
 Parking Bays Provided = 23

Proposed Rezoning of the full extent of Erf 6007 Kleinmond:
 Current: Residential Zone 1
 Proposed: Business Zone 3

