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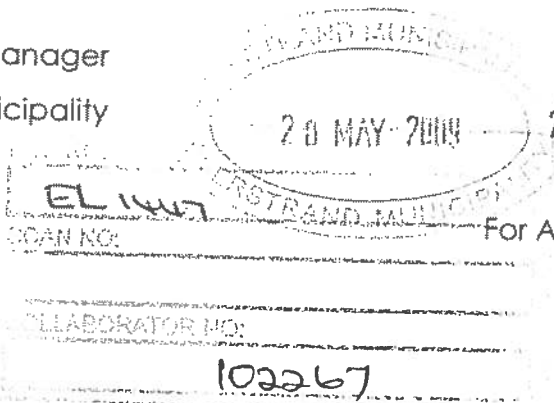
20 May 2009

The Municipal Manager

Overstrand Municipality

P O Box 20

Hermanus 7200



For Attention : H Olivier

Dear Sir

**PROPOSED AMENDMENT OF GREATER HERMANUS SPATIAL DEVELOPMENT  
 FRAMEWORK AND SUBDIVISION, REZONING AND CONSENT USE : ERF 1447  
 SANDBAAI**

We refer to your correspondence dated 28 April 2009 enclosing objections to the above-mentioned development and would like to respond as follows: -

**(a) Protea Park Home Owners Association**

The planning of the site requires that the slope of the land be taken into consideration when planning the development of the site, and in particular, designing access and delivery of goods and services. In fact the delivery of goods to the major magnets which are located in the southern portion of the shopping complex will take place within the basement / offloading/ parking area. The proposed open space (green buffer) on the southern and western boundaries are to be landscaped, creating areas of interest with tree planting along the boundaries. A planted berm is also to form an integral part of the

Member

K M Stead TRP (SA) Dipl T &amp; RP Natal MSAITRP MRTPI (LONDON)

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landscaping. In the light of the above, any negative impact of the proposal on the adjoining residential areas will be minimal.

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The intention in the traffic planning proposals (shown on the Site Development Plan) to service the proposed development makes for a slip off / slip on facility on the R43.

The civil engineering consultants report contained in the Annexures to the planning report indicates that there is sufficient capacity to accommodate the additional sewerage load. Alternatives have also been suggested. Similarly with the storm water proposals that include the recycling of the storm water runoff. It should be noted that if the site were developed with 100 "group housing" units, the sewerage demand would be much higher.

It is noted that the objector makes suggestions in their correspondence, which can hardly be construed as "objections".

**(b) Mountain View Home Owners Association**

The content of the objection leaves a lot to be desired, as there is no substance as such to the objection; the owners have not indicated any reasons for their objection and have purely signed the letter circulated by the Chairman, who himself has not in fact signed the letter.

**(c) Monte Mare Home Owners Association**

1 General

Whilst the objector may perceive Sandbaai as a densely built up residential area, the density is nowhere near the recommended density proposed in the Western Cape Spatial Development

Framework. The council have also adopted the policy of supporting nodal development areas of which Sandbaai is one such area. Part of the latest Overstrand Spatial Development Framework (2005) indicates the whole of Erf 1447 Sandbaai as "Commercial". This proposal was widely advertised as part of the public participation process and accepted by the public and endorsed by council.

The intention of Spatial Development Frameworks is to formulate an acceptable policy to enable the council to take informed decisions. According to the Land Use Planning Ordinance, the purpose of a Structure Plan reads as follows "The general purpose of a structure plan shall be to lay down guidelines for future spatial development of the area to which it relates in such a way as will most effectively promote the order of the area as well as the general welfare of the community concerned". It should also be noted that where densities increase, population numbers also increase, which increases the demand for goods services, this includes social services as well as retail facilities.

## 2 Traffic

The traffic consultants investigating the traffic impact of the proposed development have obtained the latest information on traffic flow at the Sandbaai intersection from the Provincial Roads Department. Additional surveys were undertaken to ascertain the impact of the traffic flows at the Engen garage. Obviously, it will become necessary at some time in the future to investigate the upgrading of the Sandbaai Main Road and Bergsig Street particularly when the Sandbaai Commonage becomes the subject of development. The traffic consultants have had protracted discussions with the municipal officials regarding the

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provision of acceptable traffic proposals that will benefit not only access to the shopping centre, but the whole of Sandbaai.

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3 A Place of Entertainment

The developers are not convinced that they will proceed with the development of any "entertainment" facilities within the shopping complex. However, there may be a demand for such a facility in the future and this was the reason for including this use to allow for this possible future requirement.

4 Bottle Store

The size and composition "Tenant Mix" of the proposed shopping centre suggests that provision should be made for a "Bottle Store" within the proposed centre. Whilst wines may be sold in the supermarket, no spirits or other liquor products may be sold

**(d) Bergsig, Carlane, Leisure Park, Mont Mare and Villa Anadia**

The content of this letter of objection is almost identical to the previous letter of objection. Our comment is therefore the same as in the previous objection. However, the signatories claim to represent 250 property owners, but there is no proof of this and in fact in the following two correspondents who lives in two of the complexes supports the development.

**(e) KP and A Barrone**

The author of this letter is not objecting, but is making comments / suggestions which could be considered by the developers. Every effort

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will be made to secure the boundary of the property to the satisfaction of the adjoining residents.

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**(f) I and D Meyer**

This letter is not an objection, but a letter of support for the proposed shopping centre development.

**(g) Sandbaai Rate Payers Association**

As stated the Sandbaai Rate Payers Association is not against the proposed Shopping Centre development.

The main concern of the Sandbaai Rate Payers Association revolves around the traffic impact study and certain issues regarding access. The traffic engineers have been requested to supply more detailed information regarding the issues mentioned in the correspondence. The traffic consultants have had protracted discussions with the municipal officials regarding the provision of acceptable traffic proposals (including a traffic circle) that will facilitate not only access to the shopping centre, but possibly the whole of Sandbaai.

With regard to the provision of a bottle store, we can't see the relationship between "work seekers" and patrons visiting a bottle store. There will be security within the vicinity that would control any excessive congregation of people in the area of the bottle store. It is likely that one of the supermarket chains will operate a "bottle store" within their own area of control.

Furthermore it is in the developer's interest to ensure that any such possible entertainment facilities are an asset to the community rather than a liability. As stated above, the developers will at a later stage decide whether to make provision for any entertainment facilities.

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**(h) Sandbaai Development Trust**

It may be well that the objector is engaged in a similar exercise, but to date no application has been submitted in terms of the Land Use Planning Ordinance. An application in terms of the National Environmental Management Act has been advertised, be it only in English and not Afrikaans as is normally required. It would therefore appear that their process is flawed and would have to be reviewed?

This objection should be viewed in terms of section 36 of the Land Use Planning Ordinance which reads as follows "Any application under chapter II or III shall be refused solely on the basis of lack of desirability of the contemplated utilisation of the land concerned including the guideline proposals included in a relevant structure plan in so far as it relates to desirability, or on the basis of its effect on rights concerned (except any alleged right to protection against trade competition)".

- 1 In terms of the regulations that form part of the Land Use Planning Ordinance No 15 of 1985, the Local Authority is required to inform the applicant if the application documentation is insufficient to take an informed decision. Whether the development is described as a Community or Regional Centre, it will have a positive effect on the wider region. What is important is that it involves a retail floor area of  $\pm 20\,000\text{m}^2$ .
- 2 As mentioned above, the council officials will request any further information that they deem necessary to take an informed decision. The development is adjoining the R43, which creates more noise than

any that would be created by traffic entering and leaving the underground parking areas of the shopping centre. The visual aspects on the proposal have been discussed in the various alternatives and the preferred alternative presents the least visual impact. The heritage committee is also more than satisfied with the proposal. The geotechnical report is available and has been forwarded to the engineering consultants for note when detailed building plans are to be considered. The bio-diversity aspects were considered when the town planning consultants prepared the Overstrand Spatial development Framework (2005) in which they indicated Erf 1447 Sandbaai as a site for commercial development. The onus of viability of a development rests at the door of the developers who in this case have done their homework.

- 3 The application submitted in terms of the Land use Planning Ordinance No 15 of 1985 refers to an area of 20 000m<sup>2</sup>. The traffic impact analysis refers to an area of 16 500m<sup>2</sup> that could be sustained by the proposed traffic improvements. However, the traffic consultants have had protracted discussions with the engineering officials at the municipality and have submitted proposals embodying a traffic circle that can easily handle the proposed 20 000m<sup>2</sup> retail floor area. These proposals will facilitate not only access to the shopping centre but the whole of Sandbaai. The traffic proposals also meet with the approval of the Provincial authorities.
- 4 As stated above the regulations promulgated in terms of section 47(1) of the Land Use Planning Ordinance state that the chief executive officer shall advise the applicant within a period of two weeks if the application does not comply with regulation 4.

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The consultants responsible for the compilation of the Spatial development Framework have researched the commercial usages in the region and have indicated as erf 1447 Sandbaai as the most suitable location for a commercial development. The council has also accepted this recommendation.

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- 5 Architectural proposals have been submitted as requested by the Heritage Committee. In fact a "power point" presentation of the architectural design of the various elements was made to the Heritage committee.
- 6 Both the environmental consultants and the engineers were aware that the proposal was for a centre of 20 000m<sup>2</sup> and it was the traffic proposals at that stage that could manage a centre of 16 000m<sup>2</sup>. The engineers have had numerous meetings with the Municipal Engineering Department who are aware of the project area and are satisfied that there is sufficient capacity to serve the development.
- 7 If the objector had studied the application documentation he would have been aware of the reasoning behind the "preferred development" option. The application was advertised for public scrutiny at the municipal offices and public library for anyone interested in the proposal.

We trust that you will take cognizance of the comments made in response to the correspondence received in relation to the advertisement of the proposed shopping centre development on Erf 1447 Sandbaai. The objections should therefore be discounted as the proposal complies with the Spatial Development Framework (2005), which was supported and approved by council. The last objection; Walkers Attorneys on behalf of

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Sandbaai Development Trust should be discounted as it is deemed to be a "Trade Objection" and thus be disallowed.

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Yours faithfully



K M Stead

Copy to Zamar Investments  
Co Gateway Centre  
Hermanus