

ERF 1496, LYNX ROAD, VERMONT: APPLICATION FOR SUBDIVISION AND EXEMPTION OF SUBDIVISION (RIGHT OF WAY SERVITUDE): WRAP PROJECT OFFICE ON BEHALF OF WT SCHMIDT & J SCHMIDT

Notice is hereby given in terms of Section 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 that an application has been received for a Subdivision in terms of Section 16(2)(d) of the By-Law of Erf 1496, Vermont into 2 portions, namely Portion A ($\pm 10000\text{m}^2$) and a Remainder ($\pm 3086\text{m}^2$).

Application has also been made for an exemption of subdivision in terms of Section 26(1)(h)(v) of the By-Law to register a right of way servitude over the proposed Portion A in favour of the Remainder.

Full details regarding the proposal are available for inspection during weekdays between 08:00 and 16:30 at the Department: Town Planning, Paterson Street, Hermanus. Any written comments may be submitted in accordance with the provisions of Sections 51 and 52 of the said By-Law to the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / loretta@overstrand.gov.za) on or before **18 August 2023**, quoting your name, address and contact details, interest in the application and reasons for comments. Telephonic enquiries can be made to the Town Planner, **Mr. H Olivier** at 028-313 8900. The Municipality may refuse to accept comments received after the closing date. Any person who cannot read or write may visit the Town Planning Department where a municipal official will assist them in order to formalize their comment.

ERF 1496, LYNXWEG, VERMONT: AANSOEK OM ONDERVERDELING EN VRYSTELLING VAN ONDERVERDELING (REG-VAN-WEG SERWITUUT): WRAP PROJECT OFFICE NAMENS WT SCHMIDT & J SCHMIDT)

Kennis word hiermee gegee ingevolge Artikel 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 dat 'n aansoek ontvang is vir 'n Onderverdeling ingevolge Artikel 16(2)(d) van die Verordening om Erf 1496, Vermont in 2 gedeeltes te onderverdeel, naamlik Gedeelte A ($\pm 10000\text{m}^2$) en 'n Restant ($\pm 3086\text{m}^2$).

Aansoek is ook ontvang om vrystelling van onderverdeling ingevolge Artikel 26(1)(h)(v) van die Verordening om 'n reg-van-weg serwituut te registreer oor die voorgestelde Gedeelte A ten gunste van die Restant.

Volle besonderhede rakende die voorstel is beskikbaar vir inspeksie gedurende weekdae tussen 08:00 en 16:30 by die Departement: Stadsbeplanning, Patersonstraat 16, Hermanus. Enige kommentaar op die voorstel moet skriftelik ingedien word in terme van Artikels 51 en 52 van die voorgeskrewe Verordening na die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / loretta@overstrand.gov.za) voor of op **18 Augustus 2023**, met die naam, adres en kontakbesonderhede, belang in die aansoek sowel as redes vir die kommentaar aangedui. Telefoniese navrae kan gerig word aan die Stadsbeplanner, **Mnr. H Olivier** by 028-313 8900. Die Munisipaliteit mag weier om die kommentaar te aanvaar na die sluitingsdatum. Enige persoon wat nie kan lees of skryf nie kan die Departement Stadsbeplanning besoek waar hul deur 'n munisipale amptenaar bygestaan sal word ten einde hul kommentaar te formaliseer.

ISIZA 1496, I-LYNX ROAD, E-VERMONT: ISICELO SOKWAHLULA NOKUKHULULWA KWESAHLULO (ILUNGELO LENDLELA INKONZO) WRAP PROJECT OFFICE EGAMENI WT SCHMIDT & J SCHMIDT

Isaziso siyanikezelwa ngokweCandelo lama-48 loMthetho kaMasipala woLungiso loMthetho kaMasipala kuCwangciso lokuSetyenziswa koMhlaba kaMasipala, ka-2020 sokuba isicelo sifunyenwe soLwahlulo ngokweCandelo le-16(2)(d) loMthetho kaMasipala. ISiza esingu-1496, iVermont sazizahlulo ezi-2, ezizezi, iSahlulo A ($\pm 10000\text{m}^2$) kunye neNtsalela ($\pm 3086\text{m}^2$).

Kukwafakwe isicelo sokukhululwa kulwahlulwa-hlulo ngokweCandelo lama-26(1)(h)(v) loMthetho kaMasipala ukuze kubhaliswe ilungelo lendlela yobukhoboka kwiSahlulo A esicetywayo ngokuxhasa iNtsalela.

linkcukacha ezipheleleyo malunga nesi sindululo ziyafumaneka ukuze zihlolwe ngeentsuku zokusebenza ngamaxesha okusebenza phakathi kwentsimbi ye-08:00 neye-16:30 kwiSebe: Zicwangiso ngeDolophu, ePaterson Street, eHermanus. Naziphina izimvo ezibhaliweyo zingangeniswa ngokungqinelana nemimiselo yeCandelo lama-51 kunye nelama-52 alo Mthetho kaMasipala oxeliweyo kuMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / loretta@overstrand.gov.za) ngomhla okanye ngaphambi komhla wama-**18 EyeThupha 2023**, ucaphula igama lakho, idilesi kunye neenkukacha zoqhagamshelwano, umdla kwisicelo kunye nezizathu zezimvo. Imibuzo ngomnxeba ingenziwa kuMchwangcisi weDolophu, **uMnu. H Olivier** kule nombolo 028-313 8900. UMasipala unokwala ukwamkela izimvo ezifunyenwe emva komhla wokuvala. Nabani na ongakwaziyo ukufunda okanye ukubhala angandwendwela iSebe loCwangciso lweDolophu apho igosa likamasipala liya kuthi limncedise ukuze abhale ngokusesikweni izimvo zakhe.



1. ABBREVIATIONS

DM	Dverstrand Municipality
OMLUS	Dverstrand Municipality Land Use Scheme, 2020
BY-LAW	Dverstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020
PSDF	Western Cape Provincial Spatial Development Framework, 2014
LUPA	Western Cape Land Use Planning Act, 2014.
MSDF	Dverstrand Spatial Development Framework, 2020
R1	Residential Zone 1: Single Residential

2. PROPERTY DETAILS

Consultant	WRAP Project Office
Erf Number	Erf 1496 Vermont
Extent	3 086m ²
Zoning	Residential Zone 1: Single Residential

3. BACKGROUND AND INTENT

Erf 1496 Vermont, the subject property, is a piece of land situated in Lynx Road, Vermont. Refer to Plan 1 - Locality Plan for its exact location. The property owners have appointed WRAP Project Office to submit a land use application on their behalf. Refer **Annexure A - Power of Attorney**.

Initially, the property owners bought the land in 2022 with the intention of developing it for themselves. However, they have since changed their minds and decided to rather sell a subdivided portion of the property on the open market. This decision could potentially increase the overall value of the property and create additional housing opportunities for interested buyers.

To ensure compliance with the OMLUS, approval of the following applications is required:

- Subdivision of Erf 1496 into two portions; and
- Exemption for Right of Way Servitude.

4. PROCEDURE TO ACHIEVE THE PROPERTY OWNER'S INTENT

WRAP compiled this report to ensure the property owner's requirements are met. The following is proposed:

4.1 Subdivision of the Erf 1496 Vermont into Portion A, $\pm 10\,000\text{m}^2$ and the Remainder, $\pm 3086\text{m}^2$ in terms of Section 16(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

The subject property has an area of $13\,086\text{m}^2$, providing ample space for development. The property owners have decided to keep their existing dwelling house on the remaining portion of the land while selling Portion A as a vacant property with development potential. This would offer prospective buyers a unique opportunity to transform the land into an attractive and functional development capable of accommodating multiple properties.

Given its size and location, the property has the potential to become an excellent investment opportunity for those interested in residential development. The land is situated in a prime location, making it an attractive option for those looking to live in a desirable area. The new development could also add value to the local community by increasing the supply of housing options, thus addressing the growing demand for quality housing in the area.

Overall, the decision to sell a portion of the property for development purposes presents an exciting opportunity for the owners to generate additional income while offering prospective buyers the chance to create something truly unique and valuable.

The proposal is to subdivide the property into two portions. The Remainder portion containing the existing house and will have an extent of 3086m^2 . Portion A will allow the prospective buyers to maximise the extent and opportunity of the subdivided property. Refer to Figure 1 that illustrates the proposed subdivision:

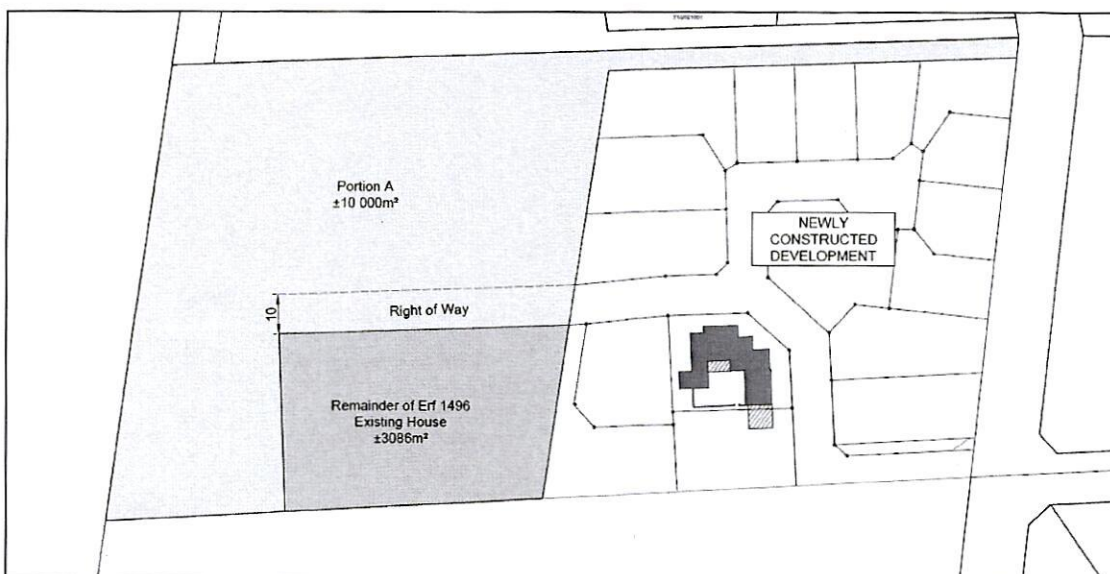


Figure 1: Extract of Plan 4 - Proposed subdivision



As the population of the Overstrand area continues to grow, there is an increasing need for more housing opportunities to accommodate the rising number of residents. Referring to the MSDP, Section 2.4.5, the population of the entire Overstrand Municipal area has experienced an increase of 46,9% from 2001 – 2011 and if the growth trend continues, the population is set to have doubled from 2001 – 2022. This means that the local authority has to work hard to provide sufficient housing options to meet the increasing demand.

Given the limited availability of housing options in some parts of the Overstrand area, including Vermont, it is vital to create new housing and development opportunities where possible. This will help to alleviate some of the pressure on the Overstrand Municipality (OM) to provide housing opportunities in areas where options are currently limited.

Furthermore, the scarcity of vacant erven in new developments in the Vermont area emphasizes the importance of embracing new development opportunities. The creation of new housing options in this area could help to stimulate economic growth, attract new residents to the area, and boost property values. This would have a positive impact on the local community and provide more people with access to quality housing options.

4.2 Exemption of the registration of a right of way servitude in terms of Section 26(1)(h)(v) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

The Remainder is proposed to gain access over Portion A from the newly constructed development adjacent the property. The proposed right of way servitude will be 10.0 m wide to be replaced with a public street, accommodate any future development of Portion A.

Right of way servitudes are not out of character for the area as several subdivisions and other developments in the surrounding area also gain access from adjacent public streets. Application is therefore made that the proposed right of way servitudes is exempted.

The Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 makes provision for the exemption of certain subdivisions (including servitudes) and consolidations.

Section 26. (1)(h) *"The subdivision or consolidation of land in the following circumstances does not require the approval of the Municipality:*

- "(h) the registration of a servitude or lease agreement for the provision or installation of—*
- i. water pipelines, electricity transmission lines, sewer pipelines, gas pipelines or oil and petroleum product pipelines, and boreholes by or on behalf of an organ of state or service provider;*
 - ii. telecommunication lines by or on behalf of a licensed telecommunications operator;*
 - iii. the imposition of height restrictions;*
 - iv. storm water channels, ditches and channels, and*
 - v. **the granting of right of way.**"*

Application is hereby made in terms of Section 26(1)(h)(v), that with approval of the application for subdivision, a certificate is issued that the proposed right of way servitude is exempted in terms of Section 26 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended.



5. APPLICATION

Considering the above, application is made for the following:

5.1 Subdivision of the Erf 1496 Vermont into Portion A, ±10 000m² and the Remainder, ±3086m² in terms of Section 16(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020;

5.2 Exemption of the registration of a right of way servitude in terms of Section 26(1)(h)(v) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

6. LAND USE ENVIRONMENT

The subject property is located on the edge of Vermont in an area which is surrounded by only Residential Zone 1: Single Residential and Agricultural Properties. The surrounding area's zonings are illustrated in **Plan 2** (zoning plan).

7. TITLE DEED

The title deed of the subject property was perused (T31246/2022, refer Annexure B) and it contains no restrictive conditions.

Condition G states the following:

"SUBJECT FURTHER to the following condition contained in said Deed of Transfer Number T53806/90 imposed by and in favour of Overstrand Regional Services Council when approving the subdivision of Erf 933 Vermont, namely:

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

The authority of the Overberg Regional Services Council now vests with the Overstrand Municipality since 2000. Should the Overstrand Municipality find the application to be compliant and approve the proposal for subdivision the provisions of Condition G will be complied with.

8. ZONING

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



MOTIVATION

RESIDENTIAL ZONE 1: SINGLE RESIDENTIAL (SRI)		
Land Use Restrictions		
Primary use	Crèche, Dwelling House, Guest Rooms, Home Occupation, Second Dwelling Unit and Self-Catering.	Dwelling House
Consent use that may be applied for	Day Care Centre, Green House, Guest House, House Shop, Institution, Place of Instruction, Place of Worship, Residential Building, and Intensive Horticulture.	
Development parameters		
	Parameters	Proposal
Coverage	The maximum coverage for all buildings on the land unit is determined in accordance with the net erf area: <i>400m² and greater = 50%</i>	<u>Remainder</u> Existing Building - ±550m ² Coverage - ±18,1% <u>Portion A</u> To be determined
Height	The maximum height of a building, measured from the base level to the top of the structure, is 8,0 m.	8,0m will be adhered to
Building lines	(i) The street building line is determined in accordance with the net erf area: <i>400 m² and greater = 4m</i> (ii) The side and rear building lines are determined in accordance with the net erf area: <i>Greater than 400 m² = 2m</i>	4m will be adhered to 2m will be adhered to
Garages and carports	Garages and carports may be constructed within building lines in accordance with Chapter 16.1.2.	<u>Remainder</u> – Double Garage <u>Portion A</u> – To be determined
		Comply/ deviate
		Comply
		Comply
		Comply
		Comply



MOTIVATION

Parking	Two on-site parking bays per dwelling unit, provided that on erven less than 400 m ² , only 1 on-site parking bay needs to be provided.	To be determined
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9. SERVICES

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

Electricity

The subject property is connected to the ESKOM electricity network. The purchaser will apply for a new connection on Portion A.

Water, Sewage and Solid Waste

The subject property is connected to the OM's networks which include water and sewage. The proposal of this application will not have a negative impact on the area and the property owner will apply for new connections for Portion A and will be responsible for the payment of Bulk Infrastructure Contributions Levies (BICL).

Solid waste is collected every week by the OM.

Access and Egress

Portion A

Access to Portion A and the Remainder will be gained from Lynx Road via Kwartel Close and Koekoek Street.

Remainder

The access to the Remainder of Erf 1496 Vermont will also be from Lynx Road via Kwartel Close, Koekoek Street and the proposed servitude to be registered over Portion A as motivated and indicated in Section 4.2.

10. NEED AND DESIRABILITY

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

Need and desirability.

The need for the land use application was a result of addressing all the land use requirements and ensuring the property meets the demands of the property owners.

Socio-economic impact	The proposed development has a positive impact on a socio-economic scale: <ul style="list-style-type: none"> Affordability: Subdividing a property can increase the supply of available housing units, potentially making housing more affordable in the area. However, this can also depend on the local housing market and demand for housing.
Compatibility with surrounding uses	The proposal to subdivide the property is not considered out of the ordinary as the properties will both be used for residential purposes.



MOTIVATION

Impact on the external engineering services	Refer Section 9.
Impact on safety, health and wellbeing of the surrounding community	It is not predicted that the proposal will have an impact on safety, health and wellbeing of the surrounding community. In fact, the proposed property will increase the number of inhabitants in the area and increase the safety aspect within the community.
Impact on heritage	The subject property is not listed in the OM Heritage Register.
Impact on the biophysical environment	It is not predicted that the proposal will have an impact on the biophysical environment.
Traffic impacts, parking, access and other transport related considerations	The proposal will not have an impact on traffic, parking or access.

Impact on views, sunlight and character of the area

The subject property is located in a residential setting and any structures being proposed on the subdivided property will be required to be compliant with the regulations and development parameters set out in the OMLUS. It is not predicted to have any impact on views, sunlight, or the character of the area.

Economic impact

The proposal will have an economic impact once fully developed. The rates and taxes payable to the Overstrand Municipality increase with the initial subdivision and again when Portion A is subdivided and developed.

Opportunity cost

An opportunity cost in the context of land use planning refers to a development proposal that leads to the devaluation or foregoing of valued land use rights of interested and affected parties when an application is approved. The proposal is not predicted to have a negative impact on surrounding properties and the proposed subdivision will have a positive impact on the community itself as vacant land in Vermont will be developed that is a better situation than the current vacant land.

Environmental impact

The subject property is not located within an environmentally important area.



11. POLICIES AND REGULATIONS

11.1 Overstrand Municipality Environmental Protection Overlay Zone (EMOZ)

The subject property is not located within this zone.

11.2 Overstrand Municipality Heritage Protection Overlay Zone (HPOZ)

Significate landscape

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

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

Section 20 – 22 states the following -

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

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

22 This could include, inter alia:

22.1 statements of significance;

22.2 heritage research;

22.3 photographs, including contextual photographs;

22.4 results of public consultation;

22.5 impact assessments; and

22.6 comment from affected and interested bodies.'

Statements of significance

The proposal is only to subdivide the subject property which will not alter the heritage of the subject property.

Heritage research

No heritage research was done for purposes of this application.

Photographs, including contextual photographs.

An aerial map was included into this application refer **Plan 3**.

Results of public consultation

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

Impact assessments

No impact assessment has been done for purposes of this application.



Comment from affected and interested bodies

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

11.3 Spatial Planning Policies

The compliance of this proposal with the applicable spatial development policies was assessed. These policies are instrumental in guiding spatial development and providing prescripts of what constitutes sound town planning development patterns. The compliance of this proposal in conjunction with provincial and local policies which are key development informants will be illustrated.

PSDF

Policy preface

The PSDF is a product of a provincial inter-departmental and inter-governmental collaboration under the guidance of the interdepartmental steering committee with the private sector, academia, and non-governmental organisations. This broad participatory process has created a shared spatial vision that is intended to inform spatial development patterns of urban areas in the province.

Consistency of the proposal with the policy

Throughout the framework, the process of infill planning is emphasized. The proposal could in the future lead to infill planning and should be the first choice when densification is proposed. These portions are ideally situated for residential development and could be pursued in the future.

The proposal to create an additional erf is in line with the proposal to densify an existing area. By creating an additional erf, suitable for further development, maximises the existing urban area. By densifying existing areas, these areas can benefit from higher economic activity.

MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK – MSDF

Policy Preface

The MSDF's intention is to ensure compliance with national, provincial, and district legislation policies and principles. The MSDF aims to provide sufficient guidance regarding what constitutes appropriate spatial development land uses and direction within the urban edge. The SDF was drafted after considering input from other state departments and the public and provides a shared spatial vision which the development proposal should ideally attempt to synchronise with.

Consistency of the proposal with the policy

The policy promotes the protection of the character of the OM. The approval and implementation of the proposed subdivision will not undermine the character of the site and surrounding area.

The MSDF promotes the containment of the footprint of OM within the well-defined urban edge. The subject property is located within the urban edge of OM and this proposal contains urban development within this footprint as prescribed.



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12. PLANNING PRINCIPLES

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

Spatial justice

Spatial justice refers to planning proposals that do not contribute towards the perpetuation of apartheid spatial development imbalances. This proposal for the subdivision does not perpetuate apartheid spatial development imbalances.

Spatial sustainability

Spatial sustainability refers to planning proposals that result in communities that are viable. This proposal to subdivide intends to ensure the subject property is, as a first phase, prepared to be utilised to its maximum capabilities. The proposal to densify through infill densification is a sustainable method to create new properties without requiring additional land.

Efficiency

This proposal is intended to maximise the usage of the subject property and ensure the property owners all achieve their desired outcomes.

Spatial resilience

This proposal is not in conflict with any spatial planning policies or other OM regulations which is a hallmark of resilience.

Good administration

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

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



13. EVALUATION

In conclusion, the decision to subdivide the subject property presents a unique opportunity to create new housing and development options in the Vermont area. With the growing population in the Overstrand area, there is an increasing demand for quality housing options, and this development will help to meet this demand.

The property owners' decision to retain their existing dwelling house while selling Portion A as a vacant property with development potential is a smart business move that will generate additional income for them. It will also provide prospective buyers with a chance to create something truly unique and valuable while contributing to the growth and development of the local community.

Overall, the proposed subdivision of the subject property has the potential to create significant economic and social benefits for the community. The proposal will not add any new land use rights as the proposed subdivision is set to be utilised for residential properties. This proposal is in harmony with all relevant spatial planning policies which illustrates that the applicant did not arbitrarily invent this application but had due consideration for relevant spatial planning policies.

14. RECOMMENDATION

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

- 14.1 Subdivision** of the Erf 1496 Vermont into Portion A, ±10 000m² and the Remainder, ±3086m² in terms of Section 16(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020;
- 14.2 Exemption of the registration of a right of way servitude** in terms of Section 26(1)(h)(v) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

2373/19900

1495

Portion A
±10 000m²

10

Right of Way

Remainder of Eft 1496
Existing House
±3086m²

RE/1494

2569

NEWLY
CONSTRUCTED
DEVELOPMENT

00

2431

2430

2346

2345

2240

2241

2242

SCALE 1 : 1000

4. Subdivision Plan Eft 1496 - Vermont

Plan prepared by: Thian Jansen on 2023/02/27

All distances are approximate
and subject to a survey

Tel: 028 313 1411

Email: admin@wrapp.co.za

Unit B, Standard House,
Corner of Royal and Dike Uys
Steel Hermonus, 7200



Project Office
Town Planning & Project Management