

4.4

ERF 1446, SIFFIE CRESCENT, VERMONT, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REZONING, SUBDIVISION, ALLOCATION OF STREET NAMES AND ESTABLISHMENT OF A HOMEOWNER'S ASSOCIATION: WRAP PROJECT OFFICE ON BEHALF OF JP VAN GEMERT TESTAMENTARY TRUST

1446 HVM (4552/2023)

H Olivier

5 May 2025

(028) 313 8900

Hermanus Administration

1. EXECUTIVE SUMMARY

An application has been received on 11 December 2023 from WRAP Project Office Consultancy on behalf of JP van Gemert Testamentary Trust on Erf 1446, Vermont in terms of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 for the following:

- ❖ **Rezoning** in terms of Section 16(2)(a) of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 from Residential Zone 1: Single Residential (SR1) to Subdivisional Area (SA);
- ❖ **Subdivision** in terms of Section 16(2)(d) of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 into:
 - 19 Residential Zone 1: Single Residential (SR1) erven,
 - 14 General Residential Zone 1: Town Housing (GR1) erven,
 - 1 Open Space Zone 2: Public Open Space (OS2) erf, and
 - 1 Transport Zone 2: Road and Parking (TR2) erf,
- ❖ **Allocation of street names** (Francolin Close and Janfrederik Close as proposed) in terms of Section 96 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020; and
- ❖ **Establishment of a Homeowners Association** in terms of Section 31 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020.

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

The property is a vacant property with an extent of 2,1578ha which the property owner would like to develop into a residential development in the Vermont area.

4. SUMMARY OF APPLICANT'S MOTIVATION

The application is motivated as follows:

- ❖ The property owners want to develop a residential development to increase the residential yield and provide scarce and valuable residential product for an under-pressure housing market.
- ❖ The development will introduce 33 new residential properties.
- ❖ The development will consist of 19 Single Residential erven; 14 General Residential erven; 1 Public Open space and 1 Public Road.
- ❖ The subject property is currently undeveloped and does not gain access from any street. The proposal is to link the proposed public road with the adjacent properties.
- ❖ The development will follow the current development trend of Vermont by introducing a mixture of smaller, more affordable types of residential opportunities while catering for the standard development size properties.
- ❖ Each property will be able to accommodate a dwelling unit with front and back gardens.
- ❖ Homeowners' association will be established.
- ❖ The new street names will be in keeping with surrounding street names, and also an extension of Francolin Close.

5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
Local newspaper	Yes	8 March 2024	12 April 2024
Email notices and notice board on site	Yes	8 March 2024	12 April 2024
Internal departments	Yes	8 March 2024	12 April 2024
Ward councillor	Yes	8 March 2024	12 April 2024
Total comments	FIVE (5)		
Total letters of support	ONE (1)		
Was public participation undertaken in accordance with Section 46 - 50 of the By-Law on Municipal Land Use Planning?			Yes
Was the application processed correctly (if no, elaborate below):			Yes
Is the proposal consistent with the principles referred to in Chapter 2 of SPLUMA and Chapter VI of LUPA? (can be elaborated further below)			Yes

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






Name	Date received	Summary of comments
Building Control	08/03/2024	No objection.
Fire Department	19/03/2024	No objection.

Engineering Services Report	30/07/2024	See Annexure F.
Municipal Environmental Management Services	12/04/2024	See Annexure G.
Heritage Western Cape	13/02/2024	See Annexure H.
Telkom	10/04/2024	See Annexure I.
Western Cape Government: EADP (Environment) - ROD	21/11/2024	See Annexure J.

7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION

The application was duly advertised in the local newspaper. Notices were e-mailed to surrounding residents in the area and the Vermont Ratepayers Association. The applicant's consultant also placed on-site notice board during the public participation period.

In the public participation process five (5) letters of objections were received, as well as one (1) letter of no-objection. See list below:

<u>OBJECTIONS</u>	<u>SUPPORT</u>
<ul style="list-style-type: none">  A & C van Wyk  J & M Gaylord  J & D Bothwell  D Pretorius  T Botha 	<ul style="list-style-type: none"> ➤ Jaco van der Merwe

The applicant was provided with an opportunity to respond to the objections received. The objections and support letter are attached as Annexure D and the applicant's response are attached as Annexure E, respectively.

The objections, the applicant's reply and the Municipal Town Planners response thereon can be summarized as follows:

OBJECTION 1

Francolin Close has blind bends and a steep hill. Construction vehicles create vibrations, setting off alarms and impact on traffic safety.

APPLICANT'S RESPONSE

The municipality cannot enforce a condition of approval that prohibits any construction vehicles from using Francolin Close as it is a public road. The owners however take cognisance of the objections and will attempt to reduce any unnecessary disturbance.

TOWN PLANNER'S RESPONSE

The comments are duly noted. The municipality cannot prohibit developers to use existing public roads to access the area. Previous developers obtained permission from the Operational Department for temporary access to their property from Lynx Road for the road construction phase. The road must be constructed before dwellings can be constructed. It is also highly unlikely that the developer will use Francolin Close for later construction as they will use the shortest access to the development, which will be via Kwartel Close.

OBJECTION 2

The road surface is being damaged by construction trucks.

APPLICANT'S RESPONSE

The comments are noted.

The roads that the objectors are concerned about are public roads where service and construction vehicles are permitted. It is acknowledged that these vehicles can be considered a nuisance, but it should be reiterated that the owners will be governed by the National Building Regulations to ensure that no unnecessary disturbances are caused once the application is approved. According to these regulations, construction is permitted from 06:00 to 18:00 on weekdays, 06:00 to 17:00 on Saturdays, and not at all on Sundays or public holidays.

TOWN PLANNER'S RESPONSE

The applicant's response is supported. The developer will be responsible for any damages the construction trucks of this development cause to public roads. The same rules were applied for the Developer of Francolin Close.

OBJECTION 3

Access should be obtained from Lynx Road.

APPLICANT'S RESPONSE

The municipality will not allow any additional access roads along Lynx Road. The proposal is in line with their requirements to utilise and integrate the development with the existing surrounding road network

TOWN PLANNER'S RESPONSE

The applicants' comments are supported.

Access off Lynx Road is limited by the Engineering Department as Lynx Road is a neighbourhood distributor road and safety distances must be complied with. There will be one access off Lynx Road via Kwartel Close and most new residents will use such access as it is the shortest road to the development.

OBJECTION 4

Approximately an additional sixty (60) homes will use Francolin Close Road. Accidents will take place.

APPLICANT'S RESPONSE

The objector does not have the correct information. The development will be connected to public roads at two points. One from Francolin Close in the southwestern corner and the other at Kwartel Road.

TOWN PLANNER'S RESPONSE

The development and Vermont View will be able to access the area via Kwartel Close and Francolin Close. The objector's opinion that the sixty (60) new homes will obtain access via Francolin Close is not correct. The Municipal Engineering Department also considered the traffic impact of the new proposed development and had no objection against the application.

8. SUMMARY OF APPLICANT'S REPLY TO COMMENTS

See Paragraph 7 above.

9. MUNICIPAL ASSESSMENT OF COMMENTS

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 proposed development allows for easy access to Hermanus and local amenities. By providing more housing options in a desired location will also promote sustainable urban growth and reduce the need for urban sprawl. This can lead to reduced congestion and the preservation of natural areas outside of the urban centre.

Efficiency

The development aims to increase the economic power of the Vermont area by unlocking the full potential of the subject property. The development will have a short- and long-term economic impact on the surrounding area and the Overstrand Municipality, including the creation of construction jobs and additional rates and taxes payable to the municipality.

Spatial Resilience

The proposal is not in conflict with any spatial planning policies or other OM regulations.

Good Administration

The Overstrand has a credible track record of good administration regarding the method of public participation. Public participation forms an integral part of land use planning process.

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

N/A

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

Consistent with the Overstrand Municipality 2020 Spatial Development Framework earmarking this area for urban development.

In terms of the Overstrand Municipality Growth Management Strategy, 2010 a guideline document, the area is earmarked for Status Quo. This area has been developed with developments of single residential erven with group housing pockets. The development is in line with the Status Quo.

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

N/A

10.6 Impact on Municipal Engineering Services

The area is fully serviced, and the Engineering Services Department supports the development.

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

N/A

10.8 Existing and proposed zoning comparisons and considerations

The new proposal will still be in line with the Overstrand Land Use Scheme.

11. ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

N/A

12. THE DESIRABILITY OF THE PROPOSAL

It is the intent of the property owners to develop the vacant property that has an extent of 2,1578ha into a residential development. The property will be rezoned and subdivided into 33 erven which will consist of 19 single residential erven and 14 general residential erven. The development will also consist of 1 public open space and 1 public road.

The single residential erven will be larger than 600m², and group housing erven larger than 350m² which is in line with the surrounding developments.

The public open space will be more than 5% of the development's footprint of the area, which is in line with similar surrounding developments.

The development will have architectural guidelines to ensure that the houses have a specific style. A Homeowners Association will be created to manage the style of the development.

Application was also made to allocate new street names for the new streets. One portion of the new road will be an extension of Francolin Close, whilst a new cul-de-sac will be named Janfrederik Close.

The development is in line with the densification strategy of the area by doing infill development.

Notifications were sent out to the surrounding neighbours with one property owner supporting the development and five property owners having concerns with the development due to the roads that will be used during the construction phase of the project and traffic impact. It must be said that these objectors are not against the development, but the impact on traffic and roads.

The applicant did address the objections and considering the fact that the Engineering Department supports the application, the impact on the road and traffic impact is considered acceptable.

The application was circulated to all relevant Municipal and State Divisions/ Departments and no objections were received. An EIA application was submitted to DEADP, who granted approval for the application.

The Municipal SDF, 2020 earmark this area for Urban Development. The Overstrand Municipality Growth Management Strategy, 2010, a guideline document, earmarks this area for *status quo* of the area. The application is in line with the Policy documents.

The application is in line with the Planning Principles, in that it will reduce urban sprawl and be efficient in that existing services will be used more efficiently.

Considering the above, the application will not have a negative impact on the character of the area, or the surrounding property owners.

The application can be supported, and it is desirable.

13. RECOMMENDATION

1. that the objections be noted.
2. that the application in terms of Section 16(2)(a) of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 for the **rezoning** of Erf 1446, Vermont from Residential Zone 1: Single Residential (SR1) to Subdivisional Area (SA), **be approved**, in terms of the provisions of Section 61 of the By-Law;
3. that the application in terms of Section 16(2)(d) of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 for the **subdivision** of the Subdivisional Area (SA) into the following:

- ❖ 19 Residential Zone 1: Single Residential (SR1) erven,
- ❖ 14 General Residential Zone 1: Town Housing (GR1) erven,
- ❖ 1 Open Space Zone 2: Public Open Space (OS2) erf, and
- ❖ 1 Transport Zone 2: Road and Parking (TR2) erf,

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

4. that the approvals in Points 2 – 3 be subject to the following conditions:
 - (a) that approval is for the development as indicated on Plan numbers 23.129 (001)- Plan 5.1;5.2 and Plan 6 dated 5 December 2023;
 - (b) that a minimum of two (2) parking bays be provided on each erf, to municipal standards and satisfaction;
 - (c) that the approval does not absolve the owner/applicant from compliance with any other relevant legislation;
 - (d) that the Architectural Design Guidelines in line with Land Use Scheme parameters, be submitted for the development to address the style of the houses that will be constructed, to the satisfaction of the Building Control department;
 - (e) that all conditions in the Services Report (attached as Annexure F), be complied with;
 - (f) that all the conditions of Telkom (attached as Annexure I), be complied with;
 - (g) that all the conditions imposed by Western Cape Government: EADP (Environment) - ROD (attached as Annexure J), be complied with;

- (h) that a Homeowners Association be established with compulsory membership for all property owners within the development;
 - (i) 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 the Municipality, and
 - that the Constitution clarifies at what stage the responsibility would be transferred from the developer to the Homeowners Association to deal with approval of plans.
5. that the application in terms of Section 96 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 for the allocation of a street name (Francolin Close and Janfrederik Close) to the new streets in the development, **be approved** in terms of the provisions of Section 61 of the By-Law, and
 6. that the applicant and persons who commented be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above decision.

14. REASONS FOR RECOMMENDATION

- ❖ The objections received regarding impact on road infrastructure and traffic was addressed by the applicant and the Municipal Engineering Services Branch supports the application.
- ❖ The street names are in keeping with the surrounding street names.
- ❖ All relevant state and municipal departments support the application.
- ❖ The application will have low impact on the surrounding area.
- ❖ The Municipal SDF, 2020 earmarks the area for Urban Development.
- ❖ The Overstrand Municipality Growth Management Strategy, 2010 earmarks this area for status quo, and this development is in line with surrounding developments.
- ❖ The application is in line with the General Principles in that it would not lead to urban sprawl and existing surrounding services will be utilised more efficiently.
- ❖ The application will not have a negative impact on the character of the area.

15. ANNEXURES

- Annexure A: Locality Plan
- Annexure B: Motivation Report
- Annexure C: Site Development Plan
- Annexure D: Objections & support letter received
- Annexure E: Applicant’s response to objections
- Annexure F: Services Report
- Annexure G: Municipal Environmental Management Services
- Annexure H: Comment: Heritage Western Cape
- Annexure I: Comment: Telkom
- Annexure J: Comment: Western Cape Government: EADP (Environment) - ROD

SIGNATURES**AUTHOR:**Name: **HENK OLIVIER**SACPLAN registration number: **B/8128/2004**

Signature: _____

Date: _____

REGISTERED PLANNERName : **H VAN DER STOEP**SACPLAN registration number: **A/1708/2013**

Signature: _____

Date: _____

1. Locality Plan Erf 1446 - Vermont



Subject property - 2,1578ha

Plan prepared by: Thian Jansen

Tel: 028 313 1411

Email: admin@wrapgroup.co.za

Unit B, Standard House,
Corner of Royal and Dirkie Uys
Street Hermanus, 7200



Project Office
Town Planning & Project Management



2. Aerial Plan
Erf 1446 - Vermont



Plan prepared by: Thian Jansen

All distances are approximate
and subject to a survey

Tel: 028 313 1411

Email: admin@wrapgroup.co.za

Unit B, Standard House,

Corner of Royal and Dikie Uys
Street Hermanus, 7200



Project Office

Town Planning & Project Management



MOTIVATION

Given its extent, the proposed development can be developed to ensure a superior quality of living for its future residents. Notably, this project is expected not only to foster economic growth in the Vermont area but also to address the escalating demand for housing in the Overstrand region as the population continues to grow in the foreseeable future.

4. PROCESS AND PROCEDURE TO ACHIEVE THE PROPERTY OWNER'S INTENT

4.1 PROJECT SUMMARY





Erf 1446 Vermont (hereafter referred to as the subject property) has an extent of 2,1578ha (Refer **Plan 1 – Locality Plan**) and is currently zoned as Residential Zone 1: Single Residential. The subject property has been identified as a suitable densification development area.

This proposed development will consist of the following:

- 19 Single Residential erven;
- 14 General Residential erven;
- 1 Public Open Space; and
- 1 Public Road.

The subject property is current undeveloped and does not gain access from any street. The proposal is to link the proposed public road with the adjacent properties and create a seamless interconnected area.

The intention is to develop the property to increase the residential yield and provide a scarce and valuable residential product for an under-pressure housing market. The percentage of each component of the subject development, after completion of the proposed subdivision is summarised below:

Legend Colour	Zoning	Size (m ²)	Percentage
	Open Space Zone 2: Public Open Space	1081	5,01% (Entire Property) & 20,65% (General Residential portion of the development)
	Residential Zone 1: Single Residential	11612	53,84%
	General Residential Zone 1: Town Housing	5235	24,25%
	Transport Zone 2: Road and Parking (B)	3650	16,90%
	Total	21578	100,00%



MOTIVATION

The rezoning and subdivision of the subject property will follow the current development trend of Vermont by introducing a mixture of smaller, more affordable type of residential opportunity into the housing market while also catering for the standard development size properties.

4.2 LAND DEVELOPMENT APPROVAL REQUIRED

- **Rezoning** of Erf 1446, Vermont from Residential Zone 1: Single Residential to Subdivisional Area Zone (SA) in terms of Section 16(2)(e) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- **Subdivision** of Erf 1446, Vermont into nineteen (19) Residential Zone 1: Single Residential (SR1) erven, fourteen (14) General Residential Zone 1: Town Housing (GR1) erven, one (1) Open Space Zone 2: Public Open Space (OS2) erf and one (1) Transport Zone 2: Road and Parking (TR2) erf in terms of Section 16(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020. (**Refer Plan 4: Proposed Zoning Plan and Plan 5.1 & 5.2– Subdivision Plan**)

4.2.1 Density

The OMSDF contains calculations on the projected population growth for the Greater Hermanus area at different occasions in the past and the most recent calculation included projections up until 2031. It is however difficult to determine the individual need of Vermont from this information. The OMSDF states that the methodology used to calculate the population growth were based on the Statistics South Africa Census, 2011 and a 2016 community survey, which was used as the baseline population in 2016 (**OMSDF, p28**).

Year	Overstrand Municipality Area	
	Total dwelling units (du) required	Estimated land area required
2011	6679	446
2016	9198	613
2021	12 231	815
2026	15 627	1042
2031	19 278	1285

Based on information obtained within the OMSDF (OMSDF, p28)

Year	Overstrand Municipal Area	
	Total dwelling units (du) required	Estimated land area required
2011	6679	336
2016	9198	460
2021	12 231	612
2026	15 627	781
2031	19 278	964

Based on information obtained within the OMSDF (OMSDF, p28)



MOTIVATION

The tables 2 and 3 indicate the total number of dwelling units that the entire Overstrand Municipal area will require in conjunction with the number of additional developable land required. The difference between table 2 and 3 is the density being proposed, the higher the density the less land required.

No additional land was included into the urban edge within the Hermanus West area when the 2020 OMSDF was reviewed, which means that densification was proposed to occur within the existing urban edge. Vermont, Onrustrivier and Sandbaai is considered as part of the Hermanus West area. The proposed development will have a density of approximately 15,29 dwelling units per ha, maximising on the allowable density and aligning with the proposed density that requires less land for development as identified in Table 3.

The proposed development will introduce 33 new residential properties, refer to the figure 2:

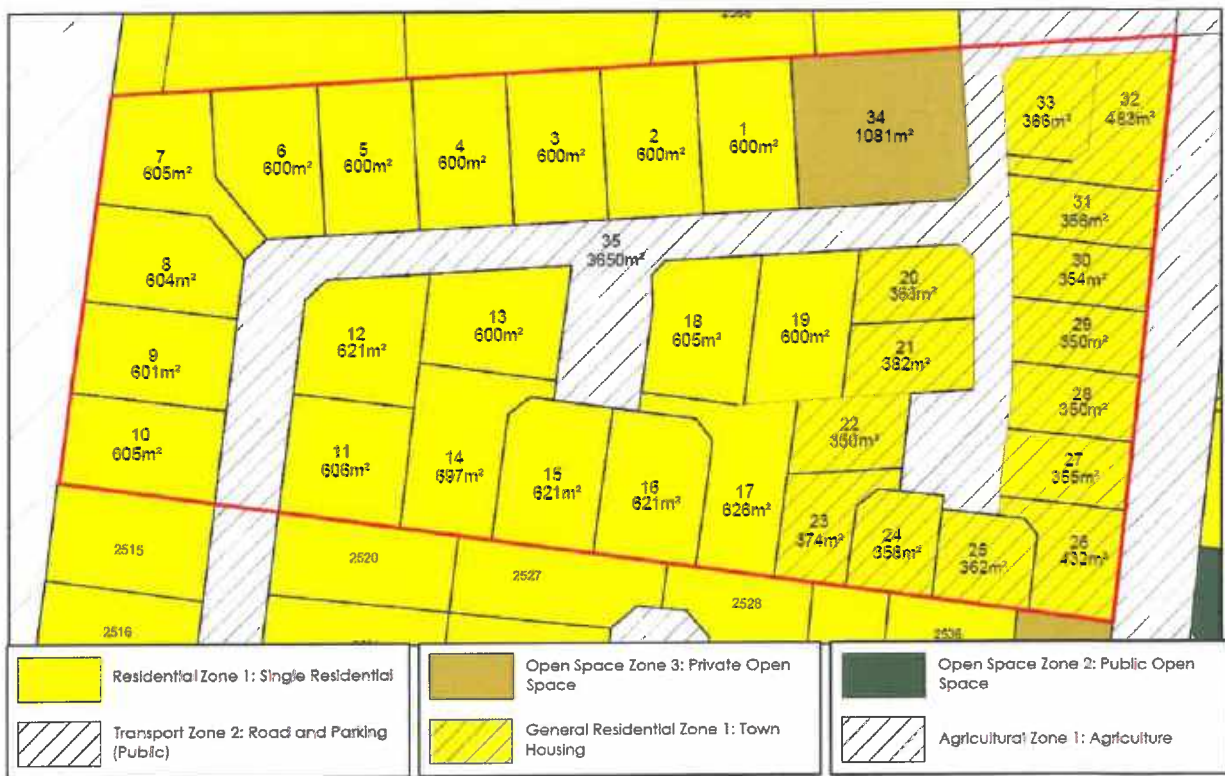


Figure 2: Proposed Development

4.2.2 Layout

The layout of the development (**Refer Plan 5.1 & 5.2 for the Subdivision Plan**) follows the shape of the property as well as a specific placement of the open space to ensure that the open space is easily accessible to all residents in the surrounding area.

The layout was designed to ensure that the development fits into the surrounding area's development framework while also creating efficient, easily accessible developable properties. The main determining factor of the development was the road placement to ensure the development interlinks seamlessly with the two adjacent properties. The proposal aims to allow each property to accommodate a free-standing dwelling unit with front and back gardens offering views of the mountains, while also being relatively close to the open



MOTIVATION

space. The proposed open space will be functional, landscaped, and open to the public for enjoyment.

4.2.3 Establishment of a Homeowner's association

To ensure that the development, once completed is properly managed, a homeowner's association is required to be established in terms of Section 31 of the By-Law.

- **Establishment** of an owner's association in terms of Section 31 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

It is recommended that it be made a condition of approval that a Home Owners' Constitution is submitted for approval.

4.2.4 Street names

Application is also made in terms of Section 96 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the approval of the naming of streets within the development.

The proposed street names and numbers are indicated on the Street Name Plan (refer **Plan 6**). The proposed street names are in keeping with the theme of the surrounding area, containing various bird names.

The name of the streets also continues from the existing network with only one new street name required. To ensure compliance with the OMLUS the names have no reference to any person or historical figure and forms part of the theme of the development.

- **Allocation of street names** in terms of Section 96 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

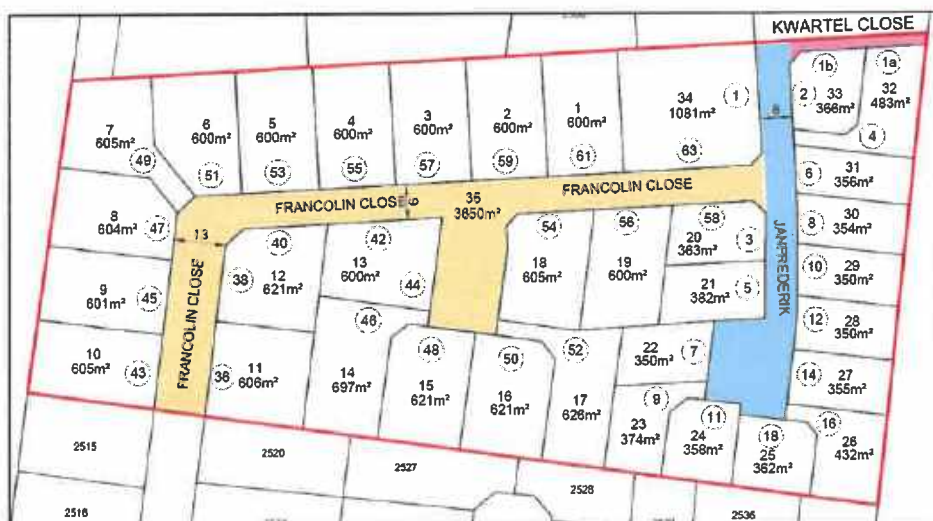


Figure 3: Proposed street name plan



MOTIVATION

5. APPLICATION

Considering the above, application is made for the following:

- 5.1 Rezoning** of Erf 1446, Vermont from Residential Zone 1: Single Residential to Subdivisional Area Zone (SA) in terms of Section 16(2)(e) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 5.2 Subdivision** of Erf 1446, Vermont into nineteen (19) Residential Zone 1: Single Residential (SR1) erven, fourteen (14) General Residential Zone 1: Town Housing (GR1) erven, one (1) Open Space Zone 2: Public Open Space (OS2) erf and one (1) Transport Zone 2: Road and Parking (TR2) erf in terms of Section 16(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 5.3 Allocation of street names** in terms of Section 96 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 5.4 Establishment of an owner's association** in terms of Section 31 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

6. LAND USE ENVIRONMENT

A detailed analysis of the locality and zoning plan (refer to **Plan 1 – Locality Plan & Plan 3 – Zoning Plan**) reveals that the subject property is in a prime position located between two approved residential developments. Its strategic location offers a range of advantages, including close proximity to the main distributor road that leads towards the popular tourist destination of Hermanus. This means that the properties are easily accessible, making it an ideal location for residential development.

In addition, the property gains access through Vermont, which provides access to local amenities that would benefit from the property being developed such as the OK Mini Mart, veterinarians, local restaurants etc. Additionally, Vermont has access to the ocean which is a significant drawcard for the area. The coastal environment also presents a range of outdoor recreational activities, such as surfing, fishing, and whale watching, which would be easily accessible from the property.

Overall, the location of the vacant property is a major advantage for potential developers or investors. The proximity to key transport links and recreational amenities makes it an attractive proposition for those looking to invest in this popular coastal region of South Africa.

7. TITLE DEED

Attached as **Annexure B** is a copy of the title deed that were scrutinized. It was found that there are no restrictive title deed conditions that could potentially hinder the proposal. There are therefore no legal impediments in place that could limit the proposed scope of the project.



MOTIVATION

Condition F states the following:

"ONDERWORPE aan die volgende voorwaarde opgelê deur en ten gunste van die Overberg Streekdiensteraad tydens goedkeuring van die onderverdeling van Erf 934 Vermont, vervat in Transportakte Nr T2832/1990, naamlik:

"The above property shall not be subdivided without the approval of the Overberg Regional Services Council"

The authority of the *Overberg Regional Services Council* now vests with the Overstrand Municipality since 2000. Should the Overberg Municipality find the application to be compliant and approve the proposal for subdivision it would have received the approval required in terms of the title deed condition F.



MOTIVATION

8. ZONING

The following zoning parameters were assessed in conjunction with SR1, GR1, TR2 and OS3, OMLUS zonings as this is a relevant consideration in terms of Section 66 (1)(a) of the OM By-Law:

RESIDENTIAL ZONE 1: SINGLE RESIDENTIAL			
	Parameters	Proposal	Comply/ deviate
Primary use	Crèche, Dwelling House , Guest Rooms, Home Occupation, Second Dwelling Unit and Self-Catering.	Dwelling House	Comply
Consent use that may be applied for	Day Care Centre, Green House, Guest House, House Shop, Institution, Place of Instruction, Place of Worship, Residential Building, and Intensive Horticulture.	N/A	N/A
Development parameters			
Coverage	The maximum coverage for all buildings on the land unit is determined in accordance with the net erf area: 400m ² and greater = 50%	Residential designs have not been finalised, but the proposals will not exceed the allowable development parameters set out by the OMLUS.	
Building lines	(i) The street building line is determined in accordance with the net erf area: <ul style="list-style-type: none"> • 400 m² and greater = 4m (ii) The side and rear building lines are determined in accordance with the net erf area: <ul style="list-style-type: none"> • Greater than 400 m² = 2m The maximum height of a building, measured from the base level to the top of the structure, is 8,0 m.	Refer to Annexure C – Proposed Design Guidelines. i & ii All OMLUS development parameters will be complied with.	
Height	Garages and carports may be constructed within building lines in accordance with Chapter 16.1.2.		
Garages and carports		All OMLUS development parameters will be complied with.	Comply



MOTIVATION

GENERAL RESIDENTIAL ZONE 1: TOWN HOUSING (GRI)			
	Use of the property	Proposal	Comply/ deviate
Primary use	Town Housing. Private Road and Private Open Space	Town Housing	Applied for and motivated Comply
Consent uses which may be applied for	Crèche, Day Care Centre, Dwelling House in accordance with 6.1.2, Flats, Green House, Home Occupation, Residential Building, Retirement Village and Tourist Accommodation.	N/A	Comply
Development Parameters			
Density	<ul style="list-style-type: none"> i. The maximum gross density in this zone is 35 units a hectare. ii. A minimum erf size of 3000 m² is applicable for densification. 	<p>i & ii.</p> <p>The subject property has an extent of 2,1578 ha. The result if the maximum density is applied is 2,1578 x 35 units per hectare = 75,52 units that may be allowed in terms of the zoning.</p> <p>A total of 33 dwelling units are being proposed, which equates to a density of 15,29ha dwelling units per hectare.</p>	Comply
Coverage	The maximum coverage for all buildings on the land unit is 65%.	Residential designs have not been finalised, but the proposals will not exceed the allowable development parameters set out by the OMLUS. Refer to Annexure C – Proposed Design Guidelines.	Comply



MOTIVATION

<p>Height</p>	<p>The maximum height of a building (other than flats), measured from the base level to the top of the structure, is 8,0 m, provided that the maximum height for flats, measured from the base level to the top of the structure, is 9,0 m.</p>	<p>As mentioned above, designs have not been finalised, but the development parameters will be adhered to.</p>	<p>Comply</p>
<p>Building lines on the perimeter of a town housing development</p>	<p>i. The building line on the perimeter of the property is 3,0 m; and ii. The general building line exemptions of 16.1 apply.</p>	<p>i. A 3m building line on the perimeter will be enforced.</p>	<p>Comply</p>
<p>Building lines within the town housing site</p>	<p>i. The street building lines on internal roads are 1,0 m, provided that garages must be set back at least 5,0 m from the road kerb; ii. The lateral and rear building line is 1,0 m; iii. A garage may be constructed at 0 m on one internal side boundary and 0 m on the internal rear boundary, provided that the building does not occupy more than 50% of such internal side or rear boundary; and iv. The general building line exemptions of 16.1 apply.</p>	<p>i. Comply ii. Comply iii. Comply iv. Not applicable</p>	<p>Comply</p>
<p>Parking</p>	<p>i. Parking and access shall be provided on the land unit in accordance with 17.1; and ii. Parking may be provided at the group house concerned, or form part of a communal parking or a combination of the two.</p>	<p>The prescribed parking will be provided on each individual property.</p>	<p>Comply</p>
<p>Internal roads</p>	<p>The minimum internal road reserve width is 8,0 m, provided that the Municipality may require a greater road reserve width where it is of the opinion that the vehicular use or length of the road requires a greater road reserve width.</p>	<p>The internal roads will be a minimum of 8,0m.</p>	<p>Comply</p>



MOTIVATION

<p>Flats within a town housing development</p>	<p>a) Flats, if provided, must form an integrated component of the town housing development, and the development parameters for town housing apply, provided that;</p> <ol style="list-style-type: none"> 1. the total floor area of flats shall not exceed 60% of the total floor space of all buildings on the town housing site; and 2. the open space requirements for town housing units in a town housing site apply. 	<p>N/A</p>	<p>N/A</p>
<p>Day care centre</p>	<p>The provisions of Chapter 16.10 apply.</p>	<p>N/A</p>	<p>N/A</p>
<p>Home occupation</p>	<p>The provisions of Chapter 16.10 apply.</p>	<p>N/A</p>	<p>N/A</p>
<p>Site development plans</p>	<p>The Municipality may require that a site development plan be submitted for approval in accordance with 16.3.</p>	<p>N/A</p>	<p>N/A</p>
<p>Open space provision</p>	<p>The following requirement to the satisfaction of the Municipality is applicable:</p> <p>Communal open space of at least 10% of the whole property must be provided as outdoor recreational/garden areas as one functional space.</p>	<p>A total of 5.01% of the entire property will be open space, which is 20.85% of the General Residential portion of the development.</p>	<p>Comply</p>

11/24



MOTIVATION

OPEN SPACE ZONE 2: PUBLIC OPEN SPACE (OS2)		
Primary uses	Use of the property	Proposal
	Public Open Space	Public Open Space
Consent uses	Cemetery, Environmental Facilities, Recreational Facilities, Tourist Accommodation, Tourist Facilities, Transmission Apparatus (Subject to the provisions of chapter 16.10), Urban Agriculture, Utility Services and any other related uses permitted by the Municipality.	N/A
Development Parameters		
<p>a) A site development plan must be submitted in terms of 16.3 to the satisfaction of the Municipality.</p> <p>b) The Municipality may require an environmental study and/or environmental management plan in terms of 16.4. – This is noted.</p> <p>c) Prior to the approval of any building plans or engineering services, the Municipality must determine the development parameters that apply when:</p> <ul style="list-style-type: none"> i) the zoning of a land unit to this zone is approved; ii) any environmental impact report is considered; iii) any environmental management plan is considered; and iv) any site development plan is approved. - This is noted <p>d) No structure shall be erected, or use practised except such as is compatible with the “private open space” as defined. – No additional structures will be built on the public open spaces.</p> <p>e) Structures/buildings may be erected with the written consent of the Municipality, should the Municipality deem it necessary, provided that the Municipality may impose conditions relating to design, architecture and development parameters.</p>		
TRANSPORT ZONE 2: ROAD AND PARKING (TR2 B)		
Primary use	Use of the property	Proposal
	Public Road and Public Parking	Public Road and Public Parking
Consent uses which may be applied for	Informal Trading (subject to the provisions of Chapter 16.10), Transmission Apparatus (subject to the provisions of Chapter 16.10) or any other	N/A
		Comply / deviate
		Comply
		N/A



MOTIVATION

	<p>uses determined by the Municipality, provided that:</p> <ul style="list-style-type: none"> i. such other use does not detract from the transport use as the predominant use; and ii. the property shall be rezoned if the other use constitutes a significant and permanent change from the primary use and if this land use scheme provides a more suitable alternative. 		
Development Parameters			
Deemed zoning	<p>Any public road and/or street or any portion of land indicated as a public road on an approved subdivision plan that has not lapsed shall be deemed to be zoned as Transport Zone 2 B: Public Road.</p>	N/A	N/A
Construction and deposit of materials	<p>Except when written permission was acquired from the Municipality and requirements of the Municipality adhered to, no person may:</p> <ul style="list-style-type: none"> i. construct a private crossing, bridge or culvert onto or across a public street; ii. construct or lay a sidewalk on a public street; iii. construct a veranda, stoep, wall, steps or other projection in or over a public street; or iv. deposit or leave any goods, articles, building materials or waste in a public street, other than for a reasonable period of time during the course of loading, off-loading or removal of these goods, articles, building materials or waste. 	N/A	N/A



9. NOTIFICATION OF INTEND TO DEVELOP (NID)

A Notice of Intent to Develop will be submitted to Heritage Western Cape in terms of Section 38 of the National Heritage Resources Act, which contains the following provisions:

"Heritage resources management
38.

(1) Subject to the provisions of subsections (7), (8) and (9), any person who intends to undertake a development categorised as—

- a) the construction of a road, wall, powerline, pipeline, canal or other similar form of linear development or barrier exceeding 300m in length;
- b) the construction of a bridge or similar structure exceeding 50 m in length;
- c) any development or other activity which will change the character of a site
 - i. **exceeding 5 000 m² in extent**; or
 - ii. involving three or more existing erven or subdivisions thereof; or
 - iii. involving three or more erven or divisions thereof which have been consolidated within the past five years; or
 - iv. the costs of which will exceed a sum set in terms of regulations by SAHRA or a provincial heritage resources authority;
- d) **the re-zoning of a site exceeding 10 000 m² in extent**; or
- e) any other category of development provided for in regulations by SAHRA or a provincial heritage resources authority.

An NID will be submitted to Heritage Western Cape. Upon receipt, the Record of Decision will be submitted to the Overstrand Municipality.

10. SERVICES

The availability of services is a relevant consideration in terms of Section 42(1)(c)(v) of SPLUMA and is herewith illustrated.

Electricity

The proposed development of the subject property includes the connection of essential services such as electricity. Electricity is directly provided by ESKOM. However, the implementation of this development is not expected to impact the existing service levels in the area.

Water and Sewage

Additionally, the proposed development of the subject property will also connect to the water and sewage networks provided by the Overstrand Municipality. The property owners will be required to make bulk services contributions to the municipality for the upgrade of bulk infrastructure within the surrounding area, which will ensure that the development is adequately supported by the necessary infrastructure.

To determine if there is sufficient water and sewage capacity is sufficient, the property owners appointed GLS Consulting to conduct a bulk services availability report for the subject property, refer **Annexure D – Bulk Services Availability Report**. The report indicates that there is sufficient capacity to accommodate the proposed development, but that



MOTIVATION

certain upgrades to the bulk infrastructure will be required which will be funded from the bulk services contributions.

Solid Waste

The proposed development will be connected to the public street network. Each dwelling house will keep their solid waste on site and place it outside on collection days for the municipal refuse trucks to collect.

Access and Egress

Access and egress to the property are currently obtained from the public streets, which are connected to Lynx Avenue. The proposal is to extend Francolin Close while creating a new street, Janfrederik Close, that will gain access from Kwartel Close, through the adjacent development.

The existing road network is sufficient to accommodate the anticipated traffic flow generated by the proposed development. Therefore, there is no need for significant upgrades or modifications to the surrounding road infrastructure.

11. ENVIRONMENTAL CONSIDERATIONS

Lornay Environmental Consulting has been appointed to ensure that the proposed residential development complies with the regulations promulgated under the National Environmental Management Act (NEMA). The main objective is to conduct a NEMA Environmental Impact Assessment Applicability Checklist, which is currently underway due to the significant transformation of the natural veld on the property where the development is proposed.

Once the above processes have been concluded, the outcome will be submitted to the Overstrand Municipality (OM) for consideration along with the submitted land use application. This process ensures that the proposed residential development complies with all relevant environmental regulations and policies while also prioritizing the protection and preservation of the natural environment.

12. NEED AND DESIRABILITY

The need and desirability of the approval and implementation of this proposal in accordance with Section 66 (1) (c) of the OM By-Law can be illustrated as follow:

Need and desirability.

The need for the land use application was a result of addressing all the land use requirements and ensuring the property can meet the development requirements which the property owners are proposing. To achieve this, the property owners are required to apply for the rezoning and subdivision of the property.



MOTIVATION

<p>Socio-economic impact</p>	<p>The socio-economic impact of a residential development refers to the potential effects it may have on the social and economic aspects of the surrounding area.</p> <p>This includes factors such as population growth, employment opportunities, income levels, housing affordability, property values, and demand for local services and amenities such as schools, shops, and healthcare facilities.</p> <p>The proposed development has the potential to create jobs, increase the tax base for the local government, and contribute to economic growth as more individuals will be residing in the area.</p>
<p>Compatibility with surrounding uses</p>	<p>The proposal to establish a residential development in the area which is highly compatible since it would seamlessly extend the existing land use and activities in the surrounding area.</p>
<p>Impact on the external engineering services</p>	<p>Refer Section 9.</p>
<p>Impact on safety, health and wellbeing of the surrounding community</p>	<p>It is not predicted that the proposal will have an impact on safety, health and wellbeing of the surrounding community. In fact, the proposed project has the potential to provide a number of benefits to the community, such as increasing the number of residents that may in the future draw in new development potential as an increase in the population may create new opportunities.</p>
<p>Impact on heritage</p>	<p>The subject property is not listed in the OM Heritage Register.</p>
<p>Impact on the biophysical environment</p>	<p>Although it is not anticipated that the proposed development will have any negative impact on the biophysical environment, an environmental consultant has been appointed. Refer Section 11.</p>
<p>Traffic impacts, parking, access and other transport related considerations</p>	<p>Refer to Section 9.</p>

Impact on views, sunlight and character of the area

When reviewing the context of the surrounding properties, it becomes evident that the majority consists of single residential properties or is planned to be developed for such purpose. The proposed development, comprising of 33 additional residential erven, is well-aligned with the vision for densification and residential growth in the area. Considering this, it is unlikely that the development will significantly impact the views and character of the neighbourhood. Instead, it harmoniously integrates with the existing landscape, staying in line with the overarching vision for the region's development.

The area's designation for densification and residential expansion emphasizes the need for thoughtful and responsible development. In light of this, the proposed development showcases a commendable adherence to this vision.



MOTIVATION

Views

As the development will be limited to only be developed in accordance with the parameters set out within the OMLUS, it is not expected that the development will have a negative impact on the surrounding area's views.

In conclusion, although the proposed development may alter the views of the area, it remains in harmony with the overall vision set by the OM and is consistent with neighbouring developments. Furthermore, it offers the potential for residents to benefit from new and improved views of the surrounding area, enriching their living experience.

Sunlight

The proposed development adheres to the development parameters prescribed by the Overstrand Municipality and is not anticipated to have any negative impact on the sunlight of neighbouring properties.

Character

The owners of the subject property place great importance on preserving the character of the broader Vermont area with the proposed development. They recognise the significance of ensuring that the proposed development aligns with the overall aesthetic appeal of the area and does not cause any disruption.

To achieve this objective, the owners have conducted a thorough analysis of other developments in the surrounding area to ensure that the proposed development does not stand out in a negative way. They have taken care to ensure that the proposed development is in keeping with the character of the surrounding area, and as such, it should not be perceived as undesirable. This is illustrated throughout the proposed design guidelines of the proposed development.

Economic impact

The proposed development will have significant economic impacts on both the surrounding area and the Overstrand Municipality, both in the short- and long-term.

During the construction phase, the proposed development will create employment opportunities for the local residents of the Vermont and Hermanus area. This will generate income for several individuals and contribute to the local economy.

Furthermore, the long-term economic impact of the proposed development is expected to be positive. The development will result in additional rates and taxes payable to the Overstrand Municipality, which will have long-term economic benefits for the region. The additional rates and taxes generated by the development will contribute to the municipality's revenue streams and enable the provision of better services to the local community.

Additionally, the combined development is expected to attract at least 99 new residents to the Hermanus area, based on a calculation ratio of 3 people per dwelling unit. These new residents will contribute to the local economy by spending money on various items such as food, petrol, restaurants, repairs, and other goods and services, thereby boosting the local economy.



MOTIVATION

The proposed development will have both short- and long-term economic impacts on the Overstrand Municipality and the surrounding area. It will create employment opportunities during the construction phase, generate additional rates and taxes, and attract new residents to the region, all of which will contribute positively to the local economy.

Opportunity cost

An opportunity cost in the context of land use planning refers to a development proposal which leads to the devaluation or foregoing valued land use rights of interested and affected parties when an application is approved.

However, the proposed development in Vermont is not expected to negatively impact any surrounding landowners. In fact, the development is aligned with the plans for the new urban area and is seen as a starting point for future expansion. By meeting the projected housing demand, the development will enable the local municipality to fulfil its obligations and ensure that the needs of the community are met.

Impact on heritage

The subject property is not listed in the OM Heritage Register.

13. COMPLIANCE WITH POLICIES AND REGULATIONS

13.1 Overstrand Municipality Environmental Protection Overlay Zone (EMOZ)

The subject property is not located in any Environmental Protection Overlay Zones.

13.2 Overstrand Municipality Heritage Protection Overlay Zone (HPOZ)

Significate landscape

The subject property is located in the Heritage Protection Overlay Zone within the 'Significant landscape' zone, and it is predicted that the subject property will not have an impact on the HPOZ.

To ensure the application may be considered, compliance with the HPOZ is of importance and certain aspects need to be provided and addressed in terms of Overstrand Municipality Heritage Protection Overlay Zone Regulations, 2020:

Section 20 – 22 states the following -

'20 The Overstrand Municipality By-Law on Municipal Planning, 2020, will apply in respect of all applications, processes and decisions contemplated in these regulations.

21 In considering an application for written consent in order to undertake an activity in terms of the Heritage Protection Overlay Zone, the Municipality may require from an applicant whatever information it deems necessary in order for an informed decision to be made regarding the application.

22 This could include, inter alia:

22.1 statements of significance;

22.2 heritage research;

22.3 photographs, including contextual photographs;

22.4 results of public consultation;

22.5 impact assessments; and

22.6 comment from affected and interested bodies.'



Statements of significance

The proposal is only to subdivide and rezone the subject property which is not predicted to alter the heritage of the subject property.

Heritage research

No heritage research was done for purposes of this application.

Photographs, including contextual photographs.

An aerial map was included into this application refer **Plan 2**.

Results of public consultation

With regard to this application a public participation process will be followed. If any comments are received with reference to the heritage aspect it will be addressed accordingly.

Impact assessments

If required, an environmental- and heritage impact assessment will be done.

Comment from affected and interested bodies

The application will be circulated to interested and affected parties for comment.

13.3 Spatial Planning Policies

The consistency of this proposed development with the applicable spatial development policies will herewith be illustrated. The spatial policies which are pertinent to the submitted proposal are the following:

PSDF
<p>The PSDF is a product of a provincial inter-departmental and inter-governmental collaboration under the guidance of the inter-departmental steering committee in collaboration with the private sector, academia, and non-governmental organisations. This broad participatory process has created a shared spatial vision that is intended to inform spatial development patterns in urban and rural areas in the province.</p> <p>Throughout the PSDF the importance of developing integrated and sustainable settlements as an objective of the framework is highlighted. The PSDF also provides a settlement agenda which addresses the full spectrum of Western Cape settlements irrespective of their size from metropolitan Cape Town to the smallest hamlets.</p>
OMSDF
<p>The Municipal Spatial Development Framework is a sectoral component of the IDP (Integrated Development Plan) that, in terms of the MSA (Municipal Systems Act), is aimed at providing general direction to guide decision making on an ongoing basis, aiming at the creation of integrated, sustainable and habitable regions, cities, towns and residential areas.</p>

The PSDF and OMSDF are frameworks to be interpreted on a local level. National policies, such as the National Development Plan, National Spatial Development Frameworks etc. provide guidelines on several important aspects which includes human settlements. To focus on provincial and local policies will ensure alignment with the above-mentioned higher hierarchy of legislation and policies.



MOTIVATION

13.3.1 PSDF

To ensure the proposed residential development is in line with the PSDF, the Provincial settlement policy objectives, the proposed development was evaluated in terms of the policy objectives.

Provincial settlement policy objective	Alignment of the proposal with the policy objectives.
Protect and enhance sense of place and settlement patterns	<p>The proposed development will be situated between two recent developments and will enhance the sense of place by filling in the remaining space between the two properties. This is in line with the densification strategy for the area. It was essential to incorporate the development into the existing Vermont urban area and provide the future residents with access to all the necessary amenities available in the area.</p> <p>This objective was achieved by selecting an appropriate location for the development and ensuring that the residents will have easy access to the surrounding area. Furthermore, the development emphasises the importance of wellbeing and creates a new residential area.</p>
Improve accessibility at all scales	<p>The subject property boasts sufficient accessibility through the main distributor routes in the area. The proposed development was designed to seamlessly integrate with the Vermont area, forming part of the extended town and allowing for easy access to larger towns and cities such as, Hermanus, and Cape Town.</p>
Promote an appropriate land use mix and density in settlements	<p>The primary land use of the proposed development is residential, and it has been designed with a focus on providing access to nature through a strategically placed open space.</p>
Ensure effective and equitable social services and facilities	<p>With Hermanus being a regional service centre as indicated by the PSDF, ensuring access to the area is important.</p> <p>There are adequate road networks between the proposed development and Hermanus which are in the process of being upgraded.</p>

13.3.2 OMSDF

The OMSDF is directed by National Provincial and Municipal Planning legislation, policies and plans. These include SPLUMA, LUPA, By-Law, PSDF and the IDP. The OMSDF aims to provide sufficient guidance regarding what constitutes appropriate spatial development land uses and direction within the urban edge. The SDF was drafted after considering input from other state departments and the public and provides a shared spatial vision which the development proposal should ideally attempt to synchronise with.

To ensure compliance with the principles and objectives set out by the PSDF and the National Development Plan the OMSDF was synthesised through the influence of these policies and frameworks.



MOTIVATION

The proposed residential development was aligned with the OMSDF to ensure that policy requirements are met. The OMSDF focus on the increasing pressure to provide adequate housing options to the growing population. This includes the Vermont area. Refer to **Table 2 and 3** for an indication of the population growth within the whole Overstrand.

The OMSDF defines Vermont as part of the Greater Hermanus area and is identified as Hermanus West (*Vermont, Onrus and Sandbaai*).

The following was identified within the OMSDF, p225:

“iii New Urban Development

No new urban development areas / urban edge amendments are proposed for Hermanus West.”

This necessitates the development to take place within the existing urban area by adopting densification measures to accommodate the rising population's demand for housing. This proposal is in line with the objective of providing 33 additional dwelling units within the designated boundaries of the subject property. The projected increase in population is derived from the growth data presented in Table 2.7 on page 25 of the OMSDF.

Though the 33 dwelling units represent a relatively small portion of the required housing units for the Hermanus area, it is crucial to initiate the process now to avoid overwhelming pressure in the future. Delaying the development could lead to significant challenges and may result in the loss of valuable external investment opportunities that often accompany population growth. Therefore, taking timely action is imperative to ensure a sustainable and prosperous future for the Overstrand region.

The proposed increase in the number of residential opportunities aligns with the vision for sustainable urban development, making efficient use of land resources and promoting denser, compact communities. It allows for more residents to enjoy the benefits of the area while minimising the need for further urban sprawl. The increase in population mentioned above is based on the growth indicated by Table 2.7 p25 of the OMSDF.

13.3.3 OVERSTRAND MUNICIPAL SPATIAL GROWTH MANAGEMENT STRATEGY, 2010 (OGMS)

On the 27 May 2020 the Municipal Council adopted the OMSDF, (Overstrand Spatial Development Framework, 2020) and in the same instance rescinded the following:

- Overstrand Municipal Spatial Growth Management Strategy, 2010;

The OGMS was rescinded in 2020 and although it has no legal standing, the Overstrand Municipality's Town Planning Department still utilise the document as a guideline document.



MOTIVATION

The subject property is located within Planning Unit 1 which occupies the majority of Vermont and Onrus, and it borders Planning Unit 2, see figure 3:

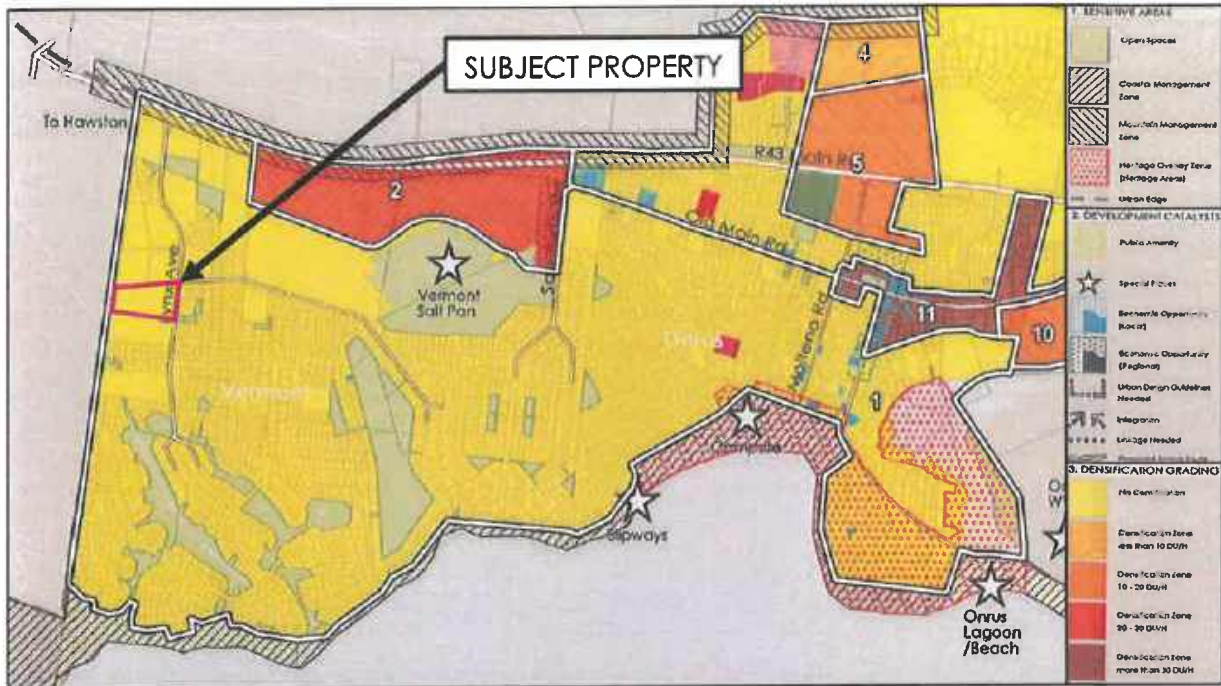


Figure 4: Extract of the OGMS (West Hermanus)

The proposal aims to align the property and the proposed development with the adjacent properties that have been approved. The intention behind the proposed development is not to increase the area's density but rather to match the existing density of the surrounding properties, ensuring alignment with the overall neighbourhood.

14. PLANNING PRINCIPLES

Chapter 2 of SPLUMA contains 5 uncompromisable planning principles by which each development application must be guided by. Policy proposals in SPLUMA which are pertinent to this proposal are recorded below:

Spatial justice

Spatial justice in the context of land use planning involves ensuring that proposals do not contribute to the perpetuation of apartheid-era spatial development imbalances. In this regard, the proposed development is aligned with this principle as it aims to provide additional housing options within the Vermont/Hermanus area, without perpetuating any imbalances.

Moreover, the proposed development is strategically positioned in close proximity to the existing urban centre, making it accessible to all members of the community, regardless of their socio-economic status.



MOTIVATION

Spatial sustainability and Efficiency

Spatial sustainability in land use planning aims to promote the creation of viable communities that can thrive in the long-term. In the context of this proposal, the development aims to increase the economic power of the Vermont area by unlocking the full potential of the subject property. As outlined in Section 12 of the report, the development will have both short- and long-term economic impacts on the surrounding area and the Overstrand Municipality, including the creation of construction jobs and additional rates and taxes payable to the municipality.

Furthermore, the location of the proposed development allows for easy access to Hermanus and local amenities, which is important for the sustainability of the community. By providing more housing options in a desired location, it will also promote sustainable urban growth and reduce the need for urban sprawl. This can lead to reduced congestion and the preservation of natural areas outside of the urban centre. Overall, this proposal aligns with the principles of spatial sustainability and aims to promote the long-term viability of the community in Hermanus.

Spatial resilience

This proposal is not in conflict with any spatial planning policies or other OM regulations which is a hallmark of resilience. The policies identified earlier in Section 13 are guided by a higher hierarchy of several policies and legislation that the proposal is aligned with.

Good administration

The OM has a credible track record of good administration regarding the method of public participation. Public participation forms an integral part of the land use planning process.

The public participation process provides people who may be affected by the proposal with an opportunity to provide comment and to raise issues of concern about the proposal or make possible suggestions that may result in an enhanced outcome of which both parties benefit. Comments will be reviewed and considered after which it will be addressed accordingly.



EVALUATION & RECOMMENDATION

15. EVALUATION

After careful analysis and assessment of the subject property, it has been determined that the proposed development is in line with the policies and legislation as confirmed throughout this report, especially when combined with the housing demand of the Vermont area.

The property owners have engaged WRAP Project Office to facilitate, coordinate and execute the land use application process. The proposed development aligns with the spatial frameworks, legislation, and policies of the OM. According to the OMSDF, additional dwelling units are necessary, and the proposed development can supply this demand.

Furthermore, the proposed land use is not out of context with the surrounding area and is not seen as an undesirable development. The development aims to maintain the character of the area and does not impede on views or sunlight. In conclusion, the proposed development is a viable option that aligns with the policies and legislation of the OM.

The property owners have taken necessary steps to ensure that the development is planned and executed in a sustainable manner, and it is expected that the proposed development will contribute positively to the economic power of the Hermanus area while providing much-needed housing options for the community.

16. RECOMMENDATION

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

- 16.1 Rezoning** of Erf 1446, Vermont from Residential Zone 1: Single Residential to Subdivisional Area Zone (SA) in terms of Section 16(2)(e) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 16.2 Subdivision** of Erf 1446, Vermont into nineteen (19) Residential Zone 1: Single Residential (SR1) erven, fourteen (14) General Residential Zone 1: Town Housing (GR1) erven, one (1) Open Space Zone 2: Public Open Space (OS2) erf and one (1) Transport Zone 2: Road and Parking (TR2) erf in terms of Section 16(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 16.3 Allocation of street names** in terms of Section 96 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 16.4 Establishment** of an owner's association in terms of Section 31 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

5.2 Subdivision Plan
Erf 1446 - Vermont

1	600m ²	Single Residential
2	600m ²	Single Residential
3	600m ²	Single Residential
4	600m ²	Single Residential
5	600m ²	Single Residential
6	600m ²	Single Residential
7	605m ²	Single Residential
8	604m ²	Single Residential
9	601m ²	Single Residential
10	605m ²	Single Residential
11	600m ²	Single Residential
12	602m ²	Single Residential
13	600m ²	Single Residential
14	645m ²	Single Residential
15	601m ²	Single Residential
16	601m ²	Single Residential
17	634m ²	Single Residential
18	603m ²	Single Residential
19	600m ²	Single Residential
20	353m ²	General Residential
21	366m ²	General Residential
22	367m ²	General Residential
23	373m ²	General Residential
24	352m ²	General Residential
25	350m ²	General Residential
26	432m ²	General Residential
27	353m ²	General Residential
28	351m ²	General Residential
29	355m ²	General Residential
30	353m ²	General Residential
31	353m ²	General Residential
32	443m ²	General Residential
33	356m ²	General Residential
34	1081m ²	Public Open Space
35	3839m ²	Public Road

Plan date: 10/06/2025
Plan Number: 23.129 (006) - Plan 5.2

Plan prepared by: Thian Jansen
All distances are approximate and subject to a survey

Tel: 028 313 1411

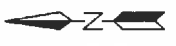
Email: admin@wragroup.co.za
Unit B, Standard House,
Corner of Royal and Dirkie Uys
Street Hermanus, 7200



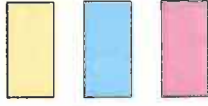
Project Office
Town Planning & Project Management



Scale 1 : 1000



6. Street name Plan
Erf 1446 - Vermont



Francolin Close

Janfrederik Close

Kwartel Close

Plan date: 10/06/2025

Plan Number: 23.129 (003) - Plan 6

Plan prepared by: Thian Jansen

All distances are approximate and subject to a survey

Tel: 028 313 1411

Email: admin@wrapgroup.co.za

Unit B, Standard House,

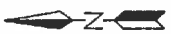
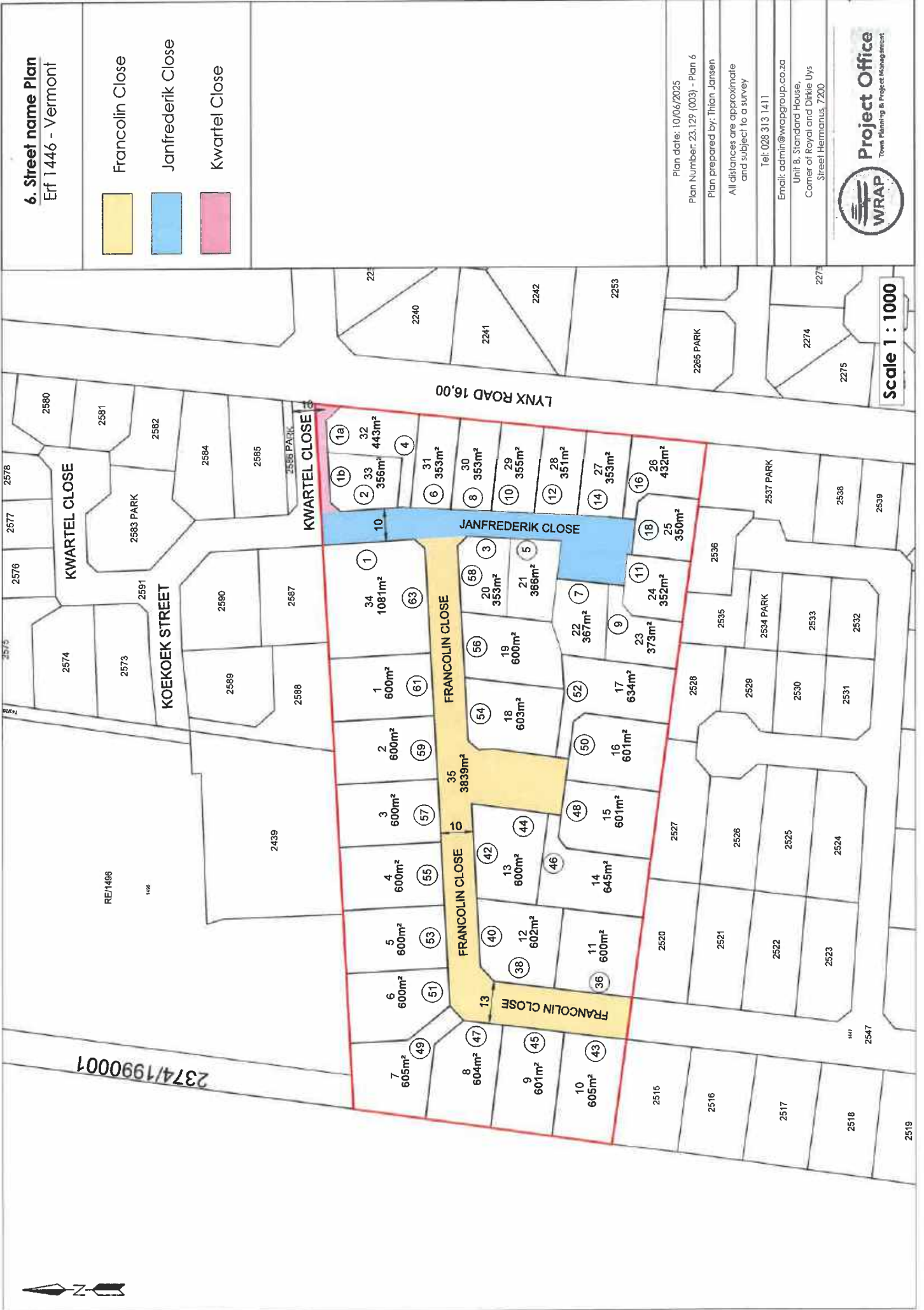
Corner of Royal and Dikkie Uys

Street Heerminus, 7200









Project Office
Town Planning & Project Management

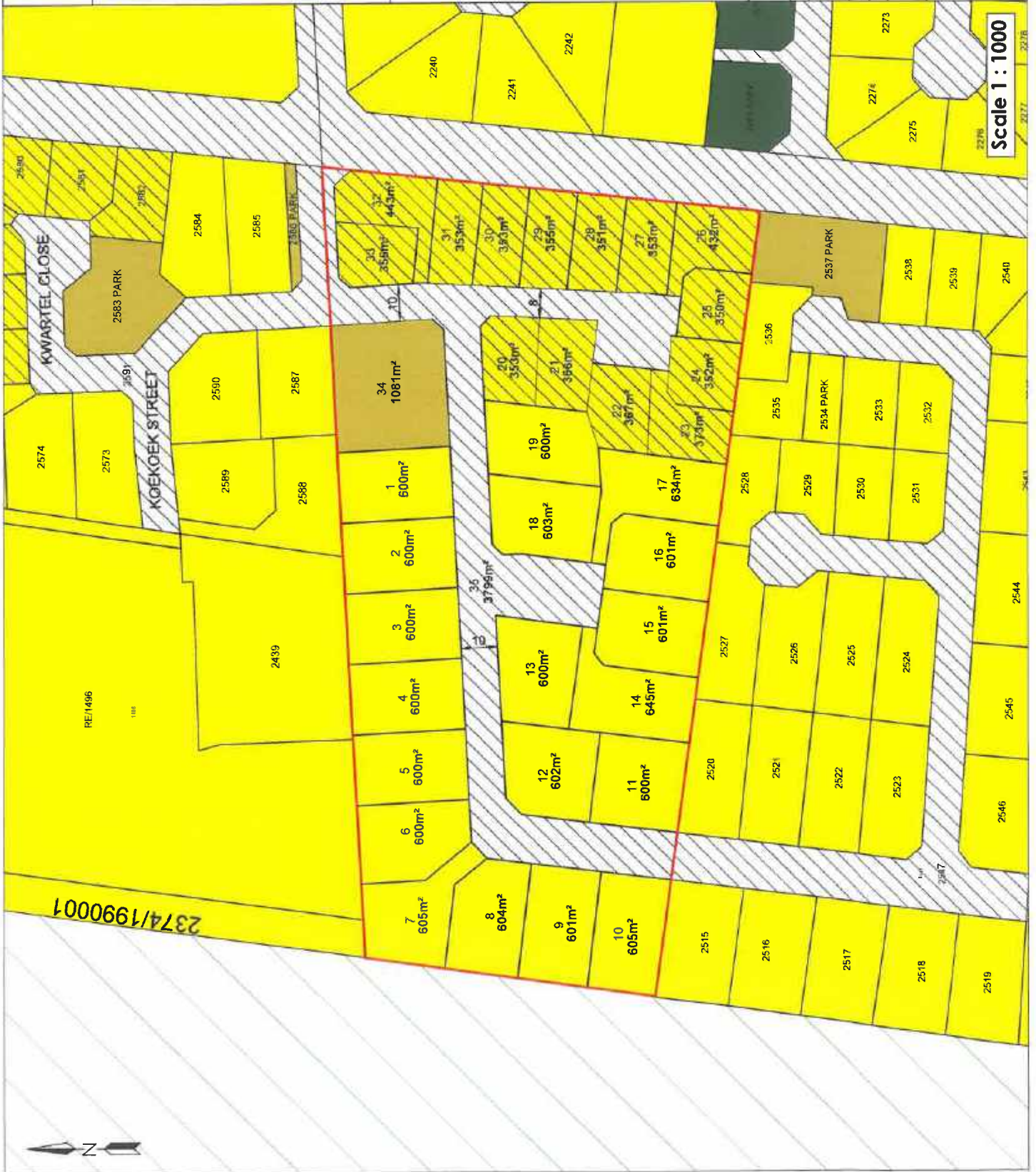
Scale 1 : 1000



5.1 Subdivision Plan Erf 1446 - Vermont

-  Residential Zone 1: Single Residential
-  Transport Zone 2: Road and Parking (Public)
-  Open Space Zone 2: Public Open Space
-  Agricultural Zone 1: Agriculture
-  Open Space Zone 3: Private Open Space
-  General Residential Zone 1: Town Housing

Plan date: 10/06/2025
 Plan Number: 23.129 [002] - Plan 5.1
 Plan prepared by: Thian Jansen
 All distances are approximate and subject to a survey
 Tel: 028 313 1411
 Email: admin@wrapgroup.co.za
 Unit 8, Standard House,
 Corner of Royal and Dinkie Uys
 Street, Hermanus, 7200



Annexure D 1/6

Loretta Gillion

From: Carol van Wyk <[redacted]>
Sent: Thursday, 11 April 2024 15:27
To: Loretta Gillion
Subject: ERF 1446, Vermont - comments on application

TP A. Sheal
(V. Olivier)



To Whom I May Concern

Name: Andre and Carol van Wyk
Address: 20 Francolin Close, Vermont, 7201
Contact details:

We support in principle the application relating to ERF 1446, Vermont. However, we request that a condition of approval is that the roads are completed first before any building takes place, so that the heavy vehicles involved in the construction will use Kwartel Close to access the site from Lynx Road.

The reason for our comments are the following:

- We have a direct interest as we live in Francolin Close, Vermont.
- From Lynx Road, Francolin Close is a steep uphill; it has a blind double bend at the start of the road, a blind rise followed by a sharp 90° bend at the top of the road, and a steep downhill into Erf 1446.
- Currently, heavy construction vehicles going to/from the development of Vermont Views use Francolin Close to access the site. These fully laden vehicles include brick trucks with cranes, cement mixers, tipper trucks and flatbed loaders transporting earth moving equipment.
- The vehicles are heavy (some weighing 30 tonnes or more) and wide (2.5m, compared to the average car of 1.8m), and cannot stop quickly. There are no sidewalks and, due to the blind bends and steep gradient, these heavy vehicles are in danger of colliding with oncoming traffic, residents who have to reverse out of their driveways into the road, cyclists and pedestrians.
- The vibrations from these large and heavy vehicles driving a few metres from our property set off our security alarm (despite adjustments to reduce sensitivity). False alarms are a serious problem for the security industry and for us – if we're not at home, we resort to asking the security company to send someone to check our house which wastes resources and incurs expense.
- We do not want this dangerous construction traffic to continue or worsen when Erf 1446 is developed, hence our request for the developer to complete the roads first to provide access from Lynx Road via Kwartel Close.

Thank you for considering our comments and request.

Kind regards,
Andre and Carol van Wyk

FILE NO.	ERF 1446
	Vermont
SCAN NO.	
COLLABORATOR NO.	2029631

TP 11 APR 2024

Loretta Gillion

From: Jonathan Gaylord < >
Sent: Monday, 08 April 2024 10:19
To: Loretta Gillion
Subject: ERF 1446, Vermont – comments on application

Names: Jonathan and Marlene Gaylord

Address: 9 Francolin Close Vermont 7201 Erf 2435

Good morning

We live in Francolin Close, Vermont, and have a direct interest in the application for ERF 1446.

Currently, Francolin Close poses challenges for heavy construction vehicles accessing the site, with its steep uphill, blind bends, and lack of sidewalks. Construction vehicles currently use Francolin Close to reach Vermont Views development, including brick trucks, cement mixers, tipper trucks, and flatbed loaders. (Often travelling in excess of safe speeds.)

These vehicles, heavy and wide, face difficulties navigating the road safely due to its steep gradient and blind bends, posing serious risks to traffic, residents, and pedestrians.

To mitigate safety risks and prevent further issues, **we strongly request the completion of roads first, enabling access from Lynx Road via Kwartel Close.**

We do not oppose the application for ERF 1446 **on condition that alternative access to the development is made prior to the commencement of construction.**

Thank you for the opportunity to comment on the proposed development of Erf 1446 and urge serious consideration of our concerns.

Kind regards
Jonathan and Marlene Gaylord

9 Francolin Close Vermont 7201

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
08 APR 2024
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

*TP. n. Theak
(H. Olivia)*

FILE NO. <i>ERF 1446</i>
<i>Vermont</i>
SCAN NO.
COLLABORATOR NO.
<i>2026702</i>

8 APR 2024

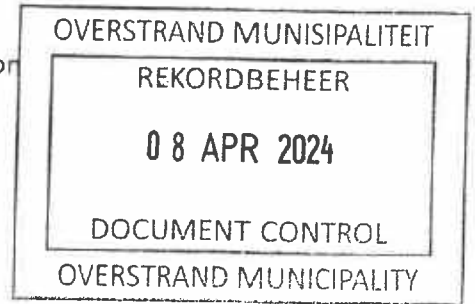
TP. N. / Theaak
(H. Olivier)

3/6

Loretta Gillion

From: Jacqui Bothwell <
Sent: Friday, 05 April 2024 09:04
To: Loretta Gillion
Subject: ERF 1446, Vermont – comments on application

>



Name: Jacqui and David Bothwell
Address: 10 Francolin Close, Vermont, 7201
Contact details:

We support in principle the application relating to ERF 1446, Vermont. However, we request that a condition of approval is that the roads are completed first before any building takes place, so that the heavy vehicles involved in the construction will use Kwartel Close to access the site from Lynx Road.

The reason for our comments are the following:

- We have a direct interest as we live in Francolin Close, Vermont.
- From Lynx Road, Francolin Close is a steep uphill; it has a blind double bend at the start of the road, a blind rise followed by a sharp 90° bend at the top of the road, and a steep downhill into Erf 1446.
- Currently, heavy construction vehicles going to/from the development of Vermont Views use Francolin Close to access the site. These fully laden vehicles include brick trucks with cranes, cement mixers, tipper trucks and flatbed loaders transporting earth moving equipment.
- The vehicles are heavy (some weighing 30 tonnes or more) and wide (2.5m, compared to the average car of 1.8m), and cannot stop quickly. There are no sidewalks and, due to the blind bends and steep gradient, these heavy vehicles are in danger of colliding with oncoming traffic, residents who have to reverse out of their driveways into the road, cyclists and pedestrians.
- The vibrations from these large and heavy vehicles driving a few metres from our property set off our security alarm (despite adjustments to reduce sensitivity). False alarms are a serious problem for the security industry and for us – if we're not at home, we resort to asking the security company to send someone to check our house which wastes resources and incurs expense.
- We do not want this dangerous construction traffic to continue or worsen when Erf 1446 is developed, hence our request for the developer to complete the roads first to provide access from Lynx Road via Kwartel Close.

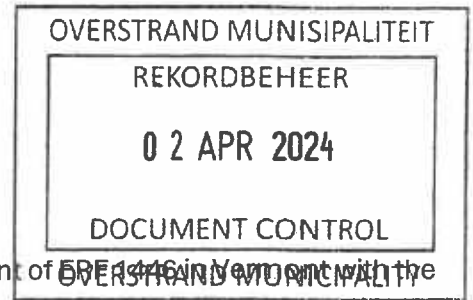
Thank you for considering our comments and request.

Jacqui and David Bothwell

FILE NO.	1446
	Vermont
SCAN NO.	
COLLABORATOR NO.	2025949

Loretta Gillion

From: Loretta Gillion
Sent: Monday, 01 April 2024 14:47
To: Loretta Gillion
Subject: Development ERF 1446 Lynx Road



Dear madam

This mail serves in purpose to object against the plan for the development of ERF 1446 in Vermont with the access point being Francolin Close Road.

I am the owner and resident of 14 Francolin Close and having reviewed the town planning proposal would like to note that Francolin Close road is too narrow and winding to accommodate the expected flow of traffic if it is the only access point to ERF 1446. Already construction vehicles building 3 new homes on the street as well as Vermont Views development is causing concern of an accident, and constant road obstruction. The wearing of the road is evident.

A complex of the nature of ERF1446 – should have an access entry point directly off Lynx Road.

If you have any further questions, kindly contact me as noted below.

Donalda Pretorius

Thank you
Donalda

FILE NO. ERF 1446 HVM ✓
[]
SCAN NO. Donalda
[]
COLLABORATOR NO.
[2023581]

Loretta Gillion

From: Theuns Botha < >
Sent: Friday, 29 March 2024 13:22
To: Loretta Gillion
Subject: Residential development erf 1446 Lynx Rd Vermont

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
0 2 APR 2024
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

Good Day

I have the followong comments and concerns regarding the above development:

The building contractors and heavy delivery vehicles will use Francolin Close during the building phase. The road is narrow and has many curves which poses a risk for possible accidents. Consider entrance from Lynx Rd to this new development.

With the development of Mount View as well as the new devepoment of erf 1446 approximately 60 additional homes will use Francolin Close Rd. This road is too narrow to accomodate this extra traffic

It will be a matter of time before we have an accident in this narrow curving road.

We will keep this on record and when such happens ask questions re accountability from OM to ensure safety for all.

Access should be from Lynx Rd to avoid the above concerns

Regards

Theuns Botha
13 Francolin Close
Vermont

FILE NO. EPF 1446 HVM ✓
SCAN NO. Theuns
COLLABORATOR NO.
2023572

Sent from Outlook for Android

Loretta Gillion

From: Jaco Van der Merwe <jaco@greeff.co.za>
Sent: Friday, 08 March 2024 13:57
To: Loriaan Isaacs
Cc: Loretta Gillion
Subject: RE: Erf 1446 Vermont - Public Participation - You are regarded as a potentially affected property owner



Where it counts

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
08 MAR 2024
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

No objections from us.

*TP - D. Theart
(H. Olivia)*

FILE NO. <i>CF 1446</i>
<i>Vermont</i>
SCAN NO.
COLLABORATOR NO.
<i>2012255</i>

Kind regards,

Jaco van der Merwe
 Principal (Full Status - MPRE)
 Cell: +27 (0) 83 235 0241

Greeff Properties Whale Coast
 173 Main Road
 Hermanus, 7200
 Western Cape, South Africa

[Click here to view our latest OUTLOOK MAGAZINE](#)

PLEASE NOTE - WE WILL NEVER CHANGE OUR BANKING DETAILS. ANY AMENDED BANKING DETAILS PURPORTEDLY ORIGINATING FROM US SHOULD BE DISREGARDED

- 8 MAR 2024



Project Office

Town Planning & Project Management

Our Reference: 23/129
Your Reference: 1446 HVM

30 April 2024

The Municipal Manager
Overstrand Municipality
P O Box 20
HERMANUS
7200

Attention: Mr Henk Olivier

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
02 MAY 2024
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

*TP. n./theal
(H. Olivier)*

ERF 1446 VERMONT: APPLICATION FOR REZONING, SUBDIVISION, ALLOCATION OF STREET NAMES AND ESTABLISHMENT OF AN OWNER'S ASSOCIATION

Your letter dated 25 April 2024, refers.

The comments and objections received are addressed herein.

FILE NO. <i>23/1446</i>
<i>Vermont</i>
SCAN NO.
COLLABORATOR NO.
<i>2041746</i>

Project Planning | Project Feasibility | Land Use Applications | Project Execution Management | Liquor Licensing

Unit B, Standard House,
Cnr Royal and Dirkie Uys Street
Hermanus

PostNet Hermanus Suite 170
Private Bag X16, Hermanus,
7200

Tel: +27 (0)28 313 1411
Email: admin@wrapgroup.co.za
Web: www.wrapgroup.co.za



72

HEAVY VEHICLE DISTURBANCE

Andre and Carol van Wyk
Jonathan and Marlene Gaylord
Jacqui and David Bothwell
Donalda Pretorius
Theuns Botha

Response:

The comments are noted. The roads that the objectors are concerned about are public roads, where service- and construction vehicles are permitted. It is acknowledged that these vehicles can be considered a nuisance, but it should be reiterated that the owners will be governed by the National Building Regulations to ensure that no unnecessary disturbances are caused once the application is approved. According to these regulations, construction is permitted from 06:00 to 18:00 on weekdays, 06:00 to 17:00 on Saturdays, and not at all on Sundays or public holidays.

Concerns are raised that the construction phase would cause damage to the public roads and that Francolin Close would be used by the construction vehicles. The municipality will be made aware of the construction as inspections and site visits will be required. If they find that any infrastructure was damaged, the owners will be held liable for the cost of repairing such infrastructure. Additionally, it is common practice for contractors to make provision in their construction costs for repairing any damages that may accidentally be caused.

Before the individual properties can be transferred, the necessary services must be transferred to the municipality. This includes various infrastructural elements, including the roads. Consequently, road construction would be a prerequisite which means the construction vehicles will also be able to use these roads that connect to Kwartel Close and will not only rely on access via Francolin Close.

CONDITION OF APPROVAL

Andre and Carol van Wyk

Response:

The municipality cannot enforce a condition of approval that prohibits any construction vehicles from using Francolin Close as it is a public road. The owners however take cognisance of the objections and will attempt to reduce any unnecessary disturbance.

LYNX ACCESS

Donalda Pretorius

Response:

The municipality will not allow any additional access roads along Lynx Road. The proposal is in line with their requirements to utilise and integrate the development with the existing surrounding road network.

TRAFFIC

Theuns Botha

Response:

The objector does not have the correct information. The development will be connected to public roads at two points. One from Francolin Close in the southwestern corner and the other at Kwartel Road in the northeastern corner of the subject property.

SUPPORT***Fraaigelegen Estate***

No objections from us

Conclusion

The comments and objections are noted and are addressed in this response. The objections conveyed a sense of concern that additional construction vehicles will be utilising the existing public roads.

As addressed in the response the owner takes cognisance of these objections and once the application is approved, the required services will be installed which include the roads. These roads will connect to both Francolin- and Kwartel Close, of which both can be used by the construction vehicles. They will however attempt to reduce any unnecessary disturbance.

Considering this response, it is recommended that the planning application be approved as submitted.

Yours faithfully



T. JANSEN
PROFESSIONAL TOWN PLANNER (A/2858/2019)

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REZONING, SUBDIVISION, THE ALLOCATION OF STREET
NAMES & ESTABLISHMENT OF OWNER'S ASSOCIATION: ERF 1446,
VERMONT (4552/2023)**

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 (**2024/2025**) is as follows:

Freehold erven:

Water	R 27 598.00 x 29.2 =	R 805 861.60
Sewerage	R 19 725.00 x 29.2 =	R 575 970.00
Stormwater	R 10 205.00 x 3.49=	R 35 615.45
Solid Waste	R 1 769.00 x 32 =	R 56 608.00
Road	R 8 845.00 x 32 =	<u>R 283 040.00</u>
TOTAL (inclusive of VAT)	=	R1 757 095.05

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 a section of OHS 11.12 and OHS 11.13 b 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.



RICARDO ANDREW
PRINCIPAL TECHNOLOGIST:
DEVELOPMENT CONTROL

30/07/2024
DATE

TPA-EMS-240412-01

Town Planning Application on 12-04-2024

Generated on Unifi by Heloise Fortune on 12-04-2024

Basic Information

Captured Reference	12-04-2024 13:58	Call Time	12-04-2024 13:58	Captured By	
District	Overberg			Office	EMS
Municipality	Overstrand			Status	Open

Description

APPLICATION FOR REZONING, SUBDIVISION, ALLOCATION OF STREET NAMES AND ESTABLISHMENT OF AN OWNER'S ASSOCIATION

Geographical Information



1446 Siffie Crescent, Vermont, South Africa (-34.4113; 19.1480)

Application Details

File Reference 1446 HVM (4552/2023)
 WRAP PROJECT OFFICE
Applicant ON BEHALF OF JP VAN
 GEMERT
 TESTAMENTARY TRUST
Property Details ERF 1446, SIFFIE
 CRESCENT, VERMONT

Application Comments

This office refers to the correspondence received from the Department of Environmental Affairs and Development Planning dated 5 April 2024.

" ACKNOWLEDGEMENT OF THE PRE-APPLICATION DRAFT BASIC ASSESSMENT REPORT ("BAR") IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE 2014 ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS FOR THE PROPOSED REZONING AND SUBDIVISION TO CREATE SINGLE RESIDENTIAL ERVEN ON ERF NO. 1446, VERMONT."

- That the Department of Environmental Affairs & Development Planning will consider the pre-application Draft BAR and issue a comment within the prescribed 30-day commenting period which ends on 16 April 2024.
- That the activity may not commence prior to an environmental authorization being granted by the Department of Environmental Affairs & Development Planning.

Closing Comments

.....
.....

Name and Surname
Date

.....

Signature

TR. N. Theart
(M. Olivier)

Annexure H

Our Ref: HM/ OVERBERG / OVERSTRAND / HERMANUS / VERMONT / ERF 1446
Case No: HWC24012315SB0129
Enquiries: Stephanie Barnardt
E-mail: Stephanie.Barnardt@westerncape.gov.za
Tel: 021 829 3315

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
16 APR 2024
DOCUMENT CONTROL



Applicant: Kathryn McMahon
Property owner: JP Van Gemert Testamentary Trust
michelle@lornay.co.za ; kathrynmcmahon7@icloud.com

RESPONSE TO NOTIFICATION OF INTENT TO DEVELOP ORIGINALITY
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: PROPOSED RESIDENTIAL DEVELOPMENT ON ERF 1446, LYNX AVENUE, VERMONT, HERMANUS, SUBMITTED IN TERMS OF SECTION 38(1) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)

The matter above has reference.

Heritage Western Cape is in receipt of the above matter received. This matter was discussed at the Heritage Officers meeting held on 12 February 2024.

You are hereby notified that, since there is no reason to believe that the proposed residential development on Erf 1446, Lynx Avenue, Vermont, Hermanus, has impacted on heritage resources, no further action under Section 38 of the National Heritage Resources Act (Act 25 of 1999) is required. HWC Chance finds procedure & Accidental finds of human remains to be included into the Environmental Authorization.

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.

Waseefa Dhansay
Assistant Director: Professional Services

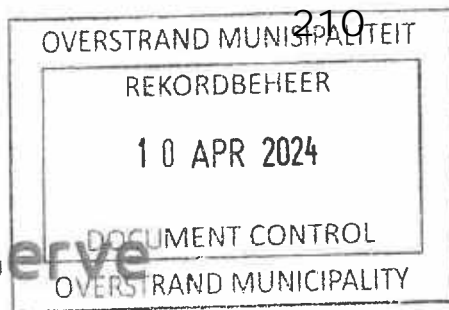

Heritage Western Cape
Erfenis Wes-Kaap
ILifa leMveli leNtshona Koloni

13 February 2024



FILE NO. AT 1446
Vermont
SCAN NO.
COLLABORATOR NO.
2031699

16 APR 2024



Annexure I 1/2

Handwritten file and collaborator numbers in a stamp box

TP. N. Theak (H. Olivia)

Linton Grange Microwave
501 Cape Road, Linton Grange
Linton Grange, Gqeberha 6025
P.O. Box 1142, Gqeberha 6000

Our reference: WWIP_WHWS1256_24
Your reference: ERF 1446 Vermont
Inquiries: Sizwe Nyengane
Cell: 081 598 3045
Email: SizweN@openserve.co.za

Overstrand Municipality
16 Paterson Street,
Hermanus,
7200
ATTENTION: Loriaan Isaacs

9 April 2024

RE: ERF 1446, SIFFIE CRESCENT, VERMONT: APPLICATION FOR REZONING, SUBDIVISION, ALLOCATION OF STREET NAMES AND ESTABLISHMENT OF AN OWNERS ASSOCIATION: WRAP PROJECT OFFICE ON BEHALF OF JP VAN GEMERT TESTAMENTARY TRUST.

Dear Sir/Madam

SERVICES ARE AFFECTED

Your proposal as depicted on the attached drawing has been examined and the following are applicable:

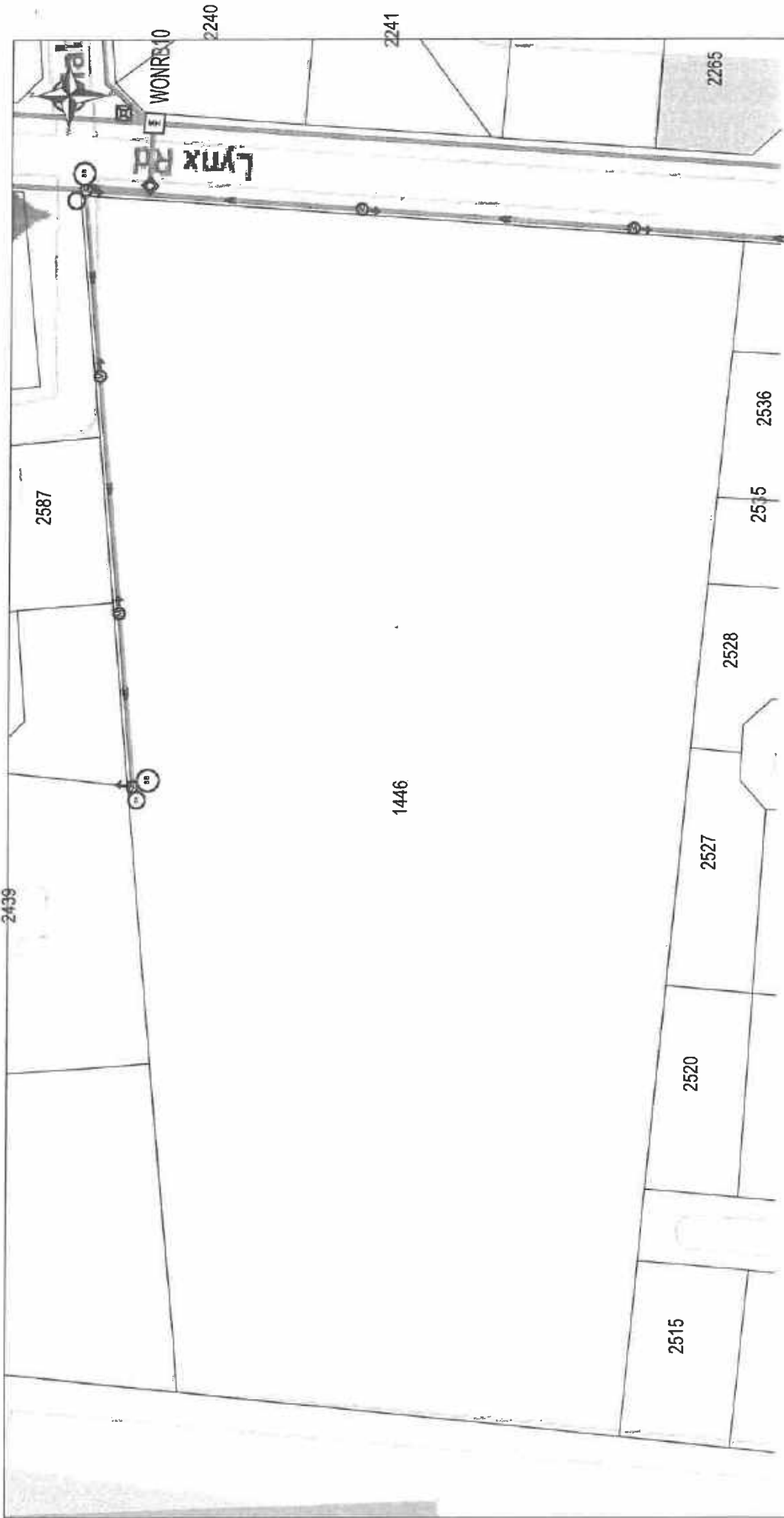
- Openserve services are affected. (Optical Fibre will be indicated in pink)
The existing and proposed underground/overhead plant has been indicated on the attached plan, as requested. Telkom cables are normally buried at a depth of +/- 600mm.
Although the positions of the Openserve services are shown as accurately as possible, these positions must be regarded as approximate only.
Please contact and inform our representative Melt van As before commencing with any civil works. Telephone number 0218521717/0813637873 Email: MeltVA@openserve.co.za.
This approval has a validity period of 6 months. If your proposed services are not installed before the 6 months period has expired, a new approval must be obtained from this Company.
Any deviation from the original proposal should be brought to my notice prior to any undertaking. Please do not hesitate to contact me if you have any queries concerning the above.

Yours sincerely,
Sizwe Nyengane

Signature and name: On Behalf of Selwyn Bowers (Operations Manager - Wayleaves)

61 Oak Avenue, Highveld, Techno Park, Centurion 0157,
Private Bag X881, Pretoria, Gauteng, 0001

TP 09 APR 2024



Existing Manhole		Existing PJB		Existing DLC		Existing Indoor DP		Existing Pole		Planned Overhead Route		Conduit Terminus (Virtual Element)	



Western Cape Government

Department of Environmental Affairs and Development Planning
Bernadette Osborne
Development Management: Region 1
Bernadette.Osborne@westerncape.gov.za | Tel: 021 483 3679

REFERENCE: 16/3/3/1/B3/40/1040/24
NEAS REFERENCE: WCP/EIA/0001478/2024
ENQUIRIES: Bernadette Osborne
DATE OF ISSUE: 21 NOVEMBER 2024

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
21 NOV 2024
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

TP-A Theart
(H Olivier)

The Trustee
JP van Gemert Testamentary Trust
18 Fulmar Street
VERMONT
7200

Attention: Ms. Kathryn McMahon

Cell: (084) 556 6644
E-mail: kathrynmcmahon7@icloud.com

Dear Madam

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014: THE RESIDENTIAL DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE ON ERF NO. 1446, VERMONT.

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** Environmental Authorisation, together with the reasons for the decision.
2. In terms of Regulation 4 of the EIA Regulations, 2014, you are instructed to ensure, within 14 days of the date of the Environmental Authorisation, that all registered interested and affected parties ("I&APs") are provided with access to and reasons for the decision, and that all registered I&APs are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the Appeal Regulations, 2014, which prescribes the appeal procedure to be followed. This procedure is summarised in the attached Environmental Authorisation.

Yours faithfully

Zaahir Toefy
Digitally signed by Zaahir Toefy
Date: 2024.11.21 08:50:13
+02'00'

MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

Cc: (1) Ms. Michelle Naylor (Lornay Environmental Consulting)
(2) Ms. Penelope Aplon (Overstrand Municipality)

E-mail: michelle@lornay.co.za
E-mail: paplon@overstrand.gov.za

TP
21 NOV 2024

FILE NO. Erf 1446-HNM
SCAN NO. 08
COLLABORATOR NO.



REFERENCE: 16/3/3/1/B3/40/1040/24
NEAS REFERENCE: WCP/EIA/0001478/2024
ENQUIRIES: Bernadette Osborne
DATE OF ISSUE: 21 NOVEMBER 2024

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 RESIDENTIAL DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE ON ERF NO. 1446, 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 the Preferred Layout Alternative 2 described in the Basic Assessment Report ("BAR"), dated 15 August 2024.

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

JP van Gemert Testamentary Trust
 c/o Ms. Kathryn McMahon
 18 Fulmar Street
VERMONT
 7200

Cell: (084) 556 6644
 E-mail: kathrynmcmahon7@icloud.com

The abovementioned applicant is the holder of this Environmental Authorisation and is hereinafter referred to as "**the holder**".

B. LISTED ACTIVITIES AUTHORISED

Listed Activity	Project Description
<p>Listing Notice 1 – Activity Number: 27 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 – (i) <i>The undertaking of linear activity; or</i> (ii) <i>Maintenance purposes undertaken in accordance with a maintenance management plan.</i></p>	<p>The development will result in the clearance of approximately 2ha of indigenous vegetation.</p>
<p>Listing Notice 3 – Activity Number: 12 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.</p> <p>(i) Western Cape:</p> <ol style="list-style-type: none"> i. 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; ii. <i>Within critical biodiversity areas identified in bioregional plans;</i> iii. <i>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 or even in urban areas;</i> 	<p>The development will result in the clearance of indigenous vegetation types, classified as endangered and critically endangered ecosystems.</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:

The development entails the clearance of indigenous vegetation for the development of 33 residential units, open spaces and associated infrastructure (roads and pipelines) on Erf No. 1446, Vermont. The development will have a footprint of approximately 21 578m².

C. SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken on Erf No. 1446, Vermont and has the following co-ordinates:

	Latitude (S)	Longitude (E)
Co-ordinates	34° 24' 40.82"	19° 8' 50.91"

The SG digit codes are: C013 0023 0000 1446 0000

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
P.O. Box 1990
HERMANUS
7200

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 the Preferred Layout Alternative 2 described in the BAR dated 15 August 2024 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 **fifteen 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, 17 and 18.

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 activity

9. The draft 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 construction activities to ensure compliance with the provisions of the EMPr and the conditions contained herein. The ECO must conduct site visits and must submit ECO reports on a quarterly basis to the competent authority.
12. A copy of the Environmental Authorisation, EMPr, audit report and compliance monitoring report 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 the MMP. The Environmental Audit Report must be prepared by an independent person (other than the appointed Environmental Assessment Practitioner or Environmental Control Officer) and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014.

The holder must undertake environmental audits and submit an Environmental Audit Report to the Competent Authority once a year during the construction phase. A final

Environmental Audit Report must be submitted to the Competent Authority within six months after the construction activities have been completed.

The holder must, within 7 days of the submission of the above-mentioned report 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.

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. A Search and Rescue operation of all transplantable indigenous plants, reptiles and other fauna that occur on the site must be undertaken by a suitably qualified specialist before the commencement of site clearing activities. The rescued species must be relocated to the adjacent Hoek van die Berg Nature Reserve (with the relevant permission).

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 a 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.

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 Email: DEADP.Appeals@westerncape.gov.za; or

By hand: Attention: Mr Marius Venter (Tel: 021 483 2659)
Room 809
8th 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 and any supporting documents to the Appeal Authority to the address listed above and/ or via e-mail to 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 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

Zaahir Toefy

Digitally signed by Zaahir
Toefy
Date: 2024.11.21 08:50:37
+02'00'

MR. ZAAHIR TOEFY

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

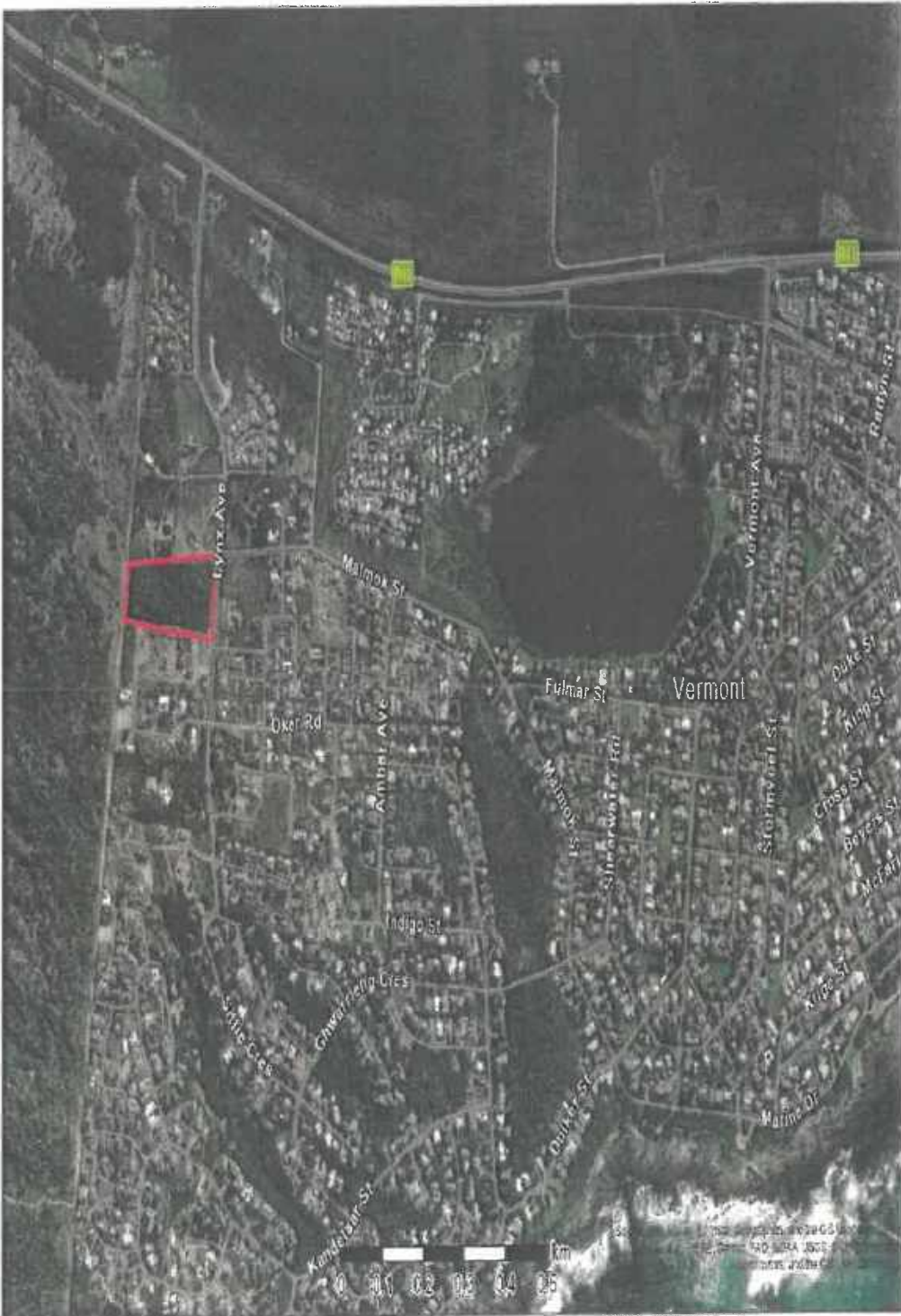
DATE OF DECISION: 21 NOVEMBER 2024

Cc: (1) Ms. Michelle Naylor (Lornay Environmental Consulting)
(2) Ms. Penelope Aplon (Overstrand Municipality)

E-mail: michelle@lornay.co.za
E-mail: paplon@overstrand.gov.za

ANNEXURE 1: LOCALITY MAP

Erf 1446, Vermont

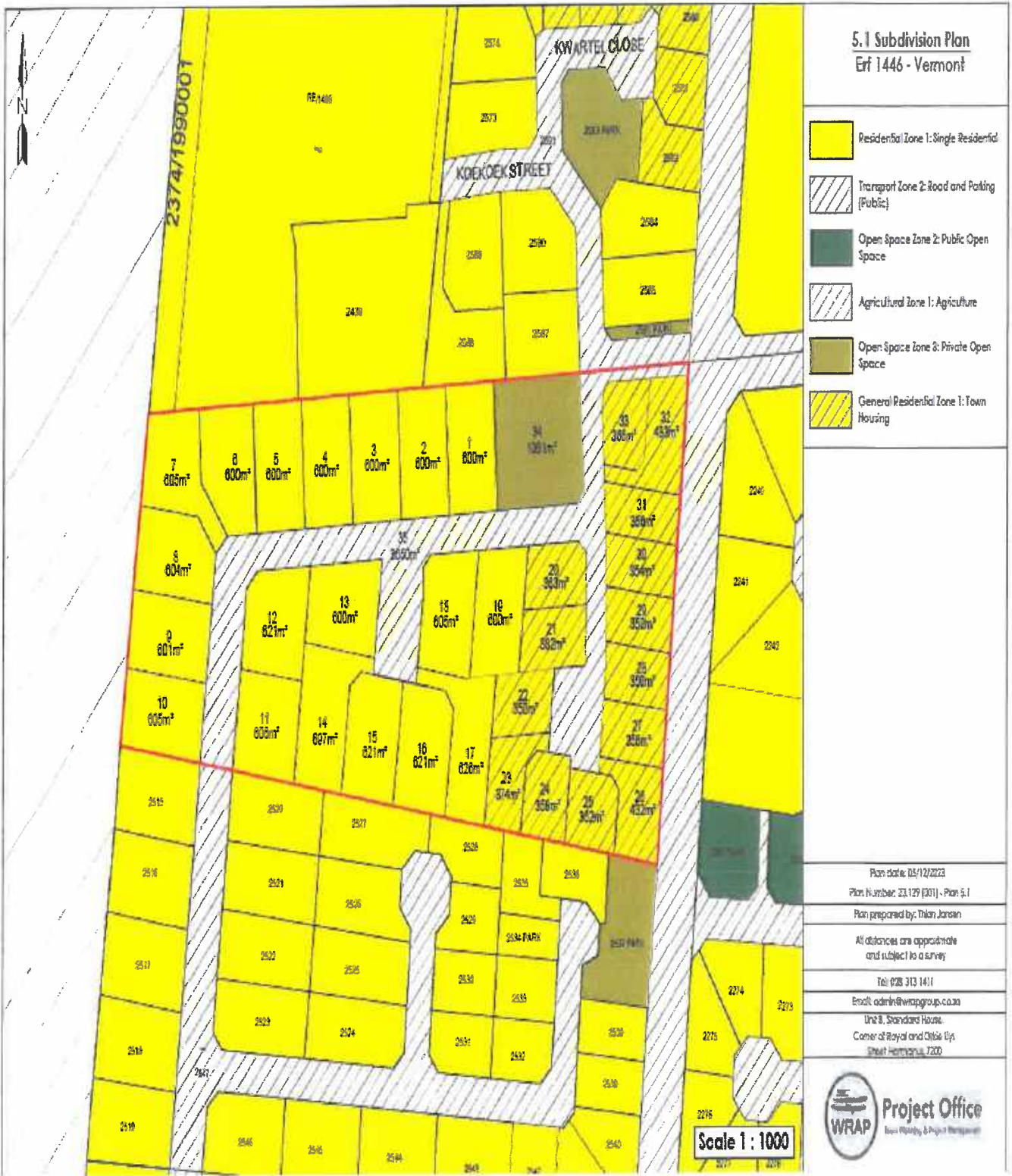


Legend

Map Center: Lon: 19°9'18.9"E
 Lat: 34°24'44.3"S
 Scale: 1:12,010
 Date created: 2023/16/11



ANNEXURE 2: SITE PLANS



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 dated 11 June 2024, the EMPr submitted together with the final BAR dated 15 August 2024;
- 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 BAR dated 15 August 2024; 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;
- site notices were placed at the site;
- the placing of a newspaper advertisement in the '*Hermanus Times*' on 13 March 2024;
- giving written notice to the owners and occupiers of land adjacent to the site where the listed activities are 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 13 March 2024;
- making the pre-application Draft BAR available for comment from 13 March 2024; and
- making the in-process Draft BAR available for comment from 8 July 2024.

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.

Specific alternatives, management and mitigation measures have been considered in this Environmental Authorisation and EMPr to adequately address the concerns raised.

2. Alternatives

Layout Alternative 1

This alternative entails the development of 33 erven on Erf No. 1446, Vermont consisting of the following:

- 31 Residential erven varying between 300m² and 700m²,
- 1 Open space erf of 551m²; and
- 1 internal road erf of 3741m².

This alternative was not preferred since it does not address the requirements of the Overstrand Municipality regarding the location of the access road and size of the Open space erf, and the Botanical Specialist's recommendations regarding the Milkwood trees that occur on the site.

Layout Alternative 2 (preferred and herewith authorised)

This alternative also entails the development of 33 residential erven, open spaces and associated infrastructure (roads and pipeline) on Erf No. 1446, Vermont, but with different erf sizes than proposed in Alternative 1. The development will have a footprint of approximately 21 578m².

This alternative is preferred since it addresses the requirements of the Overstrand Municipality for the location of the access road and the size of the Open space erf. It also accommodates the recommendation of the Botanical Specialist regarding the conservation of the Milkwood trees that occur on the site.

No-go Option

The no-go alternative entails refraining from constructing the development altogether. While this option would avoid all potential ecological impacts associated with the development, it was not preferred since it will not contribute to alleviate the housing shortage in the Overstrand area.

3. Impact Assessment and Mitigation measures

3.1. Activity need and desirability

The subject property falls within the municipal urban edge of Vermont. The proposal is consistent with the Overstrand Municipality's Spatial Development Framework ("SDF"), which earmarks the land for urban development. The proposed development will assist in alleviating the housing shortage in the area and is in line with the relevant municipal planning principles related to urban densification.

3.2. Biophysical Impacts

The site is mapped to contain Overberg Dune Sandveld vegetation, which is classified as an endangered ecosystem and Hangklop Sand Fynbos vegetation, which is classified as a critically endangered ecosystem. According to the Terrestrial Biodiversity Impact Assessment Report (dated 22 May 2024, compiled by Nick Helme Botanical surveys), the site is mapped to

contain Overberg Dune Sandveld vegetation, and one species of conservation concern was found on the site. The report further states that the vegetation is partly degraded, and the site is regarded to be of medium sensitivity. The specialist regards the overall botanical and faunal impacts as being of low to medium negative significance after mitigation. The recommended mitigation measures have been included as a condition of the EA and included in the EMPr.

Negative Impacts:

- Loss of indigenous vegetation.

Positive impacts:

- The creation of temporary employment opportunities;
- The promotion of densification and more efficient use of resources and land; and
- The creation of housing opportunities to alleviate the housing shortage in the area.

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 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-----