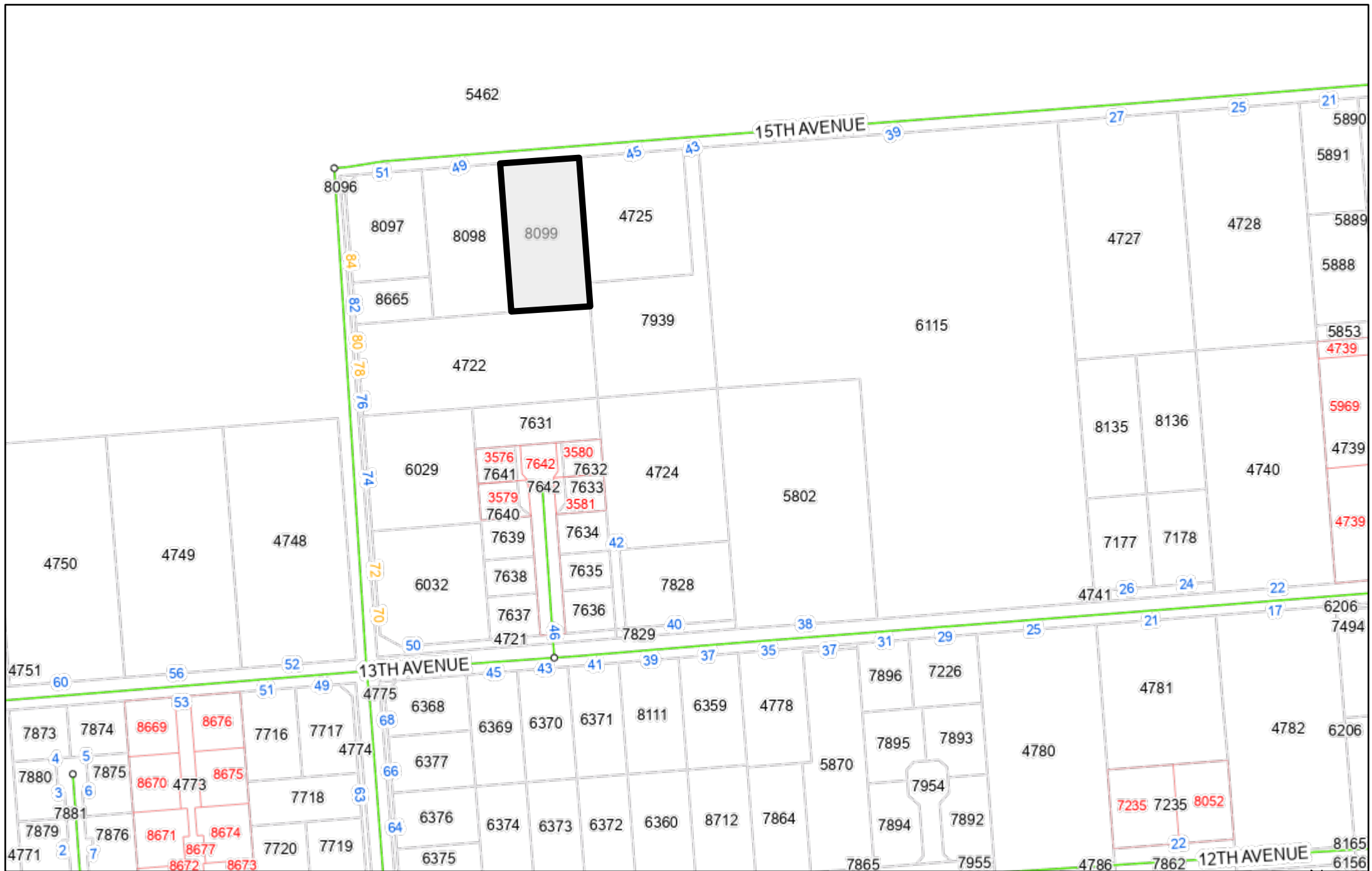


OVERSTRAND MUNICIPALITY	OVERSTRAND MUNISIPALITEIT	UMASIPALA WASE-OVERSTRAND
<p><u>ERF 8099, 47 15th AVENUE, KLEINMOND:</u> <u>APPLICATION FOR SUBDIVISION: J DOUGLAS</u> <u>ON BEHALF OF JSAL HOLDINGS PTY LTD</u></p> <p>Notice is hereby given in terms of Sections 47 and 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) of an application received for a subdivision in terms of Section 16(2)(d) of the By-Law to subdivide Erf 8099, Kleinmond into a Portion A (±596m²), a Portion B (±596m²) and a Remainder (±631m²), and to create a right-of-way access servitude over the Remainder in favour of the newly created Portions A and B and also a right-of-way access servitude over Portion A in favour of Portion B.</p> <p>Full details regarding the proposals above are available for inspection during weekdays between 08:00 and 16:30 at the Department: Town and Spatial Planning, 16 Paterson Street, Hermanus and at the Kleinmond Library, Fifth Avenue, Kleinmond.</p> <p>Any comments must be in writing and reach the Municipality (16 Paterson Street, Hermanus / (e) loretta@overstrand.gov.za) on or before 9 May 2025, with your name, address, contact details, interest in the application and the reasons for comment. Telephonic inquiries can be made to the Senior 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 Town and Spatial Planning Department where they will be assisted by a municipal official in formulating their comments.</p>	<p><u>ERF 8099, 15de LAAN 47, KLEINMOND:</u> <u>AANSOEK OM ONDERVERDELING: J DOUGLAS</u> <u>NAMENS JSAL HOLDINGS PTY LTD</u></p> <p>Kennis word hiermee gegee ingevolge Artikels 47 en 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening) van 'n aansoek ontvang vir 'n onderverdeling ingevolge Artikel 16(2)(d) van die Verordening om Erf 8099, Kleinmond in 'n Gedeelte A (±596m²), 'n Gedeelte B (±596m²) en 'n Restant (±631m²) te onderverdeel, en om 'n reg-van-weg toegangserwituut oor die Restant te skep ten gunste van die nuutgeskepte Gedeeltes A en B en ook 'n reg-van-weg toegangserwituut oor Gedeelte A ten gunste van Gedeelte B.</p> <p>Besonderhede aangaande die voorstel lê ter insae gedurende weksdae tussen 08:00 en 16:30 by die Departement: Stads- en Streekbeplanning te Patersonstraat 16, Hermanus en by die Kleinmond Biblioteek, Vyfdelaan, Kleinmond.</p> <p>Enige kommentaar moet skriftelik wees en die Munisipaliteit (Patersonstraat 16, Hermanus / (e) loretta@overstrand.gov.za) voor of op 9 Mei 2025, met u naam, adres, kontak besonderhede, belang in die aansoek en die redes vir kommentaar. Telefoniese navrae kan gerig word aan die Senior 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 Departement Stads- en Streekbeplanning besoek waar hul deur 'n munisipale amptenaar bygestaan sal word ten einde hul kommentaar te formuleer.</p>	<p><u>ISZA 8099, 47 15th AVENUE, KLEINMOND:</u> <u>ISICELO SOLWAHLULO: J DOUGLAS</u> <u>EGAMENI LE- JSAL HOLDINGS PTY LTD</u></p> <p>Isaziso sinikezelwe ngokwemiqathango yeCandelo 47 kunye 48 loMthetho kaMasipala oLungisiweyo woMasipala wase Overstrand ongoCwangciso lokuSetyenziswa koMhlaba kaMasipala, 2020 (uMthetho kaMasipala) Sokuba isicelo sifunyenwe solwahlulo ngokwemigaqo yeCandelo 16(2)(d) waloMthetho ukuze kwahlulwe isiza esingu 8099, eKleinmond ibeyinxalenye A (±596m²), Inxalenye B (±596m²) kunye nentsalela (±631m²), kunye nokwenza ilungelo lendlela ukufikelela kubukhoboka obungapha kwentsalela ngokwempembelelo yokwenziswa kokutsha lweenxalenye A kunye no B kunye nelungelo lendlela yobukhoboka engaphaya kwenxalenye A ngokwempembelelo lweenxalenye engu B.</p> <p>Iinkcukacha ezipheleleyo mayela nesi siphakamiso ziyafumaneka ukuze zihlolwe kwiintsuku zaphakathi evekini phakathi kwentsimbi ye08:00 neye16:30 kwiSebe: Izicwangciso zeDolophu nekucandwa kweNdawo, 16 Paterson Street, Hermanus kunye nakwiThala leencwadi eKleinmond, Fifth Avenue, Kleinmond.</p> <p>Naziphina izimvo mazibhalwe zifike kwaMasipala (16 Paterson Street, Hermanus / (e) loretta@overstrand.gov.za) ngomhla okanye ngaphambi kwama-9 uCanzibe 2025, zibe negama lakho, idilesi, iinkcukacha ofumaneka kuzo, umdla wakho kwesi sicelo nezizathu zokuhlomla kwakho. Imibuzo ngefowuni ingathunyelwa kuMchwangcisi Omkhulu weDolophu, Nkskz. H. van der Stoep kwa 028-3138900. UMasipala angala ukwamkela izimvo ezifike emva komhla wokuvala. Nabani na ongakwazi ukufunda nokubhala angahambela kwiSebe Lezicwangciso zeDolophu neNdawo apho igosa likamasipala lizakumnceda afake izimvo zakhe ngokusemthethweni.</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;"><i>Notice no. / Kennisgewing nr. / Inothi si yeNomb: 72/2025</i></p>		



ERF 8099 KLEINMOND

MOTIVATIONAL REPORT: APPLICATION FOR SUBDIVISION



ABSTRACT

Application for a subdivision of the property

Application By: Jeane Douglas

Compiled for: Allan Santana

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1. Background

The subject property Erf 8099 is situated in the residential neighbourhood of Kleinmond and is located along 15th Avenue with an extent of 1823m². According to the zoning map & the Overstrand Land Use Scheme, 2020 the property is zoned as Single Residential Zone I. The property is currently vacant, and it is the intent of the property owner to subdivide the property into three properties and then sell each property, the site plan is only an indication of what the dwellings might look like if the new property owner decides to build. The property is to be subdivided into three portions and will consist of the following:

- RE/Erf 8099 - with extent ± 631m²
- Portion A - with extent ±596m²
- Portion B - with extent ±596m²
- Servitude with a width of 5m

Access to portions A and B will be in the form of a servitude along the Eastern Side of the property which will have to be registered.

Jeane Douglas is hereby duly appointed by the property owner (JSAL Holdings) to submit a land use planning application for the proposed development.

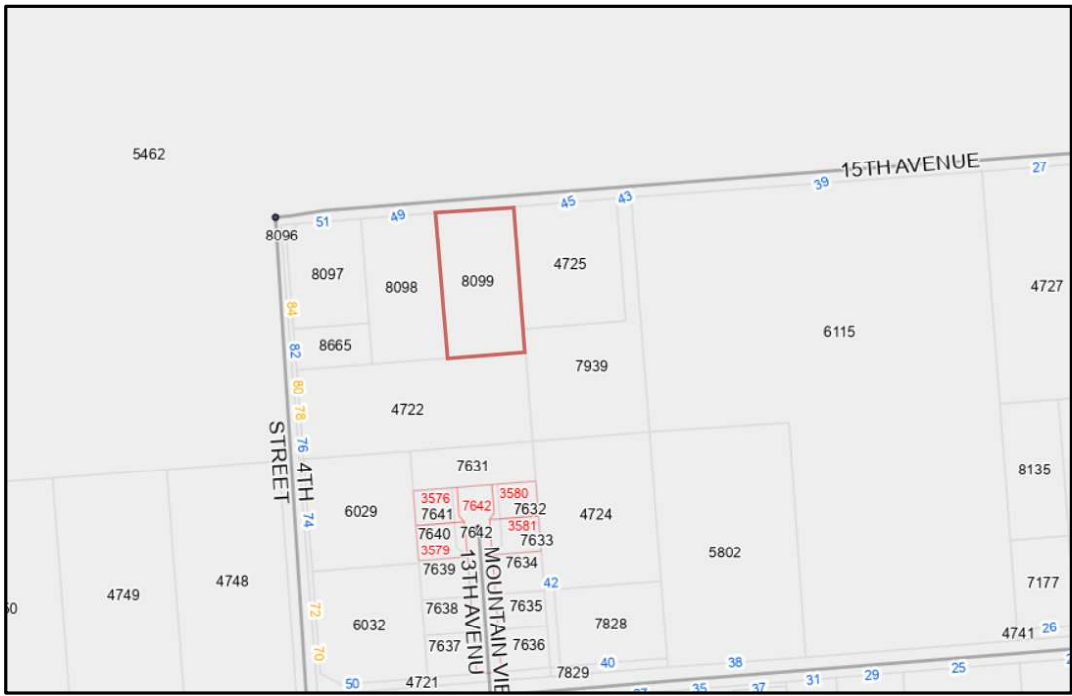
See Appendix-C for the Subdivision Plan and Appendix-B for the Power of Attorney

2. Application

- Application is hereby submitted in terms of Section 16(2)(d) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 to subdivide Erf 8099 Kleinmond into a Portion A, a B and a Remainder, and to create a right-of-way access servitude over the Remainder in favour of the newly created Portions A and B.

3. Locality

The subject property is situated within the Overstrand Local Municipality, located at 47 15th Avenue, Kleinmond. The location of the property is shown in the figure below.



4. Land Use Environment

The property is situated in the residential neighbourhood of Kleinmond where the predominant use of the area is for residential purposes. The zoning of the subject erf is zoned as Single Residential I Zone I and the surrounding properties are zoned General Residential Zone I; Town Housing and Special Zone properties in proximity, Industrial Zone I and Community Zone II.

The intent of the property owner is to optimize the land as a resource by subdividing the property to enable the development of three dwelling units instead of one on the property. As the surrounding erven has undergone subdivision and, in some cases, rezoning to accommodate more erven and thus more dwellings, the subject proposal will not be out of character for the environment.

With the subdivision of the subject property and the addition of two erven, it will allow for densification without the need for additional land. In addition, the proposed sizes for the new erven are not much smaller than some of the surrounding erven and thus would not be out of character. The proposal will not change the character of the site however, as the site will remain for residential use and is therefore in-line with the surrounding land uses.

The zoning in the area is shown below as Figure 2 and Appendix D.



Figure 2: Surrounding Zoning

5. Title Deed

In terms of the Title Deed No T/ 55901/2024, Erf 8099 Kleinmond is registered in the name JSAL HOLDINGS PROPRIETARY LIMITED with no title deed conditions restricting the proposed development. The Title Deed is attached hereto as Appendix E.

6. Servitude

Access to the properties will be in the form of a right of way servitude that needs to be registered with a width of 5m as indicated on the plan.

7. Services

Electric, Water, Sewage and Solid waste

The subject property is situated within an already developed residential area where municipal services already exist. I am of the opinion that the Overstrand Municipality has enough capacity to accommodate the additional two erven, and the proposal will be subject to comply with the requirements of both the Engineering Department Report as well as the Operational Services Report.

8. Access

Access to RE/Erf 8099 will be from the street whereas Portion A and Portion will gain access from the right of way servitude that needs to be registered with a width of 3m.

9. Policies and Regulations

Overstrand Municipal Spatial Development Framework, 2020 (MSDF)

The Municipal Spatial Development Framework is a sectoral component of the IDP that, in terms of the MSA, is aimed at providing general direction to guide decision making on an ongoing basis, aiming at the creation of integrated, sustainable, and habitable regions, cities, towns and residential areas.

The proposed application is located within the urban edge and is indicated as part of the “urban development area”. The proposed subdivision of the residential zoned property is therefore in line with this forward planning document.

[Overstrand Municipality Spatial Growth Management Strategy, 2010 \(OMSGMS\)](#)

The Growth Management Strategy promotes the longer-term sustainability of the municipal area and its sub-regions. The property falls within the planning unit 11 which promotes residential densification where incremental densification is advised through subdivisions of erven into two or three units per erf.

The OMSGMS promotes the containment of the footprint of Kleinmond within the well-defined urban edge. The subject property is located within the existing residential development area of Kleinmond. Since the property falls inside of these areas, the proposed development to subdivide the property into three portions in order to create three residential erven will not be out of line with the character and the future spatial planning of the area. Additionally, the proposed form of densification for the Kleinmond area is in the form of subdivision which the proposal intends to do. It is therefore considered that the proposal to subdivide is in line with the OMSGMS.

10. Planning Principles

[Spatial Planning and Land Use Management Act, 2013 \(Act 16 of 2013\) \(SPLUMA\)](#)

Section 7 of the "Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)" list 5 development principles based on which any development application must be evaluated.

The principles referred to are as follows:

1. Spatial Justice

Spatial Justice refers to planning proposals which do not contribute towards the perpetuation of apartheid spatial development imbalances. This proposal to subdivide the property does not perpetuate apartheid spatial development imbalances.

2. Spatial Sustainability

Spatial sustainability refers to planning proposals which result in communities that are viable. This proposal to subdivide the property intends to ensure the subject property is utilized to its maximum capabilities. No conservation worthy areas will be impacted, and the proposal will be in line with the residential character of Kleinmond.

3. Spatial resilience

This proposal is not in conflict with any spatial planning policies or other regulations of the Greater Oudtshoorn Local Municipality.

4. Efficiency

This proposal intends to maximize the usage of the subject property by subdividing the property and selling the property.

5. Good administration

The Greater Oudtshoorn Local Municipality has a credible track record of good administration regarding the method of public participation which invites and accepts comments from the public to make an informed decision as well as complying with the prescribed time frames pertaining to the processing of applications.

11. Need and Desirability

The proposal needs to be evaluated on the basis that the current situation is not utilizing the available space efficiently. The property owner had the vision to subdivide the property and to maximise both the financial opportunity it offers and the utilization of the resources itself.

The proposal to subdivide promotes the increased density that is in line with the forward planning documents and creates 2 additional erven to be sold-off and create both a financial opportunity for the property owner as well as creating additional residential properties to be placed on the market which subsequently leads to another well needed residential opportunity in the Kleinmond area.

The proposed development will not result in any additional land use rights as the proposed subdivision is set to be utilized for residential property. The property located in a residential area where densification is very prominent and thus the proposal is in line with the future growth of the area.

Access to Portion A and B will be in the form of a right of way servitude which will have to be registered and RE/ Erf 8099 will gain access from the street.

This proposal is in harmony with all relevant planning principles and forward planning documents and is therefore considered desirable from a town planning point of view.

12. Recommendations

Based on the abovementioned motivation, it is recommended that the following be approved:

- Application is hereby submitted in terms of Section 16(2)(d) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 to subdivide Erf 8099 Kleinmond into a Portion A, a B and a Remainder, and to create a right-of-way access servitude over the Remainder in favour of the newly created Portions A and B.

