



ERF 6391, 28 BOEKENHOUT AVENUE, KLEINMOND: APPLICATION FOR SUBDIVISION AND DEPARTURE: PLAN ACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF HE DELEN AND B KOOI - THE EXECUTORS OF LATE ESTATE A DELEN

Notice is hereby given in terms of Section 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 that an application has been received as follows:

- ✚ **Subdivision** in terms of Section 16(2)(d) to subdivide Erf 6391, Kleinmond into 2 portions, namely a Portion A ($\pm 595\text{m}^2$) and a Remainder ($\pm 595\text{m}^2$).
- ✚ **Departure** in terms of Section 16(2)(b) applicable to the Remainder of Erf 6391, Kleinmond to relax the eastern lateral building line from 2m to 0m and 0,8m respectively to accommodate the existing braai lapa and the double garage, and also to relax the rear building line from 2m to 0m to accommodate the existing braai lapa.

Full detail regarding the proposal is available for inspection during weekdays between 08:00 and 16:30 at the Department: Town and Spatial Planning at 16 Paterson Street, Hermanus and the Kleinmond Library, Fifth Avenue, Kleinmond. Any written comments may be submitted in accordance with the provisions of Sections 51 and 52 of the said By-Law to the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / (e) loretta@overstrand.gov.za) on or before **4 April 2025**, quoting your name, address and contact details, interest in the application and reasons for comments. Telephonic enquiries can be made to **Mrs. H van der Stoep** at 028-313 8900. The Municipality may refuse to accept comments received after the closing date. Any person who cannot read or write may visit the Town and Spatial Planning Department where a municipal official will assist them in order to formalize their comment.

ERF 6391, BOEKENHOUTLAAN 28, KLEINMOND: AANSOEK OM ONDERVERDELING EN AFWYKING: PLAN ACTIVE STADS- EN STREEKBEPLANNERS NAMENS HE DELEN EN B KOOI - DIE EKSEKUTEURS VAN WYLE BOEDEL A DELEN

Kennis word hiermee gegee ingevolge Artikel 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 dat 'n aansoek soos volg ontvang is:

- ✚ **Onderverdeling** ingevolge Artikel 16(2)(d) van Erf 6391, Kleinmond in 2 gedeeltes, naamlik 'n Gedeelte A ($\pm 595\text{m}^2$) en 'n Restant ($\pm 595\text{m}^2$).
- ✚ **Afwyking** ingevolge Artikel 16(2)(b) van toepassing op die Restant van Erf 6391, Kleinmond om die oostelike syboullyn onderskeidelik vanaf 2m tot 0m en 0,8m te verslap om die bestaande braailapa en die dubbelmotorhuis te akkommodeer, en ook om die agterboullyn vanaf 2m na 0m te verslap om die bestaande braailapa te akkommodeer.

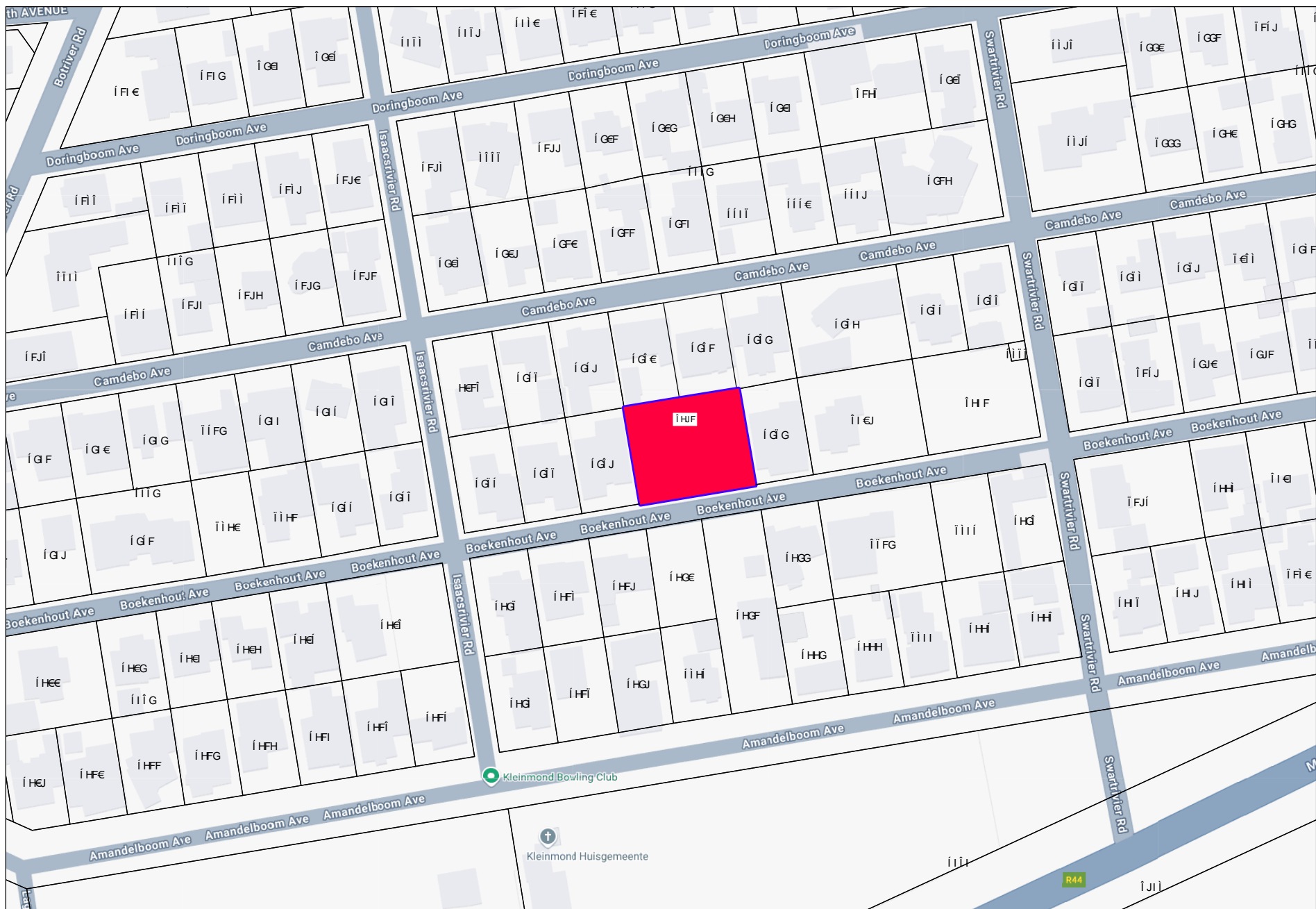
Volle besonderhede rakende die voorstel is beskikbaar vir inspeksie gedurende weksdae tussen 08:00 en 16:30 by die Departement: Stads- en Streekbeplanning, Patersonstraat 16, Hermanus en by die Kleinmond Biblioteek, Vyfdelaan, Kleinmond. Enige kommentaar op die voorstel moet skriftelik ingedien word in terme van Artikels 51 en 52 van die voorgeskrewe Verordening na die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / (e) loretta@overstrand.gov.za) voor of op **4 April 2025**, met die naam, adres en kontakbesonderhede, belang in die aansoek sowel as redes vir die kommentaar aangedui. Telefoniese navrae kan gerig word aan **Me. H van der Stoep** at 028-313 8900. Die Munisipaliteit mag weier om die kommentaar 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 formaliseer.

ISIZA ESINGU-ERF 6391, 28 BOEKENHOUT AVENUE, KLEINMOND: ISICELO SOKUCANDA KWAKHONA NOKWAHLULA: NGABAKWAPLAN ACTIVE TOWN & REGIONAL PLANNERS EGAMENI LIKA HE DELEN AND B KOOI - THE EXECUTORS OF LATE ESTATE A DELEN

Kukhutshwe isaziso esimayela nemiba yeSoloty lama-48 loMthethwana kaMasipala waseOverstrand ElingeZicwangciso Zokusetyenziswa koMhlaba kaMasipala ku2020 isaziso esi sifunyenwe singale miba ilandelayo:

- ✚ **Ukucanda kwakhona** ngokwemiba yeSoloty le16(2)(d) ukucanda kwakhona isiza esingu-Erf 6391, Kleinmond sibe zinxalenye ezi-2, ezibizwa Inxalenye A ($\pm 595\text{m}^2$) neNtsalela ($\pm 595\text{m}^2$).
- ✚ **Ukwahlula** ngokwemiba yeSoloty le16(2)(b) elisebenza kwiNtsalela yesiza esingu-Erf 6391, Kleinmond ukunyenya umgca omelene nesakhiwo kwicala elisempuma ukusuka kwiimitha ezi2m ukuya ku-0m no-0,8m ngokulandelelana ukulungiselela indawo okanye ilapa yokubhrayela/yokojela inyama nengaraji engena iimoto/izithuthi ezibini, kunye nokunyenya umgca okwicala elingasemva kwisakhiwo ukusuka kwiimitha ezimbini ukuya kwiimitha eziyi-2m ukuya ku0m ukulungiselela ilapa yokubhraya/yokoja esele ikhona.

Iinkcukacha ezipheleleyo mayela nesi siphakamiso ziyafumaneka ukuze zihlolwe kwiintsuku zaphakathi evekini ukusuka kwiintsimbi ye-08:00 neye-16:30 kwiSebe: Lezicwangciso zeDolophu noBume beNdawo kwa16 Paterson Street, Hermanus naseKleinmond Library, Fifth Avenue, Kleinmond. Naziphi na izimvo ezibhaliweyo mazingeniswe kwaMasipala ngokwezibonelelo zeSoloty lama-51 nelama-52 loMthethwana (16 Paterson Street, Hermanus / (f) 0283132093 / (e) loretta@overstrand.gov.za) ngomhla okanye ngaphambi komhla wama-4 Epreli 2025, uchaze igama lakho, idilesi neenkukacha ofumaneka kuzo, umdla wakho kwesi sicelo nezizathu zakho zokuhlomla. Imibuzo ngefowuni ingabuzwa u-Nkosikazi H van der Stoep kwa-028-313 8900. UMasipala angala ukwamkela izimvo ezifike emva komhla wokuvala. Nabani na ongakwazi ukufunda nokubhala angahambela kwiSebe LeziCwangciso zeDolophu noBume beNdawo apho igosa likaMasipala liza kumnceda bafake izimvo zabo ngokusemthethweni.



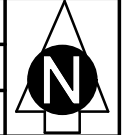
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Town & Regional Planners

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**PROPOSED SUBDIVISION AND
BUILDING LINE DEPARTURES**

**ERF 6391
KLEINMOND**

**DIVISION: CALEDON
OVERSTRAND MUNICIPALITY**

MOTIVATION REPORT

1. BACKGROUND

Mrs. H.E. Delen, in her capacity as executor of the deceased estate of the late Mr. A. Delen, has appointed Plan Active to facilitate an application for the subdivision of Erf 6391, Kleinmond. This application also includes building line departures necessitated by the proposed subdivision of the property.

Previously, an application for the subdivision of Erf 6391, with the intent to consolidate a portion with Erf 5261, Kleinmond, along with associated building line departures, was approved on 3 October 2019. However, this approval, specifically the subdivision, consolidation and building line departure as a result of the subdivision has lapsed since lapsed. The building line departure for the braai lapa located on the existing northern boundary abutting Erf 5260 Kleinmond vests

The current proposal seeks to subdivide Erf 6391, Kleinmond, into two erven, thereby creating an additional property.

Erf 6391, Kleinmond, has a total extent of 1,190m² and is registered under Title Deed Number T11656/2017.

2. APPLICATION DETAILS

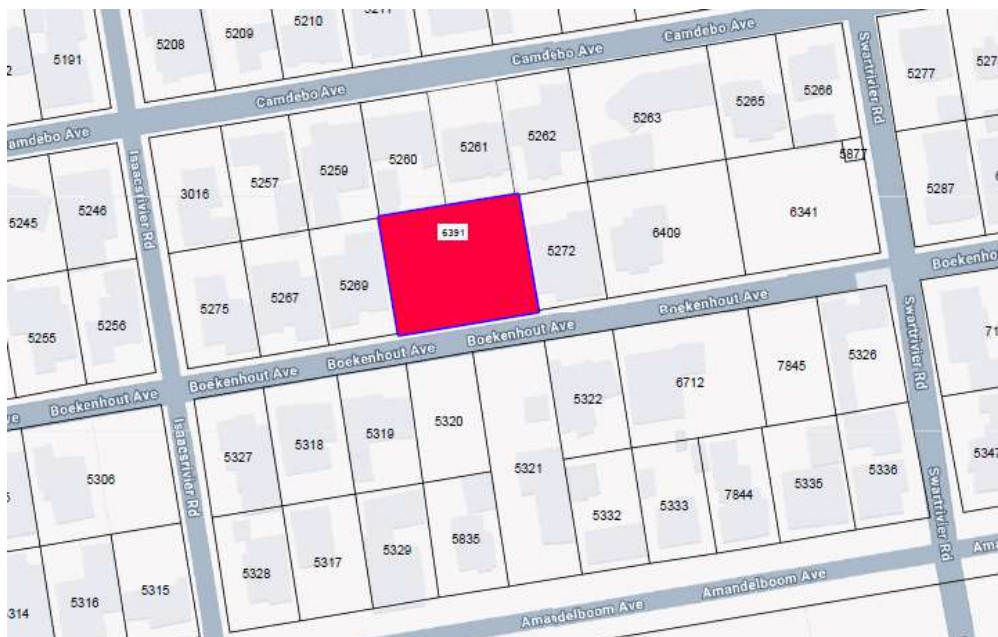
The application is submitted in accordance with the provisions of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2020, as outlined below:

- Chapter 4, Section 16(2)(d): For the subdivision of Erf 6391, Kleinmond.
- Chapter 4, Section 16(2)(b): For a permanent departure from the prescribed building lines applicable to the remainder of Erf 6391, Kleinmond as a result of the proposed subdivision.

3. DESIRABILITY

3.1 PROPERTY DESCRIPTION

Erf 6391, Kleinmond, is situated at 28 Boekenhout Avenue, Kleinmond, and has a total extent of 1,190m². For further information, please refer to the attached locality plan and abstract provided below:



3.2 ZONING

Erf 6391, Kleinmond, is zoned Residential Zone 1, which is designated for low-density residential use. The property is currently utilized in accordance with this zoning. The surrounding properties are primarily zoned for single residential purposes, maintaining a cohesive residential character in the area. Additionally, the vicinity includes land allocated for public roads, ensuring accessibility, and public open spaces, which enhance community amenities and support environmental conservation. This zoning framework highlights the predominantly residential nature of the neighbourhood while providing essential infrastructure and recreational opportunities. Please refer to the zoning map abstract below:



3.3 LAND USE

Erf 6391, Kleinmond, is currently utilized for residential purposes, consistent with its zoning designation of Residential Zone 1. The property includes a primary dwelling and an outbuilding, both situated on the western portion of the erf. This layout leaves the eastern half of the erf vacant and well-positioned for potential subdivision, enabling a more efficient use of the land. Access to Erf 6391 is provided via Boekenhout Avenue, ensuring seamless connectivity to the surrounding area.

Notably, Erf 6391 has a total extent of 1,190m², which is exactly double the size of the surrounding residential erven, typically measuring 595m². This makes the proposed subdivision not only feasible but also consistent with the existing scale and character of the neighbourhood. Subdivision would result in two erven, each comparable in size to adjacent properties.

The surrounding land uses, including those of Erven 5261 and 6391, predominantly consist of single residential dwellings, complemented by public roads and open spaces. This pattern reflects the area's designation as a low-density, single residential neighbourhood. Public roads provide excellent access and connectivity, while public open spaces enhance the living environment by offering recreational opportunities and contributing to the area's aesthetic and ecological value.

The established residential character of the neighbourhood, combined with compatible land uses and the proportionality of the proposed subdivision, underscores that Erf 6391 is situated within a well-planned, predominantly single residential area. As such, the proposed subdivision is appropriate and harmonizes with the surrounding urban fabric.

3.4 PROPOSAL

The application is submitted in accordance with the provisions of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2020, as outlined below:

- Chapter 4, Section 16(2)(d): For the subdivision of Erf 6391, Kleinmond.
- Chapter 4, Section 16(2)(b): For a permanent departure from the prescribed building lines applicable to the remainder of Erf 6391, Kleinmond.

Erf 6391, with a total extent of 1,190m², is intended to be subdivided by the owner into two equal portions: Portion A and the remainder portion.

3.4.1. Proposed Subdivision

The detail of the subdivision can be described as follows:

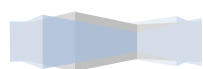
Subdivision	
Proposed Portions	Size
Portion A	±595m ²
Remainder Erf 6391	±595m ²

The proposed subdivision of Erf 6391, Kleinmond, seeks to divide the 1,190m² property into two equal portions, referred to as Portion A and the Remainder. Each portion will have an approximate extent of 595m², which is consistent with the size of surrounding residential erven in the same block. This ensures that the subdivision will maintain the uniformity and character of the neighbourhood, which is predominantly made up of single residential properties of similar size.

The subdivision is made feasible by the current layout of the property. The existing dwelling is located on the western portion of the erf, allowing the eastern portion to remain vacant and suitable for creating an additional erf. The newly created portions will both be of a size that conforms to the applicable zoning regulations under Residential Zone 1, supporting the low-density residential character of the area.

Access to both portions will be via Boekenhout Avenue, ensuring seamless integration with the existing road network. The proposed subdivision will not only optimize the use of land but also align with urban planning principles, contributing to a balanced and well-structured residential environment.

However, the subdivision presents some technical considerations. The double garage on the property is currently situated approximately 800mm from the proposed subdivision line, necessitating a building line departure. Additionally, the braai lapa, established on the northern boundary, will also be located along the proposed eastern lateral boundary of the remainder portion, requiring further building line departures to regularize its position in relation to the new property boundaries.



Despite these considerations, the subdivision will result in two erven that are proportional to the surrounding properties, ensuring that the development is in harmony with the existing urban fabric. The creation of an additional erf will make efficient use of the available land while preserving the residential character of the neighbourhood.

3.4.3. Proposed building line departure

The proposed subdivision of Erf 6391, Kleinmond will result in the need for several building line departures due to existing structures on the property that encroach on the required building lines. These encroachments, which predate the proposed subdivision, must be addressed to ensure compliance with municipal regulations post-subdivision.

The requested building line departures are as follows:

- Relaxation of the Eastern Lateral Building Line:
 - The current building line for the eastern lateral boundary is 2 meters. However, the existing braai lapa is positioned directly on this boundary.
 - To accommodate this structure, a relaxation of the building line is proposed, reducing it from 2 meters to 0 meters. This adjustment is necessary to regularize the existing situation, as the braai lapa was constructed prior to 22 October 2003 and has been in use without issue since that time.
 - The braai lapa is well integrated into the residential fabric of the neighbourhood, and there is no negative impact on the surrounding area or the aesthetic of the property. Therefore, its continued presence along the boundary does not detract from the character of the locality.

- Relaxation of the Eastern Side Building Line:
 - The existing double garage on Erf 6391 is located approximately 0.8 meters from the proposed subdivision line, where the required building line is typically 2 meters.
 - To accommodate the garage and avoid costly and unnecessary alterations, a building line departure is requested to relax this side building line from 2 meters to 0.8 meters.

- This relaxation ensures the existing garage, which is an established structure on the property, remains functional and in harmony with the property's layout, while maintaining the overall aesthetic of the area.
- Relaxation of the rear building line vest as approved in October 2019. The approved departure was to accommodate the Braai lapa:

The requested building line departures are not expected to disrupt the surrounding property owners, as the existing structures have been in place for many years without generating any nuisance. Additionally, the owner purchased the property with these structures already established. These departures are essentially seeking to formalize the existing conditions in a manner that allows the subdivision to proceed without unnecessary demolition or disruption.

The proposed building line relaxations are compatible with the residential character of the area and are consistent with the low-density nature of the neighbourhood. They ensure that the property remains in compliance with municipal planning regulations while accommodating existing structures that have not caused adverse impacts to date.



A double garage on Erf 6391 is situated approximately 0.8 meters from the proposed subdivision line. This garage has been in place without causing any adverse impact on the surrounding properties. To ensure compliance with the proposed subdivision, the roof overhang that previously encroached onto the proposed Portion A has already been removed. This adjustment ensures that the garage will no longer encroach over the new boundary line, maintaining both the functional integrity of the structure and compliance with municipal planning regulations.

The removal of the roof overhang ensures that the garage remains within the required building lines, while continuing to have no negative effect on the neighboring properties. The existing garage and its modifications are in keeping with the character of the area and do not detract from the overall aesthetic or functionality of the residential neighbourhood.



3.5 ACCESS

Access to Erf 6391, Kleinmond is currently provided via Boekenhout Avenue, which serves as the primary access route for both vehicular and pedestrian traffic to the existing dwelling and outbuilding on the property. This access point is well-established and adequately facilitates the movement of residents, visitors, and service vehicles.

Following the proposed subdivision, access to Portion A will be similarly provided from Boekenhout Avenue. This ensures continuity in the access arrangement for the newly created portion of the property, maintaining ease of access for future residents or occupants of Portion A.

The exact positioning of the driveway for Portion A will be finalized during the building plan submission process. The building plan will specify the precise location of the

driveway, ensuring that it is aligned with municipal requirements and guidelines for road access and safety. The proposed access will be designed to minimize disruption to the surrounding area and to integrate seamlessly with the existing road network.

The inclusion of access details in the building plan ensures that the subdivision adheres to the necessary regulatory standards, providing safe, functional, and legal access to both the existing and proposed portions of the property. This will help facilitate both day-to-day residential activities and larger-scale activities such as deliveries or maintenance, without causing any traffic congestion or access issues within the neighbourhood.

3.6 SERVICES

All necessary municipal services are already established on Erf 6391, Kleinmond, and currently service the existing dwelling and outbuilding. However, with the proposed subdivision and the creation of an additional erf, additional services will be required to adequately service the newly created property.

Municipal Services Infrastructure has sufficient capacity to accommodate the additional erf, ensuring that all required services, including water, electricity, and sewerage, can be extended to the new portion without overloading the existing infrastructure. The necessary upgrades or connections will be made as needed to provide full services to Portion A, in line with municipal requirements.

The extension and provision of services to the new erf will be carried out to the satisfaction of the Municipality, ensuring that all relevant regulations and standards are met. This will guarantee that the new property benefits from the same level of service as the surrounding properties, maintaining the overall functionality and quality of the neighbourhood's infrastructure.



3.7 TITLE DEED

There are no restrictive Title Deed conditions in Title Deed T11656/2017 that would impede the application or approval process for the proposed subdivision of Erf 6391, Kleinmond, or the proposed building line departure applicable to the Remainder Erf 6391, Kleinmond. This ensures that the subdivision and associated building line adjustments can proceed without requiring any amendments to the existing Title Deed.

It should be noted, however, that a bond is currently registered against Erf 6391, Kleinmond. The necessary consent from the bondholder will be obtained as part of the application process, ensuring compliance with legal requirements and securing approval for the proposed subdivision and building line departure.

3.8 FORWARD PLANNING

Overstrand Municipal Wide Spatial Development Framework

According to the Overstrand Municipal Wide Spatial Development Framework (SDF), the subject property is designated for residential purposes. The proposed subdivision and building line relaxations will not alter the residential zoning of the erf, ensuring alignment with the spatial planning vision for the area. The intended use of the property remains consistent with the SDF's long-term goals for the neighbourhood.

Overstrand Growth Management Strategy

In terms of the Overstrand Growth Management Strategy, the subject property is located within Planning Unit 11, an area characterized by a mature, middle- to high-income demographic with limited densification opportunities. The strategy supports incremental densification, primarily through subdivisions or second and third dwelling units, which are projected to occur in approximately 20% of this planning unit.

The proposed subdivision aligns with this incremental densification approach, as it facilitates better land use efficiency while maintaining the residential character of the area. It is important to highlight that this application does not create additional erven

but rather redistributes the existing land to create two properties of proportional size, consistent with the surrounding erven.

Merit-Based Consideration

Subdivision applications are required to be assessed on a case-by-case basis, considering the specific context and circumstances of the property and its surroundings. The newly created erf will remain compatible with the residential character and scale of neighbouring properties. The subdivision adheres to the principles of forward planning and densification, as outlined in the Overstrand Growth Management Strategy, and supports sustainable development without compromising the integrity of the area.

Based on the above, the proposed subdivision and building line relaxations can be supported from a forward planning perspective.

3.9 OTHER RELEVANT LEGISLATION FOR CONSIDERATION OF THE APPLICATION

3.9.1 HERITAGE VALUE

Erf 6391, Kleinmond is not located within the Heritage Overlay Zone, as outlined in the Overstrand Municipality Growth Management Strategy (2010). Additionally, the property is not identified for heritage conservation purposes in the Overstrand Heritage Survey Report (2009).

The subject property has no historical associations with significant persons, groups, events, or activities that contribute to its cultural or historical significance. Furthermore, it does not have any links to the history of slavery, nor is it utilized for living heritage purposes.

Given the above, it is clear that the proposed subdivision and building line relaxations will not negatively impact the heritage value of either the subject property or the

broader Kleinmond area. The application respects and aligns with the existing heritage framework for the region.

3.9.2 IMPACT ON THE BIOPHYSICAL ENVIRONMENT

The proposed subdivision and building line relaxations for Erf 6391, Kleinmond do not trigger any listed activities as defined under the National Environmental Management Act (NEMA), 1998 (Act No. 107 of 1998).

As a result, no Environmental Impact Assessment (EIA) or related environmental approval is required for the proposed development. The subdivision and building line departures are localized and will not negatively impact the surrounding biophysical environment. The existing natural and ecological characteristics of the area will remain unaffected, ensuring compliance with environmental regulations.

3.10 PLANNING PRINCIPLES

The application adheres to the following planning principles as outlined in the Spatial Planning and Land Use Management Act (SPLUMA), 2013 (Act No. 16 of 2013):

Spatial Justice:

The proposed subdivision promotes equitable access to land by optimizing the use of an underutilized portion of Erf 6391, Kleinmond. By creating an additional erf of similar size to neighbouring properties, the subdivision supports inclusivity while maintaining consistency with the surrounding residential character.

Spatial Sustainability:

The application promotes sustainable land use by enabling densification within an already developed residential area, reducing the need for urban sprawl. The

subdivision ensures the efficient use of existing infrastructure and services, minimizing the environmental impact and aligning with the principles of responsible development.

Efficiency:

The subdivision improves the efficient use of Erf 6391, unlocking the potential of the eastern portion of the property while maintaining the functionality of the existing structures. Additionally, the utilization of existing municipal services ensures cost-effectiveness and resource efficiency.

Spatial Resilience:

The subdivision supports flexibility and adaptability in land use planning by allowing for a more efficient and practical use of residential land. The proposed development strengthens the area's ability to accommodate growth without compromising its character or sustainability.

In conclusion, the proposed subdivision and building line relaxations align with key planning principles, ensuring that the development is equitable, sustainable, efficient, and resilient, while integrating seamlessly into the surrounding urban fabric.

Good administration

Our Company is committed to the principle of good administration and will cooperate with the Overstrand Municipality to ensure a time efficient, uncomplicated land use planning process. The land use application will follow due process as stipulated in the relevant municipality's bylaw and related provincial and national land use planning legislation. All measures will be taken to ensure an efficient and streamlined process within the applicable timeframes as stipulated by the Overstrand Municipality's By-law on Municipal Land Use Planning, 2020.



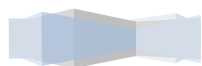
4. **RECOMMENDATION**

Recommendation for the Subdivision of Erf 6391, Kleinmond, and Associated Building Line Departures

- The proposed subdivision will create two erven of equal size (595m² each), consistent with the typical erf sizes in the surrounding residential block. This subdivision optimizes the use of the underutilized eastern portion of Erf 6391 while maintaining the residential character of the area.
- Building line departures to accommodate existing structures on Erf 6391 were approved on 3 October 2019. These include:
 - Relaxation of the eastern lateral building line from 2m to 0m to accommodate the existing braai lapa.
 - Relaxation of the eastern lateral building line from 2m to 0.8m to accommodate the double garage.
 - Relaxation of the rear building line from 2m to 0m to accommodate the existing braai lapa.

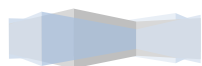
These departures ensure that existing structures remain compliant with planning regulations and do not impact neighbouring properties. Removal of the roof overhang on the double garage eliminates encroachments onto the proposed Portion A, ensuring compatibility with the new boundary line.

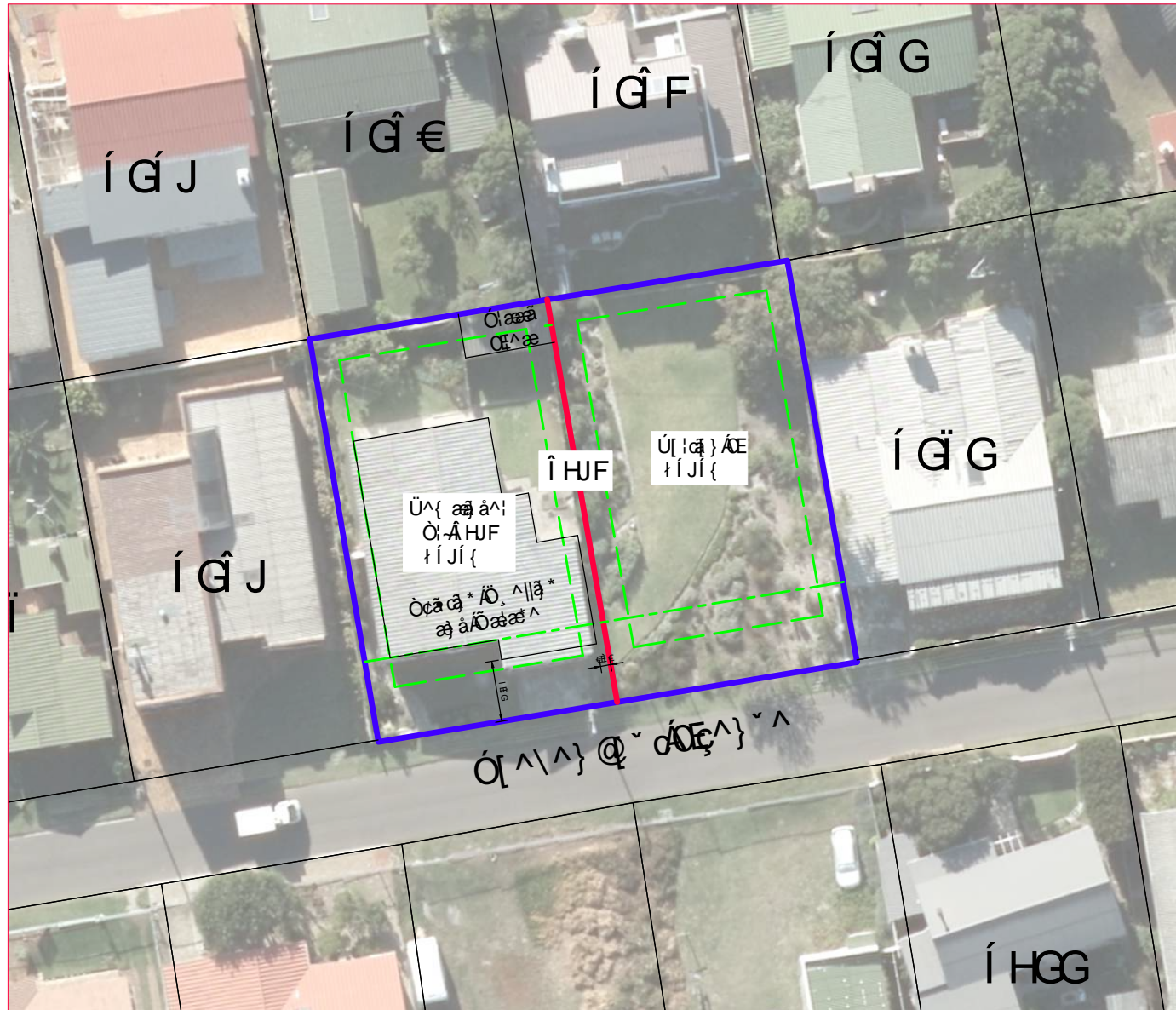
- The subdivision and resulting erven will retain their Residential Zone 1 designation, consistent with the Overstrand Municipality Spatial Development Framework, supporting low-density residential use.
- Municipal services are available for the existing property, and capacity exists to accommodate the additional erf. All required services for the additional erf will be installed and connected to the municipality's satisfaction.
- Vehicular and pedestrian access to both the Remainder Erf and Portion A will be from Boekenhout Avenue, with driveway details finalized during the building plan submission phase.



- The proposed subdivision and building line departures do not trigger any listed activities under the National Environmental Management Act (NEMA) and are not within a Heritage Overlay Zone. The development has no adverse impact on the biophysical environment or the heritage value of the property or surrounding area.
- The subdivision aligns with SPLUMA's principles of spatial justice, sustainability, efficiency, and spatial resilience, ensuring equitable and responsible land use.
- The resulting erf sizes, land uses, and existing structures remain compatible with the surrounding residential neighbourhood, preserving its character and aesthetics.

It is recommended that the subdivision of Erf 6391, Kleinmond, to create one additional single residential erf, along with the re-approval of the lapsed building line departures, be approved. This application aligns with municipal policies, planning principles, and environmental and heritage considerations while addressing the needs of the community.





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