



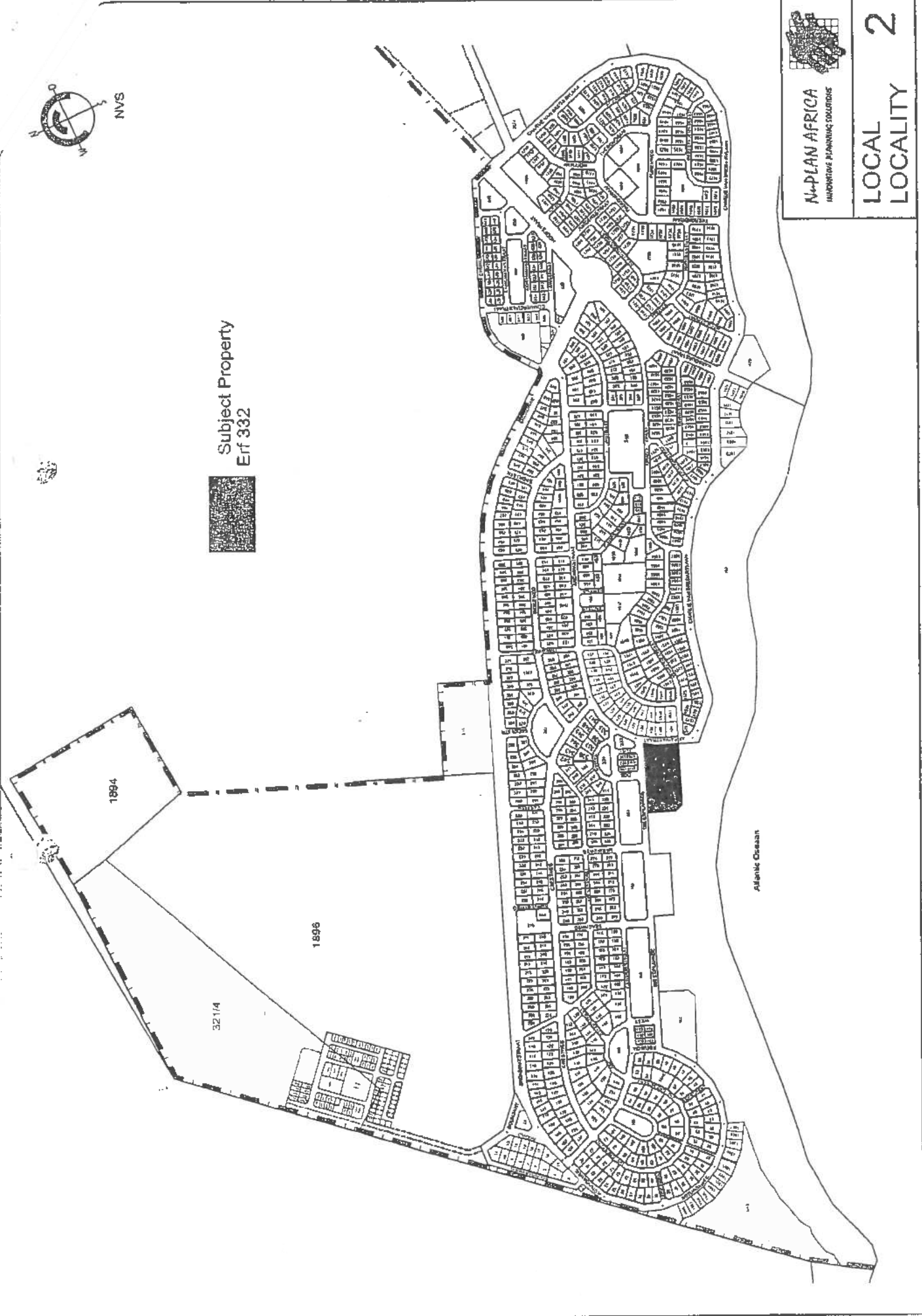
N4 PLAN AFRICA
INNOVATIVE PLANNING SOLUTIONS

2

LOCAL
LOCALITY



Subject Property
Erf 332



1. The Assignment

This company has been appointed by ARAWEN PROPERTIES (PTY) LTD. to lodge an application for the rezoning and subdivision of erf 332 Pearly Beach to facilitate the development of 14 single residential units.

2. The Application

Application is being made for:

- Rezoning to subdivisational area in terms of Section 16 of the Town Planning Ordinance 15 of 1985;
- Subdivision in terms of Section 24 of the Town Planning Ordinance 15 of 1985;
- Removal of the restrictive conditions in terms of the Act on the Removal of Restrictions of 1985
- Amendment of the Greater Gansbaai Spatial Plan as approved in terms of Ordinance 15 of 1985
- Amendment of the Overstrand Municipal Wide Spatial Development Framework as approved in terms of the Municipal Systems Act (Oct 2006)

3. The Subject Property

3.1 Regional Locality

The subject property is situated in Pearly Beach in the Western Cape. The regional locality of the subject property is depicted on the attached plan nr 1.

3.2 Local Locality

The subject property is located on the corner of Esplanada and Arcadia Street. Refer to attached plan nr 2.

3.3 Current Zoning and Land use

The subject property is currently zoned as Central Business Zone restricted to a hotel and is currently vacant.



Subject property from South



Subject property from North

3.4 Extent of the property

The subject property is 1,34ha in extent as per the attached Title Deed.

4. Title Deed Information

The subject property is registered in the name of ARAWEN PROPERTIES (PTY) LTD. The property is held by virtue of Deed of Transfer no. T87274/2006. A copy of the Title Deed is attached as Annexure 1. The Conveyancer Certificate is attached as Annexure 2. The following restrictive conditions should be removed for the development to proceed.

"C 4. This erf shall be subject to the following further conditions, provided especially that where, in the opinion of the administrator after consultation with the Townships Board and the local authority it is expedient that the restriction in any such condition should at any time be suspended or relaxed, he may authorize the necessary suspension or relaxation subject to compliance with such conditions as he may impose:

- (a) It shall not be subdivided;
- (b) It shall be used only for the purpose of erecting thereon one hotel, together with such outbuildings as are ordinarily required to use therewith;
- (c) Not more than half the area thereof shall be built upon;
- (d) No building or structure or any portion thereof except boundary walls and fences shall be erected nearer than 25 feet to the street line which form neither a boundary of this erf nor 15 feet of any other boundary thereof."

The Title Deed shows registered mortgages against the subject property.

5. Statutory Context

The subject property is zoned for Central Business zone and the uses on the property are limited to a hotel development.

According to the title deed of the property only 1 hotel can be developed on the erf.

In terms of the *Greater Gansbaai Spatial Plan* the subject property is located in an area generally referred to as a "conservation network". The purpose of this designation is to link conservation areas like the coastline with the urban development inland. The said Spatial Plan permits the development of resort and eco tourism facilities within the conservation network.

In terms of the *Overstrand Municipal Wide Spatial Development Framework* the subject property is designated for commercial purposes, restricted to a hotel, as per the existing zoning of the erf.

In terms of the *Draft Growth Management Strategy of Overstrand Municipality* the subject property is situated in an area that is proposed for medium density residential purposes with a density of up to 27.7 dwelling units per hectare. In terms of the densification grading applicable to the specific erf, densities can vary between 20 to 30 dwelling units/ha. The Environmental Impact Assessment done for the proposed development of the specific site, found the site to be ecologically too sensitive to accommodate 20 to 30 dwelling units/ha and resulted in the current proposal being considered as both sensitive to the environment and appropriate.

6. Development Options

6.1 No go option.

Due to the current land value attached to the erf, the existing zoning rights applicable to the erf, and the entrenched Constitutional right to develop one's property, the no go option is not considered a viable option and will not be perused any further.

6.2 Utilization of existing zoning rights.

The area within which the subject property is located is mainly single residential with a service station site and a local business node in close proximity, and borders the beach. The Title Deed and Zoning Scheme provide the developer with the option of developing a hotel.

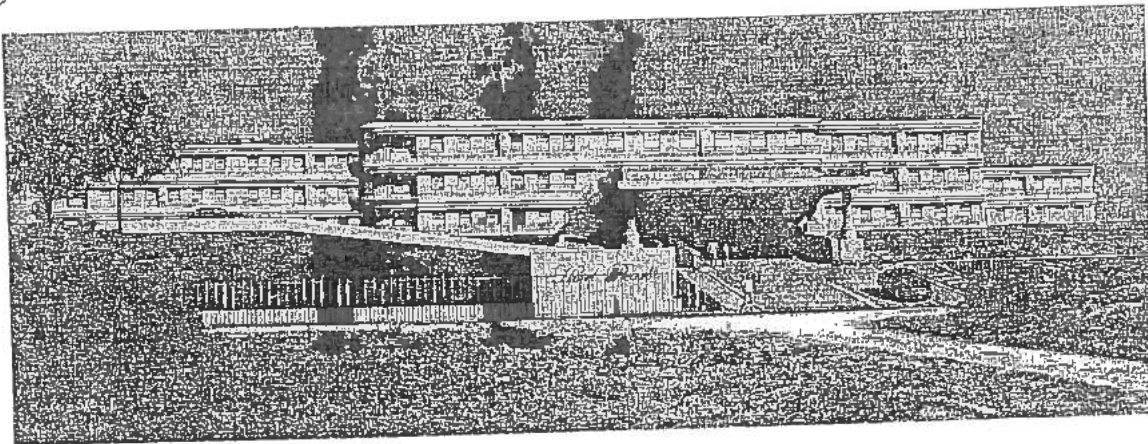
The development parameters for a hotel are the following:

- coverage : 75%
- height : 10,5m (3 storeys)
- floor factor : 2.0

Given the above development rights, the above mentioned option is not deemed acceptable within the existing residential character of the environment or within the goals of a conservation network and is associated with the following potential negative impacts:

- Extensive earth moving and excavation
- Mass destruction of the existing vegetation on the site
- Loss of existing Milkwood trees
- Increased pedestrian movement to the beach
- Increased traffic generation in residential area
- Loss of potential sea views due to height of building
- Massive bulk on a relatively small site
- Extensive parking areas

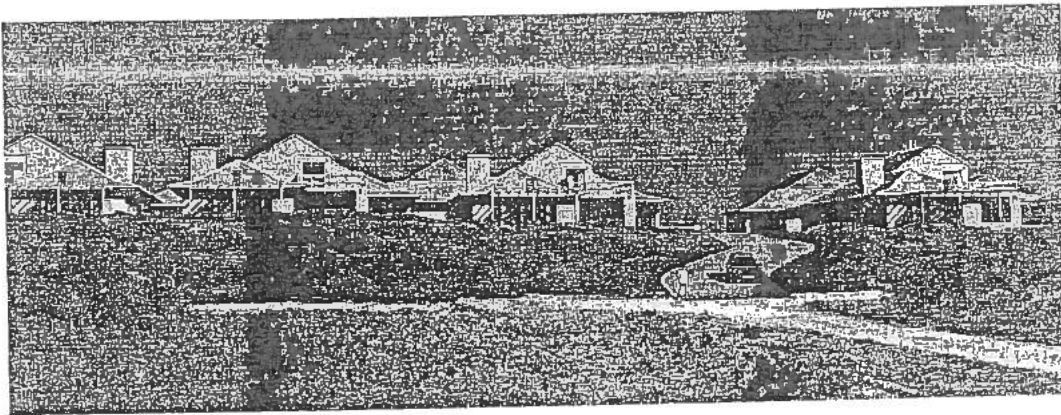
The image below was generated using the existing development rights applicable to the erf



Although some of the mentioned negative impacts may be mitigated by making the structure smaller, it will still be vastly more than the proposed preferred development alternative.

6.3 Proposed preferred alternative

The developers wish to create a residential development that supports the development pattern of the area and that will limit the impact on the site and adjacent coastline and conservation network. The aim of the development is to create an environment that is of a high quality in terms of services as well as the built environment. The Home Owners Constitution will ensure that the Milkwood trees and indigenous vegetation are protected and that landscaping is restricted to indigenous species. Access to the beach will be controlled and the visual impact of the property will be respected by means of architectural guidelines and adherence to a pre-determined development setback line.



The approach to the preferred alternative is further motivated by the fact that existing development rights pertain to the site that can be executed (Hotel). The developer is prepared to do a scaled down, low density, environmental friendly development. Refusal of a sensible development option or any form of development will avail him to a compensation claim.

6.3.1 Layout Planning

The proposed draft layout of the development is depicted on attached draft subdivisional plan, plan nr. 2.515-S1-01.

The proposed development will consist of 14 residential erven of more or less 600m² in size. Access to the development will be provided for by means of an 8m road that will gain access from Esplanades Street, across from the East Street entrance. A single pedestrian walkway to the beach will be provided to ensure that the home owners association can control access from the property to the beach. This will ensure that the impact on the dunes is minimized. The objective with the siting of the units will be to conserve the existing Milkwood trees and to protect the interface between the erf and the beach vegetation.

Access to the development will be controlled by means of a security controlled entrance. A refuse removal facility will be provided at the entrance of the development from where garbage will be collected by the municipality.

Two private open spaces will be provided in order to protect the natural vegetation growing on that particular patch of land. The formal open spaces make up more or less 25% of the subject property. Furthermore, will the units sit in the natural landscape with indigenous vegetation and landscaping resulting in approximately 57% of the site being left for vegetation, and will thus result in a small coverage of the site and far less disturbance of the site than with a hotel.

The developer gave recognition to the adjacent conservation network and thus decided to not utilize the site to its full potential. A low density small scale development is thus proposed.

6.3.2 Architectural Guidelines

Architectural guidelines were compiled by Johan Mendelsohn Architects in Hermanus to ensure that the built environment compliments and enhances the physical environment surrounding the development. The main goal was to design a high quality development that is eco sensitive. The Architectural guidelines for this development are attached as Annexure 6.

6.3.3 Civil Services

A Services report was compiled by Kwezi V3 Engineers and is attached as Annexure 4.

The Civil Services Report concluded that services can be provided to the site.

Storm Water

Two options for stormwater drainage are proposed, both of which will be further investigated during the detail design phase.

Water Reticulation

CES Consulting confirmed that sufficient capacity is available for the development. The development will connect to the existing 100 mm diameter water pipe in Arcadia Street or in Esplanade Street.

Sewer Reticulation

Pearly Beach has no underground sewage system and effluent from erven is discharged into conservancy tanks that are serviced by the Municipality. It is proposed that a central conservancy tank for the whole development be provided at the entrance to the development.

6.3.4 Electrical Services

The electrical services report is attached as annexure 5.

In terms of the report the site is not serviced by a connection to the grid. The current supply off the existing 11kV network does have adequate capacity. It is proposed that the existing 200kVA minisub be upgraded to a 500kVA unit.

6.3.5 Home Owners Association

A Home Owners Association will be established as soon as the application is approved. They will be responsible for managing the development.

7. Development setback line

A Development set-back line was determined by Pieter Badenhorst Professional Services cc. The setback line report is attached as Annexure 7.

In terms of the report, Coastal Management Principles and the Coastal Management Act require that all developments be placed back from the shoreline. The analysis of the aerial photographs of the site identified that stabilization of the frontal dune area caused the vegetation line on the beach to be shifted seaward, especially more so on the western side of the bay. Further east of the bay the vegetation line was more stable with only a slight increase in vegetation width. From this the conclusion can be drawn that no long term erosion has taken place in the bay in front of the development but rather that the vegetation width increased.

The proposed development is within the coastal protection zone, but sufficient setback has been established in the proposal.

The Home Owners Association should be tasked to ensure that the groundwater levels and vegetation in the buffer area not be negatively impacted by residents from this development. They must also ensure that formal paths through the setback zone are used.

To this end, the application is committed to provide formal designated pathways to the beach.

8. Visual Assessment

A visual impact assessment was done by Albert van der Stok and is attached as Annexure 8.

The implementation of Alternative 1, the housing alternative, will have a lower visual impact in general and will complement the existing sense of place to a greater degree than the hotel. The overall significance of the visual impact for this alternative has been assessed at medium provided that full mitigation is applied, and this is considered acceptable for a development of this nature on such a visually sensitive site.

It is therefore recommended that, in terms of visual issues, Alternative 1, the housing option, be allowed to proceed provided that the mitigation measures are applied fully in the further design process and the implementation. The mitigation measures are to be incorporated into the final architectural guidelines, the environmental management plan for the development, and into the Home Owners Association documentation.

9. Archaeology

An archaeological survey was conducted by The Agency for Cultural Resource Management and is attached as Annexure 9. In terms of the report, the development will impact on the archaeological remains and the following mitigations measures are therefore recommended:

- The archaeological sites (332/4 and 332/5) alongside Arcadia Street must be sampled by a professional archaeologist before development activities commence.
- Vegetation clearing operations must be inspected by a professional archaeologist.
- Bulk earthworks (including excavations for services) must be monitored by a professional archaeologist. Should any archaeological deposits be intersected or exposed during earthmoving activities these may need to be sampled by a professional archaeologist, under a permit issued by Heritage Western Cape. Mitigation is at the cost of the developer.
- Should any unmarked human remains be disturbed, exposed or uncovered during excavations and earthworks, these should immediately be reported to Heritage Western Cape (Mr Nic Wiltshire 021 483 9685).

10. Botany

A Botany survey was conducted by Dr. Dave McDonald of Bergwind botanical Surveys and tours.

In terms of the report the following describes the vegetation on the site:

"According to the national classification of the vegetation of South Africa (Rebelo *et al.* 2006 in Mucina & Rutherford, 2006) Pearly Beach is situated in Overberg Dune Strandveld (Figure 6). The vegetation is described as tall, hard-leaved, evergreen shrublands in dune slacks and wind-protected valleys and low, wind-shorn coastal thicket where exposed to strong wind.

The conservation rating of Overberg Dune Strandveld is **LEAST THREATENED** according to Rouget *et al.* (2004) (National Spatial Biodiversity Assessment [NSBA]) with an overall conservation target of 36% of the original extent. A significant amount (30%) of this vegetation type is conserved in statutory reserves along the Western Cape coast. However, recent evaluation and mapping of Critical Biodiversity Areas shows that the strip of dune strandveld where Erf 332 Pearly Beach is located is considered to be within a Critical Biodiversity Area (Holness 2009) (Figure 7). It should be noted, however, that Overberg Dune Strandveld is not a listed threatened ecosystem in the most recently published draft of threatened ecosystems in South Africa (Government Gazette No 32689, 6 November 2009. General Notice 1477 of 2009)."

11. Desirability

11.1 Background

The original application that was lodged for residential development on the site was recommended for approval by the Council to the Provincial Administration for a final decision. The Provincial Administration refused the application and offers the following grounds for the refusal:

"The proposed change in the permitted use of the property is not regarded as desirable, as a hotel will have a lesser impact on the environment and the surrounding properties than residential development, and a hotel will promote tourism by the provision of holiday accommodation in an environmentally-sustainable manner"

No argumentation is offered for the statement that a hotel will have a lesser impact than a residential development, nor any mentioning of the lack of feasibility of a hotel. At the time no EIA in terms of NEMA was required and could the impact of the development alternatives not be professionally assessed. In this new application a full EIA process forms part of the application and will thus afford the opportunity to professionally assess the statement of the Provincial Administration. Should the EIA process find that the residential development proposal is more desirable than that of a hotel; the Provincial Administration will have to revisit their resolution and issue an approval/refusal that will stand in a court of law.

The desirability of the development is further supported by the following:

11.2 Existing Development rights

According to the Title Deed the site can only be developed for hotel purposes. The zoning scheme states that the erf is zoned Central Business Zone and restricted to a hotel. Utilization of the existing development rights will result in undesirable negative environmental, social and traffic impacts.

11.3 Character of the Area

The area within which the subject property is located is mainly single residential and borders the beach. Pearly Beach is also a town with a low density, village type of character and development should compliment and strengthen the existing built environment. A hotel development, and its associated impacts, will negatively impact upon the character of the town.

The proposed development, on the contrary, will be a desirable fit within the existing built environment and the goals of a conservation network. The proposed development has a low density and coverage and is restricted to double storey units. The traffic resulting from such a development will be much lower than what would be a result of a hotel or resort development. It is also important to note that approximately 57% of the site will be kept as open spaces. It should thus be clear that the proposed development is the preferred development option for this site.

11.4 Quality of the Development

The quality of the development will be of a high standard due to the architectural theme, the architectural guidelines, and approval of building plans by the project architect being a priority.

11.5 Service provision

Services will be provided as stated in the attached services report.

11.6 Construction phase

The development will be overseen by the developer's project manager. During the construction of the services and the construction of the houses Kwezi V3 Engineers and the Project Architect will assist the project manager and ensure that all work are carried out in accordance with the CEMP and that natural vegetation be protected outside building footprints.

12. Summary

In light of the supplied information it is clear that the proposed development is the only acceptable development option as it:

- Will be a low density, small scale development, sensitive to the environment
 - Will protect existing Milkwood trees
 - Will have minimum earth moving and excavation
 - Will adhere to development setback lines
 - Will have low frequency of pedestrian movement to the beach
 - Will have controlled pedestrian access to the beach
 - Will be of low bulk and height
 - Will fit the residential character of the precinct
 - Will have low trip generation and traffic impact
-

Erf 332, Pearly Beach.

From: <stonehewerj@gmail.com>
 To: <alida@overstrand.gov.za>, "Clare Hartford" <hartford@counsel.co.za>, "C...
 Date: 31/10/2014 01:21 PM
 Subject: Municipal notice 64/2014

Dear Mr SW van der Merwe

With regard to the municipal notice 64/2014 for removal of restrictions for erf 332

The plans for construction of 14 houses on this erf is a travesty.

1) The plans clearly show the intention to utilize the elevation of the sensitive secondary sand dune to gain a better sea view bringing the plots within 70meters of the high tide mark.

2) This would block an essential fauna coastal corridor,

3) and destabilize the dune system.

4) There is no plan to preserve primary dune system by restricting access to residents from proposed plots.

5) The long term employment prospects of a hotel outweighs the short term gain of residential construction for holiday homes used only 3 weeks of the year! Why is the developer not interested in long term sustainable job creation?

This is the basis of my objection

Due to the postal strike many effected and concerned parties have not been informed, in light of this would it be possible to have an extension of the deadline 5th December till after January 2015 to properly inform effected parties when they visit this holiday season?

Regards Robin & Jason Stonehewer erf 447 Pearly Beach

Sent via my BlackBerry from Vodacom - let your email find you!



TP - A Theart
(S vd Merwe)

FILE NO:	EZ 332 PB
SCAN NO:	
COLLABORATOR NO:	680851

FILE NO:	EL 332-RB
15/11/14	23
SCAN NO:	684836
COLLABORATOR:	PEARLY BEACH

TP- A Threat
(Submarine)

CONSERVANCY
BEWAREA



10 November 2014

The Director: Integrated Environmental Management: Region B1
Private Bag X9086
CAPE TOWN
8000
Fax 021 483 3098

Dear Sir

**ERF 332, C/O ARCADIA- AND ESPLANADE STREETS, PEARLY BEACH:
REMOVAL OF RESTRICTIONS ACT, 1967 (ACT 84 OF 1967), AMENDMENT OF
THE OVERSTRAND MUNICIPAL WIDE SPATIAL DEVELOPMENT FRAMEWORK,
AMENDMENT OF THE GREATER GANSBAAI SPATIAL PLAN, REZONING AND
SUBDIVISION**

It will be appreciated if the following comments can be taken into consideration when the abovementioned rezoning and subdivision are considered:

Erf 332 is situated within the green belt with still undisturbed pristine coastal fynbos surrounding the Pearly Beach township and therefore special care must be taken that the development will cause the minimum disturbance to surrounding properties.

No developments are to take place within the coastal setback line or within 100 meters from the high water mark. This condition has been written into national legislation and must be adhered to.

Development of the secondary dune cannot be allowed as it will cause a visual disturbance to all surrounding properties and will result in dune erosion. Windblown sand from the site will inevitably settle in adjacent and other properties. The unavoidable changing of the footprint of the dunes in the building process will negatively affect the surrounding green belt's fauna and flora, as well as changing surrounding dune topography.

In order to allow the least negative impact on the endangered coastal fynbos on the dunes, restricted access from the proposed development on Erf 332 by means of a single access to the beach via a boardwalk should be considered over all dune systems.

Pearly Beach Bewarea / Conservancy
Posbus/PO Box 564 Gansbaai 7220 Tel: 028 381 9080 stonehewer@gmail.com
Registered as a Nonprofit Organization – Registration number 080-366-NPO

14 NOV 2014 ✓

- 2 -

As any development of this erf will be in the line of sight of all surrounding erven, the development of the proposed 14 single residential units should only be allowed to be of single storey, and not utilizing any loft space.

It will further be appreciated if only 50% of each erf can be developed, as this whole development will be situated within an ecological corridor and green belt surrounding Pearly Beach. We recommend that the 14 plots be close to the Esplanade Road to avoid previously mentioned dune disturbance and corridor reduction. Any reduction of the coastal corridor will be strongly objected to.

Another request is that only indigenous plants may be allowed to be planted and that no kikuyu lawns will be allowed, but only indigenous buffalo grass. A further condition is that erven may not be cleared mechanically, that only the footprint of each house and road may be cleared by hand, in order to restrict unnecessary sand erosion. Existing milkwood trees on Erf 332 may not be disturbed in any way (it would be appreciated if permission can be granted to the Conservancy to identify and record the exact location of said milkwoods.)

Furthermore, can a condition be added that the development will not be surrounded by a solid wall, but rather by a ranch style fence to allow access and movement of small animals, like tortoises and francolins. Outside lights should be restricted and no streets lights may be allowed and is in keeping with the rest of the Pearly Beach village.

Yours faithfully



for JASON STONEHEWER – Tel 028 381 9080
CHAIRPERSON

Copy to: The Area Manager, Overstrand
For attention: Mr SW van der Merwe
PO Box 20
Hermanus
7200
alida@overstrand.gov.za

Pearly Beach Bewarea / Conservancy

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Registered as a Nonprofit Organization – Registration number 080-366-NPO

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Faks 021 - 850 4108

elrina.versfeld@capetown.gov.za

elriversfeld@gmail.com

TP - A Theart
(Suid Merwe)

11 November 2014

The Director: Integrated Environmental Management: Region B1
 Private Bag X9086
CAPE TOWN
 8000
 Fax 021 483 3098

Dear Sir

**ERF 332, C/O ARCADIA- AND ESPLANADE STREETS, PEARLY BEACH:
 REMOVAL OF RESTRICTIONS ACT, 1967 (ACT 84 OF 1967), AMENDMENT OF
 THE OVERSTRAND MUNICIPAL WIDE SPATIAL DEVELOPMENT
 FRAMEWORK, AMENDMENT OF THE GREATER GANSBAAI SPATIAL PLAN,
 REZONING AND SUBDIVISION**

As owner of Erf 186, 19 Central Street, Pearly Beach I would like to submit the following concerns regarding the abovementioned proposed rezoning and subdivision of Erf 332:

Erf 332 is situated within the green belt with still undisturbed pristine coastal fynbos surrounding the Pearly Beach township and therefor special care must be taken that the development will cause the minimum disturbance to surrounding properties.

No developments are to take place within the coastal setback line or within 100 meters from the high water mark. This condition has been written into national legislation and must be adhered to.

Development of the secondary dune cannot be allowed as it will cause a visual disturbance to all surrounding properties and will result in wind and sand erosion, as well as a change in the footprint of the dunes.

A height restriction of 6 meters, single storey with no utilization of any loft spaces should also be considered, as this development will be in the line of sight of all surrounding properties.

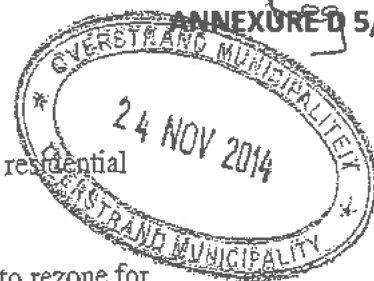
Yours faithfully

Elrina Versfeld
ELRINA VERSFELD

FILE NO:	EL 332 GB
SCAN NO:	15/11/2014
	60
COLLABORATOR NO:	686056

16 NOV 2014

TR. A Theart
(S. v. d. Merwe)



Robin Stonehewer's appeal against rezoning of Erf 332 from Hotel to residential development. in PEARLY BEACH.

Erf 332 is currently zoned for the development of a hotel, the request to rezone for residential is apposed due to the following points

- 1) The planned location of the 14 plots for development, of which half are located on sensitive secondary dunes, disturbance of which has in previous similar projects proved devastating to the surrounding properties by changing the footprint of the dune system.
- 2) The location of the plots would reduce the coastal corridor for animal species to traverse the coast to less than 70 meters.
- 3) The proximity of the seaward plots is less than 100 meters from the high tide mark.
- 4) Plot 332 is adjacent to a large green belt this space is used by the community for recreational purposes namely coastal fynbos and bird identification within the Pearly Beach conservancy.
- 5) Proposed plot sizes are much smaller than the average Pearly Beach plot so reducing the value of surrounding properties.
- 6) Pearly Beach has a great number of houses and empty plots for sale and have been for many years to build more without utilizing what already exists seems a senseless waist.
- 7) Construction of a hotel would bring much needed revenue and long term sustainable job opportunities to the community, plot 332 is a 10 minute drive to the western gate of the Agulhas National Park, a 15 minute drive from the number one spot for shark diving and boat-based whale watching in the world at Gansbaai residential development would bring little permanent jobs.
- 8) Plot 332 falls within the new setback lines. Restricting new developments.
- 9) Construction of residential housing can take several years if not decades creating a permanent building atmosphere and disruption to surrounding residents and holiday homes.
- 10) Windblown sand and dust after removal of stabilizing vegetation from the dunes in the construction process will be disbursed onto neighbouring properties causing potential health problems, damage to wooden floors, swimming pools, electrical appliances, e.t.c.
- 11) I would point out that on 13 March 2008, the Department of Environmental Affairs and Development Planning of the Western Cape refused the application for rezoning of the abovementioned property from central business zone (restricted to hotel purposes) to a sub-divisional area in terms of the Removal of Restrictions Act and the amendment of the Restrictive Title Conditions applicable to erf 332, Pearly Beach to enable the property to be subdivided into 14 residential erven, and refused the application in terms of Section 4(7) of the Ordinance for the amendment of the applicable structure plan to permit the above rezoning. It was stated in the refusal letter that the proposed change and the permitted use of the property is not regarded as desirable, as a hotel would have a lesser impact on the environment and the surrounding properties than the residential development and a hotel will promote tourism by the provision of a holiday accommodation in an environmentally sustainable manner. It would appear from the environmental impact assessment report that the proposed development is essentially similar

FILE NO:	EL 332-16
SCAN NO:	51
COLLABORATOR NO:	688891

to the one that was refused. I remain of the same view that any such development should be refused for the same reasons that it was refused initially together with all of the reasons mentioned above and therefore the environmental authorisation should not have been approved and the decision to approve it should be set aside.

Robin Stonehewer erf 447.



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Director: Integrated Environmental Management
Provincial Government: Western Cape
Room 601
Utilitas Building
1 Dorp Street
Cape Town
BY HAND

Copy to Area Manager
Mr SW van der Merwe
Fax: 028 313 2093

FILE NO: EL 332 PB
SCAN NO: 36
COLLABORATOR NO: 692818

YOUR REFERENCE:
OUR REFERENCE: Mr C Stevens/jk// #2956203v2
DIRECT PHONE: +27 11 535 8467
DIRECT FAX: +27 11 535 8667
EMAIL ADDRESS: cstevens@werksmans.com

27 November 2014

Dear Sirs

ERF 332, PEARLY BEACH: REMOVAL OF RESTRICTIONS ACT, 1967, AMENDMENT OF THE OVERSTRAND MUNICIPAL WIDE SPATIAL DEVELOPMENT FRAMEWORK, AMENDMENT OF THE GREATER GANSBAAI SPATIAL PLAN, REZONING AND SUB-DIVISION

1 We act on the instructions of Ms C Hartford, the owner of Erven 424 and 1911 Pearly Beach (corner Arcadia and Tower Streets). The proposed development is across the road and Ms Hartford is the closest neighbour to the proposed development.

2 We have been requested by our client to record her objection to the abovementioned applications.

3 CURRENT ZONING

Werksmans Inc. Reg. No. 1990/007215/21 Registered Office 155 5th Street Sandton 2196 South Africa
Directors DG Williams (Chairman) AL Armstrong BA Aronoff OA Arleiro T Bata AR Berman NMM Bhengu L Bick GT Bossr TJ Boswell MC Brönn W Brown
PF Burger PG Cleland JG Cloete PF Coetser C Cole-Morgan O Corbett JN de Villiers GW Driver LJ du Preez RJ Feenstra S Fodor SJ Gardiner D Gewer
H Goolam R Gootkin JD Gouws GF Griesel D Hertz J Hollasen VR Hosijsky BS Hatz HC Jacobs TL Janse van Rensburg N Jansen van Vuuren G Johannes
S July J Kallmeyer SLG Kayana A Kenny BM Kew N Kirby HA Kotze S Krige PJ Kruschke P le Roux MM Lessing E Leyenstein JS Lochner L Louw JS Lubbe
BS Mabasa PK Mabaso PM Madala MPC Menaka PJG Mason H Masondo C Marais KO Moshwane J Nicklg JJ Niemand GA Nort BPF Olivier WE Ooschutson
M Pansegrouw CP Pauw AV Pillay T Pomer BC Price AA Pyzikowski RJ Raath L Rood BR Roodman W Rosenberg NI Scott TA Sibinda LK Silberman JA Smit
JS Smit CJ Stevens PD Steyn J Stockwell W Strachan JS Theron JJ Truter KJ Trudgeman DN van den Berg HA van Niekerk FJ van Tonder JP van Wyk
A Vatsidis RN Wakefield DC Walker D Wapienski M Wiehann DC Williams E Wood BW Workman-Davies Consultant JM Bortz

4 DEC 2014

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- 3.1 Currently the property is zoned a central business zone and in terms of the title deeds of the property only a hotel with accompanying outbuildings may be erected on the property. Our client has indicated that as a member of the Pearly Beach community and as a neighbour to the property, she was satisfied with such zoning and title deed restrictions. Our client believes that Pearly Beach is inundated with the residential properties without the normal accompanying infrastructure of a small resort town. The status of Pearly Beach as a holiday designation could well be enhanced by the presence of a hotel along one of the most pristine beaches in the whole of South Africa. A hotel could well lure foreign tourists at the time with the added benefits of job creation and wealth being brought into the area. It could also enhance the status of the residential areas surrounding the hotel and overall lift the status of Pearly Beach as a hotel designation of international status. The site is perfectly positioned for a hotel being alongside the beach. There are more than enough open areas in Pearly Beach for the construction of residential dwellings.
- 3.2 Pearly Beach is a holiday location and the majority of the existing properties are occupied for 3 to 4 weeks in a year. The temporary influx in December every year does very little for the creation of job opportunities for the developing communities living at Pearly Beach. The proposed development of residential properties (which would in all likelihood all be holiday properties) would not help with the massive job shortage in Pearly Beach. However, a hotel as the existing zoning provides, could bring much needed work and skills development to the area on a permanent basis.
- 3.3 To our client's knowledge there is no hotel situated within the Pearly Beach area and the construction of a hotel with all of the resort facilities contained in a hotel may well be beneficial to Pearly Beach as well as the residents of Pearly Beach who could have access to hotel facilities, such as restaurants, function rooms, dining rooms, bars and sport facilities.
- 3.4 There are many surrounding attractions which could lure tourists to the hotel on a regular basis, not only in the December season. The Aghulhas National Park is 6km from the property and a plan to make an entrance on the western side of the park is underway. The position of Erf 332 would make a world class location for a hotel not only with the surrounding beauty, but many of the unique attractions in the area, for example a 10 minute drive to the western gates of the Aghulhas National Park, a 15 minute from the number one spot for shark diving and boat-based whale watching in the world at Gansbaai; 5 minutes from Groot Hegelkraal Farm, the earth's greatest spot for floral

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endemism; the heart of the Cape floral kingdom with its unique flora; and a 2 minute drive from one of the best land-based whale watching sites in South Africa.

3.5 It is not uncommon knowledge that the southern Overberg has been earmarked for substantial growth in tourism and it would be a great shame to let Erf 332 to become a wasted opportunity for everybody except the developer.

3.6 The fact that the property was zoned initially for hotel development was obviously done with proper consideration and town planning needs and desires at the time. The hotel is yet to be developed, but considering all the above factors it will not be long before a hotel will become a viable proposition on Erf 332 and the existing zoning provides for it.

3.7 In the application documents in paragraph 6.3 it is stated as follows :

"Refusal of a sensible development option or any form of development will avail him to a compensation claim."

3.8 Our client refutes this claim by the developer. At the time the developer bought the property it was zoned for a hotel and the risk thus lies with the developer.

4 DETRACTION IN VALUE

Upon an examination of the drawing of Erf 332 and the proposed development and the fact that there is provision for double storey houses many of which will be located on the top of the dunes it appears as if the development may well have an extremely detrimental effect on the value of surrounding properties and houses whose unspoilt view of one of the best pristine beaches in the world will be detrimentally affected by the existence of the development located at the top of the dunes. I would prefer the development not to go ahead if at all possible but if there is to be a development a hotel would lead to less of a detraction from the value of the area surrounding the development in my view. The detraction of value would obviously affect me as a neighbouring owner.

5 VISUAL IMPACT

5.1 The proposed development boundaries are closer than normal to the high tide mark and the location of the buildings are positioned at the top of the highest sand dune on the property. There is an acknowledgement in the visual impact assessment report lodged as

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part of the application that the overall significance of the visual impact for the alternative being the residential development has been assessed at medium, provided that full mitigation is applied and this is considered acceptable for a development of this nature on this visually sensitive site. This is the crux of the matter as far as our client is concerned. It is an extremely visually sensitive site and one of the most beautiful views and the entirety of Pearly Beach will be destroyed as a result of 14 houses situated on top of the highest part of the dune obliterating views for many people who have built houses with the view in mind.

- 5.2 This is exacerbated by virtue of the fact that the proposed development contemplates double storey houses. Furthermore, the mitigation measures have not been stipulated in the application and therefore the application cannot succeed without knowledge of the detail as to how the mitigation measures are to be incorporated in regarding to the visual impact. With respect our client does not believe it is possible to mitigate the impact on the visually sensitive nature of the area.

6 ENVIRONMENTAL ISSUES

- 6.1 There are no restrictions in the application nor very little proposed in the approved environmental assessment on the aesthetics of the development, dust suppression, noise pollution suppression and harmonising the development with the vegetation surroundings. It is recorded in the application that the environmental impact assessment done for the proposed development of the specific site, found the site to be ecologically too sensitive to accommodate 20 to 30 units per hectare and resulted in the current proposal being considered as both sensitive to the environment and appropriate. It is not clear at all why if the site is too ecologically sensitive to accommodate 20 to 30 dwelling units, why it should be any better merely to have 14 units.
- 6.2 The current owners of Erf 332 have let in alien invasive plants, namely rooikrans, a category 2 invader and manatoka, a category 3 invader. These invasive species have not only flourished into mature trees, but over the years have spread to adjacent properties, which are previously and continually being cleared as green belts, which is an extreme threat to bio-diversity in the area.
- 6.3 All the specialist reports have been done in regard to the environmental impact assessment, it is clear from these reports that there will be a material impact on the environment as a result of the proposed development, which material impacts on the

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environment seem unnecessary, given the current circumstances of there being absolutely no interest in residential development in the Pearly Beach area. There is very little building activity going on and very few sales of properties and further residential developments to be approved given the scenario and the extent of the environmental impact, seems inappropriate.

- 6.4 Thus, there will still be bulk transportation of sewerage and water, construction of earth moving activities in the sea within 100m of high water mark, prevention of free movement of sand, including erosion, placing synthetic material on dunes and exposing sand surfaces within a distance of 100m inland of the high water mark of the sea, removing or damaging indigenous vegetation and the transformation or removal of indigenous vegetation of 3 hectares or more. All of these impacts are acknowledged in the environmental impact assessment. There is further the acknowledgement that the housing development will impact negatively on potential important archaeological remains on the large sand dunes alongside Arcadia Street. Finally there will be a storage facility capable of storing in excess of 35 cubic meters of hazardous waste at any time.
- 6.5 Our client reiterates that notwithstanding the compilation of the specialist reports, still not enough can be done to deal with the dramatic impact on the environment as a result of the aesthetics of the development, the omission of dust, noise pollution and harmonising the development of the vegetation and its surrounding.

7 TIME TO DEVELOP PROJECT

- 7.1 Our client is concerned about the timing of the development and the length of time it will take to complete the development. The application process has dragged on itself for many many years. Concerning the few sales of houses that are taking place at Pearly Beach at the moment it could take many years for the development to be completed and a building site would effectively be in operation for many years on a plot boarding a pristine green belt adjacent to what is at the moment, a spectacular unspoilt beach.
- 7.2 There is a great concern regarding the strong prevailing winds from the south eastern north-west, which during the building operations would create an enormous amount of dust and sand blown off the building site once the vegetation has been removed imposing a potential health risk for residents and visitors. Our client does not believe that protective mechanisms could be put in place to minimise this risk.

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8 PREVIOUS REFUSAL

- 8.1 We would point out that on 13 March 2008, the Department of Environmental Affairs and Development Planning of the Western Cape refused the application for rezoning of the abovementioned property from Central Business Zone (restricted to hotel purposes) to a sub-divisional area in terms of the Removal of Restrictions Act and the amendment of the restrictive title condition applicable to Erf 332, Pearly Beach to enable the property to be sub-divided into 14 residential erven and refused the application in terms of Section 4(7) of the Ordinance for the amendment of the applicable structure plan to permit the abovementioned rezoning.
- 8.2 It was stated in the refusal letter that the proposed change and the permitted use of the property is not regarded as desirable, as a hotel would have a lesser impact on the environment and the surrounding properties than residential development and a hotel promote tourism by the provision of holiday accommodation in an environmentally sustainable manner. It would appear from the environmental impact assessment report that the proposed development is essentially similar to the one that was refused. Our client remains of the same view point that any such development should be refused for the same reasons that it was refused initially together with all of the reasons mentioned above.

Yours faithfully

Werksmans Inc

TR A Theart
(S u d m e r w e)

27 November 2014

The Director: Integrated Environmental Management: Region B1
Private Bag X9086
CAPE TOWN
8000
Fax 021 483 3098



Re:
ERF 332, C/O ARCADIA- AND ESPLANADE STREETS, PEARLY BEACH:
REMOVAL OF RESTRICTIONS ACT, 1967 (ACT 84 OF 1967),
AMENDMENT OF THE OVERSTRAND MUNICIPAL WIDE SPATIAL DEVELOPMENT
FRAMEWORK,
AMENDMENT OF THE GREATER GANSBAAI SPATIAL PLAN,
REZONING AND SUBDIVISION

Dear Sir,

We, Peter and Vivienne Burton-Moore reside at Erf 336, The Circle, Pearly Beach and would like to object to the above matter in the strongest possible terms for the following reasons:

At least part of this proposed development would be within 100m of the high water mark. This proposed development would damage the pristine and currently undisturbed fynbos, which include milkwood trees, which by law may not be disturbed. This in turn would disrupt the movement of endangered animal and bird life. This proposed development would in all likelihood change the dune structure causing damage to fynbos and sand to shift. The erf areas are smaller than average and could be detrimental to surrounding property values.

There are a huge number of houses and erven currently for sale in Pearly Beach. The scheme itself could take an inordinately long time to be completed and the resulting disturbance to fynbos, flora and surrounding properties would be enormous. The destruction of the dune stabilizing flora would cause sand to blow onto surrounding properties.

The ongoing construction site with all the negative aspects that go with it for example transient labour, noise, rubbish, rubble, security, would disrupt the neighborhood for years to come.

In closing, it should be noted that the above proposal has been refused before and we as rate payers and residents feel it should be refused again.

Yours faithfully

Peter and Vivienne Burton-Moore
Erf 336, The Circle, Pearly Beach
Cell No: 0828070280

Copy to: The Area Manager, Overstrand
Mr SW van der Merwe
P O Box 20
Hermanus
7200

FILE NO:	EL 332-98
SCAN NO:	24
COLLABORATOR NO:	691672

(S van Der Merwe)
A Theart

Alida Calitz - Ref M.N/2014 Erf 332 C/O Arcadia and Esplanade st Pearly Beach



From: "Andrew & Isolde Smith" <drewsolde@gmail.co.za>
To: <alida@overstrand.gov.za>
Date: 2014/12/02 05:39 PM
Subject: Ref M.N/2014 Erf 332 C/O Arcadia and Esplanade st Pearly Beach

Dear Sirs..

In terms of the application by NuPlan Africa (o.b.o. Arawen Properties (Pty.) Ltd) for the removal of restrictions Act. 1967 (Act 84 of 1967 Amendment of the Overstrand municipal wide spatial development framework etc.etc to have Erf 332 Pearly Beach rezoned from a Hotel site to a high density residential site of 14 single residential erven, 3 open private spaces and 1 private road etc. I GAB Smith permanent resident at Erf 345 Pearly beach or 88 Crest road Pearly Beach do strongly object to this proposal on the following grounds.

The Average size of erven in the area is +/- 1000 sq mtr by having high density sites of aprox 626 sq mtr will detract from the spatial ambit of the area.

The envisaged application for 14 residential units on this site would surely detract from the fact that this is to happen on a Primary Sand Dune and would have long term negative effects to the dune and Fynbos .

The fact that some of the proposed units to be erected on the back of a Primary Dune would exceed the current sky line would visually detract from the natural beauty of the area.

A Hotel to be built on this site would similarly have the same negative effects as the high density housing proposal, however Pearly Beach is still perhaps ten years away from requiring a hotel and therefore the status quo should be held as at present.

Should a Nuclear power station become a reality at BatamKlip then only would it be pertanent to build a hotel or high density housing on this site.

Furthermore Pearly Beach has an overabundance of unbuilt residential property, which is very slow moving in terms of property demand and it would be unwise to grant this requested change to the rezoning of this site and have the area torn up by the developers only to stand idle and toally blemished for the next ten years or so.

This application has failed before as it should fail again, as it is no more than an opportunistic property developer trying to beat the odds, that such developement is practical.

With Kind Regards
GAB Smith.

FILE NO: EL 332-PB
SCAN NO:
COLLABORATOR NO: 693030

- 4 DEC 2014 ✓