

## **ERF 1450, 1 LITTLE SWIFT CLOSE, VERMONT: APPLICATION FOR SUBDIVISION: WRAP (obo FVD ALLOU)**

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 to subdivide Erf 1450, Vermont into a Portion A ( $\pm 600\text{m}^2$ ) and a Remainder ( $\pm 5488\text{m}^2$ ).

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 / (e) [loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)) on or before **5 August 2022**, quoting your name, address and contact details, interest in the application and reasons for comments. Telephonic enquiries can be made to **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 1450, LITTLE SWIFTSLOT 1, VERMONT: AANSOEK OM ONDERVERDELING: WRAP (nms FVD ALLOU)**

**Kennis word hiermee gegee ingevolge Artikel 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 dat 'n aansoek ontvang is om Onderverdeling ingevolge Artikel 16(2)(d) van die Verordening om Erf 1450, Vermont onderverdeel in 'n Gedeelte A ( $\pm 600\text{m}^2$ ) en 'n Restant ( $\pm 5488\text{m}^2$ ).**

Volle besonderhede rakende die voorstel is beskikbaar vir inspeksie gedurende weksdae 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 / (e) [loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)) voor of op **5 Augustus 2022**, met die naam, adres en kontakbesonderhede, belang in die aansoek sowel as redes vir die kommentaar aangedui. Telefoniese navrae kan gerig word aan **Mnr. H Olivier** at 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 1450, 1 LITTLE SWIFT CLOSE, EVERMONT: ISICELO SOKWAHLULA-HLULA: WRAP PROJECT OFFICE (EGAMENI LIKA FVD ALLOU)**

Esi saziso sikhutshwa ngokwemiqathango yeSoloty 48 loMthethwana oTshintshweyo kaMasipala waseOverstrand woYilo lokuSetyenziswa koMhlaba wowama-2020 (uMthethwana) ngokwezicelo esinxulumene ukwahlulahlula ngokwemiba yeSoloty le16(2)(d) ukwahlula phakathi isiza esingu isiza 1450, EVERmont sibe Portion A ( $\pm 600\text{m}^2$ ) neNtsalela eyi ( $\pm 5488\text{m}^2$ ).

Inkcukacha mayela nesindululo siyafumaneka ukuze sihlolwe phakathi evekini ngamaxesha omsebenzi ukusuka kwintsimbi ye08:00 ukuya kweye16:30 kwiSebe: Izicwangciso Zedolophu kwanombolo 16 Paterson Street, eHermanus. Naziphi na izimvo ezibhaliweyo zingangeniswa ngokwezibonelelo zamaSoloty ama-51 nama-52 kwaMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / (e) [loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)) ngoLwesihlanu okanye ngaphambi koLwesihlanu, **5 EyeThupha 2022**, ukhankanye igama lakho, idilesi, iinkcukacha ofumaneka kuzo, umdla wakho kwesi sicelo nezizathu zokunika izimvo. Imibuzo ngefowuni ingabhekiswa kuMphathi kuCwangciso lweDolophu, **uMnu. H Olivier** ku-028-313 8900. UMasipala angala ukwamkela izimvo ezifike emva komhla wokuvala. Nabani na ongakwazi ukufunda okanye ukubhala angaya kwiCandelo leDolophu apho igosa likamasipala liza kumnceda avakalise izimvo zakhe ngokusemethethweni.

# Locality Plan Erf 1450 - Vermont

 Subject property

Plan prepared by: Thian Jansen

Tel: 028 313 1411

Email: admin@wrapgroup.co.za

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



**Project Office**  
Town Planning & Project Management



**Scale 1 : 2 000**



## MOTIVATION

### 1. ABBREVIATIONS

<b>OM</b>	Overstrand Municipality
<b>OMLUS</b>	Overstrand Municipality Land Use Scheme, 2020
<b>BY-LAW</b>	Overstrand Municipality By-Law on Municipal Land Use Planning, 2015, as amended
<b>PSDF</b>	Western Cape Provincial Spatial Development Framework, 2014
<b>LUPA</b>	Western Cape Land Use Planning Act, 2014.
<b>MSDF</b>	Overstrand Spatial Development Framework, 2020
<b>SR1</b>	Residential Zone 1: Single Residential

### 2. PROPERTY DETAILS

<b>Consultant</b>	WRAP Project Office
<b>Property Owner</b>	Fabrice Vincent David Allou
<b>Erf Number</b>	Erf 1450, Vermont
<b>Extent</b>	6088m <sup>2</sup>
<b>Zoning</b>	Residential Zone 1: Single Residential

### 3. BACKGROUND AND INTENT

Erf 1450 Vermont, hereafter referred to as the subject property (Refer to **Plan 1** for the locality), is owned by Fabrice Vincent David Allou. The property owner appointed the consultant to submit this land use application on his behalf (refer **Annexure A – Power of Attorney**) for the subdivision of Erf 1450 Vermont, hereafter referred to as the subject property (Refer to **Plan 1** for the locality plan).

The subject property was historically subdivided into a residential housing development and the subdivision of Erf 1450 Vermont has created the Remainder of Erf 1450 Vermont. The subject property currently consists of two portions being divided by a public road, known as a "split remainder". The proposal is to subdivide the smaller portion from the larger portion.

### 4. PROCEDURE TO ACHIEVE THE APPLICANT'S INTENT

**4.1 Subdivision** of Erf 1450 Vermont into Portion A,  $\pm 600\text{m}^2$  and the Remainder of Erf 1450 Vermont,  $\pm 5488\text{m}^2$  in terms of Section 16(2)(d) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended.

The subject property has a total extent of  $6088\text{m}^2$  which is proposed to be divided. This will achieve the main objective of the property owner to have the second property separated from the large remainder. By applying for the subdivision, it will allow the property owner to either sell the subdivided portion or develop it himself.

The proposal will include subdividing the subject property into the Remainder of Erf 1450 Vermont,  $\pm 5488\text{m}^2$  in extent and Portion A,  $\pm 600\text{m}^2$  in extent (Refer **Plan 4**). The remainder is improved with an existing dwelling house, while Portion A is vacant. The proposed Portion A could comfortably accommodate a dwelling house.

Refer to Figure 1 that illustrates the proposed subdivision:

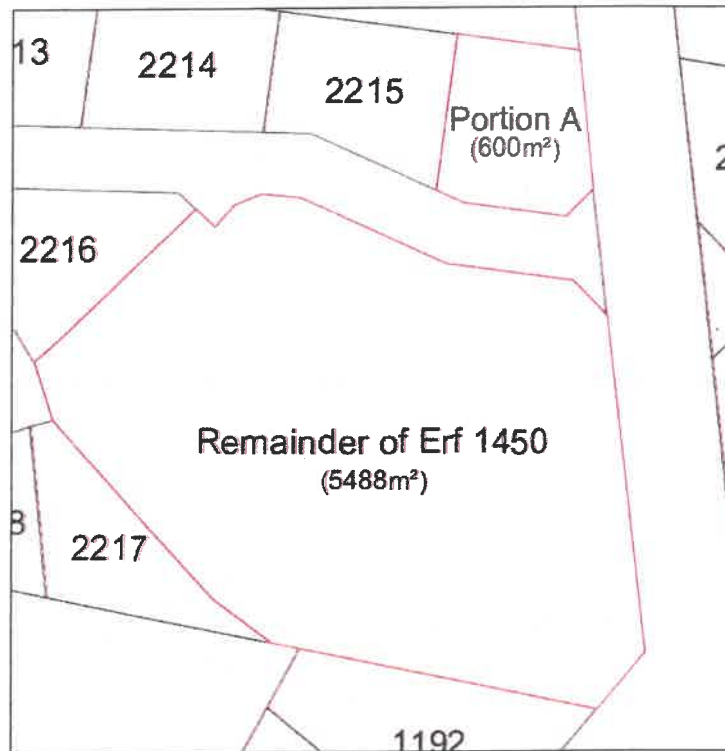


Figure 1: Extract of Plan 4 – Proposed Subdivision

With the growth of the population in the Overstrand area, creation of additional properties should be welcomed. Referring to the MSDF, 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 increases the pressure on the OM to continue to assist with the provision of new properties and housing opportunities in areas where options are limited. Creating new properties that are available for development in the Vermont area should be welcomed. Refer **Plan 4** for the proposed subdivision.



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## 5. APPLICATION

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Considering the above, the application is made for the following:

**5.1 Subdivision** of Erf 1450 Vermont into Portion A,  $\pm 600\text{m}^2$  and the Remainder of Erf 1450 Vermont,  $\pm 5488\text{m}^2$  in terms of Section 16(2)(d) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended.

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## 6. LAND USE ENVIRONMENT

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The subject property is surrounded by primarily residential developments with single and general residential zonings and Hoek-van-die-berg Private Nature Reserve is located to the west. The surrounding area's zonings are illustrated in **Plan 2** (zoning plan).

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## 7. TITLE DEED

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The title deed of the subject property was perused (27506/2020, refer **Annexure B**) and it contains no restrictive conditions.

Condition F states the following:

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

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

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

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## 8. ZONING

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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) (q) of the OM By-Law:



**MOTIVATION**

RESIDENTIAL ZONE 1: SINGLE RESIDENTIAL (SRI)	
Land Use Restrictions	
<b>Primary use</b>	Crèche, Dwelling House, Guest Rooms, Home Occupation, Second Dwelling Unit and Self-Catering. Dwelling House
<b>Consent use that may be applied for</b>	Day Care Centre, Green House, Guest House, House Shop, Institution, Place of Instruction, Place of Worship, Residential Building, and Intensive Horticulture. Comply
Development parameters	
Parameters	Proposal
<b>Coverage</b>	Remainder Existing Building - 597m <sup>2</sup> Coverage - 10.88%
<b>Height</b>	Portion A To be determined
<b>Building lines</b>	8,0m will be adhered to 4m will be adhered to
<b>Garages and carports</b>	2m will be adhered to
	Remainder - Double Garage Portion A - To be determined
	Comply

22 JUN 2022



**MOTIVATION**

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

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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 property owner 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**

The subject property currently obtains access and egress from Lynx Road and Little Swift Close.

### **Portion A**

Access to Portion A will be gained via Little Swift Close.

### **Remainder**

The access to the Remainder of Erf 1450 Vermont will remain unchanged.

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## 10. NEED AND DESIRABILITY

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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 arose from the property owner to subdivide Portion A from the Remainder and be able to use/improve/sell this property independently from the Remainder. The desirability is more often a personal feeling of the property owner, and subdividing the property allows the applicants to achieve their desired outcome. The proposal will not directly benefit any other person, except the current and future owners thereof.

To achieve their vision, the property owner has appointed WRAP Project Office to submit this application to ensure the proposed subdivision is not in contradiction to any policies, legislation, or title deed conditions.

### **Impact on views, sunlight, and character of the area**

The proposal is not to develop the property, but only for the subdivision thereof. This specific area of Vermont is experiencing a gradual pocket development model where owners opt to subdivide properties which is what is proposed for the subject property. The proposal to subdivide is not out of character for the area and is therefore in conformity with how the urban form of the suburb changes over time.



## MOTIVATION

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### **Economic impact**

Currently, the proposed subdivision will not have an economic impact. Once the proposed subdivision is implemented, the two portions can be developed separately, which could generate additional income for the OM.

### **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 proposed subdivision is in line with the occurrences of the surrounding area, and it is predicted that it will not negatively affect the area.

### **Impact on heritage**

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

### **Environmental impact**

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

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## **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)**

The subject property is not located within this zone.

### **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.



## MOTIVATION

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

### **MSDF**

#### **Policy Preface**

The SDF's intention is to ensure compliance with national, provincial, and district legislation policies and principles. The SDF 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 SDF 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

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Chapter 2 of SPLUMA contains 5 uncompromisable planning principles by which each development application must be guided. 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 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 applicants 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 suggestion that may result in an enhance outcome of which both parties benefit. Comments will be reviewed and considered after which it will be addressed accordingly.



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**13. EVALUATION**

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The proposal needs to be evaluated on the basis that nothing "on the ground" will change, as no additional cadastral portions will "physically" be created, Portion A is already separated from the Remainder by Little Swift Close. This application is only for it to be separated cadastrally.

In terms of the policies and guidelines of the OM the application adheres to these relevant spatial planning documents. The property will be subdivided into two portions, the Remainder will remain the same and no additional building work or additions are proposed at this stage. The possibilities for Portion A are endless as it can now be operated independently from the remainder and be developed with either one or two dwelling unit.

Both portions have access to the public road network and the proposal is in harmony with the surrounding area and all relevant spatial planning policies.

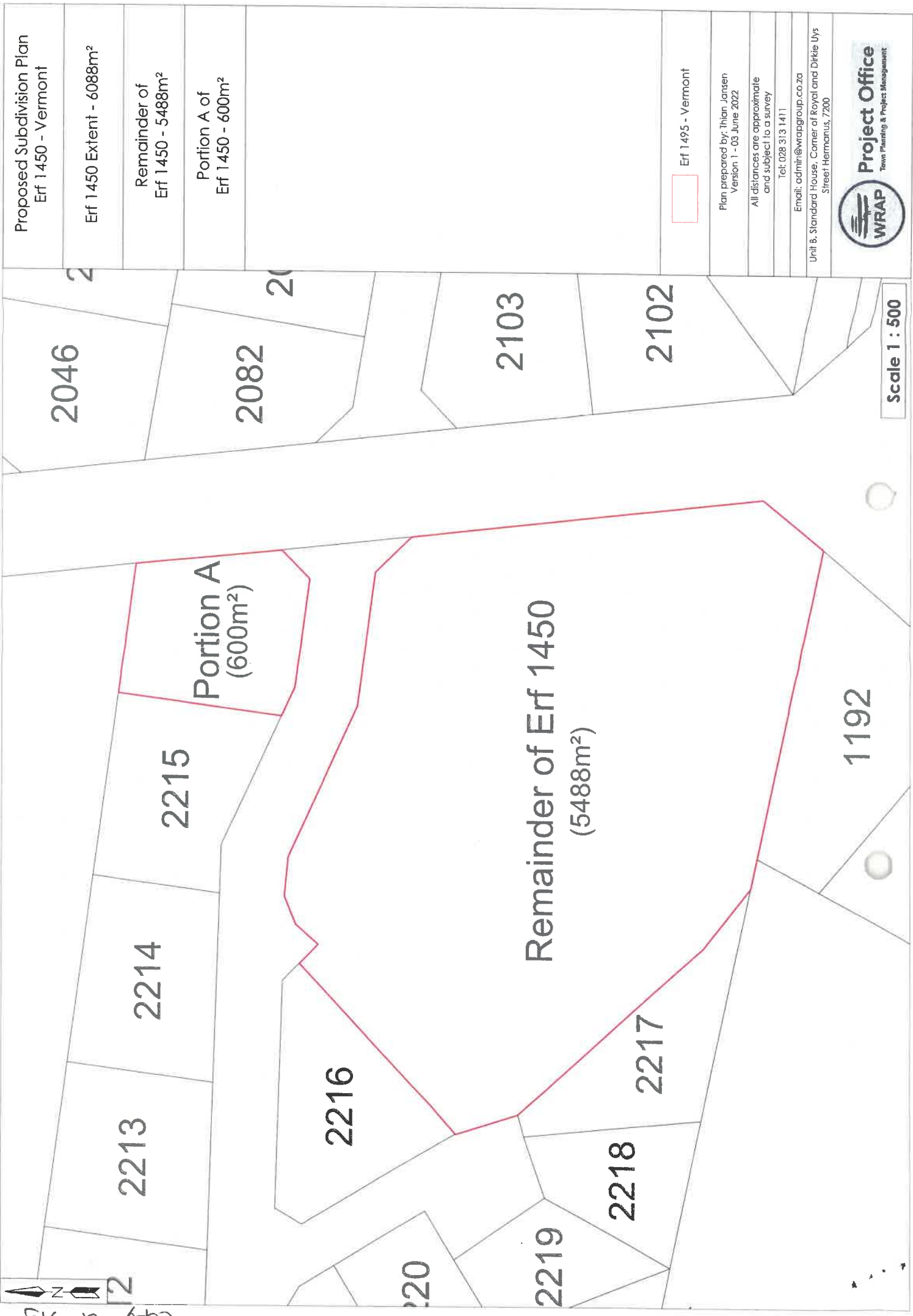
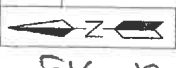
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**14. RECOMMENDATION**

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

- 14.1 Subdivision** of Erf 1450 Vermont into Portion A,  $\pm 600\text{m}^2$  and the Remainder of Erf 1450 Vermont,  $\pm 5488\text{m}^2$  in terms of Section 16(2)(d) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended.



Proposed Subdivision Plan  
Erf 1450 - Vermont

Erf 1450 Extent - 6088m<sup>2</sup>

Remainder of  
Erf 1450 - 5488m<sup>2</sup>

Portion A of  
Erf 1450 - 600m<sup>2</sup>

Erf 1495 - Vermont

Plan prepared by: Thiam Jansten  
Version 1 - 03 June 2022

All distances are approximate  
and subject to a survey

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