



MEETING OF THE MUNICIPAL PLANNING TRIBUNAL (MPT)

A G E N D A

DATE: 28 FEBRUARY 2019
VENUE: TOWN PLANNING COMMITTEE
ROOM
HERMANUS
TIME: 10:00

**PLEASE NOTE THAT THIS MEETING HAS BEEN POSTPONED TO
1 MARCH 2019**

OVERSTRAND MUNICIPALITY

Office of the Chairperson: MPT
Civic Centre
HERMANUS
7200

6 February 2019

TO : THE CHAIRPERSON AND MEMBERS OF THE MUNICIPAL PLANNING TRIBUNAL

CONVENING NOTICE : SESSION OF THE MUNICIPAL PLANNING TRIBUNAL (MPT)

NOTICE IS HEREBY GIVEN that a meeting of the **Municipal Planning Tribunal (MPT)** will go into session on **Thursday, 28 February 2019 at 10:00, Town Planning Committee Room, 16 Paterson Street, Hermanus**, to consider the attached agenda.

You are kindly requested to submit any amendments/additions to Ms S Swart (sswart@overstrand.gov.za) on or before **13 February 2019**.

S MÜLLER
CHAIRPERSON : MUNICIPAL PLANNING TRIBUNAL

Distribution:

1. Mr S Müller (Chairperson)
2. Mr R Williams (Vice Chairperson)
3. Mr S Madikane (Member)
4. Ms D Arrison (Member)
5. Ms H Janser (Member)
6. Mr R Kuchar (Authorised Official)
7. Mr S van der Merwe (Senior Town Planner)
8. Ms H van der Stoep (Senior Town Planner)
9. Mr H Olivier (Town Planner)
10. Secretariat

**PLEASE NOTE THAT THIS MEETING HAS BEEN POSTPONED TO
1 MARCH 2019**

MUNICIPAL PLANNING TRIBUNAL (MPT)

28 February 2019

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1. OPENING

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Report attached

4.2 ERF 39, 243 PIET RETIEF CRESCENT, ERF 41, 108 KUSWEG AND ERF 42, 241 PIET RERIEF CRESCENT, SANDBAAI, OVERSTRAND MUNICIPAL AREA: REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, CONSENT USE AND DEPARTURE: MESSRS PLANACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF LN & D WESTGARTH-TAYLOR, DA KOTZÉ AND JJ WESSELS

Report attached

4.3 ERF 1746, MAIN ROAD, SANDBAAI, OVERSTRAND MUNICIPAL AREA : PROPOSED CONSENT USE AND DEPARTURE : MESSRS WPP TOWN AND REGIONAL PLANNING CONSULTANTS ON BEHALF OF SOBREY EIENDOMS BELEGGINGS BK

Report attached

4.4 ERF 1544 (A PORTION OF ERF 1438), 152 KUSWEG, SANDBAAI, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REMOVAL OF A RESTRICTIVE TITLE DEED CONDITION AND DEPARTURE: MESSRS PLANACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF OULAP (PTY) LTD

4.1

ERF 1447, LYNX ROAD, VERMONT, OVERSTRAND MUNICIPAL AREA: REZONING, SUBDIVISION AND DEPARTURE: MESSRS WRAP ON BEHALF OF HENQUE 3030 CC

1447 HVM (3853)

H Olivier

17 January 2019

(028) 313 8900

Hermanus Administration

1. EXECUTIVE SUMMARY

An application has been received on 16 November 2017 from Messrs WRAP on behalf of Henque 3030 CC on Erf 1447, Vermont in terms of the Overstrand Municipality By-Law on Land Use Planning, 2015 for the following:

- a rezoning in terms of Section 16(2)(a) of the above-mentioned By-Law from Residential Zone I : Single Residential (SR1) to Subdivisional Area (SA);
- a subdivision in terms of Section 16(2)(d) of the abovementioned By-Law, read with Section 22 to create -
 - 17 (seventeen) Residential Zone I erven,
 - 13 (thirteen) General Residential Zone I erven,
 - 1 (one) Open Space Zone II erf and
 - 1 (one) Transport Zone II erf
- a departure in terms of Section 16(2)(b) to relax internal street and lateral building lines applicable to new Residential Zone I and General Residential Zone I erven to be created, as indicated below.

Erf	Applicable Boundary	Proposed Use	From	To	Proposed Zoning
1	Northern Boundary	Garage	2m	0m	SR1
2	Northern Boundary	Garage	2m	0m	SR1
3	Southern Boundary	Garage	2m	0m	SR1
4	Northern Boundary	Garage	2m	0m	SR1
5	Southern Boundary	Garage	2m	0m	SR1
6	Southern Boundary	Garage	2m	0m	SR1
7	Northern Boundary	Garage	2m	0m	SR1
8	Northern Boundary	Garage	2m	0m	SR1
9	Southern Street Boundary	Dwelling	4m	2m	SR1
9	Northern Boundary	Garage	2m	0m	SR1
10	Southern Street Boundary	Dwelling	4m	2m	SR1
10	Northern Boundary	Garage	2m	0m	SR1
11	Northern Boundary	Garage	2m	0m	SR1
12	Northern Boundary	Garage	2m	0m	SR1
13	Southern Boundary	Garage	2m	0m	SR1
14	Southern Boundary	Garage	1m	0m	GR1
14	Street Boundary	Garage / Dwelling	5m	2m	GR1
14	Western Boundary	Garage / Dwelling	3m	2m	GR1
15	Street Boundary	Garage / Dwelling	5m	2m	GR1
16	Street Boundary	Garage / Dwelling	5m	2m	GR1
17	Street, Western & Southern Boundary	Garage / Dwelling	5m	2m	GR1
18	Street, Eastern & Southern Boundary	Garage / Dwelling	5m	2m	GR1
19	Street Boundary	Garage / Dwelling	5m	2m	GR1

19	Street Boundary	Garage / Dwelling	5m	2m	GR1
20	Street Boundary	Garage / Dwelling	5m	2m	GR1
21	Street Boundary	Dwelling	5m	2m	GR1
21	Southern Boundary	Garage	1m	0m	GR1
21	Eastern Boundary	Garage / Dwelling	3m	2m	GR1
22	Street Boundary	Garage / Dwelling	5m	2m	GR1
22	Northern Boundary	Dwelling	3m	2m	GR1
23	Street Boundary	Garage / Dwelling	5m	2m	GR1
24	Street Boundary	Garage / Dwelling	5m	2m	GR1
25	Street Boundary	Garage / Dwelling	5m	2m	GR1
26	Street Boundary	Garage / Dwelling	5m	2m	GR1
26	Western Boundary	Dwelling	3m	2m	GR1
27	Western Boundary	Garage	2m	0m	SR1
28	Western Boundary	Garage	2m	0m	SR1
29	Western Boundary	Garage	2m	0m	SR1
30	Eastern Boundary	Garage	2m	0m	SR1

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 1447, Vermont is zoned Residential Zone I and is vacant land. The property measures approximately 20183m² in extent.

4. SUMMARY OF APPLICANT'S MOTIVATION

- ❖ The proposed zoning and morphology is aligned with the prevailing character of the area, which provides for 70% Residential Zone I erven and 30% Group Housing erven.
- ❖ Building line departures are applied for on some of the Group Housing sites as the development footprint are confined, and also for building lines for garages on Residential Zone I erven, to create a harmoniously uniform character.
- ❖ The road design fits in with the existing road network.
- ❖ There are no title deed restrictions prohibiting the proposed development.
- ❖ Heritage Western Cape's approval was obtained due to the fact that "a site larger than 5000m² is transformed".
- ❖ The development will have its own Architectural Guidelines.
- ❖ All services such as water, electricity and sewerage are available to the area.
- ❖ Access to the development will be retained from Francolin Close situated to the south of the development.
- ❖ The application is desirable for the following reasons:

- In line with Provincial Spatial Development Framework (PSDF), Overstrand Municipal Spatial Development Framework, 2006 (OMSDF) and Overstrand Municipal Growth Management Strategy, 2010 (OMGMS)
- There is a need for this type of development
- It is not in an environmentally sensitive area
- It is in a predominantly residential area and will not compromise sensitive natural or cultural areas.
- ❖ It will comply with the OMSDF in that the residential character of Vermont will be retained, help address the housing need, and will cater for variety of people with different socio-economic backgrounds.
- ❖ It comply with OMGMS in that infrastructure, services and land will optimally be used, vacant land will be developed in line with surrounding development, and the development which will have Architectural Guidelines will promote development appropriate to the area.
- ❖ It will be in line with Planning principles as follows:

Spatial Planning

Will not perpetuate spatial planning imbalances

Spatial Sustainability

Will not compromise on spatial sustainability of Vermont.

Efficiency

Lead to efficient utilization of services.

Spatial Resilience

Enhance spatial resilience.

Good Administration

Good public participation process with joint planning approach.

5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
Press	Yes	13 February 2018	26 March 2018
Notices	Yes	14 February 2018	26 March 2018
Ward councillor	Yes	14 February 2018	26 March 2018
Total comments	SIXTEEN (16)		
Was public participation undertaken in accordance with Section 47 – 50 of the By-Law on Municipal Land Use Planning?			Yes
Was the application processed correctly (if no, elaborate below):			Yes
Is the proposal consistent with the principles referred to in Chapter 2 of SPLUMA and Chapter VI of LUPA? (can be elaborated further below)			Yes

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

Name	Date received	Summary of comments	Recommendation
Fire Department	22/03/2018	See Annexure K.	Positive
Building Control	15/03/2018	See Local Heritage Committee Minutes attached as Annexure L.	Positive
Telkom	23/04/2018	See Annexure F.	Positive
Engineering Services	13/12/2018	See Annexure H.	Positive
Municipal Electrical Department	19/02/2018	Eskom Area	Positive
Eskom	5/03/2018	See Annexure G.	Positive
Operational Manager	23/03/2018	See Annexure J.	Positive
Department of Environment & Development Planning : ROD	12/10/2018	See Annexure I.	Positive
Manager: Waste Removal	14/02/2018	No objection.	Positive

7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION.

In the public participation process sixteen (16) letters were received, of which fifteen (15) letters are considered objections and one (1) letter is considered a comment letter. The comments/objections can be summarized as follows:

1. Using Francolin Close as entrance road will create traffic problems and impact on safety due to the following reasons:
 - (a) The road is narrow, has blind bends and is at a steep gradient.
 - (b) Francolin Close will be used as a thorough fare, with increased traffic levels and pedestrian safety impacted.
 - (c) It is not clear if a proper traffic impact assessment was done to consider the traffic impact.
 - (d) A new entrance must be created off Lynx Road or possibly a temporary one until a link will later be created further north for the development into Lynx Road.
 - (e) The name Francolin Close indicates it will remain a close.
 - (f) Increased traffic risk at entrance of Francolin Close and Lynx Road.
 - (g) Was informed in past that the development on Erf 1447 will also link up with Lynx Road.
 - (h) Francolin Close road surface not designed for the amount of traffic.

- (i) Construction trucks will have a major impact on Francolin Close.
- 2. It appears the surveying of the site was not done correctly
- 3. Fire Risk concerns
 - (a) The one entrance via Francolin Close could provide problems in time of fires to evacuate residents.
 - (b) Was the application supported by the Fire Department?
 - (c) Relaxation of building lines will increase fire risk.
- 4. How will the new Public Open Spaces be managed/maintained to benefit the community
- 5. Impact on property value
 - (a) Increased in traffic due to access from Francolin Close will lead to an impact on property value.
 - (b) Property on the southern side of the new development should be limited to single storey to ensure mountain views for neighbours and would limit impact on property value. Was informed that Erf 1447 was a smallholding, the new development will have an impact.
- 6. Impact on privacy due to increase in traffic and contractors
- 7. Objections pertaining to development rights
 - (a) Self-greed leads to many plots being squeezed into the area, leading to problems for traffic, sewerage and impact on the Municipality and other land owners.
 - (b) A 3m building line must be retained between the proposed Residential Zone I erven and Francolin Heights properties.
- 8. Environmental concern of increase in traffic on bird life
- 9. Noise pollution
 - (a) Excessive noise at the entrance gate of the development.
 - (b) Increase in traffic will increase noise especially with traffic up the steep slope of Francolin Close.
- 10. Safety concerns as influx into the area will increase crime
- 11. The character of the small, quiet peaceful suburb will be impacted
- 12. Limited number of people received notices in the public participation process.

8. SUMMARY OF APPLICANT'S REPLY TO COMMENTS

The applicant's response on the objections can be summarized as follows:

- 1. Using Francolin Close as entrance road will create traffic problems and impact on safety

- (a) The 13m width of the road and 23m splay at the entrance is sufficient for cars and trucks.
 - (b) Minimal residential traffic impact, and no traffic related concerns were raised by the Overstrand Municipality Engineers.
 - (c) No traffic related concerns were raised by Municipal Engineering Department.
 - (d) In terms of the engineering forward planning Francolin Close is planned to be extended over Erf 1447 only to connect with Lynx Road on Erf 1446. The developer will consider a mitigation measure to allow construction vehicles to enter over the POS for a limited period, subject to municipal approval.
 - (e) Francolin Close is planned to become a crescent.
 - (f) The subject proposal includes two (2) cul-de-sacs to provide vehicles additional manoeuvring space to avoid traffic hazard.
 - (g) No comment.
 - (h) The road surface was designed and built to municipal standards and is constantly maintained by the Municipality to carry traffic flow.
 - (i) Construction vehicles are only expected for the first three (3) months of the development, where after normal light construction vehicles will be used.
2. The gradient is the same as surrounding properties, and engineering will plan and implement infrastructure considering the gradient of the site.
3. Fire Risk Concerns
- (a) The future excess to Lynx Road over Erf 1446 will once it is developed be used as alternative entrance/exit.
 - (b) Do not have Fire Department's comments, but will comply with all their requirements.
 - (c) No comment.
4. The public open spaces will be relative small with indigenous vegetation, which will be maintained by the Municipality.
5. Impact on property value
- (a) A piece of vacant derelict land will be developed into an aesthetically pleasing development, and this would rather enhance the area and increase property values.
 - (b) The existing property already has Residential Zone I zoning allowing for double storey and it would be unfair on prospective property owners to limit the development parameters.
 - (c) Erf 1447 was historically zoned Residential Zone I for development, and it is unfortunate the objector was informed it was a small holding without development potential.
6. Impact by contractor vehicles will be temporary. Private vehicles will be minimal, not enter and leave simultaneously and have different travel times.
7. Objections pertaining to development rights
- (a) The departure from building lines is to bring the development in harmony with surrounding developments. The size of the plots is in line with the surrounding area and prevailing density. A service availability report was compiled which showed there is water and sewerage capacity in the area.

- (b) It would be unreasonable to impose a stricter building line on these Residential Zone I erven, as all other erven of the size and zoning have a 2m building line.
- 8. Hoek van die Berg to the west is a Private Nature Reserve with an abundance of bird life, and developments tend to have trees that maintain the presence of birds.

9. Noise pollution

- (a) This is not a gated development
 - (b) No comment.
10. As people will increase in the area so will surveillance, which will lead to a decrease in crime. It cannot merely be projected that workers moving on a site increase crime.
11. The subject property was historically zoned as SR1 and is designated in the SDF and OMGMS for residential development.
12. No comment.

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

The objections and response thereon were duly considered, and the response thereon is as follows:

1. Using Francolin Close as entrance road will create traffic problems and impact safety.
 - (a) Both comments noted. The proposal is supported by the Operational and Engineering Departments; therefore it is the opinion the road is sufficient to carry the additional traffic.
 - (b) Same response as in (a) above.
 - (c) A Traffic Impact Assessment was not requested by the Engineering Department and therefore it is considered it was not triggered as a requirement to evaluate the impact of this application.
 - (d) For such consideration the developer will have to apply to the Area Manager.
 - (e) Comments noted.
 - (f) Same response as in (a) above.
 - (g) It is not clear who the objector consulted with to make such comment. Whatever the requirements of the Engineering Department with regard to the entrance into Lynx Road must be complied with.
 - (h) The comments are noted. It is the opinion that if the existing Francolin Close surface was not up to standard to carry the increase in traffic, the Engineering Department would have requested the upgrade of such road.
 - (i) As indicated by the applicant, construction trucks will only use the road for a limited time.
2. The comments are noted. Erf 1447 does not have excessive gradients that would have an impact on road layout, and it is also not foreseen that any problems will be experienced when planning services or houses on the land.

3. Fire risk concerns

- (a) The fire risk for residents in Francolin Close in terms of evacuation will not increase significantly, as the same road will be used, with a slight increase in possible traffic. In future when later development of erven further north takes place on “additional escape route” will however also become available.
- (b) The Fire Department support the application, subject thereto that fire hydrants be provided in terms of the relevant legislation.
- (c) The relaxation of building lines does not necessarily provide an increase in Fire risk, as the buildings/structures that are constructed closer or on property boundaries need to comply with more stringent fire regulations, which could include fire walls, types of building material that may be used, no placement of windows closer than 1m from a boundary, etc.

4. This point was sufficiently addressed by the applicant in his response.

5. Impact on property value

- (a) This is a speculative comment, as the development of an open space next to Francolin Heights could possibly lead to a decrease in crime, and lead to an increase in property values.
- (b) Concur with applicant.
- (c) As indicated by the applicant, Erf 1447 has a Residential Zone I zoning. From approximately mid 2000's erven was developed west of Lynx Road. Potential buyers should rather have consulted with the Municipality on potential development in an area than with estate agents. The Municipality or applicant cannot be held accountable for statements by estate agents.

6. It is a given that new developments at construction phase have some impact on surrounding properties. If all applications are turned down due to impact at construction phase, no development will take place in any town.

7. (a) Concur with applicant's response

Most of the building line departures being applied for is on the proposed group housing sites. This is due to the fact that they will front a public road, which is not usually the case in enclosed complexes, and limit development so much that it is almost not developable. Other developments in the area applied for the same type of relaxations due to this problem.

(b) Concur with applicant.

8. Erf 1447 is not a nature reserve or open space or earmarked therefore. It is thus not reasonable to expect it must be dealt with as an environmental site. The development of Francolin Height itself was developed in the same manner.

9. Noise pollution

- (a) Applicant's response addresses this point.
- (b) Comment is noted. Francolin Close is a public road and residents in the area should have expected that noise could be generated from the road with all types of vehicles that may use it.

10. It is debatable if an open space of vacant land or a developed area has a greater impact on crime. Comments on this point are therefore debatable.

11. Francolin Heights was always part of the Vermont Neighbourhood, which has clearly developed significantly from the early 2000's. This proposed development is in line with the existing developments in Vermont taking place, and therefore in line with the character.
12. Notices were sent out to all residents in Francolin Heights, and in total 39 notices were sent out. It was also sent out to the Ward Councillor and also the Rate Payers Association. The notices are sent out via postal system, and the Municipality does not control such process. The application was however also placed in the local press. Considering the fact that 14 residents of Francolin Heights provided comments on the application, with detailed reasons, it is the opinion that a fair public participation process was followed.

Internal and External Departments

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

It is to be noted that the Department of Environmental Affairs and Development Planning required that an environmental process had to be followed. A small change had to be made to the layout plan and an additional public open space had to be created.

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 require no additional infrastructure to be developed.

Spatial Resilience

The approval of this development and units will ensure additional rates will be obtained by the Municipality to maintain existing infrastructure, thereby lowering

the financial pressure on surrounding property owners and also the Municipality.

Good administration

Good procedure was followed and with a good public participation.

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 the area west of Lynx Road in Vermont is the development of residential areas with a mixed development of Residential Zone I erven of 600m² and Group Housing erven of 350m² 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 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 1447, Vermont from Residential Zone I to Subdivision Area, to create 17 (seventeen) Residential Zone I erven, 13 (thirteen) Group Housing erven, open spaces and a public road.

The erf measures 20183m² in extent and is situated in the neighbourhood of Vermont, west of 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.

It is clear from the report and comments from other municipal departments that there are sufficient services and road infrastructure to accommodate this proposed development.

It is noted that most objections relate to the fact that access to the new development will have to be obtained via Francolin Close off Lynx Road. The applicant also made proposals to as a temporary arrangements access Erf 1447 directly off Lynx Road during the construction period. This proposal cannot be considered as part of this application and the developer will have to apply to the Area Manager for such permission.

It is the opinion that if the objections are considered in terms of the criteria to determine desirability, including impact on neighbours and on character of the area, availability of services, location and accessibility, it is in line with planning policy and is desirable.

The applicant was also required to submit an environmental application to the Department of Environmental Affairs and Development Planning, as it triggered some listings. That department granted their support, but subject thereto that the layout plan be slightly changed to make provision for an additional public open space to accommodate a cluster of milkwood trees. This is not a major change to the layout as it only means instead of the provision of 1 (one) Public Open Space of 1018m² in extent, 2 (two) Public Open Spaces will be provided with a total size of 1018m².

The development will provide for Residential Zone I (single residential) and Group Housing erven. As previously indicated this is in line with development in Vermont, with public roads servicing the developments. A fair number of challenges were experienced with placement of dwellings on similar group housing sites in other developments, as much wider building lines must be provided next to public roads than next to private roads in complexes. Hence the application to relax some of the building lines on the Group Housing sites. The applicant however also applied to relax some building lines on Residential Zone I erven, this possibly due to the fact that they planned erven in such a manner to ensure more of a mountain view, but this created narrow single residential erven with much greater street frontages. The proposed house design would thus possibly not fit within the Residential Zone I applicable building lines.

Detailed further comments will refer to the slightly amended Site Development Plan as required by EADP, with the extra public open space (see Annexure C).

I will firstly deal with the Departure on the Group Housing erven. In terms of the Zoning Scheme a 3m building line is applicable where a Group Housing site borders erven with another zone, and a 5m building line is applicable where a group housing erf borders a public road. As previously indicated this creates major problems when houses must be designed for such group housing erven as, the development footprint becomes extremely small. The applicant request that the street building line applicable to the Group Housing sites (14 to 26) to the new public road be

relaxed to 2m is therefore supported, but only for portions of the dwelling. Garages with direct access of the street must still be set back at least 4m.

In the case where Group Housing erven borders erven zoned for other land uses a 3m building line is applied to ensure a buffer between higher and lower density erven. This impact sites 14, 19, 20, 21, 22, 25 and 26. Application is however only made to relax such 3m building lines to internal residential erven in the new proposed development (sites 14, 21, 22 and 26), and not towards Francolin Heights or Erf 1446 to the north. The relaxations are also only from 3m to 2m, which means it would not have an impact on surrounding property owners, but make these Group Housing sites more desirable.

Applications were also made to relax the 1m building lines that will be applicable between the Group Housing erven. In terms of the zoning (6.2.2.111 in Zoning Scheme) some structure are allowed onto a lateral boundary for half of the length of the erf, therefore it is the opinion that the developer can plan placement of units sufficiently within such parameters, and relaxation of internal building lines between Group Housing sites will not be supported as part of the application.

The application also includes an application to relax at least one (1) lateral building line of each erf from 2m to 0m on the Residential Zone I erven to accommodate garages onto boundaries. This was submitted without consultation with the Municipality, and this is also not something the Municipality want to promote without considering building plans and the possible impact. The Zoning Scheme makes provision that, with the consent of affected neighbours a garage of a certain height may be constructed over one (1) lateral boundary building lines. The garage may not be longer than one third the length of the lateral boundary, or limited to 9m in length. The Zoning Scheme therefore makes provision to consider such relaxations, and therefore a blanket approval will not be supported.

Application is also made to relax the 4m street building line of Residential Zone I sites 9 and 10 to 2m. This is due to the narrow shape of these two (2) sites. In terms of the Zoning Scheme corner erven zoned Residential Zone I has a 3m street building line if the depth of an erf is less than 20m. Both these erven falls in this category. The applicant planned these erven specifically to create views towards the mountain, thereby creating much greater street frontages. This was pointed out to the applicant that they will have to plan with such limitations that will be created. It is thus considered that a 3m street building line next to both sites southern boundary is sufficient to develop the sites, and also will ensure the residential Zone I character of this part of the development is retained. The relaxation of the street building lines on sites 9 and 10 are thus not supported.

It is to be noted that the Local Heritage Committee and Building Department made some comments with regard to the proposed style on the units as indicated as sketch plans in the application. The applicant will however have to, should this application be successful, submit a detailed Architectural Design Guideline for consideration to the Local Heritage Committee and the Manager: Building Department, and the style concerns will not be dealt with at this stage.

Considering the above, the application for rezoning and subdivision is considered desirable, but not all the building line relaxations applied for can be 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 to rezone from Residential Zone I: Single Residential (SR1) to Subdivisional Area (SA) and for subdivision in terms of Section 16(2)(d) of the above-mentioned By-Law, read with Section 22, to create 17 (seventeen) Residential Zone I erven, 13 (thirteen) General Residential Zone I erven, 2 (two) Open Space Zone II (Public Open Space) erven and 1 (one) Transport Zone II (Public Road) erf, be approved in terms of the provisions of Section 61, subject to the following conditions:
 - (a) that approval is for the revised Layout Plan 3, providing for the 2 (two) Public Open Space;
 - (b) that a minimum of 2 (two) parking bays be provided on each erf, to municipal standards and satisfaction;
 - (c) that the compliance does not absolve the owner/applicant from compliance with any other relevant legislation;
 - (d) that the Architectural Design Guidelines in line with Zoning Scheme parameters and the departure relaxation as dealt with in point 2. below, be submitted for the development to address the style of the houses that will be constructed, to the satisfaction of the Building Control department;
 - (e) that all the conditions of Telkom (attached as Annexure F), be complied with;
 - (f) that all the conditions imposed by Eskom (attached as Annexure G), be complied with;
 - (g) that all conditions in the Services Report (attached as Annexure H), be complied with;
 - (h) that the conditions imposed by the Western Cape Government : Environmental Affairs and Development Planning (attached as Annexure I), be complied with;
 - (i) that the conditions of the Municipal Fire Department (attached as Annexure K), be complied with;
 - (j) that a Home Owners Association be established with compulsory membership for all property owners within the development;
 - (k) that the Constitution of the Home Owners Association be submitted for approval by the Municipality (which reserves the right to impose conditions in this regard), and that the following aspects inter alia be addressed in this document:
 - the approval of building plans by an "estate architect" prior to submission thereof the Municipality, and
 - that the Constitution clarifies at what stage the responsibility would be transferred from the developer to the Home Owners 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 to relax internal street building lines and lateral building lines applicable to the following General Residential Zone I erven to be created, **be approved**, as follows:

Erf	Applicable Building line	From	To
14	Street	5m	2m
	Street – garage with direct access	5m	4m
	Western lateral boundary	3m	2m
15	Street	5m	2m
	Street – garage with direct access	5m	4m
16	Street	5m	2m
	Street – garage with direct access	5m	4m
17	Streets	5m	2m
	Street – garage with direct access	5m	4m
18	Streets	5m	2m
	Street – garage with direct access	5m	4m
19	Street	5m	2m
	Street – garage with direct access	5m	4m
	Northern lateral	3m	2m
20	Street	5m	2m
	Street – garage with direct access	5m	4m
	Southern lateral	3m	2m
21	Street	5m	2m
	Street – garage with direct access	5m	4m
	Eastern lateral	3m	2m
22	Street	5m	2m
	Street – garage with direct access	5m	4m
	Northern lateral	3m	2m
23	Street	5m	2m
	Street – garage with direct access	5m	4m
24	Street	5m	2m
	Street – garage with direct access	5m	4m
25	Street	5m	2m
	Street – garage with direct access	5m	4m
26	Street	5m	2m
	Street – garage with direct access	5m	4m
	Western lateral	3m	2m

3. that the application for departure in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 to relax internal street building lines and lateral building lines for proposed Residential Zone I sites 1 to 13, and 27 to 30, and also the southern lateral building lines for proposed General Residential sites 14 and 21, **not be approved**.
4. that the applicant and objectors be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above conditions of approval.

14. REASONS FOR RECOMMENDATION**REASONS FOR APPROVAL:**Point 1

- ❖ 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.
- ❖ The necessary environmental approval was obtained from the Western Cape Government : Environmental Affairs and Development Planning, and there are no environmental concerns.
- ❖ Concerns / objections raised about the possible impact on the character of the area are unfounded as this proposed development will be in line with the character of surrounding developments.
- ❖ Concerns / objections raised about the traffic impact on Francolin Close does not prove the development to be undesirable, as the road was planned in such a manner that it would provide access to future development in the north. Hence the reason the road stopped dead on the border with Erf 1446. The road was designed for the additional traffic, hence the reason why the application was supported by the Operational and Engineering Services Departments.

Point 2

- ❖ 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 relaxations only relate to relaxation to the new “internal road” within the development, and lateral building lines next to internal Residential Zone I and Public Open Space erven, and would not impact surrounding property owners.

REASONS FOR NON-APPROVAL:Point 3

- ❖ The Overstrand Zoning Scheme sufficiently make provision for the construction of garages on lateral building lines on Residential Zone I and General Residential Zone I erven as follows:
 - On Residential Zone I erven a garage can be constructed on one lateral boundary with consent of neighbours if it is of a specific height, less than one third the length of the boundary, and also at least shorter than 9m.
 - On General Residential Zone I erven provision is made that garaging may be constructed on one lateral boundary, for a distance of 50% of the length of such lateral boundary.
- ❖ The Municipality and Building Control Department needs to consider that if buildings are allowed to be constructed over building lines, and especially on Residential Zone I erven, what the impact would be.

15. ANNEXURES

Annexure A:	Locality Plan
Annexure B:	Motivation Report
Annexure C:	Site Development Plan
Annexure D:	Objections received
Annexure E:	Applicant's comments on objections
Annexure F:	Comments: Telkom
Annexure G:	Comments: Eskom
Annexure H:	Services Report
Annexure I:	Western Cape Government : Environmental Affairs and Development Planning – Record of Decision (ROD)
Annexure J:	Comments: Operational Manager
Annexure K:	Comments: Fire Department
Annexure L:	Comments: Building Department

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

Signature: _____

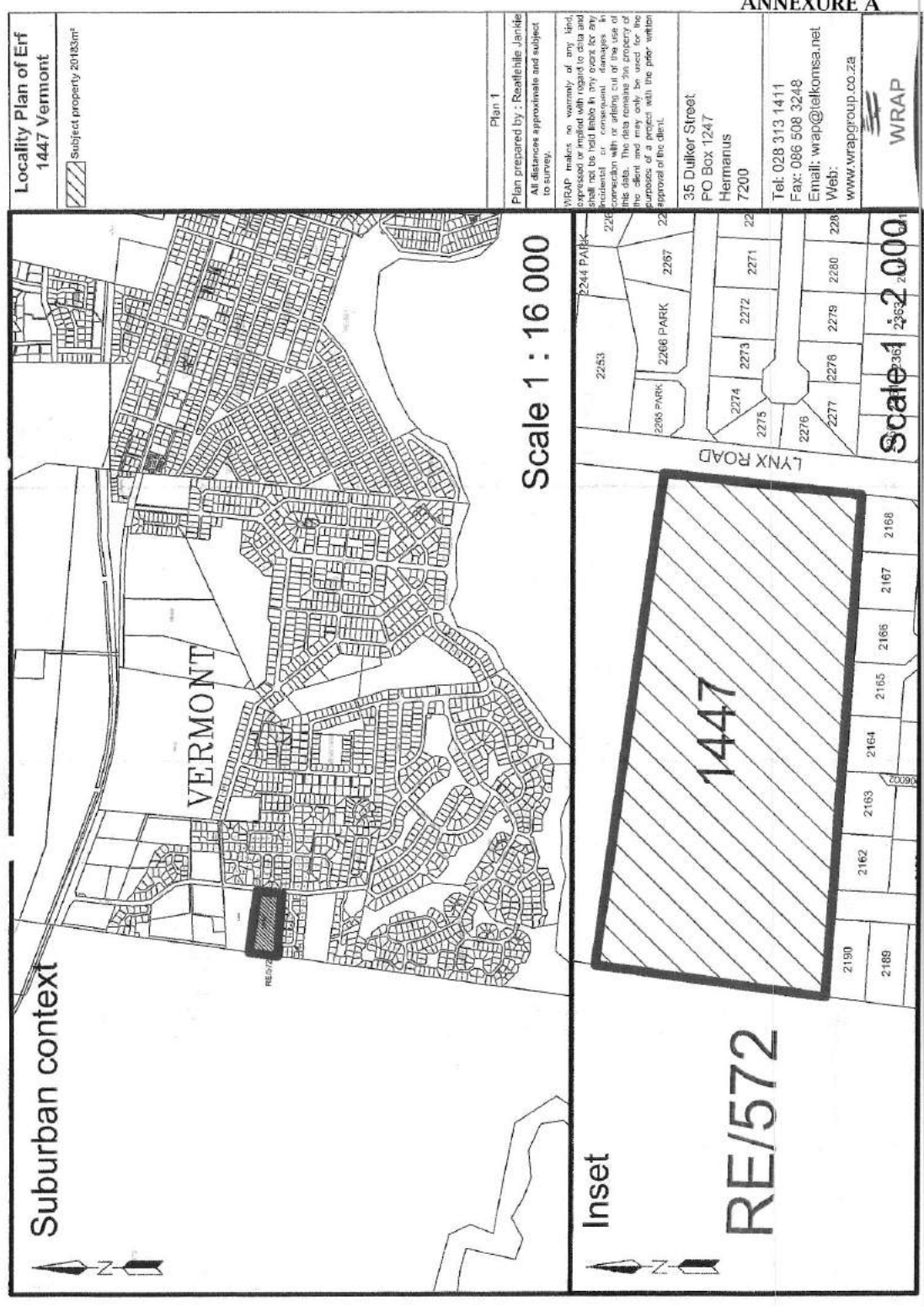
Date: _____

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

Signature : _____

Date: _____

ANNEXURE A



2. APPLICANT'S INTENT

Erf 1447, Vermont (the subject property) is 20183m² in extent and is located in the north-western part of Vermont. The subject property is zoned Residential Zone 1: Single Residential (SR1) in terms of the Overstrand Municipality Zoning Scheme, 2013.

This proposed residential development consists of 30 erven, one public road and one public open space. There are 17 Residential Zone 1: Single Residential erven and 13 General Residential Zone 1: Town Housing erven proposed for this development. The percentage of each component of the subject development is summarised below.

Zoning	Size in sqm	Percentage
Residential Zone 1: Single Residential (SR1)	10496	52%
General Residential Zone 1: Town Housing (GR1)	4728	23%
Open Space Zone 2: Public Open Space (OS2)	1018	5%
Transport Zone 2: Road and Parking (TR2)	3941	20%

The applicant's intent is to rezone and subdivide the subject property to introduce additional residential opportunities into the housing market in Vermont. The proposed zoning and morphology is aligned with the prevailing character in the north-western part of the Vermont suburb. This proposal therefore blends in with the existing logic residential character of the area.

The proposed town housing erven measure between 350m² and 398m². The applicable building lines for the subject erven in terms of Section 6.2.2. (d) of the Overstrand Municipality Zoning Scheme, 2013 are indicated below.

Building lines on the perimeter of a town housing development.

- (i) The street building line is 5,0m;
- (ii) The side building line is 3,0m; and
- (iii) The rear building line is 3,0m.

The building lines which are applicable on the erven of the town housing component of this proposal result in the permissible building footprint being restricted. Where a GR1 erf abuts other zonings, the applicable building line is 3m. A building line departure application is therefore applied for and will be elucidated in the recommendation of this application.

The following internal building lines are applicable to town housing sites in terms of Section 6.2.2. (e) of the Overstrand Municipality Zoning Scheme, 2013 and were applied in the proposed development.

(e) Building lines within the town housing development

The following building lines apply within a town housing site:

- (i) The street building lines on internal roads are 1,0 m provided that garages must be set back at least 5,0 m from the road kerb;


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- (ii) The rear building line is 1,0 m provided that Council may require a greater rear building line for safety or health considerations, in which case it is 3,0 m;
- (iii) A building may be constructed at 0 m on one internal side boundary and 0 m on the internal rear boundary, provided that the building does not occupy more than 50% of such internal side or rear boundary.

The above building lines applicable inside a town housing development are applied in the site layout and concept design (refer Plan 7). The concept design is also compliant with the other development parameters applicable in the proposed zonings.

A building line departure for the garages is also applied for on the properties which are proposed to be zoned Residential Zone 1: Single Residential. The rationale for this proposal is that a harmoniously uniform character is created for the location of the garages. This would positively contribute to the aesthetics and the street scape.

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

1. **Rezoning** of Erf 1447 Vermont from Residential Zone 1: Single Residential (SR1) to Subdivisional Area in terms of Section 16(2)(a) of the Overstrand Municipality: By-Law on Municipal Land Use Planning, 2015;
2. **Subdivision** of Erf 1447 Vermont into 17 Single Residential erven, 13 Town Housing erven, 1 Open Space and 1 Road in terms of Section 16(2)(d) of the Overstrand Municipality: By-Law on Municipal Land Use Planning, 2015; and
3. **Departure** from building lines in terms of Section 16(2)(b) of the Overstrand Municipality: By-Law on Municipal Land Use Planning, 2015.


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3. CHARACTER OF ENVIRONMENT

The subject property is located approximately 10 km from the Hermanus Central Business District (CBD). Vermont is a dynamic area which has a variety of residential zonings which range from Residential Zone 1: Single Residential to General Residential Zone 1: Town Housing.

A perusal of the locality plan (refer **Plan 1**) reveals that the vacant erven of Vermont, including the subject property are subdivided into pockets. This therefore has an implication of Vermont following a development pattern of pocket developments and the subject proposal is no exception. An examination of the road network also reveals that all the roads in the area enter through the different pockets which makes all the properties permeable. The entrance road to the subject property connects to the road network of the neighbouring property and passes through the subject property and stops on the boundary line of Erf 1446 Vermont. The rationale of this road network is to contribute to the permeability and connectivity of the road network in Vermont.

An examination of the zoning plan (refer **Plan 2**) of Vermont particularly on the north-western side reveals some information regarding the way zonings are logically clustered together in the area. The prevailing zoning in the north-western part of Vermont is Residential Zone 1: Single Residential (SR1). Most properties have pockets of General Residential Zone 1: Town Housing (GR1) which are strategically clustered. On average the SR1 pockets constitute approximately 70% of the area while the GR1 pockets constitute approximately 30% and this creates a harmonious composition of residential properties which the residents in the area value and seek to preserve. This proposed rezoning, subdivision and building line departure is therefore aligned with this prevailing zoning in the area and will therefore contribute to this existing prevailing valued character.

4. TITLE DEED AND PROPERTY DETAILS

The title deed of the subject property was assessed to determine if there are any restrictive conditions which may prohibit the proposed subdivision.

PROPERTY DESCRIPTION	APPROX. EXTENT	OWNERSHIP	TITLE DEED NO
Erf 1447 Vermont in the Overstrand Municipality, Division Caledon, Western Cape Province	20183m ²	Henque 3030 cc	T65758/2017

The perusal of the title deed revealed that there are no title deed restrictions which may prohibit the proposed subdivision. (Refer **Annexure B and C**)

5. ZONING

The zoning of the subject property is Residential Zone 1: Single Residential (SR1). The intention of this application is to rezone the subject property to subdivisional area and then subdivide the subject property into:

- 17 Residential Zone 1: Single Residential (SR1) erven;
- 13 General Residential Zone 1: Town Housing (GR1) erven;
- 1 Open Space Zone 2: Public Open Space (OS2); and
- 1 Transport Zone 2: Road (TR2) erf.

The proposed zonings are in harmony with the character of Vermont. The proposed road is also intended to be open to the public and will contribute to the proposed development being well



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connected with the entire Vermont. The public open space is also intended not to only serve the residents of the proposed development, but to also serve the public. This will ensure that the proposed public open space promotes interaction among people from a wider area other than the residents of the subject property.

6. NOTIFICATION OF INTEND TO DEVELOP (NID)

The National Heritage Resources Act, under section 38 contains the following provisions and the proposed development will trigger an application to Heritage Western Cape:

Heritage resources management

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

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

Due to the aforementioned triggers, an NID has been compiled and submitted to Heritage Western Cape. The Record of Decision will be submitted to the Overstrand Municipality upon receipt.

7. ENVIRONMENTAL CONSIDERATIONS

Lornay Environmental Consulting (Pty) Ltd submitted an environmental checklist for the subject property to the Western Cape Department of Environmental Affairs and Development Planning (refer **Annexure D**). The reference for the application is 16/3/3/6/1/E2/40/1352/17. The outcome of this submission will be forwarded to the Overstrand Municipality once it is available.

8. ARCHITECTURAL GUIDELINES

It is essential for the subject property to have architectural guidelines regulating the prospective property owner's ability to make architectural improvements. These standards would enable all buildings on the subject property to be designed in harmony with the surrounding area. The architectural guidelines also outline the applicable building lines which are proposed for this proposed development. A copy of a draft of the architectural guideline is attached as **Annexure E**.

9. SERVICES

A services availability report has been compiled by GLS Consulting. (refer **Annexure F**).

9.1 Electricity

The subject properties will be connected to the Eskom electricity network.



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The GLS report address the proposed water distribution system.

9.3 Sewage

The GLS report address the proposed connection to the sewer network.

9.4 Traffic impacts

Access to the subject property will be gained from Francolin Street via a 13m wide street. The internal road on the subject property is 10m wide. The road configuration has been designed in a manner to ensure that the traffic flow is smooth. Attached is a proposed street naming and numbering plan (refer Plan 6).

The proposed layout of the development was discussed with Mr Dennis Hendriks and Mr Ricardo Andrew of the Engineering Department and they confirmed that no further traffic investigations are required.

10. NEED AND DESIRABILITY

In terms of Section 55 (b) and (c) of the Land Use Planning Act; 2014, an application can be refused based on it being undesirable. The measure to assess the desirability of the application is the consistency of the application with spatial development frameworks, applicable structure plans, the principles referred to in Chapter VI Land Use Planning Act; 2014 and guidelines issued by the Provincial Minister regarding the desirability of the proposed development.

The proposed rezoning, subdivision and building line departure needs to be desirable and consistent with the logic character of Vermont and add value for the owner and the community. The Department of Environmental Affairs and Development Planning (DEADP) published a Guideline on Need and Desirability as part of the EIA Guideline and Information Document Series. Although this application does not include an environmental authorization application, the desirability guidelines set out in the document are also applicable in planning.

In terms of the above, several questions need to be asked about the need and desirability of a proposal, which include the following:

Need and desirability measure	Yes / or No	Applicability to the subject farms
"Is the land use considered within the timeframe intended by the existing approved SDF agreed to by the relevant environmental authority?"	Yes	The proposal is aligned with the Western Cape Provincial Spatial Development Framework (PSDF), Overstrand Municipal Spatial Development Framework (OMSDF) and the Overstrand Municipal Growth Management Strategy (OMGMS) and the spatial planning initiatives section of this report will elucidate this in detail.
"Does the community/area need the activity and the associated land use concerned?"	Yes	There is a definite need for the expansion of residential erven in Vermont in a contextually appropriate manner. This proposal also seeks to create additional residential erven within the urban edge to

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		cater to the dynamic and growing population within the Overstrand Municipality and cater to the tailored housing needs of residents.
"Is this development the best practicable environmental option for this land/site?"	Yes	The subject properties are located within an already approved township and it is not located on environmentally sensitive land.
"Would the approval of this application compromise the integrity of the existing approved and credible municipal IDP and SDF as agreed to by the relevant authorities?"	No	The approval of this application will enhance the credibility of the OMSDF and OMGMS and the spatial planning initiatives section of this report will elucidate this.
"Do location factors favour this land use?"	Yes	The subject property is well located within a predominantly residential area and will positively contribute to the existing valued residential ambience which exists in the suburb. The subject property is also easily accessible, and the western part of the property offers a spectacular view of the mountain in Hermanus.
"How will the activity or the land use associated with the activity applied for, impact on sensitive natural and cultural areas?"	No	The subject property is not located within a sensitive natural or cultural area and the approval of this proposal will not result in compromising on these areas.
"Will the proposed activity or the land use associated with the activity applied for, result in unacceptable opportunity costs?"	No	The approval of this proposal will not result in unacceptable opportunity cost. The approval of this proposal will positively add to the economy of Vermont as the construction of homes will create temporary employment while the maintenance of the future properties will create permanent employment.
"Will the proposed land use result in unacceptable cumulative impact?"	No	The proposal will not have any unacceptable impact on the society.

11. SPATIAL PLANNING INITIATIVES

Spatial planning initiatives

The proposal was assessed for consistency with the existing spatial planning initiatives. This is to ensure that the proposed rezoning, subdivision and building line departure will be aligned with the urban form which is envisaged by the competent provincial and local authority.

Provincial Spatial Development Framework (PSDF 2014)

The aim of the PSDF is to give spatial expression to the national and provincial development agendas and serves as a basis for coordinating, integrating, and aligning ground delivery of national and provincial departmental programmes. The framework also aims to communicate the government's spatial development intentions to the private sector and civil society. It will be assessed how the proposed development is aligned with the aims of the PSDF.


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The spatial logic below refers to the physical and socio-economic manifestation of activities within a neighbourhood. Below is a list of the spatial logic that underpins the PSDF and how the proposed development is in sync with the spatial logic:

Spatial logic	Alignment of the proposal with the spatial logic.
" Capitalise and preserve unique local built form and natural typologies, character and heritage."	A perusal and measurement of the surrounding subdivided SR1 properties reveals that the properties measure no less than 600m ² . The GR1 properties measure no less than 350m ² . The proposed erven are well aligned with this preserved morphology and local built form and seeks to contribute to preserve it.
" Promote urban rather than suburban model: avoid further fragmentation of townships."	This proposal will not lead to fragmentation of Vermont. The existence of the proposal within an urban area will make the subject property contribute to combating urban sprawl.
" Focus on creating connections to economic and social opportunity to promote spatial and socio-economic integration."	The subject property is well located in Vermont where the residents of the area are connected to an area where economic opportunities and social capital exists. This proposed rezoning and subdivision is occurring in an area where these connections can contribute to the social progress of the future residents.

The PSDF also provides a settlement agenda which addresses the full spectrum of Western Cape settlements irrespective of their size from metropolitan Cape Town to the smallest hamlets. The policy objectives for settlements are the following and it will be highlighted how this proposal is aligned with the objectives.

Policy objectives	Alignment of the proposal with the policy objectives.
"Protect and enhance sense of place and settlement patterns."	The subject property is located within Vermont which is a residential area with a morphology, zoning and land use patterns as elucidated in the Section 3 of this report. This therefore results in the residents of the area valuing the sense of place which is derived from the existing environment. This proposal is therefore aligned with the existing settlement pattern and will subsequently enhance and accelerate the existing sense of place.
"Improve accessibility at all scales."	The subject property resembles a pocket development however the proposed road network is connected to that of the surrounding properties. The subject property will not be a gated community and therefore improve accessibility at all scales.
"Promote an appropriate land use mix and density in settlements."	The subject property has an appropriate and complementary mix of erven which range from 350m ² to 650m ² . This promotes an appropriate

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	density mix on the property and will enable people from different socio-economic strata to live in the same area. This application therefore seeks to promote and accelerate harmonious socio-economic integration.
"Ensure effective and equitable social services and facilities."	Vermont has high quality public space and this proposed layout depicts a high quality open space. This will therefore result in the subject property contributing to the open spaces in the area and contribute to providing equitable spaces for society which will promote social integration and interaction.

Overstrand Spatial Development Framework (SDF 2006)

The objective of the SDF is to formulate strategic spatially based policy guidelines and proposals where the needs, changes and growth in the area can be managed to benefit the inhabitants and the environment in the Overstrand Municipality. The SDF is guided by a set of objectives and it will be highlighted how the proposal is consistent these core objectives.

Local spatial development goals for the greater Hermanus	The consistency of the proposal with the goals
"The protection and maintenance of the character of the areas within Greater Hermanus, as well as sustainable management growth in the area."	The subject proposal will add to the existing character of Vermont and additionally contribute to contextually appropriate growth in a sustainable manner.
"The challenge will be to retain this unique character and its attractiveness by balancing the need for urban growth."	This proposal essentially seeks to add more residential properties into the housing market in Vermont while retaining the unique character of the area. This will also make the subject property more attractive while balancing the need for urban growth which is within sound town planning principles.
"Contain the urban footprint of Hermanus within the well-defined urban edge."	This proposal is located within the urban footprint of Hermanus.
"The ongoing provision of land and / or redevelopment opportunities for residential / housing uses, within the urban edge, must be viewed as a priority. This together with the need to provide for integration and a balanced mix of housing types for the full range of income groups must also inform decision making."	The intention of the owner of the subject property is to contribute to delivering on the provision of housing opportunities which is cited as being a priority in the Greater Hermanus. The balanced mix of the erf extents on the proposed development which will cater to a wider range of income groups is intended to favourably inform the decision which will be taken by the decision maker.

The Spatial Proposal Plan in the SDF specifically earmarks the subject property for residential purposes. This proposed development aims to create residential erven which are aligned with the development imperatives highlighted in the SDF.

Overstrand Municipal Growth Management Strategy (OMGMS 2010)

The purpose of the Growth Management Strategy is to improve the Overstrand Municipalities' overall environmental sustainability by enhancing the quality and efficiency of the built environment. It will be


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highlighted how the proposed subdivision will contribute towards the aims and objectives of this strategy.

Goal	The consistency of the proposal with the goals.
"Ensure optimal land use planning and the efficient use of infrastructure, services, facilities and land."	The subject property is currently vacant with some alien vegetation on it. The property is regarded as prime development land which is not utilised. This proposal seeks to rezone and subdivide the property in a manner which will ensure optimal and efficient use of urban infrastructure and services to serve additional families in a manner that will not burden the municipal services capacity.
"Contribute to place making and the development of attractive and safe urban environments."	The subject development (refer Plan 7) is proposed to be made attractive and blend in with the character of the environment. This will subsequently add to place making.
"Ensure that the scale and character (in terms of bulk, height and architectural styling) of the higher density areas are appropriate to the immediate context."	The proposed extents of the erven are appropriate to the immediate context of the surrounding erven. The Architectural Guidelines which are proposed as a condition of approval also promote buildings which are appropriate to the immediate context.

The subject property is also located in Planning Unit 1 and it is proposed that no densification occur in this area. This proposal will not densify the subject property and will retain Vermont in its current land use, morphology and zoning format.

12. PLANNING PRINCIPLES

The proposed development was analysed for consistency with the planning principles to provide a recommendation to the Municipality for the application. These spatial planning principles are in terms of Section 42 of the Spatial Planning and Land Use Management Act, 2013 and Chapter VI of the Land Use Planning Act, 2014.

Planning principles	Consideration and impact
Spatial Justice "Refers to the need to redress the past apartheid spatial development imbalances and aim for equity in the provision of access opportunities, facilities, services and land."	The approval of this proposal will not in any way perpetuate the spatial development imbalances which are caused by apartheid spatial planning.
Spatial Sustainability "A spatially sustainable settlement will be one that ensures an equitable land market while ensuring the protection of valuable agricultural land, environmentally sensitive and biodiversity rich areas a limit urban sprawl."	This proposal is within the urban edge and will not encroach on agricultural land, environmentally sensitive areas, biodiversity rich areas and will contribute to combating urban sprawl.

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**MOTIVATION**

<p>Efficiency "Efficiency refers to the need to create settlements that optimise the use of space, energy, infrastructure, resources and land."</p>	<p>The proposal seeks to optimise on the development potential which the subject property presents in a manner which will efficiently and effectively make use of energy and urban infrastructure to cater to additional families.</p>
<p>Spatial Resilience "Spatial resilience in the context of land use planning refers to spatial plans, policies and land use management systems should enable the communities to be able to resist, absorb and accommodate these shocks and to recover from these shocks in a timely and efficient manner."</p>	<p>The Western Cape Department of Environmental Affairs and Development Planning (DEADP) and the Overstrand Municipality have compiled spatial policies that promote resilience in land use management. As the motivation in the spatial planning initiatives has proven, the proposed development is well aligned with the different planning frameworks as set out by the competent authorities and promotes resilience. The fact that the subject property is spatially resilient will enable it to absorb and accommodate shocks whether they are economic or environmental in a timely and efficient manner.</p>
<p>Good Administration "Good administration in the context of land use planning refers to the promotion of integrated, consultative planning practices in which all spheres of government and other role players ensure a joint planning approach is pursued."</p>	<p>The application process promotes consultative planning as the Municipality will advertise the proposal to the public for comment. WRAP will also respond to the comments received and take these into consideration in the planning of the project.</p> <p>All the above measures ensure that a joint planning approach is pursued to the benefit of the property owner and the community.</p>

13. EVALUATION AND CONCLUSION

Herewith a synopsis of the essential elements that makes the proposal development viable and practical on the subject property.

Application

- **Rezoning** of Erf 1447 Vermont from Residential Zone 1: Single Residential (SR1) to Subdivisional Area in terms of Section 16(2)(a) of the Overstrand Municipality: By-Law on Municipal Land Use Planning, 2015;
- **Subdivision** of Erf 1447 Vermont into 17 Single Residential erven, 13 Group Housing erven, 1 Open Space and 1 Road in terms of Section 16(2)(d) of the Overstrand Municipality: By-Law on Municipal Land Use Planning, 2015; and
- **Departure** from building lines in terms of Section 16(2)(b) of the Overstrand Municipality: By-Law on Municipal Land Use Planning, 2015.

Character of the environment

The proposed subdivision is well aligned with the morphology of the suburb which consists of a road network which is in loop shapes and promotes permeability within the different pockets in Vermont. The proposed zoning on the subject property is also well aligned with the prevailing zoning in the north-western part of Vermont where approximately 70% of the properties are zoned SR1 and 30%

of the properties are zoned GR1.

Title deed and property details

There are no title deed restrictions which may prohibit the proposed development.

Zoning

The subject property is proposed to be subdivided into:

- 17 Residential Zone 1: Single Residential (SR1) erven;
- 13 General Residential Zone 1: Town Housing (GR1) erven;
- 1 Open Space Zone 2: Public Open Space (OS2); and
- 1 Transport Zone 2: Road (TR2) erf.

Heritage Impact

The proposed development triggers a Notice of Intent to Develop as the site to be transformed exceeds 5 000m², involves the subdivision of three or more erven and is larger than 10 000m². An NID has been submitted to Heritage Western Cape.

Architectural guidelines

The development will be subject to architectural guidelines.

Services

Electricity: All erven will be connected to the Eskom electricity network.

Water: The GLS report explains the availability of water for the proposed development (refer **Annexure F**).

Sewage: The GLS report explains the capacity of the sewage system with regards to catering to the proposed development (refer **Annexure F**).

Access and Traffic: Access to the erven will be gained from Francolin street via a proposed access street. Attached is a proposed street naming and numbering plan (refer **Plan 6**). No further Traffic Impact Assessment are required.

Need and desirability

- The proposed development is well aligned with the credible PSDF, OMSDF and the OMGMS. The alignment of this proposal with the subject spatial planning documents will contribute to enhancing the credibility of the documents.
- There is a definite need for residential properties within Vermont to cater to the growing population of Hermanus in contextually appropriate manner within Vermont.
- The subject property is not located in an environmentally sensitive area.
- The subject property is ideally located within a predominantly residential area which has a variety of SR1 and GR1 zoned properties.
- This proposal will not compromise on sensitive natural and cultural areas.
- The approval of this proposal will not result in unacceptable opportunity cost and unacceptable cumulative impact.

Spatial planning initiatives

Western Cape Provincial Spatial Development Framework (PSDF 2014)

- This proposal will preserve the existing local built form as the erven are of a similar size as those in the surrounding area.
- The location of the subject property within the urban edge will enable the property to contribute to combating urban sprawl.
- The proposed road network connects to the surrounding road network and promotes permeability and accessibility.


 WRAP
MOTIVATION

- The erven on the property range from 350m² to 650m² which will accommodate people from different socio-economic strata to live in the same area.
- The proposed public open space on the subject property will contribute to other existing public open spaces in the area and contribute to promoting social interaction.

Overstrand Spatial Development Framework (SDF 2006)

- The prevailing character of Vermont will be maintained while contributing to contextually appropriate growth.
- This proposal seeks to introduce housing within the housing market in Vermont while retaining the unique character of the area.
- The proposal contains erven with a variety of extents and this will accommodate people of different socio-economic backgrounds and subsequently promote and accelerate integration.
- The Spatial Proposal Plan reserves the subject property for residential development and this proposal is aligned with it.

Overstrand Municipal Growth Management Strategy (OMGMS 2010)

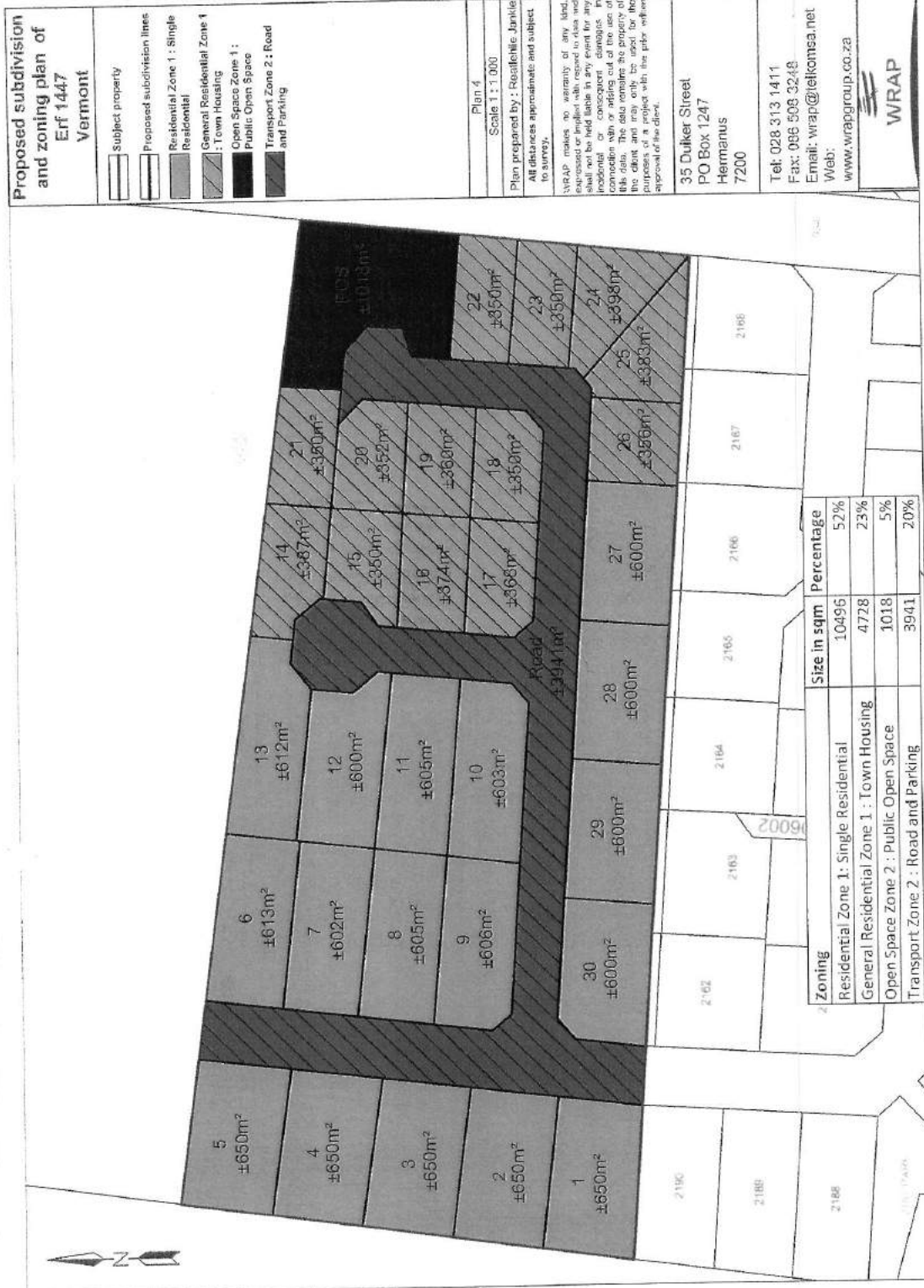
- This proposal seeks to rezone and subdivide the subject property with the intention of optimally using infrastructure, services and land to serve additional families.
- The vacant land is intended to be used in a manner which will blend in with the character of the surrounding environment and contribute to place making in Vermont.
- The proposed erf sizes and Architectural Guidelines which are proposed as a condition of approval promote buildings which are appropriate to the surrounding context.

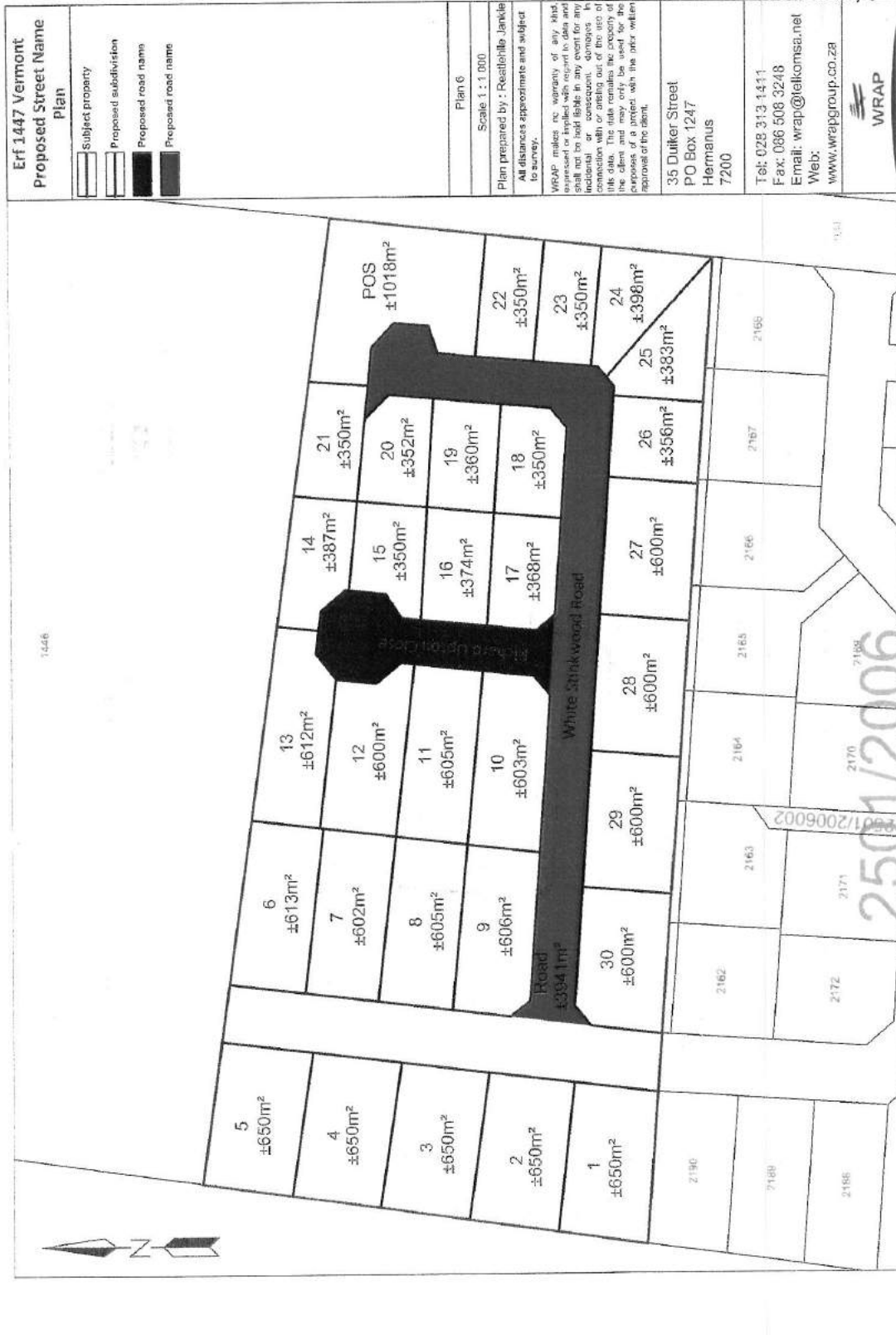
Planning Principles

- **Spatial justice:** The approval of this application will not perpetuate spatial development imbalances caused by apartheid planning.
- **Spatial sustainability:** The approval of this proposal will not compromise on the spatial sustainability of Vermont.
- **Efficiency:** The approval of this proposal will lead to the efficient utilisation of services on the subject property while not burdening the municipal infrastructure capacity.
- **Spatial resilience:** The approval of this proposal will contribute to enhancing spatial resilience.
- **Good administration:** The public participation process will ensure that a joint planning approach is pursued.

This application took into consideration the site-specific circumstances of the subject property, title deed restrictions, and services connected to the property, various development frameworks and the planning principles. It has been motivated why this proposal is a viable and practical.


 WRAP





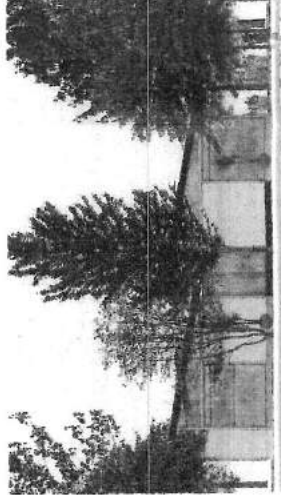
THIS DRAWING IS THE PROPERTY OF THE ARCHITECT AND CONTRACTOR TO BE KEPT IN ALL VIEWS AND NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT AND CONTRACTOR. NO PART OF THIS DRAWING IS TO BE USED FOR ANY OTHER PROJECT OR FOR ANY OTHER PURPOSE. THE ARCHITECT AND CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY. THE ARCHITECT AND CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY. THE ARCHITECT AND CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY.



SITE LAYOUT
SCALE 1:10000



CONCEPT DESIGN



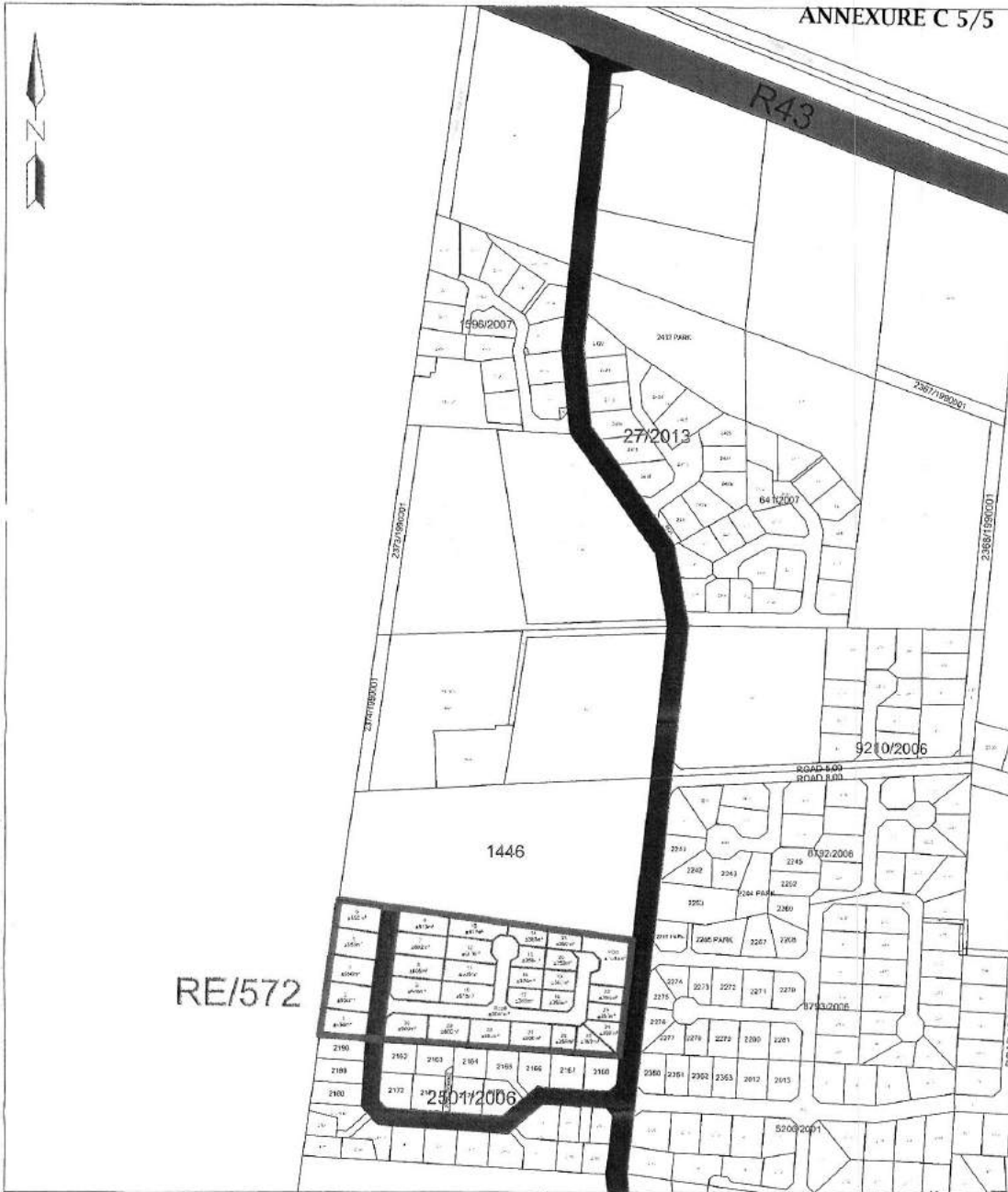
CONCEPT PRESENTATION

NO.	REVISIONS / ISSUE	DATE

CLIENT: _____
 ARCHITECT: _____
 PROJECT: 5/4
 DATE: 02/2011
 SCALE: 1:10000
 DWG. NO.: _____
 SHEET NO.: _____




CONCEPT DRAWINGS
 SITE PLAN
 CONCEPT
 5/4
 02/2011
 1:10000
 DWG. NO.: _____
 SHEET NO.: _____

ANNEXURE C 5/5



RE/572

Access Plan to Erf 1447 Vermont

-  R43
-  Lynx road
-  Access to the subject property

Plan 5

NTS

Plan prepared by : Reetlehle Jankie

All distances approximate and subject to survey.

WRAP makes no warranty of any kind, expressed or implied with regard to data and shall not be held liable in any event for any incidental or consequent damages in connection with or arising out of the use of this data. The data remains the property of the client and may only be used for the purposes of a project with the prior written approval of the client.

35 Duiker Street
PO Box 1247
Hermanus
7200

Tel: 028 313 1411
Fax: 086 508 3248
Email: wrap@telkomsa.net
Web: www.wrapgroup.co.za





ANNEXURE D 1/24



TR A Theart
CH Olivier)

PO BOX 142, ONRUSRIVIER. 7201
23 March 2018

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

Dear Sir

ERF 1447, LYNX ROAD, VERMONT, OVERSTRAND MUNICIPAL AREA: PROPOSED REZONING, SUBDIVISION AND DEPARTURE: WRAP (obo HENQUE 3030 CC)

I refer to your municipal notice 1447 HVM (3583) dated 13 February 2018, and the motivational report and plans submitted.

The Vermont Ratepayers & Environmental Association (VREA) does not have an objection to this development application. It is in keeping with other developments that have already been approved in the Lynx Road area. One difference is that it is apparently not intended to be a gated area. The proposals are reasonable and well-motivated.

Of interest, and to be encouraged in-principle, is the proposal to keep a parcel of land as Public Open Space. It is a relatively small area though and we would be interested to know how this small area will and can be managed/maintained to the benefit of the local community. There should be a clear intention statement and plan for its intended use as future landowners that purchase here should be informed up front how the area will be used.

Yours faithfully

Duncan H.W. Heard
Chairperson: VREA

FILE NO:	EL 1447
	Vermont
SCAN NO:	40
COLLABORATOR NO:	1142449

TP

ATT. Mr. H Olivier
ef.1447(3853)



*TP A Theart
(H Olivier)*

I refer to rezoning of Erf 1447.

Whilst I do not have a problem with the rezoning of the property I have a serious problem with the use of

RFrancolin Close as the entrance to the property.

We have already experienced huge problems with the current traffic during current building of houses in Francolin Close. The heavy building vehicles that use the road tend to close off the road as the road is so narrow it is almost too difficult for any vehicle to pass.

To have 30 homes and trucks using this road will be impossible and utter chaos.

There are many other factors which would make it more practical to use Lynx road as the entrance to the property but my main concern would be the problem in the event of a fire. It would be impossible to evacuate all the residents in a hurry.

I trust that you will consider our objections in a serious manner before giving the go ahead to this development

Yours faithfully

[Handwritten signature]
M D Francis

21 Francolin Close

FILE NO:	EL 1447
	Vermont
SCAN NO:	HVM 1447
COLLABORATOR NO:	1139839

TP - 15 MAR 2018

ANNEXURE D 3/24

WILLIAM IAN and FRANCIS ELIZABETH KETTLES

8 Francolin Close, Vermont, Hermanus. 7201
 MAIL ADDRESS: wkettles40@gmail.com
 Mobile No. 072 268 9158

8th March 2018,

Overstrand Municipality,
 P. O Box 20,
 Hermanus,
 7200.

TP A Theart
 (H Olivier)

Attention: Mr H Olivier**Re: The rezoning of ERF 1447, Lynx Road Vermont Your Ref: 1447 HVM (3853)**

I want to thank you for the opportunity of objecting to the rezoning of ERF 1447 and I trust that the Overstrand Municipality will apply the by-laws as they are intended to do. Why do we have by-laws, if building developers can request them to be relaxed for self-greed so that they can squeeze in as many building plots as they can to maximise profit. This surely will lead into problems with traffic, sewage and discomfit for the Municipality and future homeowners and current homeowners bordering this proposed development.


I want to object to the relaxing of building boundaries and that the Overstrand Municipality by-law 3m x 3m x 3m and 5m from the road to be strictly applied as it is for everyone else. What is the reason to having by-laws if one is allowed to have them relaxed for capital gain? Should the by-laws be relaxed it would pose a problem to controlling fires from spreading from house to house.

I want to object to allowing this proposed development from using Francolin Close as its main entrance and suggest they use their entrance on Lynx Road in line with Stinkhout Street. The reason for the objection is the incline of Francolin Close is very steep and vehicles carrying heavy load battle a low ratio gearing, which leads to a high noise level and we have experienced this from building that has gone up in Francolin Close. A major concern for future homeowners would be an emergency exit should there be a major fire from the surrounding nature reserve.

I want to request on behalf of all the houses bordering this proposed development that the title deeds for ERF numbers 25, 26, 27, 28, 29 and 30 be restricted to single story houses as we were all informed before purchasing our properties that ERF 1447 was zoned as a small holding only with no future rezoning. Should the developer (builder / owner) be allowed to build double story houses it would take away our view of the mountain and decrease the value of our houses in Francolin Close, Vermont.

I want to thank you in advance for your understanding of the issues we have with this development and trust that these issues are viewed sympathetically.

Kind regards,


 William Kettles.

FILE NO:	EL 1447
	Vermont
SCAN NO:	HVM 1447
COLLABORATOR NO:	1139616

TP 14 MAR 2018

INTEROFFICE MEMO

MA'ADEN GOLD AND
BASE METALSINDUSTRIAL SECURITY, SAFETY
AND ENVIRONMENTAL DEPARTMENT

DATE: 09 March 2018

TO: Hermanus Town Planning department - Overstrand

FROM: Grzegosz Jan Bala
ID no: 580723 5052 183
Co-Owner Erf 2166

ANNEXURE D 4/24

TP A Theat
C Holiver

معادن للذهب
MA'ADEN GOLD

FILE NO:	EL 1447
	Vermont
SCAN NO:	HVM 1447 ✓
COLLABORATOR NO:	1137621

Re: Comments on rezoning of Erf 1447, Lynx road, Vermont

Dear Town Planning department

Thank you of giving the home owners in Francolin Close the opportunity to raise our concerns on the Notice sent to us on 13 February 2018, ref 1447 HVM (3853).

I am a graduated Safety professional with more than 25 years Local and International experience. I specialise in risk assessments, drafting, implementing and auditing action plans to minimize risks to my employers.

Working through the documents; municipal notice No. 18/2018, relevant locality plans and the supporting document from "Wrap" file 67/76, I came concluded the following;

1. **Traffic Impacts** of 30 additional households on having one access through Francolin Close has not been effectively assessed. As per section 9.4 a discussion was held. No proper assessment appeared to be conducted. The burden and increase of construction traffic and later additional home owners will greatly increase the risk of fatalistic incidents and fire risks to current owners and children on our narrow road (Francolin Close). Did the Fire department approve this layout?

Recommendation

I would like to recommend Zone 1 Public Open Space to be included as a traffic space, additional access to Erf 1447. I cannot understand this option was not considered, and would blame this on ineffective traffic impact assessment. I would like Mr. Hendriks and Andrew's comment on this statement.

2. **Rear Building lines** of SR1 homes adjacent to current Francolin home owners properties to be enforced to 3,0m.

Kindly understand we are not against development in Vermont. We always knew that the open space West of Lynx road will be open for development. We just want department officials to approve layouts that are safe, practical and enforce the environmental protection of our milkwood trees and francolins (and other wild

TP, 09 MAR 2018

ANNEXURE D 5/24

animals) in Plot 1447 and rest of Vermont. Layouts in the past had green areas. This has not been considered by Lornay Environmental Consulting.

Yours in Health, Safety and Environment

Grzegorz Jan Bala
OHSE Consultant

Ma'aden Gold and Base Metals
ISSE Department
Al Amar Mine
Postal box 84
Al Quwaiya
Riyadh 11971
Kingdom of Saudi Arabia

e-mail: jangb@jed.maden.com.sa
Cell no: 0536232695 / 0569780621
Telephone (w): +966 (0)1115988

Postal address
Postnet suite 269
Hermanus 7200
South Africa

Street address
06 Francolin Close (Erf 2166)
Vermont
Hermanus 7200
South Africa
Cell (Wife - Selma) 0027824233783

ANNEXURE D 6/24

9th March 2018TR A Theart
(CH Olivier)

TO: Mr. H. Olivier

FROM: Vernon Berry and Glenys Berry
7 Francolin Close, VERMONT.

FILE NO:	EL 1447
SCAN NO:	Vermont
COLLABORATOR NO:	1138149

Dear Sir,

Re: Use of Francolin Close as access Road to New Development**Erf 1447, VERMONT**

We hereby strongly object to the use of Francolin Close as the only access road to the proposed development for the following reasons:

We retired to Brenton on Sea in Knysna for the tranquillity and minimal traffic. When we lost our house in the Knysna fires last year we looked for what we hoped would be an equivalent area to live in and felt that we had found it in VERMONT.

With the building of a house opposite us, for the last five months we have been astounded by the number of vehicles of all sizes, seven days a week, which increase the noise pollution considerably. With deliveries along Francolin Close, to the new development area, this noise pollution and diesel pollution can only intensify adversely for the neighbourhood.

We would also feel a lot more vulnerable to crime with only Francolin Close as access to the new development area. We have already experienced workers, from the building site opposite, walking around our area.

Something I feel worth considering, is access routes in the event of fynbos fire. We have experienced this with only one route in or out of Brenton on Sea. Whilst we would be ok where we live now, we would fear for the people in the new development area, all having to use Francolin Close.

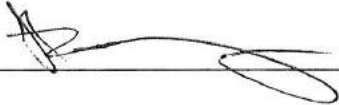
Surely it will be more practical to have the entrance to New Development where Stinkhout St meets Lynx St as that ground is virtually level on Erf 1447.

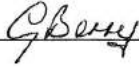
TP 12 MAR 2018

ANNEXURE D 7/24

We appeal to you Sir, considering our grievances, to look on this objection favourably.

Yours sincerely,

Ronald Vernon Berry 

Glenys Berry 

Date 09-03-2018

Please note that we have not received any documentation by post or by hand of this proposed development.

TR A ANNEXURE D 8/24
C H Olivier

Loretta Gillion - PROPOSED REZONING OF ERF 1447 VERMOND

From: "Paul de Villiers" <paul@orbic.co.za>
To: <holivier@overstrand.gov.za>
Date: 07/03/2018 07:53 PM
Subject: PROPOSED REZONING OF ERF 1447 VERMOND
Cc: <loretta@overstrand.gov.za>



Dear Mr Olivier.

I acknowledge receipt of the notice to the proposed development on Erf 1447 and please allow me to make a few serious comments.

As you are aware of, I was the developer of the adjoining property (Erf 1448) and still have some interest. When we designed and developed erf 1448, we were hoping that we would be able to acquire Erf 1447 and do it as a joint development, but that never materialised. Our planning, in discussion with your office, was always done in such a way that the road (Francolin close) would extend through to Erf 1447 and exit again onto Lynx Road. The idea was never that all that traffic should come back through Erf 1448. In the first place I believe it is not ideal for the new owners of stands 18-26 in the new development to have to drive all the way back through Erf 1448. It is definitely not acceptable for the owners of Erf 1448, that all the new traffic will be coming pass their homes.

I have no problem with the concept of the link between the two developments, but I do think a second exit must be provided. If you had in mind that the next Erf 1446, would in the future provide the exit, I propose that in the interim you build a temporary exit over the stand on the north-eastern corner which is zoned Public Open Space.

In the last few weeks I have received numerous calls from residents in Erf 1448, complaining of the proposed increase in traffic and I trust you will attend to our complaint with the necessary seriousness.

Kind regards.

Paul de Villiers

FILE NO:	EL 1447 Vermont
SCAN NO:	
COLLABORATOR NO:	1138126

TP

12 MAR 2018

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ANNEXURE D 9/24

Dept. town planning Overstrand Municipality

TR A Thout
C Holivier

Dear Henk Olivier

We, the residents of 14 Francolin close, Vermont, Hermanus, hereby object to the use of Francolin close as the access road for the proposed development of Erf. 1447 , Vermont, Hermanus.

We bought, built and moved to Francolin close with the understanding that there would only be a small, limited number of houses in the close thereby limiting traffic through it, the proposed development's use of the road would greatly increase the traffic flow through Francolin close, both during and after construction of the proposed development of Erf. 1447.

Erf 1447 abuts Lynx rd. and this would seem to be the obvious access to this Erf. / development. The POS section in the proposed lay-out would be ideal for a recessed entrance onto Lynx.

The bend in Francolin close is very sharp steep narrow and blind and is therefore totally unsuited to more traffic and especially large trucks.

The gradient also contributes to significantly increased noise levels and large vehicles often stall on this section.

Sincerely

Johan and Beatrix Malan

14 Fancolin close, Vermont, Hermanus.


8/3/2018
TP 12 MAR 2018

FILE NO:	EL 1447
	Vermont
SCAN NO:	
COLLABORATOR NO:	1138106

ANNEXURE D 10/24

TO WHOM IT MAY CONCERN

16 Francolin Close
 Vermont
 Hermanus
 7201
valv@live.co.za
 074 933 0829



8 March 2018

TP-ATheart
 (H. Oliver)

Rezoning of erf 1447 Vermont, Hermanus

1. Only 1 resident in the street was notified of the intention to use Francolin Close as the only entrance to the new development.
2. The road is too narrow to accommodate the amount of traffic.
3. A close means the road does not extend into another development.
4. A road can be extended from Stinkhout Street over Lynx road.
5. The green space on the plans of the development can be used as the entrance.
6. Who did the surveying of erf 1447? Steep gradient not flat plain.

We have no objection to the development just the use of Francolin Close as an entrance.

Yours Truly
 Paul and Valerie Jansen van Vuuren

Handwritten signature and initials in black ink, appearing to be "Paul" and "VJ".

TP 12 MAR 2018

FILE NO:	EL 1447
	Vermont
SCAN NO:	
COLLABORATOR NO:	1138098



ANNEXURE D 11/24
 TP - A Theart
 (C Olivier)
 8 March 2018

TO: Mr H. Olivier
 FROM: Thomas Murless and Engela Murless
 18 Francolin Close, VERMONT.

FILE NO:	EH 1447
	vermont
SCAN NO:	
COLLABORATOR NO:	1138084

Dear Sir,

Re: Use of Francolin Close as access Road to New Development

Erf 1447, VERMONT.

We herewith strongly object to the use of Francolin Close as the only access road to the proposed development for the following reasons.

We had a choice of where to build our retirement home and chose Francolin Close as it had a limited number of stands and little volume of traffic, being a "Close".

With the proposed development and the proposal to use Francolin Close as the only Road into and from the said development it will turn into a nightmare living here.

We have already experienced problems with recent building here with delivery vehicles not able to get to the top of the road in one go. They had to reverse back to Lynx Rd, offload half their load and do delivery in two sessions.

As the Town Planning Dept is aware of noise and environmental issues, from Lynx Rd to the top of Francolin Close is approximately 170 m and a height difference of +/- 50m is a gradient of +/-3.4. The additional noise that all vehicles make is like living with a compactor operating from 4m from your front door.

Surely it will be more practical to have the entrance to New Development where Stinkhout St meets Lynx St as that ground is virtually level on Erf 1447.

TP 12 MAR 2018

ANNEXURE D 12/24

Please find attached map with this letter.

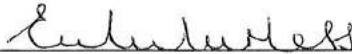
We appeal to you Sir to consider our objection favourably in this regard.

Yours sincerely,

Thomas L Murless



Engela Murless



Date

9. 3. 2018.

Please Note that we have not received any documentation by post or by hand of this proposed development.





15 Francolin Close
VERMONT

9th March 2018

TR A Theart
(H Olivier)

Mr Henk Olivier
The Department of Town Planning
Overstrand Municipality

RE: DEVELOPMENT OF ERF 1447, VERMONT

Dear Sir

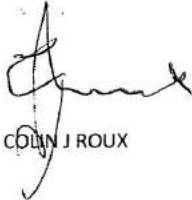
This writing serves to confirm that I, Colin J Roux, owner of house 15 Francolin Close, strongly oppose access being granted to potential residents of the Erf 1447 development.

One of the attractions to me at the time of purchasing my home was the fact that it is a small, quiet, peaceful suburb with no thoroughfare as it was zoned for a said amount of homes to be developed.

Francolin Close will not cope with construction vehicles during development, and later, traffic accommodating the extra demand of resident's vehicles. Safety on the roads for small children and elderly people will become a danger, hazard and major concern!

I trust that serious consideration will be given to the objections of the current residents of Francolin Close to this road access being granted.

Yours faithfully


COLIN J ROUX

FILE NO:	EL-1447
	Vermont
SCAN NO:	
COLLABORATOR NO:	1138095

TP - 12 MAR 2018



TRATHAERT
(Hollivier)
J. Ferreira

ANNEXURE D 15/24

31 Francolin Close

Vermont

HERMANUS

7 March 2018

FILE NO:	ERF 1447
	Vermont
SCAN NO:	HVM 1447
COLLABORATOR NO:	1137714

TOWN PLANNING

HERMANUS

To Whom It May Concern

Re : ERF 1447, LYNX ROAD, VERMONT, HERMANUS : PROPOSED SUBDIVISION AND REZONING

We as owners at 31 Francolin Close object to the following:

1. the proposed entrance to the development of erf: 1447 at the end of Francolin Close. As the address of this development is actually Lynx Road we feel the entrance should then be in Lynx Road and not Francolin Close.

Reasons:

1. Turning in or out of Francolin Close is already dangerous. As Francolin Close is very narrow vehicles are forced to turn into the opposite lane when turning left into Lynx road. Trucks will have an even greater difficulty turning in and out making it a very dangerous situation.
2. We invested in our property assuming Francolin Close was actually a close and that there would be no passing traffic. Making the entrance to this development at the end of Francolin Close will therefore definitely decrease the value of our property.
3. Francolin Close is already a narrow road with lots of curves making it dangerous should there be oncoming traffic. Trucks will be a huge danger not to mention 30 plus extra vehicles every day.
4. There is just not enough space at the end of Francolin Close to accommodate all the trucks/traffic waiting to enter and offload building material etc at the proposed building site.
5. It would be detrimental to our privacy should the end of Francolin Close be used as an entrance to the building site. The vast number of vehicles and contractors coming and going at all times right in front of our house will take away all our privacy which is the main reason for buying at the end of a close.

Suggestions:

1. Make an entrance coming out of Lynx Road. There is already a road turning left opposite the proposed development. Why not extend the road to the proposed development site.

TP. 09 MAR 2018

ANNEXURE D 16/24

2. Use the "public space" as indicated on the proposed plans as an entrance/slipway/parking to the proposed development

We urge you to consider making the entrance to this development in Lynx Road. We seriously believe Francolin Close won't be able to handle all the additional traffic – especially all the trucks involved in the building phase.

Yours faithfully

Jose Ferreira

Antonius Moens

0827258049

Handwritten signatures of Jose Ferreira and Antonius Moens. Jose Ferreira's signature is on the left, and Antonius Moens' signature is on the right.

Postnet Hermanus

TRA Theart
C. Holiver

ANNEXURE D 17/24



From: thebrowns1954 <thebrowns1954@gmail.com>
Sent: Friday, 09 March 2018 14:16
To: hermanus@postnet.co.za
Subject: Overstated Municipality: Dept of Torn Planning, erf 1447, alternate road access

Dear Henk Olivier,

As owners of a property in Francolin Close, my wife and I object strongly to the proposal of our road being used as an entrance to/service road to vehicles of the proposed development on erf 1447 Vermont for the following reasons:

1. The OBVIOUS and direct access to this gated project would be Lynx Ave.
2. Francolin Close road surface, I'm sure, has not been designed to carry the heavy traffic needed during the construction phase.
3. We have noticed on occasion, heavy vehicles breaking down on this steep incline and having to reverse to a suitable gradient which is right back to the start of our street, to offload materials to lessen the load.
4. The stop street at Lynx and Francolin would pose a very severe and dangerous situation for heavy vehicles exiting Francolin Close and normal traffic travelling along Lynx towards this junction. Heavy vehicles would have to encroach into oncoming lanes to make their turn towards the R43. This would be very dangerous to occupants of smaller family driven motor vehicles.
5. The steep gradient of the street would contribute to noise levels of motors under strain.
6. Could the developers of erf 1447 not rethink their layout, and perhaps develop one less stand alongside the Lynx boundary to provide reasonable access to this gated village, where vehicles can park/ wait while entering. The owners of erfs 2190 and 2162 would then not be inconvenienced with gate noise/ stoppages/hooting and acceleration of vehicles from this access into Francolin close.
7. The sharp and off-camber, blind S bend on this already narrow road poses a danger of incidents to residents of Francolin close.
8. As you may be aware there is a huge potential for fire in this area with the HUGE bushed Hoek van die Berg property mere meters away. Evacuation of residents in this panic situation would pose a life threatening risk.
9. The added traffic would most likely chase away bird life in our area. This was a deciding factor when we purchased our property. We have noticed on many occasions the complete disregard truckers and construction crew have for wildlife.
10. You have only to walk along the streets in this newly developed area of Vermont to notice the damage to road surfaces, manholes and curbing done by heavy vehicles. These remain in this broken, run down state and are not repaired by the Council.
11. 12 years ago when we bought our land, we bought into the concept of a quiet residential area serviced by a road obviously designed for a small community, NOT a road which would service another 30 odd properties. The overriding factor is this road was not designed to service so many properties, thus posing a threat to residents in our area. This all because a money hungry developer cannot take 350 sq.m out of his development to cater for a gate onto Lynx.

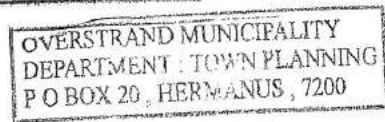
Roy and Theresa Brown
23 Francolin close
Vermont Heights

Sent from my Samsung Galaxy smartphone.

R. Brown
Theresa

FILE NO:	EL 1447
	Vermont ✓
SCAN NO:	BROWN
COLLABORATOR NO:	1137697

TP 09 MAR 2018



08.03.2018

ATTENTION:

FILE NO:	EL1447
	Vermont
SCAN NO:	
HENK OLIVIER	PATTON ✓
COLLABORATOR NO:	
	1137691



RE: OBJECTION TO THE PROPOSED SUB-DIVISION & DEVELOPMENT OF ERF 1447, LYNX AVENUE, VERMONT.

Please note that we are totally opposed to Francolin Close, Vermont, being used as an entry/access road to the abovementioned development. The reasons are as follows and apply to the Construction period & on completion, the new home owners:

During construction, the high volume of traffic & construction vehicles etc, used by contractors & builders will cause many problems - constant high noise levels, a constant flow of construction workers, hence a threat to our safety & security & peace of mind. Francolin Close is quite a steep road & heavy construction vehicles will have to engage low gears which in turn will cause a great deal of noise. Francolin Close has 2 potentially dangerous bends/blind corners in the road, and as it is, we/the existing residents have to exercise extreme caution when driving out of our gates & returning. Francolin close is used by the residents, currently about 17 homes, families walk on this road with children & dogs, we all respect each other & feel safe.

It is unthinkable & totally unacceptable to allow the onslaught of a couple of years of construction vehicles, then daily traffic from those 30 new units.....that could well be an extra 60 vehicles going up & down Francolin close on a daily basis. Francolin close & it's residents will never cope with the volume of traffic. Traffic jams will occur, cars will be backed up in peak

TP 09 MAR 2018

hours, all going to work & school etc. It is impractical & unacceptable.

Please also note that we have never received any kind of written notification of this proposed road usage.

Yours faithfully



TREVOR & DEBBIE PATTON
9 FRANCOLIN CLOSE
VERMONT

028 3164932 Landline
072 610 4278 Cell

ANNEXURE A 2017/18
(Hollister)

Objection In Relation To The Proposed Development And Sub -
Division Of Erf 1447, Lynx Road, Vermont



Dear Sir,

We, as residents at 13 Francolin Close, Vermont have, no objection to the development per se, but rather the use of Francolin Close as the entrance to this proposed sub-division.

Francolin Close is not equipped for vehicles belonging to another 30 units. The congestion of traffic, if one adds (say) another 45 cars to the already built up houses in the Close, will result in too many vehicles for the road.

Furthermore, during building operations, the contractors vehicles, concrete mixers and trucks delivering the likes of bricks and other building materials will result in dangerous consequences. These heavy vehicles will struggle up the 50m incline causing blockages and unwarranted noise levels. Currently, these vehicles often stop on the incline to offload their cargo, being unable to proceed further.

Francolin Close has a dangerous bend that one can only foresee further dangerous consequences as these heavy vehicles and motor cars transverse the road.

The alternative of an entrance from Lynx Road needs to be sought and the question of closeness to Francolin Close is negated by similar entrances across from the proposed development which is in just as close a vicinity. The stop street at the end of Francolin Close is already a danger and allowing more traffic will compound this problem.

Furthermore, in event of an alarm situation such as a fire from

TA

09 MAR 2018

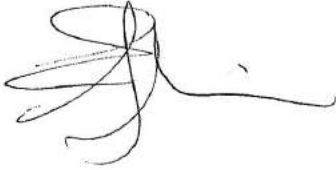
FILE NO:	EL 1447
	Vermont
SCAN NO:	SPILHAUS
COLLABORATOR NO:	1137674

the nearby fynbos/green belt, how on earth will the exit in Francolin Close cope with this.

Francolin Close has an incline road and dangerous bend and is not suitable to be utilised for the additional traffic which will eventuate.

Yours sincerely,

E. Spilhaus

A handwritten signature in black ink, appearing to be 'E. Spilhaus', with a long horizontal flourish extending to the right.

ERF 2179

ANNEXURE 112724 (part)

Choliver)

Objection In Relation To The Proposed Development And Sub-Division Of Erf 1447, Lynx Road, Vermont



Dear Sir,

We, as residents at 10 Francolin Close, Vermont have, no objection to the development per se, but rather the use of Francolin Close as the entrance to this proposed sub-division.

Francolin Close is not equipped for vehicles belonging to another 30 units. The congestion of traffic, if one adds (say) another 45 cars to the already built up houses in the Close, will result in too many vehicles for the road.

Furthermore, during building operations, the contractors vehicles, concrete mixers and trucks delivering the likes of bricks and other building materials will result in dangerous consequences. These heavy vehicles will struggle up the 50m incline causing blockages and unwarranted noise levels. Currently, these vehicles often stop on the incline to offload their cargo, being unable to proceed further.

Francolin Close has a dangerous bend that one can only foresee further dangerous consequences as these heavy vehicles and motor cars transverse the road.

The alternative of an entrance from Lynx Road needs to be sought and the question of closeness to Francolin Close is negated by similar entrances across from the proposed development which is in just as close a vicinity. The stop street at the end of Francolin Close is already a danger and allowing more traffic will compound this problem.

Furthermore, in event of an alarm situation such as a fire from

TP 04 MAR 2018

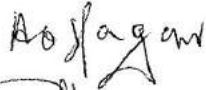
FILE NO:	EL 1447
	Vermont
SCAN NO:	HVM 1447
	1137666
COLLABORATOR NO:	

the nearby fynbos/green belt, how on earth will the exit in Francolin Close cope with this.

Francolin Close has an incline road and dangerous bend and is not suitable to be utilised for the additional traffic which will eventuate.

Yours sincerely,

A.J. O'Hagan



R.F. O'Hagan



(Erf 2169, Vermont)

7th March 2018



A M van Wyk
20 Francolin Close
Vermont
HERMANUS

Mr Henk Olivier
TOWN PLANNING
HERMANUS

TRATheart
(CH Olivier)

**Re : ERF 1447, LYNX ROAD, VERMONT, HERMANUS : PROPOSED
SUBDIVISION AND REZONING**

We hereby object to the above for the following reasons :

- the proposed subdivision and rezoning of the above property will be implemented with an entrance via Francolin Close, Vermont, Hermanus
- as per documentation the above mentioned ERF 1447 is in Lynx Road and not Francolin Close
- construction vehicles will have a detrimental impact on the road surface as well as our homes
- the corner from Lynx Road into Francolin Close is too sharp and dangerous for construction vehicles
- the gradient of Francolin Close will not be suitable for construction vehicles
- our privacy will be compromised due to continuous traffic that will be generated from the 30 new units that will be built
- in the case of fire emergency Francolin Close will be the **only EXIT** for residents living in Francolin Close as well as the residents of the 30 new units
- most residents in Francolin Close did not receive any written notification of the above proposal

We propose that the entrance to this development be changed on the plans to Lynx Road and not Francolin Close.

Yours faithfully

[Handwritten signature]
CA [Handwritten]

Andre van Wyk

Carol van Wyk

083 375 3419

FILE NO: EL-1447 DELIVERED BY HAND

Vermont v

SCAN NO:
HVM 1447

COLLABORATOR NO:
1137109

TP 08 MAR 2018



ANNEXURE E 1/6



*TRA Theart
C Holivier*

ESTABLISHED 2002

Town and
Regional Planning

Municipal
Legislation
and Procedures

Liquor
Licensing

Development
Management

35 Duiker Street P
O Box 1247
Hermanus
7200

Tel: +27 (0)28 313
1411

Fax: +27 0865083248

Email:
wrap@telkomsa.net

Web:
www.wrapgroup.co.za

Wright Approach
Investments 136 CC

Reg No
CK 2002/060745/23

Our reference: 17/97
Your reference: 1447 HVM (3853)

5 April 2018

The Municipal Manager
Overstrand Municipality
P O Box 20
HERMANUS
7200

Sir

ERF 1447, LYNX ROAD, VERMONT: PROPOSED REZONING, SUBDIVISION AND DEPARTURE

Objections to and comments on the application for the abovementioned were received from:

- Vermont Ratepayers Association;
- MD Francis;
- W & F Kettles;
- G Jan Bala;
- RV & G Berry;
- P de Villiers;
- J & B Malan;
- P & V Jansen van Vuuren;
- TL & E Murless;
- CJ Roux;
- J Ferreira & A Moens;
- R & T Brown;
- T & D Patton;
- E Spilhaus;
- AJ & RF O'Hagan; and
- A & C van Wyk.

FILE NO:	EL1447
	Vermont ✓
SCAN NO:	HVM 1447
COLLABORATOR NO:	1147274

Response to comments and objections pertaining to the entrance road.

Comment/objection	Response to objections
The road is too narrow to accommodate the amount of traffic.	The road reserve of Francolin Close is 13m wide and the splay at the entrance is 23m wide. This road reserve is sufficient to accommodate two-way traffic including trucks.

TP 9 APR 2018

<p>While I do not have a problem with the rezoning of the property I have a serious problem with the use of Francolin Close as the entrance to the property. We have already experienced huge problems with the current traffic during current building of houses in Francolin Close. The heavy building vehicles that use the road tend to close off the road as the road is so narrow it becomes too difficult for vehicles to pass.</p>	<p>With the installation of services to the site, construction vehicles will enter and leave the site. The construction period is expected to be approximately 3 months.</p> <p>Once the construction period for the installation of services is over, the normal light construction traffic as well as residential traffic will enter and leave the subject property.</p> <p>As a mitigation measure, the developer is willing to allow construction vehicles to enter from Lynx Road, over the public open space for a limited period of time, subject to the approval of the Overstrand Municipality.</p>
<p>Surely it will be more practical to have the entrance to new development where Stinkhout Street meets Lynx Street as that ground is virtually level on Erf 1447 Vermont.</p>	<p>In terms of the engineering forward planning, Francolin Close is planned to be extended over the subject property to connect to the neighbouring Erf 1446, Vermont which will connect again with Lynx Road. This would maintain the looped town planning present in the area. It will also secure permeability of the area and avoid the creation of excessive roads which would lead to high maintenance costs for the Overstrand Municipality.</p>
<p>A close means the road does not extend into another development.</p>	<p>The road is currently named a "close" but in terms of the future planning for the road it will function as a crescent.</p>
<p>The obvious and direct access to this gated project would be Lynx Avenue.</p>	<p>The development is not proposed as a gated community.</p>
<p>Francolin Close road surface, I'm sure, has not been designed to carry the heavy traffic needed during the construction phase.</p>	<p>The road surface of Francolin Close has been designed in compliance with the engineering standards and is constantly maintained by the Overstrand Municipality to carry all traffic flow, regardless of the vehicle used.</p>
<p>Who did the surveying of Erf 1447? Steep gradient, not a flat plan.</p>	<p>The gradient of the subject property is similar to that of the existing neighbouring development. The engineers will plan and implement the infrastructure on the subject property, considering the gradient of the site.</p>

Response to comments and objections pertaining to the entrance road and public open space.

<p>Of interest, and to be encouraged in principle, is the proposal to keep a parcel of land as public open space. It is a</p>	<p>The public open space will initially be developed with indigenous vegetation</p>
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<p>relatively small area though and we would be interested to know how this small area will and can be managed/maintained to the benefit of the local community.</p>	<p>and maintained by the Overstrand Municipality.</p>
<p>There are many other factors which would make it more practical to use Lynx Road as an entrance to the property, but my main concern would be the problem in the event of a fire. It would be impossible to evacuate all the residents in a hurry.</p>	<p>The reason for connecting the road of the subject development to Francolin Close is to ensure that the subject development is integrated with the surrounding existing residential development and contribute to permeability in Vermont.</p> <p>The entrance road to the development was intentionally designed to also connect to Erf 1446, Vermont and once developed, it will serve as a second access/egress to the development that can be used as an alternative entrance/exit in case of an emergency.</p>
<p>Traffic impacts of 30 additional households on having one access through Francolin Close has not been effectively assessed. As per section 9.4 a discussion was held. No proper assessment appeared to be conducted. The burden and increase of construction traffic and later additional home owners will greatly increase the risk of fatalistic incidents and fire risks to current owners and children on our narrow road (Francolin Close). Did the Fire department approve this layout? I would like to recommend Zone 1 Public Open Space to be included as a traffic space.</p>	<p>The minimal increase in the residential traffic which will be caused by the implementation of this proposal is not projected to make the traffic flow in the area unacceptable. There are no traffic related concerns which have been raised by the engineers of the Overstrand Municipality regarding this layout.</p> <p>The comments from the Fire Department have not been received however, any mitigation proposed will be applied to the proposal.</p> <p>The public open space is not intended to be used for street purposes as that will deprive residents in the area of space for leisure and be out of harmony with the other pockets of public open spaces in the area.</p>
<p>I have no problem with the concept of the link between the two developments, but I do think a second exit must be provided. If you had in mind that the next Erf 1446 Vermont, would in the future provide exit, I propose that in the interim you build a temporary exit over the public open space.</p>	<p>The plan is for Erf 1446 Vermont to connect the proposed development to Lynx Road. The open space will not be used as public road and will be maintained as a public open space as that will make this proposal out of harmony with the prevailing character of Vermont.</p>
<p>Turning in or out of Francolin Close is already dangerous. As Francolin Close is very narrow vehicles are forced to turn into the opposite lane when turning left into Lynx road. Trucks will have even</p>	<p>The subject proposal includes two cul-de-sacs to provide trucks and vehicles with additional manoeuvring space to avoid any potential traffic hazards.</p>



greater difficulty turning in and out making it a very dangerous situation.	
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Response to comments and objections pertaining to property values

I want to request on behalf of all the houses bordering this proposed development that the title deed for Erf number 25, 26, 27, 28, 29, and 30 be restricted to single storey houses as we were all informed before purchasing our properties that Erf 1447 Vermont was zoned as a small holding only with no future rezoning. Should the developer be allowed to build double storey houses it would take away our view of the mountain and decrease the value of our houses in Francolin Close, Vermont.	The erven mentioned by the objector about erven which are zoned SR1 on the neighbouring development and enjoy the same land use and development parameters. It would be unfair to arbitrarily deprive the prospective property owners of the subject properties of the same land use rights as other similar properties in the area. It is rather unfortunate that the objector was made to believe that the subject property was a small holding with no development potential. The subject property was historically zoned as SR1 and is designated in the SDF and OMGMS for residential development.
Making the entrance to this development at the end of Francolin Close will therefore definitely decrease the value of our property.	The subject property is currently derelict and does not contribute to the aesthetic value of Vermont. This subject development will be aesthetically appealing, contribute to an enhance built environment and is therefore more likely to contribute to increasing the property values in the area.

Response to comments pertaining to privacy.

The vast number of vehicles and contractors coming and going at all times right in front of our house will take away all our privacy which the main reason for is buying at the end of a close.	The contractor vehicles which will pass the house will be temporary. The private vehicles which will enter the subject property will be minimal and will not enter and leave the subject property simultaneously as each family has different travel times and patterns. The spread out traveling times of the motorists will further minimise the traffic impact on current property owners and will not encroach on the current residential privacy enjoyed by residents.
---	---



Response to comments and objections pertaining to the development rights of the subject erven

<p>Why do we have By-Laws, if building developers can request them to be relaxed for self-greed so that they can squeeze in as many building plots as they can to maximise profit. This will surely lead to problems with traffic, sewage and discomfort for the Municipality and future home owners.</p>	<p>The departure from the building lines were intended to bring the subject development in harmony with surrounding developments and not to peruse self-greed.</p> <p>The size of the plots, as highlighted in the motivation are also in harmony with surrounding developments and maintain the prevailing density in the area.</p> <p>A services capacity availability report was compiled by GLS Consulting which confirmed that there is sufficient capacity for the water demand and sewage disposal needs of the subject development.</p>
<p>Rear Building lines of SR1 homes adjacent to current Francolin home owner's properties to be enforced to 3,0m</p>	<p>SR1 properties all enjoy the same development parameters and it would be unreasonable to impose more onerous development rules on the prospective owners of the subject property without a reasonable and justifiable cause, which the objector did not highlight.</p>

Response to comments pertaining to natural systems.

<p>The addended traffic would most likely chase away the bird life in the area.</p>	<p>The subject property abuts Hoek van Die Berg Private Nature Reserve which has an abundance of bird life which will not be impacted by this proposal.</p> <p>Residential developments also tend to have trees on the erven which maintain the presence of bird life.</p>
---	--

Response to comments pertaining safety.

<p>We would also feel a lot more vulnerable to crime with only Francolin Close as access to the new development area. We have already experienced workers, from the building site opposite, walking around our area.</p>	<p>The increase in people who would enter the subject property will increase surveillance in the area and contribute to decreasing crime.</p> <p>Employees walking on and around a place of employment is not projected to increase crime.</p>
--	--



ANNEXURE E 6/6

In conclusion, most of the objections relate to the access proposed to be gained from the adjacent Francolin Close which is aligned with the prevailing sound engineering forward planning principles of the Overstrand Municipality.

Yours faithfully

A handwritten signature in black ink, appearing to read "Rea Jankie", written in a cursive style.

REA JANKIE
TOWN PLANNER (B/8392/2017)

6/6



Division of Telkom SA SOC Ltd

10 Jan Smuts Drive
Pinelands
7404

23 April 2018

Attention: S Muller

Overstrand Municipality
HERMANUS



ANNEXURE F 1/4

TP A Theast
C Holivies

FILE NO:	EL 1447
	Vermont
SCAN NO:	HVM 1447
COLLABORATOR NO:	1154236

Candice Spammer
Tel: 021 414 5582
Fax: 086 480 0617
Email: spammec1@telkom.co.za

Our Ref.: WWIP_WHMN1251_18
Your Ref.: 1447 HVM 3853

PLANT AFFECTED:

PROPOSED REZONING, SUBDIVISION AND DEPARTURE: ERF 1447, LYNX ROAD, VERMONT

With reference to your application received **February 2018**.

As important COPPER AND OPTIC FIBRE cables and other infrastructure are affected, please contact our representative Frederik Swart at telephone number 028 514 1199 / 081 363 7815 / FrederikS@openserve.co.za least 48 hours prior of commencement on construction work.

I hereby inform you that Open Serve 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.

As per sketch attached, Open Serve infrastructure will be affected, consequently the conditions below and on the attached legend will apply.

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



noted
130
215/18

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 Open Serve infrastructure be damaged while work is undertaken, kindly contact our representative immediately.

All Open Serve rights remain reserved.

Yours faithfully


pp _____
Selwyn Bowers
Operations Manager
Wayleave Management: Western Region

This wayleave, Reference Number **WWIP WHMN1251 18** 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 and **Frederik Swart** at telephone number **081 363 7815** 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 a 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 indicated on the provided 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: 23 April 2018

By: C Spammer

For Regional General Manager
Western Cape (N2W3T1B)

1. Underground Pipe	
2. Underground Cable	
3. Manhole	
4. Street Distributio Cabinet (SDC)	
5. Jointing Pit / AJB	
6. Jointing Pillar (P.J)	
7. Pipe Junction Box (B/S)	
8. Robot Control	
9. Pole	
10. Stay	
11. Strut	
12. Aerial Cable (A/C)	
13. Break in pipe	

The pipeline indicated contains **OPTIC FIBRE** cables.

F Swart - telephone 028 514 1199 must be contacted at least 48 hours before commencement of work.



ANNEXURE G



TR A Theart
(M Olivier)

OVERSTRAND MUNICIPALITY

Date:
05.03.2018

Enquires:
Mr. Shaun Swanepoel
Tel: 021 980 3913
Fax: 021 980 3053

Dear Madam

WAYLEAVE APPLICATION: PROPOSED SUBDIVISION PLAN ERF 1447 VERMONT
OUR REF: 00459/18

I refer to your letter dated 14 November 2017

Eskom Distribution has no objection to the proposal. Not in close proximity of our services.

Kindly contact Shaun Swanepoel at Tel 021 980-3913, Land Development, Brackenfell should you require any further information.

Yours faithfully

SHAUN SWANEPOEL
LAND DEVELOPMENT - BRACKENFELL

FILE NO:	EL 1447
	Vermont
SCAN NO:	
COLLABORATOR NO:	1138078



Western Region
Eskom Road, Brackenfell, 7561 P.O. Box 222, Brackenfell, 7560 SA
Tel 00 27 (0)86 003 7566 www.eskom.co.za

Eskom Holdings SOC Limited Reg No 2002/015527/30



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REZONING, SUBDIVISION & DEPARTURE: ERF 1447,
VERMONT (3853)**

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:

- 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 (**2018/2019**) is as follows:

Freehold erven:

Water	R 21 688.60 x 26.3999=	R 572 576.87
Sewerage	R 14 623.16 x 26.3999=	R 386 049.96
Roads	R 6 577.01 x 28.9118=	R 190 153.20
Stormwater	R 7 565.79 x 4.1973 =	R 31 755.89
Solid Waste	R 1 311.40 x 29.000 =	<u>R 38 030.60</u>
TOTAL (inclusive of VAT)	=	R1 218 566.52

Note:

- The above figures are estimates**
- The above figures do not include connection fees**
- 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;

19 DEC 2018


- 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 1447 shall be used to service the proposed Erf 1447;
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. Please note there is a smallbore sewer system in Vermont;
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 new access from Francolin close;
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 I 1/15



Directorate: Development Management
(Region 1)



L de Villiers

REFERENCE: 16/3/3/1/E2/40/1031/18
ENQUIRIES: BERNADETTE OSBORNE
DATE OF ISSUE: 2018 -10- 12

TR A Theat
C Holivier

Mr Huw Jones
Henque 3030 CC
Suite 56
Private Bag X15
HERMANUS
7200

FILE NO:	h/12/18
SCAN NO:	EL 1447
	HVM 1447
COLLABORATOR NO:	1221669

Cell: 082 245 6556
Fax: (086) 585 2461

Dear Sir

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014: THE PROPOSED RESIDENTIAL DEVELOPMENT ON ERF NO. 1447, VERMONT.

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

Yours faithfully

[Signature]
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

CC: (1) Michelle Naylor (Lomay Environmental Consulting)
(2) Liesl de Villiers / Penelope Aplon (Overstrand Municipality)

Fax: (021) 866 1523
Fax: (028) 316 4953

6th Floor, 1 Dorp Street, Cape Town, 8001
Tel: +27 21 483 3679/4349 Fax: +27 21 483 3098
E-mail: Bernadette.Osborne@westerncape.gov.za

Private Bag X9086, Cape Town, 8000
www.westerncape.gov.za/eadp

16 OCT 2018



Directorate: Development Management
(Region 1)

REFERENCE: 16/3/3/1/E2/40/1031/18
NEAS REFERENCE: WCP/EIA/0000420/2018
ENQUIRIES: Bernadette Osborne
DATE OF ISSUE: 2018 -10- 12

ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014: THE PROPOSED RESIDENTIAL DEVELOPMENT ON ERF NO. 1447, VERMONT.

With reference to your application for the abovementioned, find below the outcome with respect to this application.

DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended), the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activities specified in section B below with respect to Alternative 3 described in the Basic Assessment Report ("BAR"), dated July 2018.

The applicant for this Environmental Authorisation is required to comply with the conditions set out in section E below.

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

Henque 3030 CC
 c/o Mr Huw Jones
 Suite 56
 Private Bag X15
HERMANUS
 7200

Cell: (082) 245 6556
 Fax: (086) 585 2461

6th Floor, 1 Dorp Street, Cape Town, 8001
 Tel: +27 21 483 3679 Fax: +27 21 483 3098
 E-mail: Bernadette.Osborne@westerncape.gov.za

Private Bag X9086, Cape Town, 8000
www.westerncape.gov.za/eadp

ANNEXURE I 3/15

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

B. LIST OF ACTIVITIES AUTHORISED

Listed Activities	Project Description
<p>Listing Notice 1 – Activity Number: 27 <i>The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance if indigenous vegetation is required for –</i></p> <p>(i) <i>The undertaking of linear activity; or</i> (ii) <i>Maintenance purposes undertaken in accordance with a maintenance management plan.</i></p>	<p>1 ha of indigenous vegetation will be cleared for the development.</p>
<p>Listing Notice 3 – Activity Number: 12 <i>The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</i></p> <p>(f) Western Cape:</p> <p>i. <i>Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;</i></p> <p>ii. <i>Within critical biodiversity areas identified in bioregional plans;</i></p> <p>iii. <i>Within the littoral active zone or 100 metres inland from the high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line or even in urban areas;</i></p> <p>iv. <i>On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or</i></p> <p>v. <i>On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister.</i></p>	<p>A cluster of Milkwood trees is located on the southern border of the site and single trees and clusters also occur sporadically across the site. Western Cape Milkwood Forest is classified as an endangered ecosystem in terms of Section 52 of the Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004).</p>

The abovementioned list is hereinafter referred to as "the listed activities".

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The holder is herein authorised to undertake the following alternative that includes the listed activities related to the development:

This alternative entails a residential development on Erf No. 1447 in Vermont consisting of the following:

- 17 Single Residential erven of approximately 600m² each.
- 13 Town Housing erven of approximately 350m² each.
- 2 Public Open Space erven (1018m²).
- Internal roads and parking (3941m²).

C. SITE DESCRIPTION AND LOCATION

The site where the authorised listed activities will be undertaken on Erf No. 1447 in Vermont and has the following co-ordinates:

	Latitude (S)	Longitude (E)
Coordinates	34° 24' 44.13" South	19° 08' 51.36" East

The SG digit code is: C01300230000144700000

Refer to Annexure 1: Locality Plan and Annexure 2: Site Plan.

The above is hereinafter referred to as "**the site**".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Lornay Environmental Consulting
 c/o Ms Michelle Naylor
 PO Box 1990
HERMANUS
 7200

Cell: (083) 245 6556
 E-mail: michelle@lornay.co.za

E. CONDITIONS OF AUTHORISATION

Scope of authorisation

1. The holder is authorised to undertake the listed activities specified in Section B above in accordance with and restricted to Alternative 3 described in the BAR dated July 2018 on the site as described in Section C above.
2. The Environmental Authorisation is valid for a period of **five years** from the date of issue within which commencement must occur.
3. The development must be concluded within **ten years** from the date of commencement of the first listed activity.

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4. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
5. Any changes to, or deviations from the scope of the alternative described in section B above must be accepted or approved, in writing, by the Competent Authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the Competent Authority may request information in order to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

Written notice to the Competent Authority

6. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of construction activities.
 - 6.1 The notice must make clear reference to the site details and EIA Reference number given above.
 - 6.2 The notice must also include proof of compliance with the following conditions described herein:

Conditions: 7, 8, 11, 17 and 18

Notification and administration of appeal

7. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision-
 - 7.1 notify all registered Interested and Affected Parties ("I&APs") of -
 - 7.1.1 the outcome of the application;
 - 7.1.2 the reasons for the decision as included in Annexure 3;
 - 7.1.3 the date of the decision; and
 - 7.1.4 the date when the decision was issued.
 - 7.2 draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations, 2014 detailed in Section F below;
 - 7.3 draw the attention of all registered I&APs to the manner in which they may access the decision;
 - 7.4 provide the registered I&APs with:
 - 7.4.1 the name of the holder (entity) of this Environmental Authorisation,
 - 7.4.2 name of the responsible person for this Environmental Authorisation,
 - 7.4.3 postal address of the holder,
 - 7.4.4 telephonic and fax details of the holder,
 - 7.4.5 e-mail address, if any, of the holder,
 - 7.4.6 the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the 2014 National Appeals Regulations.

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8. The listed activities, including site preparation, may not commence within 20 (twenty) calendar days from the date of issue of this Environmental Authorisation. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided.

Management of activity

9. The draft or Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.
10. The EMPr must be included in all contract documentation for all phases of implementation.

Monitoring

11. The holder must appoint a suitably experienced environmental control officer ("ECO"), or site agent where appropriate, before commencement of any land clearing or construction activities to ensure compliance with the provisions of the EMPr and the conditions contained herein.
12. A copy of the Environmental Authorisation, EMPr, audit reports and compliance monitoring reports must be kept at the site of the authorised activities, and must be made available to anyone on request, including a publicly accessible website.
13. Access to the site referred to in Section C above must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the Competent Authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

Auditing

14. In terms of Regulation 34 of the NEMA EIA Regulations, 2014 (as amended), the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation, the EMPr and submit Environmental Audit Reports to the Competent Authority. The Environmental Audit Report must be prepared by an independent person and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014 (as amended).

The holder must undertake an environmental audit quarterly for the duration of the construction phase and submit Environmental Audit Reports to the Competent Authority once every six months during the construction phase. The final Environmental Audit Report must be submitted to the Competent Authority six months after operation commenced.

The holder must, within 7 days of the submission of each of the above-mentioned reports to the Competent Authority, notify all potential and registered I&APs of the submission and make the report available to anyone on request and on a publicly accessible website (if applicable).

Specific Conditions

15. Should any heritage remains be exposed during excavations or any other actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the

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Western Cape, Heritage Western Cape. Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape.

Heritage remains include: meteorites, archaeological and/or palaeontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts and bone remains; structures and other built features with heritage significance; rock art and rock engravings; and/or graves or unmarked human burials including grave goods and/or associated burial material.

16. A qualified archaeologist and/or palaeontologist must be contracted where necessary (at the expense of the holder) to remove any heritage remains. Heritage remains can only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant heritage resources authority.
17. Only the Milkwood trees numbered 6, 7, 26, 27, 30, 38, 39, 40, 47, 49, 54, 60 and 61 that were specified by the planning consultant in their correspondence dated 15 May 2018, referenced: 17/097, must be clearly identified for removal prior to the commencement of construction activities. No other Milkwood trees identified during this assessment may be removed.
18. A copy of the permit for the removal of Milkwood trees from the National Department of Agriculture, Forestry and Fisheries must be submitted to the Department for record purposes prior to the commencement of construction activities or removal of trees, whichever occur first.

F. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.
2. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. If the holder does not commence with a listed activity within the period referred to in Condition 2, this Environmental Authorisation shall lapse for that activity, and a new application for Environmental Authorisation must be submitted to the Competent Authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the Competent Authority prior to the expiry date of the Environmental Authorisation.
4. The holder must submit an application for amendment of the Environmental Authorisation to the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the EIA Regulations, 2014 (as amended) must be submitted.

Please note that an amendment is not required if there is a change in the contact details of the holder. In this case, the Competent Authority must only be notified of such changes.

5. The manner and frequency for updating the EMPr is as follows:

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Amendments to the EMPr, must be done in accordance with Regulations 35 to 37 of the EIA Regulations 2014 (as amended) or any relevant legislation that may be applicable at the time.

G. APPEALS

Appeals must comply with the provisions contained in the National Appeal Regulations 2014 (as amended).

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date the notification of the decision was sent to the holder by the Competent Authority –
 - 1.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 1.2. Submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision. -
2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered I&APs–
 - 2.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 2.2. Submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organ of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.
4. The appeal and the responding statement must be submitted to the address listed below:

By post: Western Cape Ministry of Local Government, Environmental Affairs and
Development Planning
Private Bag X9186
CAPE TOWN
8000

By facsimile: (021) 483 4174; or

By hand: Attention: Mr Jaap de Villiers (Tel: 021 483 3721)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

Note: For purposes of electronic database management, you are also requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority to the address listed above and/ or via e-mail to Jaap.DeVilliers@westerncape.gov.za.

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5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from Appeal Authority at: Tel. (021) 483 3721, E-mail Jaap.DeVilliers@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

H. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this Environmental Authorisation shall not be responsible for any damages or losses suffered by the holder, developer or his/her successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

Your interest in the future of our environment is appreciated.

Yours faithfully

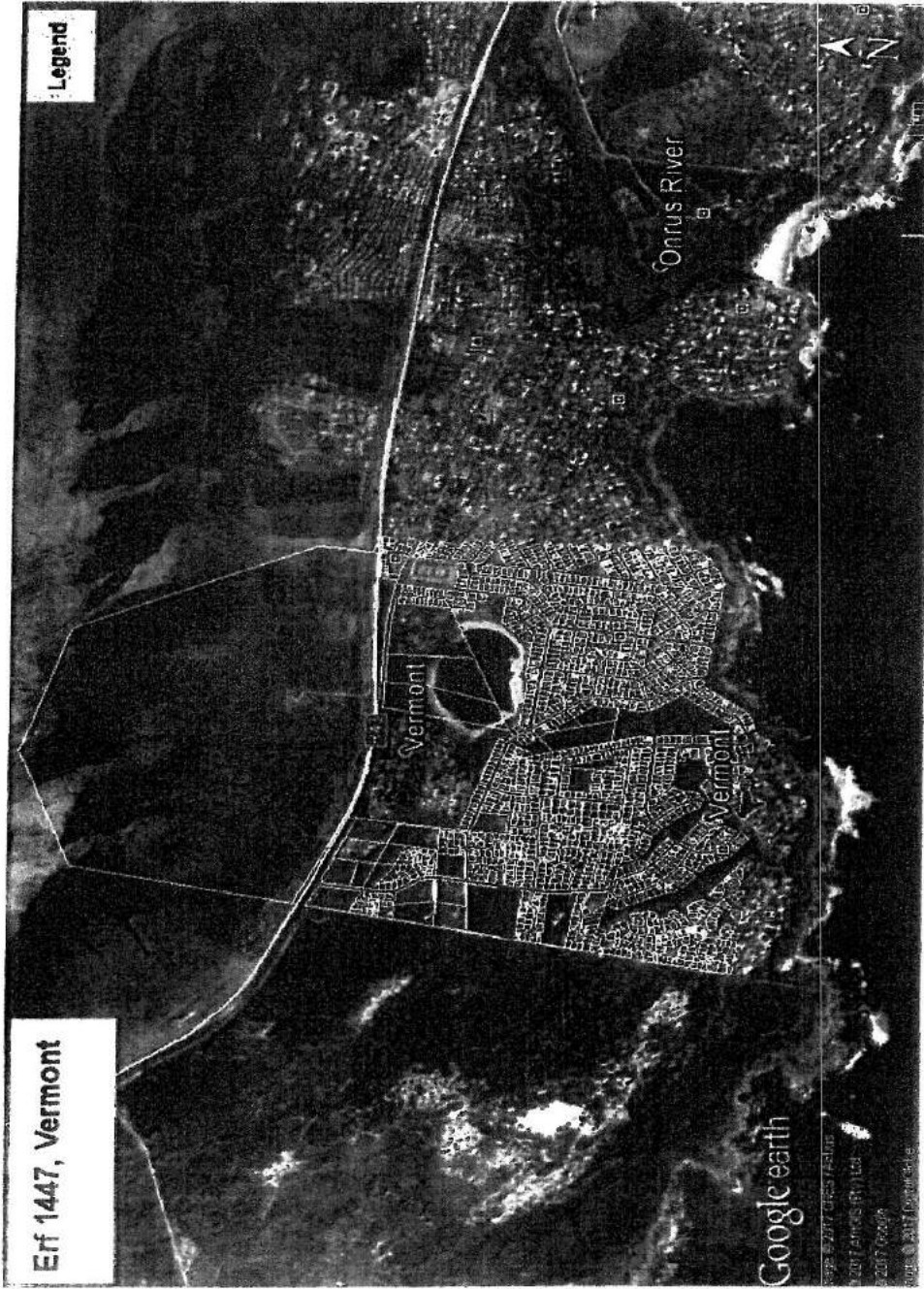


MR. ZAHIR DOFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DATE OF DECISION: 12/10/2018

CC: (1) Michelle Naylor (Lornay Environmental Consulting)
(2) Liesl de Villiers / Penelope Apton (Overstrand Municipality)

Fax: (021) 866 1523
Fax: (028) 316 4953

ANNEXURE 1: LOCALITY MAP



ANNEXURE 3: REASONS FOR THE DECISION

In reaching its decision, the Competent Authority considered, inter alia, the following:

- a) The information contained in the Application Form dated 24 May 2018, the draft Basic Assessment Report received by the Department on 11 June 2018, and the EMPr submitted together with the final Basic Assessment Report on 31 July 2018;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation and Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998);
- d) The comments received from I&APs and responses to these, included in the Basic Assessment Report received on 31 July 2018; and
- e) The balancing of negative and positive impacts and proposed mitigation measures.

No site visits were conducted. The Competent Authority had sufficient information before it to make an informed decision without conducting a site visit.

All information presented to the Competent Authority was taken into account in the consideration of the application for Environmental Authorisation. A summary of the issues that were considered to be the most significant for the decision is set out below.

1. Public Participation

The public participation process included:

- identification of and engagement with I&APs;
- giving written notice to the owners and occupiers of land adjacent to the site where the listed activities are to be undertaken, the municipality and ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities on 7 February 2018;
- Notice boards were placed at the site where the listed activities are to be undertaken;
- the placing of a newspaper advertisement in the 'Hermanus Times' on 8 February 2018;
- making the pre-application draft Basic Assessment Report available to I&APs for public review from 8 February 2018; and
- making the draft Basic Assessment Report available to I&APs for public review from 8 June 2018.

The Department is satisfied that the Public Participation Process that was followed met the minimum legal requirements and all the comments raised and responses thereto were included in the comments and response report.

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

2. Alternatives

The following three layout alternatives were considered:

Alternative 1

This alternative consists of the following:

- 16 Single Residential erven (10061m²).
- 13 Town Housing erven (5502m²).
- 2 Public Open Space erven (3582m²).
- Internal roads and parking.

This layout takes access from Francolin Road and includes two cut-de sacs, which was not supported by the Overstrand Municipality.

Alternative 2

This alternative consists of the following:

- 17 Single Residential erven of approximately 600m² each.
- 13 Town Housing erven of approximately 350m² each.
- 2 Public Open Space erven (1018m²).
- Internal roads and parking (3941m²).

This layout was not preferred for the following reasons:

- It does not take into consideration the Milkwood assessment and comments received from CapeNature.
- It does not retain the majority of the Milkwood trees and clusters present on the site.

Alternative 3 (preferred alternative herewith authorised)

This alternative consists of the following:

- 17 Single Residential erven of approximately 600m² each.
- 13 Town Housing erven of approximately 350m² each.
- 2 Public Open Space erven (1018m²).
- Internal roads and parking (3941m²).

This layout is preferred for the following reasons:

- It evolved during the process in response to CapeNature's comments regarding the Milkwood trees on the site. Each Milkwood tree was located and overlaid onto the site plan. From there, the plan was amended to retain as many significant Milkwood trees as practically feasible, in line with CapeNature's recommendations.
- It allows for a balance between the development and the protection of the Milkwood trees.
- It was supported by the Overstrand Municipality and CapeNature.

The No-Go Alternative

This alternative entails the current *status quo*, with no development of the site. This alternative was not preferred since it will not provide housing opportunities in the Hermanus area.

3. Impact Assessment and Mitigation measures

3.1 Activity need and desirability

The site is located within the residential suburb of Vermont. The development is in line with the surrounding land use and is earmarked for residential purposes. The site is one of the last undeveloped erven in the area and there is currently a high demand for housing in Hermanus. The development is in line with the Overstrand Spatial Development Framework, which promotes the

provision of a range of housing types in order to retain the character of Greater Hermanus, while ensuring appropriate growth to address the high demand for housing.

3.2 Biophysical Impacts

No surface water occurs on or adjacent to the site. Indigenous vegetation is present on the site and according to the South African National Biodiversity Institute National Vegetation Map of 2012, Overberg Dune Strandveld vegetation is present on the site, which is classified as least threatened. A cluster of Milkwood trees is located on the southern border of the site and single trees and clusters also occur sporadically across the site. Western Cape Milkwood Forest is classified as an endangered ecosystem in terms of Section 52 of the Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004). The letter from CapeNature dated 6 April 2018 indicated that the Milkwood trees on the site should be retained as far as possible and that the adult Milkwood trees should ideally be incorporated into the development layout. The preferred layout, herewith authorised therefore evolved to address the comments from CapeNature received during the public participation process concerning the Milkwood trees. CapeNature requested that a Milkwood assessment be conducted by a Botanist. The Milkwood assessment dated 12 April 2018 conducted by Amida Johns, included details of age, class, size, etc., of each Milkwood tree. Each Milkwood tree was also mapped so that it could be overlaid on the site plan. CapeNature then assessed each recorded Milkwood tree and recommended Milkwood trees and Clusters which should be retained. The town planning consultant assessed CapeNature's recommendations and incorporated the majority of their requests and a new layout was developed. This layout takes into consideration the distribution of Milkwood trees on the site and only the Milkwood trees numbered 6, 7, 26, 27, 30, 38, 39, 40, 47, 49, 54, 60 and 61 will be removed, as specified by the planning consultant in their correspondence dated 15 May 2018, referenced: 17/097. CapeNature is in support of the revision of the preferred alternative. The protection and maintenance of the Milkwood trees was also addressed in conditions 17 and 18 of this Environmental Authorisation ("EA") and the EMPr accepted in condition 9 of this EA.

The development will result in both negative and positive impacts.

Negative Impacts:

The development will have a negative biophysical impact due to the loss of natural vegetation. This will however be mitigated to an acceptable level through the preferred layout alternative and implementation of the EMPr.

Positive impacts:

The development will provide housing in the area and will retain the majority of the Milkwood trees and clusters present on the site.

4. National Environmental Management Act Principles

The National Environmental Management Principles (set out in section 2 of the NEMA, which apply to the actions of all organs of state, serve as guidelines by reference to which any organ of state must exercise any function when taking any decision, and which must guide the interpretation, administration and implementation of any other law concerned with the protection or management of the environment), *inter alia*, provides for:

- the effects of decisions on all aspects of the environment to be taken into account;

ANNEXURE I 15/15

- the consideration, assessment and evaluation of the social, economic and environmental impacts of activities (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment;
- the co-ordination and harmonisation of policies, legislation and actions relating to the environment;
- the resolving of actual or potential conflicts of interest between organs of state through conflict resolution procedures; and
- the selection of the best practicable environmental option.

5. Conclusion

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMPr, the Competent Authority is satisfied that the proposed listed activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

-----END-----

Munisipaliteit – U-Masipala – Municipality
OVERSTRAND

INTERNAL MEMORANDUM

Aandag / For Attention:	Town Planning department: H. Olivier	Van / From:	Department: Operational Services
Afskrif / Copy:		Datum / Date:	23 March 2018

Ref: Erf 1447 Lynx Road, Vermont, Hermanus.

RE: PROPOSED REZONING, SUBDIVISION AND DEPARTURE OF ERF 1447, VERMONT, HERMANUS

The request for comment from the Department: Operational Services (Hermanus) dated 13 February 2018 with regard to the abovementioned proposal refers.

The proposal entails the following:

- Proposed rezoning in terms of Section 16 (2) (a) for the rezoning of Erf 1447, Vermont, from Residential Zone 1: Single Residential (SR1) to Subdivisional Area Zone (SA).
- Subdivision in terms of Section 16 (2) (d) read with Section 22, to subdivide the rezoned Erf 1447, Vermont into 17 Residential Zone 1 erven, 13 General Residential 1 erven, 1 Open Space Zone 2 erf and 1 Transport Zone 2 erf.
- Departures in terms of Section 16 (2) (b) to relax internal street and lateral building lines applicable to new Residential Zone 1 and General Residential Zone 1 erven to create garages and dwellings.

1. ANALYSIS

1.1. Water

- 1.1.1. The existing water connection to Erf 1447 shall be used to service Erf 1447.
- 1.1.2. The proposed rezoning, subdivision and departures will have a significant impact on the existing water supply network. The Directorate: Infrastructure and Planning must however give comment with regard to network capacities and -extensions as well as the relevant Bulk Services Levies.

1.2. Sewer

- 1.2.1. As there is currently no municipal sewer network in the vicinity, Erf 1447 must each be provided with individual sewer conservancy tanks and / or the developer must install a sewer line that connects to the Municipal system, which must comply with the standards of the Department: Operational Services (Hermanus), and to which the sewer services on Erf 1447 must connect to. Please note there is a smallbore sewer sytem in Vermont.
- 1.2.2. The developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 10400 – P: 2010: Drainage.
- 1.2.3. The proposed rezoning, subdivision and departures will not have a significant impact on the existing sewer removal service. The Directorate: Infrastructure and Planning must however give comment with regard to the relevant Bulk Services Levies.

1.3. Streets

- 1.3.1. Access can be obtained via the new access from Francolin Close.
- 1.3.2. There is currently no road network in the vicinity of the split consolidation (+/- 5264m² and +/- 5072m²).
- 1.3.3. All development of new municipal infrastructure is the responsibility of the Directorate: Infrastructure and Planning. As the development of the currently unmade section of road will entail the construction and creation of new infrastructure / assets, application must be made to the Manager: Engineering Services for his written approval. In light of the above, the Department Operational Services recommends that the application for proposed rezoning, subdivision and departures be approved subject to development of the relevant section of Francolin Close (extension) and approval from the Manager: Engineering Services.
- 1.3.4. Any additional and / or extended vehicle entrances will be for the owner's account.
- 1.3.5. 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 must be made to the office of the Area Manager: Hermanus for written approval

1.4. Storm water

- 1.4.1. The "Common Law" shall apply with regards to storm water discharge.

1.5. Parking

- 1.5.1. "On-site parking" must be provided. The parking areas are to be provided at a ratio as described by the Town Planning Scheme, with permanent surfaces and layout to the satisfaction of the Department: Operational Services.

1.6. Refuse removal

1.6.1. Refuse will be removed from sidewalks as per municipal arrangement.

1.7. Irrigation water

1.7.1. No irrigation water is available in this area.

1.8. Waste Water Treatment Works (WwTW)

1.8.1. The proposed proposed rezoning, subdivision and departures will not have a significant impact on the Waste Water Treatment Works. The Directorate: Infrastructure and Planning must however give comment with regard to plant capacities and the relevant Bulk Services Levies.

1.9. Bulk Water Supply

1.9.1. The proposed rezoning, subdivision and departures will not have a significant impact on the bulk water supply, reservoirs or other bulk water infrastructure. The Directorate: Infrastructure and Planning must however give comment with regard to the relevant Bulk Services Levies.

2. RECOMMENDATION

With regard to the application for proposed rezoning, subdivision and departures on Erf 1447, Vermont, the Department: Operational Services (Hermanus) has no objection to the application, subject to the following conditions:

- 2.1.1. That the existing water connection to Erf 1447 shall be used to service the proposed Erf 1447.
- 2.1.2. That as there is currently no municipal sewer network in the vicinity, Erf 1447 must each be provided with individual sewer septic tanks and / or the developer must install a sewer line that connects to the Municipal system, which must comply with the standards of the Department: Operational Services (Hermanus), application must be made to the Manager: Engineering Services for his written approval. Please note there is a smallbore sewer system in Vermont.
- 2.1.3. 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.
- 2.1.4. That on-site parking facilities be provided as per the Planning Schedule, and to the satisfaction of the Department: Operational Services.
- 2.1.5. That any additional and / or extended vehicle entrances will be for the owner's account.
- 2.1.6. 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.
- 2.1.7. That refuse will be removed from sidewalks as per municipal arrangement.
- 2.1.8. That the Electrical- and Traffic Departments, as well as Telkom and any other relevant authorities and service providers not have any objections to the application.

Yours faithfully

T. I. Marx
Principal Technician: Operational Services
Hermanus

J. de Villiers Pr. Eng.
Senior Manager: Operational Services
Hermanus

ANNEXURE K

Munisipaliteit • U-Msibela • Municipality



File reference:	1447 HVM (3853)
Date:	13 February 2018

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>	<u>Traffic Department</u>	<u>Ward Councillor</u>	<u>Waste Management</u>

Applicant	WRAP (obo HENQUE 3030 CC)
Property Details	ERF 1447, LYNX ROAD, VERMONT
Application Description	PROPOSED REZONING, SUBDIVISION AND DEPARTURE

MUNICIPALITY OF OVERSTRAND
 FIRE BRIGADE / BRANDWEER
 APPROVED / GOEDGEKEUR
 22 MAR 2018

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.	Site Development Plan	
4.	Motivation	

YOUR DEPARTMENT'S COMMENTS:

Approval is subject to the following:

① That fire hydrants are provided in compliance with section 4.35.4 of National Fire Protection Regulations SANS 10400T:2011 - i.e. 180m ^{Maximum} apart linear to street lines

② That fire hydrants are supplied with a minimum of 75mm diameter main pipeline delivering a minimum of 900 litres per minute ²⁰¹⁸

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 property/ies are in accordance with the approved building plans.

COMMENTS REQUIRED BY: 23 March 2018



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OVERSTRAND

ANNEXURE L

HERITAGE AND AESTHETICS COMMITTEE

MINUTES OF MEETING

Date: Thursday 15 MARCH 2018

Time: 14h00 – 17h00

Members present

Mr N. Clark (Chairman)

Mr A. Greeff

Mr B. Jones

Mr A. Finlayson

Mr N. Saayman

Mrs K. Smuts

Mr B. Brink

Mr L. Smith

Mrs L. Fick

In Attendance:

Mr G. Coetzee (Acting Manager : Building Services)

Mrs E. Lowings (Admin Assistant : Building Services)

4.3 **HERMANUS : ERF 1447 : LYNX AVENUE, VERMONT : HENQUE 3030 CC : PROPOSED REZONING & SUBDIVISION : TP APPLICATION**

Comment:

Building line departure approved.

No significant visual impact from the R43.

Private Open space forms a green barrier with Lynx Road but with its position it does not serve as a usable communal space.

No architectural guidelines included. The mono pitch roof sketch is not in keeping with the cape cottage character of the area.

Action:

None

NEXT MEETINGS:

12th APRIL & 17th MAY 2018 & 14th JUNE 2018