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**ERF 2028, 85 MAIN ROAD, ONRUSTRIVIER, OVERSTRAND MUNICIPAL AREA:
APPLICATION FOR REZONING AND SUBDIVISION: PJ LE ROUX TOWN AND REGIONAL
PLANNERS ON BEHALF OF ERF 1755 CC**

2028 HON (4840/2024)

H Olivier

8 October 2025

(028) 313 8900

Hermanus Administration

1. EXECUTIVE SUMMARY

An application has been received on 15 October 2024 from PJ Le Roux Town and Regional Planners on behalf of Erf 175 CC on Erf 2028, Onrustrivier in terms of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 for the following:

- ❖ **Rezoning** of the property in terms of Section 16(2)(a) of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 from Residential Zone I: Single Residential (SR1) to Subdivisional Area Zone (SA);
- ❖ **Subdivision** of the rezoned property in terms of Section 16(2)(d) of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 to create the following:
 - Twelve (12) General Residential Zone I: Town Housing (GR1) erven;
 - Four (4) Open Space Zone 3: Private Open Space (OS3) erven; and
 - One (1) Transport Zone 2: Private Road and Parking (TR2A) Portion.
- ❖ **Allocation of a street name** in terms of Section 96 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020, in order to allocate a street name (Savignon Street) to the new street in the development.

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

2. DECISION AUTHORITY

Municipal Planning Tribunal

3. BACKGROUND / SITE HISTORY

Erf 2028 is zoned Residential Zone I and is development with a Dwelling. Application was made on the land in the past to rezone property to a Group Housing development for 13 units. The developer did not act on this approval. Note that the previous approvals lapsed in early 2024.

The property measures 0,3965ha, and the proposed development will entail the whole property.

4. SUMMARY OF APPLICANT'S MOTIVATION

- ❖ The property is situated in Main Road on the corner of Radyn Street on the western side of Onrustrivier.

- ❖ Access to the site will be obtained from Radyn Street.
- ❖ There is an existing dwelling on the property, and the rest of the site is vacant and overgrown with grass and some large trees along Radyn Street.
- ❖ The aim is to develop a sustainable development within the urban edge. The aim is to provide people equal access to economic, social, human and cultural development within an area where resources are used with care and eco-systems carefully protected.
- ❖ The development will provide erven for the ever-increasing demand for residential erven and create new employment opportunities with appositive economic impact.
- ❖ The development will provide for 12 single storey town houses, 4 private open spaces and a centrally located private road.
- ❖ The group house erven will each measure 256m² in extend, with units measuring 149m² in extend.
- ❖ Each unit will have a double garage with parking in front of each garage.
- ❖ All building line requirements will be complied with.
- ❖ The 4 open spaces will collectively measure 390m², which is the 10% as required in terms of the Land Use Scheme.
- ❖ The private road will be 8m wide with a 5m road surface. There will be a security entrance set back 6m from the road edge and a with refuse collection store at the entrance.

- ❖ **The application is measured against the General Principles in terms of SPLUMA and LUPA, as follows:**
 - Spatial Justice
The application will promote the principle by optimizing the use of the property and optimize the use of land within an urban area.
 - Spatial Sustainability
The application will make optimal use of land without compromising the surrounding area. It will be spatially compact and resource frugal, is sustainable in respect of an environmental and socio-economic point of view, no safety hazards are anticipated, and it will not have any detrimental impact on the surrounds.
 - Efficiency
Infrastructure will be used to its maximum, does not conflict with recommendations in the spatial planning documentation and makes provision for spatial integration with different residential options within Onrustrivier.
 - Spatial Resilience
Not applicable.
 - Good Administration
In line with Municipal procedures and all procedures in terms of the By-Law will be followed.

- ❖ The topography with a slight gradient and minimal vegetation and no real ecological habitats does not prevent or restrict the proposed development.
- ❖ No impact on the microclimate.

- ❖ **Character of the area**
 - The commercial hub is approximately 220m west of the property.

- The property's location next to Main Road lends itself for higher density residential. The 30 units/ha density is appropriate density without compromising the existing character of the area.
- It is in line with the previous group housing approval and therefore considered desirable.

❖ **Accessibility**

The new access to the site will be from Radyn Street approximately 31m from Onrustrivier Main Road intersection.

❖ **Spatial Planning**

The application is within the urban edge and compliant with the recommendations of the Overstrand Municipality SDF.

❖ **Provision of Services**

- An engineering services report was prepared which indicate that potable water will be obtained from the municipal water system, and the development will link into the municipal sewer network.
- Stormwater will be channelled via a stormwater pipe in Radyn Street and solid waste will be removed by the Overstrand Municipality from the refuse area at the entrance gate.
- Eskom did confirm that there is electrical capacity available to serve the development.

5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
Local newspaper	Yes	13 December 2024	24 January 2025
E-mail Notices and Notice Board on-site	Yes	10 December 2024	24 January 2025
Internal departments	Yes	10 December 2024	24 January 2025
Ward councillor	Yes	10 December 2024	24 January 2025
Total comments	THREE (3)		
Letters of support	NONE		
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
Municipal: Environmental Management Services	24/01/2025	The proposed area contained Hangklip Sandstone Fynbos vegetation, which is an endangered vegetation type, but the area is disturbed with no natural areas remaining. No objection to the application.
Waste Management	11/12/2024	No objection from waste management to the proposed subdivision and rezoning. Note that if approved and when plans submitted, they must include enough detail on the waste storage area to show compliance with the land use scheme refuse room requirements Section 17.4.
Telkom	No comments received.	
Eskom	No comments received.	
Overberg District Health	10/02/2025	No objection.
Fire Department	19/12/2024	No objection.
Building Control	10/12/2024	No objection.
Engineering Services	20/12/2024	See Annexure F.
Cape Nature	22/05/2025 & 19/09/2025	See Annexure G.
Western Cape Government: DEADP (Environmental)	11/09/2025	See Annexure H.
SANBI	20/05/2025 & 27/05/2025	See Annexure I.

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 Onrustrivier Ratepayers Association. A notice board was also placed on-site by the applicant's consultant.

In the public participation process three (3) letters of objections were received.

OBJECTIONS

-  AE Prowse
-  Dr D Gwynne-Evans

✚ KBH Craddock & TD de Villiers (*PETITION LIST*)

Note that one of the objection letters had a petition list signed by seven (7) people. The one petitioner subsequently withdrew his objection. See Annexure J.

The applicant was provided with an opportunity to respond to the objections received. The objections and support letters 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 – A PROWSE

If the entrance will be changed to Radyn Street the width of Radyn Street is too narrow for the traffic and should be widened with kerbs and speed bumps, at the developer's cost, to improve traffic safety.

Irrespective of the change of the entrance from Radyn Street, the Municipality should install kerbs in Radyn Street from Main Road to Viljoen Street to improve traffic safety.

APPLICANT'S RESPONSE

The previously approved group housing development that was approved on the property was approved without a condition to upgrade Radyn Street. The proposed development will have less units than the previous one, and it is not foreseen why such condition should be imposed. Should the Municipality include such condition the development will become economically unviable.

TOWN PLANNER'S RESPONSE

The comments are noted. As indicated by the applicant no upgrade of Radyn Street was previously requested for a development that would have had a separate access and egress point into Radyn Street.

No specific conditions have been stipulated in the Services Report by the Engineering Branch regarding any upgrading of Radyn Street.

OBJECTION 2 – A PROWSE

The residents of the new development will not be inconvenienced should the entrance remain in Main Road, and the road is wider and has a pavement section to deal with the traffic.

Contractors park on the pavement which will impact traffic flow and impact residents in Radyn Street.

Large vehicles delivering building materials will have difficulty to manoeuvre from Radyn Street driving over resident's beautified pavements.

More residents are using Radyn Street than a year ago, due to the new stop streets in Main Road.

APPLICANT'S RESPONSE

Considering that the previous development was approved without any requirement for the upgrade of Radyn Street, it is considered that Radyn Street has sufficient capacity to accommodate the development. The old approval lapsed in 2024, and no significant changes occurred in the immediate surrounds since the last approval.

TOWN PLANNER'S RESPONSE

The comments are noted. The Engineering Services Department is trying to limit access points off Main Road, as it will become a much busier neighbourhood distributor road in future.

The objector's comments are noted, but there is a measure of speculation regarding the concern about where contractors will park and the statement that there has been an increase in traffic in Radyn Street in the last year.

Pavements are also part of the road reserve, and not privately owned land. Each property owner that created garden areas on their pavement or placed rocks etc. on the pavement should know it is still part of the road area, and not their private space.

The road reserve is 10m wide and the road surface approximately 5m wide. This allows for area next to the road of approximately 2,5m on both sides of the road surface that can be used for manoeuvrability of vehicles. The pavement areas in Radyn Street opposite the proposed development is also not planted with garden.

OBJECTION 3 – A PROWSE

The proposed refuse area of 5m by 2m is too small for 12 properties. There is also no access from within the development to the refuse area.

Only bins should be allowed in the refuse area not bags as it will create unpleasant smells.

APPLICANT'S RESPONSE

The refuse area will be constructed to municipal standards and will be and was in the previous land use approval a condition of approval.

TOWN PLANNER'S RESPONSE

The comments are noted. As indicated by the applicant the refuse area will have to be provided and comply with Municipal standards. The detail of the refuse area will be considered with the submission of the building plan.

Note that in terms of the By-Law only a 0,5m² is required for a 100m² town house. If the 12 units is developed the 10m² refuse area will be sufficient in size.

OBJECTION 4 – A PROWSE

With the high-water flow from rainfall impacting Radyn Street already, this development will lead to a significant increase in additional water in Radyn Street, this will have to be considered and addressed appropriately.

APPLICANT'S RESPONSE

The storm water run-off from the property will be formalized in line with the requirements of Council. Storm water will be directed to storm water systems in Radyn and Dawson Streets. Detailed engineering plans will be submitted for approval to meet Council's requirements.

TOWN PLANNER'S RESPONSE

The comments are noted.

The Engineering Branch stipulated a specific condition that a storm water management plan be submitted to the Municipality for consideration and approval.

OBJECTION 5 – KBH CRADDOCK AND TD DE VILLIERS

The developer wants to maximize the number of houses to maximize his profit.

APPLICANT'S RESPONSE

The comment is subjective and unfounded. The development will have one less unit (12) than what was previously approved (13) and lapsed in 2024.

TOWN PLANNER'S RESPONSE

The comments are noted.

The applicant is correct in that the new development will have less units than the previously approved development.

OBJECTION 6 – KBH CRADDOCK AND TD DE VILLIERS

Radyn Street cannot handle the additional traffic and has no formal pavements. In the past it was requested that speed bumps and pavements be installed to improve traffic safety for the existing traffic.

APPLICANT'S RESPONSE

The statement that owners/ratepayers and residents of Radyn Street will be negatively impacted is unsubstantiated and subjective. The development will provide for 12 units and have one entrance off Radyn Street. The building line with Radyn Street is also respected and therefore has limited impact. The Overstrand Engineering Department with the previous application assessed the capacity of Radyn Street to accommodate the development of even more units.

TOWN PLANNER'S RESPONSE

The comments are noted.

The Engineering Services Department supported the previously approved development and again supports this development, and therefore it is the opinion that they consider the road to be sufficient for the additional traffic.

OBJECTION 7 – KBH CRADDOCK AND TD DE VILLIERS

It is the most obvious that the entrance to the development must be from Main Road. This will ensure safety to the residents and will be more feasible. Not clear what the rationale is of the Municipality why the access point must be off Radyn Street. Was any feasibility study done?

There are similar developments in Main Road that obtain access off Main Road, and it is functional. The cul-de-sac from Dawson Street can also be used with less impact on neighbours.

APPLICANT'S RESPONSE

The previously approved development also took access from Radyn Street and not Main Road, and the development was based on the previous approval.

The rationale of the Overstrand Planning was that this is an existing residential erf in the urban area of Onrustvlei. The erf is identified for urban development in terms of the spatial planning documents. That was the reason why the previous application was approved.

The entrance off Radyn Street was previously approved, and there is no reason why an alternative entrance is required.

TOWN PLANNER'S RESPONSE

The comments are noted.

With the original application a separate access and egress point was planned for the development in Radyn Street. The original application was also for 14 units, which was supported by the Engineering Services Department. The application was only approved for 13 units.

This application will only have one access/egress point and will only provide for 12 units, which will have less of an impact on Radyn Street. As previously indicated, this application is supported by the Engineering Services Department who is the responsible Branch to consider the feasibility of applications from a traffic impact perspective.

OBJECTION 8 – DR GWYNNE-EVANS

*This is the only known location of a new species *Hermannia (turbina)*. One of the last and largest plots of relatively intact lowland vegetation in Onrus and thus deserves protection, and especially for this single species.*

In terms of Western Cape provincial conservation laws, I wish a provincial conservation assessment would be requested through Cape Nature and it is advocated for a Protected Environment designation under provincial law.

In terms of the Biodiversity Act there must be duty of care to all components of biodiversity.

APPLICANT'S RESPONSE

A Planning approval was approved on the site, and the landowner cleared the site in 2021. No reference was ever made to conservation worthy vegetation or an environmental process required.

The comment that the site is one of the last and largest plots of relatively intact lowveld vegetation in Onrus is questionable since the entire site has been cleared of any vegetation and trees.

We do believe that these plants are resprouts that regenerated after clearing of the subject property in 2021, after the site was cleared. It has been confirmed by the proposed developer's environmental consultant during a site investigation 30 sprouts of approximately 30-50mm high was found on the whole property.

The property is within the urban edge and previously approved for development. The plant is most likely to appear anywhere in Onrustrivier when an erf is cleared or after a natural fire. There is no evidence that the plant does not appear anywhere else in Onrustrivier, which makes the subject property not unique. The seeds could also spread by wind.

It is recommended the 30 sprouts be planted out in a municipal garden.

It is not clear how the objector had access to a private property to site the plants as no permission was granted.

The request that the property be designated as a protected environment is unrealistic and cannot be warranted.

TOWN PLANNER'S RESPONSE

The municipal Environmental Management Services Department was requested to provide a response on the objection. They consulted with Cape Nature regarding the statements about an endangered plant species.

A site inspection was done by the municipal Town Planner, the planning consultant, an official of the municipal Environmental Management Services Department, Cape Nature, an environmental consultant and a representative of the property owner.

After the site visit Cape Nature provided their comments and requested an Applicability Checklist be submitted to the Western Cape Government: DEADP (Environmental) to establish if a Basic Assessment is triggered. It was also indicated in such letter that the South African National Biodiversity Institute (SANBI) be consulted with to establish if the plant species is registered as an endangered species on their records and to advise on the way forward.

Western Cape Government: DEADP (Environmental) confirmed that no EIA process is triggered.

SANBI indicated that the plant species is not registered in their records, and the objector will have to undertake the process to register the plant species to give it protection status.

Considering the above, the municipal Environmental Management Services Department indicated that they support the further processing of the planning application.

8. SUMMARY OF APPLICANT'S REPLY TO COMMENTS

See Paragraph 7 above.

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

See Paragraph 7 above.

Internal and external departments

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

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

10.1 Background

N/A

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

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

The objectives relating to:

Spatial Justice

N/A

Spatial Sustainability

The application is within the urban edge and will not impact on agricultural land. Although there are concerns regarding the environmental sensitivity of the site, these concerns cannot be substantiated, and the application is supported by all relevant municipal and state environmental Departments.

The application will help alleviate urban sprawl by way of infill planning.

Efficiency

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

Spatial Resilience

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

Good Administration

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

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

Same as Point 10.2 above.

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

The area is indicated for residential purposes in terms of the Overstrand Municipal Wide SDF allocation and is also indicated as a *status quo* area in terms of the Overstrand Growth Management Strategy, 2010. The *status quo* for this area south of Onrustrivier Main Road the development of residential areas with a mixed development of Residential Zone I erven and pockets of Group Housing next to Onrustrivier Main Road. A Group Housing development was approved on the property in 2019 for 13 units, which has since lapsed. This application is in line with such previous approval.

This development is therefore in line with the existing policy and surrounding developments.

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

N/A

10.6 Impact on Municipal engineering services

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

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

There were concerns that the application would trigger an EIA. Western Cape Government: DEADP (Environmental) confirmed that no EIA is triggered.

There were concerns about a scarce plant species on the site, but SANBI confirmed the plant species is not registered on their protected species list.

10.8 Existing and proposed zoning comparisons and considerations

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

11. ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

N/A

12. THE DESIRABILITY OF THE PROPOSAL

Erf 2028, Onrustrivier is zoned Single Residential Zone 1 and is developed with a single dwelling. The erf measures approximately 3965m² in extent and the largest part of the site has been cleared of vegetation and trees.

An approval was granted in 2019 for the development of 13 sectional title group housing units, but this approval lapsed in 2024.

The proposal is to rezone an existing Single Residential erf to Group Housing, and to subdivide it to create 12 group housing erven, a private road and 4 private open spaces. The erven will be approximately 250m² in size and the applicant indicate it will be developed with single storey units. It will be a gated development, with an access/egress point from Radyn Street. It is also indicated that 10% of the development is earmarked for private open spaces, and in compliance with the Land Use Scheme parameters.

The application was circulated to all relevant municipal departments and other institutions, and no objections were received.

The application was advertised, and three (3) letters with comments were received. In two of the letters, it was indicated that there is no objection to the application, but against the format of the proposed layout.

The objections were discussed in detail in this report, and the two main objections, being that access/egress must not be obtained from Radyn Street and that due to the presence of a rare species on the property it must not be developed, will again be elaborated on.

As indicated a previous application was approved on the property for 13 group housing units, with the access from Radyn Street. The Engineering Services Department limit the access roads from Onrustrivier Main Road, as it is and will become even a more important neighbourhood distributor road in future, with higher counts of traffic. The Engineering Services Department, who is the specialists in road infrastructure planning, consider that Radyn Street has sufficient capacity to accommodate the additional 12 units. The objection therefore does not prove the application not to be desirable from a traffic impact perspective.

The objections regarding the rare species found was referred to the Municipal Environmental Management Services Department for their comments. The application was then also circulated to Cape Nature for their comments, as they are the authority on biodiversity of plant species.

A site inspection was done with Cape Nature, the municipal Environmental Management Services Department, the Planning consultant, the developer's Environmental consultant and a representative of the property owner. It was indicated by Cape Nature that the Western Cape Government: DEADP (Environmental) should comment on the application and SANBI should be consulted with to establish the status of the plant species, the objector claims to be a rare species.

The applicant did consult with Western Cape Government: DEADP (Environmental) and they provided their comment and indicated that no EIA application is triggered.

The municipal Environmental Management Services Department also corresponded with SANBI. SANBI indicated that the plant species was not registered as endangered species on their register and indicated that it can only be registered by making application for registration to SANBI.

Considering the above, the objections are noted but does not proof the application not to be desirable.

As previously indicated in this report, densification has been allowed in this area for the area directly south of Onrustrivier Main Road, and it is also the interpretation that some sort of densification is compatible with the *status quo* allocation in terms of the Overstrand Growth Management Strategy, 2010, a guideline document on densification.

The Municipal SDF, 2020 also identifies this area for urban development, the application is therefore in line with the SDF.

The Site Development Plan was scrutinized, and it makes provision for a refuse area at the entrance gate. A refuse area is allowed up to the property boundary as required by the Municipality.

Provision is also made for a gatehouse (guard house). The Land Use Scheme makes provision for a 5m² gatehouse that can be allowed over the 3m building line. The gate house is larger than 5m² and therefore the plan will have to be amended to only have 5m² over the building line, or alternatively application will have to be made for a departure to allow a larger gate house over the building line.

The application also includes the creation of a street name. The proposed street name is Sauvignon Street. It was advertised as part of this application, and no objections were received against the allocation of the street name.

Considering the above, the application is considered desirable and is supported, but a condition will have to be inserted that the gate house over the building line must be maximum 5m².

13. RECOMMENDATION

1. that the objections be noted.
2. that the application in terms of Section 16(2)(a) of the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 2028, Onrustrivier to **rezone** the said property from Residential Zone I: Single Residential (SR1) to Subdivisional Area Zone (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 rezoned property to create the following:
 - ❖ Twelve (12) General Residential Zone I: Town Housing (GR1) erven;
 - ❖ Four (4) Open Space Zone 3: Private Open Space (OS3) erven; and
 - ❖ One (1) Transport Zone 2: Private Road and Parking (TR2A) Portion;**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 Site development Plan 022-100 dated 11 November 2024, with the one amendment that the covered gate house only traverses the 3m building line with 5m²;
 - (b) that a minimum of two (2) parking bays be provided on each erf, to municipal standards and satisfaction;
 - (c) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
 - (d) that the Architectural Design Guidelines in line with the Zoning Scheme parameters, be submitted for the development, satisfaction of the Senior Manager: Town and Spatial Planning and Manager Building Control Division;
 - (e) that all conditions in the Services Report (attached as Annexure F), be complied with;
 - (f) that a Homeowners' Association be established with compulsory membership for all property owners within the development, and
 - (g) that the Constitution of the Homeowners' Association be submitted for approval by the Municipality (which reserves the right to impose conditions in this regard), and that the following aspects inter alia be addressed in this document:
 - the approval of building plans by an "estate architect" prior to submission thereof to the Municipality, and
 - that the Constitution clarifies at what stage that the responsibility would be transferred from the developer to the Homeowners' Association to deal with approval of plans.
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 (*Sauvignon Street*) to the new street in the development, **be approved** in terms of the provisions of Section 61 of the By-Law.
6. That the following comments be noted:
- ❖ Cape Nature (Annexure G);
 - ❖ Western Cape Government: DEADP - Environmental (Annexure H), and
 - ❖ SANBI (Annexure I).
7. that the applicant and objectors 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 proposal for a group housing development is in line with the Overstrand Growth Management Strategy, 2010 which earmarks this area as *status quo* and the Overstrand Municipal Wide SDF, 2020 which identified this area for urban development.
- ❖ A previous similar development for 13 group housing units was previously approved on the property.

- ❖ All municipal departments and external state departments/institutions support the application.
- ❖ Objections raised about the traffic concerns and access to the site, and environmental concerns regarding plant species on the site, were addressed and does not prove the application to be undesirable.
- ❖ This proposed development will be in line with the character of surrounding area, which makes provision for single residential erven and group housing developments south of Onrustrivier Main Road.
- ❖ There are sufficient services capacity to accommodate the development.
- ❖ The application is in line with the planning principles of efficiency, spatial sustainability and spatial resilience, and is desirable.

15. ANNEXURES

Annexure A:	Locality Plan
Annexure B:	Motivation Report
Annexure C:	Site Development Plan
Annexure D:	Objections received
Annexure E:	Applicant's comments on objection
Annexure F:	Services Report
Annexure G:	Comment: Cape Nature
Annexure H:	Comment: Western Cape Government: DEADP (Environmental)
Annexure I:	Comment: SANBI
Annexure J:	Withdrawal of an objection (from petition list)

SIGNATURES

AUTHOR:

Name: **HENK OLIVIER**

SACPLAN registration number: **B/8128/2004**

Signature: _____

Date: _____

REGISTERED PLANNER

Name : **H VAN DER STOEP**

SACPLAN registration number: **A/1708/2013**

Signature : _____

Date: _____



P-J Le Roux
Stads- en Streeklouers/
Town and Regional Planners

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Project:

**Application for
Rezoning & Subdivision:
Erf 2028
Onrusrivier**

Description:

**Aerial
Photo**

ERF 1755 CC

Skema	N.T.S	Levens	H 10-197
Tydperk	P/LR	Datum	OCTOBER 2024
Zone	P/LR	Tal	2



1. INTRODUCTION

1.1. Application

With this document formal application is made for the following:

- (i) Application in terms of **Section 16(2)(a)** of the Overstrand Municipality: Amendment By-Law on Municipal Land Use Planning, 2020 for the **REZONING** of Erf 2028 Onrusrivier from Residential Zone 1 (RS1) to **Subdivisional Area Zone (SA)** to create the following:
 - **Twelve (12) portions** Zoned General Residential Zone 1 (GR1)
 - **Four (4) portions** zoned Open Space Zone 3 (OS3) (private open space)
 - **One (1) portion** zoned Transport Zone 2 (TR2A) (private road and parking)
- (ii) Application in terms of **Section 16(2)(d)** of the Overstrand Municipality: Amendment By-Law on Municipal Land Use Planning, 2020 for the **SUBDIVISION** of Erf 2028 Onrusrivier into the following portions as depicted on the attached **Subdivision Plan: Plan 022-99 dated 1 November 2024**:
 - **Portions 1-12**: General Residential Zone 1 (GR1) (Town houses)
 - **Portions 13-16**: Open Space Zone 3 (OS3) (private open space)
 - **Portion 17**: Transport Zone 2 (TR2A) (private road and parking)
- (iii) Approval of the **SITE DEVELOPMENT PLAN: Plan 022-100 dated 1 November 2024** depicting the layout and placing of the new town house units on the subject property.

Details regarding this proposal will be discussed in Sections 5 & 6 of this report.

1.2. Applicant

SHAUN SMITH as MEMBER and duly authorised by **ERF 1755 CC** as registered owners of **Erf 2028 Onrusrivier**, appointed this firm *P-J le Roux*



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Town Planners (Pty) Ltd, to prepare a formal application for Rezoning and Subdivision to facilitate a residential development thereon and to submit it to the relevant authorities for formal approval (***Power of Attorney and CC Resolution attached***).



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2. PROPERTY INFORMATION

Description	ERF 2028 Onrusrivier
Location	Cnr of Main Road and Radyn Street, Onrusrivier
Extent	3965m ²
Registered owner	ERF 1755 CC
Title Deed	T60933/2017
Existing zoning	Residential Zone I
Restrictive Conditions	None Conveyancer Certificate attached
Planning Legislation	Overstrand Municipality: Amendment By-Law on Municipal Land Use Planning, 2020 Overstrand Municipality: Land Use Scheme, 2020

Table 1: Property information

The subject property is located at the corner of Main Road and Radyn Street on the western side of Onrusrivier and falls within the area of jurisdiction of the Overstrand Municipality, Western Cape Province.



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3. LOCALITY

The subject property is situated in Onrusrivier south of R43 and south along Main Road in the northwestern portion of Onrusrivier.



Fig.1: Locality

The subject property is located at the corner of Main Road and Radyn Street and is surrounded by residential erven of various sizes including the nearby Silverwood Estate and Onrus Close developments. The property is also situated diagonally opposite the Onrus Dutch Reform Church and approximately 200m east from the Onrus Trading Post.



Fig. 2: Site locality



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Main Road is one of only two roads that provide access to Onrusrivier from the R43. Main Road intersects with R43 on the eastern side to provide access to Onrusrivier and runs parallel with the R43 towards Vermont Avenue to the west, which is the second access point from the R43. Many non-residential activities have over time established along Main Road which makes it an important transportation and activity route through Onrusrivier. The area immediately surrounding the subject property is however primarily residential in nature.

Access to the subject property is currently taken from Main Road, but the intention with this application is to close this access and create a new entrance to the development from Radyn Street.



View along Main Road with subject property to the left and existing entrance



View along Radyn Street with subject property to the right



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4. LEGAL LAND USE RIGHTS

4.1. Existing zoning

Erf 2028 Onrusrivier is in terms of the promulgated Overstrand Municipality: Land Use Scheme, 2020 zoned as **Residential Zone I**. Even though the zoning map extract in figure 3 below indicates Erf 2028 Onrusrivier as being General Residential Zone 1 (Town Houses), this refers to a previous rezoning approval from the Overstrand Municipality dated February 2019, which has since lapsed. The zoning of Erf 2028 Onrusrivier has therefore revert to the original Residential Zone I with the following listed rights:

Primary Uses	Consent Uses
Creche,	Day care center
Dwelling house	Green house
Guest rooms	Guest house
Home occupation	House shop
Second dwelling unit	Institution
Self-catering	Place of instruction
	Place of worship
	Residential building
	Intensive horticulture

Table 2: Extract from Overstrand Municipality Land Use Scheme, 2020

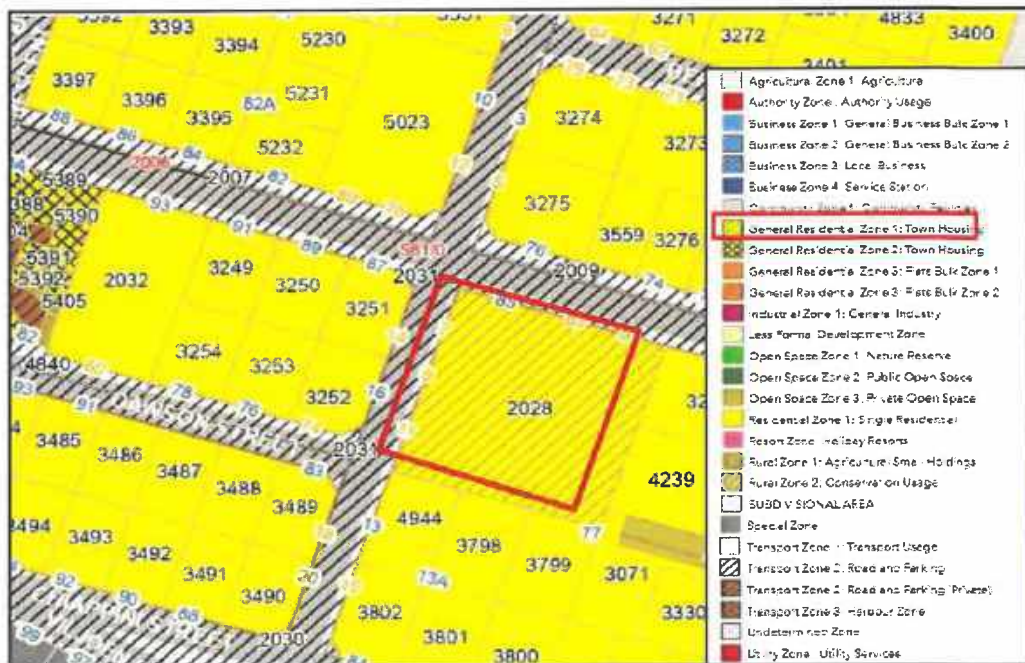


Fig. 3: Extract from Zoning Map



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4.2. Existing land uses

The improvement on the subject property comprises an existing dwelling situated in the northwestern corner of the property near the corner of Radyn Street and Main Road. According to the previous rezoning process, the Overstrand Heritage and Aesthetic Committee supported the demolition of the dwelling and proposed development (*copy attached*).



View onto existing dwelling from Main Road



View onto existing dwelling from Radyn Street

The balance of the subject property lies vacant and is overgrown with grass, while a few large trees are located along Radyn Street boundary.



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View onto rear vacant portion of subject property



Aerial view of subject property



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5. PROPOSED DEVELOPMENT

5.1 Statement of Purpose

It is the intention of the applicant and purpose of this report to redevelop Erf 2028 Onrusrivier into a self-sustainable and economic viable town house development. It is worth noting that although this development proposal differs from the previous approval that since lapsed, the principle of densification and town houses as a land use on the subject property remains the same. It is noteworthy that the main objective with this development is to create, even at this small scale, a sustainable development within the existing and approved urban edge of Onrusrivier. **Sustainable development** can be defined as *a development that meets the needs of the present without compromising the ability of future generations to meet their own needs*. The aim of sustainable development is to allow all people equal access to a satisfactory level of economic, social, human and cultural development within an area where resources are used with care and ecosystems carefully protected.

The proposed development is a well-balanced and sustainable development with a unique urban structure strictly directed by the configuration of the subject property. **Urban structure** is the arrangement of land uses within an urban area and the **arrangement of public and private space** and the degree of **connectivity and accessibility**. It is a combination of characteristics which make a place **special and unique**. The unique character of the subject property is reflected in the final layout to create a specific sense of place. The *“sense of place”* involves the human experience within a landscape and grows from identifying oneself in relation to a particular piece of land and environment.

Apart from providing in the ever-increasing demand for residential erven within Onrusrivier, the proposed development will also create new employment opportunities which will have a cumulative impact on the **local economy** through direct and indirect effects. The **direct effect** starts with



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the money spent or generated by the new residential market through building plan fees, construction costs and materials, salaries to workers etc., while municipal services and property taxes are the **indirect effect** to the local economy. The economic impact of the proposed development will include both the direct contributions to the local regional and South African economy and the **economic multiplier effects** working through the complex chain of business activities. These multiplier effects in the economy include capital expenditure, operational expenditure and social expenditure.

5.2 Development Concept

The new development proposal comprises **12 single storey town houses** each positioned on a separate erf served by **one (1) centrally located private road** and **four (4) private open space portions** as depicted on the attached ***Site Development Plan: Plan 022-100 dated 1 November 2024***.

Since the subject property is zoned Single Residential Zone 1, the objective is to rezone the subject property to an appropriate zoning (**Subdivisional Area Zone (SA)**) to facilitate a town house development with private spaces thereon and then to subdivide the subject property into **17 portions** with **Portions 1-12 for town houses** and **Portion 13-16 for private open space** and **Portion 17 for private road and parking** as depicted on the attached ***Subdivision Plan: Plan 022-99 dated 1 November 2024***.

Portions 1-12 will each measure **256m²** in extent (**collective extent of 3072m²**) and comprise **single storey town houses** with two layout options available viz. **Unit Type A and Unit Type B** as illustrated in the attached ***Floor Plans and Elevations***. Both these housing options will measure **149m²** in extent, each comprising **three (3) bedrooms (one with ensuite)**, **a bathroom, an open plan kitchen and living area, a covered entrance and stoep with outside braai**. Each of the town houses will also have a **double garage for two vehicles** as required by the By-law as well as **open**



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parking in front of the garages. In addition, **four (4) visitors parking** are also provided on Portion 17.

The proposed town houses will comply with the building line requirements of **1m internal side building line** and **3m rear and side perimeter building lines** as listed in **Section 6.2.2 (d) & (e)** of the Overstrand Zoning Scheme By-Law. The **double garages** will be positioned on the **0m common building line** in accordance with **Section 6.2.2 (e)(iii)** of the By-Law. No departure of any building lines is required or applied for.

Portions 13-16 measures collectively **390m²** in extent and comprises **four (4) private open space portions**. These **private open space** portions are positioned on the two outer boundaries of the subject property (along Radyn Street as well as along the opposite erf boundary). These private open spaces serve as both active and passive open spaces and are situated within the development and measures **10%** of the total erf area as prescribed in **section 6.2.7** of the Overstrand Municipality Land Use Scheme.

Portion 17 measures **503m²** in extent and comprises an **8m wide private road reserve (5m wide surface area) with parking**. The private road will provide access from Radyn Street onto the subject property and to each of the individual town houses. Provision is also made for a **security entrance with refuse collection store** at the entrance. The security entrance is **setback 6m from the road edge** as recommended by the engineering department in their email message attached. The refuse store will have direct access from Radyn Street to ease collection of refuse by the municipality.



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6. APPLICATIONS

Even though a previous land use approval was issued by the Overstrand Municipality for a town house development on the subject property, this approval has since lapsed, and the zoning of the subject property has reverted to the original Residential Zone I zone. To facilitate the proposed development and to align the development proposal with the provisions of the Overstrand Municipality Land Use Scheme, 2020, the following land use planning applications are required.

6.1. Rezoning

To facilitate the intended town house development with private spaces on the subject property, it is necessary that the existing Residential Zone 1 zoning be amended to a more appropriate zoning that will permit this new development thereon. Since more than one zoning will be allocated to facilitate the proposed development, the most appropriate zoning is **Subdivisional Area Zone (SA)**, which is defined in the Zoning Scheme By-law as follows:

“subdivisional area means a land unit or land units zoned in a manner permitting subdivision as contemplated in Planning Law and which has been made subject to:

- (i) a use determination*
- (ii) a density determination*
- (iii) relevant conditions and stipulations contained in this land use scheme*
- (iv) the planning stipulations of any applicable legislation and/or planning documents*
- (v) any other conditions laid down at the time of the approval for the rezoning”*

Formal application is therefore made in terms of **Section 16(2)(a)** of the Overstrand Municipality: Amendment By-Law on Municipal Land Use Planning, 2020 for the **REZONING** of Erf 2028 Onrusrivier from Residential Zone 1 (RS1) to **Subdivisional Area Zone (SA)** to create the following:



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- **Twelve (12) portions** zoned General Residential Zone 1 (GR1)
- **Four (4) portions** zoned Open Space Zone 3 (OS3) (private open space)
- **One (1) portion** zoned Transport Zone 2 (TR2A) (private road and parking)

6.2. Subdivision

To create the individual portions as depicted on the attached **Subdivision Plan: Plan 022-99 dated 30 September 2024** on the subject property, it is necessary that formal application is made in terms of **Section 16(2)(d)** of the Overstrand Municipality: Amendment By-Law on Municipal Land Use Planning, 2020 for the **SUBDIVISION** of Erf 2028 Onrusrivier into the following portions as depicted on the attached **Subdivision Plan: Plan 022-99 dated 1 November 2024** as tabulated below:

Portions	No. units	Extent (ha)	%	Zoning	Land Uses
1-12	12	3072m ²	77	General Residential Zone 1	Town House
13-16	4	390m ²	23	Open Space Zone 3 (OS3)	Private open space
17	1	503m ²		Transport Zone 2 (TP2)	Private road & parking
Total	17	3965m²	100		

Table 3: Proposed subdivision with zonings and land uses

Townhouse and town housing are defined as follows in the Zoning scheme By-Law:

“town house means a dwelling unit which forms part of a town housing scheme”

“town housing and town housing scheme mean a row or group of linked, attached or detached dwelling units which are designed and built as a harmonious architectural entity of which every dwelling unit has a ground floor;



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such dwelling units may be cadastrally subdivided or be sold individually in some other manner.”

6.3. Approval of Site Development Plan

To ensure that the proposed development is constructed in accordance with the decision on the rezoning and subdivision of Erf 2028 Onrusrivier, it is necessary that **formal approval of the *Site Development Plan: Plan 022-100 dated 1 November 2024* is simultaneously obtained from the Overstrand Municipality.** The proposed development and placement of each of the town houses in relation to each other and the private road and open space, is clearly depicted on the attached Site Development Plan for approval.



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7. SPATIAL PLANNING PRINCIPLES

In terms of National, Provincial and Local spatial planning legislation certain development principles were adopted to apply to spatial planning, land development and land use management.

The development principles on National level is in terms of Section 7 of the **Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA)**, while the land use planning principles on Provincial level is in terms of Section 59 of the **Western Cape Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA)**. These development principles were all adopted and included into the subsequent **Land Use Planning By-Laws** promulgated for each Local Municipality.

The proposed **rezoning and subdivision of Erf 2028 Onrusrivier** will be evaluated as follows against the five development principles:

(a) Principle of spatial justice

- The spatial justice principle requires that the past spatial and development imbalances should be redressed through improved access to and utilization of land. Access to land for all should be facilitated. We are of the opinion that **the new development proposal promotes this principle by optimizing the use of the property within the prescribed spatial and planning guidelines. This proposal involves the optimising of land within an urban area and urban crawl is therefore counteracted.**

(b) Principle of spatial sustainability

- The principle of spatial sustainability will be achieved by a development if it is spatially compact, using resources sparingly. **The proposed development, almost like the previous approved**



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development, embodies this principle with the optimal use of land without compromising the surrounding area.

- The proposal promotes land development that is **spatially compact and resource frugal** as the new development proposal represents the same density as previously approved within the urban area with the surrounding environment being fully developed.
- The proposal promotes land development in a **location that is sustainable in respect of an environmental and socio-economic point of view.**
- Since this application is directed to a secured town house development inside an existing residential area with similar uses present, **no safety hazards are anticipated** through this application.
- The proposed development will **not have any detrimental impact on the surrounds** since the subject property is strategically located along Main Road and surrounded by residential developments.

(c) Principle of efficiency

- The proposed development will **optimize the use of existing resources, infrastructure, land, and facilities** within the established urban footprint.
- The proposed development will optimize the use of existing resources, infrastructure, and **vacant in-fill land within the established urban footprint.**
- The proposed development **does not conflict** with the **recommendations in the spatial planning documentation** and will ultimately benefit the entire community and add to the local economy of the area.



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- The proposed development makes provision for **spatial integration** with **different residential options** within Onrusrivier.

(d) Principle of spatial resilience

- This principle is **not applicable** since the subject property forms part of an existing urban settlement and was previously approved for similar land uses (town houses).

(e) Principle of good administration

- Written communication was exchanged with the officials at the Overstrand Municipality and this application is in line with the recommendations and procedures.
- The formal motivation will be submitted to the local authority and relevant statutory authorities for approval and will be administered in accordance with the procedures contemplated in the relevant Municipality's Land Use Planning By-Law.



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8. DESIRABILITY

In terms of **Section 66(1)(c)** of the Overstrand Municipality By-Law on Land Use Planning, 2020, the proposed utilization of the land must be desirable.

The concept of “*desirability*” in a land use planning context and as contemplated in Section 66(1)(c) of the Overstrand Municipality By-Law on Land Use Planning, 2020 can be described as the

“degree of acceptability” of the specific land use(s) on a said property within an existing natural or manmade environment and the guideline proposals included in the relevant spatial development framework plans and policies, and municipal engineering services in so far as it relates to desirability or based on its effect on existing rights and the biophysical environment concerned.

The desirability of this application for **Rezoning and Subdivision of Erf 2028 Onrusrivier**, will be discussed regarding the following aspects: **It is worth noting that a previous approval for a similar development on the subject property recently lapsed, which means that the desirability of a town house development on the subject property has already been successfully evaluated and found to be desirable.**

- Physical characteristics
- Character of the area
- Accessibility
- Spatial Planning
- Provision of services

8.1. Physical Characteristics

8.1.1. Topography

The subject property is an existing vacant land unit located in the western side of Onrusrivier south of Main Road. The improvement on the subject



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property is limited to an existing dwelling positioned in the northwestern corner of the subject property at the Main Road and Radyn Street intersection. The subject property has a distinct gradient that runs from north to south across the property. Despite this gradient, the subject property can easily be used for residential development since there are no topographical constraints that will prevent the intended use. Even though the subject property is overgrown with grass and some vegetation, none of this vegetation has any conservation value. There are however a few large trees along the western erf boundary. No ecological habitats have been observed on the subject property which will prevent or restrict the proposed development thereon.



8.1.2. Climate

The subject property is situated inside urban area of Onrusrivier and forms part of the Mediterranean climate system of the Western Cape. The area receives roughly 520 mm of rain per annum, the majority of which falls during the winter months of June to August in the form of frontal precipitation. Average midday temperatures range from 25 °C in February to 16 °C in July. Extreme temperatures above 30 °C and under 10 °C are not uncommon. Summer and winter months are characterized by strong South-Easterly and North-Westerly winds respectively.



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Since the new proposed buildings are strategically positioned on the subject property, there is no reason to believe that the proposed amendments will have any impact on the microclimate of the area.

8.2. Character of the area

The subject property is located inside the existing urban area of Onrusrivier west of the central business district (CBD) and south of Main Road. Even though some other land uses than residential have developed along Main Road, the immediate surrounds in which the subject property is located has a distinct residential character with various residential opportunities in the area, such as Silverwood and Onrus Close. At the western end of Main Road approximately 220m west of the subject property is an existing commercial centre (Onrus Trading Post) that accommodates the Onrus OK Minimark and various other commercial activities.



Onrus Close



Silverwood



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Onrus Trading Post

Since the proposed development aims to introduce town houses inside a predominantly residential area, it is safe to say that the proposed land uses will not conflict with what is already present in the area. With the proximity to Main Road and easy access from all directions, the subject property lends itself to be used for higher density residential uses such as town houses. The proposed **density of 30 units/ha**, which is less than the prescribed maximum of 35 units/ha, is directly in line with what is expected and appropriate without compromising the existing character of the area.

Since this application aims to develop 12 town houses on the subject property, almost similar than the previous approval that lapsed recently, it can be assumed with confidence that a town house development on the subject property has already been evaluated and found desirable.

We submit that the proposed development will not conflict with the existing surrounds and will create an appropriate and functional higher density residential development near an important transport route through Onrusrivier as well as near an existing commercial node. The proximity to



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the communal facility such as the Onrus Dutch Reform Church is also worth noting.

8.3. Accessibility

The subject property is located inside Onrusrivier south along Main Road, which runs parallel with R43 and intersects with R43 in the east to provide direct access to Onrusrivier and intersects with Vermont Avenue in the west. The subject property is located at the corner of Main Road and Radyn Street approximately 280m east of Vermont Avenue, which makes it easily accessible from all directions.



Main Road from east to west with subject property on the left

Even though the current access to the subject property is taken directly from Main Road, the new proposed development will take access from a new entrance from Radyn Street. This new entrance will be approximately halfway along the western boundary of the subject property and more than 31m from the intersection with Main Road.



Existing erf entrance from Main Road



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Radyn Street with subject property on the right

8.4. Spatial Planning

The subject property forms part of the existing urban fabric of Onrusrivier and it is located well **within the approved Urban Edge** for Onrusrivier. Although the subject property is not specifically mentioned in any spatial planning documentation, it is earmarked in the approved Spatial Development Framework of Overstrand Municipality for **General Residential Zone 1: Town Housing purposes** as depicted in the figure 5 below. We are of the opinion that the proposal can therefore be reared as being compliant with the spatial recommendations of the OMSDF.

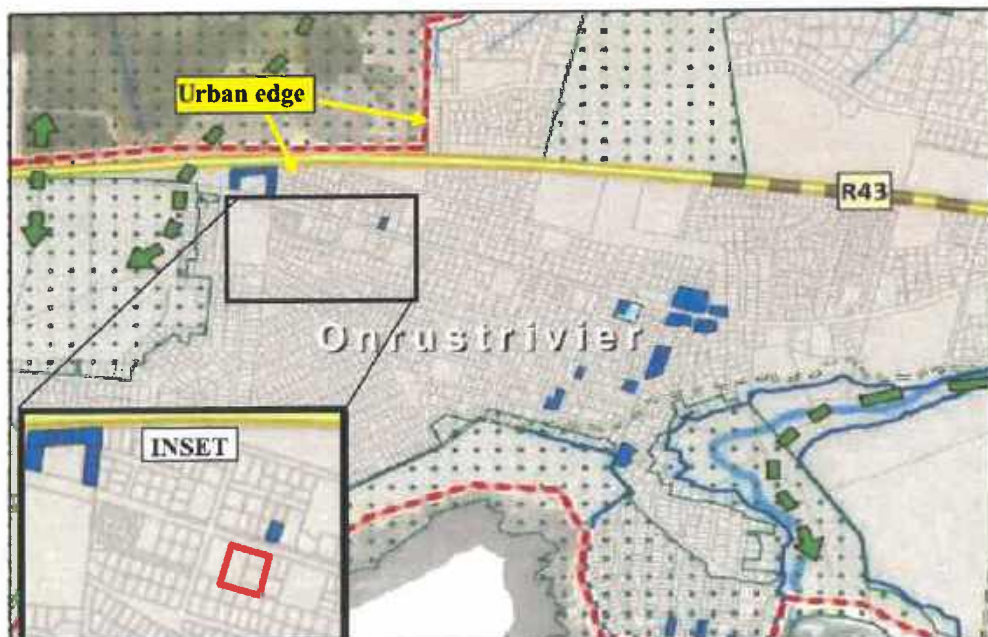


Fig. 4: Spatial Development Framework Plan: Onrusrivier



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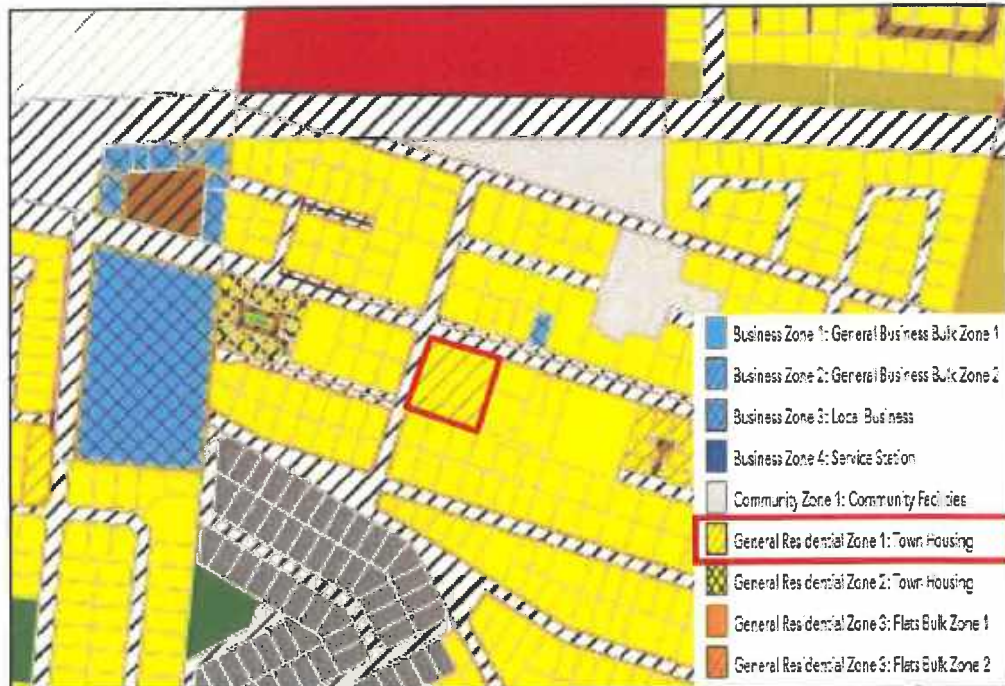


Fig. 5: Overstrand Public Viewer

8.5. Provision of services

Messrs AVDM Consulting Engineers. has been appointed as **Civil Engineering Consultants** to compile a report on the provision of civil engineering services for the proposed development. The attached **Civil Engineering Services Report dated September 2024** addresses the existing engineering services and infrastructure available as well as the capacity thereof to facilitate for the proposed development on the subject property. The findings have been discussed with the relevant officials and can be summarized as follows:

- **Potable water:**

The proposed development will link with the existing Onrusrivier water network to the main line in Radyn Street. Internal circulation will be designed to the specifications of the Overstrand Municipality Engineering Department. A bulk water meter will be installed at the



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entrance to the development, while each of the town houses will have a separate water meter as required by the local authority.

- **Sewer network:**

The proposed development will be accommodated within the existing Onrusrivier small bore sewer drainage area. The proposed connection will be to the existing sewer line in Radyn Street.

- **Roads:**

The new access to the development will be via a 5m wide surfaced road (8m wide road reserve) entering from Radyn Street almost at the centre of the subject property.

- **Stormwater:**

All stormwaters will be collected in the kerb channels of the road which will terminate in a catchpit at the entrance to the development from where it will be channelled via a new stormwater pipe along Radyn Street.

- **Solid Waste:**

The solid waste will be collected by the Overstrand Municipality from a refuse collection point at the entrance to the development along Radyn Street.

Messrs Driger Consulting has been appointed as **Electrical Engineering Consultants** to investigate the electrical capacity available in the existing Eskom network to facilitate the proposed development. Written confirmation was received from Eskom that 60kVA is available in Onrus (*Copy attached*).



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9. SUMMARY AND CONCLUSION

From the previous it is evident that the application for Rezoning and Subdivision on Erf 2028 Onrusrivier to facilitate a new town house development with private spaces thereon, is in line with Section 66 of the Overstrand Municipality Land Use Planning By-Law, 2020 and in particular Section 66(1)(c) thereof.

- The subject property is an existing large residential erf located inside the urban area of Onrusrivier at the corner of Main Road and Radyn Street.
- The subject property is easily accessible from all directions and near existing commercial and communal facilities.
- The immediate surrounds have a typical residential character with various residential sizes and developments present in the area.
- The proposed development comprises 12 town houses with 1 private road and 4 private open spaces, which is almost like the previous lapsed approval.
- The intended land use is directly in line with the existing land uses in the immediate surrounds and densification along Main Road is strongly supported. The proposed density is less than what is prescribed in the planning legislation.
- The proposed town houses will be single storey structures served by a private road leading from Radyn Street.
- Apart from new residential opportunities within Onrusrivier, the proposed development will also create new employment opportunities.
- There are no topographical or ecological constraints impacting on the new development proposal.



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- There is sufficient capacity in the existing municipal system and infrastructure to accommodate the proposed development.
- It is our view that the proposed development will not have any detrimental impact on the surrounding area and **no mitigation is foreseen to facilitate the development project.**

From the aforementioned it is evident that the proposed **Rezoning** of Erf 2028 Onrusrivier from Single Residential Zone 1 to Subdivisional Area Zone, the **Subdivision** into the following: **Portions 1-12**: General Residential Zone 1 (GR1) (Town houses), **Portions 13-16**: Open Space Zone 3 (OS3) (private open space), and **Portion 17**: Transport Zone 2 (TR2A) (private road and parking) and the **Approval of Site Development Plan** as depicted on the attached ***Site Development Plan: Plan 022-100 dated 1 November 2024, Subdivision Plan: Plan 022-99 dated 1 November 2024 and Floor Plans and Elevations***, is therefore regarded as highly desirable and that the application is favourably considered and approved.

PIERRE-JEAN LE ROUX

Pr. Pln. A./803/1995



P-J le Roux

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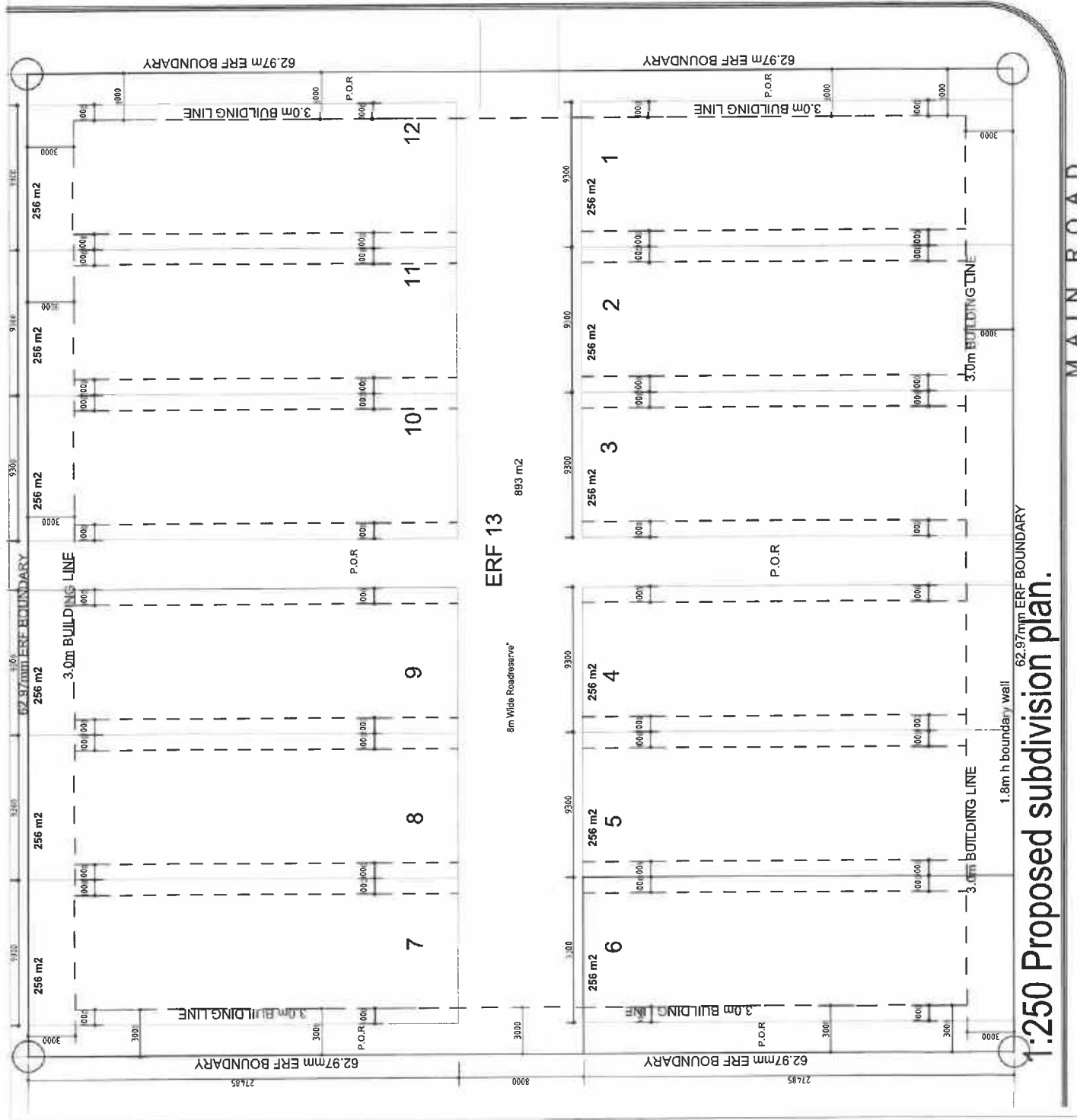
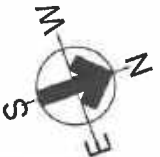


1:250 SITE LAYOUT

Town House Development
on Erf 2028
Onrusriver

SITE LAYOUT
DRAWN: GM HOUDEGAARD
SCALE: A3 - 1:200
PRINTED: 11 NOV 2024 -REV 01
Drawing No: 022-100

R A D Y N S T R E E T



Portion number	Zoning	Land Use
1 - 12	General residential zone 1	Town houses
13	General Residential zone 1	Private road & open space
Total = 13		

Portion number	AREA
ERF 1 - 12 (12 x 256m ²)	= 3 072 m ²
ERF 13	= 893 m ²
(Road Reserve 499 m ² + 394m ² P.O.R. (6.5% = 10%))	
TOTAL =	3 965 m²

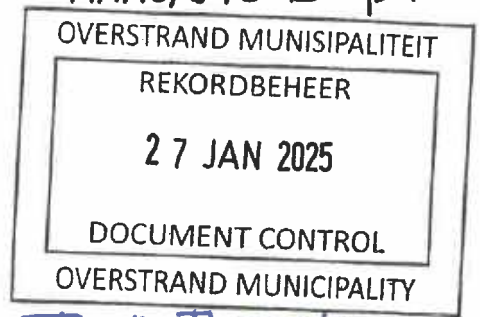
SITE INFO
 Street Building Line - 3.0m
 Common Building Line - 3.0m
 Unit Area's - 149 m² x 12 Units
 Coverage - 45.3 %
 (1788 m² + 8 m² / 3 965 m²)
 Parking
 Off street park. per Unit - 2 (x12)
 Total - 24 p/b
 Visitors Parking = 2 p/b

PROJECT
 Proposed Freehold Group Housing Development
 Onrus River
 ERF 17004
 c/o Main Road / Radyn street
 Onrus River

Proposed subdivision plan.

DRAWN GM HOUGAARD **SCALE** A3 - 1:200
PRINTED 30 SEPT. 2024 **Drawing #** 022-99

1:250 Proposed subdivision plan.



83 Dawson Street

Onrusrivier

Erf 3489

20 January 2025

TP- A Theart
(Holivier)

Planning & Development, Overstrand Municipality, Hermanus

Attention: Loretta Gillion & AJ Fourie

Objection to : Erf 2028, 85 Main road, Onrusrivier, Overstrand municipal area: Application for rezoning, subdivision and approval of street names: Messrs P-J le roux town and regional planners on behalf of Erf 1755 cc Erf 2028, 95 Main road Onrusrivier, rezoning and subdivision.

Municipal Notice 207/2024 has reference.

I am the current registered owner of Erf 3489, 83 Dawson street, Onrusrivier and the proposed rezoning and subdivision of the abovementioned erf, is diagonally opposite my property. It will therefore directly impact on my property's appeal, use, appearance and ultimately its valuation.

I appreciate the full disclosure of all facts of the proposed rezoning and subdivision by the Overstrand municipality, as well as the opportunity to submit my objections and concerns for your consideration. While I am not opposed to the development of Erf 2028, I do however have some concerns and a matter I wish to object against.

Objection matter - I am opposed to and object to changing the current entrance of Erf 2028, from Main road to Radyn street. The reasons for my objection are stated below.

1. Width of the road:

Radyn street, passes my property on its eastern side. I believe that if the entrance change is approved, it should only be done after requiring the current owner who will benefit from the change and development to also contribute to the widening of Radyn street south from Main road. Such widening should include installing kerbs to indicate the width of the road from Main road to Viljoen street as well as speed humps to reduce the speed at which people currently travel down this road.

Even though the submission states Radyn street is 5 meters wide, I travel up and down this road regularly and whenever there is oncoming traffic, either one/ both of the vehicles have to slow down and move as far as possible to the left, often onto the "pavement" to allow two vehicles passing at the same time.

At some properties, grass has already encroached onto the road service, causing the appearance that the road narrows even further. Another owner, lower south on Radyn, has planted poles on the edge, where they believe the pavement should be. However, grass is growing even beyond these poles.

Objection to "ERF 2028, 85 MAIN ROAD, ONRUSTRIVIER, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REZONING, SUBDIVISION AND APPROVAL OF STREET NAMES: MESSRS P-J LE ROUX TOWN AND REGIONAL PLANNERS ON BEHALF OF ERF 1755 CC"

FILE NO. Erf 2028-Hon
SCAN NO.
2594970
COLLABORATOR NO.

27 JAN 2025

Irrespective of this change of access road, I believe the municipality should plan for installing kerbs in Radyn street from Main road all the way down to Viljoen street.

Furthermore due to the narrow road and pavement in Radyn street, especially down at the Viljoen street intersection, its difficult to see oncoming traffic. This applies whether you travel, from either Viljoen street as you travel south on Radyn or up north on Radyn street as you approach from Viljoen street, often resulting in vehicles approaching the intersection having to change their line of approach and braking as another vehicle "cuts the corner" of the intersection. There is also another property owner on the corner of Radyn where their entrance is within 5 meters from both Chiappinni and Viljoen streets.

2. Road congestion:

Current access to Erf 2028 in Main road is already protected by a stop sign approximately 35 meters away, so residents of the proposed development will not be unduly inconvenienced with the entrance remaining in Main road. Main road also has a wider road surface as well as pavement section to facilitate such development and traffic flow.

I have noticed at other building sites with much less units being constructed, that the various contractors park on the sidewalk/ pavement during their visits to the site. This will further congest the current flow of traffic and limit access for residents in existing properties in Radyn street.

Furthermore, large delivery vehicles delivering building materials (sand, cement and bricks) to site will find it extremely difficult to access (turning circles) from Radyn street vs the current approved Main road. This will inevitably mean that residents' pavements that are being maintained and beautified by them will be damaged, causing potential animosity with the future new owners of this development, even though the new owners had nothing to do with it.

Even before development has been initiated, Radyn street south from Main road, is already taking more traffic than only a year ago. This will increase further with the change to allow access to the development in Radyn street. With the implementation of stop signs at every intersection along Main road, the unintended consequence is that many residents now access their properties south of Main road, through Radyn to Viljoen and Bond due to these flowing better than Main road with it's stop at every intersection.

Concern matters – I am concerned that other matters have not been fully addressed in the proposed application and request that the municipal manager and council to consider the following;

1. Refuse disposal

I have noticed at other high-density developments that owners/ body corporate place refuse bins outside the property at the road on collection days. Other single property erven owners do the same, but these are spaced out approximately 40 meters apart at owners' driveways.

With a development of 12 units this means that 12 property owners' refuse needs will need to be allowed for. I note on the submission provisions of an area of 5m wide by 2m deep, which I believe is insufficient considering 12 owners' refuse as well as recycling facilities. I also note that access from the road is provided but not from within the development.

I would further request that this area only allows for bins as any bags placed here throughout the week will surely cause unpleasant smells for the entire area's residents.

If rezoning and development is approved, this should only be done on condition that refuse is retained in an enlarged, enclosed area, in bins provided by owners and accessible by refuse removal services when they arrive.

Objection to "ERF 2028, 85 MAIN ROAD, ONRUSTRIVIER, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REZONING, SUBDIVISION AND APPROVAL OF STREET NAMES: MESSRS P-J LE ROUX TOWN AND REGIONAL PLANNERS ON BEHALF OF ERF 1755 CC"

2. Water flow

Radyn street already displays the effects of the high waterflow from rainfall and properties and Main road higher up. This is clearly evident in the small open green area at the bottom of Radyn street between Chiappini and Viljoen streets as well as constant muddy appearance on the opposite side. The green area is currently being addressed by property owners which are using their own resources and time to maintain this area which the municipality neglected.

Should the development go ahead most of the approximately 4000m² will be built on or be paved. This will result in most of the annual rainfall, (Based on information in the application, 520mm per annum) approx. 22m³ (half a standard swimming pool's volume) per annum of rainfall will have to be taken care of, by the current inadequate system as evidenced in the green area at the southern end of Radyn street.

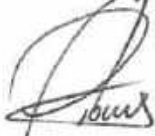
Should the development be approved, the rainfall and its effects would have to be considered and addressed appropriately.

I also note that should the access remain from Main road, that the site layout will have to change for potential buyers. I am not sure the same number of erven could be catered for, but surely North and South facing living areas would be better than the current proposed East and West. The properties in the southern part of the development's sunlight will be severely limited during winter months due to their garages being on their north end of the property. Similarly, 6 future owners of those facing Main road would have to deal with its traffic noise which will be limited to two units if the access road remains in Main road. I am concerned that the developer is aiming to maximise profits without considering the comfort of future owners. This is a mere observation and neither an objection nor a concern matter.

I leave the decision with the department and trust that my and all other property owners' concerns and objections, as well as the rights of the current owners of Erf 2028, will all be considered and treated equitably.

You can continue to communicate with me through the email on record; but I prefer that its updated to [redacted]. This is due to my retirement from Cashbuild last year and my new email having been set-up late last year.

Yours sincerely



Albert Etienne Prowse

Objection to "ERF 2028, 85 MAIN ROAD, ONRUSTRIVIER, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REZONING, SUBDIVISION AND APPROVAL OF STREET NAMES: MESSRS P-J LE ROUX TOWN AND REGIONAL PLANNERS ON BEHALF OF ERF 1755 CC"

Loretta Gillion

From: Etienne Prowse < >
Sent: Friday, 24 January 2025 12:13
To: ajfourie@overstrand.co.za; Loretta Gillion
Subject: Erf 2028, 85 Main road, Onrustrivier, Overstrand municipal area: Application for rezoning, subdivision and approval of street names
Attachments: Letter to Overstrand on Erf 2028 rezoning.pdf
Importance: High

Good day,

Please find attached my submission for consideration during your evaluation of the abovementioned application.

Could you please review the document and confirm its compliance with your requirements. I have checked this to the information supplied, but would appreciate confirmation.

Due to the deadline being today, I am resending this from my old work email as the previous mail sent from has not been responded to and might have ended up in your spam or junkmail folders.

Kind regards
Etienne Prowse

Etienne Prowse



Switchboard: (+27)
Direct: (+27)
Cell: (+27)

2 Handel Road, Ormonde, Johannesburg, 2091

www.cashbuild.co.za

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27 JAN 2025

5/29

JP - A Theart
(H Olivier)

Loretta Gillion

DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

From: David Gwynne-Evans <>
Sent: Friday, 24 January 2025 23:58
To: Loretta Gillion
Subject: Interest in Application for rezoning of ERF 2028
Attachments: Hermannia turbida.jpg; Hermannia vuvuzeloides yellow.jpg; Hermannia turbida Onrus.docx

Regarding Municipal Notice 207/2024, application of rezoning of ERF 2028. I, Dr David Gwynne-Evans of the NGO CASABIO, hereby lodge a formal objection to the rezoning and development of said ERF 2028.

ERF 2028 (Main Rd 85) is THE ONLY KNOWN LOCATION of a NEW SPECIES of *Hermannia*, described but not yet published as *Hermannia turbida*. *Hermannia turbida* falls within the red-flowered group that, as the expert on the genus *Hermannia*, I am currently revising. It differs from nearby relatives in a number of key features enumerated below. This is one of the last and largest plots of relatively intact lowland vegetation in Onrus and thus deserves protection as a whole, and especially for this single species.

In terms of **Western Cape Nature Conservation Laws**, I wish to consider Legal Protections: In particular, to engage with CapeNature to assess whether the site falls under sensitive habitats needing **Conservation Area status**.

Thus I wish to

- request a **provincial conservation assessment** through CapeNature.
- Advocate for the establishment of a **Protected Environment** designation under provincial law.

I believe that the nature of this new species as endemic to the plot is not known about, but if it were, the public would be behind its conservation.

I wish to cite in defense of the plot and species, the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) (NEM: BA). In particular the draft bill no. 4887 of May 2024: - Provision for the duty of care towards all components of biodiversity and for the well-being of wild animals. This would include a new species.

Thus I wish to request that no further development or destructive action take place upon the plot and that further conservation measures be explored.

Below is the non-taxonomic excerpt from the description of the new species. Description and plate attached, as well as nearest species, *H. vuvuzeloides* for comparison. The type specimen of *Hermannia turbida* is lodged at the Casabio Herbarium (CASCT) in Cape Town.

Thanks and regards,
 Dr David Gwynne-Evans,
 CEO of Casabio.org

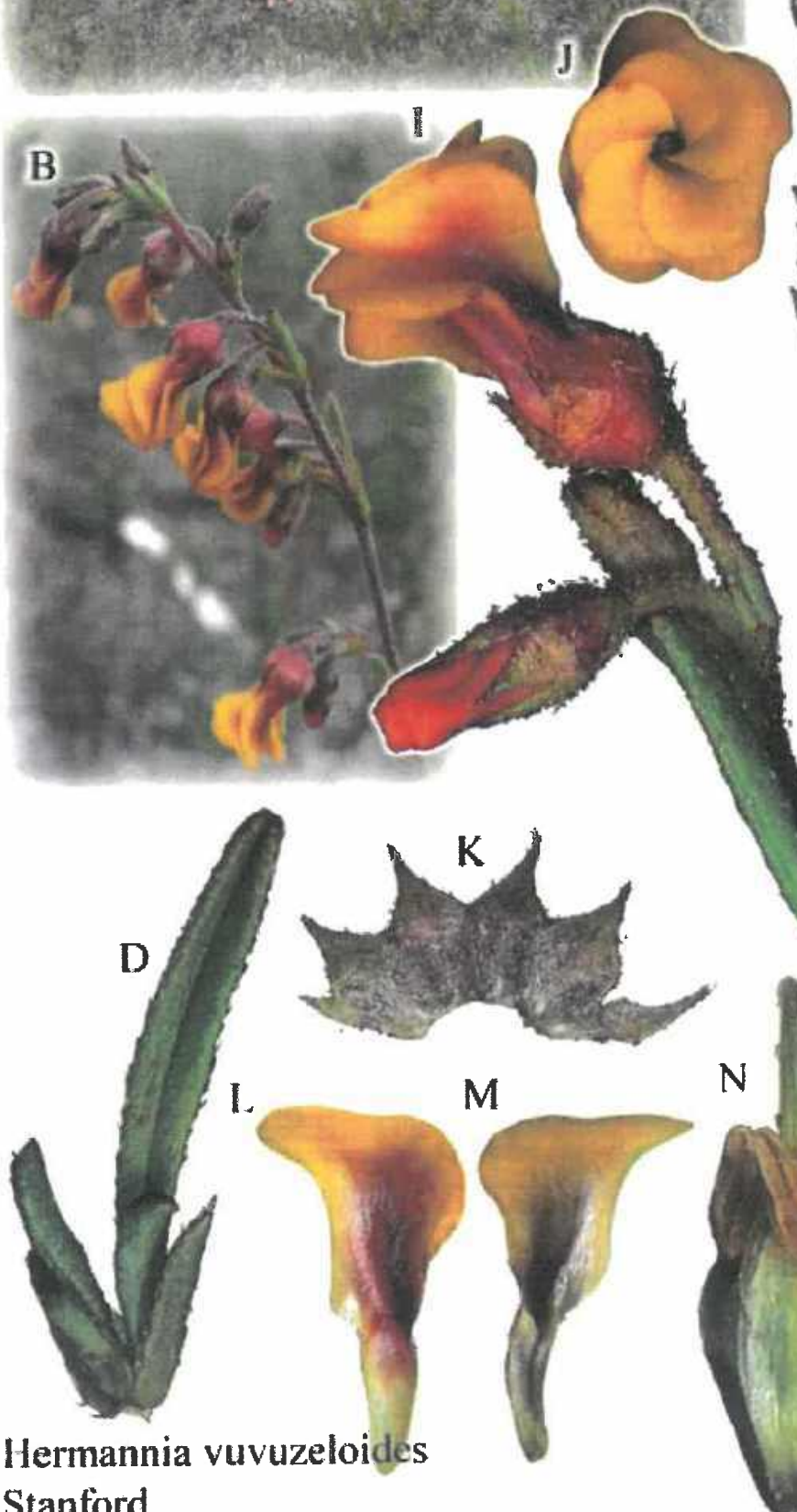
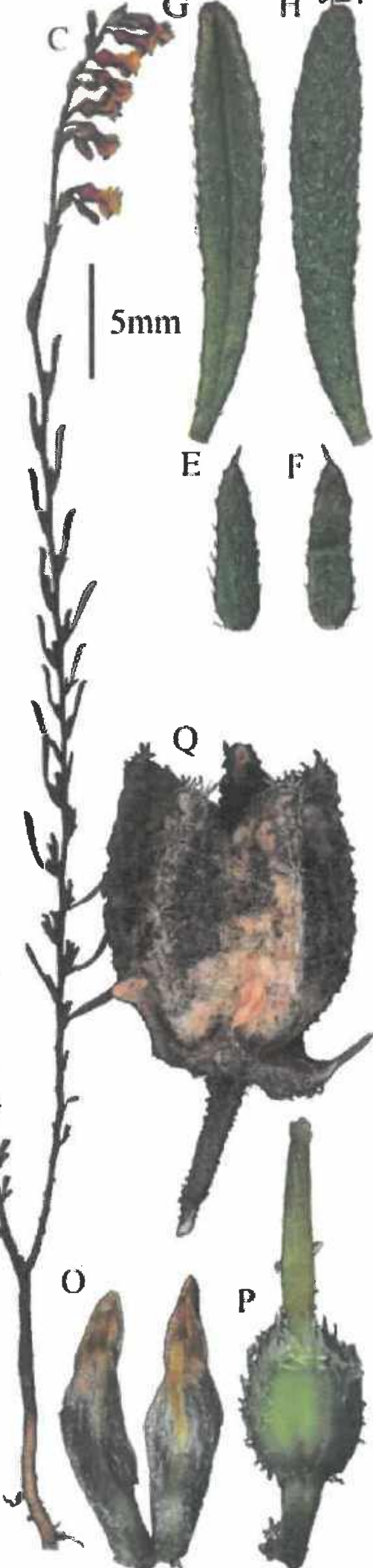
FILE NO. ERF 2028-HON
 SCAN NO.
 2594639
 COLLABORATOR NO.

Etymology: Named for the town of Onrus that is named after the river that is restless, but also because it is Latin for disturbed, referring to the imminently threatened habitat which has been brushcut in preparation for development.
Locality: Only known from a single locality in Onrus on ERF 2028 on the SE corner of Radyn Str and Main Rd.

Habitat: Lowland fynbos on sandstone derived sandy soil. **Affinities:** In the red-flowered group and nearest *H. vuvuzeloides* which also has yellow flowers with a red blush but differs in having leaves that are shorter and more blunt; calyx lobes that are less-tapered. **Diagnostic features:** The yellow flowers with the red blush are shared only with *H. vuvuzeloides*, and are unique when combined with the glabrescent leaves. **History:** Discovered in December of 2012 during a cursory examination of an empty plot of land. In December 2024 the site was again revisited. The brush had been cut down, leading to the loss of above-ground biomass of the species and signs showing a development imminent. On the 24th of January, 2025, an application was submitted to bely rezoning of the plot and to protect the site from further development. **Redlist status:** As this is only known from a single location and this location is destined for development, this should be considered **CE, Critically Endangered**.

--
Dr. David Gwynne-Evans
CEO of CASABIO.org
The Home of Biodiversity

E: dave@casabio.org
W: www.casabio.org



Hermannia vuvuzeloides
Stanford

Hermannia turbida sp. nov. }Gwynn. South Africa, Western Cape, Overberg District Municipality, Onrus, corner of Main Road and Radyn Street; -34.409429°S, 19.167025°E. \textit{Gwynne-Evans 05.12.2022/1} (CASACT, Holo.).

General description: Erect single-stemmed woody plant to 80cm. Branches arising at an acute angle from vertical.

Stem reddish-brown with moderately dense stellate hairs and rough to the touch. Young stems red, densely stellate hairy **Indumentum** predominantly flat stellate hairs with a central core and 5-7 thin white branches. Both adaxial and abaxial surfaces of stipules and leaves densely covered with white stomata. \\

Stipules 5x2.5mm; appressed to the stem, awl-shaped, abaxially glabrescent or with sparse appressed antrorse simple hairs; adaxially glabrous; margin typically with regular antrorse simple hairs and with a terminal bristle.

Petiole absent or indistinct from leaf.

Leaves 8.3x2.1; oblanceolate; slightly conduplicate apex broadly pointed to abruptly rounded to truncate. Adaxial surface glabrous; abaxial surface with moderately dense tiny stellate hairs with a translucent core and 3-6 short appressed branches.

Veins Only the primary vein is visible. Deeply sunken adaxially. Abaxially forming a stomata-free smooth translucent strip that is flush with the leaf surface to slightly sunken. Hairs possibly more concentrated on vein that surrounding leaf tissue.

Inflorescence arising in axils of short side branches; typically single but sometimes paired per axil.

Bracts stipule-like but smaller.

Peduncle thin, red, densely covered with appressed stellate hairs.

Bracteoles smaller than bracts; triangular-rounded; c. 3 forming a ring at the base of the pedicel; rounded at the base, pointed at the tip; with an apical bristle. Adaxially glabrous; abaxially glabrescent to having sparse tiny appressed stellate hairs; margin glabrescent.

Pedicels red on upper surface, green where shaded; similar thickness to the peduncle; densely covered with flat or occasionally tuberculed stellate hairs.

Flowers 8.2mm long; yellow with a red blush in the shaded central portions. Distal portion of petals forming a flat platform 5.1mm in diameter. Throat narrow, 0.6mm in diameter.
Petals re

\textit{Calyx} 3.5x3.5mm; forming a short cup; reddish at the upper base, green towards the lobes; stellate hairs tubercled or appressed, with five spreading appressed branches or reduced to a single or paired typically antrorse appressed bristles; stalked glandular hairs with a red spherical head occasional. Calyx lobes deltoid with concave sides, incised to almost half-way; forming a broad angle at the base; apex acuminate. Margins with moderately dense antrorse bristles; apex with one or a cluster of antrorse bristles. Adaxially calyx glabrescent with minute clear papillae dense towards the apex.

\textit{Petals} 7.2x4.6mm; strongly twisted and asymmetrical, roughly rectangular with rounded corners. One side strongly involute, apex strongly revolute, viewed from below forming a rounded semi-circular amphitheatre. Blade mainly yellow but reddish down the centreline both abaxially and adaxially with more muted colouration. Claw short, very strongly enclosing the filaments with flaps that are closed and touching from the base to the apex of the claw where the flaps are truncate-rounded. Base of the lamina obtuse at almost right-angles on one side, on the other side only slightly angled outward from the claw forming a very asymmetric base.

\textit{Stamens} 3.5mm long.

\textit{Filaments} 2.9x0.9mm narrowly rectangular to linear with slightly bulging sides. Apex indistinctly merging into the anther with no obvious shoulders.

\textit{Anthers} 1x0.5mm short stubby elliptical; base with small pouches, glabrous. Apex rounded, glabrous. Anthers opening from base to near apex, lips glabrous.

\textit{Pistil} 5mm long.

\textit{Ovary} 2.2x1.5mm; ellipsoidal with slightly expanded ridges. Pockets glabrescent. Ridges and apex very densely stellate hairy. Apex with hairs antrorse and very dense.

\textit{Style} 2.4x0.4; glabrescent with a few short bristles near the base.

\textit{Stigma} slightly expanded with multiple miniature bulbous protrusions\\

\textbf{Etymology:} Named for the town of Onrus that is named after the river that is restless, but also because it is Latin for disturbed, referring to the imminently threatened habitat which has been brushcut in preparation for development. **\textbf{Locality:}** Only known from a single locality in Onrus. **\textbf{Habitat:}** lowland fynbos on sandstone derived sandy soil. **\textbf{Affinities:}** In the red-flowered group and nearest *H. vuvuzeloides* which also has yellow flowers with a red blush but differs in having leaves that are shorter and more blunt; calyx lobes that are less-tapered; **\textbf{Diagnostic features:}** The yellow flowers with the red blush are shared only with *H. vuvuzeloides*, and are unique when combined with the glabrescent leaves. **\textbf{History}** Discovered in December of 2012 during a cursory examination of an empty plot of land. In December 2024 the site was again revisited and there were signs showing a development imminent. **\textbf{Redlist status:}** As this is only known from a single location and this location is destined for development, this should be considered CE, Critically Endangered.

17 JAN 2025

11/29

Ref: **Planned Development for Ref 2028**
 Date: **07 January 2025.**

TP-A Theart
(H Olivier)

To Loretta Gillion & AJ Fourie

FILE NO. Erf 2028-HON
SCAN NO.
COLLABORATOR NO.
2589763

With respect to the recent notification received from on 12 December 2024 from AJ Fourie , **Town- and Spatial Planning at Overstand Municipality**, we hereby formally lodge a collective objection to parts of this proposed plan now formulated in line with Section 51 of the By-Law – Requirements for petitions.

Objection Summary: Objection to the rezoning of Erf 228's current entrance of the property on 85 Main Road to Radyn street, Onrus River 7201.

Objection and Supporting Documents

It has become very apparent upon receipt and careful examination of the plans drawn up by **Englebrecht and Scorgie** that the developer only has one absolute agenda, and that its to maximise the amount of houses on to the land of the development site to maximise profitability of the proposed project. This therefore means that they are forced to move the entrance from Main Road to Radyn Street, maximise profit at the expense of and without any regard to the current owners/rate payers and residents in Radyn street who will be heavily impacted negatively by this plan.

Radyn Street is already at maximum with traffic flow, as its the main road into Onrus River from Cape Town. This road simply can't take and additional obstruction or traffic (potentially 22 cars from the

new development) trying to use Radyn Street as their entrance. There are many letters (please also refer to our DA councillor Miss Charmain Resandt) to the municipality from various residents over the years asking for help to reduce the traffic volume and the speed by adding speed bumps, or widening the road for paving on one side to assist pedestrians. Radyn street has become a racing track with no stop streets or speed control. Furthermore the road is very narrow and two cars can't easily pass one another, especially when trucks or larger vehicles try and pass and having to mount pavements or verges. This is a clear risk to the safety of the residents , their children and animals who live in Radyn Street and in close proximity to the proposed development

The current entrance of Erf 2028 is on Main Road, as it is obvious that due the much wider road, large verge and stop street in close proximity for traffic flow, that this makes for the most obvious and safest access point to the new development, why would the municipality not agree to this and instead agree to this proposal. Surely a feasibility study of the developed should be done in order to protect the rights and safety of its current residents. Can we be provided with a copy of this rationale by Overstrand planning department if indeed such a study has been done, so we can understand this nonsensical agreement to the proposed planning ?

To further strengthen the obvious nature of our objection, please **see attachment 1&2** hereto, showing a similar size development (Heron Close) in close proximity to the proposed development on main road. Its clear that this works with paving and wide verges , not obstructing or causing any issue of risk to the residents on main road.

Another solution may be to open the cul-de-sac of Dawson street , which will provide direct access into the development without any impact on anybody as this used to be a trough road at one stage.
See attachment 3&4.

In closing and to be balanced in acknowledgement that we as a Radyn Street community are very happy for this development and believe it will be a huge improvement on the current derelict and unkept land which has been a problem for many years. However we are the current residents and rate payers on Radyn Street and simply cannot have our genuine safety concerns overlooked in favour of profitability to a new developer.

We believe it is the municipality duty to protect the interest of its residents and as such trust the above suggestion will prevail and the logical and satisfactory solution to all parties equally.

Data Protection

In line with Data Protection laws, the owners personal information below is purely for objection purposes with Town & Special Planning at Overstrand Municipality and is to be kept 100% confidential. This information must not be shared with any third parties, in particular that of the developers, builders, architects and its related agents. (Name, ID, Mobile No, Email)

Affidavit

We the undersigned are not colluding with any applicant, objector or appellant and are willing to act in regard to the appeal as the Municipality may require in order to achieve the objective set out above collectively by the undersigned.

Objection Summary : Objecting to the rezoning of current entrance of Erf 2028, 85 Main Road, Onrus River to Radyn street, Onrus River 7201.

*** Specified Person1.**

Keith Bernard Harrison Craddock OWNER

ID :

Address - 84 Chiappini Street (Cnr Radyn Street), Onrus River,7201.

Mobile No.

Email -

Signature... *KBH Craddock*

Date..... *7/1/2025*

*** Specified Person 2.**

Trevor Deon De Villiers OWNER

ID

Address - 20 Radyn Street, Onrus River, 7201.

Mobile No.

Email -

Signature... *Trevor Deon De Villiers*

Date..... *07/01/2025*

Mr Christoffel Everhardus Johannes du Toit OWNER

ID

Mrs Sonja du Toit OWNER

ID

Address - 13 Radyn Street, Onrus River, 7201.

Mobile No.

Email -

Signature... *Sonja du Toit*

Date..... *7/1/2025*

S du Toit

7/1/2025

Objection Summary : Objecting to the rezoning of current entrance of Erf 2028, 85 Main Road, Onrus River to Radyn street, Onrus River 7201.

Miss Margaretha Wilhelmina Greyling OWNER

ID :

Address – 16 Radyn Street, Onrus River, 7201.

Mobile No.

Email –

Signature  Date...7/01/25

Mr Gerhard Bester OWNER

ID

Address – 87 Main Street (Cnr Radyn Street), Onrus River, 7201.

Mobile No.

Email –

Signature  Date...07/01/25

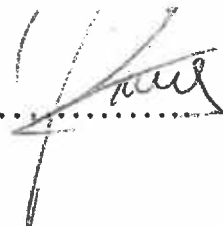
Mr Etienne Albert Prowse OWNER

ID

Address – 83 Dawson Street (Cnr Radyn Street), Onrus River, 7201.

Mobile No.

Email – €

Signature  Date...7/1/2025

Objection Summary : *Objecting to the rezoning of current entrance of Erf 2028, 85 Main Road, Onrus River to Radyn street, Onrus River 7201.*

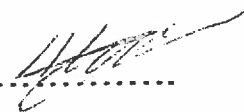
Mr H Hatting OWNER

ID

Address – 96 Viljoen Street (Cnr Radyn Street), Onrus River, 7201.

Mobile No.

Email – _____

Signature 

Date 07/01/2025

Sincerely

Owners Radyn Street, Onrus River.

* **Specified persons** are the 2 persons selected to receive notification and response from the Overstrand Municipality about his above objection on behalf of the above signatories.



18/29

106







Loretta Gillion

From: TREVOR DE VILLIERS <
Sent: Tuesday, 07 January 2025 17:56
To: Loretta Gillion; AJ Fourie
Cc:

Subject: Re: ERF 2028 , ONRUS RIVER
Attachments: REVISED erf 2028[69] copy.pdf; 1[39].heic; 2[47].heic; 3[25].heic; 4[95].jpeg

Dear Loretta,

Thanks for call today and happy to now present scanned petition/objection the requested order discussed. Furthermore, I add the attachment in support of the objection argument and rationale.

We (the 2 specified persons) look forward to hearing from you on a way forward with this pressing matter.

Best Regards

Trevor De Villiers

From: Loretta Gillion <loretta@overstrand.gov.za>
Date: Monday, 6 January 2025 at 15:29

Subject: RE: ERF 2028 , ONRUS RIVER

Dear Mr De Villiers

Receipt is hereby acknowledged of your email.

Your attention is drawn to Section 51 of the By-Law – Requirements for petitions.

The email below does not comply with such requirements. **Kindly resubmit the petition in the requested format.**

The Municipality shall direct further communication **only** to the first person who signed such petition and whose address is known. The latter person will thus be responsible to inform all signatories of all communication.

JP - A Theart (Holivier)

Loretta Gillion

From: TREVOR DE VILLIERS < >
Sent: Sunday, 05 January 2025 14:54
To: Loretta Gillion; AJ Fourie
Cc:

DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

Subject: ERF 2028, ONRUS RIVER
Attachments: 1.heic; 2.heic; 3.heic; 4.jpeg

FILE NO. Erf 2028-HON
SCAN NO.
COLLABORATOR NO.
2583331

To Whom it may concern

REF: Erf 2028, 85 Main Road, Onrus River.

With respect to the recent notification received from on 12 December 2024 from **AJ Fourie , Town- and Spatial Planning at Overstrand Municipality**, I hereby formally lodge a collective objection to parts of this proposed plan.

Rezoning of current entrance of the property from Main Road to Radyn street.

It has become very apparent upon receipt and careful examination of the the plans drawn up by **Englebrecht and Scorgie** that the developer only has one absolute agenda, and that its to maximise the amount of houses on to the land of the development site to maximise profitability of the proposed project. This therefore means that they are forced to move the entrance from Main Road to Radyn Street, maximise profit at the expense of and without any regard to the current owners/rate payers and residents in Radyn street who will be heavily impacted negatively by this plan.

Radyn Street is already at maximum with traffic flow, as its the main road into Onrus River from Cape Town. This road simply can't take and additional obstruction or traffic (potentially 22 cars from the new development) trying to use Radyn Street as their entrance. There are many letters (please also refer to our DA councillor Miss Charmain Resandt) to the municipality from various residents over the years asking for help to reduce the traffic volume and the speed by adding speed bumps, or widening the road for paving on one side to assist pedestrians. Radyn street has become a racing track with no stop streets or speed control. Furthermore the road is very narrow and two cars can't easily pass one another, especially when trucks or larger vehicles try and pass and having to mount pavements or verges. This is a clear risk to the safety of the residents , their children and animals who live in Radyn Street and in close proximity to the proposed development

The current entrance of Erf 2028 is on Main Road, as it is obvious that due the much wider road, large verge and stop street in close proximity for traffic flow, that this makes for the most obvious and safest access point to the new development, why would the municipality not agree to this and instead agree to this proposal. ? Surely a feasibility study of the developed should be done in order to protect the rights and safety of its current residents. Can we be provided with a copy of this rationale by Overstrand planning department if indeed such a study has been done, so we can understand this nonsensical agreement to the proposed planning ?

To further strengthen the obvious nature of our objection, please see **attachment 1&2** hereto, showing a similar size development (Heron Close) in close proximity to the proposed development on main road. Its clear that this works with paving and wide verges , not obstructing or causing any issue of risk to the residents on main road.

Another solution may be to open the cul-de-sac of Dawson street , which will provide direct access into the development without any impact on anybody as this used to be a trough road at one stage. **See attachment 3&4.**

In closing and to be balanced in acknowledgement that we as a Radyn Street community are very happy for this development and believe it will be a huge improvement on the current derelict and unkept land which has been a problem for many years. However we are the current residents and rate payers in Radyn Street and simply cannot have our genuine safety concerns overlooked in favour of profitability to a new developer.

We believe it is the municipality duty to protect the interest of its residents and as such trust the above suggestion will prevail and the logical and satisfactory solution to all parties equally.

Yours Sincerely

All owners/residents at :

- No 20 corner Radyn Street/Chappini Street (Mr De Villiers and Milosevic)
- No 84 corner Radyn/Chappini Street (Mr K Craddock)
- No 13 Radyn Street (Mr S Du Toit)
- No 16 Radyn Street (Miss M W Greyling)
- No 87 corner Radyn/Main Street (Mr G Bester)
- No 83 Dawson/Radyn Street (Mr E Prowse)
- No 96 Radyn/Viljoen Street (Mr H Hatting)

PLEASE CONFIRM RECEIPT BY RETURN





26/29



14
Main

Main Rd

Dawson St

Radyn St

Dawson St

Wiljoen St

Chiappini St

berg St

Main Rd

Loretta Gillion

From: Johan Van den westhuizen <j >
Sent: Sunday, 05 January 2025 15:22
To: TREVOR DE VILLIERS
Cc: Loretta Gillion; AJ Fourie;

Subject: Re: ERF 2028 , ONRUS RIVER

Well done! Thanks for the feedback.

On Sun, 5 Jan 2025, 14:53 TREVOR DE VILLIERS, <t > wrote:

To Whom it may concern

REF: Erf 2028, 85 Main Road, Onrus River.

With respect to the recent notification received from on 12 December 2024 from **AJ Fourie , Town- and Spatial Planning at Overstand Municipality**, I hereby formally lodge a collective objection to parts of this proposed plan.

Rezoning of current entrance of the property from Main Road to Radyn street.

It has become very apparent upon receipt and careful examination of the the plans drawn up by **Englebrecht and Scorgie** that the developer only has one absolute agenda, and that its to maximise the amount of houses on to the land of the development site to maximise profitability of the proposed project. This therefore means that they are forced to move the entrance from Main Road to Radyn Street, maximise profit at the expense of and without any regard to the current owners/rate payers and residents in Radyn street who will be heavily impacted negatively by this plan.

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Loretta Gillion

From: Charmaine Resandt
Sent: Sunday, 05 January 2025 16:28
To: TREVOR DE VILLIERS; Loretta Gillion; AJ Fourie
Cc: Clinton Lerm; Stephen Muller; T Marx; Theo Steenberg;

Subject: Fw: ERF 2028 , ONRUS RIVER
Attachments: 1.heic; 2.heic; 3.heic; 4.jpeg

Good day Trevor et al

Thank you for your email and the concerns expressed within in terms of Radyn Street and erf 2028.

By way of copy I am informing the Planning and Development Portfolio Head and relevant management of same. No doubt a response will be forthcoming in due course and attention given to the matter at hand.

Best regards
 Get [Outlook for Android](#)

From: TREVOR DE VILLIEF
Sent: Sunday, January 5, 2025
To: Loretta Gillion <loretta.gillion@overstand.gov.za>

Subject: ERF 2028 , ONRUS RIVER

To Whom it may concern

REF: Erf 2028, 85 Main Road, Onrus River.

With respect to the recent notification received from on 12 December 2024 from **AJ Fourie , Town- and Spatial Planning at Overstand Municipality**, I hereby formally lodge a collective objection to parts of this proposed plan.

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Loretta Gillion

From: TREVOR DE VILLIERS < >
Sent: Friday, 03 January 2025 14:19
To: Loretta Gillion
Subject: ERF2028, 85 MAIN ROAD, ONRUS RIVER

Dear Loretta

Just to advise I will be penning a letter to you with some strong objection about the planning, in particular and very specifically the re-zoning of the entrance to the complex.

This objection will be written as one for the entire Radyn Street (6 properties in direct location to the development), who will be heavily affected by the entrance being proposed on Radyn Street.

You will hear from me soon

Yours Sincerely

Trevor De Villiers
20 RADYN STREET

Annexure E if

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
12 MAR 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY



P-J le Roux

STADS- EN STREEKBEPLANNERS / TOWN AND REGIONAL PLANNERS

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

10 March 2025
H 10-197

Attention: Mr. H Olivier

Dear Henk

**APPLICATION IN TERMS OF THE OVERSTRAND MUNICIPALITY: MUNICIPAL LAND
USE PLANNING BY-LAW, 2020**

**APPLICATION FOR REZONING, SUBDIVISION AND APPROVAL OF SITE
DEVELOPMENT PLAN: ERF 2028 ONRUSRIVIER**

Further to the application submitted to your offices for Erf 2028 Onrusrivier and the three (3) objections received during the public participation process, please allow this office on behalf of the applicant to comment as follows. Each objection will be commented on separately and for easy reference the same numerical order of each objection will be used.

A Prowse:

Even though the objector indicated that he is "**not opposed to the development of Erf 2028**", he did raise some concerns. We truly believe that the concerns raised will be successfully addressed by the conditions of the Overstrand Engineering Department.

P-J le Roux Stadsbeplanners Edms. Bpk. (Reg nr: 2015/058583/07)
BTW No. 4860288747

Hoofstraat 262 Main Road, Paarl, 7646 Posbus / P O Box 3457, Paarl, 7620
Mobile: 0760317607 Tel: + 27 21 8722499 Epos: pj@pjleroux.co.za
Direkteur P.J le Roux Pr. Pln A/803/1995 Ba Hons.M(S&S) MSAPI

FILE NO. Erf 2028-Hon
SCAN NO.
2624864
COLLABORATOR NO.

12 MAR 2025

1. Width of the road (Radyn Street):

It is important to note that the previously approved development proposal also took access from Radyn Street and **no condition from the Council to upgrade Radyn Street was included in the approval.** We therefore believe that there is no reason why this development proposal, which has less units than what was previously approved, will be dealt with differently and require any upgrades of Radyn Street. It is however the prerogative of the Overstrand Engineering Department to formally comment on this new development proposal.

If the upgrading of Radyn Street is required from Council for some reason, the development will become economically unviable due to the scale of the proposed development.

2. Road congestion:

I again refer to the previously approved development and the assessment that the existing Radyn Street has sufficient capacity to accommodate the proposed development. It is worth noting that his assessment was not done long ago, since the previously approved development rights only lapsed in 2024. We are of the considered opinion that no significant changes occurred in the immediate surrounds since the previous approval that warrant a different outcome

3. Refuse removal:

Part of the development proposal and requirements of the Council is a refuse collection point on the subject property. This refuse collection facility will be positioned at the entrance of the development and will be constructed to the requirements of the Council. As a matter of interest, this requirement was also included as a condition in the previous approval.

4. Water flow:

The stormwater run-off from the subject property and development will be formalized in accordance with the requirements of the Council. Stormwater will

be directed to the existing municipal stormwater system via Radyn and Dawson Streets. Detail engineering plans will be submitted for approval to ensure that the development meets the requirements of the Council.

KBH Craddock & TD de Villiers:

It is confirmed in the objection that "...we as a Radyn Street community are very happy for this development and believe it will be a huge improvement on the current derelict and unkept land which has been a problem for many years." In response to the contents of the objection, the following is worth noting.

- The statement by the objectors that the applicant wants "to maximize the amount (sic) of houses" is **subjective and unfounded**. This development proposal has **less units** (12 units vs 13 units) than the previously approved development that lapsed in 2024.
- The previous approved development also took access from Radyn Street and not Main Road.
- The statement that the owners/rate payers and residents in Radyn Street will be impacted negatively by this development is **unsubstantiated and subjective**. The proposed development comprises 12 residential units all gaining access from one erf entrance from Radyn Street. The building line along Radyn Street is respected and there is no reason why any negative impact is expected on the other properties along Radyn Street.
- From the previous assessment by the Overstrand Engineering Department, Radyn Street has sufficient carrying capacity to easily accommodate the even smaller development as previously approved. It is worth noting that Radyn Street is a municipal street, and it is the responsibility of the municipality to ensure easy and safe access to all.
- The development proposal was based on the previously approved development with access from Radyn Street and not Main Road.

- Regarding the statement of the rationale by Overstrand Planning to permit development of the subject property, it is important to note that the subject property is an existing residential erf inside the approved urban area of Onrusrivier. Even though the subject property is larger than most other residential erven in the immediate surrounds, it is still earmarked in the spatial planning documents for urban development purposes. That was the reason the previous application for development was also approved.
- The access to the proposed development is from Radyn Street, which is the same as the previous development supported by the Overstrand Municipality. There is no reason why an alternative entrance is required.

Dr. Gwynne-Evans:

This objection refers to the presence of a plant species on the subject property that according to the objector needs to be conserved.

To comment on this objection, it is important to note the recent history of the subject property.

After approval for the proposed development on Erf 2028 Onrusrivier (previous Approval), the current landowner and his late partner, started to clear the site of any plants and trees in 2021 in anticipation of the proposed development. No reference was ever made to any conservation worthy vegetation on the subject property or was an environmental process required to facilitate the land use planning process. For easy reference I include evidence of this major clearing of the subject property.





The reference made by the objector that the subject property is “...one of the last and largest plots of relatively intact lowland vegetation in Onrus...” **is questionable** since the entire site as depicted in the pictures above was cleared of any vegetation and trees.

Although we do not dispute the presence of the plant that the objector is referring to, we do believe that **these plants are resprouters that regenerated after clearing of the subject property in 2021**. It is a common phenomenon that new plant species sprout after clearing or even natural fire events. This has been confirmed by a site investigation by the proposed developer's environmental consultant, who only found **30 sprouts of approximately 30-50mm high** on the whole property.

Since the subject property is an existing residential erf inside the urban area of Onrusrivier and a previous approval for development was issued by the Overstrand Municipality on the subject property, we submit that the specific plant referred to by the objector is not unique

P-J le Roux Stadsbeplanners Edms. Bpk. (Reg nr: 2015/058583/07)
BTW No. 4860288747

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Direkteur P.J le Roux Pr. Pln A/803/1995 Ba Hons.M(S&S) MSAPI

to the subject property but is most likely to appear anywhere else in Onrusrivier when an erf is cleared or even after a natural fire. There is also **no evidence** that this plant **does not appear** anywhere else in Onrusrivier, which makes the **subject property not unique**. These could also be seeds that spread in the wind as they are currently not of any significance because of their size and numbers.

However, as these 30 tiny sprouts just sprouted, the proposed developer would be willing to transplant them under supervision to any Overstrand Municipal Garden or open space. It is not established plants and, in our opinion, **should not prohibit the Overstrand Municipality from the expansion of their tax basis**, nor the **approval and development** of this unsightly Erf in the middle of the beautiful Onrus CBD. It is also unknown how the objector had access to private property to site the specific plants. To our knowledge no permission was granted to anyone to traverse the subject property.

The request by the objector that the subject property be designated as a protected environment is not only unrealistic but **cannot be warranted** especially since the property is inside an existing urban area and had previous development rights.

We firmly believe that the fact that two of the tree objections "*do not object to the development of the subject property*" but merely refer to alternative access and the plant sprouted from the recent clearing of the subject property, these objections do not challenge the desirability of the proposed development, especially since it is almost a repeat of a previous development that recently lapsed.

We hereby request that the objections **be dismissed** and that the application for rezoning and subdivision of Erf 2028 Onrusrivier **be approved**.

Kind regards

PIERRE-JEAN LE ROUX
Pr. Pln. A./803/1995

**COMMENTS FROM THE PROJECT MANAGEMENT DIVISION FOR:
APPLICATION FOR SUBDIVISION & REZONING: ERF 2028, ONRUS RIVER
(4840/2024)**

Stormwater (SW)	:	In order
Electricity	:	Eskom Area
Water	:	In order
Sewer	:	In order
Roads and traffic	:	In order

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 with free standing properties** (property that is subdivided and plots to be sold individually).

- 1.2 The BICLs are payable **prior** to clearance being issued by the Income Department of the Municipality.

The contribution according to the current policy (**2025/2026**) is as follows:

Water	R 27 598.00 x 8.6	=	R 237 342.80
Sewerage	R 19 725.00 x 8.6	=	R 169 635.00
Roads	R 8 845.00 x 11,00	=	R 97 295.00
Stormwater	R 10 205.00 x 6,168	=	R 62 944.44
Solid Waste	R 1 769.00 x 11,00	=	R 19 459.00
TOTAL (inclusive of VAT)		=	<u>R 586 676.24</u>

Note that:

- The above figures are estimated amounts
 - The above figures are subject to annual tariff adjustments.
 - Overstrand Municipality's Electrical Department must be contacted regarding the bulk electricity cost.
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 Chief Engineer: Infrastructure Services 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 Chief Engineer: Infrastructure Services 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;
 5. that a plan of all the existing services be submitted to the Chief Engineer: Infrastructure Services, 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 Chief Engineer: Infrastructure Services:
 - 5.1 way-leaves must be obtained from the Principal Technologist: Hermanus;
 - 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 must 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;
 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 Chief Engineer: Infrastructure Services, prepared by an ECSA registered professional engineer/technologist, be submitted to the Chief Engineer: Infrastructure Services for his prior approval;

8. the "Guidelines for the Provision of Engineering Services in Residential Townships" (Blue Book), SABS 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 Chief Engineer: Infrastructure Services 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 Chief Engineer: Infrastructure Services;
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 Chief Engineer: Infrastructure Services with satisfactory proof of his professional indemnity insurance to an amount which shall not be less than that required by the SAACE 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 - 2004, 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 service agreement must be required by the Chief Engineer: Infrastructure Services prior to the approval of any service plans;
15. that the developer provides bulk meters for water and electricity at approved positions as well as individual meters at each consumption point;
16. that the developer apply for a bulk water connection on the prescribed application form, at Overstrand Municipality's Finance Department and
17. that the installation of the bulk water meter, by the developer, be done under the supervision of the Principal Technologist: Hermanus;
18. that each residential erf or unit be provided with individual water and sewer connections which comply with the standards of the Department: Operational Services (Hermanus).
19. that the water reticulation be provided/upgraded according to the report prepared by GLS consulting engineers and/or the Overstrand Sewer Master Plan and Water Master Plan.

20. that the Body Corporate or Homeowners Association be responsible for the operational costs and maintenance of private street lighting, electrical reticulation and metering and all internal engineering services;
21. That the Body Corporate or Homeowners' Association will be responsible for the management and maintenance of any open space, access gate, guard house and refuse area;
22. that only the standard electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the owner's cost;
23. that the developer appoints a consulting electrical engineer to determine the electricity demand for the development and pay a fee to Overstrand Municipality to determine the capacity in the existing electricity network;
24. that the electricity reticulation and supply be provided according to the master plan, by the developer and that transfer can only proceed once electricity is available;
25. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of *SANS 10400 – P: 2010: Drainage*;
26. that an approved refuse collection area/room to sufficiently accommodate the refuse generated by the development and which is to be provided with the following:
 - a) properly ventilated,
 - b) a cement floor,
 - c) a tap and running water, as well as a drainage point which is connected to the sewer network,
 - d) in a position nearest to an access road for the development and be accessible for the refuse truck at all times, to the satisfaction of the Chief Engineer: Infrastructure Services;
27. that the refuse room be completed prior to occupation of the first unit, to the satisfaction of the Chief Engineer: Infrastructure Services;
28. that a stormwater management plan, which may include attenuation facilities to ensure that the pre-development run-off is not exceeded, be submitted to the Chief Engineer: Infrastructure Services for approval and that the approved management plan be implemented by the developer at his cost to the satisfaction of the Chief Engineer: Infrastructure Services;

29. that the approved stormwater management plan include the following:
- a) pre-development run-off from the catchment area;
 - b) post-development run-off from catchment area;
 - c) existing stormwater reticulation system and the capacity thereof;
 - d) connection of internal stormwater reticulation system;
 - e) overland escape routes;
30. that the connection to the stormwater reticulation system be provided according to the approved stormwater management plan by, the developer;
31. that a minimum stacking space/distance of at least 9,0 m (measured from the proposed gate or boom to the existing road surface edge) be provided for the access point in the Radyn Street. This is to cater for future road upgrades or road widening. No vehicular access will be allowed to or from Main Road;
32. that, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Principal Technologist: Hermanus for written approval;
33. that any damage to the existing roads, used as routes for access to the development, for the provision of services, be repaired by the developer;
34. that all the parking requirements from the 2020 Overstrand Land Use Scheme be complied with.



RICARDO ANDREW

29 / 10 / 2025

DATE

PRINCIPAL TECHNOLOGIST: DEVELOPMENT CONTROL


CONSERVATION INTELLIGENCE: SOUTH

postal 16 17th Avenue, Voëlklip, Hermanus, 7200
 physical 16 17th Avenue, Voëlklip, Hermanus, 7200
 website www.capenature.co.za
 enquiries Rhett Smart
 telephone 087 087 8017
 email rsmart@capenature.co.za
 reference LS14/2/6/1/7/2/2028_subdiv&rezoning_Onrus
 date 22 May 2025

Overstrand Municipality
 P.O. Box 20
 Hermanus
 7200

Attention: Henk Olivier
 By email: loretta@overstrand.gov.za

Dear Mr Olivier

**Application for Rezoning and Subdivision for a Residential Development on Erf
 2028, Onrus**
(Overstrand Municipality ref. no.: 2028 HON; 4840/2024)

CapeNature would like to thank you for the opportunity to comment on the application and would like to make the following comments. Please note that our comments only pertain to the biodiversity related impacts and not to the overall desirability of the application.

The application was not initially circulated to CapeNature and has been provided for comment during the appeal process due to new information that was not available when the application was initially submitted for public comment.

The property is mapped as No Natural in both the 2017 and 2023 version of the Western Cape Biodiversity Spatial Plan. The vegetation type mapped for the locality is Hangklip Sand Fynbos, listed as critically endangered. There are no freshwater features mapped for the site. The desktop information for the site therefore does not flag the site as important for biodiversity, unless there is indeed natural habitat present.

Following the approval of the development, an appeal was issued which indicated the presence of a species of *Hermannia* growing on the site, reported as a new plant species discovered by the appellant. Following receipt of the appeal, the municipality consulted with CapeNature to provide advice regarding the submission. CapeNature did a desktop review of the potential new species, however the species is not listed on the South African National Biodiversity Institute (SANBI) Red List of South African Plants which is the official list of the threat status

The Western Cape Nature Conservation Board trading as CapeNature

Board Members: Ms Marguerite Loubser (Chairperson), Prof Gavin Maneveldt (Vice Chairperson), Mr Tom Blok, Mr Mervyn Burton, Ms Reyhana Gani, Dr Colin Johnson, Ms Ayanda Mvandaba, Prof Nicolaas Olivier, Mr Paul Stack

of all recognised plant species in South Africa (<https://redlist.sanbi.org/>). CapeNature advised that SANBI should be consulted as to whether the species is recognised as a new species. If it is officially a new species it would be listed within the highest threat categories as it will be the only known population of the species. If it is not recognised as a new species, it will be specimens of an existing described species, with a threat status on the SANBI Red List.

CapeNature attended a site visit with the municipality and representatives of the applicant on 15 May 2025. The condition of the habitat is highly degraded, mainly consisting of grasses with *Carpobrotus sp* prominent and would not be considered fully representative of the original vegetation type namely Hangklip Sand Fynbos. Depending on the methodology and frequency of the clearance of vegetation on the site, it may however meet the definition of indigenous vegetation according to the National Environmental Management Act (NEMA).

The appointed botanist located several specimens of the potential new species on the site visit. The specimens were not in flower, however it was stated that the species is a resprouter, which means that the specimens on site resprouted from a rootstock within the soil. The representatives of the applicant indicated that the site had been cleared several times, including recently, with the use of machinery which would have resulted in the disturbance to topsoil. However, due to the presence of the potential new species which is a resprouter, it is doubted whether there would have been extensive disturbance to the soil as the plants were able to resprout, and it should further be emphasized that they are small plants which would be easily uprooted by earth moving activities.

Following further discussion regarding the development proposal on site it was recommended that an applicability checklist must be submitted to the Department of Environmental Affairs and Development Planning (DEA&DP), in which the clearing history of the site must be described in detail, including the methodology, to assist with the determination. It is interpreted that as the application is for subdivision, the listed activities would not have commenced with the initial development of Onrus township, as new cadastres with new development rights will be created. The most likely activity that would be triggered is Listing Notice 3 Activity 12 for clearing of more than 300 m² of indigenous vegetation within a critically endangered ecosystem.

The key aspect which will need to be determined is whether the vegetation currently occurring on the site consists of indigenous vegetation, which is broadly interpreted as vegetation that has not been lawfully cleared within the last 10 years. Clearing would include disturbance to the topsoil, such as ploughing, but would not include brush-cutting or mowing, although there is scope for interpretation depending on the site-specific conditions. CapeNature will await whether there is a request from DEA&DP regarding the interpretation whether the vegetation is currently considered to be indigenous vegetation, with more detail regarding the clearing history. Previous clearing events may have also constituted an unlawful activity.

It is noted from the historical Google Earth imagery that the tree cover on site (most likely planted trees) was removed between April 2021 and December 2022, however other land use activities on site are not clearly definable from the historical imagery. The municipality has placed the onus on the applicant to submit the applicability checklist and CapeNature has been in contact with both the applicant and planning consultant to advise in this regard. We recommend that commencement with activities should not be permitted until a response is received from DEA&DP.

Should environmental authorisation be required, a Basic Assessment process will need to be undertaken with associated specialist studies, including studies to address the terrestrial biodiversity and plant species themes. The Basic Assessment process will resolve the issues related to the potential new species. We recommend that the appeal process should recommend that the outcome should depend on the outcome of the Basic Assessment process.

Should environmental authorisation not be required, the potential presence of a new species on site still needs to be addressed. The first priority will be to determine whether the potential new species should be recognised as such, for which advice must be sought from SANBI. If it is not recognised as a new species, the existing species which it constitutes must be identified along with the threat status. Once this is established, recommendations regarding the proposed development can be provided.

The options which are available if it is confirmed as a new highly threatened species would include *in situ* conservation or a translocation plan to relocate the species to another location or a combination of the two. The translocation plan can include several options including translocating the specimens and cultivation from seed and/or cuttings, with the specimens translocated to a different site or to a nursery or a combination of the two. Plants with the growth form of the potential new species are normally not suitable for translocation due to the low survival rate and therefore may not be a feasible option. The appointed botanist will need to advise regarding the preferred options.

We will not however pre-empt the recommendations regarding the proposed development and will provide further comment once a NEMA determination is made and a response from SANBI is provided regarding the identity of the species.

CapeNature reserves the right to revise initial comments and request further information based on any additional information that may be received.

Regards

RSmart

Rhett Smart

For: Manager: Landscape Conservation Intelligence South

cc. Penelope Aplon, Overstrand Municipality

 Outlook

FW: Application Erf 2028, Onrust River

From Penelope Aplon <paplon@overstrand.gov.za>

Date Mon 2025/09/29 10:05

To Henk Olivier <holivier@overstrand.gov.za>

 3 attachments (2 MB)

25-09-11.1260.25_Erf 2028 Onrust River Hermanus_not listed.pdf; 2028_subdiv&rezoning_Onrus_20250522.pdf; Hermanus Times_15 May2025.pdf;

Middag,

Dit was my laaste e-pos aan Rhett, ek het geen terugvoering ontvang.

Penelope

From: Penelope Aplon

Sent: Friday, 19 September 2025 09:31

To: rsmart@capenature.co.za

Cc: Henk Olivier <holivier@overstrand.gov.za>

Subject: FW: Application Erf 2028, Onrust River

Importance: High

Good morning Rhett,

We have not received any new information from the objector or SANBI. I believe due process was followed in this regard by Cape Nature and the Municipality.

Regards,
Penelope

From: Rhett Smart <rsmart@capenature.co.za>

Sent: Friday, 19 September 2025 09:05

To: Penelope Aplon <paplon@overstrand.gov.za>

Cc: Melanese.Schippers@westerncape.gov.za; Vicki Hudson <vhudson@capenature.co.za>

Subject: FW: Application Erf 2028, Onrust River

Importance: High

Dear Penelope

Melanese phoned me about this case, and I provided more background. I confirmed that we were willing to accept the DEA&DP NEMA determination based on the submission by the project botanist. She also confirmed that the information provided did not include any information about the potential new species and NEMA in any case does not address species.

Has the appellant has provided any further response or evidence that it is indeed a new species? As we discussed we currently don't have enough evidence that it is a new species and both you and I have been in contact with SANBI in this regard. Please let us know if you require further inputs from CapeNature.

Regards

Rhett

From: Rhett Smart
Sent: Monday, 15 September 2025 17:12
To: Melanese.Schippers@westerncape.gov.za
Cc: Penelope Aplon <papl@overstrand.gov.za>; Vicki Hudson <vhudson@capenature.co.za>
Subject: FW: Application Erf 2028, Onrust River
Importance: High

Dear Melanese

We received the attached response to an applicability checklist for Erf 2028, Onrus. I attended a site visit with the municipality, planning consultant, landowner and botanical specialist. Based on the observations on site, it seemed that there was a good probability that your determination would be the outcome.

However, there is a species of *Hermannia* on site which may or not be a new species. NEMA does not deal with species therefore it would not be relevant to your determination, however NEM:BA TOPS and the CapeNature Ordinance does deal with species. If there is indeed an undescribed species of *Hermannia* on the property it would be the only known population and therefore the development would result in extinction of a species which would be a significant impact (unless another population was found). Therefore, CapeNature's comment on the planning application also addressed this impact apart from the need for environmental authorisation.

We therefore wish to request if we can view the responses provided by the botanical specialist as referred to in the determination. The potential new species was identified by a botanist who did his PhD on the *Hermannia* genus and therefore the botanical specialist considered it likely to be a new species (we located it on the site visit). CapeNature and the municipality (Penelope Aplon) consulted with SANBI regarding the potential new species, and they were a bit sceptical and advised that in order for a new species to be recognised, it would need to be registered at a recognised herbarium e.g. at Kirstenbosch, UCT. I have attached my comment for further clarification and detail. The responses provided by the botanist may therefore provide additional information regarding the confirmation of the new species. Your assistance would be appreciated (the planning consultant may not be obliging).

Regards

Rhett

From: PJ le Roux <pj@pjleroux.co.za>
Sent: Monday, 15 September 2025 08:13
To: 'Henk Olivier' <holivier@overstrand.gov.za>
Cc: 'Penelope Aplon' <papl@overstrand.gov.za>; Rhett Smart <rsmart@capenature.co.za>; 'Loriaan Isaacs' <loriaanisaacs@overstrand.gov.za>; 'Loretta Gillion' <loretta@overstrand.gov.za>
Subject: RE: Application Erf 2028, Onrust River
Importance: High

CAUTION: This is an external email and may be malicious. Please take care when clicking links or opening attachments. If in any doubt, Report the Message.

Dear Henk,

I hope this email finds you well and in good health.

Further to the application process for Erf 2028 Onrust River and especially the concern regarding the vegetation and the environmental aspect, please find herewith the formal letter received from the Department of Environmental Affairs & Development Planning dated 11 September 2025.

It is evident that from this letter that no further environmental actions are required and that you can proceed to finalise the application.

Please acknowledge receipt hereof and contact me if you have any questions.

Regards

Pierre-Jean le Roux

Pr. PIn A/803/1995

Ba Hons, M (TRP)

(MSAPI)



Pty Reg. No.: 2015 / 058583 / 07

262 Main Road / P.O.Box 3457

Paarl Paarl

7646 7620

Tel: 021-8722499

Sel: 0760317607

Spreuke 3:5-6/Proverbs 3:5-6

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

REFERENCE: 16/3/3/6/1/E2/26/1260/25
DATE OF ISSUE: 11 September 2025

Ms. Linzi McHardy-Saunders
 33 Ludlow Road
 Vredehoek
CAPE TOWN
 8200

Cell: 084 566 1660
 E-mail: Linzimchardy@gmail.com

Dear Madam

THE APPLICABILITY OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) ("NEMA") ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014: THE PROPOSED RESIDENTIAL DEVELOPMENT ON ERF NO. 2028, ONRUST RIVER, HERMANUS.

1. The applicability checklist received by the Directorate: Development Management (Region 1), hereinafter referred to as "this Directorate" on 27 June 2025, this Directorate's request for additional information issued on 31 July 2025 and the additional information received on 19 August 2025, refers.
2. Based on the information provided by you, this Directorate notes the following:
 - 2.1. The proposed development entails the construction of 13 residential units with associated infrastructure with a footprint of approximately 3072m² on Erf No. 2028, Onrust River, Hermanus;
 - 2.2. A dwelling is present on the site, that was constructed prior to 1956;
 - 2.3. The site is part of an existing residential development that commenced prior to the coming into effect of the EIA Regulations promulgated in terms the Environmental Conservation Act, 1989 ("ECA") on 8 September 1997. However, the site will now be rezoned and subdivided;
 - 2.4. No watercourses are present on or within 32m of the site; and
 - 2.5. The site is currently zoned residential and is located inside an urban area.

3. Based on the additional information provided, the following is noted:
 - 3.1. The botanical specialist indicated in email correspondence dated 18 August 2025 that the site has been historically cleared and the vegetation is secondary in nature and does not occur naturally in the area; and
 - 3.2. Vegetation clearance was lawful, as the site was cleared on an *ad hoc* basis.
4. It must be noted that the timeline of vegetation clearance is important in determining whether the site was lawfully transformed. It is presumed that the *ad hoc* clearance occurred in increments of 10years. In light of this, the site is considered to have been lawfully transformed and, as confirmed by the botanical specialist, currently supports secondary vegetation.
5. Based on the above it is herewith confirmed that the proposed development does not constitute a listed activity in terms of the EIA Regulations, 2014 (as amended).
6. This determination is based on the following:
 - 6.1. No development will occur within or within 32m of a natural watercourse; and
 - 6.2. No indigenous vegetation will be cleared.
7. Written environmental authorisation is therefore **not required** from the competent authority prior to the undertaking of the said development.
8. Should any revision of the proposed development constitute a listed activity(ies) in terms of the NEMA EIA Regulations, 2014 as defined in Listing Notices 1, 2 and 3 an application must be submitted and environmental authorisation obtained before such activity(ies) may commence.
9. The applicant is reminded of his/her general duty of care and the remediation of environmental damage, Section 28(1) of NEMA specifically states that –*“Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment.”*
10. This Directorate reserves the right to revise or withdraw its comments and request further information based on any new or revised information received.

Yours faithfully

Melanese Schippers
 Digitally signed by
 Melanese Schippers
 Date: 2025.09.11
 09:52:30 +02'00'

pp HEAD OF COMPONENT

DIRECTORATE: DEVELOPMENT MANAGEMENT (REGION 1)

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

CC: (1) Ms. Jenna Theron (PHS Consulting)
 (2) Ms. Liezl de Villiers (Overstrand Municipality)

E-mail: jt@phsconsulting.co.za
 E-mail: ldevilliers@overstrand.gov.za

 Outlook

FW: Onrus new species

From Penelope Aplon <paplon@overstrand.gov.za>
Date Mon 2025/09/29 09:59
To Henk Olivier <holivier@overstrand.gov.za>

From: Hlengiwe Mtshali <H.Mtshali@sanbi.org.za>
Sent: Tuesday, 27 May 2025 10:35
To: Penelope Aplon <paplon@overstrand.gov.za>
Cc: Henk Olivier <holivier@overstrand.gov.za>
Subject: RE: Onrus new species

Dear Penelope

Given that the species in question has not been formally described in a peer-reviewed taxonomic publication, nor has it been lodged with a recognized herbarium, SANBI does not recognize it. Therefore, we are not in a position to provide a comment on its conservation or implications for development at this time.

As mentioned in my previous response, we recommend that the municipality engage directly with Dr. Gwynne-Evans to clarify the basis of his claim and to determine the appropriate course of action, should further investigation be warranted.

Kind regards,
Hlengiwe

From: Penelope Aplon <paplon@overstrand.gov.za>
Sent: Tuesday, 27 May 2025 09:30
To: Hlengiwe Mtshali <H.Mtshali@sanbi.org.za>
Cc: Henk Olivier <holivier@overstrand.gov.za>
Subject: RE: Onrus new species

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Good morning,

This is a follow-up on below mail, please.

Thank you,
Penelope

From: Penelope Aplon
Sent: Tuesday, 20 May 2025 11:44
To: Hlengiwe Mtshali <H.Mtshali@sanbi.org.za>
Cc: Henk Olivier <holivier@overstrand.gov.za>
Subject: RE: Onrus new species

Good afternoon,

Thank you for your feedback it is much appreciated. Unfortunately, the Municipality cannot communicate with Mr Gwynne-Evans on the process which he has to follow with SANBI. My enquiry was from the point on how to proceed with the planning application in the light of Mr Gwynne-Evan's claims.

In the absence of this new species being acknowledged, could you possibly indicate how this application should be processed?

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Regards,
Penelope

From: Hlengiwe Mtshali <H.Mtshali@sanbi.org.za>
Sent: Tuesday, 20 May 2025 11:15
To: Penelope Aplon <papl@overstrand.gov.za>
Subject: RE: Onrus new species

Dear Penelope,

Thank you for your email regarding the Onrus new species.

We have checked our Red List records and found no evidence regarding the alleged new species. As per SANBI's assessment protocols, a species can only be considered for Red Listing if there is a draft taxonomic manuscript in place and a type specimen lodged in a recognized herbarium. To date, we have received neither a Red List request nor evidence of these requirements being met.

We recommend that Dr. David Gwynne-Evans undertake these steps if he wants to save the species. The CREW programme could support him in searching for surrounding fragments for the species he says is new, but we need to receive this request, with images of the plant, to be able to assist.

Kind regards,

Hlengiwe Mtshali
Specialist: Plant Red Listing
Threatened Species Programme

Red List Authority Coordinator
IUCN SSC Southern Africa Plant Specialist Group (SAPSG)

South African National Biodiversity Institute (SANBI)
Pretoria National Botanical Garden
2 Cussonia Avenue, Brummeria, Pretoria, 0184
Tel: +27 (0) 12 002 5266
Web: www.sanbi.org



From: Penelope Aplon <papl@overstrand.gov.za>
Sent: Friday, 16 May 2025 12:20
To: Hlengiwe Mtshali <H.Mtshali@sanbi.org.za>
Subject: FW: Onrus new species

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Good morning,

I work in the Environmental Management & Conservation Division of Overstrand Municipality. Part of my duties includes providing comments on Town Planning applications for rezoning, sub-division, change of land-use etc. I was referred to you by Rhett Smart of Cape Nature. I hope you will be able to assist me with below request please.

Erf 2028 Onrus received planning approval for Group housing in 2018. The approval lapsed and the owner had to re-apply. We have received information from Dr. David Gwynne-Evans, claiming to have discovered a new species on Erf 2028, Onrus during 2012. He states the following: "Erf 2028 Onrus is the ONLY KNOWN LOCATION of a NEW SPECIES of *Hermannia turbida*."

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No record of the species could be found on below links:
<https://redlist.sanbi.org/genus.php?genus=1852>
<https://powo.science.kew.org/taxon/urn:lsid:ipni.org:names:38725-1>

3/3

In order to determine the way forward with this planning application, the Municipality requires confirmation that Mr Gwynne-Evans has been in contact with SANBI, and that the new species is recognised. Your urgent feedback regarding this matter would be greatly appreciated.

Kind regards,
Penelope

Penelope Aplon

Manager: Environmental Management & Conservation
Environmental Management & Conservation
Directorate: Planning & Development, Overstrand Municipality

T: 028 3165619 or 072 394 9841 | E: paplon@overstrand.gov.za



Overstrand Municipality

A: 1 Magnolia Street, Hermanus, 7200
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T: +27 (0)28 313 8000 | F: +27 (0)28 312 1894
E: enquiries@overstrand.gov.za
W: www.overstrand.gov.za

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Overstrand Municipality

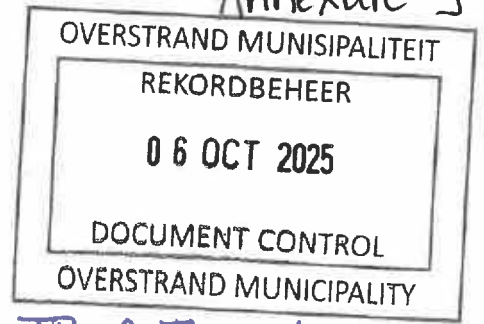
A: 1 Magnolia Street, Hermanus, 7200
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E: enquiries@overstrand.gov.za
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Re: Erf 2028 HON
CONSENT



TP-A Theart
(H Olivier)

I, CEJ du Toit the registered owner of Erf 4944
Radyn Street, Onrus-Rivier hereby give my permission and consent to:

OVERSTRAND MUNICIPALITY,

That the Land Use Management (LUM) application that was submitted to Overstrand Municipality, regarding Erf 2028, Onrus-Rivier;

To be zoned to General Residential Zone 1 and be subdivided into 12 Freehold Residential plots plus a Private Road and Private Open Space, be Approved by Overstrand Municipality, as per the attached Site Development Plan.

If I lodged an objection against the proposed development on erf 2028, for any reason whatsoever, I hereby withdraw such objection and grant permission that that the LUM application be approved.

This done and signed at Onrus Rivier on the 3rd October 2025.



SIGNED CONSENT: Owner: Erf 4944

FILE NO. <u>Erf 2028-HON</u>
SCAN NO.
COLLABORATOR NO.
<u>2876918</u>

TP 06 OCT 2025