

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 Hawston, bringing people closer to possible work and shopping opportunities.

The Overstrand Retail Study dated September 2011 conducted by Douglas Parker, for the Overstrand Municipality, concluded that the "*Hermanus CBD*" has limited capacity for additional retail facilities, and in peak period the traffic congestion is a serious problem in spite of additional parking facilities that were brought on stream with the Checkers development." The investigation has shown that the current Hermanus CBD is sufficient for the day to day needs of the locals; there is an outflow to Somerset West for clothing, electronic goods and furniture.

The independent "Hermanus Regional Analysis" study dated July 2010 prepared by Dirk Prinsloo of Urban Studies found that:

- o Two major weaknesses are associated with the Hermanus CBD, namely:
 - i. Inadequate variety of different stores required by a town of the size of Hermanus;
 - ii. Lack of parking which is further exacerbated by the fact that all retail facilities are spread over a wide area and shoppers have to drive from store to store;
 - iii. that there is a substantial residential growth in the area with a major outflow to Cape Town centers.
- o 76% of the respondents indicated that they regard Somerset Mall as their most important shopping destination due to the variety of tenants and shops; and for it being a one-stop shopping destination.

The Fernridge Consulting's *Proposed Shopping Centre Feasibility Study* (March 2009) stated the total estimated retail potential for the Hermanus area, excluding the low income bracket of R3000/month, is approximately 189 000m²; at 7% growth per annum the anticipated retail market in the catchment is anticipated to grow by 13 000m² per annum, which is seen as significant growth.

The proposed retail facility is directed to retain the bulk of the disposable income in the area instead of losing it to Somerset Mall. Currently 52% of non-food expenditure is spent at Somerset Mall and elsewhere in the greater Cape Town area.

Hermanus is a town of regional significance, due to its function as the main mode for retail, commerce, financial and administrative activity in the greater Overstrand area. It also fulfils above through its provision of restaurants and retail aimed at the tourism market, both international as well as local.

Given the proposed function of the development as a retail facility, the following characteristics deem the development to be desirable:

- the development will integrate with Hawston;
- the development will be accessible via an off-route from the R43;
- the development will increase the offer of retail shops in Hermanus and could thereby attract shoppers who would otherwise travel to Cape Town to access retail facilities;
- the development will act as an economic catalyst to the town of Hawston.

In addition, concerns of unacceptable opportunity costs and unacceptable cumulative impacts are minimised when one considers the longer-term outcomes for the area in question, i.e. the possibility of other socially important developments taking place in the future in proximity to the proposed retail facility.

The proposed retail facility on portion 1 of the Farm No. 572 was recommended for approval to the Department of Environmental Affairs and Development Planning by the Mayoral Committee and the Overstrand Municipal Council on 25 April 2012 and 11 May 2012 in terms of:

- section 4(7) of LUPO 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;
- section 34 of the MSA, 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.

Thus, the proposed development is consistent with the Overstrand Municipality's planning for portion 1 of the Farm No. 572.

As previously stated, the delegated competent authority deemed the content of the BAR and additional information sufficient to have made a decision.

I concur with the delegated competent authority that the EIA application complied with Regulation 23 of the EIA Regulations, 2006- *Content of basic assessment reports*.

7. Biodiversity constraints:

CapeNature stated in response to the EIA application for the proposed retail facility on portion 1 of the Farm Hoek van die Berg No. 572-

"On inspection it was confirmed that the site is heavily degraded and unlikely to contribute to biodiversity pattern targets. Rehabilitation would require substantial inputs above and beyond simple management of invasive alien plants.

The site's ecological value lies primarily in maintaining connectivity between the Onrus Mountains and the coast as well as between Paddasvlei and Vermont Soutpan. The loss of this is considered to be of medium negative significance and can be mitigated to some degree by allowing for ecological corridors and landscaping with indigenous species."

The mitigation measures included in the BAR for the preferred alternative included that-

"An ecological corridor must also be established along the south-western boundary to maintain the link can be shared with the adjacent municipal land. The dune slack that runs down toward the Paddasvlei near the north-western corner of the site. The proposed corridor will therefore form a natural extension to the dune slack containing the vlei. In addition, green 'strandveld' corridors should also be established along the access roads into the site." This mitigation measure is based on the specialist studies undertaken for the proposed development and the input received from the relevant organs of states.

In terms of the Paddasvlei Soutpan, the geo-hydrological investigation completed by Peter Rosewarne of SRK stated that the vlei is mainly fed by the deeper lying Table Mountain Group Aquifer (>60 m below the surface); and in terms of the aquatic statement provided by 'The Freshwater Consulting Group' regarding the potential impacts on the Vermont wetlands, studies and wetland mapping on Farm 572, Hermanus (Ractliffe 2009, Wetland Scan, Farm 572, Hermanus) indicated that the Vermont Pan is unlikely to be influenced by any activities on the proposed retail facility site.

Thus based on the input from the wetland specialist and geo-hydrologist, both of whom have considerable knowledge in their fields of expertise, the EAM is satisfied that the impact on the Paddasvlei system will be negligible, provided that sufficient measures are taken to manage stormwater emanating from the proposed retail facility on portion 1 of the Farm Hoek van die Berg No. 572.

8. Spatial Planning Constraints:

The WCPSDF identifies the Hermanus area as a 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 substation in Hermanus.

The WCPSDF states that Retail is one of the few significant forms of investment occurring in the emerging market' (Urban Landmarket 2013) with 4 million m² of new retail space being expected to be added over the next 10-12 years in South Africa.

A 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 Hawston, bringing people closer to possible work and shopping opportunities.

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Thus, the proposed development is consistent with the Overstrand Municipality's planning for portion 1 of the Farm No. 572.

The application was submitted in terms of the NEMA EIA Regulations of 2006 and was pending at the time of the promulgation of the NEMA EIA Regulations of 2010. Some of the activities herein authorised, may not have been listed under the NEMA EIA Regulations of 2006, but are now listed in terms of the NEMA EIA Regulations of 2010. In accordance with Regulation 76(3) of GN No. R. 543, these activities may be authorised as if they were applied for.

All information presented to the competent authority was taken into account in the consideration of the application for environmental authorisation. A summary of the issues which, according to the competent authority, were the most significant reasons for the decision is set out below.

C. ENVIRONMENTAL IMPACTS

In addition to the reasons provided in the section B, Appeal Review, the following section provides a discussion of the alternatives and the environmental impacts associated with the retail facility.

1. Alternatives

Three layout alternatives and the "no-go" option were considered by the applicant. No site alternatives and no activity alternatives were considered.

Site alternative

Portion 1 of the Farm No. 572, Hawston, is the preferred and only site proposed and it is located directly south of the village of Hawston, west of the R43 main road to Hermanus and north of the Hoek van de Berg Private Nature Reserve. The site is currently vacant.

Authorised layout alternative

The development comprised of regional shopping centre with a GLA of 30 000m² and associated infrastructure on the property. Additional infrastructure includes access roads off the R43 main road, an internal road network, parking areas and a stormwater drainage system. The footprint of the shopping centre will be 3,489 ha with a roof height of 8m. A parking area for 1814 cars will be established between the shopping centre and the R43. A 30m wide landscaped fynbos corridor along the R43 and the protection of all large Milkwood trees on site will be included in the layout. The contemporary design of the shopping centre is proposed to minimise the visual impacts on the surrounding areas.

Layout alternative 2

The second layout alternative is slightly larger than the preferred alternative and the landscaped fynbos corridor along the north-eastern boundary is shared with the adjacent road reserve. The footprint of the shopping centre is proposed to be 3,809ha with a roof height of 8m and a parking area coverage of 5,69ha. The number of parking bays for this alternative is 2032.

Layout alternative 3

The third layout alternative did not consider the presence of the Milkwood trees on site as well as the fynbos corridor next to the R43. There is only one access point proposed from the R43 for this alternative. The footprint of the shopping centre for this alternative is 2,770ha with a roof height of 8m and a parking area coverage of 5,6ha having a total of 1 745 parking units.

"No-go" alternative

The no-go alternative was also considered, but was not considered to be feasible by the applicant as the site would remain vacant and undeveloped.

2. Impacts, assessment and mitigation measures

2.1 Activity Need and Desirability

In the National Framework for Sustainable Development (2008) ("NFSD") it states that "[T]he achievement of sustainable development is not a once-off occurrence and its objectives cannot be achieved by a single action or decision. It is an ongoing process that requires a particular set of values and attitudes in which economic, social and environmental assets that society has at its disposal, are managed in a manner that sustains human well-being without compromising the ability of future generations to meet their own needs." The National Spatial Development Perspective ("NSDP") (2006) emphasizes that the goal of sustainable growth, including the creation of long-term job opportunities, can only be achieved if budget allocations and spending is focused on economic infrastructure in "priority areas with potential for economic development ..." that will "... serve the broader societies' needs equitably". Thus, any "triple bottom-line" argument must be considered in a balanced manner and within its regional context. If not considered in a balanced manner and if not evaluated within its regional or strategic context, it will result in significant cumulative negative environmental impacts and ultimately in unsustainable development. Any development proposal must therefore be considered within the character, environmental attributes and identity of this context.

The WCPSDF identifies the Hermanus area as a 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 substation in Hermanus.

The WCPSDF states that Retail is one of the few significant forms of investment occurring in the emerging market' (Urban Landmarket 2013) with 4 million m² of new retail space being expected to be added over the next 10-12 years in South Africa.

A 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 Hawston, bringing people closer to possible work and shopping opportunities.

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Given the proposed function of the development as a retail facility, the following characteristics deem the development to be desirable:

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- the development will act as an economic catalyst to the town of Hawston.

In addition, concerns of unacceptable opportunity costs and unacceptable cumulative impacts are minimised when one considers the longer-term outcomes for the area in question, i.e. the possibility of other socially important developments taking place in the future in proximity to the proposed retail facility.

In view of the above, when addressing questions of land use and location with regards to the proposed retail facility, the property is to be rezoned to Business Zone 1 as per the recommendations of the Mayoral Committee, Hermanus Administration. With its close proximity and by being located directly adjacent to the Hawston urban area, it indicates that the proposed retail facility is seen as not being significantly "out-of-place" in terms of location. In addition, when addressing the question of the needs of the community with regards to this proposed development, it is clear that the retail facility will benefit both the strategic commercial needs of the area and the need for employment opportunities.

Finally, the proposed retail facility will incorporate a contemporary design so as to minimise the visual impacts on the surrounding areas. In addition, concerns of unacceptable opportunity costs and unacceptable cumulative impacts are minimised when one considers the longer-term outcomes for the area in question, i.e. the possibility of other socially important developments taking place in the future in proximity to the proposed retail facility.

2.2. Services/ Bulk Infrastructure

Water and Sanitation

According to the August 2009 response and correspondence received on 18 December 2013 from the Overstrand Municipality: Hermanus Administration, sufficient bulk infrastructure with regards to water and sanitation is available to accommodate the proposed development. The developer will however be required to install all link services required to connect the development to the municipal bulk supplies.

Stormwater capacity

According to the August 2009 response and correspondence received on 18 December 2013 from the Overstrand Municipality: Hermanus Administration, the municipal stormwater system can accommodate the stormwater run-off from the development for the 1:2 year flood recurrence period. The developer will however be required to install retention ponds on site to deal with the 1:50 year run-off, as well as installing the infrastructure required to link the development with the municipal system. The developer will be required to pay the development contribution for roads and stormwater services in accordance to the Council Development Contribution Policy.

Solid Waste

The municipality confirmed that sufficient capacity is available at the Gansbaai Landfill Site to accommodate solid waste generated by the proposed development. In future, the waste from the development will go to the planned new waste cell at Karwyderskraal Waste Disposal Facility. Waste generated during the construction phase will have to be delivered to the disposal site by the developer. Waste generated during the operational phase will be collected on a weekly basis by the Municipality.

Electricity

The municipality confirmed that sufficient capacity can be made available at the Hawston Sub-Station for the development. However, the developer has indicated that he will connect directly to the Eskom network because the development falls within the Eskom distribution area.

2.3. Biophysical Impacts

The proposed site is located directly south of the village of Hawston, between the village and the Hoek van de Berg Private Nature Reserve. The latter private nature reserve is not a formal protected area and thus has not been set aside for in-perpetuity conservation. The site is located on a coastal plain at the foot of the Onrus Mountain, which rises to 481m above sea level to the east. Sections of the property are characterised by elevated sandy dunes. The site itself is largely covered by woody aliens and grasses, dirt tracks, a few derelict dwellings and foundation structures. The southern half of the property is largely covered by dense stands of alien vegetation e.g. sweet hakea, port Jackson, rooikrans and Australian myrtle.

The site occurs in a typical Strandveld environment, with the presence of several Milkwood trees as well as other characteristic species. According to the new Vegetation Map of South Africa, the site is classified as Overberg Dune Strandveld. It also shows floristic affinity with the adjacent sand and sandstone fynbos, which is found to the north-east of the site. Other vegetation types found in the area include Overberg Sandstone Fynbos and Hangklip Sand Fynbos.

According to the Overstrand Spatial Development Framework ("SDF") for Hawston/Fisherhaven, the applicant's preferred alternative will cut through/sever two

Ecological/Open Space Corridors in terms of the Overstrand SDF. These corridors are important as they are the identified link between the Onrus mountains and the coastal environment as well as the link between the existing natural open spaces and freshwater systems that run all the way from the Bot River Vlei to the Paddavlei in Hawston and the Vermont Soutpan. This emphasises the need to limit the development footprint of the proposed retail facility in such a way as to maximize the width of the mountain to sea ecological corridor as indicated in the Overstrand SDF and preserve the open space/freshwater corridor linkage that runs along the southern boundary of the property. The retail facility must also be placed adjacent to the R43 (excluding the 30m corridor along the R43, see below) and as close to the existing urban fabric as possible.

Furthermore, as a mitigation measure, a 30m wide landscaped fynbos corridor along the R43 and the protection of all large Milkwood trees on site will be incorporated into the layout. Only locally indigenous vegetation will be used and/or planted for the landscape surrounding the proposed retail facility.

In addition, stormwater is to be collected and treated before being allowed to infiltrate the substrata and thus not disturb any possible groundwater dynamics. Finally, a search-and-rescue operation must be done prior to the commencement of construction whereby all conservation-worthy and indigenous vegetation must be removed and retained for replanting upon completion of the construction phase.

2 3.4. Visual / Sense of Place / Aesthetic

According to the applicant, the proposed design should not detract from the visual character but rather improve it. The architectural style will be complimentary, sympathetic and functional with no unobtrusive features. The height will be restricted to a single storey retail building which will lie at a lower level below the bypassing R43. The 30m wide landscaped fynbos corridor/buffer alongside the R43 in conjunction with the planting of trees in and around the main parking area will reduce the visual impact to surrounding areas.

2 3.5. Traffic

The TIA was received by this Department and has been assessed and considered. Amongst other data, it provides information on the traffic conditions (May 2009) and the projected traffic impacts assuming a fully developed retail facility in 2014. The results include recommendations for 10 intersection improvements along the R43.

2
3.6. Heritage

Comment was supplied by the Heritage Western Cape (Archaeology, Paleontology and Meteorites Permit Committee) dated 6 October 2009 and did not object against the proposed development. The final comment obtained from Built Environment and Landscape Committee ("BELCOM") in terms of Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) stated that the development is not supported.

2
3.7. Socio-economic

The proposed development will have positive impacts on the Hawston local economy, especially in relation to job creation. When considering the region as a whole, the positive socio-economic opportunities and impacts of a retail facility at this location must be realized. This is true when considering the town's traditional association with the fishing industry and the fact that it can supply only limited fishing opportunities and that the fishing industry in general is facing hardships. Furthermore, due to the poor quality soil conditions, agriculture as an economic activity and possible source of supply of jobs is very limited within a 3km radius of the proposed site.

D. NATIONAL ENVIRONMENTAL MANAGEMENT ACT PRINCIPLES

The National Environmental Management Act Principles (set out in section 2 of the NEMA, which apply to the actions of all organs of state, serve as guidelines by reference to which any organ of state must exercise any function when taking any decision, and which must guide the interpretation, administration and implementation of any other law concerned with the protection or management of the environment), *inter alia*, provides for:

- the effects of decisions on all aspects of the environment to be taken into account;
- the consideration, assessment and evaluation of the social, economic and environmental impacts of activities (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment;
- the co-ordination and harmonisation of policies, legislation and actions relating to the environment;
- the resolving of actual or potential conflicts of interest between organs of state through conflict resolution procedures; and
- the selection of the best practicable environmental option.

E. CONCLUSION

The overall summary of the impacts associated with the authorized alternative are:

Positive impacts-

- The development is aligned with forward planning frameworks and policies for the area with only a minor amendment required for the local structure plan;
- The development is appropriate for the receiving environment and is anticipated to enhance the area;
- The visual impacts will be mitigated through proposed suitable recommendations and guidelines;
- The noise impacts will be mitigated through proposed suitable recommendations and guidelines;
- The development supports broadening of the tax base;
- The development will help retain the disposable income the region;
- The opportunity for new, appropriately sized retailers and entrepreneurs to enter the Hawston business community;
- The development provides a well- defined and appropriate regional retail facility to service the local and regional community; and
- The development provides worker opportunities for the unskilled and skilled labour market;
- The social, economic and environmental impacts for the proposed development and associated activities and anticipated the overall impacts to be a net positive cumulative impacts;

Negative Impacts

- Light, noise, vibration emissions and dust impacts will be evident as a result of the proposed development;
- Visual impacts will be evident with the nature of the landscape changing to accommodate a formal and structured retail facility development;
- Short term loss of income to the Hermanus CBD, related to retail spend now migrating to the proposed retail facility (approximately 7%);
- The proposed retail facility will result in an increase in natural resource use associated with the provision of energy and water.

I am satisfied that all the negative impacts of significance will be addressed by the conditions contained in the EA and the mitigation measures contained in the EMP, and that:

- the delegated competent authority adhered to the legislated required and the principles of procedurally fair administrative actions;
- the PPP undertaken and confirmed that the PPP complied with the minimum requirements of the EIA Regulations, 2006, EIA Regulations 2010 and the EIA Regulations, 2014;
- the developer provided sufficient opportunities to IAPs to access and review the information that was submitted to the Department in support of the application;
- The EA was informed by the information included with the application form and based in its own merits, within the legislative framework;
- the socio-economic impact associated with the proposed retail facility in Hawston will be effectively mitigated, in turn, it is anticipated that it will retain retail spending within the municipal area;
- the authorized alternative will be sufficient to address the needs within the primary and secondary catchment areas, and that the phasing of the development will ensure that the facility will remain economically viable.

The Overstrand Municipality confirmed that sufficient bulk services capacity exist to accommodate the retail facility.

This appeal EA forms part of the suite of approvals required for developments. The Land Use Planning application has been considered separately in terms the relevant legislation and based on its own merits.

I note that the delegated competent authority had granted partial approval of 10 000m² GLA only and the Overstrand Municipality limited the retail space at the Hawston site at 30 000m² GLA and any future expansion must be in line with the Douglas Parker Retail Study or any other retail study. The environmental assessments in turn also support authorizing 30 000m².

In view of the above, the NEMA principles, compliance with the conditions stipulated in this environmental authorisation, and compliance with the EMP, I am satisfied that the proposed listed activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REZONING AND CONSENT USE: PTN 1 OF FARM 572,
HAWSTON**

Stormwater (SW)	:	According to the master plan by the developer
Electricity	:	No capacity available
Sewer	:	According to CES Report
Water	:	According to CES Report
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 (2015/2016) is as follows:

Water (W7A)	R 24 851.00 x 155 =	R 3 851 905.00
Sewerage (SEW5A)	R 19 945.00 x 155 =	R 3 091 475.00
Roads & SW(RDST1)	R 6 500.00 x 155 =	<u>R 1 007 500.00</u>
TOTAL (inclusive of VAT)	=	<u>R 7 950 880.00</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;

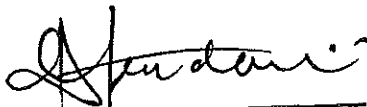
6. that the developer may enter into an agreement with the Council to install or upgrade bulk and/or link municipal services and amenities at an agreed cost, subject to the following:
 - 6.1 such costs to be established in accordance with a system which is fair, equitable, transparent, competitive and 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 provide bulk meters for water and electricity at approved positions as well as individual meters at each consumption point;
17. that an approved refuse collection area/room to sufficiently accommodate the refuse generated by the development and which is to be provided with the following:
 - a. properly ventilated;
 - b. a cement floor;
 - c. a tap and running water, as well as a drainage point which is connected to the sewer network;
 - d. is 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;
18. that the refuse room be completed prior to occupation of the first unit, to the satisfaction of the Director: Infrastructure and Planning;
19. 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;
20. that the above stormwater management plan include the following:
 - 20.1 pre-development run-off from the catchment area;
 - 20.2 post-development run-off from catchment area;
 - 20.3 existing stormwater reticulation system and the capacity thereof;
 - 20.4 connection of internal stormwater reticulation system;
 - 20.5 overland escape routes
21. that the sewer reticulation system be upgraded according to the report by messers GLS Consulting engineers at the developer cost;

22. that should additional capacity not be available at the Waste Water Works as specified in a letter dated 26 August 2009, the developer be responsible for the upgrading of the additional capacity, at the Hawston Waste Water Works , for the proposed development;
23. that the water reticulation system be upgraded according to the report by messers GLS Consulting engineers at the developers cost;
24. that the recommendation as per the report by messers The Freshwater Consulting Group be considered in the stormwater management plan by the developer;
25. that the following conditions of the District Road Engineer, with the exception of condition 3.4.6, as set out in their letter dated 13 January 2010 be complied to, at the developer's cost, see further comment in condition 26;
 - 25.1 the Gross Leasable Area (GLA) for the proposed shopping centre will not exceed 39 000 m²;
 - 25.2 that 'n minimum of 2032 parking bays for the shopping centre be provided;
 - 25.3 that the main access to the shopping centre will be via a signalised access, 1km east of the R43/Disa Street intersection inside the eastern boundary of the proposed development;
 - 25.4 that a 2,0m wide stand alone pedestrian walkway and cycle way along the southern side of the R43 between George Viljoen Street and the main signalised access to the shopping centre be provided;
 - 25.5 that a functional public transport facilities be provided, as part of the development of the parking area for the shopping centre in close collaboration with the relevant public transport stakeholders in the area;
 - 25.6 that a right turn median acceleration lane with painted medians and rumble strips at the R43/R44 intersection be provided;
 - 25.7 that a separate right turn lane at the R43/China Marais Road Intersection from the north (Cape Town) similar to the existing R43/George Viljoen Street intersection be provided;
 - 25.8 the signalisation of the R43/George Viljoen Street intersection together with associated street lighting;

- 25.9 that condition 3.4.6 as stipulated by the Department of Transport and Public Works, not be supported by the Municipality;
- 25.10 that the primary access to the development approximately 1km east of Disa Street shall comprise the following;
- 25.10.1 Traffic signals and related street lighting;
- 25.10.2 A separate right turn lane and an auxiliary through lane on the western approach;
- 25.10.3 A separate left turn lane on the westbound approach of the R43;
- 25.10.4 An acceleration lane to permit a double right turn out of the development towards Hermanus;
- 25.10.5 A left turn out of the development towards Cape Town;
- 25.11 that a separate right turn lane on Lynx Avenue at the R43/Lynx Avenue intersection be provided;
- 25.12 that the R43/Vermont Avenue intersection be upgraded to a signalised intersection with the provision of the necessary turning lanes on the R43 and appropriate street lighting. A separate right turn lane on Vermont Avenue must also be provided;
- 25.13 that a left turn lane on the eastern approach to the R43/Onrus Main Road be provided;
- 25.14 that all designs for the abovementioned be approved by the Department of Transport and Public Works;
26. that R43//Harbour Road be considered as an alternative for a secondary access to the proposed development and that Harbour Road be upgraded at the developer's cost;
27. that damage to the existing roads, used as routes for access to the development, for the provision of services, be repaired by the developer.



DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

14 March 2016

DATE



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REPORT

**OVERSTRAND
RETAIL STUDY**

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PREPARED FOR : OVERSTRAND MUNICIPALITY

PREPARED BY : DOUG PARKER

DATE : 13 SEPTEMBER 2011

DOUGLAS PARKER ASSOCIATES (PTY) LTD
3 rd Floor Waterford House Waterford Road Diep River 7848 South Africa
Tel : 021 – 700-6200 Fax: 021 – 713-2550



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1. BRIEFING

The Overstrand Municipality has requested that an impartial study of the retail market within the area be made, to assess the amount of new retail space that can be warranted over the next ten to fifteen years to satisfy consumer demand with minimum negative impact on the existing businesses within the municipal area and particularly the central business district of Hermanus

As experts in this field, Douglas Parker Associates (DPA) was appointed to carry out the study and outline an appropriate retail development strategy.

2. PURPOSE OF THE RESEARCH

The purpose of the research was to determine the optimum development potential for a new shopping centre in the Overstrand Municipality over the next ten to fifteen years, and to make recommendations accordingly.



3. RESEARCH METHODOLOGY

In order to provide an accurate assessment of the need for additional retail facilities and the potential for a major shopping centre within the Overstrand municipality, it was considered necessary to obtain measurements of both the Demand for and Supply of retail space within the Overstrand Municipal area as well as adjacent municipal areas that could be affected by such development. This entailed primary as well as secondary research within three of the four municipalities that make up the Overberg District Municipality, ie; Overstrand, Theewaterskloof and Agulhas. (See map on the following page)

The following modules of research were conducted:

3.1 Household Survey

A study area was determined including the whole Overstrand area, as well as the adjacent municipal areas of Theewaterskloof and Agulhas. From this a sample of 360 households was drawn, and the householders interviewed in depth to obtain a comprehensive picture of their present shopping patterns for food and groceries, clothing and footwear, furniture and appliances, recreation and entertainment and other goods and services.

Particular focus was placed on shopping outside their own areas, in Hermanus, and over the mountain: the reasons for doing so, and the extent to which this may be curtailed should the retail infrastructure in Hermanus be increased. The questionnaire also sought opinions on additional stores required at the proposed new centre.

Interviewing was carried out by telephone, except in low income areas such as Zwelihle where it was necessary to conduct interviews face to face because of the low incidence of landline telephones in the area.



3.2 Local Authority Information

Appropriate personnel in the Local Authority (Overstrand Municipality) were interviewed to establish up to date information on population levels and growth rates, housing development, commercial and industrial development and planned and possible changes to the transport infrastructure in and around the municipal area. Information was also sought on electricity consumption and the number of electrical connections by area as well as water consumption by month and year and other useful indicators of growth and the seasonal inflow of visitors into the area.

3.3 Retail Census

A census of all existing retail facilities was undertaken to establish the current "supply side" of the market throughout the Overstrand area and other towns in the study area. All stores were personally visited and their sizes estimated by experienced DPA personnel. An approximation of each store's allocation of space to each of the 5 major product groups was also recorded for each town and precinct within Hermanus. The results were used to 'balance' the market estimates in terms of supply and demand, and to provide a sound foundation for a predictive model that was constructed to estimate the potential of the proposed development both in terms of turnover and space. The results were also important in recommending an appropriate and sustainable tenant mix for the Overstrand Area.

3.4 Delineation of Catchment Area

Catchment areas were delineated on the basis of reactions to the proposed centre in the Household Survey, as well as traffic routes, driving times, physical and perceptual barriers, competitive facilities and mobility of the population. The catchment areas will also be a function of the type and extent of retail developed at the site, and several assumptions were made in this regard, principally that the centre would be an effective alternative to Somerset Mall.



3.5 Desk Research

Additional information on population numbers, household income levels and expenditure patterns were sourced from Statistics South Africa, the Bureau of Market Research, Towns of South Africa (DPA) and DPA's own databank. The Overstrand area is a major tourist destination, and this element of the market was carefully addressed to assess the contribution of tourism to the area's retail market

3.6 Estimates of Market Potential

All information and ratings gathered in the previous modules were used in a computer model constructed to predict the demand for retail and consumer service facilities in the Overstrand over the next fifteen years, the development potential of a major new centre and the likely impact of the proposed new centre on the existing retail facilities in the area.



4. SUMMARY OF RESULTS

The Overstrand municipal area has a total of some 161 000 square metres of retail space at the present time, generating retail sales of R2,3 billion per annum. With population projected to grow at 4,7% per annum over the next ten years, the supply of retail space could be expected to increase at a similar pace, representing some 7 500 square metres per year or about 69 000 square metres net over the next ten years after allowing for 20 000m² that is presently vacant.

The Overstrand is made up of the principal town of Hermanus, two secondary towns Kleinmond and Gansbaai, the villages of Stanford and Betty's Bay and several smaller areas. As the biggest town in the area, Hermanus draws retail spend from the whole of the Overstrand as well as the adjacent Municipal areas of L'agulhas and Theewaterskloof. These latter areas include the towns of Caledon and Bredasdorp as well as villages such as Arniston and Napier. When this greater area is considered, there is an existing supply of retail space of some 209 000m², generating a total of some R3.0 billion in retail sales.

It is clear from the study that there is a substantial flow of retail spending taking place over the mountain in Somerset West and Cape Town because none of the towns in this broader area is large enough to warrant the presence of the major retail chains. It is also clear that should a major retail facility be established in Hermanus, it would serve the whole area, and would reduce much of the outflow of expenditure.

Taking this into account, it is found that a centre of some 28 000 square metres could be justified in Hermanus by 2013, and that the potential for such a centre would increase to 34 000 metres by 2019 and about 39 000 metres by 2024



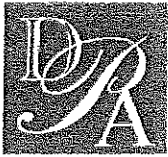
Hermanus is the obvious location for a centre to serve the broader region, but a development of such scale would not be without impact on the existing retail facilities in that town. The smaller towns and villages would not be affected much because Hermanus would deflect most of the spend that is already going elsewhere. But within Hermanus itself there would be consequences.

Hermanus is a very special place, and no-one would like to see the CBD or any of the other retail precincts damaged or blighted because of the development of a new one –stop shopping centre that would draw the business away. When one considers what it is that makes Hermanus special, particularly the CBD, it clearly is the beautiful setting, the festive buzz of activity, the proliferation of restaurants, coffee shops and interesting little shops.

A regional shopping centre typically focuses on fashion retailing, with an assortment of the major clothing chains dominating the centre. In this respect, The Hermanus CBD could lose a fairly substantial part of its clothing retail business. The smaller specialized stores would not be much affected, and the restaurants and coffee shops are expected to gain from the development because of the additional patronage from further afield, which would undoubtedly have a spin –off affect.

A major one stop shopping centre would typically also contain a fair mix of electronics, electrical appliances and other goods in stores such as Game. At present this element of the market is substantially under-served in the area, and is one of the major reasons for people shopping in Somerset Mall.

To minimize potential negative impacts on the CBD and other retail precincts within Hermanus, it is recommended that the proposed new centre contain allocations of space broadly in line with our detailed estimates of potential, and that the tenant mix focus strongly on the chain stores, with only a limited range of specialized independent operators.



5. HOUSEHOLD SURVEY

5.1 Survey Sample

The sample was drawn to cover the Overstrand, Theewaterskloof and Agulhas area as follows:

Central Hermanus (Voelklip, Hermanus Heights, Northcliff etc.)	80
Mount Pleasant, Westcliffe and the Hemel en Aarde estate	45
Zwelihle	20
Sandbaai	15
Fisherhaven and Hawston	30
Onrus and Vermont	30
Gansbaai, Die Kelders Franskraal etc.	40
Stanford	20
Kleinmond	25
Betty's Bay	15
Arniston, Bredasdorp, L'Agulhas, Struisbaai	30
Napier	10
Caledon	40
Total Sample	360

This sample covered 220 households in the Primary (Greater Hermanus) area and 140 in the Secondary area. The results of the survey were weighted to the adult population of the respective areas on the basis of the registered number of voters in each ward in 2011



5.2 Profile of Respondents

The weighted profile of respondents showed 69% were married or living with a partner; 16% were previously married and 15% single. The home language was 58% Afrikaans, 21% English and 20% Xhosa. In the secondary areas the sample was quota controlled to exclude people who fell into the EF group as they would be outside the economic bracket to have any interest in a regional type shopping centre. We asked to speak to the person in the household who was responsible for the bulk of the household shopping, and 79% of respondents were female. In terms of age breakdown there was a fairly even distribution in 5 year intervals among the under 60's, and 20% of the respondents were over 60 years of age. Some 41% of household heads were working full time, 15% were self-employed and 6% working part time. 35% were retired.

In terms of ethnic group, 55% were white, 24% coloured and 22% black.

5.3 Distribution of Retail Expenditure

Asked where they buy certain goods and services, it emerged that some 12% of food and groceries is purchased over the mountain as is some 35% of clothing and footwear, and 47% of electronic goods.

People living in the secondary area tend to do considerably more of their shopping in Somerset West and Cape Town; buying 18% of their food, 48% of their clothing and 59% of their electronic goods there.

5.4 Impact of Toll Plaza's

Told that there are likely to be 3 toll plazas's erected between Bot River and Cape Town, costing some R50 to R100 for a round trip in a motor car, 55% of respondents claimed they would reduce their frequency of travel over the mountain, and the same percentage of people claimed it would reduce the amount of money they spent there.

Uncertain



5.5 Attitude to Proposed Shopping Centre

The question was posed; If there was a one – stop shopping centre in Hermanus with a wide variety of stores under one roof, such as a smaller Somerset Mall, including Game, a full Woolworths and a wide selection of national and other chains, how would you feel about that? Do you think that would be a good idea? 89% of respondents rated that a Good or Very good idea. Asked why they said that, 46% said Hermanus needs a proper shopping centre and 39% said Hermanus needs additional shops. For the 11% of respondents who did not feel a new shopping centre was a good idea, 47% said there was no need for more shops and 43% said such a development would damage the CBD.

5.6 Reduction in Over the Mountain Shopping

Respondents were asked "If such a shopping centre were to be built, to what extent do you think it would reduce your expenditure over the mountain?"

The results show that some 60% reduction in outflow could be expected: 67% from the Primary area and 50% from the Secondary.



5.7 Shops wanted at the new Centre

Respondents were asked "Bearing in mind what shops there are in Hermanus and the Overstrand, what shops would you like to see and would use at the proposed new centre?" The question was open ended, allowing respondents to volunteer whatever stores they wished. The top mentioned results are arranged by category below in rank order.

5.7.1 Branded Supermarkets

- Pick n Pay
- Shoprite
- Checkers
- Woolworths

5.7.2 Other Food stores

- Butchery
- Bakery
- Farm Stall
- Home Bakes
- Delicatessen

5.7.3 Branded Clothing Chains

- Woolworths
- Edgars
- Jet
- Mr Price
- Ackerman's
- Foschini
- Milady's

5.7.4 Other Clothing & Footwear Stores

- Shoe stores
- Family Clothing
- Ladies everyday Clothing
- Children's clothing
- Menswear

**5.7.5 Branded Furniture, Appliances & Décor stores**

- Game
- Lewis
- Mr Price Home
- Boardman's
- @ Home
- Russell's
- Tafelberg Furnishers

5.7.6 Other Furniture, Appliances and Décor stores

- Appliances
- Furniture Store Curtaining
- Hi Fi; TV & Video
- Beds
- Carpets

5.7.7 Branded Gifts, Music, and Books etc.

- † • C N A
- † • Musica
- C U M Books
- Exclusive Books
- Bargain Books

5.7.8 Other Gifts, Music, Books etc.

- Gifts
- Books & Stationery
- Music Store
- Musical Instruments



5.7.9 Branded Miscellaneous Goods

- γ• Dischem
 - Game
- γ• Clicks
- f• Vodacom
- γ• MTN

5.7.10 Other Miscellaneous Goods

- γ• Pharmacy
 - Variety store
 - Discounter
 - Homeware
 - Cellphones
- γ• Art & Craft materials
- γ• Arts & Crafts

5.7.11 Restaurants & Coffee shops

- Mugg & Bean
- x• Spur
- Δ• Wimpy
- Δ• Ocean Basket
- γ• Nando's
- γ• KFC



5.8 Future Shopping Behaviour

Respondents were asked "If such a shopping centre was built, containing all the shops and services that we have discussed, what proportion of your household expenditure on the following categories do you think would go to the new centre, how much would remain with the stores you presently use in Hermanus or your local area and how much would go over the mountain?"

The results show insignificant additional spend in Hermanus by Primary area residents on Food and Restaurants, but some 25% additional expenditure on clothing and 38% on furniture and appliances. Amongst the Secondary area residents there is a substantial change in claimed expenditure distribution, with all categories rising from around 15-20% spend in Hermanus to between 56% and 61%. These changes all reflect increases of above 100%.

The results of the Household survey confirmed that the greater Hermanus area should be considered as the Primary catchment area and the Secondary catchment area should include Kleinmond and Betty's Bay as well as Stanford and Gansbaai, Caledon and parts of the Theewaterskloof area and the bulk of the L'agulhas district.



6. RETAIL CENSUS

All retail stores within the Overstrand area as well as Caledon, Napier and Bredasdorp were listed, and estimates made of their floor space, the allocation of space by major merchandise group, their overall business quality and the likely contribution of tourism and non-retail customers. No interviews were carried out, and the estimates were made by a senior Researcher with extensive experience in this field. Nonetheless, no claims are made as to the accuracy of individual measurements or ratings, and the information is intended as a broad guideline in the macro context.

6.1 Greater Study Area Retail

The total amount of retail space in the greater study area is close to 209,000m², of which some 9% is vacant. The bulk of the space is devoted to Consumer Services, followed by Other Retail Goods, then Food and Groceries. There is relatively little space devoted to Clothing and Footwear, and even less to Furniture and Appliances.

PRODUCT GROUP	Gross Sqm	Sales Rm	No of Stores
Food & Groceries	39 370	1 450	194
Clothing & Footwear	19 130	330	142
Furniture & Appliances	11 130	114	81
Other Retail Goods	54 050	630	411
Consumer Services	65 570	570	565
Vacant	19 470		114
Total	208 710	3 100	1507

Within the greater study area, Hermanus is by far the biggest town, 3 times bigger than the next contender at nearly 100,000 square metres. Hermanus accounts for 47% of the total retail space in the region



Greater Study Area Retail by Town

Town	Gross Sqm	Sales Rm	No of Stores
Hermanus	98 450	1510	639
Kleinmond	28 740	393	143
Bredasdorp	27 640	392	227
Gansbaai	18 830	258	196
Caledon	17 150	264	138
Stanford	7 890	76	61
Betty's Bay	7 200	76	40
Total	208 710	3005	1492

6.2 Hermanus Area Retail

The total amount of retail space in the Hermanus area is over 98 000m², of which some 7% is vacant. The bulk of the space is devoted to Consumer Services, followed by Other Retail Goods, then Food and Groceries. There is relatively little space devoted to Clothing and Footwear, and even less to Furniture and Appliances.

PRODUCT GROUP	Gross Sqm	Sales Rm	No of Stores
Food & Groceries	17 880	722	70
Clothing & Footwear	10 690	192	74
Furniture & Appliances	6 690	69	43
Other Retail Goods	24 600	303	197
Consumer Services	31 190	279	245
Vacant	19 470		28
Total	98 450	1 565	657

Within the Hermanus area, the CBD is by far the biggest retail precinct, accounting for 62% of the retail space in the area, and 64% of the sales

**Hermanus Area Retail by Town**

Town	Gross Sqm	Sales Rm	No of Stores
Hermanus CBD	61 180	996	394
Gateway Centre	7 180	190	47
Industrial Area 1	12 170	172	96
Industrial Area 2	2 090	21	26
Hemel en Aarde	5 450	59	23
Sandbaai	5 680	55	30
Onrus	4 700	73	46
Total	98 452	1 565	657

6.3 Life Plane Profile

As part of the census process we estimated the likely Life plane profile of each business in order to assist reconciliation with the demographic analysis. The table below shows the overall profile emerging for Hermanus town.

Life Plane profile of the Retail business in Hermanus

PRODUCT GROUP	AB%	CD%	EF%
Food & Groceries	25	49	26
Clothing & Footwear	26	50	24
Furniture & Appliances	34	51	15
Other Retail Goods	36	51	13
Consumer Services	41	53	7
Total	30	50	19