

Scale: NTS
 Drawing Nr. her11097Ldvw
 Date: 09/2013

Plan Description:
LOCALITY MAP

Property Description:
**ERF 11097
 HERMANUS**

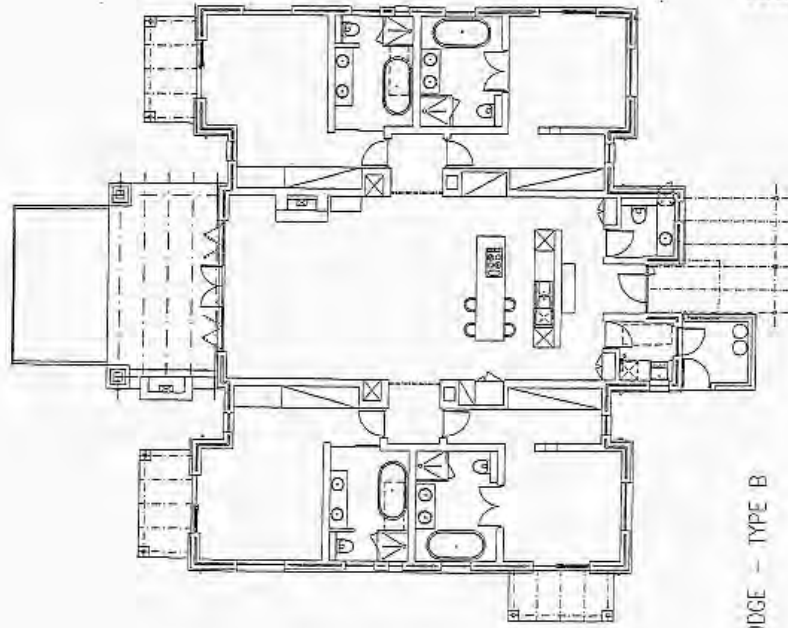
All distances approximate
 and subject to survey.
 COPY RIGHT RESERVED

PUAⁿ Active
 Stads- en Streeksbeplanners
 Town & Regional Planners

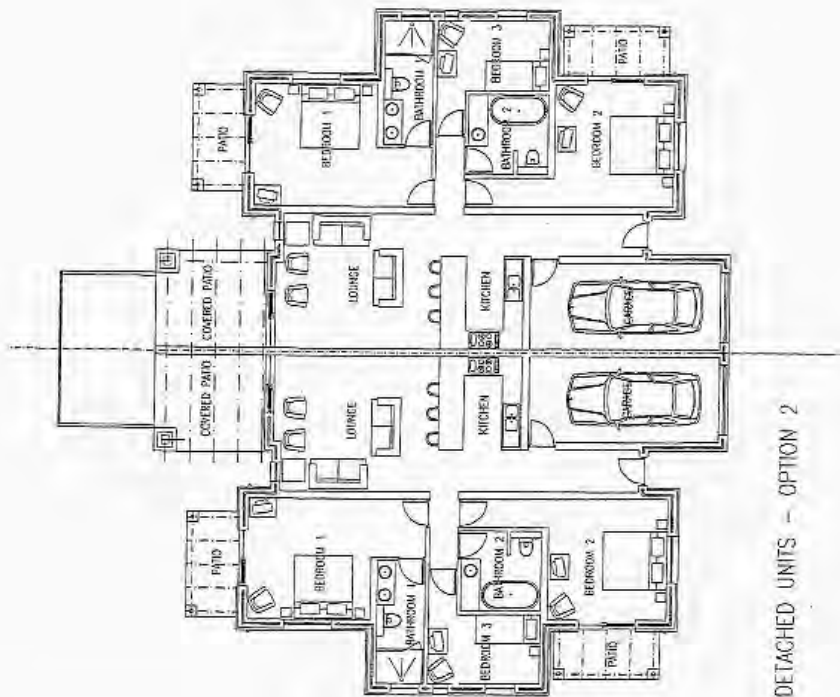


 PAU Provincial Architects & Planners	Shads- en Steekstaplanneers Town & Regional Planners	All dimensions approximate and subject to survey	Property Description: ERF 11097 HERMANUS	Plan Description: REVISED SITE DEVELOPMENT PLAN	Scale: 1:1200 Drawing No: Project Reference No: Date: 16/01/2014
					

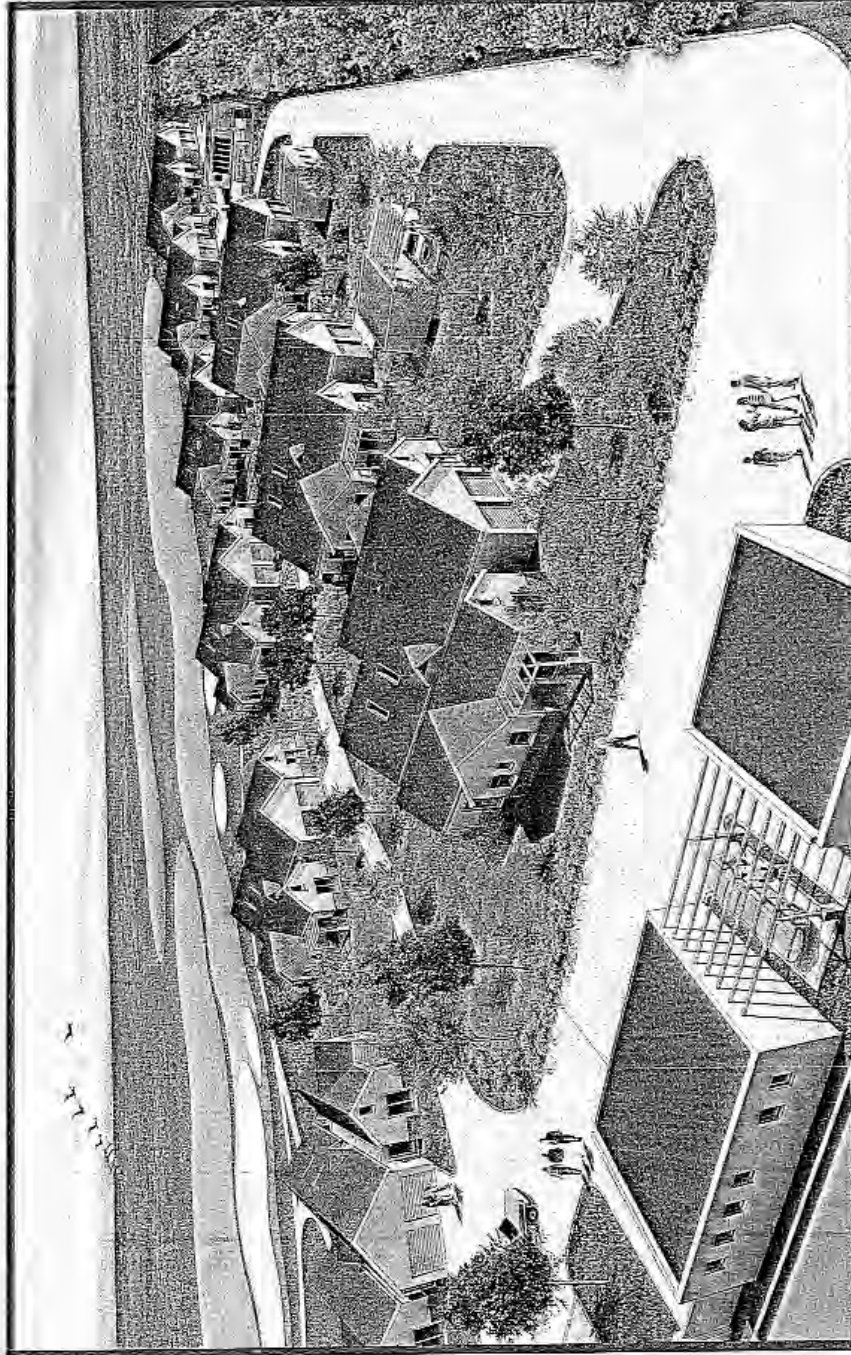
ANNEXURE B 2/3



GOLF LODGE - TYPE B



SEMI DETACHED UNITS - OPTION 2



Perspective View From South

FERNKLOOF

H E I M A M B S



**PROPOSED AMENDMENT OF THE
CONDITIONS OF APPROVAL, THE
AMENDMENT OF THE SITE
DEVELOPMENT PLAN & AND
DEPARTURE**

ERF 11097 HERMANUS

**DIVISION: CALEDON
OVERSTRAND MUNICIPALITY**

MOTIVATION REPORT

1. BACKGROUND

N M H Trading 23 (Pty) LTD, owner of Erf 11097 Hermanus, has instructed the company Plan Active to apply for the amendment of the conditions of approval and the site development plan, as well as a departure.

Erf 11097 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. Erf 11097 was known as Precinct 4 and 10 golf lodges were approved on this precinct in terms of the letter of approval, however the site development plan only consisted of 9 lodges 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.

1

Motivation report

The proposed residential units will be located on the exact footprint of the approved lodges and the clubhouse and pool will be retained. Detail of the proposed residential units will follow.

Additional to the previous approved site development plan 3 garages are also proposed that can accommodate 6 vehicles. These garages are located on the southern boundary on either side of the entrance to the development. In order to accommodate the garages and the guardhouse it would be required that the building line be relaxed to om.

2. APPLICATION DETAILS

Application is made in terms of:

- Section 42 of Land Use Planning Ordinance, Ordinance 15 of 1985 for the amendment of the conditions of approval and the site development plan;
- Section 15 (1)(a) (i) of the Land Use Planning Ordinance, Ordinance 15 of 1985 for the departure from the southern building line.

3. DESIRABILITY

3.1 PROPERTY DESCRIPTION

The subject property is situated between the Hermanus Golf Club and the Berg & See Retirement Village abutting the Hermanus golf course overlooking the 18th fairway. Please refer to the locality plan and aerial photograph attached. Erf 11097 Hermanus is 1.1298ha in extent and is situated in an area that forms part of the Hermanus Golf Estate. The property is currently vacant.

Motivation report

3.2 ZONING

Erf 11097 Hermanus is zoned General Residential Zone with the rights to erect 9 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 11097 Hermanus is currently vacant.

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

- Berg & See Retirement Village;
- Hermanus Golf Course;
- Hermanus Golf Club;
- Single residential houses;
- Private and public roads.

3.4 PROPOSAL

- Section 42 of the Ordinance on Land Use Planning, Ordinance 15 of 1985 for the amendment of the conditions of approval and the site development plan;
- Section 15 (1)(a) (i) of the Land Use Planning Ordinance, Ordinance 15 of 1985 for the departure from the southern building line.

It is the intention of the owner of Erf 11097 Hermanus to change the land use in essence from 9 golf lodges to 18 sectional title dwellings. The detail of the application can be described as follows:

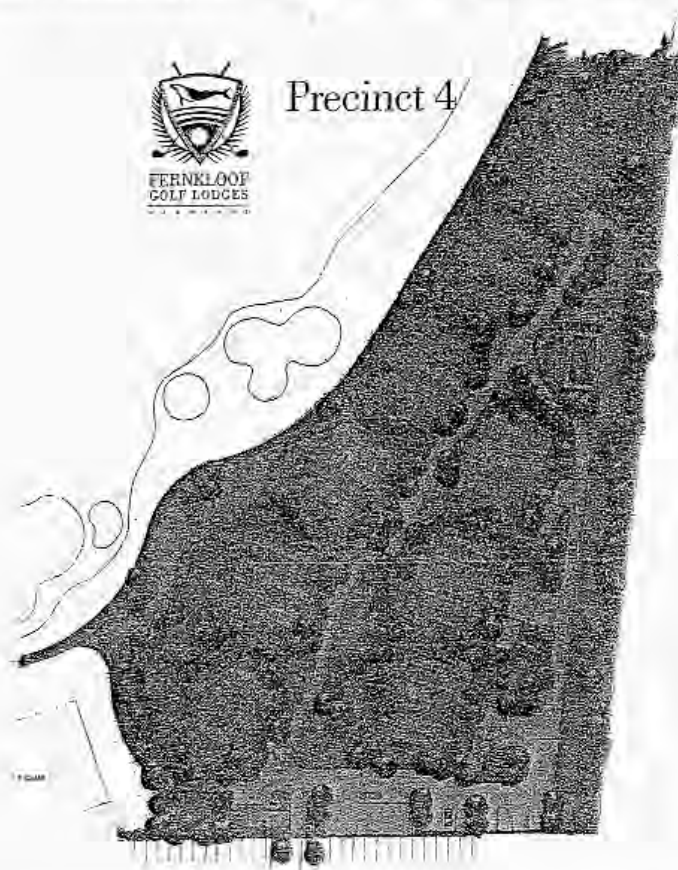
Motivation report

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:

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 9 lodges with a clubhouse and swimming pool on Precinct 4. Please refer to the site plan below:



Motivation report

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 would be 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 approved lodge development the same, except for the change of land use from lodges to residential dwellings and the addition of extra garages.

Approval was obtained for 10 lodges, but it was decided to only accommodate 9 lodges due to the site's constraints. With this application it is proposed that the footprint of each lodge be used to accommodate 2 semi-detached dwellings.

Each dwelling will consist of the following:

- Driveway and Single Garage
- Kitchen
- Lounge
- 3 Bedrooms
- 2 Bathrooms
- Covered Patio.

Please refer to Addendum A showing the layout of the approved lodges as well as the floor plan of the proposed dwellings. 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 Addendum B.

With reference to the attached proposed site development plan 9 residential clusters are proposed and a clubhouse and swimming pool. Each cluster consists of 2 dwelling units that share a communal mid wall.

5

Motivation report

12 of the proposed dwellings overlook the 18th fairway. The placement of the remaining 6 dwelling units was done in such a way that they also have a view of the 18th fairway from their covered patios by means of view corridors.

3.4.2 Proposed Departure

3 Garages are proposed on the southern boundary abutting the parking area of the Golf Club. The 3 garages will consist of a single garage, a double garage and triple garage as indicated on the enclosed site development plan. The garages will be available to owners of the development. A guardhouse will also be located adjacent to the entrance to the development and it is also positioned on the southern boundary. In order to accommodate the proposed garages and guardhouse it would be required that we apply for a building line relaxation to om.

Impact on surrounding erven will be minimal due to the fact that the southern boundary abuts the parking area of the Golf Club.

3.5 ACCESS & PARKING

Access to the 18 proposed dwellings will be gained from the parking area provided for the Golf Course and Golf Course Club House via an access controlled gate. Access to the proposed residential development will be controlled from the proposed guardhouse. The access point has not been changed as is at the exact same point as it was approved for the golf lodges. Please refer to the enclosed site development plan.

Each proposed dwelling has a single garage with ample space on each driveway in front of the garage for an additional vehicle to park. 2 Parking bays are therefore provided for each dwelling. An additional single, double and triple garage is provided on the southern boundary for the use of residents that would require additional garage space.

It is our opinion that the traffic generated by the proposed 18 dwellings will be similar or less than the traffic that would have been generated by the 9 lodges. Each lodge made provision for 4 double rooms, which could have the impact of 4 couples per lodge, each

Motivation report

having their own vehicle. Therefore the traffic generated would be 4 vehicles per lodge multiplied by 9 lodges. In both instances, the lodges versus the dwellings would generate the same traffic of 36 vehicles.

3.6 SERVICES

A water and sewage reticulation system have already been built and this was confirmed by the Overstrand Municipality's Engineering Department. Due to the fact that the exact same footprints of the approved lodges were used to determine the footprints 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 services the proposed dwellings.

3.7 FORWARD PLANNING

The Overstrand Municipal Growth Management Strategy of 2010 (OMGMS) indicates Erf 11097 Hermanus within Planning Unit 1 with a zoning of General Residential Zone. Due to the fact that 9 lodges were approved and by implication will have the same impact as 18 residential units the application is in line with forward planning for the area. Please refer to an abstract from the OMGMS for easy reference.

The Overstrand Municipal Wide Spatial Development Framework (2006) also earmarks erf 11097 Hermanus for residential purposes. Please refer to the enclosed abstract from the Overstrand Municipal Wide Spatial Development Framework for easy reference.

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 Berg & See Retirement Village. This proposed residential use will not have a negative impact on the surrounding land owners. It is also our opinion that the built form from a design and bulk perspective will fit in with the current built character of the area.

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, site development plan and the departure falls within the existing land use tendencies in 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, site development plan and the departure 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, site development plan and the departure application for erf 11097 Hermanus.

FERNKLOOF ESTATE
MASTER PROPERTY OWNERS ASSOCIATION
 Theron Street
 Fernkloof
 HERMANUS
 7200



TP

4 December 2013

The Municipal Manager
 Overstrand Municipality
 Infrastructure and Planning Department
 Hermanus

Attention: Mr S Muller

Dear Sir

Re: Erf 11097, Fernkloof, Hermanus. Proposed amendment of the conditions of approval and amendment of the site development plan and departure: NMH trading 23(PTY) Ltd.

The homeowners of Fernkloof Estate object to the proposed amendment of abovementioned site development plan for the following reasons.

- Originally the site was earmarked for 9 golf lodges which are in line with the average density of housing in the Fernkloof Golf Estate. The proposed amendment now is for 18 residential units. The Fernkloof Estate Master Property Owners Association ("MPOA") therefore request, as a condition to their approval of the amendment, that the proposed development is marketed and sold as an up-market retirement village, in the same way as the neighboring Berg & See development as set out in the letter dated 2 December from Plan Active Town Planners.
- Security. The security of the Estate and the golf course are of paramount importance to the Home owners of Fernkloof Estate. The MPOA therefore request, as a condition to their approval of the amendment, that the proposed development be completely fenced in as set out in the letter, dated 2 December from Plan Active Town Planners. The entrance to the development cannot be positioned behind the Hermanus Golf Club main entrance gate as this will leave the Golf Course and the Estate wide open for residents and visitors of the development.
- In the original ROD provision was made that the maintenance of the wetlands within the Estate and Golf course boundaries would be financed by the revenue or rental income from the proposed Golf lodges. This in fact never materialised resulting in the MPOA funding the maintenance of the wetlands up to October 2013. The Fernkloof Estate Constitution states that the homeowners have to fund maintenance of the wetlands until ownership of the golf course changes. Ownership of the golf course changed in 2007 and the MPOA subsequently informed the Hermanus Golf Club that they would no longer assume responsibility re the funding of the wetlands maintenance. The MPOA therefore request, as a condition to their approval of the amendment, that the current owner of erf 11097 assumes the funding responsibility of the wetlands maintenance as was envisaged in the original ROD.



VOËLKLIP ADMINISTRATIEWE

Postnet Suite 124, P/Bag X16, Hermanus, 7200
 Cell: 072 589 0007 Fax: 086 512 6663
 Email: fernkloofadmin@hermanus.co.za

Reg No: 2005 / 118163 / 23


FILE NO:	EC 11097-Her
SCAN NO:	
COLLABORATOR NO:	573045

9/12/2013 TP

-2-

- The MPOA is of the opinion that the proposed development as upmarket retirement village on its own or as an incorporated part of Berg & See cannot be part of the Fernkloof Golf Estate. We already discussed this during a MPOA meeting dated 10 February 2012 with the representative of the developer Brendan Davids who agreed.
- The MPOA therefore will experience a loss of levy income currently R1 530,00 per month. The MPOA therefore suggests a payment of 5 x the annual levy income as compensation.

Yours faithfully,



J.A.M. van der Plas
Chairman MPOA Fernkloof Estate

**VOËLKLIP ADMINISTRATION CC**

Postnet Suite 124, P/Bag X16, Hermanus, 7200

Cell: 072 589 0007 Fax: 086 512 6669

Email: fernkloofadmin@hermanus.co.za

Reg No: 2005 / 118163 / 23

FILE NO:	EL 11097
SCAN NO:	
COLLABORATOR NO:	572932

The Director,

Infrastructure and Planning
Overstrand Municipality

66. Berg'w See,

P. Bag x06,

Hermanus.

TR 6.12.13



Dear Sir,

I respond as follows to your letter of 31st October 2013, referring to amendments to the site development plan of erf 11097. Funkloof, Hermanus:-

1. I object to an increased accommodation capacity by the incorporation of a 3rd bedroom to each unit.
2. Despite the limitation to single story status, the latter addition of accommodation to the left is a definite possibility. I object to this and to the gable which suggest further left accommodation.

3. I require that the ten metre setback against the Berg'n See boundary, be honoured totally - even if it means the measurements or position of a building have to be adjusted. The northern most units, semi detached do not fit tidily into the available space and reduction to one bedroom design might well address this matter and attract buyers.
4. Please ensure that the roofs have a mat finish so as to avoid sun reflecting to Berg'n See Units from the best.

Yours faithfully,

J. Raupner Barron

MRS.

Telefoon (02831) 21155
Telephone

Private Bag X06
HERMANUS. 7200
Fax : (028)3123966

Director of Infrastructure & Planning
Overstrand Municipality
P O Box 20
HERMANUS
7200



Dear Sir / Madam

I refer to your letter "ERF 11097 FERNKLOOF, HERMANUS: PROPOSED AMENDMENT OF THE CONDITIONS OF APPROVAL AND AMENDMENT OF THE SITE DEVELOPMENT PLAN AND DEPARTIURE: NMH TRADING 23 (PTY) LTD" dated 31st October 2013, and herewith wish to lodge an objection on behalf of the Berg 'n See Body Corporate, representing the vast majority of property owners within our retirement complex, to the development proposed in your letter.

The zoning conditions and the site development plan, which was originally approved by the Municipality was based on the principle that development of the site in question would not have a negative impact on Berg 'n See's property values and its retirement village character. We relied on the Municipality that this founding principle would not be breached in the future.

The new proposal does not meet the standards established by the Municipal conditions of approval and, if implemented, the proposed development would undermine the principles upon which the current zoning is based. The proposed amendments are therefore considered highly undesirable by the Berg 'n See Body Corporate and it would be a gross injustice to Berg 'n See if this application for amendment is approved by the Municipality.

The Body Corporate of Berg 'n See therefore lodges our strongest objection to the proposed amendments and new development proposals as described above. We trust that the Municipality will ensure that the original principles of approval will be honoured.

Yours faithfully

CHAIRMAN

6 December 2013

FILE NO:	EL 11097-Herm
SCAN NO:	
COLLABORATOR NO:	572923

35 Berg 'n See

Brug Str

HERMANUS 7200

TP

November 17, 2013

Director Infrastructure and Planning

Overstrand Municipality

HERMANUS



Dear Sir/Madam

ERF 11097 FERNKLOOF HERMANUS : PROPOSED AMENDMENT OF THE CONDITIONS OF APPROVAL AND AMENDMENT SITE DEVELOPMENT : NMH TRADING 23 (PTY) LTD.


As an extremely concerned owner of a property bordering on the above proposed development I wish to raise the following objections and concerns:-

1. The gate entrance to the development with garages on either side necessitates the building line to be relaxed to zero (0) meters.
2. The original 4 bedrooms per foot print increased to six bedrooms having an impact on population density as well as increasing traffic and requiring extra parking space.
3. The minor extensions on either side of each footprint increases the size of the footprint.
4. The last unit (N) has the garage entrance encroaching on the 10 meters building line (servitude).
5. The swimming pool is being built on the 10 meter servitude. This will result in considerable noise very close to a long established retirement village and is completely unacceptable. We propose that the swimming pool be moved to either the middle or the golf course side of the development.
6. A "block" is shown in the servitude. If this is indeed any form of structure then we object to its construction within the servitude.
7. Would the colour of the paint and roofs of the units be compatible with those of Berg 'n See?

The above development has a definite negative impact on the future value of those Berg 'n See properties on its border and could compromise their re-sale. I herewith strongly object to the proposed re-zoning and development and request that my objections be noted and acted upon.

I await your response.

Yours faithfully


Mrs J. Howse

FILE NO:	ET 11097-Hen
SCAN NO:	
COLLABORATOR NO:	572908

Cecilia Joan van der Vyver
P.O. Box 606
WINDHOEK
Namibia
December 5, 2013

Delivered by email



TP

S. Müller
Director: Infrastructure and Planning
Overstrand Municipality
P.O. Box 20
HERMANUS
7200

FILE NO:	EL 11097-Herm
SCAN NO:	
COLLABORATOR NO:	572273

Dear Sir

COMMENTS/OBJECTIONS: ERF 11097, FERNKLOOF, HERMANUS: PROPOSED AMENDMENT OF THE CONDITIONS OF APPROVAL AND AMNEDMENT OF THE SITE DEVELOPMENT PLAN AND DEPARTURE: NMH TRADING 23 (PTY) LTD

1. As an affected property owner notice has been given to me in terms of the Land Use and Planning Ordinance, 1985 (Ordinance 15 of 1985). Section 34 of this Ordinance states that objections may be referred to the advisory board created in accordance with Section 33. I trust that all objections received will be considered by the council, once created in terms of the abovementioned section.¹
2. I originally chose the specific Berg 'n See property for its unrestricted view of the golf course and the mountains beyond. The 9 golf lodges which were proposed in 2003² would have negatively impacted on my view as well as the tranquility of the area due to the lodge structures and increased and constant human presence and vehicular traffic. However, I was willing to compromise and accept the original building proposal.³

¹ 34(1) The Administrator – (c) shall not consider any application submitted to him for his decision in terms of Chapter II or III and in relation whereto any objection has been received unless he has first considered whether it is necessary that the matter be referred, and (d) shall not consider any appeal noted in terms of this Ordinance unless he has first considered whether it is necessary that the matter be referred to the advisory board.

² Overstrand Municipality: Proposed Hermanus Golf Club 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). Reference: TPI-09/2001.

³ Proposed development plan, 1 October 2001.

TP - 5 DEC 2013

S Müller
 December 5, 2013
 Page 2

3. The current proposed amendments⁴ are unacceptable for the following reasons:
- 3.1 The original golf lodge (Type B)⁵ did not include any garages and it was assumed that the added traffic would be minimised as the golf course parking could be utilised. Due to the addition of garages to the semi-detached units⁶ a roadway is proposed adjacent to Berg 'n See.⁷ This is not in accordance with the use and enjoyment of this golfing estate, where most golfers walk to the clubhouse.
- 3.2 The golf lodges were extensively marketed but received very little interest.⁸ This is ascribed to no market for large golf lodges in Hermanus. In response to the weak market the site owner applied to double the number of houses to 18 from the original 9. Doubling the number of units increases the number of rooms from 36 to 54, an increase of 50%. Taking into account that the average hotel occupancy in South Africa is <70% (61% for 2013)⁹, this is an even bigger change to the approved scheme.
- 3.3 Plan Active claims that the residential units will be located on the exact footprint of the approved lodges, but this seems incorrect as:
- 3.3.1 The third bedroom adds substantially to the width of the semi-detached units
- 3.3.2 The roof structure needs to be completely altered to accommodate these additions
- 3.3.3 This adds another roof-ridge on each side making the visual obstruction much larger and more intrusive
- 3.3.4 Added covered patios on the North-West side also add to the bulk of the building
- 3.3.5 If the original area was 250m² the new covered area is substantially more than what was approved.
- 3.3.6 The roofs of the new units have skylights and loft windows. Building higher and/or adding any mezzanine structure must not be allowed at present or at a later date.

⁴ Erf 11097, Fernkloof, Hermanus: Proposed amendment of the conditions of approval and amendment of the site development plan and departure: NMH Trading 23 (Pty) Ltd. File Reference: 11097 HEC (2425), dated 31 October 2013.

⁵ Addendum A.

⁶ Addendum A.

⁷ Drawing number: her 11097I.drw.

⁸ Proposed Amendment of the conditions of approval, the amendment of the site development plan and departure: Motivation report pg 1 para 3.

⁹ http://www.pwc.co.za/en_ZA/za/assets/pdf/hospitality-outlook-june-2013.pdf.