

## 4.3

**ERF 1449, LYNX ROAD, VERMONT: APPLICATION FOR REZONING, SUBDIVISION, DEPARTURES, RIGHT OF WAY SERVITUDES, PHASING OF A DEVELOPMENT AND THE ALLOCATION OF STREET NAMES AND NUMBERS: MESSRS PLAN ACTIVE ON BEHALF OF L LEWIS**

1449 HVM

H Olivier

1 August 2022

(028) 313 8900

Hermanus Administration

**1. EXECUTIVE SUMMARY**

An application was received on 23 October 2020 from Messrs Plan Active on behalf of L Lewis on Erf 1449, Vermont in terms of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 (By-Law) for the following:

- Rezoning of the property in terms of Section 16(2)(a) of the By-Law from Residential Zone I: Single Residential (SR1) to Subdivisional Area Zone (SA); and
- Subdivision of the rezoned property in terms of Section 16(2)(d) of the By-Law, to create the following:
  - Seventeen (17) Residential Zone I: Single Residential (SR1) erven;
  - Thirteen (13) General Residential Zone I: Town Housing (GR1) erven;
  - Three (3) Open Space Zone 2: Public Open Space (OS2) erven; and
  - One (1) Transport Zone 2: Road and Parking (TR2) portion.
- Departure in terms of Section 16(2)(b) of the By-Law to relax the following:
  - Street building line applicable to Erf 26 from 4m to 2,1m to accommodate an existing outbuilding, and 4m to 0,71m to accommodate a portion of the existing stoep;
  - Street building line next to Lynx Road from 4m to 3m applicable to Erven 15 to 17;
  - Street building line from 3m to 2m applicable to Erven 2 to 7 and 18 to 24;
  - Common building lines from 3m to 0m applicable to Erven 1, 2, 7 and 8 to construct garaging;
  - Common building lines from 3m to 2m applicable to Erven 7 and 8, 17, 18, and 22 to 25
- Subdivision in terms of Section 16(2)(d) to create the following:
  - 5m right of way servitude over Erven 28 and 29 in favour of Erven 27 to 29.
  - 0,5m wide servitude between the newly created right of way servitude and the existing southern boundary of Erf 1449, Vermont to accommodate a proposed unlined stormwater channel.
- Phasing of the development in terms of Section 16(2)(k) of the By-Law to phase the development in five (5) phases.
- Allocation of street names and numbers in terms of Section 96 of the By-Law, in order to allocate street names (Flycatcher Street and Buzzard Close) and

numbers to the new streets in the development.

A Locality Plan of the property concerned is attached as Annexure A. The Motivation Report from the applicant in support of the proposal is attached as Annexure B, while the proposed Site Development Plan is attached as Annexure C.

## **2. DECISION AUTHORITY**

Municipal Planning Tribunal

## **3. BACKGROUND / SITE HISTORY**

Erf 1449, Vermont is zoned Residential Zone I and is development with a dwelling, cottage and outbuilding. Applications were made on the land in the past to rezone and subdivide the land for a mixture of Single Residential and Group Housing development. The landowner wanted to change the previous layout significantly, and therefore had to submit a new application.

Note that the previous approvals lapsed on 6 February 2022.

The property measures 2,2079 ha, and the proposed development will entail the whole property.

## **4. SUMMARY OF APPLICANT'S MOTIVATION**

- ❖ The property was previously rezoned for subdivision into fifteen (15) Single Residential, fourteen (14) Group Housing, a Public Road, three (3) Public Open Spaces and a Private Open Space, but it was never acted upon.
- ❖ The property owner wanted to make changes to the previous approval, but due to time constraints it would then not be possible to register an erf prior to the lapsing date, therefore a new application was submitted.
- ❖ The re-layout was proposed to protect most milkwood trees and include them into Public Open Spaces, and also to enlarge erven with milkwood trees for the better design of dwellings.
- ❖ The design also considered the Environmental Basic Assessment (EBA) done for the development.
- ❖ The Municipality required that the open spaces be Public Open Spaces, and not Private Open Spaces as preferred by the client.
- ❖ The property measures 2,2079 ha in extent and is situated in a residential area.
- ❖ There is only one (1) dwelling and a cottage on the property at this stage.
- ❖ The development is to create thirty (30) residential stands and Public Open Spaces with a Public Road.
- ❖ The 17 Single Residential erven will be between 600m<sup>2</sup> to 683m<sup>2</sup> in extent, whilst Erf 26 will be 2064m<sup>2</sup> in extent. The thirteen (13) town houses will vary in size from 352m<sup>2</sup> to 464m<sup>2</sup> in extent.
- ❖ The cottage will be demolished, but the dwelling with outbuildings will be retained.
- ❖ In total 55% of the land will be used for Single Residential purposes, 22% for Town Housing, 7,5% for Public Open Spaces and the rest for road purposes.
- ❖ The development will be accessed from Little Swift Close.
- ❖ The Public Open Spaces will create a link with adjacent developments and accommodate existing milkwood trees.
- ❖ The houses will be developed in line with an Architectural Design Guideline.
- ❖ The development will be a low impact development for tranquil living.

- ❖ The relaxation of building lines is required since the Town Housing pockets may not be enclosed complexes and must have Public Roads, and therefore much stricter building lines are applied to the residential erven and Public Roads bordering such erven.
- ❖ Application is made to relax some erven's street building lines from 3m to 2m and the street building line with Lynx Road from 4m to 3m.
- ❖ Application is also made to relax the common building lines for some Group Housing erven from 3m to 2m and other from 3m to 0m.
- ❖ A right-of-way servitude of 5m wide will be registered to provide access to Erven 27 to 29.
- ❖ A 0,5m wide servitude will be registered over the same erven over an unlined stormwater channel.
- ❖ The development will be done in five (5) phases.
- ❖ Application is also made for new street names, which will be "Flycatcher Street" for the entrance road portion into the development and "Buzzard Close" for the close itself.
- ❖ Access to the development will be via the Little Swift Close, a 10m wide road reserve.
- ❖ All municipal services are readily available, and reports by GLS and DECA Engineers show there are capacity.
- ❖ There is no restriction in the Title Deed prohibiting this application.
- ❖ In line with Overstrand Municipal Wide SDF, 2020 as the area is earmarked for residential development.
- ❖ In line with the Overstrand Growth Management Strategy, 2010 as the proposed development is in line with surrounding developments.
- ❖ No Heritage Impact.
- ❖ A Basic Assessment Report was submitted to DEA&DP who indicated their support for the application.
- ❖ The application is measured against the principles in terms of Section 42 of SPLUMA, as follows:
  - Spatial Justice – In line with surrounding developments and previous approvals for development on the erf.
  - Spatial Sustainability – Will have no impact on the character of the surrounding area or the conservation worthy areas.
  - Efficiency – Development will be close to amenities
  - Spatial Resilience – N/A
  - Good Administration – a Good streamlined public participation process was followed.

## 5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
Press	Yes	18 June 2021	23 July 2021
Notices	Yes	18 June 2021	23 July 2021
Ward councillor	Yes	18 June 2021	23 July 2021
Total comments	<b>Twenty (20)</b>		
Was public participation undertaken in accordance with Section 46 – 50 of the By-Law on Municipal Land Use Planning?			<b>Yes</b>

Was the application processed correctly (if no, elaborate below):	<b>Yes</b>
Is the proposal consistent with the principles referred to in Chapter 2 of SPLUMA and Chapter VI of LUPA? (can be elaborated further below)	<b>Yes</b>

#### 6. SUMMARY OF COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS

Name	Date received	Summary of comments
Municipal: Environmental Management Services	11/08/2021	No objection.
Waste Management	16/07/2021	No objection.
Engineering Services	25/03/2022	See Annexure F.
Western Cape Government: Environmental Affairs & Development Planning – Record of Decision	4/03/2022	See Annexure G.
Building Branch	21/06/2021	No Objection.
Telkom	23/07/2021	See Annexure I.
Eskom	24/03/2020	See Annexure J.
Fire Department	22/06/2021	No objection.
Heritage Western Cape	20/08/2018	See Annexure H.

#### 7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION.

In the public participation process twenty (20) letters were received. One (1) of the letters were from the Vermont Ratepayers' Association. (See Annexure D)

The applicant was also provided with an opportunity to respond to the objections. (See Annexure E)

The objections, applicant's response and Municipal Town Planner's response can be summarized as follows:

##### **OBJECTION 1**

***“The road infrastructure is not designed for constant traffic of heavy vehicles which will increase the road damages and risk of accident endangering the habitants of the area.”***

Applicant's response

The design and construction of Little Swift Close were approved by the Overstrand Municipality. The proposal was that Little Swift Close be designed to make provision for access to the future development of Erf 1449, Vermont as well. Any damages to Little Swift Close will have to be rectified by the Overstrand Municipality as part of the maintenance of the public road.

It is proposed that, subject to the approval of the Overstrand Municipality, construction vehicles would make use of Little Swift Close for the development of the first phase of the development, that consist of ten (10) erven, as indicated on the phased plan, that accompanied our application. With the development of the other four (4) phases, we propose that, subject to the approval of the Overstrand Municipality, a temporary access be created from Lynx Avenue over proposed Erf 16 or to make use of the existing main access from Lynx Avenue to Erf 1449, Vermont for the use of construction vehicles.

The proposed development has been approved by the Department of Environmental Affairs and Development Planning. The development was authorized by the said Department on 30 September 2020. The authorization includes conditions that the owner has to conform with. These conditions include that an Environmental Management Plan (EMP) be submitted for approval and implemented for the development of the site. An Environmental Control Officer must also be appointed before commencing with the development to ensure compliance with the provision of the EMP and the conditions contained therein. Subsequently the development of the site will take place in such a manner, taking the natural environment into consideration.

Town Planner's response

The applicant is correct in his comment that Little Swift Close was planned in such a manner that it always was proposed to provide access to developments on Erf 1449 in future. Previous planning approvals have then also been approved on this erf, and such developments were approved by the Municipal Engineering Branch.

The concerns regarding the impact of heavy construction vehicles on the Little Swift Close road-surface and impact on property owners are duly noted. The applicant proposes to obtain access for the development of Phases 2 to 5 from Lynx Road, with municipal approval. This would lessen the impact on Little Swift Close.

The proposal was discussed with the Operational Branch, and they indicated that they are not against a temporary access/egress of Lynx Road during construction phase. The applicant will however have to obtain the final support therefore from the Operational Branch, should this application be supported.

**OBJECTION 2**

***“With construction taking place over a period of time excessive noise disturbing our peace and tranquillity, also to mention that it will disturb the wildlife, possibly protected endangered species, in and around the greenbelt.”***

Applicant's response

As mentioned above, the development will be managed by an Environmental Control Officer and that construction vehicles would make use of a temporary access for the development of Phases 2 to 5. Construction vehicles will only make use of Little Swift Close for the construction of the first phase as we have proposed. The site will be developed in a manner that will also be in line with the EMP. Please Note: This is the only property situated alongside Lynx Avenue that will be developed in a sensitive manner and that has gone through an Environmental Authorisation process to ensure that the environment has been taken into consideration. The development of the site will take place in a similar way as all the surrounding developments of the small holdings situated alongside Lynx Avenue, which our client had to endure.

There is no reason to believe that the noise levels will be greater than that of any other developments, including that of Vermont Heights Estate. The development of the site will be temporary after which the neighbourhood will return to its former tranquil state.

Town Planner's response

The applicant's opinion is supported. Erf 1449 is one of the last larger erven that must be further developed. To say that the development should not be supported due to its impact on other developments, which went through the same construction phase with a similar impact on surrounding properties, is just not a realistic statement. Construction phases are also temporary, and the impact will be less on surrounding property owners over time.

The applicant obtained a positive EIA: ROD from DEA&DP, and therefore all environmental impacts would have been addressed.

**OBJECTION 3**

**“Noise control and regulation outlines in environmental conservation act 1989(Act 73 of 1989) should be followed. The noise level of the trucks being used in the construction process is likely to be around 100DB and above, especially when going up the road, when regulations allow for about half this level around our area.”**

Applicant's response

The development will be done in line with an EMP that will be overseen by an Environmental Control Officer. Any new development will have a noise impact on the surrounding erven, but it will be temporary. Being located within an area that is not fully developed it is reasonable to expect that the vacant erven will be developed in the future. Surrounding landowners will have to endure the construction that will take place on Erf 1449, Vermont, the same that our client had to endure with the development of the residential erven alongside Francolin Close and Little Swift Close.

Town Planner's response

The applicant's response is supported. This point has also to an extent been addressed in objection points 1 and 2 above. The objector is also speculating with regards to the noise that will be generated by construction vehicles.

**OBJECTION 4**

**“Little Swift Close would not be able to accommodate the cars of Erf 1449 as well as our small community of Little Swift Close.”**

Applicant's response

Little Swift Close is a public street that has a road reserve width of 10m with combination of a paved surface and tarred surfaces that has a minimum width of 5m. At the time of the development of the erven abutting Little Swift Close, a road was also constructed from Little Swift Close in a northern direction that ends right up to the boundary of Erf 1449, Vermont with the understanding that this road be used as the main access to the development on Erf 1449, Vermont. The Overstrand Municipality wants to limit access to and from Lynx Avenue when small holdings abutting the said avenue are developed. Subsequently it has been made a prerequisite that the small holdings alongside Lynx Avenue share access points when they are developed. Subsequently the development of Vermont Heights had to make provision for the development of Erf 1449, Vermont.

With reference to the aerial photograph below is it clear that every second small holding gains access via another small holding. Little Swift Close provides access to the development on Erf 1449, Vermont and Francolin Close provides access to the development on Erf 1447, Vermont.



### Town Planner's response

The applicant is correct that access to Erf 1449 was always planned via Little Swift Close, and the Engineering Branch does not support additional access point from Lynx Road.

This application was then also forwarded to the Municipal Engineering Branch, who support this application. It is therefore the opinion that the existing road infrastructure can accommodate the proposed development on Erf 1449.

### OBJECTION 5

***"The large amount of Group Housing on Erf 1449 will have an impact on our property prices."***

### Applicant's response

It is clear from current developments within the Overstrand Municipal area that the size of erven does not impact negatively on property prices. With reference to our motivation report and supporting documentation it is clear that the owner intends to establish an upmarket residential development consisting of single residential erven and group housing erven. Being an upmarket development, taking the natural environment into consideration, that will be attractive to the environmental conscious person who will be willing to pay a premium to be part of such a development. It is

our opinion that the proposed development will be an asset to the area and that it would have a positive impact on the surrounding erven.

Town Planner's response

The objection and applicant's responses are noted.

The area of Vermont has been identified for developments allowing for a mix of Group Housing and Single Residential erven, with Public Open Spaces and Public Roads. The developments can be developed with approximately 70% of the developable land (excluding road and open spaces) allocated for Single Residential and 30% of the land for Group Housing. This proposal is then in line with these guidelines.

Developments in this area is also upmarket and most with specific architectural guidelines to ensure a high quality of dwelling or group house. The objection that group housing portions would impact property prices is therefore considered speculative.

**OBJECTION 6**

***"The road infrastructure in Little Swift Close is too narrow for heavy vehicles to pass through each other safely. This will contribute to road accidents in the neighbourhood for all road users."***

Applicant's response

We have inspected Little Swift Close, a public street, and can confirm that the minimum width of the street is 5m and that the road surface is established within a 10m road reserve. This road is similar to access roads of the other developments in the area such as Francolin Close. Taking the topography of the site into consideration on which Little Swift Close is constructed and the configuration of the street it is not possible to speed on this street. The fact that Little Swift Close consists of a combination of a paved section at the steep incline and a tarred surface cause people to drive slowly. It is common practise to introduce different road surfaces to achieve lower vehicle speeds. The same practise has been used in Hight Street, located in the Hermanus CBD, which now has become more pedestrian friendly.

With the lower vehicular speed, vehicles will be able to pass one another easily and heavier vehicles will also not pose a problem. We are furthermore proposing that only the 1<sup>st</sup> Phase of the development will make use of Little Swift Close. Residential streets are not designed for heavy vehicles, since traffic of heavy vehicles on residential streets are always of temporary nature during the construction phase.

Little Swift Close is a public road. If there should be any irregularities that this road is not up to standard the Overstrand Municipality will have to rectify it. If Little Swift Close is not up to standard it is not the doing of the owner of Erf 1449, Vermont, and subsequently the owner cannot be penalised.

Town Planner's response

The applicant's' comments regarding the existing road calming measures and the fact that this road is similar to the road through Francolin Heights providing access to a new development, is duly noted. The utilization of a temporary access off Lynx Road for the development of Phases 2 to 5 is also another way that the above-mentioned concern could be addressed.

It must again be noted that the Municipal Engineering Branch support the application and is therefore of the opinion that Little Swift Close have sufficient capacity to deal with traffic generated in the various phases of this development.

The fact that the road surface is only 5m wide was discussed with the Engineering Branch, but they indicated that it is standard for an area for which the long-term use would be residential.

It should be noted that in the services report a condition is stipulated that, should the developer damage any existing roads during construction, the developer will have to pay for any costs to fix such a public road.

**OBJECTION 7**

***“During the construction period on Erf 1449, which may take several years, the construction traffic will cause noise and remove tranquillity in the Little Swift Close neighbourhood.”***

**By phasing the development time could be extended to 15 to 25 years, prolonging the nuisance, noise, etc. that will be created due to construction.**

Applicant's response

As mentioned earlier, the development of Erf 1449, Vermont will be done in the most sufficient manor governed by the EMP. The development will not be noisier than the former developments that have taken place in the vicinity. Surrounding landowners will have to endure the construction phase that will take place on Erf 1449, Vermont, the same that our client had to endure with the development of the residential erven alongside Francolin Close and Little Swift Close. Once the development is completed the neighbourhood will return to its tranquil state

Town Planner's response

This point was already addressed under Objection 2. The increase in noise and loss of tranquillity will be of a temporary of nature.

The objector is also speculating when it comes to the possible extension of the construction period due to phasing. All developments in this area are determined by demand, and to say development will take longer due to phasing is not supported.

**OBJECTION 8**

***“I bought Erf 2212 because of the quietness and tranquillity of the area as it was on a cul-de-sac with very limited traffic. Providing access to Erf 1449 development compromises the attractiveness of Little Swift neighbourhood,***

***and I believe it is an unfair situation as this was not the expected environment when I made the decision to buy the plot.”***

Applicant's response

Little Swift Close has been designed to also provide access to Erf 1449, Vermont as previously mentioned in our comments above. The fact that Erf 1449, Vermont has not been developed yet, created the illusion that Little Swift Close is a cul-de-sac, but it was constructed in such a way to provide access to the proposed development on Erf 1449, Vermont on which a similar development has been approved in 2012. This is the reason why Little Swift Close has been constructed up to the boundary of Erf 1449, Vermont.

Town Planner's response

The applicant's comments are supported. Erf 1449 was always earmarked for future development, and up to February 2022 development rights were even in place but lapsed at that stage.

When purchasers of properties want to buy properties, they should consult with the Municipality regarding potential developments in the area they want to purchase.

**OBJECTION 9**

***“The top of Little Swift Close creates a blind spot and poses a safety risk for both traffic and young children in the Little Swift neighbourhood.”***

Applicant's response

We have inspected Little Swift Close and found that the different road surfaces have a speed calming effect. The gradient of the street and the configuration thereof will also influence the traffic speed. We subsequently found that the use of Little Swift Close will not pose a risk. It is experienced that Francolin Close has been constructed in a similar way. If Little Swift Close was constructed in such a way that it does not conform to the norms and standards of a public street, the matter will have to be rectified by the Overstrand Municipality being the custodian of public roads. We would suggest that the owners take it up with the Overstrand Municipality to investigate the matter.

Town Planner's response

The applicant's response with regards to traffic calming measures and that the topography of the land makes it very difficult to travel on this road at high speeds are duly noted. The comment that the Municipality approved Little Swift Close to provide future access to the development on Erf 1449 is also noted.

The application and the objections were forwarded to the Municipal Engineering Branch. Such Branch indicated that there should be some discussions, but that minor construction work or signage/road marking may be implemented to improve the overall safety of Little Swift Close. The road network is therefore considered sufficient to such Branch.

**OBJECTION 10**

***“Allowing access to Erf 1449 through Little Swift Close will result in material negative impact on property values in Little Swift Close development.”***

**Applicant’s response**

A previous application for the development of Erf 1449, Vermont was approved which consisted of 29 residential opportunities and a clubhouse. We are now proposing a slightly amended layout of the erven on Erf 1449, Vermont that consists of 30 residential opportunities and no clubhouse. Subsequently the impact on Little Swift Close is basically identical and will not negatively impact on the property values of Little Swift Close.

**Town Planner’s response**

It was always planned that access to Erf 1449 would have been via Little Swift Close. Also considering that a development for 29 erven was already approved in 2012, the residents next to Little Swift Close should have made enquiries regarding the access to Erf 1449 when they purchased their properties.

It is also speculative to say that access over Erf 1449 would have a negative impact on property values. Open land with thick vegetation next to dwellings could be seen as a safety concern and the development thereof as a positive with possible positive impacts on property values. Both opinions are still however speculation.

**OBJECTION 11**

***“The increase or introduction of construction workers will pose a security risk to households in the Little Swift neighbourhood.”***

**Applicant’s response**

With the combination of an appointed Civil Engineer, a Civil Contractor and an on-site Environmental Control Officer, the construction site and construction workers will be well managed and will not pose a security risk to households in the vicinity.

**Town Planner’s response**

The applicant sufficiently addressed the concern.

**OBJECTION 12**

***“Since there is an existing Lynx Road designed for heavy traffic, I strongly propose that the development on Erf 1449 make their entrance through the Lynx Road.”***

**Applicant’s response**

The Overstrand Municipality wants to limit the access to and from Lynx Avenue, as mentioned under paragraph 4 above. Little Swift Close is a public street, and the configuration thereof takes the proposed development of Erf 1449 Vermont into consideration and provides access to the site.

Town Planner's response

The applicant's comments are supported. The Municipal Engineering Branch do limit access points off Lynx Road as it is an important higher order distributor road which must have limited access/egress points to be functional and safe.

**OBJECTION 13**

***"I personally see no justifiable reason in terms of health, security, safety and environmental on why the development on Erf 1449 should not use Lynx Road for access to the development"***

Applicant's response

Please refer to our comments under paragraphs 4 and 12 above.

Town Planner's response

See comments under Objection 4 and 12 above.

**OBJECTION 14**

***"An EIA was done on the development of Erf 1449 of which I never received any notice on the proposed EIA, ....."***

Applicant's response

The following information was supplied to us by Michelle Naylor of Lornay Environmental Consulting who dealt with the Basic Assessment Report on which an authorisation has been received:

Please note that a Basic Environmental Assessment was applicable for the proposed development of Erf 1449, Vermont. As part of this process a full public participation process was required as stipulated in terms of the National Environmental Management Act (Act 107 of 1998) and the Environmental Impact Assessment Regulations 2014 (as amended). This included the following:

- Placement of noticeboard on the site with details of the proposal and methods for providing comment.
- Notice placed in the Hermanus Times, inviting any potential interested and affected party to provide comment.
- Notices to all directly adjacent landowners (Registered mail).
- Two (2) 30-day rounds of public participation opportunity.
- The opening of a register for Interested and Affected Parties and the drafting of a comments and response report to record all comments received.
- Additional measures were also provided in response to Covid and the Disaster Management Regulations.
- The proof of public participation document was submitted to the Department of Environmental Affairs and Development Planning and was accepted.
- The Environmental Authorisation was issued on the 30/09/2020.

Town Planner's response

The applicant did address the concern. The Municipality does not deal with EIA processes and such applications are considered by DEA&DP: Western Cape. The fact is that the applicant was provided with an Environmental Authorization on 30/09/2020 and an amendment to such authorization on 4/03/2022. This office therefore has to accept that the correct process was followed in terms of environmental legislation.

**OBJECTION 15**

***“The junction of Lynx Avenue and Little Swift Close is already a dangerous junction due to the limited visibility and the proximity to Lynx and Siffie Road, for vehicles and residents.”***

Applicant's response

After conducting a visit to Little Swift Close we have found that both entering Little Swift Close from Lynx Avenue and exiting Little Swift Close into Lynx Avenue are safe, and that one has ample sight distance in both northern and southern directions of oncoming traffic using Lynx Avenue.

Town Planner's response

The applicant duly addressed the concern, and the Municipal Engineering Branch also viewed the objections and the applicant's response and supports the application.

**OBJECTION 16**

***“The turnoff from Lynx Avenue and Little Swift Close is on an incline and does not have a clear view of site of vehicles.”***

Applicant's response

Please refer to our comments above.

Town Planner's response

Already addressed under Objection 15.

**OBJECTION 17**

***“The vertical curve and line of sight is not sufficient and has a very dangerous blind rise already, this will be an even more dangerous road with the additional traffic from the proposed development and the application in its current state.”***

Applicant's response

We have visited Little Swift Close and we have found that traveling up the street does not pose a threat. In order to create further safety measures, we suggest that a solid line be painted as a centre line of Little Swift Close that would prohibit vehicles traveling in the same direction to pass one another.

As previously mentioned, if Little Swift Close was constructed in such a way that it does not conform to the norms and standards of a public street, the matter will have to be rectified by the Overstrand Municipality, being the custodian of public roads. We would suggest that the owners take it up with the Overstrand Municipality to investigate the matter.

#### Town Planner's response

The applicant's comments are noted. These concerns have been addressed in the points above. The applicant's proposal that a hard line be painted at the entrance to Little Swift Close to prohibit vehicles passing each other in this area of the road is a possible option, but will have to be considered by the Municipal Engineering and Operational Branches.

In the Engineering Branche's comments on the objections and applicant's response thereon, it was indicated that no additional TIA was required for this proposed development. The Engineering Branch is therefore not concerned about impact of this new development and its impact on sight distances and traffic safety.

#### **OBJECTION 18**

***"To add to the road and traffic safety concerns, there is also a horizontal blind rise into little Swift Close with the boundary of Erf 1450 blocking oncoming traffic from both sides. This is dangerous to oncoming traffic and pedestrians."***

#### Applicant's response

At the time of our site visit and making use of Little Swift Close we have not experienced Little Swift Close as being hazardous at any point. Please also refer to our comments under paragraph 17 above.

#### Town Planner's response

This point has already been addressed under the above points of objection.

#### **OBJECTION 19**

***"The gradient of Little Swift Close from Lynx Avenue is extremely steep and the gradient of the height difference does not comply with the Local Municipal Engineering Specifications with a rise of approximately 10 meters over a short distance."***

#### Applicant's response

With reference to our calculation the height difference from the entrance at Lynx Avenue up to the road from which the access is proposed to Erf 1449, Vermont is 8m over a distance of 170m. The change in height over the mentioned distance cannot be classified as being extremely steep. Please also refer to our comments under paragraph 17 above.

Town Planner's response

The applicant's comments are support, and as previously indicated, the existing road infrastructure is acceptable to the Municipal Engineering Branch.

**OBJECTION 20**

***"The current state of the road surface is also much to be desired and does not comply with National and Local Standards as the asphalt on the road surface is much less than the minimum 30mm required for Residential developments."***

Applicant's response

The majority of photos, that accompanied the objections depicting the state of the road surface, are from a section of road that turns in a southern direction from Little Swift Close into another cul-de-sac that will not be used to access the proposed development on Erf 1449, Vermont. Please refer to the aerial photograph below indicating the portion of road we are referring to.

It should also be noted that Little Swift Close is a Municipal/public road and that the Overstrand Municipality is responsible for the maintenance thereof. There is no requirement regarding Asphalt thickness, as the road may also be surfaced with a seal. The norm however is that Asphalt should not be less than 25mm in thickness.

Town Planner's response

The comments of the objector and applicant have duly been noted.

The applicant's opinion that the Municipality must be consulted with regards to the existing state of the road is correct, as it is a municipal road. It must however be noted that should construction vehicles damage Little Swift Close during the construction phase, the developer will also be held responsible to prepare such damages.

Little Swift Close is an existing road approved and constructed as far back as 2005 to 2010. If the objector has concern with regards to the built quality of the road, he/she must consult with the Operational Branch of the Municipality.

It must be noted that, nor the Operational Branch or Engineering Branch had any concerns regarding the quality of the road surface in considering this application.

### **OBJECTION 21**

***“Should there be a fire on the nature reserve side from Farm 572/0 neighbouring Vermont Heights Estate and the property development, it would be a disaster to evacuate the additional amount of traffic proposed on an already non-compliant road. This is something that must seriously be considered as it will make it nearly impossible for emergency vehicles to access any of the dwellings.”***

#### Applicant’s response

We have conducted an inspection of the western boundary of Erf 1449, Vermont, that shares a common boundary with Farm 572/0 and we can confirm that there is an established firebreak on the eastern boundary of Farm 572/0. We do not foresee that Farm 572/0 poses a fire hazard to the proposed development on Erf 1449, Vermont. It is furthermore, after conduction a site visit that the existing road infrastructure would be sufficient to provide access to the development via Little Swift Close.

#### Town Planner’s response

The objector’s concern and applicant’s response are duly noted.

As indicated by the applicant, there is a clear fire break between Farm 572/0 and Vermont Heights and Erf 1449 to the east. The road network is supported by the Municipal Engineering Branch and the Municipal Fire Department also did not indicate that they had any concerns regarding to fire safety or evacuation of this area during a fire.

### **OBJECTION 22**

***“The current proposal and subdivision of the land does not comply with the Local Municipal Land Use Scheme as the amount of public open space is less than 10% for the group housing portion as indicated in the scheme. With so little open and public open space there is a concern of over densification to the proposed development. With an already over developed area towards the beginning on Lynx Avenue from the R43.”***

#### Applicant’s response

In terms of the municipal guidelines pertaining to developments alongside Lynx Avenue, a development must comply with the following:

- Housing may be provided at a ratio of 70% single residential and 30% Town housing.
- At least 5% open space is required.

The application conforms to the abovementioned guidelines. With reference to our motivation report the site consist of 55% Single Residential, 22% Town Housing, 7% Open Space and 16% Roads.

#### Town Planner's response

The applicant's comments are supported.

This part of Vermont has a specific character with public roads and public open spaces, but no gated developments. The whole idea is then to link the developments with roads and green corridors, which is the same with this development.

Also note that the total green space that will be provided will be approximately 3 times larger than should only 10% area in relation to the group housing erven be provided as green space. The larger green space for the whole development will also ensure better useable open space. It is therefore considered that the development complies with the requirements of the Land Use Scheme.

#### **OBJECTION 23**

***“The proportion of group housing versus single residential dwellings is much more than that of Vermont Heights Estate and more than 30% of the area of the erf. This will bring down the value of the surrounding properties and in the area as a whole.”***

#### Applicant's response

This matter has been clarified by the Overstrand Municipality and an amendment was made to the application. We can confirm that if only the residential square meterage is considered that the ratio conforms to the 70% and 30% split between the size of land utilised for single residential and town housing purposes.

#### Town Planner's response

The applicant's response is supported.

Although Vermont Heights did not apply the 70/30 split, many other developments did apply such densities. Some of the older developments being Auvergne and Francolin Height have 30% and approximately 22% respectively of the development covered with group housing erven. Recently approved developments such as Vermont View and Mont View also have approximate 30% of the area for group housing. The previous approval on Erf 1449 also provided for close to 30% of the area for group housing.

This type of development is therefore in line with developments on surrounding properties, and it is speculative to say it will negatively impact property prices of surrounding properties.

#### **OBJECTION 24**

***“Apparently there has been no professional traffic study undertaken that would support the proposed road layout on and access to Erf 1449 through***

***Vermont Heights. In this application a specialist traffic study is critically important to assist decision making.” (Vermont Ratepayers’ Association)***

Applicant’s response

No traffic study was required. It should be noted that there is an approval in place for the development of Erf 1449, Vermont that consists of 29 residential opportunities and a clubhouse. The proposal currently on the table consists of 30 residential opportunities. The impact of traffic on Little Swift Close between what was previously approved on-site and what is proposed is insignificant, i.e. 29 residential opportunities and a clubhouse versus 30 residential opportunities.

Town Planner’s response

The comments are duly noted. As previously mentioned in this report, the Municipal Engineering Branch, who is the specialist regarding traffic safety, etc. did not find it necessary for any further traffic study for this application.

**OBJECTION 25**

***“It is very clear that the proposed access to and road layout on Erf 1449 will have significant negative impacts on road safety, vehicle mobility and the peaceful ambience of the Vermont Heights Estate. Furthermore, the ability and options of the Overstrand Protection Services to respond effectively to emergencies on these properties will be restricted.” (Vermont Ratepayers’ Association)***

Applicant’s response

Little Swift Close was designed to make provision for access to Erf 1449, Vermont as previously mentioned. The access from Little Swift Close was used as main access to the development of Erf 1449, Vermont that was formerly approved and the approval has not lapsed. Subsequently we have made use of the same approved access. The access via Little Swift Close will have a low impact on Vermont Heights Estate but cognisance must be taken of the fact that it is an approved access to Erf 1449, Vermont and the proposed development thereon.

Town Planner’s response

The comments are noted. The concerns were already addressed in this report, and the applicant’s opinion that the road that will provide access to the development on Erf 1449 is an existing approved road created precisely to provide access to future development on Erf 1449, is supported.

**OBJECTION 26**

***“Planning that forces all traffic, that wishes to access Erf 1449, through Vermont Heights Estate, without thoroughly investigating alternatives, is unsound and inequitable. Alternative planning solutions in collaboration with the parties concerned should be sought to address the shortcomings of the proposed road layout.” (Vermont Ratepayers’ Association)***

Applicant's response

We have investigated other alternatives. From our former comments it is clear the Overstrand Municipality wants to limit access from Lynx Avenue and therefore access directly from Lynx Avenue to every second small holding. The matter was discussed with the Overstrand Municipality, and it was agreed that we make use of the existing approved access via Little Swift Close.

Town Planner's response

Considering our previous comments on the matter in this report, the applicant's comments are supported.

**OBJECTION 27**

***“The proposed areas of property densification on Erf 1449 (Group Housing) adjacent to Vermont Heights is unjustified and not compatible with the other housing densities on these properties. The Group Housing areas on Erf 1449 are therefore not supported.” (Vermont Ratepayer's Association)***

Applicant's response

The proposed development on Erf 1449, Vermont conforms to the future development guidelines applicable to all the small holdings alongside Lynx Avenue.

Town Planner's response

This point has already been addressed in this report.

**OBJECTION 28**

***“This development will definitely have a negative impact on the value of our investment.”***

Applicant's response

Please refer to our comments in paragraph 10 above. The proposed development will be of a high standard as can be seen from the architectural guidelines that accompanied our application, furthermore it will not have a negative impact on the property values of the surrounding erven.

Town Planner's response

This point has already been addressed in this report.

**OBJECTION 29**

***“When I did the investment, it was with the attraction of being in a small “exclusive” estate with no through traffic. The higher volume of traffic will lead to severe noise pollution, exhaust pollution, security problems, and also the natural animal life will be affected.” (Owner of Erf 2221, Vermont)***

Applicant's response

As part of the application process to develop the Vermont Heights Estate an access had to be provided to Erf 1449, Vermont and the site development plan for Vermont Heights was approved as such.

This should have been disclosed to the owners that purchased property alongside Little Swift Close within the Vermont Heights Estate. A reasonable person would have also questioned why the road stops on the boundary of Erf 1449, Vermont without a proper turning circle, as this is the allocated access to a proposed development on Erf 1449, Vermont, in future.

Town Planner's response

Concur with the applicant's response.

**OBJECTION 30**

***"I will be, for many years to come, constantly living in a construction site with trucks, teams of workers and contractors walking and driving up and down through the estate."***

Applicant's response

As mentioned earlier, the development of Erf 1449, Vermont will be done in the most efficient manor governed by the EMP and that only Phase 1 of the proposed development will make use of Little Swift Close to access the site.

Town Planner's response

The applicant's and objectors' comments are noted.

**OBJECTION 31**

***"As currently the width of the road does not allow of two-way traffic with heavy vehicles."***

Applicant's response

The actual road surface excluding the curbs and surface runoff stormwater channels is at least 5m wide and established within a 10m width road reserve. Two-way traffic of standard vehicles can pass one another. Heavier vehicles could have difficulty passing one another, but it should be taken into consideration that larger vehicles making use of Little Swift Close will only be temporary until the first phase is complete. Furthermore, the 10m road reserve provides additional space for the upgrade of Little Swift Close, should it so be required in future.

Town Planner's response

The road width is considered sufficient by the Municipal Engineering Branch. Even with the existing development of dwellings next to Little Swift Close larger trucks will be using the road for delivery of bricks and roof trusses, etc. The Operational Branch also indicated that are not against a temporary access/egress point off Lynx Road for Phases 2 to 5, but the applicant will have to apply to such branch for the

access/egress point. In that case, other than the development of the road infrastructure in Phase 1 of the proposed development, the same type of vehicle traffic will use the same road.

### **OBJECTION 32**

***“We take cognisance of the letter received from the owner of Hoek van die Berg that has the following major concern: “as custodians of Hoek van die Berg relates to the lack of any corridor linking Hoek van die Berg to the Vermont Green Belt network through Erf 1449.”***

#### **Applicant’s response**

Prior to submitting the application in terms of the Municipal By-Law on Land Use Planning the proposal went through a scrutiny process in terms of the National Environmental Management Act. All matters pertaining to the environment and the impact the development would have on the environment were taken into consideration during this process. This process was concluded after due diligence and an authorisation was obtained to commence with the development.

#### **Town Planner’s response**

The applicant’s response is supported. Also note that no other developments next to Hoek van die Berg was required to provide an open space link with Hoek van die Berg in this area.

The application was then also supported by the Municipal Environmental Branch and DEA&DP: Environmental Branch, who did not request such a corridor.

### **OBJECTION 33**

***“I have never received any notice on the proposed EIA through the post office or by e-mail.”***

#### **Applicant’s response**

Please refer to our comments under paragraph 14 above.

#### **Town Planner’s response**

Refer to comments under objection 14.

### **OBJECTION 34**

***“All of the residents of Little Swift mostly spend the entire day at home because they are retired, the other half work from home. The reason of buying there is the calm and tranquil ambience being experienced. This will be disrupted with the development taking place.”***

#### **Applicant’s response**

The proposed development will have minor impact on the residents alongside Little Swift Close, but it must be taken into consideration that Little Swift Close is a public

street purposely designed to provide access to Erf 1449, Vermont for the development thereof.

Town Planner's response

The major construction of the road in the development phases 1 will be a temporary, thereafter the further construction will have the same impact than the houses being developed next to Little Swift Close. The fact is, there is still vacant erven in Little Swift Close with construction work going on as we speak. The development on Erf 1449 will thus not be any different than any other existing developments in the area, with the same impact.

**OBJECTION 35**

***“The turning angle is not appropriate for any motor vehicle over 3500kg. This resulting in cutting corners and damaging the green belt and our property.”  
(Owner Erf 2211, Vermont)***

Applicant's response

Residential streets are not designed for heavy vehicles since traffic of heavy vehicles on residential streets are always temporary. One requirement is that properties should be accessible to the weekly solid waste trucks that collect refuse and that they must be able to safely turn around in a cul-de-sac.

Town Planner's response

Note that in the services report conditions it is stipulated that the developer will be held responsible for any damage to the road infrastructure during the construction phase.

**OBJECTION 36**

***“There are approximately 22 units at Little Swift, with an average of 3 persons and 2 cars per house, that equals 66 persons and 44 cars. The road is not broad enough for 2 Code 8 cars to pass through at the same time. In the case of an emergency this road is already dangerous due to the bottleneck effect, what should happen if there were added 93 individuals and 156 cars from the very densely populated proposal for Erf 1449? Will there not be any emergency evacuation road built for the case of an emergency?”***

Applicant's response

Please refer to our comments under paragraph 9 above

Town Planner's response

The road infrastructure is considered sufficient by the Municipal Engineering Branch and who did not request any emergency evacuation roads. The Fire Department also indicated no necessity for an emergency evacuation road.

**OBJECTION 37**

***“It is stated by the applicant that for traffic safety reasons it was decided not to make use of the existing access to Erf 1449, Vermont directly from Lynx Avenue, but no explanation was given.”***

**Applicant’s response**

Access to and from a new development may not be closer than 80m from one another. Taking the existing access in the area into consideration this criterion cannot be met. Furthermore, Overstrand Municipality wants to limit new access points to Lynx Avenue and subsequently former applications for development has taken this into account and were developed as such. Please also refer to our comments under paragraph 4.

**Town Planner’s response**

This point was previously addressed in this report.

**OBJECTION 38**

***“Lynx Road can be classified as a Local Distributor (Class 4) road. The minimum sight distance for a class 4 road is 80m. In either north and south direction of Lynx Avenue this sighting distances is easily achievable. ”It is further proposed that the bulk services levies be used for the upgrading of Lynx Avenue by means of introducing paved sidewalks, bicycle lanes, etc.”***

**Applicant’s response**

According to our knowledge the 80m referred to above is actually for the placement of access roads from a local distributor and not the sight distance as explained earlier in our comments on the objections.

**Town Planner’s response**

The Municipal Engineering Branch did confirm verbally that the applicant’s response is correct. The 80m distance relates to access/egress points, and not sight distance.

**OBJECTION 39**

***“Both developments are bordering the Hoek van den Berg nature reserve with the alien and indigenous plants/trees growing out of control, making it a fire risk area. Having only 1 access point for incoming and outgoing vehicles for approximately 100 vehicles (2 per property) in an emergency as a veld / residential fire, this could be life threatening to numerous inhabitants of these developments.”***

**Applicant’s response**

As previously mentioned, we have conducted an inspection of the western boundary of Erf 1449, Vermont that shares a common boundary with Farm 572/0, and we can confirm that there is a proper established firebreak on the eastern boundary of Farm 572/0. We do not foresee that Farm 572/0 poses a fire hazard to the proposed

development on Erf 1449, Vermont. It is furthermore, after conducting a site visit that it was established that the existing road infrastructure would be sufficient to provide access to the development via Little Swift Close.

Town Planner's response

This point has been addressed in this report.

**OBJECTION 40**

***“Die grenslyne van die huise in Little Swift Singel is 2 meter, met ander woorde 4 meter tussen 2 huise terwyl die grenslyne van die bogenoemde ontwikkeling slegs 1 meter is met ander woorde 2 meter spasie wat meebring dat die huise op mekaar en beknop gaan wees en dus die waarde van ons eiendomme in Little Swift negatief gaan beïnvloed.”***

Applicant's response

The same 2m lateral building lines apply to the proposed single residential erven. Different land use restrictions apply to the group housing erven of which the same restrictions apply to Group Housing erven within the Vermont Heights Estate development and other similar developed small holdings alongside Lynx Avenue.

Town Planner's response

The objectors' comments are noted. Although 1m lateral building lines will be applicable between the group housing erven within the new development, a 3m rear building line will apply where such Group Housing erven borders Residential Zone 1 erven in Vermont Heights and Francolin Heights. This helps to buffer the higher density development from the single residential development.

Most developments in this area of Vermont are developed with these mixed residential uses, but the Group Housing and Residential Zone 1 erven are developed with upmarket dwellings. Even Vermont Heights have Group Housing erven, and this does not seem to influence property prices negatively. It is therefore considered speculative to say the Group Housing plots will de-value property prices in Little Swift Close.

**OBJECTION 41**

***“Die 90 grade draai aan die einde van Little Swift Straat na die nuwe uitbreiding is te skerp vir groot voertuie.”***

Applicant's response

Little Swift Close is a residential street and not designed for heavy vehicles, since traffic volumes generated by heavy vehicles are very low and temporary of nature.

Town Planner's response

Comments are noted. The point has previously been addressed.

**OBJECTION 42**

***“The percentage Group Housing of the proposed new estate is 43% (13 out of 30 plots for Erf 1449) while the percentage for Vermont Heights is 18% (4 out of 22 plots). This is unacceptable for this area and even more than the maximum of 30% set standard.”***

**Applicant’s response**

The calculation of the 30% town housing that is permitted refers to a percentage of the square meterage of the site in relation to the areas utilised for single residential use and townhouse use and is not determined by the number of units. Please also refer to our comments under paragraph 22 above.

**Town Planner’s response**

Already addressed in Town planners’ response under Question 23.

**OBJECTION 43**

***“Erf 1449 has one of the last remaining large patches of milk wood trees and forest in the area that adds to its natural beauty. The concern of the proposed development is that many of these beautiful protected of species will be cut down – not even taking consideration the many creatures living in this habitat.”***

***The process for the environmental process and approval is questioned as many residents indicated they was not informed of the process, and not all relevant documents such as a Traffic Impact Assessment was considered. The process was thus flawed.***

**Applicant’s response**

No response provided.

**Town Planner response**

Note that this erf was always earmarked for further development and even had approved development rights up to February 2022.

The applicant went through an EIA and obtained a positive EIA: ROD. This indicates that all environmental requirements from DEA&DP: Western Cape were complied with.

The applicant did provide comment regarding the public participation process that was followed with the EIA process under Objection 14.

The concerns regarding traffic impact was also referred to the Engineering Branch who indicated their support for the application.

**OBJECTION 44**

***Response to changes proposed by the HOA of Vermont Heights, relating to creating a separate entrance off Lynx Road opposite Buzzard Road, or keep***

***the existing entrance of Lynx Road to provide access to the new development and Vermont Heights by closing Little Swift Close, and reduce the amount of group housing erven in the development.***

Applicant's response

Our application submitted to the Overstrand Municipality is based on a previous approval, making use of the approved access to the proposed development of Erf 1449 Vermont.

It was also decided that because of the sensitivity of the site, to go through an environmental process first and to obtain authorisation from the Department of Environmental Affairs and Development Planning. Access to Erf 1449, Vermont was investigated and due to reasons given throughout our comments on the objections, it was decided to use the previously approved access that is still valid at this point in time.

The proposed amendments to the site plan are minimal and will not have further impact on the surrounding erven versus the existing approved layout and land uses. It is not a question of just amending the layout plan and to make provision for an additional access. This would call for a new application to the Department of Environmental Affairs and Development Planning.

All comments received from the various departments during the environmental process and during our application in terms of the municipal by-law will have to be redone. Subsequently our client will have to incur additional costs that is unacceptable.

With reference to our comments on the objections is it clear that our proposal conforms with the forward planning guidelines for erven alongside Lynx Avenue and that it is in line with the character of the area. We are therefore of the opinion that the layout plan is in order and should be kept in its current state.

Town Planner's response

The objections and comments of the applicant are noted. The applicant's explanation of what it entails to amend the layout plan is correct.

**OBJECTION 45**

**Construction in existing approved developments is slow, and the approval of this development in an already saturated market would slow down construction periods in other development even more.**

Applicant's Response

No comments provided

Town Planner's response

It appears that the objector is of the opinion that additional development should not be approved until all other developments in the area have been finality constructed. This sentiment cannot be supported, as this could inflate prices of erven, create a shortage of erven and it would also take away people's right to develop their land.

Furthermore, each development has its own style and price range, which is needed to cater for the wide range of potential property buyers.

#### **8. SUMMARY OF APPLICANT'S REPLY TO COMMENTS**

See Paragraph 7 above.

#### **9. MUNICIPAL ASSESSMENT OF COMMENTS (Town Planner's comment on objections/and response thereon)**

See Paragraph 7 above.

##### **Internal and external departments**

The application was supported by all internal municipal departments and external provincial and semi-state institutions.

#### **10. MUNICIPAL PLANNING EVALUATION (REFER TO RELEVANT CONSIDERATIONS GUIDELINE)**

##### **10.1 Background**

N/A

##### **10.2 (In)consistency with the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)**

The application is in line with the planning objectives applicable to this application.

The objectives relating to:

##### Spatial Justice

N/A

##### Spatial Sustainability

The application is within the urban edge and will not impact on agricultural land or environmentally sensitive areas. It will also help to alleviate urban sprawl by way of infill planning.

##### Efficiency

The property is surrounded by an existing road network and services infrastructure and will help with the maximum utilization of such infrastructure and upgrade thereof.

##### Spatial Resilience

The approval of this development will ensure additional rates will be obtained by the Municipality to maintain existing infrastructure, thereby lowering the financial pressure on surrounding property owners and the Municipality. It will also provide for different types of housing.

##### Good Administration

Good procedure was followed and with a good public participation process.

**10.3 (In)consistency with the principles referred to in Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014)**

Same as Point 10.2 above.

**10.4 (In)consistency with the IDP/Various levels of SDF's/Applicable policies**

The area is indicated for urban development in terms of the Overstrand Municipal Wide SDF, 2020 and is also indicated as a status quo area in terms of the Overstrand Municipality Spatial Growth Management Strategy, 2010, (OMSGMS) which is a guideline document. The status quo for this area west of Lynx Road in Vermont is the development of residential areas with a mixed development of Residential Zone I erven of minimum 600m<sup>2</sup> and Group Housing erven of minimum 350m<sup>2</sup> in extent. This development is therefore in line with the SDF and the OMSGM and surrounding developments.

**10.5 (In)consistency with guidelines prepared by the Provincial Minister**

N/A

**10.6 Impact on Municipal engineering services**

The area is already serviced, and sufficient bulk capacity exists to accommodate the development. The application is supported by the Engineering Services Department.

**10.7 Outcomes of investigations/applications i.t.o other legislation**

N/A

**10.8 Existing and proposed zoning comparisons and considerations**

There are already a mix of Residential Zone I and General Residential Zoned developments in the area.

**11. ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS**

N/A

**12. THE DESIRABILITY OF THE PROPOSAL**

The proposal is to rezone Erf 1449, Vermont from Residential Zone I to Subdivision Area, to create seventeen (17) Residential Zone I erven, thirteen (13) Group Housing erven, three (3) Public Open Space and a Public Road.

The erf measures 2,2079 ha in extent and is situated in the neighbourhood of Vermont, west off Lynx Road, a neighbourhood distributor road.

As previously indicated in this report, densification has been allowed in this area for the areas west and east of Lynx Road and even further beyond. This is considered the status quo of the area, and thus in line with the status quo allocation in terms of the Overstrand Municipality Spatial Growth Management Strategy, 2010, a guideline document.

It is clear from the report and comments from other municipal departments that there are sufficient services and road infrastructure to accommodate this proposed development.

The main concerns of the objectors are the impact the development will have on Vermont Heights as Little Swift Close will be used as the access road to the new development. The concerns range from the capacity of the road to carry heavy vehicle traffic, the state of the road, traffic safety concerns, pedestrian safety and also concerns regarding evacuation if a fire breaks out in this area.

The concerns are duly noted, but it must be noted that Little Swift Close was planned to provide access to this new development, and that a previous similar application was also approved on Erf 1449, which lapsed in February 2022. The concerns regarding the road were also forwarded to the Municipal Engineering Branch, who commented that no traffic study will be required for the development, that Little Swift is a public road, and the maintenance thereof is the responsibility of the Municipal Operational Department, that more discussion and planning are required, but minor construction works or signage/road marking may be implemented to improve the overall safety of Little Swift Close.

Considering the above, although the comments of the objectors regarding the road and safety concerns are noted, the Municipal Engineering Branch and Operational Branch support the application in its existing format.

The applicant also made proposals of temporary arrangements to access Erf 1449 directly off Lynx Road during the construction period for Phases 2 to 5. This proposal will help limit the impact on Vermont Heights but will only be allowed with the support of the Operational Branch. The applicant will therefore have to submit his operational plan to such Branch prior to construction begins.

The other concerns relate to the perceived long development period that is envisaged by the objectors, over production of more vacant residential stands, impact on safety and security of surrounding residents and the inconvenience it will create in the quiet neighbourhood.

The comments are noted. However, this area of Vermont has been developing from the early 2000's, and include the area next to Little Swift Close, which is also not fully developed at this stage. The owner of Erf 1449 also had to endure some inconveniences during the construction of surrounding properties. The fact is with construction work there are some inconveniences, but it is temporary of nature. Persons purchasing properties close to vacant land should also be aware of the fact that future development could take place in the area in future.

The objectors are also concerned about the environmental impact of the development, impact on wildlife and vegetation, and the public participation process during the EIA process.

The applicant provided an EIA: ROD from the DEA&DP: Western Cape. If objectors had any concerns regarding the EIA public participation process, they should have directed their concerns directly to such Department. This office has a positive comment from DEA&DP: Western Cape and the Municipal Environmental Branch, and therefore considers the environmental impact as acceptable.

A fair number of objections were also received regarding the proposed development of smaller Group Housing erven, which objectors feel does not fit in with the character of the area. There is also concern about the 1m building lines between Group Housing erven, which is seen as densification.

These points were already addressed under Objections 23 and 40. The fact is similar developments were approved in this area of Vermont since mid-2000's, with pockets of Group Housing developments. A criterion of a 70% / 30% split of land in each development can be utilized for Residential Zone I (70%) and Group Housing (30%). This can then clearly be seen in surrounding developments. The Group Housing erven does have 1m lateral building lines, but 3m building lines will be applied with Residential Zone 1 erven outside the new development. This limits impact on surrounding erven.

The objectors are then also of the opinion that their property values will be negatively affected. If all the above-mentioned objections are considered, some concerns will be temporary of nature. The concerns regarding the road infrastructure, environmental concerns, and concerns regarding the character of the area does not prove the application not to be desirable. An application cannot be considered on impact on property value alone, and considering that it complies with other points of desirability, the objector's viewpoint does not prove the application not to be desirable.

Application is also made to relax some building lines for Group Housing erven. This is applied for due to the fact that stricter building lines are applied where Group Housing erven borders Single Residential erven, Public Open Spaces and Public Roads. The fact that this is not a closed complex with private roads and a gate, as it is not allowed in this area, takes away a lot of development footprint on some Group Housing erven.

The applicant therefore also to relax the internal street building line from 3m to 2m for the 13 Group Housing erven, the common building lines from 3m to 0m for 2 Group Housing erven with internal Residential Zone I erven for garaging and the common building line from 3m to 2m of 5 Group Housing erven next to Residential Zone I erven. This will ensure that there will be sufficient developable area on these Group Housing erven.

Application is also made to relax the internal street building line for the Residential Zone I erf with the existing buildings from 4m to 2,1m for the outbuilding and 4m to 0,71m for the existing stoep. Application is further made for the relaxation of the 4m street building line with Lynx Road to 3m for 3 of the Residential Zone 1 erven. The erven have 2 street frontages, and the 2 existing building lines make the development of the site very difficult.

Considering the above, none of the building line relaxations will be adjacent to Vermont Heights or Francolin Heights developments adjacent this new development. The relaxations will not impact surrounding neighbours, but will make it possible for the developer to place dwellings on the erven.

Application is also made for a 5m right of way servitude over 2 erven to provide access to 3 of the Residential Zone 1 erven. The previous planning approval as was previously approved by the Municipality, also provided for such Right of Way servitude. A 0,5m wide servitude between the newly created Right of Way servitude and the existing southern boundary of Erf 1449, Vermont will also be created to

accommodate a proposed unlined stormwater channel.

The above-mentioned servitudes are created to provide access to erven and services servitudes, and is supported.

The applicant further apply for the phasing of the development in 5 phases. The applicant also indicated that the aim is to only access the property via Little Swift Close in the first phase of the development to limit impact, but that the other 4 phases temporary access will be applied for off Lynx Road. Developers phase developments to ensure sufficient finance for further phases and also to address the market needs as it rises. The phasing is therefore supported.

Application is also made for the allocation of street names and numbers, in order to allocate street names (Flycatcher Street and Buzzard Close) and numbers to the new streets in the development.

The application for street names and numbers is considered more of an administrative process, and good consultation took place with the public.

Considering the above, the application is considered desirable and is supported.

### 13. RECOMMENDATION

1. that the application in terms of Section 16(2)(a) of the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) on Erf 1449, Vermont to rezone the said property from Residential Zone I: Single Residential (SR1) to Subdivisional Area Zone (SA) and the subsequent subdivision in terms of Section 16(2)(d) of the By-Law, read with Section 22, of the rezoned property to create the following:

- Seventeen (17) Residential Zone I: Single Residential (SR1) erven;
- Thirteen (13) General Residential Zone I: Town Housing (GR1) erven;
- Three (3) Open Space Zone 2: Public Open Space (OS2) erven; and
- One (1) Transport Zone 2: Road and Parking (TR2) site.

**be approved**, in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:

- (a) that Development be in line with Site Development *vern1449naec* dated October 2018;
- (b) that a minimum of 2 (two) parking bays be provided on each erf, to municipal standards and satisfaction;
- (c) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
- (d) that the Architectural Design Guidelines in line with the Zoning Scheme parameters and the departure relaxation as dealt with in Point 2. below, be submitted for the development to address the style of the houses in line with the surrounding Cape Vernacular style that will be constructed, in consultation with the Building Control department;

- (e) that all the conditions imposed by Telkom (attached as Annexure I), be complied with;
  - (f) that all the conditions imposed by Eskom (attached as Annexure J), be complied with;
  - (g) that all conditions in the Services Report (attached as Annexure F), be complied with;
  - (h) that the original conditions imposed by Heritage Western Cape (attached as Annexure H), be complied with;
  - (i) that the conditions of the DEA&DP: Western Cape (attached as Annexure G), be complied with;
  - (j) that a Homeowners' Association be established with compulsory membership for all property owners within the development;
  - (k) that the Constitution of the Homeowners' Association be submitted for approval by the Municipality (which reserves the right to impose conditions in this regard), and that the following aspects inter alia be addressed in this document:
    - the approval of building plans by an "estate architect" prior to submission thereof to the Municipality, and
    - that the Constitution clarifies at what stage that the responsibility would be transferred from the developer to the Homeowners' Association to deal with approval of plans, and
  - (l) that the owner submits an operational plan to be approved by the Area Manager before construction commences.
2. that the application for departure in terms of Section 16(2)(b) of the By-Law on Erf 1449, Vermont to relax the following building lines for General Residential Zone I and Residential Zone 1 erven to be created, **be approved** in terms of the provisions of Section 61 of the By-Law, as follows:
- Street building line applicable to Erf 26 from 4m to 2,1m to accommodate an existing outbuilding, and 4m to 0,71m to accommodate a portion of the existing stoep;
  - Street building line next to Lynx Road from 4m to 3m applicable to Erven 15 to 17;
  - Street building line from 3m to 2m applicable to Erven 2 to 7 and 18 to 24;
  - Common building lines from 3m to 0m applicable to Erven 1, 2, 7 and 8 to construct garaging;
  - Common building lines from 3m to 2m applicable to erven 7 and 8, 17, 18 and 22 to 25;

3. that the application for subdivision in terms of Section 16(2)(d) of the By-Law to create the following,:
  - 5m Right of Way Servitude over Erven 28 and 29 in favour of Erven 27 to 29.
  - 0,5m wide servitude between the newly created Right of Way Servitude and the existing southern boundary of Erf 1449, Vermont to accommodate a proposed unlined stormwater channel.

**be approved**, in terms of the provisions of Section 61 of the By-Law;

4. that the application in terms of Section 16(2)(k) of the By-Law for the phasing of the developments in 5 phases, as depicted on plan *verm1449ph2* dated October 2018, **be approved**, in terms of the provisions of Section 61 of the By-Law;
5. that the application in terms of Section 96 of the By-Law for the allocation of street names (Flycatcher Street and Buzzard Close) and numbers to the new streets in the development as indicated on plan *verm1449sn2* dated October 2018, **be approved** in terms of the provisions of Section 61 of the By-Law, and
6. that the applicant and objectors be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above decision.

#### 14. REASONS FOR RECOMMENDATION

- ❖ The proposal for a development with a mix of Residential Zone I and General Residential Zone I erven is in line with the Overstrand Municipality Spatial Growth Management Strategy, 2010 (Guideline document) and Overstrand Municipal Wide SDF, 2020.
- ❖ All relevant municipal departments and external departments/institutions support the application.
- ❖ The necessary environmental approval was obtained from the Western Cape Government: Environmental Affairs and Development Planning, and there are no environmental concerns.
- ❖ Concerns/objections raised about the possible impact on the character of the area and property values are unfounded as this proposed development will be in line with the character of surrounding developments, which most also have a mixture of Group Housing and Single Residential erven.
- ❖ Concerns/objections raised about the impact of additional traffic in Little Swift Close does not prove the development to be undesirable, as the road was planned in such a manner that it would provide access to future development in the north. Hence the reason the road stopped dead on the border with Erf 1449. The Operational and Engineering Services Departments support the application.
- ❖ The application will have no Heritage impact.
- ❖ The application is in line with the general principles of SPLUMA and LUPA as this development will be spatially sustainable as it will not lead to urban sprawl or developed on agricultural land or environmentally sensitive areas. In terms of efficiency, it will utilize existing road networks and services.
- ❖ In terms of the character of Vermont, developments consist of a mixture of Residential Zone I and General Residential Zone I erven, with Public Roads, to avoid creating a “gated complex” character. Challenges have been experienced regarding building line limitations in respect of especially group housing erven in

such developments, and for that reason the departure application for building line relaxations, is supported.

- ❖ The relaxations only relate to relaxation to the new “internal road” within the development, the internal lateral building lines next to internal Residential Zone I erven, and the external road (Lynx Road), and not any adjacent residential developments. There will be no real impact on the adjacent residential developments.

## **15. ANNEXURES**

Annexure A:	Locality Plan
Annexure B:	Motivation Report
Annexure C:	Site Development Plan, Phased Plan and also Street Name and Number Plan
Annexure D:	Objections received
Annexure E:	Applicant’s comments on objections
Annexure F:	Services Report
Annexure G:	Comments: Western Cape Government: Environmental Affairs and Development Planning (Environmental)
Annexure H:	Comments: Heritage Western Cape
Annexure I:	Comments: Telkom
Annexure J:	Comments: Eskom
Annexure K:	Additional comments Engineering Branch on objections

## **SIGNATURES**

### **AUTHOR:**

Name: **HENK OLIVIER**

SACPLAN Reg No: **B/8128/2004**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

### **REGISTERED PLANNER**

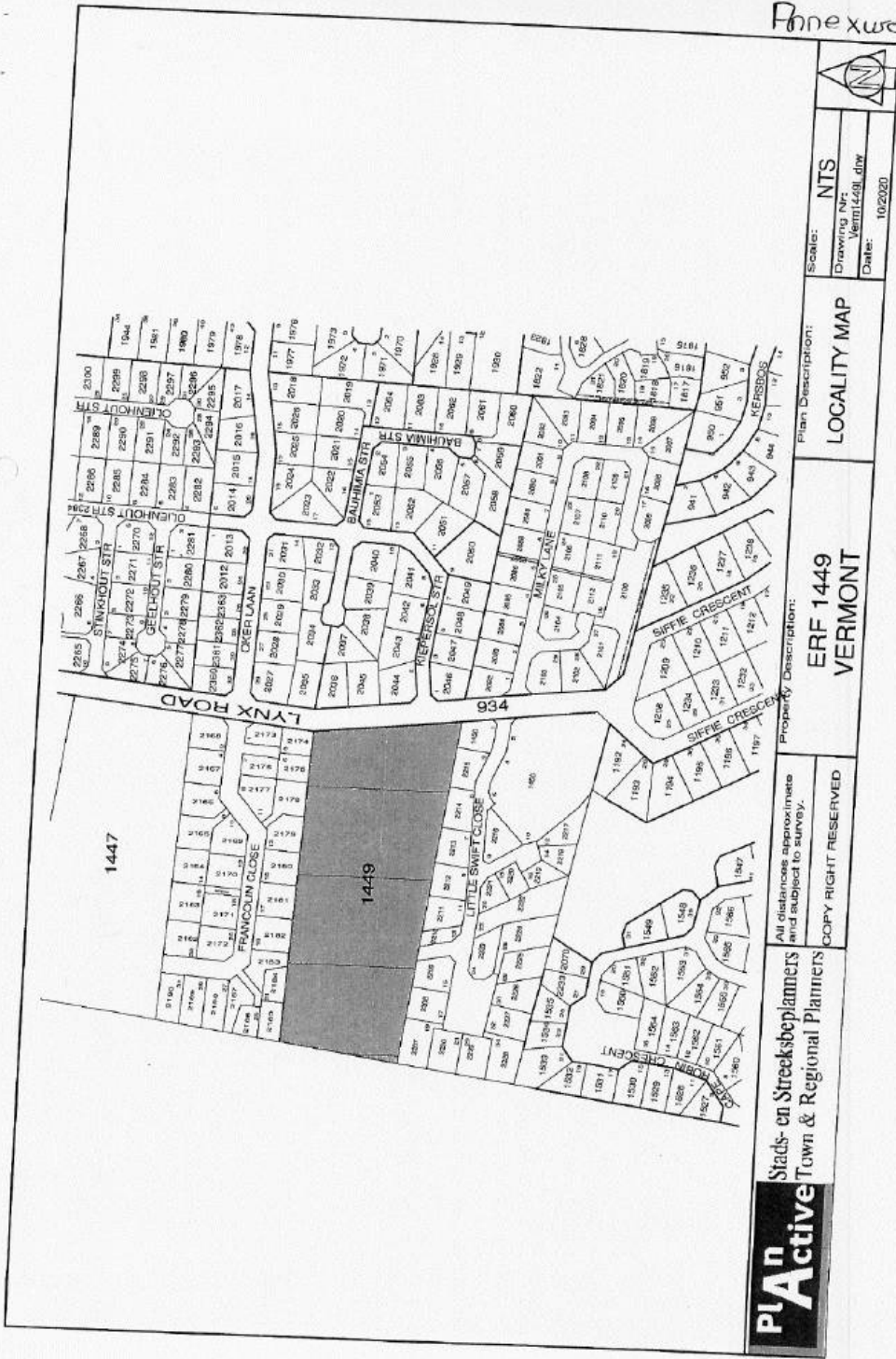
Name: **H VAN DER STOEP**

SACPLAN Reg No: **A/1708/2013**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Annexure A



**PIA<sup>n</sup> Active**

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Town & Regional Planners

All distances approximate  
and subject to survey.

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Property Description:

**ERF 1449  
VERMONT**

Plan Description:

**LOCALITY MAP**

Scale: NTS  
Drawing Nr: Vermont491.dwg  
Date: 10/20/20

**PROPOSED REZONING,  
SUBDIVISION, SERVITUDES,  
BUILDING LINE DEPARTURES,  
PHASING OF A DEVELOPMENT  
AND THE ALLOCATION OF STREET  
NAMES AND NUMBERS**

**ERF 1449 VERMONT**

**DIVISION: CALEDON  
OVERSTRAND MUNICIPALITY**

**MOTIVATION REPORT**



**1. BACKGROUND**

Dr. L. Lewis, the owner of Erf 1449 Vermont has instructed the company Plan Active to compile and submit an application for the rezoning, subdivision, building line departures, a right of way servitude, a servitude to accommodate a storm water channel, the phasing of the development and the allocation of street names and street numbers. Erf 1449 Vermont is 2.2079ha in extent and is held by Title Deed Number T108791/2002.

A previous application was lodged and approved in 2011 to accommodate 15 single residential erven, 14 group house erven, a public road, 3 public open spaces and 1 private open space. A further application was lodged for the extension of the validity of the approval that was granted on the 6<sup>th</sup> of February 2017. An extension of a period of 5 years was granted subject to all the conditions of approval

### Motivation report

stipulated in the letter of approval dated 7 April 2011. The existing approval lapses on the 6<sup>th</sup> of February 2022.

The amendment of the conditions of approval and the amendment of the subdivision plan was discussed with our client and Mr. Henk Olivier at the Town Planning Department (Overstrand Municipality) as an option to change the layout slightly. Due to time constraints in respect of the validity of the previous approval granted, it was decided that we rather submit a new application for a rezoning, subdivision, building line departures, servitudes, the phasing of a development and the allocation of street names and street numbers applicable to Erf 1449 Vermont, to make the necessary changes to the layout.

If a process of the amendment of the layout and the conditions of approval had to be followed the owner would have been obliged to transfer the first property before the 6<sup>th</sup> of February 2022. There would not have been enough time to obtain an approval in this regard, construct services and transfer a property in such a short time frame. Therefore a new application would be the only option that would provide a sufficient timeline to develop the site.

Due to the number of Milkwood Trees established on the site and the fact that the owner intends to create a development that would take the natural vegetation into consideration, it was decided to redesign the layout, in order to retain and protect the majority of the established Milkwood trees. With reference to the amended layout, it is envisaged that such protection will primarily be achieved as follows:

- The most extensive, mature clusters of trees will be accommodated on a public open space where no building or any other construction will take place.
- The boundary lines of erven are adjusted to provide areas large enough to sufficiently accommodate a dwelling without removing any Milkwood Trees. Please refer to the Architectural Guidelines, Annexure D, that allow for u-shaped dwellings to facilitate their placement with the least impact on the trees.

By means of minor internal boundary adjustments and the realignment of the road infrastructure could the preservation of most of the Milkwood trees be achieved. The layout of the proposed residential development on Erf 1449 Vermont was

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discussed with the Town Planning Official at the Overstrand Municipality. The application was also circulated to various departments for their comments as part of the processes already in progress in terms of the National Environmental Management Act. The comments received from the various departments were taken into consideration to produce a final subdivision plan that meets with their approval. The environmental process was dealt with by Lornay Environmental Consulting. A Basic Assessment Report was submitted and subsequently approved.

After submitting the application to the Overstrand Municipality the Town Planning department commented on the proposals at hand that were already approved by the Department of Environmental Affairs and suggested that we change the zoning of the proposed private open spaces to public open spaces and to reduce the number of town housing erven. These amendments were taken into account and the necessary amendments were made. We are still of the opinion that private open spaces suit the development more than public open spaces due to the environmental features this site offers in relation to the other developed sites alongside Lynx Avenue. It was also advised by Cape Nature and the Overstrand Municipal Environmental Section that *private* open spaces should be provided.

The details of the proposed layout and the comments from the various departments will follow. The Title Deed applicable to Erf 1449 Vermont contains no restrictions that prohibit the proposed residential development of the subject erf.

## 2. APPLICATION DETAILS

Application is made for and in terms of:

- Rezoning to Subdivisional area as contemplated in Chapter 4, Section 22(2) of the Overstrand Municipality's Amended Bylaw on Municipal Land Use Planning, 2020. "No application for subdivision involving a change of zoning may be considered by the Municipality, unless the land concerned is zoned for a subdivisional area."
- Chapter 4, Section 16(2)(a) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, for the rezoning of portions of Erf 1449 Vermont from Residential Zone 1 to General Residential Zone 1, Open Space Zone 2 and Transport Zone 2.

- Chapter 4, Section 16(2)(b) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, for the building line departures applicable to some of the proposed erven.
- Chapter 4, Section 16(2)(d) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, for the subdivision of Erf 1449 Vermont and the creation of a servitude.
- Chapter 4, Section 26(1)(g)(iv) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, for the creation of a servitude for the provision or installation of storm water channels, ditches and channels that is exempted in terms of this section.
- Chapter 4, Section 16(2)(K) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, for the phasing of a plan of subdivision of Erf 1449 Vermont.
- Chapter XI, Section 96 of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, for the allocation of street names and street numbers.

### **3. DESIRABILITY**

#### **3.1 PROPERTY DESCRIPTION**

The subject property is situated in Lynx Road, Vermont. Please refer to the enclosed locality plan. Erf 1449 Vermont is 2.2079ha in extent and it is situated in a predominantly residential area of which erven have been developed into a combination of single residential erven, townhouse erven, public open spaces and public roads.

#### **3.2 ZONING**

Erf 1449 Vermont is zoned Residential Zone 1 and is used as such. Surrounding properties are zoned for single residential, townhouse erven, public open spaces and public roads.

### 3.3 LAND USE

Erf 1449 Vermont is used for residential purposes. A dwelling, outbuilding, studio, swimming pool and cottage are established on the subject property.

Land uses that surround Erf 1449 Vermont are single dwellings, townhouses, public roads and public open spaces. It is therefore evident that Erf 1449 Vermont is situated within a predominantly residential area.

### 3.4 PROPOSAL

Application is made for and in terms of:

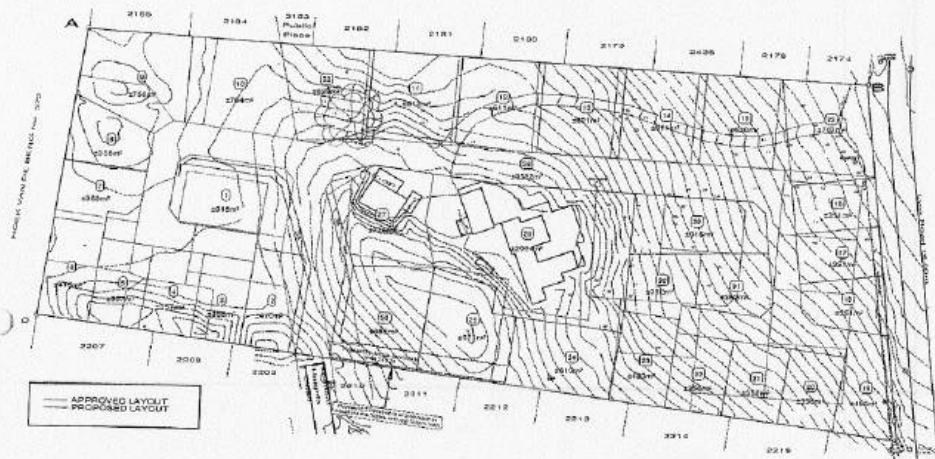
- Rezoning to Subdivisional area as contemplated in Chapter 4, Section 22(2) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020. "No application for subdivision involving a change of zoning may be considered by the Municipality, unless the land concerned is zoned for a subdivisional area."
- Chapter 4, Section 16(2)(a) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, for the rezoning of portions of Erf 1449 Vermont from Residential Zone 1 to General Residential Zone 1, Open Space Zone 2 and Transport Zone 2.
- Chapter 4, Section 16(2)(b) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, for the building line departures applicable to some of the proposed erven.
- Chapter 4, Section 16(2)(d) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, for the subdivision of Erf 1449 Vermont and the creation of a servitude.
- Chapter 4, Section 28(1)(g)(iv) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, for the creation of a servitude for the provision or installation of storm water channels, ditches and channels that are exempted in terms of this section.
- Chapter 4, Section 16(2)(K) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, for the phasing of a plan of subdivision of Erf 1449 Vermont.

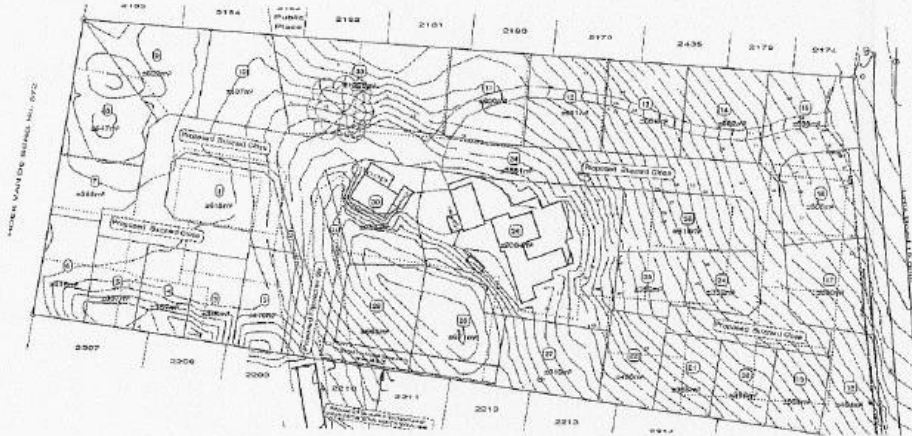
- Chapter XI, Section 96 of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, for the allocation of street names and street numbers.

It is the intention of the owner of Erf 1449 Vermont to rezone and subdivide the subject property in order to create a residential development consisting of 30 residential erven, public open spaces and public roads. The revised layout is very similar to the previously approved layout and the previously submitted layout, now with the exception of only 1 additional residential erf.

Please refer to the drawing below:

**Previously submitted layout plan:**



**Revised layout plan:**

As mentioned, the number of Milkwood Trees and other indigenous vegetation established on the site will benefit from the redesign of the layout in order to retain and protect the majority of the established Milkwood trees and other indigenous vegetation.

The detail of the application can be described as follows:

### 3.4.1 Proposed Rezoning and Subdivision

Erf 1449 Vermont is 2.2079ha in extent and is one of the larger erven located alongside Lynx Avenue in this area of Vermont. The owner intends to rezone the subject erf to subdivisional area in order to create 30 Residential erven, 3 public open spaces and a public road. Even though Cape Nature and the Overstrand Municipal Environmental Section preferred private open spaces we were advised by the Overstrand Municipality – Town Planning that we must change the private open spaces to public open spaces. The residential erven consist of 17 Single residential erven with a proposed zoning of Residential Zone 1 and 13 Townhouse erven with a proposed zoning of General Residential Zone 1.

The 17 single residential erven vary in size from  $\pm 600\text{m}^2$  to  $\pm 683\text{m}^2$  in extent with an average size of  $709\text{m}^2$ , with the exception of Erf 26 that is  $\pm 2064\text{m}^2$  in extent. The size of the proposed Erf 26 is determined by the size and position of the existing dwelling

## Motivation report

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established on the said portion. The proposed 13 townhouse erven vary in size from  $\pm 352\text{m}^2$  to  $\pm 464\text{m}^2$  with an average size of  $\pm 379\text{m}^2$ .

The existing cottage situated in the south-eastern corner of Erf 1449 Vermont will be demolished. Please refer to the enclosed proposed layout plan indicating the variety of erven and its proposed sizes, existing structures and the location of the Milkwood Trees. As mentioned earlier in this motivation, the previously approved layout was amended to make provision for the majority of the Milkwood Trees established on Erf 1449 Vermont in order to retain them.

The combination of the land uses can be tabled as follow:

Number	Proposed Zoning	Proposed Land Use	Size (m <sup>2</sup> )	%
1	Residential Zone 1	Single Residential	638	2.80%
8	Residential Zone 1	Single Residential	647	2.93%
9	Residential Zone 1	Single Residential	622	2.62%
10	Residential Zone 1	Single Residential	607	2.75%
11	Residential Zone 1	Single Residential	600	2.72%
12	Residential Zone 1	Single Residential	604	2.72%
13	Residential Zone 1	Single Residential	601	2.72%
14	Residential Zone 1	Single Residential	622	2.73%
15	Residential Zone 1	Single Residential	618	2.80%
16	Residential Zone 1	Single Residential	608	2.75%
17	Residential Zone 1	Single Residential	600	2.72%
25	Residential Zone 1	Single Residential	616	2.72%
26	Residential Zone 1	Single Residential	2064	9.35%
27	Residential Zone 1	Single Residential	610	2.76%
28	Residential Zone 1	Single Residential	671	2.96%
29	Residential Zone 1	Single Residential	865	3.81%
30	Residential Zone 1	Single Residential	683	3.00%

Number	Proposed Zoning	Proposed Land Use	Size (m <sup>2</sup> )	%
2	General Residential Zone 1	Townhouse	410	1.86%
3	General Residential Zone 1	Townhouse	358	1.61%
4	General Residential Zone 1	Townhouse	357	1.62%
5	General Residential Zone 1	Townhouse	357	1.62%
6	General Residential Zone 1	Townhouse	410	1.86%
7	General Residential Zone 1	Townhouse	368	1.67%
18	General Residential Zone 1	Townhouse	464	2.10%
19	General Residential Zone 1	Townhouse	356	1.61%
20	General Residential Zone 1	Townhouse	356	1.61%
21	General Residential Zone 1	Townhouse	355	1.61%
22	General Residential Zone 1	Townhouse	420	1.90%
23	General Residential Zone 1	Townhouse	352	1.60%
24	General Residential Zone 1	Townhouse	352	1.59%

Number	Proposed Zoning	Proposed Land Use	Size (m <sup>2</sup> )	%
31	Open Space Zone 2	Public Open Space	155	0.70%
32	Open Space Zone 2	Public Open Space	161	0.73%
33	Open Space Zone 2	Public Open Space	1228	5.56%
34	Transport Zone 2	Public Road	3561	16.13%
<b>TOTAL</b>			<b>22079</b>	<b>100%</b>

## Summary:

Zoning	Size (m <sup>2</sup> )	%
Residential Zone 1 (70%)	12053	55%
General Residential Zone 1 (30%)	4921	22%
Open Space Zone 2	1544	7%
Transport Zone 2	3561	16%
<b>TOTAL</b>	<b>22079</b>	<b>100%</b>

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With reference to the forward planning guidelines and the previous residential development proposals it is allowed that 30% of a development may consist of higher

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density erven such as group housing erven and at least 5% open space must be provided. With reference to the table above and the proposed layout plan  $\pm 30\%$  of the combination of residential erven proposed are townhouse erven,  $\pm 70\%$  are single residential erven. In total the development will consist of 55% single residential erven, 22% townhouse erven,  $\pm 7\%$  public open spaces. The remaining extent of the subject property will consist of public roads ( $\pm 16\%$ ). Subsequently the proposed residential development conforms to the forward planning guidelines applicable to erven located alongside Lynx Avenue. Please refer to the enclosed subdivision plan. The proposed residential development will fit in with the current residential land use and character of erven in the area. With reference to the natural vegetation of the site, private open spaces would have been our preferred option for the provision of open spaces.

Currently Erf 1449 Vermont is accessed directly from Lynx Avenue. With reference to discussions with the municipality it was advised to not make use of the existing access and that access to the proposed development should be from Vermont Heights Close as indicated on the proposed layout plan. From the new access the site is divided into an eastern and western portion each containing a number of townhouse erven with a variety of single residential erven in between. The eastern section of Erf 1449 Vermont consists of 7 Townhouse erven and 13 single residential erven. The western portion of the site consists of 6 townhouse erven and 4 single residential erven.

3 Public open spaces are proposed of which 2 of the open spaces numbered 31 & 32 on the Layout Plan are proposed to create a wider visual access avenue into the development. Public open space number 33 is located in this specific position to create a link with the adjoining open space known as Erf 2183 Vermont. Public open space number 33 accommodates  $\pm 10$  Milkwood Trees and therefore this area will be best suited to be utilised as a public open space. The last mentioned public open space also accommodates the most extensive, mature clusters of indigenous trees.

During the Environmental Impact Assessment application process Initially 4 *public* open spaces were proposed but with the comments received during the initial phase of the basic assessment report in terms of the National Environmental Management Act the 4 public open spaces were changed to *private* opens spaces, Open Space Zone 3 and submitted as such. The reason for the change of zoning from Public Open Space to Private Open Space is because of the environmental factors such as the milkwood trees that are established on the property and the fact that both Cape Nature and the Overstrand Municipal Environmental Section proposed that a Construction and

Operational Environmental Management Plan be implemented. Please refer to **Annexures A & B containing the comments from Cape Nature and the Overstrand Municipal Environmental Section.**

The Overstrand Municipality Town Planning Department advised that we should amend the allocation of the private open spaces back to public open spaces due to the fact that no private open spaces have been approved in the past and that it is unlikely that it would be approved in this instance. We are however of the opinion that each development should be dealt with on its own merit and because of the natural vegetation that is established on Erf 1449 Vermont, private open spaces would be the best suited use.

The proposed development is specifically aimed at the preservation and protection of the existing natural environment of mature Overberg dune Strandveld vegetation. Please refer to the enclosed **Architectural Design, Landscaping and Environmental Manual, Annexure C.**

In the light of the comments received from Cape Nature and the Overstrand Environmental Section and the contents of the Architectural Design Landscaping and Environmental Manual the management of the open spaces will have a cost implication. It would have been a better option that the open spaces be zoned as private open spaces and transferred to the Home Owner's Association whom will be managing and funding the implementation of the Environmental Management Plan by means of monthly levies payable by the future property owners. This however cannot be achieved due to the fact that it would be highly unlikely that the Overstrand Municipality would support private open spaces. Subsequently the burden of the management of the proposed open spaces will be the Overstrand Municipality's and not the Home Owner's Association's.

Furthermore, due to the large number of mature Milkwood Trees situated on the property, a consolidated management strategy for their protection should be adopted, namely one which will be applicable to the entire development and which can effectively be implemented and monitored. To this end, the HOA, with its envisaged sub-committee for environmental matters, will be in the best position to achieve such necessary and ongoing protection.

Cognisance must also be taken of the various bird and animal species which specifically rely on the habitat and feeding opportunities provided by the Milkwood Trees situated in the development, such as the rare Forest Buzzard, which breeds and hunts almost exclusively in the trees on the property, Paradise Flycatcher, Cape Batis and Apalis, as well as Grysbok which shelter in the dense clusters. It is imperative that a consolidated management strategy, which dovetails with the one put in place for the Milkwood Trees, is also adopted and effectively implemented by the HOA for the protection of these species.

For the abovementioned reasons, the layout makes provision to accommodate the most extensive, mature clusters of Milkwood Trees on the proposed public open space numbered No. 33, designated exclusively for this purpose, and for two green corridors consisting of indigenous vegetation in the public open spaces 31 and 32. These spaces do not exist in isolation, but form part of the present natural and indigenous environment that will be retained to the highest degree possible (note for example the restriction on gardens and boundary walls in the draft Architectural Design, Landscaping and Environmental Manual in Annexure C). Thus, the entire development should ideally be managed as a whole by persons with a vested interest in the preservation of its fauna and flora, namely the HOA, which will be bound by the HOA Constitution.

The proposed residential erven will be developed in terms of the proposed **Architectural Guidelines**, attached as **Annexure D**. The design approach as defined in the Architectural guidelines reads as follows:

It is the intent to develop a low-impact, tranquil living environment, in harmony with the natural surroundings, with a focus on protecting the natural landscape and vegetation, thereby providing a safe haven for birds, reptiles and mammals such as lynx and mongoose.

An approach of "touching the earth lightly" has been adopted by founding certain building components on piles and allowing portions of the building structure to float above the ground. Timber decks and timber pathways will be "floated" in this manner as far as possible.

For detail pertaining to the proposed Architectural Guidelines please refer to **Annexure D and Annexure E containing 2 examples of dwelling units**.

### 3.4.2. Proposed Building Line Relaxations

The housing developments alongside Lynx Avenue are rather unique in the sense that 30% of the developments are allowed to be used for town housing purposes. Under normal circumstances a townhouse development consists of a walled development area with a large number of townhouse erven that are being accessed from private internal roads. In this case, access controlled developments are not allowed in this specific area of Vermont and it is also required that the status of the roads be public roads. Subsequently the outside boundaries of each of the proposed townhouse clusters consisting of proposed townhouse erven 2 to 7, 18 to 24 are seen as periphery boundaries that are more restrictive than internal building lines. The proposed single residential erven numbered 15 – 17 also abuts 2 street fronts namely Lynx Avenue and proposed Buzzard Close. A 4m street building line will apply to these erven.

We are therefore applying for building line departures to be more in line with the prescribed building lines in terms of the Zoning Scheme Regulations under a zoning of General Residential Zone 1, applicable to internal boundaries of a townhouse scheme and building lines and street building lines applicable to single residential erven. Erven 15-18 will not be accessed from Lynx Avenue and due to the fact that these erven abut Lynx Avenue and the proposed Buzzard Close we are applying for a street building line relaxation alongside Lynx Avenue from 4m to 3m applicable to the single residential erven 15 to 17 to be in line with the building line applicable to proposed erf 18.

With reference to the Zoning Scheme Regulations under a zoning of General Residential Zone 1 the prescribed internal street building line is 1m, provided that garages must be set back at least 5m from the road kerb. Access to the proposed townhouse erven are gained from the proposed public roads and therefore a 3m building line applies. The proposed townhouse clusters are both located at two dead end streets of the development. Subsequently there will be no through traffic. We are therefore applying for a street building line relaxation from 3m to 2m, 1 metre further than what would have been the case if the public road was a private internal road. This proposed street building line relaxation will be applicable to erven 2 to 7, 18 to 24.

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It would be highly likely that garages will be constructed on the common boundaries of erven 1 and 2, 6 and 7, 17 and 18, and 22 and 23 with a common wall built on the

boundary between each garage. In terms of the Zoning Scheme this is allowable if it complies with the prescribed guidelines. There is however an exception that will have to be addressed and that is if the owner would want to construct a garage on the common boundary between erven 1 and 2, and 17 and 18 it would be required that we apply for a building line departure from 3m to 0m due to the fact that the 2 erven mentioned do not have the same zoning. Erven 1 and 17 are a single residential erven and erven 2 and 18 are townhouse erven. Subsequently a 3m building line applies.

With reference to the Building Lines plan we have indicated that the kerbs in both the dead end streets are constructed in such a way to make provision for at least 5m measured from the kerb to possible future garages on erven 2, 6, 7, 18, 22 and 23. The remaining townhouse erven have ample space to make provision for an area with a distance of at least 5m from the kerb to the garage.

The following building line relaxations are also proposed where townhouse erven abut single residential erven in order to achieve the same building lines applicable to single residential erven. It is proposed that the building lines applicable to the common boundaries of the townhouse erven between erven 7 and 8, 17 and 18, 23, 24 and 25, be relaxed from 3m to 2m. Please refer to the enclosed Building Lines plan indicating all the applicable building lines and proposed building line relaxations.

A manor house, outbuilding and studio are established on proposed erven 26 and 30. With the proposed subdivision and rezoning the street building lines will be encroached. In order to make provision for the existing structures we are also applying for street building line departures. The existing outbuilding established on erf 26 is located  $\pm 2.10\text{m}$  from the street boundary. We are therefore applying for the relaxation of the street building line from 4m to 2.1m to accommodate the outbuilding. The studio can easily be modified to serve the purpose of a dwelling unit should the future owner wish to do so, as it is a solid structure. A portion of the existing stoep encroaches the street building line and we are therefore applying for the relaxation of the street building line from 4m to 0.71m.

### 3.4.3. Proposed Servitudes

With reference to the proposed erven 27 to 29, it is also proposed that a right of way servitude be registered over proposed Portions 28 and 29 as indicated on the proposed layout plan. The proposed right of way servitude is  $\pm 256\text{m}^2$  in extent and will be utilised

14/23

Motivation report

as access to the proposed erven 27 and 28 over erven 28 and 29 respectively. The right of way servitude is 5m in width. Please refer to the enclosed proposed layout plan.

Another servitude is proposed between the above mentioned right of way servitude and the southern boundary of Erf 1449 Vermont. This servitude is 0.5m wide and will accommodate a proposed unlined stormwater channel that will be 500mm wide and 500mm deep. The servitude was created on request of the Breede-Gouritz Catchment Management Agency. Please refer to their comments attached as Annexure F.

The proposed servitudes will not have any negative impact on the surrounding properties or the proposed residential development on Erf 1449 Vermont.

3.4.4. Proposed Phasing of the Development

In order to make the development of the proposed 17 single residential and 13 townhouse erven viable, due to the required payment of the bulk services levies that will be due before transfer can take place, it was decided to phase the development.

Please refer to the phase plan below:



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Phase 1: This Phase will consist of the construction of the access road and all the services to the erven located west of the access road, erven 1 to 10 and Erf 32. This cluster consists of 6 townhouse erven, 4 single residential erven, 1 public open space and a section of a public street from which these erven are accessed. The following phases 2 to 5 are all located east of the new access road and can be described as follows:

Phase 2: This Phase consists of 3 single residential erven located on the southern boundary of Erf 1449 Vermont, that are accessed via a proposed right of way servitude that gain access from the proposed access road, Flycatcher Road and a public open space, Erf 31. The residential erven are numbered; 27 to 29.

Phase 3: This Phase consists of 2 single residential erven, erven 26, 30 and a portion of the proposed public street. The existing manor house is located on Erf 26, that is already serviced. A studio is located on the proposed Erf 30 and can easily be converted into a future dwelling.

Phase 4: This Phase consists of single residential erven proposed alongside the northern boundary of Erf 1449 Vermont and a section of a public street, Erf 34 from which these erven will gain access from. This phase also consists of 1 public open space; numbered Erf 33. The proposed single residential erven within this phase are erven numbered 11 to 15 and Erf 25.

Phase 5: This Phase consists of 7 townhouse erven, 2 single residential erven and the final section of public street. The townhouse erven are numbered 18 to 24 and the residential erven 16 and 17.

The development sequence of the phasing will be determined by the most cost effective way for the construction of services in order for phases to be cleared and transferred in order to obtain revenue for the following phases. This will also make the development more viable for the developer. The phases might not follow the numerical indicated sequence and might also be developed as a combination of the proposed phases 1 to 5. The sections of the public road and public open spaces will be transferred to the Overstrand Municipality as per the completion of each phase or combination of phases.

**3.4.5. Proposed Street Names and Street Numbers.**

- After liaising with Lee-Ann Roach at the GIS Department of the Overstrand Municipality it has been decided to allocate the following street names, namely Flycatcher Street and Buzzard Close. Please refer to the plan below indicating the proposed street names and numbers for your approval in terms of Chapter XI, Section 96 of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, for the allocation of street names and street numbers. We believe that the proposed street names are in line with the trend of street names already allocated to streets within the Vermont Township. Both the Flycatcher and Buzzard birds are found on the property.



**3.5 ACCESS**

The property is situated in Lynx Road. This application follows a similar layout than what was previously approved as mentioned in Section 3.4 above. The proposed road network design on Erf 1449 Vermont links with Little Swift Close via a small section of unnamed road as previously approved. For traffic safety reasons it was decided not to make use of the existing access to Erf 1449 Vermont directly from Lynx Avenue but to make use of the previously approved access via Little Swift Close.

Little Swift Close is located south of Erf 1449 Vermont and runs in an east to west direction from Lynx Avenue. The road reserve abutting erven 2210 to 2215 Vermont is 10m wide. A small section of unnamed road forms a T-Junction at erven 2209 and 2210 Vermont creating a dead end at the southern boundary of Erf 1449 Vermont from where the proposed residential development will gain access. The section of road from the mentioned T-Junction to the boundary of Erf 1449 Vermont also has a road reserve width of 10m.

The main access road from Little Swift Close has a road reserve of 10m abutting a proposed green belt on both sides of the proposed access road. All proposed internal roads abutting single residential erven have a road reserve of 10m and proposed roads abutting the townhouse erven have a road reserve of 8m. The proposed access road forms a T-Junction from where the road splits into an eastern and western direction respectively. A small section of road is proposed at each dead end creating sufficient access to the abutting townhouse erven and it also makes the manoeuvrability of larger vehicles such as furniture removal trucks and refuse trucks much better than a standard cul-de-sac.

We have liaised with Mrs. Lee-Ann Rauch at the Overstrand Municipality regarding the allocation of street names. The following street names have not been reserved namely; Buzzard and Flycatcher. We are therefore proposing that the access road from Little Swift Close be named Flycatcher Street and that the proposed road running in an east west direction across Erf 1449 Vermont be named Buzzard Close. Please refer to the enclosed proposed layout plan.

Please take note that the sections of road will be transferred to the Overstrand Municipality as per the completion of each phase or combination of phases and not as one complete road with the completion of the first phase. The same would apply to public open spaces. Please refer to the enclosed phase plan.

### 3.6 SERVICES

Due to the fact that Erf 1449 Vermont is within an already developed residential area municipal services already exist in the vicinity to which the newly proposed erven could connect to. The following departments have confirmed that there is enough capacity to provide services to the proposed erven:

- Eskom;
- Overstrand Municipality, Directorate Infrastructure and Planning with reference to water, sanitation, roads and stormwater and solid water removal;
- GLS Consulting with reference to water and sewer network.

Please refer to a copy of the confirmation letters that we have enclosed as **Annexure G**.

The company **DECA Consulting Engineers** has been appointed to compile a **services report** for the proposed development. For the details of the provision of services, please refer to the enclosed services report as **Annexure H**.

Please note that that above information was obtained for a former layout that consisted of 31 proposed residential opportunities. With the revised layout, 30 residential opportunities are proposed.

### 3.7 TITLE DEED

The Title Deed T108791/2002 has no restrictions that need to be removed in order for this application for rezoning, subdivision, departures and the creation of servitudes to be approved.

A bond is registered against the subject property at FNB. Enclosed please find a copy of the bondholder's consent for your records.

### 3.8 **FORWARD PLANNING**

#### **Overstrand Municipal Wide Spatial Development Framework**

In terms of the Overstrand Wide Spatial Development Framework the subject property is earmarked for residential purposes. After the approval of the application for the rezoning, subdivision, departures and the creation of servitudes the property will be utilised for residential purposes.

#### **Overstrand Growth Management Strategy**

The *Overstrand Municipal Growth Management Strategy (OMGMS, 2010)* specifies that 1449 Vermont forms part of Planning Unit No. 1. Given the nature and current character of the specific area there is no densification for this area proposed but the development of the large erven alongside Lynx Road is allowed. The allowable development parameters are residential erven not smaller than 600m<sup>2</sup> each with a combination of higher density townhouse size erven for approximately 30% of the area.

With reference to the above mentioned it our opinion that the Growth Management Strategy does not propose densification for the specific area, but it must be taken into consideration that the property is larger than the average residential erven in the area and in line with the guidelines that were imposed as mentioned above. Each subdivision application should be dealt with on its own merit.

In this instance Erf 1449 Vermont is larger in extent than the already developed erven in the area and after subdivision it will still be compatible with residential developments alongside Lynx Avenue, Vermont.

It is therefore our opinion that the application for the proposed rezoning, subdivision, departures and the creation of servitudes can be supported and it is in line with forward planning strategies and also the current land use trends for the area.

### **3.9 OTHER RELEVANT LEGISLATION FOR CONSIDERATION OF THE APPLICATION**

#### **3.9.1 HERITAGE VALUE**

Erf 1449 Vermont is not situated within the Heritage Overlay Zone as determined by the Overstrand Municipality Growth Management Strategy (2010). The property is not earmarked for heritage conservation purposes in terms of the Overstrand Heritage Survey Report (2009).

The subject property is not associated with any important persons or groups or important events and activities. The subject property has no association with the history of slavery and is not used for living heritage.

In the light of the above mentioned it is evident that the proposed rezoning, subdivision, departures and the creation of servitudes will not have a negative impact on the heritage value of the subject property or the Greater area of Vermont. Please refer to the enclosed letter from **Western Cape Heritage (Annexure I)** supporting the proposal.

#### **3.9.2 IMPACT ON THE BIOPHYSICAL ENVIRONMENT**

The proposed rezoning, subdivision, departures and the creation of servitudes do trigger listed activities in terms of the National Environmental Management Act (NEMA), 1998 (Act no. 107 of 1998). The activities that will trigger the NEMA regulations are:

- the clearance of an area of 1 hectare or more, but less than 20 hectares of indigenous vegetation,
- the clearance of an area of 300m<sup>2</sup> or more of indigenous vegetation within a critically endangered or endangered ecosystem.

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Subsequently a Basic Assessment Report was submitted to the Department of Environmental Affairs and Development Planning on the 10 of July 2020. Please refer

to their **letter of receipt** dated 14 July 2020 enclosed as **Annexure I**. We have also enclosed a copy of the **letter of authorization** from the Department of Environmental Affairs and Development planning dated 30 September 2020, refer to **Annexure J**. An Environmental Management Plan will be put in place for both the construction phase and operational phase of the development. Please note that the authorization obtained for the proposed develop was obtained for a slightly different layout. The layout that was approved by the DEADP had to be revised on request of the Overstrand Municipality.

The road network remained the same, 1 less residential erf is proposed and the proposed private open spaces had to be changed to public open spaces. Due to security reasons we also had to rearrange the open spaces.

### 3.10 PLANNING PRINCIPLES

The planning principles of spatial justice, spatial sustainability, efficiency and spatial resilience of this application can be described as follows:

**Spatial Justice:** The proposed residential development on Erf 1449 Vermont will be in line with the current erf sizes in the vicinity and the subject property will still be utilised for residential purposes. There are no restrictive Title Deed conditions that prohibit the subdivision of the subject erf. A previous application was approved for a similar layout, that has been amended to take the position of the existing Milkwood trees into consideration to retain the majority of these trees as part of the development.

**Spatial sustainability:** The proposed housing development is in line with the current character of the established surrounding residential area. The proposed application will not have a negative impact on the conservation worthy areas of Vermont. Spatially the residential development proposed for Erf 1449 Vermont will be in line with the residential character of the area.

**Efficiency:** The proposed additional erven are easily accessible and conveniently located in Vermont in close proximity of beaches, shops and Hermanus.

**Spatial Resilience** in the context of land use planning refers to the need to promote the development of sustainable livelihoods for the poor (i.e. communities that are most likely to suffer the impacts of economic and environmental shocks). Spatial resilience also refers to the requirement for flexibility in spatial plans, policies and land use management systems to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks. The spatial plans, policies and land use management systems should enable the communities to be able to resist, absorb and accommodate these shocks and to recover from these shocks in a timely and efficient manner, which includes the preservation and restoration of essential basic infrastructure and functions, but also adaptation in order to ensure increased resilience in terms of future shocks (United Nations Office for Disaster Risk Reduction, 2009). The principle of Spatial Resilience is not applicable to this application.

**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 Amended By-law on Municipal Land Use Planning, 2020.

#### 4. **RECOMMENDATION**

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

- The application for the proposed rezoning, subdivision, departures and the creation of servitudes is similar to a previously approved residential development on Erf 1449 Vermont of which the layout was minimally changed to make provision for the existing Milkwood trees.
- The proposed rezoning, subdivision, departures and the creation of servitudes of Erf 1449 Vermont falls within the existing land use tendencies in the area;

- The proposed rezoning, subdivision, departures and the creation of servitudes are in line with the Overstrand Municipal Wide Spatial Development Framework and the Overstrand Growth Management Strategy.
- The proposed subdivided erven are compatible with the existing erf sizes in the area;
- The proposal falls within an already established residential area with sufficient services capacity to which the additional erven can be connected to;
- The proposed rezoning, subdivision, departures and the creation of servitudes will not have a negative impact on the current character and land values of the surrounding erven.
- The proposed development on Erf 1449 Vermont has taken the natural value of the site into consideration and will be professionally managed to ensure the preservation of the natural beauty of the site. We remain of the opinion that private open spaces would be a much better option than the proposed public open spaces taking the environmental factors into account and that it has merit.
- Both a construction and operational Environmental Management must be put in place for the management of the natural vegetation and especially the Milkwood trees.
- The proposed street names are compatible with the trend of street names already allocated to streets within the Vermont Township.

With regards to the above mentioned it would be appreciated if the Overstrand Municipality would consider the application favourably for the rezoning, subdivision, departures, the creation of servitudes, phasing of the development and the allocation of street names and street numbers of Erf 1449 Vermont.





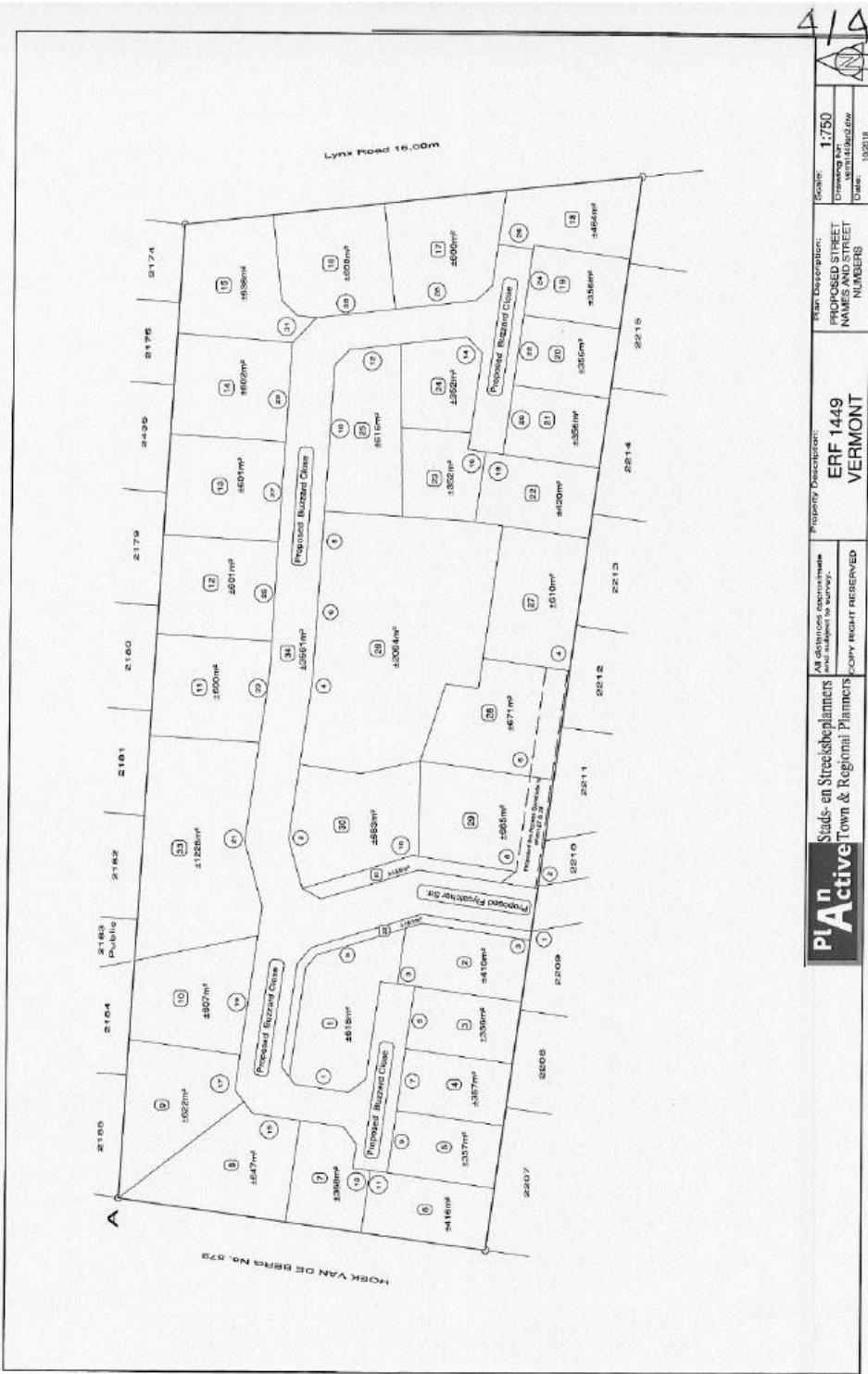


W/4

<b>PLAN</b> Stads-en Streets/Planners Town & Regional Planners	All dimensions approximate and subject to survey.	PROJECT DESCRIPTION: <b>ERF 1449                  VERMONT</b>	FIRM DESCRIPTION: <b>PROPOSED                  PHASING</b>	SCALE: 1:750 DRAWN BY: [Signature] DATE: 12/01/18
	COPY RIGHT RESERVED			

**PROPOSED PHASING**

[Color swatch]	Phase 1
[Color swatch]	Phase 2
[Color swatch]	Phase 3
[Color swatch]	Phase 4
[Color swatch]	Phase 5



419

Scale: 1:750  
Drawing Not  
to Scale

Plan Description:  
PROPOSED STREET  
NUMBERS  
NUMBERS

Property Description:  
ERF 1449  
VERMONT

All dimensions shown on this plan are subject to survey.

PROPERTY DESCRIPTION:  
ERF 1449  
VERMONT

PLAN  
Stads- en Streetsplanners  
Active Town & Regional Planners

COPY RIGHT RESERVED

Annexure D1/81

TR N. Alcott  
(M. Olivia)



PROPOSED DEVELOPMENT ON ERF 1449, LYNX ROAD VERMONT  
FILE NUMBER 1449 HVH

July 23<sup>rd</sup> 2021

My vote opposing the use of 1449 Development of 30 plots to use and access Little Swift Close are as follows:

1. The road infrastructure isn't designed for constant traffic of heavy vehicles which will increase risk of road damages and risk of accident endangering the habitant of the area.
2. With construction taking place over a period of time it will cause excessive noise disturbing our peace and tranquility, also to mention that it will disturb the wildlife, possibly protected endangered species, in and around the Greenbelt.
3. Noise control and regulation outlined in environment conservation act 1989 (Act 73 of 1989) should be followed. The noise level of the trucks being use in the construction process is likely to be around 100DB and above, especially when going up the road, when regulation allows for about half this level around our area.
4. Little Swift Close would not be able to accommodate the cars of 1449 as well as our small community on Little Swift Close.
5. The Large amount of Group Housing on Erf 1449 will have an impact on our property prices.

Because of all of the above but not limited to, I m against the use of Little swift close to be use as the main access road to such extended construction process and would not hesitate to take all necessary action against and to stop such practice around our peaceful area.

FILE NO:	OF 1449
	Vann!
SCAN NO:	Dilla
COLLABORATOR NO:	1560553

26 JUL 2021



TP-N/Ingot  
(H.O.Lie)

2/81

FILE NO:	OT 1449
	Vermont
SCAN NO:	Khumbalo
COLLABORATOR NO:	1963272

Dear Sir/Madam

**PROPOSED DEVELOPMENT ON ERF 1449, LYNX ROAD VERMONT (FILE NR 1449 HVM)**

As the owner of Erf 2212 in the Little Swift close development, Vermont Heights, I strongly object to the proposal of using Little Swift road to access the the neighbouring development of erf 1449.

The reasons for my objections are:

1. The road infrastrucure in Little Swift close is too narrow for heavy vehicles to pass through each other safely. This will contribute to road accidents in the neighbourhood for all road users.
2. During the construction period in erf 1449, which may take several years, the construction traffic will cause noise and remove tranquility in the Little Swift close neighbourhood.
3. I bought the 2212 erf because of the quiteness and tranquility of the area as it was on a cul-de sac with very limited traffic. Providing access to the erf 1449 development compromises the attractiveness of Little Swift neighbourhood, and I believe it is an affair situation as this was not the expected environment when I made the decision to buy my plot.
4. The top of the Little Swift road, creates a blind spot and poses a safety risk to both traffic and young children in the Little Swift neighbourhood.
5. Allowing access to erf 1449 development through Little Swift close will result in material negative impact on the property values in Little Swift close development.
6. The increase or introduction of construction worker will pose a security risk to households in the Little Swift neighbourhood.

Since there is an existing Lynx road designed for high and heavy traffic, I strongly propose that the the development in erf 1449 make their entrance through the Lynx road.

I personally see no justifiable reason in terms of health, security, safety and environmental on why the development in erf 1449 should not use Lynx road for access to the development.

I sincerely plead with Overburg Municipality not to allow the erf 1449 development through Little Swift close for the reasons stated above.

Your Sincerely

23 July 2021

3/81



Municipal Manager  
Overstrand Municipality  
P.O. Box 20  
HERMANUS  
7200

TP. A. (Heart)  
(M. Olivia)

Dear Sirs,

RE: ERF 1449, LYNX ROAD, VERMONT: APPLICATION FOR REZONING, SUBDIVISION, DEPARTURES, RIGHT OF WAY SERVITUDES, PHASING OF A DEVELOPMENT AND THE ALLOCATION OF STREET NAMES AND NUMBERS: PLAN ACTIVE ON BEHALF OF L LEWIS – MUNICIPAL NOTICE 91/2021

I am the owner of

I am against the proposed development of ERF 1449 as indicated in the above-mentioned Municipal Notice for the following:

1. An EIA was done on the development of ERF 1449 of which I never received any notice on the proposed EIA, not through registered mail or per email. Due to not receiving any notification of the EIA, I was unable to make any comments on the proposal and thus the process of the EIA should be re-done or re-assessed in order for neighbouring property owners to view the EIA and give their comments.
2. The proposal indicates that Little Swift is to be the only access to the new development of ERF 1449 and thus should be deemed as unacceptable due to the road safety and traffic concerns and current road conditions.
  - a. The junction at Lynx Avenue and Little Swift Close is already a dangerous junction due to the limited visibility and the proximity to the Lynx and Siffie Road for vehicles and residents.
  - b. The turnoff from Lynx Avenue into Little Swift Close is on an incline and does not have a clear view of site for vehicles.
  - c. The vertical curve and line of sight is not sufficient and has a very dangerous blind rise already, this will be an even more dangerous road with the additional traffic from the proposed development and application in its current state.
  - d. To add to the road and safety traffic concerns, there is also a horizontal blind rise into Little Swift Close with the boundary wall of ERF 1450 blocking oncoming traffic from both sides. This is dangerous to oncoming traffic and pedestrians.
  - e. The gradient of the beginning of Little Swift Close from Lynx Avenue is extremely steep and the gradient of the height difference does not comply with the Local Municipal Engineering Specifications with a rise of approximately 10,0 meters over a short distance.
3. The current state of the road surface is also much to be desired and does not comply with the National and Local standards as the asphalt on the road surface is much less than the minimum of 30mm required for Residential Developments.
4. Should there ever be a fire on the nature reserve side at Farm Land 572/0 neighbouring Vermont Heights Estate and the proposed development, it would be a disaster to evacuate the additional amount of traffic proposed on an already non-compliant road. This is something that must seriously be considered as it will make it nearly impossible for emergency fire vehicles to access any of the dwellings.
5. The current proposal and subdivision of the land does not comply with the Local Municipal Land Use Scheme as the amount of public open space is less than 10% for the group housing portion as indicated in the scheme. With

FILE NO:	at 1449
	Vermont
SCAN NO:	bris
COLLABORATOR NO:	
	1563217

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- so little open and public space there is a concern of over densification to the proposed development. With an already over developed area towards the beginning of Lynx Avenue from the R43.
6. The proportion of group housing versus single residential dwellings is much more than that of Vermont Heights Estate and more than 30% of the area of the erf. This will bring down the value of the surrounding properties and in the area as a whole.

I trust that my objection on the proposed development of ERF 1449 with the above mentioned reasons for objection, will be taken into consideration.

5/81



Page | 1

  
**Vermont**  
 Ratepayers & Environmental Association  
 Belastingbetalers & Omgewingsvereniging

TP. D. Inceart  
 (H. Olivier)

(For Att. Town Planning, Mr. H. Olivier)  
 Overstrand Municipality,  
 PO Box 20,  
 HERMANUS, 7200

FILE NO:	ERF 1449
SCAN NO:	Vermont
COLLABORATOR NO:	1561704

Dear Sir

ERF 1449, LYNX ROAD, VERMONT, OVERSTRAND MUNICIPAL AREA: **OBJECTION TO APPLICATION FOR REZONING, SUBDIVISION, DEPARTURES**

The Vermont Heights Homeowners Association (VH HOA) approached the Vermont Ratepayers and Environmental Association (VREA) with their concerns regarding the abovementioned Town Planning Application and their draft submission of objection has been studied.

The VH HOA objection submission raises many objective and valid concerns which are supported by the VREA. Underlying most of their concerns are clearly the following, highlighted below:

- Apparently there has been no professional traffic study undertaken that would support the proposed road layout on and access to Erf 1449 through Vermont Heights. In this application a specialist traffic study is critically important to assist decision-making.
- It is very clear that the proposed access to and road layout on Erf 1449 will have significant negative impacts on road safety, vehicle mobility and the peaceful ambience of the Vermont Heights Estate. Furthermore, the ability and options of the Overstrand Protection Services to respond effectively to emergencies on these properties will be restricted.
- Planning that forces all traffic, that wishes to access Erf 1449, through the Vermont Heights Estate, without thoroughly investigating alternatives, is unsound and inequitable. Alternative planning solutions in collaboration with the parties concerned should be sought to address the shortcomings of the proposed road layout.
- The Vermont Heights road surface quality, as evidenced by the photographs in the VH HOA submission, is poor as it is already breaking up and requires repairs and improvement. The Vermont Heights road design is also a traffic safety risk in terms of *inter alia* visibility and gradients and should be equipped with the appropriate traffic calming

20 JUL 2021

Page | 2

measures. The proposed Erf 1449 development would also inequitably cause the unnecessary degradation of the Vermont Heights road surfaces.

- The proposed areas of property densification on Erf 1449 (Group Housing) adjacent to Vermont Heights is unjustified and not compatible with the other housing densities on these properties. The Group Housing areas on Erf 1449 are therefore not supported.

We trust that the above objections will receive your serious consideration and we look forward to your feedback in this regard.

Yours faithfully

7/81



TP- A theart  
(H olivier)

21 July 2021

PROPOSED DEVELOPMENT ON ERF 1449, LYNX ROAD VERMONT (FILE NR 1449 HVM)

FILE NO:	EL 1449-HVM
SCAN NO:	35
COLLABORATOR NO:	1562787

We strongly object to the proposal that the development of 30 plots on erf 1449 will use Little Swift Close as their access point and closing their two existing access points in Lynx avenue.

Reasons as follows:

1. Infrastructure will not sustain the additional traffic
2. Heavy vehicles will contribute towards road deterioration
3. The additional traffic will create an unsafe environment for all of us.
4. Our interest in this application is the fact that we bought this Plot and Plan as an investment for ourselves. This development will definitely have a negative impact on the value of our investment.

We suggest that the separate entrance from Lynx Road be used for this development.

Kindest regards

22 JUL 2021

Overstrand Municipality  
P.O. Box 20  
Hermanus  
7200



Town Planner  
Mt H. Olivier

TP- A Theart  
(H Olivier)

[andrea@dongerh.co.za](mailto:andrea@dongerh.co.za)

30 June 2021

R.E. Proposed development on erf 1449, Lynx Road Vermont (File no 1449 HVM)

Dear Sir,

Herewith, please accept my **objection** to the proposed access through Vermont Heights to the proposed new development on erf 1449 Vermont.

I am the owner of erf 2221 Vermont Heights, which is adjacent to the main road leading through the suburb – Little Swift Close. Should the access be granted, as proposed, for the development on erf 1449 to make use of this road as the only means of access to the development, my property will then be attached to a main road with severe traffic flow. This will definitely have a negative impact on the value of my property.

When I did the investment, it was with the attraction of being in a small 'exclusive' estate with no through fare for traffic. The higher volumes of traffic will lead to severe noise pollution, exhaust pollution, security problems, and also the natural animal life will be affected (for my property being next to a natural green belt).

I am sure if an investigation is to be done, you will find that the proposal is not the best solution, as the access from Lynx Road into Little Swift Close is quite a severe uphill. This will cause the road to deteriorate much faster with an additional load of traffic, especially on the return downhill back to the intersection with Lynx Road. As currently the width of the road does not allow of two-way traffic with heavy vehicles.

I request of you, is to please re-evaluate the proposal, as the solution will be much more amicable for the development on erf 1449 to connect directly to Lynx Road, as with all the surrounding developments. If you were to approve this application, one development will benefit 100% and have exclusive entrance, whereas the other development will be severely affected in a negative way.

Regards,

FILE NO: EL 1449-HVM
SCAN NO: 34
COLLABORATOR NO: 1562784

22 JUL 2021

TP-A Theart  
(Hollivier)



**Proposed development on Erf 1449, Lynx Road, Vermont (File nr 1449 HVM)**

Good day. I am the owner of Erf 2218, 14 Little Swift Close, in Vermont Heights Estate and the construction of my house is currently 90% complete. The above mentioned proposed development on Erf 1449, with proposal that the development of 30 plots on erf 1449 will use Little Swift Close as their access point and closing their two existing access points in Lynx avenue, was recently brought to my attention.

I strongly object against the use of Little Swift Close as the access point to the proposed development for the following main reasons:

- My decision in 2019 to buy Erf 2218 in Little Swift Close, with the plan to build my "Retirement" home, was primarily based on the exclusivity of the Estate – it being a small Estate, with only a few plots and one access point being a cul-de-sac, namely Little Swift Close. This exclusivity will be lost if the proposed development use Little Swift Close as the access point.
- I am concerned about security and safety as there will be a constant flow of non-residents in and out of the Estate.
- I will be, for many years to come, constantly living in a construction site with trucks, teams of workers and contractors walking and driving up and down through the Estate.
- The peaceful atmosphere and serene environment, which contributed to convincing me to buy this plot, will be ruined.
- The road infrastructure of Little Swift Close, including paving, is already not in a good condition. I am concerned how it is going to look after doing another development via the Vermont Heights Estate, bigger than the current Vermont Heights Estate and building 30 new houses (proposed development), with all that traffic passing through the Vermont Heights Estate.
- It will have a very negative effect on property prices in Vermont Heights Estate, as we will lose our exclusivity.

FILE NO: EL 1449-HVM
SCAN NO: 17
COLLABORATOR NO: 1562590

21 JUL 2021

10/81



**L Gillion**

**From:**  
**Sent:** Monday, 19 July 2021 16:28  
**To:** L Gillion  
**Subject:** Re: ERF 1449 Lynx Rd - Comments and Objections

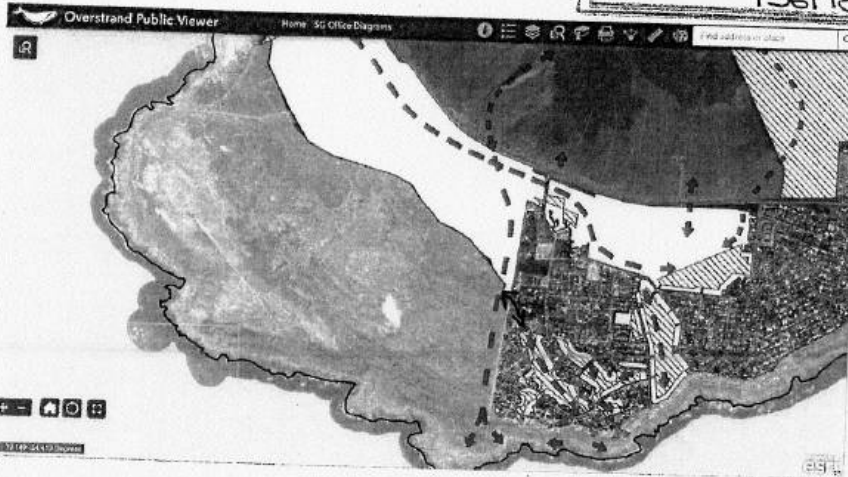
TP- n./Incar  
(M. Olivia)

Dear Loretta,

I have attached one more image from the Overstrand Public View with the Environmental Management Zone Layer turned on - you will see that the Overstrand already has indicated environmental corridors between the reserve and the Vermont Greenbelt. I have added the black arrow to show how critical ERF 1449 is.

Please could you confirm receipt of both emails.

FILE NO:	ERF 1449
	Vernont
SCAN NO:	Kaimondo
COLLABORATOR NO:	1561732



On 19 Jul 2021, at 16:02,

Dear Loretta,

As director and owner of Hoek Van de Berg Nature Reserve which borders Erf 1449 - I would like the following concerns regarding the rezoning and proposed development of Erf 1449 to be noted:

- Hoek Van de Berg Reserve is owned by UVA properties, although we have seen proof that a resisted

20 JUL 2021

11/81

letter was sent to a PO Box 1869 in Cape Town for the Draft Public Participation - we never received it and so this is the first time as we are able to comment of the proposed development and rezoning.

- Hoek Van de Berg Reserve has been named by WWF (World Wide Fund for Nature) as one of the last critical climate corridor of South Africa linking the mountain ecosystem with that of the coast.
- Hoek Van de Berg has entered into an agreement with Mr Anton Bredell in his capacity as Minister of Local Government, Environmental Affairs and Development Planning of the Western Cape Government that the private reserve now forms part of the National Environmental Management Protected Act, 2003 (ACT 57 OF 2003).
- Hoek Van De Berg Reserve will not be developed and will act as a key climate corridor and nature reserve for future generations of all South Africans.
- Our major concern as custodians of Hoek Van de Berg relates to the lack of any corridor linking Hoek Van de Berg to the Vermont Green Belt network through Erf 1449. Please note I have attached an image from the Overstrand Public Viewer that shows the current corridor linkage, which has the potential to allow fauna and flora to move between the reserve and the Vermont Green Belt network. We would strongly ask that the proposed layout be amended to allow for an environmental corridor to be in place.

<ERF 1449.png>

12/81

**L Gillion**

---

**From:**  
**Sent:** Monday, 19 July 2021 16:03  
**To:** L Gillion  
**Cc:**  
**Subject:** ERF 1449 Lynx Rd - Comments and Objections

Dear Loretta,

As director and owner of Hoek Van de Berg Nature Reserve which borders Erf 1449 - I would like the following concerns regarding the rezoning and proposed development of Erf 1449 to be noted:

- Hoek Van de Berg Reserve is owned by UVA properties, although we have seen proof that a resisted letter was sent to a PO Box 1869 in Cape Town for the Draft Public Participation - we never received it and so this is the first time as we are able to comment of the proposed development and rezoning.
- Hoek Van de Berg Reserve has been named by WWF (World Wide Fund for Nature) as one of the last critical climate corridor of South Africa linking the mountain ecosystem with that of the coast.
- Hoek Van de Berg has entered into an agreement with Mr Anton Bredell in his capacity as Minister of Local Government, Environmental Affairs and Development Planning of the Western Cape Government that the private reserve now forms part of the National Environmental Management Protected Act, 2003 (ACT 57 OF 2003).
- Hoek Van De Berg Reserve will not be developed and will act as a key climate corridor and nature reserve for future generations of all South Africans.
- Our major concern as custodians of Hoek Van de Berg relates to the lack of any corridor linking Hoek Van de Berg to the Vermont Green Belt network through Erf 1449. Please note I have attached an image from the Overstrand Public Viewer that shows the current corridor linkage, which has the potential to allow fauna and flora to move between the reserve and the Vermont Green Belt network. We would strongly ask that the proposed layout be amended to allow for an environmental corridor to be in place.

13/81



14/81



**From:** L Gillion  
**Sent:** 19 July 2021 08:10 AM  
**To:**  
**Subject:** INCOMING : Proposed development on Erf 1449, Lynx Road Vermont (File nr 1449 HVM)

TP. D. Theard  
(H. Oliva)

**From:**  
**Sent:** Saturday, July 17, 2021 6:33 PM  
**To:** L Gillion <loretta@overstrand.gov.za>  
**Subject:** Fwd: Proposed development on Erf 1449, Lynx Road Vermont (File nr 1449 HVM)

Begin forwarded message:

**From:**  
**Subject:** Proposed development on Erf 1449, Lynx Road Vermont (File nr 1449 HVM)  
**Date:** 29 June 2021 at 16:48:10 SAST  
**To:**

It is not safe to have trucks driving through our estate, the road is too narrow. The heavy trucks will damaged our roads.  
 It is not safe for trucks to turn into our estate, neither the road into the proposed development.  
 We bought here for the peace and quiet to retire and find it very selfish that our estate has to be used for somebody else's benefit.  
 I am also sure this will cause that our property will drop in value.

Regards

FILE NO:	EF 1449
	Vermont
SCAN NO:	Nogan
COLLABORATOR NO:	
	1561344

15/81



17 July 2021

Municipal Manager  
Overstrand Municipality  
P.O. Box 20  
HERMANUS  
7200

TP- n. / heart  
(H. Olivier)

Dear Sir

**ERF 1449, LYNX ROAD, VERMONT: APPLICATION FOR REZONING, SUBDIVISION, DEPARTURES, RIGHT OF WAY SERVITUDES, PHASING OF A DEVELOPMENT AND THE ALLOCATION OF STREET NAMES AND NUMBERS: PLAN ACTIVE ON BEHALF OF L LEWIS – MUNICIPAL NOTICE 91/2021**

I am the owner of number 7 Little Swift Close, Vermont (Erf 2213).

I am against the proposed development of Erf 1449 with the following reasons:

1. An EIA was done on the development of Erf 1449. I never received any notice on the proposed EIA through the post office or by email. I did not know and because of this could not give any comments on the proposed EIA on Erf 1449. The EIA process was faulty and must be redone so that the adjoining property owners can give comments on the EIA.
2. The proposal that the development on Erf 1449 must also use Little Swift Close road as their entry road is unacceptable because of the road traffic safety concerns.
  - The existing junction of Little Swift Close Road and Lynx Avenue is already constrained and dangerous for residents due to restricted visibility and the proximity to the Lynx-Siffie Road junction. The turnoff from Lynx Road into Little Swift Close Road is also situated on an upwards slope.
  - The Little Swift Close Road's vertical curve sight line is not sufficient and has a "blind rise" that can be dangerous to oncoming traffic and to pedestrians especially small children.
  - The Little Swift Close Roads horizontal curve is also not sufficient especially with the boundary wall of erf 1450 blocking the sight line of oncoming traffic and can be dangerous to oncoming traffic and to pedestrians especially small children.
  - The gradient of Little Swift Close Road is also extremely steep with a height difference of almost +/- 10 meters from Lynx Avenue to the top of Little Swift Close Road.

The road design of Little Swift Close Road is not correct when all the above points are considered and should never have been constructed as is and now the additional traffic from the planned 30 plots and associated construction vehicles will also be using Little Swift Close Road as their main entrance and can become dangerous. The perfect solution will be to use the existing entrance of Erf 1449 as the main entrance for the new development on Erf 1449 and the existing Vermont Heights Estate. The existing entrance from Lynx Avenue into erf 1449 has unobstructed views in both directions and without any slope or blind rise. The contours from Lynx Avenue into erf 1449 is also not that steep and would make the perfect main entrance for the developments.

FILE NO:	ERF 1449
	Vermont
SCAN NO:	Robinson
COLLABORATOR NO:	156690

20 JUL 2021

16/81

3. All the properties along the entrance of Little Swift Close Road will build boundary walls and with the vertical and horizontal geometric design faults will make the Little Swift Close Road very dangerous and especially for property owners reversing out of their properties into Little Swift Close Road. With the additional traffic from the development of Erf 1449 the road will become very busy.
4. The existing road infrastructure of Little Swift Close Road was not built to handle heavy and a lot of traffic. The existing road is already starting to crumble and show signs of failure under minimum traffic load. The existing Little Swift Close Road will not be able to handle the increase in vehicular traffic from the proposed new development on erf 1449 as is. The existing asphalt riding surface is less than 20mm thick but should have been a minimum thickness of 30mm for residential development roads. If the Little Swift Close Road be used as the main entrance to erf 1449, then the structural integrity of the road should be proven that it can handle the additional traffic and the asphalt riding surface should also be redone to the minimum thickness of 30mm for residential development roads.
5. The amount of group housing aloud for in the development of Erf 1449 is unacceptable. This will bring down the value of other properties in the area. Vermont Heights Estate has 4 group housing plots, but the development on Erf 1449 will have 13 group housing plots.

We trust that our objection on the proposed development of Erf 1449 with the above reasons listed will be taken into consideration.

Yours faithfully

17/81

Erf 1449 Vermont

L Gillion

From:   
 Sent: Saturday, 17 July 2021 13:47   
 To:   
 Subject: Objection access new development from little swift.



TP. N. Theart  
(H. Olivier)

FILE NO:	Erf 1449
	Vermont
SCAN NO:	Kaendrick
COLLABORATOR NO:	156680

Proposed development on erf 144, lynx road Vermont (file nr 1449-HVM)

As owners of erf 2209 and erf 2229 little swift nr 15 and nr 18 in the little swift close development in Vermont heights we strongly object to the proposal of the neighboring development (erf 1449) using the road in little swift to gain access to their development instead of an entrance off lynx road.

The reasons for my objection are:

- the road infrastructure in little swift close was not designed or able to manage the additional traffic
- the heavy vehicles using the roads in little swift during the construction of the new development will destroy the road infrastructure
- the extra heavy traffic would endanger properties and lives
- speeding of heavy traffic would result in injury and lives
- additional traffic will lead to increased crime in little swift
- additional noise and pollution will have a negative impact on our peaceful estate
- all of the above objections will lead to a reduction in property values in little swift close!

We propose that the new development make use of their own entrance from lynx road. This would be a much safer option with little impact on little swift close...



TP 20 JUL 2021

18/81

July 13, July 2021

T.P. N. Theart  
(H. Olijia)



Proposed development on Erf 1449, Lynx Road Vermont (File nr 1449 HVM)

As owner of Erf 2224 in the Little Swift close development, Vermont Heights, I strongly object to the proposal of the neighboring development (erf 1449) using the road in Little Swift to gain access to their development instead of an entrance off Lynx Road.

The following are reasons and concerns regarding the use of Little Swift Road:

1. The road infrastructure in Little Swift close was not designed to manage the additional traffic that will be demanded by the proposed new development.
2. The current road cannot handle the heavy-duty trucks during the development phase. In addition to this, the steep uphill will create a safety issue should those trucks brakes fail. This could potentially endanger lives.
3. The additional traffic will lead to potential accidents due to the steep uphill (blind hill). No children or animals will be safe on this road.
4. The development phase will most likely lead to a rise in crime due to the increased volume of trucks, contractors and people making use of Little Swift close.
5. The additional traffic through Little Swift Close will lead to much higher noise pollution and therefore have a negative effect on the current peaceful estate.
6. During the development phase, damages will occur on the existing roads and infrastructure. The road leading into the new proposed development is also not sufficient as it turns off Little Swift Close. Therefore, heavy duty trucks will be driving over pavement areas to enter the road from Little Swift Close. This will lead to even more damage.
7. All of the above will have a negative impact on the value of the properties in Little Swift Close.

I strongly recommend the new development make use of their own entrance / road from Lynx Road which will have little effect on Little Swift Close. It will also be a much safer option due to their entrance road not being a blind rise or as steep uphill as Little Swift Close.

The entrance to their erf has always been from Lynx Road and caused no problems as far as I am aware, so why the need to negatively impact our complex and current infrastructure.

FILE NO:	St 1449
	Vermont
SCAN NO:	Van Rooyen
COLLABORATOR NO:	154669

TR D. (heard)  
(H. Olivia)



As owner(s) of Erf 2211 in the Little Swift close development, Vermont Heights, we object to the proposal of the neighboring development (erf 1449) using the road in Little Swift to gain access to their development instead of an entrance off Lynx Road. This road is right next to our property and will directly affect us negatively. The turning angle is not appropriate for any motor vehicles over 3500Kg. Thus, resulting in cutting corners and damaging the Green Belt.

Why Little Swift Road should not even be considered:

- Road integrity will be compromised as the road was not built for that kind of heavy traffic.
- Road layout is not appropriate for heavy vehicles. The road driving up is summed up perfectly as a **BLIND RISE**. When driving up there is no visibility until you are at the top of the hill. This is an obvious safety concern as we form part of a green belt, and we promote nature and individuals walking through little swift with their families and dogs' lives would be in danger.
- Half of the residents of Little swift mostly spend the entire day at home because they are retired, the other half work from home. The reason of buying there is the calm and tranquil ambiance being experienced. This WILL be disrupted with the development taking place.
- Unfortunately, the safety will also be compromised as there will be a lot of strangers and no way to differentiate between workers and criminals.
- The turning angle is not appropriate for any motor vehicles over 3500Kg. Thus, resulting in cutting corners and damaging the Green Belt and our property.
- There are approximately 22 units at little swift, with an average of 3 persons per house and two cars, that equals 66 persons and 44 cars. The road is not broad enough for two code 8 cars to pass through at the same time. In the case of an emergency this road is already dangerous due to the bottleneck effect, what would happen if there were added 93 individuals and 156 cars from the very densely populated proposal for erf 1149? Will there not be any emergency evacuation roads built for the case of an emergency. Thus, resulting in 159 individuals and 200 cars in a panic trying to use a narrow road with a steep hill.
- All the above will have a negative impact on the value of the properties in Little Swift Close.

I strongly recommend the new development make use of their own entrance / road from Lynx Road which will have little effect on Little Swift Close. It will also be a much safer option due to their entrance road not being a blind rise or as steep uphill as Little Swift Close.

The entrance to their erf has always been from Lynx Road and caused no problems as far as I am aware, so why the need to negatively impact our complex and current infrastructure.

FILE NO:	SF 1149
	Vernat
SCAN NO:	Neidhagen
COLLABORATOR NO:	
	1961354

20/8/



From: L Gillion  
Sent: 19 July 2021 08:10 AM  
To:  
Subject: INCOMING : Proposed development on Erf 1449, Lynx Road Vermont (File nr 1449 HVM)

TP- D. (heard  
(H. Olivia)

From:  
Sent: Saturday, July 17, 2021 6:33 PM  
To: L Gillion <loretta@overstrand.gov.za>  
Subject: Fwd: Proposed development on Erf 1449, Lynx Road Vermont (File nr 1449 HVM)

Begin forwarded message:

From:  
Subject: Proposed development on Erf 1449, Lynx Road Vermont (File nr 1449 HVM)  
Date: 29 June 2021 at 16:48:10 SAST  
To:

It is not safe to have trucks driving through our estate, the road is too narrow. The heavy trucks will damaged our roads.  
It is not safe for trucks to turn into our estate, neither the road into the proposed development.  
We bought here for the peace and quiet to retire and find it very selfish that our estate has to be used for somebody else's benefit.  
I am also sure this will cause that our property will drop in value.

Regards

FILE NO:	St. Julia
	Vermont
SCAN NO:	Mogan
COLLABORATOR NO:	1561344

21/81



TP. D. /heard  
(H. Oliver)

18 July 2021

**Proposed development on Erf 1449, Lynx Road Vermont (File nr. 1449 HVM)**

As owner of Erf 2208 in the Little Swift Close development, Vermont Heights I strongly object to the proposal of the neighbouring development (Erf 1449) using the road in Little Swift to gain access to their development instead of an entrance off Lynx road.

The reasons for my objection are set out below:

- 1.) The application only states: 'that for traffic safety reasons it was decided not to make use of the existing access to Erf 1449 Vermont directly from Lynx Avenue', but no explanation given to exactly what the reasons is.

Lynx road can be classified as a Local Distributor (Class 4) road. The minimum sighting distance for a Class 4 road is 80m. In either north and south direction of Lynx road this sighting distance is easily achievable.

Traffic safety cannot also be mitigated through the implementation of speed calming measures of which a speed hump is closely located to the existing access.

Other measures such as paved sidewalks and bicycle lanes can also be introduced by using the Bulk Development Levies payable. The existing road verge is wide enough to accommodate these. Given the number of pedestrians using Lynx road to either get to or from work or for recreational purposes, the introduction of a pedestrian sidewalk is long overdue.

I believe that the proposed access road from Little Swift close hold more traffic safety concerns than the existing access to Erf 1449 or a newly created access on the frontage of the Erf 1449 to Lynx road.

It should also be noted that the subject property has had two (2) access points/intersections to Lynx road for the quite some time.

- 2.) Non-desirability of Little Swift Close as access road to new development.

Due to the natural topography that the road has been constructed on, the gradient of the first portion of road is also outside the proposed minimum requirements for an

FILE NO:	GF 1449 Vermont
SCAN NO:	Kalbrodie
COLLABORATOR NO:	1561342

22/8)

access road and when on the crest of the road before descending the valley of the road, the sighting distance is non-existent making it very dangerous to pedestrians using the road.

Although the road is 5m wide, at some point (See photo attached) due to the small radius on horizontal curve in the road, it is impossible for two (2) vehicles to pass each other at this point.



The structural integrity of the road would also be severely compromised, especially at the turning junction and severe damage have already occur due to heavy vehicles turning into the existing Cul-de-sac for townhouses. This was due to construction of one (1) house, imagine the damage to the road surface at the intersection leading into the new development, when thirty (30) houses will be built.

Safety concern – Both developments is bordering the Hoek van den Berg nature reserve with alien and indigenous plants/trees growing out of control, making it a fire risk area. Having only one access point for incoming and outgoing vehicles for approximately 100 vehicles (2 per property) in an emergency as a veld/residential fire, this could be life threatening to numerous inhabitants of these developments. Most likely will these developments be fully occupied at the height of the fire season.

I firmly believe that if traffic safety reasons are the deciding factor for the location of an access road, an access from Lynx road to Erf 1449 development would be safer for the inhabitants of both developments.

TP - A Theart  
(Hollivier)



**From:** L Gillion  
**Sent:** 15 Julv 2021 04:19 PM  
**To:**  
**Subject:** Fw: RESPONSE ON MUNICIPAL NOTICE NO 91/2021 - Erf 1449 Vermont

**From:**  
**Sent:** Thursday, July 15, 2021 3:52 PM  
**To:** L Gillion <loretta@overstrand.gov.za>  
**Subject:** RESPONSE ON MUNICIPAL NOTICE NO 91/2021

**To:** The Municipal Manager  
Overstrand Municipality,  
P.O. Box 20, Hermanus, 7200

**From:**

FILE NO: EL 1449- HVM
SCAN NO: 15
COLLABORATOR NO: 1560367

Dear Sir,

We have noted the proposed development of Erf 1449, Lynx Road, Vermont as set out in your Municipal Notice No. 91/2021. has

We believe this development will impact the quality of life of our residents and we subsequently wish to voice our serious concern regarding the potential impact of the proposed development on the traffic flow into, congestion and road safety at the junction of Lynx Road, Little Swift Close and Milky Lane.

It appears from your proposal that the number of residential erven feeding traffic into Lynx Rd at that junction will increase by 54% from the current plus/minus 55 erven to 85 erven (feed from Milkwood Lynx: 29 erven and Vermont Heights: 26 erven).

We therefor strongly suggest that, to avoid the potential congestion and its negative side effect, the Erf 1449 development should have its own dedicated and optimally positioned connection into Lynx Road. This will also be in line with other connections into Lynx Road, e.g. Francolin Close (29 Erven).

Regards,

TP - A Theart  
(H Olivier)



**From:** L Gillion  
**Sent:** 15 July 2021 11:56 AM  
**To:** s  
**Subject:** INCOMING : Ronald Raemdonck, ID ET000424, ERF 1449 VERMONT

**From:** |  
**Sent:** Thursday, July 15, 2021 11:21 AM  
**To:** L Gillion <loretta@overstrand.gov.za>  
**Subject:** |

owners of Vermont Heights estate,  
cannot attend the Vermont Heights Urgent Special General meeting on  
Saturday 26 June 2021 and hereby appoint Johan Kriel (chairman) to be my proxy and vote on my behalf.  
We vote against the proposal that the development of 30 plots on erf 1449 will use Little Swift close as their  
access point and closing their two existing points in Lynx avenue.

Verstuurd vanaf mijn iPhone

FILE NO: EL 1449 - HJM
SCAN NO: 23
COLLABORATOR NO: 1560167



25/81

**Investments 1**

**(Pty) Ltd**

Registration number:

June 28, 2021

TP. N. Sibhat  
(H. Oliva)

Proposed development on Erf 1449, Lynx Road Vermont (File nr 1449 HVM)

As owner of erf 2217 in the Little Swift close development, Vermont Heights I strongly object to the proposal of the neighbouring development (erf 1449) using the road in Little Swift to gain access to their development instead of an entrance off Lynx road.

The reasons for my objection are several fold:

1. The road infrastructure in Little swift close was not designed or able to manage the additional traffic that would be carried should all the additional residents in the proposed development make use of the road infra-structure in Little Swift Close.
2. The heavy vehicles using the roads in Little Swift Close, during the construction phase of the development, will destroy the road infra-structure that was not designed for such heavy load traffic .In addition should these heavy vehicles lose their brakes on descending the steep portion of the road, it would endanger properties and lives.
3. The additional traffic in Little Swift Close will lead to a dangerous situation as the road to be used is over a blind rise and children or animals in Little Swift Close will be endangered as a result of vehicles coming over this blind rise, most likely at an inappropriate speed and not seeing pedestrians in the estate. This is likely to result in injury or even fatalities.
4. The use of Little Swift roads will in addition introduce additional traffic that will be difficult to monitor and likely lead to increased crime in the Little Swift Close development.
5. The added traffic through Little Swift Close estate will also bring with it additional noise pollution and have a negative impact on the peaceful estate as it currently is.
6. All of the above objections will lead to a reduction in property values in Little Swift Close.

I propose that the new development make use of their own entrance / road from Lynx road, which will have little impact on Little Swift Close and be a far safer option in that their entrance is not on a blind rise. The entrance to this erf has been from Lynx road for some time and caused no problems as far as I am aware, so why the need to impact on neighbouring developments?

FILE NO:	ST 1449
	Vermont
SCAN NO:	Start
COLLABORATOR NO:	1559893

26/8)

TP A. (heer)  
(H. Olivia)

From:  
Sent: Thursday, 01 July 2021 10:54  
To:  
Subject: FW: VOORGENOME ONTWIKKELING ERF 1449 LYNX ROAD VERMONT (FILE NR 1449 HVM)

FILE NO:	GF 1449
	Vermont
SCAN NO:	Regist.-1
COLLABORATOR NO:	1589790

From:  
Sent: Wednesday, 30 June 2021 15:02  
To:  
Subject: VOORGENOME ONTWIKKELING ERF 1449 LYNX ROAD VERMONT (FILE NR 1449 HVM)

Geagte meneer/mevrouw

Ek is die eienaar van erf 2226 te Little Swift singel 30

Ek maak hiermee ernstig beswaar teen die bg. Voorgenome ontwikkeling!

Ek het spesifiek hier gekoop agv die stilte in die buurt – indien die ontwikkeling sou voortgaan – gaan dit n helse geraas veroorsaak met al die vragmotors wat by hierdie ingang gaan in en uit beweeg – die pad gaan ook

uitgetrap word en aangesien daar 30 plus eenhede gebou word – gaan dit die verkeersdruk in Little Swift daagliks ontsettend laat toeneem! – daar is ook baie mense wat met hulle honde hier stap wat n verdere gevaar

meebring! Die ingang vanaf Lynx weg na Little Swift singel is ook baie versteek omdat dit teen n steilte geleë is en dit gaan absoluut verkeersbotsings veroorsaak – daarby is dit ook n verdere risiko omdat Little Swift singel

baie nou is en dit alreeds sukkel om 2 voertuie bymekaar verby te kom – wat nog te se as dit n vragmotor is – dit is ook teen n blinde hoogte wat n verdere gevaar skep.

Ons bly langs n natuurreservaat en die bykomende verkeer gaan die hele ekosisteem omverwerp!

Daar is reeds 2 ingange by Lynxweg waarvan die moontlike inwoners of kontrakteurs van die ontwikkeling kan gebruik maak indien die ontwikkeling sou voortgaan – so dit gaan absoluut my verstand te bowe dat ons

in Little Swift singel wat

absoluut niks met die ontwikkeling te doen het – nou verontref moet word!

Die grenslyne v/d huise in Little Swift singel is 2 meter maw 4 meter spasie tussen 2 huise terwyl die grenslyne v/d huise in bg. Ontwikkeling slegs 1 meter is maw 2 meter spasie wat meebring dat die huise opmekaar en

beknop gaan wees en dus die waarde van ons eiendomme in Little Swift negatief gaan beïnvloed!

Ek vertrou dat u my beswaar gunstig sal oorweeg

27 | 81

Dankie

Vriendelike groete



28/81

29<sup>th</sup> June 2021

TP. n. / head  
(I. J. Olivia)



Office of The Director: Infrastructure & Planning  
Town Planning  
Overstrand Municipality  
PO Box 20  
HERMANUS 7200

FILE NO:	1449
	Vermont
SCAN NO:	10715
COLLABORATOR NO:	1857188

Dear Sirs

**ERF 1449, LYNX ROAD, VERMONT: APPLICATION FOR REZONING, SUBDIVISION, DEPARTURES ETC**

I am the owner of ERF 2230, Vermont with street address 21 Little Swift Close, Vermont 7201.

Through the Vermont Heights Estate Homeowner's Association, I have recently become aware of the above application, which includes an application to access ERF 1449 from Little Swift Close, as opposed to utilizing the existing approved two access points from Lynx Road.

I strongly object to the notion of granting access rights to ERF 1449 via Little Swift Close for the following reasons:

1. Access to ERF 1449 via two access roads from Lynx Road is already approved in terms of the municipal town planning regulations.
2. Lynx Road is sufficiently wide to gain safe access to and egress from ERF 1449.
3. It is disingenuous to suggest that access to ERF 1449 from Little Swift Close will be safer than accessing the property via the two already approved entrances in Lynx Road.
4. Little Swift Close is located in a tranquil and secluded area of Vermont, and additional vehicular traffic will seriously affect these lifestyle aspects and will subsequently also have a negative impact on property values.
5. Little Swift Close was designed to carry a certain volume of vehicular traffic to service the existing circa 26 properties situated thereon and was not intended to carry additional traffic from a further 31 residential units.
6. Upon entering Little Swift Close the road traverses a fairly significant incline and subsequent decline. Additional traffic and noise volumes, including from construction equipment and related vehicles, will create a major safety issue for property owners, road users and pedestrians, and will detract from the current tranquility of the area.
7. The intersection where Little Swift Close meets Lynx Road is not designed for the proposed additional traffic volumes.

I trust that the objections lodged against these proposed relaxations / variations will be given the due consideration they deserve, and that the granting of access to ERF 1449 from Little Swift Close will not be approved.

Yours faithfully

TP n. (hoort  
(H. Oliva)

29/81



**Voorgestelde ontwikkeling op Erf 1449, Lynxstraat, Vermont.**

**(Leër No. 1449 HVM)**

Van my redes is

**Verkeer:**

1. Die sigafstand vanaf Siffiesingel tot die indraal na Little Swiftstraat is nie ver genoeg vir swaar voertuie en verkeer nie.
2. Little Swiftstraat is nie gebou vir swaar voertuie en swaar verkeer nie.
3. Daar is 'n blinde hoogte in Little Swiftstraat.
4. Die oppervlakte van die eerste deel van Little Swiftstraat is geplavei en sal met swaar verkeer soos vragmotors, trekkers en grondverkuuiwingsvoertuie, heeltemal vernietig word.
5. Die 90° draai aan die einde van Little Swiftstraat na die nuwe uitbreiding is te skerp vir groot voertuie.

**Veiligheids Aspekte:**

1. Verhoogde verkeersvloei wat gepaardgaande risikos vir voetgangers, kinders en troeteldiere wat stap inhou.
2. **Brandgevaar:** Indien die ontwikkeling op erf 1449 voortgaan met slegs 'n uitgang vanaf Little Swiftstraat sal vinnige ontruiming met 'n brand vanaf Hoek van die Berg chaoties wees met inwoners wat in die rigting van die brand ontruim moet word. Die inwoners van die nuwe erwe in die nuwe kompleks wat aan Lynxstraat grens moet dan baie ver verwyder word om uiteindelik net langsaan in Lynxstraat te kom. Die nuwe uitbreiding kan die bestaande ingang na Lynxstraat, tussen Erf 15 en Erf 16, gebruik wat ontruiming sal bespoedig.
3. Indien die ontwikkeling oor 'n tydperk van 3 tot 5 jaar neem sal daar 'n deurloop van boupersoneel, voetgangers en ander persone wees.

FILE NO:	51 1449
	Vernont
SCAN NO:	14061
COLLABORATOR NO:	1859787

**Waardasie:**

1. As 'n erfeienaar wat Erf 2215 oorspronklik gekoop het met die hoop dat ons in 'n stil, rustige buurt kon woon maak ek ten sterkste beswaar teen die voorgestelde, en enigste deurgang langs my erf, na Erf 1449. Dit sal die waarde van my belegging baie negatief beïnvloed.
2. Ek glo van harte dat u die gebruik van Little Swiftstraat as deurgang na Erf 1449 sal heroorweeg en 'n aparte ingang na die nuwe ontwikkeling sal oorweeg. Die nuwe ontwikkeling is baie groter as Vermont Heights en behoort, soos al die ander ontwikkelings in Lynxstraat, sy eie toegangspad te hê. Die bestaande ingang van Lynxstraat kan gebruik word.
3. Die geraas van voertuie, veral groot voertuie, teen die bult op sal baie steurend wees.

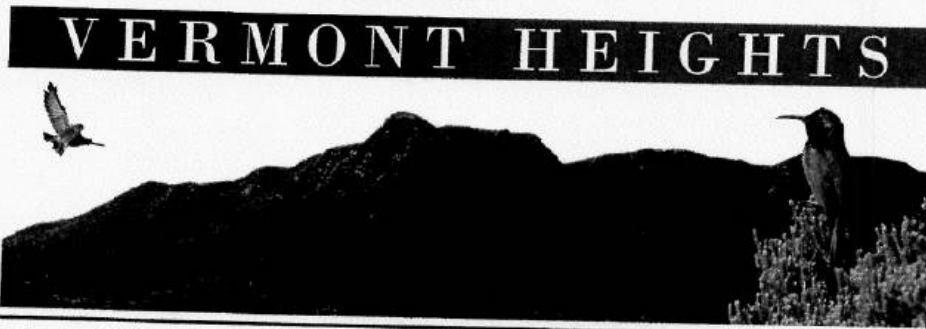
Ek hoop my versoek dra u goedkeuring weg.

31/81



TP-A Theart  
(Hollivier)

FILE NO: EL 1449 - HVM
SCAN NO:
COLLABORATOR NO: 1562833



**- ESTATE -**

(Subdivision of Erf 1450, Vermont)

**HOA OBJECTION DOCUMENT AGAINST ASPECTS OF PROPOSED DEVELOPMENT ON ERF 1449 AS ADVERTISED**

(NOTICE RECEIVED PER EMAIL ON 18 JUNE 2021 – FILE REFERENCE 1449 HVM)  
(Municipal Notice No. 91/2021)



HOA OBJECTION DOCUMENT AGAINST ASPECTS OF PROPOSED DEVELOPMENT ON ERF 1449  
21 July 2021

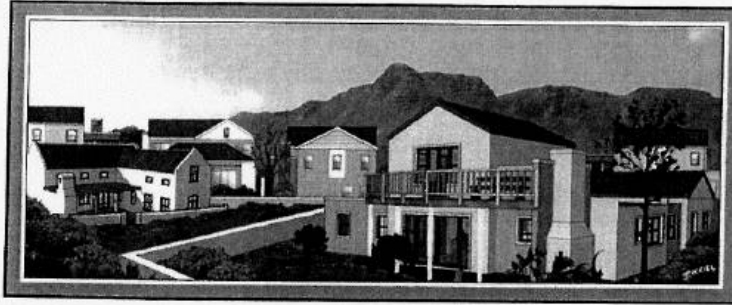
22 JUL 2021

30/8/

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3	PROPERTY DEVALUATION
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5	ROAD INFRASTRUCTURE IN LITTLE SWIFT CLOSE
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### 1.0 EXECUTIVE SUMMARY

The purpose of this document is to on behalf of the Vermont Heights Home Owners Association, hereafter also referred to as the VH HOA; provide a consolidated response and comments to the notification by the Overstrand Municipality (File reference 1449 HVM/ municipal notice No. 91/2021) of the proposed rezoning and development of erf 1449.

The VH HOA circulated the notification and details of the proposed rezoning and development of erf 1449 to all residents and property owners of the VH Estate via e-mail as requested as well as to the owner of Erf 1450, which also forms part of Little Swift Close, Vermont.

The residents and property owners unanimously (100%) agreed that the proposed rezoning and development of erf 1449 is unacceptable in its current form and that it will have serious negative impacts on the VH estate, its residents and all property owners in Little swift close. (See attached minutes of the HOA meeting)

The objections to the proposed rezoning and development of erf 1449 and the use of Little Swift close as the only entrance/exit road, can be summarized as follows:

- **Emergency evacuation** in case of fire at the "Hoek van die Berg" nature reserve will result in **unacceptable safety risks** due to traffic bottlenecks and delays not only inside erf 1449 but also at the junction with Little Swift close and cause a major bottleneck and delays at the junction of Little Swift close and Lynx road.
- **Little Swift Close Road is a dangerous road**, because of the vertical and horizontal design of the road. The Little Swift Close Roads vertical curve sight line is not sufficient from both sides and has a "blind rise" that can be dangerous to oncoming traffic and pedestrians, especially small children. The horizontal curve is also dangerous specifically with the boundary wall of erf 1450 blocking the sight line of oncoming traffic. Additional traffic from 30 plots including construction vehicles will increase the danger to unacceptable levels.
- **The compromising of safety** of residents and properties due to uncontrolled additional movement of contractors, workers and additional vehicles through Vermont Heights estate through Little Swift close as the only entrance/exit to erf 1449.
- The existing **road infrastructure of Little Swift Close Road** was not built to handle heavy and a lot of traffic. The existing road is already starting to crumble and show signs of failure under minimum traffic load.



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- The **EIA conducted has serious shortcomings** and should be reworked because all affected parties and estates were not consulted and a traffic study was not performed.
- The **percentage group housing** of the proposed new estate is 43% (13 out of 30 plots for ERF 1449) while the percentage for Vermont heights is 18% (4 out of 22 plots). This is unacceptable for this area and even more than the maximum of 30% set as standard.
- The proposed entrance/exit road of erf 1449 via Little Swift close will have an **unjustifiable and uncalled for** huge negative effect on the **property values of the VH estate**, the further development of the estate and the attractiveness for potential buyers.
- The proposed use of Vermont Heights estate as a **convenient drive-through** for the new estate to be developed on erf 1449 is totally **unreasonable, unfair and inconvenient** to the Vermont Heights residents. The proposed phased development will extend the inconvenience for an estimated 25 years.
- Erf 1449 has one of the last remaining large patches of milk wood trees and forest in the area that adds to its natural beauty. The concern of the proposed development is that many of these beautiful **protected species of trees will be cut down** - not even taking into consideration the many creatures living in this habitat.

The Vermont Heights HOA would like to make the following proposals to address the objections raised above and make the proposed **rezoning and development of erf 1449 acceptable and viable**:

- Create a **separate entrance/exit road** to and from erf 1449 to Lynx road by extending Buzzard road to Lynx road. Closure of the Flycatcher road entrance/exit to and from Little Swift close.
- Alternatively use the **existing entrance** from Lynx Avenue into erf 1449 as the main entrance for the new development of erf 1449 **as well as for Vermont Heights Estate**. Close the vehicle entrance from Lynx to Little Swift close with a gate and add a pedestrian entrance.
- For both alternatives, **significantly reduce the amount of 'group housing/ town houses'** to conform to that of Vermont Heights. The creation of a **main traffic circle** at the junction of Flycatcher and Buzzard Close and a **secondary circle** at the cull de sac on the south-western side of Buzzard Close.



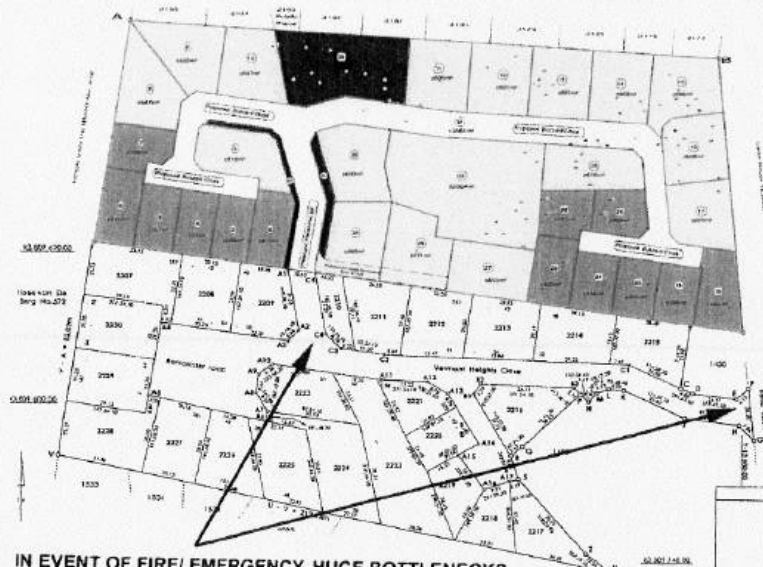
## 2.1 SAFETY CONCERNS

### 2.1.1 Extreme fire/ emergency risk

Both developments are bordering the 'Hoek van die Berg' nature reserve with alien and indigenous plants/trees growing out of control, making it a fire risk area. Having only one access point for approximately 100 vehicles (2 per property) in an emergency such as a veld/residential fire, could be life threatening to numerous inhabitants of these developments.

The proposed road infrastructure for erf 1449 has serious safety concerns that deserves urgent attention and redesign, namely:

- **Emergency evacuation** - for instance in case of a fire from the adjacent "Hoek van die berg" nature reserve- will result in unacceptable traffic bottlenecks and delays not only inside erf 1449 but also at the junction with Little Swift close and cause a major bottleneck and delay at the junction of Little Swift close and Lynx road. These bottlenecks are a result of a lack of direct access from erf 1449 to Lynx road.
- The very steep gradient of Little Swift Close will cause delayed and problematic access for a fully loaded Fire engines.
- Restricted and delayed entrance/exit for emergency services (fire brigade, medical services, doctors and ambulances) as well as safety and security services. ( police and security providers)
- No provisions are made for traffic circles inside erf 1449 for the turnaround of emergency and construction vehicles (fire engines , ambulances, and heavy trucks)



**IN EVENT OF FIRE/ EMERGENCY, HUGE BOTTLENECKS WILL BE CAUSED IN THESE AREAS, PUTTING RESIDENTS' LIVES AT RISK**



HOA OBJECTION DOCUMENT AGAINST ASPECTS OF  
PROPOSED DEVELOPMENT ON ERF 1449  
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### 2.1.2 Traffic Safety Concerns

- There are a number of traffic safety concerns with the Little Swift Close Road.



- The Little Swift Close Road is a dangerous road, because of the vertical and horizontal design of the road. The Little Swift Close Road's vertical curve sight line is not sufficient from both sides and has a "blind rise" that can be dangerous to oncoming traffic and to pedestrians especially small children.
- The Little Swift Close Road's horizontal curve is also dangerous especially with the boundary wall of erf 1450 blocking the sight line of oncoming traffic. The gradient of Little Swift Close Road is also extremely steep with a height difference of almost 12 meters from Lynx Avenue to the top of Little Swift Close Road. This can be dangerous for big trucks and even normal vehicles when the vertical and horizontal design of the road is considered.
- The road is manageable for now when the traffic of the 22 properties of the Vermont Heights Estate is considered, but if you include the additional traffic from the planned 30 plots and associated construction vehicles then it can become even more dangerous. The road design of the road is not correct and should never have been constructed as is.



- With the development of erf 1449 it would be the perfect opportunity to rectify the mistakes of the past.



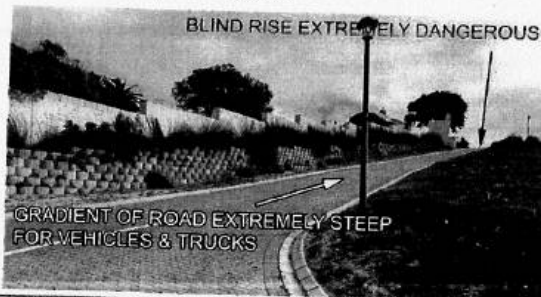
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- **Non-desirability of Little Swift Close as access road to new development.**

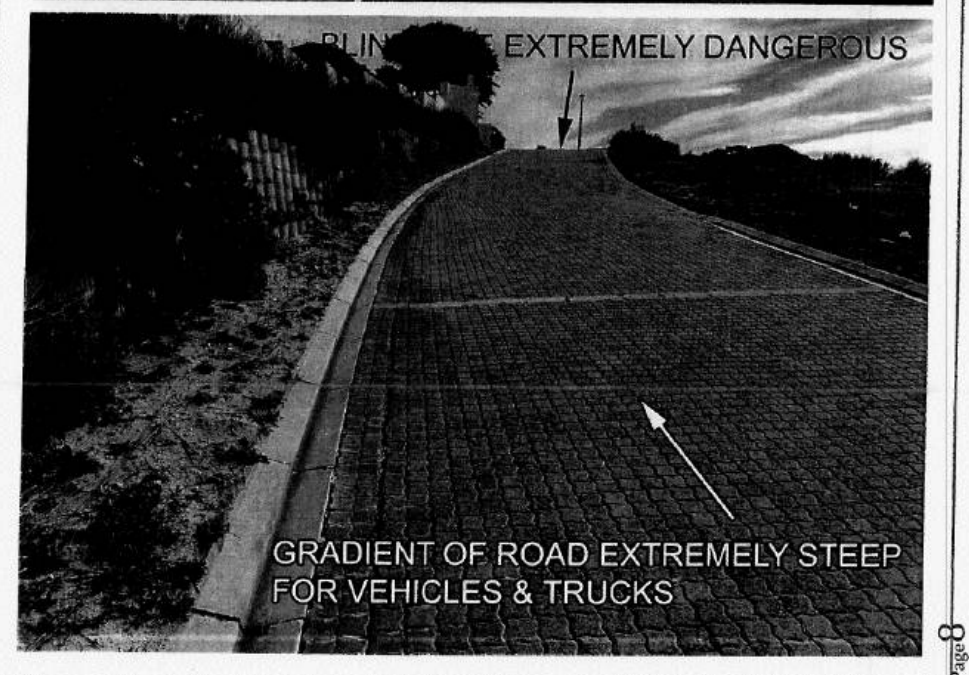
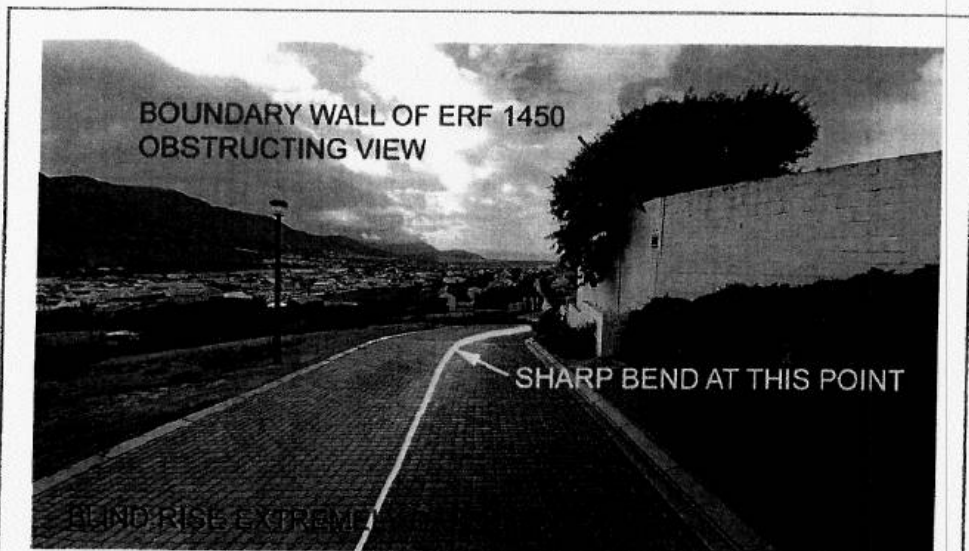
Due to the natural topography that the road has been constructed on, the gradient of the first portion of road is also outside the proposed minimum requirements for an access road and when on the crest of the road before descending the valley of the road, the sighting distance is non-existent making it very dangerous to pedestrians using the road. Although the road is 5m wide, at some point (See photo below) due to the small radius on horizontal curve in the road, it is impossible for two (2) vehicles to pass each other at this point.



- The existing entrance from Lynx Avenue into erf 1449 will be the perfect solution for use as the main entrance for the new development of erf 1449 and the existing Vermont Heights Estate. The existing entrance from Lynx Avenue into erf 1449 has unobstructed views in both directions and without any slope or blind rise. Lynx road can be classified as a Local Distributor (Class 4) road. The minimum sighting distance for a Class 4 road is 80m. In both north and south direction of Lynx road this sighting distance is easily achievable. Traffic safety can also be mitigated through the implementation of speed calming measures of which a speed hump is closely located to the existing access.
- The existing entrance from Lynx Avenue into Little Swift Close Road can be closed off with a kerb line or with a gate so that the entrance can still be in use in case of an emergency like a fire.
- It would be a costly exercise to fix the vertical and horizontal alignment of Little Swift Close Road without affecting existing properties, sidewalks and residents living in the Vermont Heights Estate. Considering this option, the existing traffic into Vermont Heights Estate requires a temporary alternative road. The correction of Little Swift Close Road's vertical and horizontal alignment will just not be possible because existing properties erf boundaries, sizes and contours cannot be altered. Some of the existing properties entrances will also become very steep and dangerous.



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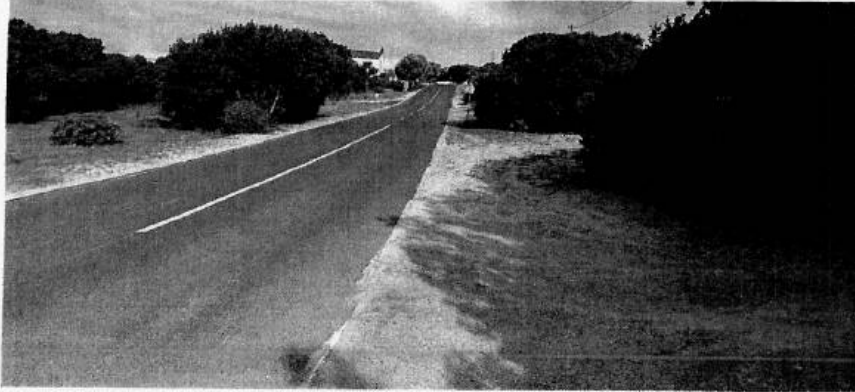
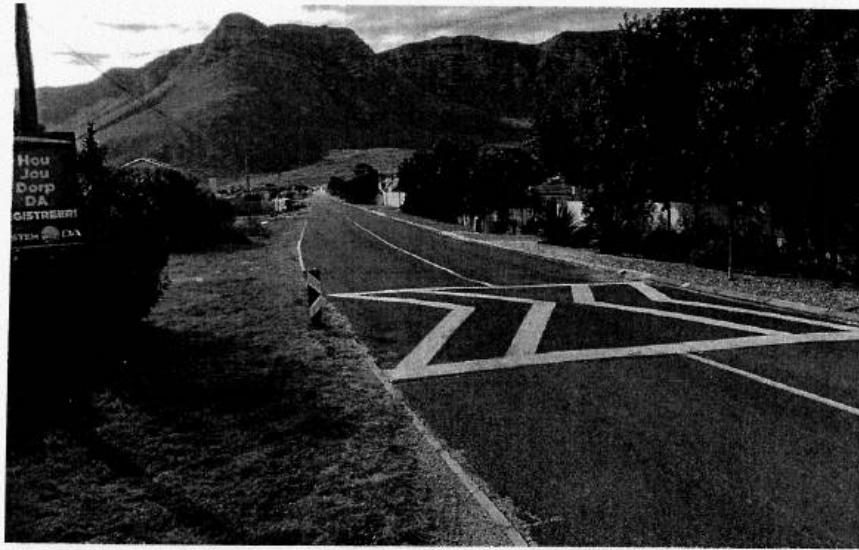


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**Unobstructed views** in both directions at current Lynx avenue entrance to erf 1449. **Gradient of road** that enters the property is also **not steep** at all compared to that of Little Swift Close. This makes it a lot **safer entrance** at this part of Lynx avenue.

It would be much better **spreading traffic** going into Lynx avenue (spreading risk) rather than having it all bottleneck in the most dangerous area of all, down the steep hill of Little Swift Close.

In addition, the **Milkwood Lynx estate entrance/exit** is just opposite Little Swift close, resulting in traffic of three estates coming together at one junction causing serious congestion.

There is **already a speed hump** in close proximity of the current entrance to erf 1449, making this a much more viable and safer option.



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### 2.1.3 Concern for safety of children, pedestrians, pet walkers, people who exercise

- Owners bought property in Vermont Heights because of its' exclusivity and limited number of plots with a cul-de-sac and limited access of vehicles. Doubling the amount of traffic as well as traffic from contractors and heavy vehicles is therefore of serious concern to property owners.
- Owners are furthermore concerned about security and safety as there will be a constant flow of non-residents in and out of our estate not even coming to our estate but driving via our estate to another estate.
- There is also a major concern for the safety of children with trucks often speeding over the paved hill in Little Swift close.
- People in Vermont love to walk their dogs and exercise in Little Swift close, as it is currently a tranquil and beautiful area. Should the traffic of the 30 plots, including delivery vehicles, contractors, machinery, and garden services to name a few, get added to the traffic volume, the once tranquil atmosphere and serene environment will be ruined.

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## 2.2 SECURITY CONCERN

- There will be a lot of uncontrolled additional movement of contractors, workers and additional vehicles through Vermont Heights estate if Little Swift close is to become the only entrance/exit to erf 1449.
- There is major concern about security and safety of residents and properties as there will be a constant flow of non-residents in and out of the estate.
- Property owners and residents in Little Swift close are very concerned that plot owners/ contractors etc. of the neighbouring proposed estate will have absolutely no regard for residents of Vermont Heights and may very well be speeding past residents' homes causing a major inconvenience and disturbance.



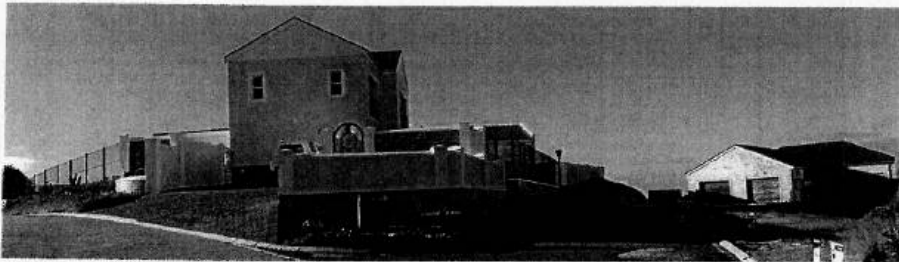
### 3.0 VERMONT HEIGHTS PROPERTY DEVALUATION

- The proposed entrance/exit road of erf 1449 via Little Swift close will have an unjustifiable and uncalled for huge negative effect on the property values of the VH estate, the safety and the further development of the estate and the attractiveness for potential buyers.
- The proposal will effectively downgrade the VH Estate to an entrance/exit and construction detour for the development, construction and operation of the adjacent estate. This will seriously jeopardize the *raison d'être* or main reason for the establishment of the Vermont Heights (VH) estate as an exclusive safe and tranquil residential area with a limited number of residents and single entrance/exit.
- The phased (5 Phases) development of erf 1449 and associated traffic of construction vehicles for 20-25 years will be another devaluating factor of property values.
- The very large number of 'group housing' / townhouses compared to that of Vermont Heights is also extremely worrying to the VH HOA and we are very concerned that this may further devalue properties in Vermont Heights estate. The proposed development has nearly 2.5 times the amount of group housing compared to that of Vermont Heights. To make matters worse, they are all located right on the border between Vermont Heights and erf 1449.



#### 4.0 DELAYS TO FURTHER DEVELOPMENT OF VERMONT HEIGHTS

- There is currently barely any building activity taking place in close proximity of Lynx avenue.
- There are about 4 to 5 new developments in close proximity to Lynx avenue that sprang up within the past 2-3 years. In all of these new developments there is absolutely no movement or any houses being built except for one estate where only one house was built in the past year (presumably the show house).
- If all these new estates are already standing empty with no movement in development whatsoever, is approval of more developments in Lynx avenue required at this stage?
- Vermont Heights estate is the only estate in Lynx avenue where any real development is taking place currently with three new houses in the building process.
- If the development of erf 1449 continues as proposed, it will have a devastating ripple effect on Vermont Heights estate, slow down further development and may even bring it to a complete standstill. This is of great concern to the Vermont Heights HOA.

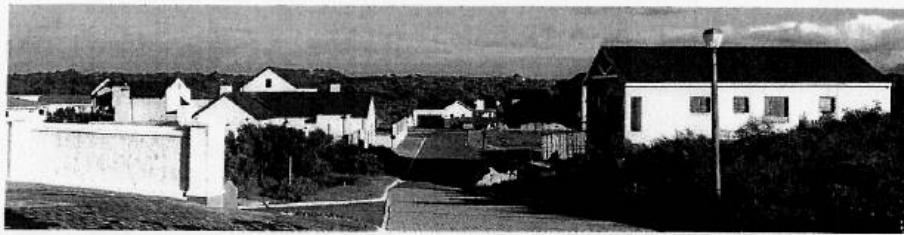


Current Development taking place in Vermont Heights Estate



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Current Development taking place in Vermont Heights Estate

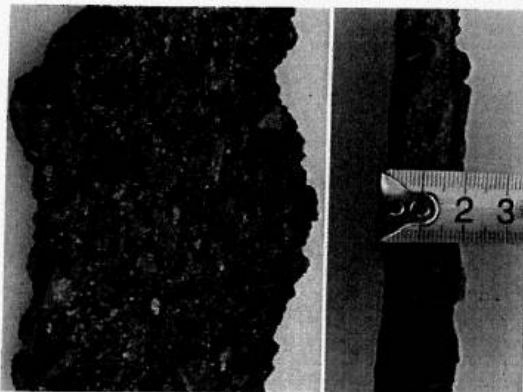
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### 5.0 FAILING INFRASTRUCTURE OF ROADS IN LITTLE SWIFT CLOSE

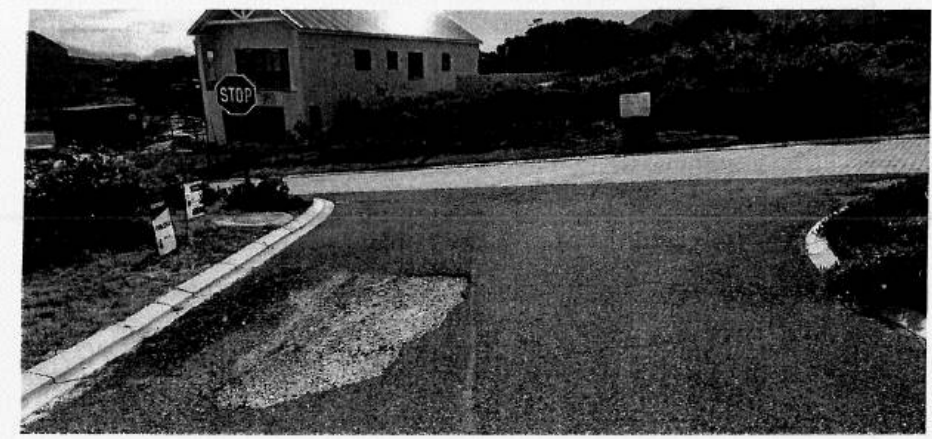
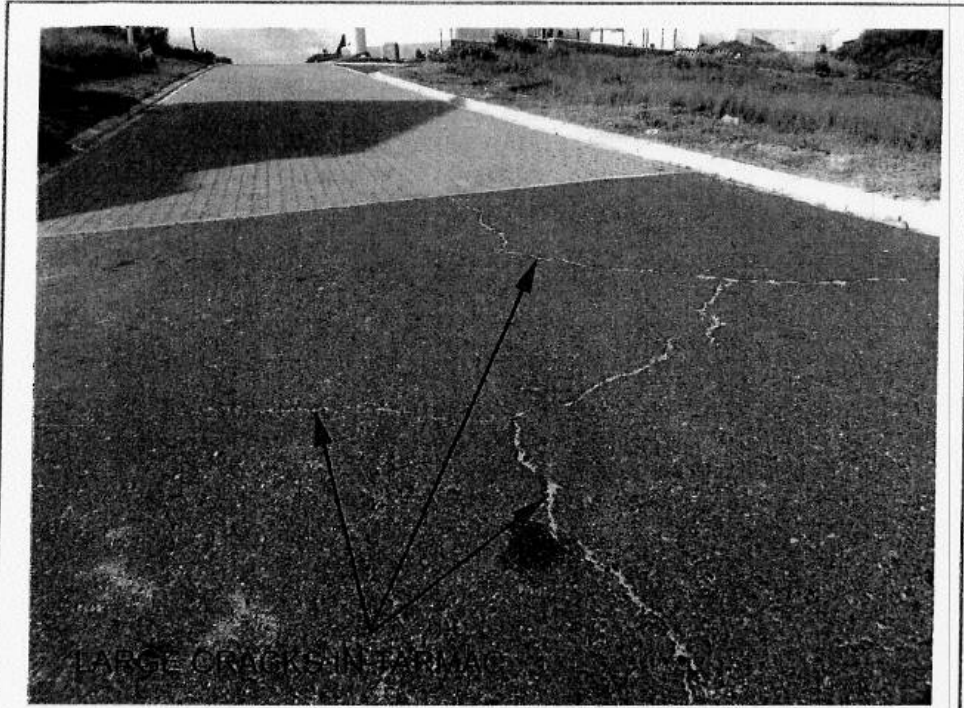
- The existing road infrastructure of Little Swift Close Road was not built to handle heavy and a lot of traffic.
- The existing road is already starting to crumble and show signs of failure under minimum traffic load. The existing Little Swift Close Road will not be able to handle the increase in vehicular traffic from the proposed new development of erf 1449 as is.
- The existing asphalt riding surface is less than 20mm thick but should have been a minimum thickness of 30mm for residential development roads. If the Little Swift Close Road is used as the main entrance to erf 1449, the structural integrity of the road should be proven that it can handle the additional traffic and the asphalt-riding surface should be redone to the minimum thickness of 30mm for residential development roads.



- At the entrance to Little Swift close big potholes are also forming and enlarging due to trucks and vehicles constantly turning and trucks braking down the very steep hill. Please see photos below.



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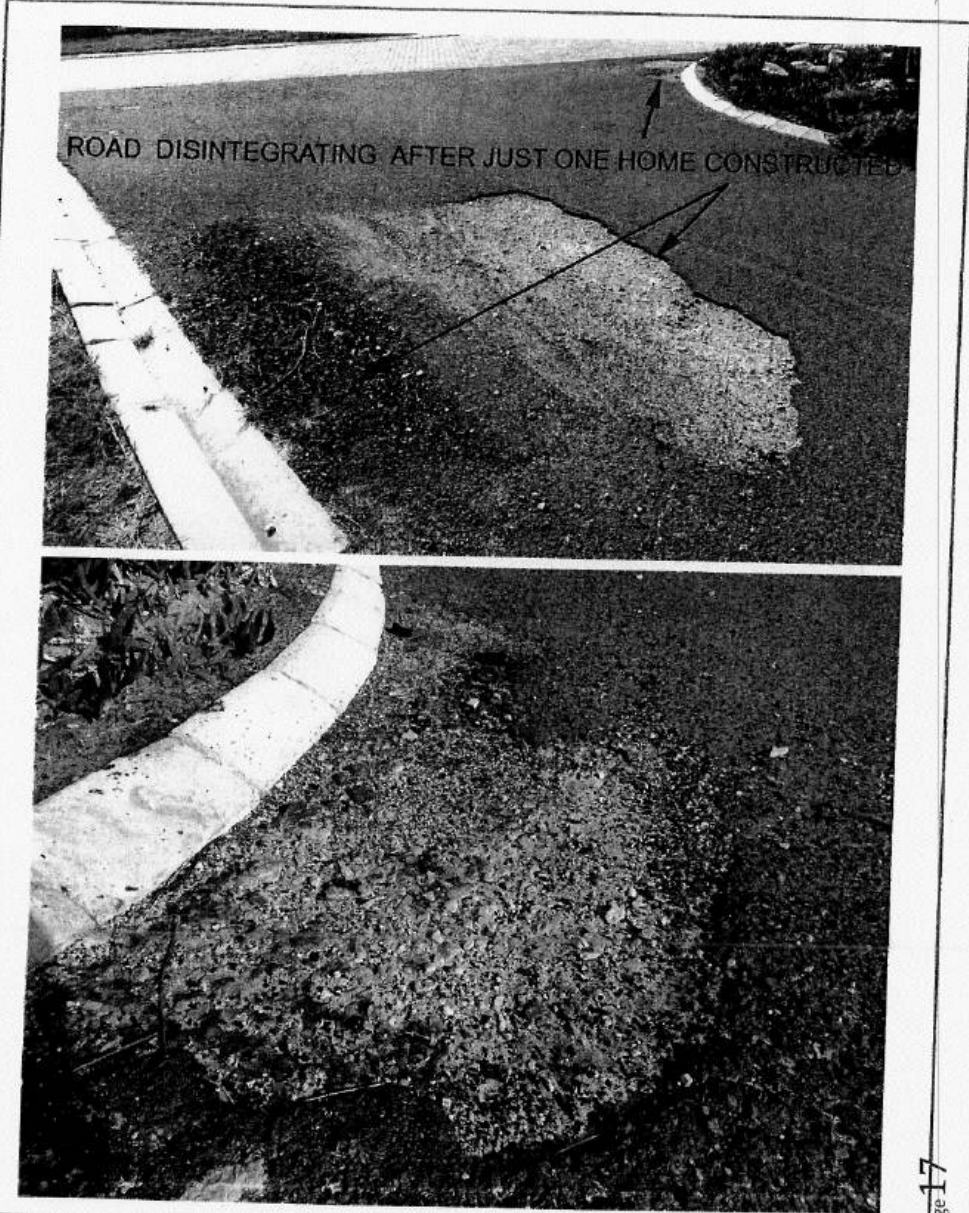
**Tarmac disintegrating after only one house built in this specific area of the estate. This is clear evidence that the road construction is not suitable for heavy traffic and trucks.**

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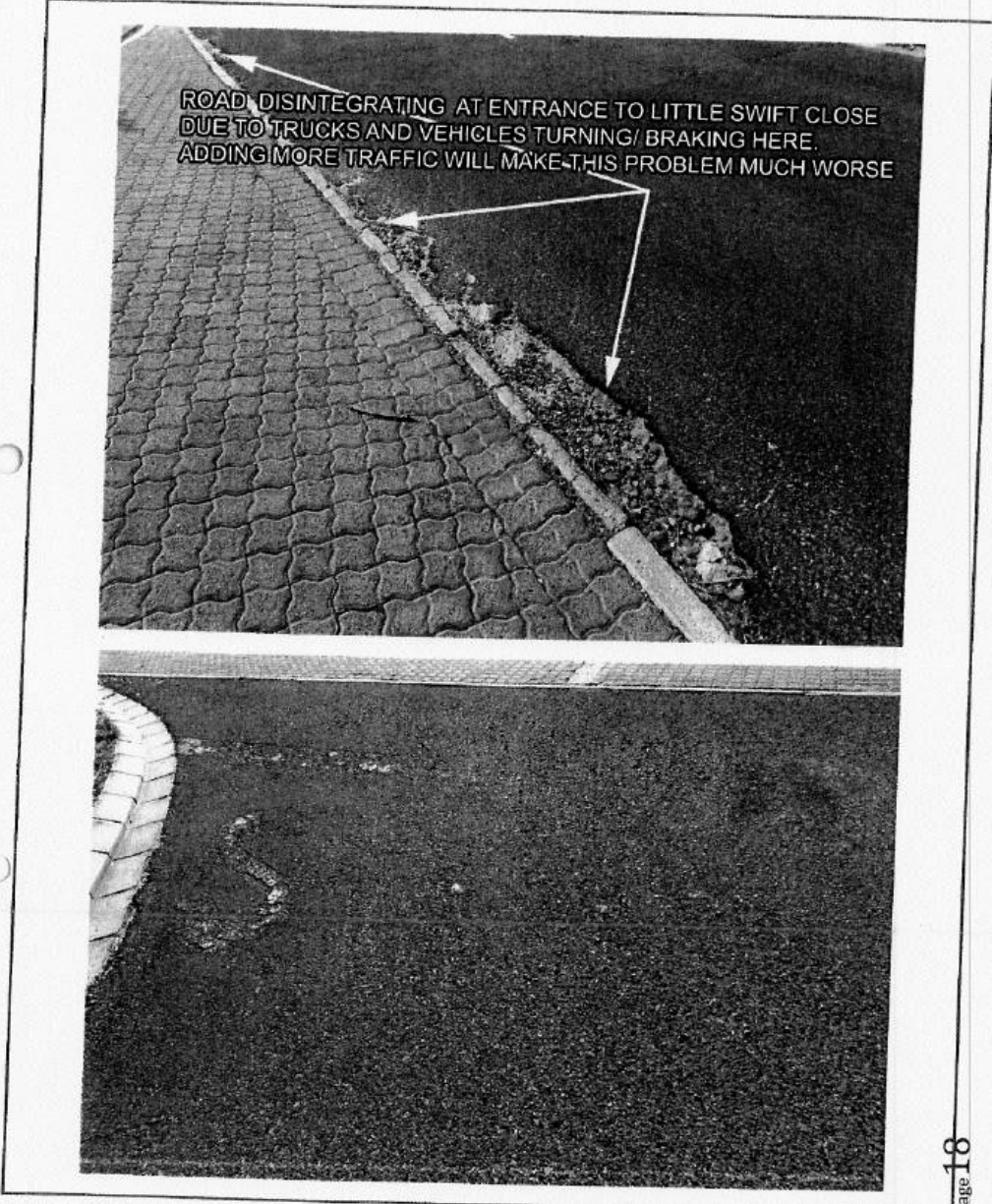


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### 6.0 EXPONENTIALLY EXTENDING CONSTRUCTION TIME

- Vermont Heights estate is now 4 years into the development phase of 22 plots, with seven houses nearing completion. That means construction is nearly a third of the way down the line and a rough estimation is that the development of Vermont Heights should near completion within roughly 5-7 years.
- Adding construction of another 30 plots to the above will mean that Residents of Vermont Heights and Little Swift close will be living in a construction site with trucks, teams of workers and contractors walking and driving up and down through the estate for an unforeseen long period.
- What aggravates this already unfair and troublesome situation is that the owner/ developer of erf 1449 want to do the development in 5 phases. This fact by itself may very well result in adding anything between 15 – 25 years additional construction time.
- Problems like dust, additional movement of contractors and noise from construction over a prolonged period will be a constant nuisance and a nightmare for residents of the Vermont Heights estate.

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**7.0 MAJOR INCONVENIENCE FOR RESIDENTS IN LITTLE SWIFT CLOSE**

- Seeing that the use of Little Swift close as only entrance/exit of the proposed erf 1449 development for 'traffic safety reasons' proved to be invalid, the only other reasons for this proposal is for the convenience of the current residents and cost saving to the developers.
- To expect that the Vermont Heights estate to be used as a convenient drive-through for the proposed new estate to be developed on erf 1449, is totally unreasonable, unfair and inconvenient to the Vermont Heights residents.
- The proposal to do the development of erf 1449 in five phases will in effect mean that the inconvenience of being used as a drive-through will be for an extended period of up to 25 years – adding proverbial insult to injury!

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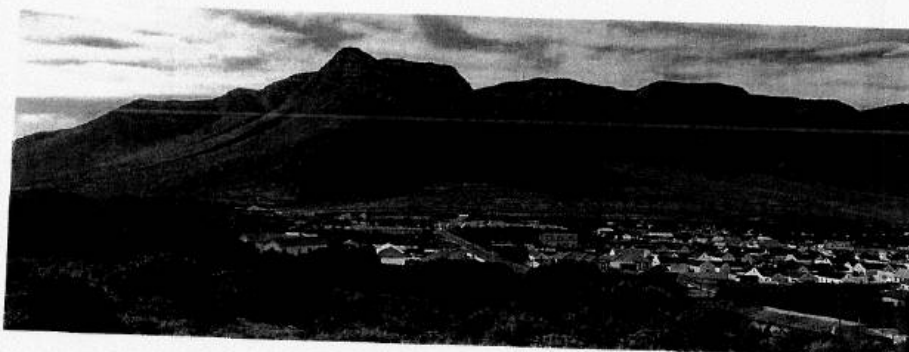
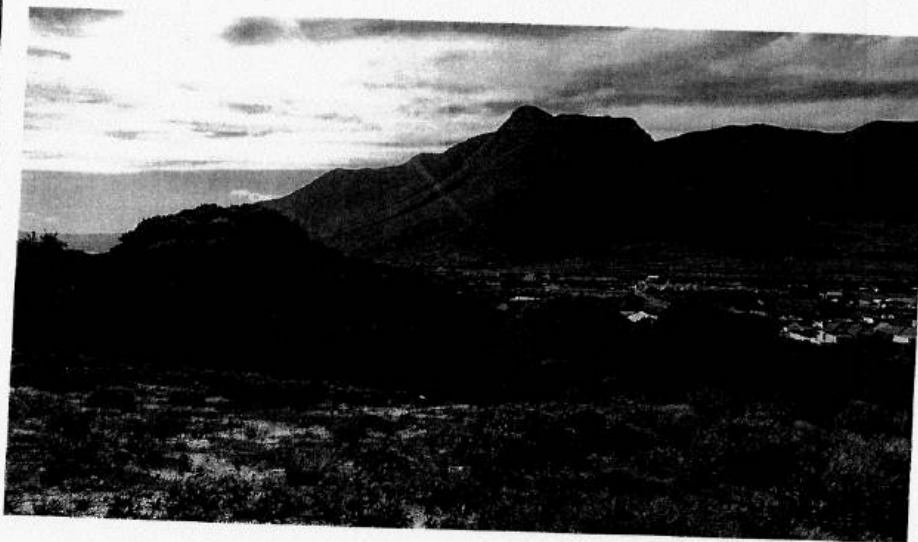


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### 8.0 DESTRUCTION OF FOREST AND HABITAT

Erf 1449 has one of the last remaining large patches of milk wood trees/ forest in the area that adds to its natural beauty. This natural beauty of the area was an important consideration for investing by property owners in Little Swift Close. The amount of townhouses (group housing, with only one meter building line between boundaries of homes on the proposed development plan is of concern that many of these beautiful protected species of trees will be cut down - not even taking into consideration the many creatures living in this habitat.



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### 9.0 GROUP HOUSING COMPARRISON WITH VERMONT HEIGHTS

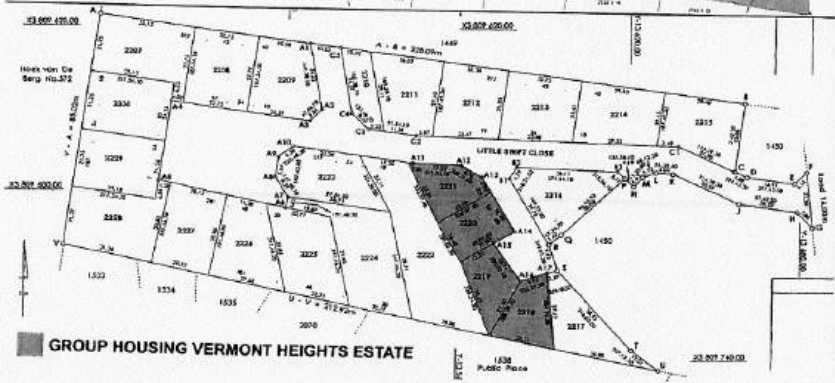
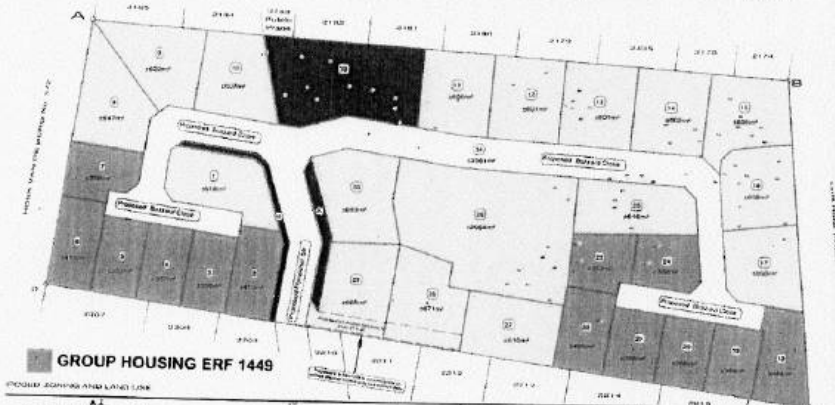
The amount of group housing does not fit in with this specific area of Vermont and will therefore devalue properties in the Vermont Heights estate.

The percentage group housing of the proposed new estate is **43.3% (13 out of 30 plots for ERF 1449)** while the percentage for Vermont heights is **18,18% (4 out of 22 plots)**

**Therefore it has 2.38 times (almost 2.5 times) more group housing than Vermont Heights.**

This is unacceptable for this area and even more than the maximum of 30% set as standard.

In addition, most of the group housing plots (approximately 400m<sup>2</sup> and under – referred to as General residential Zone1 - Townhouse) of the proposed development are situated right adjacent to Vermont Heights estate (on the boundary). This will have an additional negative effect on the values of properties in Vermont Heights.



The Vermont Heights HOA objects to the relaxation of street and common building lines as being unfair and application of double standards to the advantage of only the developers of erf 1449. The relaxation requests was presumably made to fit more plots into erf 1449 and or to increase sub-optimal plot sizes

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### 10.0 STATUS OF VERMONT HEIGHTS AS AN ESTATE

- The proposed rezoning and development of erf 1449, is seriously jeopardizing the status of Vermont Heights estate as an exclusive safe and tranquil residential area with a limited number of residents and single entrance/exit.
- The proposal will effectively downgrade the VH Estate to an entrance/exit and construction bypass for the development, construction and operation of the adjacent estate.
- The proposal to use Little Swift close as the only entrance and exit to erf 1449, will prevent the closing-off of Vermont Heights as an exclusive estate, envisaged in future.

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### 11.0 ENVIRONMENTAL IMPACT STUDY

The Environmental impact study (EIA) conducted for the rezoning and development of erf 1449 was not circulated for comments to all the affected property owners and estates.

Both the chairperson of Vermont Heights estate as well as other plot owners within Little Swift close were not on the list of adjacent property owners requested for comments.

The Milkwood Lynx estate, which will also be negatively affected by the proposed development, was neither on the mailing list for comments.

The development of a new estate right adjacent to the Vermont Heights estate and Milkwood Lynx estate surely justifies an input to this matter.

Confirmation was obtained that a traffic study was not conducted as part of the EIA and aspects like traffic safety, emergency evacuation and access for emergency vehicles were not considered.

In conclusion, it is clear that the EIA conducted has serious shortcomings and should be reworked.

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**12.0 PROPOSAL FROM VERMONT HEIGHTS HOA**

The Vermont Heights HOA would like to make the following proposals to address the objections raised above and make the proposed rezoning and development of erf 1449 acceptable and viable:

**12.1 Option 1**

- Create a separate entrance/exit road to and from erf 1449 to Lynx road by extending Buzzard road to Lynx road (please refer to proposal plan below).
- Closure of the Flycatcher road entrance/exit to and from Little Swift close.
- Redesign the road layout and plot sizes to accommodate the following:
  - The new entrance/exit to Lynx road as well as the closure of Flycatcher road to Little Swift close.
  - Adjust the building lines to conform to the standards as applied to other estates.
  - Significantly reduce the amount of 'group housing/ town houses' to conform to that of Vermont Heights as well as moving them away from VH boundary
  - Creation of a main traffic circle at the junction of Flycatcher and Buzzard Close and secondary circle at the cull de sac on the South-Western side of Buzzard Close.

Please see the Vermont Heights HOA proposal plan for Option 1 below.



**12.2 Option 2**

- Use the existing entrance from Lynx Avenue into erf 1449 as the main entrance for the new development of erf 1449 as well as for Vermont Heights Estate.

The existing entrance from Lynx Avenue into erf 1449 has unobstructed views in both directions and without any slope or blind rise. The contours from Lynx Avenue into erf 1449 is not steep and would make the perfect main entrance for both of the estates.

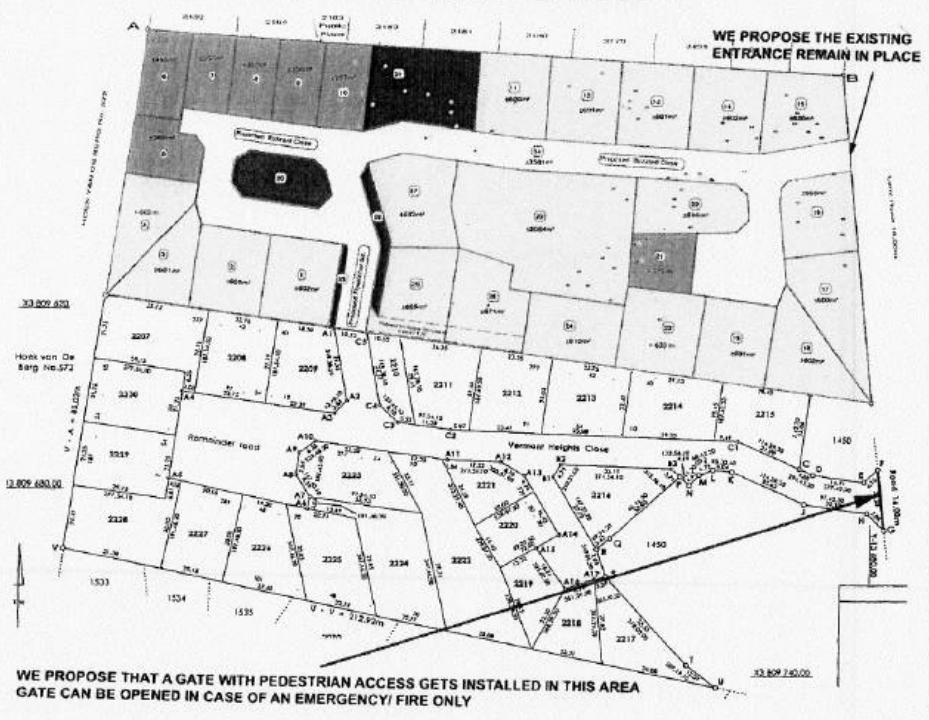
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- Redesign the road layout and plot sizes to accommodate the following:
  - The new entrance/exit to Lynx road
  - Close the vehicle entrance from Lynx to Little Swift close with a gate and add a pedestrian entrance.
  - Adjust the building lines to conform to the standards as applied to other estates.
- Significantly reduce the amount of 'group housing/ town houses' to conform to that of Vermont Heights as well as moving them away from VH boundary
- Creation of a main traffic circle at the junction of Flycatcher and Buzzard Close and secondary circle at the cull de sac on the South-Western side of Buzzard Close.

Please see the Vermont Heights HOA proposal plan for Option 2 below.



The Vermont Heights HOA is willing to sit around the table with the owner of erf 1449/ developer and the council, and are willing to negotiate a more viable and safe solution to the listed objections above.

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## 13.0 SUPPORTING DOCUMENTATION

## 13.1 Letter from Vermont Rate payers association

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**Vermont**  
Ratepayers & Environmental Association  
Belastingbetalers & Omgewingsvereniging

PO BOX 142, ONRUSRIVIER. 7201  
19 July 2021

(For Att. Town Planning, Mr. H. Olivier)  
Overstrand Municipality,  
PO Box 20,  
HERMANUS, 7200

Dear Sir

**ERF 1449, LYNX ROAD, VERMONT, OVERSTRAND MUNICIPAL AREA: OBJECTION TO APPLICATION FOR REZONING, SUBDIVISION, DEPARTURES**

The Vermont Heights Homeowners Association (VH HOA) approached the Vermont Ratepayers and Environmental Association (VREA) with their concerns regarding the abovementioned Town Planning Application and their draft submission of objection has been studied.

The VH HOA objection submission raises many objective and valid concerns which are supported by the VREA. Underlying most of their concerns are clearly the following, highlighted below:

- Apparently there has been no professional traffic study undertaken that would support the proposed road layout on and access to Erf 1449 through Vermont Heights. In this application a specialist traffic study is critically important to assist decision-making.
- It is very clear that the proposed access to and road layout on Erf 1449 will have significant negative impacts on road safety, vehicle mobility and the peaceful ambience of the Vermont Heights Estate. Furthermore, the ability and options of the Overstrand Protection Services to respond effectively to emergencies on these properties will be restricted.
- Planning that forces all traffic, that wishes to access Erf 1449, through the Vermont Heights Estate, without thoroughly investigating alternatives, is unsound and inequitable. Alternative planning solutions in collaboration with the parties concerned should be sought to address the shortcomings of the proposed road layout.
- The Vermont Heights road surface quality, as evidenced by the photographs in the VH HOA submission, is poor as it is already breaking up and requires repairs and improvement. The Vermont Heights road design is also a traffic safety risk in terms of *inter alia* visibility and gradients and should be equipped with the appropriate traffic calming



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measures. The proposed Erf 1449 development would also inequitably cause the unnecessary degradation of the Vermont Heights road surfaces.

- The proposed areas of property densification on Erf 1449 (Group Housing) adjacent to Vermont Heights is unjustified and not compatible with the other housing densities on these properties. The Group Housing areas on Erf 1449 are therefore not supported.

We trust that the above objections will receive your serious consideration and we look forward to your feedback in this regard.

Yours faithfully

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**13.2 Letter from Milkwood Lynx Estate (opposite affected entrance of Little Swift Close)**

To: The Municipal Manager  
Overstrand Municipality,  
P.O. Box 20, Hermanus, 7200

From:

Dear Sir,

We have noted the proposed development of Erf 1449, Lynx Road, Vermont as set out in your Municipal Notice No. 91/2021.

We believe this development will impact the quality of life of our residents and we subsequently wish to voice our serious concern regarding the potential impact of the proposed development on the traffic flow into, congestion and road safety at the junction of Lynx Road, Little Swift Close and Milky Lane.

It appears from your proposal that the number of residential erven feeding traffic into Lynx Rd at that junction will increase by 54% from the current plus/minus 55 erven to 85 erven (feed from Milkwood Lynx: 29 erven and Vermont Heights: 26 erven).

We therefore strongly suggest that, to avoid the potential congestion and its negative side effect, the Erf 1449 development should have its own dedicated and optimally positioned connection into Lynx Road. This will also be in line with other connections into Lynx Road, e.g. Francolin Close (29 Erven).

Regards,



HOA OBJECTION DOCUMENT AGAINST ASPECTS OF  
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13.3 Letter from Estate agent/ specialist in the area on devaluation of property



21 JULY 2021

TO WHOM IT MAY CONCERN

PROPOSED DEVELOPMENT ERF NR 1449, VERMONT

As professional area specialist in the marketing of properties in Vermont I am also very concerned about this development and how negative it can affect the current tranquility of the specific Little Swift Close entrance which is earmarked to become the access to the development. Closing the accesses of Lynx road to me will have a huge impact on the current home owners. Not only will it lower the market value of their properties but the proposed development with town houses as per the current proposal with smaller plots where 13 town houses between larger stands with upmarket houses, will just not enhance the area but rather bring down the standards.

As agent I am also concerned about the long period that the building impact will be on the surrounding houses. The properties bordering the project and that we are currently marketing are all concerns to prospective buyers.

My honest opinion is to change the proposal to larger and upmarket properties to keep the standard of current homes.

Hope this will also serve as a proposal on behalf of the current home owners.

Yours faithfully



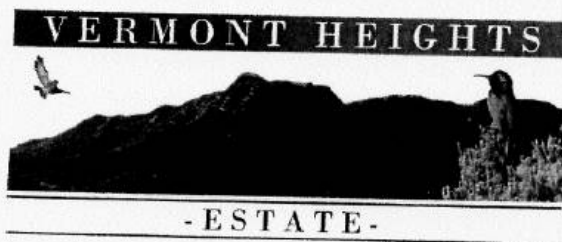
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13.4 Minutes of Vermont Heights Urgent Special General meeting on 26 June 2021



Nr	Item	Action
1	<p><b>Due to the state of emergency of the country, all required Covid protocols were implemented. (Wearing of masks, hand sanitation and physical distancing)</b></p> <p>The Chairman Johan Kriel welcomed all attendees/property owners and authorized representatives. In total 9 owners were present and 14 proxies were received from all of the non-attendees in writing. (that includes the proxy of owner of erf 1450 that is also in Little Swift close)</p> <p>The Attendance register was signed by all attendees and the votes for or against the proposal were recorded including the votes of non-attendees that voted by proxy. (See attached vote calculation)</p> <p><b>The meeting was therefore 100% representative and fully constituted.</b></p>	Info
2.	<p><b>The Chairman confirmed the only agenda point namely to discuss the proposed rezoning and development of the adjacent erf 1449 as requested formally by the Overstrand Municipality planning office.</b></p> <p>Comments to reach their office not later than 23 July 2021.</p> <p>The Chairman confirmed that details of abovementioned proposal was sent via e-mail to all the property owners of Vermont Heights estate as well as owner of erf 1450 (part of Little Swift close) prior to the meeting.</p>	Info



## Minutes Of Vermont Heights Urgent Special General meeting on 26 June 2021

	<p><b>VOTE:</b></p> <p>The Chairman noted that all the attendees and non-attendees (by proxy) voted against the proposed rezoning and development of the adjacent erf 1449 due to the negative consequences that it would have on Vermont Heights Estate and its owners. All 23 plot owners in Little Swift close voted <u>AGAINST</u> the proposed rezoning and development of the adjacent erf 1449. <u>Therefore a 100% vote AGAINST the proposal was recorded.</u></p>	
3.	The Chairman gave feedback on all the objections raised by telephonic conversations and by e-mails from all of the non-attendees.	Info
4.	All the attendees present were provided an opportunity to raise their specific objections and comments at the meeting.	Info
5.	<p><b>It was decided that all objections and comments must be forwarded by all property owners via e-mail to : <a href="mailto:vermonthheights@gmail.com">vermonthheights@gmail.com</a></b></p> <p>The Chairman will collect the objections and comments by property owners</p>	<p><b>All property owners</b></p> <p>Johan Kriel</p>
6.	<p><b>The meeting decided to nominate a task team to take responsibility for the formal submission of the report to the Overstrand Municipality.</b></p> <p>The nominated task team will consist of the following attendees: Johan Kriel, Paul Bester, Patrick Robinson and Janeske Brits.</p> <p><b>The responsibility and delegated authority of the nominated task team will be as follows:</b></p> <p>6.1 Collate and consolidate all objections and comments received at the meeting as well as those via e-mail/telephonic conversations.</p> <p>6.2 Obtain additional information as suggested by the meeting and that is deemed necessary to motivate the objections and rejection of the proposed rezoning and development of erf 1449.</p> <p>6.3 Compile a comprehensive report with supporting documents motivating the</p>	<p>Info</p> <p>Task team</p>



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Minutes Of Vermont Heights Urgent Special General meeting on 26 June 2021

	rejection of the proposed rezoning and development of erf 1449. 6.4 A proposal for corrective actions to make the proposal acceptable from the viewpoint of the Home Owners Association must be included. 6.5 Notice of the intention of the Vermont Heights Home Owners Association to appeal the decision in case of a negative outcome must be included. 6.6 Submit the completed report and supporting documents to the Overstrand Municipality before 23 July 2021 and obtain proof of submission in writing. 6.7 Circulate the report via e-mail to all property owners 6.8 The first meeting of the task team is scheduled for Monday 28 June 2021 at 18:00 at the same venue	Task team
7. <b>General:</b>  7.1 All plot owners are requested to submit any relevant information/ inputs to the Chairman by e-mail to <a href="mailto:vermontheights@gmail.com">vermontheights@gmail.com</a> 7.2 The Chairman gave an overview and clarification of the Architectural Guidelines 7.3 <u>As far as possible all inputs will be on a pro-bono basis</u> but if additional funds are required, the costs will be divided by the number of plots/owners and contributions requested from property owners. 7.4 It was mentioned that the opening of a bank account for the Home Owners Association must be investigated. The chairman is opposed to this idea. As this will lead to us having to employ auditors and collect levies. As a last resort, if funds are needed from plot owners for this purpose an alternative must be investigated. Levies were strongly opposed in the past.		Plot Owners  Info  Info
8.	The meeting was adjourned at 11:15	Info

Minutes prepared by: Paul Bester & Edited by Johan Kriel



13.5 Property owners in Little Swift Close Voting List (p1)

		VERMONT HEIGHTS HOA URGENT SPECIAL GENERAL MEETING 26 JUNE 2021			
erf no	OWNER	PROXY RECEIVED	RSVP'D FOR HOA meeting 26 June 2021	VOTE FOR/AGAINST ERF 1449 USING OUR ACCESS POINT TO THEIR ESTATE	OWNER'S SIGNATURE
2207			RSVP	against	Hogan
2208		YES		AGAINST	PROXY
2209		YES		AGAINST	PROXY
2211			RSVP	AGAINST	[Signature]
2212		YES		AGAINST	PROXY
2213			RSVP	Against	[Signature]
2214		YES		AGAINST	PROXY
2215			RSVP	Against	[Signature]
2216			RSVP	AGAINST	[Signature]
2217		YES		AGAINST	PROXY
2218		YES		AGAINST	PROXY

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13.5 Property owners in Little Swift Close Voting List (p2)

	YES		AGAINST	PROXY	3/1
	YES		AGAINST	PROXY	3/1
	YES		AGAINST	PROXY	3/1
		RSVP	Against	PROXY	
	YES		AGAINST	PROXY	SHARICE VAN ROYEN
		RSVP	Against	PROXY	
		RSVP	Against	PROXY	
	YES		AGAINST	PROXY	3/1
		RSVP	Against	PROXY	
	YES		AGAINST	PROXY	3/1
	YES		AGAINST	PROXY	3/1
	YES	RSVP	AGAINST	PROXY	3/1

TOTAL VOTES AGAINST ERF 1449 USING OUR ACCESS POINT TO THEIR PROPOSED ESTATE/ DEVELOPMENT = 23 (Twenty Three)  
 TOTAL VOTES IN FAVOUR OF ERF 1449 USING OUR ACCESS POINT TO THEIR PROPOSED ESTATE/ DEVELOPMENT = 0 (ZERO)  
 TOTAL PERCENTAGE VOTES IN FAVOUR OF/ AGAINST PROPOSAL = 23 OUT OF 23 PLOT OWNERS IN LITTLE SWIFT CC AGAINST  
 SIGNED BY VERMONT HEIGHTS CHAIRMAN = 100% VOTE  
 ON 26 JUNE 2021

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### 13.6 Objection letters from property owners in Little swift Close

#### OBJECTION LETTER 1 (Letter from Vermont Heights chairman) – P1

To whom it may concern  
Dear Sir/ madam

Date: 20 July 2021

**As owner of erf 2216 and chairman of Vermont Heights estate, I have the following serious objections against the proposed development of 30 plots on the neighbouring erf 1449 (File reference 1449 HVM)**

There is currently two access points via Lynx avenue to this property. They propose to close off these two existing access points and then use our estate as an access point to their estate. The more I spoke to plot owners over the phone, the more I realized that this would have a devastating ripple effect on Vermont Heights estate and may even threaten the further development of our estate. The reason that they provide why they want to use our entrance (Little Swift Close) is that they deem their own entrance unsafe as a vehicle access point. This is absolutely absurd and I believe not the real reason at all. I want to make clear that there is no problem with the development itself but after speaking to almost all the plot owners it is already very clear to me that the fact that they want to close their existing two entrances and then use our entrance is unacceptable and unheard of!

**While speaking to plot owners over the phone, the following concerns/ comments were raised by plot owners:**

1. We can in all honesty not say that we were not aware of the 'future link' road as even depicted on plans in the past. One can even see the road there as clear as daylight. **But, we were never informed that this would become the only and main entrance to a new estate of 30 plots, even bigger than our own current 22 plots in Vermont Heights.** To make matters worse is that erf 1449 currently do have 2 existing access points which has been there for a long time. And now they want to close these two existing access points due to 'traffic safety reasons'. (This is the only and main reason they provide). Those very few who were aware of a future development on erf 1449, thought it was going to be an 'eco estate', meaning in our opinion 5 or 6 houses in-between the milkwood trees. **Not chopping down most of the beautiful milkwood trees (which is very likely to happen) and literally cramming in 30 plots with no alternative entrance.**
2. We are now 4 years into the development phase of 22 plots with 7 houses nearing completion. That means we are almost a third of the way down the line of construction and a rough estimation is that the development of Vermont Heights should near completion within roughly 5-7 years. **Now you suddenly add another 30 plots to that equation and end up with anything between 10 – 30 years additional time of construction.** We would be constantly living in a construction site with trucks, teams of workers and contractors walking and driving up and down through our estate. **What makes this worse is that they want to do the development in phases.**
3. This in turn have a lot of plot owners concerned about security and safety as there will be a constant flow of non-residents in and out of our estate. To make matters worse, they are not even coming to our estate but driving via our estate to another estate!
4. There is also a huge concern for the safety of children with trucks often speeding over the paved hill in Little Swift close. I saw with my own eyes not long ago how a young boy almost got ran over by a car speeding up the same hill that also has a very dangerous 'blind rise' and sharp curve in the same area.
5. **Quite a few people in Vermont love to walk their dogs and exercise down Little Swift close as it is currently a quiet and beautiful area to walk.** If the traffic of the 30 plots not part of our estate now suddenly gets added to the equation, not talking about delivery vehicles, contractors, machinery, garden services etc., **our once peaceful atmosphere and serene environment will be ruined.**
6. A lot of the people who bought property in Vermont Heights estate did so because of its exclusivity and limited number of plots with a cul-de-sac and limited access of vehicles. **Now we are suddenly more than doubling the amount of traffic, contractors and heavy vehicles.**
7. Quite a few people are also very concerned that plot owners/ contractors etc of the neighbouring estate will have absolutely no regard for residents of Vermont Heights and may very well be speeding past residents' homes. Not long ago there was a newspaper delivery guy that was speeding and changing gears past my house in Little Swift every morning early. A couple of times even at 4:30 AM on a Sunday. This went on for months. Until one day walked

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### OBJECTION LETTER 1 (Letter from Vermont Heights chairman) – P2

- equation, we will have absolutely no control over this and this type of thing will probably happen frequently and will be a permanent disturbance.
8. **The roads in Vermont Heights were absolutely not designed to take this additional load of traffic, including heavy machinery to do their development.** Just at the bottom of my house, tarmac was already ripped apart in 2 fairly large areas. That was from trucks turning for the construction of only one house (not mine). The road infrastructure of Little Swift close, including paving is already not in a good condition. How is it going to look after doing another development via our estate, bigger than ours and building 30 houses, with all that traffic passing through our estate?
  9. **Why even bother calling us an estate if we are not exclusive and now becoming a very convenient 'drive-through' for another estate with obvious cost saving benefits for them but with very clear detrimental effects for Vermont Heights and its residents in the short and long-term!**
  10. Another HUGE concern is that this will have a very negative effect on property prices in Vermont Heights as we will in a blink of an eye lose our exclusivity.
  11. We are slowly but surely moving forward with the development of Vermont Heights. I am also greatly concerned that this will now halt further development if this proposal gets approved (in its current form) and it may even come to a standstill.
  12. **The argument that they have that they want to close the existing two entrances to erf 1449 and then use our entrance due to 'traffic safety reasons' is absurd.** Little Swift Close has a very steep hill that you drive up and is especially steep for trucks or vehicles with heavy loads. In fact I do not even know how it was ever approved. You sometimes have to switch to first gear to get up there. I also don't know what would happen if a truck's brakes would fail on the way down as it has an extremely steep descent. At the entrance the road has also already been damaged by trucks turning and breaking. The road is also very narrow. Two normal sized vehicles can barely pass each other. It happened a few times where a 6 ton truck came over the hill from the top while I was driving up the hill, that I literally was forced to pull off the road for the truck to pass. **So how can Little Swift Close be a safer option than the current entrance of erf 1449, which has a much lower gradient and unobstructed views in both directions?** Anyone with a valid SA driving licence could navigate their way in and out there with ease. If anything, in my opinion and some others, of all the estates and entrances joining Lynx avenue and even the whole of Vermont, we have one of the most dangerous entrances of all. **Now you want to increase the risk by more than doubling our amount of traffic? Not a good idea at all. Our roads were simply not designed to take the additional load of traffic and is already falling apart and cracking in some areas.**
  13. In my opinion and some others, the real reason behind this all is that this is the **cheapest and most convenient option for the owner/ developer of erf 1449** as they do not have to build any roads at the moment and are planning to do the development in phases. There will also not be moving any vehicles, contractors and heavy machinery and trucks directly past their home, therefore not inconveniencing them. **Instead they opt to redirect all that traffic and MAJOR INCONVENIENCE towards Little Swift Close and the residents of Vermont Heights Estate. This is completely unfair and unacceptable!**
  14. **Why even bother to call us an 'estate' anymore if we are not going to be exclusive anymore?**
  15. **The large number of townhouses/ 'group housing' compared to Vermont Heights located right on the border between erf 1449 and Vermont Heights is also very worrying as this may have a very large negative impact on property prices in Vermont Heights. They have nearly 2.5 times more group housing than us.**

In conclusion: I have personally put in hundreds of hours of blood, sweat and tears and many sleepless nights to get Vermont Heights estate to the point where it is today. I've worked very hard towards my goal to make this into one of the best looking and most sought after estates in the area with a very unique character. It will surely be very sad to see everything that I worked so hard for go down the drain by allowing this application to be approved in its current form.

I hope that you will kindly consider our objections and concerns as the Vermont Heights estate as set out in our document.

Yours faithfully

20-07-2021

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## OBJECTION LETTER 2

## Investments 1

**(Pty) Ltd**

Registration number:

June 28, 2021

Proposed development on Erf 1449, Lynx Road Vermont (File nr 1449 HVM)

As owner of erf 2217 in the Little Swift close development, Vermont Heights I strongly object to the proposal of the neighbouring development (erf 1449) using the road in Little Swift to gain access to their development instead of an entrance off Lynx road.

The reasons for my objection are several fold:

1. The road infrastructure in Little swift close was not designed or able to manage the additional traffic that would be carried should all the additional residents in the proposed development make use of the road infra-structure in Little Swift Close.
2. The heavy vehicles using the roads in Little Swift Close, during the construction phase of the development, will destroy the road infra-structure that was not designed for such heavy load traffic. In addition should these heavy vehicles lose their brakes on descending the steep portion of the road, it would endanger properties and lives.
3. The additional traffic in Little Swift Close will lead to a dangerous situation as the road to be used is over a blind rise and children or animals in Little Swift Close will be endangered as a result of vehicles coming over this blind rise, most likely at an inappropriate speed and not seeing pedestrians in the estate. This is likely to result in injury or even fatalities.
4. The use of Little Swift roads will in addition introduce additional traffic that will be difficult to monitor and likely lead to increased crime in the Little Swift Close development.
5. The added traffic through Little Swift Close estate will also bring with it additional noise pollution and have a negative impact on the peaceful estate as it currently is.
6. All of the above objections will lead to a reduction in property values in Little Swift Close.

I propose that the new development make use of their own entrance / road from Lynx road, which will have little impact on Little Swift Close and be a far safer option in that their entrance is not on a blind rise. The entrance to this erf has been from Lynx road for some time and caused no problems as far as I am aware, so why the need to impact on neighbouring developments?

Signed this 28 Day of June 2021, in Northcliff ext 6

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HOA OBJECTION DOCUMENT AGAINST ASPECTS OF  
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21 July 2021

b9/s1

## OBJECTION LETTER 3

29<sup>th</sup> June 2021

Office of The Director: Infrastructure & Planning  
 Town Planning  
 Overstrand Municipality  
 PO Box 20  
 HERMANUS 7200

Dear Sirs

**ERF 1449, LYNX ROAD, VERMONT: APPLICATION FOR REZONING, SUBDIVISION, DEPARTURES ETC**

I am the owner of ERF 2230, Vermont with street address 21 Little Swift Close, Vermont 7201.

Through the Vermont Heights Estate Homeowner's Association, I have recently become aware of the above application, which includes an application to access ERF 1449 from Little Swift Close, as opposed to utilizing the existing approved two access points from Lynx Road.

I strongly object to the notion of granting access rights to ERF 1449 via Little Swift Close for the following reasons:

1. Access to ERF 1449 via two access roads from Lynx Road is already approved in terms of the municipal town planning regulations.
2. Lynx Road is sufficiently wide to gain safe access to and egress from ERF 1449.
3. It is disingenuous to suggest that access to ERF 1449 from Little Swift Close will be safer than accessing the property via the two already approved entrances in Lynx Road.
4. Little Swift Close is located in a tranquil and secluded area of Vermont, and additional vehicular traffic will seriously affect these lifestyle aspects and will subsequently also have a negative impact on property values.
5. Little Swift Close was designed to carry a certain volume of vehicular traffic to service the existing circa 26 properties situated thereon and was not intended to carry additional traffic from a further 31 residential units.
6. Upon entering Little Swift Close the road traverses a fairly significant incline and subsequent decline. Additional traffic and noise volumes, including from construction equipment and related vehicles, will create a major safety issue for property owners, road users and pedestrians, and will detract from the current tranquility of the area.
7. The intersection where Little Swift Close meets Lynx Road is not designed for the proposed additional traffic volumes.

I trust that the objections lodged against these proposed relaxations / variations will be given the due consideration they deserve, and that the granting of access to ERF 1449 from Little Swift Close will not be approved.



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 21 July 2021

## OBJECTION LETTER 4

**Voorgestelde ontwikkeling op Erf 1449, Lynxstraat, Vermont. (Leër No. 1449 HVM)**

..... ant beswaar teen die  
 voorstel van 'n deurpad na die voorgestelde ontwikkeling op Erf 1449, Lynxstraat, Vermont.

Van my redes is

**Verkeer:**

1. Die sigafstand vanaf Siffiesingel tot die indraai na Little Swiftstraat is nie ver genoeg vir swaar voertuie en verkeer nie.
2. Little Swiftstraat is nie gebou vir swaar voertuie en swaar verkeer nie.
3. Daar is 'n blinde hoogte in Little Swiftstraat.
4. Die oppervlakte van die eerste deel van Little Swiftstraat is geplavei en sal met swaar verkeer soos vragmotors, trekkers en grondverkulwingsvoertuie, heeltemal vernietig word.
5. Die 90° draai aan die einde van Little Swiftstraat na die nuwe uitbreiding is te skerp vir groot voertuie.

**Veiligheids Aspekte:**

1. Verhoogde verkeersvloei wat gepaardgaande risikos vir voetgangers, kinders en troeteldiere wat stap inhou.
2. **Brandgevaar:** Indien die ontwikkeling op erf 1449 voortgaan met slegs 'n uitgang vanaf Little Swiftstraat sal vinnige ontruiming met 'n brand vanaf Hoek van die Berg chaoties wees met inwoners wat in die rigting van die brand ontruim moet word. Die inwoners van die nuwe erwe in die nuwe kompleks wat aan Lynxstraat grens moet dan baie ver verwyder word om uiteindelik net langsaaan in Lynxstraat te kom. Die nuwe uitbreiding kan die bestaande ingang na Lynxstraat, tussen Erf 15 en Erf 16, gebruik wat ontruiming sal bespoedig.
3. Indien die ontwikkeling oor 'n tydperk van 3 tot 5 Jaar neem sal daar 'n deurloop van boupersoneel, voetgangers en ander persone wees.

**Waardasie:**

1. As 'n erfeienaar wat Erf 2215 oorspronklik gekoop het met die hoop dat ons in 'n stil, rustige buurt kon woon maak ek ten sterkste beswaar teen die voorgestelde, en enigste deurgang langs my erf, na Erf 1449. Dit sal die waarde van my belegging baie negatief beïnvloed.
2. Ek glo van harte dat u die gebruik van Little Swiftstraat as deurgang na Erf 1449 sal heroorweeg en 'n aparte ingang na die nuwe ontwikkeling sal oorweeg. Die nuwe ontwikkeling is baie groter as Vermont Heights en behoort, soos al die ander ontwikkelings in Lynxstraat, sy eie toegangspad te hê. Die bestaande ingang van Lynxstraat kan gebruik word.
3. Die geraas van voertuie, veral groot voertuie, teen die buik op sal baie steurend wees.

Ek hoop my versoek dra u goedkeuring weg.



7/1/81

## OBJECTION LETTER 5

Overstrand Municipality  
P.O. Box 20  
Hermanus  
7200

Town Planner  
Mt H. Olivier

30 June 2021

**R.E. Proposed development on erf 1449, Lynx Road Vermont (File no 1449 HVM)**

Dear Sir,

Herewith, please accept my objection to the proposed access through Vermont Heights to the proposed new development on erf 1449 Vermont.

I am the owner of erf 2221 Vermont Heights, which is adjacent to the main road leading through the suburb – Little Swift Close. Should the access be granted, as proposed, for the development on erf 1449 to make use of this road as the only means of access to the development, my property will then be attached to a main road with severe traffic flow. This will definitely have a negative impact on the value of my property.

When I did the investment, it was with the attraction of being in a small 'exclusive' estate with no through fare for traffic. The higher volumes of traffic will lead to severe noise pollution, exhaust pollution, security problems, and also the natural animal life will be affected (for my property being next to a natural green belt).

I am sure if an investigation is to be done, you will find that the proposal is not the best solution, as the access from Lynx Road into Little Swift Close is quite a severe uphill. This will cause the road to deteriorate much faster with an additional load of traffic, especially on the return downhill back to the intersection with Lynx Road. As currently the width of the road does not allow of two-way traffic with heavy vehicles.

I request of you, is to please re-evaluate the proposal, as the solution will be much more amicable for the development on erf 1449 to connect directly to Lynx Road, as with all the surrounding developments. If you were to approve this application, one development will benefit 100% and have exclusive entrance, whereas the other development will be severely affected in a negative way.

Regards,





HOA OBJECTION DOCUMENT AGAINST ASPECTS OF  
PROPOSED DEVELOPMENT ON ERF 1449  
21 July 2021

## OBJECTION LETTER 6

July 6, 2021

**Proposed development on Erf 1449, Lynx Road, Vermont (File nr 1449 HVM)**

Good day. I am the owner of Erf 2218, 14 Little Swift Close, in Vermont Heights Estate and the construction of my house is currently 90% complete. The above mentioned proposed development on Erf 1449, with proposal that the development of 30 plots on erf 1449 will use Little Swift Close as their access point and closing their two existing access points in Lynx avenue, was recently brought to my attention.

I strongly object against the use of Little Swift Close as the access point to the proposed development for the following main reasons:

- My decision in 2019 to buy Erf 2218 in Little Swift Close, with the plan to build my "Retirement" home, was primarily based on the exclusivity of the Estate – it being a small Estate, with only a few plots and one access point being a cul-de-sac, namely Little Swift Close. This exclusivity will be lost if the proposed development use Little Swift Close as the access point.
- I am concerned about security and safety as there will be a constant flow of non-residents in and out of the Estate.
- I will be, for many years to come, constantly living in a construction site with trucks, teams of workers and contractors walking and driving up and down through the Estate.
- The peaceful atmosphere and serene environment, which contributed to convincing me to buy this plot, will be ruined.
- The road infrastructure of Little Swift Close, including paving, is already not in a good condition. I am concerned how it is going to look after doing another development via the Vermont Heights Estate, bigger than the current Vermont Heights Estate and building 30 new houses (proposed development), with all that traffic passing through the Vermont Heights Estate.
- It will have a very negative effect on property prices in Vermont Heights Estate, as we will lose our exclusivity.



## OBJECTION LETTER 7 (P1)

18 July 2021

### Proposed development on Erf 1449, Lynx Road Vermont (File nr. 1449 HVM)

As owner of Erf 2208 in the Little Swift Close development, Vermont Heights I strongly object to the proposal of the neighbouring development (Erf 1449) using the road in Little Swift to gain access to their development instead of an entrance off Lynx road.

The reasons for my objection are set out below:

- 1.) The application only states: *'that for traffic safety reasons it was decided not to make use of the existing access to Erf 1449 Vermont directly from Lynx Avenue'*, but no explanation given to exactly what the reasons is.

Lynx road can be classified as a Local Distributor (Class 4) road. The minimum sighting distance for a Class 4 road is 80m. In either north and south direction of Lynx road this sighting distance is easily achievable.

Traffic safety cannot also be mitigated through the implementation of speed calming measures of which a speed hump is closely located to the existing access.

Other measures such as paved sidewalks and bicycle lanes can also be introduced by using the Bulk Development Levies payable. The existing road verge is wide enough to accommodate these. Given the number of pedestrians using Lynx road to either get to or from work or for recreational purposes, the introduction of a pedestrian sidewalk is long overdue.

I believe that the proposed access road from Little Swift close hold more traffic safety concerns than the existing access to Erf 1449 or a newly created access on the frontage of the Erf 1449 to Lynx road.

It should also be noted that the subject property has had two (2) access points/intersections to Lynx road for the quite some time.

- 2.) Non-desirability of Little Swift Close as access road to new development.

Due to the natural topography that the road has been constructed on, the gradient of the first portion of road is also outside the proposed minimum requirements for an



HOA OBJECTION DOCUMENT AGAINST ASPECTS OF  
PROPOSED DEVELOPMENT ON ERF 1449  
21 July 2021

### OBJECTION LETTER 7 (P2)

access road and when on the crest of the road before descending the valley of the road, the sighting distance is non-existent making it very dangerous to pedestrians using the road.

Although the road is 5m wide, at some point (See photo attached) due to the small radius on horizontal curve in the road, it is impossible for two (2) vehicles to pass each other at this point.



The structural integrity of the road would also be severely compromised, especially at the turning junction and severe damage have already occur due to heavy vehicles turning into the existing Cul-de-sac for townhouses. This was due to construction of one (1) house, imagine the damage to the road surface at the intersection leading into the new development, when thirty (30) houses will be built.

Safety concern – Both developments is bordering the Hoek van den Berg nature reserve with alien and indigenous plants/trees growing out of control, making it a fire risk area. Having only one access point for incoming and outgoing vehicles for approximately 100 vehicles (2 per property) in an emergency as a veld/residential fire, this could be life threatening to numerous inhabitants of these developments. Most likely will these developments be fully occupied at the height of the fire season.

I firmly believe that if traffic safety reasons are the deciding factor for the location of an access road, an access from Lynx road to Erf 1449 development would be safer for the inhabitants of both developments.



## OBJECTION LETTER 8 (P1)

17 July 2021

Municipal Manager  
Overstrand Municipality  
P.O. Box 20  
HERMANUS  
7200

Dear Sir

**ERF 1449, LYNX ROAD, VERMONT: APPLICATION FOR REZONING, SUBDIVISION, DEPARTURES, RIGHT OF WAY SERVITUDES, PHASING OF A DEVELOPMENT AND THE ALLOCATION OF STREET NAMES AND NUMBERS: PLAN ACTIVE ON BEHALF OF L LEWIS – MUNICIPAL NOTICE 91/2021**

I am the owner of

I am against the proposed development of Erf 1449 with the following reasons:

1. An EIA was done on the development of Erf 1449. I never received any notice on the proposed EIA through the post office or by email. I did not know and because of this could not give any comments on the proposed EIA on Erf 1449. The EIA process was faulty and must be redone so that the adjoining property owners can give comments on the EIA.
2. The proposal that the development on Erf 1449 must also use Little Swift Close road as their entry road is unacceptable because of the road traffic safety concerns.
  - The existing junction of Little Swift Close Road and Lynx Avenue is already constrained and dangerous for residents due to restricted visibility and the proximity to the Lynx-Siffie Road junction. The turnoff from Lynx Road into Little Swift Close Road is also situated on an upwards slope.
  - The Little Swift Close Road's vertical curve sight line is not sufficient and has a "blind rise" that can be **dangerous to oncoming traffic and to pedestrians especially small children.**
  - The Little Swift Close Roads horizontal curve is also not sufficient especially with the boundary wall of erf 1450 blocking the sight line of oncoming traffic and can be **dangerous to oncoming traffic and to pedestrians especially small children.**
  - The gradient of Little Swift Close Road is also extremely steep with a height difference of almost +/- 10 meters from Lynx Avenue to the top of Little Swift Close Road.

The road design of Little Swift Close Road is not correct when all the above points are considered and should never have been constructed as is and now the additional traffic from the planned 30 plots and associated construction vehicles will also be using Little Swift Close Road as their main entrance and can become dangerous. The perfect solution will be to use the existing entrance of Erf 1449 as the main entrance for the new development on Erf 1449 and the existing Vermont Heights Estate. The existing entrance from Lynx Avenue into erf 1449 has unobstructed views in both directions and without any slope or blind rise. The contours from Lynx Avenue into erf 1449 is also not that steep and would make the perfect main entrance for the developments.



HOA OBJECTION DOCUMENT AGAINST ASPECTS OF  
PROPOSED DEVELOPMENT ON ERF 1449  
21 July 2021

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**OBJECTION LETTER 8 (P2)**

- 3. All the properties along the entrance of Little Swift Close Road will build boundary walls and with the vertical and horizontal geometric design faults will make the Little Swift Close Road very dangerous and especially for property owners reversing out of their properties into Little Swift Close Road. With the additional traffic from the development of Erf 1449 the road will become very busy.
- 4. The existing road infrastructure of Little Swift Close Road was not built to handle heavy and a lot of traffic. The existing road is already starting to crumble and show signs of failure under minimum traffic load. The existing Little Swift Close Road will not be able to handle the increase in vehicular traffic from the proposed new development on erf 1449 as is. The existing asphalt riding surface is less than 20mm thick but should have been a minimum thickness of 30mm for residential development roads. If the Little Swift Close Road be used as the main entrance to erf 1449, then the structural integrity of the road should be proven that it can handle the additional traffic and the asphalt riding surface should also be redone to the minimum thickness of 30mm for residential development roads.
- 5. The amount of group housing allowed for in the development of Erf 1449 is unacceptable. This will bring down the value of other properties in the area. Vermont Heights Estate has 4 group housing plots, but the development on Erf 1449 will have 13 group housing plots.

We trust that our objection on the proposed development of Erf 1449 with the above reasons listed will be taken into consideration.

Yours faithfully



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**OBJECTION LETTER 9**

With regards to above-mentioned rezoning and development of erf 1449. I as the owner of erf 2223 in Vermont raise serious objections against the proposed development because of:

- When I bought the property in 2015, the status of erf 1449 was reflected as an eco-estate with a maximum of 6 erven .
- It was never indicated that the link road, which is situated right opposite my front door, will become the main/only entrance of an estate of 30 plots!
- Apart from the inconvenience and danger it will cause it will have a detrimental effect on the value of my property!
- Apparently an EIA was performed but myself as well as the chairman of the HOA were never informed or requested for inputs! As it will directly affect me, it places great doubt on the process followed and the EIA is therefore considered invalid.
- Little Swift close is already a dangerous entrance/exit from Lynx road as is and to increase the traffic by that of 30 plots including the associated construction vehicles is a recipe for disaster and can lead to litigation of the Overstrand Municipality in case of accidents
- The proposed high percentage of group housing is also a matter of concern as it not the standard applicable in Vermont.

In closing I hereby support the Vermont Hights home-owners association in it objection against this development.

*Groete /Regards*



HOA OBJECTION DOCUMENT AGAINST ASPECTS OF  
PROPOSED DEVELOPMENT ON ERF 1449  
21 July 2021

### OBJECTION LETTER 10 (P2)

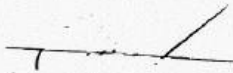
As owner(s) of Erf 2211 in the Little Swift close development, Vermont Heights, we strongly object to the proposal of the neighboring development (erf 1449) using the road in Little Swift to gain access to their development instead of an entrance off Lynx Road. This road is right next to our property and will directly affect us negatively. The turning angle is not appropriate for any motor vehicles over 3500Kg. Thus, resulting in cutting corners and damaging the Green Belt.

#### Why Little Swift Road should not even be considered:

- Road integrity will be compromised as the road was not built for that kind of heavy traffic.
- Road layout is not appropriate for heavy vehicles. The road driving up is summed up perfectly as a BLIND RISE. When driving up there is no visibility until you are at the top of the hill. This is an obvious safety concern as we form part of a green belt, and we promote nature and individuals walking through little swift with their families and dogs' lives would be in danger.
- Half of the residents of Little swift mostly spend the entire day at home because they are retired, the other half work from home. The reason of buying there is the calm and tranquil ambiance being experienced. This WILL be disrupted with the development taking place.
- Unfortunately, the safety will also be compromised as there will be a lot of strangers and no way to differentiate between workers and criminals.
- The turning angle is not appropriate for any motor vehicles over 3500Kg. Thus, resulting in cutting corners and damaging the Green Belt and our property.
- There are approximately 22 units at little swift, with an average of 3 persons per house and two cars, that equals 66 persons and 44 cars. The road is not broad enough for two code B cars to pass through at the same time. In the case of an emergency this road is already dangerous due to the bottleneck effect, what would happen if there were added 93 individuals and 156 cars from the very densely populated proposal for erf 1149? Will there not be any emergency evacuation roads built for the case of an emergency. Thus, resulting in 159 individuals and 200 cars in a panic trying to use a narrow road with a steep hill.
- All the above will have a negative impact on the value of the properties in Little Swift Close.

I strongly recommend the new development make use of their own entrance / road from Lynx Road which will have little effect on Little Swift Close. It will also be a much safer option due to their entrance road not being a blind rise or as steep uphill as Little Swift Close.

The entrance to their erf has always been from Lynx Road and caused no problems as far as I am aware, so why the need to negatively impact our complex and current infrastructure.


79/81

## OBJECTION LETTER 11

From: [REDACTED]  
 Sent: Thursday, 01 July 2021 10:54  
 To: [REDACTED]  
 Subject: FW: VOORGENOME ONTWIKKELING ERF1449 LYNX ROAD VERMONT (FILE NR 1449 HVM)

From: [REDACTED]  
 Sent: Wednesday, 30 June 2021 15:02  
 To: [REDACTED]  
 Subject: VOORGENOME ONTWIKKELING ERF1449 LYNX ROAD VERMONT (FILE NR 1449 HVM)

Geagte meneer/mevrou

Ek is die eienaar van erf 2226 te Little Swift singel 30

Ek maak hiermee ernstig beswaar teen die bg. Voorgenome ontwikkeling!

Ek het spesifiek hier gekoop agy die stilte in die buurt – indien die ontwikkeling sou voortgaan – gaan dit n helse geraas veroorsaak met al die vragmotors wat by hierdie ingang gaan in en uit beweeg – die pad gaan ook

uitgetrap word en aangesien daar 30 plus eenhede gebou word - gaan dit die verkeersdruk in Little Swift daaglik ontsendend laat toeneem! – daar is ook baie mense wat met hulle honde hier stap wat n verdere gevaar

meebring! Die ingang vanaf Lynx weg na Little Swift singel is ook baie versteek omdat dit teen n stelte geleë is en dit gaan absoluut verkeersbotsings veroorsaak – daarby is dit ook n verdere risiko omdat Little Swift singel

baie nou is en dit alreeds sukkel om 2 voertuie bymekaar verby te kom – wat nog te se as dit n vragmotor is – dit is ook teen n blinde hoogte wat n verdere gevaar skep.

Ons bly langs n natuurreservaat en die bykomende verkeer gaan die hele ekosisteem omverwerp!

Daar is reeds 2 ingange by Lynxweg waarvan die moontlike inwoners of kontrakteurs van die ontwikkeling kan gebruik maak indien die ontwikkeling sou voortgaan - so dit gaan absoluut my verstand te bowe dat ons

in Little Swift singel wat

absoluut niks met die ontwikkeling te doen het – nou verontref moet word!

Die grenslyne v/d huise in Little Swift singel is 2 meter maw 4 meter spasie tussen 2 huise terwyl die grenslyne v/d huise in bg. Ontwikkeling slegs 1 meter is maw 2 meter spasie wat meebring dat die huise opmekaar en

beknop gaan wees en dus die waarde van ons eiendomme in Little Swift negatief gaan beïnvloed!

Ek vertrou dat u my beswaar gunstig sal oorweeg

Dankie

Vriendelike groete



HOA OBJECTION DOCUMENT AGAINST ASPECTS OF  
 PROPOSED DEVELOPMENT ON ERF 1449  
 21 July 2021

80/81

**OBJECTION LETTER 12**

**From:** [Redacted]  
**Subject:** First Proposed development on ERF 1449, Lynx Road Vermont (File nr 1449 HV16)  
**Date:** 29 June 2021 at 16:50  
**To:** [Redacted]

Begin forwarded message:

**From:** Alice Morgan [alorg@att.net](mailto:alorg@att.net)  
**Subject:** Proposed development on ERF 1449, Lynx Road Vermont (File nr 1449 HV16)  
**Date:** 29 June 2021 at 16:48:10 SAST  
**To:** [alorg@att.net](mailto:alorg@att.net); [alr@att.net](mailto:alr@att.net)

Vermont

7203

ERF 1449 HV16

It is not safe to have trucks driving through our estate, the road is too narrow. The heavy trucks will damage our roads.  
It is not safe for trucks to turn into our estate, neither the road into the proposed development.  
We bought here for the peace and quiet to retire and find it very selfish that our estate has to be used for somebody else's benefit.

I am also sure this will cause that our property will drop in value.

Regards

It is not safe to have trucks driving through our estate, the road is too narrow. The heavy trucks will damage our roads.

It is not safe for trucks to turn into our estate, neither the road into the proposed development.

We bought here for the peace and quiet to retire and find it very selfish that our estate has to be used for somebody else's benefit.

I am also sure this will cause that our property will drop in value.

Regards

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OBJECTION LETTER 13

July 17 2021

Proposed development on erf 144, lynx road Vermont (file nr 1449-HVM)

As owners of erf 2209 and erf 2229 little swift nr 15 and nr 18 in the little swift close development in Vermont heights we strongly object to the proposal of the neighbouring development (erf 1449) using the road in little swift to gain access to their development instead of an entrance off lynx road.

The reasons for my objection are:

- the road infrastructure in little swift close was not designed or able to manage the additional traffic
- the heavy vehicles using the roads in little swift during the construction of the new development will destroy the road infrastructure
- the extra heavy traffic would endanger properties and lives
- speeding of heavy traffic would result in injury and lives
- additional traffic will lead to increased crime in little swift
- additional noise and pollution will have a negative impact on our peaceful estate
- all of the above objections will lead to a reduction in property values in little swift close!

We propose that the new development make use of their own entrance from lynx road. This would be a much safer option with little impact on little swift close...

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HOA OBJECTION DOCUMENT AGAINST ASPECTS OF  
 PROPOSED DEVELOPMENT ON ERF 1449  
 21 July 2021



TOWN & REGIONAL PLANNERS  
STADS-EN STREEKSBEPLANNERS

Annexure E 1/17

6 Magnolia St / Str  
PO Box / Posbus 296  
HERMANUS  
7200

Tel: (028) 313 1673  
Fax / Faks: (028) 312 1351

Email:  
planactive@hermanus.co.za  
Website: www.planactive.co.za

Our reference: PA18076  
Your reference: 1449HVM



27 October 2021

The Municipal Manager  
Overstrand Municipality  
PO BOX 20  
Hermanus  
7200

TP - A Theart  
(Holivier)

FOR ATTENTION: MR H. OLIVIER

Sir

FILE NO: EL 1449-HVM
SCAN NO: 04
COLLABORATOR NO: 1597063

**COMMENTS ON OBJECTIONS:**

**ERF 1449 VERMONT: PROPOSED REZONING SUBDIVISION, DEPARTURE, SERVITUDES, PHASING OF A DEVELOPMENT AND THE ALLOCATION OF STREET NAMES AND NUMBERS**

Reference is made to our application dated 23 October 2020 as well as your covering letter dated 10 August 2021 accompanying the 20 letters of comments / objections received. The *objections* and our *comments* can be summarised as follow:

1. "The road infrastructure isn't designed for constant traffic of heavy vehicles which will increase risk of road damages and risk of accident endangering the habitant of the area."

The design and construction of Little Swift Close were approved by the Overstrand Municipality. The proposal was that Little Swift Close be designed to make provision for access to the future development of Erf 1449 Vermont as well. ~~The current~~ Any damages to Little Swift Close will have to be rectified by the Overstrand Municipality as part of the maintenance of the public road.

Divine Inspiration Trading 329 (Pty) Ltd. trading as Plan Active  
Reg. No. 2006/030921/07  
Vat. No. 4770250340

John Mc Lachlan: Ndip (Town Planning) Tech Witwatersrand; MSAPI Nr. 10908; SACPLAN Tch. Pln B/8250/2014  
Pauline Spronk: B (Soc Sc) US, BA Hon (UNISA)  
Meriké Lerm: B. Art et Scien Cum Laude (Town Planning) UNW; SACPLAN Pr. Pln A/158/2009

TP 28 OCT 2021

2/17

It is proposed that, subject to the approval of the Overstrand Municipality, construction vehicles would make use of Little Swift Close for the development of the first phase of the development, that consist of 10 erven, as indicated on the Phase Plan, that accompanied our application. With the development of the other remaining 4 phases we proposed that, subject to the approval of the Overstrand Municipality, a temporary access be created from Lynx Avenue over proposed Erf 16 or to make use of the existing main access from Lynx Avenue to Erf 1449 Vermont for the use of construction vehicles.

The proposed development has been approved by the Department of Environmental Affairs and Development Planning. The development was authorised by the said Department on 30 September 2020. Please refer to Annexure K of our motivation report. The authorisation includes conditions that the owner has to conform with. These conditions include that an Environmental Management Plan be submitted for approval and implemented for the development of the site. An Environmental Control Officer must also be appointed before commencing with the development to ensure compliance with the provision of the EMP and the conditions contained therein. Subsequently the development of the site will take place in such a manner, taking the natural environment into consideration.

2. *"With construction taking place over a period of time it will create excessive noise disturbing our peace and tranquillity, also to mention that it will disturb the wildlife, possibly protected endangered species, in and around the greenbelt."*

As mentioned above, the development will be managed by an Environmental Control Officer and that construction vehicles would make use of a temporary access for the development of Phases 2 to 5. Construction vehicles will only make use of Little Swift Close for the construction of the first phase as we have proposed. The site will be developed in a manner that will also be in line with the Environmental Management Plan. Please Note: This is the only property situated alongside Lynx Avenue that will be developed in a sensitive manner and that has gone through an Environmental Authorisation process to ensure that the environment has been taken into consideration. The development of the site will take place in a similar way as all the surrounding developments of the small holdings situated alongside Lynx Avenue, that our client had to endure.

3/17

There is no reason to believe that the noise levels will be greater than that of any the other developments, including that of Vermont Heights Estate. The development of the site will be temporary after which the neighbourhood will return to its former tranquil state.

3. *"Noise control and regulation outlined in environmental conservation act 1989 (Act 73 of 1989) should be followed. The noise level of the trucks being used in the construction process is likely to be around 100DB and above, especially when going up the road, when regulations allow for about half this level around our area."*

The development will be done in line with an Environmental Management Plan that will be overseen by an Environmental Control Officer. Any new development will have a noise impact on the surrounding erven, but it will be temporary. Being located within an area that is not fully developed it is reasonable to expect that the vacant erven will be developed in the future. Surrounding land owners will have to endure the construction that will take place on Erf 1449 Vermont, the same that our client had to endure with the development of the residential erven alongside Francolin Close and Little Swift Close.

4. *"Little Swift Close would not be able to accommodate the cars of 1449 as well as our small community of Little Swift Close."*

Little Swift Close is a public street that has a road reserve width of 10m with combination of a paved surface and tarred surfaces that has a minimum width of 5m. At the time of the development of the erven abutting Little Swift Close, a road was also constructed from Little Swift Close in a northern direction that ends right up to the boundary of Erf 1449 Vermont with the understanding that this road be used as the main access to the development on Erf 1449 Vermont. The Overstrand Municipality wants to limit access to and from Lynx Avenue when small holdings abutting the said Avenue are developed. Subsequently it has been made a prerequisite that the small holdings alongside Lynx Avenue share access points when they are developed. Subsequently the development of Vermont Heights had to make provision for the development of Erf 1449 Vermont.

With reference to the aerial photograph below is it clear that every second small holding gains access via another small holding. Little Swift Close provides access to the development on Erf 1449 Vermont and Francolin Close provides access to the development on Erf 1447 Vermont.

4/17



5. "The large amount of group housing on Erf 1449 will have an impact on our property prices."

It is clear from current developments within the Overstrand Municipal area that the size of erven does not impact negatively on property prices. With reference to our motivation report and supporting documentation it is clear that the owner intends to establish an upmarket residential development consisting of single residential erven and grouphousing erven. Being an upmarket development, taking the natural environment into consideration, that will be attractive to the environmental conscious person who will be willing to pay a premium to be part of such a development. It is our opinion that the proposed development will be an asset to the area and that it would have a positive impact on the surrounding erven.

5/17

6. *"The road infrastructure in Little Swift Close is too narrow for heavy vehicles to pass through each other safely. This will contribute to road accidents in the neighbourhood for all road users."*

We have inspected Little Swift Close, a public street, and can confirm that the minimum width of the street is 5m and that the road surface is established within a 10m road reserve. This road is similar to access roads of the other developments in the area such as Francolin Close. Taking the topography of the site into consideration on which Little Swift Close is constructed and the configuration of the street it is not possible to speed on this street. The fact that Little Swift Close consists of a combination of a paved section at the steep incline and a tarred surface cause people to drive slowly. It is common practise to introduce different road surfaces to achieve lower vehicle speeds. The same practise has been used in Hight Street, located in the Hermanus CBD, that now has become more pedestrian friendly.

With the lower vehicular speed, vehicles will be able to pass one another easily and heavier vehicles will also not pose a problem. We are furthermore proposing that only the 1<sup>st</sup> Phase of the development will make use of Little Swift Close. Residential streets are not designed for heavy vehicles, since traffic of heavy vehicles on residential streets are always of temporary nature during the construction phase.

Little Swift Close is a public road. If there should be any irregularities that this road is not up to standard the Overstrand Municipality will have to rectify it. If Little Swift Close is not up to standard it is not the doing of the owner of Erf 1449 Vermont, and subsequently the owner cannot be penalised.

7. *"During the construction period in Erf 1449, which may take several years, the construction traffic will cause noise and remove tranquillity in the Little Swift Close neighbourhood."*

As mentioned earlier, the development of Erf 1449 Vermont will be done in the most sufficient manor governed by the Environmental Management Plan. The development will not be more noisy than the former developments that have taken place in the vicinity. Surrounding land owners will have to endure the construction phase that will take place on Erf 1449 Vermont, the same that our client had to endure with the development of the residential erven alongside Francolin Close and Little Swift Close. Once the development is completed the neighbourhood will return to its tranquil state

6/17

8. *"I bought Erf 2212 because of the quietness and tranquillity of the area as it was on a cul-de-sac with very limited traffic. Providing access to Erf 1449 development compromises the attractiveness of Little Swift neighbourhood, and I believe it is an unfair situation as this was not the expected environment when I made the decision to buy the plot."*

**Little Swift Close has been designed to also provide access to Erf 1449 Vermont as previously mentioned, in our comments above. The fact that Erf 1449 Vermont has not been developed yet, created the illusion that Little Swift Close is a cul-de-sac, but it was actually constructed in such a way to provide access to the proposed development on Erf 1449 Vermont of which a similar development has been approved in 2012. This is the reason why Little Swift Close has been constructed up to the boundary of Erf 1449 Vermont.**

9. *"The top of the Little Swift Close creates a blind spot and poses a safety risk to both traffic and young children in the Little Swift neighbourhood."*

**We have inspected Little Swift Close and found that the different road surfaces have a speed calming effect. The gradient of the street and the configuration thereof will also influence the traffic speed. We subsequently found that the use of Little Swift Close will not pose a risk. It is experienced that Francolin Close has been constructed in a similar way. If Little Swift Close was constructed in such a way that it does not conform to the norms and standards of a public street, the matter will have to be rectified by the Overstrand Municipality being the custodian of public roads. We would suggest that the owners take it up with the Overstrand Municipality to investigate the matter.**

10. *"Allowing access to Erf 1449 development through Little Swift Close will result in material negative impact on property values in Little Swift Close development."*

**A previously application for the development of Erf 1449 Vermont was approved that consisted of 29 residential opportunities and a clubhouse. We are now proposing a slightly amended layout of the erven on Erf 1449 Vermont that consists of 30 residential opportunities and no clubhouse. Subsequently the impact on Little Swift Close is basically identical and will not negatively impact on the property values of Little Swift Close.**

7/17

11. *"The increase or introduction of construction workers will pose a security risk to households in the Little Swift neighbourhood."*

**With the combination of an appointed Civil Engineer, a Civil Contractor and an onsite Environmental Control Officer, the construction site and construction workers will be well managed and will not pose a security risk to households in the vicinity.**

12. *"since there is an existing Lynx Road designed for heavy traffic, I strongly propose that the development in Erf 1449 make their entrance through the Lynx Road."*

**The Overstrand Municipality wants to limit the access to and from Lynx Avenue, as mentioned under paragraph 4 above. Little Swift Close, is a public street and the configuration thereof takes the proposed development of Erf 1449 Vermont into consideration and provides access to the site.**

13. *"I personally see no justifiable reason in terms of health, security, safety and environmental on why the development in Erf 1449 should not use Lynx Road for access to the development."*

**Please refer to our comments under paragraphs 4 and 12 above.**

14. *"An EIA was done on the development of Erf 1449 of which I never received any notice on the proposed EIA."*

**The following information was supplied to us by Michelle Naylor of Lornay Environmental Consulting who dealt with the Basic Assessment Report on which an authorisation has been received:**

**Please note that a Basic Environmental Assessment was applicable for the proposed development of Erf 1449 Vermont. As part of this process a full public participation process was required as stipulated in terms of the National Environmental Management Act (Act 107 of 1998) and the Environmental Impact Assessment Regulations 2014 (As amended). This included the following:**

- Placement of noticeboard on the site with details of the proposal and methods for providing comment
- Notice placed in the Hermanus Times, inviting any potential interested and affected party to provide comment

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- Notices to all directly adjacent landowners (Registered mail)
- Two 30 day rounds of public participation opportunity
- The opening of a register for Interested and Affected parties and the drafting of a comments and response report to record all comments received
- Additional measures were also provided in response to Covid and the Disaster Management Regulations.
- The proof of public participation document was submitted to the Department of Environmental Affairs and Development Planning and was accepted.
- The Environmental Authorisation was issued on the 30/09/2020.

15. *"The junction at Lynx Avenue and Little Swift Close is already a dangerous junction due to the limited visibility and the proximity to the Lynx and Siffie Road, for vehicles and residents.*

After conducting a visit to Little Swift Close we have found that both entering Little Swift Close from Lynx Avenue and exiting Little Swift Close into Lynx Avenue are safe and that one has ample sight distance in both northern and southern directions of oncoming traffic using Lynx Avenue.

16. *"The turnoff from Lynx Avenue into Little Swift Close is on an incline and does not have a clear view of site for vehicles."*

**Please refer to our comments above.**

17. *"The vertical curve and line of sight is not sufficient and has a very dangerous blind rise already, this will be an even more dangerous road with the additional traffic from the proposed development and the application in its current state."*

We have visited Little Swift Close and we have found that traveling up the street does not pose a threat. In order to create further safety measures we suggest that a solid line be painted as a centre line of Little Swift Close that would prohibit vehicles traveling in the same direction to pass one another.

As previously mentioned, if Little Swift Close was constructed in such a way that it does not conform to the norms and standards of a public street, the matter will have to be rectified by the Overstrand Municipality being the custodian of public roads. We would suggest that the owners take it up with the Overstrand Municipality to investigate the matter.

9/17

18. *"To add the road and safety traffic concerns, there is also a horizontal blind rise into Little Swift Close with the boundary of Erf 1450 blocking oncoming traffic from both sides. This is dangerous to oncoming traffic and pedestrians."*

**At the time of our site visit and making use of Little Swift Close we have not experienced Little Swift Close as been hazardous at any point. Please also refer to our comments under paragraph 17 above.**

19. *"The gradient of the beginning of Little Swift Close from Lynx Avenue is extremely steep and the gradient of the height difference does not comply with the Local Municipal Engineering Specification with a rise of approximately 10.0 meters over a short distance."*

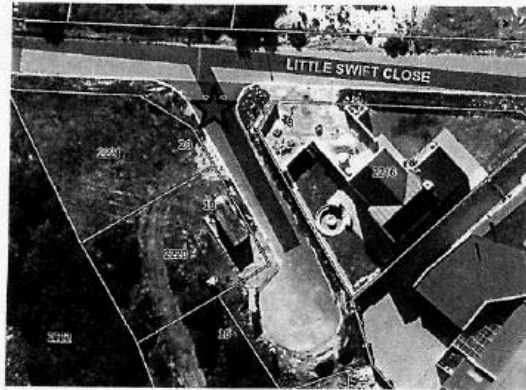
**With reference to our calculation the height difference from the entrance at Lynx Avenue up to the road from which the access is proposed to Erf 1449 Vermont is 8m over a distance of 170m. The change in height over the mentioned distance cannot be classified as being extremely steep. Please also refer to our comments under paragraph 17 above.**

20. *"The current state of the road surface is also much to be desired and does not comply with the National and Local Standards as the asphalt on the road surface is much less than the minimum of 30mm required for Residential Developments."*

**The majority of photos, that accompanied the objections depicting the state of the road surface, is from a section of road that turns in a southern direction from Little Swift Close into another cul-de-sac that will not be used to access the proposed development on Erf 1449 Vermont. Please refer to the aerial photograph below indicating the portion of road we are referring to.**

**It should also be noted that Little Swift Close is a Municipal / public road and that the Overstrand Municipality is responsible for the maintenance thereof. There is no requirement regarding Asphalt thickness, as the road may also be surfaced with a seal. The norm however is that Asphalt should not be less than 25mm in thickness.**

10/17



21. "Should there be a fire on the nature reserve side of Farm 572/0 neighbouring Vermont Heights Estate and the property development, it would be a disaster to evacuate the additional amount of traffic proposed on an already non-compliant road. This is something that must seriously be considered as it will make it nearly impossible for emergency vehicles to access any of the dwellings."

We have conducted an inspection of the western boundary of Erf 1449 Vermont, that shares a common boundary with the Farm 572/0 and we can confirm that there is an established firebreak on the eastern boundary of Farm 572/0. We do not foresee that Farm 572/0 poses a fire hazard to the proposed development on Erf 1449 Vermont. It is furthermore, after conduction a site visit that the existing road infrastructure would be sufficient to provide access to the development via Little Swift Close.

22. "The current proposal and subdivision of the land does not comply with the Local Municipal Land Use Scheme as the amount of public open space is less than 10% for the group housing portion as indicated in the scheme. With so little open and public space there is a concern of over densification to the proposed development. With an already over developed area towards the beginning of Lynx Avenue from the R43."

In terms of the municipal guidelines pertaining to developments alongside Lynx Avenue, a development must comply with the following:

- Housing may be provided at a ratio of 70% single residential and 30% Town housing.
- At least 5% open space is required.

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The application conforms to the abovementioned guidelines. With reference to our motivation report the site consist of 55% single residential, 22% town housing, 7% open space and 16% roads.

23. *"The proportion of group housing versus single residential dwellings is much more than that of Vermont Heights Estate and more than 30% of the area of the erf. This will bring down the value of the surrounding properties and in the area as a whole."*

This matter has been clarified by the Overstrand Municipality and an amendment was made to the application. We can confirm that if only the residential square meterage is considered, that the ratio conforms with the 70% and 30% split between the size of land utilised for single residential and town housing purposes.

24. *"Apparently there has been no professional traffic study undertaken that would support the proposed road layout on and access to Erf 1449 through Vermont Heights. In this application a specialist traffic study is critically important to assist decision making."*

No traffic study was required. It should be noted that there is an approval in place for the development of Erf 1449 Vermont that consists of 29 residential opportunities and a clubhouse. The proposal currently on the table consists of 30 residential opportunities. The impact of traffic on Little Swift Close between what was previously approved on-site and what is proposed is insignificant, i.e. 29 residential opportunities and a clubhouse versus 30 residential opportunities.

25. *"It is very clear that the proposed access to and road layout on Erf 1449 will have significant negative impacts on road safety, vehicle mobility and the peaceful ambience of the Vermont Heights Estate. Furthermore, the ability and options of the Overstrand Protection Services to respond effectively to emergencies on these properties will be restricted."*

Little Swift Close was designed to make provision for access to Erf 1449 Vermont as previously mentioned. The access from Little Swift Close was used as main access to the development of Erf 1449 Vermont, that was formerly approved that the approval has not lapsed. Subsequently we have made use of the same approved access. The access via Little Swift Close will have a low impact on Vermont Heights Estate but it must be taken of the fact that it is an approved access to Erf 1449 proposed development thereon.

12/17

26. *"Planning that forces all traffic, that wishes to access Erf 1449, through Vermont Heights Estate, without thoroughly investigating alternatives, is unsound and inequitable. Alternative planning solutions in collaboration with the parties concerned should be sought to address the shortcomings of the proposed road layout."*

**We have investigated other alternatives. From our former comments it is clear the Overstrand Municipality wants to limit access from Lynx Avenue and therefore access directly from Lynx Avenue to every second small holding. The matter was discussed with the Overstrand Municipality, and it was agreed that we make use of the existing approved access via Little Swift Close.**

27. *"The proposed areas of property densification on Erf 1449 (Grouphousing) adjacent to Vermont Heights is unjustified and not compatible with the other housing densities on these properties. The group housing areas on Erf 1449 are therefore not supported."*

**The proposed development on Erf 1449 Vermont conforms to the future development guidelines applicable to all the small holdings alongside Lynx Avenue.**

28. *"This development will definitely have a negative impact on the value of our investment."*

**Please refer to our comments in paragraph 10 above. The proposed development will be of a high standard as can be seen from the architectural guidelines that accompanied our application, furthermore it will not have a negative impact on the property values of the surrounding erven.**

29. *"When I did the investment, it was with the attraction of being in a small "exclusive" estate with no through traffic. The higher volume of traffic will lead to severe noise pollution, exhaust pollution, security problems, and also the natural animal life will be affected."  
(Owner of Erf 2221 Vermont)*

**As part of the application process to develop the Vermont Heights Estate an access had to be provided to Erf 1449 Vermont and the site development plan for Vermont Heights was approved as such.**

13/17

This should have been disclosed to the owners that purchased property alongside Little Swift Close within the Vermont Heights Estate. A reasonable person would have also questioned why the road stops on the boundary of Erf 1449 Vermont without a proper turning circle, as this is the allocated access to a proposed development on Erf 1449 Vermont, in future.

30. *"I will be, for many years to come, constantly living in a construction site with trucks, teams of workers and contractors walking and driving up and down through the estate."*

As mentioned earlier, the development of Erf 1449 Vermont will be done in the most efficient manner governed by the Environmental Management Plan and that only Phase 1 of the proposed development will make use of Little Swift Close to access the site.

31. *"As currently the width of the road does not allow of two-way traffic with heavy vehicles."*

The actual road surface excluding the curbs and surface runoff stormwater channels is at least 5m wide and established within a 10m width road reserve. Two way traffic of standard vehicles can pass one another. Heavier vehicles could have difficulty passing one another, but it should be taken into consideration that larger vehicles making use of Little Swift Close will only be temporary until the first phase is complete. Furthermore, the 10m road reserve provides additional space for the upgrade of Little Swift Close, should it be required in future.

32. *We take cognisance of the letter received from the owner of Hoek van die Berg that has the following major concern: "as custodians of Hoek van die Berg relates to the lack of any corridor linking Hoek van die Berg to the Vermont Green Belt network through Erf 1449."*

Prior to submitting the application in terms of the Municipal Bylaw on Land Use Planning the proposal went through a scrutiny process in terms of the National Environmental Management Act. All matters pertaining to the environment and the impact the development would have on the environment were taken into consideration during this process. This process was concluded after due diligence and an authorisation was obtained to commence with the development.

33. *"I have never received any notice on the proposed EIA through the post office or by e-mail."*

Please refer to our comments under paragraph 14 above.

14/17

34. *"All of the residents of Little Swift mostly spend the entire day at home because they are retired, the other half work from home. The reason of buying there is the calm and tranquil ambiance being experienced. This will be disrupted with the development taking place."*

**The proposed development will have minor impact on the residents alongside Little Swift Close, but it must be taken into consideration that Little Swift Close is a public street purposely designed to provide access to Erf 1449 Vermont for the development thereof.**

35. *"The turning angle is not appropriate for any motor vehicle over 3500kg. This resulting in cutting corners and damaging the green belt and our property." (owner Erf 2211 Vermont)*

**Residential streets are not designed for heavy vehicles, since traffic of heavy vehicles on residential streets are always temporary. One requirement is that properties should be accessible to the weekly solid waste trucks that collect refuse and that they must be able to safely turn around in a cul-de-sac.**

36. *"There are approximately 22 units at Little Swift, with an average of 3 persons per house and two cars, that equals 66 persons and 44 cars. The road is not broad enough for two code 8 cars to pass through at the same time. In the case of an emergency this road is already dangerous due to the bottleneck effect, what should happen if there were added 93 individuals and 156 cars from the very densely populated proposal for erf 1449? Will there not be any emergency evacuation road roads built for the case of an emergency."*

**Please refer to our comments under paragraph 9 above.**

37. *It is stated by the applicant that for traffic safety reasons it was decided not to make use of the existing access to Erf 1449 Vermont directly from Lynx Avenue, but no explanation was given.*

**Access to and from a new development may not be closer than 80m from one another. Taking the existing access in the area into consideration this criterion cannot be met. Furthermore, Overstrand Municipality wants to limit new access points to Lynx Avenue and subsequently former applications for development has taken this into account and were developed as such. Please also refer to our comments under paragraph 4.**

15/17

38. *"Lynx Road can be classified as a Local Distributor (Class 4) road. The minimum sight distance for a class 4 road is 80. In either north and south direction of Lynx road this sighting distances is easily achievable." It is further proposed that the bulk services levies be used for the upgrading of Lynx Avenue by means of introducing paved sidewalks, bicycle lanes etc.*

**According to our knowledge the 80m referred to above is actually for the placement of access roads from a local distributor and not the sight distance as explained earlier in our comments on the objections.**

39. *"Both developments are bordering the Hoek van den Berg nature reserve with the alien and indigenous plants / trees growing out of control, making it a fire risk area. Having only one access point for incoming and outgoing vehicles for approximately 100 vehicles (2 per property) in an emergency as a veld / residential fire, this could be life threatening to numerous inhabitants of these developments."*

**As previously mentioned, we have conducted an inspection of the western boundary of Erf 1449 Vermont, that that shares a common boundary with the Farm 572/0, and we can confirm that there is a proper established firebreak on the eastern boundary of Farm 572/0. We do not foresee that Farm 572/0 poses a fire hazard to the proposed development on Erf 1449 Vermont. It is furthermore, after conducting a site visit that it was established that the existing road infrastructure would be sufficient to provide access to the development via Little Swift Close.**

40. *"Die grenslyne van die huise in Little Swift singel is 2 meter met ander woorde 4 meter tussen 2 huise terwyl die grenslyne van die bogenoemde ontwikkeling slegs 1 meter is met ander woorde 2 meter spasie wat meebring dat die huise op mekaar en beknop gaan wees en dus die waarde van ons eiendomme in Little Swift negatief gaan beïnvloed."*

**The same 2m lateral building lines apply to the proposed single residential erven. Different land use restrictions apply to the grouphousing erven of which the same restrictions apply to grouphousing erven within the Vermont Heights Estate development and other similar developed small holdings alongside Lynx Avenue.**

41. *"Die 90 grade draai aan die einde van Little Swift straat na die nuwe uitbreiding is te skerp vir groot voertuie."*

16/17

**Little Swift Close is a residential street and not designed for heavy vehicles, since traffic volumes generated by heavy vehicles are very low and temporary of nature.**

42. *"The percentage group housing of the proposed new estate is 43% (13 out of 30 plots for Erf 1449) while the percentage for Vermont Heights is 18% (4 out of 22 plots). This is unacceptable for this area and even more than the maximum of 30% set standard."*

**The calculation of the 30% town housing that is permitted refers to a percentage of the square meterage of the site in relation to the areas utilised for single residential use and townhouse use and is not determined by the number of units. Please also refer to our comments under paragraph 22 above.**

43. *"Erf 1449 has one of the last remaining large patches of milk wood trees and forest in the area that adds to its natural beauty. The concern of the proposed development is that many of these beautiful protected of species will be cut down – not even taking consideration the many creatures living in this habitat."*

44. *We take cognisance of the proposed changes proposed by the HOA of Vermont Heights and our comments are as follow:*

**Our application submitted to the Overstrand Municipality is based on a previous approval, making use of the approved access to the proposed development of Erf 1449 Vermont.**

**It was also decided that because of the sensitivity of the site, to go through an environmental process first and to obtain authorisation from the Department of Environmental Affairs and Development Planning. Access to Erf 1449 Vermont was investigated and due to reasons given throughout our comments on the objections, it was decided to use the previously approved access, that is still valid at this point in time.**

**The proposed amendments to the site plan are minimal and will not have further impact on the surrounding erven versus the existing approved layout and land uses. It is not a question of just amending the layout plan and to make provision for an additional access. This would call for a new application to the Department of Environmental Affairs and Development Planning.**

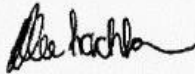
17/17

All comments received from the various departments during the environmental process and during our application in terms of the municipal bylaw will have to redone. Subsequently our client will have to incur additional costs that is unacceptable.

With reference to our comments on the objections is it clear that our proposal conforms with the forward planning guidelines for erven alongside Lynx Avenue and that it is in line with the character of the area. We are therefore of the opinion that the layout plan is in order and should be kept in its current state.

We trust that you will find our comments on the objections received in order and that the application will be dealt with favourably.

Yours faithfully



John Mc Lachlan

Annexure F/4

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR REZONING, SUBDIVISION, DEPARTURES, RIGHT OF WAY  
SERVITUDES, PHASING OF A DEVELOPMENT AND THE ALLOCATION OF  
STREET NAMES & NUMBERS: ERF 1449, VERMONT**

Stormwater (SW)	:	According to the master plan by the developer
Electricity	:	Eskom supply area
Water	:	According to GLS Report / SLA
Sewer	:	According to GLS Report / SLA
Roads and traffic	:	Refer to Conditions

**Conditions:**

1. That a Bulk Services Contribution Levy (BICL) be paid by the developer to supplement municipal services and amenities in accordance with the relevant legislation and as determined by the Council. The BICL tariff is adjusted by Council annually. The total BICL payable will be the amount as determined by the BICL Policy and tariff at the date of **actual payment**. BICL amounts quoted in any document will normally be applicable to the particular year in which the document was compiled and Council will not be bound by the quoted amounts.

**1.1 Developments containing Sectional Title Units/ Commercial Buildings**  
(non-free standing properties – property is not to be subdivided)

The BICLs are to be paid in full **prior** to submission of the building plans. Building Plans will not be accepted unless the BICL is paid in full.

**1.2 Developments with free standing properties** (property that is subdivided and plots to be sold individually).

The BICLs are payable **prior** to clearance being issued by the Income Department of the Municipality.

The contribution according to the current policy (2021/2022) is as follows:

**Freehold erven:**

Water	R 24 915.00 x 26.4 =	R 657 756.00
Sewerage	R 16 799.12 x 26.4 =	R 443 496.77
Stormwater	R 8 691.28 x 3.280666=	R 28 513.19
Solid Waste	R 1 505.92 x 29 =	R 43 671.68
Road	R 7 532.72 x 29 =	<u>R 218 448.88</u>
<b>TOTAL (inclusive of VAT)</b>	=	<b>R1 391 886.52</b>

**Note:**

- 1.1 The above figures are estimates

2. that the developer at his cost constructs the internal municipal civil and electrical services for the development as well as any link or bulk municipal services that need to be provided;
  - 2.1 the Director: Infrastructure and Planning may require the developer to construct internal, link, and/or bulk municipal services to a higher capacity than warranted by the development for purposes of allowing other existing or future developments to also utilise such services, provided;
  - 2.2 the rates and prices of such work be established in terms of a system which is fair, equitable, transparent and cost effective;
  - 2.3 if link municipal services have already been provided, the developer to contribute towards the cost thereof, the Director: Infrastructure and Planning to determine the amount of such contribution in terms of a system which is fair and equitable;
3. that servitudes for municipal services be registered in favour of the Council at the developer's cost in respect of all main services to be taken over by the Council and all existing municipal services concerned crossing private property;
4. that the developer indemnifies and keep the Council indemnified against all actions, proceedings, claims and demands, costs, damages and expenses arising out of the establishment of the township, the provision of services to the township or the use of servitude areas or municipal property:
  - 4.1 for a period which shall commence on the date that the installation of the services to the township are commenced with and shall expire after completion of the maintenance period;
  - 4.2 the developer to submit an acceptable public liability insurance policy to the Council and to pay the premium in advance for the period as set out above before any work concerned may commence;
  - 4.3 the insurance to be to an amount which shall not be less than that required by the CESA
  - 4.4 such indemnification against loss, claims or damages, to include claims pertaining to consequential damages by third parties and whether as a result of the damage to or interruption of or interference with the Council's services or apparatus or otherwise;
5. that a plan of all existing services be submitted to the Director: Infrastructure and Planning, by the developer and that any of the services that need to be relocated, be done by the developer at his cost to the satisfaction of the Director: Infrastructure and Planning:
  - 5.1 way-leaves must be obtained from the Operational Manager;

- 5.2 such way-leaves to be obtained prior to any excavation on public property or property where existing services are located;
6. that the developer may enter into an agreement with the Council to install or upgrade bulk and/or link municipal services and amenities at an agreed cost, subject to the following:
  - 6.1 such costs to be established in accordance with a system which is fair, equitable, transparent, competitive and cost effective;
  - 6.2 such costs shall be set-off against (part or full) development contributions payable in respect of engineering services;
  - 6.3 to the extent that such costs exceed the development contributions payable, the Council will refund the developer the difference with interest calculated at the prime rate, when funds are available;
7. that plans of all the internal municipal civil and electrical (high and low voltage supply) services and such link services as required by the Director: Infrastructure and Planning, prepared by an ECSA registered professional engineer/technologist, be submitted to the Director: Infrastructure and Planning for his prior approval;
8. the "Guidelines for the Provision of Engineering Services in Residential Townships" (Blue Book), SANS 1200 specifications and the Design and Construction Standards for civil and electrical services of the Council to be used as the standard design and construction criteria with which such plans must comply;
9. the Director: Infrastructure and Planning to be notified in writing of all deviations from the Standard Design and Construction Criteria when plans are submitted for his approval and such deviations to be separately approved in writing by the Director: Infrastructure and Planning;
10. the successful completion of such works to be supervised and certified by an independent professional civil engineer/technologist i.e. a professional civil engineer/technologist who has no direct financial interest in the development, other than payment as standard professional fees for the work concerned; and
11. such independent professional civil engineer/technologist to furnish the Director: Infrastructure and Planning with satisfactory proof of his professional indemnity insurance to an amount which shall not be less than that required by the CESA and which insurance shall be valid for the relevant contract and maintenance period;
12. that all municipal civil and electrical services installed or constructed by the developer, be maintained after completion thereof for a maintenance period,

as described in the General Condition of Contract for works of Civil Engineering Construction – 2010, of 12 months, and

13. that a Certificate of Completion together with as-built services plans be provided by the independent professional engineer/technologist to the Overstrand Municipality. As-built plans to be on quality paper, together with a DXF file thereof;
14. that a stormwater management plan, which may include attenuation facilities to ensure that the pre-development run-off is not exceeded and that erosion and pollution is minimised, be submitted to the Director: Infrastructure and Planning for approval and that the approved management plan be implemented by the developer at his cost to the satisfaction of the Director: Infrastructure and Planning;
15. that the above stormwater management plan include the following:
  - 15.1. pre-development run-off from the catchment area;
  - 15.2. post-development run-off from catchment area;
  - 15.3. existing stormwater reticulation system and the capacity thereof;
  - 15.4. connection of internal stormwater reticulation system; overland escape routes;
16. that the connection to the stormwater reticulation system be provided according to the stormwater management plan, by the developer and approved by Overstrand Municipality;
17. that the water reticulation system of the development be connected to the existing 100mm diameter water pipe in Little Swift Close as by messers GLS report;
18. that the sewer reticulation system of the development be connected to the existing municipal systems by link services items 1, 2 & OHS11.13 as by messers GLS report;
19. that no off-street parking will be allowed;
20. that damage to the existing roads, used as routes for access to the development, for the provision of services, be repaired by the developer.

  
**DENNIS HENDRIKS**  
**SENIOR MANAGER: ENGINEERING SERVICES**

25/03/2022  
DATE

IP. A. Noord  
(M. Olivier) Annexure G 1/25



Western Cape  
Government



Department of Environmental Affairs and Development Planning  
Bernadette Osborne  
Directorate: Development Management, Region 1  
Bernadette.Osborne@westerncape.gov.za | Tel: 021 483 3679

REFERENCE: 16/3/3/5/E2/40/1002/22  
DATE: 04 March 2022

Ms Lizani Lewis  
1449 Lynx Avenue  
VERMONT  
7201

FILE NO.	SF 1449
	Vermont ✓
SCAN NO.	HVM 1449
COLLABORATOR NO.	1651165

Cell: 082 467 8839  
E-mail: Liz.lewis.sa@gmail.com

Dear Madam

**APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND PART 1 OF THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 FOR THE AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 30 SEPTEMBER 2020: THE RESIDENTIAL DEVELOPMENT ON ERF NO. 1449, VERMONT.**

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** the amendment of the Environmental Authorisation issued on 30 September 2020 (DEA&DP Ref.: 16/3/3/1/E2/40/1013/20) attached herewith, together with the reasons for the decision.
2. Your attention is drawn to Chapter 2 of the National Appeal Regulations, 2014 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarised in the attached amended EA.

Yours faithfully

**Zaahir Toefy**  
Digitally signed by Zaahir Toefy  
Date: 2022.03.04 09:45:26  
+02'00'

**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)  
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

Cc: (1) Ms Michelle Naylor (Lomay Environmental Consulting)  
(2) Ms Liezi de Villiers (Overstrand Municipality)  
(3) Mr Rhett Smart (CapeNature)

E-mail: michelle@lornay.co.za  
E-mail: ldevilliers@overstrand.gov.za  
E-mail: rsmart@capenature.co.za

08 MAR 2022

TP



Western Cape  
Government

Department of Environmental Affairs and Development Planning  
**Bernadette Osborne**  
Directorate: Development Management, Region 1  
Bernadette.Osborne@westerncape.gov.za | Tel: 021 483 3679

2/25

**EIA REFERENCE:** 16/3/3/5/E2/40/1002/22  
**NEAS REFERENCE:** WCP/EIA/AMEND/0000581/2022  
**DATE:** 04 March 2022

### ENVIRONMENTAL AUTHORISATION

**APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND PART 1 OF THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 FOR THE AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 30 SEPTEMBER 2020: THE RESIDENTIAL DEVELOPMENT ON ERF NO. 1449, VERMONT.**

With reference to your application for the abovementioned, find below the outcome with respect to this application.

#### A. DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014, the Department herewith **grants** the amendment of the Environmental Authorisation ("EA") issued on 30 September 2020 (DEA&DP Ref.: 16/3/3/1/E2/40/1013/20) in terms of Part 1 of the EIA Regulations, 2014.

The EA is amended as set out below:

#### 1. Decision:

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014, the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activities specified in section B below with respect to Layout Alternative 2 described in the Basic Assessment Report ("BAR"), dated March 2020.

Is amended to read:

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014, the Competent Authority herewith **grants the amendment of the Environmental Authorisation** to the applicant to undertake the listed activities specified in section B with respect to Layout Alternative 2 as described in the Amendment Application Form, dated 20 January 2022.

#### 2. Activities Authorised in Section B:

The holder is herein authorised to undertake the following alternative that includes the listed activities as it relates to the development:

This alternative entails a residential development of 22 077m<sup>2</sup> in size on Erf No. 1449 in Vermont consisting of the following:

[www.westerncape.gov.za](http://www.westerncape.gov.za)

Department of Environmental Affairs and Development Planning

3/25

- 31 residential erven consisting of Residential Zone 1: Single Residential and General Residential: Town Housing units.
- 4 Open Spaces and 1 Transport Zone.

Is amended to read:

The holder is herein authorised to undertake the following alternative that includes the listed activities as it relates to the development:

This alternative entails a residential development of 22 077m<sup>2</sup> in size on Erf No. 1449 in Vermont consisting of the following:

- 30 residential erven consisting of Residential Zone 1: Single Residential and General Residential: Town Housing units.
- 3 Public Open Spaces and 1 Transport Zone.

**3. Condition 1 in Section E: Conditions of Authorisation:**

The holder is authorised to undertake the listed activities specified in Section B above in accordance with and restricted to Layout Alternative 2 described in the BAR dated March 2020 on the site as described in Section C above.

Is amended to read:

The holder is authorised to undertake the listed activities specified in Section B above in accordance with and restricted to Layout Alternative 2 as described in the Amendment Application Form dated 20 January 2022 on the site as described in Section C above.

**4. Condition 9 in Section E: Conditions of Authorisation:**

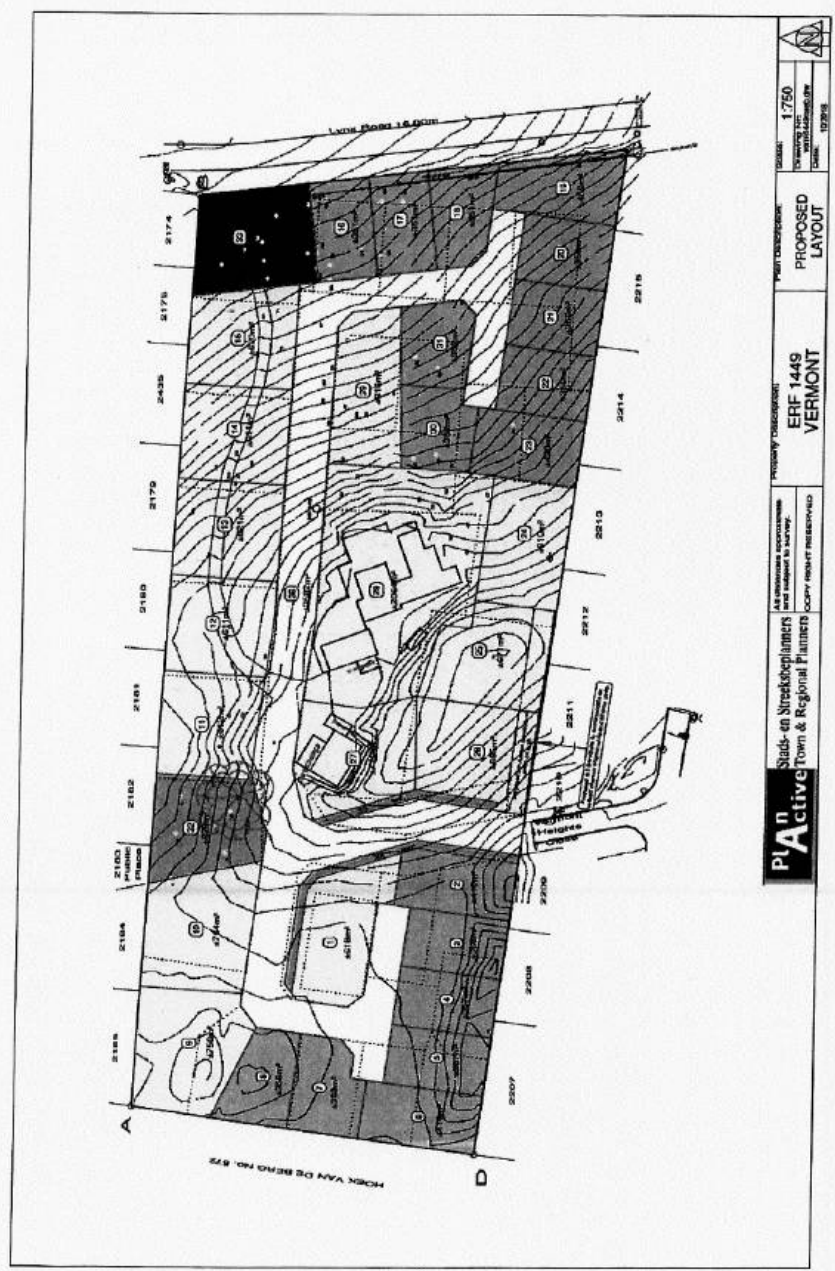
The draft Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.

Is amended to read:

The amended Environmental Management Programme ("EMPr") submitted as part of this amendment application is hereby approved and must be implemented.

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5. Annexure 2: Site Plan:





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**6. Layout Alternative 2 (Preferred and herewith authorised)**

This alternative comprises of:

- 31 residential erven consisting of Residential Zone 1: Single Residential and General Residential: Town Housing units.
- 4 Open Spaces and 1 Transport Zone.

This alternative is 22 077m<sup>2</sup> in size and was preferred since the layout takes the position of the Milkwood trees present on the site into consideration and strategically places the Open Spaces in areas where the Milkwood trees are most dense. All the Milkwood trees on the site were mapped with a GPS by the botanist, which also informed the placement of the erven, allowing incorporation of the Milkwood trees into the design of the development.

Is amended to read:

This alternative comprises of:

- 30 residential erven consisting of Residential Zone 1: Single Residential and General Residential: Town Housing units.
- 3 Public Open Spaces and 1 Transport Zone.

This alternative is 22 077m<sup>2</sup> in size and was preferred since the layout accommodates the requirement from the Overstrand Municipality to change the open space from Private Open Space to Public Open Space. One large Public Open Space was created on Erf No. 33 with a development footprint of 1228m<sup>2</sup>. Erf No. 33 contains a high number of Milkwood trees, several of which are large and very old. According to the Ecologist, Joel Lewis the creation of the large Public Open Space in a more protected area within the development will prevent further destruction and better conservation of the Milkwood trees present on the site. In addition, all the Milkwood trees on the site were mapped with a GPS by the botanist during the initial basic assessment process, which also informed the placement of the erven, allowing incorporation of the Milkwood trees into the design of the development.

**7. Biophysical Impacts**

The site is predominantly characterised by indigenous vegetation, namely Overberg Dune Sandveld vegetation, which is classified as a least threatened vegetation type and White Milkwood trees, which are a protected tree species in terms of the National Forests Act, 1998 (Act No. 84 of 1998). According to the letter dated 13 July 2018 from the Botanist, Amida Johns, 72 Milkwood trees are present on the site. Each Milkwood tree was mapped so that it could be overlaid on the site plan. The preferred alternative, herewith authorised, was derived taking into consideration the position of the Milkwood trees present on the site and strategically places the Open Spaces in areas where the Milkwood trees are most dense. The erven have also been placed in such a way to incorporate the Milkwood trees into the design to achieve the minimal removal of Milkwood trees across the entire site. The comment from CapeNature, dated 21 April 2020, confirmed that they have no objection to the proposed development and that a permit from the Department of Environment, Fisheries and Forestry for the removal of this protected tree species (including partial removal) will be required. This was addressed in Condition 17 of this Environmental Authorisation.

According to the Freshwater Risk Assessment dated 27 February 2020 and compiled by Nick Steytler for EnviroSwift, no watercourses are present on the site and the site is not hydrologically linked to the mapped wetlands to the north-east comprising part of the Vermont salt pan system. There is a link with the ephemeral drainage line to the south-east of the site but due to the minimal catchment area of this watercourse occurring within the site and the limited development that will occur within this catchment area (only an access road), a low risk class was calculated for the development of the road. To ensure that the drainage that could potentially be impacted by the access road remains unaffected, an

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unlined channel will be constructed along the southern side of the access road to Erven 24, 25 and 26 to intercept stormwater runoff and promote groundwater recharge. This channel forms part of the site plan that is herewith authorised.

Is amended to read:

The site is predominantly characterised by indigenous vegetation, namely Overberg Dune Sandveld vegetation, which is classified as a least threatened vegetation type and White Milkwood trees, which are a protected tree species in terms of the National Forests Act, 1998 (Act No. 84 of 1998). According to the Ecologist, Joel Lewis the preferred layout alternative will prevent further destruction and better conservation of the Milkwood trees. The presence and maintenance of several large and old milkwood trees on Erf No. 33 is beneficial since it will ensure their recruitment and population stability over time. The Ecologist further stated that a single consolidated public open space is of higher conservation value than two smaller open spaces, particular for fauna. The comment from CapeNature, dated 16 August 2021, confirmed that they have no objection to the amendment, that they agree with the findings of the Ecologist and that a permit from the Department of Forestry, Fisheries and Environment for the removal of this protected tree species (including partial removal) will be required. This was addressed in Condition 17 of this Environmental Authorisation.

According to the Freshwater Risk Assessment dated 27 February 2020 and compiled by Nick Steytler for EnviroSwift, no watercourses are present on the site and the site is not hydrologically linked to the mapped wetlands to the north-east comprising part of the Vermont salt pan system. There is a link with the ephemeral drainage line to the south-east of the site but due to the minimal catchment area of this watercourse occurring within the site and the limited development that will occur within this catchment area (only an access road), a low risk class was calculated for the development of the road. To ensure that the drainage that could potentially be impacted by the access road remains unaffected, an unlined channel will be constructed along the southern side of the access road to Erven 27, 28 and 29 to intercept stormwater runoff and promote groundwater recharge. This channel forms part of the site plan that is herewith authorised.

#### B. REASONS FOR THE DECISION

In reaching its decision, the Department took, inter alia, the following into consideration:

1. The amendment applied for is in terms of Part 1 of the EIA Regulations, 2014 and will not change the scope of the EA issued on 30 September 2020.
2. The amendment does not trigger any new listed activities in terms of the EIA Regulations, 2014 as defined in Listing Notices 1, 2 and 3 published in Government Gazette No. 40772.
3. The amendment will not result in an increased level or nature of the impacts that were considered and assessed during the initial application for environmental authorisation.
4. The amendment accommodates the requirement from the Overstrand Municipality to change the open space from Private Open Space to Public Open Space.
5. According to the Ecologist, Joel Lewis the amendment will prevent further destruction and ensure better conservation of the Milkwood trees.
6. The comment from CapeNature, dated 16 August 2021, confirmed that they have no objection to the amendment.

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7. The environment and the rights and interests of interested and affected parties ("I&APs") will not be adversely affected by the decision to amend the Environmental Authorisation.

**C. CONDITIONS**

1. All other conditions contained in the EA issued on 30 September 2020 (Attached as Annexure A), remain unchanged and in force.

**D. APPEALS**

Appeals must comply with the provisions contained in the National Appeal Regulations 2014 (as amended).

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date the notification of the decision was sent to the holder by the Competent Authority –
  - 1.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
  - 1.2. Submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision. -
2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered I&APs–
  - 2.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
  - 2.2. Submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organ of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.
4. The appeal and the responding statement must be submitted to the address listed below:

By post: Western Cape Ministry of Local Government, Environmental Affairs and Development Planning  
Private Bag X9186  
CAPE TOWN  
8000

By facsimile: (021) 483 4174; or

By hand: Attention: Mr Marius Venter (Tel: 021 483 3721)  
Room 809  
8<sup>th</sup> Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

**Note:** For purposes of electronic database management, you are also requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement

[www.westerncape.gov.za](http://www.westerncape.gov.za)

Department of Environmental Affairs and Development Planning

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and any supporting documents to the Appeal Authority to the address listed above and/or via e-mail to [DEADP.Appeals@westerncape.gov.za](mailto:DEADP.Appeals@westerncape.gov.za).

5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from the Appeal Authority at: Tel. (021) 483 3721, E-mail [DEADP.Appeals@westerncape.gov.za](mailto:DEADP.Appeals@westerncape.gov.za) or URL <http://www.westerncape.gov.za/eadp>.

#### E. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this EA shall not be responsible for any damages or losses suffered by the holder, developer or his/her successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

Your interest in the future of our environment is appreciated.

Yours faithfully

Zaahir Toefy

Digitally signed by  
Zaahir Toefy  
Date: 2022.03.04  
09:46:02 +02'00'

**MR. ZAAHIR TOEFY**  
**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)**

**DATE OF DECISION: 04 MARCH 2022**

Cc: (1) Ms Michelle Naylor (Lornay Environmental Consulting)  
(2) Ms Liezl de Villiers (Overstrand Municipality)  
(3) Mr Rhett Smart (CapeNature)

E-mail: [michelle@lornay.co.za](mailto:michelle@lornay.co.za)  
E-mail: [ldevilliers@overstrand.gov.za](mailto:ldevilliers@overstrand.gov.za)  
E-mail: [rsmart@capenature.co.za](mailto:rsmart@capenature.co.za)

-----END-----

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**ANNEXURE A: ENVIRONMENTAL AUTHORISATION ISSUED ON 30 SEPTEMBER 2020**



11/25



Department of Environmental Affairs and Development Planning  
**Bernadette Osborne**  
 Development Management: Region 1  
[Bernadette.Osborne@westerncape.gov.za](mailto:Bernadette.Osborne@westerncape.gov.za) | Tel: 021 483 3679

**REFERENCE:** 16/3/3/1/E2/40/1013/20  
**NEAS REFERENCE:** WCP/EIA/0000737/2020  
**ENQUIRIES:** Bernadette Osborne  
**DATE OF ISSUE:** 30 SEPTEMBER 2020

### ENVIRONMENTAL AUTHORISATION

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014: THE PROPOSED RESIDENTIAL DEVELOPMENT ON ERF NO. 1449, VERMONT.**

With reference to your application for the abovementioned, find below the outcome with respect to this application.

#### DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014, the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activities specified in section B below with respect to Layout Alternative 2 described in the Basic Assessment Report ("BAR"), dated March 2020.

The applicant for this Environmental Authorisation is required to comply with the conditions set out in section E below.

#### A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

Lizani Lewis  
 PO Box 1390  
**HERMANUS**  
 7200  
 Tel: (028) 316 4152  
 E-mail: [Liz.lewis.sa@gmail.com](mailto:Liz.lewis.sa@gmail.com)

[www.westerncape.gov.za](http://www.westerncape.gov.za)

Department of Environmental Affairs and Development Planning

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The abovementioned applicant is the holder of this Environmental Authorisation and is hereinafter referred to as "the holder".

#### B. ACTIVITIES AUTHORISED

Listed Activity	Project Description
<p><b>Listing Notice 1 –</b>  <b>Activity Number: 27</b>  <b>The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance if indigenous vegetation is required for –</b>            (i) The undertaking of linear activity; or            (ii) Maintenance purposes undertaken in accordance with a maintenance management plan.</p>	<p>The development will entail the clearance of more than 1 hectare of indigenous vegetation.</p>
<p><b>Listing Notice 3 –</b>  <b>Activity Number: 12</b>  <b>The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</b></p> <p><b>(i) Western Cape:</b></p> <p>i. <b>Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;</b></p> <p>ii. <b>Within critical biodiversity areas identified in bioregional plans;</b></p> <p>iii. <b>Within the littoral active zone or 100 metres inland from the high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas;</b></p>	<p>Milkwood trees are present on the site and some of them will have to be cleared. Western Cape Milkwood Forest is classified as an endangered ecosystem in terms of Section 52 of the Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004).</p>

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<p>iv. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or</p> <p>v. On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister.</p>	
---	--

The abovementioned activities are hereinafter referred to as "**the listed activities**".

The holder is herein authorised to undertake the following alternative that includes the listed activities as it relates to the development:

This alternative entails a residential development of 22 077m<sup>2</sup> in size on Erf No. 1449 in Vermont consisting of the following:

- 31 residential erven consisting of Residential Zone 1: Single Residential and General Residential: Town Housing units.
- 4 Open Spaces and 1 Transport Zone.

#### C. SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken on Erf No. 1449, Vermont, and has the following co-ordinates:

	Latitude (S)	Longitude (E)
Co-ordinates:	34° 24' 49.51" South	19° 08' 50.29" East

The SG digit code is: C013 0023 00001449 00000

Refer to Annexure 1: Locality Map and Annexure 2: Site Plan.

The above is hereinafter referred to as "**the site**".

#### D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Lornay Environmental Consulting  
 c/o Ms Michelle Naylor  
 PO Box 1990  
**HERMANUS**  
 7200

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Cell: (083) 245 6556  
E-mail: michelle@lornay.co.za

#### **E. CONDITIONS OF AUTHORISATION**

##### **Scope of authorisation**

1. The holder is authorised to undertake the listed activities specified in Section B above in accordance with and restricted to Layout Alternative 2 described in the BAR dated March 2020 on the site as described in Section C above.
2. The holder must commence with the listed activities on the site within a period of **five years** from the date issue of this Environmental Authorisation.
3. The development must be concluded within **ten years** from the date of commencement of the listed activities.
4. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
5. Any changes to, or deviations from the scope of the alternative described in section B above must be accepted or approved, in writing, by the Competent Authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the Competent Authority may request information in order to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

##### **Written notice to the Competent Authority**

6. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of construction activities.
  - 6.1 The notice must make clear reference to the site details and EIA Reference number given above.
  - 6.2 The notice must also include proof of compliance with the following conditions described herein:

Conditions: 7, 8, 11 and 17

##### **Notification and administration of appeal**

7. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision-

- 7.1 notify all registered Interested and Affected Parties ("I&APs") of –
  - 7.1.1 the outcome of the application;
  - 7.1.2 the reasons for the decision as included in Annexure 3;
  - 7.1.3 the date of the decision; and
  - 7.1.4 the date when the decision was issued.
- 7.2 draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations, 2014 detailed in Section F below;
- 7.3 draw the attention of all registered I&APs to the manner in which they may access the decision;
- 7.4 provide the registered I&APs with:
  - 7.4.1 the name of the holder (entity) of this Environmental Authorisation,
  - 7.4.2 name of the responsible person for this Environmental Authorisation,
  - 7.4.3 postal address of the holder,
  - 7.4.4 telephonic and fax details of the holder,
  - 7.4.5 e-mail address, if any, of the holder,
  - 7.4.6 the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the 2014 National Appeals Regulations.
8. The listed activities, including site preparation, may not commence within 20 (twenty) calendar days from the date of issue of this Environmental Authorisation. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided.

#### **Management of activities**

9. The draft or Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.
10. The EMPr must be included in all contract documentation for all phases of implementation.

#### **Monitoring**

11. The holder must appoint a suitably experienced environmental control officer ("ECO"), or site agent where appropriate, before commencement of any land clearing or construction activities to ensure compliance with the provisions of the EMPr and the conditions contained herein.

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12. A copy of the Environmental Authorisation, EMPr, audit reports and compliance monitoring reports must be kept at the site of the authorised activities, and must be made available to anyone on request, including a publicly accessible website.
13. Access to the site referred to in Section C above must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the Competent Authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

#### **Auditing**

14. In terms of Regulation 34 of the NEMA EIA Regulations, 2014, the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation, the EMPr and submit Environmental Audit Reports to the Competent Authority. The Environmental Audit Report must be prepared by an independent person and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014.

The holder must undertake an environmental audit every six months for the duration of the construction phase and submit Environmental Audit Reports to the Competent Authority every year during the construction phase. The final Environmental Audit Report must be submitted to the Competent Authority within three months after all the residential erven have been established.

The holder must, within 7 days of the submission of each of the above-mentioned reports to the Competent Authority, notify all potential and registered I&APs of the submission and make the report available to anyone on request and on a publicly accessible website (if applicable).

#### **Specific Conditions**

15. Should any heritage remains be exposed during excavations or any other actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape. Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape.

Heritage remains include: meteorites, archaeological and/or palaeontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts and bone remains; structures and other built features with heritage significance; rock art and rock engravings; and/or graves or unmarked human burials including grave goods and/or associated burial material.

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16. A qualified archaeologist and/or palaeontologist must be contracted where necessary (at the expense of the holder) to remove any heritage remains. Heritage remains can only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant heritage resources authority.
17. A copy of the permit for the removal of Milkwood trees from the National Department of Agriculture, Forestry and Fisheries must be submitted to the Department for record purposes prior to the commencement of construction activities or removal of trees, whichever occur first.
18. Only the Milkwood trees identified for removal should be removed and the remainder of the Milkwood trees must be protected during the construction and operational phase of the development.

#### F. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.
2. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. If the holder does not commence with the listed activities within the period referred to in Condition 2, this Environmental Authorisation shall lapse for that activities, and a new application for Environmental Authorisation must be submitted to the Competent Authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the Competent Authority prior to the expiry date of the Environmental Authorisation.
4. The holder must submit an application for amendment of the Environmental Authorisation to the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the EIA Regulations, 2014 must be submitted.

Please note that an amendment is not required if there is a change in the contact details of the holder. In this case, the Competent Authority must only be notified of such changes.

5. The manner and frequency for updating the EMPr is as follows:  
Amendments to the EMPr, must be done in accordance with Regulations 35 to 37 of the EIA Regulations 2014 or any relevant legislation that may be applicable at the time.

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**G. APPEALS**

Appeals must comply with the provisions contained in the National Appeal Regulations 2014.

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date the notification of the decision was sent to the holder by the Competent Authority –
  - 1.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 to the Appeal Administrator; and
  - 1.2. Submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision. -
2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered I&APs–
  - 2.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 to the Appeal Administrator; and
  - 2.2. Submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organ of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.
4. The appeal and the responding statement must be submitted to the address listed below:

By post: Western Cape Ministry of Local Government, Environmental Affairs and Development Planning  
Private Bag X9186  
CAPE TOWN  
8000

By facsimile: (021) 483 4174; or  
By hand: Attention: Mr Marius Venter (Tel: 021 483 2659)  
Room 809  
8<sup>th</sup> Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

[www.westerncape.gov.za](http://www.westerncape.gov.za)

Department of Environmental Affairs and Development Planning

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**Note:** For purposes of electronic database management, you are also requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority to the address listed above and/ or via e-mail to [DEADP.Appeals@westerncape.gov.za](mailto:DEADP.Appeals@westerncape.gov.za).

5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from Appeal Authority at: Tel. (021) 483 3721, E-mail [DEADP.Appeals@westerncape.gov.za](mailto:DEADP.Appeals@westerncape.gov.za) or URL <http://www.westerncape.gov.za/eadp>.

#### H. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this Environmental Authorisation shall not be responsible for any damages or losses suffered by the holder, developer or his/her successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

Your interest in the future of our environment is appreciated.

Yours faithfully



**MR. ZAAHIR TOEFY**  
**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)**  
**DATE OF DECISION: 30 SEPTEMBER 2020**

Cc: (1) Michelle Naylor (Lomay Environmental Consulting) E-mail: [michelle@lomay.co.za](mailto:michelle@lomay.co.za)  
 (2) Liezl de Villiers (Overstrand Municipality) E-mail: [ldevilliers@overstrand.gov.za](mailto:ldevilliers@overstrand.gov.za)  
 (3) Rhett Smart (CapeNature) E-mail: [rsmart@capenature.co.za](mailto:rsmart@capenature.co.za)  
 (4) Rafeeq Le Roux (Breedee-Gouritz Catchment Management Agency) Email: [rleroux@bgcma.co.za](mailto:rleroux@bgcma.co.za)

sc/oe

ANNEXURE 1: LOCALITY MAP

Erf 1449 Vermont



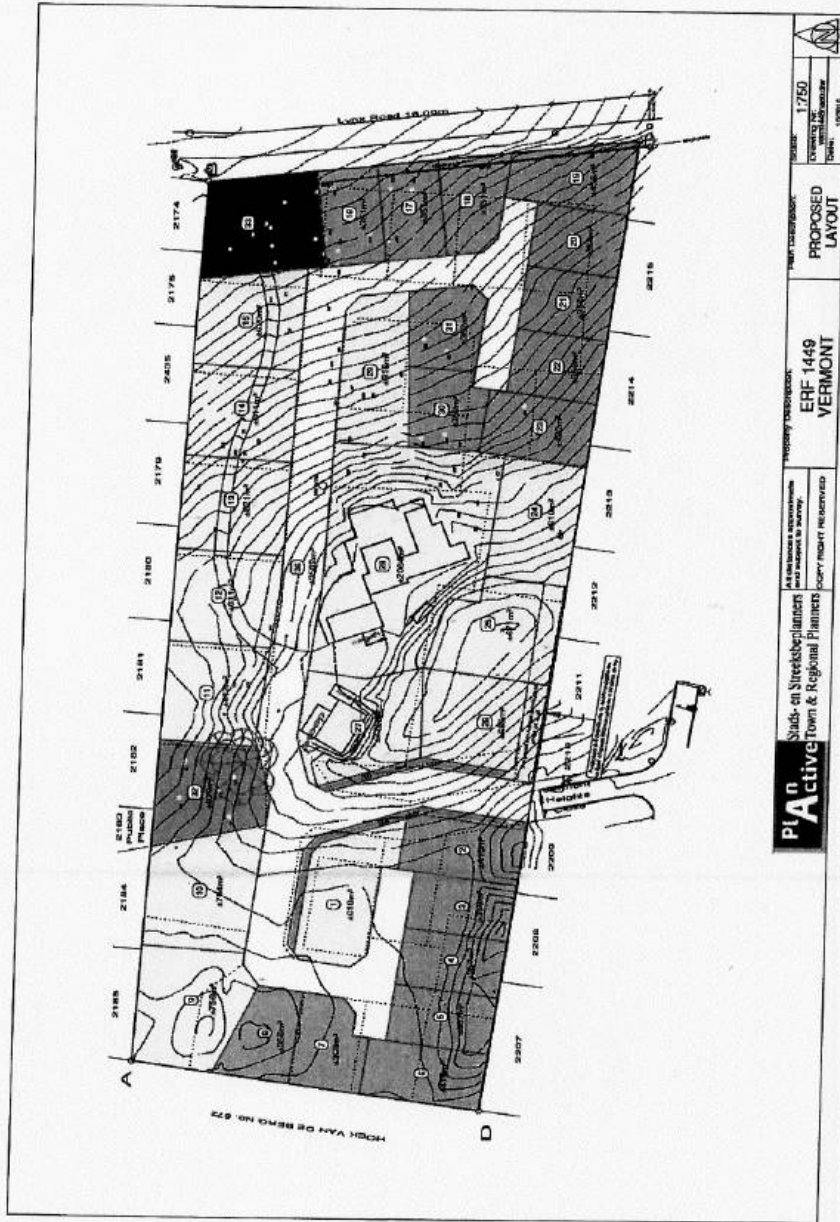
Scale: 1:18 056  
Date created: February 16, 2019

Compiled with CapesFarmMapper



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ANNEXURE 2: SITE PLAN



**PLAN** Study on Streetscape/Planners  
**Active** Town & Regional Planners

AS SHOWN ON THIS PLAN, THE PLANNING AND DESIGN OF THE SITE IS SUBJECT TO THE APPROVAL OF THE LOCAL AUTHORITY.

PROJECT DESCRIPTION: **ERF 1449 VERMONT**

SCALE: 1:750  
 DRAWING NO: 1000000000  
 DATE: 2021

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**ANNEXURE 3: REASONS FOR THE DECISION**

In reaching its decision, the Competent Authority considered, inter alia, the following:

- a) The information contained in the Application Form and letter dated March 2020, the draft Basic Assessment Report received by the Department on, 16 March 2020, the EMPr submitted together with the final Basic Assessment Report on 10 July 2020;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation and Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998);
- d) The comments received from I&APs and responses to these, included in the Basic Assessment Report received on 10 July 2020; and
- e) The balancing of negative and positive impacts and proposed mitigation measures.

No site visits were conducted. The Competent Authority had sufficient information before it to make an informed decision without conducting a site visit.

All information presented to the Competent Authority was taken into account in the consideration of the application for Environmental Authorisation. A summary of the issues that were considered to be the most significant for the decision is set out below.

**1. Public Participation**

The public participation process included:

- identification of and engagement with I&APs;
- giving written notice to the owners and occupiers of land adjacent to the site where the listed activities is to be undertaken, the municipality and ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities on 18 April 2019;
- the placing of a newspaper advertisement in the 'Hermanus Times' on 18 April 2019;
- a notice board was placed at the entrance of the site where the listed activities will be undertaken; and
- making the pre-application draft Basic Assessment Report ("BAR") available to I&APs for public review from 17 April 2019 and the in-process draft BAR from 16 April 2020.

The Department is satisfied that the Public Participation Process that was followed met the minimum legal requirements and the comments raised and responses thereto were included in the comments and response report.

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Specific alternatives, management and mitigation measures have been considered in this Environmental Authorisation and EMP to adequately address the concerns raised.

## 2. Alternatives

### Layout Alternatives

#### Layout Alternative 1

This alternative comprises of:

- 30 residential erven consisting of Residential Zone 1 and 2 erven.
- 1 Transport Zone and 4 small Open Spaces.

This alternative is 22 079m<sup>2</sup> in size and was not preferred since it does not take into consideration the position of the Milkwood trees present on the site.

#### Layout Alternative 2 (Preferred and herewith authorised)

This alternative comprises of:

- 31 residential erven consisting of Residential Zone 1: Single Residential and General Residential: Town Housing units.
- 4 Open Spaces and 1 Transport Zone.

This alternative is 22 077m<sup>2</sup> in size and was preferred since the layout takes the position of the Milkwood trees present on the site into consideration and strategically places the Open Spaces in areas where the Milkwood trees are most dense. All the Milkwood trees on the site were mapped with a GPS by the botanist, which also informed the placement of the erven, allowing incorporation of the Milkwood trees into the design of the development.

#### No-go Alternative

This alternative presents the *status quo*, which means the land remains as is and no further development takes place. This alternative was not preferred for the following reasons:

- There is currently a high demand for housing in the Overstrand area, and particularly in Vermont.
- The erf is one of the last undeveloped erven in the area.
- The erf is a residential erf located within the built-up residential area.
- Infill development is preferred, where vacant erven are developed prior to expansion of suburbs and towns, resulting in ribbon development along the coast.

## 3. Impact Assessment and Mitigation measures

### 3.1 Activity need and desirability

The site is located within the residential suburb of Vermont. The development is in line with the Overstrand Spatial Development Framework and the surrounding land use. The erf is part of the original General Plan for the area and is earmarked for residential purposes. The site is one of the last undeveloped erven in the area and there is currently a high demand for housing in Vermont.

### 3.2 Biophysical Impacts

The site is predominantly characterised by indigenous vegetation, namely Overberg Dune Sandveld vegetation, which is classified as a least threatened vegetation type and White Milkwood trees, which are a protected tree species in terms of the National Forests Act, 1998 (Act No. 84 of 1998). According to the letter dated 13 July 2018 from the Botanist, Amida Johns, 72 Milkwood trees are present on the site. Each Milkwood tree was mapped so that it could be overlaid on the site plan. The preferred alternative, herewith authorised, was derived taking into consideration the position of the Milkwood trees present on the site and strategically places the Open Spaces in areas where the Milkwood trees are most dense. The erven have also been placed in such a way to incorporate the Milkwood trees into the design to achieve the minimal removal of Milkwood trees across the entire site. The comment from CapeNature, dated 21 April 2020, confirmed that they have no objection to the proposed development and that a permit from the Department of Environment, Fisheries and Forestry for the removal of this protected tree species (including partial removal) will be required. This was addressed in Condition 17 of this Environmental Authorisation.

According to the Freshwater Risk Assessment dated 27 February 2020 and compiled by Nick Steytler for EnviroSwift, no watercourses are present on the site and the site is not hydrologically linked to the mapped wetlands to the north-east comprising part of the Vermont salt pan system. There is a link with the ephemeral drainage line to the south-east of the site but due to the minimal catchment area of this watercourse occurring within the site and the limited development that will occur within this catchment area (only an access road), a low risk class was calculated for the development of the road. To ensure that the drainage that could potentially be impacted by the access road remains unaffected, an unlined channel will be constructed along the southern side of the access road to Erven 24, 25 and 26 to intercept stormwater runoff and promote groundwater recharge. This channel forms part of the site plan that is herewith authorised.

#### Negative Impacts:

The development will have a negative biophysical impact due to the loss of natural vegetation. This will however be mitigated to an acceptable level through the preferred alternative and implementation of the EMP.

#### Positive impacts:

The development will provide housing in the area and job opportunities will be created during the construction and operational phases.

## 4. National Environmental Management Act Principles

The National Environmental Management Principles (set out in section 2 of the NEMA, which apply to the actions of all organs of state, serve as guidelines by reference to which any organ of state must exercise any function when taking any decision, and which must

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guide the interpretation, administration and implementation of any other law concerned with the protection or management of the environment), *inter alia*, provides for:

- the effects of decisions on all aspects of the environment to be taken into account;
- the consideration, assessment and evaluation of the social, economic and environmental impacts of activities (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment;
- the co-ordination and harmonisation of policies, legislation and actions relating to the environment;
- the resolving of actual or potential conflicts of interest between organs of state through conflict resolution procedures; and
- the selection of the best practicable environmental option.

#### 5. Conclusion

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMPr, the Competent Authority is satisfied that the proposed listed activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

-----END-----



Annexure H



ILifa leMveli iinkqubo kaKufu  
Erfenis Wits Prins  
Heritage WASTERN CAPE

REGISTERED POST

Our Ref: HM/OVERBERG / VERMONT / ERF 1449  
Case No.: 18062011580627E  
Enquiries: Stephanie-Anne Barnardt  
E-mail: stephanie.barnardt@westerncape.gov.za  
Tel: 021 483 9370  
Date: 20 August 2018

Lizani Lewis  
1 ~~100~~ ~~100~~ Avenue  
Vermont  
Oxerstrivier  
Liz.lewis.sa@gmail.com | duncanheard@telkomsa.net

TP-A Theart  
(Holivier)

RESPONSE TO NOTIFICATION OF INTENT TO DEVELOP: FINAL  
In terms of Section 38(8) of the National Heritage Resources Act (Act 25 of 1999) and the Western Cape  
Provincial Gazette 6061, Notice 298 of 2003

NOTIFICATION OF INTENT TO DEVELOP: DEVELOPMENT OF A RESIDENTIAL NEIGHBOURHOOD, VERMONT,  
ERF 1449 SUBMITTED IN TERMS OF SECTION 38(8) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF  
1999)

CASE NUMBER: 18062011580627E

The matter above has reference.

Heritage Western Cape is in receipt of your application for the above matter received on 27 June 2018

You are hereby notified that, since there is reason to believe that the proposed development of a residential neighbourhood will not impact on heritage resources, no further action under Section 38 of the National Heritage Resources Act (Act 25 of 1999) is required.

However, should any heritage resources, including evidence of graves and human burials, archaeological material and paleontological material be discovered during the execution of the activities above, all works must be stopped immediately and Heritage Western Cape must be notified without delay.

This letter does not exonerate the applicant from obtaining any necessary approval from any other applicable statutory authority.

HWC reserves the right to request additional information as required.

Should you have any further queries, please contact the official above and quote the case number.

Yours faithfully

Mxolisi Dlamuka  
Chief Executive Officer, Heritage Western Cape

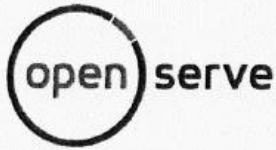
FILE NO: EL 1449 - HVM ✓  
SCAN NO: HVM 1449  
COLLABORATOR NO: 1551749

www.westerncape.gov.za/cas

Street Address: Protea Assurance Building, Corner Market Square, Cape Town, 8000 • Postal Address: Private Bag X9067, Cape Town, 80  
• Tel: +27 (0)21 483 9359 • E-mail: hwc@wcc.westerncape.gov.za  
Branches: Protea Assurance Building, Greenmarket Square, Kapstadt, 8001 • Postadres: Private Bag X9067, Kaapstad, 8001  
• Tel: +27 (0)21 483 9359 • E-pos: hwc@wcc.westerncape.gov.za

TP 23 JUN 2021

Annexure I1/4



Division of Telkom SA SOC Ltd

10 Jan Smuts Drive  
Pinelands  
7404

Wayleave Office Western Region

Tel: 081 354 7398

Email: WayleavesWR@telkom.co.za

Our Ref.: WWIP\_WONR2366\_21

Your Ref.: 1449 HVM

23 July 2021

Attention: H. Olivier/ Loriaan Isaacs  
Overstrand Municipality

PLANT AFFECTED – COPPER & OPTIC FIBRE

**APPLICATION FOR OPENSERVE WAYLEAVE:** ERF 1449, LYNX ROAD, VERMONT: APPLICATION FOR REZONING, SUBDIVISION, DEPARTURES, RIGHT OF WAY SERVITUDES, PHASING OF A DEVELOPMENT AND THE ALLOCATION OF STREET NAMES AND NUMBERS: PLAN ACTIVE ON BEHALF OF L LEWIS.

With reference to your application received **18 June 2021**.

**As important cables and other infrastructure are affected, please contact our representative Melt van As on 021 852 1717/081 363 7873/MeltVA@openserve.co.za 48 hours prior to commencement of construction work.**

I hereby inform you that Openserve approves the proposed work indicated on your drawing in principle. This approval is valid for **12 MONTHS ONLY**, after which reapplication must be made if the work has not been completed.

Any changes or deviations from the original planning during or prior to construction must immediately be communicated to this office.

Approval is granted, subject to the following conditions.

As per sketch attached, Openserve infrastructure **WILL BE AFFECTED**, consequently the conditions below and on the attached legend will apply.

61 Oak Avenue, Highveld, Techno Park, Centurion 0157,  
Private Bag X881, Pretoria, Gauteng, 0001

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Telecommunication services position is shown as accurately as possible but should be regarded as approximate only.

Should alterations or relocation of existing infrastructure be required, such work will be done at the request and cost of the applicant.

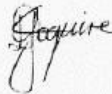
Please notify this office within 21 working days from this letter of acceptance and if any alternative proposal is available or if a recoverable work should commence.

It would be appreciated if this office can be notified within 30 days of completion of the construction work. Confirmation is required on completion of construction as per agreed requirements.

Should Openserve infrastructure be damaged while work is undertaken, kindly contact our representative immediately.

All Openserve rights remain reserved.

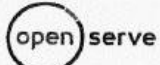
Yours faithfully



---

For Selwyn Bowers  
Operations Manager  
Wayleave Management: Western Region

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This wayleave, Reference Number WWIP\_WONR2366\_21 is valid for 12 months from date here of and is subject to the following conditions:

1. No mechanical plant or vibrator type compactors may be used within three metres of any Open Serve plant ( I.E. any Telecommunication equipment above or below ground level ).
2. The position of our plant affected by the proposal is indicated as approximate approximate and Melt van As at telephone number 081 363 7873 email address : MeltVA@openseve.co.za must be contacted at least 48 hours prior to commencement of the work, upon which the actual location of Open Serve Plant will be indicated on site.
3. A written request must be submitted to Open Serve for consideration should the applicant require our plant to be relocated. The cost of such relocation will be recoverable from the applicant.
4. It is the responsibility of the applicant to verify the existance of the indicated plant and to notify Open Serve immediately should the applicant locate any Open Serve plant which is not indicated on the plans.
5. Should the applicant expose any Open Serve plant, the safeguard thereof will be the applicant's full responsibility.
6. Failing to comply with the above conditions or any special conditions addendum hereto will be regarded as gross negligence and the applicant will be held responsible for the damage or loss as a result thereof.

Date: 23 July 2021

Wayleave Management  
Western Cape

Legend	
1. Underground Pipe	
2. Underground Cable	
3. Manhole	
4. Street Distributio Cabinet (SDC )	
5. Jointing Pit / AJB	
6. Jointing Pillar ( PJ )	
7. Pipe Junction Box ( B/S )	
8. Robot Control	
9. Pole	
10. Stay	
11. Strut	
12. Aerial Cable ( A/C )	

The pipeline indicated contains OPTIC FIBRE cables.  
Melt van As at telephone 021 852 1717/ 081 363 7873/  
MeltVA@openseve.co.za must be contacted at least 48 hours  
before commencement of work.





TP-A Theart  
(H Olivier)



Annexure 51/4

Overstrand Municipality

Date: 2021/06/21

Loretta@overstrand.gov.za

Enquiries:

WayleavesWesternOU@eskom.co.za

**WAYLEAVE APPLICATION:** Rezoning : LYNX ROAD, VERMONT : Hermanus

**YOUR REF:** 1449 HVM

**ESKOM REF:** 02013-21

**THIS IS NOT AN APPROVAL TO START CONSTRUCTION**

I hereby inform you that Eskom has no objection to the proposed work indicated on your drawing in principle. This approval is valid for **12 months** only, after which reapplication must be made if the work has not been completed.

**1. Eskom services are affected by your proposed works and the following must be noted:**

- a) Eskom has no objection to the proposed work and include a drawing indicating Eskom 11kV/LV underground services in close proximity.
- b) Please note that underground services indicated are only approximate and the onus is on the applicant to verify its location.
- c) There may be LV overhead services / connections not indicated on this drawing.
- d) The successful contractor must apply for the necessary agreement forms and additional cable information not indicated on included drawing, in order to start construction.

Application for Working Permit must be made to:

Customer Network Centre: Caledon

Dirk Swart / Francois Swart

028 214 5710 / 028 214 5713 / 083 502 2590

SwartDi@eskom.co.za

**Include Eskom Wayleave as-built drawings and all documentation, when applying for Working Permit.**

Should it be necessary to move, relocate or support any existing services for possible future needs, it will be at the developer's cost. Application for relocating services must be made to Customer Services on 08600 37566 or customerservices@eskom.co.za

Distribution Division - Western Region (Land Development)  
Western Region  
Eskom Road Brackenfell 7560 PO Box 222 Brackenfell 7561 SA  
Tel +27 86 003 7566 www.eskom.co.za  
Eskom Holdings SOC Limited Reg No 2002/015527/30

FILE NO: EL 1449 - HVM ✓
SCAN NO:
HVM 1449
COLLABORATOR NO:
1551732

TP 22 JUN 2021

## 2. Underground Services

The following conditions to be adhered to at all times:

- a) Works will be carried out as indicated on plans.
- b) No mechanical plant to be used within 3.0m of Eskom underground cables.
- c) All services to be verified on site.
- d) Cross trenches to be dug by hand to locate all underground services before construction work commences.
- e) If Eskom underground services cannot be located or is grossly misplaced from where the wayleave plan indicates, then all work is to be stopped and Graham Hector from the Land Development Office to be contacted on 021 980 3551 / HectorG@eskom.co.za, to arrange the capturing of such services.
- f) In cases where proposed services run parallel with existing underground power cables the greatest separation as possible should be maintained with a minimum of 1000mm.
- g) Where proposed services cross underground power cables the separation should be a minimum of **300mm** with protection between services and power cables. (Preferably a concrete slab)
- h) No manholes; catch-pits or any structure to be built on top of existing underground services.
- i) Only walk-behind (2 ton Bomac type) compactors to be used when compacting on top of and 1 metre either side of underground cables.
- j) If underground services cannot be located then the Customer Network Centre (CNC) should be consulted before commencement of any work.
- k) **No work can take place within the servitude of a 66kV Cable or 13kV Cable if indicated.** Should you need to undertake any work within the proximity of our 66kV or 132kV Cables please contact Graham Hector on 082 7720 359 or graham.hector@eskom.co.za

## 3. O.H. Line Services:

- a) The following building and tree restriction on either side of centre line of overhead power line must be observed:

Voltage	Building restriction either side of centre line
11 / 22kV	9.0 m
66kV	11.0 m
132kV	15.5 m

- b) No construction work may be executed closer than **6 (SIX) metres** from any Eskom structure or structure-supporting mechanism.
- c) No work or no machinery nearer than the following distances from the conductors:

Voltage	Not closer than:
11 / 22kV	3.0 m
66kV	3.2 m
132kV	3.8 m

- d) Natural ground level must be maintained within Eskom reserve areas and servitudes.
- e) That a minimum ground clearance of the overhead power line must be maintained to the following clearances:

Voltage	Safety clearance above road:
11 / 22kV	6.3 m
66kV	6.9 m
132kV	7.5 m

- f) That existing Eskom power lines and infrastructure are acknowledged as established infrastructure on the properties and any rerouting or relocation would be for the cost of the applicant/developer.
- g) That Eskom rights or servitudes, including agreements with any of the landowners, obtained for the operation and maintenance of these existing power lines and infrastructure be acknowledged and honoured throughout its lifecycle which include, but are not limited to:
- i. Having 24 hour access to its infrastructure according to the rights mentioned in (a) above.
  - ii. To perform maintenance (structural as well as servitude – vegetation management) on its infrastructure according to its maintenance programmes and schedules.
  - iii. To upgrade or refurbish its existing power lines and infrastructure as determined by Eskom.
  - iv. To perform any other activity not listed above to ensure the safe operation and maintenance of the Eskom power lines or infrastructure.
- h) Eskom must have at least a 10m obstruction free zone around all pylons (not just a 10m radius from the centre).
- i) Eskom shall not be liable for the death or injury of any person, or for loss of or damage to any property, whether as a result of the encroachment or use of the area where Eskom has its services, by the applicant, his/her agent, contractors, employees, successors in title and assignee.
- j) The applicant indemnifies Eskom against loss, claims or damages, including claims pertaining to interference with Eskom services, apparatus or otherwise.
- k) Eskom shall at all times have unobstructed access to and egress from its services.
- l) Any development which necessitates the relocation of Eskom's services will be to the account of the developer.
- m) Lunqile Motsisi MotsisiL@eskom.co.za. Eskom: Transmission must be contacted on 011 800 5734 to comment on behalf of the 400 kV OVERHEAD POWERLINES, NO WORK WITIN THIS SERVITUDE OR UNDERNEATH POWERLINES IS ALLOWED until comment from Eskom Transmission has been obtained.

#### 4. NOTE

Wayleaves, Indemnity form (working permit) and all as-built drawings issued by Eskom to be kept on site at all times during construction period.

Yours faithfully

**LAND DEVELOPMENT (BRACKENFELL)**



Annexure R

**L Gillion**

**From:** R Andrew  
**Sent:** Monday, 27 June 2022 12:43  
**To:** H Olivier  
**Cc:** D Hendriks; M Mantyi; L Gillion; T Marx  
**Subject:** FW: Erf 1449 Vermont - GLS / diensteverslag  
**Attachments:** Vermont 1449 Comments on objection.pdf

Good Day,

The attached feedback from the developer is supported . Please note that the following :

- a) No traffic study will be required for the development.
- b) Little Swift is a public road and the maintenance thereof is the responsibility of the municipality's Hermanus Operational Department.
- c) More discussions and planning are required but minor construction works or signage/road marking may be implemented to make the improve the overall safety of Little Swift Crescent.

Regards

Ricardo Andrew  
 Manager: Engineering Services  
 Tel: (028) 313 5073  
 Fax: (028) 313 0760  
 E: [randrew@overstrand.gov.za](mailto:randrew@overstrand.gov.za)



**From:** L Gillion <[loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)>  
**Sent:** Monday, 08 November 2021 15:02  
**To:** R Andrew <[randrew@overstrand.gov.za](mailto:randrew@overstrand.gov.za)>; M Mantyi <[mmantyi@overstrand.gov.za](mailto:mmantyi@overstrand.gov.za)>  
**Subject:** FW: Erf 1449 Vermont - GLS / diensteverslag

Middag Ricardo

Sien hierby aangeheg die applikant se antwoord op die besware.

Dui asb aan of u onderhandelinge aangedui het dat die GLS verslag nie meer nodig is nie. Indien wel, dui asb aan wanneer die diensteverslag voorsien sal word.

Groete

**Loretta Gillion**

Administrator : Town & Spatial Planning  
 Overstrand Municipality  
 A: 16 Paterson Street, Hermanus, 7200 P: P O Box 20  
 T: 028 313 8900 | F: 028 313 2093 | E: [loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)