

**4.2****ERF 1497, LYNX ROAD, VERMONT: APPLICATION FOR REZONING, SUBDIVISION, DEPARTURE AND APPROVAL OF STREET NAMES: MESSRS ATLAS TOWN PLANNING ON BEHALF OF CHRISTATUS INVESTMENTS 85 CC****1497 HVM****H Olivier****24 June 2021****(028) 313 8900****Hermanus Administration****1. EXECUTIVE SUMMARY**

An application has been received on 23 July 2019 from Messrs Atlas Town Planning on behalf of Christatus Investments 85 CC on Erf 1497, Vermont in terms of the Overstrand Municipality By-Law on Land Use Planning, 2015 (By-Law) for the following:

- Rezoning of the property in terms of Section 16(2)(a) of the By-Law from Residential Zone I: Single Residential (SR1) to Subdivisional Area Zone (SA); and
- Subdivision of the rezoned property in terms of Section 16(2)(d) of the By-Law, to create the following:
  - Nine (9) Residential Zone I: Single Residential (SR1) erven;
  - Seven (7) General Residential Zone I: Town Housing (GR1) erven;
  - One (1) Open Space Zone 2: Public Open Space (OS2) erf; and
  - One (1) Transport Zone 2: Road and Parking (TR2) erf.
- Departures in terms of Section 16(2)(b) of the By-Law to accommodate the following:
  - relax the external street building line from 5m to 3m for the Town Housing erven;
  - allow a 4m street building line on the internal Close to accommodate garages for the Town Housing erven;
  - allow a 2m street building line on Portion 5 (Town Housing) to accommodate the proposed dwelling, and
  - relax the 3m common boundary line to 2m on Portions 1 and 7 (Town Housing erven) respectively to accommodate proposed encroachments.
- Approval of street names (Vergenoeg Street and Berghoek Close) in terms of Section 96 of the Overstrand Municipality By-Law on Land Use Planning, 2015 for the proposed 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 1497, Vermont is zoned Residential Zone I and is vacant land. The property measures approximately 1,158 ha in extent.

### 4. SUMMARY OF APPLICANT'S MOTIVATION

- ❖ The property was rezoned for subdivision in 2009, but it was never acted upon.
- ❖ Various subdivisions have been approved in this area.
- ❖ The application is to create 9 Residential Zone I, 7 General Residential Zone erven, a public open space and public road.
- ❖ Application is also made to relax various building lines which limits development on the Group Housing erven.
- ❖ Application is also made to name the new streets Vergenoeg Street and Berghoek Close.
- ❖ There is no restriction in the Title Deed.
- ❖ The property is next to Lynx Road in Vermont, linking with the R43.
- ❖ The property is zoned Residential Zone I with one (1) dwelling.
- ❖ The property is mostly undeveloped and has a gentle slope from west to east.
- ❖ Surrounding developments are residential development with town houses with 350m<sup>2</sup> plots and Single Residential erven in the region of 600m<sup>2</sup>.
- ❖ Property is inside the urban edge in terms of the Overstrand Municipality SDF, and the proposal is in line with this forward planning policy.
- ❖ The application is measured against the Principles in terms of Section 42 of SPLUMA, as follows:
  - The proposal is consistent with planning policies;
  - Will not have a negative effect on the welfare and wellbeing of public;
  - All relevant facts are provided in the application;
  - No other property owners' rights will be affected;
  - A similar previous approval was granted on the land, and although it was not acted upon, it shows services are available.
- ❖ No environmental listed activities are triggered.
- ❖ Heritage Western Cape (HWC) have previously supported the previous application and indicated that if the scope of the development has not changed, the Record of Decision (RoD) has no valid expiry date.
- ❖ The proposal is for 9 Single Residential erven of ±600m<sup>2</sup> and 7 Town House erven of ±350m<sup>2</sup> in extend. A public open space and public road will also be provided.
- ❖ Appropriate densification is applied.
- ❖ The application for departures of building lines applicable to Town House erven applied for, otherwise it would limit the development footprint.
- ❖ It will have a positive socio-economic impact as it would fit in with surrounding developments and have a positive economic impact by creating jobs.
- ❖ The Municipality will also receive development contributions for bulk infrastructure and expand their tax base.
- ❖ It will not impact on health and safety and the development is in line with the surrounding developments and will be in line with the existing character.
- ❖ Access will be obtained from Lynx Road, opposite Malmok Road. There will be no major traffic impact.
- ❖ GLS consulting confirmed that the existing services infrastructure is sufficient to accommodate the development. Some upgrades of the sewerage system will be required.

**5. ADMINISTRATIVE COMPLIANCE**

| Methods of advertising  |                | Date published               | Closing date for comments    |
|---|----------------|------------------------------|------------------------------|
| Press   | Yes            | 4 March 2020                 | 9 April 2020                 |
| Notices   | Yes            | 4 March 2020<br>22 June 2020 | 9 April 2020<br>31 July 2020 |
| Ward councillor   | Yes            | 4 March 2020                 | 9 April 2020                 |
| Total comments  | <b>TWO (2)</b> |                              |                              |
| Was public participation undertaken in accordance with Section 46 – 50 of the By-Law on Municipal Land Use Planning?                        |                |                              | <b>Yes</b>                   |
| Was the application processed correctly (if no, elaborate below):   |                |                              | <b>Yes</b>                   |
| Is the proposal consistent with the principles referred to in Chapter 2 of SPLUMA and Chapter VI of LUPA? (can be elaborated further below) |                |                              | <b>Yes</b>                   |

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

| Name   | Date received | Summary of comments  |
|--|---------------|--|
| Municipal: Environmental Management Services   | 27/10/2020    | No objection, subject to EADP: Environmental requirements. |
| Waste Management   | 17/03/2020    | No objection.  |
| Engineering Services   | 16/11/2020    | See Annexure F.  |
| Western Cape Government: Environmental Affairs & Development Planning – Record of Decision | 16/04/2021    | See Annexure G.  |
| Local Heritage Committee   | 05/03/2020    | See Annexure H.  |
| Telkom   | 21/03/2020    | See Annexure I.  |
| Eskom  | 24/03/2020    | See Annexure J.  |
| Fire Department  | 11/03/2020    | No objection./See Annexure K.                              |
| Heritage Western Cape  | 30/01/2020    | See Annexure L.  |

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

In the public participation process two (2) letters were received. One (1) letter (Vermont Ratepayers Association) is considered a conditional approval, whilst the other comment (P Steere) received is considered an objection. (See Annexure D.)

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

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

**OBJECTION 1 - Vermont Ratepayers Association (VRA)**

***The proposed street names should be in keeping with the area and be animal, bird and tree names.***

**Applicant's response**

The developer is willing to accommodate the VRA with alternative street names. The names Kwartel Close and Kiewiet Street are proposed as was confirmed by the relevant Municipal Department.

**Town Planner's response**

The Municipal GIS Department, who deals with the allocation of street names, confirmed the two street names are accepted.

**OBJECTION 2 - P Steere**

***The seven (7) group housing erven should be reduced in number and increased in size to 600m<sup>2</sup>. Only two other developments have smaller erven in this area.***

**Applicant's response**

The objection is not valid.

There are similar developments in this area, as stated by the objector, and in keeping with forward planning policy. Group Housing sites will range from 350m<sup>2</sup> to 400m<sup>2</sup> and can easily be developed with dwellings of similar size and value offered in the area. The smaller erven provide some variety.

The objection should be dismissed.

**Town Planner's response**

The area of Vermont has been identified for developments allowing for a mix of town housing and single residential erven, with Public Open Spaces and Public Roads. The erf sizes mentioned by the applicant was the sizes identified for such developments, with approximately 70% of the developable land (excluding road and open spaces) allocated for Single Residential and 30% for Group Housing. This is

then also the reason why the previous development was approved for this development in approximately 2008.

The applicant's opinion is therefore supported.

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

See Paragraph 7 above.

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

See Paragraph 7 above.

### **Internal and external departments**

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

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

### **10.1 Background**

N/A

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

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

The objectives relating to:

#### Spatial Justice

N/A

#### Spatial Sustainability

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

#### Efficiency

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

#### Spatial Resilience

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

Good Administration

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

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

Same as Point 10.2 above.

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

The area is indicated for 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 west of Lynx Road in Vermont is the development of residential areas with a mixed development of Residential Zone I erven of 600m<sup>2</sup> and Group Housing erven of 350m<sup>2</sup> in extent. 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**

N/A

**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**

The proposal is to rezone Erf 1497, Vermont from Residential Zone I to Subdivision Area, to create nine (9) Residential Zone I erven, seven (7) Group Housing erven, a Public Open Space and a Public Road.

The erf measures 1,158 ha in extent and is situated in the neighbourhood of Vermont, west off Lynx Road, a neighbourhood distributor road.

As previously indicated in this report, densification has been allowed in this area for the areas west and east of Lynx Road and even further beyond. This is considered

the status quo of the area, and thus in line with the status quo allocation in terms of the Overstrand Growth Management Strategy, 2010.

The objections received relates to street name allocation and the fact that one (1) objector wants to have less Group Housing erven, which she requests must also be made larger.

The matter regarding the street name was duly addressed by the objector, and bird names will now be allocated to the new streets.

The objection regarding the Group Housing erven are basically against the existing policy for the area, which is being applied. This area is earmarked for some densification, in line with national and provincial policies. Many similar developments have been approved in this area therefore, the proposal is in line with surrounding land uses and the character of the area. The objection therefore does not proof the application to be undesirable.

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

The applicant therefore applied to relax the 5m internal street building line with Lynx Road for Group Housing erven to 3m, to allow a 4m street building line for garages next to the "internal road" for Group Housing, to allow a 2m street building line for Portion 5, and lastly to relax the 3m common building line to 2m where Portion 1 and Portion 7 borders the Single Residential erven and Open Space.

The abovementioned departures will have no real impact on surrounding property owners or the road network. The relaxation next to Lynx Road to 3m were also forwarded to the Engineering Services Department, who indicated their support for the application.

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

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

### **13. RECOMMENDATION**

1. that the application in terms of Section 16(2)(a) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 (By-Law) on Erf 1497, Vermont to rezone the said property from Residential Zone I: Single Residential (SR1) to Subdivisional Area Zone (SA) and the subsequent subdivision in terms of Section 16(2)(d) of the By-Law, read with Section 22, of the rezoned property to create the following:

- Nine (9) Residential Zone I: Single Residential (SR1) erven;
- Seven (7) General Residential Zone I: Town Housing (GR1) erven;
- One (1) Open Space Zone 2: Public Open Space (OS2) erven; and
- One(1) Transport Zone 2: Road and Parking (TR2) erf;

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

- (a) that approval is for the revised Plan VM1497/SUB/Sep2020/1, also showing the correct street names and numbers;
  - (b) that a minimum of 2 (two) parking bays be provided on each erf, to municipal standards and satisfaction;
  - (c) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
  - (d) that the Architectural Design Guidelines in line with the Zoning Scheme parameters and the departure relaxations as dealt with in point 2. below, be submitted for the development to address the style of the houses in line with the surrounding Cape Veniculator style of houses in the area, to the satisfaction of the Senior Manager: Town & Spatial Planning, after consultation with the Municipal Building Control Branch;
  - (e) that all the conditions imposed by Telkom (attached as Annexure I), be complied with;
  - (f) that all the conditions imposed by Eskom (attached as Annexure J), be complied with;
  - (g) that all conditions in the Services Report (attached as Annexure F), be complied with;
  - (h) that the original conditions imposed by Heritage Western Cape (attached as Annexure L), be complied with;
  - (i) that the conditions of the Municipal Fire Department (attached as Annexure K), be complied with;
  - (j) that a Homeowners' Association be established with compulsory membership for all property owners within the development, and
  - (k) that the Constitution of the Homeowners' Association be submitted for approval by the Municipality (which reserves the right to impose conditions in this regard), and that the following aspects inter alia be addressed in this document:
    - the approval of building plans by an "estate architect" prior to submission thereof to the Municipality, and
    - that the Constitution clarifies at what stage the responsibility would be transferred from the developer to the Homeowners' Association to deal with approval of plans.
2. that the application for departure in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 on Erf 1497, Vermont to relax the following building lines for General Residential Zone I even to be created, **be approved** in terms of the provisions of Section 61 of the By-Law, as follows:



- relax the external street building line from 5m to 3m for the Town Housing erven;
  - Allow a 4m street building line on the internal Close to accommodate garages for the Town Housing erven;
  - Allow a 2m street building line on Portion 5 (Town Housing) to accommodate the proposed dwelling, and
  - Relax the 3m common boundary line to 2m on Portions 1 and 7 (Town Housing erven) respectively to accommodate proposed encroachments.
3. that the application in terms of Section 96 of the Overstrand Municipality By-Law on Land Use Planning, 2015 for the allocation of street names for the proposed development, **be approved** in terms of the provisions of Section 61 of the By-Law, and
  4. that the applicant and objectors be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above decision.

#### 14. REASONS FOR RECOMMENDATION

- ❖ The proposal for a development with a mix of Residential Zone I and General Residential Zone I erven is in line with the Overstrand Growth Management Strategy, 2010 and Overstrand Municipal Wide SDF, 2006.
- ❖ All municipal departments and external departments/institutions support the application.
- ❖ There is no environmental concerns or triggers on the property.
- ❖ Objection raised about the group housing is unfounded as this proposed development will be in line with the character of surrounding developments.
- ❖ The concern raised about the street names were duly addressed by the applicant.
- ❖ There are sufficient services to accommodate the development.
- ❖ In terms of the character of Vermont, developments consist of a mixture of Residential Zone I and General Residential Zone I erven, with public roads, to avoid creating a “gated complex” character. Challenges have been experienced regarding building line limitations in respect of group housing erven in such developments, and for that reason this departure application was submitted to deal with such challenges.
- ❖ 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 (old and revised)  |
| Annexure D: | Objection received   |
| Annexure E: | Applicant's comments on objection  |
| Annexure F: | Services Report  |
| Annexure G: | Comments : Western Cape Government: Environmental Affairs and Development Planning (Environmental) |
| Annexure H: | Comments : Local Heritage Committee  |
| Annexure I: | Comments : Telkom  |
| Annexure J: | Comments : Eskom   |

Annexure K: Comments : Fire Department  
Annexure L: Comments : Heritage Western Cape

**SIGNATURES****AUTHOR:**

Name: **HENK OLIVIER**

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

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

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

**REGISTERED PLANNER**

Name : **H VAN DER STOEP**

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

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

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

Annexure A



**DATE:** JULY 2019

**PLAN:** LOCALITY

**CLIENT:** CRISTATUS INV 85 CC

**PROPOSED REZONING &  
SUBDIVISION OF ERF 1497,  
VERMONT**

**SCALE 1 : 2500  
@ A4**



**ATLAS**  
Town Planning  
P.O. BOX 380, KURUSRIEVE, 7579 (021) 9017446



Annexure B  
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### Introduction

#### **1.1 Background**

The subject property is Erf 1497, Vermont located in Lynx Road. An application for rezoning and subdivision was approved during 2009 but the approval was never acted upon. Another application for subdivision of the property into two erven was later submitted but ultimately withdrawn.

Erf 1497, Vermont measures in excess of a hectare and with land being a valuable and scarce resource, it is the intention to investigate a more optimal use for the property concerned. Various subdivisions have been approved in this area in the past and the proposal to subdivide this property was consequently discussed with a town planner at Overstrand Municipality.

#### **1.2 Brief and application**

ATLAS Town Planning was consequently requested to prepare a land use application to obtain the necessary land use rights for the proposed development of Erf 1497, Vermont. The necessary power of attorney is attached as **Annexure 2**.

#### Application is herewith made:

- i) In terms of Section 16(2)(a) of the Overstrand Municipal Planning By-Law of 2015 for the rezoning of Erf 1497, Vermont from Residential Zone 1 to Subdivisional Area;
- ii) In terms of Section 16(2)(d) of the Overstrand Municipal Planning By-Law of 2015 for the subdivision of Erf 1497, Vermont into 9 Residential Zone 1 erven, 7 General Residential Zone 1 erven and the remainder Public Open Space and Public Road;
- iii) In terms of Section 16(2)(b) of the Overstrand Municipal Planning By-Law of 2015 for permanent departures applicable to the Group Housing erven, being:
  - a) to permit an external street building line of 3m in lieu of 5m required
  - b) to permit a 4m street building line for garages on the internal close
  - c) to permit minor building line encroachments pertaining to particular units being a 2m street building line for the proposed dwelling on Portion 5 and a 2m common boundary building line in lieu of 3m required on Portions 1 & 7 respectively;

- iv) In terms of Section 96 of the Overstrand Municipal Planning By-Law of 2015 for the approval of the names "Vergenoeg Street" and "Berghoek Close" as streetnames for the proposed development.

#### **Property Details**

##### **2.1 Property Description**

This application has bearing on Erf 1497, Vermont, Overstrand Municipality, Division Caledon, Western Cape Province. The property measures 1,1158ha, is held in Deed of Transfer T69625/2006 and is registered in the name of *Cristatus Investments 85 CC (2006/029350/23)*. A conveyancer certificate was not requested given that approval was granted in the past for the rezoning and subdivision of the property. It is evident that there are no conditions in the title deed which restricts the subdivision as proposed.

##### **2.2 Locality**

The subject property is located in Vermont near Hermanus. The erf has direct access onto Lynx Road opposite Malmok Street. Lynx Road leads up to the R43, the predominant trunk road in the region and the main access road to Hermanus direction east.

The area is characterised as a neighbourhood with predominantly large, freestanding erven, pockets of town houses and open spaces. Vermont is a well-known holiday destination. Various subdivisions have been approved in this particular area. A locality plan is attached as **Annexure 5**.

##### **2.3 Existing land use and zoning**

The property is currently zoned as Residential Zone 1 : Single Residential in terms of the Overstrand Zoning Scheme. The property is accordingly used for residential purposes and accommodates a dwelling house. The remainder of the property is covered with natural grass, shrubs and some trees and has no particular use. A more appropriate use is therefore also sought for the property in general.

#### 2.4 Physical characteristics

The property measures more than a hectare and accommodates the single dwelling located slightly south-west of the centre of this property. Apart from the dwelling and surrounding garden areas, the remainder of the property is in its natural state which comprises of natural grass, shrubs and small trees. The property is fairly flat with a gentle slope from west to east of not much more than 2m over a distance of slightly more than a 100 metres. The opinion is held that the property can relatively easily be developed without having any material impact on the character of the surrounding area.

#### Planning context

##### 3.1 Surrounding land uses

Erf 1497 is located in one of the newer extensions of Vermont. The neighbourhood does however already have a strong residential character being a popular weekend and holiday destination in the Overberg. A large percentage of the properties are being used as holiday homes and the area is characterised by larger dwellings. Town house erven are generally 350m<sup>2</sup> or larger and single residential erven in the region of 600m<sup>2</sup>.

As stated before, a number of subdivisions had been approved on some of the +/- 1 hectare residential erven located in the area and this is not deemed to have had a negative impact on the general character of the area. The particular property is one such property with the potential for further subdivision. This is a predominantly residential area and apart from open spaces, the only non-residential uses are the commercial properties located at the corners of the R43 / Lynx Road and the R43 / Vermont Avenue.

##### 3.2 Existing forward planning and policy frameworks

The Overstrand Spatial Development Framework is applicable to this area. The SDF is used as a guide for appropriate use of land within the boundaries of the Overstrand Municipality. Besides the SDF, the municipality has also adopted a strategy to deal with the principle of densification.

The subject property is located within the urban edge and densification is permitted with a minimum erf size of 600m<sup>2</sup> for Single Residential and 350m<sup>2</sup> for Town House

erven. The subdivision proposal complies with this criteria and provision was further made for the required public open space and public roads. The application is deemed to be consistent with the applicable forward planning policy and frameworks.

### 3.3 Legal aspects

Land Use applications are dealt with in accordance with the Land Use Planning Act (Act 3 of 2014) and consequent Municipal Planning By-Laws. Application is made in terms of Sections 16(2)(a) & (d) of the Overstrand Municipal Planning By-Law of 2015.

Land use applications are further measured against the principles of in particular Section 42 of the Spatial Planning and Land Use Management Act of 2013.

- a) The development proposal is not deemed to be inconsistent with relevant forward planning policies and objectives for the area and complies with the requirements for subdivision of land for the area concerned.
- b) The proposed subdivision will not have any negative impact on the welfare or well-being of the general public as the future use will remain residential and similar to surrounding land uses in the area.
- c) The facts and circumstances relevant to the application is duly stipulated in the application documents. The planning history of the property and related information to the property is clear and same applies to the objectives and motivation for the application.
- d) The application will have no material impact on the rights of property owners in the immediate area. Any obligations resulting from this application will rest with the municipality and the owner insofar as these have bearing on the processing of the application and fulfilment of requirements pertaining thereto.
- e) Approval was previously granted for the rezoning and subdivision of the subject property and the previous proposal was very much similar to what is again proposed. Albeit that rights weren't acted upon, it was apparent that existing infrastructure network could accommodate the development,



something which was reaffirmed with updated services reports.

The application was assessed against the applicable environmental legislation and does not appear to trigger any of the listed activities in terms of the National Environmental Management Act (Act 107/1998). Heritage Western Cape has previously authorised the development of the property. The department has on a previous occasion confirmed that there is no valid expiry date to Records of Decision pertaining to Notices of Intend to Develop and that, if the scope of a development has not changed, the previous NiD response still applies. This is definitely the case and hence the proposal complies with the National Heritage Resources Act (Act 25 of 1999).

#### 4. Development Proposal

Erf 1497, Vermont measures more than a hectare and given the general pattern of subdivision in the immediate area, it was deemed appropriate to consider a more optimal use. The objective has been to develop a proposal that caters for more than one residential type. The development will offer two residential types, the one being a typical town house approach with plot and plan options of pre-designed units on town house erven, the other the option to design an individual dwelling within prescribed architectural guidelines and parameters.

The development will comprise of 9 Single Residential erven of +/-600m<sup>2</sup> each and 7 Town House erven of +/-350m<sup>2</sup> each. These average erf sizes are compatible with those found in the area and will allow for the development of houses of similar size and quality of the ones found in the area. A centrally located Public Open Space is also being provided. It is unclear whether the property to the south (Erf 1446) will be developed in the near future and this influenced the access arrangements opposite Malmok Street. Provision is however made for future access to this property and Erf 1496 located to the west.

The development proposal was formulated by taking into account amongst others the following:

- i) Site specific characteristics e.g. the natural slope of the land
- ii) Access configurations
- iii) Engineering services



- iv) Technical requirements e.g compliance with development parameters
- v) Impact on surrounding land uses

The principle of appropriate densification is being applied and was carried through with the planning and design. It is important that the development has its own unique character and sense of place. It is essential to create healthy, safe, and pleasant environments for urban living at higher densities, in order to promote efficient urban development, manage the pressure of urban growth and reduce urban sprawl.

The application involves minor encroachments of the building lines pertaining to Grouphousing developments. A 3m common boundary building line applies on the periphery of such a scheme, but Portions 1 – 4 of the proposed complex borders onto an external road at the back. The developer intends to build dwellings of similar size and quality to the ones found in the immediate area. Albeit that the erven is of the required size, it is very difficult to accommodate larger dwellings where erven is faced with a street building line both front and back. The opinion is held that a 3m building line would not have a material impact and that the area at large will in fact benefit from the proposed uniform street frontage i.t.o architectural design / aesthetics. The other building line departures sought is internal by nature and would not affect anyone outside the development. This involves a relaxation of the common boundaries adjacent to a proposed public open space and new residential unit from 3m to 2m as well as a minor relaxation of the internal street building line pertaining to the proposed Close. The opinion is held that these departures will have no material impact on anyone outside of the proposed development and is in line with similar departures being supported by the local planning office in the past.

#### 4.1 Socio - Economic Impact

Socio-economic impact assessment focuses on evaluating the impacts of development on communities' social and economic well-being. It is recognised that Vermont is a predominantly holiday destination and like many other coastal towns in the area, a popular place to retire. As such, there is a demand for housing and it is also important to offer some variety. The development proposal is in line with the general character of the area and as such, it is believed that the application will have little impact on the general social behaviour. The redevelopment of this property will have a positive economic impact insofar as it will generate employment opportunities during in particular the construction phase whilst the municipality will benefit by

raising much needed development contributions to sustain bulk infrastructure and expanding their future tax basis. This will be achieved without having an adverse affect on the overall social and economic well-being of residents in the area and it is therefore apparent that the social and economic benefits of the proposed development are evenly balanced.

#### **4.2 Safety, health and well-being of surrounding community**

The subject property is located within an established residential area. The proposed development will be done in a manner which will ensure that it does not negatively impact on the safety, health or general well-being of the surrounding community. The development proposal adheres to the necessary development setbacks where it borders onto existing developed properties.

#### **4.5 Consistency w.r.t surrounding land uses**

The proposed land use is similar to the existing land uses in the area concerned. It was previously mentioned that appropriate densification is already taking place in the area in the form of other subdivisions. Erf sizes are determined by the applicable policies and these subdivisions have proven to not have a negative impact on the overall character of the area. The proposed subdivision of Erf 1497 too will be consistent with surrounding land uses.

Subdivision proposals should generally be evaluated based on the appropriateness thereof in a specific context and whether a subdivision can actually physically be accommodated on-site with due cognisance of existing buildings, established trees and building lines. There is little doubt that the subject property is a good example where subdivision can be supported and the property has exactly those attributes required to entertain the subdivision as proposed. The proposed shapes and sizes of the newly created erven is adequate to allow for the development of dwellings of an appropriate size of similar quality and value to the ones found in the area.

#### **4.6 Traffic and Parking**

The property is located in Lynx Road and access will be gained opposite Malmok Street. This is the same access position and essentially a very similar layout to what was previously approved. The existing road infrastructure is fairly good and serves a

low density neighbourhood. Provision is made as previously required for the future development of Erf 1496 west of the subject property.

The proposed development is not believed to have a material impact on the road network. Dwellings, including those on the General Residential erven, can be set back sufficiently to allow for the required on-site parking. No problems are foreseen i.t.o either traffic or on-site parking.

#### **4.7 Engineering Services**

Services reports were obtained from GLS Consulting Engineers as well as Thys van Rooyen Consulting Engineers. The general opinion is that there is sufficient capacity, but that the the sewage system is under pressure and that certain upgrades will be required. This matter must be dealt with in more depth as the developer will be responsible for the payment of development contributions whilst the upgrades required will also assist / free up potential for more development. An agreement could therefore be reached in terms of installing the necessary bulk services. The services reports are attached as **Annexure 9**.

#### **4.8 Heritage Impact**

The property has not heritage significance. Heritage Western Cape authorised the development of the property previously. As stated, the said department had on a previous occasion confirmed that, provided the scope of a development remains more or less the same, a previously issued Record of Decision for a Notice of Intend to develop does not lapse. The application is therefore not believed to again trigger any of the listed activities in terms of the National Heritage Resources Act.

#### **4.9 Environmental Impact**

The subject property is considered natural infill development and is bordered on both sides by residential uses. This application was assessed against the latest environmental legislation and does not appear to trigger any of the listed activities issued in terms of the National Environmental Management Act (Act 107/1998).

5. **Conclusion**

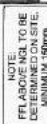
The redevelopment of this property is planned for some time now and was placed on hold as a result of a slow down in the property market at the time. It is however apparent that this property is not being used to it's potential and allows an ideal opportunity to apply the principles of appropriate densification without having any negative impact on surrounding properties.

The development proposal is believed to be consistent with the objectives of the applicable forward planning policy and objectives for the area. The proposal is very similar to a layout previously approved and deemed to comply with the technical requirements for subdivision. It is believed that the development of this property will be beneficial to the area in general and it is trusted that the application will receive the necessary support.

Annexure C 1/4

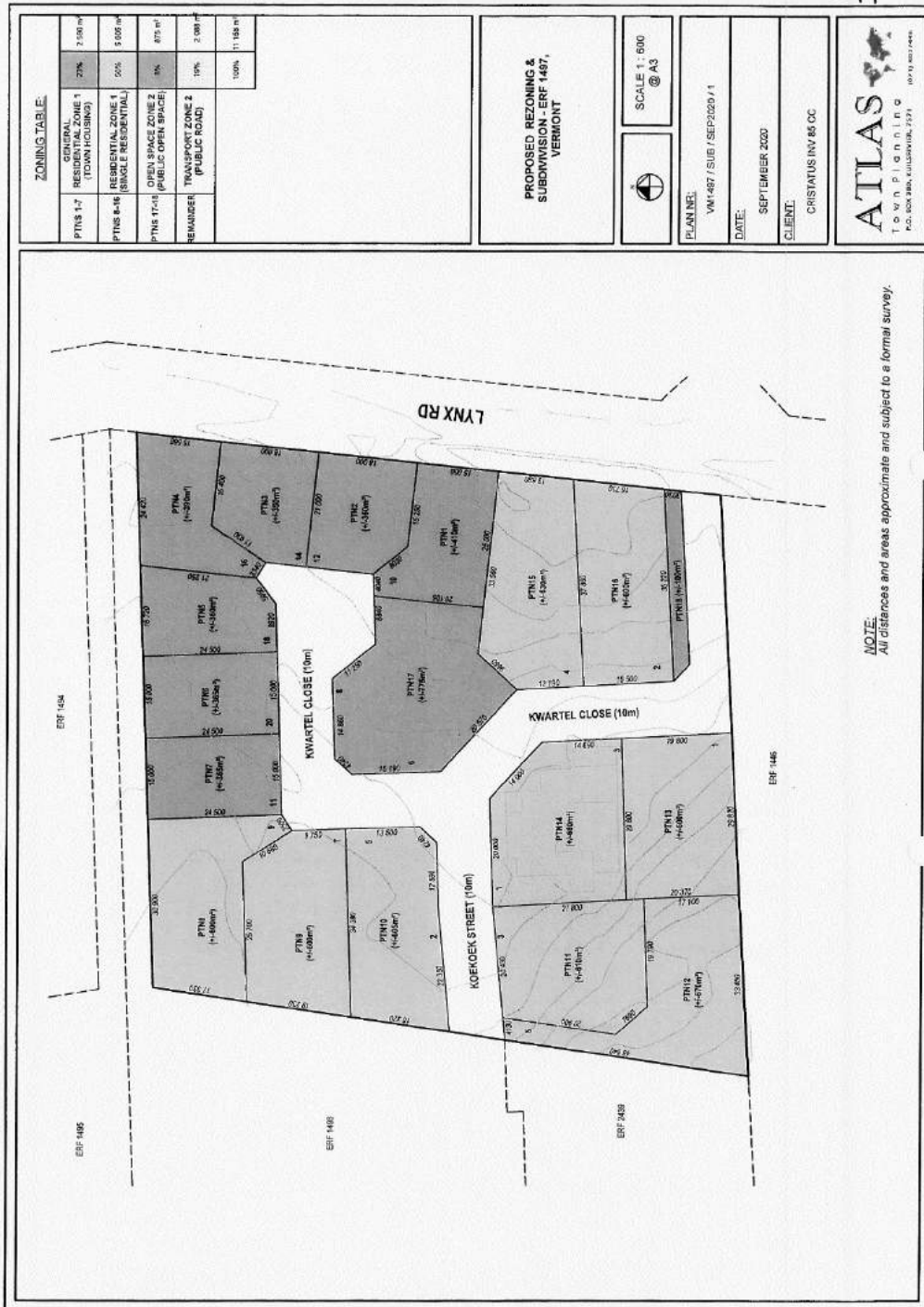


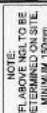
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3/4







Annexure D 1/2



PO BOX 142, ONRUSRIVIER. 7201  
9 March 2020

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

Dear Sir

ERF 1497.LYNX ROAD, VERMONT, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REZONING, SUBDIVISION AND APPROVAL OF STREET NAMES: ATLAS TOWN PLANNING (obo CHRISTATUS INVESTMENTS 85CC)

I refer to your municipal notice 1497/HVM dated 4 March 2020 as well as the motivational report and plans submitted.

A precedent for such developments in this area has already been established. The application is well motivated. There appears to be no reason for this application not to be considered favourably. The proposed street names "Vergenoeg" and "Berghoek" are not in keeping with animal, bird and tree name themes currently used in this area.

Yours faithfully

Duncan H.W. Heard  
Chairperson: VREA

|                  |         |
|------------------|---------|
| FILE NO:         | OF 1497 |
|                  | Vernant |
| SCAN NO:         |         |
|                  | 55      |
| COLLABORATOR NO: | 1413082 |
|                  |         |

2/2

**From:** "petro.steere" <petro.steere@ymail.com>  
**To:** <magdaleenswart@overstrand.gov.za>  
**Date:** 2020/07/27 07:13 AM  
**Subject:** FW: Re: Erf 1497, Lynx Road, Vermont

Sent from my Samsung Galaxy smartphone.

----- Original message -----  
**From:** Petro Steere <petro.steere@ymail.com> **Date:** 2020/07/25 07:13 (GMT+02:00)  
**To:** Peter Steere <peter@africantrade.co.za> **Subject:** Re: Erf 1497, Lynx Road, Vermont  
 Dear Magdaleen-Herewith I want to lodge my objection with regard to the subdivision of erf1497. My objection lies with erven 1 - 7. There are only 2 developments in this area with clusters of erven smaller than 600m2. I request that these erven be reduced in number and increased to a size of at least 600m2. In keeping with the rest of the area. Regards Petro  
 Sent from my iPad On 22 Jun 2020, at 3:45 PM, magdaleen swart <magdaleenswart@overstrand.gov.za> wrote:

Dear Sir / Madam  
 The above application refers. Notices were sent to the adjacent property owners on 4 March 2020. The closing date for public comment/objection was 9 April 2020. In terms of Sections 48 and 49 of the Overstrand By-Law on Municipal Land Use Planning, 2015, amongst others, allows for a period of not less than 30 days from the date of which notice was given for the submission of comments/objections. Due to the National Lock-down instituted by our National Government on 26 March 2020 the regulations as stipulated in Sections 48 and 49 of the said By-Law could not be adhered to. In view of the aforesaid, you are hereby requested to provide your written consent. Kindly note that a copy of the site development plan must also be signed. Kindly provide our offices with the signed consent letter(s) and site development plan(s) on or before 31 July 2020.  
 Kind Regards / Vriendelike Groete  
 Magdaleen Swart  
 Senior Clerk - Townplanning  
 Overstrand Municipality  
 T: 028 313 8088 | E: magdaleenswart@overstrand.gov.za

<IMAGE.jpg>

Overstrand Municipality

A: 1 Magnolia Street, Hermanus, 7200 | P: P.O Box 20, Hermanus, 7200

T: +27 (0) 28 313 8000 | F: +27 (0) 28 312 1894

E: enquiries@overstrand.gov.za | W: www.overstrand.gov.za

10 September 2020

Overstrand Municipality

P.O. Box 20

HERMANUS

7200

COLLABORATOR NO:

1456535

TP. O. / heart  
(H. Olivier)

Annexure E 1/4



ATLAS

Town Planning

Koos Olivier : 083 446 0762

• Rezoning & Subdivisions  
• Land Use DeparturesP.O. Box 390  
HERMANUS  
7575• Consent Uses  
• Site Development PlansTel : 021 801 7445  
Fax : 026 868 5601  
E-mail: koos@atlasplanning.co.za

Attention: Mr H Olivier / Ms L Gillion

**APPLICATION FOR REZONING & SUBDIVISION – ERF 1497, VERMONT**

Your department's e-mail dated 13 August 2020 refers. Comments were received from the "Vermont Ratepayers & Environmental Association" and Ms Petro Steere.

It is noted that the Ratepayers Association supports the application, but recommend that alternative street names be considered with special reference to animal, bird and tree names more common to the area. It should be noted that the initial names proposed was discussed with the relevant department and deemed to be appropriate at the time. Notwithstanding this, the developer is willing to accommodate the request by the Ratepayers Association and has provided the office with alternative street names. The use of the names "Kwartel Close" and "Kiewiet Street" is proposed as alternatives and the plans amended accordingly. It was confirmed by the relevant department that these names are not in use anywhere else in the Vermont area. The changing of these names are viewed as a direct response to the comments received following the advertising and hence the developer is willing to agree to this, provided the application is not advertised again as a result of this.

The objection of Ms Steere referring to the proposal to include group / cluster housing is however not deemed valid. It should be noted that this application is very much similar to a previously approved layout and in keeping with forward planning policy for the area. As was rightfully stated in the objection that there are examples of similar type developments in the area. It is also not a gated complex. The development proposal provides for for a mix of single residential and group housing opportunities, the latter with proposed erf sizes ranging from 350m<sup>2</sup> to 410m<sup>2</sup> and is accordance with the policy. These erven is fair sized and can easily accommodate dwellings of similar size and value offered in the area. By including some group housing, it allows for some variety in the product offering within the development. It should be kept in mind that Vermont is essentially a holiday destination

10 SEP 2020 TP

The opinion is held that the application complies with necessary requirements. It is therefore trusted the objection will be dismissed and that the application will therefore enjoy the necessary support.

Your's truly

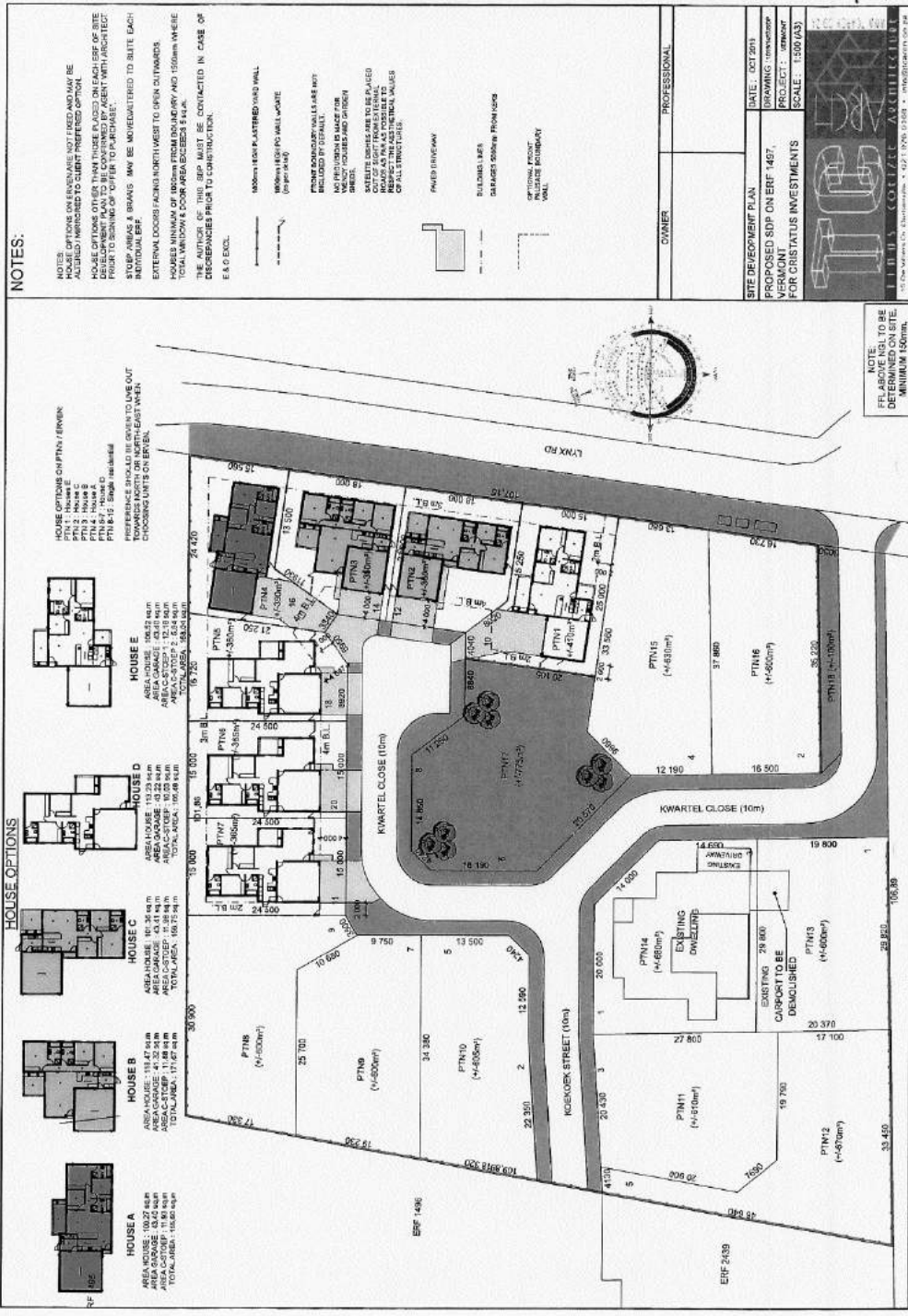
A handwritten signature in black ink, appearing to be 'Koos Olivier', written over a circular stamp or seal.

Koos Olivier  
ATLAS TOWN PLANNING





414



Annexure F 1/5

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR REZONING, SUBDIVISION, DEPARTURE & APPROVAL OF  
STREET NAMES: ERF 1497, VERMONT (3239/2019)**

Stormwater (SW) : According to the master plan by the Developer  
Electricity : Escom  
Water : According to GLS Report  
Sewer : According to GLS Report  
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 containing Sectional Title Units/ Commercial Buildings**  
(non-free standing properties – property is not to be subdivided)

The BICLs are to be paid in full **prior** to submission of the building plans. Building Plans will not be accepted unless the BICL is paid in full.

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

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

The contribution according to the current policy (2020/2021) is as follows:

**Freehold erven:**

|                                 |                          |                       |
|---------------------------------|--------------------------|-----------------------|
| Water                           | R 23 957.00 x 13.6=      | R 325 815.20          |
| Sewerage                        | R 16 153.00 x 13.6=      | R 219 680.80          |
| Roads                           | R 7 243.00 x 15=         | R 108 645.00          |
| Stormwater                      | R 8 357.00 x -3.211666 = | -R 26 839.89          |
| Solid Waste                     | R 1 448.00 x 15 =        | <u>R 21 720.00</u>    |
| <b>TOTAL (inclusive of VAT)</b> |                          | <b>= R 649 021.11</b> |

Note:

- 1.3 The above figures are estimates**
- 1.4 The above figures do not include connection fees**
2. that the developer at his cost constructs the internal municipal civil and electrical services for the development as well as any link or bulk municipal services that need to be provided;

- 2.1 the Director: Infrastructure and Planning may require the developer to construct internal, link, and/or bulk municipal services to a higher capacity than warranted by the development for purposes of allowing other existing or future developments to also utilise such services, provided:
- 2.2 the rates and prices of such work be established in terms of a system which is fair, equitable, transparent and cost effective;
- 2.3 if link municipal services have already been provided, the developer to contribute towards the cost thereof, the Director: Infrastructure and Planning to determine the amount of such contribution in terms of a system which is fair and equitable;
- 3. that servitudes for municipal services be registered in favour of the Council at the developer's cost in respect of all main services to be taken over by the Council and all existing municipal services concerned crossing private property;
- 4. that the developer indemnifies and keep the Council indemnified against all actions, proceedings, claims and demands, costs, damages and expenses arising out of the establishment of the township, the provision of services to the township or the use of servitude areas or municipal property:
  - 4.1 for a period which shall commence on the date that the installation of the services to the township are commenced with and shall expire after completion of the maintenance period;
  - 4.2 the developer to submit an acceptable public liability insurance policy to the Council and to pay the premium in advance for the period as set out above before any work concerned may commence;
  - 4.3 the insurance to be to an amount which shall not be less than that required by the SAACE;
  - 4.4 such indemnification against loss, claims or damages, to include claims pertaining to consequential damages by third parties and whether as a result of the damage to or interruption of or interference with the Council's services or apparatus or otherwise;
- 5. that a plan of all existing services be submitted to the Director: Infrastructure and Planning, by the developer and that any of the services that need to be relocated, be done by the developer at his cost to the satisfaction of the Director: Infrastructure and Planning:
  - 5.1 way-leaves must be obtained from the Operational Manager;
  - 5.2 such way-leaves to be obtained prior to any excavation on public property or property where existing services are located;



6. that the developer may enter into an agreement with the Council to install or upgrade bulk and/or link municipal services and amenities at an agreed cost, subject to the following:
  - 6.1 such costs to be established in accordance with a system which is fair, equitable, transparent, competitive and cost effective;
  - 6.2 such costs shall be set-off against (part or full) development contributions payable in respect of engineering services;
  - 6.3 to the extent that such costs exceed the development contributions payable, the Council will refund the developer the difference with interest calculated at the prime rate, when funds are available;
7. that plans of all the internal municipal civil and electrical (high and low voltage supply) services and such link services as required by the Director: Infrastructure and Planning, prepared by an ECSA registered professional engineer/technologist, be submitted to the Director: Infrastructure and Planning for his prior approval;
8. the "Guidelines for the Provision of Engineering Services in Residential Townships" (Blue Book), 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 Director: Infrastructure and Planning to be notified in writing of all deviations from the Standard Design and Construction Criteria when plans are submitted for his approval and such deviations to be separately approved in writing by the Director: Infrastructure and Planning;
10. the successful completion of such works to be supervised and certified by an independent professional civil engineer/technologist i.e. a professional civil engineer/technologist who has no direct financial interest in the development, other than payment as standard professional fees for the work concerned; and
11. such independent professional civil engineer/technologist to furnish the Director: Infrastructure and Planning with satisfactory proof of his professional indemnity insurance to an amount which shall not be less than that required by the 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 refuse will be removed from sidewalks as per municipal arrangements;
15. that a stormwater management plan, which may include attenuation facilities to ensure that the pre-development run-off is not exceeded and that erosion and pollution is minimised, be submitted to the Director: Infrastructure and Planning for approval and that the approved management plan be implemented by the developer at his cost to the satisfaction of the Director: Infrastructure and Planning;
16. that the above stormwater management plan include the following:
  - 16.1 pre-development run-off from the catchment area;
  - 16.2 post-development run-off from catchment area;
  - 16.3 existing stormwater reticulation system and the capacity thereof;
  - 16.4 connection of internal stormwater reticulation system;
  - 16.5 overland escape routes;
17. that the connection to the stormwater reticulation system be provided according to the stormwater management plan, by the developer at his cost and approved by Overstrand Municipality;
18. that the existing water connection to Erf 1497 shall be used to service the proposed Erf 1497;
19. that the developer apply for a temporary water connection on the prescribed application form at Overstrand Municipality's Finance Department, before commencement of construction;
20. that the connection to the main water line will only be done by the Operational Department after payment of the connection fee, by the developer;
21. that all erven must be provided with individual sewer (interceptor) conservancy tanks and the developer must install a sewer line that connects to the Municipal system. The sewer system must comply with the standards of the Department: Operational Services (Hermanus) and an application must be made to the Senior Manager: Engineering Services for written approval;
22. 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;
23. that any additional cost related to the upgrading of bulk civil services will be for the developer's account;

24. that the access to the proposed development can be obtained via the, proposed access from Lynx Road;
25. that on-site parking facilities be provided as per the Planning Schedule, and to the satisfaction of the Department: Operational Services;
26. that any additional and / or extended vehicle entrances will be for the developer's account;
27. 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 Area Manager: Hermanus for written approval;
28. that damage to the existing roads, used as routes for access to the development, for the provision of services, be repaired by the developer.

  
DENNIS HENDRIKS  
SENIOR MANAGER:  
ENGINEERING SERVICES

  
DATE

Annexure G 1/2  
TP- A Theart  
(H Olivier)



Department of Environmental Affairs and Development Planning

Bernadette Osborne

Development Management: Region 1

[Bernadette.Osborne@westerncape.gov.za](mailto:Bernadette.Osborne@westerncape.gov.za) | Tel: 021 483 3679

REFERENCE: 16/3/3/6/1/E2/40/1062/21  
DATE OF ISSUE: 16/4/2021

Mr Nardus Basson  
Guillaume Nel Environmental Consultants  
PO Box 2632  
PAARL  
7620

|                  |               |
|------------------|---------------|
| FILE NO:         | EL 1497-HVM ✓ |
| SCAN NO:         |               |
| COLLABORATOR NO: | 1530003       |

Tel: (021) 870 1874

E-mail: [intern1@gnec.co.za](mailto:intern1@gnec.co.za)

Dear Sir

**THE APPLICABILITY OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) ("NEMA") ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014: THE PROPOSED DEVELOPMENT OF SINGLE RESIDENTIAL UNITS ON ERF NO. 1497, VERMONT.**

1. The electronic copy of the abovementioned document received by the Department on 12 March 2021 and the additional information received electronically on 8 April 2021, refer.
2. Following the review of the information submitted to this Department, the following is noted:
  - The proposal entails development of single residential units on Erf No. 1497, Vermont.
  - The proposed single residential units will consist of 9 erven as Residential Zone 1 and 8 erven as Residential Zone 2.
  - The proposed development will have a development footprint of 8940m<sup>2</sup>.
  - An Environmental Authorisation ("EA") was issued on 5 January 2009 to develop 9 erven as Residential Zone 1 and 8 erven as Residential Zone 2. The EA was valid for two years and lapsed on 5 January 2011. The authorised erven were never developed on the site.
  - An existing house and access are present on the site.
  - The site is bordered by the Hoek van die Berg Private Nature Reserve which is a Protected Area.
  - No indigenous vegetation remains on the site.
  - No watercourses are present on the site or within 32m of the site.
  - The site is zoned Residential 1 and is located inside the urban area of Vermont.
3. Your attention is therefore drawn to the listed activities in terms of the NEMA EIA Regulations, 2014 as defined in Listing Notices 1, 2 and 3. Please be advised that based on the information provided, the proposed development does not constitute any listed activities as defined in the NEMA EIA Regulations, 2014. Environmental Authorisation is therefore not required from this Department prior to the proposed development of single residential units on Erf No. 1497, Vermont.

TP  
16 APR 2021

[www.westerncape.gov.za](http://www.westerncape.gov.za)  
Department of Environmental Affairs and Development Planning

4. The above is based on the following:
  - No indigenous vegetation remains on the site.
  - No watercourses are present on the site or within 32m of the site.
  - The site is zoned Residential 1 and is located inside the urban area of Vermont.
5. However, should any revision of the proposed development on the said erf 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.
6. The applicant must comply with any other statutory requirements that may be applicable to the development.
7. 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.”*
8. This Department reserves the right to revise its initial comments and request further information from you based on any new or revised information received.

Your interest in the future of our environment is greatly appreciated.

Yours faithfully

**Andrea**  
Digitally signed by  
 Andrea Thomas  
 Date: 2021.04.16  
 14:25:35 +02'00'  
**Thomas**

**per HEAD OF COMPONENT**

**ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 1**

**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

Cc: (1) Ms Evonell Visagie (Guillaume Nel Environmental Consultants)

(2) Mr S Muller (Overstrand Municipality)

E-mail: [eg@gnec.co.za](mailto:eg@gnec.co.za)

E-mail: [lorella@overstrand.gov.za](mailto:lorella@overstrand.gov.za)





## HERITAGE AND AESTHETICS COMMITTEE

Annexure H

## MINUTES OF MEETING

**Date:** Thursday - 12 MARCH 2020**Time:** 14h00 – 15h30**Members present**

Ms K. Smuts (Chairman)

Mr N. Clark (Vice-chair)

Mr A. Greeff

Mr J Simson

Mr C. Roux

Mr L. Smith

Mrs L. Fick

Mr B. Jones

**In Attendance:**

Gerrit Coetzee (Principal Technician) &amp; Elizabeth Lowings (Principal Clerk)

**6.3 HERMANUS : VERMONT : ERF 1497 : LYNX ROAD : CHRISTATUS INVESTMENTS85 CC : PROPOSED SUBDIVISION, DEPARTURE AND APPROVAL OF STREET NAMES (T/P APPLICATION)**

DISCUSSED

**Comment:**

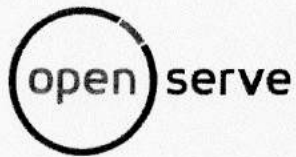
Drawing No's VM1497/SUB/NOV 2019/1 &amp; 1019/1497/SDP scrutinized. Proposed subdivision, departure &amp; approval of street names supported.

**Action:**

Submit to Heritage Western Cape.

**NEXT MEETINGS:****16<sup>TH</sup> APRIL & 14<sup>TH</sup> MAY & 11<sup>TH</sup> JUNE 2020**

Annexure I r/4



Division of Telkom SA SOC Ltd

10 Jan Smuts Drive  
Pinelands  
7404

Wayleave Office Western Region

Tel: 021 414 5707

Email: WayleavesWR@telkom.co.za

Our Ref.: WWIP\_WONR1121\_20

Your Ref.: Erf 1497, Lynx Rd, Vermont

21 March 2020

Attention: Loriaan Isaacs

Overstrand Municipality  
Hermanus

PLANT AFFECTED – COPPER & OPTIC FIBRE:

**APPLICATION FOR OPENSERVE WAYLEAVE:** APPLICATION FOR REZONING, SUBDIVISION, DEPARTURE AND APPROVAL OF STREET NAMES: ATLAS TOWN PLANNING (obo CHRISTATUS INVESTMENTS 85 CC).

With reference to your application received **04 March 2020**.

**As important cables and other infrastructure are affected, please contact our representative Frederik Swart 028 514 1199/ 081 363 7815/ FrederikS@openserve.co.za 48 hours prior to commencement of construction work.**

I hereby inform you that Openserve approves the proposed work indicated on your drawing in principle. This approval is valid for **12 MONTHS ONLY**, after which reapplication must be made if the work has not been completed.

Any changes or deviations from the original planning during or prior to construction must immediately be communicated to this office.

Approval is granted, subject to the following conditions.

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



As per sketch attached, Openserve infrastructure WILL BE AFFECTED, consequently the conditions below and on the attached legend will apply.

Telecommunication services position is shown as accurately as possible but should be regarded as approximate only.

Should alterations or relocation of existing infrastructure be required, such work will be done at the request and cost of the applicant.

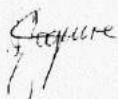
Please notify this office within 21 working days from this letter of acceptance and if any alternative proposal is available or if a recoverable work should commence.

It would be appreciated if this office can be notified within 30 days of completion of the construction work. Confirmation is required on completion of construction as per agreed requirements.

Should Openserve infrastructure be damaged while work is undertaken, kindly contact our representative immediately.

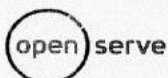
All Openserve rights remain reserved.

Yours faithfully  
Dorothy Jaquire



---

For Selwyn Bowers  
Operations Manager  
Wayleave Management: Western Region



This wayleave, Reference Number **WWIP WONR1121\_20** is valid for 12 months from date here of and is subject to the following conditions:

1. No mechanical plant or vibrator type compactors may be used within three metres of any Open Serve plant ( I.E. any Telecommunication equipment above or below ground level ).
2. The position of our plant affected by the proposal is indicated as approximate approximate and **Frederik Swart** at telephone number **081 363 7815** email address : **FrederikS@openserve.co.za** must be contacted at least 48 hours prior to commencement of the work, upon which the actual location of Open Serve Plant will be indicated on site.
3. A written request must be submitted to Open Serve for consideration should the applicant require our plant to be relocated. The cost of such relocation will be recoverable from the applicant.
4. It is the responsibility of the applicant to verify the existence of the indicated plant and to notify Open Serve immediately should the applicant locate any Open Serve plant which is not indicated on the plans.
5. Should the applicant expose any Open Serve plant, the safeguard thereof will be the applicant's full responsibility.
6. Failing to comply with the above conditions or any special conditions addendum hereto will be regarded as gross negligence and the applicant will be held responsible for the damage or loss as a result thereof.

Date: 21 March 2020

Wayleave Management  
Western Cape

| Legend                               |  |
|--------------------------------------|--|
| 1. Underground Pipe                  |  |
| 2. Underground Cable                 |  |
| 3. Manhole                           |  |
| 4. Street Distributio Cabinet (SDC ) |  |
| 5. Jointing Pit / A/B                |  |
| 6. Jointing Pillar ( PJ )            |  |
| 7. Pipe Junction Box ( B/S )         |  |
| 8. Robot Control                     |  |
| 9. Pole                              |  |
| 10. Stay                             |  |
| 11. Strut                            |  |
| 12. Aerial Cable ( A/C )             |  |

The pipeline indicated contains **OPTIC FIBRE** cables.  
**Frederik Swart** at telephone **028 514 1199/ 081 363 7815/**  
**FrederikS@openserve.co.za** must be contacted at least 48 hours  
before commencement of work.



Annexure J 1/4



Overstrand Municipality

Date: 2020/03/24

Loretta@overstrand.gov.za

Enquiries:

WayleavesWesternOU@eskom.co.za

**WAYLEAVE APPLICATION:**REZONING AND SUBDIVISION, DEPARTURE : LYNX ROAD,  
VERMONT : Hermanus

YOUR REF: 1497 HVM (3239/2019)

ESKOM REF: 00706-20

**THIS IS NOT AN APPROVAL TO START CONSTRUCTION**

I hereby inform you that Eskom has no objection to the proposed work indicated on your drawing in principle. This approval is valid for **12 months** only, after which reapplication must be made if the work has not been completed.

**1. Eskom services are affected by your proposed works and the following must be noted:.**

- a) Eskom has no objection to the proposed work and include a drawing indicating Eskom 11kV/LV underground services in close proximity.
- b) Please note that underground services indicated are only approximate and the onus is on the applicant to verify its location.
- c) There may be LV overhead services / connections not indicated on this drawing.
- d) The successful contractor must apply for the necessary agreement forms and additional cable information not indicated on included drawing, in order to start construction.

Application for Working Permit must be made to:

Customer Network Centre: Caledon

Dirk Swart

028 214 5710

SwartDi@eskom.co.za

**Include Eskom Wayleave as-built drawings and all documentation, when applying for Working Permit.**

Should it be necessary to move, relocate or support any existing services for possible future needs, it will be at the developer's cost. Application for relocating services must be made to Sabelo Potela on 084 745 8990 / PotelaS@eskom.co.za.

Distribution Division - Western Region [Land Development]  
Western Region  
Eskom Road Brackenfell 7560 PO Box 222 Brackenfell 7561 SA  
Tel +27 86 003 7566 www.eskom.co.za  
Eskom Holdings SOC Limited Reg No 2002/015527/30

## 2. Underground Services

The following conditions to be adhered to at all times:

- a) Works will be carried out as indicated on plans.
- b) No mechanical plant to be used within 3.0m of Eskom underground cables.
- c) All services to be verified on site.
- d) Cross trenches to be dug by hand to locate all underground services before construction work commences.
- e) If Eskom underground services cannot be located or is grossly misplaced from where the wayleave plan indicates, then all work is to be stopped and Graham Hector from the Land Development Office to be contacted on 021 980 3551 / HectorG@eskom.co.za, to arrange the capturing of such services.
- f) In cases where proposed services run parallel with existing underground power cables the greatest separation as possible should be maintained with a minimum of 1000mm.
- g) Where proposed services cross underground power cables the separation should be a minimum of 300mm with protection between services and power cables. (Preferably a concrete slab)
- h) No manholes; catch- pits or any structure to be built on top of existing underground services.
- i) Only walk-behind (2 ton Bomac type) compactors to be used when compacting on top of and 1 metre either side of underground cables.
- j) If underground services cannot be located then the Customer Network Centre (CNC) should be consulted before commencement of any work.

## 3. O.H. Line Services:

- a) The following building and tree restriction on either side of centre line of overhead power line must be observed:

| Voltage   | Building restriction either side of centre line |
|-----------|---|
| 11 / 22kV | 9.0 m   |
| 66kV      | 11.0 m  |
| 132kV     | 15.5 m  |

- b) No construction work may be executed closer than **6 (SIX) metres** from any Eskom structure or structure-supporting mechanism.
- c) No work or no machinery nearer than the following distances from the conductors:

| Voltage   | Not closer than: |
|-----------|------------------|
| 11 / 22kV | 3.0 m            |
| 66kV      | 3.2 m            |
| 132kV     | 3.8 m            |

- d) Natural ground level must be maintained within Eskom reserve areas and servitudes.
- e) That a minimum ground clearance of the overhead power line must be maintained to the following clearances:

| Voltage   | Safety clearance above road: |
|-----------|------------------------------|
| 11 / 22kV | 6.3 m                        |
| 66kV      | 6.9 m                        |
| 132kV     | 7.5 m                        |

- f) That existing Eskom power lines and infrastructure are acknowledged as established infrastructure on the properties and any rerouting or relocation would be for the cost of the applicant/developer.
- g) That Eskom rights or servitudes, including agreements with any of the landowners, obtained for the operation and maintenance of these existing power lines and infrastructure be acknowledged and honoured throughout its lifecycle which include, but are not limited to:
  - i. Having 24 hour access to its infrastructure according to the rights mentioned in (a) above,



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- ii. To perform maintenance (structural as well as servitude – vegetation management) on its infrastructure according to its maintenance programmes and schedules,
- iii. To upgrade or refurbish its existing power lines and infrastructure as determined by Eskom,
- iv. To perform any other activity not listed above to ensure the safe operation and maintenance of the Eskom power lines or infrastructure.
- h) Eskom must have at least a 10m obstruction free zone around all pylons (not just a 10m radius from the centre).
- i) Eskom shall not be liable for the death or injury of any person, or for loss of or damage to any property, whether as a result of the encroachment or use of the area where Eskom has its services, by the applicant, his/her agent, contractors, employees, successors in title and assignee.
- j) The applicant indemnifies Eskom against loss, claims or damages, including claims pertaining to interference with Eskom services, apparatus or otherwise.
- k) Eskom shall at all times have unobstructed access to and egress from its services.
- l) Any development which necessitates the relocation of Eskom's services will be to the account of the developer.
- m) Lungile Motsisi, Eskom: Transmission must be contacted on 011 800 5734 to comment on behalf of the 400 kV OVERHEAD POWERLINES, NO WORK WITIN THIS SERVITUDE OR UNDERNEATH POWERLINES IS ALLOWED until comment from Eskom Transmission has been obtained.

#### 4. NOTE

Wayleaves, Indemnity form (working permit) and all as-built drawings issued by Eskom to be kept on site at all times during construction period.

Yours faithfully

LAND DEVELOPMENT (BRACKENFELL)





Annexure K

|                 |                      |
|-----------------|----------------------|
| File reference: | 1497 HVM (3239/2019) |
| Date:           | 4 March 2020         |



## INTERNAL MEMORANDUM

|              |                            |
|--------------|----------------------------|
| From         | : Town Planning Department |
| Town Planner | : Henk Olivier             |

TO:

|                              |                            |   |                                 |
|------------------------------|----------------------------|---|---------------------------------|
| <u>Area Manager</u>          | <u>Building Department</u> | <u>District Health</u>                  | <u>Electrical Department</u>    |
| <u>Environmental Officer</u> | <u>Fire Department</u>     | <u>Infrastructure and Planning</u>      | <u>Local Heritage Committee</u> |
| <u>Operational Services</u>  | Traffic Department         | <u>Ward Councillor (Cllr. J. Orban)</u> | <u>Waste Management</u>         |

|                         |   |
|-------------------------|---|
| Applicant               | ATLAS TOWN PLANNING (obo CHRISTATUS INVESTMENTS 85 CC)                        |
| Property Details        | ERF 1497, LYNX ROAD, VERMONT  |
| Application Description | APPLICATION FOR REZONING, SUBDIVISION, DEPARTURE AND APPROVAL OF STREET NAMES |

## ATTACHMENTS :

|    |                       |   |
|----|-----------------------|---|
| 1. | Notice                | Should the information be insufficient for you to make an informative comment, please list any additional documentation that you would require to make informed comments. |
| 2. | Locality Plan         |   |
| 3. | Motivation            |   |
| 4. | Site Development Plan |   |

## YOUR DEPARTMENT'S COMMENTS:

|   |                          |
|---|--------------------------|
| The fire department have no objection provides that the structure complied to the National Fire Protection Regulations SANS 10400-T and the By-Law relating Community Fire Safety |                          |
| (Compliance to 4.35 Hydrants)   |                          |
| Signature: <u>E. Solomons</u>   | Date: <u>11 MAR 2020</u> |

**ASSISTANT CHIEF**  
**Enrico Solomons**  
 20 May 20 Tel: 024 313 8529  
 HERMANUS 7501 Fax: 024 243 1593

Please provide your comments (with specific reference to any conditions of approval that should be imposed) in the space provided above or in a separate Memo by not later than the date stipulated below. If you require an extension of time for submission of comments, kindly request this in writing. Should no comments be received, it will be assumed that you have no objection to the proposal and where appropriate, the Mayoral Committee will be informed accordingly.

- Building Control Department to confirm that all structures on the properties are in accordance with the approved building plans.

COMMENTS REQUIRED BY: 9 April 2020

Annexure L

p.18

15 May 06 16:19

Overplan

0865835635

FROM: ACPH

FAC ID: 1 9224612735

Jul. 22 2008 6:33PM P1



Our Ref: HW/CALEDON DISTRICT/VERMONT/ErF 1497

Enquiries: Celeste Booth  
Tel: 021 483 9685  
E-mail: [Cbooth@pgwc.gov.za](mailto:Cbooth@pgwc.gov.za)

23 June 2008

Mr J. Kaplan  
PO Box 159  
Riebeeck West  
7306

**REQUEST EXEMPTION FROM HAVING TO UNDERTAKE A PHASE 1  
ARCHAEOLOGICAL IMPACT ASSESSMENT (AIA) PROPOSED DEVELOPMENT OF  
ErF 1497, VERMONT, CALEDON DISTRICT, WESTERN CAPE PROVINCE**

The above matter was discussed at the Archaeology, Palaeontology and  
Meteorites (APM) Permit Committee meeting held on 3 June 2008 and in  
consultation with the Built Environment and Landscape Committee (BELCOM)  
have reached a consolidated Record of Decision (RoD):

The following was noted for the request for exemption:

1. The Notification of Intent to Develop (NID) has been completed by the archaeologist and sent to BELCOM for comment.
2. The proposed site is in a fairly severely modified 'disturbed state' with large domestic gardens, which are manicured and landscaped.
3. There will be no significant impact on pre-colonial archaeological heritage remains, resulting from the proposed project.

Heritage Western Cape (HWC) agreed that:

1. The request for exemption is approved.
2. There is no objection to the proposed development.
3. No further heritage studies are required.
4. Should any archaeological material be found during preparation and construction of the property, the archaeologist should be notified immediately. All work must cease until an archaeologist determined the significance of the finds.
5. The developer is responsible for costs associated with further heritage related work.
6. Should any human remains be disturbed, exposed or uncovered during excavations and earthworks for the proposed project, all work must

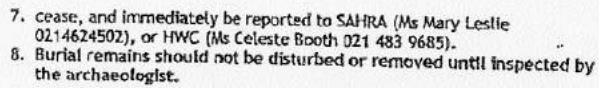
[www.ecdepgw.gov.za/culture\\_sport](http://www.ecdepgw.gov.za/culture_sport)


Street Address: P.O. Box 159, Riebeeck West, 7306 • Fax: 021 483 9685 • Email: [Cbooth@pgwc.gov.za](mailto:Cbooth@pgwc.gov.za)  
Postal Address: Private Bag 21094, Cape Town, 8001  
Short Address: P.O. Box 159, Riebeeck West, 7306 • Fax: 021 483 9685 • Email: [Cbooth@pgwc.gov.za](mailto:Cbooth@pgwc.gov.za)

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FIG. 10. : 0024612755

Jul. 22 2003 05:34PM P2



  
Celeste Booth

Heritage Officer (Archaeology)  
For: Accounting Authority: Heritage Resources Management Services,  
Pp Heritage Western Cape

[www.espejo/way.gov.co/culture\\_sport](http://www.espejo/way.gov.co/culture_sport)

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