

4.3**ERF 12257, 4 SEA ROAD, EASTCLIFF, HERMANUS: APPLICATION FOR SUBDIVISION: MESSRS PLAN ACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF ERF 2825 HERMANUS (PTY) LTD****12257 HEC (2896/2018)****P Roux****14 July 2020****(028) 313 8900****Hermanus Administration****1. EXECUTIVE SUMMARY**

An application was received on 19 December 2018 in terms of Section 16(2)(d) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) from Messrs PlanActive Town- and Regional Planners on behalf of Erf 2825 Hermanus (Pty) Ltd in order to subdivide Erf 12257, Hermanus into two (2) portions, namely: Portion A ($\pm 1701\text{m}^2$ in extent) and a Remainder ($\pm 5740\text{m}^2$ in extent).

The Locality Plan of the property concerned is attached as Annexure A, the Motivation Report from the applicant in support of the application is attached as Annexure B and the Subdivision Plan is attached as Annexure C.

2. DECISION AUTHORITY

Municipal Planning Tribunal

3. BACKGROUND / SITE HISTORY

The subject property (Erf 12257) is currently vacant. The property is zoned for residential use and is 7441m^2 in extent. The applicant proposes to subdivide the subject property into two (2) portions.

It should be noted that the subject property is a seafront property and its boundary lines run up to the high-water mark. Various requests have been made by affected and interested parties that a servitude be registered in order to allow public to cross the subject property in order to access the coastline.

4. SUMMARY OF APPLICANT'S MOTIVATION

The motivation for the application is summarised as follows:

- The subject property is situated in Sea Road in Hermanus (Eastcliff).
- The subject property as well as the surrounding properties is zoned for residential use. The proposed application will not change the zoning of the property and therefore any future development will be compliant with the character of the area and the zoning parameters.
- The subject property is of such a size that it can be subdivided in order to create two (2) properties, Portion A ($\pm 1701\text{m}^2$ in extent) and a Remainder ($\pm 5740\text{m}^2$ in extent).
- The property is vacant and large excavations have occurred on the property which was intended for a dwelling, which did not realise.
- Erf 1233 was subdivided into similar sized erven, two (2) erven were consolidated to form Erf 12257.

- The proposed subdivision line was determined by the uneven ground level that exists on the property due to the excavations on the property. The proposed dimensions are in line with the adjacent property sizes.
- With the approval of the subdivision in June 2013 a 20m setback line was stipulated from the southern boundary, this setback line will be unaltered and indicated on the Remainder property.
- Application is also made for a new right of way servitude to obtain access to Sea Road from the Remainder, vehicular access will be obtained to Portion A through right of way servitude, which was registered (S.G No 438/2017).
- The proposed subdivided erven will be developed in line with the Zoning Scheme Regulations.
- There are no title deed restrictions which prohibit the proposed subdivision.
- The application is further motivated to be in line with the relevant forward planning documentation.
- The application is further motivated to be in line with the Planning Principles of SPLUMA.

5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
Local Newspaper	Yes	17 April 2019	24 May 2019
Notices	Yes	15 April 2019	24 May 2019
Ward councillor	Yes	15 April 2019	24 May 2019
Total number of objections/ comments	One hundred and forty six (146)		
Was public participation undertaken in accordance with Section 46 - 50 of the By-Law on Municipal Land Use Planning?			Yes
Was the application processed correctly?			Yes
Is the proposal consistent with the principles referred to in Chapter 2 of SPLUMA and Chapter VI of LUPA?			Yes

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

Name	Date received	Summary of comments
Waste Management	15/04/2019	No objection.
Environmental Section	22/05/2019	Annexure F.
Overberg District Municipality	23/05/2019	Annexure G.
DEADP Coastal Management	19/06/2019	Annexure H.
Telkom	6/06/2019	Annexure I.

Building Control	18/06/2019	No objection. New building plans to be submitted or excavated land to be rehabilitated.
Local Heritage	19/06/2019	No objection.
Fire Services	26/06/2019	Annexure J.
Property Administration	10/07/2019	Annexure K.
Engineering Services	26/08/2019	Annexure L.
DEA&DP: Development Management (Region 1)	04/09/2019	Annexure M.

7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION

The application was advertised and notices were served on adjacent property owners. One (1) of the interested and affected parties is Cliff Path Action Group (CPAG). The CPAG interests are to establish a linkage of the cliff path (which runs alongside the coastline) over the southern border of Erven 12257, 1234 - 1236, 5491 - 5493, 6337, 1247 - 1250 and 6088, this is due to the cliff path currently ending at Sea Road and forces walkers to walk alongside Main Road, beginning at 192 Main Road and up to 248 Main Road. Further, an additional article was published in the Hermanus Times encouraging the public to submit their written comments with reference to the extension of the cliff path and the CPAG's interests regarding Erf 12257. In total one hundred and forty six (146) comments were received. It should be noted that the issues in the comments and/or objections overlap and therefore will be combined/summarised in main points and discussed.

The applicant provided the following break down and categorisation of the comments:

- ❖ eighty (80) letters referred to the extension of the cliff path;
- ❖ forty four (44) letters referred to the general Right of Way Servitude over Erf 12257, Hermanus and some to a right of way above the high-water mark for pedestrian use;
- ❖ nine (9) letters with comments merely describing the cliff path in general;
- ❖ one (1) letter in support of the subdivision application;
- ❖ one (1) letter in support of the cliff path not being extended via Poole's Bay, and
- ❖ eleven (11) comments with specific reference to the subdivision application at hand.

The applicant also states that no objections were received, however, conditional consents were received, mostly reflecting the issue of the extension of the cliff path.

Some of the comments which were received did not comply with Section 52 of the Overstrand Municipality By-Law on Land Use Planning, 2015 which state the objection must contain the following:

- (3) *The objection must state the following:*

- (a) *the name of the person or body concerned;*
 - (b) *the address or contact details at which the person or body concerned will accept notice or service of documents;*
 - (c) *the interest of the body or person in the application;*
 - (d) *the reason for the objection, comment or representation.*
- (4) *The reasons for any objection, comment or representation must be set out in sufficient detail in order to -*
- (a) *indicate the facts and circumstances which explains the objection, comment or representation;*
 - (b) *demonstrate the undesirable effect which the application will have on the area;*
 - (c) *demonstrate any aspect of the application which is not considered consistent with applicable policy.*

The list, attached as Annexure D indicates whether the comment received adhere to the previously mentioned sections of the By-Law, it is clear that most of the comments did not adhere to the requirements of the said By-Law and therefore the letters are flawed and should not be used in the consideration of the proposed application on Erf 12257.

Further, Section 62 of the Overstrand Municipality By-Law on Land Use Planning, 2015 states that only a person who has objected to the application, and the applicant, must be notified that they have a right to appeal and have the right to review or appeal the decision. Considering the aforementioned only the persons as indicated in Annexure D will be notified of the outcome of the decision and their right to review or appeal the decision.

1. Point of objection

The subdivision of Erf 12257 Hermanus should be subject to the condition that the cliff path should be extended on the southern side (coastal side) of the properties of Poole's Bay.

A condition should also be inserted that a servitude be registered, above the highwater line along the sea front of Erf 12257, for the purpose of extending the cliff path. The proposed application provides the opportunity to the Municipality to accommodate the proposed extension of the cliff path by allowing a servitude right of way. There is currently no pedestrian access between Sea Road (adjacent to Erf 122257) and the shoreline.

When considering a land use application (subdivision and rezoning) for any of the affected properties in Poole's Bay, allowance should be made for the extension of the cliff path and access for the extended cliff path be accommodated.

Each Municipality when approving a land use application within or abutting on coastal public property must ensure that adequate provision is made in the conditions of approval to secure public access to that coastal public property.

The Municipality is entitled to impose conditions for the public benefit when granting a subdivision application.

There is no doubt that the Municipality has the power to impose the servitude in order to extend the cliff path that the CPAG contend for.

Due to the topography of the area, and the fact that the public have been accessing coastal public property over Erf 12257 for many years, the most logical and environmentally acceptable option is proposed to be the creation of a servitude to formalise the informal access over Erf 12257 from the coastal public property, joining it to the public open space adjacent to Erf 12257. Section 18(9) of NEM: ICMA provides the Municipality with the tools and opportunities with which to do this.

Applicant's response

The applicant's client is opposed to the re-routing of the cliff path over their property as it will have a significant impact on their rights, security, loss of privacy and reduction in property values. It is further stated that Erf 12257, Hermanus has cadastral and deeds office registered property rights to the high-water mark.

CPAG is of the view that the Municipality can exercise its powers in terms of Section 18 of the National Environmental Management: Integrated Coastal Management Act 24 of 2008 (NEM: ICMA) and designate a strip of land along this area of the coast as 'coastal access land'. The applicant states that CPAG does not require the Municipality to designate this land as coastal access for the public is already reasonably accessible, intervention by the State to designate coastal access land is neither necessary nor legally justifiable.

The applicant maintains that reasonable access to the coastline is already available to the public as determined in Section 18(1) of NEM: ICMA "order to secure public access to coastal public property" and read together with Section 13(1) which defines the public's right of access. Power to designate coastal access is only to promote reasonable access and not to extend the existing access.

The applicant states than reasonable access must be considered in a range of factors and account must be taken of:

- the fact that the public already move along this section of the coast below the high-water mark;
- there are no swimming beaches, boat launching facilities or other amenities along this part of the coast which would justify the entitlement of additional access, and
- the re-routing of the cliff path would have a severe impact on the rights of the affected landowners.

The applicant states that the rerouting of the cliff path will place unreasonable restrictions of the rights of landowners which must be taken account of in terms of Section 29 of NEM: ICMA when the boundary of the coastal access land is determined. Further, the cost of expropriation of the portion for public access will exceed the benefits of the public access.

The Municipality only requires the provision of land for public places and for land to be ceded to the local authority when application is made for a township development. The proposed application is for the subdivision of a single residential property into two properties.

Town Planner's response

The Municipality can only act and take decisions in accordance with the authority, designation and delegations given to it by applicable law, if it does not, then the Municipality opens itself for legal challenges. Therefore, NEM: ICMA should be carefully considered. The comments received was forwarded to the Municipality's Legal Department who advised that the Municipality cannot implement the provisions of the above mentioned Act due to it being applicable to the District Municipality as set out in the definition of the Act, Sections 1(b)(i) and (ii). Further, the Municipality will only be able to assume responsibility for implementation of the Act if both the Municipality and the District Municipality have complied with the provisions of Section 1(ii), i.e., entered into an agreement in terms of which a provision or certain provisions have been assigned to Overstrand Municipality. To date no such agreement has been entered into.

Section 18(1) read together with Section 18(3) of the Act also require that a By-Law be adopted which designates strips of land as coastal access land in order to secure public access to the coastal public property, because only then would Section 18(2) have come into play, i.e., an automatic public servitude in terms of which the public may use that land to gain access to coastal public property. To date no such By-Law has been adopted by the Overstrand Municipality.

Given the abovementioned the Overstrand Municipality is not obligated, nor does it have the authority to register a servitude over the private property as requested in the comments received from the public.

2. Point of objection

All access was blocked off by the owner of Erf 12257 extending his boundary fence from the wall to the historical pillar before the Easter weekend.

Applicant's response

The fencing was constructed in order to deter vagrants from sleeping on the property, to promote site security and to protect the structure on the property.

Town Planner's response

Due the excavations done on the property and the risk to public safety, fencing and a boundary wall was required from the Building Department.

3. Point of objection

The municipal notice refers to the property being situated at 15 Quantum Street, Eastcliff, Hermanus.

Applicant's response

The property is situated in Sea Road, Eastcliff, Hermanus.

Town Planner's response

The heading of the notices and the advert erroneously indicated that the property is situated in Quantum Street, however, revised notices were sent out and a revised advert was placed informing that the street name is in fact Sea Road.

4. Point of objection

The locality plan omits Sea Road and Atlantic Ocean and fails to identify the public open space bordering Erf 12257.

Applicant's response

Sea Road and the Public Open Space are not defined by the cadastral boundaries. The locality plan indicates the Atlantic Ocean and the Public Open Space as Erf 1253, Hermanus.

Town Planner's response

The locality plan indicates the cadastral edges of the properties, Sea Road and the Public Open Space forms part of the same cadastral portion of Erf 1253.

5. Point of objection

No reference is being made to the National Environmental Management; Biodiversity Act 2004 (NEMBA) with the potential impacts of the proposed subdivision and subsequent development on the coastal vegetation. The vegetation type that occurs naturally in this area is Overberg Sandstone.

Applicant's comment

Erf 12257, Hermanus extends to the highwater mark and the area was recently disturbed by excavations on the site. In 2013 the area of the site closest to the highwater mark was used for gardening and a swimming pool.

Town Planner's comment

The application was sent to the Overstrand Municipal Environmental Services and DEA&DP who would have considered the relevant environmental legislation when providing their comment and no negative comment was received from the departments. As stated by the applicant, the property has been largely excavated, therefore large number of plant species have been removed. Further, the 20m setback line as stipulated in previous approvals will be maintained.

6. Point of objection

The need for the extension of the cliff path has been pointed out in the motivation due to the ad hoc development setback line and subdivision of Erf 1233 as far back as 2013. The Coastal Buffer Zone of 20m was described on 1 November 2013 by the Environmental Department of the Overstrand Municipality. The Coastal Buffer Zone needs to facilitate the extension of the cliff path – build from concrete as the rest of the path. The Overstrand Municipality is obligated to ensure the intention behind the original subdivision of Erf 1233 and the reason for the approval of the adhoc setback line.

Applicant's response

The application submitted in 2013 for the subdivision of Erf 1233, Hermanus was submitted in terms of The Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985)(LUPO). A 20m Buffer Zone was defined in order to establish a continual corridor and to protect the natural resources and ecosystem functioning. The Buffer Zone was not defined for the cliff path. Development/construction should take place inland of the identified setback line (of the Buffer Zone).

Town Planner's response

The comment provided by the applicant is agreed with; the 20m setback line is to ensure that there is a continual ecological corridor and to protect the natural resources and ecosystem functioning.

7. Point of objection

The existing and new access road must be tarred before any work on the development begins and there must be a servitude on Portion 1 that the building line from the south western boundary may not exceed 15m.

A condition should be imposed that the owners of the proposed newly created erven should construct, maintain, and repair the servitude access roads.

Existing municipal roads must also be prepared prior to construction or development.

The access servitude is only desirable if a public servitude is registered in order to gain access to the coast.

Applicant's response

The surface of the Access Right of Way Servitudes will be paved as per municipal regulations and as per the conditions imposed with the subdivision approval issued in 2013.

Building lines will be applicable as prescribed in the Overstrand Scheme Regulations. Setback from the high-water mark will be 20m.

The argument that the access servitude is only desirable if a public servitude is registered in order to gain access to the coast has no merit as the servitude for the access to the private property is low, with a single occupant use whereas the proposed right of way to the coast will be open to public at large in sometimes dangerous tidal conditions.

Town Planner's response

Only one (1) additional access servitude is proposed, there are currently only one (1) access point in Sea Road. No objection was received from the Overstrand Municipality Traffic- or Engineering Departments regarding the impact of the additional access servitude, further due to the access only serving one additional property the impact will be minimal. The additional servitude will allow sufficient access to both portions without having to accommodate two-way traffic. The surface of the proposed additional access servitude will have to be compliant with the recommendation in 2013. Cost to rectify damage to the open space during the construction period will be to the account of the property owner/developer.

Some of the requests hold no bearing to the application itself and desirability thereof, for instance, the maintenance of the public roads prior to construction cannot be incorporated into conditions of approval as the maintenance of public roads are a municipal function and as discussed earlier, the proposed coastal access across Erf 12257 is not a municipal mandate.

8. Point of objection

If the new right of way access is approved, then the owners of Erf 11479 will no longer maintain the small white bollard demarcated area of the Public Open Space and the maintenance thereof will revert to the Municipality.

Applicant's response

The Municipality is responsible for the maintenance of the public areas.

Town Planner's response

If the property owner of Erf 11479 has an agreement with the Municipality to maintain the verge then that agreement must be respected, otherwise the property owners has been maintaining the verge in good will and at their own expense, with no approval from the Municipality to do so. The proposed continuation or ceasing of the maintenance has no bearing on the proposed application.

9. Point of objection

The additional servitude will have a negative impact on the Public Open Space and will therefore have a negative impact on the surrounding properties.

A driveway should be built on Portion A in favour of the Remainder and preserve the Open Space. A condition must be imposed that sufficient space must be provided and demarcated by barriers in order to prevent visitors of parking on the Public Open Space.

Applicant's response

The proposed servitudes over Erf 1253, the Public Open Space will be for the access for single residential erven and will have a low impact, single occupant use. Access servitude roads will remain unobstructed and will still function as a Public Open Space.

If the servitudes are fitted with barriers it will limit the use of the Public Open Space to a larger extent. Without barriers it will allow the public to still utilise the full extent of the Public Open Space. The access roads will not generate many trips from the two (2) erf portions.

Town Planner's response

The Public Open Space between the two (2) access servitudes is approximately 638m² in extent. Further, north next to Erf 12193 the Public Open Space is approximately 3 391m² in extent, thus allowing sufficient area for public and recreational use. Currently the larger portion is demarcated with short vertical and horizontal pillars and the smaller section has white cement pillars, it will be a requirement that the same type of demarcation is used for the access servitudes as it promotes pedestrian access between the public areas.

10. Point of objection

Comment from CPAG refers to a letter from the Municipal Manager dated 7 December 2018 which states that hikers from the western side of Poole's Bay may transverse a portion of Erf 12257 in order to gain access to the coastal area.

Applicant's response

The access over Erf 12257, Hermanus is not legal. No rights are impeded from the public as there is access to the area below the highwater mark without having to transverse the client's property.

Town Planner's response

The applicant's response is agreed with. Access to the coastline is gained from the eastern side of the Poole's Bay area as indicated by the green arrow. Please note the subject property for this application is marked in red and the star figure and the public parking area with the blue star. Please refer to Map 1 below:

Map 1: Coastline border of Erven 12257, 1234-1236, 5491-5493, 6337, 1247-1250 and 6088



11. Point of objection

A pedestrian walk way on the seaside of the original Erf 1233 (Erf 12257 subdivided portion of Erf 1233) can be considered in a similar way as the provisions which were made to accommodate Erf 12192 a subdivided portion of Erf 1233 (road widening), which was a traffic requirement.

Applicant's response

Erf 12192 a subdivided portion of Erf 1233 was required for road widening purposes by the District Roads Engineer.

The additional access road servitude is also required from the Municipal Engineering Department and the District Roads Engineer as they would like to eliminate additional access points from Main Road.

Town Planner's response

The Municipality can only act and take decisions in accordance with the authority, designation and delegations given to it by applicable law, if it does not it opens itself for legal challenges. The creation of Erf 12192 through the subdivision of Erf 1233 was a requirement to allow for the road widening purposes. However, as discussed previously the servitude over Erf 12257 is proposed in terms of NEM: ICMA which does not mandate or give the Municipality the authority to register the servitude.

8. SUMMARY OF APPLICANT'S REPLY TO COMMENTS

Refer to point 7. above.

9. MUNICIPAL ASSESSMENT OF COMMENTS

All relevant departments provided positive comments regarding the subdivision and the proposed registration of an additional access servitude in favour of the Remainder of Erf 12257.

It should be noted that DEA&DP: Sub-Directorate: Coastal Management states that the property is located in the Coastal Protection Zone (CPZ) as defined in terms Section 17 of National Environmental Management: Integrated Coastal Management Act 24 of 2008 (NEM: ICMA) which is land ward of the Coastal Management Line (CML). The CPZ and CML were identified by the Overberg Coastal Management Line Project in order to ensure development is regulated in a manner appropriate to the risks and sensitivities in the Coastal Zone.

DEA&DP: Sub-Directorate: Coastal Management further states that a fence has been erected which prohibit access to the coastline, and this is against the objects of NEM: ICMA. The department also conducted a Overberg Coastal Access Audit and Pilot Study which was finalised in December 2018 and during the stake holder engagement it was identified that the access to the coastline is an area of conflict and the public experienced limited or restricted access to the coast, but since then have been denied access due to the property boundaries of coastal erven extending to the High Water Mark. Section 13 of NEM: ICMA gives the public the right to access coastal public property and prevents anyone from restricting access and/or charging a fee. Section 18(9) of the NEM: ICMA further obliges Municipalities to

ensure that provision is made to secure public access to coastal public property in conditions of approval for rezoning, subdivision or development of a land unit.

The proposed subdivision is not opposed by the department, however, the right of way servitude must not infringe on the public access to the coast and no structures should restrict public access to the coast. It is also recommended that the fence erected on the applicant's property boundary must not be in a manner that restricts public access from the coastline

As stated in point 7. of this report the Municipality can only act and take decisions in accordance with the authority, designation and delegations given to it by applicable law. If it does not act in accordance with applicable law or takes on responsibilities which it is not mandated to do, then it opens itself for legal challenges. Therefore, NEM: ICMA should be carefully considered. The Municipality cannot implement the provisions of the above-mentioned Act due to it being applicable to the District Municipality as set out in the definition of the Act, Sections 1(b)(i) and (ii). Further, the Municipality will only be able to assume responsibility for implementation of the Act if both the Municipality and the District Municipality have complied with the provisions of Section 1(ii), i.e., entered into an agreement in terms of which a provision or certain provisions have been assigned to the Overstrand Municipality. To date no such agreement has been entered into.

Lastly, Section 18(1) read together with Section 18(3) of the Act requires that a By-Law be adopted which designates strips of land as coastal access land in order to secure public access to the coastal public property, only then would Section 18(2) have come into play, i.e., an automatic public servitude in terms of which the public may use that land to gain access to coastal public property. To date no such By-Law has been adopted by the Overstrand Municipality or District Municipality.

Given the abovementioned the Overstrand Municipality is not obligated, nor does it have the authority to register a servitude over the private property as requested in the comments received from DEA&DP.

Due the excavations done on the property and the risk to public safety, fencing and a boundary wall was required from the Building Department. Further, sufficient access to the coastline is provided on the eastern side of Poole's Bay, directly south of Erf 6088, therefore the public does have access to the coastal line.

Currently the larger portion of the Public Open Space is demarcated with short vertical and horizontal poses and the smaller section has white cement pillars, it will be a requirement that the same type of demarcation is used for the access servitudes as it promotes pedestrian access between the public areas and it will not impede the public's movement.

Regarding the proposed coastal access and the Overberg Coastal Access Audit and Pilot Study, the recommendation out of the study stated that the relevant authority should give this issue the necessary attention. Therefore, the application was also circulated to the Overberg District Municipality (ODM). ODM provided the following comments: *"The applicant should be informed that the remainder portion of the erf does abut coastal public property as defined in Section 7 of the National Environmental Management: Integrated Coastal Management Act of 2008 (Act no. 24 of 2008) and any uses on the Remainder Portion of Erf 12257 should not prohibit access or use of the coastal property"*. The comments of ODM are not agreed with due to there being no By-Law to implement the Act. Further, the comments will only

be noted in the recommendation and not be stipulated as a condition as the Overstrand Municipality is not mandated by the Act to enforce its provisions and objects.

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

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

The application can be motivated in terms of the principals in the following manner:

Spatial Justice

The application is on an existing property in Hermanus and therefore it does not apply to this principle.

Spatial sustainability

The application will have no impact on the conservation status of the subject property or the area. The impact on the biophysical environment will also be kept to a minimum. The new property will be developed in line with the relevant Zoning Scheme. The impact will therefore be the same as the development of any other single residential property and the densification will be in line with the forward planning framework of the area. Erf sizes and layout pattern will be the same as the applicable area.

Efficiency

The property would address the need for additional residential properties in the area. The application discourages urban sprawl and encourages densification. The subdivision will have a low impact on the surrounding property owners.

Spatial Resilience

N/A

Good administration

The application followed the required planning procedures to ensure that land use activity is in line with Municipal By-Laws and the public process has been followed.

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

Same as 10.1 above.

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

The application is in line with the SDF as the planning unit is indicated for residential use and the proposed application will not change the use.

The Overstrand Spatial Development Framework: 2020 (SDF), in line with Provincial and National Government Planning Policies encourage densification within the urban edge thereby making more efficient use of brownfield land within the confines of the urban edge. Following the SDF, the Overstrand

Growth Management Strategy, 2010 (GMS) encourage residential densification in appropriate locations.

10.4 (In)consistency with guidelines prepared by the Provincial Minister

N/A

10.5 Impact on Municipal engineering services

The existing services are available. The property owner will have to contribute to the bulk service levy for the additional property.

The new plot and Remainder will have road access.

10.6 Outcomes of investigations/applications i.t.o other legislation

N/A

10.7 Existing and proposed zoning comparisons and considerations

The zoning of the proposed subdivided properties will remain for single residential use.

10.8 ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

N/A

11. DESIRABILITY OF THE PROPOSAL

It should be noted that Erf 12257 is a consolidated portion of Erven 12194 and 12195 which was subdivided from Erf 1233 in 2013. Erven 12194 and 12195 measured $\pm 2423\text{m}^2$ and $\pm 5018\text{m}^2$, respectively. It is proposed that Erf 12257, Hermanus be subdivided in order to create two (2) portions, namely Portion A (approximately 1701m^2 in extent) and a Remainder (approximately 5740m^2 in extent). The change in size is due to the change in topography of the property's ground level due to extensive excavations on site and the dividing line was informed by the height difference between the upper and lower ground levels. The proposed erf sizes are in line with the adjacent property sizes and the proposed densification as determined in the GMS will be maintained. No change of the land use is proposed and therefore should the erven be developed in future then the erven will be developed in line with the character of the area.

In the comments received it was proposed that a 15m street building line be imposed from the western boundary on both portions. This proposal is not in line with the character of the area as most of the street facing erven are developed in line or more restrictive than the street building line (except for garages). Therefore, should the application be approved a 4m building line will be made a condition (as applicable on Single Residential Zoned properties) from the western boundary which faces the Public Open Space and Sea Road.

The proposed development will utilise existing municipal services that is available in the area. The Engineering Services Department did not object to the proposal from

an engineering services point of view, subject to adherence to conditions, which amongst other include the payment of a bulk services levy.

Access to the Remainder will be obtained via a servitude right of way over Erf 1253. Although the registration of a right of way servitude is exempt from a formal land use application process, the impact of the servitude right of way needed to be considered. As stated under point 7. of this report only one (1) additional access servitude is proposed and there is currently only one (1) access point in Sea Road. No objection was received from the Overstrand Municipality Traffic or Engineering Department regarding the impact of the additional access servitude. Further, due to the access only serving one (1) additional property the impact will be minimal. The additional servitude will allow sufficient access to both portions without having to accommodate two-way traffic, which would have been required if only one (1) servitude was considered. The surface of the proposed additional access servitude will have to be compliant with the recommendation in 2013. Further, the creation of an additional access servitude will have minimal impact on the existing Public Open Space and it will be a requirement that the same type of demarcation is used for the access servitudes as on the Public Open Space as it promotes pedestrian access between the public areas.

Considering the abovementioned the proposed application can be considered desirable.

12. RECOMMENDATION

1. that the comments be noted.
2. that the application in terms of Section 16(2)(d) of the Overstrand Municipal Land Use Planning By-Law, 2015 (By-Law) for the subdivision of Erf 12257, Hermanus into two (2) portions, namely: Portion A ($\pm 1701\text{m}^2$ in extent) and a Remainder ($\pm 5740\text{m}^2$ in extent), **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that the approval is only for the subdivision as indicated on the Subdivisional Plan as submitted with the application;
 - (b) that a 4m street building line be applicable from the western boundary of both portions;
 - (c) that the access right of way servitude be developed in line with the recommendation of the approval of 2013 and that the access servitude be demarcated in a similar manner to that of the demarcation of the Public Open Space and not prohibit pedestrians to cross it;
 - (d) that all damage done to the area during construction period be rectified to the property owner/developer's account;
 - (e) that prior to the commencing of building work the right of way servitude is adequately compacted and surfaced in order limit dust and unsightliness;
 - (f) that a servitude be registered against the Title Deed of the property at the costs of the applicant which must specifically indicate that the applicant must attend to the maintenance of the servitude area;

- (g) that building plans and the demarcation of the access servitude be presented and approved by the following Departments: Town and Spatial Planning, Building Department, Engineering Services and Operational Department, prior to any further ground work;
 - (h) that a Surveyor Diagram (indicating natural ground level, existing ground level, contour lines and access servitudes) be submitted with the building plan application;
 - (i) that the conditions in the Services Report (attached as Annexure L), be complied with;
 - (j) that the comments from Overberg District Municipality and DEA&DP: Coastal Management be noted;
 - (k) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation, and
 - (l) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
3. that the applicant and objectors be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above conditions of approval.

13. REASONS FOR RECOMMENDATION

- ❖ The application has followed due procedure.
- ❖ None of the relevant departments have any objection.
- ❖ The National Environmental Management: Integrated Coastal Management Act 24 of 2008 does not provide the Overstrand Municipality with the authority to implement a right of way servitude across private property. Further, there is no By-Law adopted by the Municipality as required in terms of the Act.
- ❖ Requests made in the comments are noted and addressed by the applicant.
- ❖ The access servitude to the Remainder of Erf 12257 will be demarcated in a similar manner to that of the demarcation of the Public Open Space and not prohibit pedestrians.
- ❖ Safe and easy access to the coastline is achieved from the eastern side of Poole's Bay and therefore it is not required in terms of this land use application's decision to provide additional access across the Remainder of Erf 12257.
- ❖ The proposed subdivision is in line with the applicable municipal and provincial planning policy and will make more efficient use of brownfield land within the urban edge.
- ❖ It will not negatively impact on existing/vested rights of adjoining property owners.
- ❖ The proposed application fits in with the character of the surrounding area, and is desirable.

14. ANNEXURES

Annexure A:	Locality Plan
Annexure B:	Motivation Report
Annexure C:	Subdivision Plan
Annexure D:	Objections / Comments and list of persons to be notified.
Annexure E:	Comment on objections
Annexure F:	Comment: Overstrand Environmental Section
Annexure G:	Comment: Overberg District Municipality
Annexure H:	Comment: DEA&DP: Coastal Management
Annexure I:	Comment: Telkom
Annexure J:	Comment: Fire Services
Annexure K:	Comment: Property Administration
Annexure L:	Services Report
Annexure M:	DEA&DP: Development Management (Region 1)

AUTHOR:

Name: **PETRUS ROUX**

SACPLAN Reg No: **A/2246/2015**

Signature: _____

Date: _____

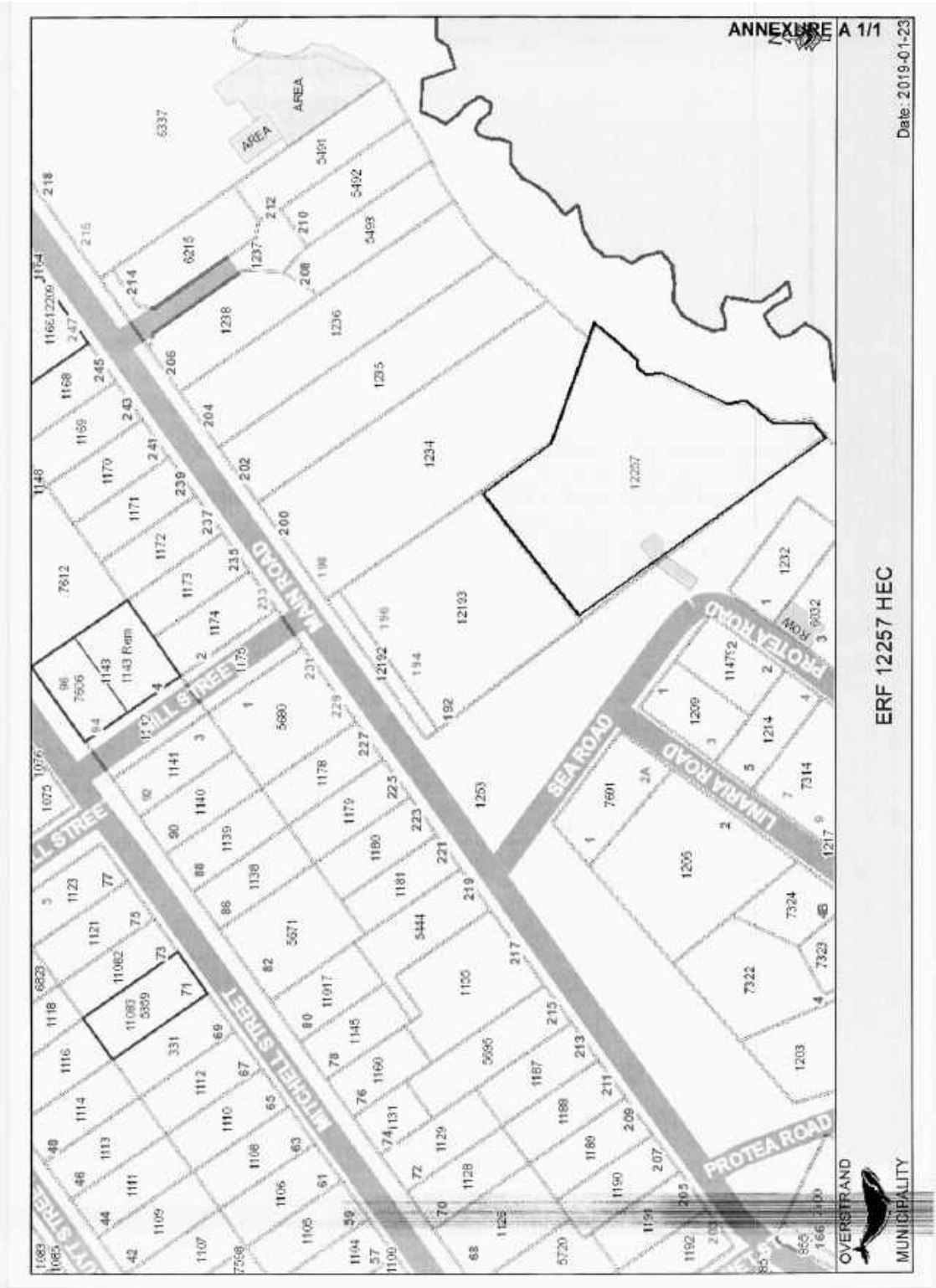
REGISTERED PLANNER

Name: **SW VAN DER MERWE**

SACPLAN Reg No: **A/1850/2014**

Signature: _____

Date: _____



**PROPOSED SUBDIVISION AND RIGHT OF
WAY SERVITUDE**

ERF 12257 HERMANUS

**DIVISION: CALEDON
OVERSTRAND MUNICIPALITY**

MOTIVATION REPORT

1. BACKGROUND

Mr. S.J. Du T. Potgieter on behalf of Erf 2825 Hermanus PTY LTD the owner of Erf 12257 Hermanus has instructed the company Plan Active to apply for the subdivision of Erf 12257 Hermanus into one portion, Portion A and a Remainder and a right of way servitude.

A previous application was submitted at the Overstrand Municipality dated, 26 June 2013. The application included an application for subdivision, closure of public place and rezoning of Erf 1233 Hermanus. An approval with conditions was granted for the above mentioned application dated 2 September 2014 for the subdivision of Erf 1233 Hermanus into 2 portions and the Remainder. Please refer to the Plan No. 1233sub5a.drw dated 10 May 2013 and enclosed letter of approval attached as Annexure A.

With reference to the above mentioned subdivision plan, Portion C and Portion D were later consolidated to create Erf 12257 Hermanus (see consolidation diagram attached S.G. Diagram No. 439/2017).

25 FEB 2019

Plan Active Town & Regional Planners

Erf 12257 Hermanus is 7441m² in extent and is held by Title Deed No. T24835/2017.

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 Erf 12257 Hermanus.
- 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 Sea Road, Eastcliff, Hermanus. Please refer to the enclosed locality plan. Erf 12257 Hermanus is 7441m² in extent and it is situated in a predominantly single residential area.

3.2 ZONING

Erf 12257 Hermanus is zoned Residential Zone I. Surrounding properties are also zoned for single residential purposes.

3.3 LAND USE

There is an existing structure located in the south eastern corner of the property. The structure is currently vacant. Major excavations were done on the property that was intended for an elaborate dwelling, which did not realise.

2

Land uses that surround Erf 12257 Hermanus are single dwellings, public roads and public open spaces. It is therefore evident that Erf 12257 Hermanus is within a predominantly single residential area.

3.4 PROPOSAL

The following is proposed:

- The subdivision of Erf 12257 Hermanus in terms of Chapter 4, Section 16(2)(d) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016
- 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.

It is the intention of the owner of Erf 12257 Hermanus, to subdivide the subject property into one portion, Portion A of $\pm 1701\text{m}^2$ and the remainder portion of $\pm 5740\text{m}^2$ in extent each.

The detail of the application can be described as follows:

Proposed Subdivision

Erf 12257 Hermanus is 7441m^2 in extent. The owner intends to subdivide the subject property into an additional portion, Portion A and the Remainder portion. An existing structure is situated in the south eastern corner of the subject property. The proposed application will not have any impact on the existing structure. With a previous approval for the subdivision of Erf 1233 Hermanus similar extent erf sizes were already approved by the Overstrand Municipality.

The previous owner however consolidated Portion C and Portion D (as indicated on the approval letter and sub-divisional plan attached as Annexure A) that was approved with the previous subdivision application in order to accommodate an elaborate dwelling on the consolidated property.

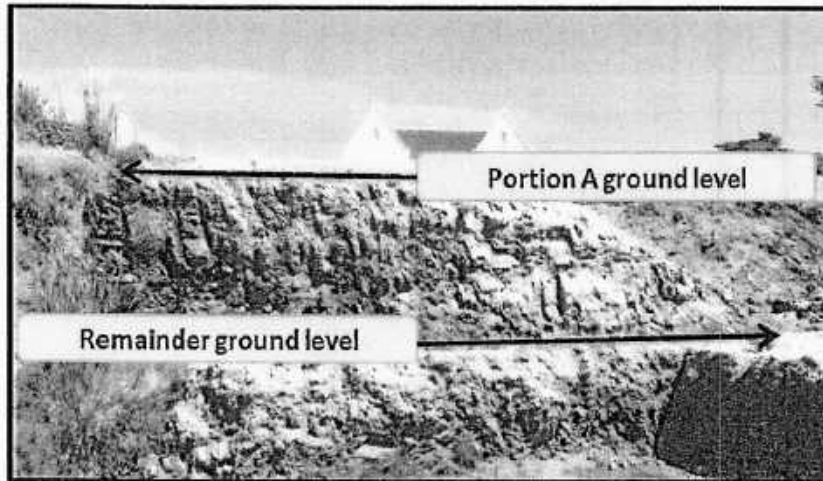
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25 FEB 2019

The proposed subdivision can be summarised as follow:

Subdivision		
Proposed Portions	Size	Land Use
Portion A	±1701m ²	Vacant
Remainder	±5740m ²	One existing structure

The proposed subdivision line is influenced by the uneven ground level (picture below) that exists on the subject property due to excavations that were done for the construction of an elaborate dwelling that did not realise. The proposed property extents will still be compatible with the surrounding properties in the area as illustrated in point 3.8 in this report.



The proposed subdivision, proposes one additional property, from which the municipality can attain bulk services levies as well as monthly rates and taxes. The newly created portion, Portion A is currently vacant and future development on the subject property will create temporary employment.

The newly created portion (Portion A) will be developed in accordance with the

Plan Active Town & Regional Planners

25 FEB 2019

Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, in the future and at this stage it is not proposed to demolish any structures on the proposed portions after subdivision.

With the submission of the previous application dated 26 June 2013, The Overstrand Municipality confirmed that a 20m coastal development setback line should also be enforced on this property. The approved 20m coastal setback line is indicated and labelled on the subdivision plan as part of the Remainder portion.

The zoning of the respective portions after subdivision will remain unchanged (Single Residential Zone). There are no title deed conditions that need to be relaxed / removed to accommodate the proposed subdivision application. Please refer to Section 3.7 of this report for the details concerning the title deed conditions.

Proposed Right of Way Servitude

With reference to the previous approval letters dated 2 September 2014 and 20 February 2017, the approval letters stipulated that the right of way servitude with reference to **S.G. NO. 3147/2014** is cancelled. As seen in the abstract below from the Title Deed with Title Deed No.24835/2017 that the mentioned Right of way servitude was indeed cancelled and does no longer exist.

By Notarial Deed of Servitude no K

000000752 / 2017

S dated 17 July 2017:

1. The servitude right of way contained in Notarial Deed of Servitude K103/2016S, depicted by the figure A B C D on Diagram no SG 3147/2014, is hereby cancelled.

In terms of Chapter 4, Section 26(1)(g)(v) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, we are therefore applying for a new Right of way servitude at the same position as the previous Right of way servitude (that was cancelled) with reference to **S.G. NO. 3147/2014**.

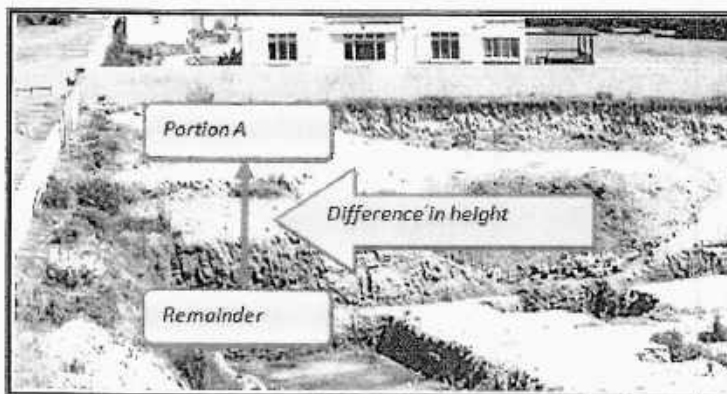
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Motivation report

With the new proposed subdivision, the intention is that the Remainder portion be accessed via the new proposed Right of Way Servitude. The reason for Portion A and the remainder portion to have two separate access points is because of the slope difference and excavations that exists on the subject property.

It would be merely impossible to access the remainder portion via the existing Right of Way servitude with reference to S.G. NO. 438/2017. It will also be challenging to access Portion A via the new proposed Right of Way Servitude. It is our opinion that both servitudes do not have any negative impact on the surrounding properties and character of the surrounding area as it will only be used to access a single property each after subdivision.

In the picture below it is apparent what the major difference in height is between the two proposed portions:



3.5 ACCESS

Vehicular and pedestrian access to Portion A, a portion of Erf 12257 Hermanus will be gained via an existing Right of Way Servitude with reference to S.G. No. 438/2017.

Vehicular and pedestrian access to Remainder of Erf 12257 Hermanus will be gained via the new proposed servitude.

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25 FEB 2019

The new proposed right of way servitude will be in favour of the Remainder Erf 12257 Hermanus. The existing right of way servitude is in favour of Portion A, a portion of Remainder Erf 12257 Hermanus. Please refer to the servitude diagram attached as **Annexure B**.

3.6 SERVICES

Due to the fact that Erf 12257 Hermanus is within an already developed residential area municipal services already exist to which the newly created erf, Portion A could connect to. With the creation of 1 additional erf it is our opinion that there would be enough capacity within the existing services structures to sufficiently service the proposed additional erf. Additional services if required will be provided to the satisfaction of the Overstrand Municipality.

3.7 TITLE DEED

Title Deed No. T24835/2017 does not have any restrictive Title Deed conditions that need to be relaxed / removed in order for this application to be approved.

No bond is registered against Erf 12257 Hermanus.

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 subject erf will be retained after subdivision has taken place.

Overstrand Growth Management Strategy

7

Erf 12257 Hermanus forms part of Planning Unit no. 8 as identified by the Overstrand Municipal Spatial Growth Management Strategy (Overstrand Growth Management Strategy, 2010). The Overstrand Growth Management Strategy (2010) stipulates that the area where Erf 12257 Hermanus is situated does not allow for an increase in density for this area. However, it is proposed to create only one additional portion with the proposed subdivision.

During the pre-consultation meeting with reference to the previous application dated 26 June 2013 the municipality also confirmed that the minimum erf size of the area allows for the subdivision of property into portions of $\pm 1300\text{m}^2$ to 1500m^2 . The position of the subject property as well as the sensitivity and exclusivity of the property were considered when the proposed erf sizes were determined. The proposed erf sizes of $\pm 1701\text{m}^2$ and $\pm 5740\text{m}^2$ are therefore larger than the $\pm 1500\text{m}^2$ erf sizes allowed for the area. Surrounding erf sizes are as follow:

Surrounding properties with approximately the same extent as proposed						
Erf	Erf 1234	Erf 1232	Erf 1235	Erf 1236	Erf 1238	Erf 7601
Extent	$\pm 6587\text{m}^2$	$\pm 1071\text{m}^2$	$\pm 3740\text{m}^2$	$\pm 3669\text{m}^2$	$\pm 15796\text{m}^2$	$\pm 4867\text{m}^2$

The proposed erf sizes after subdivision are therefore also compatible with the surrounding property sizes. Therefore the proposed subdivision falls within the prescribed minimum and average erf sizes for the area.

3.9 OTHER RELEVANT LEGISLATION FOR CONSIDERATION OF THE APPLICATION

3.9.1 HERITAGE VALUE

There is a cottage situated on Erf 12257 Hermanus, that was built before 1957 (i.e. older than 60 years), on the lower south-eastern end of the subject property. The

8

existing cottage is not mentioned in the Overstrand Heritage Survey but was built before 1957. This cottage will also remain unchanged.

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 will not have a negative impact on the heritage value of the subject property or the Greater area of Hermanus.

3.9.2. IMPACT ON THE BIOPHYSICAL ENVIRONMENT

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

The proposed application does not trigger any listed activities in terms of the *NEM:ICMA Act of 2008* (National Environmental Management: Integrated Coastal Management Act, 2008). With the previous application a 20m coastal development setback line with reference to the management of development close to the coastal line was determined and approved. The proposed application will still adhere to the 20m coastal setback line that was initially determined during the previous subdivision application process.

3.10 PLANNING PRINCIPLES

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

9

Spatial Justice: The proposed subdivision and right of way servitude is in line with the current erf sizes in the vicinity and also conforms to the prescribed minimum erf size applicable to erven within the Eastcliff area.

Spatial sustainability: The proposed subdivision and right of way servitude 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 Eastcliff. Spatially the land use and erf size of the remaining extent of Erf 12257 and Portion A will be in line with the residential character of the area.

Efficiency: The proposed additional erf is easily accessible and conveniently located in Eastcliff in close proximity of beaches, shops and Hermanus CBD.

Spatial Resilience: 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:

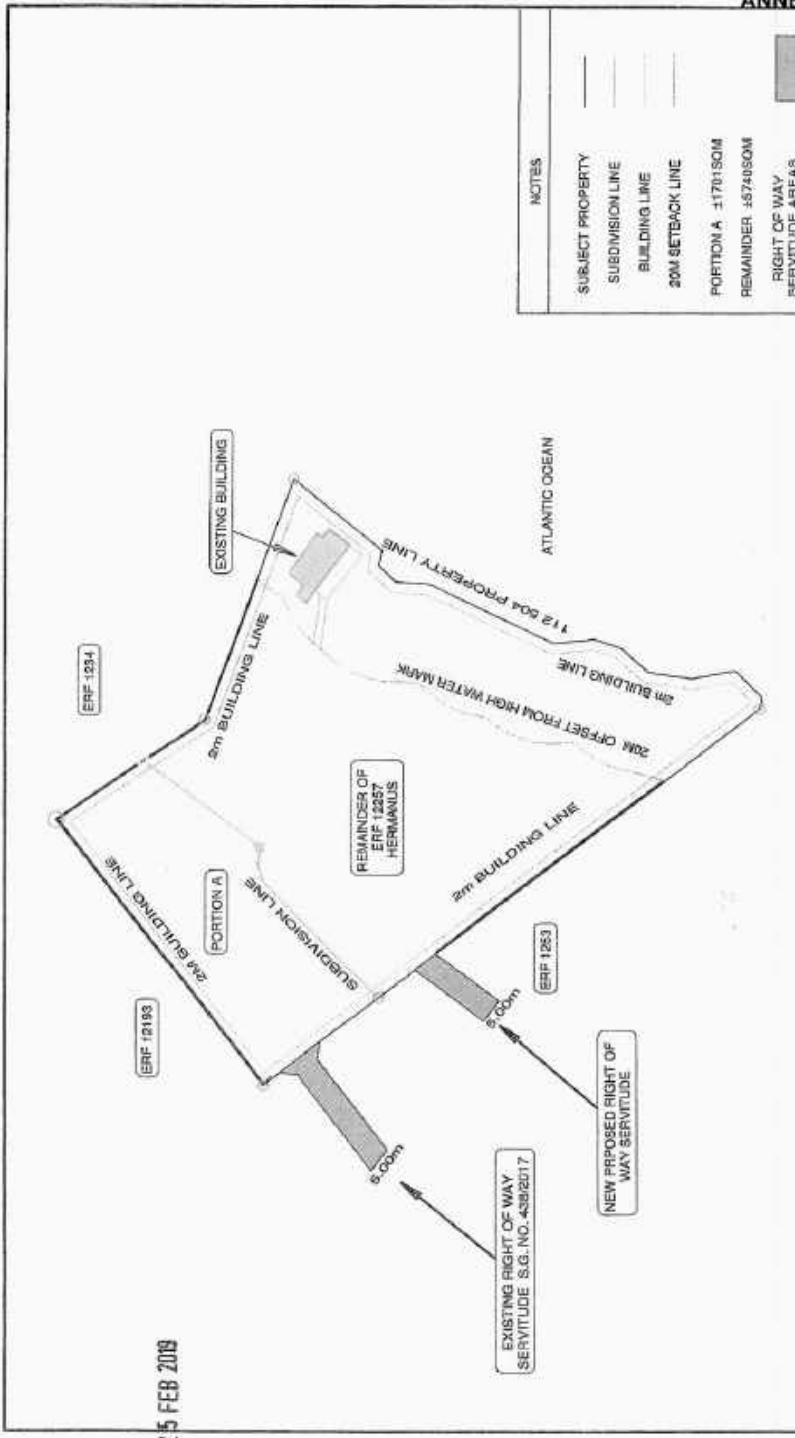
- The proposed subdivision of Erf 12557 Hermanus falls within the existing land use tendencies for the Eastcliff area;
- The proposal is compatible with the existing erf sizes in the area;
- The impact on services will be minimum;

10

- The proposed subdivision will not have a negative impact on the current character and land values of the surrounding erven.
- Access will be gained to one of the proposed portions via an existing right of way servitude.
- A similar application was approved by the municipality in the past with reference to the attached approval letter dated 2 September 2014.

With regards to the above mentioned it would be appreciated if the application for the subdivision of Erf 12257 Hermanus and Right of Way servitude would be favourably considered.

25 FEB 2018



NOTES

- SUBJECT PROPERTY
- SUBDIVISION LINE
- BUILDING LINE
- 20M SETBACK LINE
- PORTION A -17701SOM
- REMAINDER -6740SOM
- RIGHT OF WAY SERVITUDE AREAS

Scale:	1:1000
Drawing No:	10012257.dwg
Date:	DECEMBER 2018

Plan Description:
SUBDIVISION PLAN

Property Description:
ERF 12257 HERMANUS

All distances approximate and subject to survey.
COPY RIGHT RESERVED

PIAⁿ Active
Stads- en Streetsbeplanners
Town & Regional Planners

Sl. No.	Description	Unit	Quantity	Rate	Amount	Particulars
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TPA Theart
(Hollies)
2 PROTEA ROAD
HERMANUS 7200
SOUTH AFRICA



POSTAL ADDRESS:
PO Box 1460
HERMANUS 7200
SOUTH AFRICA

TEL: +27 28 312 1412
MOBILE: +27 82 492 3508

EMAIL: ruthtondowski@gmail.com

S Müller
Director: Infrastructure & Planning
Overstrand Municipality
PO Box 20
HERMANUS
7200

File Ref: 12257
Application Id: 2896/2018

SENT VIA EMAIL

22 April 2019

Dear Madam/Sir

Erf 12257 Proposed Subdivision of Erf 2825

We are the owners of the property at 2 Protea Road and have been since 1990. The house was built across Erf 1210 and Erf 1212 which were consolidated into Erf 11479 in 2014 so the Locality Map dated December 2018, supplied with your letter of 12 April, is incorrect. Also Erf 1222 does not show that it has been subdivided.

The previous owners of our property maintained the part of the commonage, within the small white bollards, and we have continued to do so. However, if the new proposed right of way is approved, we will no longer look after that part of the commonage on behalf of the Municipality.

Yours faithfully

RMA Tondowski

HA Tondowski

23 APR 2019

FILE NO: <u>Erf 12257+2825</u>
<u>Hermanus</u>
SCAN NO: <u>27</u>
COLLABORATOR NO: <u>279671</u>

①



Municipal Manager
Overstrand Municipality,
PO Box 20
Hermanus.

TP - A Theart
(Holwer)

7th May 2019

Re Proposed Subdivision . Erf 12257 .

I write on behalf of owner Mrs June Elizabeth Du Plessis of Erf 1209.

My query /objection is regarding the two right of way servitudes proposed. This is a departure from the motivation report from Plan Active in September 2013 , whereby it was proposed the new access was " positioned opposite the existing T junction (Protea Road) to keep traffic impact to a minimum". Is this no longer the case (to keep traffic impact to a minimum?)

On consolidation of the two properties (Erf 12194 and 12195) , this access servitude was moved to SG Servitude SG No 438/2017 .

I understand that the proposed two properties(which we don't object to) need access and we do not object to the proposed positioning of the two servitudes on condition that the owner or new owners of the subdivided property, are obliged by the municipality to construct, maintain and repair the proposed servitudes as well as repair to existing municipal roads in the area prior to the commencement of future construction or development on the proposed properties.

Yours sincerely,

Morne du Plessis (For JE Du Plessis)

Attached current photo of servitude
Sg 438/2017

And the state of the open space

FILE NO: EL 12257-Herm
SCAN NO:
HMS 12257
COLLABORATOR NO:
283646

- 7 MAY 2019

②

From: Judy Miller <info@judyscrystalcorner.co.za>
 To: <alida@overstrand.gov.za>
 Date: 2019/05/15 12:14 PM
 Subject: Judy Miller - cliff path

12257 HEC
 TP - A Theart
 C H Olivier



I, Judy Miller,
 of PO Box 1910, Hermanus 7200, ID 5404270100063, phone number 028 3140904 , 0827407279,
 would like to comment on the cliff path extension .
 I request that the municipality make provision for an extension of said path in front of erf 12257, so that
 the section between Sea road to Mollergren Park retirement village , can be completed along the
 shoreline.
 I walk the cliffpath very often and find it exceedingly offputting to have to walk a section along the main
 road breathing in car fumes along the way.
 Thank you , Regards
 Judy Miller
 Sent from my iPhone

FILE NO:	EL 12257
	Hermanus
SCAN NO:	Judy
COLLABORATOR NO:	1285162

15 MAY 2019

3

Alida Conradie - cliff path

ERF 12257



From: "Paula Combrink" <paula@combrink.com>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/10 06:02 AM
Subject: cliff path

Please can you register me as an I&AP with regards to the our wonderful Overstrand Municipality extending the cliff path walkway in Eastcliff off the Main Road. The view of the sea cannot be kept just for those wealthy elite individuals. The cliff path walk needs to be accessible for everyone.

Please be so kind as to make and enforce the extension of the cliff path walk in front of erf 12257. Thank you.

Yours sincerely
 Paula Combrink
 Po Box 886
 Hermanus 7200

083 2120115

paula@combrink.com

FILE NO:	EL 12257
SCAN NO:	Hermanus ✓
COLLABORATOR NO:	PAULA
	1284519

13 MAY 2019

4

**Alida Conradie - THEO EKSTEEN TRUST - ERF 12257, 15 QUANTUM STREET,
HERMANUS, OVERSTRAND MUNICIPAL AREA: PROPOSED SUBDIVISION**

From: "Nandi Sauer (ZA)" <Nandi.Sauer@absa.co.za>
To: "aconradie@overstrand.gov.za" <aconradie@overstrand.gov.za>
Date: 2019/05/13 01:18 PM
Subject: THEO EKSTEEN TRUST - ERF 12257, 15 QUANTUM STREET, HERMANUS,
 OVERSTRAND MUNICIPAL AREA: PROPOSED SUBDIVISION

Good day.

We refer to the above mentioned matter as well as your Notice to Affected Persons dated 12 April 2019.

We would like to request the following regarding the subdivision:

1. That the existing access road and the new service road must be tarred before any work on the development begins.
2. That there must be a servitude on portion 1 that the building line from the southwestern border may not exceed 15m.

Please provide us with feedback on our requests as soon as possible.

Kind regards,

Nandi Sauer
 Front Spatial Unit
 Absa Town Offices - Western Cape

T +27 11 501 8614
 E Nandi.Sauer@absa.co.za

Absa, Bridge Park West, Verlorenvallei, Century City, Cape Town, 7941, South Africa

www.absa.africa

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14 MAY 2019

file:///C:/Users/aknoetze/AppData/Local/Temp/XPgrpwise/5CD96EB4HermanusMun... 2019/05/14



TP - A Theart
(HOLLIER)

FILE NO: EL 12257-HEC
SCAN NO: Nandi
COLLABORATOR NO: 1284683

(5)

9/208

Erf 12257 HEC



From: Cheryl <cheryl@niekerk53@gmail.com>
To: *aconradie@overstrand.gov.za* <aconradie@overstrand.gov.za>
Date: 2019/05/13 11:06 AM
Subject: Cliff Path Extension

TP- A Theart
(HOLIVIER)

Good Morning,

We wish to lodge our objection to the cliff path not being extended for public use past Erf 12257 and adjoining properties.

The cliff path is one of the greatest PRO exercises to advertise Hermanus. It is the public's right to have free access. We have frequent overseas visitors who enjoy walking these paths, particularly for whale watching.

We wish to be registered as interested and affected persons.

We own Erf 5955 Hermanus Heights.

Kind regards,

Cheryl and Jerry van Niekerk
27 Fernkloof Drive, Hermanus Heights
C: +27824608174
J: +27824538263

Sent from my iPhone

FILE NO: EL 12257-HEC
SCAN NO: Cheryl
COLLABORATOR NO: 1284678

14 MAY 2019

6

TP - A Theart
(HOLLIER)



Alida Conradie - Erf 12257 Hermanus: extension of cliff path

From: Bruce Kerswill <brucek@spire.co.za>
To: "aconradie@overstrand.gov.za" <aconradie@overstrand.gov.za>
Date: 2019/05/13 04:41 PM
Subject: Erf 12257 Hermanus: extension of cliff path

Dear Sirs

The Hermanus cliff path is a world class trail and attracts visitors local and international. I have always felt it a great pity that the path deviates from the coast and takes one up to the main road in the area of Poole's Bay – it completely destroys the spirit and continuity of the walk and the sense of an open, ocean-related trail.

I understand from the Cliff Path Action Group that with the current subdivision application it is possible for the municipality to entrench public access to ensure that the cliff path is extended in front of Erf 12257 though a right of way servitude in favour of pedestrian access.

I am resident in Cape Town but own a property in Vermont and frequently make use of the cliff paths from Vermont to Grotto Beach, so I would very much like to see the path extended and believe it is very much in the public interest, and in the interest of Hermanus as a tourist destination, to do so.

I therefor request the municipality to make provision for the extension of the cliff path in front of Erf 12257.

Yours sincerely

BH Kerswill

083 409 7058

4 Garden Street
Cape Town

2 Malmok Crescent
Vermont

FILE NO: EL 12257-HEC
SCAN NO: Kerswill
COLLABORATOR NO: 1284681

14 MAY 2019

12257 HEC



From: Pieter du Plessis <pieter@skinmatters.co.za>
To: <aconradle@overstrand.gov.za>
Date: 2019/05/14 01:16 PM
Subject: Interest in application subdivision 12257, 15 Quantum Road, Eastcliff, Hermanus

Dear sir/ ms Conradie

TP-A Theart
(H Olivier)

My name is Pieter du Plessis, 281 9th street, Voëklip, Hermanus.

Contact nr 0836304241 and email pieter@skinmatters.co.za.

I want to state my interest in the above application for subdivision, for the approval to be considered in such a way that it allows for the Cliff Path to be extended to cover the area of Poole's Bay.

My view is that the law allows for residents, municipal tax payers and owners of property in Hermanus to enjoy the seashore of the town within the municipal boundaries, which the existing cliff path allows one to do from Grotto Beach to the New Harbour. There is no plausible reason why the area of Poole's Bay should be exempted. The application above should only be approved in such a way to allow for this to happen.

Yours sincerely

Pieter du Plessis
pieter@skinmatters.co.za

FILE NO: EL 12257-HEC
SCAN NO: PIETER
COLLABORATOR NO: 1284925

14 MAY 2019



12/208

12257 HEC

From: Terry Wray <terry@psion.co.za>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/14 12:15 PM
Subject: Subdivision Erf 12257



TP-A Theart
(Holivier)

Dear Mr Conradie
 I hereby request that with the application for the subdivision of Erf 12257, that the municipality takes the opportunity to secure longshore access to the coast by way of servitude, for the citizens and visitors to Hermanus. This will hopefully allow the linking of the cliff path, which is Hermanus' greatest tourist attraction.

--
 Regards
 Terry Wray

 4 Sandals
 11th Street Voelklip
 Hermanus

FILE NO:	EL 12257-HEC
SCAN NO:	TERRY
COLLABORATOR NO:	1284930

14 MAY 2019

6

13/208

12257 HEC

From: Charla Kriel <charlakriel@icloud.com>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/14 11:43 AM
Subject: Hermanus cliff path



To whom it may concern,

I would like to advocate for the completion of the cliff path along the coast.

Regards
Charla kriel

Sent from my iPhone

TP - A Theart
(H Olivier)

FILE NO: EL 12257-HEC
SCAN NO:
KRIEL
COLLABORATOR NO:
1284936

14 MAY 2019

10

14/208

From: Robert Bolus <bolusrobert@gmail.com>
To: <aconradis@overstrand.gov.za>
Date: 2019/05/14 11:39 AM
Subject: Cliff path

1257 HEC

TP-A Theart
(Hollivier)



Dear Sir

Please take the opportunity to connect the two pieces of cliff path that have been disconnected for so many years .This is the ideal time to do it and there may not be another opportunity .please listen to the people of Hermanus because that is what they want
yours sincerely
Robert Bolus
Bolusrobert@gmail.com

Sent from my iPhone

FILE NO: EL 12257-HEC
SCAN NO:
BOLUS
COLLABORATOR NO:
1284942

14 MAY 2019



From: Botha Schabot <botha@schabot.com>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/14 10:16 AM
Subject: Cliff Path Hermanus in front of Erf 12257

12257 HEC

TP - A Theart
(H Olivier)



Dear Sir/Madam

This communication serves to express my support for the proposed extension to the Hermanus cliff path in front of Erf 12257 and other properties affected. The current cliff path is a big draw card for the towns' residents also and attracts visitors from all over the world. It is unfair to allow a privileged few to restrict the public's access to the coast. We urge you to do all such things such as registering of servitudes or the like in order to achieve this laudable goal.

Regards

Botha Schabot
137 11th Street
Voeklip
Hermanus

082 5555495

FILE NO:	EL 12257-HEC
SCAN NO:	BOTHA
COLLABORATOR NO:	1284947

14 MAY 2019



Alida Conradie - Cliff path completion

12257 HEC



From: Jill Tyson <ctyson52@gmail.com>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/14 12:21 PM
Subject: Cliff path completion

TP-A Theart (H Olivier)

I wish to support the cliff path action group for the extension and completion of the cliff path presently obstructed by privately owned properties. It is high time that the wishes of residents prevail in this blot on the landscape. Kindly register my letter with all the support letters.
 G Tyson 5 First street Hermanus

FILE NO:	EL 12257-HEC
SCAN NO:	JILL
COLLABORATOR NO:	1284956

14 MAY 2019

(3)

12257 HEC

Alida Conradie - EXTENSION OF CLIFF PATH IN FRONT OF 12257

From: Melize van der Merwe <melize@melize.co.za>
To: "aconradie@overstrand.gov.za" <aconradie@overstrand.gov.za>
Date: 2019/05/14 11:19 AM
Subject: EXTENSION OF CLIFF PATH IN FRONT OF 12257



Dear Mr Conradie

JP - A Theart
(Houwer)

We strongly support the move for the extension of the cliff path in front of Erf 12257, to give the public access thereby enhancing what the village has to offer.

As many other people, we value the cliff path as one of the town's special features, and will therefore in full support of the municipality finally addressing the issue which as it now stands benefits of all but a couple of landowners to the exclusion of not only other rates payers, but the public in general.

Best regards
Melize

(Owner of 164 Eighth Str)

MELIZE VAN DER MERWE & ASSOCIATES
Attorneys and Conveyancers
Telephone: +27 21 422 0640
Facsimile: +27 21 422 0680
E-mail: melize@melize.co.za
P O Box 15673, Vlaeberg, 8018
31 Leeuwenhof Road, Gardens,
Cape Town, 8001

FILE NO:	EL 12257-HEC
SCAN NO:	MELIZE
COLLABORATOR HR:	1284960

14 MAY 2019

14

12257 HEC



Alida Conradie - FW: Cliff path extension

From: "Richard Stuart" <richard@rstuart.co.za>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/14 11:23 AM
Subject: FW: Cliff path extension
Cc: <jobre@iafrica.com>

TP-A Theart (Hollivier)

From: Richard Stuart [richard@rstuart.co.za]
Sent: Tuesday, May 14, 2019 11:09 AM
To: 'aconradie@overstrand.gov.co'
Cc: 'jobre@iafrica.com'
Subject: Cliff path extension

Dear Mr Conradie,

I gather that comments on extending the Cliff Path along Poole's Bay should be addressed to you. I am a long time Hermanus homeowner and have a house at the front at Langbaai (Erf 1986; No 1, third ave Voelklip) virtually on the Cliff Path. I would like all at the Municipality to know what joy it gives me to see so many others using this wonderful facility. It is without doubt one of the great attractions that draws visitors from all over the world to Hermanus.

I have long championed the cause of filling in the missing piece along Poole's Bay that would make the Cliff Path into an unrivalled tourist attraction that could be marketed to the world. Now that the opportunity exists to establish a servitude access in front of the old Rely property, it simply cannot afford to be missed. Generations to come will praise the authorities for taking such a bold and far-sighted decision.

Kind regards
 Richard Stuart
 richard@rstuart.co.za
 Tel 082 3140538
 No 1 third ave, Voelklip

FILE NO: EL 12257-HEC
SCAN NO: RICHARD
COLLABORATOR NO: 1284961

14 MAY 2019

15

12257 HEC



Alida Conradie - RESPONSE TO CLIFF PATH ISSUE

From: David Shutte <daveshutte@gmail.com>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/14 11:28 AM
Subject: RESPONSE TO CLIFF PATH ISSUE

TP - A Theart
(H Olivier)

Dear Sir/Madam

I strongly support the right of every South African to have free access to the coastline of the country.

In the current climate and under a constitutional democracy, it would seem that exclusive rights to part of (the most beautiful part!) would never pass muster. A solution can be found that will open up this world-class walk yet at the same time limit the intrusion on effected properties - let us find this solution!

D Shutte
PO Box 181 Hermanus

FILE NO:	EL 12257-HEC
SCAN NO:	SCHUTTE
COLLABORATOR NO:	1284962

14 MAY 2019



12257 HEC

Alida Conradie - Provision for the Extension of the Cliff Path: Application for Subdivision of Erf 12257



From: Marius van Staden <mariuss@savage.co.za>
To: "aconradie@overstrand.gov.za" <aconradie@overstrand.gov.za>
Date: 2019/05/14 11:34 AM
Subject: Provision for the Extension of the Cliff Path: Application for Subdivision of Erf 12257

TP-A Theart
(Hollivier)

Dear Sirs

1. I refer to the Application for Subdivision of Erf 12257.
2. Hermanus, as beautiful as it is, has a reputation that it only provides for the rich, that only the rich can afford to enjoy it.
3. The fact that the cliff path turns away from expensive homes at Poole's Bay, to a polluting major access road, does little to dispel this notion. In actual fact it reinforces this notion.
4. This fact also undermines the tourist and eco-friendly nature of Hermanus. One is forced from away from a scenic conservation area, to a polluting major access road. It adds an ugly picture to the tourist and eco-friendly nature of Hermanus.
5. The cliff path has through the years gained a reputation where Hermanus residents and tourists alike can enjoy that which Hermanus offers, scenic beauty along the coastline. The cliff path enhances the community spirit. Many a friendly encounter is experienced along the cliff path.
6. By failing to provide for public access along Poole's Bay, the Hermanus Municipality undermines all of the above. In actual fact in so doing the Hermanus Municipality acts contrary to its mandate, that of promoting social and economic development and a safe and healthy environment, as set out in Section 152 of the Constitution.
7. Hermanus Municipality, please comply with your obligations to promote public interests and see to it that a public servitude is registered at Poole's Bay which makes the area accessible to the cliff path!

Kind Regards,

 **Savage Jooste & Adams**
Attorneys, Notaries, Conveyancers



Please note that our office will never change or adapt our trust banking details via email or other electronic means. Please contact our office for formal verification should you receive any correspondence of such nature.

Important Note: Confidentiality, Disclaimer and Privity:

14 MAY 2019

MARIUS VAN STADEN
Director

TEL: (012) 452 8200
FAX: (012) 452 8230
E-MAIL: mariuss@savage.co.za

King's Gate
5, 10th Street, (corner of Brooklyn & Justice Mahomed Street)
Menlo Park, Pretoria, 0081
P.O. Box 745, Pretoria, 0001 | Doorn 58, Fritaria
WWW.SAVAGE.CO.ZA

FILE NO:	EL 12257-HEC
SCAN NO:	
MARIUS	
COLLABORATOR NO:	1284967

13207 HEC



Alida Conradie - Cliff Path

From: Ruth Delson <tootsdelson@gmail.com>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/14 01:24 PM
Subject: Cliff Path

TP - A Theart
(Hollivier)

Dear Sir

I do not hesitate in requesting the cliff path to be connected in the middle to form one of the most beautiful tourist attractions in the world. Nowhere else is it possible to see such coastal beauty from a walking path ... no traffic - no pollution - non evasive and practically 100% safe.

The chosen few who own the properties which run to the sea should be forced to abide by our request and the property that belongs to the thieving, disgusting Mr Jooste should have the "hole" filled and a path built where it is needed.

I am surprised that his property isn't up for land grab by the poor!!!!

Please make it happen - it's the last beautiful place in this crime ridden, thief infested country of ours.

Regards

Ruth Delson

FILE NO:	EL 12257-HEC
SCAN NO:	
	RUTH
COLLABORATOR NO:	
	1284970

14 MAY 2019



12257 HEC

Alida Conradie - Comments on Application for subdivision of ERF 12257: Provision for Extension of Cliff Path through Poole's Bay area



From: Lizette Voigt <lizettevoigt@vodamail.co.za>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/14 09:58 AM
Subject: Comments on Application for subdivision of ERF 12257: Provision for Extension of Cliff Path through Poole's Bay area

TP - A Theart
(H Olivier)

MM2016

To whom it may concern:

I request that the Municipality, when considering the Application for Subdivision of ERF 11257 (15 Quantum Street, Eastcliff, Hermanus), apply the provisions of the Coastal Management Act section 18(9) to secure longshore access for the public to the coast by servitude right of way in favour of pedestrian access.

I request that the municipality make provision for the extension of the Cliff Path in front of Erf 12257, because of the difficult terrain between the high water line and the sea in front of ERF11257, which makes access difficult to not step onto private property when walking the path, especially so with high tide.

The extension of the cliff Path is in the interest of the public (residents and tourists alike), who should have the right to a safe walk between the town and residential and beach areas, instead of being forced alongside a very busy Main road on a narrow pavement, just to protect the privacy of a privileged few residents in Poole's Bay area. Extension of the pathway along the coast, uninterrupted, would benefit eco tourism to the town in general.

Regards
Dr Lizette Voigt
81 Tenth Street Voelklip, Hermanus
Tel: +27832513030
Email: lizettevoigt@vodamail.co.za
Fax: +2721 9131747

FILE NO: EL 12257-HEC
SCAN NO: Lizette
COLLABORATOR NO: 1284978

14 MAY 2019

19

12257 HEC



Alida Conradie - an opportunity

From: "Mark Thomas" <mark@markthomasarchitects.co.za>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/14 10:35 AM
Subject: an opportunity
TP-A Theart (Holivier)

Dear Sir/Ma'am

I write to you regarding the current opportunity to facilitate longshore access to the coast by way of adding a servitude right of way to the current application for subdivision of Erf 12257, Poole's bay, Hermanus.

I am the appointed architect for the Cliff Path action group, and strongly believe that there are a multitude of benefits to linking the world-renowned Hermanus cliff path route, and by including a condition of servitude in the processing of the subdivision application, the linking of the interrupted path will ultimately become a simpler operation.

I am available to field any queries you may have in this regard.

Yours Sincerely

Mark Thomas

Mark Thomas Architects
1 Hans Ras Road
Rondebosch
Tel 021 6852738 cell 0827723324
www.markthomasarchitects.co.za

FILE NO: EL 12257-HEC
SCAN NO: Mark
COLLABORATOR NO: 1284973

14 MAY 2019



12257 HEC

Alida Conradie - Cliff Path Extension

From: "De Waal Basson Sr" <dewaalsr@gmail.com>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/14 11:16 AM
Subject: Cliff Path Extension
Cc: "De Waal Basson Sr" <dewaalsr@gmail.com>



To whom it may concern:

TP-A Theart
(Hollivier)

The Hermanus cliff path is one of Hermanus' biggest assets and should be treated as a local gem. The fact that the path is interrupted walking from the town side to the Grotto Beach side, make no sense. The reason/s why not should be investigated. All possibilities for the extension of the cliff path through this part of the coastline should urgently be looked at and addressed.

I am counting on the cooperation of everyone involved in this matter.

Kind regards,

De Waal Basson sr
 1, Prestwick Village,
 Hermanus

FILE NO: EL 12257-HEC
SCAN NO: Basson
COLLABORATOR NO: 1284969

14 MAY 2019

21

12257 HEC

Alida Conradie - Continuation of Cliff path along Poole's bay

From: <debbie@finanz.co.za>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/14 11:17 AM
Subject: Continuation of Cliff path along Poole's bay
Cc: <info@cafefrank.com>

TP-A Theart
(HOLLIER)



I, Debbie Jansen Van Vuren, residing at 199 Main Road Hermanus, would like to urge the municipality to help our residents plea for Cliff Path to be accessible all the way from New Harbour to Grotto Beach without interruption to continue along Main Road.

I feel it is of utmost importance for our towns's economic and environmental sustenance as Cliff Path is one of our main tourist attractions.

Please help?????

Regards



p.p. DEBBIE VAN VUREN B Pharm
028-3131604 | 078-3746920

namens

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www.finanz.co.za

FILE NO: EL 12257-HEC
SCAN NO: Debbie
COLLABORATOR NO: 1284966

14 MAY 2019



12257 HEC

Alida Conradie - extension of cliffpath

From: Henriette Biesenbach <henriette.biesenbach@gmail.com>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/14 11:17 AM
Subject: extension of cliffpath



I would like to request the municipality to make provision for the extension of the cliff path in front of erf 12257.

JP-A Theart
(Hollivier)

Henriette Biesenbach
28 Riverside Road, Fernkloof
henriette.biesenbach@gmail.com

FILE NO: EL 12257-HEC
SCAN NO: Biesenbach
COLLABORATOR NO: 128496H

14 MAY 2019

23

12257 HEC

Alida Conradie - request the municipality to make provision for the extension of the cliff path in front of erf 12257."



From: Simon Pickstone-Taylor <simondpt@hotmail.com>
To: "aconradie@overstrand.gov.za" <aconradie@overstrand.gov.za>
Date: 2019/05/14 11:41 AM
Subject: request the municipality to make provision for the extension of the cliff path in front... of erf 12257."

TP - A Theart (H Olivier)

Dear Hermanus Municipality,

I am writing on behalf of the Simon Pickstone Trust that owns 'La Gratitude' at 185 on 11th Street in Voelklip. In our view it is a matter of great important that the municipality make provision for extension of the cliff path in front of erf 12257. The cliff path is one of the greatest attractions of Hermanus for residents and visitors and brings important revenue to the town and area as a result.

The present situation of having to walk on the main road significantly detracts from the experience. It stops us and our many paying guests walking all the way through to the town, as it is unpleasant walking on the road. We have for decades wanted this (our family have owned La Gratitude since it was first built in 1917. We have been disappointed by the lack of action on behalf on the municipality in the past to insist on the path being opened and the missed opportunities. Please use this opportunity to ensure that the path is open and our town in enhanced and all communities benefit from this in terms of being able to talk all along the coast and benefit financially from the increased tourism and business this will result in. We wish to support this extension of the cliff path in the strongest possible way. please let me know what else we might need to do? My contact details are as follows:

Cell number 0762959355.

Postal address: PO Box 83, Groot Drakenstein, Western Cape, 7680

You can of course also e-mail me at this e-mail address. Please confirm receipt of this e-mail.

Your sincerely,

Dr Simon Pickstone-Taylor

FILE NO: EL 12257-HEC
SCAN NO: Simon
COLLABORATOR NO: 1284948

14 MAY 2019

EU

12257 HEC



Alida Conradie - Cliff path open to all public please

From: Gillian Hahn Art <gillianhahn14@gmail.com>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/14 12:13 PM
Subject: Cliff path open to all public please

TP - A Theart (H Olivier)

Please open cliff path to the public asap , thank you
Gillian Hahn

FILE NO:	EL 12257-HEC
SCAN NO:	Hahn
COLLABORATOR NO:	1284946

14 MAY 2019



12257 HEC

Alida Conradie - Hermanus Eastcliff Cliffpath

From: Vanessa Thom <vthom@ptrust.co.za>
To: "aconradie@overstrand.gov.za" <aconradie@overstrand.gov.za>
Date: 2019/05/14 12:31 PM
Subject: Hermanus Eastcliff Cliffpath



TP-A Theart
(Holivier)

Hi

Please advise the reason why some houses have exclusivity to the sea?

I was under the impression that this was illegal. As a resident and regular walker I too would like to walk the whole way from Voelklip to Hermanus central along the seafront.

Regards

Vanessa Thom
Email : vthom@ptrust.co.za

Tel : +27 (0) 21 689 8975
Fax : +27 (0) 86 210 4931
Web : www.personaltrust.co.za
Contact Us : <http://www.ptrust.co.za/contact.htm>
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FILE NO: EL 12257-HEC
SCAN NO: Thom
COLLABORATOR NO: 1284941

14 MAY 2019

12257 HEC



Alida Conradie - Cliff path.

From: Patrick Tysons <gptyson52@gmail.com>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/14 12:32 PM
Subject: Cliff path.

TP-A Theart
(Hollivier)

It is detrimental to Hermanus and our tourists that the Cliff Path diverts from the shoreline and follows a busy road at a crucial point. Visitors in town ask directions and we have to send them along the road after only a couple of hundred metres. It is an embarrassment. Please include this letter in your discussions.
Jill Tyson. Voelklip

FILE NO: EL12257-HEC
SCAN NO: JILL
COLLABORATOR NO: 1284939

14 MAY 2019

57

Alida Conradie - Cliff path

12257 HEC



From: Willy Vanderhoeven <wilmieke@gmail.com>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/14 12:17 PM
Subject: Cliff path

TP - A Theart
(Holivier)

Dear Mr Conradie,

the partially non accessibility of the cliff path is long overdue and should be reversed with great urgency and in the interest of all the people in Hermanus who want to use this most wonderful asset of our town.

It is absolutely unreasonable to force people to walk several hundred meters to and then along a busier and busier road while it is their intention to enjoy walking along the sea.

Absolutely ridiculous and long overdue. So please urgently implement the mandatory to secure public access to the coast line by extending the footpath.

Best regards,

Willy Vanderhoeven
 Fynbosstreet 12
 Hermanus Heights 7200
 Western Cape - South Africa
 Tel. 072-7910649
 e-mail: wilmieke@gmail.com
 Skype: wilmieke

FILE NO:	EL 12257-HEC
SCAN NO:	Willy
COLLABORATOR NO:	1284935

14 MAY 2019

08

file:///C:/Users/aknoetz/\AppData/Local/Temp/XPgrwise/5CDAB1C1HermanusMu... 2019/05/14



12257 HEC

Alida Conradie - Cliff Path

From: Lourens Naude <lourens@ifruit.co.za>
To: "aconradie@overstrand.gov.za" <aconradie@overstrand.gov.za>
Date: 2019/05/14 12:38 PM
Subject: Cliff Path
Cc: Willy Vanderhoeven <wilmieke@gmail.com>, "info@cafefrank.com" <info@cafe...

TP-A Theart (Hollivier)

Hi

The municipal notice, application for subdivision of Erf 12257, recently placed in the Hermanus Times has reference.

I hereby request the municipality to make provision for the extension of the cliff path in front of erf 12257.

This will only be to the benefit of Hermanus and all its residents.

My contact details

Lourens Naude
 14 Fernkloof Drive
 Hermanus Heights
 Sel no: 0824161548
lourens@ifruit.co.za

Regards

lourens naude
 Executive Director



ideafruit



Handwritten signature

☎ +27 (0) 21 851 0126 ☎ +27 (0) 82 416 1548 ☎ +27 (0) 28 8414 242 ☎ lourens@ifruit.co.za

🌐 www.ifruit.co.za 📍 2nd floor, st andrews building, somerset links office park, de beers avenue, somerset west 7130

FILE NO: EL 12257-HEC
SCAN NO: Lourens
COLLABORATOR NO: 12814932

14 MAY 2019



Alida Conradie - Cliff Path.

12257 HEC

From: Stephanie Crause <stef.crause@gmail.com>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/14 12:42 PM
Subject: Cliff Path.

TP-A Theart
(Holivier)

Beste Amanda,

Ons het onlangs op die kus paadjie gestap. Dit is 'n tragedie dat een persoon die reg het om die kus pad toe te maak.

Daar was baie oorsese toeriste wat saam met ons gestap het. Die ompad terug na die hoofstraat doen werklik skade aan ons pragtige kus dorp.

Ek sal dit waardeer en sal dit ook waarde toevoeg aan al die inwoners en duisende besoekers wat die kus pad gebruik om te stap. Die natuur geniet en walvisse kyk. As die pad oop gestel word op die deel wat nou toegemaak is.

Dankie

Stephanie en Mike Crause

FILE NO:	FL 12257-HEC
SCAN NO:	Crause
COLLABORATOR NO:	1284926

14 MAY 2019



12257 HEC



Alida Conradie - Extension Cliff path

From: "Hilary&Brian Barker" <hilarybrianbarker@gmail.com>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/14 01:02 PM
Subject: Extension Cliff path

TP-A Theart
(Hollivier)

Name Brian Barker ,address 184 9th Street Voelklip. Contact 0824550717.
I hereby request for the municipality to make sure that provision is made for the extension of the cliff path in front of erf 12357 .
This area is some of the most beautiful to walk along ,tourist's and locals (like myself)have the right to enjoy this wonderful place,it would be an absolute shame to divert thus breaking the beauty ,(and of course ,whale watching)The cliff paths over the last number of years has become very popular thanks to the late David Beatty and his team,they worked tirelessly to create ,what has now become part of the Hermanus experience.
Yours sincerely,
B.P.Barker

FILE NO:	EL 12257-HEC
SCAN NO:	Barker
COLLABORATOR NO:	1284923

14 MAY 2019

(31)

Please submit comments to the municipality

Page 138/208

12257 HEC

Alida Conradie - Re: Please submit comments to the municipality

From: "Ian Johnston" <ianj@hermanus.co.za>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/14 12:40 PM
Subject: Re: Please submit comments to the municipality



I wonder what feature in Hermanus brings more people to enjoy the Whale Watching than the Cliff Path. Let's complete the task.

Cheers,
Ian Johnston.

TP - A Theart
(Holivier)

From: Cliff Path Action Group Committee
Sent: Tuesday, May 14, 2019 10:55 AM
To: ianj@hermanus.co.za
Subject: Please submit comments to the municipality

Dear All, now is our opportunity to encourage the municipality to make provision for the extension of the cliff path. With reference to the attached article in the Hermanus Times we ask all our followers/members/supporters to please submit their written comments to A Conradie at Overstrand Municipality (aconradie@overstrand.gov.za) by 24 May 2019.

FILE NO:	EL 12257-HEC
SCAN NO:	Ian
COLLABORATOR NO:	1284979

14 MAY 2019



12257 HEC



Alida Conradie - erf 12257

From: "Shane Brummer" <shane@birkenheadhouse.com>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/14 01:18 PM
Subject: erf 12257

TP-A Theart
(Hollivier)

Dear Mr. Conradie,

Please make provision for the extension of the cliff path in front of erf 12257 and grant a servitude right of way above the high water mark for all to use.

Kind Regards
Birkenheadhouse
119 11th Street, Voelklip
0824114244

Shane Brummer
General Manager

Tel +27 28 314 8000
Mob +27 82 411 4244
shane@birkenheadhouse.com

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FILE NO: EL 12257-HEC
SCAN NO: Brummer
COLLABORATOR NO: 1284917

14 MAY 2019



12257 HEC



From: Michael Hooper <mike@tunetrader.com>
To: <sconradie@overstrand.gov.za>
Date: 2019/05/15 11:34 PM
Subject: Cliff Path Poole'S Bay Extension of public access in front of ERF 12257

TP-A Theart
(Holivier)

Alt A Conradie Overstrand Municipality (OM)

This is a response to a request from the Cliff Path Action Group (CPAG) to support their request to OM to take action to enable the existing Cliff Paths to be joined up next to ERF 12257 .
Please count this mail as supporting this request to OM to take the necessary action to complete the Cliff path and allow public access to Poole'S Bay on the sea side of ERF 12257.
Kind Regards, Michael & Lindsay Hooper

Sent from my iPad

FILE NO:	EL 12257-HEC
SCAN NO:	Hooper
COLLABORATOR NO:	285348

15 MAY 2019

341

38/208

From: Andrew Thompson <thornfieldsa1@icloud.com>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/15 08:21 PM
Subject: Cliff Path: Eastcliff

12257 HEC



TP-ATheart
(Holivier)

Dear Mr Conradie

I have been given your email as the person to receive comments and input re the above. I have been a Hermanus property owner and and part time resident for 15 years, and full time for almost 1 year.

What makes Hermanus unique as a seaside destination is the combination of substantial urban infrastructure alongside relatively unspoilt access to the sea. The Cliff Path epitomises this sea access, from the New Harbour to Grotto Beach, bar the section in Eastcliff which is effectively closed to pedestrian traffic. As I have understood the situation, Overstrand Municipality has some regulatory power that can be used to open up the remaining Eastcliff section of the Cliff Path in due course.

A couple of ways to exercise this power would be to prevent any rezoning or subdivision of seafront properties unless access for the extended Cliff Path is facilitated. Similarly, could transfer/sale of properties be suspended unless the extended Cliff Path were accommodated??

In any event, I would be extremely supportive of any steps taken by Overstrand Municipality to open up the remaining missing piece of the Cliff Path in Eastcliff

Yours sincerely

Andrew Thompson
Hermanus Resident and Ratepayer

FILE NO: EL 12257-HEC
SCAN NO: Andrew
COLLABORATOR NO: 1285345

15 MAY 2019



39/208

TP-ATheart
(Holivier)

12257 HEC



From: John Pope <john@upstartventures.co.za>
To: <aconradic@overstrand.gov.za>
Date: 2019/05/15 07:30 PM
Subject: Erf 12257. Extension of cliff path

I refer to the application to subdivide erf 12257 and wish to comment and request that with any consideration relating to the change of this and any other similar property situation allowance be made and allowed for accommodation of the extension of the cliff path in line with previous decisions made and legislative policy regarding public access to the sea.

I have been resident in the Hermanus area in various forms since 1956 and regularly make use of the cliff paths.

Personal details:

John Pope
14 Nico van der Merwe Street
Sandbaai
Tel. 083 252 1180
John@upstartventures.co.za

Sent from John Pope's Phone

FILE NO: GL 12257-HEC
SEARCH NO: John
VALUATOR NO: 1285338

15 MAY 2019

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12257 HEC

Alida Conradie - Cliff Path Hermanus

From: "Audrey Boynton" <audie@hermanus.co.za>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/15 06:32 PM
Subject: Cliff Path Hermanus

TP-A Theart
(H Olivier)

For the attention of:
details

Mr. A Conradie
E Boynton
Overstrand Municipality
Berg'nSee

My

Mrs A

75

Also
Erf 3044

Dear Sir,

I wish to petition for the extension of the Cliff Path. I understand the Cliff Path was started privately but it has become a major Hermanus attraction for walking and for whale watching and, as such, should be promoted by the Municipality. I recognize that the stretch in front of the Bay View property has a rocky, uneven coastline but it is a decided drawback to have to divert onto the busy Main Road and then head back to the Path and I imagine engineers could overcome the problems and I feel that the Municipality should be taking all possible steps to render this service to the community.

There is no charge for using the Cliff Path and that adds to the allure of Hermanus. A quality the residents prize.

Yours sincerely
Mrs A Boynton

FILE NO:	EL12257-HEC
SCAN NO:	Audrey
COLLABORATOR NO:	1285335

15 MAY 2019

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12257 HEC



Alida Conradie - Provision for cliff path

From: Lood van Niekerk <loodvn@gmail.com>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/15 04:14 PM
Subject: Provision for cliff path

TP-A Theart
(Hollivier)

TO WHOM IT MAY CONCERN:

I request that the municipality make provision for the extension of the cliff path in front of erf 12257. We have a family beach cottage in Hermanus (9TH STREET 97, Voëlklip) and we love walking on the cliff path along the sea.

Thank you in anticipation.

Lood van Niekerk
5 KLAASENBOSCH DRIVE, CONSTANITA,
0217943870

FILE NO:	EL 12257-HEC
SCAN NO:	Lood
COLLABORATOR NO:	285333

15 MAY 2019



12257 HEC



From: Liesel Dower <lieselower@iafrica.com>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/15 03:48 PM
Subject: Extension of cliff path in front of erf 12257

TP-A Theart
(Holivier)

Dear A Conradie

I am in favour of the provision of an extension of the Hermanus Cliff Path in front of erf 12257. As a regular visitor to Hermanus I feel that an uninterrupted Cliff Path will be a real asset to the town of Hermanus.

Yours faithfully
Liesel Dower
19 Highwick Avenue
Kenilworth
7708
021 7977517
0822116256

FILE NO: EL 12257-HEC
SCAN NO: Dower
COLLABORATOR NO: 285321

15 MAY 2019





12257 HEC

Alida Conradie - Extension of the Hermanus Cliff Path

From: Victoria Mayer <vmayer@icloud.com>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/15 04:01 PM
Subject: Extension of the Hermanus Cliff Path

TP-A Theart
(Holivier)

Dear A Conradie

I am in favour of the provision of an extension of the Hermanus Cliff Path in front of erf 12257. As a regular visitor to Hermanus I feel that an uninterrupted Cliff Path will be a real asset to the town of Hermanus.

Yours faithfully
Victoria Mayer
58 Dean Street
Newlands
7707
021 6851868
0834555908

FILE NO:	EL 12257-HEC
SCAN NO:	Mayer
COLLABORATOR NO:	1285325

15 MAY 2019

(40)

Please submit comments to the municipality



Alida Conradie - Cliff path extension

From: James Salmon <salmonhj@outlook.com>
To: "aconradie@overstrand.gov.za" <aconradie@overstrand.gov.za>
Date: 2019/05/15 09:22 AM
Subject: Cliff path extension

TP-A Theart
(Holinier)

Dear Mr Conradie,

My family have been associated with Hermanus since my parents built a house there at 273, Sixth Street, Voelklip in 1968.

In 1992 my own family purchased a house at 70, Eighth Street, Voelklip which we still own. My brother also owns a house in Eighth Street which he built ten years ago.

We have never understood why the residents on the coast where the cliff path is diverted away from the sea were treated different from the other sea front properties where the cliff path is established.

We have also not been able to understand why they were permitted to erect fences keeping the public away from the sea.

The cliff path is a major tourist attraction. The section where tourists and locals are forced to walk along the busy main road is a great pity and detracts from the value of the path. I am no expert, but my understanding is that the public is allowed access to the entire coastline and I imagine that the current status quo is illegal.

May I appeal to the Municipality to act decisively to extend the path along the coast so as to exclude the part where a privileged few have very unfair private access to what is public property.

Yours sincerely,

James Salmon
70 8th Street, Voelklip

FILE NO: EL 12257-HEC
SCAN NO: James
COLLABORATOR NO: 1285326

15 MAY 2019



12257 HEC



TP-A Theart (Holivier)

Alida Conradie - Extension of Cliff Path.

From: "Ed and Sally Meyer" <edsalmeyer@telkomsa.net>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/15 12:53 PM
Subject: Extension of Cliff Path.
Cc: <info@cafe frank.com>

Dear Mr Conradie,

We are permanent Hermanus residents who regularly walk on the wonderful Cliff Path ourselves. Whenever we have visitors we use this amazing asset we have to share the beauty of the sea and the world class viewing of our whales in season.

It is however a great pity and disappointment to us and our guests that the Cliff Path does not extend all the way and one is forced to walk on the noisy, air polluted Main road when you get to Mollegren Park if you want to walk into town. It must be a great disappointment to the many tourists who are walking the whole way to have their walk spoiled by having to walk on the busy main road.

We thus fully support the efforts of the Cliff Path Action Group to request the Municipality to grant the necessary approvals and allow the Extension of the Cliff Path all the way. What a wonderful and improved asset for our town for both the local residents and for the tourists, who are coming to Hermanus in increasing numbers each year.

We appeal therefore to all the authorities involved to ensure that the extension of the Cliff Path goes ahead as soon as possible.

Ed Meyer.
Voelklip, Hermanus.

FILE NO: EL 12257-HEC
SCAN NO: ED
COLLABORATOR NO: 1285319

15 MAY 2019



12257 HEC



Alida Conradie - Cliff path

From: Mark Eglington <blucbeyondfisheries@gmail.com>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/15 02:47 PM
Subject: Cliff path

TP-A Theart
(H Olivier)

We live at 191 6th street in Voelklip and enjoy walking the cliff path. We do not like to walk on the main road to link to the Roman Rock section as it means leaving the healthy air we breathe to be subjected to noise and exhaust fumes.

To totally project the healthy image of Hermanus a servitude in front of erf 12257 should be granted as soon as possible so the path can be continued along the ocean.

Sincerely,
Mark and Brenda Eglington

FILE NO: EL 12257-HEC
SCAN NO: Mark
COLLABORATOR NO: 1285317

15 MAY 2019

(43)



10257 HEC

Alida Conradie - Hermanus Clif path

From: Louis van Niekerk <lvanniekerk@npa.gov.za>
To: "aconradie@overstrand.gov.za" <aconradie@overstrand.gov.za>
Date: 2019/05/15 05:57 PM
Subject: Hermanus Clif path
Cc: Info Elsje Designs <info@elsje.co.za>, Liesel van Niekerk <vanniek@icon....>
Attachments: HermanusTimes-HT-Hermanus-HT012-2.pdf

To whom it may concern:

I wholeheartedly agree with the views hereunder expressed by my sister-in-law Liesel van Niekerk. I support the access of the public via a cliff path as envisage by the Cliff Path Action Group.

Kind regards

Louis van Niekerk

(In my private capacity, resident at 5 Eldorado street, die Boord, Stellenbosch, 7600)



Louis Van Niekerk
 Senior State Advocate
 National Prosecuting Authority

NPA Building
 115 Buitengracht, Cape Town
 Western Cape, RSA
 Private Bag X9003, Cape Town, 8000

Tel: +27 21 487 7000
 Fax: +27 21 487 7165
 Mobile: +27 82 950 8327
 Ext: 21 7139

E-mail: lvanniekerk@npa.gov.za
 Web: www.npa.gov.za



From: Liesel van Niekerk <vanniek@icon.co.za>

Sent: Wednesday, May 15, 2019 3:14 PM

To: Gerhard van Niekerk <gvniekerk@dkvg.co.za>; Louis van Niekerk <lvanniekerk@npa.gov.za>; Elsje van Niekerk <elsje@elsje.co.za>; Lood van Niekerk <loodvn@gmail.com>; Ilse-Jo Pauw <jpauw@mweb.co.za>; Heidi-Lee Pauw - The SpaceStation <hpauw@spacemail.co.za>; Anne Van Niekerk <annivan@mweb.co.za>; Elmarie van Niekerk <elmarievn@telkomsa.net>; Nikki Smal <smalnikki@gmail.com>; theunis@tsbrokers.co.za; Jobre Stassen <jobre@iafrica.com>

Subject: Stuur asb 'n epos oor kuspad - ek het voorbeeld gestuur

Stuur asb epos aan: aconradie@overstrand.gov.za (indien julle saamstem, natuurlik). Stuur aan vriende voor 24 Mei (slegs indien julle saamstem! haha!!)

TO WHOM IT MAY CONCERN:

15 MAY 2019

FILE NO: EL 12257-HEC
SCAN NO: Louis
COLLABORATOR NO: 285350

14

TRATheart C H O (48/208)

12257 HEC



From: Andrew Grieve <andrew.grieve777@gmail.com>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/15 05:55 AM
Subject: Cliff Path

Dear Ms Conradie

As a property owner in Hermanus I wish to express my concern at the lack of the Overstrand Municipality's concern about allowing public access to Pooles Bay by way of the continuation of the cliff path. Not only would this have a positive impact on tourism, a major contributor to the economy in Hermanus, but it would allow the public access to a section of coast that for too long they have been excluded from. The current situation would seem like the ideal opportunity for the municipality to step in on behalf of the public, and I urge them to do so.

Kind regards
Andrew Grieve

227 11th Street
Voelklip
Hermanus
Sent from my iPad

FILE NO:	EL 12257
	Hermanus
SCAN NO:	Andrew
COLLABORATOR NO:	1285150

14 MAY 2019

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12257 HEC TR A Theart
C Holwier)

Alida Conradie - Hermanus cliffpath

From: "Nic Botha Argitekto" <nibo@mweb.co.za>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/15 11:51 AM
Subject: Hermanus cliffpath



Dear Sir

Please remove illegal fences and walls of the residents abounding the admiralty. They are there illegally as their properties only extend to the admiralty and not to the high water mark or such nonsense.
 The diff path and its extension, belongs to ALL of us in Hermanus and NOT to the few rich individuals owning property along the coast line.
 Overseas visitors are astounded by the fact that the cliff path could be blocked in such a way.
 We urge the Municipality to take action and restore one of our most treasured and valued amenities in Hermanus.

Groets/Regards
 N.J. (Nic) Botha

P.O. Box 1110, Hermanus 7200
 Tel: (028) 313 1155
 Email: nibo@mweb.co.za
 Website: www.hermanusarchitects.co.za

 **nic botha architects**

FILE NO:	EL12257
	Hermanus
SCAN NO:	Botha
COLLABORATOR NO:	1285155

15 MAY 2019

UG

Alida Conradie - Cliff Path

12257 HEC TRATheart
CHOFINAR

From: Gerhard Terblanche <gerhardterblanche49@gmail.com>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/15 10:42 AM
Subject: Cliff Path



Ek vereis dat die Hermanus Munisipaliteit:
n Onreg regstel deur die kusp pad in die geheel te oop te stel-dws sonder dat daar n afkamping en
versperring deur n onwettige draadheining oor die pad toegelaat word.
Die noodwendige skending van die buitelug - entosias se onbelemmerde toegang tot die kuslyn
reg te stel.
Die plig en verantwoordelikheid teenoor belasting betalers na te kom.
GJ Terblanche

FILE NO:	EL 12257
SCAN NO:	Gerhard
COLLABORATOR NO:	1285159

15 MAY 2019



51/208

Tom Casey BA, BAI, MSc., C. Eng., MICE.
 27 Dolphin Street, Northcliff, Hermanus 7200. W. Cape.
 Email : tomcaseybw@gmail.com. M. 0622890616



Overstrand Municipality,
 Hermanus.
 Attn. A. Conradie

TR - A Theart
 C H Olivier)

May 14th 2019

Dear Sir,

RE : CLIFF PATH EXTENSION

As a concerned rate-payer and supporter of the Cliff Path Action Group I wish to record my support for the creation of a servitude in front of Erf 12257 to accommodate the continuation of the cliff path along Poole's Bay.

The recent application for subdivision of Erf 12257 provides an immediate opportunity for the Municipality to apply the Integrated Coastal Management Act section 18 (9).

Please keep me informed of developments in this matter and I look forward to hearing of your efforts in improving the local environment for residents and tourists alike.

Kind regards,
 Tom Casey

FILE NO:	EL12257
SCAN NO:	Casey
COLLABORATOR NO:	285165

14 MAY 2019

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12257 HEC

TRATHEND
(HOLWIER)

Alida Conradie - Cliff Parh



From: "Izak Krige" <izak.krige@gmail.com>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/14 06:12 PM
Subject: Cliff Parh

It is an absolute shame that the Hermanus Municipality has for years allowed a few influential owners to dictate to it for private privilege.
This goes against state law but Hermanus Municipality has been a coward in enforcing the law. The cliff path should have been completed decades ago but for inferior municipal officials, scared of their own shadows.
Now is the time to stand up and grant the permission for the construction of the balance of the cliff path.
DO NOT this opportunity again pas you by.
Izak Krige

FILE NO:	EL 12257
	Hermanus
SCAN NO:	Krige 2
COLLABORATOR NO:	1285107

14 MAY 2019



Alida Conradie - FW: Subdivision of erf 12257 - municipal notice 43/2019

From: Jan Rabie <jsrabie@mweb.co.za>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/14 05:43 PM
Subject: FW: Subdivision of erf 12257 - municipal notice 43/2019
Attachments: Locality Map Erf 12257.jpeg; Erf 12257 Topography.pdf; Notice 43-2019.jpeg



Die Munisipale Bestuurder,
 Hermanus.

Ek verwys na die Munisipale Kennisgewing 43/2019.

Ons ondersteun die voorstelle van CPAG (sien hieronder) 100%. Hierdie is 'n ideale geleentheid om weg te beweeg van eksklusiewe bevoorregting tov die Pooles Bay kusstrook, na die erkenning van die publiek se reg tot toegang van hierdie gebied.

Daar is tog geen twyfel oor die belangrikheid van toerisme vir Hermanus nie. Gebruik hierdie geleentheid om die grondslag te lê vir die voltooiing van die kuspaadjie.

Groete

Jan S Rabie
 Mitchellstraat 90
 Eastcliff
 Hermanus
 7200

FILE NO:	EC12257
	Hermanus
SCAN NO:	Jan
COLLABORATOR NO:	1285108

COMMENT REGARDING MUNICIPAL NOTICE NO 43/2019

FROM AFFECTED AND INTERESTED PARTY: CLIFF PATH ACTION GROUP (CPAG), 24 MONMOUTH AVENUE, CLAREMONT, 7806.

Request for the local municipality to make provision for a servitude right of way for pedestrian access along the coastline-side of erf 12257. The topography of the property, high cliffs and the location of the High Water Mark makes pedestrian access almost impossible.

The current informal footpath is located land-side of the high water mark and therefor on private property. This need to be formally addressed else the landowner might even block longshore access off in the same way that access to the sea has been blocked of by continuing the fence from the boundary wall to the historical pillar. This has been done before the Easter Weekend and therefor block of all pedestrian access to the coastline of Pooles Bay from the western side.

This servitude should also include provision for the extension of the current cliff path along the coastline of erf 12257.

The proposed cliff path will be similar in many ways to the current cliff path built in concrete, with a rough aggregate, to encourage staining and blending into the environment. The path needs to make provision for to last through storm seas. In some areas determined by the topography, high

14 MAY 2019

file:///C:/Users/aknoetze/AppData/Local/Temp/XPgrpwise/5CDAFE2DHermanusMu... 2019/05/15

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Alida Conradie - Subdivision of Erf 12257

From: Rouxbin Smit <rouxbin@mweb.co.za>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/14 12:24 PM
Subject: Subdivision of Erf 12257
Cc: Belinda Smit <lauret.inv@gmail.com>



Dear Sir,

Please consider extending the cliffpath in front of the current homes as a condition of the subdivision of Erf 12257.

I am a longtime resident of Hermanus in Voelklip and have often walked to town from my home, also with visitors. Extending the cliff path will enhance Hermanus's attraction offering.

Kind regards,
Rouxbin Smit
 Cell: (+2783) 678 2043
 Email: rouxbin@mweb.co.za

FILE NO:	EL 12257
	Hermanus
SCAN NO:	Smit
COLLABORATOR NO:	1285110

14 MAY 2019

(S)

TP - A Theart
C H O (vics)

Alida Conradie - Subdivision of Erf 12257, Hermanus

From: "Martin van Twisk" <martin@clubadvocates.co.za>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/14 05:43 PM
Subject: Subdivision of Erf 12257, Hermanus



Dear Sir, Madam

In an article in the Hermanus Times, readers are requested to comment on the proposed subdivision of Erf 12257, situated at 15 Quantum Street, Eastcliff. This clearly an incorrect street reference as there is no such address in Hermanus. The address seems to be the registered adres of the company owning the property. Erf 12257 is situated in Sea Road. Kindly view any comments that refer to 15 Quantum Road as being a reference to Erf 12257.

Regards

Adv Martin van Twisk
The Club Advocates' Chambers
30 Pinaster Avenue
Hazelwood
Pretoria
Tel: 012 947 9106
Cell: 083 284 7726
E-mail: martin@clubadvocates.co.za

Virus-free www.avast.com

FILE NO:	EL 12257
	Hermanus
SCAN NO:	TWISK
COLLABORATOR NO:	1285114

14 MAY 2019

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Alida Conradie - Cliff path

12257 HEC

TRATheart

From: Patricia Rabie <patriciarabie@gmail.com>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/14 05:42 PM
Subject: Cliff path



Please add our name to the list of people who would like to see the cliff path open all along the coast.

It makes no sense at all that some people who don't have any real right to exclusivity should continue to enjoy the privilege of exclusivity of the cliff path when it could be enjoyed by the whole community of Hermanus.

Patricia and Joubert Rabie
 293 Main Road
 Hermanus

Patricia Rabie
 South Africa and Whatsapp +27 82 41 50 186
 UK & Europe +447403939223
patriciarabie@gmail.com

FILE NO:	EL 12257
	Hermanus
SCAN NO:	Rabie
COLLABORATOR NO:	1285115

11 MAY 2019



12257/1/EC

J.P.A Theart
C.H Olivier

Alida Conradie - FW: cliff path

From: "Johan Kruger" <johan.krgr@gmail.com>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/14 05:42 PM
Subject: FW: cliff path



Dear sir/Me,

We have been watching the communication re the "cliff path" with interest looking forward to using the cliff path right through.

The application for the subdivision of erf 12257 provides the golden opportunity for the local municipality to apply the integrated coastal management act section 18/9 to secure longshore access to the coast by servitude right of way in favor of pedestrian access. This remains a conflict area which according to the provincial government must be resolved and in favor of the public.

The time has passed that individuals through the use of ample money should be able to govern to the detriment of the public.

We request serious consideration and progress to resolve the issue once and for all and to allow public access to the shoreline under discussion.
Groete/Regards

Johan Kruger
083 261 1304

315 8th steet,
Voelklip
Hermanus.

johan.krgr@gmail.com

14 MAY 2019

FILE NO:	EL 12257
	Hermanus
SCAN NO:	Kruger
COLLABORATOR NO:	285116

(54)

12257/1/EC

TRATheart
(CHOLIVES)

Alida Conradie - Request to extend the cliff path

From: Helena Janisch <mikanhel@icon.co.za>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/14 05:43 PM
Subject: Request to extend the cliff path



To the Overstrand Municipality,

I should like to add my voice to the calls for an extension of the Hermanus cliff path so that the public can enjoy full access to this iconic coastline.

I live in Cape Town (8 Alcis Road, Newlands) but am a regular visitor to Hermanus and have always found the diversion onto the main road unpleasant and unnecessary. When I heard about this campaign, I immediately decided to support it. That the municipality appears to be defending the interests of a privileged few at the expense of the general public (and the tourist interests of the town as a whole) seems increasingly objectionable. I hope my voice will be heard together with others.

Yours faithfully,

Helena Janisch

HELENA JANISCH
TEL: 021 645 3106 (082 756 4890)
FAX: 021 645 3106
EMAIL: mikanhel@icon.co.za

FILE NO:	E7 12257
	Hermanus
SCAN NO:	Helena
COLLABORATOR NO:	1285117

14 MAY 2019

(SS)

12257 HEC

TR-ATheat
C.Holinsig

Alida Conradie - MAKING THE CLIFF PATH ONE LONG BEAUTIFUL WALK

From: "Liza van Coppenhagen" <farmersmarket@hermanus.co.za>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/14 05:42 PM
Subject: MAKING THE CLIFF PATH ONE LONG BEAUTIFUL WALK



Dear Mr Conradie,

RE: MAKING THE CLIFF PATH ONE LONG BEAUTIFUL WALK

With regards to the Cliff Path, I would like to add my voice to the growing number of residents who feel that the Cliff Path is a major asset to Hermanus and should be one continuous path alongside the sea.

I walk the Cliff Path almost every day of the year and during the whale season I come across hundreds of tourists who are here to witness the whales from the brilliant vantage point of the Cliff Path. Some come as families, some as photographic groups and some as tours, but they are all here for the same thing, to experience what Hermanus claims as the "best land-based whale watching" town in South Africa. Many of these tourists walk from town and once they get to the Marcus Jooste big hole, they get truly confused and many just turn back, having perhaps missed out on viewing whales from very close up (especially from Sievers Punt and Kwaaewater). It is a tragedy that we are forcing the most important income of our region - our tourists - to breath in carbon dioxide from the cars whizzing by for a whole kilometre or more, before they can return to the Cliff Path.

Surely after the latest Tourism Indaba, and to quote Mr Haneekom "tourism is the new gold", the Tourism department could support and motivate the opening of this route?

If you look at tourism platforms like Tripadvisor, the most attractive and well supported tourism "things to do" are the Fernkloof Nature Reserve, the beaches and the cliff path, which means our tourists are coming here to primarily enjoy the unspoilt natural beauty of Hermanus. It seems crazy not to listen to the thousands of reviews and keep ensuring our tourists continue to get what they really want to see.

The opening up of this section of the Cliff Path will place Hermanus in a league of its own - consider what Cinque Terre has done for Italy - the Camino for Spain - people really like to walk, and the best thing about the Cliff Path is that it is wheelchair-friendly! What an incredible opportunity to offer this to a disabled market.

I understand that there is a cost implication, but I am absolutely certain that should the Overstrand Municipality give their support to this initiative, the costs would be covered by the local residents of Hermanus.

Please could this opportunity be placed on the next Tourism department meeting agenda, so that it can gain recognition from OM and hopefully momentum to finally happen in the near future.

With regards,

Liza van Coppenhagen

14 MAY 2019

FILE NO:	57.12257
SCAN NO:	L129
COLLABORATOR NO:	285119

12257 HEC

TRATheat
(CH Olivier)

Alida Conradie - Cliff Path

From: "Roddy Sparks" <roddysparks@mweb.co.za>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/14 05:43 PM
Subject: Cliff Path



Dear Mr/Ms Conradie

I refer to the recent article in the Hermanus Times which details the opportunity regarding the Cliff Path

I implore you to please help make this happen for the sake of so many visitors and residents alike.

Kind regards

Roddy Sparks



This email has been checked for viruses by AVG antivirus software.
www.avg.com

FILE NO:	EL 12257
	Hermanus
SCAN NO:	Roddy
COLLABORATOR NO:	1285122

14 MAY 2019



Alida Conradie - CLIFF PATH

12257 HEC

From: "Lavender Manor Guest Lodge" <lavendermanor@hermanus.co.za>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/14 05:43 PM
Subject: CLIFF PATH

TR-A Theert
(Holivier)



Dear Mr Conradie,

I fully support the extension of the Cliff Path. JUST DO IT!

Best regards, Kobus Nel

FILE NO:	EL 12257
	Hermanus
SCAN NO:	Kobus
COLLABORATOR NO:	1285130

14 MAY 2019

58

12257 HEC TRATheart
(Holiver)

Alida Conradie - HERMANUS CLIFF PATH

From: Lizelle Alberts <lizellea@mweb.co.za>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/14 05:43 PM
Subject: HERMANUS CLIFF PATH



Kan u asb voorsiening maak vir die verlenging van die kusp pad by wyse van n serwituu al langs die hoogwatermerk.

Dankie en groete

Lizelle Alberts
lizellea@mweb.co.za



FILE NO:	EL12257
	Hermanns
SCAN NO:	Alberts
COLLABORATOR NO:	1285134

14 MAY 2019

59

Alida Conradie - Cliffpath

12257 HEC

TRATHAAT
(H Olivier)

From: Peter Hahn <hahn736@gmail.com>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/14 05:42 PM
Subject: Cliffpath



Please extend the cliffpath to include the entire coastline of Germany's.

FILE NO:	EL 12257
	Hermannus
SCAN NO:	Peter
COLLABORATOR NO:	1285142

14 MAY 2019

(60)

12257 HEC

Alida Conradie - FW: Comments on Application for subdivision of ERF 12257: Provision for Extension of Cliff Path through Poole's Bay area

From: Janene <wjengele@gmail.com>
To: "aconradie@overstrand.gov.za" <aconradie@overstrand.gov.za>
Date: 2019/05/14 05:42 PM
Subject: FW: Comments on Application for subdivision of ERF 12257: Provision for Extension of Cliff Path through Poole's Bay area



To whom it may concern:

I request that the Municipality, when considering the Application for Subdivision of ERF 11257 (15 Quantum Street, Eastcliff, Hermanus), apply the provisions of the Coastal Management Act section 18(9) to secure longshore access for the public to the coast by servitude right of way in favour of pedestrian access.

I request that the municipality make provision for the extension of the Cliff Path in front of Erf 12257, because of the difficult terrain between the high water line and the sea in front of Erf 12257, which makes access difficult to not step onto private property when walking the path, especially so with high tide.

The extension of the cliff Path is in the interest of the public (residents and tourists alike), who should have the right to a safe walk between the town and residential and beach areas, instead of being forced alongside a very busy Main road on a narrow pavement, just to protect the privacy of a privileged few residents in Poole's Bay area. Extension of the pathway along the coast, uninterrupted, would benefit eco tourism to the town in general.

Regards

Mev Janene Engelbrecht
 Trustee of Marais Testamentere Trust
 Eenaar van 8 ste straat 116

Voelklip
 Hermanus

FILE NO:	EL 12257
	Hermanus
SCAN NO:	Janene
COLLABORATOR NO:	1285144

14 MAY 2019

(61)

10257 HEC



Alida Conradie - Cliff path

From: Gertrude Smith <gertsmith76@gmail.com>
To: "aconradie@overstrand.gov.za" <aconradie@overstrand.gov.za>
Date: 2019/05/14 05:42 PM
Subject: Cliff path

TR A Theart
(C. Holivier)

I am responding to the call to ask for the continuation of the cliff path where it is broken off at Poole's Bay. The interruption has never made sense to me and, although I may never be able to make use of it myself, I am convinced that granting permission to complete the path will help the people of this town, as well as visitors from all over the world, who are its lifeblood. So please remove any obstacle to this endeavour.
Best regards
Gertrude Smith

FILE NO:	EL 12257
	Hermanus
SCAN NO:	Gertrude
COLLABORATOR NO:	1285148

14 MAY 2019



12257 HEC

From: Trevor Edwards <trevor@tastesuccess.co.za>
To: "aconradie@overstrand.gov.za" <aconradie@overstrand.gov.za>
CC: Errol van Staden <errol@talentinstitute.ae>, Guy Redford <guyred@iafrica...>
Date: 2019/05/14 09:42 PM
Subject: Cliff path

TRATHARD
C Holuier

To whom it may concern

The cliff path needs to be one continuous path . The long term success of tourism in Hermanus requires that the cliff path one of Hermanus attraction maximizes it potential.

It cannot be morally right and legally correct that properties bordering on the high water mark / beach can deny accesses to the general public.

OM lets do the right thing .

Kind regards
Trevor

Sent from my iPhone



FILE NO:	EZ 12257
	Hermannus
SCAN NO:	Edwards
COLLABORATOR NO:	285149

14 MAY 2019

(63)

67/208

COMMENTS REGARDING THE APPLICATION FOR SUBDIVISION AND RIGHT OF WAY SERVITUDE
 ERF 12257 HERMANUS
 DIVISION: CALEDON OVERSTRAND MUNICIPALITY

**DETAILS**

NAME : ADRIAN BUCKLAND (on behalf of the Buckland Family Trust)
 ADDRESS : ROMAN ROCK 3 PROTEA ROAD HERMANUS
 CONTACT DETAILS : EMAIL - adieb@bjpsa.co.za CELL NO - 082 491 5134

INTEREST IN APPLICATION

We are the owners of ERF 4914 and as such have an interest in any applications which affects us and the public at large directly or indirectly in our vicinity.

REASONS FOR COMMENT**1 PROPOSED SUB-DIVISION**

We have no objection to the proposed sub-division into Portion A and Remainder

2 PROPOSED RIGHT OF WAY SERVITUDE

The previous owner consolidated two portions into one being ERF 12257. The previous owner then applied to have the Right of Way Servitude S.G. NO. 3147/2014 cancelled and replaced by S.G. NO. 438/2017 which was sensible and non-invasive on the public open space, as for the past umpteen years there was a form of access across the public open space to the then undivided property.

The motivation report expresses the opinion "that both servitudes do not have any negative impact on the surrounding properties and character of the surrounding area" The surrounding area has always been used as a common where the general public and residents of the surrounding properties have been able to play ball games and walk their dogs. People who want to make use of the cliff path park their cars in Sea Street. Tourists using the cliff path frequently traverse the open space, seeing it as an integral part of the cliff path. We are of the opinion that an additional servitude will have a negative impact on the public open space which in turn will have a negative impact on the surrounding properties and the greater area of Hermanus which strives to protect the heritage of public open spaces.

The motivation report expresses the opinion that it is impossible to access the Remainder portion via the existing right of way servitude because of the difference in height between the two proposed portions. The difference in height is the making of the previous owner and the plan approval process in that the approval process pre-empted the notion that the property would not be sub-divided.

We are of the opinion that should the present owner wish to subdivide, it is possible to grant access to the Remainder via a servitude (designed by a competent engineer) on Portion A, enabling the Remainder portion to be accessed by a driveway built on Portion A, in so doing preserving the character and integrity of the public open space as well as preventing the ever increasing desecration of public open space. To this end we would suggest that a further condition of the sub-division should be that the existing right of way servitude must have sufficient barriers to prevent visitors to portions A and the Remainder from parking on the public open space.

16 MAY 2019

FILE NO: EL 12257-HEC
SCAN NO: Adrian
COLLABORATOR NO: 1285527

(24)

68/208

TP - A Theart
(H Olivier)

Niamh Casey BA (Mod), H. Dip. Ed.
 27 Dolphin Street, Northcliff, Hermanus 7200. W. Cape.
 Email : niamhmacn@gmail.com. M. 0622879919



Overstrand Municipality,
 Hermanus.
 Attn. A. Conradie

May 14th 2019

Dear Madam,

RE : CLIFF PATH EXTENSION

As a concerned rate-payer, supporter of the Cliff Path Action Group and regular walker of the cliff path, I wish to record my support for the creation of a servitude in front of Erf 12257 to accommodate the continuation of the cliff path along Poole's Bay.

The recent application for subdivision of Erf 12257 provides an immediate opportunity for the Municipality to apply the Integrated Coastal Management Act section 18 (9).

Please keep me informed of developments in this matter and I look forward to hearing of your efforts in improving the local environment for residents and tourists alike.

Kind regards,
 Niamh Casey

FILE NO: EL 12257-HEC
SCAN NO: Casey
COLLABORATOR NO: 285530

16 MAY 2019

A small circular stamp containing the handwritten initials 'CS'.

12257 HEC
 TPA Theart
 CH Olivier

Alida Conradie - Comments on Application for subdivision of ERF 12257: Provision for Extension of Cliff Path through Poole's Bay area

From: <marlenec@kanonberg.co.za>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/16 05:37 PM
Subject: Comments on Application for subdivision of ERF 12257: Provision for Extension of Cliff Path through Poole's Bay area



To whom it may concern:

I request that the Municipality, when considering the Application for Subdivision of ERF 11257 (15 Quantum Street, Eastcliff, Hermanus), apply the provisions of the Coastal Management Act section 18(9) to secure longshore access for the public to the coast by servitude right of way in favour of pedestrian access.

I request that the municipality make provision for the extension of the Cliff Path in front of Erf 12257, because of the difficult terrain between the high water line and the sea in front of ERF11257, which makes access difficult to not step onto private property when walking the path, especially so with high tide.

The extension of the cliff Path is in the interest of the public (residents and tourists alike), who should have the right to a safe walk between the town and residential and beach areas, instead of being forced alongside a very busy Main road on a narrow pavement, just to protect the privacy of a privileged few residents in Poole's Bay area. Extension of the pathway along the coast, uninterrupted, would benefit eco tourism to the town in general.

Regards
 Hendrik Cornelis Cronje and Maria Petronella Cronje
 57 Fifth Street
 Voelklip
 Hermanus
 Tel: 0836272180
 Email: marlenec@kanonberg.co.za

FILE NO:	ERF 12257
SCAN NO:	Hermanus ✓
COLLABORATOR NO:	CRONJE
	1286540

16 MAY 2019

66

12257 HEC TR A Theart
(H Olivier)

Alida Conradie - Demand to extend the CLIFF PATH when subdividing Erf 12257

From: "Dr S. Hopley" <hopley@iafrica.com>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/16 05:01 PM
Subject: Demand to extend the CLIFF PATH when subdividing Erf 12257



To whom it may concern:

Comments on ERF 12257 subdivision / Demand for extending the Cliff Path around Poole's Bay:

The extension of the cliff Path is in the interest of the public (residents and tourists alike), who should have the right to a safe walk between the town and residential and beach areas, instead of being forced alongside a very busy Main road on a narrow pavement, just to protect the privacy of a privileged few residents in Poole's Bay area. Extension of the pathway along the coast, uninterrupted, would benefit ecotourism to the town in general.

I request that the Municipality, when considering the Application for Subdivision of ERF 11257 (15 Quantum Street, Eastcliff, Hermanus), apply the provisions of the Coastal Management Act section 18(9) to secure longshore access for the public to the coast by servitude right of way in favour of pedestrian access. Please make provision for the extension of the Cliff Path in front of Erf 12257, because of the difficult terrain between the high water line and the sea in front of ERF11257, which makes access difficult to not step onto private property when walking the path, especially so with high tide.

Regards

Dr W.S. Hopley
 Owner: Unit R7, Meerensee, Hermanus
 Cell: 083 961 7199
 Work: 021 9399310
 Email: hopley@iafrica.com

FILE NO:	EL 12257 ✓
	Hermanus
SCAN NO:	HOPLEY
COLLABORATOR NO:	1286541

16 MAY 2019

Alida Conradie - cliff path

12257 KFC

TRATHAAT
(HOLIVIA)



From: "Hennie Theron" <hennie72@vodamail.co.za>
To: <alida@overstrand.gov.za>
Date: 2019/05/16 03:36 PM
Subject: cliff path

Lady, It makes no sense that of the distance from new harbour to grotto beach only the couple of hundred yards at Jooste to Mollergren are not accessible to the public. I fully support the CPAG group's effort to have this opened, esp. for promotion of tourism but also locals who walk the cliff path regularly. Please do all you can to make this happen. Regards Hennie and Ilza Theron---erf 2324.

FILE NO:	EL 12257
	Hermanus
SCAN NO:	THERON
COLLABORATOR NO:	1286546

16 MAY 2019

68

Alida Conradie - Cliff path extension...

12257 HEC

TRATheat
(Hofwies)

From: Hayley van der Walt <hayley@whalemail.co.za>
To: Aconradie <aconradie@overstrand.gov.za>
Date: 2019/05/16 05:46 PM
Subject: Cliff path extension...



Hello! I'm just sending an email as requested by the cliff path action group to please, please ask you to consider the extension of the cliff path in front of the Joost property. This most beautiful asset to our town would be so enhanced by the proposed new route, it would be something we could be so proud of. It really is quite awful to have that current bypass up onto the main road. My hubby and I run a busy guest house in town and send all our guests on the path, they always mention what a shame about the road section and ask why? I never really have an answer for them 😊. Kind regards, Hayley Van der Walt

FILE NO:	EL 12257
	Hermanus
SCAN NO:	HAYLEY
COLLABORATOR NO:	122547

16 MAY 2019

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12257 HEC

**Alida Conradie - COMMENT REGARDING MUNICIPAL NOTICE NO 43/2019 FROM
AFFECTED AND INTERESTED PARTY: CLIFF PATH ACTION GROUP (CPAG)**

From: Danie Folscher <danie@huginvest.co.za>
To: "aconradie@overstrand.gov.za" <aconradie@overstrand.gov.za>
Date: 2019/05/16 07:43 PM
Subject: COMMENT REGARDING MUNICIPAL NOTICE NO 43/2019 FROM AFFECTED
AND INTERESTED PARTY: CLIFF PATH ACTION GROUP (CPAG),
Cc: "ahfolscher@gmail.com" <ahfolscher@gmail.com>

TP - A. Theart
(H. Olivier)

Geagte Munisipale bestuurder, Hermanus.

Ek verwys na die Munisipale Kennisgewing 43/2019.

Ons ondersteun die voorstelle van CPAG (sien hieronder) 100%. Hierdie is 'n ideale geleentheid om weg te beweeg van eksklusiewe bevoorregting tov die Pooles Bay kusstrook, na die erkenning van die publiek se reg tot toegang van hierdie gebied.

Daar is tog geen twyfel oor die belangrikheid van toerisme vir Hermanus nie. Gebruik hierdie geleentheid om die grondslag te lê vir die voltooiing van die kuspaadjie.

Groete

Danie en Anita Folscher
 143 Vierde Straat
 Voëlklip
 Hermanus
 South Africa
 Mobile +27832893840
 Tel: +27 21 863 5483

16 MAY 2019

FILE NO:	EL 12257
	Hermanus
SCAN NO:	DANIE
COLLABORATOR NO:	1286537

10

74/208

From: Johan Verduell <dieull@mac.com>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/16 08:21 PM
Subject: Pooles Bay Kusstrook



TPA Theat
 CH Olivier)

Die Munisipale Bestuurder,
 Hermanus.

Ons verwys na Munisipale Kennisgewing 43/2019.

Ons ondersteun die voorstelle van CPAG (Cliff Path Action Group) volkome. Hierdie is 'n ideale geleentheid om wag te beweeg van eksklusiewe bevoorraging tov die Pooles Bay kusstrook, na die erkenning van die publiek se reg tot toegang van hierdie gebied.

Daar is tog geen twyfel oor die belangrikheid van toerisme vir Hermanus nie. Wat 'n fantastiese geleentheid om ononderbroke te loop vanaf die nuwe hawe al die pad na Grotto.

Gebruik asseblief hierdie geleentheid om die grondslag te lê vir die voltooiing van die kuspaadjie.

Baie dankie.

Johan en Jeanne Verduell

86 Lakewood Village
 Fernkloof
 Hermanus
 7200

FILE NO:	EL 12257
	Hermanus ✓
SCAN NO:	JOHAN
COLLABORATOR NO:	1286533

16 MAY 2019

(11)

Alida Conradie - EXTENSION OF CLIFF PATH IN FRONT OF ERF 12257

12257 HEC TRATheat
(CH Olivier)

From: Christo Bester <besterxo@gmail.com>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/16 01:20 PM
Subject: EXTENSION OF CLIFF PATH IN FRONT OF ERF 12257



Hi,

I would like to request the municipality to make provision for the extension of the cliff path in front of erf 12257.

I am a regular user of the cliff path. The diversion along the main road between Sea Road and Mollergren Park Retirement village spoils the whole experience of one of the most beautiful shoreline paths in the world.

The extension of the path will complete this beautiful walk, which is in my opinion one of the greatest assets Hermanus has from a tourism perspective. Breaking this route spoils the whole natural experience.

I also think the municipality owes it to its ratepayers.

Kind regards,

Christo Bester
 2 Oude Fonteyne
 John Goussard Street
 Onrus River
 7201
 South Africa
 +27824621131
 Besterxo@gmail.com

Sent from my iPad

FILE NO:	EL 12257 ✓
	Hermanus
SCAN NO:	BESTER
COLLABORATOR NO:	1286566

16 MAY 2019

(12)

Alida Conradie - Erf 12257

12257 HEC

TRA Theat
(Hollister)

From: "Gmail (kcoetzee3101)" <kcoetzee3101@gmail.com>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/16 02:19 PM
Subject: Erf 12257
Cc: <info@disabledtravel.co.za>



Ek doen hiermee aansoek om gelys te word as deelnemer/belanghebbende in die aansoek van erf 12257
 En
 Versoek dat die kuspaadjie vir voetgangers/cliff path verleng word voor hierdie erf verby. Die publiek
 moet toegang kry tot die kusroete.

Ek woon in Eastcliff en gebruik gereeld die roete om te stap, neem ook toeriste en besoekers om daar te
 stap.
 Dit sal ook die toegang veiliger en makliker maak vir bejaardes en persone met gestremdhede.

Beste groete

Karin Coetzee
 Occupational Therapist / Disability Consultant
 www.disabledtravel.co.za
 Cell 082 9233 201

FILE NO:	6212257
	Hermanus
SCAN NO:	KARIN
COLLABORATOR NO:	1286574

16 MAY 2019

73

12257 HEC

Alida Conradie - Fwd: Subdivision of Erf 12257 - Municipal Notice 43/2019

From: <franslaubscher@absamail.co.za>
To: <alida@overstrand.gov.za>
Date: 2019/05/16 03:04 PM
Subject: Fwd: Subdivision of Erf 12257 - Municipal Notice 43/2019

TR A Theart
(Holmar)



16

Die Munisipale Bestuurder,
 Mei 2019

Overstrand Munisipaliteit

HERMANUS

7200

Aandag: Me A Conradie

Geagte Dame

FILE NO:	EL 12257
SCAN NO:	Hermanus ✓
COLLABORATOR NO:	FRANS
	1286554

Met verwysing na Munisipale Kennisgewing, no.43/2019, lewer ons graag die volgende kommentaar:

Ons besoek Hermanus jaarliks al sedert 1965 en sedert 2009 woon ons hier permanent. Aanvanklik het ek bykans elke dag die kuspaadjie gedraf, maar deesdae stap ek gedeeltes van die paadjie vier keer 'n week. Aangesien ek in die Krugerwildtuin vir bykans dertig jaar gewerk het, is ek baie lief om in die natuur te stap. Die kuspaadjie bied 'n gulde geleentheid vir beide my en my vrou om ons fiks te hou. Ons het een keer in 'n week tot in die dorp vanaf Voelklip, waar ons bly, gestap, maar deesdae, a.g.v ons ouderdom sien ons nie meer kans om die gedeelte langs die Hoofweg te stap nie. Uit die aard van die saak is dit gevaarlik, want die sypaadjie is op sommige plekke baie nou en sommige motoriste ontsien nie om teen abnormale snelhede daar te ry nie.

Ons ondersteun dus die voorstelle van die Cliff Path Action Group (CPAG) ten volle – sien aangehegte skrywe. Ons is van mening dat die publiek se reg van toegang tot hierdie "verbode" gebied sodoende erken sal word. Dit is dus 'n ideale geleentheid om weg te beweeg van eksklusiewe bevoorregting van 'n klein groepie inwoners t.o.v van die kusstrook by Poole's Bay.

Soos u verder bewus is, steun die ekonomie van Hermanus hoofsaaklik op toerisme, sowel as die nuwe-effekte wat dit meebring. Die verlenging van die kuspaadjie sal seer sekerlik bydra om besoekers se ervaring van Hermanus net soveel meer te verbeter. Volgens die bekende toerisme aanlyn-groep, Tripadvisor, is die kuspaadjie die gewildste bestemming vir toeriste in Hermanus. Laat ons dus nou hierdie geleentheid om die basis te lê vir die voltooiing van die kuspaadjie, nie laat verbygaan nie.

Groete

16 MAY 2019

(14)

file:///C:/Users/aknoetze/AppData/Local/Temp/XPgrpwise/5CDD7C0FHermanusMu... 2019/05/21



12357 118C

Alida Conradie - COMMENT ON PROPOSED CLIFF PATH EXTENSION

From: "Linda Musson" <lndmusson@gmail.com>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/16 03:21 PM
Subject: COMMENT ON PROPOSED CLIFF PATH EXTENSION

TR A Theart
 C (H Olivier)

FILE NO:	EL 12257 v
	Hermanus
SCAN NO:	LINDA
COLLABORATOR NO:	1286549

Name : Linda Jane D'Aguiar (born Musson)
Address : 343 (Erf 5410) Main Road, Onrust River 7201
Landline : 028-3163013
Cell : 082 656 2682

Reason for Comment : I was born at the Bay View Hotel in 1955 (owned by my family since 1927) and lived there until shortly before it was sold and demolished in 1984. My father was also born at the Bay View and our family therefore has a vested interest in Hermanus and its surroundings.

Firstly, two questions for the CPAG :

Why has an out of town firm, ASHA Consulting (Pty) Ltd from Lakeside, Cape Town, been assigned to do the research ? Why not a local firm ?
 Do any members of ASHA Consulting or CPAG or any of their family or friends live in the area which would be affected ?

Comment :

Any comment I make is factual, derived from the experience of living in Hermanus all these years, walking the coastal paths regularly and not intended to be perceived as elitist, exclusive, politically motivated or any other trending adjective people are so quick to apply in current times.

I am against the extension of the cliff path from Roman Rock to Mollergren Park for the following reasons :

- Having lived at the Bay View I know the terrain is difficult and dangerous so any walkway would have to be expertly designed and would be extremely costly to build – who would fund this project ? Who would maintain it once built ? In my opinion it would be unreasonable to expect Overstrand Municipality to fund it as they already have their hands full trying to repair damage, upgrade infrastructure and keep Hermanus afloat.
- Has CPAG considered the consequences once that area is readily accessible to the public ? If we could believe that only tourists and respectable walkers would use the walkway then yes the gaining of more coastline to enhance the experience of walkers would have merit - but in today's world any honest person would agree that a walkway would also be easy access to private homes for criminals and make that area more accessible to perlemoen poachers.
- Has CPAG considered the impact on homeowners who have owned property in that area for many years, in some cases, generations ? I can think of at least two of these homes that are iconic, historical landmarks of Hermanus. At the time these homeowners bought their properties they bought them legally and 'voetstoets' not expecting their privacy and security to be compromised down the line. Times may have changed but as far as I am aware what your Title Deed contains is what you have bought unless proven otherwise. I

16 MAY 2019

am aware that the high water mark issue in Title Deeds will be challenged and I am also aware that it is the CPAG's hope that the Bay View swimming pool could be declared a public pool. I deem the CPAG's drive undemocratic and thoughtless – would a minimal amount of extra coastline really affect Hermanus's tourist industry, whale watchers or local walkers in any way ?

Kindly acknowledge receipt of my comment, thank you.

Kind Regards
Linda

Alida Conradie - CLIFF PATH

12257HEC

TR A Theert
(Holiner)



From: "Carol Roseveare" <rosevearecarol@gmail.com>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/16 01:12 PM
Subject: CLIFF PATH

I hereby would like to ask that the municipality secure the access needed to continue the cliff path at Poole's bay.
The cliff path is one of my favourite walks in Hermanus, but I only always start it at Kraal Rock to walk to Grotto beach, as I do not wish to walk along the busy section on the main road. I walk this route for the scenery and the calming effect of the sea – not tar roads with cars!

I would like to thank the Cliff path action group and the municipality for this wonderful tourist attraction, always well-maintained and safe.

Yours sincerely
CAROL ROSEVEARE
273 4th street, Voelklip
Cell 083255409

Virus-free. www.avast.com

FILE NO:	EC 12257
	Hermanus
SCAN NO:	CAROL
COLLABORATOR NO:	1286571

16 MAY 2019

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Alida Conradie - FW: extension of cliffpath

12257 MEC

TRATHART
(CH Oliver)

From: "Margit Gatzweiler" <info@sikclela.com>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/16 11:55 AM
Subject: FW: extension of cliffpath



Dear Sir

in the Hermanus Times May 15th I read about the possibility of extending the cliffpath in front of Erf 12257. As I think tourism is a large business factor in Hermanus and will continue to grow if it is looked after and if the town caters to the interests and needs of the tourists. We cannot rely solely on the whale season. Now in May/ June the town is dead and empty.

I urge my guests to walk along the cliffpath and the enjoyment would be heightened if the path would not break away to the busy road with all the fumes from the cars being inhaled by the people looking for fresh air!

So please, do not let this opportunity pass, I can't think why the municipality even has to be urged to take this step, it is logical and necessary and if you are working for the wellbeing of the town this should be treated as a matter of urgency.

Warmest wishes
 Margit Gatzweiler

resident of 11 Mossie Ave, Northcliff
 Hermanus 7200
 cell: 083 252 4590

FILE NO:	EL 12257
	Hermanus
SCAN NO:	MARGIT
COLLABORATOR NO:	1286560

16 MAY 2019

(7)

13387 HEC

**REQUEST TO THE OVERSTRAND MUNICIPALITY
TO MAKE PROVISION FOR THE EXTENSION OF THE CLIFF PATH IN FRONT OF ERF 12257**

For the attention of: Mr A Conradie

From: Mr [and Mrs] Christopher J Waterworth
14, The Quarterdeck
Mariners Village,
Church Street,
Westcliff,
HERMANUS
7200

Telephone: 0848682535
E-mail: c.waterworth01@gmail.com



TRATHHEAD
CH Oliver

Reference: The Village News dated 15 May 2019 –
Article by Jobre Stasson, Chairperson, Cliff Path Action Group:
"Jooste property holds key to coastal access"

Mr Conradie,

I was brought up in the industrial north of England and my childhood memories are of smoke-blackened stone buildings constructed in the Victorian era when the cities and towns prospered, when wool and cotton mills dominated the landscape, and when the railway infrastructure was established to transport goods around the world. Today, much of that has changed: most of the buildings have been pulled down to make way for progress and "better times". The town centres are now composed mostly of featureless rectangular concrete office blocks, some dating back to the 1960s. All that remain of the early towns are the many sepia photographs of a bygone era and a few surviving remnants of buildings that have been salvaged and cleaned to reveal the wonderful architecture and craftsmanship of the masons and builders who built them. But the current generation of residents do not appreciate the modernisation; instead, they bemoan the loss of their heritage and point out, by reference to the remaining buildings, what could have been done in their towns and cities instead. They ask how the developers could have been so short-sighted to miss the opportunity to repurpose the buildings and retain and enhance the unique assets that were characteristic of their towns, all now gone, never to be recovered.

Hermanus, of course, is nothing like my home town. Situated in the beautiful Walker Bay and surrounded by the ancient Cape Fold Mountains, it is the idyllic coastal town with a universal appeal. And set, as it is, in the heart of the Cape Floral Kingdom it has a unique heritage well worth protecting for the enjoyment of current and future generations of residents and visitors alike. In a time when mankind is only just beginning to realise the fragile nature of the world we live in Hermanus is well placed to be a leader in conservation and eco-friendly tourism. It has got off to a good start. The early pioneers of the town made good choices and, amongst them was the visionary Eric Jones who, in 1960 proposed to the then Horticultural Society that the sea front of Hermanus and its cliffs should be made available for the enjoyment of everyone.

The Hermanus Cliff Path, built, reconstructed and maintained by the Cliff Path Management Group through private donations and the support of the Overstrand municipality and now incorporated into the Fernkloof Nature Reserve is a key asset of Hermanus. Rambling along the cliffs, overlooking

19 MAY 2019

FILE NO:	EL 12257
	Hermanus
SCAN NO:	
COLLABORATOR NO:	128657b

(68)

the sea, and winding through fynbos vegetation unique to the area the path allows tourists and residents alike to walk along its 12 kilometre length at leisure – a beautiful walk in its own right but made more interesting, in season, by the Southern Right whales and other sea creatures that can be seen from it.

To me, the only detraction on this walk has been the relatively short section from Kraal Rock to Mickey where sea front access has been denied and where the walker is directed to the pavement of the busy R43 from Sea Road to the Mollergren Park Retirement Village - a distance of only around a half kilometre, but one which really spoils the overall cliff path experience. It would be a significant milestone in Hermanus' history if this section could be re-routed to follow the coastline around Poole's Bay!

My understanding is that a unique opportunity now presents itself to remedy this situation. The announced application to subdivide ERF 12257 [15 Quantum Street, Eastcliff, Hermanus], makes it possible, at last, to apply the Integrated Coastal Management Act, section 18(9) to secure longshore access to the coast by servitude right of way in favour of pedestrian access. This would then facilitate the construction of a safe pathway over the challenging topography of this particular area for the benefit of everyone.

I appeal to you to consider this request seriously. If an opportunity now exists to enhance one of Hermanus' main assets by linking the existing Cliff Path route along the coastline continuously all the way from New Harbour to Plet-se-Bos, including the section around Poole's Bay, it should be taken. Do not let it be said by future generations of Hermanus residents and visitors that the opportunity to improve the cliff path route was wasted by the current decision-makers of the town in the same way as my contemporaries are speaking about the previous generation of short-sighted town planners over ill-advised developments in my home town.

Sincerely,



Chris Waterworth

Hermanus, 2019-05-17

12257 HEC TRATheart
(H Olivier)

Alida Conradie - Fwd: KUSPAD VERLENGING VOOR ERF 12257

From: Cecil Barnard <cecil.barnard@gmail.com>
To: "aconradie@overstrand.gov.za" <aconradie@overstrand.gov.za>
Date: 2019/05/17 07:14 AM
Subject: Fwd: KUSPAD VERLENGING VOOR ERF 12257



----- Forwarded message -----

From: Cecil Barnard <cecil.barnard@gmail.com>
Date: Thu, 16 May 2019 at 16:50
Subject: KUSPAD VERLENGING VOOR ERF 12257
To: aconradie@overstrand.gov <aconradie@overstrand.gov>

Goeie middag

Ek stem ten sterkste dat die kuspaa verleng moet word voor en verby erf 12257.

Dit is heel onaangenaam om padlans te stap, terwyl die mooi uitsig nie geniet kan word nie. Die karre se uitlaat gasse is ook ongesond as mens padlans moet loop.

Cecil Barnard
 20 Sesde laan
 Voëlklip
 7200
 Tel: 0283141538

FILE NO:	ER 12257
	Hermanus
SCAN NO:	CECIL
COLLABORATOR NO:	1286617

17 MAY 2019

(9)

6357 HEC
TRATheart
CH Olivier
Alida Conradie - Extension of cliff path in front of erf 12257, Hermanus

From: "Hennie Roux" <lhroux@telkomsa.net>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/17 11:03 AM
Subject: Extension of cliff path in front of erf 12257, Hermanus



Dear Sir,

On the basis of a recent municipal notice advising an application for the subdivision of Erf 11257, Hermanus, I wish to request the municipality to make provision for the extension of the Hermanus Cliff Path in front of Erf 12257, as part and parcel of the subdivision approvals process.

My particulars are: Name:- Louis Hendrik Roux
Address:- 82 Eighth Street, Voëlklip, Hermanus
Contact:- Phone 028 314-1439
Cell 083 742 5965
e-mail lhroux@telkoms.net

I have been a permanent resident of Hermanus since 2007, and an annual visitor since 1951. I am currently a volunteer for the upkeep of the cliff path and know that the Cliff Path is an amazing asset to the Hermanus tourism attraction. Over the years it has been an eye sore and a sadness to see the groups of overseas visitors being forced to "leg it" along the main road (along a sidewalk that has many narrow parts) with its heavy traffic, because the Cliff path does not extend along the whole seafront. There is a growing groundswell of public voice that wants to see the cliff path extended. The municipality now has the opportunity to rectify an omission and ensure that adequate provision is made in the condition of approval to secure public access to that coastal public property.

The Municipality is urged to do what is right and secure public access to the seashore in front of Erf 12257, Hermanus.

Regards

L H (Hennie) Roux

FILE NO: 6212257 v
Hermanus
SCAN NO:
ROUX
COLLABORATOR NO:
1286575

17 MAY 2019

(80)

12257 HEC TR-A Theart
(Holivier)

Alida Conradie - EXTENSION OF CLIFF PATH @ ERF 12257, HERMANUS

From: Karin Butler <knkbutler@gmail.com>
To: "aconradie@overstrand.gov.za" <aconradie@overstrand.gov.za>
Date: 2019/05/17 07:05 AM
Subject: EXTENSION OF CLIFF PATH @ ERF 12257, HERMANUS



To whom it may concern

I am very much in favour for the cliff path to extend in front of ERF 12257 at Eastcliff, Hermanus.

Hermanus is predominately a tourist town, and the cliff path extension will be an enhancement for tourists to view the whales and the general beauty of Walker Bay.

Secondly, it is not acceptable to deal with the gas emissions of the passing cars along Main Road. It is two vastly contrasting environments to be used differently.

Karin Butler
38 Prestwick Village
Ferkloof Estate
Hermanus
7200

17 MAY 2019

FILE NO:	EL 12257
	Hermanus
SCAN NO:	BUTLER
COLLABORATOR NO:	1286580

(31)

Alida Conradie - Hermanus cliff path

12257 HEC TP-A Theat
CH Olivier)

From: Catherine Corder <corders@iafrica.com>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/17 08:16 AM
Subject: Hermanus cliff path



Dear A Conradie

As a regular visitor to Hermanus I fervently support the move to complete the cliff path into town. It would benefit both residents and visitors.

Regards
Catherine Corder

31 Thornhill Rd
Rondebosch
Cape Town

17 MAY 2019

FILE NO:	EZ 12257K
	Hermanus
SCAN NO:	CORDER
COLLABORATOR NO:	1286578



Alida Conradie - Extension of Cliff Path Erf 12257

TP-A Theart
(Holinger)
19257 HEC

From: "Eastbury Cottage" <eastbury@hermanus.co.za>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/18 02:00 PM
Subject: Extension of Cliff Path Erf 12257



Dear Mr Conradie,

Please accept this as a plea for provision to be made to extend the existing cliff path of Hermanus in front of Erf 12257.

Extension of our cliff path will increase the value of this, one of our most sought after and popular tourist attractions. It will be such a huge asset to our area Eastcliff, where our guest house is situated. When explaining to guests about our cliff path, it seems so silly to have to tell them to return to the main road should they want to continue walking the cliff path from Eastcliff to Grotto Beach.

A continuous cliff path walk along the ocean front from New Harbour to our beaches in the east, will be promoted worldwide and will serve to enhance the already beautiful natural coastline of Hermanus...an asset for all to enjoy.

We look forward to a successful outcome.

Kind regards
Jenny Bowes Meyer (Owner)
Denise Halbert (Manager)
Craig Meyer (Deputy Manager)

*Eastbury Cottage****

Self-catering and B+B

36 Luyt Street
Hermanus
7200

Tel: +27 (0) 283121258
Mobile: +27 (0) 826584945

Web site: www.eastburycottage.co.za
email: eastbury@hermanus.co.za
Face Book: Please become a fan on our page
www.facebook.com/eastbury.cottage.hermanus.accommodation
GPS Co-ordinates: S -34.413268 E 19.245515

FILE NO:	EC 12257
	Hermanus
SCAN NO:	JENNY
COLLABORATOR NO:	1286523

18 MAY 2019

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Alida Conradie - Cliff Path

TRW Theart
C H Olivier) 12257 HEC.

From: "Toms" <toms@hermanus.co.za>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/18 01:36 PM
Subject: Cliff Path



We would like to add our strongest support for the extension of the cliff path in front of erf 12257. We are in the hospitality business in that we own quite a busy self-cater-unit. We always urge first-time visitors to explore our unique cliff path all along the sea. And they love it! Invariably! However, every time we describe this opportunity to them, we need to haul out the map and explain that there is a break in the path; explain where it occurs and just how they can RE-FIND the path. This path is one of the most unique and beautiful experiences Hermanus has to offer tourists who are our life-blood. The break in this path is a REAL 'spoiler'. It is a blot in an otherwise perfect experience and, whatever it takes, PLEASE can we be rid of it.

Pam Toms

DOVECOTE COTTAGE

Phone: 028 312 2915

Cell: 072 791 0458

FILE NO:	EL 12257
	Hermanus ✓
SCAN NO:	PAM
COLLABORATOR NO:	1286519

18 MAY 2019

(24)

TR A Theart
(H olive) 13257 HEC

Alida Conradie - RE: Cliff path extension

From: "On the Cliff Quest House" <onthec Cliff@hermanus.co.za>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/18 01:07 PM
Subject: RE: Cliff path extension
Cc: "Jobre Stassen" <jobre@iafrica.com>



Dear Sir/Madam

It is very obvious that the cliff path should extend along the sea front, in front of Jooste's property. This cliff path is a huge asset to tourism in Hermanus and it is pretty obvious to me that the Municipality was not acting in our interests in how they have handles this cliff path issue. In my opinion this is public land/marine reserve and to give sole use of this to single house holds could only have been done for outside the authority vested in the Municipality at that time. Please note we believe you are still a DA municipality and all the posters read One SA for All.

Regards,

Charmaine Leaf-Wright
42 Westcliff road



On the Cliff
★★★★

+27 (0) 28 3132806



FILE NO:	EL 12257
	Hermanus
SCAN NO:	CLIFF
COLLABORATOR NO:	1286583

From: Jobre Stassen <jobre@iafrica.com>
Sent: 18 May, 2019 08:32
To: onthec Cliff@hermanus.co.za; info@aubergeprovence.co.za; info@penguino.co.za;
rightroom@hermanus.co.za; lafont@hermanus.co.za; info@hermanusesplanade.com;
bambooguest@mweb.co.za; auberge@hermanus.co.za; bookings@norfolkguesthouse.co.za;
moobag@mweb.co.za

610Z JVN 8 1

85

TR A Heart
(H Olivier)
12257 HEC

Alida Conradie - Cliff path in front of erf 12257

From: "Norfolk Hermanus" <bookings@norfolkguesthouse.co.za>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/18 12:02 PM
Subject: Cliff path in front of erf 12257



This is a plea to Overstrand municipality to make provision for extension of cliff path in front of erf 12257

The cliff path is one of our very important and valuable assets in Hermanus. This asset benefits local visitors and tourists and strengthens the attraction of our area which in turn boosts our economy.

Storm Kreusch
Norfolk Guest House
30 Church Street
Hermanus
0765261000
<https://www.norfolkguesthouse.co.za/>
<https://www.facebook.com/norfolkguesthermanus/>

FILE NO:	EL 12257
	Hermanus ✓
SCAN NO:	STEM
COLLABORATOR NO:	1286591

18 MAY 2019

86

Alida Conradie - subdivision of erf 12257

TR Thank
C Holivier 12257 HEC

From: "Colin Anderson" <colin@hermanus.co.za>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/19 12:15 PM
Subject: subdivision of erf 12257



Attention Hermanus Municipality

With regards to the proposed subdivision of erf 12257

The application for subdivision of erf 12257 provides the golden opportunity for the local municipality to apply the Integrated Coastal Management Act section 18(9)

to secure longshore access to the coast by servitude right of way in favour of pedestrian access.

In accordance with Section 18(9) each municipality approving the rezoning, subdivision or development of a land unit within or abutting on coastal public property

MUST ensure adequate provision is made in the conditions of approval to secure public access to that coastal public property, which includes the seashore.

For the 30 years I have lived in Hermanus I have been diverted along the Main Road/R43 at Mollergren Park and Sea Road when walking the cliff path.

The opportunity now exists whereby the municipality could correct this through the proper subdivision of erf 12257.

I would hereby wish to show my support for such an action.

w/thanks

Colin Anderson

11 Lord Roberts Road

Eastcliff

0727566677

FILE NO:	EL 12257 /
	Hermanus
SCAN NO:	COLIN
COLLABORATOR NO:	1286620

19 MAY 2019

Alida Conradie - Cliff Path

TRA-Heart
(H Olivier)

10257 HEC

From: "Richard Franck" <rfranck30@gmail.com>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/20 08:22 AM
Subject: Cliff Path



Dear sir

I am in support of the cliff path action group.

To be able to walk along our beautiful coastline without having to be redirected along a busy and noisy main road would be wonderful. How this happened in the first place defies logic.

I also feel that from a tourist and local point of view to have your unspoilt, quiet, peaceful walk interrupted spoils the experience.

Regards

Richard Franck
131 8th Street
Voelklip
Hermanus
7200
Cell No : 082 320 1328
Home No : 028 314 0299

Virus-free. www.avast.com

FILE NO:	EL 12257 ✓
	Hermanus
SCAN NO:	FRANCK
COLLABORATOR NO:	1286501

20 MAY 2019



Alida Conradie - CLIFF PATH EXTENSION

12257 HEC

From: "Sue Franck" <francks@intekom.co.za>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/19 12:00 PM
Subject: CLIFF PATH EXTENSION



TRATHAART
C. Olivier

Good Day

I am writing to you in connection with making provision for the extension of the cliff path in front of Erf 12257.

Hermanus is essentially a tourist town, depending largely on tourists to keep the economy going. It is therefore a 'no brainer' that the extension of the cliff path would be a huge draw card. Where else in the world could one find a path that is approximately 5km long (from Grotto Beach to the CBD) and offers both beautiful scenery and whale watching at the same time. At present, the approximate 1km of 'path' on the main road is not only hazardous to one's health (car fumes) but also noisy and dangerous. I have encountered many a taxi speeding along the main road at all times of the day.

The extension of the cliff path would be a wonderful asset to Hermanus, and added to that, whales, indigenous fynbos, wonderful restaurants, wine cellars, etc, who would not want to come and visit this beautiful town.

My sincere hope is that the municipality seriously consider extending the cliff path for not only tourists to enjoy, but also the local folk.

Regards

Sue Franck

Sue Franck
PO Box 344
Hermanus 7200

131 8th Street
Voelklip
Hermanus 7200
Tel: 028 314 0299
Cell: 072 230 9169
Email: francks@intekom.co.za

FILE NO:	EL 12257 v
	Hermanus
SCAN NO:	SUE
COLLABORATOR NO:	1286502

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19 MAY 2019

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12257 HEC
Alida Conradie - Cliff path: Sub-division Application, Erf 12257, Eastcliff, HERMANUS

From: "Gerrit Lombard" <gerrit@lombardconsult.com>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/19 09:01 AM
Subject: Cliff path: Sub-division Application, Erf 12257, Eastcliff, HERMANUS
Cc: <info@cafefrank.com>, <tamee@iafrica.com>
Attachments: oledata.mso



TR A Theart
 C Holwer

Dear Ms Conradie,

I, Gerrit Alta LOMBARD (ID: 4304295036083) as a resident and property owner in Hermanus and ardent user of The Cliff Path, hereby would like to support the proposed sub-division of erf 12257, Eastcliff (15 Sea Road or Quantum Street, Eastcliff, HERMANUS) under the one condition: THAT A SERVITUDE BE REGISTERED, ABOVE THE HIGH WATER LINE ALONG THE SEA FRONT OF ERF 12257, FOR THE PURPOSE OF EXTENDING THE CLIFF PATH. I am of the opinion that the width and actual positioning of the suggested servitude will have to be established by specialists in the fields of conservation and town planning together with community involvement through the Cliff Path Action Group.

It will be appreciated if you could acknowledge receipt of this letter and keep me informed on the progress of the application. My postal address id PO Box 1188, HERMAUS, 7200. Should any of this feedback have to be delivered by hand, my street address is 32 Westclif Road, Westcliff, HERMANUS, 7200.

Kind regards

G A LOMBARD Pr Eng
 Reg no. 850337

FILE NO:	EL 12257
	Hermanus
SCAN NO:	LOMBARD
COLLABORATOR NO:	1286508



Gerrit Lombard Pr. Eng
 LOMBARD CONSULTING

Cell: 082 551 5004
 E-mail: gerrit@lombardconsult.com

PS: Please note that my e-mail address has changed to: gerrit@lombardconsult.com

The views expressed in this e-mail are, unless otherwise stated, those of the author and not of Lombard Consulting Engineers or its management. The information is confidential and is intended solely for the addressee. All reasonable steps are taken to ensure the accuracy.

19 MAY 2019

90

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TR-1A Theat
(H Olivier)
12257 HEC

Alida Conradie



From: Saria Malherbe <saria.malherbe@gmail.com>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/19 01:25 PM

To whom it may concern, my husband and I life long Hermanus residents urge the municipality to for once and for all open thd cliff path to our visitors and residents alike.

Saria Malherbe
082 78003
21 cape willow str

Regarda

FILE NO:	EL12257 ✓
	Hermanus
SCAN NO:	SARIA
COLLABORATOR NO:	1286582

19 MAY 2019

91

97/208



12257 HEC

TR A Theat
C Holmer

From: David Wium <dwium@xtra.co.nz>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/19 10:39 PM
Subject: Cliff Path Hermanus

Dear Mr/ Ms Conradie

The Hermanus cliff path must surely be one of the most beautiful pathways in the world. I feel it would be of enormous economic benefit to promote this path and to ensure it is completed all the way through to Grotto Beach. Diverting onto the main road is unsightly and stops people from completing it - it would attract more people if it was connected and therefore make it safer (more people around makes things safer)

My interest in this goes back 4 generations and at present my mother lives in Hermanus permanently (and has done so for over 20 years) Previously we have always every January holidayed there for many many years (my family have been holidaying in Hermanus since about the 1950's) Last year I walked the section past Poole Bay and it is stunningly beautiful and should be accessible for all to enjoy - what a tourist attraction this could be!

Thank you for your consideration.

Regards
Frances Wium

18 A Hill Street
Hermanus

FILE NO:	EL 12257
	Hermanus ✓
SCAN NO:	Wium
COLLABORATOR NO:	1286613

19 MAY 2019



Alida Conradie - Extension of Hermanus Cliff Path

TR A Theart
(H Olivier) 13257 HFC.

From: "David Stonestreet" <david@devs.co.za>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/20 10:58 AM
Subject: Extension of Hermanus Cliff Path



Hi Mr Conradie,

I write to you as a user of the Cliff Path on the many occasions I visit Hermanus on Holiday and to visit my mother in-law who is a resident in Voelklip.

I have always wondered why the path didn't continue through to the centre of Town and was told that it went through private land. As far as I am aware the area below the high water mark is accessible to all persons and although requiring the relevant environmental approvals is not hampered by other legislation. It does however look like the residential even in this area end way above the high water mark and there is indeed space here for public access. It may be that in places as this area is rocky and difficult to traverse, that that is why a path has not been constructed? It may also be that influential persons owning these properties have objected to public access on the sea view side of their properties? By now it is clear there is an overwhelming desire to link the town centre with eth rest of the Cliff path.

Being an Engineer myself, the technical details of how one constructs a path over this rocky terrain is easily solvable. What's required is the will and support of the Municipality to approve such construction. It would be good to obtain an aerial photo showing the erf boundaries to confirm the proposed route of the extension – could you provide this? I would also be willing to do some structural design for your approval should this be required.

I look forward to hearing from you.

Regards,

David Stonestreet Pr Eng



T 021 689 2377 | C 083 3012237 E david@devs.co.za
16 Chester Road, Rondebosch, Cape Town, South Africa
www.devs.co.za

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FILE NO:	EZ 12257
	Hermanus ✓
SCAN NO:	DAVID
COLLABORATOR NO:	1286630

20 MAY 2019

93

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Alida Conradie - Erf 12257 - Cliff path access

TRA Theart
C H Olivier) 12257 HEC

From: Robyn McLean <robyn@sited.co.za>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/20 08:36 AM
Subject: Erf 12257 - Cliff path access
Cc: Jobre Stassen <jobre@iafrica.com>



To whom it may concern

I am writing in support of the extension of the cliff path. It is a crying shame that Hermanus's awe inspiring beauty and natural attractions are cut short by a cliff path that abruptly ends to make way for some ill-gotten land privileges of a few elite residents.

Tourism should take precedence over other concerns – tourism benefits every one of the Hermanus residents. And a walkway of this nature would improve the general lifestyle of all nature lovers and walkers in Hermanus too.

In short, we cannot see a good, competent or legal reason why this shouldn't be implemented.

Kind regards

Robyn McLean

13 Willoughby Drive
Noordhoek
Cape Town

Holiday home in Voelklip

0823024002

FILE NO:	EL 12257V
	Hermanus
SCAN NO:	ROBYN
COLLABORATOR NO:	1286624

20 MAY 2019





12257 HEC

Alida Conradie - Cliff Path Extension

From: Sebastian Berinato <sb@themarine.co.za>
To: "aconradie@overstrand.gov.za" <aconradie@overstrand.gov.za>
Date: 2019/05/20 11:40 AM
Subject: Cliff Path Extension

TRATheart
(CH Oliver)

Dear, Mr Conradie, hope you are well.
Please make provision for the Cliff path extension and grant a servitude right of way above the high watermark for all of us to use, including the many tourists who visit our shores.
Kindest regards

SEBASTIAN BERINATO - GENERAL MANAGER
sb@themarine.co.za | 027 (0) 28 313 1000 | thestrand.co.za



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FILE NO:	EL 12257
	Hermanus
SCAN NO:	SEBASTIAN
COLLABORATOR NO:	1286636

20 MAY 2019



*TRATHAAT
CHOLIVIER 12257 HEC*

Alida Conradie - Cliff Path

From: "Hermanus Tourism" <infomanager@hermanus.co.za>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/20 04:30 PM
Subject: Cliff Path



Good day,

I hereby confirm that Hermanus Tourism Bureau supports the request to the Overstrand Municipality to make provision for the extension of the Cliff Path on front of Erf12257

Kind regards,

Nicky Currie



OLD STATION BUILDING 25 MITCHELL STREET HERMANUS
tel: + 27 (0)28 312 2429 infomanager@hermanus.co.za
www.hermanustourism.info



FILE NO:	GL 12257
	Hermanus
SCAN NO:	NICKY
COLLABORATOR NO:	1286640

20 MAY 2019

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Alida Conradie - Cliff Path

12257 HEC

From: Jacques Andre Le Roux <jacques@summerchild.co.za>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/20 04:00 PM
Subject: Cliff Path
Attachments: HermanusTimes-HT-Hermanus-HT012-2.pdf

TRATheart
(H Olivier)

To: Overstrand Municipality
From: Jacques A. Le Roux and Theresa Le Roux
 No. 26 Fernkloof Drive, Hermanus Heights, Hermanus 7200
 Contact No.: 0834002004
Re: Cliff Path Extension

Dear Sir

EXTENSION OF HERMANUS CLIFF PATH IN FRONT OF ERF 12257

Please register our intense interest in the above matter as ratepayers, as investors in the tourism industry in Hermanus, and as avid daily users of the Hermanus cliff path.

The cliff path is a unique, world class amenity. It is a major asset to the town, enjoyed by locals and visitors alike. It is, however, seriously marred by the detour to the R43 around the few properties along the coast between Sea Road and Mollergren Park, where walkers are forced to walk along a busy and unattractive section of the Main Road.

We hereby call on the Overstrand Municipality to act in the interest of the great majority of residents - and the local tourism industry - by enforcing the regulations w.r.t. the extension of the cliff path through Erf 12257.

Sincerely,

Jacques & Theresa Le Roux.

FILE NO:	EL 12257
	Hermanus ✓
SCAN NO:	
	LE ROUX
COLLABORATOR NO:	
	1286645

20 MAY 2019

12257 HEC

From: Ronel Spies <jatgirl@iafrica.com>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/21 11:17 AM
Subject: re access to cliff path in front of erf 12257



TRA Theart
C M Olivier

Ronel Spies
64, 9th Street, Voëlkop, Hermanus
083 303 1065

To Overstrand municipality:

Dear Sir/Madam,
my appeal to you is to allow pedestrians cliff path access along the shoreline of erf 12257 so that it can continue via Poole's Bay.
The diversion at Mollergren Park along the main road is most unfortunate and unnecessary and baffling to human logic.

If the path continues along the shoreline and past erf 12257 it will create a continuous walk from end to end along the beautiful Hermanus coastline.

With the application of the subdivision of Erf 12257 you now have a golden opportunity to apply the Integrated Coastal Management Act section 18(9) to secure longshore access to the coast by servitude right of way in favour of pedestrian access.

I am an avid walker and user of the cliffpath and would welcome and applaud this access.
Kind regards
Ronel

FILE NO:	EL 12257
	Hermanus ✓
SCAN NO:	RONEL
COLLABORATOR NO:	1286710

21 MAY 2019



12257 HEC
Alida Conradie - Re: Cliff path: Sub-division Application, Erf 12257, Eastcliff, HERMANUS



From: "Richardson P" <peterrich@iafrica.com>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/21 11:14 AM
Subject: Re: Cliff path: Sub-division Application, Erf 12257, Eastcliff, HERMANUS

Dear Ms Conradie,

I, Peter Richardson (ID 4904185006086), am a Trustee of the Pippin Trust which is a property owner in Hermanus. I wish to give the Trust's full support to the proposal enumerated upon by Mr Gerrit Lombard below.

Kind regards,

Peter Richardson
36 Westcliff Road

From: Gerrit Lombard
Sent: Sunday, May 19, 2019 9:01 AM
To: aconradie@overstrand.gov.za
Cc: info@cafefrank.com ; tamee@iafrica.com
Subject: Cliff path: Sub-division Application, Erf 12257, Eastcliff, HERMANUS

Dear Ms Conradie,

I, Gerrit Alta LOMBARD (ID: 4304295036083) as a resident and property owner in Hermanus and ardent user of The Cliff Path, hereby would like to support the proposed sub-division of erf 12257, Eastcliff (15 Sea Road or Quantum Street, Eastcliff, HERMANUS) under the one condition: THAT A SERVITUDE BE REGISTERED, ABOVE THE HIGH WATER LINE ALONG THE SEA FRONT OF ERF 12257, FOR THE PURPOSE OF EXTENDING THE CLIFF PATH. I am of the opinion that the width and actual positioning of the suggested servitude will have to be established by specialists in the fields of conservation and town planning together with community involvement through the Cliff Path Action Group.

It will be appreciated if you could acknowledge receipt of this letter and keep me informed on the progress of the application. My postal address id PO Box 1188, HERMAUS, 7200. Should any of this feedback have to be delivered by hand, my street address is 32 Westclif Road, Westcliff, HERMANUS, 7200.

Kind regards

G A LOMBARD Pr Eng
Reg no. 850337

FILE NO:	Erf 12257 ✓
	Hermanus
SCAN NO:	PETER
COLLABORATOR NO:	1286707

21 MAY 2019

(99)

Alida Conradie - FW: Cliff Path Access



12257 HEC

From: <cookie.hermanus@gmail.com>
 To: <aconradie@overstrand.gov.za>
 Date: 2019/05/20 10:15 AM
 Subject: FW: Cliff Path Access

TR A Theart
(C. Olivier)

From: cookie.hermanus@gmail.com <cookie.hermanus@gmail.com>
 Sent: 20 May 2019 10:11 AM
 To: aconradie@overstrand.gov
 Subject: Cliff Path Access

I live at 45 Fifth St., Voelklip. I can be contacted via email at cookie.hermanus@gmail.com or by phone on 082 415 9157.

I am fully in support the Cliff Path Action Group in their efforts to extend the cliff path at Poole's Bay so that all walkers are able to walk along the cliff path uninterrupted. Access for residents and tourists will be a great addition to our wonderful path. I hope the municipality will take the opportunity to finalise this matter.

Regards
 Beatrice Kershaw

FILE NO:	EL 12257
	Hermanus ✓
SCAN NO:	BEATRICE
COLLABORATOR NO:	1286629

20 MAY 2019

(100)

12257 HEC
 TP - A Theart
 C. Olivier
 106/208
 Alida Conradie - FW: Comments on Subdivision of erf 12257, Eastcliff, Hermanus
 Municipal Notice No 43-2019

From: "Jobre Stassen" <jobre@iafrica.com>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/18 06:26 AM
Subject: FW: Comments on Subdivision of erf 12257, Eastcliff, Hermanus; Municipal Notice No 43-2019
Cc: "Clarissa Molteno" <clarissa@naturalresourcelaw.co.za>
Attachments: Locality Map Erf 12257.jpeg; Erf 12257 Topography.pdf; Notice 43-2019.jpeg; NON-COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL MANAGEMENT: INTEGRATED COASTAL MANAGEMENT ACT OF 2008 & NEMA: ACCESS TO COASTAL PUBLIC PROPERTY; Letter Municipal Manager 26 Oct 2018.pdf; LUPO Motivation report Erf 1233.pdf; 12 Overstrand Municipality.pdf; 190516 - Comments on proposed subdivision of Erf 12257.docx



Hi Alida

I am sending you this mail without the 3MB file (Erf 1233 setback checklist) attached. That I did via the Overstrand upload facility.

Please let me know if anything is not clear.

All the best

Jobre Stassen

082 896 4527

From: Jobre Stassen <jobre@iafrica.com>

Sent: Saturday, 18 May 2019 06:09

To: 'aconradie@overstrand.gov.za' <aconradie@overstrand.gov.za>

Cc: 'leptieshaam.Bekko@westerncape.gov.za' <leptieshaam.Bekko@westerncape.gov.za>; Johan de Waal <hjdewaal@law.co.za>; 'Jan@marinebulksa.com' <Jan@marinebulksa.com>; 'Clarissa Molteno' <clarissa@naturalresourcelaw.co.za>

Subject: Comments on Subdivision of erf 12257, Eastcliff, Hermanus; Municipal Notice No 43-2019

FILE NO:	EL 12257 ✓
SCAN NO:	Hermanus
COLLABORATOR NO:	JOBRE
	1286552

Dear Municipal Manager and Director: Infrastructure and Planning, Overstrand Municipality

18 MAY 2019

(10)

file:///C:/Users/aknoetze/AppData/Local/Temp/XPgrpwise/5CDFA5A2HermanusMu... 2019/05/21

Dear Municipal Manager and Director: Infrastructure and Planning, Overstrand Municipality

RE: REQUEST FOR COMMENTS IN MUNICIPAL NOTICE NO. 43/2019 ON THE APPLICATION IN TERMS OF SECTION 16 AS READ WITH SECTION 22 OF THE OVERSTRAND MUNICIPALITY BY-LAW ON MUNICIPAL LAND USE PLANNING, 2015, ("BY-LAW"), FOR THE SUBDIVISION OF ERF 12257, EASTCLIFF, HERMANUS ("SUBDIVISION APPLICATION")

From: Interested and Affected Party: Cliff Path Action Group ("CPAG")

Contact details: Chairperson of CPAG: Mrs J Stassen, 24 Monmouth Avenue, Claremont, 7806

INTEREST IN THE SUBDIVISION APPLICATION AND REASONS FOR THE COMMENTS: AS IS FURTHER SET OUT BELOW

The above matter refers. Please find set out below, CPAG's comments on the Subdivision Application. These comments have also been sent to the Department of Environmental Affairs & Development Planning ("DEA&DP") which CPAG has also formally requested to comment on the Subdivision Application.

A. LEGISLATIVE CONTEXT WITHIN WHICH THE SUBDIVISION APPLICATION MUST BE CONSIDERED

Promotion of Administrative Justice Act, 2000 ("PAJA")

1. PAJA gives effect to the constitutional right of every person, including juristic persons such as CPAG, to "*to administrative action that is lawful, reasonable and procedurally fair*".
2. Decisions taken by authorities, such as the Overstrand Municipality, on planning applications in terms of the By-law must be lawful, reasonable and procedurally fair. If not, such decision can be set aside on review to the High Court.

3. While Overstrand Municipality appears at first glance to be complying to date with the requirement to be procedurally fair in relation to the Subdivision Application, Overstrand Municipality must also ensure that the decision on the Subdivision Application ("**Subdivision Decision**") is lawful and reasonable.
4. In order for the Subdivision Decision to be lawful, the decision must be taken in compliance with all the requirements of the applicable legislation, including at the very least, the overarching legislation of the National Environmental Management Act, 1998 ("**NEMA**"), the Western Cape Land Use Planning Act, 2014 ("**LUPA**") and the National Environmental Management Act: Integrated Coastal Management Act ("**NEM: ICMA**"), and all the relevant official planning policies.
5. Therefore, in order to make a lawful Subdivision Decision, at the very least and in addition to the By-law, consider the legislation set out below.

Spatial Planning and Land Use Management Act, 2013 ("**SPLUMA**")

6. Section 42(2) of the Spatial Planning and Land Use Management Act, 2013 ("**SPLUMA**") states that when "*considering an application affecting the environment, a Municipal Planning Tribunal must ensure compliance with environmental legislation*", (own emphasis) which includes the NEM: ICMA in addition to NEMA.

Western Cape Land Use Planning Act, 2014, ("**LUPA**")

7. It should be noted that the Overstrand Municipality is empowered under section 40 of LUPA when considering and granting land use planning applications, to make conditions for "*the provision of land needed for public places*". "*Public places*" is defined as meaning "*any open or enclosed place, park, street, road or thoroughfare or other similar area of land shown on a general plan or diagram that is for use by the general public and is owned by, or vests in the ownership of, a municipality, and includes a public open space*".

and a servitude for any similar purpose in favour of the general public'. (Own emphasis)

NEMA

8. Section 2 of the National Environmental Management Act, 1998 contains principles which apply to the *"actions of all organs of state that may significantly affect the environment"*. Consequently these NEMA principles must be applied by the Overstrand Municipality.
9. In the Constitutional Court judgment of **Fuel Retailers Association of SA (Pty) Ltd v Director General Environmental Management, Mpumalanga and Others** 2007 (6) SA 4 (CC), the Constitutional Court held that the environmental authorities had misconstrued the nature of their obligations under NEMA (by contending that the need and desirability of the proposed filling station had already been considered by the local authority) and as a consequence failed to apply their own minds to the socio-economic impact of the proposed filling station, a matter which they were also required to consider in terms of NEMA.
10. In essence the Constitutional Court held that *"a municipality considers its decision-making criteria from a town planning perspective when deciding on a rezoning application. A municipality focuses on what land-uses it will allow on a particular property and is constrained by the applicable law to consider whether there is a need for the proposed land-use and whether it is desirable. An environmental authority, conversely, considers whether a proposed development is environmentally justifiable and the environmental authorities are required to consider the impact of the proposed development on the environment, including socio-economic impacts. Reliance on an authorisation by a separate sphere of government acting in terms of a separate competency in terms of the Constitution is not sufficient for the purposes of discharging one's own Constitutional mandate. A land-use planning authority will need to*

consider the effects of a proposed development on the environment independently of the findings of the environmental authority. Similarly, the environmental authority will need to consider the impact of a development independently of the findings of the land-use planning authority. Although there may be an element of duplication in the enquiry, such an enquiry is to be done through the respective lenses of environmental, social and economic considerations (with respect to the environmental authority) on the one hand and municipal planning on the other (with respect to the land-use authority)".¹
(Own emphasis)

NEM: ICMA

11. Section 12 of the NEM: ICMA provides that the state, must in its capacity as the public trustee of all coastal public property, "(a) ensure that coastal public property is used, managed, protected, conserved and enhanced in the interests of the whole community; and (b) take whatever reasonable legislative and other measures it considers necessary to conserve and protect coastal public property for the benefit of present and future generations".
(Own emphasis)
12. In terms of section 13(1A) of the NEM: ICMA and subject to sections 13(2) and (3), "no person may prevent access to coastal public property". Section 13(1A) was inserted by section 9(a) of Act 36 of 2014 and came into effect on 1 May 2015.
13. Section 18(9), which was inserted into the NEM: ICMA with effect from 1 May 2015, also provides that "each municipality approving the rezoning, subdivision or development of a land unit within or abutting on coastal public property must ensure that adequate provision is made in the conditions of approval to secure public access to that coastal public property". (Own emphasis)

¹ Provincial support document on Relevant Considerations, September 2015.

14. Only the Overstrand Municipality has the authority to implement section 18(9) of NEM: ICMA in this matter. It applies irrespective of how the subdivision is planned / designed. It should also be noted that "*development*" includes "*consolidation*" and the Overstrand Municipality was already under an obligation to implement section 18(9) when considering the consolidation of the erven, resulting in erf 12257. The trigger for section 18(9) was the application for consolidation, even though the consolidation did not change the seaward boundary of the consolidated property. Section 18(9) is already in effect and a municipal coastal by-law is not required to be promulgated in order to implement section 18(9).
15. It should further be noted that at the time that erf 1233 was originally subdivided, the motivation put forward by the applicant – the erstwhile owner of erf 1233, included the fact that "*... at the moment the public do not have access to the sea shore at this property due to the fact that the boundary is at the high water mark. The intention is to move the ad hoc setback line back to 20 metres inland from the high water mark in order for the cliff path, giving public access to be extended across this property*".
16. Please refer to the attached application for an *ad hoc* development setback line under the National Environmental Management Act, 1998 which was approved by DEA&DP, and which was necessary in order to be able to subdivide and develop erf 1233. It may be taken that as the cliff path was part of the motivation for the *ad hoc* development setback line in order to subdivide erf 1233 at the time, that the intention always was to allow public access to coastal public property over erf 1233 and the properties it was subdivided into and thereafter consolidated, currently erf 12257.
17. The *ad hoc* development setback line decision of DEA&DP was part of the documents considered by the Overstrand Municipality, in deciding whether to subdivide erf 1233. As the *ad hoc* development setback line currently exists, despite the subsequent consolidation into erf 12257, and now the proposed

subdivision of erf 12257, the Overstrand Municipality has an obligation to ensure that the intention behind the original subdivision and partly the reason for the approval of the current *ad hoc* development setback line, is still given effect. The Overstrand Municipality can therefore not ignore the purpose of the *ad hoc* development setback line in deciding on the Subdivision Application, and then rely on the *ad hoc* development setback line, as and when it pleases.

B. THE BY-LAW

18. Against this background, we now turn to the provisions of the By-law.
19. Section 22 of the By-law deals with subdivision and section 66 sets out the criteria for the consideration of all applications, including an application for the subdivision of land.
20. It is important to note at the outset that the granting of a subdivision application results in the immediate and drastic increase of the rights of the application entity. The statutory framework, including the By-law, which allows for the imposition of conditions if the subdivision is granted, should be seen in that context. In other words, it is because the owner is granted additional rights and in effect a considerable increase in the value of the subject property, that the Municipality is entitled to impose conditions for the public benefit.
21. Section 66 provides for the Municipality to consider the desirability of the proposed utilisation of land. In our submission, the subdivision can only be desirable, accompanied as it would be by an increased use of the servitude over public open space in order to access the subdivided properties, if the public is similarly granted a servitude to gain access to the coast in front of the properties.

22. Section 67 of the By-law explicitly provides that when the Municipality approves an application it may impose reasonable conditions which must arise from the approval of the proposed utilisation of land. Those conditions may include conditions relating to the provision of land needed for public places and the extent of land to be ceded to the Municipality for the purpose of a public open space.
23. The term "*public place*" is defined in the By-law. The definition is the same as the one contained in LUPA already dealt with above. It clearly makes provision for a servitude in favour of the general public as a thoroughfare.
24. Against this background, there can be no doubt that the Municipality has the power to impose the servitude in order to extend the cliff path that we contend for. We further request that this condition be imposed and it must be complied with before the sale, development or transfer of the subdivided properties be effected, as contemplated in section 67(11) of the By-law.

C. WHY CPAG IS AN INTERESTED AND AFFECTED PARTY AND REASONS FOR THESE COMMENTS

25. Over the years, a private beach has effectively been created on the Poole's Bay Coastline, among other reasons, due to the collective actions of the owners and/or tenants of the Poole's Bay Coastline erven, through some of the owners' and/or tenants' behaviour towards members of the public walking below their properties. This has been exacerbated by the failure of the Overstrand Municipality to implement the provisions of section 18(9) of the NEM: ICMA, and the further failure of the Overstrand Municipality to inform the public of their rights to access and walk along the Poole's Bay Coastline on coastal public property.
26. The pending Subdivision Application provides the Overstrand Municipality with the opportunity to act in the best interests of the broader community as required by section 12 of NEM: ICMA, as set out above. To date, the

Overstrand Municipality appears not to have complied with their mandatory obligations under NEM: ICMA. CPAG, by commenting on the Subdivision Application, intends to ensure that the Overstrand Municipality considers and decides the Subdivision Application in accordance with its legal obligations under the relevant applicable legislation.

27. CPAG is also an interested and affected party because it is in the process of applying under *inter alia* NEMA, for environmental authorisation to construct a cliff path, connecting the existing cliff path on either side of the Poole's Bay coastline, adjacent to erf 12257. Due to the topography of the area, and the fact that the public have been accessing coastal public property over a portion of erf 12257 (and prior to that, erf 1233), for many years, the most logical and environmentally acceptable option is proposed to be the creation of a servitude to formalise the informal access over erf 12257 from the coastal public property and joining it to the Public Open Space situated adjacent to erf 12257, over which erf 12257 has a servitude of way. Section 18(9) of NEM: ICMA provides the Overstrand Municipality with the tools and opportunity with which to do this.
28. The actions of the owner of erf 12257, just prior to the Easter Weekend 2019, of fencing off and blocking access over its property to coastal public property along the informal route that has been used for years, (as acknowledged in the letter from Overstrand Municipality dated 7 December 2018 at paragraph 9 thereof), serves to demonstrate that it has no intention of giving effect to the provisions of NEM: ICMA, or the purpose of the approved *ad hoc* development setback line.
29. A servitude right of way over erf 12257 will allow for pedestrian perpendicular coastal access above the HWM to the Public Open Space, for the benefit of the whole community of Hermanus. **This servitude should include provision for the extension of the current cliff path along the coastline of**

erf 12257 as per the motivation for the *ad hoc* development setback line, thus also providing longshore access to coastal public property.

30. The proposed cliff path will be similar in many ways to the current cliff path - built in concrete, with a rough aggregate, to encourage staining and blending into the environment. The path also needs to be durable to last through stormy seas. In some areas determined by the topography, high cliffs as well as proximity to the High Water Mark there will be there will be spanning and doweled sections of steel-reinforced concrete.
31. The existing cliff path is a standout attraction for both Hermanus residents and visitors. The existing Hermanus cliff path extends from the New Harbour in the west to Grotto Beach in the east following the shoreline, except right in the middle of the length of the 12 km path, it abruptly turns away from the sea at Sea Road. This forms a kilometre detour along the narrow pavement of the busy Main Road/R43 and rejoins the established cliff path at Mollergron Park Retirement Village.
32. As stated above, the Cliff Path Action Group is managing a community-funded and – driven project to extend the current cliff path along the shoreline in the affected area. At this moment the Environmental Authorisation process is under way and in the Basic Assessment Phase. The proposed path will roughly follow the high-water mark between Sea Road and the Mickey turnoff on the existing path in the vicinity of the Kraal Rock parking area.
33. The current cliff path plays a major role in the socio-economic environment of Hermanus. Local residents of all ages, families and holiday makers use the current cliff path on a daily basis. The economy of Hermanus is based on tourism. Furthermore, Hermanus is one of the top land-based whale-watching destinations in the world and attracts international tourists from around the globe using the cliff path for this purpose.

34. The current cliff path allows spectacular views of Walker Bay except right in the middle of the path, where the natural environment is replaced by the busiest road in town therefore adversely affecting the Hermanus experience.

D. ERF 12557

35. As stated above, the current Hermanus cliff path abruptly turns away from the sea at erf 12557 – the proposed subdivision of erf 12257 gives the Overstrand Municipality the opportunity to accommodate the proposed extension of the cliff path via Poole's Bay by allowing for a servitude right of way for pedestrian access along the seaside border of erf 12257.

36. Further factors to consider:

- 36.1. There is no pedestrian access between Sea Road and the sea – access is currently blocked off by the boundary fence.
- 36.2. This property abuts the coast and therefore needs to adhere to NEM: ICMA legislation.
- 36.3. This property is adjacent to public open space at Sea Road as well as coastal public property -currently there is no access between these two public areas – see locality map.
- 36.4. The local Overstrand Municipality has a legal obligation to adhere to NEM: ICMA and make sure that provision is made for perpendicular as well as longshore access to coastal public property.
- 36.5. The topography of the coastline that also forms the boundary of erf 12257 is such that it does not allow for safe pedestrian longshore access – see attached map.
- 36.6. Erf 12557 has property rights to the high-water mark.

36.7. According to the report issued by the Western Cape Government on coastal access of the Overberg, Poole's Bay is identified as site Her12 and states on page 116 that "[t]his is a conflict area and the right of access for the public needs to be resolved". Take note that since this the report the situation has worsened. All access was blocked off by the owner of erf 12257 extending his boundary fence from the wall to the historical pillar before the Easter Weekend.

36.8. Paragraph 9 of the letter from Municipal Manager, Coenie Groenewald, dated 7 December 2018, to CPAG as well as to Minister Bredell and the Department of Environmental Affairs reads as follows:

"As to access when hikers/users approach from the western side, a portion of Erf 12257 may be traversed in order to gain access to the coastal area. The path leading to the western entry point is located off Main Road approximately 200 meters from the parking area at Kraal Rock, which path leads to the coast at Poole's Bay."

E. COMMENTS ON THE SUBDIVISION APPLICATION MOTIVATION REPORT

37. The municipal notice no 43/82019 refers to Erf 12257, 15 Quantum Street, Eastcliff, Hermanus and should rather read Erf 12257, Sea Road, Eastcliff Hermanus, except if Sea Road had a name change.

38. The town and regional planners, Plan Active's, locality map omits essential information. It neither shows Sea Road nor the Atlantic Ocean – both adjacent to erf 12257. See locality map attached. The map and report also fails to identify the public open space bordering erf 12257 and the link between this public open space and coastal public property.

39. Paragraph 3.3 Land Use: The land use character is further influenced by the tourism and hospitality facilities in the area – apart from guesthouses, also the

cliff path that runs right next to the property, and the Fernkloof Nature Reserve in front of the adjacent residential properties to the western side of erf 12257.

40. Paragraph 3.7: referring to Title Deed. Title deed no. T24835/2017 does not have any restrictive title deed conditions – therefore no mention of a coastal buffer zone of development set back lines, neither a servitude right of way for pedestrian longshore access.
41. Paragraph 3.8: Forward Planning: no provision for a proposed cliff path extension mentioned despite the approved *ad hoc* development setback line.
42. Paragraph 3.9: Other relevant legislation for consideration of the Subdivision Application: no mention of the effects of NEM: ICMA on the property, nor any reference to the National Environmental Management: Biodiversity Act, 2004 ("NEMBA") with regard to the potential impacts of the proposed subdivision and subsequent development on the coastal vegetation. The vegetation type that occurs naturally in this area is Overberg Sandstone Fynbos, which is listed as Critically Endangered and in need of protection – refer to NEMBA.
43. Paragraph 10: Spatial Justice: no provision nor reference to the obligation for access to coastal public property.

F. PREVIOUS SUBMISSION FOR SUBDIVISION OF ERF 1233 FROM WHERE ERF 12257 ORIGINATED

44. The need for the provision of the extension of the cliff path has been pointed out to the Overstrand Municipality already in the motivation for the *ad hoc* development setback line and subdivision of erf 1233 as far back as 2013. See attached documents relating to this matter. (Erf 1233 setback checklist as well as LUPO Motivation Report).
45. The need for a coastal buffer zone of 20m as described on 1 November 2013 by the Environmental Department of the Overstrand Municipality. See

attached document (12 Overstrand Municipality). Take note that the coastal buffer zone needs to facilitate the extension of the cliff path – build from concrete as the rest of the path.

46. In the same way that the Overstrand Municipality made provision to accommodate the traffic requirements of the modern era by creating erf 12192 during the subdivision process of the original erf 1233, the Overstrand Municipality should have made provision for the requirement of a pedestrian walkway on the seaside boundary of the original erf 1233. It is the obvious thing to do.
47. These are factors for the Overstrand Municipality to consider in the Subdivision Application.

G. CPAG CORRESPONDENCE WITH OVERSTRAND MUNICIPALITY

48. Over the past 2 years the Cliff Path Action Group engaged via various e-mails, meetings and debates with multiple decision-makers at the Overstrand Municipality. Please see the attached e-mail correspondence, dated October and December 2018, with the Municipal Manager, Mr Coenie Groenewald as well as Minister Bredell of the Department of Environmental Affairs about the need for pedestrian access to Poole's Bay at erf 12257. Although Mr Groenewald acknowledged that the public may traverse over erf 12257 to safely access the coastline, this is no longer the case since just prior to the Easter Weekend.

H. COMMENTS ON THE PROCESS TO BE FOLLOWED IN ASSESSING THE SUBDIVISION APPLICATION

49. There can be no doubt, in our submission, that an application of this importance to the town of Hermanus must be considered by the Municipal Planning Tribunal ("MPT") and cannot be considered by an authorised employee. See, in this regard, section 70 of the By-law. We do not know

whether the power to approve this kind of subdivision has been delegated to an authorised employee. Should that be the case, the Council should determine that the delegation does not apply in the present instance and that the matter be referred to the Tribunal.

50. Following from the above, we request, in terms of section 77(3) of the By-law to make a verbal presentation to the Tribunal at a meeting of the Tribunal which must be open to the public.

I. APPLICABLE REPORTS

51. Coastal Management (set-back) lines for the Overberg and therefore applicable on erf 12257.

<https://www.westerncape.gov.za/eacdp/files/atoms/files/Overberg%20CML%20Final%20Report%20March%202015%20images.pdf>

52. In the recently released Western Cape Provincial Coastal Access Assessment and Pilot Study of August 2018, (Draft Coastal Access Report), the Poole's Bay Coastline was identified as one of 10 sites as having existing conflicts relating to access to coastal public property, (referred to as "HER12") to potentially be used as a pilot study for the designation of coastal access land to resolve such conflicts. The Draft Coastal Report states on page 116 that "*[t]his is a conflict area and the right of access for the public needs to be resolved*", and further on page 260 that "*[t]his issue is registered as a conflict of coastal access. The details will be forwarded to the Municipality for further consideration and prioritisation*".
53. This important investigation falls within section 66(1)(f) of the By-law (investigation in terms of other laws which are relevant to the consideration of the application).

54. Attached, please find the following documentation:
- 54.1. Locality map of Erf 12257
 - 54.2. Erf 12257 Topography map
 - 54.3. Notice 43-2019
 - 54.4. Non-compliance with NEM:ICMA
 - 54.5. Letter Municipal Manager 26 Oct 2019
 - 54.6. LUPO Motivation report for Erf 1233 subdivision
 - 54.7. 12 Overstrand Municipality
 - 54.8. Erf 1233 subdivision *ad hoc* development setback line application
 - 54.9. Correspondence with Overstrand Municipality
55. Please acknowledge receipt of this email and attachments.

Kind regards

Jobre Stassen
082 896 4527
Chairperson Cliff Path Action Group



OVERSTRAND MUNISIPALITEIT
ERF 12257, QUANTUMSTRAAT 15,
EASTCLIFF, HERMANUS: AANSOEK OM
ONDERVERDELING: PLAN ACTIVE
NAMENS ERF 2825 HERMANUS (PTY) LTD

Kennis geskied hiermee dat die geregistreerde eienaar van voorneme is om Erf 12257, Eastcliff, Hermanus te ontwikkel en word die aansoek ingevolge Artikel 47 van die Overstrand Munisipaliteit Verordening vir Munisipale Grondgebruikbeplanning, 2015 as volg uiteengesit:

Onderverdeling

Aansoek in terme van Artikel 16(2)(d) om Erf 12257, Hermanus te onderverdeel in Sedeelte A ($\pm 1701m^2$) en 'n Restant ($\pm 40m^2$).

Volle besonderhede rakende die voorstel is beskikbaar vir inspeksie gedurende wekedae tussen 08:00 en 16:30 by die Departement: Stadsbeplanning, Patersonstraat 16, Hermanus

Enige kommentaar op die voorstel moet skriftelik ingedien word in terme van Artikels 51 en 52 van die voorgeskrewe Verordening by die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / (e) aconradie@overstrand.gov.za) voor of op 24 Mei 2019 met die naam, adres en kontakbesonderhede, belang in die aansoek sowel as redes vir die kommentaar aangedui. Telefoniese kommentaar kan gerig word aan die Stadsbeplanner, Mr. P Roux by 028313 8900. Die Munisipaliteit mag weier om kommentare te aanvaar na die sluitingsdatum. Enige persoon wat nie kan lees of skryf nie kan die Departement Stadsbeplanning besoek waar hul deur 'n munisipale amptenaar bygestaan sal word ten einde hul kommentaar te formuleer.

Munisipale Bestuurder, Overstrand Munisipaliteit, Posbus 20, HERMANUS, 7200

Munisipale Kennisgewing Nr. 43/2019

OVERSTRAND MUNICIPALITY
ERF 12257, 15 QUANTUM STREET,
EASTCLIFF, HERMANUS: APPLICATION FOR
SUBDIVISION: PLAN ACTIVE ON BEHALF
OF ERF 2825 HERMANUS (PTY) LTD

Notice is hereby given that it is the intention of the registered owner to develop Erf 12257, Eastcliff, Hermanus, which applications is set out as follows in terms of Section 47 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015:

Subdivision

Application in terms of Section 16(2)(d) to subdivide Erf 12257, Hermanus into a Portion A ($\pm 1701m^2$) and a Remainder ($\pm 5740m^2$).

Full details regarding the proposal are available for inspection during weekdays between 08:00 and 16:30 at the Department : Town Planning at 16 Paterson Street, Hermanus.

Any written comments must be submitted to the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / (e) aconradie@overstrand.gov.za) in accordance with the provisions of Sections 51 and 52 of the said By-law on or before 24 May 2019, quoting your name, address and contact details, interest in the application and reasons for comment. Telephonic enquiries can be made to the Town Planner, Mr. P Roux at 028-313 8900. The Municipality may refuse to accept comment received after the closing date. Any person who cannot read or write may visit the Town Planning Department where a Municipal official will assist them to formulate their comment.

Municipal Manager, Overstrand Municipality, P.O. Box 20, HERMANUS, 7200

Municipal Notice No. 43/2019

OVERSTRAND MUNICIPALITY
ISIZA 12257, 15 QUANTUM STREET,
EASTCLIFF, HERMANUS: ISICELO
SOKWAHLULA: PLAN ACTIVE EGAMENI LE
SIZA U-2825 HERMANUS (PTY) LTD

Esi sisaziso esikhutshwa ngokweCandelo lama-47 loMthethwana kaMasipala waseOverstrand wowama-2015 omalunga noYilo lokuSetyenziswa koMhlaba kaMasipala sokuba umninimhlaba unenjongo zoku phuhlisa ISiza 12257, Eastcliff, e-Hermanus,

Ukwahlulwa

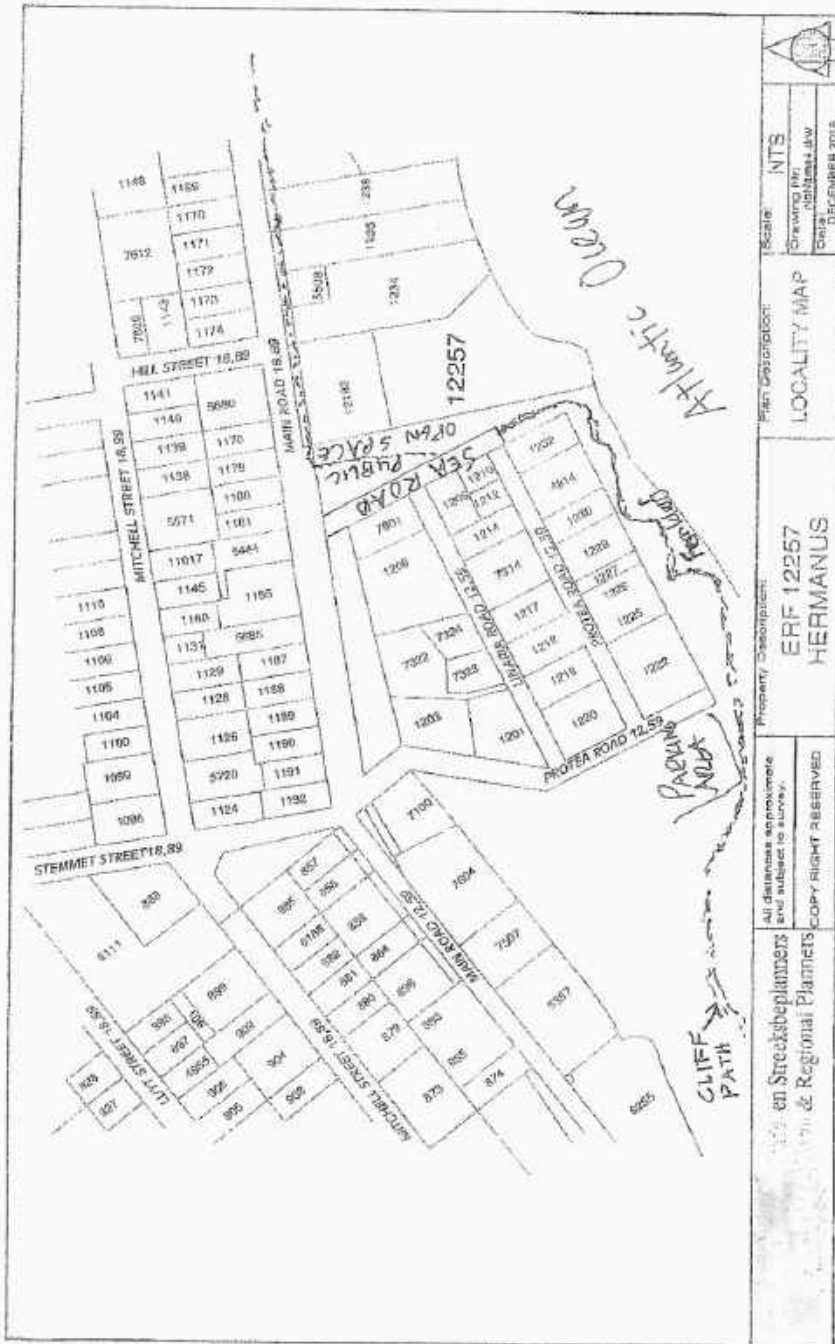
Isicelo ngokweCandelo 16(2)(d) sokwahlulwa iSiza 12257, e-Hermanus sibe zinxalenye A ($\pm 1701m^2$) kunye nentshiyekola ($\pm 5740m^2$).

Ngeentsuku zokusebenza kwixesha phakathi kwentsimbi ye-08:00 neye-16:30 iinkcukacha malunga nesi sindululo ziyafumaneka ukuba umntu azifundele kwiSebe: uYilo lweDolophu e-16 Paterson Street, Hermanus.

Naziphi na izimvo ezibhaliweyo mazingenis we kuMasipala ngokwezibonelelo zamaCandelo 51 nelama 52 alo mthethwana ukhank anyiweyo (zithunyelwe kwa 16 Paterson Street, Hermanus / (f) 0283132093/ (e) aconradie@overstrand.gov.za) ngomhla wama okanye ngaphambi kwalo mhla ngoLwesihlanu, 24 uMeyi 2019 (EyoMdumba) 2019, unike igama lakho, idilesi, iinkcukacha zonxibelelwano nawe, umda wakho kwesi sicelo nezizathu zokunika izimvo. Ungafonela uMyili weDolophu Town Planner, Mr. P Roux ku-028-313 8900. UMasipala angala ukwamkela izimvo ezifike emva komhla wokuvula. Nabani na ongakwaziyo ukufunda okanye ukubhala angaya kwiSebe loYilo lweDolophu apho igosa likamasipala liya kumnceda avakalise izimvo zakhe.

UMlawuli kaMasipala, Kwiofisi zikaMasipala, PO Box 20, HERMANUS, 7200

InomboloYesazisoKaMasipala 43/2019



en Streetsbeplanners en Streeklantern en Regional Planners		All distances approximate and subject to survey. COPY RIGHT RESERVED	
Property Description: ERF 12257 HERMANUS		First Issuance: LOCALITY MAP	
Scale: NTS Drawing File: Drawing No.: Date:		Scale: NTS Drawing File: Drawing No.: Date:	

Alida Conradie - NON-COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL MANAGEMENT: INTEGRATED COASTAL MANAGEMENT ACT OF 2008 & NEMA: ACCESS TO COASTAL PUBLIC PROPERTY

From: "Coenie Groenewald" <cgroenewald@overstrand.gov.za>
To: <clarissa@naturalresourcelaw.co.za>
Date: 2018/12/11 10:50 AM
Subject: NON-COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL MANAGEMENT: INTEGRATED COASTAL MANAGEMENT ACT OF 2008 & NEMA: ACCESS TO COASTAL PUBLIC PROPERTY
Cc: "Lionel Wallace" <lwallace@overstrand.gov.za>
Attachments: SKM_C454e18121110180.pdf

Dear Adv Molteno,

Kindly find attached herewith correspondence for your attention.

Yours sincerely,

Coenie Groenewald
 Municipal Manager / Munisipale Bestuurder | Umphathi Kamasipala
 Overstrand Municipality | Munisipaliteit | Umasipala

M: +27 (0)82 552 9555 | T: +27 (0)28 311 8003 | F: +27 (0)86 568 9726
 E: cgroenewald@overstrand.gov.za

>>> Clarissa Molteno <clarissa@naturalresourcelaw.co.za> 26/10/2018 03:15 PM >>>

Dear Sirs and Madam

RE: NON-COMPLIANCE WITH THE PROVISIONS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT: INTEGRATED COASTAL MANAGEMENT ACT OF 2008 AND THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT OF 1998 – ACCESS TO COASTAL PUBLIC PROPERTY

The above matter refers.

Please see attached letter for your urgent attention. Kindly acknowledge receipt of this email and attached letter.

Yours sincerely



NATURAL RESOURCE LAW

Clarissa Molteno

Director

Mobile: 082 418 9811

www.naturalresourcelaw.com



out and obviously approved. (The General Plan can be scrutinised at the Office of the Surveyor-General in Cape Town);

4. In furtherance of the above, the Overstrand Municipality conducted a survey of 13 properties at Poole's Bay that stretch down to the high water mark and confirm that these properties were indeed established long before the NEMA:ICMA and the National Environmental Management Act, 1998 (NEMA) came into operation in 1998 and 2008 respectively;
5. It was also established that the marine pool was constructed over a property boundary, apparently as far back as 1955;
6. The properties mentioned in numbered paragraph 4 above are privately owned and the owner's rights to said properties are constitutionally enshrined and protected – please refer to section 25 of the Constitution of the Republic of South Africa, 1996. These owners may not be deprived of their property except in terms of a law of general application;
7. At the same time the public does have access to the coast and coastal areas across the whole of Hermanus. In fact there are 23 areas in total stretching from Maanskynbaai, to the East of Hermanus, to the New Harbour on the western side. It is interesting to note that from Poole's Bay there are 2 (two) access points with the closest parking area at Kraal Rock;
8. With regard to the issue of the consolidation of Erven 12194 and 12195, the consolidation did not result in the extent thereof being increased. All that results from a consolidation of 2 or more properties, is that 2 or more individual properties become 1 property, and in the matter at hand this is exactly what resulted from the consolidation of Erven 12194 and 12195. In addition to this, the land use and zoning also remained unchanged. The consolidation also did not change the seaward boundary of the consolidated property;
9. As to access when hikers/users approach from the western side, a portion of Erf 12257 may be traversed in order to gain access to the coastal area. The path leading to the western entry point is located off Main Road approximately 200 meters from the parking area at Kraal Rock, which path leads to the coast at Poole's Bay.
10. Furthermore, a 20 meter buffer zone has to be adhered to in which zone no development may take place. The boundary of the buffer zone is used as an ad hoc set back line;

11. As a result of the consolidation, an access servitude was created for purposes of granting access to the consolidated erf and this access servitude was moved back to the original position, which has been used for many years. The decision letter clearly outlined the reasons for the decision, which includes that there has to be compliance with planning principles as per the Spatial Planning and Land Use Management Act, 16 of 2013 (SPLUMA) and the Land Use Planning Act, 3 of 2014, (LUPA), as well as with the Zoning Scheme Regulations. No objections were received;

12. In conclusion and as mentioned above, there is indeed adequate access to the coast and your general statement that the municipality is "in serious breach of its duties", is without merit. In the same vein are your assertions in paragraph 11 of your letter, without merit.

Yours sincerely,


C.C. SECENEWALD
MUNICIPAL MANAGER



Natural Resource Law

9 Main Street
Newlands
7700

☎ 082 418 9811 (Clarissa)

☎ 079 069 3282 (Helen)

✉ info@naturalresourcelaw.co.za

🌐 www.naturalresourcelaw.co.za

Municipal Manager: Overstrand Municipality
For Attention: Mr. Coenie Groenewald
By email: cgroenewald@overstrand.gov.za
And: Lionel Wallace
By Email: lwallace@overstrand.gov.za

Date: 26 October 2018
Our Reference: 2017/CPAG

And to:

The Honourable Minister of Local Government, Environmental Affairs & Development Planning

C/o:

Western Cape Ministry of Local Government, Environmental Affairs & Development Planning

By email: Jaap.DeVilliers@westerncape.gov.za

Department Environmental Affairs & Development Planning: Coastal Management Unit

For Attention: Iepteshaam Bekko

By email: Iepteshaam.Bekko@westerncape.gov.za

Copy to:

Head: Environmental Management at Overberg District Municipality

For Attention: Francois Kotze

By email: fkotze@odm.org.za

Dear Mr. Groenewald

RE: NON-COMPLIANCE WITH THE PROVISIONS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT: INTEGRATED COASTAL MANAGEMENT ACT OF 2008 AND THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT OF 1998 – ACCESS TO COASTAL PUBLIC PROPERTY

1. The above matter refers.
2. We act on behalf of the Hermanus Cliff Path Action Group (**CPAG/our Client**). CPAG has been working for the last year to open the stretch of coastline for the public to access the seashore in the Poole's Bay area of Hermanus, (**Poole's Bay**), which constitutes a pivotal link¹ between the neighbourhoods and beaches of Grotto, Voelklip and Eastcliff on the one side and Hermanus town on the other side.

¹ In the recently released Western Cape Provincial Coastal Access Assessment and Pilot Study of August 2018, (**Draft Coastal Access Report**), the Poole's Bay Coastline was identified as one of 10 sites as having existing conflicts relating to access to coastal public property, (referred to as "HER 12"). The Draft Coastal Report states on page 116 that "[t]his is a conflict area

Natural Resource Law (Pty) Ltd + Reg No. 2017/127060/07

VAT No. Pending Registration

Directors: Helen Dagut BA (Hons) LLB LLM (Marine and Environmental Law) + Clarissa Molleno BA LLB

3. Public access to the Poole's Bay coastline is restricted at the western entry point of Poole's Bay (**Western Coastal Access Point**) mainly by the topography of the area with high cliffs with sheer drops directly into the sea, making all access to the coastline impossible in the area between the Old Harbour and the properties at Poole's Bay. There is also no public pedestrian access between Sea Road and the sea (Sea Road provides vehicular access to erf 12557) and there is no access from the public open space that borders erf 12557 to the seashore.
4. The only public entry point to Poole's Bay is located at the eastern entry to Poole's Bay. This entry point is 800m away from the western entry point and forces pedestrians to use the busy regional road R43 that runs through Hermanus. There is also no other street that connects the eastern and western entry points, hence the significance of the Western Access Point.
5. While investigating the application of the law within the jurisdiction of the Overstrand Municipality in relation to the above, it came to our attention that your municipality is in serious breach of its duties under the following statutes:
 - 5.1. National Environmental Management: Integrated Coastal Management Act, 2008 (NEM:ICMA); and
 - 5.2. National Environmental Management Act, 1998 (NEMA).
6. Section 18(9), which was inserted into the NEM:ICMA with effect from 1 May 2015, provides that "each municipality approving the rezoning, subdivision or development of a land unit within or abutting on coastal public property must ensure that adequate provision is made in the conditions of approval to secure public access to that coastal public property", which includes the seashore². (Own emphasis).
7. The definition of "development" in the NEM:ICMA "in relation to a place, means any process initiated by a person to change the use, physical nature or appearance of that place, and includes
 - (a) the construction, erection, alteration, demolition or removal of a structure or building;
 - (b) a process to rezone, subdivide or consolidate land;
 - (c) changes to the existing or natural topography of the coastal zone; and
 - (d) the destruction or removal of indigenous or protected vegetation".

and the right of access for the public needs to be resolved", and further on page 260 that "[t]his issue is registered as a conflict of coastal access. The details will be forwarded to the Municipality for further consideration and prioritisation". (Own emphasis)

² The concept of "coastal public property" was established in terms of section 7, and section 7A provides that "coastal public property" was established to, among others, improve public access to the seashore and to facilitate the achievement of any of the objects of the NEM:ICMA, including the aforesaid.

8. As you are aware, under the Constitution of the Republic of South Africa, 1996 as read with the Local Government Municipal Structures Act, 1998, Overstrand Municipality is mandated to consider and decide rezoning, subdivision or development of the erven on the Poole's Bay Coastline. The Overberg Municipality does not have the authority to decide on these applications and therefore cannot assign them to the Overstrand Municipality³.
9. Further to the above, the Overstrand Municipality is empowered under section 40 of the Western Cape Land Use Planning Act, 2014, (LUPA) when considering and granting land use planning applications, including consolidation applications, to make conditions for "the provision of land needed for public places". "Public places" is defined as meaning "any open or enclosed place, park, street, road or thoroughfare or other similar area of land shown on a general plan or diagram that is for use by the general public and is owned by, or vests in the ownership of, a municipality, and includes a public open space and a servitude for any similar purpose in favour of the general public". (Own emphasis)
10. In 2014 the Overstrand Municipality approved the subdivision of erf 1233, Hermanus and simultaneously created a servitude right of way over public open space on erf 1233 for access to such subdivided erven. It recently came to our client's attention that the Overstrand Municipality subsequently approved the consolidation of erven 2194 and 2195, Hermanus into erf 12257 in 2017. The Overstrand Municipality has also recently approved building plans for the construction that was commenced on erf 12257 as well as for construction currently taking place on erf 1234, although we have not established when these building plans were approved, (all of the aforesaid approvals collectively referred to below as the **Development Approvals**).
11. Despite the mandatory requirements of section 18(9), the Overstrand Municipality chose to ignore their duties and responsibilities under *inter alia* this section of the NEM:ICMA as read with the Constitution⁴ and LUPA when granting the consolidation of what is now erf 12257 and the aforesaid building plan approvals. Although the Overstrand Municipality included the restriction of the use of public open space with a servitude right of way in favour of erf 12257 as a condition of approval of the consolidation, it made no provision in the conditions of any of the Development Approvals to ensure public access to coastal public property.
12. One of the consequences is that since the wall was constructed on erf 12257 in early 2017, many informal paths have been created through the indigenous vegetation as people

³ In addition, it should be noted that the duty to ensure access to coastal public property in terms of section 18(9) in an urban area within a particular local municipality, which access does not in any event impact on any other municipalities in its area, is also not the function of the relevant district municipality.

⁴ The local government matters listed in Part B of Schedule 4 and Part B of Schedule 5 of the Constitution relevant to the implementation of the NEM:ICMA include, among others, local tourism, municipal planning, beaches, local amenities, public places and parking". "Coastal management" is defined in the NEM:ICMA as including "(b) the regulation and management of the use and development of the coastal zone" and coastal resources" as well as "planning in connection with the activities referred to in paragraphs (a), (b) and (c)". (Own emphasis)

attempt to access the seashore. This is obviously not desirable from an environmental point of view.

13. In addition, it is apparent that the Overstrand Municipality also completely disregarded and failed to comply with the provisions of NEMA when granting the Development Approvals. The principles contained in section 2 of NEMA “apply throughout the Republic to the actions of all organs of state that may significantly affect the environment and shall apply alongside all other appropriate and relevant considerations, including the State’s responsibility to respect, protect, promote and fulfil the social and economic rights in Chapter 2 of the Constitution and ... (e) guide the interpretation, administration and implementation of this Act, and any other law concerned with the protection or management of the environment”. (Own emphasis)
14. A few of the principles that the Overstrand Municipality clearly failed to consider in granting the Development Approvals are as follows:
- 14.1. “Environmental management must place people and their needs at the forefront of its concern, and serve their physical, psychological, developmental, cultural and social interests equitably”⁵;
 - 14.2. Sustainable development requires the consideration of all relevant factors including “that negative impacts on ... people’s environmental rights be anticipated and prevented, and where they cannot be altogether prevented, are minimised and remedied”⁶;
 - 14.3. “Equitable access to environmental resources, benefits and services to meet basic human needs and ensure human well-being must be pursued and special measures may be taken to ensure access thereto by categories of persons disadvantaged by unfair discrimination”⁷;
 - 14.4. “Decisions must take into account the interests, needs and values of all interested and affected parties...”⁸; and
 - 14.5. “Decisions must be taken in an open and transparent manner, and access to information must be provided in accordance with the law”⁹.
15. In relation to the Western Coastal Access Point, had the Overstrand Municipality implemented section 18(9) of the NEM:ICMA and applied the NEMA principles when considering the relevant development approvals for erf 12257, this situation relating to the informal paths through indigenous vegetation would have been avoided.

⁵ Section 2(2) of NEMA

⁶ Section 2(4)(a)(viii) of NEMA

⁷ Section 2(4)(d) of NEMA

⁸ Section 2(4)(g) of NEMA

⁹ Section 2(4)(k) of NEMA

16. In light of the above, you are hereby requested in terms of section 5(1) of the Promotion of Administrative Justice Act, 2000, for written reasons for the approval of the consolidation of erf 1257. You are further requested to ensure that your officials comply with the said legislation going forward for all pending and new development applications on erven on the Poole's Bay Coastline, including any building plan approvals. Should you decline to do so, we have been instructed to take legal action. We have also copied this letter to Minister Bredell, whose portfolio as you know, includes local government as well as planning and environment.

We trust that these requests will be taken seriously and treated with the urgency they deserve.

Yours sincerely,



Adv. Clarissa Molteno

DIRECTOR: NATURAL RESOURCE LAW

**PROPOSED SUBDIVISION & CLOSING OF A
PORTION OF PUBLIC OPEN SPACE (A
PORTION OF ERF 1253 HERMANUS)**

ERF 1233 HERMANUS

**DIVISION: CALEDON
OVERSTRAND MUNICIPALITY**

MOTIVATION REPORT

1. BACKGROUND

Jennifer Booth, the executor of the estate of the late J.M. Relly, has instructed the company Plan Active to apply for the subdivision of erf 1233 Hermanus.

Erf 1233 Hermanus is 1,2445ha in extent and held by title deed no. T2786/2013.

It is the intention of our client to subdivide the subject property into four portions - three residential erven and a portion of road (Main Road; road widening purposes).

2. APPLICATION DETAILS

Application is made in terms of:

- Section 24 of the Ordinance on Land Use Planning, Ordinance 15 of 1985, for the subdivision of erf 1233 Hermanus;
- Closing of a portion of public open space (a portion of erf 1253 Hermanus) adjacent to erf 1233 Hermanus.

3. NEED AND DESIRABILITY

The Department of Environmental Affairs and Development Planning's Guidelines on Need and Desirability (October 2011) stipulates what is needed and desired for a specific area must be strategically and democratically determined. The need and desirability of development must therefore be measured against the contents of the credible Integrated Development Plan (IDP), Spatial Development Framework (SDF) and Environmental Management Framework for the area, and the sustainable development vision, goals, objectives, strategies and policies formulated in, and the desired spatial form and pattern of land use reflected in the area's credible IDP and SDF.

The abovementioned guidelines further clarify that the concept of need and desirability can be explained in terms of the general meaning of its two components in which *need* refers to *time* and *desirability* to *place*. Need and desirability can be equated to *wise use of land* – i.e. the question of what is the most sustainable use of land. This in turn implies that any proposed development must be socially, environmentally and economically sustainable and that decisions must take into account the interests, needs and values of all the relevant stakeholders involved in the project.

The following criteria are used to motivate the need and desirability for the proposed subdivision of erf 1233 Hermanus:

3.1 PROPERTY DESCRIPTION

The subject property, also known as Owl's Rock, is situated in Main Road, Eastcliff, Hermanus (192-196 Main Road). Please refer to the locality plan attached. Erf 1233 Hermanus is 1,2445ha in extent and is situated in a residential environment.

The topography of the subject property has a level top platform at height of 12m above sea level, with rolling lawns in a formal landscaped garden. The property

slopes to the lower south-eastern end of the property. The western side of the garden is well wooded with natural vegetation, shrubs and natural rock outcrop features. The subject property is well-maintained and exceptionally private. Please refer to the photograph annexure.

3.2 ZONING

The land is zoned Single Residential Zone and is utilized as such. Surrounding properties are also zoned for single residential purposes. Please refer to the zoning map attached.

3.3 LAND USE

There is an existing dwelling ($\pm 403\text{m}^2$), outbuilding ($\pm 153\text{m}^2$), cottage ($\pm 80\text{m}^2$) and a swimming pool situated on the subject property. The subject property is therefore used for residential purposes only.

The existing dwelling and cottage were built prior to 1957 and is therefore older than 60 years. The existing dwelling comprises an attractive sprawling single storey Cape Dutch (vernacular) style. Please refer to the photograph annexure.

Land uses that surround erf 1233 Hermanus are dwellings, public open spaces and public roads. Refer to the land use plan and aerial photograph attached.

3.4 PROPOSAL

- The subdivision of erf 1233 Hermanus in terms of Section 24 of the Ordinance on Land Use Planning, Ordinance 15 of 1985;
- Closing of a portion of public open space (a portion of erf 1253 Hermanus) adjacent to erf 1233 Hermanus.

Our client intends to subdivide erf 1233 Hermanus into four portions - three residential even and a portion of road (Main Road; road widening purposes). When the proposed subdivision of the subject property was considered cognisance was taken of:

- the minimum erf sizes stipulated for the area;
- surrounding average erf sizes;
- the spatial planning policies for the area;
- the topography of the site;
- the position of the existing structures;
- the applicable land use restrictions.

Taking into consideration the abovementioned factors, our client decided to subdivide erf 1233 Hermanus into four portions as follows:

TOTAL AREA:	1,2445HA
AREAS FOR SUBDIVISION:	PORTION A: ±439m ² (public road) PORTION B: ±4864m ² (residential) PORTION C: ±2392m ² (residential) PORTION D: ±4750m ² (residential)
OWNER:	The estate of the late J.M. RELLY
TITLE DEED:	T2786/2013

Please refer to the subdivision plan. The topography of the site as well as the exclusivity of this residential area was considered when the subdivision lines and portion sizes were determined.

Portion A, a portion of erf 1233 Hermanus, will become public road for the purposes of road widening (Main Road) and consequently only two additional residential

portions are created (bearing in mind that the current property with the existing structures is seen as an existing residential property).

Portion B, a portion of erf 1233 Hermanus, will accommodate the existing dwelling and outbuildings. It is not proposed to demolish any of the existing structures on the subject property as the existing structures are older than 60 years.

Portion C, a portion of erf 1233 Hermanus, has no challenges regarding the topography for future development options on the subject property.

Portion D, a portion of erf 1233 Hermanus, is characterized by rocky outcrops below the embankment and this portion also has the steepest slope. However, with minimum ground work Portion D, a portion of erf 1233 Hermanus, will have a large enough developable area where a proposed new dwelling with outbuildings can easily be accommodated all the while keeping the impact on the existing property to a minimum. The lowest impact developable area is situated closest to the access point in the area of the existing swimming pool. The Overstrand Municipality confirmed that a 20m coastal development setback line should also be enforced on this property. The 20m setback line is indicated and labelled on the subdivision plan. The developable area referred to earlier also took into consideration the 20m coastal setback line. An environmentalist was also appointed to undertake the process at the Department of Environmental Affairs and Development Planning to obtain an approval for the coastal development setback line for Portion D, a portion of erf 1233 Hermanus.

The existing cottage and swimming pool will remain on Portion D, a portion of erf 1233 Hermanus. The municipality confirmed that the future owner of Portion D, a portion of erf 1233 Hermanus, could use this structure as an additional dwelling and will still have the opportunity to erect a primary dwelling on the subject portion.

The application was discussed with the municipality prior to submission and they confirmed that the extent of erf 1233 Hermanus allows for the subdivision of the subject property. The municipality also confirmed that the minimum erf size for the area allows for the subdivision of the subject property into portions of $\pm 1300\text{m}^2$ to 1500m^2 . However, the position of the subject property as well as the sensitivity and exclusivity of the property were considered when the proposed erf sizes were determined. The proposed erf sizes of $\pm 4864\text{m}^2$, $\pm 2392\text{m}^2$ and $\pm 4750\text{m}^2$ are

therefore larger than the $\pm 1500\text{m}^2$ erf sizes allowed for the area. Surrounding property sizes are as follows:

Erf 1234: $\pm 5550\text{m}^2$

Erf 5508: $\pm 670\text{m}^2$

Erf 1235: $\pm 3550\text{m}^2$

Erf 1236: $\pm 3530\text{m}^2$

Erf 1238: $\pm 1450\text{m}^2$

Erf 7601: $\pm 1200\text{m}^2$

Erf 1209: $\pm 900\text{m}^2$

Erf 1210: $\pm 450\text{m}^2$

Erf 1232: $\pm 1100\text{m}^2$

From the above it is evident that the proposed erf sizes after subdivision are compatible with the surrounding property sizes.

The existing structures on the subject property do not restrict the proposed subdivision. It is therefore not proposed to deviate from any land use restrictions to accommodate the proposed subdivision application.

The proposed coverage of the existing structures on the subject property does not exceed the maximum coverage of 50% for single residential erven. The coverage for the respective portions after subdivision will be as follows:

- Portion A: N/A (public road)
- Portion B: $\pm 11\%$ ($\pm 556\text{m}^2$ - existing dwelling and outbuilding)
- Portion C: $\pm 0\%$
- Portion D: $\pm 2\%$ ($\pm 80\text{m}^2$ - existing cottage)

No site development plans for Portions C and D, portions of erf 1233 Hermanus, exist as our clients do not intend to develop the portions themselves. Portions C and D, portions of erf 1233 Hermanus, will be transferred to future prospective owners. The newly created portions (i.e. Portions C and D) will be developed in accordance with the Hermanus Scheme Regulations / Overstrand Integrated Zoning Scheme Regulations and at this stage it is not proposed to demolish any structures on the

pl n Town and Regional Planners
Stads- en dorpsreëlskiedkundiges
ctive
proposed portions after subdivision.

Motivation report

The zoning of the respective portions after subdivision will remain unchanged (Single Residential Zone).

To keep the traffic impact on Main Road to a minimum, it is proposed to keep the existing access point in Main Road for use by Portion B, a portion of erf 1233 Hermanus, only. It is proposed to close the existing service entrance situated on the public open space (a portion of erf 1253 Hermanus) south-west of the subject property and create a new access just south of the existing service entrance (over the public open space, a portion of erf 1253 Hermanus) to give access to Portions C and D, portions of erf 1233 Hermanus. Application is therefore made to close a portion of the public open space (a portion of erf 1253 Hermanus) as indicated on the subdivision plan to accommodate the proposed access to Portions C and D, portions of erf 1233 Hermanus. An access servitude area of $\pm 65\text{m}^2$ will also be registered over Portion D in favour of Portion C to give access to Portion C. This way the impact on the traffic to the area will be kept to a minimum as no additional access points are proposed from Main Road, one access point makes way for another access point over the commonage and the new access point will only give access to two newly created portions (Portions C and D). The proposed new access over a portion of the public open space (a portion of erf 1253 Hermanus) was positioned opposite the existing T-junction (Protea Road) to keep the impact on the traffic to a minimum and to line up with the existing street.

There are no title deed conditions that need to be relaxed / removed to accommodate the proposed subdivision application. Please refer to Section 3.7 of this report for the details concerning the title deed conditions.

To conclude, the proposed subdivision of erf 1233 Hermanus and closing of a portion of public open space (a portion of erf 1253 Hermanus) adjacent to erf 1233 Hermanus are not in contrast to the existing land uses tendencies in the surrounding environment and we therefore do not foresee any problems with the proposed application.

The proposed subdivision and closing of a portion of public open space (a portion of erf 1253 Hermanus) adjacent to erf 1233 Hermanus will not have a negative impact

on the environment, traffic or character of the area. We therefore do not anticipate any problems with the proposed application.

3.5 ACCESS

Erf 1233 Hermanus currently has two existing access points:

- The main access point is situated in Main Road;
- The service access point is situated south-west of the subject property, just south of the existing dwelling. Here access is obtained over the existing public open space.

Access to the various portions after subdivision is proposed as follows:

- Portion B, a portion of erf 1233 Hermanus, will take access from the existing access point in Main Road.
- Portions C and D, portions of erf 1233 Hermanus, will take access from the existing tar road (Sea Street) and over the existing public open space (a portion of erf 1253 Hermanus) just south of the existing service access point. It is proposed to close the existing service entrance to allow only one new access over the existing public open space (a portion of erf 1253 Hermanus). An access servitude area of ±65m² will be registered over Portion D in favour of Portion C to give access to Portion C. This way the impact on the traffic to the area will be kept to a minimum as no additional access points are proposed from Main Road, one access point makes way for another access point over the public open space (a portion of erf 1253 Hermanus) and the new access point will only give access to two newly created portions (Portions C and D). The proposed new access over the public open space (a portion of erf 1253 Hermanus) was positioned opposite the existing T-junction (Protea Street) to keep the impact on the traffic to a minimum.

Please refer to the subdivision plan and photograph annexure attached.

3.6 SERVICES

All services on the subject property already exist.

Additional services will be provided to the satisfaction of the Overstrand Municipality.

3.7 TITLE DEED

Title deed no. T2786/2013 does not have any restrictive title deed conditions that need to be relaxed / removed in order for this application to be approved.

No bond is registered against erf 1233 Hermanus.

3.8 FORWARD PLANNING

The Overstrand Spatial Development Framework (SDF) earmarks the area where erf 1233 Hermanus is situated, for residential purposes. Please refer to the Overstrand Spatial Development Framework Plan (2006) attached.

The proposed subdivision will not change the land use or character of the subject property and is therefore not in conflict with the spatial development policies for the Hermanus area.

Erf 1233 Hermanus forms part of Planning Unit no. 8 as identified by the Overstrand Municipal Spatial Growth Management Strategy (OMSGMS, 2010). The OMSGMS (2010) stipulates that the area where erf 1233 Hermanus is situated does not allow

for an increase in density for this area. However, it is proposed to create only two additional portions with the proposed subdivision. The application was discussed with the municipality who confirmed that the extent of erf 1233 Hermanus allows for the subdivision of the subject property. The municipality also confirmed that the minimum erf size of the area allows for the subdivision of the subject property into portions of $\pm 1300\text{m}^2$ to 1500m^2 . However, the position of the subject property as well as the sensitivity and exclusivity of the property was considered when the proposed erf sizes were determined. The proposed erf sizes of $\pm 4864\text{m}^2$, $\pm 2392\text{m}^2$ and $\pm 4750\text{m}^2$ are therefore larger than the $\pm 1500\text{m}^2$ erf sizes allowed for the area. Surrounding erf sizes are as follows:

Erf 1234: $\pm 5550\text{m}^2$

Erf 5506: $\pm 670\text{m}^2$

Erf 1235: $\pm 3550\text{m}^2$

Erf 1236: $\pm 3530\text{m}^2$

Erf 1238: $\pm 1450\text{m}^2$

Erf 7601: $\pm 1200\text{m}^2$

Erf 1209: $\pm 900\text{m}^2$

Erf 1210: $\pm 450\text{m}^2$

Erf 1232: $\pm 1100\text{m}^2$

The proposed erf sizes after subdivision are therefore also compatible with the surrounding property sizes. Therefore the proposed subdivision falls within the prescribed minimum and average erf sizes for the area.

3.9 ENVIRONMENTAL IMPACT

The Overstrand SDF (2006) stipulates the following with regards to corridors of Linear Open Spaces:

- *The existing coastal setback line, which is, in effect, the demarcated urban edge, should be maintained. No development should be permitted in this setback area, thereby ensuring that a continuous corridor is maintained.*

The Overstrand Municipality confirmed that a 20m coastal development setback line should be enforced on this property. The 20m setback line is shown on Portion D, a portion of erf 1233 Hermanus, on the attached subdivision plan. An environmentalist was also appointed to undertake the process at the Department of Environmental Affairs and Development Planning to obtain an approval for the coastal development setback line for Portion D, a portion of erf 1233 Hermanus.

The proposed subdivision of erf 1233 Hermanus does not trigger any listed activities in terms of the National Environmental Management Act (NEMA), 1998 (Act no. 107 of 1998).

3.10 HERITAGE VALUE

Erf 1233 Hermanus is situated within the Heritage Overlay Zone identified for the Hermanus East area.

The Overstrand Heritage Survey Report (2010) identifies the dwelling on erf 1233 Hermanus as a significant local heritage resource (classified as 3A in terms of the Overstrand Heritage Survey, 2009). The dwelling's architectural style is described as large scale with relatively under-stated detailing. It is further mentioned that the dwelling is a good local surviving example of its period.

It should be noted that erf 1233 Hermanus is one of a few larger remaining erven in the vicinity, with larger erven already being subdivided in the past. Even though the existing dwelling dates back to before 1957 (i.e. older than 60 years), as previously mentioned the existing dwelling with outbuildings will remain unchanged on Portion B, a portion of erf 1233 Hermanus. Portion B will be ±4864m² in extent and allows for a rear building line of at least 10m after subdivision. Consequently no development on the adjacent portion will be constructed in close proximity to the

existing dwelling and therefore the impact on the dwelling as a local heritage resource will be kept to a minimum.

There is also a cottage situated on erf 1233 Hermanus that was built before 1957 (i.e. older than 60 years) situated on the lower south-eastern end of the subject property. The existing cottage is not mentioned in the Overstrand Heritage Survey but was also built before 1957. This cottage will also remain unchanged. The municipality confirmed that they are not in favour of the separate subdivision of the cottage. The municipality confirmed that the future owner of Portion D, a portion of erf 1233 Hermanus, could use this structure as an additional dwelling and will still have the opportunity to erect a primary dwelling on the subject portion.

The property slopes to the south (ocean) and the existing dwelling is already situated on the highest end of the subject property. The slope of the rest of the property will ensure that the impact on the existing dwelling's views as well as adjacent properties' views will be kept to a minimum.

Due to the size of the subject property (larger than 5000m²) the proposed subdivision will trigger Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999). A notice of Intent to Develop (NID) was submitted to Heritage Western Cape for approval.

4. RECOMMENDATION

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

- The proposed portion sizes are compatible with the surrounding erf sizes;
- The proposed portion sizes are within the minimum portion sizes allowed for in the area;
- There are no title deed conditions that restrict the proposed subdivision of erf 1233 Hermanus;
- All services on the subject property already exist and additional services will be provided to the satisfaction of the local authority;
- Impact on the traffic and services will be kept to a minimum;

Pl n Town and Regional Planning
Stads- og Landskapsplanering
ctive

Motivation report.

- The proposal is compatible with the existing built character of the area as well as the future planning policies for the area.

The application can be supported for your favourable evaluation. The opinion is held that this application will have no negative impact on the land values, privacy and traffic of the area.

Office of the Director:
Infrastructure & Planning
Environmental Management

Kantoor van die Direkteur:
Infrastruktuur & Beplanning
Omgewingsake

MEMORANDUM



Date: 1 November 2013
To : Loretta Page (Town Planning)
From : Penelope Aplon (Environmental Management)
RE : Erf 1233, Hermanus: Proposed subdiviston, closure of public place,
departure and rezoning

Plan Active motivation report

In the report reference is made to a coastal development setback line. It must be pointed out that two different types of lines are described in the legislation. Firstly there is a development setback line as described by the National Environmental Management Act: Environmental Impact Assessment Regulations. Secondly there is a coastal setback line as defined by the National Environmental Management Act: Integrated Coastal Management Act. None of these lines have been defined for the Overstrand municipal area.

For the purpose of this development the environmental consultant will apply to the Department of Environmental Affairs & Development Planning for the adoption/definition of an ad hoc development setback line. With an ad hoc setback line, development/construction should take place inland of the identified setback line. In addition the Environmental Management Section would like to request that a 20 metre buffer zone be established along coastline. The purpose of this buffer is to create a continual coastal corridor and protection of natural resources and ecosystem functioning.

The site plan for Erf 1233 indicate that portion D, has a "coastal setbackline" running through the portion. It is unclear if the area seaward of the line will be maintained as a coastal corridor. This must be clarified by the applicant.


Tel: 028 316 5724
Sut: 072 394 9941
papkin@overstrand.gov.za

P O Box 20
Hermanus
7200

Recommendation:

- That a 20 metre coastal buffer zone be established on portion D, with no development allowed to take place inside/seaward of this buffer zone.
- That the boundary of this buffer be used as the ad hoc setback line application.

Kind regards,



Penelope Aplon

Environmental Officer



DIRECTORATE: LAND MANAGEMENT

BETTER WORLD

Checklist for the request of the adoption/definition of an *ad hoc* development setback line

Request for the adoption/definition of an *ad hoc* development setback line in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998), and the Environmental Impact Assessment Amendment Regulations, 2010 – Form Number 507/2012

July 2012

(For official use only)		
File Reference Number:		
Date Received by Department:		
Date Received by Component:		
Form duly signed and dated:	YES	NO

PROJECT TITLE

ERF 1233 EASTCLIFF, HERMANUS AD HOC DEVELOPMENT SETBACK LINE
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CHECKLIST - ADOPTION/DEFINITION OF AN AD HOC DEVELOPMENT SETBACK LINE

GENERAL INFORMATION TO READ BEFORE COMPLETING THIS CHECKLIST

1. This form must be used to request the competent authority to adopt/define an ad hoc development setback line.
2. This form is current as of July 2012. It is the responsibility of the proponent to ascertain whether subsequent versions of this checklist have been published or produced by the competent authority.
3. The required information must be typed within the spaces provided in the checklist. The sizes of the spaces provided are not necessarily indicative of the amount of information to be provided. The spaces are in the form of a table that will expand itself as each space is filled with typing.
4. The use of "not applicable" in the checklist must be done with circumspection. Where it is used in respect of material information that is required by the competent authority for assessing the request, this will result in the request for additional information.
5. Incomplete checklists will result in a request for additional information.
6. Unless protected by law all information contained in, and attached to this checklist, will become public information on receipt by the competent authority.
7. This checklist must be submitted to the correct regional office at the Department at the postal address given below or by delivery thereof to the Registry Office of the Department. **No faxed or e-mailed checklists will be accepted. This checklist must be originally signed and duly dated.**
8. **This checklist is a guide to the information that must be submitted. Any additional information including photographs or explanations prompted by the checklist must be submitted along with this checklist in order to ensure that the competent authority does not need to request additional information from you.**

DEPARTMENTAL DETAILS

CAPE TOWN OFFICE: REGION 1 (Cape Winelands District, City of Cape Town Metropolitan: Tygerberg District, Northern District and Oostenberg Administrations)	CAPE TOWN OFFICE: REGION 2 (West Coast District, Overberg District, City of Cape Town Metropolitan: Helderberg District, South Peninsula, Khayelitsha/ Mitchells Plain District, Southern District, Blaauwberg District, Table Bay District, Cape Flats District, Administrations)	GEORGE OFFICE: REGION 3 (The Eden District and Central Karoo District)
<p>Applications and requests for specific fee reference numbers must be sent to the following details:</p> <p>Department of Environmental Affairs and Development Planning Attention: Directorate: Land Management (Region 1) Private Bag X 9086 Cape Town, 8000</p> <p>Registry Office 1st Floor Utilitas Building 1 Dorp Street, Cape Town</p> <p>Queries should be directed to the Directorate: Land Management (Region 1) at:</p> <p>Tel: (021) 483-4793 Fax (021) 483-3633</p>	<p>Applications and requests for specific fee reference numbers must be sent to the following details:</p> <p>Department of Environmental Affairs and Development Planning Attention: Directorate: Land Management (Region 2) Private Bag X 9086 Cape Town, 8000</p> <p>Registry Office 1st Floor Utilitas Building 1 Dorp Street, Cape Town</p> <p>Queries should be directed to the Directorate: Land Management (Region 2) at:</p> <p>Tel: (021) 483-5829 Fax (021) 483-4372</p>	<p>Applications and requests for specific fee reference numbers must be sent to the following details:</p> <p>Department of Environmental Affairs and Development Planning Attention: Directorate: Land Management (Region 3) Private Bag X 6509 George, 6530</p> <p>Registry Office 4th Floor, York Park Building 93 York Street George</p> <p>Queries should be directed to the Directorate: Land Management (Region 3) at:</p> <p>Tel: (044) 805 8600 Fax (044) 874-2423</p>

View the Department's website at <http://www.westerncape.gov.za/eodm> for the latest version of this document.



CHECKLIST - ADOPTION/DEFINITION OF AN AD HOC DEVELOPMENT SETBACK LINE

IMPORTANT INFORMATION TO READ BEFORE COMPLETING THIS CHECKLIST

With regards to an ad hoc development setback line, note that:

- 1) the development setback line is defined/adopted in terms of the EIA Amendment Regulations, 2010 and only relates to the relevant listed activities and to the determination of whether or not an environmental impact assessment in terms of NEMA is required before undertaking these listed activities only (refer to section 9 below);
- 2) the development setback line is not defined/adopted in terms of the **National Environmental Management Act: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008) ("ICMA") / National Water Act, 1998 (Act No. 36 of 1998)** or any other legislation, and notwithstanding the location of the development setback line, any other statutory requirements that may be applicable to the undertaking of the development must be adhered to;
- 3) the development setback line does not imply that the area inland of the line will not be exposed to risks arising from dynamic processes, including the risk of flooding or erosion;
- 4) the fact that development will be undertaken behind (inland of) the development setback line does not absolve you from your general "duty of care" set out in Section 28(1) of the NEMA which states that "Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment." (Note: When interpreting "duty of care" responsibility, cognisance must be taken of the principles of sustainability as contained in Section 2 of the NEMA.);
- 5) the social context of the proposed development must always be considered. This may include potential impacts of the proposed development on social issues such as HIV and Aids prevalence and on gender related concerns; and
- 6) **a public participation process must be undertaken** for this request (refer to section 8 below).

1. BACKGROUND INFORMATION

Highlight the Departmental Sub-Region(s) in which the application falls	REGION 1 (Cape Winelands District, City of Cape Town Metropolitan; Tygerberg District, Northern District and Oostenberg Administrations)	REGION 2 (Overberg District, City of Cape Town Metropolitan; Helderberg District, Khayelitsha/ Mitchells Plain District, Southern District, Cape Flats District)	REGION 2 (West Coast District, City of Cape Town; Khayelitsha/ Mitchells Plain District, Blaauwberg District, Table Bay District, Cape Flats District)	REGION 3 (The Eden District and Central Karoo District)
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Name of Proponent:	Charel Bruwer	
RSA Identity/ Passport Number:	482479785	
Name of contact Person (if other):		
RSA Identity/ Passport Number		
Postal address:	P O Box 4	
	ONRUS	Postal code: 7201
Telephone:	{028} 316 2888	Cell: 082 805 0190
E-mail:	charel@enviroafrica.co.za	Fax: 0865132141

CHECKLIST - ADOPTION/DEFINITION OF AN AD HOC DEVELOPMENT SETBACK LINE

Name of landowner:	Estate Late J Relly		
Name of contact person for landowner (if other):	Ms Jenny Booth		
Postal address:	P O Box 3741		
	CAPE TOWN	Postal Code: 8000	
Telephone:		Cell: 0823339941	
E-mail:	Jennifer.booth@mailandgroup.com	Fax: 021-6818790	
Please note: In instances where there is more than one landowner, please attach a list of landowners with their contact details, together with copies of the notices given to these landowners about the setback request, to the back of this form.			
Property location:	192-196 Main Road, Eastcliff, Hermanus		
Farm name/s, Erf No., portion/s etc.	Erf 1233, Eastcliff, Hermanus		
Property size/s (m ²)	12445 m ²		
Development footprint size/s (m ²)	12445m ² (Buildings, driveway, paved areas and gardens)		
SG21 Digit code/s for all proposed sites:	C01300130000123300000		
Physical address/es where development will take place:	192-196 Main Road, Eastcliff, Hermanus		
Coordinates of all proposed sites: Latitude (S)	34°	24'	51.60"
Longitude (E)	19°	14'	57.00"
Magisterial District or Town:	Caledon Magisterial District		
Name(s) and status of Beach(es) and/or River(s) in question:	Rocky shore in Eastcliff, Hermanus		
Local authority:	Overstrand Municipality		

NOTE:

You are required to attach aerial photographs and other supporting pictorial evidence clearly showing the site/s under discussion, all neighbouring sites, the proposed development footprint, and proximity to the sea, estuary and/or watercourses. In addition, where watercourses are applicable, the 1:50 and 1:100 year flood-lines (if known) and/or the 32m line from the banks of the watercourse must be shown on a map. Where estuaries are applicable, the 5m contour line (i.e. the estuarine functional zone) must be shown on



CHECKLIST - ADOPTION/DEFINITION OF AN AD HOC DEVELOPMENT SETBACK LINE

a map. In order to source this information, please visit www.balis.sanbi.org and select the National Estuaries Map (2011).

If this evidentiary support is not included herewith, the Department WILL request this as additional information.

2. DETAILS OF CURRENT ACTIVITIES ON THE SITE

a) Have any activities physically commenced on the site/s?	YESX	NO
b) List the date of commencement of these activities (dd/mm/yy).		
c) Describe the commencement of these activities.		
There is an existing dwelling of ~403m ² , an outbuilding of ~153m ² , a cottage of ~80m ² , swimming pool and paved and garden areas that cover the whole area of the property (see Aerial Photo 2)		

3. EXISTING BIOPHYSICAL CONTEXT

a) What is the distance in metres from the closest property boundary to the high-water mark/watercourse?	The southernmost boundary of the property is formed by the high water mark of the sea.
b) Is there evidence of existing erosion?	No
c) Have there been any previously implemented erosion protection measures?	No
d) What is the existing height of the property in question above sea level, or above the watercourse?	The nearest boundary is located of the high water mark of the sea. The Erf 1233 slopes from here up to a maximum height in the north-western corner of the erf at 17 metres. This equates to an average slope of 1:10
e) What is the proximity to the nearest estuary?	~4.3 kilometers as the crow flies to the Kleinivier estuary
f) What is the distance in metres of the closest point of the proposed development to the known storm surge high-water mark or flood-lines?	~25 metres
g) Will the proposed development block public access to the sea shore or the watercourse?	No. In fact, at the moment the public do not have access to the sea shore of this property due to the fact that the boundary is at the high water mark. The intention is to move the ad hoc setback line back to 20 metres inland from the high water mark in order for the cliff path, giving public access to be extended across this property.
h) Are there any servitudes registered on the property? Explain.	No
i) Is the site prone to flooding or inundation from the sea? Explain including dates of most recent events?	The site has never been inundated by the sea, but the lowest point of the erf closest to the sea is presently at the high water mark. The big storm surges approach the site around a headland that dissipates the energy to a point further to the east of the coast, so it is not prone to more excessive inundation than is normally associated with high water marks of the sea. There is also a rocky headland to the west and as was observed during the September 2008 storm surge the swell was mostly dissipated at an angle to the seashore and back to the sea by the rocky outcrop visible in Aerial Photo 1. The proposed position of the ad hoc setback line 20 metres back from the high water mark will also be ~6 metres vertical above the high water mark. There is no possibility that sea

CHECKLIST - ADOPTION/DEFINITION OF AN AD HOC DEVELOPMENT SETBACK LINE

water level rise due to global warming during the next 100 years can get near the proposed ad hoc setback line for Erf 1233.	
j) Describe the type of sea shore or watercourse (sandy, rocky, mixed etc.) (Attach photographs).	The type of seashore in front of Erf 1233 consists of a rocky section of shoreline that consists of bedrock ~3 metres wide with very large boulders that thereafter slopes steeply up to a point where the vegetation starts. At present the southernmost boundary is at the high water mark (see Photos 3&4)
k) Describe the slope of the site, and the sea shore or banks of the river channel (Attach photographs).	The average slope over the ~170 metre length of Erf 1233 is 1:10. It has an upper northern section over a distance of length of ~80 metres with an average slope of 1:50. Thereafter follows a section of ~40 metres with an average slope of 1:10 and thereafter a section of ~30 metres with a slope of 1:6. The last section closest to the ocean over a distance of ~20 metres has a slope of 1:3. The lowest point of the existing erf southernmost boundary is located at the high water mark. The highest point of the erf is the northernmost boundary located at 17 metres. The proposed ad hoc development setback line for Erf 1233 is located 20 metres inland of the high water mark of the sea and at the lowest point of this line is located at 6 metres above mean sea level. This proposed ad hoc development setback line corresponds with the line proposed by the Overstrand Municipality and will allow public access to the ocean across the bottom end of Erf 1233. (see Photos 2, 3, 4, 5&6).
l) Describe the shape of the beach or watercourse (concave, convex, meandering etc.) (Attach photographs)	The shape of the "beach" is a slightly concave rocky shore (see Aerial Photo 1).
m) Describe the type of substrate of the sea shore or watercourse (eg, very fine sand, coarse sand, very coarse, pebbles) (Attach photographs).	The substrate of the "beach" consists of bedrock and loose large rocks (see Photos 3&4)

4. DETAILS OF THE EXISTING STATE OF THE FORESHORE OR WATERCOURSE

Clearly describe the existing state of the foreshore or watercourse (i.e. is it canalised, are there existing gabions, is the foreshore paved, bordered by a road, etc.). Also include a description of riparian zones/coastal zones and the existing vegetation. This must be supported by recent photographs.
The existing state of the foreshore is completely natural and consists of a high impact area which has been scoured by the sea to bedrock of the rocky shore (see Aerial Photo 2 and Photos 3&4). There are large rocks on this bedrock, but no sandy beach. The vegetation on the top of the upward slope consists of part of the residence garden. At present there is no public access below the Erf 1233 but with the proposed ad hoc setback line to be located ~20 metres upslope of the high water mark, it will provide an opportunity to extend the cliff path and ultimately link it with the section of path to the east of Erf 1233.

5. DETAILS OF THE PROPOSED ACTIVITIES ON SITE

Describe your proposed development on the site/s in detail.
The proposed development on Erf 1233 will consist of the subdivision of the erf into three residential erven, one containing the existing residence and two more individual single residential erven. There is a fourth erf section that falls in the MAIN Road and this will be cut off to provide for the future widening of the road if and when this becomes necessary. Future construction activities of a new residential dwelling will have to conform to the building regulations of the Overstrand Municipality. There are no conceptual plans of the dwellings available at present as the application for subdivision can only be done once the ad hoc development setback line has been approved. The existing house and garden area is shown in Photos 7&8.

CHECKLIST - ADOPTION/DEFINITION OF AN AD HOC DEVELOPMENT SETBACK LINE

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6. DETAILS OF THE SURROUNDING LAND USES

a) Describe all immediately neighbouring land uses (Attach photographs). The surrounding land uses consist of existing residential dwellings on residential erven with the odd residential erven that have no houses on them. The cliff path, an enormous tourist attraction in Hermanus runs from the west up to the boundary of Erf 1233 and the intention is to extend it across Erf 1233, once the ad hoc setback line has been approved. On the seaward side, some distance out to sea a renowned big wave surfing spot known as Bayview is located which regularly attracts world class big wave surfers when conditions are right. This break is formed by a headland around which the large swells approach from the southwest. The shoreline in front of Erf 1233 is sheltered by this headland. Immediately to the west of Erf 1233 there is a commonage open space (see Aerial Photos 1&7).

b) Describe how the proposed development is consistent with the surrounding land uses (Attach photographs). The surrounding land use is that of developed residential erven. The erven were set out many years ago, some have been subdivided in the meantime and the erven are mostly fully developed. The existing houses are mostly of a classic to modern styling and the proposed two additional single residential dwellings will fit in with this surrounding size of erven and style and be in the upper economic class (see Aerial Photos 1&2).

7. ENVIRONMENTAL IMPACTS

a) Describe any **negative** environmental impacts that may occur if the request is granted. Information on any increases in air emissions, waste generation, discharges to water and impacts of the natural or cultural environment such as pollution must be included.

There were no negative environmental impacts that could be identified as the whole of Erf 1233 already consists of some buildings and a fully developed garden and there is no natural vegetation left on the site. Upon ultimate subdivision and development of the two sites, two more single residential units will be added to those already in existence in the surrounding areas. The construction of these residences will not put any ecological corridors or ecological processes in jeopardy. Waste generation, water requirement and effluent generation will add those quantities normally associated with two households to the volumes required and generated in greater the Hermanus area. These services will be supplied from existing supplies by the Overstrand Municipality and will be an insignificant quantity in the greater scheme of things. Our conclusion is that the natural environment will not be negatively affected in any way.

b) Describe any **negative** environmental impacts that may occur if the request is **not** granted (e.g. Continued erosion).

The negative impact will be that the present owner of Erf 1233 who wish to subdivide the erf will not be able to do so. An excellent opportunity to gain land free of charge for the Overstrand Municipality over which to link the cliff path from the west to the east of the property will also be lost. At the moment the continuation of the cliff path is terminated at the immediate western boundary of Erf 1233 due to the private land extending down to the high water mark of the sea.

c) Describe any **positive** environmental impacts that may occur if the request is granted. Information on any reduction in the ecological footprint, air emissions, waste generation and discharges to water, rehabilitation or coastal erosion protection measures must be included.

The positive environmental impact will be that the owner will be able to subdivide Erf 1233 to allow the creation of two more single residential erven and allowing the cliff path to continue across the erf after the ad hoc setback line has been approved. The new single residential erven so created will be subjected to the municipal building regulations pertaining to the properties as well as regulations with regard to energy saving, water use and recycling of waste.

d) Does the site form part of a Critical Biodiversity Area?

CHECKLIST - ADOPTION/DEFINITION OF AN AD HOC DEVELOPMENT SETBACK LINE

No
e) Describe what investigations or assessments have been undertaken (if any) to inform this request. The site and surrounding area was assessed to determine the environmental impact that the establishment of an ad hoc development setback line would have at two positions, one at the present erf boundary located at the high water mark of the sea and the other at a position 20 metres inland from the high water mark in order to create an area of coastal public property. It was determined that there would be no negative environmental impacts if the development setback line was pegged at a position located 20 metres inland from the high water mark of the sea. This proposed ad hoc setback line corresponds with the proposed setback line that the Overstrand Municipality proposes for Erf 1233, Hermanus.
f) Are there any existing local authority building setbacks lines, or other in place. Explain. There are just the normal municipal by-laws in place that determine the building height and distances from the various erf boundaries that may not be exceeded.
g) Clearly describe what line you propose for the competent authority to adopt as a setback line. (This MUST be supported by a map (preferably 1:10 000 or larger) clearly showing the proposed line and proximity to the high-water mark of the sea/ watercourses as well as any lines in terms of (f) above. If a clear representation of this proposed line on a map is not provided, it will be requested as additional information. We propose that the competent authority adopt an ad hoc development setback line for Erf 1233, Hermanus that corresponds with the proposed municipal setback line located 20 metres inland of the high water mark of the sea over this erf (see Map attached).

8. RIGHTS AND INTERESTS OF OTHER PARTIES

You are required to conduct a public participation process for this ad hoc development setback adoption request. As a minimum, you will be required to inform the surrounding neighbours and your local authority of your intentions (these interested and affected parties will be regarded as registered interested and affected parties), allowing a minimum of 21 days as a commenting period for these interested and affected parties. Written comment from your local authority must be provided. All comments received must be responded to and the proof of the public participation including all comments received and responses provided must be attached to the back of this form.

a) Will this request adversely affect the rights and interests of other parties? Explain.	YES	NOX
The approval of the setback line will not affect the rights and interest of other parties. Once a setback line has been approved, there may be an application to subdivide the Erf 1233 to create two additional single residential erven under LUPO. This is however a separate legal process that will have to be followed where other parties have an opportunity to comment on the issue of subdivision, etc.		
b) Has any form of public participation already been conducted? Explain and attach all proof thereof and any comments received, and responses provided on issues raised by interested and affected parties.		
Yes. All the direct neighbours for two rows of properties adjacent to Erf 1233 were contacted by post and the process of the application for the approval of an ad hoc development setback line by the competent authority explained to them in an information document and given 21 days to respond. Their approval was sought, whether they had any comments, as well as whether they wanted to be registered as Interested and Affected Parties. There were a number of responses to the invitation to respond and these were all responded to in writing. Proof of all the correspondence is attached as well as a diagram of neighbouring properties informed.		

NB: A public participation process must be conducted. Further, the competent authority will request additional information if it is believed that it is necessary for the consideration of this request.



CHECKLIST - ADOPTION/DEFINITION OF AN AD HOC DEVELOPMENT SETBACK LINE

9. DECLARATION

THE PROPONENT

I, C. A. Bruwer., in my **personal capacity** or **duly authorized thereto by** (please circle the applicable option)..... (name of legal entity) hereby declare that I/we:

- regard the information contained in this checklist to be true and correct;
- am fully aware of my responsibilities in terms of the National Environmental Management Act of 1998 ("NEMA") (Act No. 107 of 1998), the Environmental Impact Assessment Amendment Regulations ("EIA Regulations"), 2010 in terms of NEMA (Government Notice No. R. 543 refers), and the relevant specific environmental management Acts, that failure to comply with these requirements may constitute an offence in terms of the environmental legislation, and that this ad hoc setback line request specifically pertains to the EIA Regulations, 2010;
- am fully aware that my proposed development constitutes a listed activity/ies in terms of the NEMA EIA Regulations as follows: (List activity numbers only);

GN No. R. 544

_16, 17, 18, 40, 45_____

GN No. R. 545

None_____

GN No. R. 546

12,_____

- will provide the competent authority with all information requested and access to all information at my disposal that is relevant to this request;
- will be responsible for any costs incurred in complying with the environmental legislation;
- hereby indemnify, the government of the Republic, the competent authority and all its officers, agents and employees, from any liability arising out of, *inter alia*, any loss or damage to property or person as a consequence of any development within the development setback area as adopted by the competent authority;
- am aware that the decision by the competent authority with respect to this ad hoc setback request may be appealed and that the process to be followed for any appeal will be in terms of Chapter 7 of the EIA Regulations, 2010; and
- am aware that a false declaration is an offence in terms of regulation 71 GN No. R. 543.

Signature of the proponent: _____

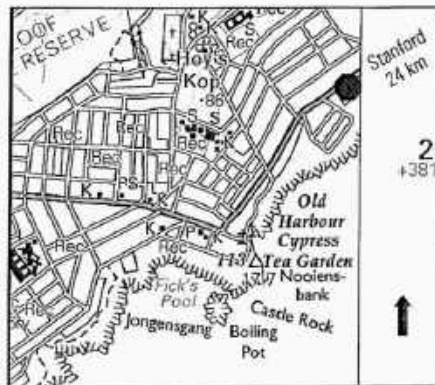
Date: _____

EnviroAfrica Environmental Planning and Impact Assessment Consultants

Name of company (if applicable): _____



CHECKLIST - ADOPTION/DEFINITION OF AN AD #OC DEVELOPMENT SETBACK LINE



MAP at 1:50 000 scale (3419AC Hermanus) showing the location of the Erf 1233 Eastcliff (black dot) located at 192-196 Main Road, Hermanus.



AERIAL PHOTO 1 of the surroundings of Erf 1233 demarcated with the existing nearest boundary at the high-water mark of the sea.



CHECKLIST - ADOPTION/DEFINITION OF AN AD HOC DEVELOPMENT SETBACK LINE



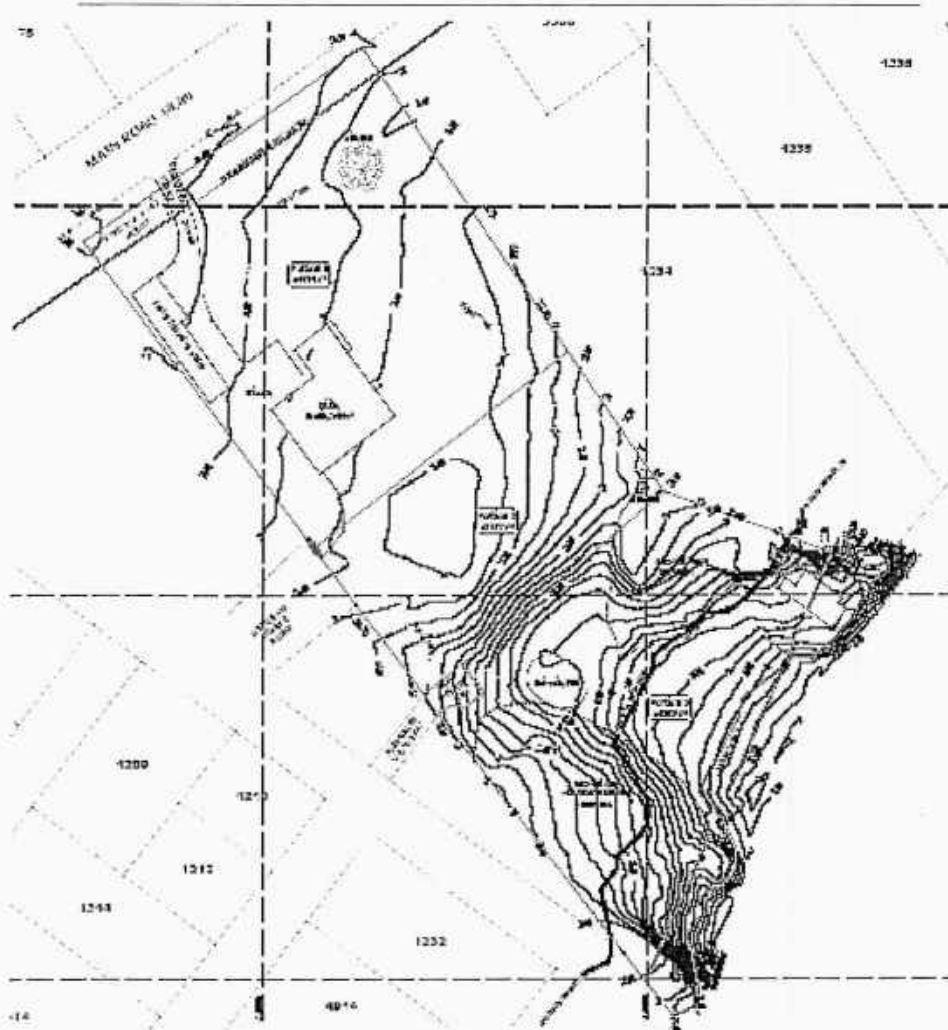
Figure 1: Aerial view showing the location of Erf 1233 on the 159 meter Road, Richards with the proposed ad hoc development setback line (dashed white line) set -20 metres inland from the high water mark.



MAP indicating the position of Erf 1233 and the neighbours (black dots) that received notification of the proposed ad hoc development setback line.



CHECKLIST - ADOPTION/DEFINITION OF AN AD HOC DEVELOPMENT SETBACK LINE



TOPOGRAPHICAL MAP of Erf 1233 indicating the proposed *ad hoc* development setback line (thick black line) at the lower end of the property which is set back 20 metres from the high water mark of the sea. This line also corresponds with the proposed development setback line for the area as devised by the Overstrand Municipality. The high water mark is the bottom blue line.

CHECKLIST - ADOPTION/DEFINITION OF AN AD HOC DEVELOPMENT SETBACK LINE



PHOTO 3 on left was taken in a north-easterly direction showing the southernmost boundary of Erf 1233 at the high water mark and the small building on the north-eastern boundary. **PHOTO 4** on the right was taken from the southern boundary in a south-westerly direction. Note the shore structure consisting of bedrock and large boulders and cobbles with no sandy beach.



PHOTO 5 on left was taken in an easterly direction from the middle of Erf 1233 showing the height of the erf above the high water mark. **PHOTO 5** on the right was taken in a south-easterly direction. Note the prevailing big wave swell direction from the southwest and the protection given by the headlands to the west of the Erf 1233.



PHOTO 7 on left was taken in a north-easterly direction from the middle of Erf 1233 showing the existing main dwelling on Erf 1233 with the whole erf covered in garden. The western-most boundary can be seen under the trees on the left of the picture. **PHOTO 8** on the right was taken from the middle of Erf 1233 in a northerly direction showing the eastern-most boundary on the right of the photo.

EnviroAfrica

Environmental Planning and Impact Assessment Consultants
Ompoewingsbeplanning en Impakbeoordeling Konsultante

26 July 2013

Dear Neighbour of Erf 1233, Hermanus

DETERMINATION OF ON ad hoc DEVELOPMENT SETBACK LINE FOR ERF 1233 (7 Main Road) HERMKANUS, AS MADE PROVISION FOR UNDER THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT No. 107 of 1998.

We have been instructed by the current owner of Erf 1233 Hermanus, located at Main Road to determine an ad hoc development setback line on Erf 1233, in line with the requirements under the National Environmental Management Act (NEMA). This option is available under NEMA regulations related to listed activities that are applicable to developments within 100 metres of the high water mark of the sea. The alternative, if no development setback line is determined, is to apply the complete basic assessment process specified under NEMA which is a much more expensive process. The purpose of the determination of an ad hoc development setback line is to allow a subdivision of the erf into three erven and to allow for construction/extension of residential dwellings on the erven so created.

Erf 1233 is a very large existing residential erf (118319m²) that currently has a residential dwelling and some outbuildings on it. The erf has no natural features remaining on it. The investigation has determined that, due to the elevation of the erf above mean average sea level that there is no danger of flooding or erosion by sea conditions at present or due to global warming for at least the next 100 years. The present erf boundary is at the high water mark of the sea.

On the basis of the investigation we have determined the ad hoc development setback line to correspond with a line on the erf 1233 that is located 20 metres back from the high water mark of the sea. This is in line with the setback line that the Overstrand Municipality propose. This means that the building regulations that are subject to the municipal by-laws will be in force on the three subdivided erven of 1233. This recommendation for the endorsement and acceptance of the determined ad hoc development setback line will be submitted to the Dept of Environmental Affairs and Development Planning for approval.

If you have any queries in this regard or wish to comment on the proposed ad hoc development setback line, please do so in writing to *EnviroAfrica* (Erf 1233), P O Box 4 Orrus 7201 or Fax:0865132141, before close of work on 19 August 2013.

Thank you in anticipation

Charel Bruwer Snr

P O Box 4
ONRUS RIVER 7201
Tel: (028) 3162888
Fax: 0865132141
Cell: 0828050190

CK 206704383523
VAT No 4380237091

Charel Bruwer Snr
Jerry Avis
Charel Bruwer Jnr
Bernard de Witt



EnviroAfrica

Environmental Planning and Assessment Consultants
 Oorompinggaturung, 10, Deyfelooskooling, KwaZulu-Natal

SA POST OFFICE
 2013 -07- 2 6
 FOLIO 1

26 July 2013

This is to certify that I, Chanel Bower (ID 4403295091086) have notified by means of a background information Document for the proposed adoption of an ad hoc development setback line for E1 1233, Hermans the list of persons below at the Hermans Post Office.

BN	Coopse	P. O. Box 2074	HERMANUS	7200
GFN	Shreeve	88 Mitchell Street	HERMANUS	7200
AT&S	Jennings&Rosingdon	90 Mitchell Street	HERMANUS	7200
JCAT	Sink	Hillstraat 1	HERMANUS	7200
Municipal Manager	Overstrand Municipality		HERMANUS	7200
E	Schuurman	4 Hill Street	HERMANUS	7200
Whitwell Inv Nr 05	c/o Dr Anton van Bilfen	Hillstraat 2	HERMANUS	7200
AN	Minaar		HERMANUS	7200
Unit 131 Lessor Bay Trust	c/o RL Berry	P O Box 121	STANFORD	7210
MJ	van der Walt	Postbus 7563	CENTURION	0046
Forbes Holdings(Pty) Ltd	T/A Whitseaaway Guesthouse	P O Box 1586	PAROW	7469
PJ	Joubert	2 Lhaars Rd	HERMANUS	7200
JE	du Plessis	30 Main Rd	NEWLANDS	7700
Domek Investments(Pty)Ltd	Sunnybank		HERMANUS	7200
Rand Inv Pty Ltd	c/o Bales Department	P O Box 1460	HERMANUS	7200
Streamline Trust	c/o GM Mackay	P O Box 20	HERMANUS	7200
Enflow Investments	c/o M' P O Wright	Kath Rd	CONSTANTIA	7805
Ultra Pickand Trust	The Cottage	P O Box 7	STRYDENBURG	8765
		25 Belair Drive	CONSTANTIA	7805

P O Box 4
 ONKUS 81465 2011
 Tel: 082 852 6726
 Fax: 082 852 6741
 Cell: 082 852 6740

Chanel Bower Snr
 Canal Bower Jnr
 Bernard de Wit

EnviroAfrica

AM	Munro	8 Flamingo Rd	NAHOOON VALLEY	5241
HJ <td>Fouche <td></td> <td>HERMANUS</td> <td>7200</td> </td>	Fouche <td></td> <td>HERMANUS</td> <td>7200</td>		HERMANUS	7200
Buddard Farm Trust <td> <td></td> <td>CAPE TOWN</td> <td>8000</td> </td>	<td></td> <td>CAPE TOWN</td> <td>8000</td>		CAPE TOWN	8000
A <td>Esteyen <td>Three Blotzen Trust</td> <td>SALAMPOF</td> <td>7532</td> </td>	Esteyen <td>Three Blotzen Trust</td> <td>SALAMPOF</td> <td>7532</td>	Three Blotzen Trust	SALAMPOF	7532

Chanel Bower Snr

SA POST OFFICE
 2013 -07- 2 6
 FOLIO 1

ADOPTION/DEFINITION OF AN AD-HOC DEVELOPMENT SETBACK LINE

12257 HEC

From: Mike Wynne <mikewynne@hermanus.co.za>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/22 02:03 PM
Subject: Subdivision ERF 2825 Hermanus pty ltd



TRATheat
CH Olivier)

Dear sir
In accordance with the provision of section 51 and 52,
I support the application in terms of section 16(2)d
To subdivide ERF12257 Hermanus into a portion A and a
Remainder.

Name: m a wynne, 42 11th avenue Voelklip Hermanus
ERF.3491
Contact: mikewynne@hermanus.co.za
0283141357 telephone

Regards
Mike wynne

FILE NO:	EL 12257/1
	Hermanus
SCAN NO:	
	WYNNE
COLLABORATOR NO:	
	1287026

22 MAY 2019



12257 HER

TRH Theart
(Hollivier)

Alida Conradie - request re cliff path extension



From: Annette du Toit <antjie123@yahoo.com>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/22 09:49 PM
Subject: request re cliff path extension

Seeing that there is now an opportunity to do so, I would like to formally request the Municipality to make provision for the extension of the cliff path in front of Erf 12257. The extension of the cliff path has been long overdue. It is the most beautiful cliff path and should be enjoyed by all locals and tourists.

regards
Annette du Toit
no 5 Innesbrook Hermanus

"art enables us to find ourselves and lose ourselves at the same time" Thomas Merton

annette du toit
antjie123@yahoo.com
+27824114857

FILE NO:	EL12257 ✓
	Hermannus
SCAN NO:	ANNETTE
COLLABORATOR NO:	1287216

23 MAY 2019

103

12257 HEC

TRA Theart
(H Olivier)

Alida Conradie - Cliff path completion

From: Paul Hanekom <paulhanekom001@gmail.com>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/23 06:36 PM
Subject: Cliff path completion



Please use this opportunity to complete the p cliff path
regard
Paul

FILE NO:	EL 12257
	Hermanus
SCAN NO:	PAUL
COLLABORATOR NO:	1287770

24 MAY 2019

104

12257 HEC

2 Meerkat Crescent
Sandbaai
Hermanus
7200

TR A Theart
(H. Oliver)

15 May 2019



aconradie@overstrand.gov.za

Dear Sir/Madam

RE: Response To Hermanus Times article "Jooste property holds the key"

I respond to the above article and wish to add my name to those of the Hermanus Cliff Path Action Group.

This is why: during March I dropped off two German students staying with me at Grotto Beach, their intention being to follow the cliff path part or all the way back towards Sandbaai. At the time I was not aware of the diversion mentioned in the article and thought they would walk safely along the sea.

Much as they enjoyed the walk, when I picked them up at the Old Harbour, their main topic of conversation was the huge fright they had gotten whilst walking along Main Road. Bear in mind that the Europeans drive on the opposite side of the road. At one point they stepped out into the road to pass someone pushing a trolley, pram or even a wheelchair (this was never made quite clear). As they stepped out into the road a car travelling at speed hooted at them from behind and, they claimed, swerved out as they jumped back. They had seen no-one approach from the front and at that moment forgotten the South African Rule of the Road.

To call this a near accident might be stretching things; however, imagine the bad publicity for Hermanus and consequent impact on our tourism industry if there had been an accident. We advertise that the path follows 'the whole of the Hermanus coast'. Thank heavens the impact of that experience is unlikely to cloud their memory of their stay with us.

Yours sincerely
Jack Holloway

JE Holloway SA ID 5609275123084
Cell 083 659 1227
Jackholloway3@gmail.com

FILE NO:	EL 12257
	Hermanus
SCAN NO:	HOLLOWAY
COLLABORATOR NO:	1287743

24 MAY 2019

105

12257 HEC

Alida Conradie - Extension of the Cliff Path in front of Erf 12257

From: "Paula Swarbreck" <paula@hermanus.co.za>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/24 12:27 PM
Subject: Extension of the Cliff Path in front of Erf 12257



Dear Sir

We are very much in favour of the municipality taking up the opportunity to extend the Cliff Path in front of Erf 12257.

As a Guesthouse owner in Eastcliff, we know how valuable the Cliff Path is to tourism in Hermanus. Daily, we have to tell tourists "Unfortunately, you will have to walk along the Main Road for a long section in this area before re-joining the Cliff Path". This takes away such a lot of the joys of the wonderful walk we are describing.

Let's do whatever we can to make Hermanus wonderful for the visitor and having an uninterrupted path will go a long way to achieving that. The Hermanus Cliff Path will become famous throughout the world. A true asset which is currently not reaching its full potential.

Sincerely

Paula Swarbreck
213 Main Road
Hermanus
0834150557

Virus-free: www.avg.com

FILE NO:	62 12257
	Hermanus ✓
SCAN NO:	PAULA
COLLABORATOR NO:	1287765

24 MAY 2019

(106)

Alida Conradie - Cliff path

12257 HEC

TRH Theart
(H. Olivier)

From: Charl <vanstadencharl@gmail.com>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/24 12:28 AM
Subject: Cliff path



Good day

I would like to state that I am in favour of requesting for provision to be made to extend the cliff path at Poole's Bay.

Thanks,
Charl van Staden

FILE NO:	EL 12257 ✓
	Hermanus
SCAN NO:	CHARL
COLLABORATOR NO:	1287759

24 MAY 2019

(107)

12257 HEC

TRATheart
(Hollivier)

Alida Conradie - Servitude for public right of way along Erf 12257 to join extension of cliff path

From: de Haes <dehaes03@msn.com>
To: "aconradie@overstrand.gov.za" <aconradie@overstrand.gov.za>
Date: 2019/05/23 08:03 PM
Subject: Servitude for public right of way along Erf 12257 to join extension of cliff path
Cc: "jobre@iafrica.com" <jobre@iafrica.com>



Dear Mr Conradie,

I understand that a current application to subdivide Erf 12257 (15 Quantum Street?) gives the municipality the opportunity, under the INTEGRATED COASTAL MANAGEMENT ACT section 18(9) to secure, by servitude of right of way above the high water mark, longshore access to a most desirable extension of Hermanus's world renowned and beloved cliff path.

This unique and magnificent scenic path has long frustrated and disappointed many thousands of Hermanus residents and visitors from around the globe by obliging them to deviate from the path to the dangerous and unattractive Main Road/ R43 Highway.

I therefore join thousands of others to appeal to the enlightened Overstrand Municipality to seize this opportunity to enhance the extraordinary attraction of the cliff path and Hermanus for present and future generations.

Kindest regards,

Advocate Charles de Haes
Owner of 61 Mossel River Drive from 1995 to 2009
and annual occupant since then for 30 days over the Dec/Jan festive season by long term contract with the present owner, Dr Frans Krige.

FILE NO:	EZ12257
SCAN NO:	Hermanus ✓
COLLABORATOR NO:	CHARLES
	287752

24 MAY 2019

108

Alida Conradie - Erf 12257

12257 HEC

From: Denise Schonegevel <Denise@pg.co.za>
To: "aconradie@overstrand.gov.za" <aconradie@overstrand.gov.za>
Date: 2019/05/23 06:16 PM
Subject: Erf 12257



I request provision to be made to extend the cliff path at Poole's Bay Erf12257.

*T. A. Theart
C. H. Olivier*

Kind regards Denise Schonegevel 269 9th street Voelklip

E-mail Notice: The contents of this e-mail are subject to a legal notice that can be read at <http://www.pggroup.co.za/email-disclaimer.asp>.
 You are advised that PG reserves the right to lawfully monitor any communication on its system.

FILE NO:	EL 12257 ✓
	Hermanus
SCAN NO:	DENISE
COLLABORATOR NO:	1287745

24 MAY 2019



12257 HEC

Alida Conradie - FW: Cliff path continuation from Sea road to Mollergren Park

From: "George Mclver" <george@youngman.co.za>
 To: <aconradie@overstrand.gov.za>
 Date: 2019/05/23 03:46 PM
 Subject: FW: Cliff path continuation from Sea road to Mollergren Park



TR-A Theart
 (Molliver)

From: George Mclver <george@youngman.co.za>
 Sent: Thursday, 23 May 2019 3:43 PM
 To: 'aconradi@overstrand.gov.za' <aconradi@overstrand.gov.za>
 Subject: Cliff path continuation from Sea road to Mollergren Park

In support of the Cliff Path action group I as a home owner request that the Overstrand Municipality make use of the opportunity presented by the application to sub divide Erf 12257, 15 Quantum Street, Eastcliffe, Hermanus and apply The Integrated Coastal Management Act Section 18(9) to secure longshore access to the coast by servitude right of way in favour of pedestrian traffic.

I believe it is long overdue to have an uninterrupted cliff path from Grotto Beach via the town centre to the New Harbour.

Not only will this please the residents but have a positive affect on the tourist industry

It is inconceivable that the present path is broken from Sea Road to Mollengren.

Regards,

G B Mclver.

8 Loch street Eastcliff, Erf 1409 G B Mclver Family Trust is registered owner.

Hermanus.

082 8294615.

george@youngman.co.za

Post to

G B Mclver, 201 Evergreen, 6 Fir road Rondebosch, 7700

FILE NO:	EL 12257
	Hermanus
SCAN NO:	GEORGE
COLLABORATOR NO:	1287873

24 MAY 2019

110

12257 HEC

From: Gina Kohler <gkoles@iafrica.com>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/23 04:46 PM
Subject: Extension of Foot path

TR-17 Thoor
 (H. Olivier)



Extension of Foot Path
 Sent from my iPhone

FILE NO:	E212257 ✓
	Hermanus
SCAN NO:	GINA
COLLABORATOR NO:	1287794

24 MAY 2019

12257 HFC

24 MAY 2019

174/208

From: Anna Weideman <annanaat@icloud.com>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/23 02:53 PM
Subject: Extension of cliff path

TP-A Theat
C.H.O (vior)

Good afternoon
I support the the CPAG's quest to extend the cliff path at Poole's Bay and grant right of way for pedestrian use.
Sincerely
Anna Weideman
313 Third Street

Sent from my iPhone



FILE NO:	EL 12257 ✓
	Hermanns
SCAN NO:	ANNA
COLLABORATOR NO:	1287804

24 MAY 2019

12267 HFC

TP. A. Theirt
(H. Olivier)

Alida Conradie - Cliff Path Extension

From: Zeno Venter <zenoventer@gmail.com>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/23 12:31 PM
Subject: Cliff Path Extension

Good day
Please remember to extend the cliff and the grant a servitude right of way.

Kind regards

Zeno Venter
329 Main Road
Hermanus

+27(0)824407497



FILE NO:	ERF 12257 HMS
SCAN NO:	ZENO
COLLABORATOR NO:	1287502

15

Alida Conradie - Erf 12257

12257 HEC

TP - A Theert
(H. Olivier)

From: "Ivan Mare" <ivan@towb.co.za>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/23 09:37 AM
Subject: Erf 12257

Dear Mr Conradie

Hereby I would like to request that the Overstrand Municipality make provision for the extension of the cliff path and grant a servitude right of way above the high-watermark for pedestrian use.
Kind Regards.



IVAN MARÉ
DIRECTOR
CELL: +27 81 730 0980
OFFICE: +27 29 312 2836
EMAIL: IVAN@TOWB.CO.ZA



FILE NO:	ERF 12257 HMS
SCAN NO:	IVAN
COLLABORATOR NO:	1287503

12257 HEC

From: Esther Jonker <estherjonker@me.com>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/23 10:05 AM
Subject: Cliff path.

TP - A Theert
(H. Olivier)

How must we assist!! Thank you for all you hard work. May you be blessed.
Regards
Esther Jonker
1 Cliff Rd
Westcliff
Sent from my iPhone



FILE NO:	ERF 12257 HMS
SCAN NO:	ESTHER
COLLABORATOR NO:	1287509

(15)

10257 HCC TP - A Theert (H Olivier)

Alida Conradie - Extension of Cliff Path in reference of Subdivision of Erf 12257

From: Suzanne Mare <sarahmare@me.com>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/23 09:26 AM
Subject: Extension of Cliff Path in reference of Subdivision of Erf 12257



Dear Mr Conradie

Here with I would request that the Overstrand Municipality make provision for the extension of the cliff path and grant a servitude right of way above the high-watermark for pedestrian use.

Warm regards

Suzanne Mare



FILE NO: ERF 12257 HMS
SCAN NO:
MARE
COLLABORATOR NO:
1287510

116

TP- A Theart
(H. Olivier)

Alida Conradie - Erf 12257 - Cliffpath extension

12257 HEC

From: Suzanne Mare <admin@hermanus102.co.za>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/23 09:29 AM
Subject: Erf 12257 - Cliffpath extension

To Mr Conradie

Here with I would request that the Overstrand Municipality make provision for the extension of the cliff path and grant a servitude right of way above the high-watermark for pedestrian use.

Warm regards

Linda Otto (Magdalena Gertruida Otto)
082 783 0283



FILE NO:	ERF 12257 HMS
SCAN NO:	LINDA
COLLABORATOR NO:	1287511

(17)

12257 HFC

TP - A. Theart
(H. Olivier)

Alida Conradie - Cliff Path Extension

From: lucia <lucia@koda.co.za>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/23 12:44 PM
Subject: Cliff Path Extension

Die munisipaliteit verkies om horende doof te wees vir voordele wat uitbreiding van Kuspaadjie sal inhou!

PLEASE GRANT SERVITUDE FOR RIGHT OF WAY FOR PEDESTIAN USE
ERF 12257

Baie dankie
Lucia Laubseher

Sandals no 1
Elfdestraat 241
Voeklip

Sent from my Samsung Galaxy smartphone.



FILE NO:	ERF 12257 HFC
SCAM NO:	LUCIA
COLLABORATOR NO:	128-1497

118

10057 HEC

From: Jacques Hattingh <beech33@icloud.com>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/23 12:35 PM
Subject: Extension of cliff path

TP - A. Theart
(H. Olivier)

Dear Sirs, please make provision for the extension and completion of the cliff path along the sea line at the Poole's Bay area in order to establish a world class experience for both the residents and visitors and we request provision to be made, given the application on your table, to extend the cliff path at Poole's Bay (Erf 12257 - Jooste se Gat) and to grant servitude right of way above the high water mark for pedestrian use".

Jacques Hattingh
Owner Mosselrivier nr 5

Sent from my iPhone



FILE NO:	ERF 12257 HMS
SCAN NO:	JACQUES
COLLABORATOR NO:	1287495

119

Alida Conradie - Cliff path extension

12257 HFC

TP - A Thecirt
(H. Olivier)

From: " Van Niekerk" <xander@mweb.co.za>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/23 01:37 PM
Subject: Cliff path extension

I request provision to be made to extend the cliff path at Poole's Bay (Erf 12257 - Jooste se Gat) and to grant servitude right of way above the high water mark for pedestrian use".

Janetta van Niekerk

309 6th Street
Voëlklip
Hermanus
7200
Cell:063 961 4931
Fax:0866107645
fluitfluit309@gmail.com



FILE NO: ERF 12257 HMS
SCAN NO:
JANETTA
COLLABORATOR NO:
1287496

120

12257 HEC

From: Casey Ziervogel <caseyzier@icloud.com>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/23 12:54 PM
Subject: Cliff path

TP - A. Theart
(H. Olivier)

I vote for the cliff path it will be wonderful to be able to walk through all the way Ewald and Casey Ziervogel Voelklip

Sent from my iPhone



FILE NO:	ERF 12257 HIMS
SCAN NO:	CASEY
COLLABORATOR NO:	1287493

(12)

184/208

TP - A Theurt
(H. Olivier)

12257 HFC

From: Nancy Blomerus <nancy.blomerus@gmail.com>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/23 12:09 PM
Subject: Extention of pathway to town

I concur with idea of extending pathway uninterrupted from Voëlklip to town PLEASE?
Nancy Blomerus

Sent from my iPhone



FILE NO:	ERF 12257 HMS
SCAN NO:	NANCY
COLLABORATOR NO:	1287491

(22)

12257 HEC

TP - A. Theart
(H. Olivier)

From: Peta Levin <peta.levin@gmail.com>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/23 12:26 PM
Subject: Extension of cliff path

As a resident and user of the cliff path, I request that provision be made to extend the cliff path at Pooles Bay (Erf 12257) and to grant servitude right of way above the high water mark for pedestrian use.
P K Levin
Voelklip (Erf 4081)



FILE NO: ERF 12257 HMS
SCAN NO:
LEVIN
COLLABORATOR NO:
1287494

123

12257 HEC

From: Dinah Louw <dilouw3@icloud.com>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/23 08:00 PM
Subject: Please extend cliff path at Poola's

TPA Theert
(H. Olivier)

Sent from my iPhone



FILE NO:	EL 12257 ✓
	Hermans
SCAN NO:	DINAH
COLLABORATOR NO:	1287790

24 MAY 2019

124

187/208

12257 HEC

TRATHAAT
(Holivier)

From: Lizette van der Merwe <bizzillzzz1@gmail.com>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/23 05:21 PM
Subject: Extension of cliff path



Sent from my iPhone

FILE NO:	FL 12257/v
	Hermanns
SCAN NO:	LIZETTE
COLLABORATOR NO:	1287187

24 MAY 2019

128

TR A Thout
(H Olivier)
12257 HE



Alida Conradie - Cliff path

From: Carol van Staden <carol@vanstaden.info>
To: "aconradie@overstrand.gov.za" <aconradie@overstrand.gov.za>
Date: 2019/05/23 02:13 PM
Subject: Cliff path

I hereby request provision to be made to extend the cliff path and to grant servitude right of way above the high water mark for pedestrian use.

Regards
Carol van Staden
Home owner Voëlklip

FILE NO:	EL12257 ✓
	Hermanus
SCAN NO:	CAROL
COLLABORATOR NO:	1287779

24 MAY 2019

126



12257 HEC

Alida Conradie - Cliffpath extention

From: Johann de Vries <div.devries@gmail.com>
To: <aconradie@overstrand.gov.za>, Johann de Vries <div.devries@gmail.com>
Date: 2019/05/23 02:01 PM
Subject: Cliffpath extention

TRATHART
CH Olivier)

Dear Overstrand Municipality

We would like to record our strong support for the extension of the Cliff path at Poole's Bay(Erf 12257) and to grant servitude right of way above the high water mark for pedestrian use.

The cliff path is one of the significant tourist attractions to Hermanus

Johann de Vries
15 Smuts ave, Westcliff

Prof Johann de Vries

FILE NO:	EL 12257 ✓
	Hermanus
SCAN NO:	JOHANN
COLLABORATOR NO:	1287785

24 MAY 2019



Alida Conradie - Hermanus Cliff Path

12257 HEC

TBA that
CH Oliver)

From: "Kathy Leslie" <kleslie@iafrica.com>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/24 09:06 AM
Subject: Hermanus Cliff Path
Cc: "Jobre Stassen" <jobre@iafrica.com>
Attachments: Overberg district report 2004.doc



I would like to express my support for the extension of the cliff path in Hermanus; to avoid any need to use public roads to enjoy the full extent of the Cliff Path.

Name: Kathy Leslie
Address: 28 Mountain Rd, Claremont, 7708
Contact: 083 325 5615

In 2004 I was involved in the Coastal Induction Programme. We presented a workshop in Arniston for the Overberg area (please see attached report-back from the workshop) focussing on improving understanding in Coastal Management, opportunities and constraints, roles and responsibilities and action plans.

This matter of the 'interrupted' cliff path has been a contentious issue for many years – 15 years ago it was earmarked as a matter needing attention (along with other areas where wealth had trumped coastal access in the Overberg area). See my highlighting on page 8 of the report. I am fully supportive of the efforts being made to allow continuous public access along the cliff path. This is long overdue!

Thank you

Kathy Leslie

FILE NO:	EZ 12257
	Hermanus ✓
SCAN NO:	
	KATHY
COLLABORATOR NO:	
	1287775

24 MAY 2019

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12257 HEC

JRA Theart
(H Olivier)

Alida Conradie - Extension of Cliff Path in front of Erf 12257



From: "jlink" <jlink@global.co.za>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/23 05:24 PM
Subject: Extension of Cliff Path in front of Erf 12257

As Hermanus Residents and frequent users of the Hermanus Cliff Path, we would also like to request the Municipality to make provision for the extension of same in front of Erf 12257.

We feel this could certainly further enhance tourism in our beautiful town, and hope our collective voice will be heard.

Kind regards
Jean & Georges Bucher
5 Wagtail
Hemel en Aarde Estate
Hermanus

084 517 9295

FILE NO:	EL12257
	Hermanus
SCAN NO:	BUCHER
COLLABORATOR NO:	1287891

24 MAY 2019

129

Alida Conradie - Extension of cliff path

12257 HEC

TRA Theot
(Holivie)

From: Michele Rodger <michele.rodger@gmail.com>
To: <Aconradie@overstrand.gov.za>
Date: 2019/05/23 05:19 PM
Subject: Extension of cliff path



I hereby request provision to be made for the extension of the cliff path at Pooles bay, Erf 12257 and to grant servitude right of way, above the high water mark, for pedestrian use.

Yours truly

Michele Taljaard

FILE NO:	EL 12257
	Hermanus ✓
SCAN NO:	MICHELE
COLLABORATOR NO:	1287885

24 MAY 2019

130

Alida Conradie - Cliff path extension

12257 HEC TRATHAART (Hollister)
OVERSTRAND MUNISIPALITEIT
24 MAY 2019
OVERSTRAND MUNICIPALITY

From: Lizzette de Vries <lizzette.devries@gmail.com>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/23 04:46 PM
Subject: Cliff path extension

Dear Overstrand Municipality
We would like to record our strong support for the extension of the Cliff path at Poole's Bay(Erf 12257) and to grant servitude right of way above the high water mark for pedestrian use.

The cliff path is one of the significant tourist attractions to Hermanus

Elizabeth de Vries
15 Smuts ave, Westcliff
0720332466

--
Lizzette de Vries

FILE NO:	EZ 12257 ✓
	Hermanus
SCAN NO:	LIZ
COLLABORATOR NO:	1287819

24 MAY 2019

(131)

12257 HEC

Alida Conradie - RE: 305 9th Street, Voëlklip, Erf 4083

From: Carl Coetzee <carlc@taxlex.co.za>
To: Alida Conradie <alida@overstrand.gov.za>
Date: 2019/05/24 01:40 PM
Subject: RE: 305 9th Street, Voëlklip, Erf 4083



TRATheart
CH olivier

Good day Alida,

Our mail dated the 23rd of May 2019 refers.

It is with regard to the Extention of Cliff path. We agree that they may extent the Cliff path at Poole's Bay (Erf 12257 – Jooste se Gat) and to grant servitude right of way above the high water mark for pedestrian use.

Hope this clarify the position.

Regards

Carl Coetzee

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TAXLEX

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From: Alida Conradie <alida@overstrand.gov.za>
Sent: Friday, 24 May 2019 12:11 PM
To: Carl Coetzee <carlc@taxlex.co.za>
Subject: Re: 305 9th Street, Voëlklip, Erf 4083

Dear mr Coetzee

Your email dated 23 May 2019 refers.
24 MAY 2019

FILE NO:	6412257 ✓
	Hermanus
SCAN NO:	CARL
COLLABORATOR NO:	1287812

132

12257 HEC

Alida Conradie - Sub-division application _ Erf 12257 Hermanus



From: Pier Blommaert <pier@blommaertlaw.co.za>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/24 03:18 PM
Subject: Sub-division application _ Erf 12257 Hermanus

TR A Theat
CH Olivier

Dear Ms Conradie

Thank you for the opportunity to comment on the application for the sub-division of Erf 12257 Hermanus.

My husband and I live in Stemmet Street, Eastcliff and I am a regular user of the Cliff Path. It is one of the most beautiful attractions of the Hermanus area. A great sadness is, however that users of the Cliff Path are not able to walk along the entire coastline due to the interruption of the path along the stretch of coastline in front of inter alia, Erf 12257.

I have often come across visitors to Hermanus, walking the Cliff Path, who are surprised, confused and disappointed at having to leave the beautiful Cliff Path just before Erf 12257, only to walk along the noisy Main Road until they reach Mollergren.

It is obvious that the matter of the continuation of the Cliff Path along the relevant stretch of coastline is problematic from a historical perspective, however, I believe that through proper consultation with all interested property owners, the Cliff Path Action Group ("CPAG") and by consulting experts in the field, these problems can be overcome to the benefit of the greater Hermanus area.

I am in support of the granting of the application for subdivision, subject to the Municipality imposing a condition to the effect that a servitude right of way for pedestrians be registered above the High Water line along the coastline of Erf 12257. In this way the Cliff Path could be extended once the finer details relating to the proposed servitude have been finalised by experts in the relevant fields and the greater Hermanus Community represented by the CPAG.

Thank you for considering my comments.

Yours faithfully
Pier Blommaert

(BA 118)
ATTORNEY, NOTARY & CONVEYANCER

CELL 082 807 8749
EMAIL pier@blommaertlaw.co.za

FILE NO:	EL 12257 ✓
	Hermanus
SCAN NO:	PIER
COLLABORATOR NO:	1287821

24 MAY 2019

133

12257 HCC

Alida Conradie - Subdivision of Erf 12257: Cliffpath

From: Belinda Smit <laure.inv@gmail.com>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/24 03:09 PM
Subject: Subdivision of Erf 12257: Cliffpath



TPA Theart
(H Olivier)

To whoever it concerns,

Please consider extending the cliffpath in front of the current homes as a condition of the subdivision of Erf 12257.

I am a resident of Hermanus in Voelklip and have often walked to town from my home, also with visitors. Extending the cliff path will enhance Hermanus's attraction offering.

Regards
B Smit

FILE NO:	EL 12257 ✓
	Hermanus
SCAN NO:	BELINDA
COLLABORATOR NO:	128 7828

24 MAY 2019

(134)

Alida Conradie - Extension of Cliff Path

12257 HEC



From: Sally Wynne <sallywynne@hermanus.co.za>
To: "aconradie@overstrand.gov.za" <aconradie@overstrand.gov.za>
Date: 2019/05/23 03:12 PM
Subject: Extension of Cliff Path

J.P.A. Theart
(HOLLAND)

I would like to request that provision be given to extend the cliff path at Poole's Bay. (Erf 12257) and to grant servitude above the high water mark for pedestrian use.

Regards,

Sally Wynne
42, 11 th Ave
Voelklip
7200
0283141357

FILE NO:	EL 12257 ✓
	Hermanus
SCAN NO:	SALLY
COLLABORATOR NO:	1287836

24 MAY 2019

35

Alida Conradie - Extend cliff path at Poole's Bay

12257 HEC
T-R-A Theart
C.H. Olivier

From: Walter Mapham <wmapham@gmail.com>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/23 05:26 PM
Subject: Extend cliff path at Poole's Bay



I request that the cliff path be extended for the benefit of all pedestrians as an important contribution to tourism and the rights of local residents.

Yours Sincerely
Walter Mapham - Address below

Walter Mapham
[15 Rocklands, Westcliff]
Postnet Suite 82, Private Bag XI6, Hermanus, 7200, South Africa
Phone: (HF) 038 312 3638 or (C) 082 773 7290

FILE NO:	EZ 12257
	Hermanus ✓
SCAN NO:	WALTER
COLLABORATOR NO:	1287906

24 MAY 2019

136

Alida Conradie - Extension of Cliff path

12257 MEC



From: "Jambo1@mweb.co.za" <Jambo1@mweb.co.za>
To: "aconradie@overstrand.gov.za" <aconradie@overstrand.gov.za>
Date: 2019/05/23 02:23 PM
Subject: Extension of Cliff path

JRATHANT
(H. Olivier)

I hereby request provision to be made to extend the cliff path at Poole's Bay (Erf 12257) and to grant servitude right of way above the high water mark for pedestrian use

Yours in Hermanus
James Thom

Sent from my Huawei phone

FILE NO:	EL 12257 ✓
	Hermanus
SCAN NO:	JAMES
COLLABORATOR NO:	1287848

24 MAY 2019

(37)

Alida Conradie - Extention of cliff path

12257 HFC

T.A. Thom
(H. Olinde)

From: Tamsin Thom <thomtamsin@gmail.com>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/23 02:33 PM
Subject: Extention of cliff path



Good afternoon,

I hereby request provision to be made to extend the cliff path at Poole's Bay (Erf 12257) and to grant servitude right of way above the high water mark for pedestrian use.

Kind regards,

Hermanus resident: Tamsin Thom

FILE NO:	EL 12257
	Hermanus ✓
SCAN NO:	TAMSIJ
COLLABORATOR NO:	1287841

24 MAY 2019

138

Alida Conradie - Extension of Cliff Path on Erf12257

12257 MEC

From: "iSmile" <info@ismile.co.za>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/23 02:16 PM
Subject: Extension of Cliff Path on Erf12257
Cc: "Riaan Kloppers" <riaankloppers13@gmail.com>



CPA Theart
C Holivier

To whom it may concern

Regarding the extension of the Cliff Path on Erf12257

My name is Riaan Kloppers. I am a Coastal Marine Guide (reg number WC7286). Part of my job is working with foreign tourists daily and doing guided see kayak tours along the coastline of Hermanus.

I always encourage tourists to hike along the coastline between the CBD and Grotto beach because of its amazing views and whale sightings during whale season. The coastline is very beautiful with a variety of high cliffs to sandy beaches with whales in very close proximity. It is for free and therefor even the tourist on a strict budget can still enjoy a full day of amazing whale sightings. It is also very unique and there are not many coastal towns that offer this amazing experience. I believe it will be a great advantage for Hermanus Tourism to extend the Cliff Path.

With warm regards,

Riaan Kloppers
96 Hermanus Beach Club
0606 717 061
riaankloppers13@gmail.com

FILE NO:	EL 12257 ✓
SCAN NO:	RIAN
COLLABORATOR NO:	1281854

24 MAY 2019

139

Alida Conradie

TR: A Theart
CH Olivier

From: "Reinhard Voigt" <r.voigt@mweb.co.za>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/26 09:39 PM

To whom it may concern:

I request that the Municipality, when considering the Application for Subdivision of ERF 11257 (15 Quantum Street, Eastcliff, Hermanus), apply the provisions of the Coastal Management Act section 18(9) to secure longshore access for the public to the coast by servitude right of way in favour of pedestrian access.

Some reasons for this request are:

- The terrain between the high-water line and the sea in front of ERF11257 makes access difficult to not step onto private property when walking the path, especially so with high tide.
- The extension of the Cliff Path is in the interest of the public (residents and tourists alike), who should have the right to a safe walk between the town and residential and beach areas, instead of being forced alongside a very busy Main road on a narrow pavement.
- Extension of the Cliff Path along the coast, uninterrupted, would benefit eco tourism to the town in general.

Kind regards

Reinhard Voigt

Cell: [+27 \(0\) 313 308-9609](tel:+27(0)31308-9609)

Landline: [+27 \(21\) 913-1388](tel:+27(0)21-913-1388)

Fax: [+27 \(21\) 913-1747](tel:+27(0)21-913-1747)

22 Jorgensens Avenue, Welgemoed, 7530

FILE NO:	EL 12257 v
	Hermanus
SCAN NO:	VOIGT
COLLABORATOR NO:	1288120

27 MAY 2019

140

12257 HEE

From: Ralf Peter Wormsbächer <rp@wormsbaecher.com>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/27 09:53 AM
Subject: Cliff Path



*B-A Theart
(H Olivier)*

Dear Madam or Sir,

We are tourists spending three months every year in Hermanus. It has been an understandable nuisance to us that the cliff path is interrupted by private property whose owners stubbornly refuse to open their piece of land to the public.

If that can be changed, the cliff path would become an even stronger asset to Hermanus than it is already.

Best regards,

Mrs. Helge and Ralf Wormsbächer

FILE NO:	EL 12257
	Hermanus ✓
SCAN NO:	
	RALF
COLLABORATOR NO:	
	1288172

27 MAY 2019

141

204/208

TR A Theart
C H Olivier



From: Adrian Domnisse <adie194228@gmail.com>
To: <aconradie@overstrand.gov.za>
CC: <peta.levin@gmail.com>
Date: 2019/05/24 04:16 PM
Subject: Extension of Cliff Path at Poole's Bay(Erf 12257

I support the above as well as the granting of a servitude right of way above the high water mark for pedestrian use

AT and PA Domnisse
79 9th Street
Voelkip

Sent from my iPad

FILE NO:	EL 12257
	Hermanus
SCAN NO:	DOMMISSE
COLLABORATOR NO:	1288122

24 MAY 2019

42

Alida Conradie - Extension of cliff path in front of Erf. 12257

From: "Donald Bett" <51913009@mweb.co.za>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/25 12:03 PM
Subject: Extension of cliff path in front of Erf. 12257



TO WHOM IT MAY CONCERN

We are aware that the closing date for submissions regarding the application to have the cliff path extended in front of Erf. 12257 was to close yesterday.

We have however been offline for some time and were only reconnected this morning.

Our interest in extending the path is twofold. Firstly we do that cliff path walk at least three times a week. Mostly from the town side and back. It ends abruptly at the front of Erf. 12257.

How the owner of this plot was able to excavate such an enormous portion of the erf right up to the waterline, blocking access to what is state/municipal land at the high water mark, is anyone's guess.

By ending the cliff path in this area we are forced to walk along the busy main road, taking away the enjoyment of the amazing views across Walker Bay. This is a world renowned walk, used by locals and visitors, who at present need to deviate quite some distance to join up with the cliff path further along.

We know this immediate area well, having for many years spent holidays with friends in Protea Road, before moving to Sandbaai. It is unthinkable to have such an invasive development at the end of this road, especially the fact that the erf extends right up to the high water mark.

We hope that sanity will prevail and that the Overstrand municipality will give permission for the cliff path to be extended, by taking back the portion of the erf that is currently blocking this.

Our contact details are below. Many thanks.

Yours sincerely

Donald & Jenny Bett

42 Bergzicht, Bergsig Road,
 Sandbaai, Hermanus 7200.
 028 316 2472
 083 270 7393

FILE NO:	EL 12257
	Hermanus ✓
SCAN NO:	BETT
COLLABORATOR NO:	1288128

Donald Fraser Bett
 Fraser 4 Public Relations
 PostNet Sandbaai Suite 374
 Private Bag X16
 Hermanus 7200
 028 316 2472
 083 270 7393

25 MAY 2019

143

*TRATheart
(M Olivier)*

Alida Conradie - Cliff path Hermanus



From: William Rogers <william.rogers@hermanus.co.za>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/24 08:29 PM
Subject: Cliff path Hermanus

We support the request that a servitude be registered above the high water line along the sea front of erf 12257 for the purpose of extending the Cliff Path.

regards

William & Hanna Rogers

mobile +27 711 689 071
home +27 28 3122 965
fax +27 866 169 167

FILE NO:	EL 12257 ✓
	Hermanus
SCAN NO:	ROGERS
COLLABORATOR NO:	1288131

24 MAY 2019



207/208

TR Alheit
(Moliner)



From: Johan Alheit <ja.alheit@gmail.com>
To: <aconradie@overstrand.gov.za>
Date: 2019/05/24 06:07 PM
Subject: Extension of cliff path

Good day,
We support the provision to be made to extend the cliff path at Poole's Bay (erf 12257) and to grant servitude right of way above the high water mark for pedestrian use.
Thank you

Johan and Louise Alheit
Owners : 49 , 9th Street , Voëlkop.
Sent from my iPhone

FILE NO:	EC 12257 ✓
	Hermannus
SCAN NO:	ALHEIT
COLLABORATOR NO:	1288133

24 MAY 2019

(JLK)



208/208
TRATheat
(Molwer)
28 May 2019

RE: CLIFF PATH HERMANUS

I would just like to add my Cliff Path comment.

The municipality should definitely use the opportunity to make the shore line accessible for the Cliff Path to continue uninterrupted, as the Cliff Path is not a pavement.

This has and will be one of the most used signatures of Hermanus and is used by tourist, visitors and local residents.

Johan and Rina Blomerus
236 11th Street
Voelklip
Hermanus
7200

FILE NO:	EL12257 ✓
	Hermanus
SCAN NO:	
	BLOMERUS
COLLABORATOR NO:	
	1288632

29 MAY 2019

(146)

PLAN Town & Regional Planners
Active Stads- en Streeksbeplanners



6 Magnolia St / Str
 PO Box / Posbus 296
 HERMANUS
 7200

Tel: (028) 312 1673
 Fax / Faks: (028) 312 1351

Email: planactive@hermanus.co.za
 Website: www.planactive.co.za

5 August 2019

Our reference: PA18087
 Your reference: 12257 HEC
 APPLICATION ID: 2896/2018

The Municipal Manager
 Overstrand Municipality
 PO Box 20
 HERMANUS
 7200

For attention: Mr. P. Le Roux

Sir

FILE NO:	Erf 12257
	Hermanus ✓
SCAN NO:	HMS 12257
COLLABORATOR NO:	1310577

COMMENTS ON PUBLIC COMMENTS: ERF 12257 HERMANUS: PROPOSED SUBDIVISION

Your letter dated 13 June 2019 with copies of comments / letters of support and our e-mail correspondence that followed requesting an additional 60 days to provide our comments refer. Subsequently our request for the extension of the commenting period with an additional 60 days was granted and lapses on the 12 of August 2019. We would like to make use of the opportunity to comment as follows:

1. GENERAL

- Erf 1233 Hermanus was subdivided in 2013 to create amongst other erven 12194 and 12195 Hermanus. Erven 12194 and 12195 were subsequently both purchased by the same company, Erf 2825 Hermanus (Pty) Ltd, and were consolidated in 2017 to create Erf 12257 Hermanus (7441m² in extent). Due to changed circumstances the new director of the company, Mr. S.J. DuT. Potgieter, decided to submit an application for the re-subdivision of the consolidated Erf 12257 Hermanus into 2 portions.
- The application for the subdivision was advertised in the Hermanus Times with the placement of an official notice. Subsequently on 9 May 2019 an article was published in the Hermanus Times ("Jooste property holds the key") encouraging the public to submit written comments

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 Pauline Sgornik: B (Soc Sc) US, BA Hon (UNISA)
 Meriké Lerm: B. Art et Scien Cum Laude (Town Planning) UNW; SACPLAN Pr. Pln A/158/2009

with reference to the extension of the cliff path across Poole's Bay. A copy of the article is enclosed as Annexure A. This was followed by an e-mail campaign by the Cliff Path Action Group encouraging residents and other interested parties to request the Municipality to extend the Cliff path across Poole's Bay.

146 Public comments were received and for clarity the comments are categorised as follow:

1. 80 Letters with comments with reference to the extension of the cliff path;
2. 44 Letters with comments with some requesting a general Right of Way servitude over Erf 12257 Hermanus and some a Right of Way above the highwater mark for pedestrian use;
3. 9 Letters with comments merely describing the cliff path in general;
4. 1 letter in support of the subdivision application;
5. 1 letter in support that the cliff path should not be extended via Poole's Bay;
6. 11 comments with specific reference to the subdivision application at hand.

It should be noted that no objections were received, however conditional consents were received, mostly reflecting the issue of the extension of the cliff path.

2. COMMENTS RELATING TO THE APPLICATION FOR THE SUBDIVISION OF ERF 12257 HERMANUS

Our comments are furnished to matters within the context of the application, being the subdivision of Erf 12257 Hermanus.

The comments and statements made (in **bold print**) and our comments (*italic print*) thereon can be summarised as follow:

2.1 The subdivision of Erf 12257 Hermanus should be subject to the condition that the cliff path should be extended in front of the current homes in Poole's Bay.

A condition should also be inserted that a servitude be registered, above the highwater line along the sea front of Erf 12257, for the purpose of extending the cliff path.

When considering any land use application (rezoning or subdivision) for any of the affected properties in Poole's Bay, allowance should be made for the extension of the cliff path and access for the extended cliff path be accommodated.

The proposed subdivision of Erf 12257 Hermanus gives the Overstrand Municipality the opportunity to accommodate the proposed extension of the cliff path via Poole's Bay by allowing for a servitude right of way for pedestrian access from Sea Road and the seaside border of Erf 12257 Hermanus. There is currently no pedestrian access between the public area adjacent to Erf 12257 Hermanus, Sea Road and the sea.

Each Municipality approving a rezoning, subdivision or development of a land unit within or abutting on coastal public property must ensure that adequate provision is made in the conditions of approval to secure public access to that coastal public property.

The Municipality is entitled to impose conditions for the public benefit when granting a subdivision application.

When the Municipality approves an application it may include conditions relating to the provision of land needed for public places and the extent of land to be ceded to the Municipality for the purpose of a public open space.

There can be no doubt that the Municipality has the power to impose the servitude in order to extend the cliff path that the CPAG contend for.

Due to the topography of the area, and the fact that the public have been accessing coastal public property over erf 12257 (and prior to that, erf 1233) for many years, the most logical and environmentally acceptable option is proposed to be the creation of a servitude to formalise the informal access over erf 12257 from the coastal public property, and joining it to the Public Open Space situated adjacent to erf 12257, over which erf 12257 has a servitude right of way. Section 18(9) of NEM: ICMA provides the Overstrand Municipality with the tools and opportunity with which to do this.

Our client is opposed to the proposed re-routing of the cliff path over their property because doing so would have a very significant negative impact on their rights, including increased security risks, loss of privacy and a reduction in property values. It should be noted that Erf 12257 Hermanus has cadastral and deeds office registered property rights to the highwater mark.

The Cliff Path Action Group ("CPAG") is of the view that the re-routing of the cliff path could be achieved if the Municipality was to exercise its powers in terms of section 18 of the National Environmental Management: Integrated Coastal Management Act 24 of 2008 ("NEM:ICMA") and designate a strip of land along this area of the coast as "coastal access land".

Contrary to the views expressed by CPAG, NEM:ICMA does not require the municipality (or indeed any other organ of state) to designate this land as coastal access land as the public already has reasonable access to the Hermanus coastline in this area, intervention by the State to designate coastal access land is neither necessary nor legally justifiable. Furthermore, designating coastal access land across our client's land would amount to an unreasonable restriction of their rights and would require considerable (and unjustifiable) expenditure in order to compensate them.

Available access is reasonable and sufficient.

Section 18(1) of NEM:ICMA confers the power to designate coastal access land "in order to secure public access to [that] coastal public property" (i.e. to the area below the high-water mark).

NEM:ICMA defines the public's right of access as follows:

"13 (1) Subject to this Act and any other applicable legislation, any natural person in the Republic-

(a) has a right of reasonable access to coastal public property; and

(b) is entitled to use and enjoy coastal public property, provided such use-

(i) does not adversely affect the rights of members of the public to use and enjoy coastal public property;

(ii) does not hinder the State in the performance of its duties to protect the environment "

*This means that the power to designate coastal access land may only be exercised in order to enable members of the public to have reasonable access to coastal public property so that they can exercise their rights to use and enjoy coastal public property. **There is no power to designate coastal access land to increase public access to an area of coastal public property to which the public already has reasonable access.***

Given the fact that the existing cliff path allows members of the public to move along the coast and if the Municipality wishes to re-route the cliff path immediately inland of the high-water mark along this stretch of coast it would need to justify why the existing access is insufficient and does not provide reasonable access to coastal public property to enable the public to exercise their rights to use and enjoy coastal public property.

In determining what constitutes "reasonable" access one must consider a range of factors. In this case it would be necessary to take account of:

- 1. the fact that the public can already move along this section of the coast below the high-water mark;*
- 2. there are no swimming beaches, boat launching facilities or other amenities along this part of the coast which would justify the establishment of additional access and in any event, amenities of this kind can be accessed a little further along the coast; and*
- 3. the re-routing of the cliff path would have a severe impact on the rights of the affected landowners.*

Unreasonable restriction of rights of landowners.

Even if it could be shown that re-routing the coastal path would enhance the public enjoyments of coastal public property (e.g. by providing enhanced opportunities to enjoy the view), section 29(f) of NEM:ICMA requires that when determining a boundary of coastal access land the municipality must take into account "the importance of not restricting the rights of land owners unreasonably".

For the reasons set out above, establishing a public path immediately in front of our client's property would amount to an unreasonable restriction of their rights.

The compensation payable would exceed the benefits achieved

If a strip of land, on private property, along this section of the coast was designated as coastal access land it would be necessary to compensate the landowners. The considerable amounts of money that would be required to compensate landowners for loss of amenities or to expropriate a strip of land, simply in order to enhance the benefits of people who like walking along the coast, would be excessive and politically unjustifiable.

The Municipality only requires the provision of land for public places and for land to be ceded to the local authority when application is made for a township development. The application at hand is for the subdivision of a single residential erf into 2 portions only.

2.2 All access was blocked off by the owner of Erf 12257 extending his boundary fence from the wall to the historical pillar before the Easter weekend.

The fencing of the property on the western boundary was necessitated by the problems that were encountered with the vagrants sleeping in the area on the seaside adjacent to Erf 12257 Hermanus and also due to the fact that the built structure on Erf 12257 has been vandalised and partially demolished due to the removal of building materials by the vagrants. The fencing of the property was done for security reasons and for the protection of the structure on the property. Furthermore the fencing was done on the property's boundaries and not restricting access under the high water mark.

2.3 The Municipal notice refers to the property being situated at 15 Quantum Street, Eastcliff, Hermanus.

The property is situated in Sea Road, Eastcliff, Hermanus.

2.4 The locality plan omits Sea Road and Atlantic Ocean and fails to identify the public open space bordering erf 12257.

The subdivision plan indicates the Atlantic Ocean and the Public Open Space is indicated as being Erf 1253 Hermanus. Sea Road and the Public Open Space (Remainder of Erf 1253 Hermanus) are not defined by cadastral boundaries.

2.5 No reference is being made to the National Environmental Management: Biodiversity Act, 2004 (NEMBA) with the potential impacts of the proposed subdivision and subsequent development on the coastal vegetation. The vegetation type that occurs naturally in this area is Overberg Sandstone Fynbos.

Erf 12257 Hermanus extends to the highwater mark and the area was recently disturbed by excavations on the site. At the time of the 2013 application the area closest to the highwater mark was used for gardening purposes as a swimming pool was situated in that area.

2.6 The need for the provision of the extension of the cliff path has been pointed out to the Overstrand Municipality already in the motivation for the ad hoc development setback line and subdivision of erf 1233 as far back as 2013.

The need for the coastal buffer zone of 20m was described on 1 November 2103 by the Environmental Department of the Overstrand Municipality. The coastal zone needs to facilitate the extension of the cliff path – build from concrete as the rest of the path.

The Overstrand Municipality has an obligation to ensure that the intention behind the original subdivision of Erf 1233 and partly the reason for the approval of the current ad hoc setback line, is still given effect. The Overstrand Municipality can therefore not ignore the purpose of the ad hoc development set back line in deciding on the subdivision application, and then rely on the ad hoc development set back line, as and when it pleases.

The application submitted in 2013 for the subdivision of Erf 1233 Hermanus in terms of LUPO refers as follows: "The Overstrand SDF (2006) stipulates the following with regards to corridors of Linear Open Spaces: The existing coastal setback line, which is, in effect, the demarcated urban edge, should be maintained. No Development should be permitted in this setback area, thereby ensuring that a continuous corridor is maintained. The corridor does not make provision for the extension of the cliff path.

The Environmental Department of the Overstrand Municipality stated in their letter of comments dated 1 November 2013 on the application for the subdivision of Erf 1233 Hermanus as follows:

"It must be pointed out that two different types of lines are described in the legislation. Firstly there is a development setback line as described by the National Environmental Management Act: Environmental Impact Assessment Regulations. Secondly there is a coastal setback line as defined by the National Environmental Management Act, Integrated Coastal Management Act. None of these lines have been defined for the Overstrand Municipal area."

The recommendation was made as follows:

A 20meter buffer zone was to be established to create a continual corridor and protection of natural resources and ecosystem functioning. No cliff path was envisioned.

Development / construction should take place inland of the identified setback line. The recommendation made provision as follows: "**No development allowed to take place seaward of this buffer zone.**"

2.7 That the existing access road and the new service road must be tarred before any work on the development begins and that there must be a servitude on portion 1 that the building line from the southwestern boundary may not exceed 15m.

A condition of subdivision should be imposed that the owners of the proposed newly created erven should construct, maintain and repair the servitude access roads.

The existing municipal roads in the area must also be repaired prior to the commencement of future construction or development on the proposed properties.

The subdivision can only be desirable, accompanied as it would be by an increased use of the servitude over public open space in order to access the subdivided properties, if the public is similarly granted a servitude to gain access to the coast in front of the properties.

The surface of the access right of way servitudes will be paved as per the Municipal regulations and as per the condition imposed with the subdivisional approval issued in 2013.

Building lines will be applicable as prescribed in the Overstrand Scheme Regulations pertaining to Residential Zone 1 erven. The setback on the highwater boundary line of 20m will be applicable.

The argument that the servitude of access to the proposed new subdivided portions should be granted in lieu of the proposed servitude over Erf 12257 Hermanus has no merit as the servitude for the access to private land is a low impact, single occupant use. It is envisioned that the access servitude roads would be unobstructed and would still be able to function as a public open space. Compared to the proposed right of way servitude for the cliff path that would be used by the public at large in sometimes dangerous tidal conditions.

2.8 If the new right of way access across the Public Place is approved the owners of Erf 11479 Hermanus will no longer maintain the small white bollard demarcated area of the Public Open Space and the maintenance thereof will revert back to the Municipality.

The Municipality is responsible for the maintenance of Public Areas.

2.9 An additional servitude will have a negative impact on the Public Open Space which in turn will have a negative impact on the surrounding properties

and the greater area of Hermanus which strives to protect the heritage of public open spaces.

The reason why 2 servitudes must be provided due to the height difference between Portion A and the remainder is the making of the previous owner. It is proposed that the remainder portion of the erf gains access from a servitude to be provided over portion A in favour of the remainder. The driveway should be built on Portion A, in so doing preserving the character and integrity of the public open space as well as preventing the ever increasing desecration of public open space.

A further condition should be imposed that the existing right of way servitude, it must have sufficient barriers to prevent visitors to Portions A and the remainder from parking on the public open space.

The proposed servitudes over Erf 1253 Hermanus (Public Open Space) will be for the access to single residential erven and will have a low impact, single occupant use. It is envisioned that the access servitude roads would be unobstructed and would still be able to function as a public open space.

A factor that should be considered when the servitude roads are fitted with barriers is the fact that without barriers the public open space can still be easily accessed and can a bigger area be utilised to walk dogs and play ball games as the entrance / access roads will not generate many trips from and to the two erf portions.

2.10 CPAG refers to Paragraph 9 of the letter from the Municipal Manager dated 7 December 2018 to them as well as to Minister Bredell and the Department of Environmental Affairs that reads as follows:

"As to access when hikers/users approach from the western side, a portion of Erf 12257 may be traversed in order to gain access to the coastal area. The path leading to the western entry point is located off Main Road approximately 200 metres from the parking area at Kraal Rock, which path leads to the coast at Poole's Bay."

The access over Erf 12257 Hermanus as described above is not legally entrenched.

Office of the Director:
Infrastructure & Planning
Environmental Management

MEMORANDUM

Kantoor van die Direkteur:
Infrastruktuur & Bepianing
Omgewingsbestuur

Date : 22 May 2019
To: Mr. P. Roux (Town Planning)
Cc: Ms. L de Villiers (Senior Manager: Environmental Management)
From: Penelope Aplon (Environmental Manager)
RE: Subdivision application: Erf 12257, Hermanus

This office has the following comment with regards to this application for subdivision.

Development set-backline

The 20 metre ad hoc development coastal setback was approved in terms of the National Environmental Management Act, 1998 (Act No.107 of 1998): Environmental Impact Assessment regulations (EIA) of 2010. Please refer to attached approval dated 08/07/2014. In terms of this approval under 7.2 the line is adopted in terms the EIA regulations and bears no relevance to the coastal setback line of the Integrated Coastal Management Act, 2008 (Act No. 24 of 2008) (ICMA). This definition has also subsequently been deleted from ICMA, to avoid confusion.

Poole's Bay coastal access:

The specific section of coast along Poole's Bay does not have a formalized coastal path. The coastline is however still accessible from a public parking at Kraal Rock, approximately 200 metres away, this goes on to the cliff path (both formal and informal) from where this specific section of coast can be accessed. Due to the terrain, private property will inadvertently be crossed by walkers. Public concerns regarding this access was compounded recently, due to the placement of a fence line on the property boundary of Erf 12257, Hermanus, cutting off access from this point.

Provisions of ICMA:

Section 18(9) of ICMA makes the following provision:

Each municipality approving the rezoning, subdivision or development of a land unit within or abutting on coastal public property must ensure that adequate provision is

made in the conditions of approval to secure public access to that coastal public property.

Western Cape Provincial Coastal Access Assessment and Pilot Study:

This specific access point was reviewed during the coastal access audit conducted by the Department of Environmental Affairs & Development Planning. The recommendation in this report is made that the "relevant authorities" should give this issue the relevant attention.

Recommendations:

- 1) This office approves the application for subdivision of Erf 12257, Hermanus.
- 2) It is further recommended that coastal access servitude should be registered within the 20 metre buffer area created by the development setback.



Penelope Apton
Environmental Manager

OVERBERG

DISTRIKSMUNISIPALITEIT
DISTRICT MUNICIPALITY
UMASIPALA WESITHILI



MELD ASB/PLEASE QUOTE

Ons Verw./Our Ref.: 18/5/5/4

Navrae/Enquiries: Francois Kotze

Bylyn/Ext.:

Privaatsak: X22

Private Bag:
BREDASDORP
7280

Tel: (028) 4251157

Faks/fax: (028) 4251014

E-mail/E-pos: rvolschenk@odm.org.za

23 May 2019

OVERSTRAND MUNICIPALITY

P.O Box 20
HERMANUS
7200

For attention: Municipal Manager

**RE: OVERSTRAND MUNICIPALITY ERF 12257, 15 QUANTUM STREET, EASTCLIFF,
HERMANUS: APPLICATION FOR SUBDIVISION; PLAN ACTIVE ON BEHALF OF ERF 2826
HERMANUS (PTY) LTD**

MUNICIPAL NOTICE NO.: 43/2019

The Overberg District Municipality's department of Environmental Management Services values hereby submits the following comments:

- There is no objection for the proposed subdivision of Erf 12257 into portion A ($\pm 1701\text{m}^2$) and the remainder portion ($\pm 5740\text{m}^2$);
- There is no objection for the proposed creation of a right of way servitude;
- The applicant should be informed that the remainder portion of the Erf does abut coastal public property as defined in section 7 of the National Environmental Management: Integrated Coastal Management Act of 2008 (Act no. 24 of 2008); and
- Any uses on the remainder portion of Erf 12257 should not prohibit access or use of the coastal public property.

Yours faithfully,

D.P. BERETTI
MUNICIPAL MANAGER

Alle korrespondensie moet aan die Munisipale Bestuurder gerig word.
All correspondence must be addressed to the Municipal Manager



**Western Cape
Government**
Environmental Affairs and
Development Planning

Directorate: Biodiversity and Coastal Management

Ms L. Jacobs

Email: Lynn.Jacobs@westerncape.gov.za



CMU REFERENCE: 025/2019
DATE: 24 May 2019

The Municipal Manager
Overstrand Municipality
PO Box 20
HERMANUS
7200

FILE NO:	
SCAN NO:	
COLLABORATOR NO:	1237898

Attention: Ms A Conradie

Tel: 028 313 8900

Fax: 028 313 2093

E-mail: alida@overstrand.gov.za

Dear Madam

RE: THE PROPOSED SUBDIVISION APPLICABLE TO ERF 12257, EASTCLIFF, HERMANUS.

1. Your request for comment from the sub-directorate: Coastal Management on the above-mentioned application received on 03 May 2019, refers.
2. The Integrated Coastal Management Act, 2008 (Act No. 24 of 2008) ("NEM: ICMA") is a Specific Environmental Management Act under the umbrella of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA"). The NEM: ICMA sets out to manage the nation's coastal resources, promote social equity and best economic use of coastal resources whilst protecting the natural environment. The NEM: ICMA established the coastal protection zone in order to manage, regulate and restrict the use of land adjacent to coastal public property, or land that plays a significant role in the coastal ecosystem for the purpose of, *inter alia*, protecting the ecological integrity and natural character of the coast and to protect people, property and economic activities from the risks or threats which may arise from dynamic coastal processes. In terms of Section 38 of NEM: ICMA, the Department of Environmental Affairs and Development Planning is the provincial lead agency for coastal management in the Western Cape as well as the competent authority for the administration of certain provisions of "The control of vehicles in the coastal zone regulations (GN No 1399, 21 December 2001, as amended "ORV Regulations" and the "Management of public launch sites in the coastal zone (GN No. 497, 27 June 2014) "Public Launch Site Regulations". In terms of the NEM: ICMA, the Department developed the Provincial Coastal Management Programme that sets out the priorities for the province pertaining to the coastal zone.

3. The sub-directorate: Coastal Management ("SD: CM") has reviewed the Application referred to above, and have the following commentary:
- 3.1. Due to the effects of climate change, it was predicted that the Western Cape would experience, *inter alia*: changes in temperature, decrease in rainfall and an increase in the frequency and magnitude of storm surges along the coast. It is in light of this complex and dynamic nature of the coastline that the NEM: ICMA was promulgated. The NEM: ICMA provides a framework for the integrated management of the coast with the aim of preserving, protecting, extending and enhancing the status of coastal public property and securing equitable access to the benefits and opportunities of the coast. As such, the NEM: ICMA provides for various zones and provides a framework for the management of these zones.
- 3.2. The increased effects of climate change, sea level rise and increased storm surges in coastal environments obliges the Department to take a more cautious approach with regard to considering development along the coast. In 2015/6, the Department commissioned the revision of the delineation of the Overberg Coastal Management Line project to ensure that development is regulated in a manner appropriate to risks and sensitivities in the coastal zone. The principle purpose of the coastal management line ("CML") is to protect coastal public property ("CPP"), private property and public safety; to protect the coastal protection zone ("CPZ"), and to preserve the aesthetic value of the coastal zone. The use of CML's is of particular importance in response to the effects of climate change, as it involves both a quantification of risks and pro-active planning for future development.
- 3.3. The property falls landward of the CML and is located within the CPZ as defined in Section 16 of the NEM: ICMA and delineated as part of the Overberg CML project in 2016. In terms of Section 17 of the NEM: ICMA, "The coastal protection zone is established for enabling the use of land that is adjacent to coastal public property or that plays a significant role in a coastal ecosystem to be managed, regulated or restricted in order to-
- i. *protect the ecological integrity, natural character and the economic, social and aesthetic value of coastal public property;*
 - ii. *avoid increasing the effect or severity of natural hazards in the coastal zone;*
 - iii. *protect people, property and economic activities from risks arising from dynamic coastal processes, including the risk of sea-level rise;*
 - iv. *maintain the natural functioning of the littoral active zone;*
 - v. *maintain the productive capacity of the coastal zone by protecting the ecological integrity of the coastal environment; and*
 - vi. *make land near the seashore available to organs of state and other authorized persons for-*
 - (i) *performing rescue operations; or*
 - (ii) *temporarily depositing objects and materials washed up by coastal waters."*

As such, any development proposed within the CPZ must not conflict with the purpose of the CPZ.

- 3.4. It is noted that the proposed subdivision is for an existing property and the proposed access servitudes are warranted. It is further noted that although the property boundary extends to the High Water Mark (HWM), a 20m coastal development setback line has been approved for the property which must be enforced.
- 3.5. Coastal access by the public is of particular concern as the property owner has erected a fence which restricts the public's ability to access the stretch of coast adjacent to the property. Equitable public access to the coast is one of the objects of the NEM: ICMA which is further provided for in the Western Cape Provincial Coastal Access Strategy and Plan (WC PCASP).
- 3.6. Be advised that the Department has commissioned the 'Overberg Coastal Access Audit and Pilot Study' which was finalised in December 2018. During the stakeholder engagement process for the coastal access audit, this stretch of coastline was identified as an area of conflict where the public experienced limited or restricted access to the coast but has since been denied at certain points due to the property boundaries of coastal erven extending to the HWM. Section 13 of the NEM: ICMA gives the public the right to access coastal public property and prevents anyone from restricting access and/or charging a fee for access to coastal public property. As such, the restriction of public access to the coast is a criminal offence. Section 18(9) of the NEM: ICMA further obliges municipalities to ensure that provision is made to secure public access to coastal public property in conditions of approval for rezoning, subdivision or development of a land unit.
- 3.7. The proposal to subdivide the property is not opposed by the SD: CM. However, the proposed right of way servitude across the commonage adjacent to erf 12257 must not infringe on public access to the coast. As the commonage abuts CPP, no structures should restrict coastal public access to the coast. It is therefore recommended that the fence erected on the applicant's property boundary must not be in a manner that restricts public access from the commonage to the coast.
4. The applicant must be reminded of their general duty of care and the remediation of environmental damage, in terms of Section 28(1) of NEMA, which, specifically states that: "...Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment..." together with Section 58 of the NEM: ICMA which refers to one's duty to avoid causing adverse effects on the coastal environment.
5. The SD: CM reserves the right to revise its comments and request further information based on any information that may be received.

Yours faithfully



CONTROL ENVIRONMENTAL OFFICER
SUB-DIRECTORATE: COASTAL MANAGEMENT



TP - A Theart
(Hollivier)

Division of Telkom SA SOC Ltd

10 Jan Smuts Drive
Pinelands
7404

6 June 2019

FILE NO:	EL 12257-HEC
SCAN NO:	HEC 12257
COLLABORATOR NO:	1291702

Candice Spammer

Tel: 021 414 5582

Fax: 086 480 0617

Email: spammec1@telkom.co.za

Our Ref.: WWIP_WHMN1810_19

Your Ref.: 12257 HEC

Attention: S Muller

Overstrand Municipality
HERMANUS

PROPOSED SUBDIVISION: ERF 12257, 4 SEA STREET, EASTCLIFF, HERMANUS

With reference to your letter received April 2019.

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 the drawing supplied, Open Serve infrastructure will not be affected. However, care should still be taken should it be evident that there is in fact Open Serve network present on the actual sites.

Please notify this office immediately if you locate any Open Serve plant that was not indicated. Please contact our representative Frederik Swart at telephone number 028 514 1199 / 081 363 7815 / FrederikS@openserve.co.za

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.

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

TP
06 JUN 2019

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

All Open Serve rights remain reserved.


Yours faithfully

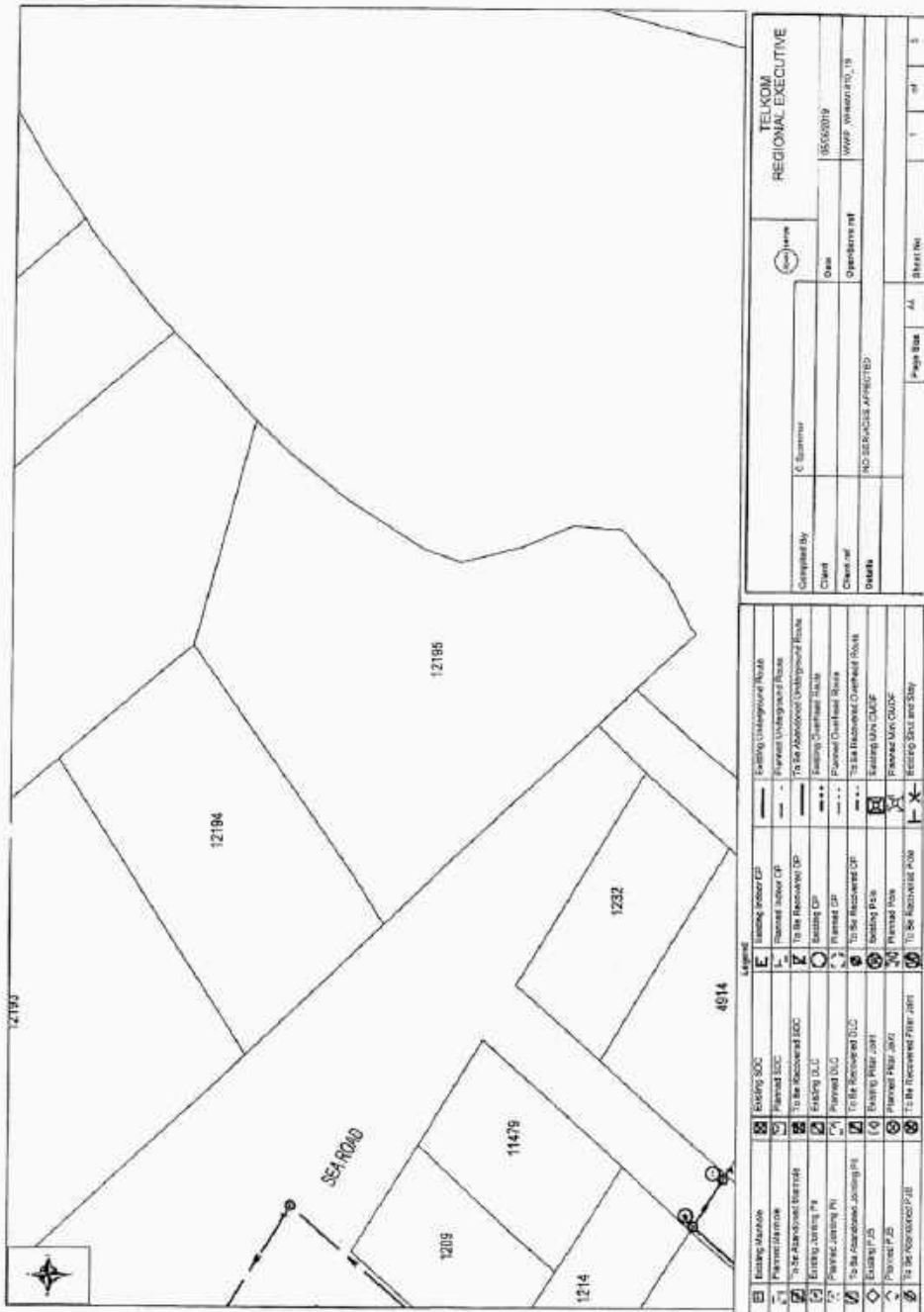


Selwyn Bowers
Operations Manager
Wayleave Management: Western Region

PLANT NOT AFFECTED

If any plant not indicated exists and information or supervision is required please contact this office at least 48 hours before any work commences.

Frederik Swart		081 363 7815	
<u>Refence number</u> WWIP_WHMN1810_19	<u>Marked Up</u> Candice Spammer	<u>Date</u> 06-Jun-19	
			



Legend	
	Existing Manhole
	Planned Manhole
	Existing 150mm PVC
	Planned 150mm PVC
	Existing 150mm HDPE
	Planned 150mm HDPE
	Existing 150mm Duct
	Planned 150mm Duct
	Existing 150mm Cable
	Planned 150mm Cable
	Existing 150mm Fiber
	Planned 150mm Fiber
	Existing 150mm Power
	Planned 150mm Power
	Existing 150mm Water
	Planned 150mm Water
	Existing 150mm Sewer
	Planned 150mm Sewer
	Existing 150mm Storm
	Planned 150mm Storm
	Existing 150mm Gas
	Planned 150mm Gas
	Existing 150mm Other
	Planned 150mm Other

Completed By	E. Sumner	Scale	AS1:1
Client		Date	05/03/19
Check of		Operative to	WSP, WSP010, 19
Drawn	NO SERVICES APPROVED		
Project No.		Sheet No.	

TELKOM REGIONAL EXECUTIVE	
Project No.	AS1:1
Scale	AS1:1
Date	05/03/19
Operative to	WSP, WSP010, 19
Drawn	NO SERVICES APPROVED
Project No.	
Sheet No.	

ANNEXURE J 1/1



File reference:	12257 HEC (2896/2019)
Date:	15 April 2019
	BS

INTERNAL MEMORANDUM

From	:	Town Planning Department
Town Planner	:	Petrus Roux

TO:




<u>Area Manager</u>	<u>Building Department</u>	District Health	<u>Electrical Department</u>
<u>Environmental Officer</u>	<u>Fire Department</u>	<u>Infrastructure and Planning</u>	Local Heritage Committee
<u>Operational Services</u>	Traffic Department	<u>Ward Councillor (K Brice)</u>	<u>Waste Management</u>

Applicant	PLAN ACTIVE ON BEHALF OF ERF 2825 HERMANUS (PTY) LTD
Property Details	ERF 12257, 15 QUANTUM STRET, EASTCLIFF, OVERSTRAND MUNICIPAL AREA
Application Description	APPLICATION FOR SUBDIVISION

ATTACHMENTS:

1.	Locality Plan	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.	Site Development Plan	
3.	Motivation	

YOUR DEPARTMENT'S COMMENTS:

Approval is subjected to the application providing that compliance is within the National Fire Protection Regulations SANS 10400 T:2011						
<table border="1"> <tr> <td>MUNICIPALITEIT OVERSTRAND MUNICIPALITY</td> </tr> <tr> <td>FIRE BRIGADE / BRANDWEER</td> </tr> <tr> <td>APPROVED / GOEDGEKEUR</td> </tr> <tr> <td>26 JUN 2019</td> </tr> <tr> <td></td> </tr> </table>		MUNICIPALITEIT OVERSTRAND MUNICIPALITY	FIRE BRIGADE / BRANDWEER	APPROVED / GOEDGEKEUR	26 JUN 2019	
MUNICIPALITEIT OVERSTRAND MUNICIPALITY						
FIRE BRIGADE / BRANDWEER						
APPROVED / GOEDGEKEUR						
26 JUN 2019						
						
Signature: E Solomon	Date: 26/06/2019					

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 email 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 Major Committee will be informed accordingly.

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

COMMENTS REQUIRED BY:	24 MAY 2019
------------------------------	--------------------

File reference:	12257 HEC (2019/2019)
Date:	15 April 2019
	BS



INTERNAL MEMORANDUM

From	:	Town Planning Department
Town Planner	:	Petrus Roux

TO:

<u>Area Manager</u>	<u>Building Department</u>	District Health	<u>Electrical Department</u>
<u>Environmental Officer</u>	<u>Fire Department</u>	<u>Infrastructure and Planning</u>	Local Heritage Committee
<u>Operational Services</u>	Traffic Department	<u>Ward Councillor (K Brice)</u>	<u>Waste Management</u>

Applicant	PLAN ACTIVE ON BEHALF OF ERF 2825 HERMANUS (PTY) LTD
Property Details	ERF 12257, 15 QUANTUM STREET, EASTCLIFF, OVERSTRAND MUNICIPAL AREA
Application Description	APPLICATION FOR SUBDIVISION

ATTACHMENTS:

1.	Locality Plan	<i>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.</i>
2.	Site Development Plan	
3.	Motivation	

YOUR DEPARTMENT'S COMMENTS:

This office will assist with the formal application for a new servitude, which servitude can only be approved by the Senior Manager: Operational Services. Please note that the owner did not adhere to the conditions that were imposed by the already registered right of way servitude.			
Signature	Anja Le Roux	Date	10 July 2019
:	_____	:	_____ 2018/
			9

Please provide your comments (with specific references to any conditions of approval that should be improved) in the space provided above or in a separate Memo by date later than the date indicated 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: 24 MAY 2019
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**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR SUBDIVISION & RIGHT OF WAY SERVITUDE: ERF 12257,
HERMANUS (2896/2019)**

Stormwater (SW)	:	Refer to Condition 13
Electricity	:	Refer to Condition 8
Water	:	Refer to Conditions 2, 3 & 4
Sewer	:	See Conditions 5, 6 & 7
Roads and traffic	:	Refer to Conditions 9, 10, 11 & 12

Conditions:

1. That a Bulk Services Contribution Levy (BICL) be paid by the developer to supplement municipal services and amenities in accordance with the relevant legislation and as determined by the Council. The BICL tariff is adjusted by Council annually. The total BICL payable will be the amount as determined by the BICL Policy and tariff at the date of **actual payment**. BICL amounts quoted in any document will normally be applicable to the particular year in which the document was compiled and Council will not be bound by the quoted amounts.

1.1 Developments containing Sectional Title Units/ Commercial Buildings (non-free standing properties – property is not to be subdivided)

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

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

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

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

Freehold erven:

Water	R 22 925.00 x 1	=	R 22 925.00
Sewerage	R 15 457.00 x 1	=	R 15 457.00
Roads	R 6 931.00 x 1	=	R 6 931.00
Stormwater	R 7 997.00 x 1	=	R 7 997.00
Solid Waste	R 1 386.00 x 1	=	R 1 386.00
Electricity	R 32 139.45 x 1	=	R 32 139.45
TOTAL (inclusive of VAT)		=	R 86 835.45

Note:

- 1.3 The above figures are estimates**
- 1.4 The above figures do not include evaluation/investigation levies and connection fees**
2. that the existing water connection to Portion A of Erf 12257 shall be used to service Portion A of Erf 12257;

2

3. Any part of the existing water supply on Erf 12257 that crosses the common boundary of Portion A of Erf 12257 and Remainder of Erf 12257 must be disconnected and sealed off;
4. That the Remainder of Erf 12257 must be serviced with an individual and separate water connection to the municipal system, which comply with the standards of the Department: Operational Services (Hermanus);
5. that both Portion A and the Remainder of Erf 12257 must be serviced with a sewer conservancy tank, which must comply with the standards of the Department: Operational Services (Hermanus), and to which the services on both Portion A and the Remainder of Erf 12257 must connect to;
6. that both Portion A and the Remainder of Erf 12257 must be provided with a new separate sewer connection points which must comply with the standards of the Department: Operational Services(Hermanus);
7. 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*;
8. that the available electricity capacity on the property is 150 Amp 3-phase and the division of the capacity between the two new erven must be communicated to the Electrical Department for future reference;
9. 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;
10. that any additional and / or extended vehicle entrances will be for the owner's account;
11. that, both the existing and the proposed vehicular access to the proposed erven be provided with road infrastructure to allow access to the proposed erven. Such infrastructure must comply with the specifications of the Department: Operational Services (Hermanus).
12. that no on-street parking be allowed.
13. that stormwater be allowed to discharge through the proposed Erven, Hermanus, unobstructed


DENNIS HENDRIKS


DATE

SENIOR MANAGER: ENGINEERING SERVICES



**Western Cape
Government**
Environmental Affairs and
Development Planning



Directorate: Development Management
Region 1

TP A / ANNEXURE M 1/9
(H. Olivia)

REFERENCE: 16/3/3/6/E2/15/1148/19
ENQUIRIES: Ms. Saa-rah Adams
DATE: 04-09-2019

The Municipal Manager
Overstrand Municipality
P. O. Box 20
HERMANUS
7200

FILE NO:	CF 12257
SCAN NO:	Hermanus
COLLABORATOR NO:	HMS 12257
	1322974

Attention: Mr. P Roux

Tel: 028 313 8900
Fax: 028 313 2093

Dear Sir

RE: APPLICABILITY OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) ("NEMA") ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED) WITH RESPECT TO THE PROPOSED SUBDIVISION ON ERF NO. 12257, HERMANUS

1. The abovementioned document dated 15 April 2019 and received by this Department on 24 April 2019 and the Department's correspondence dated 3 May 2019, refer.
2. Further upon review of the information submitted to this Department, the following is noted:
 - 2.1. A previous application was approved on 8 July 2014 allowing for the subdivision of Erf No. 1233, Hermanus into four portions (three residential (Portion B-D) and a portion of road (Portion A) (setback line decision herewith attached).
 - Portion A will become a public road for road widening purposes;
 - Portion B will accommodate the existing residential dwelling and outbuildings;
 - Portion C will accommodate a new residential dwelling; and
 - Portion D will accommodate a new residential dwelling.
 - 2.2. The property which comprise of the existing residential dwelling (Portion B) is now Erf No. 12193, Hermanus.
 - 2.3. Portion C and D is consolidated and is now Erf No. 12257, Hermanus
 - 2.4. The proposal entails the subdivision of Erf No. 12257, a coastal property located along Sea Road, Eastcliff, Hermanus into, Portion A (approximately 1701m²), the Remainder (approximately 5740m²) and the creation of a right of way servitude.
 - 2.5. There is an existing building located in the far eastern corner of the property along the property boundary that abuts the coast.
 - 2.6. Based on available mapping information sources, the site is comprised of Overberg Sandstone Fynbos which is an ecosystem categorised as "Critically Endangered" in terms of section 52 of the National Environmental Management: Biodiversity Act (NEMBA), 2004.

6th Floor, 1 Dorp Street, Cape Town, 8001
Tel: +27 21 483 0773 Fax: +27 21 483 3095
Email: Saa-rah.Adams@westerncape.gov.za

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

Appendix A



Directorate: Land Management (Region 2)

REFERENCE: 16/3/1/6/2/E2/15/2112/14

ENQUIRIES: RONDINE ISAACS

DATE OF ISSUE: 2014-07-08

Ms Jenny Booth
PO Box 3741
CAPE TOWN
8000

Cell: 082 333 9941
Fax: (021) 681 8790

Dear Madam

THE ADOPTION OF AN AD HOC DEVELOPMENT SETBACK LINE IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS OF 2010 FOR THE PROPOSED SUBDIVISION OF ERF NO. 1233 INTO THREE RESIDENTIAL ERVEN TO ALLOW FOR THE CONSTRUCTION OF TWO ADDITIONAL RESIDENTIAL DWELLINGS IN HERMANUS.

1. The Checklist for the adoption/definition of an ad hoc development setback line as received by this Department on 28 May 2014, the Department's acknowledgement letter dated 11 June 2014 and the additional information received on 17 June 2014, refer.
2. Your attention is drawn to the listed activities in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") Environmental Impact Assessment ("EIA") Regulations, 2010 as defined in Government Notice ("GN") No. R. 544, R. 545 and R. 546 of 18 June 2010.
3. Based on the information that you submitted to this Department, it is hereby confirmed that the proposed project falls within the ambit of the following listed activities:

Activity 16 of GN No. R. 544, i.e.

"Construction or earth moving activities in the sea, an estuary, or within the littoral active zone or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever is the greater, in respect of -

- (i) *fixed or floating jetties and slipways;*
- (ii) *tidal pools;*
- (iii) *embankments;*
- (iv) *rock revetments or stabilising structures including stabilising walls;*
- (v) *buildings of 50 square metres or more; or*
- (vi) *infrastructure covering 50 square metres or more -*

but excluding

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tel: +27 21 483 4098/3185 fax: +27 21 483 4372

Private Bag X9086, Cape Town, 8000

www.westerncape.gov.za/eodp

- (a) if such construction or earth moving activities will occur behind a development setback line; or
- (b) where such construction or earth moving activities will occur within existing ports or harbours and the construction or earth moving activities will not increase the development footprint or throughput capacity of the port or harbour;
- (c) where such construction or earth moving activities is undertaken for purposes of maintenance of the facilities mentioned in (i)-(vi) above; or
- (d) where such construction or earth moving activities is related to the construction of a port or harbour, in which case activity 24 of Notice 545 of 2010 applies";

Activity 18 of GN No. R. 544, i.e.

"The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from:

- (i) a watercourse;
- (ii) the sea;
- (iii) the seashore;
- (iv) the littoral active zone, an estuary or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever distance is the greater-

but excluding where such infilling, depositing, dredging, excavation, removal or moving:

- (a) is for maintenance purposes undertaken in accordance with a management plan agreed to by the relevant environmental authority; or
- (b) occurs behind the development setback line";

Activity 45 of GN No. R. 544, i.e.

"The expansion of facilities in the sea, an estuary, or within the littoral active zone or a distance of 100 meters inland of the high-water mark of the sea or an estuary, whichever is the greater, for -

- (i) fixed or floating jetties and slipways;
- (ii) tidal pools;
- (iii) embankments;
- (iv) rock revetments or stabilising structures including stabilising walls;
- (v) buildings by more than 50 square metres;
- (vi) infrastructure by more than 50 square metres;
- (vii) facilities associated with the arrival and departure of vessels and the handling of cargo;
- (viii) piers;
- (ix) inter-and sub-tidal structures for entrapment of sand;
- (x) breakwater structures;
- (xi) coastal marinas;
- (xii) coastal harbours or ports;
- (xiii) structures for draining parts of the sea or estuary;
- (xiv) tunnels; or
- (xv) underwater channels -

where such expansion will result in an increase in the development footprint of such facilities

but excluding where such expansion occurs:

- (a) behind a development setback line; or
- (b) within existing ports or harbours where there will be no increase in the development footprint or throughput capacity of the port or harbour".

4. A Public Participation Process that complies with the minimum requirements for public participation was conducted. The PPP entailed the following:
- 4.1 Notices were posted by mail to the directly abutting neighbours on 26 July 2013 and the Overstrand Municipality was also offered an opportunity to comment on the proposal.
 - 4.2 Written comment was obtained from the Overstrand Municipality dated 1 November 2013.
 - 4.3 Objections were received from the neighbouring property owners. The objections relate to impacts on traffic, visual aspects and property value. All the comments and responses that were raised were included in the Setback Line Report. The Department is satisfied that the Public Participation Process that was followed met the minimum legal requirements.
5. In terms of the NEMA EIA Amendment Regulations of 2010, the "development setback" is "a setback line as defined or adopted by the competent authority and where none has been defined or adopted, it will be assumed that no setback line applies".
6. With regards to Paragraph 5, please note that the competent authority hereby adopts the 20m coastal buffer zone on the proposed Portion D as the development setback line for Erf No. 1233, Hermanus. The setback line is depicted in bold and is labeled '**20m coastal setback line**' on the map, attached as Appendix A. The setback line is set for the following purposes:
- 6.1 Erf No. 1233 will be subdivided into four portions, i.e. three residential erven and a portion of road, as follows:
 - Portion A will become public road for road widening purposes;
 - Portion B will accommodate the existing residential dwelling and outbuildings;
 - Portion C will accommodate a new residential dwelling; and
 - Portion D will accommodate a new residential dwelling. The existing cottage and swimming pool will also remain on the proposed Portion D.
7. With regards to the development setback line specified above, please note the following:
- 7.1 The development setback line is adopted in terms of the NEMA EIA Amendment Regulations of 2010 and only relate to the construction activities mentioned in paragraph 6, the listed activities mentioned above, the determination of whether an environmental authorisation is required for the listed activities mentioned above and to the determination of whether or not an environmental authorisation in terms of NEMA is required before undertaking the listed activities;
 - 7.2 The development setback line is not adopted in terms of the National Environmental Management Act; Integrated Coastal Management Act, 2008 (Act No. 24 of 2008), National Water Act, 1998 (Act No. 36 of 1998) or any other legislation, and notwithstanding the location of the development setback line, any other statutory requirements that may be applicable to the undertaking of the development must be adhered to;
 - 7.3 The development setback line does not imply that the area inland of the setback line will not be exposed to risks arising from dynamic processes, including the risk of flooding or erosion; and
 - 7.4 The fact that development will be undertaken inland of the development setback line does not absolve you from the general "duty of care" set out in Section 28(1) of the NEMA. The section states that "Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures

to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment." (Note: When interpreting their "duty of care" responsibility, cognisance must be taken of the principles of sustainability as contained in Section 2 of the NEMA).

- 7.5 Considering that the listed activities will be undertaken behind the abovementioned development setback line, an environmental authorisation in terms of the NEMA will not be required.
8. It is hereby reiterated that the development setback line only relates to the listed activities mentioned above. If the proposed project is amended in such a way that any other listed activities become applicable, an environmental authorisation must be obtained in terms of the NEMA EIA Amendment Regulations of 2010. It remains the responsibility of the proponent to determine the applicable listed activities and to obtain the required environmental authorisation.
9. Please note that Interested and Affected Parties must be informed of the decision and be informed that they may lodge an appeal in terms of the provisions contained in Chapter 7 of the NEMA EIA Amendment Regulations, 2010.
- An appellant must –
- 9.1 submit a Notice of Intention to Appeal to the Minister, within 20 (twenty) calendar days of the date of the decision;
- 9.2 submit the appeal within 30 (thirty) calendar days after the lapsing of the 20 (twenty) calendar days contemplated in Regulation 60(1), for the submission of the Notice of Intention to Appeal; and
- 9.3 within 10 (ten) calendar days of having lodged the Notice of Intention to Appeal, provide each person and Organ of State registered as an Interested and Affected Party in respect of the application, or the applicant, with –
- 9.3.1 a copy of the Notice of Intention to Appeal form; and
- 9.3.2 a notice indicating where and for what period the appeal submission will be made available for inspection by such person, Organ of State, or applicant, on the day of lodging it with the Minister, and that a responding statement may be made on the appeal within 30 (thirty) calendar days from the date the appeal submission was lodged with the Minister.
- 9.4 All Notice of Intention to Appeal and Appeal forms must be submitted by means of one of the following methods:
- 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 J. de Villiers
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001
- 9.5 A prescribed Notice of Intention to Appeal form and Appeal form as well as assistance regarding the appeal processes are obtainable from the office of the Minister at: Tel.

(021) 483 3721, E-mail jaap.deVilliers@westerncape.gov.za or URL
<http://www.westerncape.gov.za/eadp>.

10. Please note that it is an offence, in terms of Section 24F of the NEMA to commence with a listed activity without an environmental authorisation from the competent authority. Any person convicted of an offence in terms of Section 24F of the NEMA is liable for a fine not exceeding R5 000 000 or to imprisonment for a period not exceeding 10 years, or to both such fine and such imprisonment.
11. This Department will not be held liable for any loss or damage to property or person as a consequence of any development within the development setback area as adopted by the competent authority.
12. This Department reserves the right to revise or withdraw its comments or request further information from you based on any new or revised information received.

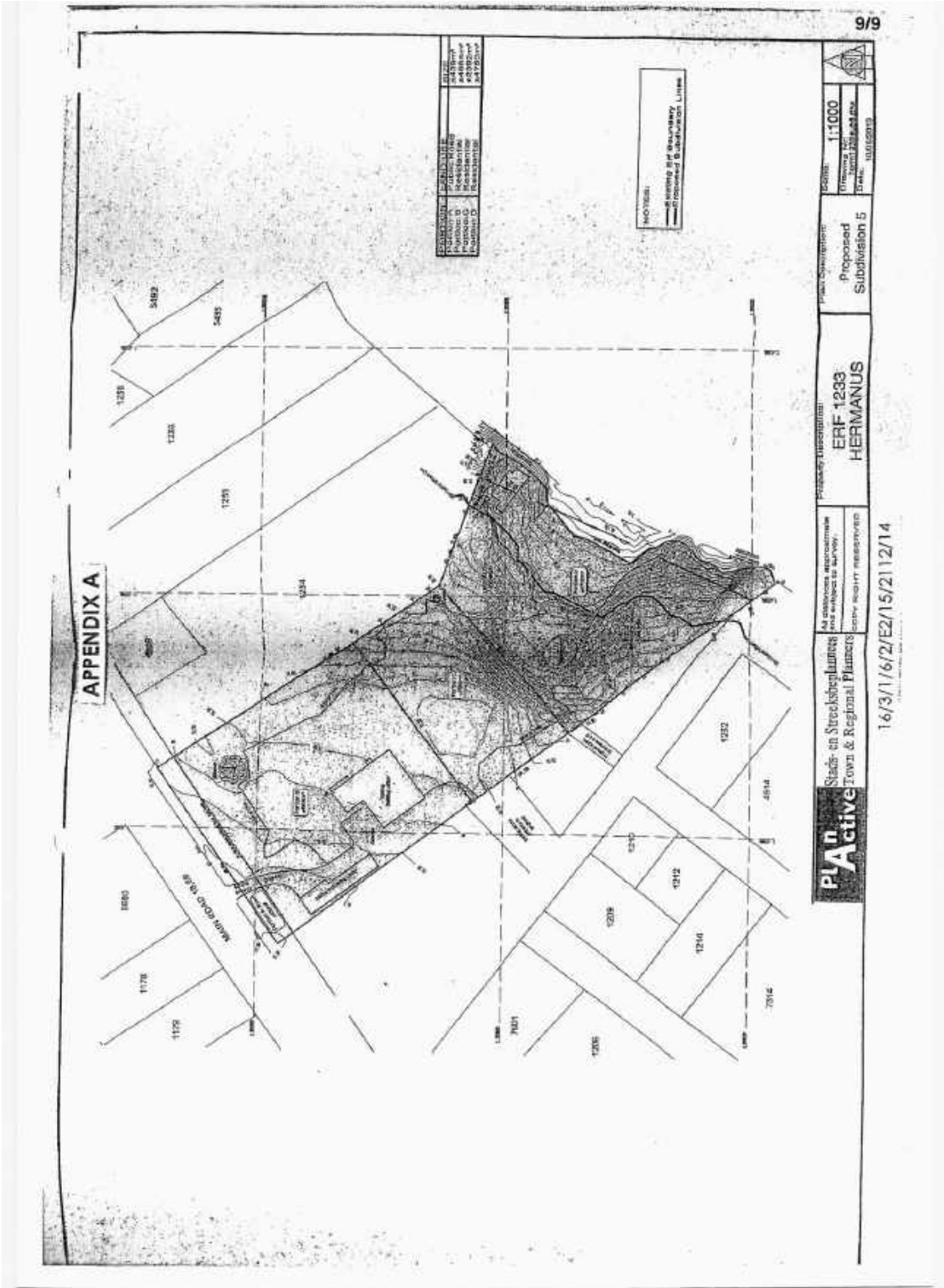
Yours faithfully



ZAAHR TOEFY
DIRECTOR: LAND MANAGEMENT: REGION 2

CC: (1) Mr Charal Bruwer (EnviroAfrica)
(2) Ms Penelope Aplon (Overstrand Municipality)

Fax: (084) 513 2141
Fax: (028) 313 2093



APPENDIX A

OWNER	PROJECT	DATE
HERMANUS	ERF-1233	15/12/14
REGISTERED	REGISTERED	REGISTERED
REGISTERED	REGISTERED	REGISTERED

NOTES:

- Boundary of Subdivision
- Proposed Subdivision Lines

<p>PLAN Stands- on Streets/Regional Plans Active</p>	<p>As indicated by hatched pattern and subject to survey</p>	<p>Project Description: ERF- 1233 HERMANUS</p>	<p>Scale: 1:1000 Drawing No: 1001/2014 Date: 01/12/2014</p>
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16/3/11/6/2/E2/15/2112/14