

Hermanus is characterized by a vibrant and healthy CBD with basic retail facilities and interesting tourism related businesses. When a retail centre is situated merely 4 kilometres away all the retailers will move to the new centre and the CBD will be affected detrimentally.

Various examples of such CBD- decay can be mentioned:

- Johannesburg CBD (due to several retail nodes such as Sandton City, South Gate, Eastgate, etc.);
- Sections of Voortrekker Road (Bellville, Goodwood, Parow) due to surrounding retail centres;
- Potchefstroom "Wandellaan" totally decayed with the establishment of Riverwalk Retail Centre 2 kilometres away;
- Somerset West CBD due to the Somerset Mall development.

The decay of a CBD typically poses the following threats, which will also be applicable in the town of Hermanus:

- Infiltration of unwanted activities and businesses;
- Infiltration of crime;
- Decrease in property values;
- Ultimately a centre with no "feet" (visitors).

The preserving of the Hermanus CBD should be considered extremely important in evaluating a proposed development of this nature. The CBD is considered as the heart beat of the Town. This should not be neglected.

Furthermore the Gateway Centre is currently operating as a "Neighbourhood Centre" with a Spar as an anchor tenant and several smaller businesses as well as Fruit & Veg City. This centre will probably be deserted and most of these shops will have to close down.

If the above-mentioned is considered it seems that the proposed development might have a very negative impact on the existing business sector of Hermanus. The proposed new Checkers development in the CBD will also be influenced detrimentally.

5. The proposed site is earmarked for residential purposes in the Structure Plan of Hermanus (2000) as well as in the Overstrand Spatial Development Framework (2006).

These above-mentioned documents should be considered as guiding tools in evaluating and implementing the future development of the area. It seems that residential development will be more suitable in this residential area of Sandbaai. A suggestion might be that more affordable group housing developments can be established on this land. This will create opportunities for young working people as well the average working class person that cannot enter the very exclusive property market in Hermanus. We do not refer to low cost housing, but more specifically to affordable housing.



6. The motivational report does not make specific mentioning of the need and the desirability of this proposed development. What will be the advantages that the local community will gain from this development, except for a centrally located retail centre?
- How will this development benefit the people of Sandbaai, Hermanus, etc?
 - We refer back to our concern with regard to the survival of the CBD of Hermanus as well as the future existence of the Gateway Centre;
 - Can the need and the desirability be justified from a retail perspective?
 - When considered more holistically in the background of the Overberg district we are not convinced that the locality is ideal to serve as a regional retail centre.
7. When viewing the site in respect of the adjacent industrial area we suggest that the municipality advise the developer to investigate the probability of rather extending the industrial area partially and developing the rest of the site for residential purposes.


There is a demand in the area for smaller industrial erven for local people to start their own small industrial activities. This might include carpenters, motor repairs, welding and even a technical education centre that will equip people with technical skills.

The above-mentioned issues were raised after seriously looking at the proposed development and weighing the potential benefits and detrimental impacts that might arise. We request that you inform us of the further progress of this application.

We conclude by requesting that you apply your mind when evaluating the above-mentioned objection. The proposal should be viewed objectively bearing in mind the need and the desirability. We thank you for the opportunity to be involved in the participation process of the application.

We trust that you find the above-mentioned in order.

Yours faithfully


JN HAMMAN

17 JUN 2009

8th June 2009

Mr DA & Mrs PR Burness
Erf 1805 Sandbaai
28 Bergzicht, Bergsig Str. Sandbaai

Attention : Mr. S Muller
Director, Infrastructure and Planning
Overstrand Municipality, Hermanus Administration, PO Box 20 Hermanus 7200

Dear Sir,

Your Registered letter: 22 May 2009; File Ref Erven 1449, 1450, 1452 & 1734 HSB
Representations made by owners of Erf 1805 –
Part of the Development known as Bergzicht cnr Main and Bergzicht streets.

1. Your letter did not include any of the annexures that you refer to in your letter.
2. Your comment on drainage in the area is completely inaccurate and shows poor research. The development Bergzicht, is often flooded in the winter months. There are pumps in the development that constantly pump the water out to the drainage channels in Bergsig Street, which are completely inadequate. We have had water 6 inches deep in our garden. All the tar surfaces in the new development will severely exacerbate the drainage problem in Bergzicht.
3. No commentary is made on who will pay for the electrical installation necessary to feed the huge new shopping centre. I trust it will not be the mainly retired residents of Sandbaai, but the wealthy property developers of the Mall.
4. The Water reticulation is not dealt with
5. The Sewage reticulation is not dealt with.
6. Main Road and Bergzicht Road will require traffic control measures to deal with the increased traffic the development will bring. The traffic access in and out of the one entrance into the development Bergzicht, will be severely hampered.
7. Taxi offloading on Bergsig Road is strongly objected to.
It will encourage loitering and perhaps increased crime.
8. If, as you state, there is no highrise allowed in the development of this part of Sandbaai, why has Cape Agri been allowed to build a highrise structure on erf 1545 that interferes with the angle light requirements of the owner of Erf 1801 (our neighbour in Bergzicht, Mr Donald Smith) and may yet interfere with our light requirements.
9. We do not need another large shopping Mall so close to all the other shopping centres in the area, plus the proposed development on Erf 1447. Surely saturation point has been reached in terms of the local population.

Yours faithfully,

DA Burness *DA Burness* PR Burness *PR Burness*

DA Burness	erven 1449 etc	PR Burness
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INFRASTRUKTUUR
15 JUN 2009
ONTVANG

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Your Reference: 1449,1450,1452 and 1734, HSB

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



S Müller

Dear Sir

PROPOSED SHOPPING CENTRE – ERVEN 1449, 1450, 1452 & 1734, SANDBAAI

With reference to your letter dated 22 May 2009 I attach my letter of 03/11/2008 to Sillito Environmental Consulting cc, registering as an interested and affected party, and outlining my objection to the siting of the proposed entrance and access road of the proposed regional retail facility directly adjacent to my residence on Erf 1664 – Sandbaai.

The revised plan attached to your letter shows the entrance moved to the east, but the roadway switches back immediately to the original trajectory past the residential properties on the western boundary of the proposed development, completely negating the re-siting of the entrance.

I wish to state it in the strongest possible terms that the current plan is completely unacceptable, as the proposed road layout will totally destroy the tranquility that I currently enjoy, and which was the reason why my late husband and I bought the land on which we built our home. At that time the adjacent property was zoned Agricultural Zone 1, guaranteeing us our future enjoyment of our home, as well as our investment in it. If the municipality allows this rezoning based on the plan presented, they will be active participants in the loss that I will suffer.

If the response of the environmental planners, the developers and the municipality is to ignore the effects of this development on the adjacent property owners, then I shall have no option but to exercise my legal rights and claim compensation for the loss of personal enjoyment and value of my home and property. The re-siting of the entrance AND roadway away from my residence is non-negotiable. There is no reason for it to be where it is on the plan submitted to me, other than to serve as an annoyance of the greatest order to the properties most affected.

Your urgent response and assurance that this matter will be attended to, will be appreciated.

Yours sincerely,

M. A. McTaggart

M. A. McTaggart
 Private Bag X15
 Suite 136
 Hermanus 7200
 Tel: 028 316 2655
 02/06/2009

FILE NO. <i>erven 1449, 1450 etc</i>
SCAN NO: <i>32</i>
COLLABORATOR NO: <i>104049</i>

INFRASTRUKTUUR
08 JUN 2009
ONTVANG

Your Reference: 08047

Sillito Environmental Consulting cc (SEC)
PO Box 30134
Tokai
7966
Fax: (021) 712 5061
E-mail: fabio@environmentalconsultants.co.za

Dear Sirs

BASIC ASSESSMENT PROCESS FOR THE PROPOSED ESTABLISHMENT OF A REGIONAL RETAIL FACILITY AND ASSOCIATED INFRASTRUCTURE TO BE LOCATED ON ERF 1449,1450, 1452, 1734 AND THE REMAINDER OF ERF 243, HERMANUS, WESTERN CAPE

With reference to your notice number 08047 of 17/10/08 I wish to register as an interested and affected party, being the owner of Erf 1664 – Sandbaai, located directly adjacent to the proposed development, as indicated on the attached plan.

I would like to express my objection to, and concern about the siting in Bergsig Street of the entrance and access road on the south-western corner of the development, as it could possibly introduce a high volume of traffic right adjacent to residential properties on erven 1671, 1670, 1664, 1663 and 1659. These properties all currently enjoy the benefits of rural surroundings.

If the access road could be re-located to a position further east, in alignment with the internal route indicated on the site map and proposed layout plan, favourable consideration would be given to withdrawal of this objection, as I consider the establishment of a regional shopping centre in this location as a benefit to the greater Hermanus community.

Yours sincerely,

M. A. McTaggart
Private Bag X15
Suite 136
Hermanus 7200
Tel: 028 316 2655

03/11/2008

BCD

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Town and Regional Planners Stads- en Streekbeplanners

• Project Co-ordinators • Environmental Planners • Housing Advisors • Property Consultants
 • Projekkoördinerings • Omgewingsbeplanners • Behuisingsraadgewers • Eiendomskonsultante

Our ref.: 3.279/09041

22 SEPTEMBER 2009

Director: Infrastructure and Planning,
 Hermanus Administration
 Municipality Overstrand
 P.O. Box 20
 HERMANUS
 7200

FOR ATTENTION: HENK OLIVIER

Dear Sir,

**ERF 1449, 1450, 1452 & 1734 SANDBAAL, OVERSTRAND MUNICIPAL AREA:
 PROPOSED AMENDMENT OF THE GREATER HERMANUS SPATIAL DEVELOPMENT
 FRAMEWORK AND THE OVERSTRAND MUNICIPAL SPATIAL DEVELOPMENT
 FRAMEWORK, PROPOSED CONSOLIDATION, REZONING AND CONSENT USE:
 PROPOSED SHOPPING CENTRE**

Thank you for your letter dated 31 July 2009, with reference 1449, 1450, 1452 & 1734 HSB.

The letters of objection and comments received by your office in response to the advertising of the above application refers. These objections/comments can be summarised into the following categories: (1) The traffic impact of the proposed development on the existing road infrastructure; (2) the need for a shopping mall in Hermanus; (3) the impact of noise, crime, air pollution and lighting on property values; (4) the impact on views; and (5) the possible negative impact on the existing CBD of Hermanus.

All the correspondence have been reviewed and considered. Our response to the issues raised by the various individuals and organisations will be addressed individually.

(a) **UNDATED LETTER FROM CHAIRPERSONS OF VILLA ANADIA, MONTE MARE, BERGZIGHT AND CARLANE SECURITY COMPLEXES.**

The chairpersons agreed that a change of zoning would be largely acceptable and beneficial to the complexes they represent and to the suburb of Sandbaai as a whole. They agreed that the application should be supported.

(b) **LETTER DATED 13 JULY 2009 FROM MONTE MARE HOME OWNERS ASSOCIATION.**

The chairperson writes that they are in principle not opposed to the proposed development, however they have some reservations, like the widening of Bergsig Street, the extra noise generated by the centre, no street lighting in Bergsig Street and the proposed bottle store.

21 Blaauwberg Road, Milnerton P.O. Box 11333, Eloubergrant, 7443
 e-mail: bcd@africa.com Tel: (021) 557 5420 Fax: (021) 557 5417 Cell: 083 525 9406
 Blaauwberg City Developers Inc. 2000/006359/21 i/a BCD

Directors: D. B. van der Merwe (M.B.S.), L. S. van der Merwe (M.B.S.), J. W. Brand (M.B.S.), J. W. Brand (M.B.S.)
 Assisted by: B. van der Merwe (M.B.S.), J. W. Brand (M.B.S.), J. W. Brand (M.B.S.)

The widening of Bergsig Street is an outcome of the TIS. Adequate provision is made for pedestrians on both sides of the road.

Deliveries to the centre will be done via Adam Road as well as the north/south service road at the back of the complex. The NIAS proposes certain mitigations in order to reduce the impact of heavy vehicle noise to acceptable levels in the form of road-side noise barriers and/or porous noise reducing road surfacing. The upgrading of a road like Bergsig Street includes the street lighting as may be required.

The proposed Bottle Store is not a separate building but is integrated with the various other line shops within the Mall.

The Section 8 Zoning Scheme Regulations define the Consent Uses referred to as follows:

"A Place of Assembly". It means a public hall, a hall for social functions, a music hall or concert hall, or exhibition hall which is not directly related to a commercial undertaking. The developer envisages the possibility of an exhibition hall/facility to be used by *inter alia* artist, writers, etc.

"A place of Instruction". It means a crèche, pre-primary or high school, college, university, research centre, convent, library, art gallery, museum or other centre which is utilised for instruction purposes.

"An Institution". It means a building or a portion thereof utilised as a social or welfare institution or for the administration thereof and includes *inter alia* a clinic and hospital.

"A Service trade". It means the utilisation of a building or premises for an enterprise which is primarily involved in the rendering of a service for the local environs and employs at most 10 people, but does not include *inter alia* a service station or a public garage. The developer envisages a car-wash enterprise which can be classified as a "Service Trade".

- (c) LETTER DATED 29 MAY 2009 FROM MR. KE OETTLER CHAIRMAN OF COBAL CLOSE BODY CORPORATE (ERF 1974).

The chairman is in support of the locality and concept of the development. However, he request that the existing SDF must be revised through a full public participation process.

The application before Council includes the amendment of the SDF, without which the rezoning of the properties and the proposed development of the shopping centre will not go forward.

- (d) LETTER DATED 1 JUNE 2009 FROM CE & LL LEKAY

They support the proposed development and suggest (1) the extension of the dual road from Onrus or Berghof or Milk Wood Estate, (2) the building of 2 pedestrian bridges over the R43, (3) that emphasis be placed on the accommodation of bicycles and scooters and (4) that the proposed architectural guidelines must be enforced vigorously.

The extension of the dual road (R43) from the Hemel-en-Aarde intersection to Mimosa Street needs to be completed. Bergsig Street is intended as an important east-west corridor and an alternative road to Main Road (R43) from Onrus River in the west to Church Street in the east.

Pedestrian crossings over the R43 is at the various signalised intersections close to the proposed development. Sidewalks will be provided along the site frontages, the major access roads to the site and along defined pedestrian routes on the site. The existing sidewalk along Bersig Street will be extended to Skulphoek Street.

(e) LETTER DATED 9 JULY 2009 FROM JAW LOUW

Mr. Louw represents the owners of erf 1659 (a guest house) and are now requesting to purchase from Council erf 1550 (Aloe Lane) adjacent to erf 1452.

(f) LETTER DATED 7 JULY 2009 FROM CFS VAN BREDA AND RESIDENTS OF BERGZICHT COMPLEX.

Meneer Van Breda is bekommerd oor die bestaande swaar verkeer in Bergsigstraat en die addisionele verkeer wat op dieselfde straat deur die voorgestelde winkelsentrum gelaai gaan word. Voorts stel hy dit dat die voorgestelde ontwikkeling met sy drankwinkel en vermaaklikheidsentrum 'n toename van geraas, rommelstrooiing, ongewenste elemente en misdaad tot gevolg sal hê. Hy sluit af met 'n petisielys van mede inwoners van die kompleks.

Die Departement Omgewingsake en Ontwikkelingsbeplanning van die Wes-Kaap Provinsie skryf in 'n interne beleidsdokument i.s. Publieke Deelnameprosesse dat enige petisie wat deur enige Geïntereerde en Geïmpakteerde party(e) gelei word, moet vergesel wees van 'n beëdigde verklaring geteken voor 'n Kommissaris van Ede, wat dit stel dat daar geen dwingendheid by die samestelling van die petisie betrokke was nie en dat ondertekenaars daarvan die inhoud van wat hulle onderskryf, verstaan.

Die petisie soos by die Stadsraad ingedien, is nie vergesel van bogenoemde beëdigde verklaring nie en stel ons daarom die vraag of die Beswaarmakers enigiens wel die aansoekdokumente behoorlik ter insae gehad en bestudeer het voordat die petisie onderteken het. Omdat u Raad geen bewys het dat dit wel die geval was nie, is die beswaar (petisie) fundamenteel gebrekkig en moet daarom deur u Raad verwerp word.

Die verkeersimpakstudie wat deel vorm van die aansoekdokument, stel dit in para. 17 dat die verkeer in Bergsigstraat sal toeneem ongeag die ontwikkeling van 'n inkoopentrum, aangesien die bestaande Ruimtelike Ontwikkelingsraamwerk Bergsigstraat as 'n belangrike alternatiewe oos-wes hoë orde verbindingspad tussen Onrus en Hermanus identifiseer. Die verwagte volumes langs hierdie roetes is binne die aanvaarbare nasionale norme van hoër orde (klas 3) stedelike hoofverkeersweë.

Die beoogde drankwinkel en vermaaklikheidsentrum (bioskope) as vergunningsgebruik vorm 'n inherente deel van enige inkoopentrum van hierdie skaal en mag nie vergelyk word met 'n bestaande gebou op die hoek van 'n straat wat net sodanige bedryf akkommodeer nie. Soos by enige soortgelyke sentrum sal daar voortdurend sekuriteitspersoneel op die terrein en in die kompleks teenwoordig wees. Dit is onbillik om misdaad in woonbuurtes te koppel aan die teenwoordigheid van handelsfunksies in 'n dorp of stad.

(g) LETTER DATED 10 JULY 2009 FROM Mrs. C. STEAD

Mrs. Stead of 3 Wagtail Road in the Hemel en Aarde Estate, objects against the fact that the proposed development will spoil her view. She has a problem with the negative effect of

the lighting which will be generated by the proposed parking area, as well as the traffic and noise. She is in support of the proposed alternative shopping centre on erf 1447.

The claim of the objector re views from her property is rejected because it does not vest in terms of a *servitus prospectus* on our client's property. Council is also referred to the High Court Judgment in the case between Clark vs Faraday and Another in the Cape Provincial Division, Case No 8532/03.

As part of the proposed landscape plan hundreds of trees, shrubs and other features like berms will be planted and built on the site, which eventually will soften the impact of lighting, noise, etc. around the centre. Noise is synonymous with any town, especially along and close to higher order roads like the R43 and Bergsig Street.

Erf 1447 is only 4,79 Ha in size and too small to accommodate a shopping mall of $\pm 38\,000\text{m}^2$ GLA plus the required parking bays. The consolidated size of Erven 1734, 1449, 1450 and 1452 is 12,8788 Ha which is more than double the size of erf 1447. The estimated retail potential for the Hermanus catchment area indicates an under supply of $\pm 86\,000\text{m}^2$ GLA which is not now catered for (refer to para. 1 of the application report). Considering a market share of $\pm 21\%$ from the primary catchment area and $\pm 13\%$ from the secondary catchment area, a regional shopping centre of $\pm 45\,000\text{m}^2$ GLA can easily be warranted.

(h) UNDATED LETTER FROM Mrs. B. ECKARD (ERF 1670)

The objector is worried about the value of her property and the negative effect of noise during and after the construction of the centre.

The value of business/commercial sites is always significantly higher than residential land. Consequently, due to the close proximity of residential land to business/commercial land, the opposite effect is inevitable, that is a positive influence on the value of the residential land located closest to the business/commercial-zoned land.

The NIAS by Mckenzie Hoy and Associates has made various recommendations to kerb and soften noises during and after the construction phase by making use of noise barriers and berms at various locations and to resurface certain road sections with low noise "porous tar". During the construction phase no construction is to occur after 18H00 and on weekends. Any building services/equipment that may cause noise impacts due to their locations on site, need to be assessed by a registered acoustics professional, and if necessary soundproofing must be prescribed in order to ensure no disturbing noise to surrounding dwellings.

(i) LETTER DATED 20 JULY 2009 FROM Mrs. F R ERASMUS (ERF 8355)

The objector argues that the existing tranquility and nature of the urban environment will change permanently, and that there will be a dramatic increase in traffic and air, light and noise, pollution. She also objects to the amendment of the SDF, the rezoning and the proposed consent uses and the consolidation of the properties.

In terms of the SDF the development site has been reserved for a mixture of commercial and residential development. The property is further located well within the urban envelope of Sandbaai and is surrounded by various types of urban developments ranging from residential and commercial to light and service industrial land uses. Considering the logic constraints enforced by the urban edge on outward expansion and urban sprawl, the infill of vacant land within the urban structure cannot be stopped and is in line with the principles of the Section 4(6) PSDF.

The increase in traffic and other pollutions are dealt with in the TIS, the NIAS, the VIS and the landscape proposals. These specialist studies are using various mitigation measures to counter the negative impacts that have been identified.

(j) LETTER DATED 20 JULY 2009 FROM N and J L PRETORIUS (ERF 8311)

Die beswaardes stel dit dat die voorgestelde ontwikkeling die verkeersdruk op die R43 gaan verhoog, dat die grootte van die ontwikkeling nie pas by Hermanus nie en dat die dorp sy karakter en daarom ook sy toeriste gaan verloor. Hulle is ook van mening dat die winkelsentrums nie finansiël haalbaar (noodsaaklik) is nie, hulle uitsigte op die see word gesteel en misdaad en diefstal sal toeneem.

Die toename in verkeer op die R43 en die wyse hoedat dit aangespreek moet word, is reeds hierbo beantwoord. 'n Volledige Verkeersimpakstudie is uitgevoer wat probleem-punte geïdentifiseer en voorstelle gemaak het hoe om dit op te los (vergelyk para. 3.2 van die aansoekdokument).

Die rede vir die grootte van die ontwikkeling is reeds in para. (g) hierbo bespreek. Dit is voorts onverstaanbaar hoedat 'n inkoop-sentrum van hierdie grootte en inhoud, toerisme uit Hermanus gaan verjaag. Die teendeel is eerder waar, naamlik dat die groot en gespesialiseerde verskeidenheid winkels, restaurante, bioskope, ens. wat in die sentrum ingesluit word, tot voordeel van die bestaande toerismebedryf in die dorpe en streek gaan wees.

Die sentrum word ook ontwerp deur 'n gespesialiseerde span Argitekte, Ingenieur, Stadsbeplanners, Bourekenaars, Landskapargitekte, ens. met wye ondervinding van soortgelyke inkoop-sentrums elders in Suid-Afrika en selfs oorsee. Daarby het die ontwikkelaar RETAIL AFRICA homself reeds as een van die grootste markspelers in die land gevestig met kwaliteit sentrums wat suksesvol funksioneer (vergelyk ons aansoekdokument). Daar is geen rede waarom die beplande sentrum steurend op die oog sal wees en die karakter van Hermanus negatief sal beïnvloed nie. 'n Visuele impak Studie deur NEW WORLD ASSOCIATES is ook uitgevoer en vorm deel van die Omgewingsimpakstudie wat parallel aan hierdie hersoneringsaansoek loop. Afskrifte van hierdie studie is beskikbaar by die Omgewingskonsultante.

Die beswaarmakers se probleme rondom misdaad en uitsigte is reeds onder para. (f) en (g) hierbo bespreek. Daarby wys die Visuele impak Studie dat die see-uitsigte vanaf die Hemel en Aarde Estate hoegenaamd nie beïnvloed word nie, dit terwyl dit alom bekend is dat 'n uitsig GEEN reg is nie. (vergelyk para. (g) hierbo).

Ten opsigte van die noodsaaklikheid van die voorgestelde ontwikkeling van 'n inkoop-sentrum, is dit belangrik dat die Raad en alle beswaardes sal let op die bepalinge van Art. 36 van die Grondgebruiksbeplanningsordonnansie, Nr. 15 van 1985. Hierdie klousule lê die grondslag neer van die weiering van aansoeke en die besonderhede by die goedkeuring daarvan. Hierdie Ordonnansie stel dit duidelik dat 'n aansoek kan nie op grond van die noodsaaklikheid daarvan af-of goedgekeur word nie, maar alleen op die grondslag van die wenslikheid daarvan.

(k) LETTER DATED 7 JULY 2009 FROM C MOSTERT (ERF 8367)

Die beswaarde stel dit dat die verkeer op die R43 sal toeneem, uitsigte vanaf die Hemel en Aarde Estate sal beïnvloed word, rommel sal rondwaai en dat die betrokke terrein nie die geskikste vir die sentrum is nie.

Bogenoemde beswaarpunte is 'n herhaling van soortgelyke besware wat reeds hierbo in vorige paragrawe bespreek en beantwoord is.

(1) LETTER DATED 8 JUNE 2009 FROM J N HAMMAN (ERF 2064)

The objector writes that the need and desirability is not addressed as well as the coverage, height, bulk and the potential negative effect on the existing Hermanus CBD. He objects against the fact that the traffic will impact on the residential areas, and the noise pollution from loading zones as well as from delivery trucks. He complains about the climate data included in the application. He is of the opinion that the TIA is insufficient and that the proposed access No. 1 from the R43 is unacceptable. The taxi drop-off points along the R43 will pose safety threats, while the service road at the back of the centre will create noise pollution. He propose that the site must rather be partially developed into an industrial area with the balance used for residential purposes.

The issue of Need and Desirability.

Section 36(1) of LUPO No. 15/1985 is very explicit about the basis of refusal/objection of an application. An application shall only be refused solely on the basis of a lack of desirability of the contemplated utilization of land and the proposal within Structure Plan(s), and not on the basis of the need of a development. The objection of Mr Hamman is therefore *ultra vires*. (You are also refered to para. (j) above).

Furthermore, the property development industry is based on a free market system, which allows anyone to develop within the rules and regulations of South Africa. The benefit for Hermanus lies *inter alia* in the massive extra rates and taxes base created by this proposed development. Add to this the results of the market study conducted by FERNRIDGE CONSULTING (Pty.) Ltd. (refer to para. 1.0 of our application report), then there cannot be any doubt re the need for shopping centres in Hermanus and environs.

The application report with annexures (Specialist Studies) gives a structured motivation of the desirability of the proposed site and the rezoning thereof. Together with the EIA process (which runs parallel to the planning process) as undertaken by Sillito Environmental Consultants cc, the proposed development is a well researched comprehensive and motivated application, supported by a wide range of specialist studies.

The issue of Traffic impact and related functions.

Mr. Hamman raised various traffic issues as part of his objection. This was delt with by ITS Engineers as per Annexure A of this letter.

The issue of coverage, bulk and building height and climatological data.

Mr. Hamman further questioned the proposed coverage, bulk and height of the project. The coverage is 27 percent, the bulk is 0,3, the number of parking bays provided is 2289 and the height of the centre is ground plus one floor. Compared to the permissible parameters as per para. 4.3 of our report i.e. 100% coverage, 3.0 bulk factor, parking at 6 per 100m² of total floor area (2285 bays) and building height unlimited, there is no reason for concern. The climatological data is used in the design of the buildings and the site Development plan, roads and stormwater planning. It forms an integral part of para. 1.2 "GENERAL INFORMATION" of the application report giving background information about the environment in which the proposed development is located. The SDP and building form, layout and orientation is determined by the local climatological characteristics. A shopping centre in a desert

environment, or in a very high rainfall area with a high humidity factor, will each differ from the proposed Hermanus centre.

The issue of possible negative effect on existing Hermanus CBD.

Mr. Hamman is further worried about the possible negative effect which the proposed development may have on the existing Hermanus CBD.

Part of the uniqueness of the central business district of Hermanus is its form and size located next to a very important tourist coastline, creating the opportunity for tourist orientated business and services. Part of this unique seafront business district is various buildings with heritage status which must be preserved. Although the district is well developed, it is not without its problems like the shortage of parking and traffic congestion during weekends and holiday seasons.

To establish a well researched and needed regional shopping centre (refer para. (g) above) within the boundaries of the existing CBD, will imply that 63 percent of the existing business area will have to be consolidated and bulldozed to accommodate the proposed regional shopping centre. Such a facility and development is too bulky and invasive and will destroy the heritage and historical assets as well as the existing ambience of the business district with its unique village and tourism atmosphere. A 38 000m² bulky shopping centre will destroy the character and urban structure of the local built environment within the CBD.

The proposed new shopping mall will play an important complementary and positive roll in the local CBD business economy, rather than influencing it in a detrimental way. The Hermanus CBD will still attract the tourist market which is an important part of its local economic base. Its unique locality integrated with the coastline, can never be replaced by any shopping centre in the region.

Para. 1 of the application report refers to a retail feasibility study completed by FERNRIDGE CONSULTING (Pty.) Ltd. This study reflects an under supply of ±86 000m² GLA within the Hermanus catchment area which is not catered for. Together with this, the region is characterised by a substantial outflow of consumers to Somerset West and Cape Town for higher order goods. This loss of trade has a negative impact on the local economy and must be turned around by creating a local regional shopping facility.

Alternative proposed usage of the properties.

In conclusion Mr. Hamman suggest that the properties allocated for the proposed shopping centre must rather be used for industrial purposes. Because of the negative impact and influence of industrial parks on their environment, we unfortunately cannot support this proposal.

(m) LETTER DATED 8 JUNE 2009 FROM D A AND P R BURNES (ERF1805)

Mr. and Mrs. Burnes raises stormwater drainage issues, the cost of electrical installations, water and sewerage reticulation, traffic issues, the taxi drop-off points and the need for a shopping centre.

Concerning the issues re stormwater drainage in Bergzicht Road, water, sewerage and electricity. A new stormwater pipe will be installed from the proposed shopping centre site to connect with the existing Council system in Main Road and not Bergzicht Road. A full stormwater Master Plan is included under Annexure N of the application document. The objector is complaining

that the water reticulation is not dealt with. The same accusation is made as far as the sewerage system is concerned. Unfortunately this is not true.

The following pipe upgrades are part of the Water Master Plan and will need to be installed in order for the proposed development to have sufficient water. A 690m long 250mm dia pipe in Main Road, from the R43 to End Street; a 660m long 160mm dia pipe along the southern boundary of the R43; and a 200m long 110mm dia pipe connecting the 160mm dia pipe along the R43 and the 75mm dia pipe in Bergsig Street. As far as the sewage reticulation is concerned, the proposed development will tie into the Council's sewer line in the south eastern corner of the site.

We further advise that the objector reviews para. 3.3 of our application report plus the various Engineering Service Reports in Annexure N, as well as the TIS (Annexure M), currently available at the municipal offices. It is clear that the objector did not study the contents of the application document where he could have found answers to all his questions.

It is logical that the developer and not the residents of Sandbaai will have to pay for all additional costs for electrical installations, etc. needed for the proposed shopping centre. The initial survey by the Overberg Municipality reported that the existing Hermanus electrical network is at capacity – upgrading needed. Also refer Par. 2.5 of the application report. The existing 30 MVA – 66kV ESKOM (Hermanus) distribution point must be upgraded. Parallel to the ESKOM installation contract period and accepting that binding contractual obligations exist between parties, the proposed shopping centre Project 11kV reticulation, transformation, switchgear and infrastructure must be procured and installed by the developer.

The issues raised about traffic in Bergzicht Road and the proposed Taxi drop-off points is addressed by ITS Engineers in Annexure A of this letter.

The question about the need of a shopping center is irrelevant. It is important that Council take note of the provisions of Section 36 of LUPO, No. 15/1985 as put forward under para. (j) above.

(n) **LETTER DATED 2 JUNE 2009 FROM M A Mc TAGGART (ERF1664)**

Mrs. Mc Taggart is worried about the alignment of the access road from Bergsig Street to the proposed parking area of the shopping centre.

Noise control measures in the form of either various road-side noise barriers or porous noise reducing road surfacing have been recommended to reduce the noise levels. The NIAS by Mackenzie Hoy and Associates further proposed a landscaping Berm with a solid timber fence (3m high) from erf 1671 to the nearest edge of the nursery building parallel to erf 2393.


(o) **LETTER DATED 6 AUGUST 2009 FROM CHAIRMAN (G S BESTER) OF BERGZICHT HOME OWNERS ASSOCIATION (This letter is the same letter which was submitted and used in the NEMA environmental process which runs concurrently with the LUPO process).**

The objector is mainly concerned about the traffic impact of the proposed centre. In the attached Annexure B the traffic Engineer ITS Engineers and the acoustics Engineers delt with both issues.

In conclusion, Council must please apply their mind meticulously in considering the various objections/comments received and note the contents and requirements of Section 36 of LUPO, No. 15/1985.

We now await your decision on our application for rezoning, consolidation, etc. as submitted on 8 May 2009.

Yours faithfully,



H.L. BRANDT
on behalf of
BCD TOWN PLANNERS

ANNEXURE A

446



BCD Town Planners
21 Blaauwberg Road
Milnerton
7443

8 September 2009

Our Reference: ITS 2509

Attention: H.L. Brandt

Dear Mr. Brandt,

Proposed Development on Erven 1449, 1450, 1452 and 1734, Sandbaai, Hermanus – Whale Village Shopping Centre.

We refer to a letter received from MR JN Hamman via your office dated 8 June 2009. In this letter a number of traffic related issues are raised as concerns regarding the development of the proposed shopping centre on the abovementioned erven.

Our responses to the issues raised are included in the attached table.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'J. Christoff Krogscsheepers', written over a faint circular stamp.

J. Christoff Krogscsheepers, Pr. Eng, Ph.D. (UND), MITE

1st Floor, Corporate Place
13 Mispel Street
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7530

Postnet Suite 127
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www.itse.co.za

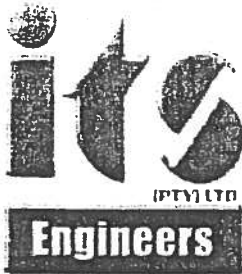
Reg. No.
2001/027205/07

VAT No.
4460198965

Offices:
Pretoria
Cape Town
Johannesburg

Issue	Response
<p>Par 1. Negative impacts of high traffic volumes through the residential area, noise pollution and movement of delivery trucks and heavy vehicles.</p>	<p>An access to the centre will be off Bergsig Road and initially access for traffic from the west will be via Bergsig Road, if there is not a full access off the R43 to the centre. The traffic impact outlined in the TIA describes this impact and illustrates that the network will be able to accommodate the increase in traffic and also indicates appropriate mitigation measures to deal with the increase in demand. Appropriate mitigations measures were identified to deal with roadway capacity (intersection improvements), pavement conditions (rehabilitation of Bergsig Street) and noise (Low Noise Asphalt to be used)</p>
<p>Par 1. The shopping centre will generate the movement of extensive traffic through areas and streets that were not planned and designed to accommodate these traffic volumes.</p>	<p>The R43 is a regional route and is designed exactly to provide access to regional facilities such as the proposed shopping centre. The development of an alternative route to connect the communities to the south of the Main Road is an initiative by the local municipality acting on behalf of the people living in the area. Bergsig Street has been part of the local planning for a long time and even without the shopping centre, Bergsig Street will be a local collector serving as an alternative to the R43. The congestion along the R43 is exactly why alternative routes have been identified. The road network requirements and the relevant mitigation were defined and develop in line with the local long-term planning.</p>
<p>Par 3. First Bullet. Upgrade of several roads will be critical in order to make the proposed development viable i.t.o. access and movement.</p>	<p>This is correct. The proposed mitigation measures were identified and are outlined in the TIA. This was based on internationally acceptable norms and criteria and on scientifically measurable data.</p>
<p>Par 3. Second Bullet. Impact that upgradings might have on private properties and industrial erven.</p>	<p>The criteria that was used to determine the required upgrades and improvements are in principle designed to mitigate impact and to leave the network operational so as to limit the impacts on other properties and to effect an operational network with the new development in place.</p>
<p>Par 3, 2nd Bullet. Traffic counts were only done on Fridays and Saturdays. The issues are actually during typical weekday mornings (7a.m. to 8 a.m.) and afternoons after 5p.m. and not between 4p.m. and 5p.m. Lunch times were also not considered.</p>	<p>The critical times considered in the TIA are absolutely the worst hours of the week. These are confirmed by the historical traffic counts along the R43. The following seven graphs illustrated daily traffic profiles along the R43. It is evident that the Friday afternoon (Graphs 11) is the worst hour of the week and this compares with Sunday Afternoons. The Friday profile is blown up in the detailed graph which clearly illustrates that the hour between 4p.m. and 5p.m. is the worst hour.</p>
<p>Par 3, 3rd Bullet. Statements regarding the proposed access off the R43 about how unsafe, ineffective and insufficient it will be including comments on insufficient spacing to the neighbouring signalised intersections.</p>	<p>These statements are all qualitative conjecture. The TIA outlines the quantitative realities surrounding the operations of the access. The proposed access to the mall is mid-way between the Sandbaai Road intersection and the Skulphoek Road intersection which are 850 metres apart. Hence, the spacing between the proposed access and the neighbouring accesses are in excess of 400 metres. The guiding document controlling access off main roads is the Provincial Road Access Guidelines. Based on these guidelines access along a Primary High Order Arterial (R43) in a Suburban Road Side Environment for high volume side roads are allowable at a 270-metre spacings. The proposed access is in line with the guidelines of the RAG. If properly designed, the LILO will have an insignificant impact on the operations along the R43.</p>
<p>Par 3, 4th Bullet. The provision of taxi drop-off points along the R43 with the pedestrian crossing will cause havoc and will be unsafe.</p>	<p>There are many examples in for instance Cape Town where these drop-offs near large malls along major arterials work well. The pedestrian crossing will be a challenge but can be implemented similar to other examples along the R43 closer to Hermanus. The designs, signing and visibility will require detailed attention.</p>
<p>Par 3, 5th Bullet. Service Road adjacent to the residential area will generate noise.</p>	<p>All noise issues and impacts were addressed by a noise specialist and the necessary mitigation measures were recommended.</p>

ANNEXURE B



449

ANNEXURE E 14/15

SEC
PO Box 30134
Tokai
7966

19 August 2009

Our Reference: ITS 2509

Attention: Fabio Venturi

Dear Fabio,

Proposed Development on Erven 1449, 1450, 1452 and 1734, Sandbaai, Hermanus – Whale Village Shopping Centre.

We refer to a letter received from the Bergzig Home Owners Association via your office dated 6 August 2009. In this letter a number of traffic related issues are raised as concerns regarding the development of the proposed shopping centre on the abovementioned erven.

Our responses to the issues raised are included in the attached table.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'J. Christoff Krogscsheepers'.

J. Christoff Krogscsheepers, Pr. Eng, Ph.D. (UND), MITE

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Cape Town
Johannesburg

Issue	Response
<p>The present traffic count during peak hours increased at an alarming rate and between 700 to 800 vehicles and heavy duty trucks have been counted during peak traffic hours during the morning, midday and afternoon traffic</p>	<p>The existing traffic volumes were counted and are clearly outlined in the TIA. Bergsig Road is an important link in the larger road network of Hermanus, Sandbaai and Kleinmond.</p>
<p>Bergsig Road is used as a racetrack by Sandbaai Residents to avoid the traffic congestion at the Hoofweg and the R43 intersection in order to gain access to CTM and the R43 intersection.</p>	<p>Speeding along Bergsig Road can be an issue due to the alignment of the road. The current traffic calming measures should address that to some extent. Bergsig Road is an alternative to Main Road and in the future will continue to play a more important role as an alternative to Main Road. The development of the shopping center will result in more traffic along Bergsig which will result in slower speeds along Bergsig. On the other hand, the development of the shopping centre can contribute to appropriate traffic calming measures along Bergsig Road.</p>
<p>The building of the proposed retail center with access via Bergsig Road will result in further traffic and noise levels as traffic during weekends will increase as all visitors from Cape Town and surrounding towns will enter via the R43 turning right in Hoofweg and left in Bergsig in order to visit the centre before travelling east to holiday houses, etc.</p>	<p>It is correct that one of the access to the centre will be off Bergsig Road and that initially access for traffic from the west will be via Bergsig Road. The traffic impact outlined in the TIA describes this impact and illustrates that the network will be able to accommodate the increase in traffic and also indicates appropriate mitigation measures to deal with the increase in demand.</p>
<p>Bergsig Road at present is deteriorating on a daily basis through excessive use by trucks from the cement factory and other vehicles.</p>	<p>One of the proposed mitigation measures is the re-sealing of Bergsig Road. This will address a current deficiency in the network and will also mitigate the impact of the traffic to/from the development. It is also specifically required that a low-noise asphalt be used for the surfacing. This will further enhance the livability of the area by reducing road based noise.</p>
<p>Furthermore the planned extension of a Road connecting Onrust to Bergsig Road will further exacerbate the traffic into Bergsig Road as it will encourage all road users from as far as Fishershaven to use that road as the R43 is already over populated during peak hours and holiday.</p>	<p>The development of an alternative route to connect the communities to the south of the Main Road is an initiative by the local municipality acting on behalf of the people living in the area. The congestion along the R43 is exactly why alternative routes have been identified. The road network requirements and the relevant mitigation were defined and develop in line with the local long-term planning.</p>
<p>The revision of the entry into the proposed mall from Bergsig Road will have devastating negative effects on the residents and property values of Bergzicht and totally unacceptable by its residents</p>	<p>As transportation engineers we are not qualified to comment on property values. Suffice to say that there are numerous examples in city's such as Cape Town, where complete the opposite happened around places such as Tygervally, Century City and Cape Gate.</p>

451

Whale Coast Village Mall (Pty) Ltd

Registration No: 2007/016680/07



27 October 2011

**TO: OVERSTRAND MUNICIPALITY
TOWN PLANNING DEPARTMENT**

TP

ATT: Mr Henk Olivier**PER: holivier@overstrand.gov.za****CC: adrianlouw@hermanus.co.za**

FILE NO:	EL 1659 SB
SCAN NO:	28
COLLABORATOR NO:	286540

Dear Mr Olivier

**RIGHT OF WAY (ROW) SERVITUDE TO BE REGISTERED IN FAVOUR OF ERF 1659,
SANDBAAI**

We refer to the LUPO and amendment to the Structure Plan applications lodged with the Overstrand Municipality to accommodate the development proposal of the Whale Coast Village Mall in respect of Erven 1449, 1450, 1452 and 1743. We also refer to later communications between yourself, our town planner (BCD Town planners) and Retail Africa, regarding the need to address the issue of providing access to Erf 1659 from the Erf 1452, which is registered in the name of our company, and which forms part of the development proposal.

We have decided to accommodate and retain the existing access road over the Mall site, and mores specifically Erf 1452, to Erf 1659 (Guest House), Sandbaai. It was also proposed that this access be protected by means of a right of way servitude in favour of the said property.

We accordingly provide the following undertaking:

1. Upon the final approval (all appeals having been exhausted) of the Structure Plan, LUPO, Removal of Restrictions and EIA application in terms of NEMA, of the development proposal, and further upon the final approval by the Local Authority of the

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Tel: +27 (0)21 421 4500
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CENTURION
Grey Owl Village, Office 101
cnr Brakfontein Road &
Erasmus Drive
Centurion, 0157
P O Box 1901, Halfway House 1685
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Fax: +27 (0)12 661 16661

Whale Coast Village Mall (Pty) Ltd

Registration No: 2007/016680/07

WHALE COAST
VILLAGE MALL

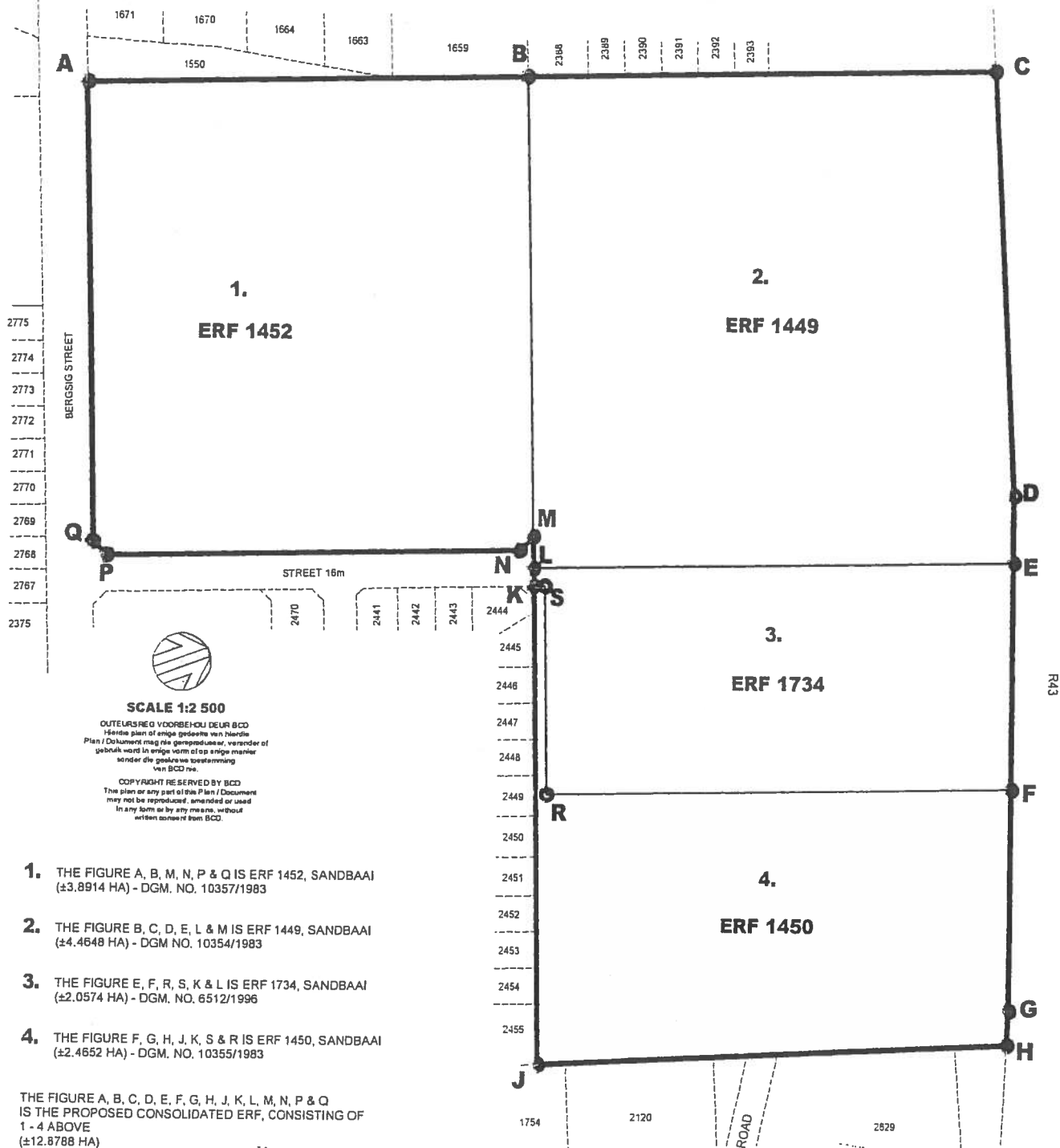
Site Development Plan for the Whale Coast Village Mall, the owner of Erf 1452 undertakes to register a servitude for access in favour of Erf 1659, over Erf 1452, over that portion of Erf 1452 which comprises the last part of the culdesac known as Aloe Road.

2. The corner points of the servitude shall be determined by a professional land surveyor, but shall be in accordance with "Diagram 2" attached hereto, as well as the compilation of the servitude diagram, and the terms of the deed of servitude shall be determined by an attorney, no later than during the period when the Building Plans for the Whale Coast Village Mall are being circulated within the Local Authority. The deed of servitude shall provide that the costs of registration of the servitude shall be jointly shared between the servient and the dominant owners.
3. The servitude shall be lodged at the Cape Town Deeds Office for registration prior to the Building Plans for the Whale Coast Village Mall being capable of being finally approved.
4. The attached Site Development Plan and "Diagram 2" shall be used as guide to determine the servitude position, but the exact position of the access, and width of the entrance gate and other specifics shall be jointly agreed between the servient and dominant owner at the time when the Site Development Plan for the Mall has been finally approved.

We trust the above undertaking will meet with your approval and will adequately protect the rights of all parties concerned. many thanks,

Yours faithfully


Jan Krüger



DESCRIPTION	Y	X
A	-18640.21	3609593.27
B	-18701.33	3809413.37
C	-18767.77	3809217.80
D	-18943.12	3809271.82
E	-18971.02	3809281.71
F	-19065.03	3809315.70
G	-19157.00	3809348.95
H	-19171.12	3809354.72
J	-19110.60	3809552.41
K	-18910.58	3809484.48
L	-18903.01	3809481.89
M	-18889.76	3809477.38
N	-18893.51	3809484.99
P	-18838.24	3809653.53
Q	-18828.63	3809657.28

SYSTEM : LO 19

BCD
 TOWN & REGIONAL PLANNERS
 3.279.01



DEPARTMENT OF ECONOMIC DEVELOPMENT & TOURISM
 DEPARTEMENT VAN EKONOMIESE ONTWIKKELING & TOERISME
 ISEBE LOPHULISO LWEZOQOQOSHO NEZOKHENKETHO

Reference: 2009/1109
 Verwysing:
 Isalathiso:

Enquiries: Mark Lakay
 Navrae: (021) 483 4717
 Imibuzo:

RE: ERVEN 1449, 1450, 1452 AND 1734, SITUATED BETWEEN R43 AND BERGSIG STREET, SANDBAAL, OVERSTRAND MUNICIPAL AREA: PROPOSED AMENDMENT OF THE GREATER HERMANUS SPATIAL DEVELOPMENT FRAMEWORK AND THE OVERSTRAND MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK, PROPOSED CONSOLIDATION, REZONING AND CONSENT USE: PROPOSED SHOPPING CENTRE

Dear Mr Müller
 Director: Infrastructure and Planning
 Fax: 028 313 2093

PO BOX 20
 Hermanus
 7200

In response to your letter dated 22 May 2009 regarding the notice of the proposed amendment of the Greater Hermanus Spatial Development Framework and the proposed consolidation and rezoning for the proposed shopping centre, we would have no objections if the following was considered:

- The proposed extension is considered with regard to the long term spatial plans of the area and that the affect on current plans have been considered
- That the proposed shopping centre has been considered with regard to the strategic objectives and vision of the Overstrand Local Economic Development Strategy
- That the safety and economic welfare of members of the immediate community has been considered and that access to the suggested economic activity has been considered
- And that due processes have been followed and that the municipality has involved other relevant government departments

Regards

Mr Mark Lakay
 Deputy Director: Local Economic Relations
 Date: 06/07/2009

Our Ref: HM/Sandbaai/Erf 1449 1450 1452 & 1734
 Enquiries: Ronny Nyuka
 Tel: 021 483 9691
 Email: Rnyuka@pgwc.gov.za
 Date: 29-08-2008



Record of Decision.

Built Environmental and Landscape Committee

Heritage Western Cape hereby notifies:

Mr Hennie Brandt Po Box 1333 Bloubegant, 7443

**Of its intention to Comment or Recommend in terms of
 Section 38 (8) of the National Heritage Resources Act (Act 25 of 1999)
 and Regulation 3(3)(a) of PN 298 (29 August 2003)**

For: Proposed Construction of a shopping Centre.

Erf 1449 , 14 50 .1452&1734, District of Caledon

Heritage Western Cape: Committee has no objection to the proposal

The following conditions apply:

NOTE

1. Committee has no objection to the proposal.
2. The interested and affected parties are consulted with regard to the architectural treatment of the new buildings to ensure that it would not impact negatively on the scenic R43 Road.
3. Should any human remains be exposed during excavation and works are stopped immediately and Heritage Western Cape is informed to assess.
4. No Further heritage related studies are required

Ronny Nyuka

**For Accounting Officer: Heritage Resources Management Service
 p.p. Heritage Western Cape**

HERITAGE RESOURCE MANAGEMENT SERVICE
ONTVANG / RECEIVED
2008 -03- 29
ERFENISHULPBRON BESTUURDENS

www.capegateway.gov.za/culture_sport

Street Address: Protea Assurance Building, Green Market Square, Cape Town, 8000 • Postal Address: Private Bag X9067, Cape Town, 8000
 • Fax: +27 (0)21 483 9842 • E-mail: hwc@pgwc.gov.za

Street Address: Protea Assurantie-gebou, Groentemarkplein, Kaapstad, 8000 • Posadres: Privaatsak X9067, Kaapstad, 8000
 • Fax: +27 (0)21 483 9842 • E-pos: hwc@pgwc.gov.za

457



OVERSTRAND MUNICIPALITY
P.O. Box 20
HERMANUS
7200

Date:
29.05.2009

Enquires:
Ms Rochelle McPherson
Tel: 021 980 3042
Fax: 021 980 3053

HERMANUS ADMINISTRATION
INFRASTRUCTURE & PLANNING

Attention: Mr H. Olivier

ERVEN 1449,1450, 1452 AND 1734, SITUATED BETWEEN R43 AND BERGSIG STREET, SANDBAAI, OVERSTRAND MUNICIPAL AREA: PROPOSED AMENDMENT OF THE GREATER HERMANUS SPATIAL DEVELOPMENT FRAMEWORK AND THE OVERSTRAND MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK, PROPOSED CONSOLIDATION, REZONING AND CONSENT USE: PROPOSED SHOPPING CENTRE
YOUR REF: 1449, 1450, 1452, 1734 HSB
OUR REF: 00454/09

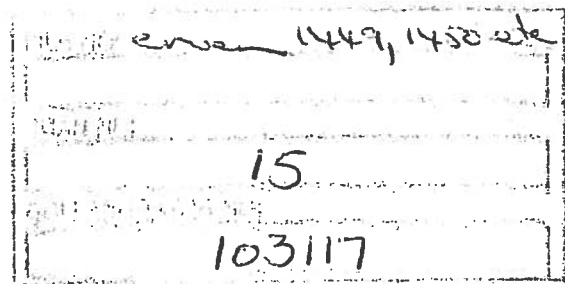
I refer to your letter dated 22 May 2009 and would like to comment as follows.

Eskom has no objection to the proposal provided that the following requests are adhere to:

1. Should it be necessary to relocate / lower any of the existing Eskom services for possible future needs of applicant at least 3 months notice in writing is required and the cost will be entirely for the account of the Developer.
2. Eskom's right on the properties not to be affected.

Yours faithfully


Rochelle McPherson
LAND DEVELOPMENT (BRACKENFELL)



Western Region
60 Voortrekker Road PO Box 2100 Bellville 7535 SA
Tel 00 27 (0)86 003 7566 www.eskom.co.za

Directors: RM Godsell (Chairman) PJ Maroga (Chief Executive) LCZ Cale SD Dube LG Josefsson (Swedish) HB Lee (Korean) WE Lucas-Bull PM Makwana J Mirenge (Rwandan) JRD Modise AJ Morgan U Nene
Company Secretary: TN Msomi
Eskom Holdings Limited Reg No 2002/015527/06



458



SCIENTIFIC SERVICES

postal Private Bag X5014 Stellenbosch 7509
physical Assegaaibosch Nature Reserve Jonkershoek
website www.capenature.co.za
enquiries Samantha Raiston
telephone +27 21 856 8000 fax +27 21 856 1523
email landuse@capenature.co.za
reference SSD.../12/1449_1450_1452_1734_Rezone_Hermanus
date 7 July 2009

Attention: S. Müller
Town Planner
Overstrand Municipality, Hermanus Administration
PO Box 20
Hermanus
7200

Fax: 028 3132093

Re: Erven 1449, 1450, 1452 and 1734, Sandbaai. Proposed Amendment of the Greater Hermanus Spatial Development Framework and the Overstrand Spatial Development Framework, Proposed Consolidation, Rezoning and Consent Use: Proposed Shopping Centre.

Your ref: 1149, 1450, 1452, 1734 HSB

CapeNature would like to thank you for the opportunity to comment this proposed activity.

As highlighted in the botanical assessment, the proposed development site has been transformed by residential development, earthworks, dumping and invasive alien vegetation. It is unlikely that there is any habitat remaining of conservation significance. CapeNature therefore has no objection to the proposed activity.

CapeNature reserves the right to revise initial comments and request further information based on any additional information that might be received.

Yours sincerely

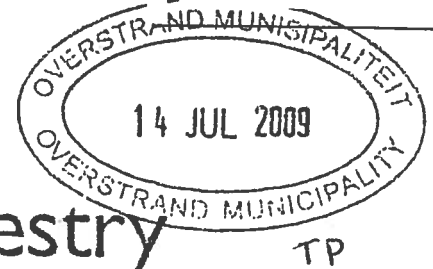
A handwritten signature in black ink, appearing to read "S. Raiston".

Samantha Raiston
For: Manager (Scientific Services)



water & forestry

Department:
Water Affairs and Forestry
REPUBLIC OF SOUTH AFRICA



Western Cape Region / Wes-Kaapstreek,

Private Bag / Privaatsak X16, Sanlamhof, 7532, 17 Strand Street / Strandweg, Bellville, 7530

Enquiries/Navrae: Mr Deugald Jephtha

Tel: (021) 950 7295

Reference/Verwysing: 16/2/7/G400/A/8

Fax: (021) 950 7224

Email: JephthaD@dwaf.gov.za

24 June 2009

The Town Planner

PO Box 20

HERMANUS

7200

FILE NO: Erven 1449, 1450, 1452 & 1734 Sandbaai
SCAN NO: 1
COLLABORATOR NO: 106992.

Attention: Mr H Olivier

ERVEN 1449, 1450, 1452 AND 1734, SITUATED BETWEEN R43 AND BERGSIG STREET, SANDBAAI, OVERSTRAND MUNICIPAL AREA: PROPOSED AMENDMENT OF THE GREATER HERMANUS SPATIAL DEVELOPMENT FRAMEWORK AND THE OVERSTRAND MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK, PROPOSED CONSOLIDATION, REZONING AND CONSENT USE: PROPOSED SHOPPING CENTRE. REF-1449, 1450, 1452 and 1734 HSB.

Herewith this Department's comments on this application, in particular on the envisaged sewage treatment system and domestic water supply as proposed.

The Department has reviewed the document and have no objections to the above mentioned development. The following special conditions will be applicable:

ERVEN 1449, 1450, 1452 AND 1734, SITUATED BETWEEN R43 AND BERGSIG STREET, SANDBAAI, OVERSTRAND MUNICIPAL AREA: PROPOSED AMENDMENT OF THE GREATER HERMANUS SPATIAL DEVELOPMENT FRAMEWORK AND THE OVERSTRAND MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK, PROPOSED CONSOLIDATION, REZONING AND CONSENT USE: PROPOSED SHOPPING CENTRE. REF-1449, 1450, 1452 and 1734 HSB.

1. All bulk services namely, water supply, waste water, solid waste and storm water to be rendered by the municipality as indicated.
2. Please note that no groundwater development options (boreholes) without **prior authorization by this Department** may be explored.

Please do not hesitate to contact the abovementioned official, should you have any further queries.



CHIEF DIRECTOR: WESTERN CAPE

Date: 2009-07-08