



# **MEETING OF THE MUNICIPAL PLANNING TRIBUNAL (MPT)**

## **A G E N D A**

**\*THIS MEETING HAS BEEN POSTPONED TO TAKE PLACE  
ON MONDAY, 3 AUGUST 2020 AT 10:00**

<b>DATE:</b>	<b>30 JULY 2020</b>
<b>VENUE:</b>	<b>VIRTUAL</b>
<b>TIME:</b>	<b>10:00</b>

# OVERSTRAND MUNICIPALITY

Office of the Chairperson: MPT  
Civic Centre  
HERMANUS  
7200

**22 July 2020**

**TO : THE 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, due to the Covid-19 lockdown, go into session by means of a virtual platform on **Thursday, 30 July 2020 at 10:00** to consider the attached agenda.

**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 P Roux (Town Planner)
10. Mr H Olivier (Town Planner)
11. Secretariat

**MUNICIPAL PLANNING TRIBUNAL  
(MPT)**

**30 July 2020**

**I N D E X**

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<b>4.1 ERF 1494, LYNX ROAD, VERMONT, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR SUBDIVISION AND REGISTRATION OF A RIGHT OF WAY SERVITUDE: MESSRS PLAN ACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF A CARSTENS</b>	<b>1</b>
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**1. OPENING**

**2. APPLICATIONS FOR LEAVE OF ABSENCE**

**3. CONFIRMATION OF MINUTES**

**3.1 Minutes of a Municipal Planning Tribunal Meeting held on 25 June 2020**

**4. ITEMS FOR CONSIDERATION**

**4.1 ERF 1494, LYNX ROAD, VERMONT, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR SUBDIVISION AND REGISTRATION OF A RIGHT OF WAY SERVITUDE: MESSRS PLAN ACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF A CARSTENS**

Report attached.

**4.2 PORTION 3 OF FARM 585, HEMEL-EN-AARDE VALLEY, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE: OVERSTRAND MUNICIPALITY**

Report attached.

**4.3 ERVEN 942 AND 943, 69 & 71 DREYER STREET, STANFORD: APPLICATION FOR REZONING, CONSENT USE, DEPARTURE AND DEVIATION FROM THE OVERSTRAND MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK, 2006 AND GROWTH MANAGEMENT STRATEGY, 2010: MESSRS WRAP CONSULTANCY ON BEHALF OF HENQUE 3030 CC**

Report attached.

**4.1****ERF 1494, LYNX ROAD, VERMONT, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR SUBDIVISION AND REGISTRATION OF A RIGHT OF WAY SERVITUDE: MESSRS PLAN ACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF A CARSTENS**

1494 HVM (3464/2019)

H Olivier

(028) 313 8900

Hermanus Administration

21 April 2020

**1. EXECUTIVE SUMMARY**

An application was received on 22 October 2019 from Messrs Plan Active Town and Regional Planners on behalf of A Carstens on Erf 1494, Vermont in terms of the Overstrand Municipality By-Law on Land Use Planning, 2015 for the following:

- Registration of a right-of-way servitude in terms of Section 26(i)(g)(v) of the abovementioned By-Law, and
- Subdivision in terms of Section 16(2)(d) of the abovementioned By-Law, to create four (4) Residential Zone I erven namely: Portion A ( $\pm 2770\text{m}^2$ ), Portion B ( $\pm 2870\text{m}^2$ ), Portion C ( $\pm 3068\text{m}^2$ ) and a Remainder ( $\pm 3207\text{m}^2$ ).

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

**2. DECISION AUTHORITY**

Municipal Planning Tribunal

**3. BACKGROUND / SITE HISTORY**

Erf 1494, Vermont is zoned Residential Zone I and is developed with one (1) dwelling, outbuilding and pool. The property measures approximately 1,1914ha in extent.

**4. SUMMARY OF APPLICANT'S MOTIVATION**

- The owner intends to create three (3) new residential erven namely Portion A ( $\pm 2770\text{m}^2$ ), Portion B ( $\pm 2870\text{m}^2$ ), Portion C ( $\pm 3068\text{m}^2$ ) and a Remainder ( $\pm 3207\text{m}^2$ ).
- ❖ A 5m right-of-way servitude will also be registered to provide access to the Remainder Erf 1484, Portion C of the development and to Erf 1495 (west of Erf 1494). This was required by the Municipal Engineering Services Department to limit entrances off Lynx Avenue, to create one (1) new access/egress point directly opposite Blue Crane Street. This is also to ensure access to possible future development on Erf 1495.
- ❖ It is proposed that new Portions A and B obtain access from Caracal Close to the north.
- ❖ The property is in an already serviced area, with all services available.
- ❖ There are no restrictions in the Title Deed that need to be removed.
- ❖ The proposal is in line with the Overstrand Municipal Wide SDF, 2006, which earmarks the area for residential purposes.

- ❖ The proposal is in line with the Overstrand Growth Management Strategy, 2010, which earmarks the area as Status Quo. The proposal will even provide residential erven larger than surrounding erven.
- ❖ The property has no Heritage value.
- ❖ The application does not trigger any listed activities in terms of the NEMA, 1998.
- ❖ In line with surrounding land use tendencies.
- ❖ Compatible with surrounding land uses.
- ❖ Is in line with planning principles as follows:

Spatial Justice

The proposal is in line with sizes of erven in the vicinity and will be in line with the character of the area.

Spatial Sustainability

It is in line with the character of the area and will not impact conservation worthy areas.

Efficiency

The erven will be easily accessible and conveniently located close to all amenities.

Spatial Resilience

N/A

Good Administration

The Municipality followed a good public participation process.

## 5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
Press	Yes	11 December 2019	24 January 2020
Notices	Yes	28 November 2019	24 January 2020
Ward councillor	Yes	28 November 2019	24 January 2020
Total comments	<b>Three (3)</b>		
Total letters of support	<b>None</b>		
Was public participation undertaken in accordance with Section 46 - 50 of the By-Law on Municipal Land Use Planning?			<b>Yes</b>
Was the application processed correctly (if no, elaborate below):			<b>Yes</b>
Is the proposal consistent with the principles referred to in Chapter 2 of SPLUMA and Chapter VI of LUPA? (can be elaborated further below)			<b>Yes</b>

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

Name	Date received	Summary of comments
Engineering Services	09/12/2019	See Annexure F.

Environmental Management	05/03/2020	Positive.
Building Control	28/11/2019	No objection.
Fire Department	11/02/2020	No objection.
Eskom	02/12/2019	See Annexure G.
Telkom	06/12/2019	See Annexure H.
Heritage Western Cape	10/07/2020	See Annexure I.

**7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION, APPLICANT'S RESPONSE THEREON AND THE MUNICIPAL TOWN PLANNER'S RESPONSE**

Three (3) letters of objection were received from the following parties:

- RD & J Crank
- B Brink
- Lynx Sands Homeowners Association (JA Hugo)

**1. Objection**

***Not all residents of Caracal Road have been informed about the application. Never received post office slip from postal services and only found out thereof when a neighbour informed me thereof, then I picked up my letter from the Post Office. Have all owners in Caracal Close consented to the proposal?***

Applicant's response

The Overstrand Municipality decides who to send registered notices to, and the Municipality will have to address such issue.

Town Planner's response

Registered notices were sent to all property owners directly adjacent to the property, and to five (5) property owners in Caracal Close that would possibly be directly impacted. The application was also advertised in the local newspaper for the interest of any other land owners to provide comment if they wish to do so.

The Municipality followed due process and cannot be held responsible for the failure of the Postal Services.

A public participation process provides opportunity for the public to take part in a planning process and provide comments; their consent is however not required to process an application.

Considering the above, the public participation process complies with the requirements of the By-Law.

## 2. **Objection**

***The entrance to the new erven off Caracal Close will not be safe as it is used by numerous road users and also has a blind corner, and should be reconsidered.***

### Applicant's response

The Overstrand Municipal Engineering Services Department would not allow additional access points off Lynx Road, and proposed access to two portions off Caracal Close. Only two new Single Residential erven will make use of the first section of Caracal Close, which will be insignificant and the impact on the intersection at Caracal Close and Lynx Avenue minimal. No further development of the two portions is proposed.

The accesses to the two portions will be set back from the intersection of Caracal Close and Lynx Avenue for safety purposes.

### Town Planner's response

Both comments are duly noted. The applicant's comments are supported. The applicant did consult with the Municipal Engineering Services Department regarding recommended access points. An increase of traffic for two residential erven in Caracal Close with 16 existing erven, would be insignificant.

It is also to be noted that this application was circulated to the Municipal Engineering Services Department, who indicated their support for the application.

## 3. **Objection**

***No detail was provided of what type of buildings will be constructed, and no indication is provided if it would be multi-storey, single storey or small complexes comprising numerous houses.***

### Applicant's response

This is only an application for four (4) single residential erven, and new dwellings will comply with Residential Zone I land use restrictions in terms of the zoning, allowing for a dwelling, a second dwelling and limited to a height of 8m. No high density residential development is proposed.

### Town Planner's response

Both comments are noted. As indicated by the applicant, this development is only for four (4) Single Residential properties with its limitations in terms of the Zoning Scheme. Most developments in this area make provision for Residential Zone I and Residential Zone II erven of 600m<sup>2</sup> and 350m<sup>2</sup> size plots minimum respectively, and are developed to specific styles. This proposal is however to create four (4) very large erven (2770m<sup>2</sup>, 2870m<sup>2</sup>, 3068m<sup>2</sup> and 3207m<sup>2</sup>), and can almost be considered small holding size. It is therefore not foreseen that

specific style can be enforced onto these properties considering its very low density.

#### 4. **Objection**

***The proposed entrance to Portions A and B off Caracal Close will create traffic, noise and light pollution to the owners of the Tuscan styled development to the north.***

##### Applicant's response

This is a public road and the matter has been addressed under Objection 2.

##### Town Planner's response

The comments are duly noted. The applicant has duly addressed the matter regarding traffic impact. It is to be noted that the owner of Erf 1494 could at any time have created an entrance to this property from Caracal Close, without any approval required. He now only propose access from Caracal Close for two Residential Zone I portions, which would have a very small impact on traffic increase, noise or light pollution. The objector mention possible impact, but he does not motivate in any way to the scale of the impact. Most property owners own two vehicles, and make limited trips to work, school, etc. per day. It is considered the objection regarding the impact of increased vehicles, noise and light pollution has no merit.

#### 5. **Objection**

***Does the entrance road to the Remainder with the dwelling and garage not show a future subdivision of Portion C?***

***If Portion C will not be further subdivided, would access via the 5m right-of-way servitude be possible?***

##### Applicant's response

In future the 5m servitude right-of-way will provide access to Erven 1495 and 1496. The new Remainder and Portion C will also obtain access from the 5m servitude right-of-way.

In future, the Remainder Erf 1494 will in all probability obtain access from the future public road that would be constructed south of the property Erf 1494 on the area where the servitude right-of-way is now proposed.

##### Town Planner's response

The existing driveway shown over Portion C is just to show the existing driveway to the dwelling on Erf 1494. Future access after subdivision of Erf 1494 to the Remainder and Portion C will only be allowed off the 5m right-of-way servitude that will be created.

If future developments are proposed on Erven 1495 and/or 1496, the two mentioned properties' panhandles and the 5m right-of-way servitude to be

created, could then be used to create a public road to serve the new developments west of Erf 1494.

**6. Objection**

***A single access road should be created to serve Portions A & B, as it would be more effective when further subdivision takes place. Trees that are removed should also be replanted.***

Applicant's response

Only two (2) residential plots will be created off Caracal Close. A single servitude lane could be created as a road is not justified, and the existing proposal is still the most viable option.

Town Planner's response

The applicant's response is noted and supported. Note, the Municipal Engineering Services Department supports the access to Portions A & B of Caracal Close.

If there are trees on the Municipal road reserve to be removed, municipal approval is required, but not if it is on private land.

**7. Objection**

***Existing services will definitely not be sufficient for further subdivisions.***

Applicant's response

This application only makes provision for the creation of three (3) new erven and a Remainder.

Town Planner's response

The Municipality can only consider the application that was submitted, and not any speculated future development.

**8. Objection**

***Support development, but would rather want to see a subdivision into 600m<sup>2</sup> Single Residential erven.***

Applicant's response

The existing size of the residence was considered, and to rather create a gentleman's estate character which would also be compatible with smaller Single Residential erven and larger undeveloped erven.

Town Planner's response

Both comments are duly noted. The Municipality can only consider the application submitted, and will discuss its compatibility with the character of the area under the heading Evaluation.

**9. Objection**

*In a telephonic conversation the Town Planner stated the Home Owners Association (HOA) for Caracal Close does no longer exist, and that the HOA was only in existence while the development was built.*

Applicant's response.

No comments provided.

Town Planner's response

Note the reason the objector made reference to this point was due to the fact that the administrative clerk addressed the registered notice to HOA Caracal Sands, Mr JA Hugo. Mr Hugo who was the original developer, then forwarded this letter to the objector, who then questioned the fact of the existence of a HOA.

The Town Planner indicated to the objector that all previous building plans were signed off by the developer, Mr Hugo, as the properties were developed in the same Tuscan Style. This was done to maintain the character of the development, but that the Town Planner is not aware of the fact that it was a condition that a HOA had to be created or was ever created.

It is however to be noted that Mr Hugo did submit his objection under the name Lynx Sands HOA, and informed this specific objector and possibly other surrounding property owners of the application.

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

See Paragraph 7 above.

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

See Paragraph 7 above.

**Internal and External Departments**

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

**10. MUNICIPAL PLANNING EVALUATION (REFER TO RELEVANT CONSIDERATIONS GUIDELINE)****10.1 Background**

N/A

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

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

The objectives relating to:

Spatial Justice

N/A

Spatial Sustainability

The application is within the urban edge and will not impact on agricultural land 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. It will lead to the more efficient use of existing services.

Spatial Resilience

The approval of this development will ensure additional rates will be obtained by the Municipality to maintain existing infrastructure, thereby lowering the financial pressure on surrounding property owners and also the Municipality. It is also in line with the Overstrand Municipality SDF, 2006 and Growth Management Strategy, 2010.

Good Administration

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

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

Same as Point 10.2 above.

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

The area is indicated for residential purposes in terms of the SDF allocation.

**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 application is to subdivide an existing Residential Zone I erf into four (4) large sized erven, measuring between 2770m<sup>2</sup> and 3207m<sup>2</sup> in extent.

The proposal is to provide access to two portions from Caracal Close in the north, and the other two from a 5m right-of-way servitude directly off Lynx Road.

The objections received were addressed under Point 7 of this report. The major concerns are regarding desirability being access to the new erven and future developments behind the property, and the impact of this development on the character of the area.

The objectors' concerns regarding the impact of providing access to two (2) portions off Caracal Close is not supported. Although it is situated close to a corner, vehicles entering the property will not have to cross any lanes when turning into their properties, thereby not impacting in Caracal Close. The two entrances to these portions are also indicated on the layout plan at the furthest point from Lynx Road junction, being approximately 20m away. This will ensure that there would be sufficient sight and stacking distance for other vehicles when entering Caracal Close from Lynx Road.

The other major factor that should be considered for the abovementioned two (2) portions is the amount of traffic that will be generated. Residential Zone I erven is required to provide two (2) on-site parking for a dwelling and one (1) for a second dwelling. This is a maximum additional amount of six (6) vehicles using Caracal Close on a regular basis. This is extremely low figures that should not create traffic problems.

The other concern regarding traffic is how access will be provided to future developments on Erven 1495 and 1496 west of Erf 1494. It is to be noted that the applicant had to consult with the Municipal Engineering Services Department to address this issue, and the applicant's proposal is based on the requirements of the Engineering Services Department. It is clear from the proposal that a 5m right-of-way servitude must be registered over the southern portions of the proposed development. This 5m right-of-way servitude, and the panhandle accesses to Erven 1495 and 1496 next to the right-of-way servitude would provide more than sufficient opportunity for access to the area west of Erf 1494 in future.

This possible future access corridor would also junction directly opposite Blue Crane Street, which would provide for better traffic flow and safety on Lynx Road. It is also to be noted that for the same reason no additional access points are supported to any of the new portions off Lynx Road, and the Remainder and Portion C will only be able to access via the 5m right-of-way servitude, and Portions A and B off Caracal Close.

Considering the above, and also the fact that the Engineering Services Department support this application, the traffic impact would be limited.

The objectors are also concerned about the impact of this application on the character of the area. This is mostly based on an increase in traffic, noise and lighting. They are also concerned about the type of housing and the scale that will be developed, and some recommend the development of Residential Zone I erven of approximately 600m<sup>2</sup> in extent.

The concerns regarding traffic, noise and increased lighting have no merit for such a low increase in traffic and large erven of approximately 2800m<sup>2</sup> would not have a significant impact on the surrounding area. Most of the development in Vermont is developed with 600m<sup>2</sup> Single Residential erven with small group housing pockets of 350m<sup>2</sup> erven, and other larger Residential Zone I erven measuring approximately 1 to 2ha in extent. The larger erven are used as "smallholdings" while most of the Single Residential/Group housing developments on the western side of Vermont have been developed with specific style (mostly Cape Vennicular) developments. This was to ensure high quality housing developments are developed in this area.

Considering the above, the proposed development of four (4) large Residential Zone I erven is not out of line with the character of the area, and the opinion is that such larger erven would be very expensive to purchase and would therefore not be developed with building that would negatively affect the surrounding area. It is therefore not necessary to be concerned about the style of the buildings, and building would only be allowed to be developed in line with the Zoning Scheme Regulations for the Residential Zone I zoning, which is in line with most surrounding properties.

It is the opinion that this proposed development will have no significant impact on the character of the area, or on surrounding property owners, and is desirable.

### 13. RECOMMENDATION

1. that the application in terms of Section 16(2)(d) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 to subdivide Erf 1494, Vermont into four (4) Residential Zone I portions, Portion A measuring 2770m<sup>2</sup>, Portion B measuring 2780m<sup>2</sup>, Portion C measuring 3068m<sup>2</sup> and Remainder measuring ±3207m<sup>2</sup> in extent, **be approved** in terms of the provisions of Section 61, subject to the following conditions:
  - (a) that development be in line with Plan verm1494(6) dated 09/2019 submitted with this application;
  - (b) that a 5m access servitude and if so required a service servitude be registered to the satisfaction of the Engineering Services Department, prior to the registration of the first erf;
  - (c) that the existing access to the property off Lynx Road be closed, and access only be provided off Lynx Road via the 5m right-of-way servitude;
  - (d) that access to Portions A and B off Caracal Close be in compliance with the positions indicated on Plan verm1494(6);

- (e) that a 5m building line be applied next to Lynx Road, and that such condition be inserted in the Title Deeds of Portions B and C;
  - (f) that a minimum of 2 (two) parking bays be provided on each erf, to municipal standards and satisfaction;
  - (g) that this decision does not absolve the owner/applicant from compliance with any other relevant legislation;
  - (h) that all the conditions of Telkom (attached as Annexure H), be complied with;
  - (i) that all the conditions imposed by Eskom (attached as Annexure G), be complied with, and
  - (j) that all conditions in the Services Report (attached as Annexure F), be complied with.
2. that the exemption in terms of Section 26(i)(g)(v) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 for registration of a right-of-way servitude, as addressed in Condition 1.(b) above, **be supported**.
  3. 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 decision.

#### 14. REASONS FOR RECOMMENDATION

##### REASONS FOR APPROVAL

- ❖ The application will not have a negative environmental impact as no environmental listed activities are triggered.
- ❖ The proposed development is in line with the Overstrand Municipality SDF, 2006 which earmarks this area for residential purposes and the Overstrand Municipality Growth Spatial Development Framework, 2010 which earmark this area for status quo.
- ❖ The objections relating to the impact of traffic on the road network is not supported as the scale of the development is low and the Municipal Engineering Services Department also advised on access and traffic matters and provided their support for the application.
- ❖ The area has a mixed residential use character of small pockets of group housing erven, Residential Zone I erven of approximately 600m<sup>2</sup> in size, and larger Residential Zone I plots measuring between 1ha to 2ha in size. This proposal is therefore in line with existing developments and the objectors' concerns regarding impact on the character of the area is not supported.
- ❖ The provision of a 5m right-of-way servitude off Lynx Road would ensure future access for possible future developments west of Erf 1494.
- ❖ A good public participation process was followed with notices sent to directly adjacent property owners and by also placing an advertisement in the local newspaper.
- ❖ There is sufficient capacity in services and road infrastructure to serve the development.
- ❖ All relevant Municipal and State Departments and other institutions support the application.

- ❖ The proposal is in line with the character of the area and would not have a significant impact on surrounding property owners, and is desirable.

**15. ANNEXURES**

Annexure A:	Locality Plan
Annexure B:	Motivation Report
Annexure C:	Layout Plan
Annexure D:	Objections received
Annexure E:	Applicant's comments on objections
Annexure F:	Services Report
Annexure G:	Comments: Eskom
Annexure H:	Comments: Telkom
Annexure I:	Comments: Heritage Western Cape

**SIGNATURE****REGISTERED PLANNER**

Name: **H VAN DER STOEP**

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

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

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



**PROPOSED SUBDIVISION AND  
RIGHT OF WAY SERVITUDE**

**ERF 1494 VERMONT**

**DIVISION: CALEDON  
OVERSTRAND MUNICIPALITY**

**MOTIVATION REPORT**

**1. BACKGROUND**

Mr. A. Carstens the owner of Erf 1494 Vermont has instructed the company Plan Active to apply for the subdivision of Erf 1494 Vermont.

The owner intends to subdivide Erf 1494 Vermont to create three additional erven and a Remainder. The Title Deed applicable to Erf 1494 Vermont contains no restrictions that prohibit the subdivision of the subject erf. The intention is also to create a Right of Way Servitude in favour of the remaining portion from Lynx Road and Erf 1495 Vermont.

Erf 1494 Vermont is 1,1914ha in extent and is held by Title Deed Number T22330/2014.

1

## 2. APPLICATION DETAILS

Application is made in terms of:

- Chapter 4, Section 16(2)(d) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, for the subdivision of 1494 Vermont into three portions and a Remainder.
- Chapter 4, Section 26(1)(g)(v) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, for the creation of a right of way servitude that is exempted in terms of the last-mentioned section.

## 3. DESIRABILITY

### 3.1 PROPERTY DESCRIPTION

The subject property is situated in Lynx Road, Vermont. Please refer to the enclosed locality plan. Erf 1494 Vermont is 1,1914ha in extent and it is situated in a predominantly single residential area.

### 3.2 ZONING

Erf 1494 Vermont is zoned Residential Zone 1 and is used as such. Surrounding properties are zoned for single residential purposes.

### 3.3 LAND USE

Erf 1494 Vermont is used for residential purposes. A dwelling, outbuilding and swimming pool are established on the subject property.

Land uses that surround Erf 1494 Vermont are single dwellings, public roads and public open spaces. It is therefore evident that Erf 1494 Vermont is within a predominantly residential area.

2

### 3.4 PROPOSAL

The following are proposed:

- The subdivision of 1494 Vermont in terms of Chapter 4, Section 16(2)(d) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016.
- The creation of a right of way servitude over the proposed Portion C, in favour of the Remainder portion and Erf 1495 Vermont that is exempted in terms of Chapter 4, Section 26(1)(g)(v) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016.

It is the intention of the owner of Erf 1494 Vermont to subdivide the subject property into three portions and a Remainder.

The detail of the application can be described as follows:

#### 3.4.1 Proposed Subdivision

Erf 1494 Vermont is 1,1914ha in extent and is one of the larger erven located alongside Lynx Avenue in this area of Vermont. The owner intends to subdivide Erf 1494 Vermont in order to create 3 additional erven. Please refer to the enclosed subdivision plan. The subdivision will fit in with the current residential land use of erven in the area.

The subdivision of Erf 1494 Vermont can be summarised as follows:

Proposed Portions	Size	Structures
Remainder	±3207 m <sup>2</sup>	Dwelling, outbuilding and swimming pool
Portion A	±2770m <sup>2</sup>	Vacant
Portion B	±2870m <sup>2</sup>	Vacant
Portion C	±3068 m <sup>2</sup>	Vacant

By allowing the subdivision of Erf 1494 Vermont, an additional three properties will be created from which the municipality can attain bulk services levies as well as monthly

3

rates and taxes. The proposed three portions are currently vacant and future development on the subject properties will create temporary employment.

It is not proposed that we depart from any land use restrictions as prescribed in the Overstrand Municipality Zoning Scheme, Residential Zone 1 as the current zoning of the subject property will be retained. The existing buildings will have no impact on the proposed subdivision, but the position of the structures were considered with the placement of the subdivision line.

#### **3.4.2. Proposed Right of Way Servitude**

With this application it is also proposed that a right of way servitude be created parallel to the southern boundary of Erf 1494 Vermont over proposed Portion C and the Remainder, that is 5m wide, in favour of the Remainder and Erf 1495 Vermont . This right of way servitude will be utilised to gain access from Lynx Avenue to the proposed Remainder, a portion of Erf 1494 Vermont, and Erf 1495 Vermont.

The proposed right of way servitude is splayed at the entrance from Lynx Avenue and at the entrance of Erf 1495 Vermont. The provision of the Right of Way Servitude guarantee enough space for the provision of an access road to Erf 1495 Vermont should it be developed in the future. The position of the proposed right of way servitude was discussed with the Overstrand Municipality Engineering Department. They found the proposal of the right of way servitude favourably due to the fact that it is also located directly across Blue Crane Street.

The proposed Right of Way servitude will be  $\pm 534\text{m}^2$  in extent. The proposed right of way servitude will not have any negative impact on the surrounding properties, and we have also taken the possibility of the future development of Erf 1495 Vermont into consideration.

### 3.5 ACCESS

The property is situated in Lynx Road. Portion A and B will obtain access from Caracal Close. The Remaining portion will be accessed via a right of way servitude, from Lynx Road over Portion C. Portion C will also be accessed from the same servitude. The existing access on Lynx road will be closed once the Right of Way Servitude is approved. The exact position of the access points from Caracal Close will be confirmed with a building plan submission, when the new owners intend to build.

### 3.6 SERVICES

Due to the fact that Erf 1494 Vermont is within an already developed residential area municipal services already exist to which the newly created erven, Portions A, B and C could connect to. With the creation of 3 additional erven it is our opinion that there would be enough capacity within the existing services structures to sufficiently service the proposed 3 erven. Any additional services would be installed according to the specifications of the Overstrand Municipality.

### 3.7 TITLE DEED

The Title Deed T22330/2014 has no restrictions that need to be removed in order for this application for subdivision and right of way servitude to be approved.

No bond is registered against the subject property

### 3.8 FORWARD PLANNING

#### **Overstrand Municipal Wide Spatial Development Framework**

In terms of the Overstrand Wide Spatial Development Framework the subject property is earmarked for residential purposes. The residential zoning of the proposed portions will be retained after subdivision has taken place.

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### Overstrand Growth Management Strategy

The *Overstrand Municipal Growth Management Strategy (OMGMS, 2010)* specifies that 1494 Vermont forms part of Planning Unit No. 1. Given the nature and current character of the specific area there is no densification for this area proposed but the development of the large erven alongside Lynx Road are allowed. The allowable development parameters are residential erven not smaller than 600m<sup>2</sup> each with a combination of higher density townhouse size erven for approximately 25% of the area.

With reference to the above mentioned it our opinion that the Growth Management Strategy does not propose densification for the specific area, but it must be taken into consideration that the property is larger than the average residential erf in the area and in line with the guidelines that were imposed as mentioned above. Each subdivision application should be dealt with on its own merit.

In this instance Erf 1494 Vermont is larger in extent than the already developed erven in the area and after subdivision it will still be compatible with the areas of the residential erven in the vicinity.

It is therefore our opinion that the proposed subdivision can be supported and it is in line with forward planning strategies and also the current land use trends for the area.

### **3.9 OTHER RELEVANT LEGISLATION FOR CONSIDERATION OF THE APPLICATION**

#### **3.9.1 HERITAGE VALUE**

Erf 1494 Vermont is not situated within the Heritage Overlay Zone as determined by the Overstrand Municipality Growth Management Strategy (2010). The property is not earmarked for heritage conservation purposes in terms of the Overstrand Heritage Survey Report (2009).

The subject property is not associated with any important persons or groups or important events and activities. The subject property has no association with the history of slavery and is not used for living heritage.

In the light of the above mentioned it is evident that the proposed subdivision and creation of a Right of Way Servitude will not have a negative impact on the heritage value of the subject property or the Greater area of Vermont.

### **3.9.2 IMPACT ON THE BIOPHYSICAL ENVIRONMENT**

The proposed subdivision and right of way servitude do not trigger any listed activities in terms of the National Environmental Management Act (NEMA), 1998 (Act no. 107 of 1998).

### **3.10 PLANNING PRINCIPLES**

The planning principles of spatial justice, spatial sustainability, efficiency and spatial resilience of this application can be described as follows:

**Spatial Justice:** The proposed subdivided portions will be in line with the current erf sizes in the vicinity and the single residential land use of the property will also be retained. There are no restrictive Title Deed conditions that prohibit the subdivision of the subject erf. The land use restrictions in terms of the Overstrand Municipal Zoning Scheme under a zoning of Residential 1 will apply and no departures are required.

**Spatial sustainability:** The proposed subdivision is in line with the current character of the established residential area. The proposed application will have no impact on the conservation worthy areas of Vermont. Spatially the land use and erf size of Portions A, B, C, and the remaining extent of Erf 1494 Vermont will be in line with the residential character of the area.

7

**Efficiency:** The proposed additional erven are easily accessible and conveniently located in Vermont in close proximity of beaches, shops and Hermanus.

**Spatial Resilience** in the context of land use planning refers to the need to promote the development of sustainable livelihoods for the poor (i.e. communities that are most likely to suffer the impacts of economic and environmental shocks). Spatial resilience also refers to the requirement for flexibility in spatial plans, policies and land use management systems to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks. The 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, which includes the preservation and restoration of essential basic infrastructure and functions, but also adaptation in order to ensure increased resilience in terms of future shocks (United Nations Office for Disaster Risk Reduction, 2009). The principle of Spatial Resilience is not applicable to this application.

**Good administration:** Our Company is committed to the principle of good administration and will cooperate with the Overstrand Municipality to ensure a time efficient, uncomplicated land use planning process. The land use application will follow due process as stipulated in the relevant municipality's bylaw and related provincial and national land use planning legislation. All measures will be taken to ensure an efficient and streamlined process within the applicable timeframes as stipulated by the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016.

#### 4. **RECOMMENDATION**

When this application is evaluated it is important to take note of the following:

- The proposed subdivision of Erf 1494 Vermont and the proposed right of way servitude fall within the existing land use tendencies in the area;
- The proposal is compatible with the existing erf sizes in the area;
- The proposal falls within an already established residential area with sufficient services capacity to which the additional erven can be connected to ;
- The proposed subdivision and right of way servitude will not have a negative impact on the current character and land values of the surrounding erven.

With regards to the above mentioned it would be appreciated if the Overstrand Municipality would consider the application favourably for the subdivision of Erf 1494 Vermont and the registration of a right of way servitude.

ANNEXURE C



**PLA<sup>n</sup> Active** Stads- en Streeksbeplanners  
Town & Regional Planners

**Property Description:**  
ERF 1494  
VERMONT

**Plan Description:**  
PROPOSED  
SUBDIVISION AND  
RIGHT OF WAY SERVITUDE

**Scale:** 1:1000  
Drawing: [unclear]  
Date: 09/2019

All distances approximate and subject to survey.  
COPY RIGHT RESERVED



TP. D. (heard  
C.H. Olivier)

ANNEXURE D 1/4

FILE NO: Erf 1494
Vernon
SCAN NO: 29
COLLABORATOR NO: 1375634

Mr. R D & J Crank

Erf num 2311

16 Caracal Close

Vernon, Hermanus

074 148 3901

rdcrank@gmail.com

12 January 2020

**Ref: ERF 1494 application for subdivision**

Dear Henk Olivier,

With reference to your letter to the "HOA Caracal Close, Mr. JA Hugo" dated 27<sup>th</sup> November 2019, copy attached. We wish to provide you with input regarding this application from my wife and me on behalf of Erf 2311. We do so being directly impacted by this application. I have also forwarded this input to Mr. Hugo.

Firstly, I should point out that your letter and the corresponding application from Erf 1494 was very kindly emailed to me by Mr. Hugo. Your office did in fact send a letter to my address but it was never delivered, nor was I informed of its existence by Onrus Post Office. I was forced to collect the letter intended for me from the Onrus Post Office, without notice from the PO. Unfortunately, experience would suggest we cannot rely on the SA Post Office. This would suggest your process does not work effectively.

As discussed with you telephonically, you stated verbally that the HOA for Caracal Close no longer exists. I have been in the house for nearly two and a half years and have never been invited to a meeting, nor am I aware of any constitution or rules or levies. You also stated that the HOA was only in existence whilst the close was being developed and once all building was completed, the HOA ceased to exist.

In respect of the application for the subdivision of ERF 1494 I wish to **FORMALLY OBJECT** to this application based on the following grounds:

- I understand from you that only ERF's 1, 2, 3, 15 and 16 have been communicated with in regards to the proposed subdivision and that this process is normal practice for the municipality. Even though you assure me that this is common practice I strongly object to all my neighbours not being included in the "Notice of Affected Persons" process and appeal to you to include ALL residents of Caracal Close in this process, so that they may all provide input. After all I feel they will all certainly be affected. I remind you that we do not have a HOA.

22 JAN 2020

- The entrance to EFR's 1494 and 1495 will be constructed from within the existing Caracal Close road and will be adjacent to my property and also ERF 2326/2327. This is confirmed in section 3.5 under the heading ACCESS. This is my main objection to this subdivision. This new access road will cause severe problems for the current users of the Caracal Close roadway. Caracal Close is a public road, with numerous vehicles using this access road; many of these vehicles are on private, municipal and other business. My ERF is significantly affected by the proposed access road. Caracal Close is a very busy thorough fare and is already a "blind" corner for traffic entering from Lynx. Some vehicles drive along this road at a considerable speed. I foresee the proposed access road will cause numerous vehicular accidents. Residents of the newly constructed subdivisions will find great difficulty in safely accessing and exiting this proposed road, in my opinion. The road will also adversely affect existing Caracal Close road users. Surely the best solution to the access for the proposed new ERF's is via Lynx Avenue. I respectfully appeal to you to examine this option more closely.
- Although the application makes mention of the subdivision, it does not detail what type of buildings will be constructed on the newly created sites, other than general themes. I cannot support this application without some concrete evidence of what buildings the proposed sites will house. They could be multi-story buildings, single storey houses or small complexes comprising numerous houses. I feel the current documentation should be supplemented by some further detail to illustrate what type of buildings is intended.

In conclusion, we do not intend to delay Mr. Carstens in this application but we would request that our objections are considered and addressed if possible.

Regards

Rob and Joan Crank 16 Caracal Close, EFR 2311



TP- D. (hgar)  
(H. Olivier)

**From:** "B & E Brink" <eabrink@telkomsa.net>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 16/01/2020 10:55 PM  
**Subject:** Erf 1494, Lynx Road, Vermont: Notice to affected persons. 27 November 2019  
**Cc:** <holivier@overstrand.gov.za>

Ms L Gillion  
 Town Planning Department  
 16 Paterson Street  
 HERMANUS  
 REF 1494 HVM

FILE NO: Erf 1494 Vermont
SCAN NO: 09
COLLABORATOR NO: 1374172

Dear Ms Gillion

**NOTICE TO AFFECTED PERSONS: ERF 1494, LYNX ROAD, VERMONT,  
 OVERSTRAND MUNICIPAL AREA:  
 PROPOSED APPLICATION FOR SUBDIVISION AND REGISTRATION OF  
 SERVITUDE:  
 PLAN ACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF A CARSTENS**

The registered letter with above subject dated 27 November 2019 refers.

Kindly arrange for clarification of the following queries related to "ERF 1494 VERMONT Drawing Nr: (sic) verm1494(6).drw Date: 09/2019" :

1. The "Proposed Entrance" to Portion A and Portion B from Caracal Close will for example have traffic, noise and light pollution impacts in the Tuscan styled development to the north of Erf 1494. Have the owners of properties in that development been informed of and agreed to these proposed entrances?
2. What in all likelihood is an existing access road across Portion C to the property termed "Remainder", being what appears to be an existing dwelling with a double garage, is shown as dissecting Portion C into two smaller areas. Is it intended this road should remain as shown on the drawing?
3. Should 2. above not be the case, would access to "Remainder" from the "Proposed 5m [widened as/if necessary] Right of Way Servitude be possible?

Yours sincerely

Basil Brink

3 Flower Street, Hermanus 7200  
 Tel 028 312-2968  
 Mobile 083 279 6754

17 JAN 2020

file:///C:/Users/loretta/AppData/Local/Temp/XPgrpwise/5E216954HermanusMunpost... 2020/01/17

**Ingrid Hanekom - RE: ERF 1494, LYNX ROAD, VERMONT (3464/2019) REQUEST FOR COMMENT**

**From:** <hugofam@whalemail.co.za>  
**To:** <mmiller@overstrand.gov.za>  
**Date:** 2020/01/07 05:32 PM  
**Subject:** RE: ERF 1494, LYNX ROAD, VERMONT (3464/2019) REQUEST FOR COMMENT  
**Cc:** <ihanekom@overstrand.gov.za>



TP - A. Theod  
 C.H. Olivier

Goeie Middag,

Verwys punt 3.5 'ACCESS':

Toegang uit Caracal Close behoort enkel toegang te wees en dan 'n split na die twee plotte (nml. A & B) omdat sodra hierdie plotte onderverdeel gaan word in die toekoms dit meer doeltreffend sal wees.

Indien hierdie toegang sal veroorsaak dat van die groot bome in die slag bly behoort dit verplant of vervang te word.

Die huidige dienste sal defenitie nie voldoende wees sodra verdere onderverdelings sal plaasvind.

Ons is voorstaanders van nuwe ontwikkeling maar eerder graag wou sien dat die totale area onderverdeel word in enkel residensie plotte van ongeveer 600 vierkant meter.

Vriendelik die Uwe

J A HUGO VOORSITTER  
 LYNX SANDS HUISEIENAARS VERENIGING

FILE NO:	CF 1494
	Vermont
SCAN NO:	13
COLLABORATOR NO:	1371561

----- Original Message -----

**From:** Marlize Miller [mmiller@overstrand.gov.za]  
**To:** hugofam@whalemail.co.za  
**Cc:** ihanekom@overstrand.gov.za  
**Sent:** Thu, 28 Nov 2019 10:22:12 +0200  
**Subject:** ERF 1494, LYNX ROAD, VERMONT (3464/2019) REQUEST FOR COMMENT

Dear Sir / Madam

Enclosed please find a copy of the above-mentioned application for your information / attention. Your comment on this proposal within 60 days of receipt of this notice will be appreciated.



TOWN & REGIONAL PLANNERS  
STADS-EN STREEKSBEPLANNERS



ANNEXURE E 1/6

6 Magnolia St / Str  
PO Box / Posbus 296  
HERMANUS  
7200  
Tel: (028) 313 1673  
Fax / Faks: (028) 312 1351  
Email:  
[planactive@hermanus.co.za](mailto:planactive@hermanus.co.za)  
Website: [www.planactive.co.za](http://www.planactive.co.za)

Our reference: PA18088  
Your reference: 1494 HVM

03 March 2020

The Municipal Manager  
Overstrand Municipality  
PO BOX 20  
Hermanus  
7200

FOR ATTENTION: MR H. OLIVIER

Sir

FILE NO:	SP 1494 ✓
	Vermont
SCAN NO:	HVM 1494
COLLABORATOR NO:	1390462

COMMENTS ON OBJECTIONS

ERF 1494 VERMONT: PROPOSED SUBDIVISION AND REGISTRATION OF A SERVITUDE

Reference is made to our application dated 22 October 2019 as well as your covering letter dated 10 February 2020 accompanying the 3 objections received. The *objections* received from RD & J Crank, B. Brink and the Lynx Sands Homeowners Association (J.A. Hugo) and our **comments** can be summarised as follow:

1. "I understand from you that only ERF's 1,2,3,15 and 16 have been communicated with in regards to the proposed subdivision and that this process is normal practice for the municipality. Even though you assure me that this is common practice I strongly object to all my neighbours not being included in the "Notice of Affected Persons" process and appeal to you to include All residents of Caracal Close in this process, so that they may all provide input. After all I feel they will all certainly be affected. I remind you that we do not have a HOA.

Divine Inspiration Trading 329 (Pty) Ltd. trading as Plan Active  
Reg. No. 2006/030921/07  
Vat. No. 4770250340

John Mc Lachlan: Ndip (Town Planning) Tech Witwatersrand; MSAPI Nr. 10908; SACPLAN Teh.Pln B/8250/2014  
Pauline Spronk: B (Soc Sc) US, BA Hon (UNISA)

Meriké Lerm: B. Art et Scien Cum Laude (Town Planning) UNW; SACPLAN Pr.Pln A/158/2009

TP

- 3 MAR 2020

It is the Overstrand Municipal officials decision to whom notices are sent and by which means. Currently notices are sent by registered post to the surrounding land owners determined by the Overstrand Municipality without our input. Subsequently the Overstrand Municipality will address this issue.

2. *"The entrance to EFR's 1494 and 1495 will be constructed from within the existing Caracal Close road and will be adjacent to my property and also ERF 2326/2327. This is confirmed in section 3.5 under the heading ACCESS. This is my main objection to this subdivision. This new access road will cause severe problems for the current users of the Caracal Close roadway. Caracal Close is a public road, with numerous vehicles using this access road; many of these vehicles are on private, municipal and other business. My ERF is significantly affected by the proposed access road. Caracal Close is a very busy thorough fare and is already a "blind" corner for traffic entering from Lynx. Some vehicles drive along this road at a considerable speed. I foresee the proposed access road will cause numerous vehicular accidents. Residents of the newly constructed subdivisions will find great difficulty in safely accessing and exiting this proposed road, in my opinion. The road will also adversely affect existing Caracal Close road users. Surely the best solution to the access for the proposed new ERF's is via Lynx Avenue. I respectfully appeal to you to examine this option more closely."*

The proposed subdivision of Erf 1494 Vermont was discussed with officials of the Overstrand Municipal Engineering Department in order to ascertain which accesses to the site would be acceptable. It was made very clear that no direct access to the proposed newly created erven will be allowed from Lynx Avenue and that it would be best to access proposed erven A and B via Caracal Close. Please refer to the abstract below from the subdivision plan:



It is a requirement that when developing erven alongside Lynx Avenue that the developments:

- Are not closed development / security complexes;
- Roads are public roads;
- Linkages must be created between the developments.

Caracal Close, a public street, that links with Lynx Avenue currently provides access to 16 residential erven. With reference to the proposed subdivision, 2 erven are created depicted as A and B on the subdivision plan. It is proposed that these 2 single residential erven gain access from Caracal Close. The addition of 2 residential erven that will make use of only the first section of Caracal Close will be insignificant and the impact on the intersection of Caracal Close and Lynx Avenue will be minimal. No further development of the proposed Portions A and B are proposed.

It should be noted that the objector's property is located on the corner of Caracal Close and Lynx Avenue, physically having 3 street frontages. Taking into considering the current traffic flow on Lynx Avenue, providing access to 16 erven it is clear that the traffic impact by means of creating 2 additional single residential erven will be insignificant. With reference to the proposed subdivision plan we have also indicated the positions where the accesses to the proposed Portions A and B will be. The accesses to both the proposed erven are set back as far as possible from the intersection of Caracal Close and Lynx Avenue to create a T-junction for safety purposes.

3. *"Although the application makes mention of the subdivision, it does not detail what type of buildings will be constructed on the newly created sites, other than general themes. I cannot support this application without some concrete evidence of what buildings the proposed sites will house. They could be multi-story buildings, single storey houses or small complexes comprising numerous houses. I feel the current documentation should be supplemented by some further detail to illustrate what type of buildings is intended."*

Our application constitutes only the subdivision of Erf 1494 Vermont and the creation of an access servitude. Subsequently the zoning that is Residential 1 will be retained and therefore all land use restrictions in terms of this zoning will apply. At most these erven can be used to construct a dwelling house that will not exceed a height of 8m as defined in the Overstrand Municipality Zoning Scheme and a second dwelling unit should the future owners wish to do so. High density residential developments are not proposed.

4. *"The "Proposed Entrance" to Portion A and Portion B from Caracal Close will for example have traffic, noise and light pollution impacts in the Tuscan styled development to the north of Erf 1494. Have the owners of properties in that development been informed of and agreed to these proposed entrances?"*

Please refer to our comments under Paragraph 2 above. Caracal Close is a public street and it appears that some of the owners making use of this road have not been informed of the proposed entrance to 2 single residential erven that are proposed other than the notices that were sent to the surrounding land owners for their comments. As mentioned under Paragraph 2 above is it clear that with the addition of 2 single residential erven that the impact on Caracal Close and the road users of Caracal Close will be insignificant.

5. *"What in all likelihood is an existing access road across Portion C to the property termed "Remainder", being what appears to be an existing dwelling with a double garage, is shown as dissecting Portion C into two smaller areas. Is it intended this road should remain as shown on the drawing?"*

As mentioned under Paragraph 2 above, it is a requirement that with the future development of the larger erven alongside Lynx Avenue the developments be linked. This has been taken into consideration that if the owners of erven 1495 & 1496 Vermont intend to further develop their properties in the future that there would be enough space available to create a proper access road wide enough to link with Lynx Avenue. The linkage with Lynx Avenue as proposed will also be right across from Blue Crane Street creating a proper T-junction. In the interim this access servitude will be utilised as an access to the proposed Remainder of Erf 1494 Vermont.

Should erven 1495 & 1496 Vermont be developed in future and a formal road constructed over the proposed access servitude, will the Remainder Erf 1494 Vermont make use of the public road to gain access. Please refer to the abstract below from our proposed subdivision plan for easy reference.



**This application makes provision for the subdivision of Erf 1494 Vermont into only 3 additional erven and a remainder.**

9. *"Ons is voorstanders van nuwe ontwikkeling maar eerder graag wou sien dat die totale area onderverdeel word in enkel residensiële plotte van ongeveer 600 vierkant meter."*

**The reason at this stage to create larger erven is to acknowledge the size of the current dwelling established on the proposed remainder, thereby creating a gentleman's estate type character that would be compatible with the smaller developed single residential erven and the larger undeveloped erven alongside Lynx Avenue.**

We trust that you will find our comments on the objections received in order and that the application will be dealt with favourably.

Yours faithfully



John Mc Lachlan

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR SUBDIVISION & SERVITUDE OF REMAINING PORTION:  
ERF 1494, VERMONT (3464/2019)**

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

**Conditions:**

1. That a Bulk Services Contribution Levy (BICL) be paid by the developer to supplement municipal services and amenities in accordance with the relevant legislation and as determined by the Council. The BICL tariff is adjusted by Council annually. The total BICL payable will be the amount as determined by the BICL Policy and tariff at the date of **actual payment**. BICL amounts quoted in any document will normally be applicable to the particular year in which the document was compiled and Council will not be bound by the quoted amounts.
- 1.1 **Developments with free standing properties** (property that is subdivided and plots to be sold individually).
- 1.2 The BICLs are payable **prior** to clearance being issued by the Income Department of the Municipality.

The contribution according to the current policy (2019/2020) is as follows:

Water	R 22 925.00 x 3	=	R 68 775.00
Sewerage	R 15 457.00 x 3	=	R 46 371.00
Roads	R 6 931.00 x 3	=	R 20 793.00
Stormwater	R 7 997.00 x 3	=	R 23 991.00
Solid Waste	R 1 386.00 x 3	=	R 4 158.00
<b>TOTAL (inclusive of VAT)</b>		=	<b><u>R164 088.00</u></b>

**Note:**

- 1.2.1 The above figures are estimates and do not include connection fees.
2. That the applicant must comply with all statutory requirements that may be applicable to the undertaking of the proposed development of Erf 1494, Vermont.
3. that the existing water connection, sewer conservancy tank and sewer connections be utilised to service the Remainder of Erf 1494, Vermont.
4. that all Portions of Erf 1494, Vermont be provided with individual and separate metered water connections as well as sewer conservancy tanks which must comply with the standards of the Department: Operational Services;

5. that a new suction point for the sewer conservancy tank, which must comply with the standards of the Department: Operations must be provided for all Portions of Erf 1494;
6. 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;
7. that servitudes for municipal services be registered at the developer's cost in respect of all existing municipal services concerned crossing private property;
8. 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*;
9. that on-site parking facilities be provided as per the Planning Schedule, and to the satisfaction of the Department: Operational Services;
10. that any additional and / or extended vehicle entrances will be for the developer's account;
11. 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;
12. that stormwater be allowed to discharge through the proposed even, unobstructed.

*p.p. R. Hendriks*  
**DENNIS HENDRIKS**  
SENIOR MANAGER: ENGINEERING SERVICES

*09/12/2019*  
DATE



Overstrand Municipality

TP - A Theart  
(Holliver)

Date: 2019/12/02

Loretta@overstrand.gov.za

Enquiries:

WayleavesWesternOU@eskom.co.za

WAYLEAVE APPLICATION: Overstrand Municipality By-Law on Municipal Land Use Planning  
: Lynx Road, Vermont : Vermont

YOUR REF: <sup>HVM</sup>~~HVK~~ 1494 (3464/2019)

ESKOM REF: 03166-19

### THIS IS NOT AN APPROVAL TO START CONSTRUCTION

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

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

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

Application for Working Permit must be made to:

Customer Network Centre: Caledon

Dirk Swart  
028 214 5710  
SwartDi@eskom.co.za

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

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

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

- 3 DEC 2019

FILE NO:	EL 1494-HVM
SCAN NO:	HVM 1494
COLLABORATOR NO:	1363311

## 2. Underground Services

The following conditions to be adhered to at all times:

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

## 3. O.H. Line Services:

- a) No work or no machinery nearer than the following **distances from the conductors:**

Voltage	Not closer than:
11kV	3.0 m
66kV	3.2 m
132kV	3.8 m

## 4. NOTE

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

Yours faithfully

**LAND DEVELOPMENT (BRACKENFELL)**





TP-A Theart  
(Holliver)

Division of Telkom SA SOC Ltd

10 Jan Smuts Drive  
Pinelands  
7404

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

Our Ref.: WWIP\_WHWS4323\_19  
Your Ref.: 1494 HVM 3464 ✓

6 December 2019

Attention: S Muller

Overstrand Municipality  
HERMANUS

FILE NO:	EL 1494-HVM
SCAN NO:	HVM 1494
COLLABORATOR NO:	1364621

**PLANT AFFECTED – COPPER & OPTIC FIBRE:**

APPLICATION FOR SUBDIVISION AND REGISTRATION OF SERVITUDE: ERF 1494, LYNX ROAD, VERMONT

With reference to your application received 28 November 2019.

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

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

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

Approval is granted, subject to the following conditions.

As per sketch attached, OpenServe 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

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

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

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

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

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

All OpenServe rights remain reserved.

Yours faithfully



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For Selwyn Bowers  
Operations Manager  
Wayleave Management: Western Region



This wayleave, Reference Number WWIP\_WHWS4323\_19 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** / email adress : **Frederiks@openserve.co.za** must be contacted at least 48 hours prior to commencement of the work, upon which the actual location of Open Serve Plant will be indicated on site.
3. A written request must be submitted to Open Serve for consideration should the applicant require our plant to be relocated. The cost of such relocation will be recoverable from the applicant.
4. It is the responsibility of the applicant to verify the existance of the indicated plant and to notify Open Serve immediately should the applicant locate any Open Serve plant which is not indicated on the plans.
5. Should the applicant expose any Open Serve plant, the safeguard thereof will be the applicant's full responsibility.
6. Failing to comply with the above conditions or any special conditions addendum hereto will be regarded as gross negligence and the applicant will be held responsible for the damage or loss as a result thereof.

Date: 06 December 2019

By: C Spammer

For Wayleave Management  
Western Cape

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

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



43  
TP - A. Theard  
(I. Oliva)



**Our Ref:** HM/ OVERBERG/ OVERSTRAND/ HERMANUS/ ERF 1494  
**Case No.:** 2002201SM0623E  
**Enquiries:** Sandisiwe Matole  
**E-mail:** sandisiwe.matole@westerncape.gov.za  
**Tel:** 021 483 5959  
**Cell:** 076 481 8392 (during lockdown period)  
**Date:** 6 July 2020

**Plan active Town and Regional Planners**

**RESPONSE TO NOTIFICATION OF INTENT TO DEVELOP: FINAL COMMENT**  
**In terms of Section 38(2) of the National Heritage Resources Act (Act 25 of 1999) and the Western Cape Provincial Gazette 6061, Notice 298 of 2003**

**NOTIFICATION OF INTENT TO DEVELOP: PROPOSED SUBDIVISION LOCATED ON ERF 1494 HERMANUS: SUBMITTED IN TERMS OF SECTION 38(1) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)**

**CASE NUMBER: 2002201SM0623E**

The matter above has reference.

Heritage Western Cape is in receipt of your application for the above matter. This matter was discussed at the Heritage Officers meeting held on 6 July 2020.

You are hereby notified that, since there is no reason to believe that the proposed subdivision, will impact on heritage resources, no further action under Section 38 of the National Heritage Resources Act (Act 25 of 1999) is required.

However, should any heritage resources, including evidence of graves and human burials, archaeological material and paleontological material be discovered during the execution of the activities above, all works must be stopped immediately and Heritage Western Cape must be notified without delay.

This letter does not exonerate the applicant from obtaining any necessary approval from any other applicable statutory authority.

HWC reserves the right to request additional information as required.

Should you have any further queries, please contact the official above and quote the case number.

.....  
Dr. Mxolisi Dlamuka  
Chief Executive Officer

FILE NO:	EF 1494
	Vamant
SCAN NO:	05
COLLABORATOR NO:	1429498

TP  
10 JUL 2020

[www.westerncape.gov.za/cas](http://www.westerncape.gov.za/cas)

**Street Address:** Protea Assurance Building, Green Market Square, Cape Town, 8000 • **Postal Address:** P.O. Box 1665, Cape Town, 8000  
• **Tel:** +27 (0)21 483 5959 • **E-mail:** ceoheritage@westerncape.gov.za

**Stratadres:** Protea Assuransie gebou, Groentemarkplein, Kaapstad, 8000 • **Posadres:** Posbus 1665, Kaapstad, 8000  
• **Tel:** +27 (0)21 483 5959 • **E-pos:** ceoheritage@westerncape.gov.za

**Idilesi yendawo:** kumgangatho 3, kwisakhiwo iprotea Assurance, Greenmarket Square, eKapa, 8000 • **Idilesi yeposi:** Inombelo yebhakisi yeposi, 1665, eKapa, 8000 • **Inombelo zomnxeba:** +27 (0)21 483 5959 • **Idilesi ye-imeyile:** ceoheritage@westerncape.gov.za