



Overstrand Municipality

4.3

LAND USE PLANNING REPORT – MUNICIPAL PLANNING TRIBUNAL (MPT)

ERF 10558, FAIRWAYS AVENUE, EASTCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA: PROPOSED AMENDMENT OF THE CONDITIONS OF APPROVAL AND AMENDMENT OF THE SITE DEVELOPMENT PLAN: MESSRS PLAN ACTIVE TOWN- AND REGIONAL PLANNERS ON BEHALF OF NMH TRADING 23 (PTY) LTD

Reference number	10558 HEC (3368)	Application submission date	12 JULY 2016	Date report finalised	12 JUNE 2017
PART A: AUTHOR DETAILS					
First name(s)	Petrus				
Surname	Roux				
Job title	Town Planner				
SACPLAN registration number	A/2246/2015				
Directorate/Department	Infrastructure and Planning				
Contact details	028 313 8900 petrusroux@overstrand.gov.za				
PART B: APPLICANT DETAILS					
First name(s)	John				
Surname	McLachlan				
Company name	Plan Active Town- and Regional Planners				
SACPLAN registration number	N/A	Is the applicant authorised to submit this application	Yes	N	
Registered owner(s)	NMH TRADING 23 PTY LTD				
PART C: PROPERTY DETAILS					
Property description (in accordance with Title Deed)	ERF 10558, HERMANUS				
Physical address	Berg Street/Fairways Street, Eastcliff	Town/City	Hermanus		
Current zoning	GENERAL RESIDENTIAL	Extent (m ² /ha)	1,1060 ha	Are there existing buildings on the property?	Yes N
Applicable zoning scheme	Overstrand Municipality Zoning Scheme Regulations, 2014				
Current land use	Residential	Title Deed number & date	T14320/2008		

Any restrictive title conditions applicable	Yes	No	If Yes, list condition number(s)	
Any third party conditions applicable?	Y	No	If Yes, specify	
Any unauthorised land use/building work	Yes	No	If Yes, explain	
PART D: PRE-APPLICATION CONSULTATION				
Has pre-application consultation been undertaken?	Yes	No		
PART E: LIST OF APPLICATIONS				
Amendment, deletion or imposition of conditions in respect of existing approval	√	Amendment of site development plan	√	
PART F: APPLICATION DESCRIPTION				
<p>An application was received from Messrs PlanActive Town- and Regional Planners on behalf of NMH Trading 23 (Pty) Ltd for the following:</p> <ul style="list-style-type: none"> • amendment of the conditions of approval in terms of Section 16(2)(h) in order to allow the development of twelve (12) residential sectional title units with its own double garage in terms of Section 47 of the Overstrand By-Law on Municipal Land Use Planning, 2016; • amendment of the Site Development Plan (SDP) in order to allow the development of twelve (12) residential sectional title units with its own double garage in terms of Section 47 of the Overstrand By-Law on Municipal Land Use Planning, 2016. 				
PART G: BACKGROUND				
<p>Erf 10558 (Precinct 3), Hermanus forms part of the layout of the Hermanus Golf Estate which was approved in 2002 by the Department of Environmental Affairs and Development Planning (DEA&DP). Ten (10) golf lodges were approved for the subject property; however only six (6) lodges, with a clubhouse and swimming pool were indicated on the SDP due to site constraints.</p> <p>The golf lodges were marketed, however little interest was received, thus indicating that there is no market for the type of lodges. Precinct 4 which was approved at the same time as golf lodges and which have similar characteristics to the subject property were converted to sectional title residential units. The market showed interest in the residential units and therefore the owner of Erf 10558 (Precinct 3) wishes to do the same.</p> <p>The applicant therefore wishes to create two (2) residential sectional title units within each of the footprints of the golf units. Furthermore, the club house and swimming pool will be removed in order to allow an additional garage at each of the proposed units. Therefore twelve (12) residential units will be created, each with its own double garage.</p> <p>It should be noted that the application was considered by the Municipal Planning Tribunal on 22 February 2017 which resolved that the application be referred back for further investigation with regard to:</p> <ul style="list-style-type: none"> • the value of the property with its current rights versus the value with the rights applied for; • the impact on the CBD revitalisation project should the proposed bypass road not be constructed, and • the impact on the local economy should the proposed bypass road not be constructed, <p>The abovementioned points will form part of the evaluation of the desirability of the application.</p>				

PART H: SUMMARY OF APPLICANTS MOTIVATION

- ❖ The site plan is already approved.
- ❖ Services are already installed.
- ❖ The same footprint will be kept with the change from lodges to units.
- ❖ Approval has already been obtained from DEA&DP and therefore it is not required to amend the Record of Decision (RoD).
- ❖ The proposed amendments will not have a negative impact on the character of the area.

PART I: SUMMARY OF PUBLIC PARTICIPATION

Methods of advertising				Date published	Closing date for comments				
Press	Yes	N	N/A	25/08/2016	30/09/2016				
Notices	Yes	N	N/A	25/08/2016	30/09/2016				
Ward councillor	Yes	N	N/A	25/08/2016	30/09/2016				
Total valid comments	None				Total comments and petitions refused	N/A			
Valid petition(s)	Y	No	If yes, number of signatures						
Community organisation(s) response	Y	N	N/A	Ward councillor response			Yes	No	N/A
Total letters of support	One (1)								
Was public participation undertaken in accordance with Section 48 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016								Yes	N

PART J: SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION

Three (3) letters were received from the surrounding property owners, namely ML Blom, M Crous and OH & BME Broodryk. The letters received from M Crous and OH & BME Broodryk are indeed objections which were received late. Therefore the letters will not form part of the evaluation of this application. The applicant were notified of the late objection and responded on the objections:

The letter from OH & BME Broodryk (Erf 1159) is summarized as follows:

Objection

When the objector bought the adjacent property in 2015 the objector was informed that no further development will take place except for the provincial road and the golf lodges.

The development will not be objected to except if the buildings developed are double storey.

The following must be considered with the approval of the application:

- only single storey development;
- highest aesthetical quality must be kept;
- privacy must be kept from the access road;
- the property owner must construct a wall or planting to promote privacy;

- no high trees against the proposed wall which will restrict views;
- noise must be kept to a minimum at the maintenance/store room;
- no grouping of workers or the service of machinery must be allowed at the maintenance/store room;
- the use of the maintenance/store room must be limited to what it is indicated for;
- area must be kept clean and tidy;
- maintenance/store room may not be converted to servant's quarters; and
- storm water through Erf 1159 must first be properly consulted before it can be done.

Applicant's Comment

The objections are noted however, there is no objection made against the amendment of the conditions of approval or the SDP. No other development will take place except the sectional title units. The lists of conditions are addressed in the motivation.

Structures will be kept to single storey and be of high aesthetical value.

No servant's quarters will be developed on site. The site will be kept tidy and no grouping of workers at the maintenance/store room will be accepted.

Town Planner's Comment

The applicant adequately addressed the issues raised by the objector.

The letter from Mrs ME Crews is summarized as follows:

Objection

The objector does not object to the proposed application, but refers to issues regarding traffic flow in the immediate area (Fairways Street). Traffic issues are mainly due to high traffic volumes during peak tourist seasons.

Applicant's Comment

The traffic flow was considered with the compilation of the SDP. Two (2) entrance lanes are proposed for the development with additional stacking distance in order not to interrupt traffic flow. Traffic issues are however limited to peak tourist season.

Town Planner's Comment

The objection received is not against the proposed application, but issues regarding traffic volumes. The application was however circulated to the Roads Department, Engineering Department and Traffic Department and no objection was received against the proposed application and the effect that it might have on traffic volumes.

The letter from ML Blom (Erf 1153) is summarized as follows:

Objection

The applicant supports the application. However, requests to be informed should the golf cart charging area become roofed.

Applicant's Comment

The SDP indicates the golf cart charging area unroofed.

Town Planner's Comment					
The golf cart charging area is within building lines. Should the applicant construct additional structures in that position then an application will have to be submitted and the adjacent property owners will receive notice					
PART K: SUMMARY OF COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS					
Name	Date received	Summary of comments	Recommendation		
Department of Environmental Affairs and Development Planning	24/05/2016	Attached as Annexure F.	Positive	Negative	Comment
Operational Manager	25/08/2016	No objection.	Positive	Negative	Comment
Building Department	30/08/2016	Supported subject to plans to be submitted in compliance with SANS 10400.	Positive	Negative	Comment
Eskom	31/08/2016	No objection.	Positive	Negative	Comment
Area Manager	06/09/2016	No objection.	Positive	Negative	Comment
District Health	11/09/2016	Approval recommended.	Positive	Negative	Comment
Heritage and Aesthetics Committee	15/09/2016	Supported.	Positive	Negative	Comment
Fire Department	21/10/2016	<ul style="list-style-type: none"> Developer must provide fire hydrants in compliance with section 4.35.4 – Housing Complex of SANS 10400T:2011. All structures must comply with requirements of SANS 10400T:2011 Fire Protection regulations. 	Positive	Negative	Comment
Waste Management	21/10/2016	No objection.	Positive	Negative	Comment
Department of Agriculture	21/10/2016	No objection. The recommendation of the Environmental Assessment Practitioner is supported all measures of the Environmental Management Programme should be adhered to.	Positive	Negative	Comment
Electrical Department	22/09/2016	The electricity department does not have a problem with the above mentioned development. However keep in mind that although the capacity was reserved many years ago no payment was made for the bulk contribution or notified maximum demand. An application must be made for the required load in writing, to the electrical department to acquire a Quotation. The following are also concerns that must be raised:	Positive	Negative	Comment

		<p>1. There is a service servitude for 11kV feeder cables running through the premises as on the attached drawing which cannot be moved. Please apply for wayleaves at the electrical department before any excavation commence.</p> <p>2. There is an 11kv switching station on the Golf course and Electricians need access through this development 24/7. (Attached as Annexure G).</p>			
Telkom	03/11/2016	Attached as Annexure H.	Positive	Negative	Comment
Engineering Department	11/11/2016	Attached as Annexure I.	Positive	Negative	Comment
Department of Transport and Public Works	07/08/2016 22/12/2016 09/06/2017	Attached as Annexure J.	Positive	Negative	Comment

PART M: MUNICIPAL ASSESSMENT OF COMMENTS

It is clear that all internal departments support the proposed application. It should be noted the first letter received from the Western Cape Department of Transport and Public Works dated 7 September 2016, stated the following: *"This branch is not directly affected by this application and thus has no comment in terms of the Land Use Planning Act, No 3 of 2014."* The letter was withdrawn and replaced by the letter dated 22 December 2016. In short the new letter states that the subject property is affected by the proposed Hermanus Bypass or the re-alignment of proclaimed Main Road 28 or the R43.

The proposed Bypass is a key component of achieving the desired outcomes for the CBD Revitalisation Project. The estimated cost is R120 million.

The planning phase is nearly complete and only the Route Determination authorisation is outstanding where after the road will be formally proclaimed.

Two (2) alternatives are being considered and both impact Erf 10558. According to a figure in the letter it is shown that the proposed Bypass will run through the subject property.

After the Municipal Tribunal referred the subject item back for further investigation, more clarity was sought from the Department of Transport and Public Works. An official statement was provided on 9 June 2017. This statement is also attached as Annexure J and will be discussed under the desirability of the application.

PART N: MUNICIPAL PLANNING EVALUATION (REFER TO RELEVANT CONSIDERATIONS GUIDELINE)

Was the application processed correctly (if no, elaborate below):	Yes	N
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Is the proposal consistent with the principles referred to in chapter 2 of SPLUMA and Chapter VI of LUPA? (can be elaborated further below)	Yes	N
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(In)consistency with the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)

It should be noted that the approval for the subdivision and rezoning of this property happened a decade before the new legislation was implemented. Furthermore, the proposed amendments are minor enough that it does not affect the original approval for the rezoning, but rather how the SDP is going to be implemented. Thus the application is in line with the planning objectives applicable to this application. The objective relating to:

<p>Efficiency</p> <p>The application will ensure that the existing resource, land is used to its maximum in an affordable manner.</p> <p>Good Administration</p> <p>The application follows the required planning procedures to ensure all structures are legal and a good public participation process has been followed.</p>
<p>(In)consistency with the principles referred to in Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014)</p> <p>Same as above.</p>
<p>(In)consistency with the IDP/Various levels of SDF's/Applicable policies</p> <p>The land use will remain the same. The opinion is held that the proposed residential units will have the same impact as the approved lodges.</p>
<p>(In)consistency with guidelines prepared by the Provincial Minister</p> <p>N/A</p>
<p>Impact on Municipal Engineering Services</p> <p>Refer to the services report attached as Annexure I.</p>
<p>Outcomes of investigations/applications i.t.o other legislation</p> <p>N/A</p>
<p>Existing and proposed zoning comparisons and considerations</p> <p>The zoning of the property will not change and the application is only for the amendments of the approved SDP. The current footprints of the lodges will be maintained and the swimming pool and clubhouse area will fall away in order to allow an additional garage at each dwelling.</p>
<p>The desirability of the proposal</p> <p>As stated under the background heading of this item; the application was considered by the Municipal Planning Tribunal on 22 February 2017 which resolved that the application be referred back for further investigation with regard to:</p> <ul style="list-style-type: none"> • the value of the property with its current rights versus the value with the rights applied for; • the impact on the CBD Revitalisation Project should the proposed bypass road not be constructed; and • the impact on the local economy should the proposed bypass road not be constructed. <p>Before commencing with the discussion on the aforementioned points it should be explained at what stage the process for the proposed bypass road is. The Environmental Impact Report (EIR) submission is advertised for public comment and it is anticipated that the final decision will be gained in early 2018. Subsequent to authorization having been obtained, portions of the Fernkloof Nature Reserve will be de-proclaimed and the bypass be proclaimed. The design process will follow suit. The estimated duration of the process going forward is twelve (12) to eighteen (18) months. Only after the aforementioned process has been finalised, construction of the road will be based on funding availability.</p> <p>It is assumed that procurement of land (buying out of land) will only take place once the bypass has been proclaimed, this assumption is further supported by paragraph 10 of the latest letter provided by the Department of Transport and Public</p>

Works (attached as Annexure J).

The points of referral will be used as a structure to the discussion that follows pertaining to the additional information received and the investigation of the points.

- **In the first instance: the value of the property with its current rights versus the value with the rights applied for:**

A valuation of the property was done by Boland Valuers BK. Four (4) market valuations were determined. The property with its current rights, undeveloped and developed, and property with the proposed rights, undeveloped and developed. The table below indicates the market values as determined by Boland Valuers BK.

Table 1: Valuation of Erf 10558 HEC

Erf 10558 HEC	Current rights	Proposed rights	Difference
Undeveloped	R8 925 000	R12 645 000	R3 720 000
Developed	R25 609 000	R36 778 000	R11 169 000
Difference	R16 684 000	R24 133 000	N/A

The difference between the two (2) developed scenarios (current versus proposed rights) and the undeveloped scenarios shows an increase of R7 449 000, ie, R 11 169 000 – R 3 720 000.

What must also be considered is the difference in market value between the property undeveloped versus developed. With the current rights the difference is R16 684 000 and with proposed rights it is R24 133 000, an increase in value of R7 449 000.

Considering the total cost of the proposed bypass, ie, approximately R109 000 000 the value of Erf 10558 with its current rights is already 8,2% of the estimated cost. The draft version of the Scoping Report also estimated that the amount reserved for the procurement of property is R12 000 000. This is unfeasible as the undeveloped Erf 10558 with its current rights will already consume R8 925 000 of the R12 000 000 which leaves only around R3 075 000 for the procurement of several other erven including municipal owned land. Considering the aforementioned the estimated cost of the bypass provided be considered when assessing whether or not the bypass will be affected by the proposed development.

It should be noted that the valuation were sent to the Western Cape Department of Transport and Public Works. This was done in order to receive indication on whether or not the Department of Transport and Public Works would consider the increase in land value as a deterrent to the project costing of the proposed bypass.

The letter provided on 9 June 2017 does not state specifically whether the increase in land value will have a negative impact on the approval and implementation of the Hermanus bypass. However, paragraph 15 indicates that the Department of Transport and Public Works is not supportive of the proposed sectionalisation of the six (6) golf lodges and further paragraph 16 indicates that the Department of Transport and Public Works is willing to have round table discussion regarding the possibility of phasing the project, however at this stage no commitment can be provided towards the expropriation/compensation of the property owners.

The valuation was done on the assumption that it will take one (1) year to dispose of the properties (units). It should be remembered that twenty one (21) days are made provision for after the land use approval has been granted and only then may the sectional title units be registered and building plans approved. Should the application be approved, or the developer commences with construction with the current rights on or before the end of June 2017, then the property will in all probability be developed prior to the bypass proclamation. Therefore the amount applicable to the property will be that of the developed site. It should be noted that construction of the bypass will only take place as and when funding is available and Council will not be able to deter the developer to develop the property while awaiting the relevant authority to allocate funding for the bypass.

- **In the second instance: the impact on the Central Business District (CBD) Revitalisation Project should the proposed bypass road not be constructed**

Page 78 of the CBD Regeneration Framework outlines the implementation matrix of the proposed CBD Regeneration Projects. Four (4) of the identified projects are directly related to the implementation of the proposed bypass. The projects which are directly related include: pedestrian crossing points and Main Road linkages (Lemm's Corner); Gateway to coastal/biodiversity walks; pedestrian promenade along Marine Drive; parking access and Main Road (Swallow's Park), and Park Avenue upgrade (Swallow's Park). The aforementioned projects are directly related to the proposed bypass, because the projects will affect the vehicular and pedestrian movement which will impact the traffic flow of the main road and increase the traffic on the relief road. The projects directly affected/related by to the proposed bypass, form the back bone of pedestrian and vehicular movement.

Several of the other projects in the CBD Regeneration Framework are directly affected by the impact created by the abovementioned projects and therefore the projects are indirectly related to the bypass.

A list of principles was derived to help guide the CBD Regeneration Framework and which feed the aforementioned projects as well as the aim/themes of the CBD Regeneration Framework. The principles identified are the following: strengthen the sense of place, promote ease of access, encourage economically resilient development and create a vibrant public realm. The creation of a vibrant public realm and the promotion of ease of access directly feed from the pedestrian network which should be efficient, complete, safe, legible and comfortable. Vehicular circulation should be efficiently managed with adequate provision of appropriately located parking.

Considering the aforementioned, the aim and principles of the CBD Regeneration Framework seeks to create a CBD which will attract tourists through the sense of place and ease of access (pedestrian and vehicular movement). This in turn will promote the retail and office segments which will stimulate the economy. It may therefore be stated that should the proposed Bypass not be constructed it will have a "knock-on" effect on the outcomes proposed by the CBD Regeneration Framework's projects. Thus the desired outcome of the projects proposed by the CBD Regeneration Framework will not be able to be delivered in full.

- **In the third instance: the impact on the local economy should the proposed bypass road not be constructed**

South Africa views tourism as an alternative source of income; be it on a national, provincial or local level. In an article published by Statistics SA it was stated that in 2015 the tourism industry/sector contributed more towards the GDP than the agricultural sector. It was determined that for every R100 produced by the South African economy, R3-10 was as a result of tourism. Not only did tourism contribute to the GDP, but it also helped employ more than one (1) in every twenty two (22) people.

It is for these reasons that the Overstrand Municipality's IDP, SDF and IDF seek to promote tourism, economic and social development. Furthermore, as stated on page 20 of the CBD Regeneration Framework: *"The economy of Hermanus is heavily reliant on tourism and the heritage resources of the CBD are crucial assets in sustaining and developing this economy."*

A case study based on Knysna and the N2 Bypass was done in 2008. A case study done in Hermanus with regard to the CBD identified similar issues as those encountered by Knysna. The Knysna case study found that congestion was a disincentive for holiday makers and tourists. What may be concluded from the Knysna case study is that the N2 Bypass development was urgently required in order to help mitigate congestion. It did not have a negative impact on the tourism in the town. Although there will be fewer people passing through the town on a daily basis, Knysna will still attract high volumes of tourists, especially around the times of the various events that are held in the town. To a certain extent, the bypass development will even benefit the tourism industry as the decrease in traffic congestion will make the tourist experience more enjoyable and will place less strain on the infrastructure of the town. Although Hermanus has not seen the same growth as Knysna, the findings of the case study may be applicable to Hermanus due to the similarities between the two (2) towns which are: they are viewed as tourist destinations; increase in year on year population growth, and are they used as thoroughfares to other destinations.

All the tourists who visit Hermanus make use of vehicular transport. Domestic and international tourists make use of the N2 and/or R43 when entering Hermanus. This is due to close proximity of the Cape Town International Airport. It should be considered when tourists visit Hermanus CBD they want to have ease of movement to freely move and explore the destination. It is therefore essential that ease of access is promoted while at the same time the sense of place is maintained/enhanced. Inter alia less traffic congestion on our roads, means more tourists; more tourists mean more patronage of our tourism sites; more funds for the Municipality and the creation of more employment opportunities. More employment opportunities, equate to less poverty, less poverty translates to less crime, and less crime to more tourists. Therefore the proposed Bypass will help alleviate the current traffic pressure on and with regard to the main road and less congestion. This will allow the proposed projects contained in the CBD Regeneration Framework to be implemented which will help protect and enhance the pedestrian movement and also further establish a sense of place.

Modelling done in terms of future growth trends is included in the final Scoping Report of the Proposed New CBD Bypass Road (Page 36). It is stated that by 2035 the traffic volumes will exceed the capacity of many portions of the existing road network. It may therefore be concluded that without intervention extended traffic congestion will occur due to growth patterns. This will have a "knock-on" effect on the sense of place and ease of access with regard to tourism and economic facilities, which will ultimately cause tourists and clients to seek a desired destination/product elsewhere which can lead to a decrease in the economic activity in the CBD area.

Having regard for the aforementioned; It must be stated that it is difficult to assess the precise effect the implementation or not of the Bypass will have on the economy of the Overstrand. Therefore comment was gained from the Overstrand Legal Services which will have bearing on the decision which must be taken by the Tribunal.

Comment from Legal Services

Possible implications of the application being approved/not approved:

- a. The applicant will probably not be inclined to dispute possible conditions of approval, should conditions be imposed and be in compliance with the provisions of Section 69 of the By-Law. Should the application not be approved, the applicant will in all probability lodge an appeal which should be successful. In the event of an appeal not being successful, the applicant will probably take the matter to the High Court, and given the facts and merits, will succeed, and will it also obtain a cost order against the Municipality. The question that has to be asked is whether the Municipality is desirous to follow this route or not? The opinion is held that it is not desirous.
- b. The economic benefits of the bypass road to Hermanus per se far outweigh any possible negative implications, including the fact that the properties in issue may be more expensive when expropriation becomes an issue, although this will be a matter between the applicant and the provincial government;
- c. Further to point b. above and with reference to the issue of possible expropriation procedures, the applicant will be able to advance the argument that its decision to lodge the application was purely a business decision and that it did not have possible expropriation and accompanying higher land values in mind when having done so. In any event will it also be able to argue that the final decision as to whether the bypass road will be constructed or not has not been taken, and that this aspect is in any event irrelevant as far as its application is concerned - this is not a requirement in terms of the relevant By-Law.
- d. There are no objections to its proposed departure ie to convert the lodges into a Sectional Title Scheme.
- e. One (1) aspect that may have a bearing on the Municipal Planning Tribunal's decision is the content of the Environmental Impact Report, but again, this is irrelevant as far as the applicant is concerned.

To supplement the above it is important that the Municipal Planning Tribunal make a decision that is **rational, reasonable and fair**.

Section 3(2) of the Promotion of Administrative Justice Act records the well-known principle at common law that fairness depends on the circumstances of each case. In order to give effect to this right an administrator must generally provide that any person affected by an administrative act a clear statement of the administrative action.

It is important that the decision maker must base its action on the relevant evidence before it; this includes an accurate summary of the **factual evidence**. The decision maker can simply not rely on the advices of others without knowing the factual grounds on which these advices were given, if must focus on the parameters set by the **legislative framework, governing the application**.

Comment from Town Planning

The comment received from Legal Services must be noted by the Municipal Planning Tribunal, because the decision taken by the Municipal Planning Tribunal must be based on factual evidence. Currently it can be assumed/concluded that there will be a negative effect if the bypass is not developed. However, no factual evidence can be provided nor is the development date of the bypass known. What is known is that the applicant complied with the requirements of the By-Law and motivated the application accordingly. The developer cannot be penalised based on the assumptions that the bypass will be approved in due time, further the outcome of the Environmental Impact Report referred to above is still unknown and could lead to further setbacks for the proposed bypass. It is noted that the Department of Transport and Public Works does not support the application. The Department of Transport and Public Works suggests possible means of negotiation and phasing the development on Erf 10558 where by the three (3) units which might not be affected by the bypass is developed first. The suggestions made by the Department of Transport and Public Works for phasing is not feasible in this application as the whole property will have to be expropriated whether developed or undeveloped.

Taking into account the input provided by the Legal Services, the latest comment from the Department of Transport and Public Works and the assumptions made in accordance of how the bypass may affect the CBD and tourism in Hermanus, there is no reason why the application should not be approved, except on account for the possible high expropriation as stated in Table 1 of this report.

PART O: ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

The financial or other value of the rights

N/A

The personal benefits which will accrue to the holder of rights and/or to the person seeking the removal

N/A

The social benefit of the restrictive condition remaining in place, and/or being removed/amended

N/A

Will the removal, suspension or amendment completely remove all rights enjoyed by the beneficiary or only some of those rights

N/A

PART P: SUMMARY OF EVALUATION

The application is to amend the conditions of approval and to amend the approved SDP.

The proposed amendments are of such a nature that it does not have a negative impact on the character of the area.

All municipal departments support the application. Late objections were received. However, the applicant did address the issues contained therein.

The Western Cape Department of Transport and Public Works does not support the proposed application. However, the applicant has vested rights which date back to 2002. Further, taking into account the input provided by the legal services, the latest comment from the Department of Transport and Public Works and the assumptions made in accordance of how the bypass may affect the CBD and tourism in Hermanus, there is no reason why the application should not be approved, except on account for the possible high expropriation as stated in Table 1 of this report.

It is considered that the application is desirable and can be supported.

PART Q: RECOMMENDATION

RECOMMENDATION :

1. that, in terms of Section 16(2)(h) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (the By-Law) the application for the amendment of the conditions of approval on Erf 10558, Eastcliff, Hermanus, **be approved** in terms of the provisions of the By-Law;
2. that, in terms of Section 16(2)(l) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (the By-Law), the application for the amendment of the Site Development Plan on Erf 10558, Eastcliff, Hermanus, **be approved** in terms of the provisions of the By-Law, subject to the following conditions:
 - (a) that building plans be submitted to the Building Department for approval, and that any conditions by the Fire- and Building Departments be complied with at that stage;
 - (b) that all the relevant conditions as stipulated in the Record of Decision dated 11 July 2002 and the approval the Department of Environmental Affairs and Development Planning dated 30 September 2003 attached as (Annexure F), be complied with;
 - (c) that all the requirements from Electro Technical Services, Engineering Department and Telkom (attached as Annexures G-I), be complied with;
 - (d) that the developer must provide fire hydrants in compliance with Section 4.35.4 – Housing Complex of SANS 10400T:2011 and that all structures must comply with the requirements of SANS 10400T:2011 Fire Protection Regulations;
 - (e) that this approval only relates to the amendment of the Site Development Plan as indicated on the plan submitted by the architect (attached as Annexure C);
 - (f) that a body corporate be established with design manual and architectural design guidelines;
 - (g) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (h) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

PART R: REASONS FOR RECOMMENDATION

- ❖ The application has followed due procedure.
- ❖ The proposed structure has no negative impact on the surrounding area.
- ❖ The proposed amendments will allow the development of the site which will in turn increase property value.
- ❖ The applicant has vested rights which date back to 2002.
- ❖ Taking into account the input provided by the legal services, the latest comment from the Department of Transport and Public Works and the assumptions made in accordance of how the bypass may affect the CBD and tourism in Hermanus, there is no reason why the application should not be approved, except on account for the possible high expropriation as stated in Table 1 of this report.

PART S: ANNEXURES

Annexure A:	Locality Plan
Annexure B:	Motivation
Annexure C:	Site Development Plan
Annexure D:	Objections (late)
Annexure E:	Comment on Objections
Annexure F:	Record of Decision dated 11 July 2002; approval of the Department of Environmental Affairs and Development Planning dated 30 September 2003 and letter dated 24 May 2016
Annexure G:	Comment from Electro Technical Services
Annexure H:	Telkom
Annexure I:	Services Report
Annexure J:	Department of Transport and Public Works letters dated 7 September 2016, 22 December 2016 and 9 June 2017
Annexure K:	Market Report compiled by Boland Valuers BK

PART T: SIGNATURES

Author name: **PETRUS ROUX**

Author signature: _____

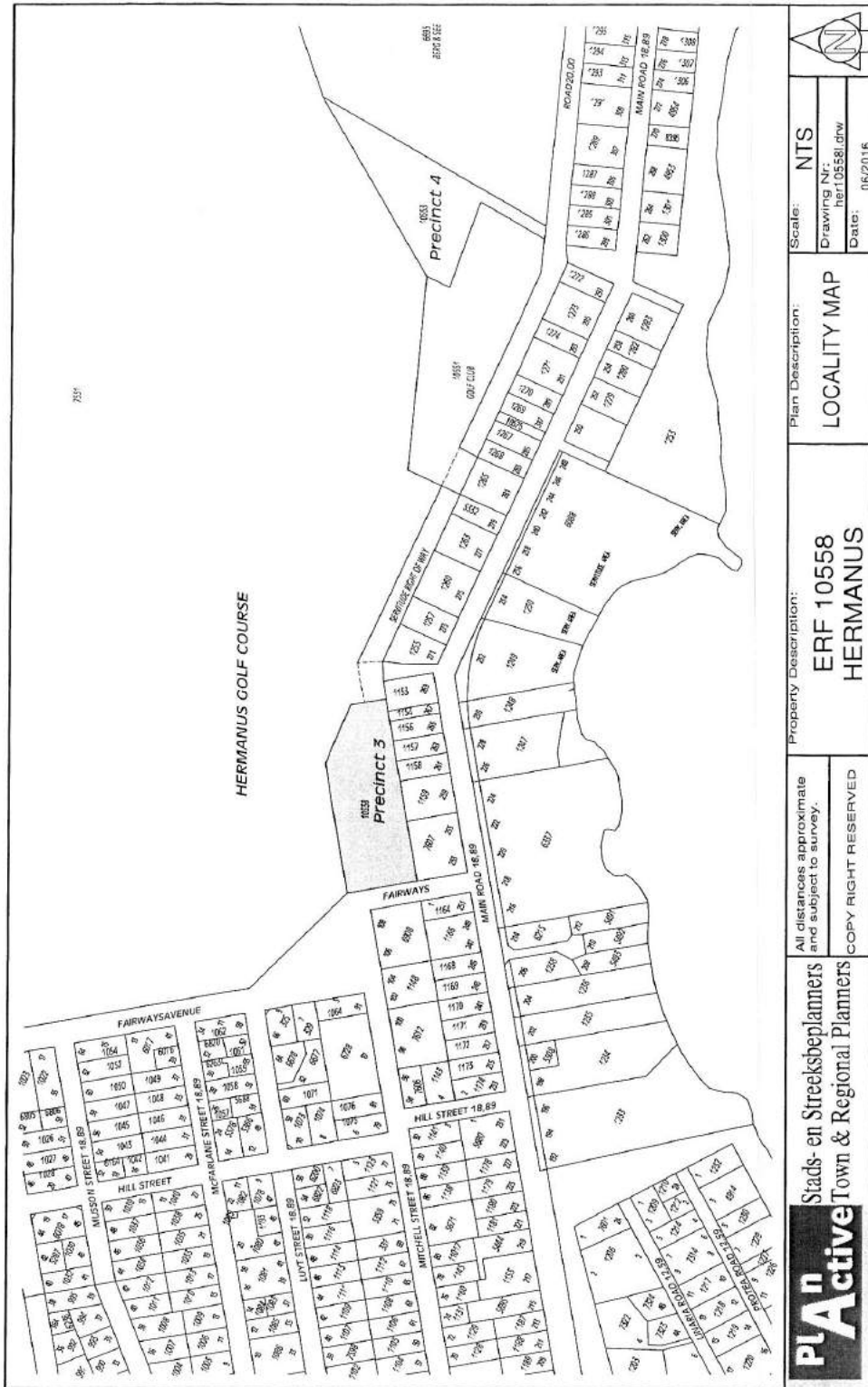
Date: _____

Registered planner name: **SCHALK VAN DER MERWE**

Registered planner signature: _____

SACPLAN registration number: **A/1850/2014**

Date: _____



	All distances approximate and subject to survey. COPY RIGHT RESERVED		Property Description: ERF 10558 HERMANUS	Plan Description: LOCALITY MAP	Scale: NTS Drawing Nr.: her10558.dwg Date: 06/2016

**PROPOSED AMENDMENT OF THE
CONDITIONS OF APPROVAL AND THE
AMENDMENT OF THE SITE DEVELOPMENT
PLAN**

ERF 10558 HERMANUS

**DIVISION: CALEDON
OVERSTRAND MUNICIPALITY**

MOTIVATION REPORT

1. BACKGROUND

N M H Trading 23 (Pty) Ltd, owner of Erf 10558 Hermanus, has instructed the company Plan Active to apply for the amendment of the conditions of approval and the site development plan.

Erf 10558 Hermanus forms part of the layout of the Hermanus Golf Estate that was approved on 30 September 2003 by the Department of Environmental Affairs and Development Planning. Please refer to the enclosed letter of approval as **Annexure A**. An approval was also obtained in terms of the Environment Conservation Act. Please refer to a enclosed copy of the letter of approval as **Annexure B**. Erf 10558 was known as Precinct 3 and 10 golf lodges were approved on this precinct in terms of the letter of approval, however the site development plan only consisted of 6 lodges due to site constraints and a clubhouse with a swimming pool.

The Golf Lodges were extensively marketed and they received very little interest. This came to prove that there is currently no market for large Golf Lodges in the current economic environment and therefore the owner decided to appoint Plan Active to apply for the amendment of the conditions of approval and the site development plan in order to create a residential development on the subject erf.

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The proposed residential units will be located in the approximate same position of the approved lodges and the clubhouse and pool will be omitted. Detail of the proposed residential units will follow.

2. APPLICATION DETAILS

Application is made in terms of:

- Chapter 4, Section 16(2)(h) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, for the amendment of an existing approval.
- Chapter 4, Section 16(2)(l) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, for amendment of an approved site development plan.

3. DESIRABILITY

3.1 PROPERTY DESCRIPTION

The subject property is situated on the southern boundary of the golf course and abuts Fairways Avenue. Please refer to the locality plan and aerial photograph attached. (Annexure C) Erf 10558 Hermanus is 1.1060ha in extent and is situated in an area that forms part of the Hermanus Golf Estate. The property is currently vacant.

3.2 ZONING

Erf 10558 Hermanus is zoned General Residential Zone with the rights to erect 10 golf lodges. Surrounding properties are zoned for residential purposes and private open spaces that consist of the golf course and associated golf club.

3.3 LAND USE

Erf 10558 Hermanus is currently vacant but services have already been installed.

Land uses that surround this erf can be summarised as follow:

- Hermanus Golf Course;
- Hermanus Golf Club;
- Single residential houses;
- Private and public roads.

3.4 PROPOSAL

- Chapter 4, Section 16(2)(h) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, for the amendment of an existing approval.
- Chapter 4, Section 16(2)(l) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, for amendment of an approved site development plan.

It is the intention of the owner of Erf 10558 Hermanus to change the land use from 6 golf lodges as per the approved site development plan to 12 sectional title dwellings. The detail of the application can be described as follows:

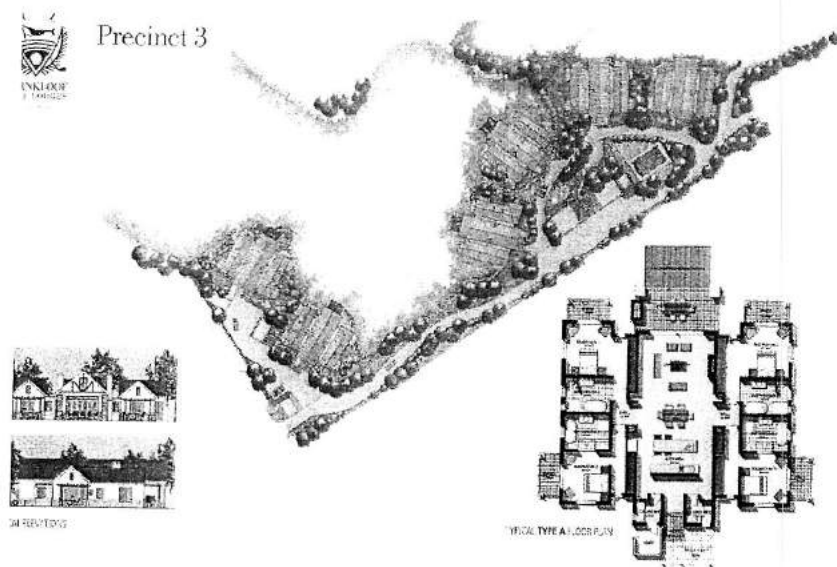
3.4.1 Proposed Amendment

An application for 20 golf lodges was approved by the Department of Environmental Affairs and Development Planning. With reference to their letter of approval dated 30 September 2003, it clearly refers to the following:

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Page 3, Paragraph 4.10: "A maximum of 20 golf lodges (10 each in Precinct 3 and 4) may be constructed. The final position of the lodges should be determined in conjunction with officials from the Chief Directorate Environmental Affairs. All the golf lodges should be single storied. The floor areas of all the lodges shall be restricted to a maximum of 250m²."

Due to site constraints it was then decided to only accommodate 6 lodges with a clubhouse and swimming pool on Precinct 3. Please refer to the site plan below that also indicates the layout of a typical lodge:



With reference to the approval obtained from the Department of Environmental Affairs and Development Planning and the above site development plan it is clear that it is required to apply for the amendment of the conditions of approval and the amendment of the site development plan.

With an already approved site development plan in terms of the Land Use Planning Act, the National Environmental Management Act, and with the services such as water and sewage that were already installed it was decided to keep the footprint of the approval lodge development approximately the same, except for the change of land use from lodges to residential dwellings and the addition of garages.

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The proposal of the change of land use from lodges to residential units was discussed with the Department of Environmental Affairs and Development Planning and subsequently received their comments that states the following:

4. The proposed amendment to the layout does not constitute any listed activities as defined in terms of the NEMA EIA Regulations 2014. Furthermore, since the 6 units comprising of 2 residential units each will be within the same approximate approved footprint, no adverse impacts on the environment are anticipated due to the nature of the development being similar to that of the golf lodges. As such, an amendment to the Record of Decision is not required for the proposed replacement of the 9 golf lodges with the 18 residential dwelling units.

Please refer to a copy of the letter dated 24 May 2016 from the Department of Environmental Affairs and Development Planning attached as **Annexure D**, with reference to this letter it would not be required to amend the Record of Decision.

Approval was obtained for 10 lodges, but it was decided to only accommodate 6 lodges due to the site's constraints. With this application it is proposed that the location of each lodge be used to accommodate 2 semi-detached dwellings of similar design and also 2 garages for each proposed dwelling. It should be noted that the approved clubhouse and pool area will not be constructed and that the developable area be exchanged in order to erect 2 garages at each of the proposed dwelling units.

There would be 2 variations of the dwellings that can be summarised as follow:

UNIT TYPES	
Unit Type A1	Unit Type A2
Open plan living area & kitchen	Open plan living area
3 Bedrooms	Kitchen
2 Bathrooms	2 Bedrooms
2 Garages	2 Bathrooms
	2 Garages

Please refer to **Annexure E** showing the layout of the approved unit types. It is clear from these floor plans that the footprint of each lodge and the proposed dwellings are similar. The houses will also be restricted to a single storey structure as previously approved. Please refer to the 3 dimensional impression of the layout of the proposed dwellings as **Annexure F**.

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With reference to the attached proposed site development plan 6 residential clusters are proposed, a refuse removal area, guardhouse and entrance. Each cluster consists of 2 dwelling units that share a communal mid wall. A total number of 12 residential units will be provided.

The placement of the 6 clusters mentioned above was done in such a way to minimise the impact on the wetland and to utilise existing services that were installed. An access servitude for ESKOM vehicles over the subject property also had to be taken into consideration. This access servitude is situated on the southern boundary within the development over the main access road to the residential units that provides access to an access servitude area situated on the eastern boundary of this precinct. Please refer to the site development plan indicating the erf boundaries, detail of the layout, access routes and building lines. (**Annexure G**) No building lines will be encroached with this proposed application for the amendment of the conditions of approval and the site development plan.

With reference to **Annexure E** that depicts the proposed unit variations the size of the units can be summarised as follow:

- Each residential unit's floor space: 125m² maximum
- The above mentioned floor space excludes covered links (±6m² each), covered patios (±12m² each) and garages (±25m² each)

The total coverage of the 12 residential units constitutes 22% (±2400m²) of the site and the development has a density of 12 units per hectare. Please refer to the Site Development Information Table attached as **Annexure H**.

With reference to the above the amendments can be summarised as follow:

- The change of the approved land use of lodges to residential units.
- The change of the maximum footprint size of 250m² of each lodge that constitutes 2 residential units of 125m² each. The new proposal consist of 2 residential units per cluster that equals 250m², covered links (±6m² each), covered patios (±12m² each) and 2 garages of ±25m²each per residential unit. Please note that the proposed garages are an exchange of land that

6

would have been used for recreational purposes and replace the clubhouse and swimming pool area.

- The amendment of the site development plan to accommodate wider accesses and access roads. The re-alignment of the units taking into consideration the wetland and the addition of garages and visitors parking.

3.5 ACCESS & PARKING

Access to the 12 proposed dwellings will be gained from Fairways Street via an access controlled gate. 2 entrance lanes are proposed of which the left lane will be a dedicated visitors lane. Each entrance lane will have stacking space to accommodate 2 vehicles. A single exit will also be provided at the same location. Please refer to the detail layout of the entrance. (**Annexure I**)

Access to the proposed residential development will be controlled from the proposed guardhouse. The access point has not been changed as it is at the exact same point as it was approved for the golf lodge layout. The only difference is that it has been widened in order to create a 2 lane entrance and a single lane exit.

Each proposed dwelling has 2 garages and 12 visitors parking bays that are strategically located on-site. Please refer to the enclosed site development plan. (**Annexure G**) 2 Parking bays are therefore provided for each dwelling in the form of the mentioned garages and 1 additional parking bay per unit is provided for visitors.

It is our opinion that the traffic generated by the proposed 12 dwellings will be similar or less than the traffic that would have been generated by the 6 lodges. Each lodge made provision for 4 double rooms, which could have the impact of 4 couples per lodge, each having their own vehicle. Therefore the traffic generated would be 4 vehicles per lodge multiplied by 6 lodges. In both instances, the lodges versus the dwellings would generate the same traffic.

7

3.6 SERVICES

A water and sewage reticulation system have already been built and this was confirmed by the Overstrand Municipality's Engineering Department. Please refer to the enclosed topographical survey. (Annexure J) Due to the fact that the approximate same footprints and position of the approved lodges were used to determine the location of the proposed dwellings the dwellings will therefore make use of the exact same services.

The above mentioned services, electricity and refuse removal will be provided by the Overstrand Municipality that has capacity to service the proposed dwellings.

3.7 TITLE DEED

There are no restrictive title deed conditions in Title Deed 14320/2008 that will have to be removed to accommodate the proposed residential development on Erf 10558 Hermanus.

An access servitude of 10m wide is registered over Erf 10558 Hermanus as indicated on the enclosed S.G. Diagram in order to gain access to a services servitude also indicated on the said diagram. Please refer to the enclosed S.G. Diagram No. 4145/2006 for easy reference. These servitudes have been taken into account with the design of the layout of the dwelling units and the design will have no impact on these servitudes.

There are no bonds registered against the subject erf. The Bond indicated on the Title Deed has been cancelled.

8.

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3.8 OTHER RELEVANT LEGISLATION FOR CONSIDERATION OF THE APPLICATION

3.8.1 HERITAGE VALUE

Erf 10558 Hermanus is not situated within the Heritage Overlay Zone as determined by the Overstrand Municipality Growth Management Strategy (2010). Erf 10558 Hermanus is not earmarked for heritage conservation purposes in terms of the Overstrand Heritage Survey Report (2009).

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

In the light of the above mentioned it is evident that the proposed application use will not have a negative impact on the heritage value of the subject property or the Greater area of Hermanus.

3.8.2 IMPACT ON THE BIOPHYSICAL ENVIRONMENT

The proposal of the change of land use from lodges to residential units was discussed with the Department of Environmental Affairs and Development Planning as previously mentioned.

Please refer to a copy of the letter dated 24 May 2016 from the Department of Environmental Affairs and Development Planning attached as **Annexure D**, with reference to this letter it would not be required to amend the Record of Decision.

3.9 FORWARD PLANNING AND LAND USE DOCUMENTS

The Overstrand Municipal Growth Management Strategy of 2010 (OMGMS) indicates that Erf 10558 Hermanus is situated within Planning Unit 8 within an area earmarked for residential use. Due to the fact that 6 lodges were approved and by implication will have the same impact as 12 residential units the application is in line with forward planning for the area.

The Overstrand Municipality Wide Spatial Development Framework (2006) also earmarks Erf 10558 Hermanus for residential purpose.

With reference to the above we are of the opinion that the proposed land use is compatible with the current land uses of the area such as the adjoining Golf Course development and the residential character of the area. This proposed residential use will not have a negative impact on the surrounding land owners. It is also our opinion that the built form, design and from a bulk perspective the proposal will fit in with the current built character of the area.

3.10 PLANNING PRINCIPLES

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

Spatial Justice: The planning principles of spatial justice do not apply to this application.

Spatial sustainability: The proposed residential development will be accommodated within an established residential area. The proposed application will have no impact on the conservation worthy areas of Hermanus. Spatially the land use will be in line with the residential character of the area.

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Motivation report

Efficiency: The proposed residential development is easily accessible and conveniently located in Hermanus in close proximity of beaches, shops and the Hermanus CBD.

Spatial Resilience: Spatial resilience is not applicable to this application.

Our firm 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.

4. RECOMMENDATION

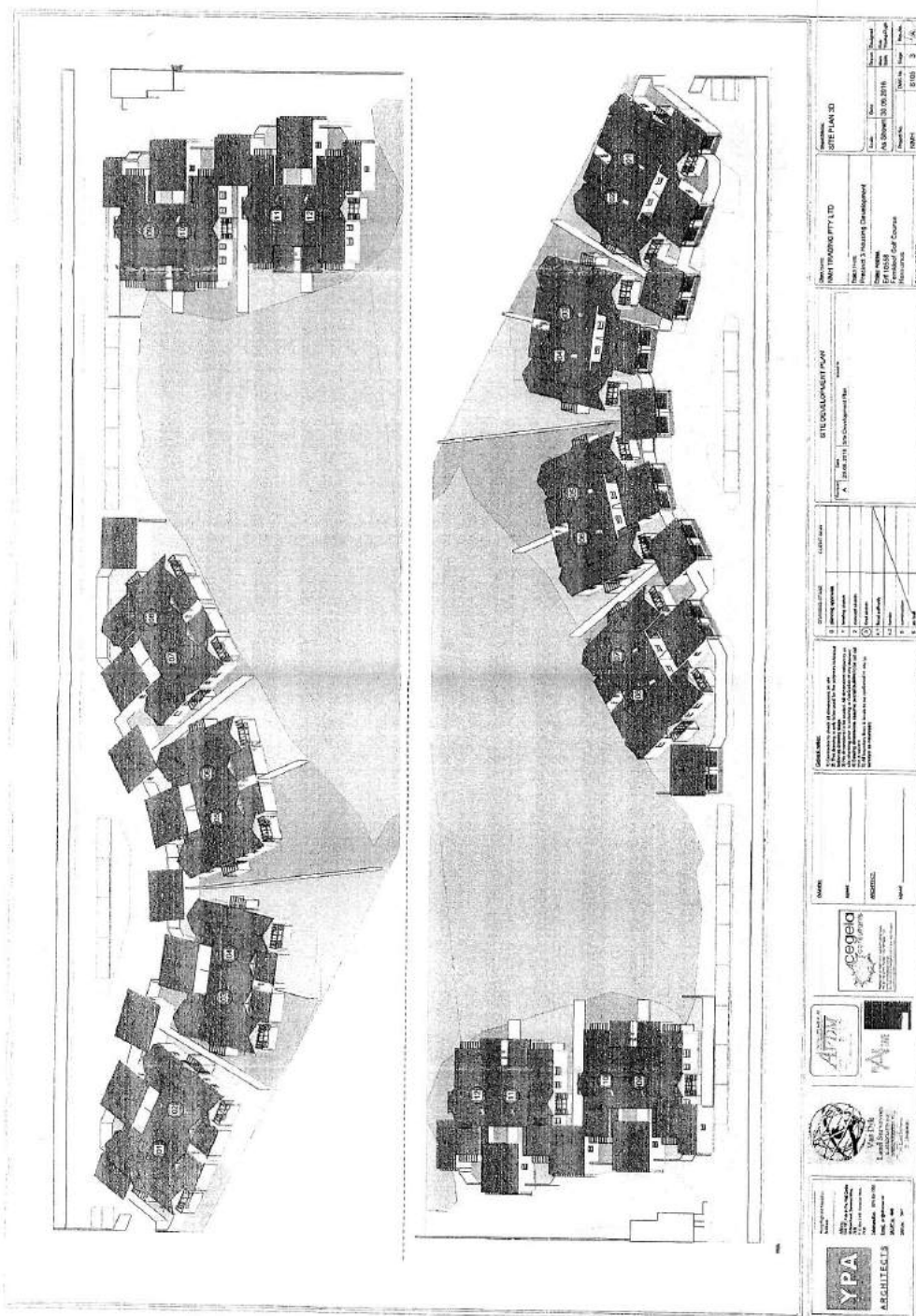
When this application is evaluated it is important to take note of the following:

- Most services on the subject property already exist;
- The proposed amendment of the conditions of approval and site development plan falls within the existing land use tendencies of the area;
- The proposal is compatible with the existing built character of the area;
- The impact on the traffic and services will be kept to a minimum;
- The proposed amendment of the conditions of approval and site development plan will not have a negative impact on the current character and land values of the surrounding erven.

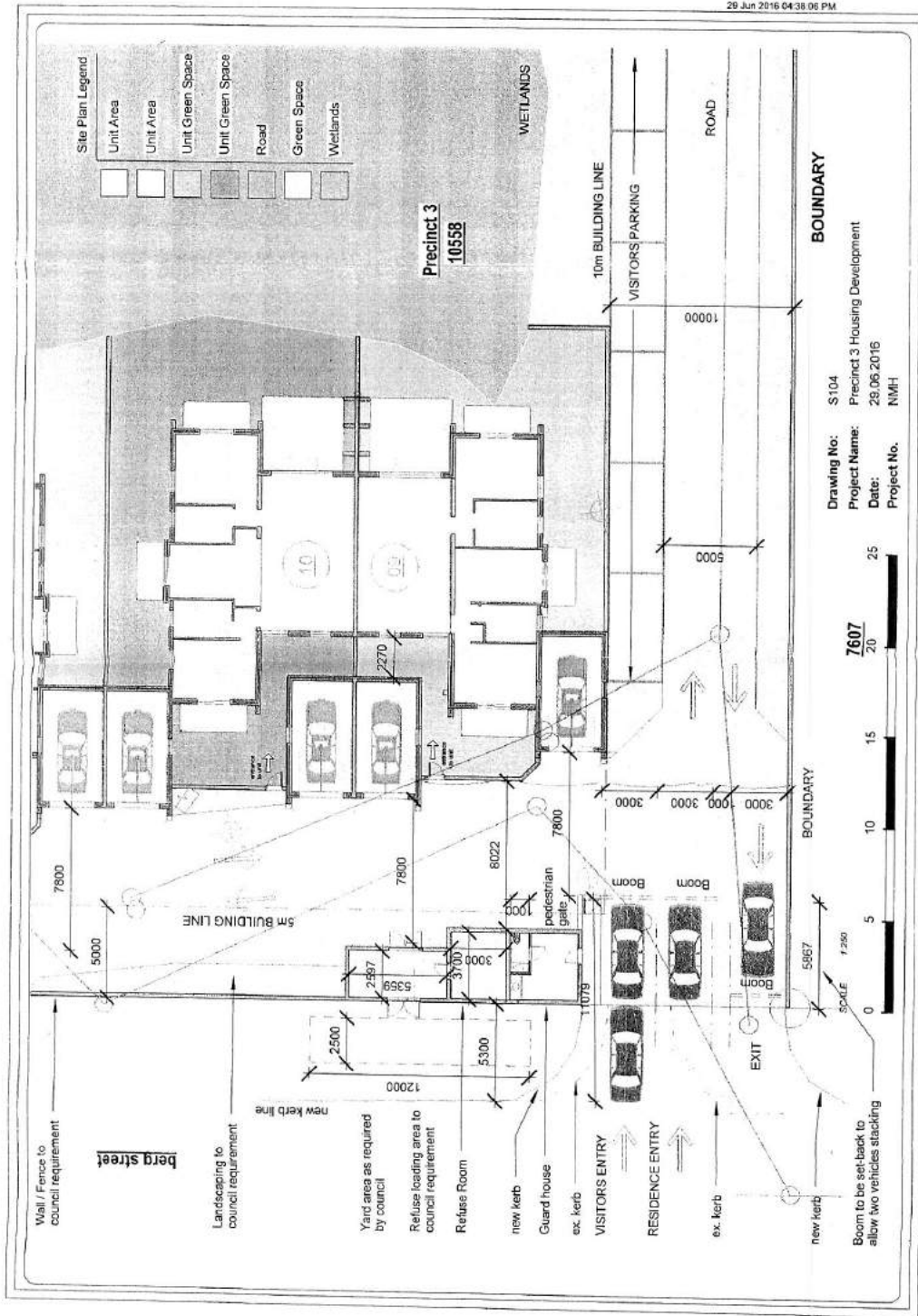
With regards to the above mentioned it would be appreciated if Council would approve the amendment of the conditions of approval and site development plan for Erf 10558 Hermanus.

11

Plan Active Town & Regional Planners



29 Jun 2016 04:38:06 PM



Alida Calitz - COMMENTS ON APPLICATION FOR ERF 10558 HEC

From: Maintenance UNLTD <unltd@vodamail.co.za>
To: <alida@overstrand.gov.za>
Date: 2016/09/21 08:56 AM
Subject: COMMENTS ON APPLICATION FOR ERF 10558 HEC



TP-ATheart
(P Roux)

OVERSTRAND MUNICIPALITY

THE TOWN PLANNER

MR. P. ROUX

21/09/2016

FILE NO:	E10558-HEC
SCAN NO:	41
COLLABORATOR NO:	939186

PROPOSED AMENDMENT OF THE CONDITIONS OF APPROVAL & AMENDMENT OF THE SITE DEVELOPMENT PLAN ? ERF 10558 HERMANUS.

Thank you for the opportunity to provide my comment on this application.

As the new owner of Erf 1153, 269 Main Road, Hermanus ,
I, Marthinus Lourentius Blom;

Hereby state that I have no objection to the application and am very satisfied with the proposed approval conditions such as keeping the properties single storey.

I do however request to be informed if the golf cart charging area ever becomes a roofed area as it is directly behind my property and might affect my property.

I trust that you find this in order.

22 SEP 2016

23 SEP 2016

file:///C:/Users/aknoetze/AppData/Local/Temp/XPgrpwise/57E24B2AHermanusMun... 2016/09/22

Kind Regards

ML BLOM

082 920 5809

file:///C:/Users/aknoetze/AppData/Local/Temp/XPgrpwise/57E24B2AHermanusMun... 2016/09/22

>>> "Margaret Crews" <basmark@hermanus.co.za> 2016/10/02 06:10 PM >>>

Dear Sir,

I acknowledge receipt of your notification dated 25th August 2016 re ERF 10558.

While the comment I make here has nothing to do with the ERF itself it does have to do with traffic flow in the immediate area and as such is probably a matter for the traffic department.

As a regular shopper (almost daily) at the Eastcliff Spar the proposed entrance to and from ERF 10558 will have an impact on the Fairways Avenue and Main Road junction. At times, especially during public holiday periods, Fairways Avenue carries a greater flow of traffic which often leads to congestion in this junction area especially so when cars park on the pavement opposite Spar. With the entrance to ERF 10558 almost in the middle of the area the congestion can only get worse. I am not aware what plans if any the traffic department has for the junction but I would suggest that Fairways Avenue be widened slightly in the Stop Sign area allowing cars which need to turn Left into Main Road

file:///C:/Users/aknoetze/AppData/Local/Temp/XPgrpwise/57F39192HermanusMunp... 2016/10/04

not be hindered by cars wishing to turn Right. As you are probably aware cars desirous of turning Right into Main Road can experience some delay in heavy traffic flows. This, due to the single south lane nature of the present road, leads to the blocking also of traffic wishing to go left. A 3way stop / Circle or traffic light would no doubt ease the situation but before that level of expense is considered a simple slight widening of the road to allow for two south going lanes would go a long way to alleviate the situation.

Yours faithfully,
Mrs ME Crews (Owner ERF 1257)



CJH & BME Broodryk
ERF1159
259 Main Weg
EastCliff
Hermanus
082 462 4332

TP-A Theart
(H Olivier)

Overstrand Munisipaliteit
Stadsbeplanning, Hermanus
Patersonstraat 16,
Hermanus

Re: ERF10558, Fairways Laan, Eastcliff, Hermanus Terreinontwikkelings plan

Aandag : Stadsbeplanning & Infrastruktuur

Wie Dit Mag aangaan;

Eerstens wil ons verskoning maak vir die laat skrywe ivm bogenoemde; ons was uitstедig.

Ons neem kennis van die voorgestelde terreinontwikkeling asook die gewysigde veranderings.

Ten tyde van die koop van erf 1159 in Oktober 2015 is meegedeel dat daar geen verdere ontwikkeling op Golfbaan sal wees nie, slegs die provinsiale Pad.

ERF 1159 is gekoop vir die uitsig op die Golflandgoed asook die Berg, dus sal ons die ontwikkeling nie teenstaan nie tensy die eenhede verander na dubbelverdiepings wat ons uitsig na die Berg belemmer

Neem asb kennis van die volgende indien ontwikkeling sou voortgaan:

- Slegs Enkelverdieping ontwikkeling
- Ontwikkeling van hoogstaande estetiese kwaliteit
- Toegangspad na wooneenhede loop reg verby ons buite-leef area en ons moet privaatheid in.
- NMH Trading 23 PTY LTD moet 'n goedgekeurde struktuur oprig vir privaatheid tussen ons eiendom en ontwikkeling - Landskapering of muur
- Geen hoë bome plant teen grensmuur wat ons uitsig na berg kan belemmer nie
- Op die plan word 'n Stoorkamer en "Maintanace room" aangetoon – geraas moet tot 'n minimum beperk word aangesien Stoorkamer naby ons leef –en slaapkamers is.
- Geen bymekaarkom van arbeiders of dienste van grassnyers ens. By stoorkamer nie

FILE NO:	EL 10558 - HEC
SCAN NO:	
COLLABORATOR NO:	962 987

21 OCT 2016



21 OCT 2016

- Die stoorkamers moet gebruik word vir dit wat dit bedoel is.
- Rommel wat plae & peste kan lok beperk deur area skoon te hou van rommel.
- Stoorkamer mag ook nie later omskep word in arbeiderbehuising nie.
- Stormwater dreineringsbeplan en nie deur ERF1159 sonder behoorlike konsultasie herlei nie

Skrywe sal opgevolg word deur 'n dokument vanaf Regsadviseur.

Ons vertrou u sal als in orde vind.

Vriendelike Groete



CJH & BME BROODRYK

PLAN Active Town & Regional Planners
 Stads- en Streeksbeplanners



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

Our reference: PA16013/JMc
 Your reference: 10558 HEC (3368)

4 October 2016

**THE MUNICIPAL MANAGER
 OVERSTRAND MUNICIPALITY
 P.O. BOX 20
 HERMANUS
 7200**

FOR ATTENTION: MR. PETRUS ROUX

Sir

PROPOSED AMENDMENT OF THE CONDITIONS OF APPROVAL AND THE AMENDMENT OF THE SITE DEVELOPMENT PLAN : ERF 10558 HERMANUS, CALEDON DIVISION

- **NMH TRADING (PTY) LTD**

Reference is made to our application dated 11 July 2016 and your letter with comments attached dated 3 October 2016.

Comments were received from ML Blom and MC Crews. The comments can be summarized as follows:

- **ML Blom: No objection, but if the golf cart charging area ever becomes a roofed area he should be informed.**

The Site Development Plan, as submitted with the application, indicates the golf cart area as not roofed.

- **MC Crews: Concerned about the traffic flow in Fairways Avenue as the entrance is situated opposite the Eastcliff Spar Centre.**

The traffic flow in Fairways Avenue was taken into consideration with the compilation of the Site Development Plan.

Two entrance lanes are proposed for the development.

The 2 entrance booms were moved back onto the site to allow for cars, entering the development, to be completely on the erf and out of the road reserve area in order not to obstruct the traffic flow and therefore sufficient stacking distance has been allowed for.

TR. Athert
(P Roux)

FILE NO:	EL 10558 Herm
SCAN NO:	
COLLABORATOR NO:	944 770

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

John Mc Lachlan: Ndip (Town Planning) Tech Witwatersrand; MSAPI
 Pauline Spronk: B (Soc Sc) US, BA Hon (UNISA)
 Meriké Lerm: B. Art et Scien Cum Laude (Town Planning) UNW; SACTRP

P: 910-10061

16 OCT 2016

It should be taken in account that the congestion at the intersection is normally only during the holiday peak times.

We trust that you find the above in order and that you will proceed with the processing of the application.

Yours faithfully



J V Mc Lachlan
PLAN ACTIVE

Plan Active
Town & Regional Planners
Stads- en Streeksbeplanners



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

Ons Verwysing: PA16013/JMc
U verwysing: 10558 HEC (3368)

10 November 2016

**DIE MUNISIPALE BESTUURDER
OVERSTRAND MUNISIPALITEIT
POSBUS 20
HERMANUS
7200**

VIR AANDAG: MNR. PETRUS ROUX

Meneer

**VOORGESTELDE WYSIGING VAN DIE GOEDKEURINGS VOORWAARDES EN DIE WYSIGING
VAN DIE TERREIN ONTWIKKELINGSPLAN : ERF 10558 HERMANUS, CALEDON DISTRIK
NMH TRADING (PTY) LTD**

U e-pos skrywe gedateer 21 Oktober 2016 met die ongedateerde brief van CJH en BME Broodryk aangeheg, wat op 20 Oktober 2016 ontvang is, verwys.

Daar word kennis geneem dat die skrywe te laat ontvang is en dat die skrywers daarvan dienooreenkomstig ingelig is.

Graag lewer ons die volgende kommentaar op die skrywe wat ontvang is. Daar word geen beswaar aangeteken ten opsigte van die aansoek vir die wysiging van die voorwaardes en terreinontwikkelingsplan (TOP) nie. Daar word slegs stellings gemaak wat insluit dat ten tye van die aankoop van hulle eiendom is aan hulle genoem dat daar geen verdere ontwikkeling op die Gholflandgoed sal plaasvind nie.

Die voorgestelde wysiging van die TOP maak nie voorsiening vir die verdere ontwikkeling van die Gholflandgoed nie, maar slegs die wysiging van die gebruik daarvan. In plaas dat daar "Golf Lodges" opgerig word, word die area wat elke gebou sou beslaan nou omskep in 2 wooneenhede.

Die lys van kriteria wat genoem word, word vervat in die motivering wat die aansoek vergesel het.

Die aansoek maak voorsiening vir die oprigting van enkel verdieping geboue van hoogstaande estetiese kwaliteit. Die toegangspad was reeds so goedgekeur in 2003.

TR. A Theard
C P Roux

FILE NO:	EL 10558-Her
SCAN NO:	03
COLLABORATOR NO:	969743

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

John Mc Lachlan: Ndip (Town Planning) Tech Witwatersrand; MSAPI
Pauline Spronk: B (Soc Sc) US, BA Hon (UNISA)
Meriké Lerm: B. Art et Scien Cum Laude (Town Planning) UNW; SACTRP

1 2 NOV 2016

Geen arbeidersbhuising word op terrein voorsien nie en geraas, bymekaarkom van arbeiders, rommel, plaë en peste sal ook nie vir die bewoners van die voorgestelde ontwikkeling aanvaarbaar wees nie.

Ons hoop die voormelde is in orde en dat die aansoek afgehandel kan word.

Die uwe


J V Mc Lachlan
PLAN ACTIVE



Verwysing
Reference
Isolathiso AN 213/25/4 Hermanus Golf Course

Nemmer
Enquiries
Imbuzo JAUQUETA KEET

Datum
Date
Umhlo 11 July 2002

Departement van Omgewing- en Kultuursake en Sport
Department of Environmental and Cultural Affairs and Sport
Isobe lemiCimbi yeNdalo esiNgqongileyo neNkcubeko nezemiDlalo

The Interim Municipal Manager
Overstrand Municipality
PO Box 20
Hermanus
7200

Attention: Mr Riaan Kuchar

Tel: (028) 313-8087
Fax: (028) 312-1894

Dear Sir

APPLICATION: CREATION OF THE HERMANUS GOLF ESTATE, HERMANUS, AN IDENTIFIED ACTIVITY IN TERMS OF SECTION 21 OF THE ENVIRONMENT CONSERVATION ACT, 1989 (ACT NO. 73 OF 1989).

With reference to your application, find below the Record of Decision in respect of this application.

RECORD OF DECISION

A. DESCRIPTION OF ACTIVITY:

The upgrading of a resort, the change of zoned open space to any other land-use and the reclamation of land from a wetland. The proposed activity entails the creation of the Hermanus Golf Estate on the current Hermanus golf course property and adjacent properties and adjacent properties, comprising:

- 1) the expansion and extension of the Hermanus Golf Course by nine holes;
- 2) the creation of 20 golf lodges;
- 3) the establishment of single, general & group-housing residential areas, involving approximately 670 units (excluding the 20 golf lodges) as per Table 2 of the final Scoping Report dated October 2001 prepared by DeVilliers Brownlie Associates;
- 4) the installation of roads, water reservoir and other service infrastructure;
- 5) the closure some existing roads;
- 6) the filling in of small areas of a wetland (and the rehabilitation of all the wetlands on the estate); and
- 7) the creation of open space areas;

Unfasisebevu, Dorpsstr.
Privaatstrak X5086 Kooi

1800

Utilitas Building, 1 Corp Street
Private Bag X5086 Cape Town 8000

Tel. No.: (021) 483-5117-3185
Fax No.: (021) 483-4372
Ifowuni: jkeet@pawc.wcape.gov.za
Ifaksi:

*Department of Environmental and Cultural Affairs and Sport
Chief Directorate: Environmental Affairs*

ANNEXURE F 3/19

These are activities identified in Schedule 1 of Government Notice No. R1182 of 5 September 1997, as amended, being:

- Item 1(m) The construction, erection or upgrade of public and private resorts and associated infrastructure
2(e) The change of land use from use for nature conservation or zoned open space to any other land use
7 The reclamation of land, including wetlands, below the high-water mark of the sea, and inland waters

hereinafter referred to as "the activity".

B. LOCATION:

The activity will be sited over the existing Hermanus golf course property and adjacent properties and streets in the town of Hermanus, Western Cape, comprising Erf 7531 Hermanus, unsubdivided Portions of Remainder Erf 1253 Hermanus, an unsubdivided Portion of Erf 4780 Hermanus, an unsubdivided Portion of Farm 591/1 Caledon and an unsubdivided Portion of Erf 5308 Hermanus, as well as portions of Contour Street, Theron Street, Flat Street, 11th Street, Fernkloof Drive, the existing access road to Fernkloof Nature Reserve (an extension of Fir Avenue) and the road between Flat Street and Main Road to be closed and/or realigned.

C. APPLICANT:

Overstrand Municipality
PO Box 20, Hermanus, 7200
Tel: (028) 313-8087
Fax: (028) 312-1894

D. CONSULTANT:

DeVilliers Brownlie Associates (Mr Louis de Villiers)
21 Menin Ave, Claremont, 7708
Tel/Fax: (021) 674-4263

E. SITE VISIT(S):

Mr Morgan Griffiths of this Directorate: Environmental Management, Western Cape Department of Environmental and Cultural Affairs and Sport inspected the site on 27 November. Mr Griffiths held numerous meetings and telephonic discussions with Messrs de Villiers and Kuchar regarding this application.

F. DECISION:

In terms of Sections 22 and by virtue of powers delegated by the Minister in terms of Sections 28 & 33 of the Environment Conservation Act, 1989 (Act No. 73 of 1989), the Chief Director: Environmental Affairs of the Department of Environmental and Cultural Affairs and Sport hereby grants authorisation, **with the conditions** contained in this Record of Decision, for the execution of the activity described above.

This Authorisation has been granted in terms of section 22 of the Environment Conservation Act, 1989 (Act No. 73 of 1989) solely for the purposes of undertaking the activity referred to above, and does not exempt the holder thereof from compliance with any other relevant legislation.

G. CONDITIONS OF AUTHORISATION:

1. The activity, including site preparation, may not commence before the statutory 30 day appeal period expires.
2. One week's notice, in writing, must be given to the Directorate: Environmental Management, (hereinafter referred to as "this Directorate"), before commencement of construction activities.
 - 2.1 Such notice shall make clear reference to the site location details and reference number given above.
 - 2.2 The said notice must also include proof of compliance with the following conditions described herein:
 Conditions: 1, 4-11, 13-15, 18, 20 & 21
3. One week's notice, in writing, must be given to the Directorate: Environmental Management, (hereinafter referred to as "this Directorate"), before commencement of operation activities.
 - 3.1 Such notice shall make clear reference to the site location details and reference number given above.
 - 3.2 The said notice must also include proof of compliance with the following conditions described herein:
 Conditions: 1, 4, 5, 7, 11, 16 & 21
4. The mitigation/rehabilitation measures and recommendations as detailed in the:
 - 4.1 Scoping Report, with particular reference to sections 4.2.4-10 and 6; and
 - 4.2 The Rezoning and Subdivision Application Report dated June 2001 by Planning Partners, with particular reference to sections 12 & 13, Figures 15a-c (With the architectural guidelines for each precinct) and section 8 of Annexure G;
 must be adopted and complied with.
5. This authorisation does not include any increase in the permitted extraction of groundwater, for irrigation purposes, from the borehole on the existing golf course, should this be required. Any application for increased extraction from this borehole will be subject to its own environmental impact assessment and approval process.
6. The proposed treated effluent water pipeline and irrigation scheme for the golf estate (with the potential to supply the local sportsfields) must be implemented. It is suggested that all pipes and taps of this system are clearly marked to prevent accidental use of this water for potable purposes.
7. Public access to Fernkloof must not be restricted by this activity.
8. Should any paths be needed across any wetland, that raised boardwalks are utilised for such purpose.

9. Any stormwater pipes or channels entering the Mossel River or the wetlands must have litter-traps and energy dissipating measures to prevent erosion of the streambed.
10. That the canalised stream in the culvert is opened up and landscaped.
11. All invasive alien invaders must be cleared from the site, unless specifically retained on the instruction of the Environmental Control Officer (ECO – refer to Condition 15 below) as part of a phased tree replacement programme.
12. An integrated waste management approach must be used that is based on waste minimisation and should incorporate reduction, recycling, re-use and disposal where appropriate. Any solid waste shall be disposed of at a landfill licensed in terms of section 20 of the Environment Conservation Act, 1989 (Act No. 73 of 1989).
13. The proponent/developer/applicant must compile and submit an acceptable Master construction phase Environmental Management Plan ('EMP'), for the bulk lands clearing and earthworks and the installation of the service infrastructure, to this Directorate for approval at least 3 weeks prior to any land clearing and construction commencing. This Master EMP is specifically required to address the construction and visual mitigation of the proposed reservoir. The EMP must be included in all contract documentation for the construction phase of the development.
14. The proponent/developer/applicant must compile and submit an acceptable construction phase EMPs for each of the precinct development phases, to this Directorate for approval at least 3 weeks prior to any land clearing and construction commencing. The EMPs must be included in all contract documentation for the construction phase of the development. The construction phase EMP must also specifically address means to mitigate against the spread of alien grasses into the wetlands, in which regard consideration must be given to the construction of hard surfaced barriers between grassed areas and the wetlands where appropriate.
15. The proponent/developer/applicant must appoint a suitably experienced Environment Control Officer to ensure that the mitigation/rehabilitation measures referred to in this Authorisation are undertaken and that the provisions of the construction phase EMP are complied with.
16. The proponent/developer/applicant must compile and submit an acceptable Master and precinct level operational phase EMPs before any of the units may be occupied. This EMP will need to address the:
 - 16.1 Landscaping and stabilisation of the disturbed areas. This needs to consider the removal of the alien vegetation and the tree replacement programme;
 - 16.2 Design, colour and placement of the surrounding fence around the activity and around particular precincts. It is important that the local fauna are able to cross the fence line between the activity and the Fernkloof Nature Reserve;
 - 16.3 Management of the fairways, greens and open spaces, including the wetlands and ecological corridors. This needs to consider the fire-

management of the wetlands and the ongoing alien vegetation control and eradication;

16.4 Design and management of the interfaces between the different components of the activity, such as the golf course, residential areas, open space areas, existing residential areas and the Fernkloof Nature Reserve; and

16.5 Stormwater management

This EMP must also incorporate the conditions of approval given in this Record of Decision as appropriate to the operational phase of the project. The implementation of the approved EMP will then be a condition of this activity.

17. The applicant must submit an Environmental Audit Report, ("audit report") to this Directorate one (1) year after construction has been completed / and also after the site and approach road have been rehabilitated.

17.1 The audit report must indicate the date on which the construction was completed, and detail compliance with the conditions of this authorisation and the status of the rehabilitation programme.

17.2 This Directorate may require remedial action should the audit report reflect that rehabilitation is inadequate.

17.3 If the audit report is not submitted, this Directorate may give 30 days written notice and may have such an audit undertaken at the expense of the applicant and may authorise any person to take such measures necessary for this purpose.

18. The applicant must, within five calendar days of receipt of this Record of Decision:

- Inform the relevant local authority as well as all interested and affected parties, ("I & AP's") registered during the Scoping and Impact Assessment processes, of the outcome of this application and, if requested, provide copies of this Record of Decision;
- Include in such information the provisions of Regulation 11 of Government Notice No. R 1183 of 5 September 1997, as amended, which reads as follows:
 - (1) An appeal to the Minister or provincial authority under section 35(3) of the Act must be done in writing within 30 days from the date on which the record of decision was issued to the applicant in terms of regulation 10(1);
 - (2) An appeal must set out all the facts as well as the grounds of appeal, and must be accompanied by all relevant documents or copies of them which are certified as true by a commissioner of oaths.
- Include the date on which the record of decision was issued to the applicant in terms of regulation 10(1) and the date by which appeals must reach the Minister.
- Inform all I & AP's that a signed and certified Appeal Questionnaire, is obtainable from the Minister's office at tel. (021) 483 3915, e-mail

Department of Environmental and Cultural Affairs and Sport
Chief Directorate: Environmental Affairs

Gbrummer@pawc.wcape.gov.za, or URL
http://westcape.wcape.gov.za/environmental_cultural_affairs/default.asp
must accompany the appeal.

- If the applicant should appeal against this Record of Decision, he must inform all interested and affected persons that such an appeal is being lodged with the Minister and the applicant/appellant must provide those persons with reasonable access to a full copy of the appeal, if requested.
19. This Directorate must be notified, within 30 days thereof, of any change of ownership and/or project developer, as well as any change of address of the owner and/or project developer. Conditions imposed in this record of decision must be made known to the new owner and/or developer and are binding on the new owner and/or developer.
20. The conditions of the authorisation must be brought to the attention of all persons (employees, sub-consultants etc.) associated with the undertaking of this activity and the applicant shall take such measures necessary to bind such persons to these conditions.
21. All outdoor advertising associated with this activity, whether on or off the property concerned, must comply with the South African Manual for Outdoor Advertising Control (SAMOAC) available from:
- The Director: Environmental Impact Management
Department of Environmental Affairs and Tourism
Private Bag X447, Pretoria, 0001.
22. The owner and/or developer must notify this Directorate and any other relevant authority, in writing, within 24 hours thereof if any condition of this authorisation is not adhered to.

H. RECOMMENDATIONS:

This Directorate recommends that:

- Only indigenous, water-wise vegetation is used in the landscaping of the activity, and
- The architectural guidelines of the housing units promote:
 - a) the use of water saving/flow-reduction technology for plumbing and water fixtures;
 - b) water-wise gardens and garden irrigation systems; and
 - c) energy saving measures and technology, such as insulated water-geysers and ceilings, insulated doors and windows and long-life lightbulbs.

I. KEY FACTORS AFFECTING THE DECISION:

The applicant provided sufficient information in terms of Regulation 6 of Regulation No. 1183 for this Directorate to base a decision on.

This development proposal is consistent with the approved Greater Hermanus Sub-regional Spatial Development Framework (SDF), which proposes that this portion of land could be used for residential and recreational-use. This Directorate was involved in the formulation of this SDF and its approval. The compilation of the SDF involved a thorough environmental scan of the area and considered the local

environment at a strategic level. This Directorate is satisfied that the proposed use for this land took the environmental parameters into consideration.

The Overstrand Municipality has proposed to undertake the activity as a means of converting council-owned land into readily available funds for community upliftment projects and upgrading of local service infrastructure. The proposed up-market residential erven and golf course expansion would appear to be the most appropriate use of this land for this up-market area, considering the obligations of the Municipality to maximise its assets for the benefit of the entire Overstrand community. While this activity will incur the loss of open space/recreational areas for local residents and the in-filling of a small portion of a wetland, it will have the additional positive benefit of providing funding to clear the site of alien invasive vegetation and to rehabilitate the wetlands. It will also create the means to install a treated effluent water pipeline for the irrigation of various local school sportsfields, which will lead to the recycling of waste water and the replacement of using valuable potable water on those fields.

The development site comprises the existing golf course and the vacant lands adjacent to it. While most of this land is covered in fairways, greens and alien invasive vegetation, some parts have conservation-worthy patches of fynbos and wetlands, as well as some riparian elements. The most important of these elements are the wetlands. The proposed activity has taken due cognisance of these elements. The required EMPs will provide the structure to their protection and management.

The preparation of the development plan involved a great deal of general public, stakeholder and authority consultation. This Directorate commends the creation of a community committee to workshop the plans with the project team. The interested and affected parties raised a number of concerns, primarily regarding the loss of a recreational space, the provision of water and other services and the potential impacts on the wetland, traffic flows and routes, property prices, views and access to the Fernkloof Nature Reserve. In response, the development plan went through a succession of alternate layouts and components to address these concerns. This Directorate is satisfied that the final plan has taken due consideration of the comments, suggestions and objections made on the proposal, and that the proposed activity is sufficiently mitigated to be acceptable to this Directorate, when compared against the no-development alternative and the five previous development plans.

The Municipality is satisfied that there is sufficient water and sewerage treatment capacity to absorb this development into the town. The construction of the wastewater irrigation pipeline to the sportsfields will result in the release of a considerable amount of potable water previously used on the fields for other use within the town. The wastewater will also be used to irrigate the entire golf course, which will mean that less groundwater will need to be drawn from the boreholes.

This Directorate is satisfied that the activity is environmental acceptable in terms of the Environment Conservation Act and the National Environment Management Act, 1998 (Act No. 107 of 1998), provided that the conditions of this Authorisation are all complied with.

The public participation process undertaken entailed the following: Scoping was undertaken with various authorities and key parties during the initial stages of project planning. Formal scoping was initiated by notices placed in the press on 9 June 2000 and 16 June 2000. A public meeting was held on the 19 June 2000. Planning workshops were held on 3 August 2000, 31 August 2000, 28 September 2000 and 22 March 2001 whereby members of the general public were allowed to attend the workshops. The draft scoping report and initial assessment and the application for rezoning and subdivision were subsequently advertised for formal public review and comment on the 6 July 2001 and 13 July 2001. Numerous pre and post submission meetings were held.

J. DURATION AND DATE OF EXPIRY:

This authorisation shall lapse if the activity does not commence within two (2) years of the date of issue of this authorisation.

K. APPEAL:

In terms of Section 35 of the Environment Conservation Act, 1989 (Act No. 73 of 1989), formal, motivated appeals can be directed within thirty (30) days of the date of the issuing of this Record of Decision, to:

The Minister of Environmental Affairs and Development Planning
 Western Cape Province
 PO Box 15653
 Vlaeberg
 8018
 Fax: (021) 483-6081

Appeals must comply with the provisions of regulation 11 of Government Notice No. R. 1183 of 5 September 1997, as amended.

If the appellant is not the applicant, the latter must be informed of the appeal within the appeal period referred to above and must provide the applicant with reasonable access to a full copy of the appeal, if requested.

A signed and certified Appeal Questionnaire, obtainable from the Minister's office at tel. (021) 483 3915, e-mail Gbrummer@pawc.wcape.gov.za, or URL http://westcape.wcape.gov.za/environmental_cultural_affairs/default.asp must accompany the appeal.

If any condition imposed in terms of this authorisation is not being complied with, the authorisation may be withdrawn after 30 days written notice to the applicant in terms of Section 22(4). Failure to comply with any of these conditions is also an offence and may be dealt with in terms of Sections 29, 30 and 31 of the Environment Conservation Act, 1989 (Act No. 73 of 1989) as well as any other appropriate legal mechanisms.

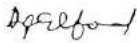
Department of Environmental and Cultural Affairs and Sport
Chief Directorate: Environmental Affairs

ANNEXURE F 10/19

Provincial Government, Local Authority or committees appointed in terms of the conditions of the application or any other public authority or organisation shall not be held responsible for any damages or losses suffered by the developer or his successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the developer with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

Your interest in the future of our environment is greatly appreciated.

Yours faithfully



DIPOLELO ELFORD
CHIEF DIRECTOR: ENVIRONMENTAL AFFAIRS

DATE OF DECISION: 11/07/02

Copies to: Louis de Villiers (DeVilliers Brownlie Associates)
Christo Kannenberg (Planning Partners)
Duncan Heard (WCNCB - Breëde River Region)

Fax: (021) 644-263
Fax: (021) 418-0502
Fax: (028) 316-1040

CC FEB 03 12:43

DEVIJLERS BROWNIE 05500 701 01 0177000

ANNEXURE F 11/19



MINISTERIE VAN LANDBOU, OMGEWINGSAKE EN ONTWIKKELINGSBEPLANNING
 MINISTRY OF AGRICULTURE, ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING
 ISEBE LEZOLIMO, IMICIMBI YOKUSINGQONGILEYO NOCWANGCISO LOPHULISO

REGISTERED MAIL

ATTENTION: LOUIS BEUBERS

 One recycling
 Our Reference : 3/8/2/3
 Isakusiso Setho

The Municipal Manager
 Overstrand Municipality
 P O Box 20
 HERMANUS
 7200

FAX No: 021 - 674 4263

 Departmentele Verwysing
 Departmental Reference : AN 213/25/4 - Hermanus
 Isakusiso se Setho Golf Course

 U Verwysing
 Your Reference :
 Isakusiso Setho

ATTENTION: Mr Riaan Kuchar

Fax (028) 312 1894

Dear Sir

APPEAL AGAINST THE AUTHORISATION FOR THE CREATION OF THE HERMANUS GOLF ESTATE, HERMANUS, AN IDENTIFIED ACTIVITY IN TERMS OF SECTION 21 OF THE ENVIRONMENT CONSERVATION ACT, 1989 (ACT NO. 73 OF 1989)

The appeals received against the authorisation granted by the Department of Environmental & Cultural Affairs and Sport on 11 July 2002, for the creation of the Hermanus Golf Estate, Hermanus, refers

After considering all relevant facts and supportive documents, I wish to advise that, in terms of section 35(4) of the Environment Conservation Act, 1989 (Act No. 73 of 1989), I have decided to uphold the above departments' decision with modifications. Amendment to the Record of Decision issued of 11 July 2002 is as follows:

"J. DURATION AND DATE OF EXPIRY:

The authorisation shall lapse if the activity does not commence within (2) two years of the date of appeal decision."

The remaining conditions under which the authorisation was granted are therefore still valid.

Kind regards

JOHAN GELDERBLOM
 MINISTER OF AGRICULTURE, ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

Date: 14-10-2003

Provinsie Wes-Kaap • Western Cape Province • iPhondo leNtshona Koloni

Privaatsak X9179 - Dorpstreat 9 - Kaapstad - 8000
 Private Bag X9179 - 9 Corp Street - Cape Town - 8000

Tel: +27 21 483 4700
 Faks/Fax: +27 21 483 3890

Verwysing E17/2/2/3/AH8/Ptn Erf 1253
 Reference Erf 4780, Farm 591/1, Hermanus
 Isalatheso 24/1/6/3/K18/01

Nawrae
 Enquiries: B van Zyl
 Imbuzo

Datum
 Date
 Umbhla **30 SEP 2003**



Departement van Omgewingsake en Ontwikkelingsbeplanning
 Department of Environmental Affairs and Development Planning
 ISebe leMicimbi yeNdalo esiNgqongileyo noCwanciso loPhuhliso

TP1 - 09/2001
 TP

The Municipal Manager
 Overstrand Municipality
 P O Box 20
 HERMANUS
 7200

Attention: Mr R Kuchar

OVERSTRAND MUNICIPALITY: PROPOSED HERMANUS GOLF ESTATE : REMOVAL OF RESTRICTIONS: ERF 5308, HERMANUS; CLOSURE OF STREETS AND OPEN SPACES (REM ERF 1253; ERF 7531; PTN ERF 4780; PTN ERF 5308) AND APPEAL AGAINST SUBDIVISION AND REZONING (PTN REM ERF 1253; ERF 4780; FARM 591/1, CALEDON; ERF 5308)

1. Your reference is TP1-09/2001.
2. The Competent Authority for the administration of the Municipal Ordinance, 1974 (Ordinance 20 of 1974) has, in terms of section 137 of said Ordinance, granted permission for the closure of the portions of Public Open Space on Portions of Remainder Erf 1253, Erf 7531, Portion of Erf 4780 and portion of Erf 5308, Hermanus as reflected on Annexure G.
3. The Competent Authority for the administration of the Municipal Ordinance, 1974 (Ordinance 20 of 1974) has further, in terms of section 137 of said Ordinance, granted permission for the closure of the following portions of Road as indicated on Annexure H :
 - 3.1 Portion G of Contour Street.
 - 3.2 Portion H of Theron Street.
 - 3.3 Existing gravel road link (portion I) between Fernkloof Drive and Contour Street (link road to be realigned).
 - 3.4 Existing access road to Fernkloof Nature Reserve (portion J).
 - 3.5 A portion of Flat Street (portion K).

Utiliteitsgebou, Dorpstraat 1
 Privaatsak X9086 Kaapstad 8000

Utilitas Building, 1 Dorp Street
 Private Bag X9086 Cape Town 8000

Tel No.: (021) 483 - 4033
 Fax No.: (021) 483 - 3633
 Ifowuni:
 Ifaksi:

1234

ANNEXURE F 13/19

- 3.6 A portion of 11th Street (portion L).
- 3.7 A portion of road approximately 7,18 m wide between Flat and 11th Street in the north and Main Road/Mossel River Drive in the south (portion M).
4. The Competent Authority for the administration of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) has, in terms of sections 16 and 42 of said Ordinance approved the application for the rezoning of the consolidated property (Portions A,B,C,D,E,F,G,H,I,J,K,L,M and Erf 7531 indicated on Annexures H and F) from Public Open Space, Single Residential and Road to Subdivisional Area for the purpose of single residential, group housing (general residential zone), medium density residential (general residential zone), golf lodges (general residential zone), golf course and associated uses (private open space), public open space and road uses subject to the following conditions:
- 4.1 That the applicant complies with the conditions of the environmental authorisation contained in the Record of Decision dated 11 July 2002, subject to possible amendment as a result of the outcome of the appeal to the Chief Director: Environmental Affairs.
- 4.2 The proposed development must be generally in accordance with the proposed development plan, dated 1 October 2001 (Annexure B). A site development plan must be submitted to the municipality for approval before development may commence.
- 4.3 The developer must compile an architectural manual that includes design criteria for all the proposed buildings after consultation with the Hermanus Heritage Committee, to be approved by the municipality.
- 4.4 The developer must provide all municipal services for the development, to the satisfaction of the municipality.
- 4.5 That the proposed development not be proceed with until the Council has approved a water resource development programme which indicates that sufficient water is available to support the proposed development.
- 4.6 The profits and funds generated by the municipality through this development should be utilised in terms of a programme approved by Council and which should be to the benefit of the broader community.
- 4.7 That following requirements with regard to traffic and traffic calming measures must be complied with, to the satisfaction of the municipality and the Department of Economic Affairs, Agriculture and Tourism: Transport Branch:
- 4.7.1 Exclusive right turn lanes on Main Road must be developed at the intersections of Fairways Avenue, Sim Street, Berg en See access, Mossel River Drive, Theron Street and Fir Street.

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- 4.7.2 Signalisation must be provided at the Main Road/Berg en See intersection and any of the above-mentioned intersections as warranted by the South African Traffic Signs Manual.
- 4.7.3 Sight distances on the inside of the horizontal curve on Fairways Avenue just north of the intersection of Musson Street must be improved.
- 4.7.4 A program for implementation and a conceptual design for the proposed improvements on Main Road must be submitted to the Department of Economic Affairs, Agriculture and Tourism: Transport Branch before the first phase of the project is undertaken.
- 4.7.5 A detailed investigation must be undertaken regarding the present access to the golf course, to the satisfaction of the Council and the Department of Economic Affairs, Agriculture and Tourism: Transport Branch. All the findings of this investigation must be implemented.
- 4.7.6 That the development on Precinct 2 only commence once the investigation regarding the possible realignment of Fairways Avenue in order to improve traffic flow by the elimination of the stop street at Moffat Street, is finalised. The final extent and boundaries of Precinct 2 should only be determined after the investigation has been finalised.
- 4.7.7 Council must endeavour to utilise the profits generated by the development for the early planning design and implementation of the following transport projects as identified in the Greater Hermanus Sub-Regional Spatial Development Framework (SDF):
- 4.7.7.1 The CBD relief road.
 - 4.7.7.2 The TR28/1 parallel relief road/activity spine.
 - 4.7.7.3 Mountain Drive Bypass.
 - 4.7.7.4 An arterial management plan for Seventh Street, Voëlklip.
- 4.7.8 Any other issue with regard to traffic relating to the proposed development as identified by the municipality or the Department of Economic Affairs, Agriculture and Tourism: Transport Branch.
- 4.8 The type of fencing for the golf course and open spaces should be as unobtrusive as possible, to the satisfaction of the municipality. It should be of such a nature that the movement of small creatures is not restricted.
- 4.9 A vegetated culvert or culverts of suitable width should be constructed in a suitable position(s) to pass underneath the proposed Fernkloof Road extension, to link the two sides of the road and ensure the uninterrupted movement of small creatures. The positioning of the culvert(s) should be determined between the municipality and the Chief Directorate: Environmental Affairs of the Provincial Government.
- 4.10 A maximum of 20 golf lodges (10 each in Precincts 3 and 4) may be constructed. The final positioning of the lodges should be determined in conjunction with officials from the Chief Directorate: Environmental Affairs.

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the golf lodges should be single storied. The floor areas of all the lodges shall be restricted to a maximum of 250 m². Landscaping shall be done in terms of the landscaping plan as required by the Chief Directorate: Environmental Affairs and no individual fencing will be allowed around the units.

- 4.11 A 10 meter building line will be applicable between the developments on Precincts 3 and 4 and adjacent erven.
- 4.12 The Environmental Control Officer (appointed in terms of the environmental authorisation) must ensure that educational information on the wetlands is displayed in strategic positions, to educate the public to treat the wetlands with the necessary respect.
- 4.13 A trust fund for the rehabilitation and upkeep of the wetlands must be established for this purpose. A percentage of the income derived from the renting of the golf lodges must be deposited into this trust fund on a half yearly basis, from which the maintenance programme will be funded. The percentage must be determined between the municipality, the Botanical Society and the management of the golf club, on an annual basis.
- 4.14 The Environmental Control Officer should undertake environmental audits of the wetlands on a 3-yearly basis. These audits should be funded from the trust fund referred to above.
- 4.15 Access from the golf lodges next to Fairways Avenue to the wetlands should be restricted to a single clearly defined path, which is to link the units with the golf course and the clubhouse. Raised boardwalks should be provided wherever the wetland is crossed.
- 4.16 A network of pedestrian footpaths/boardwalks which provides access for the general public to the golf course should be incorporated into the site development plan, thereby linking the western and southern residential areas to Fernkloof Road, and to the Fernkloof Nature Reserve. Access control measures should be workshopped with the management of the golf club and surrounding public when the detailed planning takes place. The upkeep of these footpaths/boardwalks should be funded from the trust fund as set out above.
- 4.17 An agreement must be reached between Fernkloof Advisory Board and the municipality regarding a financial contribution to the Fernkloof Nature Reserve, for the establishment of additional facilities, or to extend the reserve boundaries, in lieu of land of the Fernkloof Nature Reserve being utilised for the proposed development.
- 3.18 The historical importance and practical value as windbreaks of the existing bluegum avenues should be investigated by the municipality and the Competent Heritage Resources Authority before taking a decision on their possible removal.
- 4.19 A mechanism to prevent the use of pesticides and to monitor the quality of the

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ANNEXURE F 16/19

the Environmental Management Master Plan (a requirement of the environmental authorisation), to ensure that the wetlands do not become polluted. A mechanism should also be introduced to ensure that stormwater run-off from the development does not pollute the Flat Street wetlands.

- 4.20 The development must be done in conjunction with the water resource development programme of the municipality.
- 4.21 The above conditions do not exempt the developer or Council from compliance with any other legal requirement.
5. The Competent Authority for the administration of the Removal of Restrictions Act, 1967 (Act 84 of 1967), as amended, has also approved the application for the removal of restrictive title deed conditions B.2 – B.7 in Title Deed T. 13294 of 1969, applicable to Erf 5308, Hermanus, in terms of section 4(2) of the Act. The endorsement of the deed is being attended to and will be finalised shortly. Erf 5308 may only be subdivided once the title deed has been endorsed.
6. The appeals against the proposed development have also been dismissed by the Competent Authority. A copy of a letter to one of the appellants is attached for your information.

Yours faithfully



HEAD OF DEPARTMENT

HERMANUS GOLF ESTATE
PROPOSED
DEVELOPMENT PLAN

- SINGLE RESIDENTIAL (± 450m²)
- SINGLE RESIDENTIAL (± 600 - 650m²)
- SINGLE RESIDENTIAL (± 750m²)
- SINGLE RESIDENTIAL (± 1300m²)
- GROUP HOUSING (250/ha)
- MEDIUM DENSITY RESIDENTIAL
- GOLF LODGES
- WETLANDS
- BIOLOGICAL CORRIDORS
- DEVIATED FEEDER LOOP DRIVE/CONTOUR STREET LINK
- POTENTIAL BYPASS AS DIRECTED BY SDF (refer to section 3.1 in text)
- POSSIBLE CONTROLLET ACCESS

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SCALE 1:10 000
7 NOVEMBER 2001

PLAN No. / PLAN No. / PLAN No.

ANNEXURE 17/19

PLANNING PARTS
BEPLANNINGSYVENDE

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DIRECTORATE: DEVELOPMENT MANAGEMENT
(REGION 2)

REFERENCE: AN 213/25/4 Hermanus Golf Course
ENQUIRIES: Mr. D'mitri Matthews
DATE:

2015-05-24

The Municipal Manager
Overstrand Municipality
P. O. Box 20
HERMANUS
7000

Attention: Ms. A. Calitz

Tel: (028) 313 8900

Fax: (028) 313 2093

Dear Sir

CREATION OF THE HERMANUS GOLF COURSE ESTATE ON ERF NO. 7531, UNSUBDIVIDED PORTIONS OF REMAINDER OF ERF NO. 1253, HERMANUS, AN UNSUBDIVIDED PORTION OF ERF NO. 4780, PORTION 1 OF FARM NO. 591 AND AN UNSUBDIVIDED PORTION OF ERF NO. 5308, HERMANUS

1. The electronic correspondence dated 31 March 2015, as received by this Department on the same day, the Department's correspondence dated 20 April 2015 and the correspondence dated 14 April 2016, as received by this Department on 19 April 2016, refers.
2. This letter serves as an acknowledgement of receipt of the afore-mentioned document by this Department.
3. The Department notes that 10 golf lodges were authorized as part of the Environmental Authorisation ("EA") dated 11 July 2002. However, due to environmental constraints on the site in the form of a wetland, only 6 golf lodges can be accommodated. It is further noted that it is the applicant's intention to substitute the 6 golf lodges with 6 units comprising of 2 residential units each, on the same footprint of the proposed 6 golf lodges.
4. The proposed amendment to the layout does not constitute any listed activities as defined in terms of the NEMA EIA Regulations 2014. Furthermore, since the 6 units comprising of 2 residential units each will be within the same approximate approved footprint, no adverse impacts on the environment are anticipated due to the nature of the development being similar to that of the golf lodges. As such, an amendment to the Record of Decision is not required for the proposed replacement of the 9 golf lodges with the 18 residential dwelling units.

2nd Floor, 1 Dorp Street, Cape Town, 8001
Tel: +27 21 483 8350/4349 Fax: +27 21 483 3633
E-mail: D'mitri.Matthews@westerncape.gov.za

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

5. You are further reminded of your general duty of care towards the environment in terms of section 28(1) of NEMA which states:
"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."
6. Your interest in the future of our environment is greatly appreciated.
7. Kindly quote the above-mentioned reference number in any future correspondence in respect of this application.
8. The Department reserves the right to revise initial comments and request further information based on the information received.

Yours faithfully



HEAD OF DEPARTMENT
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

Alida Calitz - Re: Erf 10558 Eastcliff Hermanus

From: Jamie Klem
To: Charlene Pieters; Alida Calitz
Date: 2016/09/22 08:21 AM
Subject: Re: Erf 10558 Eastcliff Hermanus
Cc: Koos du plessis
Attachments: Golf Course switching Station.PNG

Sir / Madam.

The Electricity department does not have a problem with the above mentioned development. However keep in mind that although the capacity was reserved many years ago no payment was made for the bulk contribution or notified maximum demand. An Application must be made for the required load in writing, to the Electrical department to acquire a Quotation.

The following are also concerns that must be raised.

1. There are a service servitude for 11kV feeder cables running through the premises as on the attached drawing which cannot be moved. Please apply for wayleaves at the Electrical department before any excavation commence.

2. There is a 11kv switching station on the Golf course and Electricians need access through this development 24/7.

If there are any queries please contact the Electricity department.

Regards

Jamie Klem

Snr Superintendent Projekte
 Elektrotegniese Dienste
 Overstrand Munisipaliteit
 Email: jklem@overstrand.gov.za
 Tel: 028-316 2630
 Faks: 028-316 2632

>>> Charlene Pieters 2016/08/25 09:14 AM >>>

Dear Sir / Madam

Attached please find an Internal Memo for your attention. Kindly provide your department's comments to Alida Calitz alida@overstrand.gov.za on or before 30 September 2016.

NB: Kindly provide all comments in English. Your comments, as received, are copied straight into the Council & Delegated Reports.

Thank You

file:///C:/Users/aknoetze/AppData/Local/Temp/XPgrpwise/57E39478HermanusMunp... 2016/09/22



Telkom

Access Network Engineering

Telkom SA SOC Limited

Erf 10558-HEC

TP-A Theart (Holwier)

10 Jan Smuts Drive
Pinelands
7404

Tel : 021 414 5614
Fax : 088 021 414 5614
Email : Petersi2@telkom.co.za
Enquiries : Ihlaam Peters
Our Ref : WHMN4252_16
Your ref : 10558 HEC (3368)

03 November 2016

Attention: Ms. Charlene Pieters

OVERSTRAND Municipality
P.O.Box 20,
Hermanus
7200

FILE NO:	EL 10558-HEC
SCAN NO:	
COLLABORATOR NO:	967219

Dear Madam

APPLICATION FOR TELKOM WAYLEAVES: PROPOSED AMENDMENT OF THE CONDITIONS OF APPROVAL & AMENDMENT OF THE SITE DEVELOPMENT PLAN: PLAN ACTIVE TOWN PLANNERS ON BEHALF OF NMH TRADING 23 PTY LTD

With reference to your Email and dated 21 October 2016.

I hereby inform you that Telkom 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, Telkom SA LTD infrastructure will be affected, consequently the conditions below and on the attached legend will apply.

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

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

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

Telkom SA SOC Limited: Reg no 1991/006476/30

Directors: JA Mabuya (Chairman), SN Maseko (Group Chief Executive Officer), DJ Fredericks (Chief Financial Officer), S Botha, Dr. CA Fynn, N Kapila, I Kgaboesele, K Kweyama, K Mzondeki, F Petersen, LL Von Zeuner.

Company Secretary: X Mpongoshe Makasi

*India

NOV 03

Telkom


As important cables are affected, please contact our representative **FREDERIK SWART** at telephone number **081 363 7815** at least **48 hours** prior to commencement on construction work.

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



Should Telkom SA infrastructure be damaged while work is undertaken, kindly contact our representative immediately.

All Telkom SA LTD rights remain reserved.

Yours faithfully

 (pp)

Selwyn Bowers
Operations Manager
Wayleave Management: Western Region


Wayleave
Telkom S.A Ltd


This wayleave, Ref **WWIP_WHMN4252_16** is valid for 12 months from date hereof and is subject to the following conditions.

1. No mechanical plant or vibrator type compactors may be used within three meters of any Telkom plant (i.e. any Telecommunications equipment above or below ground level).
2. The position of our plant affected by the proposal is indicated as approximate and our **FREDERIK SWART** TEL: (028) 514 1199 must be contacted at least 48 hours prior to commencement of the work, upon which the actual location of Telkom Plant will be indicated on-site.
3. A written request must be submitted to Telkom for consideration should the applicant require our plant to be relocated. The cost of such relocation will be recoverable from the applicant.
4. It is the responsibility of the applicant to verify the existence of the indicated plant and to notify Telkom immediately should the applicant locate any Telkom plant which is not indicated on the plans.
5. Should the applicant expose any Telkom plant, the safeguard thereof will be the applicants full responsibility.
6. Failing to comply with the above conditions or any special conditions addendum hereto will be regarded as gross negligence and the applicant will be held responsible for and damage or loss as a result thereof.

Date: **11/3/2016** For Regional General Manager
 Western Cape *BB*

Telkom Symbol Legend	
1. Underground Pipe Route	—————
2. Underground Buried cable	~~~~~
3. Pipe Junction Boxes	◇ □ MH JP ◇
4. Street Distribution Cabinet (SDC)	⊗
5. Jointing Pillar (PJ) Above Ground	⊗
6. Pole	⊙
7. Robot Control	⊙
8. Aerial Route	- · - · - · - ·
9. Stay	— X —
10. Strut	— T —
11. Call Office	△

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR AMENDMENT OF CONDITIONS OF APPROVAL AND
SITE DEVELOPMENT PLAN: ERF 10558, EASTCLIFF (3368)**

Stormwater (SW)	:	In order
Electricity	:	In order
Sewer	:	According to GLS report
Water	:	According to GLS report
Roads and traffic	:	In order

Conditions:

1. That a Bulk Services Contribution Levy (BICL) be paid by the developer to supplement municipal services and amenities in accordance with the relevant legislation and as determined by the Council. The BICL tariff is adjusted by Council annually. The total BICL payable will be the amount as determined by the BICL Policy and tariff at the date of **actual payment**. BICL amounts quoted in any document will normally be applicable to the particular year in which the document was compiled and Council will not be bound by the quoted amounts.

1.1 Developments 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 (2016/2017) is as follows:

Water	R 21 500.00 x 8.0	=	R 172 000.00
Sewerage	R 14 496.00 x 6.0	=	R 86 976.00
Roads	R 6 500.00 x 10,06	=	R 65 390.00
Stormwater	R 7 500.00 x 25,63	=	R 192 225.00
Solid Waste	R 1 300.00 x 10.0	=	<u>R 13 000.00</u>
TOTAL (inclusive of VAT)		=	<u>R 529 591.00</u>

Note:

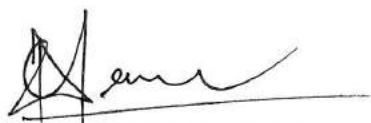
- 1.3 **The above figures are estimates**
- 1.4 **That Overstrand Municipality's Electrical Department be contacted regarding the bulk electricity cost.**

2. that the developer at his cost constructs the internal municipal civil and electrical services for the development as well as any link or bulk municipal services that need to be provided;
 - 2.1 the Director: Infrastructure and Planning may require the developer to construct internal, link, and/or bulk municipal services to a higher capacity than warranted by the development for purposes of allowing other existing or future developments to also utilise such services, provided:
 - 2.2 the rates and prices of such work be established in terms of a system which is fair, equitable, transparent and cost effective;
 - 2.3 if link municipal services have already been provided, the developer to contribute towards the cost thereof, the Director: Infrastructure and Planning to determine the amount of such contribution in terms of a system which is fair and equitable;
3. that servitudes for municipal services be registered in favour of the Council at the developer's cost in respect of all main services to be taken over by the Council and all existing municipal services concerned crossing private property;
4. that the developer indemnifies and keep the Council indemnified against all actions, proceedings, claims and demands, costs, damages and expenses arising out of the establishment of the township, the provision of services to the township or the use of servitude areas or municipal property:
 - 4.1 for a period which shall commence on the date that the installation of the services to the township are commenced with and shall expire after completion of the maintenance period;
 - 4.2 the developer to submit an acceptable public liability insurance policy to the Council and to pay the premium in advance for the period as set out above before any work concerned may commence;
5. that a plan of all existing services be submitted to the Director: Infrastructure and Planning, by the developer and that any of the services that need to be relocated, be done by the developer at his cost to the satisfaction of the Director: Infrastructure and Planning:
 - 5.1 way-leaves must be obtained from the Operational Manager, Hermanus;
 - 5.2 such way-leaves to be obtained prior to any excavation on public property or property where existing services are located;

6. that the developer may enter into an agreement with the Council to install or upgrade bulk and/or link municipal services and amenities at an agreed cost, subject to the following:
 - 6.1 such costs to be established in accordance with a system which is fair, equitable, transparent, competitive and cost effective;
 - 6.2 such costs shall be set-off against (part or full) development contributions payable in respect of engineering services;
 - 6.3 to the extent that such costs exceed the development contributions payable, the Council will refund the developer the difference with interest calculated at the prime rate, when funds are available;
7. that plans of all the internal municipal civil and electrical (high and low voltage supply) services and such link services as required by the Director: Infrastructure and Planning, prepared by an ECSA registered professional engineer/technologist, be submitted to the Director: Infrastructure and Planning for his prior approval;
8. the "Guidelines for the Provision of Engineering Services in Residential Townships" (Blue Book), SANS 1200 specifications and the Design and Construction Standards for civil and electrical services of the Council to be used as the standard design and construction criteria with which such plans must comply;
9. the Director: Infrastructure and Planning to be notified in writing of all deviations from the Standard Design and Construction Criteria when plans are submitted for his approval and such deviations to be separately approved in writing by the Director: Infrastructure and Planning;
10. the successful completion of such works to be supervised and certified by an independent professional civil engineer/technologist i.e. a professional civil engineer/technologist who has no direct financial interest in the development, other than payment as standard professional fees for the work concerned; and
11. such independent professional civil engineer/technologist to furnish the Director: Infrastructure and Planning with satisfactory proof of his professional indemnity insurance to an amount which shall not be less than that required by the CESA and which insurance shall be valid for the relevant contract and maintenance period;
12. that all municipal civil and electrical services installed or constructed by the developer, be maintained after completion thereof for a maintenance period, as described in the General Condition of Contract for works of Civil Engineering Construction – 2004, of 12 months, and

13. that a Certificate of Completion together with as-built services plans be provided by the independent professional engineer/technologist to the Overstrand Municipality. As-built plans to be on quality paper, together with a DXF file thereof;
14. that the developer furnish the Council with a bank guarantee equal to 2.5% of the value of the provided municipal civil and electrical services as certified by the independent professional engineer/technologist. The guarantee shall be to the satisfaction of the Director: Infrastructure and Planning and valid for the 12 months maintenance period which commences from date of the Certificate of Completion;
15. that the Home Owners Association be responsible for the operational costs and maintenance of street lighting, electrical reticulation and metering and all internal services;
16. that the developer provide bulk meters for water and electricity at approved positions as well as individual meters at each consumption point;
17. that the existing capacity at precinct 4 is 100KVA, should additional capacity be required, an investigation be conducted with regard to the capacity required and that available, at the developer's cost;
18. that an approved refuse collection area/room to sufficiently accommodate the refuse generated by the development and which is to be proved with the following:
 - a. properly ventilated;
 - b. a cement floor;
 - c. a tap and running water, as well as a drainage point which is connected to the sewer network;
 - d. is a position nearest to an access road for the development and be accessible for the refuse truck at all times, to the satisfaction of the Director: Infrastructure and Planning;
19. that the refuse room be completed prior to occupation of the first unit, to the satisfaction of the Director: Infrastructure and Planning;
20. that a stormwater management plan, which may include attenuation facilities to ensure that the pre-development run-off is not exceeded and that erosion and pollution is minimised, be submitted to the Director: Infrastructure and Planning for approval and that the approved management plan be implemented by the developer at his cost to the satisfaction of the Director: Infrastructure and Planning;
21. that the above stormwater management plan include the following:
 - 21.1 pre-development run-off from the catchment area;
 - 21.2 post-development run-off from catchment area;

- 21.3 existing stormwater reticulation system and the capacity thereof;
- 21.4 connection of internal stormwater reticulation system;
- 21.5 overland escape routes
22. that the developer apply for a temporary water connection on the prescribed application form at Overstrand Municipality's Finance Department, before commencement of construction;
23. that the developer apply for a bulk water connection on the prescribed application form, at Overstrand Municipality's Finance Department and that the installation of the bulk water meter, by the developer, be done under the supervision of the Operational Manager, Hermanus;
24. that an investigation be conducted, by GLS Consulting Engineers, to determine whether sufficient capacity exist in the existing water & sewer systems, to accommodate the proposed development, at the developer's cost;
25. that damage to the existing roads, used as routes for access to the development, for the provision of services, be repaired by the developer;
26. that full access and a minimum stacking distance of 10m be provided at the entrance of the proposed development;
27. that a passing lane be provided in Fairway Avenue, at the developer's cost.



DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

11/11/2016.

DATE



ROAD NETWORK MANAGEMENT
Email: Grace.Swanepoel@westerncape.gov.za
tel: +27 21 483 4669
Rm 335, 9 Dorp Street, Cape Town, 8001
PO Box 2603, Cape Town, 8000



P Roux

REFERENCE: 16/9/61-21/101 (Job 24205)
ENQUIRIES: GD Swanepoel
DATE: 7 September 2016

The Municipal Manager
Overstrand Municipality
PO Box 20
HERMANUS
7200

Attention: Mr P Roux

Dear Sir

ERF 10558, EASTCLIFF, HERMANUS: PROPOSED AMENDMENT OF CONDITIONS OF APPROVAL AND AMENDMENT OF SITE DEVELOPMENT PLAN

1. Your letter 10558 HEC (3368) dated 25 August 2016 refers.
2. This Branch is not directly affected by this application and thus has no comment in terms of the Land Use Planning Act, No 3 of 2014.

Yours faithfully

ML WAITERS
For CHIEF DIRECTOR: ROAD NETWORK MANAGEMENT

FILE NO:	EL 10558 Her
SCAN NO:	
QUALIFICATION NO:	935751



N D Martheze
 Chief Engineer: Road Network Planning
 Department of Transport and Public Works
 Email: Dru.Martheze@westerncape.gov.za
 tel: +27 21 483 2177 fax: +27 21 483 2166

Reference No: 16/6/6/1-968
16/9//61-21/101 (Job 24205)

Municipal Manager
 Overstrand Municipality
 P O Box 20
HERMANUS
 7200

Attention: Mr C Groenewald

RECALL OF LETTER 16/9//61-21/101 (JOB 24205) CONCERNING PROPOSED AMENDMENT OF CONDITIONS OF APPROVAL AND AMENDMENT OF SITE DEVELOPMENT PLAN FOR ERF 10558, EASTCLIFF, HERMANUS

1. This Department wishes to withdraw its letter 16/9//61-21/101 (Job 24205) dated 7 September 2007, (attached), in response to the above amendment to site plan of erf 10558 and its conditions of approval, (Overstrand Municipal Letter 10558 HEC(3368) dated 25 August 2016.
2. The above-mentioned property is within 500m of the current proclaimed Main Road 28 and is affected by the proposed Hermanus Bypass or the re-alignment of proclaimed Main Road 28 or the R43.
3. This Department at the request of your Municipality initiated formal investigation and appointed consultants to look at realigning the proclaimed Main Road 28, or the R43. The re-alignment of proclaimed Main Road 28 or the R43 is a key requirement to achieve the municipality's desired outcomes for its CBD Revitalisation Project. The estimated cost to this Department to re-align a 3 km section of Main Road 28 is approximately R120 million using 2016 rates.
4. The Planning Stage for the above Hermanus By-pass is nearing completion and only the Route Determination authorisation is outstanding after which this Department will formally proclaim the re-alignment Main Road 28 along the preferred Hermanus By-pass route to replace the section of the Main Road 28 through the CBD, i.e. formally hand over the section of road as a municipal street, as agreed in terms of the Roads Ordinance, (Ordinance 19 of 1976).
5. Currently 2 alternative route alignments are being considered for the Hermanus Bypass and both impact erf 10558. Refer to Figure 1 below for the extent of impact of the proposed alternative route alignments:

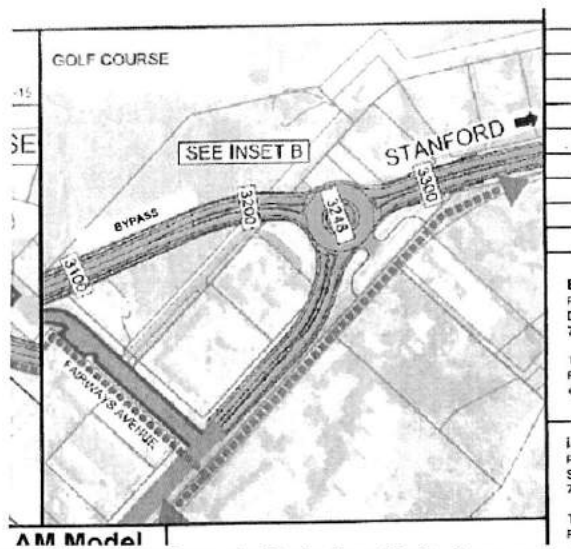


Figure 1: -Extract from Conceptual Design Report for the Hermanus By-Pass

6. This is also to confirm that the owners of erf 10558 were consulted and made aware of the proposed alternatives by SRK Consulting (Pty) Ltd, who were appointed to undertake the formal Environmental Process for Route Determination in terms of the National Environmental Management Act, (Act 7 of 1998, as amended).
7. This Department wishes to draw attention to the fact that the transport component of the Overstrand IDP specifically acknowledges the (long-term) future bypass along the alignment referred to above.
8. Your urgent attention to rectify this matter will be appreciated.

Yours faithfully


EXECUTIVE MANAGER: ROADS INFRASTRUCTURE

Date: 22/12/16

CC: Overstrand Municipality; Director: Infrastructure and Planning
Attention: Mr Stephen Müller (smuller@overstrand.gov.za)

ENDORSEMENTS:

1. WM Silbernagl
2. CS October
3. DRE Paarl: Stewart Bain
4. File: 16/6/6/1 - 964
5. Quads (Room-3-35)



N D Martheze

Chief Engineer: Road Network Planning

Department of Transport and Public Works

Email: Dru.Martheze@westerncape.gov.za

Tel: +27 21 483 2177 Fax: +27 21 483 2166

Reference No: 16/6/6/1-968
16/9//61-21/101 (Job 24205)

mm Smuller

TRAThout (H Olivier)

Municipal Manager
Overstrand Municipality
P O Box 20
HERMANUS
7200

FILE NO:	EL 10558
SCAN NO:	
COLLABORATOR NO:	1037091

Attention: Mr C Groenewald

APPLICATION TO AMEND CONDITIONS OF APPROVAL APPLICABLE TO ERF 10558, EASTCLIFF, HERMANUS AND ITS SITE DEVELOPMENT PLAN

1. The Overstrand Municipality's e-mail dated 17 May 2017 requesting clarification on the above matter has reference.
2. This Department on request from the Overstrand Municipality initiated an investigation into re-alignment of the R43 in support of the proposed CBD Revitalisation Project. The project was called the Hermanus Bypass to avoid confusion with previous road planning initiatives and schemes. Various alignments were investigated, presented and discussed at Project Management Team meetings, which included representatives from province and the municipality.
3. The above-mentioned property is within 500m of the current proclaimed R43 and is affected by the proposed Hermanus Bypass or the proposed re-alignment of the R43.
4. The alternative alignments for the R43, for which detailed investigations were undertaken, have the same alignment across Erf 10558 for the following reasons:
 - An important wetland was identified by specialists on Erf 10558.
 - The impact of the proposed alternatives on the wetland was raised as a concern by both the specialists and public and the impact needed to be avoided or at least minimised as far as possible.
 - A variation of the alignment in order to minimise the impact on the wetland was proposed and found to be more acceptable by the specialists.
5. Shortly thereafter it was established that Erf 10558, (which is currently vacant), had development rights for 6 golf lodges.

Handwritten mark

6. An application was then subsequently made by the property owner to the Overstrand Municipality to change the development rights from 6 to 12 smaller golf lodges. Indications were that the building footprint of the 12 lodges would be similar to the original footprint of the 6 lodges. However, while the developable footprint may remain the same, it can be anticipated that an increase in the number of dwelling units will result in a substantial increase in land value. Figure 1 and Figure 2 below indicate the original and revised alignment options with the SDP plan for the original 6 lodges.

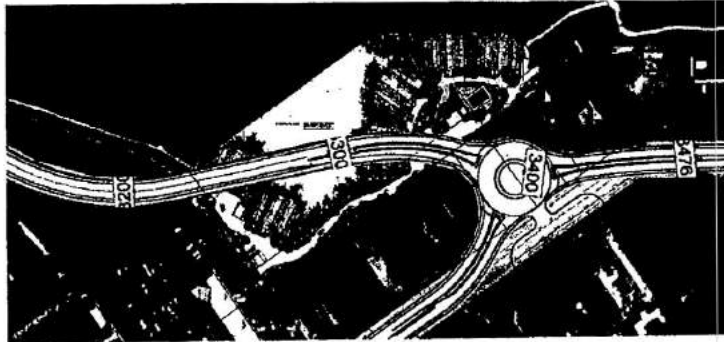


Figure 1: Original end alignment with original 6 Golf Lodges

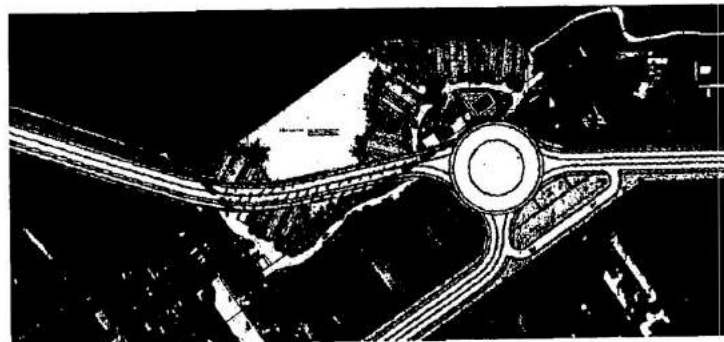


Figure 2: Amended alignment with the original 6 Golf Lodges

7. The alignment in Figure 1 impacts directly on two of the proposed 6 golf lodges while the revised alignment in Figure 2 impacts on three of the proposed 6 golf lodges. However, by amending the SDP in Figure 2, it is anticipated that 3 golf lodges to the north and 1 golf lodge to the south would still be able to be developed.
8. Figure 3 shows the proposed new SDP for 12 golf lodges with the amended end alignment. It is likely that with some minor amendments to the SDP that 3 golf lodges, consisting of 2 dwelling units, could be achieved to the north of the alignment with two dwelling units in the corner to the south.

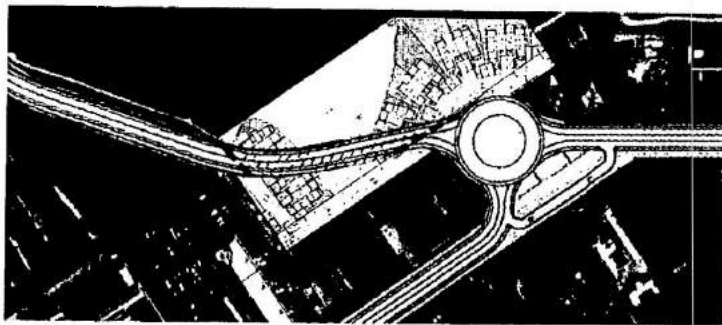


Figure 3: Amended Alignment with proposed 12 Golf Lodges

9. In terms of the current investigation into re-alignment of the R43, the re-alignment for all proposed alternatives under investigation will be affected by the current application for amended rights.
10. This Department is currently in an EIA process and will be in a position to proclaim the re-alignment of the R43 if environmental authorisation for the bypass is granted. Only once the re-alignment of the R43 is proclaimed and the road design finalised will this Department have the necessary authority to negotiate compensation for the loss of land and existing development rights in terms of hardship.
11. It is anticipated that the environmental decision with regard to the Hermanus Bypass would be forthcoming at earliest in early 2018.
12. If environmental authorisation is granted by DEA&DP, then this Department will gazette the change to the re-alignment of the R43 and on proclamation, the land acquisition process in terms of the Roads Ordinance, (Ordinance 19 of 1976, as amended), may then commence.
13. It should be noted that the alignment (although not authorised) is supported by both this Department and Overstrand Municipal Project Management Team members.
14. It is also acknowledged that this Department has currently no *locus standi* until the re-alignment of the R43 is proclaimed to prevent the developer exercising his / her existing rights to develop 6 golf lodges.
15. Should the authorisation for the Hermanus Bypass not be granted by DEA&DP, then this Department would have no objection to increasing the number of development opportunities. However, until the EIA process is completed and run its course, this Department is not supportive of increasing the number of development opportunities on Erf 10558.
16. Should the developer wish to proceed with the implementation of the existing rights or enter into further round table discussions for amended rights, this Department is willing to enter into further discussions around the phasing of development on portion(s) of the property, which will not be detrimentally impacted upon by the proposed re-alignment of the R43. However, until such time as the re-alignment of the R43 is proclaimed and the road design finalised, this Department will not be in a position to commit to any expropriation / compensation.
17. Once again this Department also confirms that the owners of Erf 10558 were consulted and made aware of the proposed alternatives by SRK Consulting (Pty) Ltd, who were appointed to undertake the formal Environmental Process for Route Determination in terms of the National

Environmental Management Act, (Act 7 of 1998, as amended), prior to their application to amend the existing development rights on Erf 10558 from 6 dwelling units to 12 dwelling units.

18. This Department wishes to draw attention to the transport component of the Overstrand IDP, which specifically acknowledges the (long-term) future bypass along the proposed alignments referred to above.
19. We trust that the Overstrand Municipality appreciates the situation of this Department with regard to the developer exercising his / her existing rights. This Department is willing to discuss how best to move forward within the constraints of the existing rights, or even amended rights, provided that this does not negatively impact on the future implementation of the Hermanus Bypass, if environmental authorisation is granted by DEA&DP.
20. Your urgent attention to remedy this matter will be appreciated.

Yours faithfully


EXECUTIVE MANAGER, ROADS INFRASTRUCTURE

Date: 9 June 2017

CC: Overstrand Municipality: Director: Infrastructure and Planning
Attention: Mr Stephen Müller (smuller@overstrand.gov.za)

ANNEXURE K 1/22

BOLAND VALUERS BK Timberonstreet Paarl7646		<i>TP- A Theart</i> <i>(H Olivier)</i> <i>S Muller</i> Tel: 021 8726075 Cell: 082 8047476
---	---	---

12/04/2017


Mr . S Muller
 Director Infrastructure & Planning
 Overstrand Municipality
 Hermanus

MARKET REPORT ERF 10558 HERMANUS :

Enclosed the valuation report as requested / your annexes A & B

Thank you

Yours faithfully


 DBJPayne
 Professional Valuer /Member

FILE NO:	EL 10558
	Hermanus
SCAN NO:	03
COLLABORATOR NO:	1014492

TP 13 APR. 07

ANNEXURE K 2/22

2017

MARKET VALUES

ERF 10558

HERMANUS

*BOLAND VALUERS CC
TIMBERONSTRAAT 4
PAARL 7646*

*TEL:021 8726705
SEL: 082 8047476*

Page

ANNEXURE K 3/22

CLAUSE

‘
This report or certificate , or any part or reference thereof may not be published in any document or circular without the prior written consent by the valuer

ANNEXURE K 4/22

MARKET VALUE

" ANNEXURE A "

ERF 10558 EAST CLIFF CLIFF

HERNMANUS

REQUESTED BY: S Muller

Director : Infrastructure & Planning Overstrand
Municipality

PORPERTY: Erf 10558 East Cliff Hermanus

EXTEND: 11060 m2

OWNER : N M H TRADING 23 (Pty) Ltd

SITUATION: Fairways Ave

VALUATION DATE: 12⁰4/2017

COMMENT ::

Attached is a market report . The information in this report represents conditions as on valuation date and any changes after the date of valuation is not part of this report .

CERTIFICATE/.....

ANNEXURE K 5/22CERTIFICATE**Annexure A (i)**

I, DEDERICK BARNARD JACOBUS PAYNE, in my capacity as property valuer registered at the SA Council for Valuers (Reg nr 737) certify hereby that I valued the erf as mentioned above "undeveloped" for R8 925 000 [Eight million nine hundred and twenty five Rand .] VAT included .

Annexure A (ii)

And hereby certify part (ii) "developed land" for R25 609 000 [Twenty five million six hundred and nine thousand Rand] Vat included .



DBJ PAYNE
PROFESSIONAL VALUER
12/04/2017

ANNEXURE K 6/22**SUBJECT PROPERTY**

1. DESCRIPTION: Erf 10558
2. SITUATION : Fairways Ave East Cliff Hermanus .
3. ZONING : Group housing / Sectional title
Approved development rights for 6 lodges .
4. EXTENT : 11060 m2
5. SERVITUDE : Unknown

6. PROPERTY DISCRIPTION :

LAND : Flatland , with \pm 30% waste land – see plans .

IMPROVEMENTS :

No buildings . .

7. MUNICIPAL VALUATION : As on 01/06/2015 , R 6 300 000 .

8. PURPOSE FOR VALUATION :

Municipal purposes – with the following request :

Annexure A

- (i) As undeveloped land with rights of 6 units being 250 m2 footprint .
- (ii)As developed land with 6 lodges of 250 m2 each – single story .

ANNEXURE K 7/22

9. VALUATION METHOD :

a) Market value:

"Market Value is the estimate amount for which premises should sell, as at the relevant date, between a willing buyer and a willing seller in an arms length transaction wherein the parties had each acted knowledgeably, prudently and without compulsion, and having regard to usual market terms and conditions for values of similar premises .

10. METHODOLOGY

We explore the property market in the near vicinity of the subject erf for similar sites regarding zoning, size, use and accessibility .

Sales in neighbouring areas can be applied if the immediate neighbourhood has no comparables .

11. MARKET RESEARCH :

The following comparable sales we look at .

Nr	Erf	Situation	Extend	Sale Price	Date	Rand/m2
1.	10558	Fairways	11060 m2	R13 000 000	07/11/2007	R1175/m2
2.	9997	Prestwick	793 m2	R4 200 000	02/12/2016	R5296 /m2
3.	10059	Lakewood	663 m2	R 4 100 000	22/07/2016	R6184/m2
4.	11097/6	Golf	164 m2	R4 430 000	30/01/2017	R27000 /m2
5.	11097/13	Golf	164 m2	R4 590 000	30/01/2017	R27990/m2
6.	11097/14	Golf	164 m2	R4 550 000	30/01/2017	R27740/m2
7.	11097/17	Gof	164 m2	R4 600 000	30/01/2017	R28050/m2

ANNEXURE K 8/22

11.1 CONCLUSION :

Sale 1. is that of the subject property and took place 10 years prior to the valuation date . We ignore this due to the time factor

See sales list No .2 & 3 above

The average area of single residential erven on the adjacent golf estate is 700 m2 and sell for R5 200 /m2 exclusive of vat .

Sales 4 to 7 mentioned in paragraph 11. above, compares favourable with the subject properties future development . This sectional scheme is situated in close proximity of erf 10558 and is also abuts the golf course .The average price paid for 164 m2 units amounts to R 24 300 /m2 exclusive of vat .

CALCULATION :

1. Annexure A

(i) Undeveloped land / Residual method :

Total footprint as approved $6 \times 250 \text{ m}^2 = 1500 \text{ m}^2$

The sales of vacant sites in the abutting / surroundings sell for R5 200 /m2 as mentioned . Average size 700 m2

Using a sliding scale we calculate the smaller erven:

$250 \text{ m}^2 \times R4\ 855\ 000/1000\text{m}^2 = R1\ 950\ 000$

POTENCIAL INCOME:

6 units (250 m2) x R1 950 000 R11 700 000

EXPENCES:

Survey& development cost R 1 600 000

R10 100 000

ANNEXURE K 9/22

Anticipated profit of 20% after tax :

$$R10\,100\,000 \div 1.23 = R8\,211\,382$$

It will however take say 6 months to dispose of the properties thus the above figure must therefore be deferred for 0.5 year @ 10% ..

$$R8\,211\,382 \times 0.909090 = R7\,829\,245 + 14\% \text{ vat} \\ = R8\,925\,000$$

Market value R8 925 000 vat inclusive .

(ii) Calculation of developed land with 6 lodges as follows :

Lodge footprint = 250 m²

6 lodges x 250 m² = total footprint = 1500 m²

The sales for similar properties amounts to R3 985 200 for a 164 m² unit , exclusive of vat .

On a sliding scale a 250 m² unit will fetch R4 830 000

Thus 6 lodges x R 4 830 000 = R28 980 000

Plus vat @ 14% = R33 037 200

A potential buyer will however when making an offer for the improved property take in consideration a profit margin of say 20 %

Anticipated profit of 20% after tax :

$$R33\,037\,200 \div 1.23 = R26\,859\,000$$

It will however take say 6 months to dispose of the properties thus the above figure must therefore be deferred for 0.5 year @ 10 %..

$$R26\,859\,000 \times 0.95346 = R25\,609\,000$$

Market value R 25 609 000 vat inclusive .

ANNEXURE K 10/22

MARKET VALUE

" ANNEXURE B "

ERF 10558 EAST CLIFF CLIFF

HERNMANUS

REQUESTED BY: S Muller

Director : Infrastructure & Planning Overstrand
Municipality

PROPERTY: Erf 10558 East Cliff Hermanus

EXTEND: 11060 m2

OWNER : N M H TRADING 23 (Pty) Ltd

SITUATION: Fairways Ave

VALUATION DATE: 12/04/2017

COMMENT ::

Attached is a market report . The information in this report represents conditions as on valuation date and any changes after the date of valuation is not part of this report .

CERTIFICATE/.....

ANNEXURE K 11/22CERTIFICATE**Annexure B (i)**

I, DEDERICK BARNARD JACOBUS PAYNE, in my capacity as property valuer registered at the SA Council for Valuers (Reg nr 737) certify hereby that I valued the erf as mentioned above "undeveloped" for R12 645 000 [Twelve million six hundred and forty five Rand .] VAT included .

Annexure B (ii)

And hereby certify part (ii) "developed land" for R 36 778 000 [Thirty six million seven hundred and seventy eight thousand Rand] Vat included .



DBJ PAYNE
PROFESSIONAL VALUER
12/04/2017

ANNEXURE K 12/22**SUBJECT PROPERTY**

1. DESCRIPTION: Erf 10558
2. SITUATION : Fairways Ave East Cliff Hermanus .
3. ZONING : Group housing / Sectional title
Approved development rights for 12 units ..
4. EXTENT : 11060 m2
5. SERVITUDE : Unknown

6. PROPERTY DISCRIPTION :

LAND : Flatland , with \pm 30% waste land – see plans .

IMPROVEMENTS :

No buildings . .

7. MUNICIPAL VALUATION : As on 01/06/2015 , R 6 300 000 .

8. PURPOSE FOR VALUATION :

Municipal purposes – with the following request :

Annexure B

- (i) As undeveloped land with rights of 12 units being 125 m2 footprint .
- (ii)As developed land with 12 lodges of 125 m2 each .

ANNEXURE K 13/22

9. VALUATION METHOD :

a) Market value:

"Market Value is the estimate amount for which premises should sell, as at the relevant date, between a willing buyer and a willing seller in an arms length transaction wherein the parties had each acted knowledgeably, prudently and without compulsion, and having regard to usual market terms and conditions for values of similar premises .

10. METHODOLOGY

We explore the property market in the near vicinity of the subject erf for similar sites regarding zoning, size, use and accessibility .

Sales in neighbouring areas can be applied if the immediate neighbourhood has no comparables .

11. MARKET RESEARCH :

The following comparable sales we look at .

Nr	Erf	Situation	Extend	Sale Price	Date	Rand/m2
1.	10558	Fairways	11060 m2	R13 000 000	07/11/2007	R1175/m2
2.	9997	Prestwick	793 m2	R4 200 000	02/12/2016	R5296 /m2
3.	10059	Lakewood	663 m2	R 4 100 000	22/07/2016	R6184/m2
4.	11097/6	Golf	164 m2	R4 430 000	30/01/2017	R27000 /m2
5.	11097/13	Golf	164 m2	R4 590 000	30/01/2017	R27990/m2
6.	11097/14	Golf	164 m2	R4 550 000	30/01/2017	R27740/m2
7.	11097/17	Golf	164 m2	R4 600 000	30/01/2017	R28050/m2

11.1 CONCLUSION :

Sale 1. Is that of the subject property and took place 10 years prior to the valuation date . We ignore this due to the time factor .

ANNEXURE K 14/22

See sales list No .2 & 3 above

The average area of single residential erven on the adjacent golf estate is 700 m² and sell for R5 200 /m² exclusive of vat .

Sales 4 to 7 mentioned in paragraph 11. above, compares favourable with the subject properties future development . This sectional scheme is situated in close proximity of erf 10558 and also abuts the golf course .The average price paid for 164 m² units amounts to R 24 300 /m² exclusive of vat .

CALCULATION :**Annexure B**

(i) **As undeveloped land / Residual method :**

Total footprint as approved = 1500 m²

The sales of vacant sites in the abutting / surroundings sell for R5 200 /m² as mentioned .

Using a sliding scale we calculate the smaller erven:

125 m² x R4 855 000/1000m² = R1 456 500

POTENCIAL INCOME:

12 plots x R1 456 500 R17 478 000

EXPENCES:

Survey& development cost R 2 470 000

R15 008 000

Anticipated profit of 20% after tax :

$R15\ 008\ 000 \div 1.23 = R12\ 201\ 626$

It will however take say 1 year to dispose of the properties thus the above figure must therefore be deferred for 1 year @ 10% ..

$R12\ 201\ 626 \times 0.90909 = R11\ 092\ 387 + 14\% \text{ vat}$
=R12 645 000

Market value R12 645 000 vat inclusive .

ANNEXURE K 15/22

(ii) Calculation of developed land with 12 lodges as follows :

Lodge footprint = 125 m² x 12 = 1500 m²

The sales of similar properties amounts to R 3 985 200
for a 164 m² unit , exclusive of vat .

On a sliding scale a 125 m² unit will fetch R3 636 000 or
R29 100 /m²

Thus 125m² x R29 100 = R3 637 500

R3 637 500 x 12 units = R43 650 000

Plus vat @ 14% = R49 761 000

A potential buyer will however when making an offer for
the improved property take in consideration a profit
margin of say 20 %

Anticipated profit of 20% after tax :

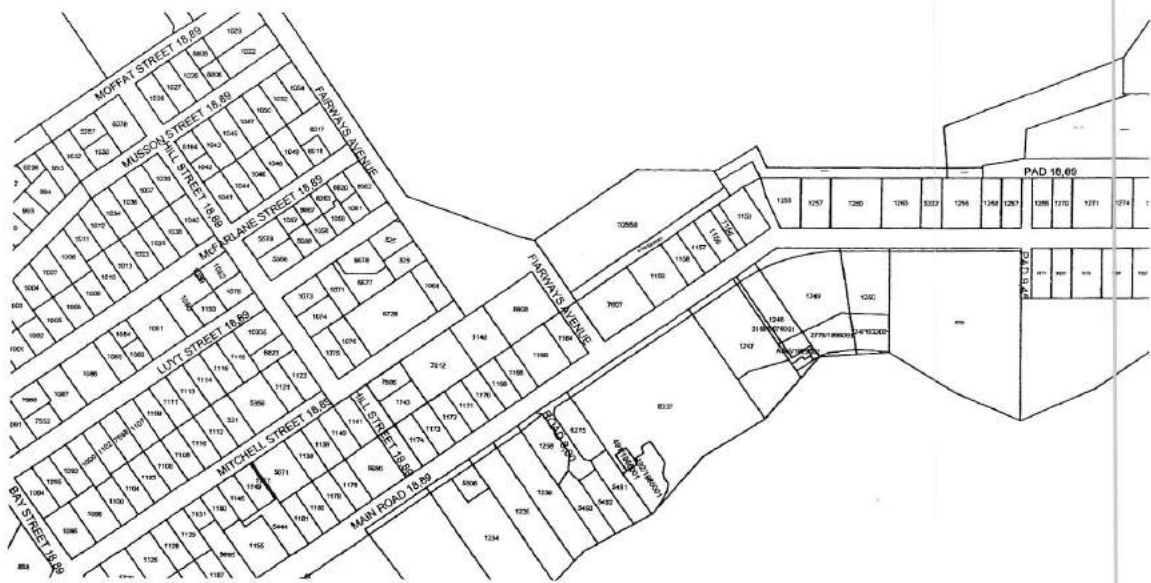
R49 761 000 ÷ 1.23 = R40 456 000

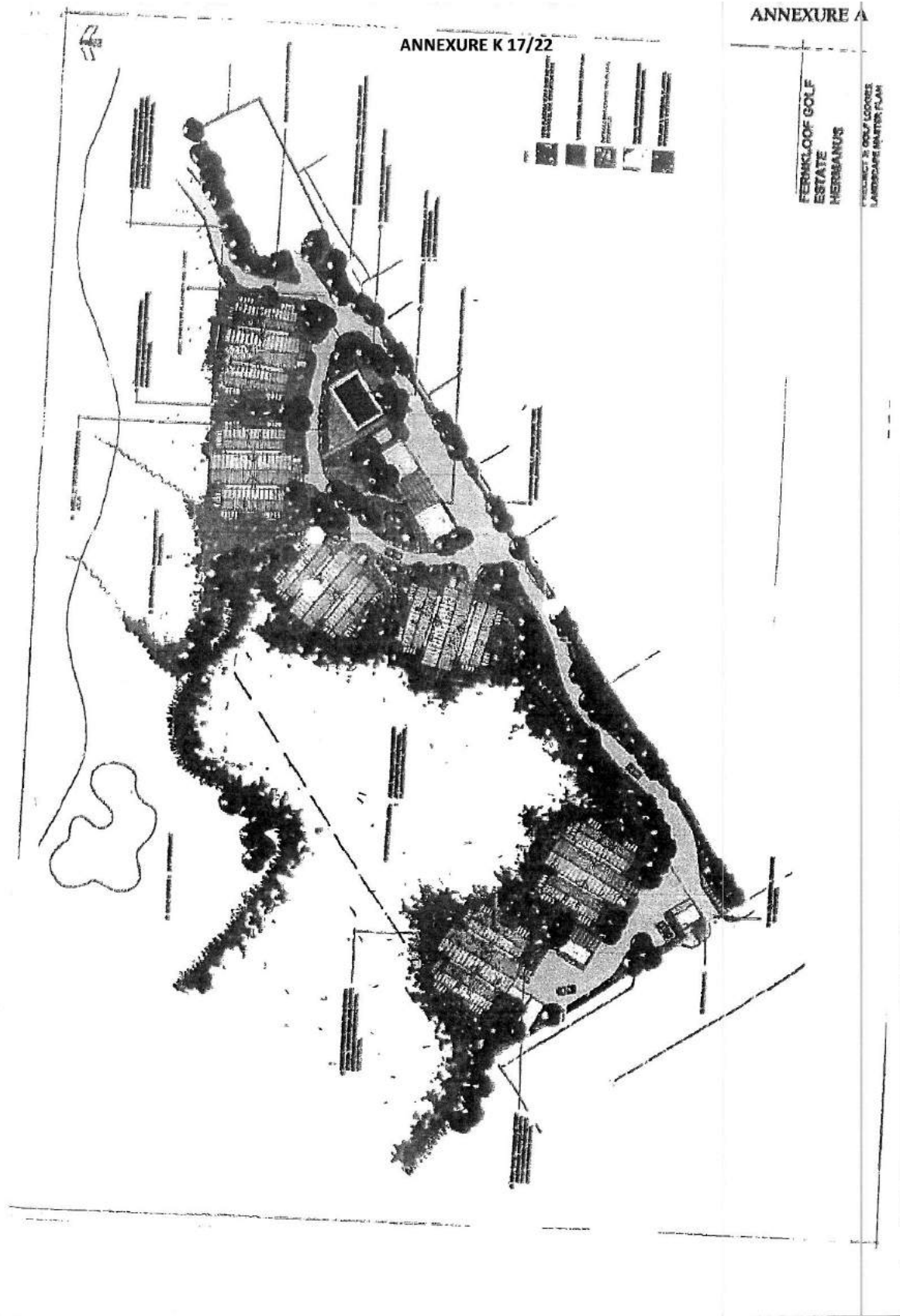
It will however take say 1 year to dispose of the
properties thus the above figure must therefore be
deferred for 1 year @ 10 %..

R40 456 000 X 0.90908 = R36 778 000

Market value R 36 778 000 vat inclusive .

ANNEXURE K 16/22





SPRONK LAND SURVEYORS

ANNEXURE K 22/22

OFFICE COPY

Components:

- 1.) The figure BCDEFGa represents the Remainder of Erf 10553 Hermanus Vide Dgm No1889/2006 D/T38430/2007
- 2.) The figure ABa represents Erf 11095 Hermanus Vide Dgm No 2576/2009 D/T

Leasehold Area:

- 1.) The figure BCbcdeGa represents Lease Area No 1 Vide Dgm No 1017/1998

Subject to Sectional Title

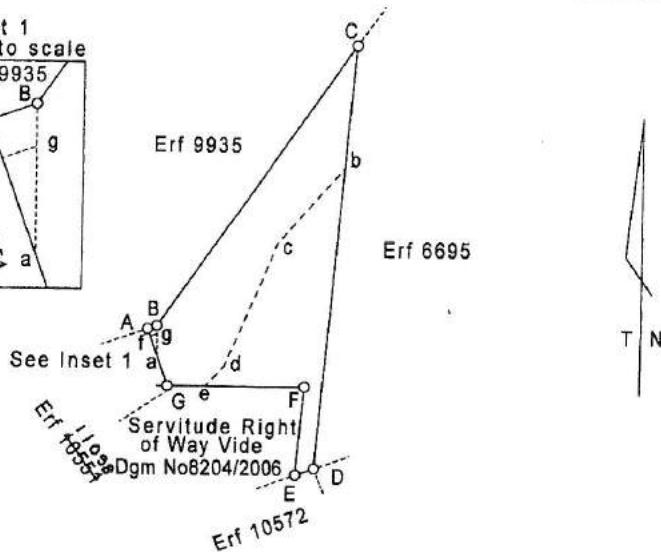
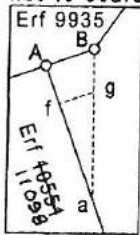
S.G. No.

2578/2009

Approved

[Signature]
for
SURVEYOR-
GENERAL
2009.06.10

**Inset 1
not to scale**



Scale 1:3000

The figure **A B C D E F G**
represents **1,1298 hectares** of land being
Erf 11097 Hermanus comprising 1.) and 2.) above
situate in the Overstrand Municipality
Administrative District of Caledon
Province of Western Cape

Compiled in May 2009 by me

[Signature]
P.F.Spronk
Professional Land Surveyor
Registration Number PLS-0779

This diagram is annexed to
No. CCT6242/2011
d.d.
i. f. o.
Registrar of Deeds

The original diagrams are as indicated above

File S/2479/9# Vol3
S.R.Compiled
G.P. AINW-1213 (M3828)
Comp. AINW-1241(M3782)
LPI C0130013

FOR ENDORSEMENTS
SEE BACK OF DIAGRAM

Erf 11097 Hermanus