

**AGENDA of the
Portfolio Committee: Infrastructure and Planning
18 August 2015
(Also the agenda for the Mayoral Committee Meeting: 26 August 2015)**

8.

PORTION 2 (LANG BOSCH) OF THE FARM STRANDFONTEIN NO. 712, DIVISION CALEDON, OVERSTRAND MUNICIPAL AREA : PROPOSED REZONING AND SUBDIVISION: MESSRS PLAN ACTIVE ON BEHALF OF OOSTERWIJK STRANDFONTEYN CC

Prt 2/712 (1867)

**SW van der Merwe
7 July 2015**

(028) 313 8900

HermanusAdministration

1. Executive Summary

To consider an application received on 19 September 2011 from Messrs Plan Active on behalf of the registered owners of Portion 2 (Lang Bosch) of the Farm Strandfontein No. 712, Division Caledon, Oosterwijk Standfontein CC and GV Smit on behalf of Khoisan Bay Estates (Pty) Ltd (developer) for the following:

- subdivision of Farm 712/2 into 2 portions, namely Portion A ($\pm 110,4573$ ha) and a Remainder ($\pm 519,9503$ ha);
- subdivision of Portion A into 3 portions, namely Portion 1 ($\pm 37,895$ ha), Portion 2 ($\pm 18,2336$ ha) and Portion 3 ($\pm 54,3286$ ha);
- rezoning of Portion 2 from Agricultural Zone 1 to Open Space Zone 2 (Private Open Space);
- rezoning of Portion 3 from Agricultural Zone 1 to Open Space Zone 1 (Public Open Space);
- rezoning of Portion 1 to Subdivisional Area and the subsequent subdivision in order to develop 118 Residential Zone 1erven, 1 Transport Zone 2 erf (Public Road), 6 Open Space Zone 1 erven (Public Open Space), 1 Institutional Zone 1 erf, 1 Business Zone 2 erf (Local Business), 4 Group/Townhouse nodes comprising 175 Residential Zone 2 erven (Group Housing) and 179 Residential Zone III erven (townhousing), and 5 Transport Zone 2erven (Private Road).

A Locality Plan of the properties concerned is attached as Annexure A. The proposed Subdivision- and Rezoning Plans are attached as Annexure B, while the Motivation Report in support of the proposal is attached as Annexure C.

2. Service Delivery and Budget Implementation Plan - IGNITE

Infrastructure and Planning
Town- and Spatial Planning

3. Compliance with Strategic Priorities

Provision of democratic, accountable and ethical governance
Promotion of tourism, economic and social development

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4. Delegated Authority

Executive Mayor

5. Legal Requirements

- Section 17 and 24 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985)

6. Background/Discussion/Evaluation

Background

Application for the initial Khoisan Baai development in terms of the applicable planning and environmental legislation was submitted during 2005. As a result of discussions between the applicant and the Department of Environmental Affairs and Development Planning (DEA&DP) a revised planning application was submitted at the end of 2011. The developable area was scaled down from 110,23 ha (± 1850 units) to 36,6105 ha (± 472 units), thereby addressing various concerns raised by DEA&DP. Environmental authorisation was obtained on 19 June 2012.

The current application comprises the following components:

- subdivision of Portion 2 of Farm 712 into two portions, namely a Remainder ($\pm 519,9503$ ha) and Portion A ($\pm 110,4573$ ha);
- subdivision of Portion A into three portions, namely Portion 1 ($\pm 37,8951$ ha), Portion 2 ($\pm 18,2336$ ha) and Portion 3 ($\pm 54,3286$ ha);
- rezoning of Portion 2 from Agricultural Zone 1 to Open Space Zone 2 (Private Open Space);
- rezoning of Portion 3 from Agricultural Zone 1 to Open Space Zone 1 (Public Open Space), and
- rezoning of Portion 1 to Subdivisional Area and the subsequent subdivision in order to develop:
 - 118 Residential Zone 1 erven;
 - 1 Transport Zone 1 erf (Public Road);
 - 6 Open Space Zone 1 erven (Public Open Space);
 - 1 Institutional Zone 1 erf,
 - 1 Business Zone 1 erf (Local Business);
 - 4 Group/Townhouse nodes comprising 175 Residential Zone 2 Erven (group housing) and 179 Residential Zone 3 erven (townhousing);
 - 5 Transport Zone II (Private Road) erven.

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Discussion

The application was advertised in the prescribed manner and registered notices were served on interested and affected parties, including all relevant state/provincial departments, institutions and municipal departments. Six (6) letters of objection which included a petition with twelve (12) signatories, were received from interested and affected parties (L Endeman, C Theron, TV Hanslo, B van der Merwe, IH Arbuthnot and JL Smit). The De Kelders and Perlemoenbaai Ratepayers' Association submitted a letter of comment and required clarification on some points.

The objections are attached as Annexure D. The main grounds for objection are the following:

- 1. The proposed development will be situated in a dune system with a sensitive ecology. The proposal is not desirable. Questions whether an environmental study was conducted.**

The application was subject to an Environmental Impact Assessment (EIA) that considered various development options, including a no go option. The EIA was informed by various specialist studies, amongst others a botanical and ecological report. It was found that the impact of the proposed development would be low or medium and as such, Environmental Authorisation (EA) was granted. It is therefore clear that the impact of the proposal on the environment was considered by the competent authority.

- 2. The portion earmarked for development forms part of a unique fynbos community and that the vegetation species should be conserved for future generations.**

Refer to the comment under paragraph 1. above. Furthermore, it should be noted that in terms of the EA the areas not approved for development should be formally conserved through a Cape Nature Stewardship programme.

- 3. The proposed development will put more pressure on the existing water availability for the Greater Gansbaai area and may even lead to water scarcity in the area in future.**

The Engineering Services Department accepted the recommendations contained in the Services Report compiled by Messrs ICE Engineers. As such it is evident that the provision of services had been adequately addressed.

- 4. One of the objectors stated that he bought his property based on the fact that it abuts an open veld with unique fynbos adjacent to**

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Normandie Street. The estate agent advised that this land and the adjacent Walkerbay Nature Reserve would not be developed.

The objector acquired his property according to a deeds office search in 2004. The former Greater Gansbaai Spatial Plan (Structure Plan) that was approved in 2003 earmarked the subject property for development. Although the Structure Plan is no longer applicable, the 2006 Spatial Development Framework (SDF) earmarks the subject property (the section north of the R43) for urban extension purposes and included the relevant portion within the Urban Edge. It is therefore clear that the respective estate agent did not correctly advise the objector or did not have the necessary knowledge or information pertaining to the forward planning for the area.

- 5. Object to township extension proclamation as it will lead to noise pollution and promote crime irrespective of the type of development (low- or high income).**

It is clear from the comment in paragraph 4. above that the subject property being located within the Urban Edge is earmarked for development. The proposal comprises a mixed residential development and as such it could be expected that there will be increased activities such as traffic, building construction etc. Since the development is predominantly residential in nature it is not expected to unacceptably detract from the peace and quietness of the area. The statement about crime is speculative and is not substantiated.

- 6. At present there are many vacant erven in the De Kelders area. The objectors are of the opinion that the development of the vacant erven in De Kelders should rather be the priority of the Municipality rather than the extension of the existing De Kelders town.**

The proposal is in line with the SDF that promotes a balanced land use mix. As such the proposal, that provides for mixed densities will cater for much needed housing opportunities for various income groups that are currently not available in the Gansbaai-area. It should furthermore be noted that the vacant erven referred to in De Kelders are in private ownership.

- 7. Why is the subject property not developed as a reserve for small game animals? The aforementioned will contribute towards the tourism industry of Gansbaai and ensure work creation.**

The property has been earmarked for development in terms of the former Greater Gansbaai Structure Plan, the 2006 SDF as well as the 2010 Growth Management Strategy (GMS).

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- 8. How will the proposed development ensure sufficient facilities with regard to schools and medical facilities, etc.?**

The GMS 2010 contained an analysis of the community facilities currently in the area as well as those required in accordance with the relevant provincial norms. From the aforementioned it is apparent that provision should be made for a pre-primary or primary school or a place of worship.

- 9. Not in favour of the locality of the proposed community hall as it may lead to noise pollution resulting from functions and result in safety concerns during construction phase.**

Application is not made for a community hall. The Motivation Report refers to the provision of a community facility (i.e. place of worship or place of instruction), but not a community hall. The development of the facility in accordance with the relevant primary rights, will be subject to the approval of a Site Development Plan, during which a public participation process will be required.

- 10. Provision has not been made for access from the development to De Kelders. The main road that services Gansbaai and De Kelders (R43) is not capable of carrying the increased amount of traffic.**

A Traffic Impact Assessment (TIA) accompanied the application indicating that the impact of the development could be accommodated, subject to certain conditions. Access from the development to the existing De Kelders residential area is provided at three (3) points. Provision is also made for direct access to and from the R43, whilst designated right turn lanes will be provided on the R43 in both directions as well as a left turn lane at the intersection between the R43 and Guthrie Street. Subject to the specified upgrades, the competent authority did not object to the proposed development on the basis of highway and traffic safety grounds.

- 11. Object to the statement that the proposal would not detract from the character of De Kelders as the area currently has no commercial sites or streetlighting and should remain as such in the proposed development. Opportunities for business should remain in Gansbaai which is only 4km away in order to curtail traffic in this section of De Kelders.**

The development of the commercial site would be subject to the submission of a Site Development Plan. The opinion is held that the commercial site would serve the surrounding neighbourhood and would not detract from the character and appearance of the surrounding area.

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The TIA stated that the commercial site will have a local impact in terms of traffic and will predominantly serve the local residential area. From the Subdivision Plan it is clear that an adequate buffer is provided between the site and the existing residential area by means of a public open space erf and would not unacceptably detract from the character of the area.

12. No solid high security walls associated with group- or town housing must be allowed.

The group- and town housing complexes will be developed in accordance with the requirements of the applicable Scheme Regulations. The opinion is held that the construction of a perimeter security fence cannot be restricted. It should also be noted that the layout of the development was done such that single residential erven abuts the internal access roads which group- and townhouse complexes located behind. This will ensure that the boundary walls of the gated developments referred to above will be located behind the single residential property boundaries and will serve to protect the character of the area.

The DeKelders and Perlemoenbaai Ratepayers' Association commented that the application is supported, subject to the following recommendations, namely:

13. The proposed access to the R43 should be approved by the Roads Authority.

The amended application was circulated to the roads authority who recommended the application for approval, subject to conditions.

14. Direct access to the R43 and improvement of public residential accesses to be guaranteed.

Refer to the comment under paragraph 10. above. The competent authority requires the upgrades prior to the commencement of the development.

15. Financing and installation of internal services in line with the applicable standards should be documented in a services agreement prior to the consideration of the application.

A services agreement will be completed and signed between the applicant/developer and the Municipality prior to the commencement of the development.

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16. All elements with heritage value should be conserved.

Heritage concerns are considered as part of the EIA process which also comprised an Archaeological and Heritage Impact Assessment. Authorisation from the competent authority was obtained and the opinion is thus held that the concerns had been adequately mitigated in terms of the conditions of approval.

17. Consideration should be given to a Gansbaai building style which shall be included in the conditions of approval.

The development of the group- and town housing sites will be subject to the prior approval of Site Development Plans and Architectural Guidelines.

18. The Municipality should not support the development financially due to the large amount of unfinished developments in the area.

This statement is not correct since there are currently no unfinished residential developments that have been done with municipal money.

The applicants' comments are attached as Annexure E.

Evaluation

Portion 2 (Lang Bosch) of the Farm Strandfontein No. 712 is situated north east of De Kelders and is zoned for Agricultural purposes. The property measures 630,4076 ha in extent and is covered with natural vegetation. Currently there are no agricultural activities. The R43 between Stanford and Gansbaai bisect the property into two portions. Following subdivision the portion to the south/south east of the R43 will remain Agricultural Zone (519,9503 ha), whilst the area to the west of the aforementioned road will be developed.

The subject property slopes in a westerly direction towards the coastline. The vegetation is primary Overberg dune, Strandveld and transitional vegetation developing towards Agulhas Sand Fynbos and Agulhas Limestone Fynbos, whilst fynbos species are heavily invested with alien vegetation.

All relevant state/provincial departments, institutions, and relevant municipal departments were provided an opportunity to comment on the application. No objections were received.

Planning context

The portion of the subject property located north of the R43 is located within the Urban Edge of the Greater Gansbaai area and earmarked for urban

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extension purposes in terms of the SDF (2006). The 2010 Growth Management Strategy reserves the subject property as a densification zone between 10 - 20 dwelling units/hectare (du/ha).

It is clear that the proposal is in line with the existing forward planning for the area. The proposal will also contribute to strategic principles of densification, and the provision of a balanced land use mix in that a total of 479 residential opportunities will be provided comprising a range of single residential, group- and town housing opportunities catering for a variety of income groups. The net density amounts of 24 dwelling units/ha (du/ha) for the residential component whilst the gross residential density amounts to 14 du/ha for the entire development and complies with the proposals contained in the Growth Management Strategy and the SDF.

Environmental

Environmental Authorisation (EA) was obtained which had regard to inputs from various Government Departments, interested and affected parties as well as specialist studies. The EA in terms of the conditions of approval requires development to occur in line with an approved Construction Phase Environmental Management Plan (CEMP) and an Operational Phase Management Plan (OEMP), which are to be submitted to the competent authority for approval. The responsibility for implementation vests with the Home Owners' Association. It is also recommended that the areas that would not be developed should be conserved by means of a Cape Nature Stewardship Programme thus forming an ecological corridor/conservation area of ±43 ha.

Visual Impact

A Visual Impact Assessment was conducted, the findings of which were incorporated in the conditions of approval from Heritage Western Cape. Being situated abutting an existing residential area the development would be a visual continuation and therefor not considered to detract from the visual amenity or character of the surrounding area.

Access

A new access will be provided onto the R43, whilst designated right turn lanes in both directions (Gansbaai and Stanford) will be provided on the R43 as well as a left turn lane at the R43 and Guthrie Street junction. Three (3) access points to the existing residential area of De Kelders are provided at the intersections of De Villiers-, Storm Street and Main Road with the subject property.

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Service provision

The Engineering Services Department accepted the recommendations contained in the Services Report compiled by Messrs ICE Engineers and confirmed that sufficient capacity exists to provide for services. The development would be subject to the concluding a Services Agreement and payment of bulk services levies thereby ensuring that the provisions and recommendations pertaining to infrastructure services and upgrades required are adhered to. As such it is evident that the provision of services had been adequately addressed.

General

In terms of the Spatial Development Framework the Overstrand Municipal Area, which includes the Greater Gansbaai Area, is earmarked as an area with high growth potential. The area also serves as a tourist destination, retirement/holiday town. The opinion is held that the development will provide residential opportunities for a mix of income categories aimed at the mid- to upper income groups. This development, together with the implementation of the current GAP housing development in Gansbaai and planned affordable housing project ensures that the SDF requirements pertaining to a balanced residential land use mix will be obtained.

The opinion is held that the density of the development would not detract from the character and appearance of the surrounding area, whilst the development of the group- and townhousing complexes, including the institutional facility and commercial site would be subject to the approval of Site Development Plans that amongst other will deal with the aesthetics of the development. A public open space buffer is created between the development and the R43 that will serve to mitigate the impact of the development and protect the visual quality of the surrounding area.

Home Owners' Associations (HOA) will be established for each of the group/town housing developments with compulsory membership for individual property owner(s). The HOA will be responsible for the maintenance and upkeep of the internal private roads and private open spaces as well as the aesthetics in terms of a constitution and development rules to be approved by the Municipality. It is also recommended that a Masters Homeowners' Association for the whole development be created since this HOA will assume responsibility for the maintenance of the public open space portion located on Portion 3.

It is believed that the proposed development will have very little or no significant negative impact on the safety and well being of the local community. Increased rates and income from the proposed development will be to the benefit of the whole community.

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Section 36 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) *inter alia* stipulates that a rezoning/subdivision application may only be refused if it lacks desirability or if it impacts negatively on existing rights. Since the proposed development meets these requirements, the proposed development is recommended for approval.

Conclusion

The development proposals are in line with the Overstrand Municipal Wide Spatial Development Framework, 2006 and Overstrand Municipal Spatial Growth Management Strategy, 2010. With the necessary measures implemented, the application will not have a negative effect on the character of the surrounding area. This application is considered desirable and is recommended for approval as per the recommendation below.

7. Financial Implications

None

8. Staff Implications

None

10. Comments from other Departments, Divisions and Administrations

Services Report

Attached as Annexure J.

District Health

Attached as Annexure U.

Fire Brigade Service

Attached as Annexure V.

Environmental Officer

Attached as Annexure W.

Traffic Department

“Geen probleem ten opsigte van verkeersvloei in en na die ontwikkeling word voorsien nie. Hierdie afdeling het geen verdere kommentaar te lewer nie (sic)”

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10. Annexures

Annexure A:	Locality Plan
Annexure B:	Proposed subdivision- rezoningplans
Annexure C:	Motivation Report
Annexure D:	Objections, petition and letter of comment
Annexure E:	Applicant's comment on the objections
Annexure F:	ICE Group, Traffic Impact Assessment
Annexure G:	Botanical Report
Annexure H:	ICE Group, Engineering Services Report
Annexure I:	Archaeological Report
Annexure J:	Municipal Services Report
Annexure K:	Heritage Western Cape
Annexure L:	Department of Transport & Public Works
Annexure M:	Department of Agriculture
Annexure N:	Eskom
Annexure O:	Department of Education
Annexure P:	Department of Environmental Affairs and Development Planning (EA)
Annexure Q:	Department of Agriculture, Forestry and Fisheries
Annexure R:	CapeNature
Annexure S:	Breede-Gouritz Management Catchment Area
Annexure T:	Department of Health
Annexure U:	Overberg District Municipality, Health Inspector
Annexure V:	Comment Fire Brigade
Annexure W:	Comment Environmental Services

RECOMMENDATION:

1. that the objections, **be noted**;
2. that the application for subdivision of Portion 2 (Lang Bosch) of Farm Strandfontein No. 712 into Portion A ($\pm 110,4573$ ha) and a Remainder ($\pm 519,9503$ ha) and the further subdivision of Portion A into three portions, namely Portion 1 ($\pm 37,895$ ha), Portion 2 ($\pm 18,2336$ ha) and Portion 3 ($\pm 54,3286$ ha) in terms of the provisions of Section 25 of the Land Use Planning Ordinance, 1985 (No. 15 of 1985), **be approved**;

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3. that the application for the rezoning of Portion 2 from Agricultural Zone 1 to Open Space Zone 2 (Private Open Space); Portion 3 from Agricultural Zone 1 to Open Space Zone 1 (Public Open Space); and Portion 1 to Subdivisional Area and the subsequent subdivision in order to develop 118 Residential Zone 1 erven, 1 Transport Zone 2 erf (Public Road), 6 Open Space Zone 1 erven (Public Open Space), 1 Institutional Zone 1 erf, 1 Business Zone 2 erf (Local Business), 4 Group- and Townhouse nodes comprising 175 Residential Zone 2 erven (group housing) and 179 Residential Zone III erven (townhousing), and 5 Transport Zone 2 erven (Private Road) in terms of the provisions of Sections 16 and 25 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), **be approved**;
4. that the approvals in 2. and 3. above be subject to the following conditions:
 - (a) that a Subdivisional Plan be submitted for endorsement in terms of Section 25 of the Land Use Planning Ordinance, 1985 (No, 15 of 1985) which plan must indicate the corresponding zonings in terms of the Overstrand Zoning Scheme Regulations;
 - (b) that the subdivisions referred to in paragraph 2. above be subject to the approval of Department Agriculture, Forestry and Fisheries in terms of the Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970);
 - (c) that the development occur in accordance with the development parameters of the corresponding zonings in terms of the Overstrand Zoning Scheme Regulations;
 - (d) that all the conditions in the Municipal Services Report (attached as Annexure J), **be complied** with;
 - (e) that all the conditions imposed by the Municipal Services Report; Heritage Western Cape; Department of Transport & Public Works; Department of Agriculture; Eskom, Department of Education, Department of Environmental Affairs and Development Planning (EA), Department of Agriculture, Forestry and Fisheries, CapeNature, Breede-Gouritz Management Catchment Area, Department of Health, Overberg District Municipality, Health, the Municipal Fire Brigade and Environmental Services (attached as Annexures J to W), **be complied** with;
 - (f) that this approval does not absolve the applicant from compliance with any other relevant legislation;

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- (g) that a Home Owners' Association be established with compulsory membership for all property owners of single residential, group- and town housing erven and written into the Title Deeds of the erven;
 - (h) that this Home Owners' Association assumes responsibility (including costs) for the provision, maintenance, management and upkeep of the communal property, including Private Open Spaces, Private Roads as well as the maintenance and upkeep of Portion 3 which is to be enrolled into a Cape Nature Stewardship Programme;
 - (i) that the development of the group-, town housing, institutional and commercial sites be subject to the submission of a Site Development Plan, and any further conditions that may be required in this regard;
 - (j) that the constitution(s) of the Home Owners' Association(s) be submitted for approval by the Senior Manager: Town- and Spatial Planning (which reserves the right to impose additional conditions in this regard), and that the constitution *inter alia* clarifies at what stage the responsibility for the provision/maintenance of internal services/facilities and the transfer of the communal property from the land owner/developer to the Home Owners' Association will take place;
 - (k) that a design manual(s) for the group- and town housing node(s) be submitted for prior approval by the Senior Manager: Town- and Spatial Planning for the development and that the Municipality reserves the right to impose additional conditions upon approval of this document; and
 - (l) that a phasing plan be submitted prior to the commencement of the development for approval by the Senior Manager: Town- and Spatial Planning.
5. that the applicant be notified of its right of appeal in terms of Section 62 of the Local Government: Municipal Systems Act, No. 32 of 2000 with regard to the above decision and conditions of approval.

RESPONSIBLE OFFICIAL :	SW VAN DER MERWE
TARGET DATE FOR IMPLEMENTATION :	9 SEPTEMBER 2015
TARGET DATE TO INFORM APPLICANT :	9 SEPTEMBER 2015
TARGET DATE TO INFORM OBJECTORS :	9 SEPTEMBER 2015

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CALEDON, OVERSTRAND MUNICIPAL AREA : PROPOSED REZONING AND
SUBDIVISION: MESSRS PLAN ACTIVE ON BEHALF OF OOSTERWIJK
STRANDFONTEYN CC**

Prt 2/712 (1867)

SW van der Merwe

(028) 313 8900

HermanusAdministration

7 July 2015

**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON
18 AUGUST 2015, WHICH COMMITTEE SUPPORTED THE RECOMMENDATION**

RESPONSIBLE OFFICIAL : SW VAN DER MERWE

TARGET DATE FOR IMPLEMENTATION : 9 SEPTEMBER 2015

TARGET DATE TO INFORM APPLICANT : 9 SEPTEMBER 2015

TARGET DATE TO INFORM OBJECTORS : 9 SEPTEMBER 2015





