

461



DEPARTMENT
of AGRICULTURE

Provincial Government of the Western Cape

Our Reference : 20/9/2/4/5/054
20/9/2/4/5/034
Your Reference : NA
Enquiries : JH Smit

Overstrand Municipality
PO Box 20
HERMANUS
7200

Att: Mrs L Swarts

REZONING AND SUBDIVISION: DIVISION CALEDON
ERF 1734, 1449 & 1450: SANDBAAI



TP

FILE NO:	erven 1734, 1449
SCAN NO:	
COLLABORATOR NO:	101154

An e-mail from the applicant BCD Town & Regional Planners dated 15 April 2009 has reference.

The Department of Agriculture: Western Cape would like to thank you for the opportunity to comment on the above proposed development.

In the application the following statements are made:

"The erven are located within the Sandbaai Township, which was established during 1983."

In principle the Department of Agriculture: Western Cape has no objection in terms of land use for the purpose of agriculture to the proposed change of land use in order to accommodate township development on the above-mentioned properties with total extent of approximately 13 hectares.

There are however a number of conditions:

1. All the newly created units (remainder included) approved for township development must be zoned to any non-agricultural zoning according to the Local Government's zoning scheme and regulations.
2. All the newly created units (remainder included) approved for township development must be incorporated into the town area and linked up to the municipality's bulk services.



Privaatsak X1 / Private Bag X1, Elsenburg 7607
Tel: (021) 808 5093 • Faks/Fax: (021) 808 5092 • Webwerf/Website: www.elsenburg.com
LANDBOU-ONTWIKKELINGSENTRA / AGRICULTURAL DEVELOPMENT CENTRES:
ELSENBURG • GEORGE • MOORREESBURG • OUDTSHOORN • VREDENDAL

Please take note:

- Kindly quote the above-mentioned reference number in any future correspondence in respect of the application.
- The Department reserves the right to revise initial comments and request further information based on the information received.

Yours sincerely



AS ROUX Pr Eng
DIRECTOR: SUSTAINABLE RESOURCE MANAGEMENT
2009-05-12

Copies:

Senior Environmental Consultants
PO Box 30134
TOKAI
7966

Directorate Land Use and Sustainable Resource Management
National Department of Agriculture
Private Bag X 120
PRETORIA
0001

BCD Town and Regional Planners
PO Box 11333
BLOUBERGRANT
7443





agriculture, forestry & fisheries

Department:
Agriculture, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA



TP

Private Bag X120, Pretoria (Tshwane), 0001
Delpen Building, C/o Annie Botha & Union Street, Riviera, 0084
From: Directorate Land Use and Soil Management
Tel: 012-319-7678 Fax: 012-329-5938 E-mail: Agriland@nda.agric.za
Enquiries: Helpdesk Ref: 2009_05_0265

Overstrand Municipality
P.O Box 20
HERMANUS
7200

2009 -11- 05

Dear Sir/Madam

REZONING AND SUBDIVISION OF ERF 1734, 1449 & 1450: SANDBAAI, DIVISION CALEDON, WESTERN CAPE PROVINCE

Your application dated 15 April 2009 refers.

With reference to the above-mentioned subject I wish to inform you that this Department has no objection against the proposed rezoning and subdivision to develop township development on a portion measuring approximately 13 hectares under the following condition:

1. All the newly created units (remainder included) approved for township development must be zoned to any non-agricultural zoning according to the Local Government's zoning scheme and regulations.
2. All the newly created units (remainder included) approved for township development must be incorporated into the town area and linked up to the municipality's bulk services.

Yours faithfully


DELEGATE OF THE MINISTER: LAND USE AND SOIL MANAGEMENT

FILE NO:	even 1734, 1449 & 1450 SB
NO.:	15
	121066



464

Network Infrastructure Provisioning
Wayleave Management
WESTERN REGION

Telkom SA Limited
10 Jan Smuts Drive
Pinelands 7405

Enquiries: Ishaam Peters

Tel: (021) 414-5614
Fax: (021) 414-5772
E-mail: williaml@telkom.co.za



Smit

Our Ref. No: LT/10010/IP/09

Your Ref. No: 1449, 1450, 1452, 1734 HSB

31 July 2009

OVERSTRAND MUNICIPALITY

PO BOX 26
GANSBAAI
7220

*P.O Box 20
Hermanus
7200*

Dear Sir or Madam:

FILE NO:	<i>erven 1449 etc</i>
SCAN NO:	<i>22</i>
COLLABORATOR NO:	<i>110575</i>

RE: ERVEN 1449, 1450, 1452 AND 1734, SITUATED BETWEEN R43 AND BERGSIG STREET, SANDBAAI

Your notification dated 22 May 2009 refers.

In reference to the Electronic Communications Act no. 36 of 2005.

This company's existing and future overhead and underground infrastructure, as indicated on the attached plan will be affected by the above-mentioned proposal.

The piperun indicated contains important OPTIC FIBRE cable. Please contact Graham Willemse at 0800200888 at least 48 hours before commencement of work.

This company cannot accept responsibility for any reinstatement costs and our infrastructure should be accessible at all time.

Telecommunication services position is shown as accurately as possible, these positions should be regarded as approximate only.

Approval of the proposed is valid for 12 months. If construction has not yet commenced within this time period then the file must be resubmitted for approval. Any changes and deviations from the original planning during construction must be immediately communicated to this office.

Yours Faithfully

Peters
Operations Manager
Ron Bruiners

Directors: ST Arnold (Chairman), RJ September (Chief Executive Officer), B du Plessis, RJ Huntley, VB Lawrence*, PCS Luthuli, KST Matthews, B Molefe, E Spio-Garbrah**

Company Secretary: SF Linford

*American **Ghanaian



This wayleave, Ref is LT/10010/IP/09 is valid for 12 months from date hereof and is subject to the following conditions.

1. No mechanical plant or vibrator type compactors may be used within three metres of any Telkom plant (I.E. any Telecommunication equipment above or below ground level).
2. The position of our plant affected by the proposal is indicated as approximate and our **GRAHAM WILLEMSE TEL: 080 020 0888** must be contacted at least 48 hours prior to commencement of the work, upon which the actual location of Telkom Plant will be indicated on-site.
3. A written request must be submitted to Telkom for consideration should the applicant require our plant to be relocated. The cost of such a relocation will be recoverable from the applicant.
4. It is the responsibility of the applicant to verify the existence of the indicated plant and to notify Telkom immediately should the applicant locate any Telkom plant which is not indicated on the plans.
5. Should the applicant expose any Telkom plant, the safeguard thereof will be the applicants full responsibility.
6. Failing to comply with the above conditions or any special conditions addendum hereto will be regarded as gross negligence and the applicant will be held responsible for and damage or loss as a result thereof.

Date: 2009/07/30

For Regional General Manager
Western Cape

Telkom Symbol Legend	HIGHLIGHTED
1. Underground Pipe	
2. Underground Cable	
3. Manhole	
4. Street Distributio Cabinet (SDC)	
5. Jointing Pit / AJB	
6. Jointing Pillar (PJ)	
7. Pipe Junction Box (B/S)	
8. Robot Control	
9. Pole	
10. Stay	
11. Strut	
12. Aerial Cable (A/C)	
13. Break in pipe	

The pipelines indicated contains OPTIC FIBRE cables.

GRAHAM WILLEMSE: 080 020 0888

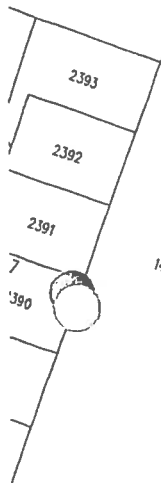
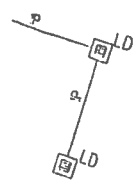
must be contacted

48 hours before commencement of work.



309

VERY IMPORTANT TELKOM UNDERGROUND PIPE RUN



5000169

OVERHEAD ROUTE

OVERHEAD ROUTE

OVERHEAD ROUTE

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REZONING, SUBDIVISION AND CONSENT USE: ERVEN
1449, 1450, 1452 & 1734, SANDBAAI**

Stormwater (SW)	:	According to the master plan by the developer
Electricity	:	According to master plan
Sewer	:	See condition 26
Water	:	See condition 27
Roads and traffic	:	According to the TIA report

Conditions:

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

1.1 Developments containing Sectional Title Units/ Commercial Buildings (non-free standing properties – property is not to be subdivided)

The BICLs are to be paid in full **prior** to submission of the building plans. Building Plans will not be accepted unless the BICL is paid in full.

1.2 Developments with free standing properties (property that is subdivided and plots to be sold individually).

The BICLs are payable **prior** to clearance being issued by the Income Department of the Municipality.

The contribution according to the current policy (**2014/2015**) is as follows:

Water (w7A)	R 23 444.00 x 151 =	R 3 540 044.00
Sewerage (SEW5A)	R 18 816.00 x 151 =	R 2 841 216.00
Roads & SW(RDST1)	R 6 132.00 x 151 =	<u>R 925 932.00</u>
TOTAL (inclusive of VAT)	=	<u>R 7 307 192.00</u>

Note:

1.3 The above figures are estimates

2. that the developer at his cost constructs the internal municipal civil and electrical services for the development as well as any link or bulk municipal services that need to be provided;

2.1 the Director: Infrastructure and Planning may require the developer to construct internal, link, and/or bulk municipal services to a higher

capacity than warranted by the development for purposes of allowing other existing or future developments to also utilise such services, provided:

- 2.2 the rates and prices of such work be established in terms of a system which is fair, equitable, transparent and cost effective;
 - 2.3 if link municipal services have already been provided, the developer to contribute towards the cost thereof, the Director: Infrastructure and Planning to determine the amount of such contribution in terms of a system which is fair and equitable;
3. that servitudes for municipal services be registered in favour of the Council at the developer's cost in respect of all main services to be taken over by the Council and all existing municipal services concerned crossing private property;
 4. that the developer indemnifies and keep the Council indemnified against all actions, proceedings, claims and demands, costs, damages and expenses arising out of the establishment of the township, the provision of services to the township or the use of servitude areas or municipal property:
 - 4.1 for a period which shall commence on the date that the installation of the services to the township are commenced with and shall expire after completion of the maintenance period;
 - 4.2 the developer to submit an acceptable public liability insurance policy to the Council and to pay the premium in advance for the period as set out above before any work concerned may commence;
 - 4.3 the insurance to be to an amount which shall not be less than that required by the SAACE;
 - 4.4 such indemnification against loss, claims or damages, to include claims pertaining to consequential damages by third parties and whether as a result of the damage to or interruption of or interference with the Council's services or apparatus or otherwise;
 5. that a plan of all existing services be submitted to the Director: Infrastructure and Planning, by the developer and that any of the services that need to be relocated, be done by the developer at his cost to the satisfaction of the Director: Infrastructure and Planning:
 - 5.1 way-leaves must be obtained from the Operational Manager;
 - 5.2 such way-leaves to be obtained prior to any excavation on public property or property where existing services are located;

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

Overstrand Municipality. As-built plans to be on quality paper, together with a DXF file thereof;

14. that the developer furnish the Council with a bank guarantee equal to 2.5% of the value of the provided municipal civil and electrical services as certified by the independent professional engineer/technologist. The guarantee shall be to the satisfaction of the Director: Infrastructure and Planning and valid for the 12 months maintenance period which commences from date of the Certificate of Completion;
15. that the Home Owners Association be responsible for the operational costs and maintenance of street lighting, electrical reticulation and metering and all internal services;
16. that the developer appoint a consulting electrical engineer to determine the electricity demand for the development and pay a fee to Overstrand Municipality to determine the capacity in the existing electricity network;
17. that the electricity reticulation and supply be provided according to the master plan by the developer at his cost;
18. that the developer will be responsible to contribute towards the upgrading of the existing 30MVA – 66KV Eskom (Hermanus) distribution point ;
19. that the required supply for the proposed development will only become available once the upgrading of the existing 30MVA – 66KV Eskom (Hermanus) distribution point has been completed;
20. that the developer provide bulk meters for water and electricity at approved positions as well as individual meters at each consumption point;
21. that an approved refuse collection area/room to sufficiently accommodate the refuse generated by the development and which is to be proved with the following:
 - 21.1 properly ventilated;
 - 21.2 a cement floor;
 - 21.3 a tap and running water, as well as a drainage point which is connected to the sewer network;
 - 21.4 is at a position nearest to an access road for the development and be accessible for the refuse truck at all times, to the satisfaction of the Director: Infrastructure and Planning;
22. that the refuse room be completed prior to occupation of the first unit, to the satisfaction of the Director: Infrastructure and Planning;
23. that a stormwater management plan, which may include attenuation facilities to ensure that the pre-development run-off is not exceeded and that erosion and pollution is minimised, be submitted to the Director: Infrastructure and Planning for approval and that the approved

- management plan be implemented by the developer at his cost to the satisfaction of the Director: Infrastructure and Planning;
24. that the stormwater master plan of the Overstrand Municipality be consulted for the compilation of the stormwater management plan by the developer;
 25. that the above stormwater management plan include the following:
 - 25.1 pre-development run-off from the catchment area;
 - 25.2 post-development run-off from catchment area;
 - 25.3 existing stormwater reticulation system and the capacity thereof;
 - 25.4 connection of internal stormwater reticulation system;
 - 25.5 overland escape routes
 26. that the sewer reticulation system be upgraded according to the report by messers GLS Consulting Engineers, at the developer's cost;
 27. that the water reticulation system be upgraded according to the report by messers GLS Consulting Engineers, at the developer's cost;
 28. that all the conditions as set by the Department of Transport & Public Works be adhered to, as per their letter dated 09 February 2010, at the developer's cost;
 29. that damage to the existing roads, used as routes for access to the development during construction, for the provision of services, be repaired by the developer, at the developer's cost;
 30. that Minor Road 4008 (Sandbaai Main Road) from TR28/1 to Bergsig street be upgraded to the standard of the proposed Hermanus/Onrus River link road, at the developer's cost;
 31. that Bergsig street from MR4008 to Skulphoek be upgraded to the standard of the proposed Hermanus/ Onrus River link road, at the developer's cost;
 32. that Skulphoek road from Adam street to Bergsig street be upgraded to the standard of the proposed Hermanus/ Onrus River link road, at the developer's cost;
 33. that the developer contribute towards the cost of the future extension of Bergsig Street to Church Street, as per condition 3.10 stipulated by the Department of Transport and Publics Works in their letter dated 10 February 2010, and that the Director Infrastructure and Planning determine the amount of such contribution in terms of a system which is fair and equitable;

34. that the developer apply for a temporary water connection on the prescribed application form at Overstrand Municipality's Finance Department, before commencement of construction;
35. that the developer apply for a bulk water connection on the prescribed application form, at Overstrand Municipality's Finance Department and that the installation of the bulk water meter, by the developer, be done under the supervision of the Operational Manager, Hermanus;
36. that the connection to the main water line will only be done by the Operational Department after payment of the connection fee, by the developer.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

7 MAY 2015
DATE



DEPARTMENT OF TRANSPORT AND PUBLIC WORKS
 DEPARTEMENT VAN VERVOER EN OPENBARE WERKE
 ISEBE LEZOTHUTHO NEMISEBENZI YOLUNTU



Reference: 13/3/5/1-21/78 (JOB 17471)
 Verwysing:
 Isalathiso:

Enquiries: Ms GD Swanepoel
 Navrae:
 Imlbuzo:



The Director: Infrastructure and Planning
 Overstrand Municipality
 PO Box 20
 HERMANUS
 7200

Attention: Mr H Olivier

Dear Sir

FILE NO:	erven 1449, 1450 etc
SCAN NO:	01
COLLABORATOR NO:	133072

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

1. The following refer:
 - 1.1 Your letter 1449, 1450, 1452, 1734 HSB dated 22 May 2009 to the District Roads Engineer, Paarl.
 - 1.2 The District Roads Engineer, Paarl's letter PM213/53/0227(09) dated 9 July 2009 to you.
 - 1.3 This Branch's letter 13/3/5/1-21/78 (JOB 17471) dated 2 September 2009 to the Director: Infrastructure and Planning of Overstrand Municipality.
 - 1.4 Dr JC Krogscsheepers' motivational letter ITS 2509 dated 9 October 2009 to this Branch.
 - 1.5 Dr JC Krogscsheepers' letter ITS 2680 dated 4 December 2009 and updated site development plan 2384-100-SDP revision 23, which was prepared by Boogertman & Partners Architects.
2. This Branch herewith withdraws the objection that was offered to the proposed development in this Branch's previous letter mentioned in paragraph 1.3.

3. This Branch offers no further objections to the proposed development, provided that:
 - 3.1 Access must be taken off the following roads as per ITS Consulting Engineers' proposals:
 - 3.1.1 Trunk Road 28 section 1 by means of a left in left out only entrance.
 - 3.1.2 Adam Street by means of the proposed two lane roundabout.
 - 3.1.3 Bergsig Street by means of a stop controlled southbound access.
 - 3.1.4 A public road immediately east of Bergsig Street.
 - 3.2 The portion of Trunk Road 28 section 1 between Sandbaai Main Road and Skulphoek Street must be upgraded to the proposed divided dual carriage way, with bus stops, sidewalks and pedestrian crossings at the signal controlled intersections of R43 / Sandbaai Main Road and R43 / Skulphoek Street. This design must be done according to the proposed Jeffares and Green upgrading of Trunk Road 28 section 1 and must be approved by this Department's design department before construction thereof may commence.
 - 3.3 The portion of Trunk Road 28 section 1 between Skulphoek Street and Mimosa Street must be upgraded to the proposed divided dual carriage way. This design must be done according to the proposed Jeffares and Green upgrading of Trunk Road 28 section 1 and must be approved by this Department's design department before construction thereof may commence.
 - 3.4 The proposed traffic signal, including necessary streetlighting, at R43 / Swartdam Street must be installed, after this Branch's design department approved the design.
 - 3.5 Skulphoek Street must be upgraded to at least two lanes per direction between the R43 and Adam Street.
 - 3.6 Bergsig Street must be widened as per ITS' proposal at the stop controlled access to the proposed development. The southbound approach must have a dedicated left turn lane and a dedicated right turn lane, the westbound approach must have a dedicated right turn lane and separate through lane and the eastbound approach must have a shared through and left turn lane.
 - 3.7 The municipality must apply in writing to deproclaim Minor Road 4008 (Sandbaai Main Road) as a Provincial Road, and then take it over as a municipal street.
 - 3.8 The intersection of Sandbaai Main Road and Bergsig Street must be upgraded to ITS' proposed single lane roundabout.
 - 3.9 Except for the bus stops included in the upgrading of Trunk Road 28 section 1 (paragraph 3.2), as per ITS' recommendations minibus lay-byes must be constructed along Bergsig Street as well.
 - 3.10 This Branch must protect future mobility along Trunk Road 28 section 1, therefore this Branch requires an acceptance in writing from the municipality to this Branch that a proposed extension of Bergsig Street to link to Church Street (as per ITS) will, if not constructed immediately, be added to the municipality's future road planning and will be finished within a reasonable time frame.
 - 3.11 No construction activities may commence on site, before the upgrading of the road network (this does not include the works relating to paragraph 3.10, but the written acceptance must be sent to this Branch) and accesses are completed in full.
 - 3.12 No services may be proposed within the road reserve of Trunk Road 28 section 1.

3.13 The 5,0m Building Line, as per Roads Ordinance 19 of 1976, must be maintained.

Yours faithfully



EXECUTIVE MANAGER: ROAD AND TRANSPORT MANAGEMENT

Date: 9 - Feb - 2010

**OVERSTRAND
HERITAGE & AESTHETICS COMMITTEE
MINUTES OF MEETING**

DATE: Thursday, 30 July 2009
TIME: 14h15
VENUE: "GLASKAS" – Library Building, Municipality Hermanus

PRESENT: Mrs E Spaarwater (in the chair)
Mr A Greeff
Mrs W Hofmeyr
Ms M Honicke
Mrs N Lloyd
Mr R Pieters
Mr C Roux
Mr R Smith

In attendance: Mr J Simson - Building Services Manager

1.0 APOLOGIES

Ms E du Toit, Mr N Saayman, Ms M Wolters

4.9 SANDBAAI: ERF 1449, 1450, 1452, 1743, WHALE COAST VILLAGE MALL

Sketch plans were presented and the Committee commented as follows:

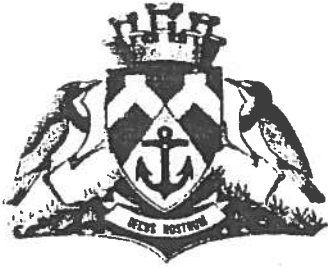
- Recommend that the building be expressed as a village of forms articulating the building into nodes and by linking the buildings with green glazing as transition spaces.
- Aesthically, it is recommended that the marine and nautical quality of Hermanus be expressed in terms of the use of materials.
- Flat level arches in lieu of round arches are preferred.
- A digital view from the R43, in terms of the overall external façade, is recommended

NEXT MEETING: Wednesday, 26 August 2009 at 2.15 pm

Minutes: M Honicke

OVERBERG

DISTRIKSMUNISIPALITEIT DISTRICT MUNICIPALITY UMASIPALA WESITHILI



MELD ASB/PLEASE QUOTE

Ons Verw./Our Ref.:

Navrae/Enquiries: B. MTAKATI

Bylyn/Ext.:

Privaatsak: X22

Private Bag:
BREDASDORP
7280

Tel.: (028) 4251157

Faks/Fax: (028) 4251014

Health Department
Hermanus office
Wybo New mark Street 1
ONRUS
7201

028 3840 111 (T)

028 3840 241 (F)

18 JUNE 2009

COMMENTS ON THE PROPOSAL: ERVEN 1449, 1450, 1452, 1734, SANDBAAI

Water

The municipality must give a written undertaking that the water source is sufficient to supply this new development.

Sewerage

The municipality must give a written undertaking that the sewerage plant will be able to handle the extra load.

Waste

Written agreement must be entered into with local municipality for the removal of waste if the municipality will remove the waste.

Refuse areas and refuse bins to comply with municipal solid waste management by-law.

Certificates of acceptability

All food premises will have to apply for a certificate of acceptability from the Overberg District Municipality.

**THE DA REQUESTED THE MEETING TO ADJOURN
FOR A CAUCUS AT 10:14**

THE MEETING RESUMED AT 10:24

5.

ERVEN 1449, 1450, 1452 AND 1734, SANDBAAI, OVERSTRAND MUNICIPAL AREA: PROPOSED AMENDMENT OF THE GREATER HERMANUS SPATIAL DEVELOPMENT FRAMEWORK AND THE OVERSTRAND MUNICIPAL WIDE SPATIAL DEVELOPMENT FRAMEWORK, CONSOLIDATION, REZONING, CONSENT USE AND REMOVAL OF RESTRICTIONS : PROPOSED REGIONAL SHOPPING CENTRE : RETAIL AFRICA

1449, 1450, 1452 & 1734, HSB (1216)

H Olivier

(028) 313 8179

Hermanus Administration

10 February 2012

EXECUTIVE SUMMARY

An application has been received from Messrs. BCD Town and Regional Planners on behalf of Retail Africa (Pty) Ltd for the amendment of the Greater Hermanus Spatial Development Framework (Structure Plan) and the Overstrand Municipal Spatial Development Framework, the consolidation of the erven, rezoning thereof and consent use to operate a regional shopping centre from the consolidated property.

A separate application for the removal of restrictive condition in the Title Deeds for the properties was submitted by Messrs Walkers Attorneys, on behalf of Retail Africa (Pty) Ltd. The condition prohibits the sale of liquor or opening of a hotel on the relevant properties.

Although a separate process and advertisement period were followed with the applications, both applications will be tabled before Council for a recommendation in this report.

RESOLVED

1. that in terms of Section 3(6) of the Removal of Restrictions Act, 1967 (Act 84 of 1967), the removal condition B(1) in Title Deed T13419/2009, condition B(1) in Title Deed T13420/2009, condition B(1) in Title Deed T13421/2009 and condition B(1) in Title Deed T7054/2009, **be recommended for approval by the Department of Environmental Affairs and Development Planning;**

MINUTES OF THE MAYORAL COMMITTEE MEETING**25 APRIL 2012**

2. that in terms of Section 16 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) application for rezoning and consolidation of Erven 1449, 1450, 1452 and 1734, Sandbaai to Business Zone I purposes, **be recommended for approval by the Department of Environmental Affairs and Development Planning;**

subject to the following conditions:

- (a) that a positive Record of Decision be obtained for the Environmental Impact Assessment (EIA) from the Department of Environmental Affairs and Development Planning;
- (b) that the erven be consolidated;
- (c) that a final Site Development Plan that complies with all the requirements of the Municipality and state departments, be submitted to the Municipality for approval;
- (d) that a servitude right of way be registered over the consolidated erf in favour of the owner of Erf 1659, Sandbaai;
- (e) that Phase 1 of the development may only provide for a mall of 30 000m² GLA and that any future phases be in line with time frames indicated in the Retail Study performed by Douglas Parker or any further retail studies as may be required by Council for such phasing;
- (f) that the cinemas be developed as part of Phase One of the development;
- (g) that this approval does not absolve the applicant/owner from compliance with any other relevant legislation;
- (h) that all other development parameters, as prescribed in the Zoning Scheme, be retained;
- (i) that a minimum of six parking bays per 100m² GLA be provided on the consolidated site;
- (j) that a Landscape Plan be submitted for consideration by the Municipality for the development and that the Municipality reserves the right to impose conditions upon approval of this document;

MINUTES OF THE MAYORAL COMMITTEE MEETING**25 APRIL 2012**

- (k) that internal services remains the responsibility of the developer/owner, or his/her successor in title;
 - (l) that all the conditions imposed by the Heritage Western Cape as in their letter dated 29 August 2008 be complied with;
 - (m) that all the conditions imposed by Eskom as in their letter dated 29 May 2009 be complied with;
 - (n) that all the conditions imposed by the Department of Water Affairs and Forestry as in their letter dated 14 July 2009 be complied with;
 - (o) that all the conditions imposed by the Department of Agriculture: Western Cape as in their letter dated 26 May 2009 be complied with;
 - (p) that all the conditions imposed by the Department of Agriculture: National as in their letter dated 5 November 2009 be complied with;
 - (q) that all the conditions imposed by Telkom as in their letter dated 31 July 2009 be complied with;
 - (r) that all the conditions imposed in the Services Report be complied with;
 - (s) that all the conditions imposed by the Department of Transport and Public Works as in their letter dated 9 February 2010 be complied with;
 - (t) that all the conditions imposed by the District Health as in their letter dated 18 June 2009 be complied with;
 - (u) that all development must comply with SANS 0400 (T, W and related Sections) and the Community Fire Safety By-Law PN 638/2006, and
 - (v) that a refuse area according to municipal specifications and a separate area for recycleble material be erected.
3. that in terms of Clause 4.7 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), a consent use on the consolidated site of Erven 1449, 1450, 1452 and 1734, Sandbaai to establish a supermarket, bottle store, place of entertainment, place of assembly, institution and service trade, **be approved, subject to the approvals of 1 to 2 above by the Department of Environmental Affairs and Development Planning.**

RECOMMENDATION TO THE COUNCIL

1. that the application for the amendment of the Greater Hermanus Spatial Development Framework, 2006 to change the reservation of Erven 1449, 1450, 1452 and 1734, Sandbaai from Urban Area to Commercial Node, in terms of Section 4(7) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), **be recommended for approval by the Department of Environmental Affairs and Development Planning, and**
2. that the application for amendment of the Overstrand Municipal Wide Spatial Development Framework, 2006 to change the reservation of Erven 1449 and 1452, Sandbaai from residential to commercial, **be recommended for approval by the Department of Environmental Affairs and Development Planning.**

RESPONSIBLE OFFICIAL : H OLIVIER

TARGET DATE FOR IMPLEMENTATION : 4 MAY 2012

TARGET DATE TO INFORM APPLICANT : 11 MAY 2012

TARGET DATE TO INFORM OBJECTORS : 11 MAY 2012

5.4

ERVEN 1449, 1450, 1452 AND 1734, SANDBAAI, OVERSTRAND MUNICIPAL AREA: PROPOSED AMENDMENT OF THE GREATER HERMANUS SPATIAL DEVELOPMENT FRAMEWORK AND THE OVERSTRAND MUNICIPAL WIDE SPATIAL DEVELOPMENT FRAMEWORK, CONSOLIDATION, REZONING, CONSENT USE AND REMOVAL OF RESTRICTIONS : PROPOSED REGIONAL SHOPPING CENTRE : RETAIL AFRICA

(ITEM 5, PAGE 224 : INFRASTRUCTURE & PLANNING PORTFOLIO : MAYORAL COMMITTEE 25 APRIL 2012)

RESOLVED (UNANIMOUSLY)

1. that the application for the amendment of the Greater Hermanus Spatial Development Framework, 2006 to change the reservation of Erven 1449, 1450, 1452 and 1734, Sandbaai from Urban Area to Commercial Node, in terms of Section 4(7) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), **be recommended for approval by the Department of Environmental Affairs and Development Planning, and**
2. that the application for amendment of the Overstrand Municipal Wide Spatial Development Framework, 2006 to change the reservation of Erven 1449 and 1452, Sandbaai from residential to commercial, **be recommended for approval by the Department of Environmental Affairs and Development Planning.**

RESPONSIBLE OFFICIAL : H OLIVIER

TARGET DATE FOR IMPLEMENTATION : 4 MAY 2012

TARGET DATE TO INFORM APPLICANT : 11 MAY 2012

14.

ERVEN 1449, 1450, 1452 AND 1734, SANDBAAI, OVERSTRAND MUNICIPAL AREA : PROPOSED AMENDMENT OF THE GREATER HERMANUS SPATIAL DEVELOPMENT FRAMEWORK AND THE OVERSTRAND MUNICIPAL WIDE SPATIAL DEVELOPMENT FRAMEWORK, CONSOLIDATION, REZONING, CONSENT USE AND REMOVAL OF RESTRICTIONS : PROPOSED REGIONAL SHOPPING CENTRE : RETAIL AFRICA: AMENDMENT TO RESOLUTION

1449, 1450, 1452 & 1734, HSB (1216)

H Olivier

(028) 313 8179

Hermanus Administration

14 May 2012

EXECUTIVE SUMMARY

The above-mentioned application served before the Mayoral Committee and Council on 25 April 2012.

Due to an administrative error two corrections will have to be made to the minutes.

RECOMMENDATION TO THE COUNCIL

1. that the resolution of the Mayoral Committee dated 25 April 2012 **be amended** as follows:

"Recommendation to the Council

1. that the application of the amendment of the Greater Hermanus Spatial Development Framework, 2000 to change the reservation of Erven 1449, 1450, 1452 and 1734, Sandbaai from Urban Area to Commercial Node, in terms of Section 4(7) of the Land Use Panning Ordinance, 1985 (Ordinance 15 of 1985), **be recommended for approval** by the Department of Environmental Affairs and Development Planning, and
 2. that the application for amendment of the Overstrand Municipal Wide Spatial Developmet Framework, 2006 to change the reservation of Erven 1449 and 1452, Sandbaai from Residential to Commercial, **be approved.**"
2. that the resolution of the Council dated 25 April 2012 **be amended** as follows:

"Resolved (Unanimously)

1. that the application of the amendment of the Greater Hermanus Spatial Development Framework, 2000 to change the reservation of Erven 1449, 1450, 1452 and 1734, Sandbaai from Urban Area to Commercial Node, in terms of Section 4(7) of the Land Use Panning Ordinance, 1985 (Ordinance 15 of 1985), **be recommended for approval** by the Department of Environmental Affairs and Development Planning, and

MINUTES OF THE MAYORAL COMMITTEE MEETING**30 MAY 2012**

2. that the application for amendment of the Overstrand Municipal Wide Spatial Developmet Framework, 2006 to change the reservation of Erven 1449 and 1452, Sandbaai from Residential to Commercial, **be approved.**"

RESPONSIBLE OFFICIAL : H OLIVIER

TARGET DATE FOR IMPLEMENTATION : 8 JUNE 2012

TARGET DATE TO INFORM APPLICANT : 15 JUNE 2012

TARGET DATE TO INFORM OBJECTORS : 15 JUNE 2012

The meeting adjourned at 10:35.

DATE

N BOTHA-GUTHRIE – EXECUTIVE MAYOR

5.7

ERVEN 1449, 1450, 1452 AND 1734, SANDBAAI, OVERSTRAND MUNICIPAL AREA: PROPOSED AMENDMENT OF THE GREATER HERMANUS SPATIAL DEVELOPMENT FRAMEWORK AND THE OVERSTRAND MUNICIPAL WIDE SPATIAL DEVELOPMENT FRAMEWORK, CONSOLIDATION, REZONING, CONSENT USE AND REMOVAL OF RESTRICTIONS : PROPOSED REGIONAL SHOPPING CENTRE : RETAIL AFRICA : AMENDMENT OF RESOLUTIONS

(ITEM 14, PAGE 173 : INFRASTRUCTURE & PLANNING PORTFOLIO – MAYORAL COMMITTEE MEETING : 30 MAY 2012)

RESOLVED

1. that the resolution of the Mayoral Committee dated 25 April 2012 **be amended** as follows:

"Recommendation to the Council

1. that the application of the amendment of the Greater Hermanus Spatial Development Framework, 2000 to change the reservation of Erven 1449, 1450, 1452 and 1734, Sandbaai from Urban Area to Commercial Node, in terms of Section 4(7) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), **be recommended for approval** by the Department of Environmental Affairs and Development Planning, and
 2. that the application for amendment of the Overstrand Municipal Wide Spatial Development Framework, 2006 to change the reservation of Erven 1449 and 1452, Sandbaai from Residential to Commercial, **be approved.**"
2. that the resolution of the Council dated 25 April 2012 **be amended** as follows:

"Resolved (Unanimously)

1. that the application of the amendment of the Greater Hermanus Spatial Development Framework, 2000 to change the reservation of Erven 1449, 1450, 1452 and 1734, Sandbaai from Urban Area to Commercial Node, in terms of Section 4(7) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), **be recommended for approval** by the Department of Environmental Affairs and Development Planning, and
2. that the application for amendment of the Overstrand Municipal Wide Spatial Development Framework, 2006 to change the reservation of Erven 1449 and 1452, Sandbaai from Residential to Commercial, **be approved.**"

MINUTES : ORDINARY MEETING OF THE COUNCIL**30 MAY 2012**

RESPONSIBLE OFFICIAL : H OLIVIER

TARGET DATE FOR IMPLEMENTATION : 8 JUNE 2012

TARGET DATE TO INFORM APPLICANT : 15 JUNE 2012

TARGET DATE TO INFORM OBJECTORS : 15 JUNE 2012

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**Western Cape
Government**

Environmental Affairs and
Development Planning

FILE NO: <i>erven 1734, 1449</i>	DIRECTORATE: LAND MANAGEMENT (REGION 2)
<i>1450, 1452</i>	
SCAN NO: <i>35</i>	Andre.Lombaard@westerncape.gov.za Tel: +27 21 483 3638 Fax: +27 21 483 3098 1 Dorp Street, Cape Town, 8000 www.westerncape.gov.za/eadp
LABORATOR NO: <i>655101</i>	
REFERENCE: E17//2/2/2/AS21/Er.f.1449 Sandbaai	
ENQUIRIES: A Lombaard	

The Director: Planning and Building Development Management
Overstrand Municipality
Hermanus Administration
P. O. Box 20
HERMANUS
7200



OVERSTRAND MUNICIPALITY: HERMANUS ADMINISTRATION: APPLICATION FOR THE PROPOSED AMENDMENT OF THE GREATER HERMANUS SPATIAL DEVELOPMENT FRAMEWORK, THE AMENDMENT OF THE OVERSTRAND MUNICIPAL WIDE SPATIAL DEVELOPMENT FRAMEWORK, CONSOLIDATION, REZONING AND CONSENT USE: PROPOSED REGIONAL SHOPPING CENTRE: ERVEN 1449, 1450, 1452 AND 1734, SANDBAAI

1. Your reference 1449,1450,1452 & 1734, HSB (1216) refers.
2. Recent Western Cape High Court and Constitutional Court judgments involving Provincial and Municipal competencies in relation to land use and planning competencies have relevance. Furthermore, it is important to note that Provincial Circular No. 7 (of 6 August 2013) amended the General Structure Plan to ensure that all rezoning and subdivisional decision-making functions in terms of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985)(LUPO) are delegated to the Municipal level in an attempt to prevent the possibility of any unconstitutional planning decisions being issued by the Provincial Government.
3. Given the most recent Constitutional Court judgment on 4 April 2014 which has confirmed such decisions are an exclusive Municipal competency, any decisions which may have been pending with the Department will be returned to the Municipality and the relevant applicants and Municipalities shall be advised accordingly.
4. It is confirmed that the amendment of the General Structure Plan and applicable Zoning Scheme Regulations that was previously referred to in paragraph 9.3 of Provincial Circular No. 8 (of 28 August 2013) is still applicable and that all previously non-delegated applications relating to land use and planning matters vest in the Municipalities as a Constitutional function and are

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also not appealable in terms of section 44 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985)(LUPO) after the most recent Constitutional Court judgment in this regard.

6. Prior to the applicable Constitutional Court judgment, this Department was in the process of finalizing the package application and a planning assessment has already been compiled. However as this is now a Municipal competency the decision now vests with your Municipality and in the spirit of co-operative governance, this Department's preliminary planning comment on the application is provided for your consideration as **Annexure A**, attached to this letter.
7. Furthermore it is important to note that a Removal of Restriction Application is being processed by this Department at the moment and you (and all the interested and affected parties) will be informed of the outcome as expeditiously as possible. As you are aware an Environmental Authorization was also issued by this Department on 6 January 2014 and this approval was communicated to all the interested and affected parties.
8. Any queries regarding the contents of this letter can be directed to Zaahir Toefy (021 483 2700), Henri Fortuin (021 483 5842) or Kobus Munro (021 483 0764).



1 HEAD OF DEPARTMENT

DATE: 31 JUL 2014

ANNEXURE A: DEA&DP Planning Comment**1. REGIONAL/ PLANNING CONTEXT**

- 1.1. In terms of the Western Cape Provincial Spatial Development Framework ("WCPSDF"), Hermanus is identified as priority fixed investment urban settlement, which means that it shows high economic growth potential with high population thresholds. Towns and settlements with this characteristic in terms of the WCPSDF should be prioritized as locations for fixed infrastructure, which includes urban services and facilities. In this regard, the proposed development will offer some infrastructure upgrades which could benefit the greater Hermanus area. These include the upgrade of an existing 30MVA-66kV substation in Hermanus, the upgrading of the R43 between the Sandbaai Main Road intersection and the Gateway, the upgrade of Bergsig Road and the upgrade of existing water, sewer and storm water systems.
- 1.2. Another strategy of the WCPSDF that the development will strive to meet includes the conservation and strengthening of the sense of place by means of implementing appropriate landscaping and architectural styles that is sensitive to the existing environment while at the same time enhancing it. In the same way the proposal will also strive to meet the strategies of restructuring urban settlements, promoting socio-economic integration, integration of urban activities, promotion of public and non-motorised transport and allocation of public space for public life and be located inside the urban edge. These strategies are achieved in that the development will be in walking distance from the settlements of Mount Pleasant and Zwelihle, bringing people closer to possible work and shopping opportunities.
- 1.3. Furthermore, the development will be situated amongst residential areas consisting of all socio-economic groups. The proposed development will also occur on some of the last remaining vacant land within an existing Mixed Use Node (Sandbaai). This node already has industrial, minor retail, offices, general commercial and high as well as low density residential land uses. As part of the overall development, concepts such as squares and landscape features will aim to create the retail facility as a space for public/communal enjoyment.
- 1.4. The proposed erven are located inside the Greater Hermanus Urban Edge. In accordance with the Western Cape Provincial Spatial Development Framework the proposed development should lead to the provision of a diverse range of economic opportunities close (within walking distance) to where people live, with specific reference to the residents located in the primary catchment area.
- 1.5. The proposed site is visible from the R43 which is a scenic route for much of its length. The section in the vicinity of the proposed site however comprises of densely built-up areas. According to the Visual Impact Assessment the local area is not visually sensitive as it is already a heavily built-up area. The existing commercial and industrial land uses also implies that the proposed development will not be out of place with its surrounds, but will however be visible from the R43 and some neighbouring areas. Specific design and landscaping measures which form part of the conditions of the Environmental Authorisation, will mitigate the visual impact of the proposed development.
- 1.6. According to the Traffic Impact Assessment ("TIA") the expected traffic volumes along the roads in the vicinity of the proposed development will be higher, but will still be within acceptable standards. Furthermore, all the intersections will be operating at acceptable

levels, with the exceptions of the Skulphoek Street and Main Road/Skulphoek intersections. The following measures are proposed to ensure that the traffic levels will be operating at acceptable levels at the abovementioned intersections:

- Skulphoek/Adam Street: A 2-lane roundabout with an inscribed circle diameter of 38 metres will be constructed. The southern and western approaches will be a single lane per direction while the northern approach will be 2 lanes per direction.
- Main Road/Skulphoek intersection: Two dedicated northbound right-turn lanes and a dedicated northbound left-turn lane must be constructed. Two receiving lanes on the southbound departing leg must also be constructed to accommodate the turning movements from Main Road.

- 1.7. The abovementioned measures, along with other traffic/road improvements have been made part of the said conditions of authorisation to ensure that the traffic generated by the proposed development will operate at the acceptable levels.
- 1.8. The demographic growth of Hermanus is stable due to a number of higher income residential developments in the area. This growth in demographics will lead to the increase of expenditure and with higher demand; the retail offer (supply) will need to follow. As such, the demand and effect of the proposed retail facility was assessed through feasibility studies. These revealed that the mall will provide the variety of retail facilities that is currently not available in Hermanus. This is confirmed by the current outflow of residents within Hermanus as well from Onrus River, Voëlklip and Sandbaai, Gansbaai, Franskraal, Caledon, Botrivier, Pringle Bay and Kleinmond to other malls such as Somerset West, and even as far as Tyger Valley. This information was tested and proven in the Hermanus Regional Analysis Report by Urban Studies (2010) which established that the lack of specific products such as clothing, homeware, décor, electronics and appliances and entertainment is not sufficiently supplied and available in the existing Hermanus Central Business District ("CBD"), which compels residents to shop outside their local area, at the malls as mentioned above. The proposed retail facility, therefore, aims to house some of the major anchors that will supply/offer the abovementioned products, hence also the proposed scale of the development that is required to house such anchors.
- 1.9. The direct socio-economic impacts of the development include the provision of employment during both the construction and operational phase of the development. However, the impacts on the existing Hermanus CBD were also assessed given the risk of 'cannibalism' wherein retailers open the same retail outlets within the same trade area. This risk of cannibalism on the existing Hermanus CBD was seen as limited, as it is proposed that the retail development will only house stores not already established in the CBD, unless the performance of the existing one has reached certain levels which warrants an additional store. It is, therefore, also expected that the retail facility and CBD would be able to co-exist, with the latter remaining unique in its offering as a very attractive tourist destination which will be able to continue to successfully offer small specialty stores and very attractive and good restaurants. This quality may help preserve the CBD as an attractive tourist destination.
- 1.10. Based on existing and proposed retail facilities in the area, e.g. the Hawston mall the option of phasing the development was assessed to address the issue of what the appropriate scale of the development should be. This was based on market feasibility studies that were undertaken. It was established that the development should be phased to allow the GLA to expand with the gradual increase in market demand.

The "warranted" market demand for the Hermanus area was calculated to be as follows:

- 27 800m² of GLA by 2012
- 31 100m² of GLA by 2016