

**AGENDA of the
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17 April 2012
(Also the agenda for the Mayoral Committee Meeting : 25 April 2012)**

by far the biggest town within the greater study area.

The study did indicate that a substantial flow of retail spending is lost within the region due to that none of the towns are large enough to accommodate major retail chains. Hermanus is the biggest retail centre within the study region and should a retail facility be established in Hermanus it would serve the whole region and reduce much of the outflow to Somerset Mall and Cape Town.

It was found that Hermanus can accommodate a centre of 28 000m² by 2013 and has the potential to increase to 34 000m² by 2019 with an additional increase to about 39 000m² by 2024.

However, the following must be taken into account that a regional retail facility typically focuses on fashion retailing, as in this respect the CBD would be affected and can lose a substantial amount of clothing shops. It is not foreseen that the specialized shops would be affected, and that the restaurants will benefit due to increased visitors or shoppers from the region.

The retail products which are undersupplied in the area are electronics/electrical goods and furniture, which will and can be catered for in such a retail centre.

The recommendation to minimize the impact on the Hermanus CBD is as follows:

- o that the tenant mix concentrates on chain stores and limited specialized line stores;
- o that the possibility of a value mart be incorporated into the tenant mix to cater for furniture, which is undersupplied in the region;
- o the mall needs to focus what is not in Hermanus, and
- o the proposed mall should be located in close proximity to the CBD in order to have a single core of shopping facilities.

The application is to develop a regional mall of approximately 39 000m² (GLA) on Portion 1 of the Farm Hoek van die Berg No. 572. The size of the proposed mall would ensure that the mall would be able to cater for a mix of tenants of chain stores and would be able to cater for new retailers which are not available in the Hermanus area.

Careful consideration should be given to the size of the initial mall, and the mall should be approximately 30 000m² in Phase 1. This mall will have potential to grow an additional 9000m² (GLA) to address the future needs of the region.

The location of the proposed mall in Hawston, approximately 10km from the Hermanus CBD, is however not viewed positively in view of the

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recommendations of the Retail Study. The property is not centrally situated in terms of the primary catchment area and due to the distance between the site and the Hermanus CBD, it is also foreseen that it could create a separate functioning node, competing with the Hermanus CBD.

Classification of the Hierarchy of Retail Facilities in South Africa

In terms of the abovementioned study the application can be classified as follows:

Small regional centre / large community centre:

The following is quoted from the Report:

"The role and function of these types of centres are mainly to satisfy the needs of the broader community and to offer a better tenant mix than the community centres. Most of these centres do not necessarily fulfil a true regional role, but rather that of a larger community facility.

In some cases, especially in the more rural areas, these centres fulfil a much stronger regional role."

The Hermanus area is considered a rural area serving other smaller towns in the area. The function of the proposed mall would definitely be that of a small regional centre.

A small regional centre size is between 25 000m² – 50 000m² GLA, and this application is in line with these size requirements providing for a centre of 39 000m² GLA. It would be able to accommodate the tenant mix required to be able to classify as a small regional mall. This is confirmed by the Retail Study by Douglas Parker.

The proposed mall is in line with most of the location criteria. It is situated next to the R43 District Road and will have good regional accessibility. It will also have high visibility to passing traffic. It will also have two access / egress points onto the site, although the viability of one of the access / egress points must still be confirmed.

The placement of the site in relation to the primary catchment area is however a concern. The site is situated in the western side of the primary catchment area, with Hawston to its immediate north. In this Study it is indicated that the average radius of the primary trade area is 3-5km. Considering this site, it will include Hawston, Fisherhaven, Vermont and Onrus River. The highest density residential area (Zwelihle), the Hermanus CBD and also areas that are well known to cater for a large number of the permanent residence in the Hermanus area, being Zwelihle, Sandbaai and Hermanus, proper falls outside the 3-5km radius.

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The specific property therefore does not comply with the location criteria of this Study.

Policy Documents

Greater Hermanus Sub-Regional Spatial Framework, 2000

In terms of this policy document the Hermanus CBD is earmarked as a sub-regional centre, and Gateway / Swartdam Road corridor, Sandbaai (at Bergsig Street / Sandbaai Main Road crossing / Hemel-en-Aarde Village, Onrus CBD, Vermont Trading Post and Hawston Business Area as local centres.

Most local centres have been fully developed or can still be developed for commercial purposes. The centre at the Bergsig Street / Sandbaai Main Road was a substantial area, including four erven, were never developed for commercial purposes. Only one of these erven at the R43 District Road / Sandbaai Main Road crossing is still vacant, and the three other erven were developed with higher density residential developments.

The subject property is situated south of Hawston and is earmarked for Primary Natural Area in terms of the policy document. The property forms part of an area identified as a natural link between the mountain and sea. It is also indicated that development of a limited scale and appropriate nature would be acceptable, subject to predetermined guidelines contained in an environmental management plan. An EIA has been submitted to DEA&DP for their consideration. This process must still be finalized, therefore it is not clear if the development will be able to adhere to the environmental requirements stipulated of this policy document.

The applicant motivated that the creation of a commercial node on the property would comply with the broad base aims of the policy to create jobs for the Hawston community, which will lead to the upliftment of the community. It is also the applicant's opinion that the creation of the commercial node (regional shopping centre) will help protect the sustainability of the Hermanus CBD.

Overstrand Municipal Wide Spatial Development Framework, 2006

In terms of the policy document the Hermanus CBD, the Gateway Centre / Swartdam Road corridor and the Sandbaai / R43 District Road crossing and Hemel-en-Aarde Estate were identified as substantial commercial centres. Smaller centres were identified in Onrus, Vermont and Hawston.

Most of the larger centres have been developed or are vacant and can still be developed for commercial purposes. One of the sites at the Sandbaai Main

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Road / R43 District Road crossing has partially been developed for commercial purposes (Engen, KFC and Agrimark), but approximately 70% of the site has been developed for higher density residential purposes. The three other sites identified for commercial purposes are still vacant.

The subject property is earmarked for Natural Open Space with a small portion for urban extension purposes. Provision is also made for ecological / open space corridor from the mountain to the sea over the property.

It is reiterated in the Policy that the functioning of Paddavlei, including the associated drainage system between Hoek van die Berg and the Bot River estuary, as an ecological corridor and linear open space area should be protected and managed with conservation objectives in mind.

As indicated under the previous heading the EIA is still in process and must still be finalized. Although the applicant's comments with regard to the comments of Cape Nature, the appointed botanist, etc. are noted, the conservation role of the site will only be finally determined after the completion of the EIA.

The applicant's opinion, as under the previous heading, that a regional mall (commercial node) near Hawston would ensure the sustainability of the Hermanus CBD, is noted. No specialized retail studies were however provided to support the applicant's opinion.

Overstrand Municipal Spatial Growth Management Strategy, 2010

The policy document identified densification areas, but economic growth areas were also identified in such document to promote economic development. The areas with the most substantial economic development pockets are the Hermanus CBD, Sandbaai from the Main Road / R43 District Road crossing including the erven south of the R43 District Road and Sandbaai Business Park up to Schulphoek Road, and the Gateway Centre with the area next to Swartdam Road and the Hermanus Industrial Area.

The subject property is a earmarked Structural Open Space in terms of the policy with one small portion for Densification Zone (less than 10 dwelling units per hectare). An open space corridor from the mountain to the sea is also earmarked over the property. The western portion of the property ($\pm 30\%$ of the property) next to Harbour Road in Hawston is also earmarked for Economic Opportunity (local).

In the policy document it is stated that "in order for Hawston to grow as a sustainable town, it is of vital importance that employment opportunities be created within close proximity to this town, given the large areas of potential developable land. Integrated settlement development providing a balance of

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mixed land uses and a range of housing types must underpin the future development of areas”.

As indicated under the previous two headings, the compatibility of the proposed regional centre with the environmental sensitivity of the property will only be clarified through the EIA process.

The economical opportunity strip next to Harbour Road in Hawston was identified to promote the road to the scenic harbour and beach. This was to promote tourism to the area (promoting mixed use).

In the above-mentioned policy documents, environmental significance is provided to the site, and this would be resolved with the EIA RoD. The proposal is a substantial amendment of all three policy documents, and the environmental impact, socio-economic impact and impact on services must be carefully considered.

There is concern with regard to the provision of electricity to the site by Eskom, and there is no real guarantee as to when electricity will be available to the development. Clarity must also still be provided on the second access to the development, and if it can be resolved.

The application is not in line with the recommendations and principles in the Overstrand Retail and the Hierarchy of Retail Facilities in South Africa Studies. It is foreseen that the development of a regional mall on the property would have an impact on the Hermanus CBD. It is the opinion that due to the substantial distance (10km) between the site and the CBD, and the large scale of the commercial development, a separate commercial node will be created, which will be in direct competition with the Hermanus CBD. This would ultimately have an impact on the Hermanus CBD and also the other commercial areas.

It is clear from the afore-mentioned recommendations that the amendment of the policy documents should not be supported.

Conclusion

The proposal is not in line with the criteria as stipulated in the Study for Classification of Hierarchy of Retail Facilities in South Africa by Dr. Dirk A. Prinsloo or the recommendation made in the Overstrand Retail Study by Douglas Parker. The proposed mall is large enough to function as a regional mall, but its distant location from the Hermanus CBD would create a situation where it will function as a new separate commercial node, which would have a negative impact on the Hermanus CBD.

The site is accessible from a regional road, but it would lead to an increase in traffic to the area and create additional traffic congestion on such regional

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road. The viability of a second access to provide access to the development is also in question.

The proposed mall would ensure that Council will obtain additional revenue from rates and services, but no additional revenue will be obtained for the sale of electricity. Electricity provision from Eskom is also not guaranteed.

The amendment of the policy documents, for this area, to allow this proposed development, is not supported. The proposed mall could create an additional commercial node, which could impact on the sustainability of the Hermanus CBD.

The application is not desirable, as the site is located away from the highest concentration of residents and potential employees. It will further require new public transport routes to be developed and maintained.

7. Financial Implications

None

8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

Infrastructure & Planning

See Annexure Q.

Electrical Department

Eskom provision area.

Fire Department

Fire Safety must comply with amended SANS 10400 regulations Sections S, T, W and the Overstrand Municipality Community Fire Safety By-Laws read in conjunction with SANS 10400.

Manager : Building Control

See Local Heritage comments.

Local Heritage & Aesthetics Committee

See Annexure R.

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Environmental Section

Requires and EIA.

Former Ward Councillor (Solomon)

Noted.

Waste Management

Refuse area must be built according to municipal specifications. Area for recyclable products must also be provided.

Traffic Department

Supports the opinion of the Engineering Section and the Department of Transport.

Director : Protection Services

No comments.

Director : Community Services

No comments.

Former Area Manager (D van Vuuren)

Nearest sewerage point on corner of Church and School Streets (Hawston).
Upgrade water mains. Access from Harbour Road (Hawston).

10. Annexures

- Annexure A: Locality Plan
- Annexure B: Proposed Site Development Plan
- Annexure C: Motivation Report
- Annexure D: Objections received
- Annexure E: Applicant's comment on objections
- Annexure F: Comments received from the Department of Economic Development and Tourism
- Annexure G: Comments received from Heritage Western Cape
- Annexure H: Comments received from Eskom
- Annexure I: Comments received from Cape Nature
- Annexure J: Comments received from the Department of Water Affairs & Forestry

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- Annexure K: Comments received from the Department of Agriculture :
Western Cape
- Annexure L: Comments received from the Department of Agriculture :
National
- Annexure M: Comments received from Telkom
- Annexure N: Comments received from District Health
- Annexure O: Comments received from the Department of Transport
- Annexure P: Letter from Consulting Engineers confirming electricity
capacity by Eskom
- Annexure Q: Services Report
- Annexure R: Local Heritage Committee comments made on 25 June 2009
- Annexure S: Conveyancers Certificate
- Annexure T: Consent from Remainder land owner
- Annexure U: Letter of support from the Municipality on additional access
over Council land

Note:

A copy of the Planning Application, Traffic Impact Assessment, the Overstrand Retail Study by Douglas Parker Associates and the Classification and Hierarchy of Retail Facilities in South Africa Study by Dr Dirk A Prinsloo can be viewed at the Town Planning Offices.

RECOMMENDATION/AANBEVELING:

1. that in terms of Section 4(7) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for the Amendment of the Greater Hermanus Spatial Development Framework in order to change the reservation of Portion 1 of the Farm "Hoek van die Berg" No. 572 from Primary Natural Area to Commercial Node, to accommodate a Regional Shopping Centre, **not be recommended for approval to the Department of Environmental Affairs and Development Planning;**
2. that in terms of Section 34 of the Local Government Municipal Systems Act 32 of 2000, the application for the Amendment of the Overstrand Municipal Spatial Development Framework in order to change the reservation of Portion 1 of the Farm "Hoek van die Berg" No. 572 from Natural Open Space and Residential to Commercial, to accommodate a Regional Shopping Mall, **not be approved;**
3. that in terms of Section 16 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) application for the rezoning of Portion 1 of the Farm "Hoek van die Berg" No. 572 from Undetermined Zone to Business Zone I, **not be recommended for approval to the Department of Environmental Affairs and Development Planning;**

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4. that in terms of Clause 4.7 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), application for a consent use to establish a supermarket, bottle store and place of entertainment on the property, **not be approved**, and
 5. that the Department of Environmental Affairs and Development Planning provide consent to remove Conditions C (1), (2) and (3) from Title Deed 7630/1999.
1. *dat ingevolge Artikel 4(7) van die Ordonnansie op Grondgebruiksbeplanning, 1985 (Ordonnansie 15 van 1985) die aansoek vir die Wysiging van die Groter Hermanus Ruimtelikeontwikkelingsraamwerk, ten einde die reservering van Gedeelte 1 van die Plaas Hoek van die Berg Nr. 572 te verander vanaf Primêre Natuur-area na Besigheidsnodus, om 'n Streekswinkelsentrum te akkommodeer, **nie vir goedkeuring aanbeveel word by die Departement van Omgewingsake en Ontwikkelingsbeplanning nie;***
 2. *dat ingevolge Artikel 34 van die Wet op Plaaslike Regering : Munisipale Stelselwet 32 van 2000, die aansoek vir die Wysiging van die Overstrand Munisipale Ruimtelikeontwikkelingsraamwerk, ten einde die reservering van Gedeelte 1 van die Plaas Hoek van die Berg Nr. 572 te verander vanaf Natuurlike Oopruimte en Residensiël (woondoeleindes) na Besigheid, om 'n Streekswinkelsentrum te akkommodeer, **nie goedgekeur word nie;***
 3. *dat ingevolge Artikel 16 van die Ordonnansie op Grondgebruiksbeplanning, 1985 (Ordonnansie 15 van 1985) aansoek vir die Hersoneering van Gedeelte 1 van die Plaas Hoek van die Berg Nr. 572, vanaf Onbepaalde Sone na Besigheidsone I, **nie vir goedkeuring aanbeveel word by die Departement van Omgewingsake en Ontwikkelingsbeplanning nie;***
 4. *dat ingevolge Klousule 4.7 van die Ordonnansie op Grondgebruiksbeplanning, 1985 (Ordonnansie 15 van 1985) die aansoek vir 'n Vergunningsgebruik vir 'n supermark, drankwinkel en vermaaklikheidsplek op die eiendom, **nie goedgekeur word nie, en***
 5. *dat die Departement van Omgewingsake en Ontwikkelingsbeplanning, vergunning verskaf om Voorwaardes C(1), (2) en (3) in Titelakte7630/1999, te verwyder.*

RESPONSIBLE OFFICIAL :

H OLIVIER

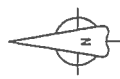

TARGET DATE FOR IMPLEMENTATION :

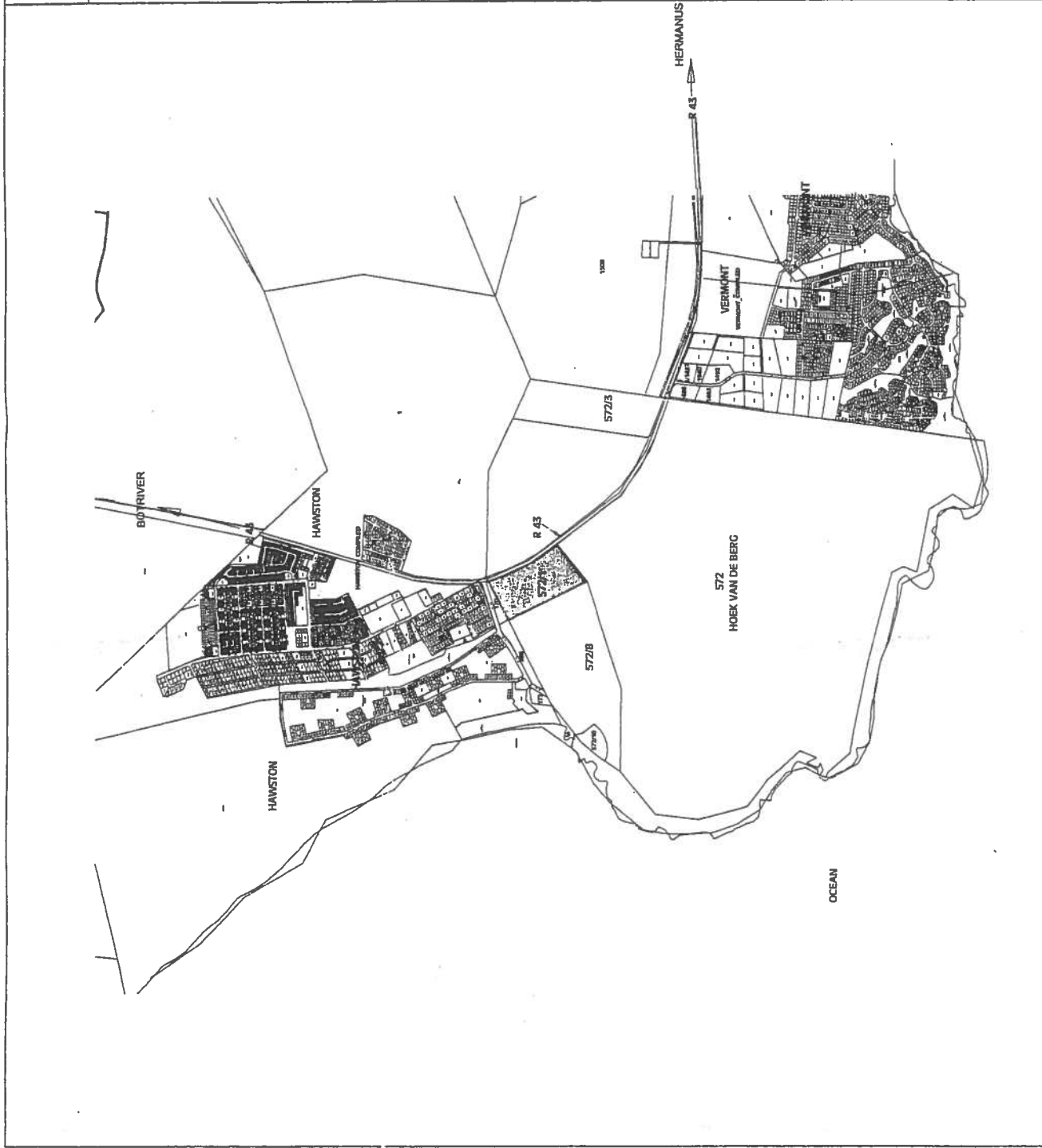
4 MAY 2012

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TARGET DATE TO INFORM APPLICANT : 11 MAY 2012

TARGET DATE TO INFORM OBJECTORS : 11 MAY 2012

<p>PORTION 1 OF FARM NO 572</p>	<p>LOCALITY PLAN</p> 	<p>PTN 1 / 572</p>	<p>Town and Regional Planners Stads- en Streekeplanners</p> 	<p>NOTES: COPYRIGHT RESERVED ALL DISTANCES APPROXIMATE AND SUBJECT TO SURVEY</p>	<p>PLAN NR./NO. P.A</p>	<p>FARM 572 L.DRW</p>	<p>DATE: MAY 2009</p>
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PROJECT NO: 2008/04/03
 SCALE: 1:500
 REVISED: 1/2008



Author: Harman, Harman

design proposal - Commercial

Milkwood Mall

PROJECT NO: 2008/04/03

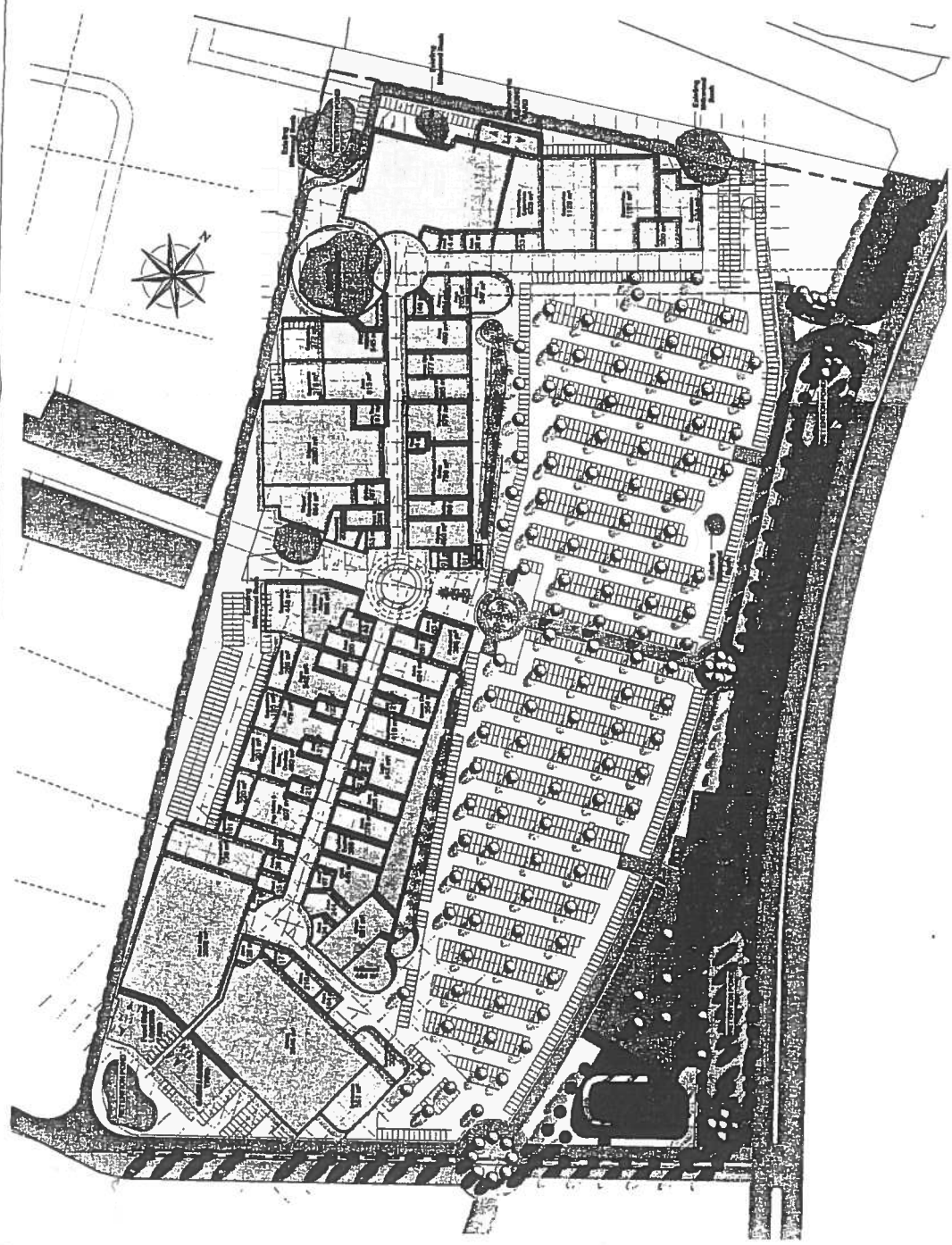


ARCH 250-00
Retail Plan
2009/04/03
1 : 1000
REVISION: 02

SCALE:
REVISION:



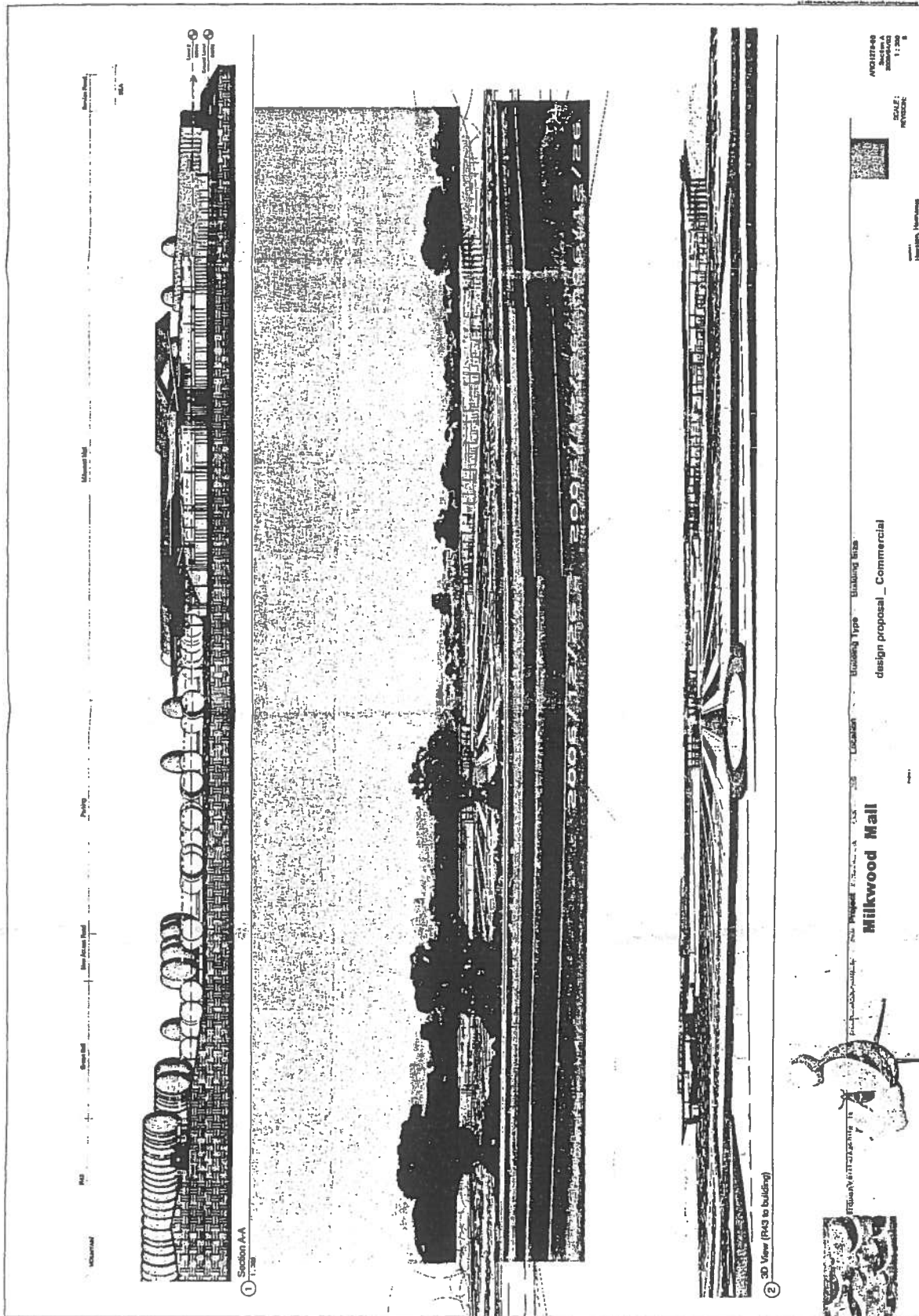
Author:
Hawston, Hermanus



Location Building Type Building Size
design proposal Commercial

Project
Milkwood Mall





PLAN ACTIVE TOWN & REGIONAL PLANNERS

**REZONING – CONSENT USE – AMENDMENT OF
STRUCTURE PLAN & SDF**

**PORTION 1 OF THE FARM HOEK VAN DE
BERG NO. 572**

HAWSTON

DIVISION CALEDON

**PROPOSED REGIONAL SHOPPING MALL
- WEKITA ONE (PTY) LTD -**

1. BACKGROUND

The owner of Portion 1 of the farm Hoek van de Berg No. 572 appointed Plan Active Town Planners to submit an application for the rezoning of the property in order to establish a regional shopping centre.

The initializing phases of the project included services studies, environmental, botanical and wetland studies as well as a holistic research of future development in the surrounding area.

2. LOCALITY

The property is situated in Hawston approximately 10 km from the Central Business District of Hermanus along the R43 in a northwestern direction. The site is situated west of the R43 road and south of the existing Hawston Township and falls within the demarcated Urban Edge of the Overstrand. Please refer to the enclosed Locality Plan for easy reference.

3. ZONING & LAND USE

The property is currently zoned: "Undetermined". The property is extensively vegetated by alien vegetation including blue gum trees, Port Jackson as well as Rooikrans trees.

The property is situated adjacent to the Hoek van de Berg Nature Reserve to the south and Hawston Township to the northwest. Portion 8 of the farm no. 572 is situated to the west of the property. The subject property is situated within the core urban area of Greater Hermanus and is therefore close to existing residential areas. The