

**AGENDA of the  
Portfolio Committee : Infrastructure & Planning  
18 June 2019  
(Also the agenda for the Mayoral Committee Meeting : 26 June 2019)**

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**3.  
FRANSKRAAL SMALLHOLDING POLICY FRAMEWORK, OVERSTRAND  
MUNICIPAL AREA: MESSRS INTERACTIVE TOWN- AND REGIONAL PLANNERS**

**Franskraal Precinct Plan  
SW van der Merwe (028) 313 8900 Hermanus Administration  
20 May 2019**

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**1. Executive Summary**

The purpose of this report is to table the Franskraal Smallholding Policy Framework for adoption by Council illustrating proposed integrated development options for the study area, specifically with regard to the future location of link services and access points from Divisional Road 1205.

A Locality plan of the study area is attached as Annexure A. The Draft Policy Framework is attached as Annexure B.

**2. Service Delivery and Budget Implementation Plan - IGNITE**

Infrastructure and Planning  
Town Planning

**3. Compliance with Strategic Priorities**

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

**4. Delegated Authority**

None

**5. Legal Requirements**

Constitution of the Republic of South Africa, 1996  
Local Government: Municipal Systems Act (Act 32 of 2000)

**6. Background/Discussion/Evaluation/Conclusion**

**Background/Discussion**

Messrs Interactive Town- and Regional Planners on behalf of the owner of Portion 29 of the Farm Franchekraal No. 708 submitted a town planning application in terms of the former Land Use Planning Ordinance, 1985 for a mixed use development, comprising 205 single residential, business, private open space and transport zone erven.

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The Department of Transport (DOT) in their comment of 31 May 2018 stated the following:

*“This Branch is concerned that the proposed development is being undertaken in isolation of greater spatial and roads planning of the area. Accordingly this Branch objects to the application in terms of the Land Use Planning Act, No 3 of 2014.”*

Having had regard to the comment from DOT Interactive Town- and Regional Planners was instructed to compile a Policy Framework for the small holding area, which Policy Framework shall have regard to the future location of link services and access from the Divisional Road 1205. The study area covers the Franskraal smallholdings, situated on Portions 17-24; 28-38 and 52 of Farm 708, Farm 708/0 (Panorama) and Erven 1717-1721 and 1878, Franskraal. The study area measures 560ha in extent, is situated within the urban edge, north of the R43 between Gansbaai and Pearly Beach. The Policy framework illustrates integration of the proposed development with the surrounding areas with regard to the location of potential access points and services, as well as sensitive environmental attributes.

The purpose of this report is to table the Policy Framework for adoption by Council. A separate report will be referred to the Executive Mayor to consider the land use application in respect of Portion 29 of the Farm Franchekraal No. 708.

### **Public Participation**

The Policy Framework was subject to a public participation process, whilst a voluntary meeting was held by Messrs Interactive Town- and Regional Planners to discuss any issues or concerns. The final comments that were received are summarised in a comments and responses document (attached as Annexure C). Amendments were made to the Policy Framework where necessary to address comments and responses received.

The comments and responses made by Messrs Interactive Town- and Regional Planners are agreed with and should be considered as the official municipal comment thereon.

The Draft Policy Framework will be incorporated into the Spatial Development Framework (SDF) as part of the current SDF review process, which will still be subject to a public participation process in accordance with the applicable legislative requirements.

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### **Evaluation**

The study area is situated within the urban edge as per the Integrated Development Framework (IDF), 2013, which is part of the SDF. The study area is earmarked for urban expansion purposes in terms of the SDF (2006) over the medium term. The Growth Management Strategy, 2010 earmarks the area for densification purposes between 10 – 20 dwelling units per ha.

The Policy Framework illustrates that development within the above broad parameters could be considered with regard to potential location of access points, internal collector roads also providing for link services in order to address the concern from the Department of Transport (DOT) regarding the fact that the development occurs in isolation of spatial and road planning. Based on the Policy Framework, DOT revised their comments with regard to the proposed development, subject to conditions. In this regard DOT requires that through roads linking to other parcels of land may not be hampered with booms or other access control points, whilst the Municipality is to ensure access from the proposed municipal roads network onto the proclaimed road network once these portions are developed.

In addition to the above, the Policy Framework further illustrates the location of proposed residential pockets ( $\pm 185$  ha), an open space system that links the various land parcels. The aforementioned was informed by the location of wetlands, central business areas, a protected area situated on Portion 19 of Farm 708 as well as having regard to areas of critical ecosystem threat status, thus proposing development pockets into non-conservation worthy zones, linked via ecological and open space corridors extending onto adjacent smallholdings and connects with the surrounding land beyond the study area.

The Policy Framework also proposes eco-/agri tourism for the area to the north of the study area, which area is sensitive and conservation worthy.

From a municipal services point of view the study area does not fall within a municipal electrical supply area. The respective developers will also be responsible for the installation of services as required by the Municipality. Following completion of the development, should development rights be granted a Home Owners Association (HOA) would be responsible for the provision and maintenance of access roads, services and any communal property arising from the subdivision.

It should be noted that the Policy Framework is conceptual and does not confer development rights, nor does it remove existing rights. Development of the various land parcels will be subject to further detail planning to be informed by specialist studies and approval in terms of the applicable legislation, for example National Environmental Management Act, Overstrand Municipal Land Use Planning By-Law, etc..

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### **Conclusion**

The policy framework proposes development pockets, an open space corridor linking various land parcels within the study area and beyond, a buffer zone above the 1:100 year flood line and provides for access from the Divisional Road to Baardskeerdersbos and the provision of link services.

It is considered that the proposal complies with strategic policies that promote balanced land use mixes in a sustainable manner that promotes efficient land use. The Policy Framework is therefore supported as per the recommendation below.

### **7. Financial Implications**

None

### **8. Staff Implications**

None

### **9. Comments from other Departments, Divisions and Administrations**

#### **Electro Technical Services**

The border of the Eskom/Overstrand Distribution area runs through the application area. Ninety nine percent (99%) of the erven are within the Eskom distribution area and we would thus advise that the client contact Eskom for any electricity distribution. Please note that we have existing electrical services that run next to and through some of the erven. The Overstrand Municipality will also remain the provider of electricity to the Franskraal Water Treatment Works. Repositioning of any existing services will be for the client's account. A five meter (5m) servitude should be kept at all times next to any existing services (sic).

#### **Traffic Department**

Supported.

#### **Waste Management**

No objection.

#### **Engineering Services Department**

Attached as Annexure D.

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**10. Annexures**

Annexure A:	Locality Plan
Annexure B:	Franskraal Smallholding Policy Framework
Annexure C:	Comments and Response Document
Annexure D:	Services Report
Annexure E:	Western Cape Government: Road Network Management

**RECOMMENDATION TO THE COUNCIL:**

that the Draft Franskraal Smallholdings Policy Framework in terms of Section 11(3)(a) of the Local Government: Municipal Systems Act No. 32 of 2000, **be adopted.**

<b>RESPONSIBLE OFFICIAL :</b>	<b>SW VAN DER MERWE</b>
<b>TARGET DATE FOR IMPLEMENTATION :</b>	<b>17 JULY 2019</b>
<b>TARGET DATE TO INFORM APPLICANT :</b>	<b>17 JULY 2019</b>
<b>TARGET DATE TO INFORM OBJECTOR :</b>	<b>N/A</b>

**AGENDA of the  
Portfolio Committee : Infrastructure & Planning  
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**3.  
FRANSKRAAL SMALLHOLDING POLICY FRAMEWORK, OVERSTRAND  
MUNICIPAL AREA: MESSRS INTERACTIVE TOWN- AND REGIONAL PLANNERS**

**Franskraal Precinct Plan  
SW van der Merwe (028) 313 8900 Hermanus Administration  
20 May 2019**

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**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON  
18 JUNE 2019, WHICH COMMITTEE RECOMMENDED AS FOLLOWS:**

**RECOMMENDATION TO THE COUNCIL:**

that the Draft Franskraal Smallholdings Policy Framework in terms of Section 11(3)(a) of the Local Government: Municipal Systems Act No. 32 of 2000, **be adopted**.

<b>RESPONSIBLE OFFICIAL :</b>	<b>SW VAN DER MERWE</b>
<b>TARGET DATE FOR IMPLEMENTATION :</b>	<b>17 JULY 2019</b>
<b>TARGET DATE TO INFORM APPLICANT :</b>	<b>17 JULY 2019</b>
<b>TARGET DATE TO INFORM OBJECTOR :</b>	<b>N/A</b>





**PROJECT**  
Interactive Town & Regional Plan

**DATE**  
21/1/2018

**PROJECT NUMBER**  
Project Number

**CLIENT**  
InterActive Town & Regional Planning

**CONTACT**  
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**DRAWN BY**  
J.M.

**CHECKED BY**  
A.M.

**SCALE**  
As indicated

**DRAWING NUMBER**  
A 1001

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**PROJECT**  
Franskraal

**TITLE**  
Precinct Plan  
Local Context

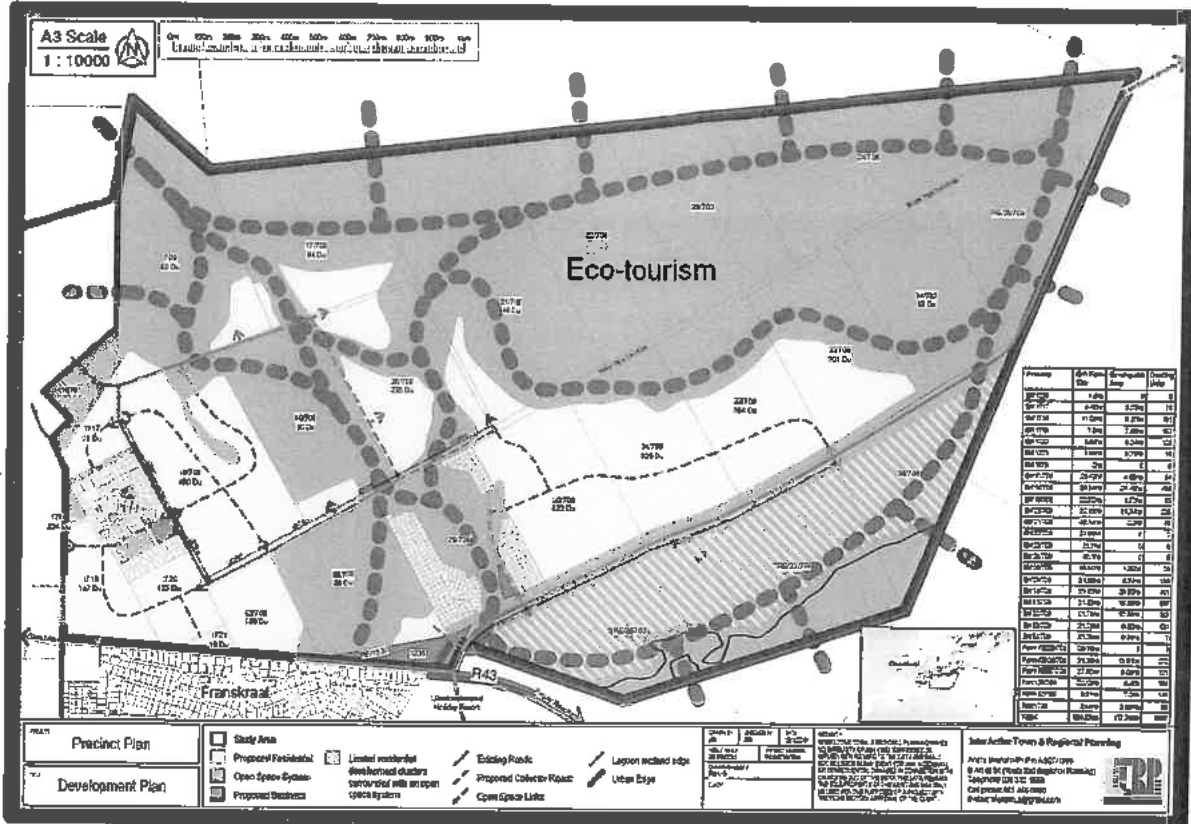
Study Area

7 5 JAN 2018

TR A Theart  
(Sub Merwe)



# FRANSCHKRAAL PRECINCT PLAN



HENDRIKJAN MOSCA

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January 2018

FILE NO: *Form 708*  
*Fransche Kraal*  
 SCAN NO:  
*Form 708*  
 COLLABORATOR NO:  
*1249946*

25 JAN 2019

TP

## 1. Introduction

An application was submitted for a proposed development on Portion 29 of the Farm 708, Franschekraal for a mixed-use but mainly residential development which includes an open space, a business, an industrial and a transport component. Consequently, in considering this application, the municipality then requested a precinct plan illustrating the integration of the proposed development with the surrounding area and development options for the larger study area.

## 2. Study area

The proposed Franschekraal development leads to the realization that even though the study area is located within the urban edge, there is no clear structure for future development of this larger area. The study area with an extent of approximately 560 ha is located on the outskirts of the current Franskraal urban developed area and within the Gansbaai /Franschekraal urban edge just north of the R43, between Gansbaai and Pearly Beach. Refer to **Annexures A and B** for location of study area.

## 3. Methodology

Available resources were used to determine which areas are suitable for development. Information plans were compiled to indicate topography, environmental aspects, existing spatial development policy, available services, land use and zoning respectively for the study area.

The data collected from the informational plans together with development guidelines based on engineering and town planning principles were then applied for the compilation of a basic development plan for the study area.

25 JAN 2019

The basic development plan was introduced and explained to interested and affected parties through the public participation process. Resulting from the public participation process, workable suggestions were incorporated into an amended precinct plan as illustrated in **Annexure H**.

#### **4. Informational Plans**

##### **4.1 Policy Plan**

The policies applicable to the study area are the *Municipal Spatial Wide Development Framework, 2006* and *Growth Management Strategy, 2010*. As illustrated by the policy plan in **Annexure C**, the largest portion of the study area falls within a densification zone of 10 to 20 dwelling units per ha. A portion of land to the south of the study area is indicated as a conservancy area with a density of less than 10 dwelling units per hectare.

##### **4.2 Environment & Topography Plan**

As illustrated by the environment and topography plan in **Annexure D**, the study area consists of wetlands which are mostly located along the east-west center line of the study area, critical biodiversity areas mostly along and in close proximity to the southern boundary, a protected area on portion 19 of Farm 708, and areas of critical ecosystem threat status consisting of wetlands located along the east-west center line and south of the mountain range. Mountains with slopes of 5 to 80 degrees are located along and outside the northern boundary of the study area.

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### **4.3 Zoning**

The zoning of the study area, as illustrated by Annexure E, is mostly Agricultural Zone 1: Agriculture. Portion 29 of Farm 708 is in the process of rezoning from Special Zone to Sub-Divisional Area Zone. Portions of land to the west of the study area are zoned Resort Zone: Holiday Resorts but are not considered ideal for holiday resorts. A small portion of land adjacent to the southern boundary (Erf 1235 and RE/1537) is zoned Business Zone 3: Local Business.

### **4.4 Existing Land use**

The land-use within the study area is mostly natural area and agriculture, as illustrated by Annexure F.

Portion 19 of Farm 708 is a private nature reserve with a small portion of the land in the southwestern corner being used for residential purposes.

Portion 29 of Farm 708 is currently being utilized for business purposes, as is Erf 1235 and RE/1537 adjacent to the southern boundary.

Portion 30 of Farm 708 is being used for an airfield and housing.

Erf 1718 is being used for residential purposes and Erf 1878 for Government purposes.

### **4.5 Existing Infrastructure Plan**

Existing engineering services such as electricity lines, water lines, sewer and existing roads are available mostly to the west of the study area.

Services will need to be provided elsewhere.

The electricity supply plan has not yet been updated to indicate the electricity line between Erf 17/708 and Farm 709 which provides electricity to these two erven. This however, has no influence on the layout of the Precinct Plan.

A section of the southern boundary of the study area is adjacent to the R43 Regional road which links up with the two existing access roads to the study area.

Refer to **Annexure G** for the Infrastructure Plan.

## **5. Development Proposal Plan**

### **5.1 Introduction**

A development plan, as illustrated by **Annexure H**, was compiled based on the data gathered from the various informational base plans as well as from comments received during the public participation process.

The main concept of the precinct plan is the approximate positioning of development pockets in non-conservation worthy zones linked via ecological and open space corridors. The exact location of developable areas will be determined by specialist studies. The development plan therefore is not a rigid plan. Large portions of the area based on the information, is not considered suitable for development. However, further, more detailed studies will be required to confirm the developability or non-developability as per the development plan.

## 5.2 Residential

According to the development plan a portion of 185ha is developable for residential purposes at densities of 20 units per ha.

Residential development is proposed in the areas outside of the open space system and where topography has the lowest impact on development. Sensitively placed and limited residential development clusters have been proposed between the wetland edge to the south and the existing main access road to the north and is therefore not depicted as a solid band of development.

Layouts can only be verified accurately with the assistance of wetland specialists and botanical experts during the EIA phase to avoid high ecological sensitive or high conservation worthy areas and to allow for ecological and open space links.

For Portions 36, 37 and 38, the maximum number of units should be 272 and the maximum development footprint should be 13.6 Ha.

Access points to the development area should be controlled to improve security.

## 5.3 Other Land-uses

Land use, other than higher density residential use, such as tourism type facilities including guesthouse, clubhouses, boathouse and restaurant could be considered in suitable locations and is not precluded by the proposed precinct plan.

Other tourist facilities encouraging synergy between humans and the environment could be considered in suitable locations and is not precluded by the proposed precinct plan.

Non-traditional farming activities, including hydroponics, bees and fynbos harvesting could be considered in suitable locations and is not precluded by the proposed precinct plan.

#### 5.4 Environmental

Furthermore, the development plan reflects the key importance of environmental protection by proposing open spaces on areas where there are wetlands, critical biodiversity areas, areas of critical ecosystem threat status as well as protected areas. These open space areas link up with one another to form an open space system which also connects with the surrounding land beyond the study area.

An ecological buffer zone of 30m above the 1:100 floodline has been provided to protect the lagoon to the south of the study area.

The area to the north of the study area is proposed for eco/agri-tourism as this area is ecologically sensitive and conservation worthy with much to offer eco-tourists in terms of vegetation, wetlands and animal/insect life.

Access to open space links should be controlled as currently there is a lot of illegal activities, fence cutting and poaching occurring on the river edge.

An ecological buffer zone of 30m from the erf boundary on the north side of the existing main access road and 40m from the road on the south side of the existing main access road has been proposed to protect the natural, scenic character of the area and ecologically sensitive vegetation along the road.

## 5.5 Services

There are two main access points from the R43 into the precinct area to the north. The first point is at the crossing where access to the south leads to the Franskraal urban area and the second access is at the crossing where access to the south leads to Uilenkraalsmond Holiday Resort.

An interconnected road system of collector roads which link up with existing higher order roads is proposed to provide access to residential areas within the study area. Collector road access from the existing main access roads have been minimized to ensure more efficient traffic flow and better security for the residential areas.

A water pipe servitude between existing farm portions was extended to run along the eastern and northern boundary of Portion 20 of Farm 708 to provide water to proposed residential areas higher up to the north.

## 6. Conclusion

The development plan for the study area represents a flexible, practical proposal for future development which considers all relevant data for the study area as well as comments received during public participation to ensure that environmental and other aspects are accommodated efficiently and sustainably.

Further detail studies should however be conducted when development is envisaged for a portion of land within the study area to ensure that it can be realized in accordance with the proposed development plan and to determine precise locations for development.

# ANNEXURE A: LOCALITY PLAN - REGIONAL CONTEXT

25 JAN 2019



InterActive Town & Regional Planning

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PROJECT NUMBER	
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PROJECT NUMBER	

A3 Scale  
1 : 50000



Study Area

Precinct Plan  
Regional Context

PROJECT  
SITE

15 JAN 2018

**ANNEXURE B: LOCALITY PLAN- LOCAL CONTEXT**

25 JAN 2019



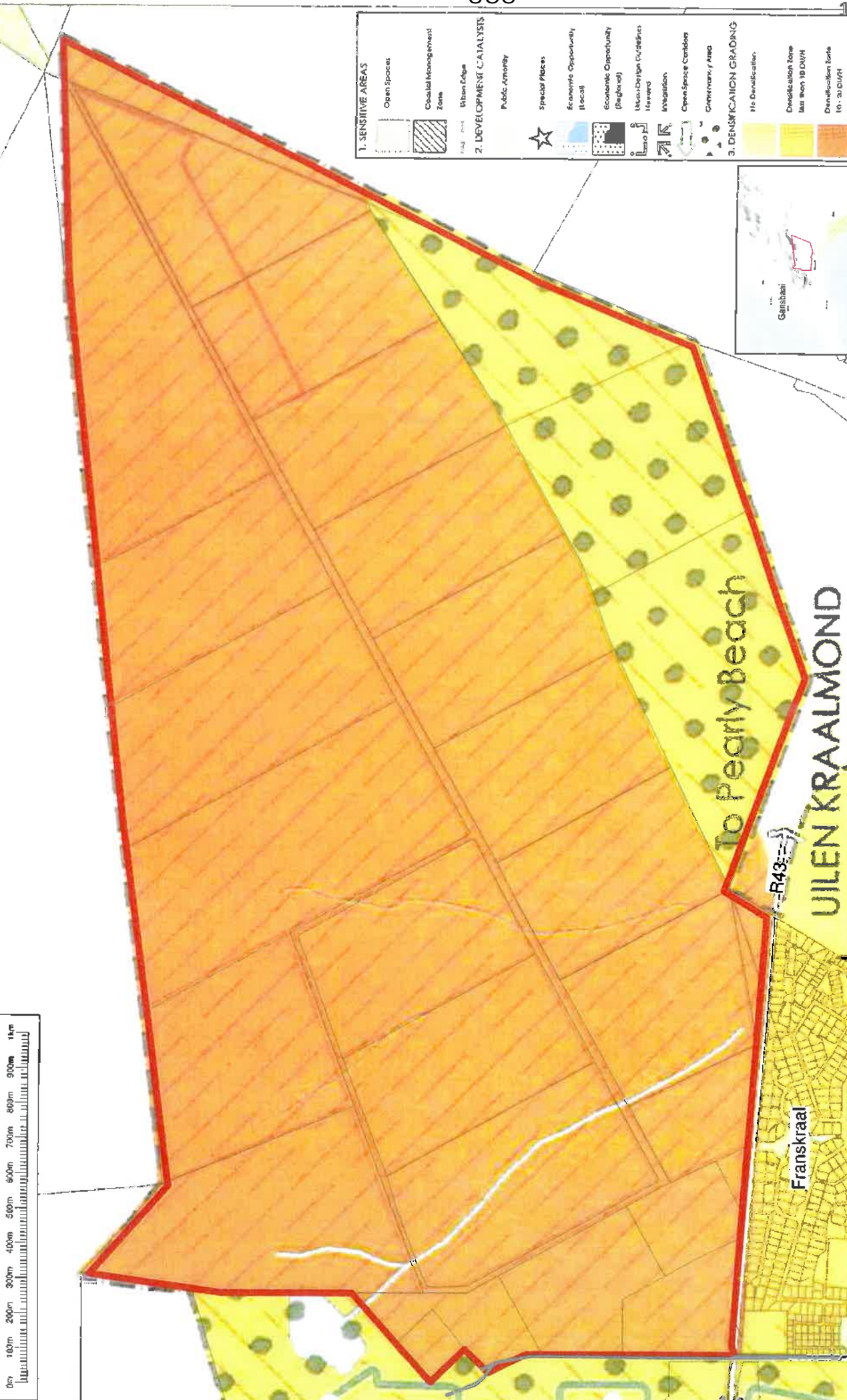
A3 Scale  
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PROJECT	Precinct Plan	
	Local Context	
DATE	7/12/2018	
	CLIENT	Franskraal Municipality
DRAWN BY	AJV	
	PROJECT NUMBER	Franskraal
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<p>PROPERTY: INTERACTIVE TOWN &amp; REGIONAL PLANNING SERVICES          ANDRE WIEHAIN PR Ph A8271596          B Art Et Sc (Town and Regional Planning)          Telephone 028 312 1668          Cell phone 082 466 0490          E-Mail: wiehain.a@iprps.co.za</p>		

25 JAN 2018

**ANNEXURE C: POLICY PLAN**

7 5 JAN 2019



**1. SENSITIVE AREAS**

- Open Spaces
- Coastal Management Zone
- Urban Edge

**2. DEVELOPMENT CATALYSTS**

- Public Amenity
- Special Places
- Economic Opportunity (Local)
- Economic Opportunity (Regional)
- Micro-Design Opportunities
- Integration
- Open Space Corridors
- Centres / Area

**3. DENSIFICATION GRADING**

- No Densification
- Densification Zone 10 - 20 DU/HA
- Densification Zone 10 - 20 DU/HA



**PROJECT**

**Precinct Plan**

**Policy Plan**

**Study Area**

- Policy Documents
- Overstrand Growth Management Strategy 2010 - Kleinbail / Franskraal
- Overstrand Municipal Wide Spatial Development Framework, 2006

**DATE** 11/2018

**CHECKED BY** [Signature]

**SCALE** As Shaded

**PROJECT NUMBER** [Number]

**PROJECT NAME** [Name]

**DESIGNER** [Name]

**CLIENT** [Name]

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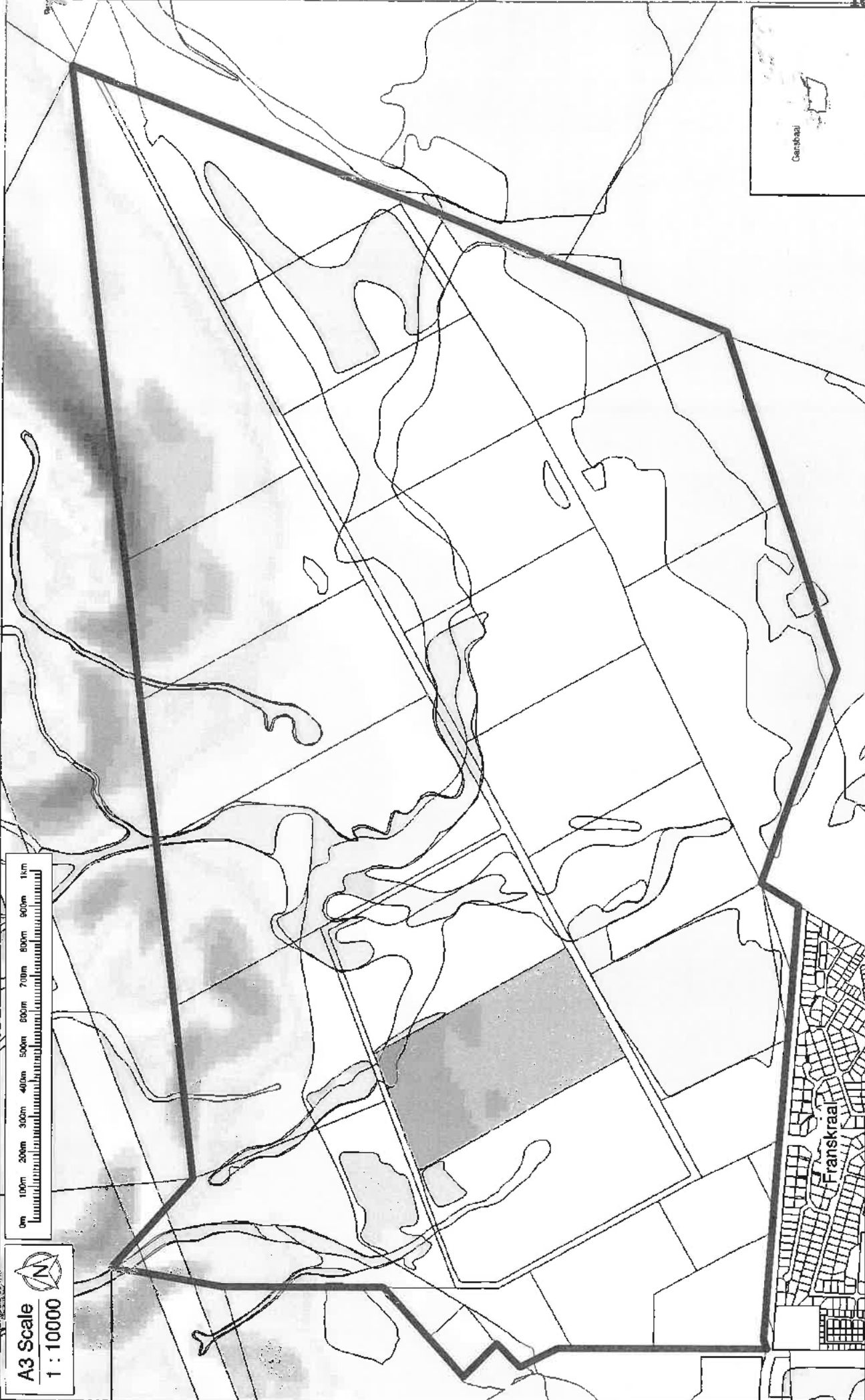
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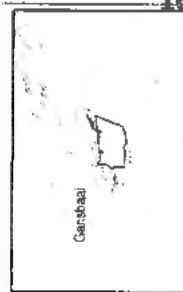
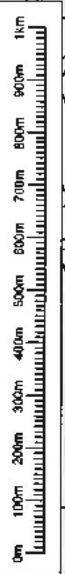
25 JAN 2019

**ANNEXURE D: ENVIRONMENTAL AND TOPOGRAPHY PLAN**

**25 JAN 2019**



**A3 Scale**  
1 : 10000



<p><b>PROJECT</b></p> <p><b>Precinct Plan</b></p>		<p><b>DATE</b> 21/02/10</p>	
<p><b>TITLE</b></p> <p><b>Environment &amp; Topography Plan</b></p>		<p><b>DESIGNED BY</b></p> <p>INT</p>	
<p><b>PROJECT NUMBER</b></p> <p>Project Number</p>		<p><b>SCALE (AS SHOWN)</b></p> <p>A:001</p>	
<p><b>DRIVING NUMBER</b></p> <p>01001</p>		<p><b>INTERACTIVE TOWN &amp; REGIONAL PLANNING</b></p> <p>Andre Wrieland Pty Ltd AG27/1996</p> <p>B Att Et Co (Town and Regional Planning)</p> <p>Telephone 028 312 1663</p> <p>Cell phone: 082 466 0439</p> <p>E-Mail: wrieland@gnail.com</p>	
<p><b>Study Area</b></p> <p><input type="checkbox"/> Environment &amp; Drainage</p> <p><input type="checkbox"/> Wetlands</p> <p><input type="checkbox"/> Critical Biodiversity Areas</p>		<p><b>Topography</b></p> <p><input type="checkbox"/> 80° Slope</p> <p><input type="checkbox"/> 30° Slope</p> <p><input type="checkbox"/> 55° Slope</p> <p><input type="checkbox"/> 5° Slope</p>	
<p><input type="checkbox"/> Protected Areas</p> <p><input type="checkbox"/> Critical Ecosystem Threat Status</p>		<p><b>INTEGRITY</b></p> <p>INTERACTIVE TOWN &amp; REGIONAL PLANNING MAKES NO WARRANTY OF ANY KIND, EXPRESSED OR IMPLIED, FOR THE DATA AND INFORMATION NOT BEING Liable FOR ANY AND ALL SOCIAL OR CONSEQUENTIAL DAMAGES IN CONNECTION WITH OR ARISING OUT OF THIS DATA. THE DATA REMAINS THE SOLE PROPERTY OF THE CLIENT AND MAY ONLY BE USED FOR THE PURPOSES OF A PROJECT WITH THE PRIOR WRITTEN APPROVAL OF THE CLIENT.</p>	



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Gansbaai

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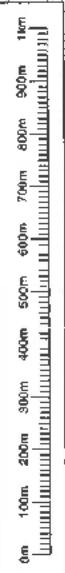
- Residential Zone 1: Single Residential
- General Residential Zone 1: Town Housing
- Open Space Zone 2: Public Open Space

- Special Zone
- Agricultural Zone 1: Agriculture
- Business Zone 3: Local Business
- Resort Zone: Holiday Resorts

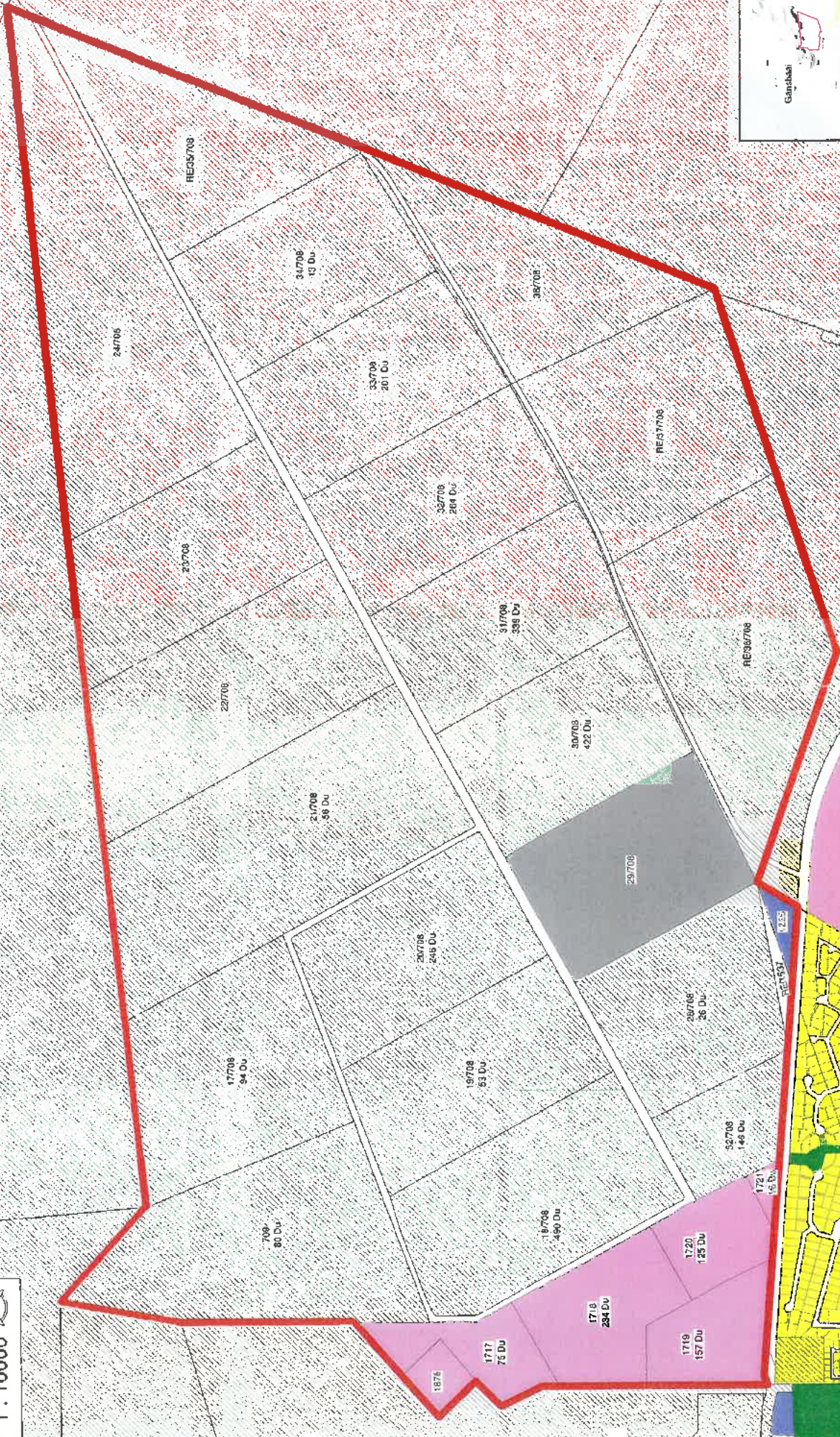
- Study Area

**Precinct Plan**

**Zoning Plan**



A3 Scale  
1 : 10000



**ANNEXURE F: LAND-USE PLAN**

25 JAN 2019



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AW	13/07/2018	1:10000
PROJECT NUMBER	PROJECT NAME	DATE
1801	1801	13/07/2018
DRAWN BY	CHECKED BY	DATE
AW	AW	13/07/2018

PRECINCT	NAME
1801	1801

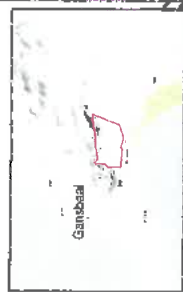
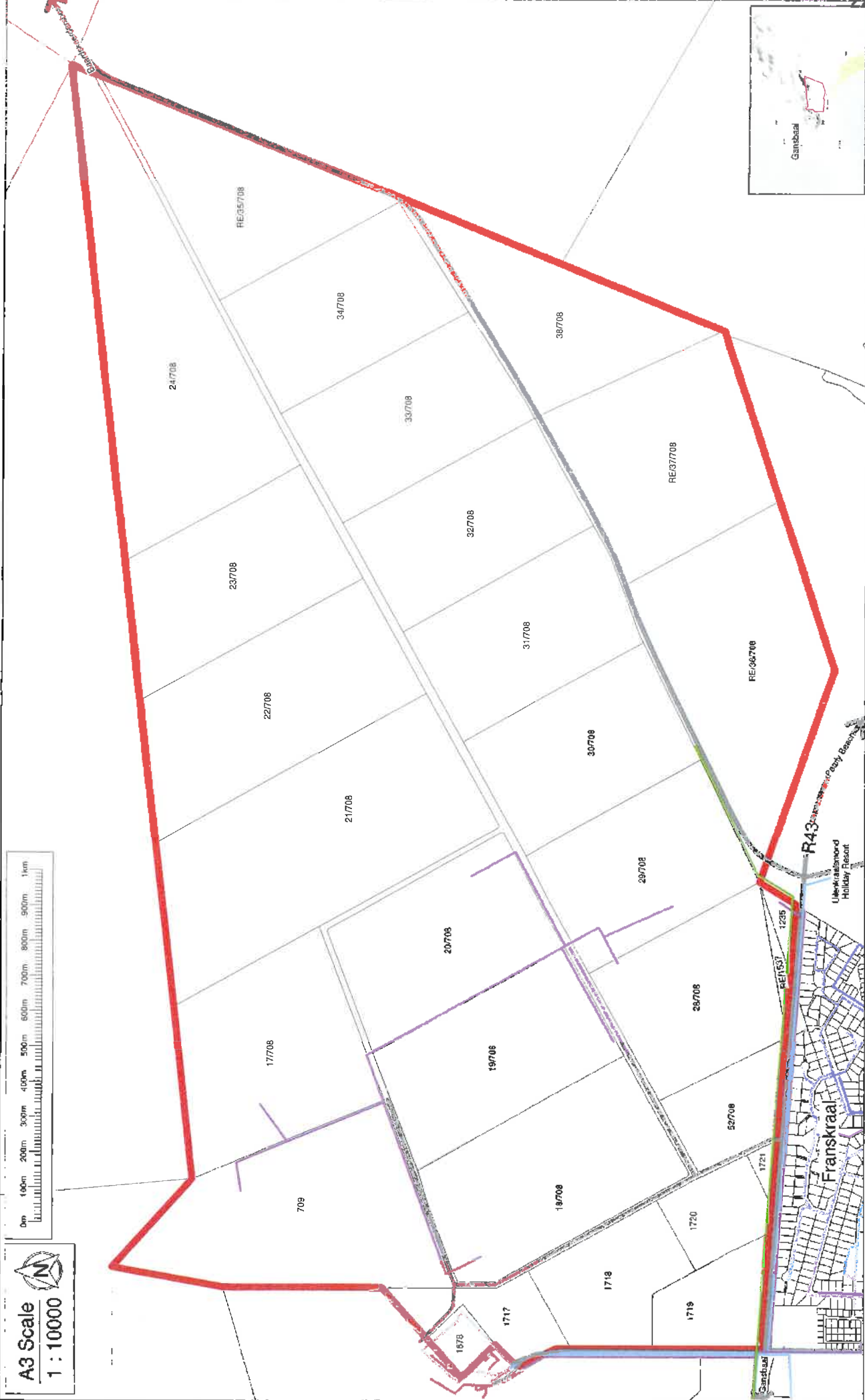
- Study Area
- Residential
- Business
- Government
- Community Facilities
- Natural Area
- Agriculture
- Nature Reserve
- Airfield

**Precinct Plan**

**Land Use Plan**

**ANNEXURE 6: INFRASTRUCTURE PLAN**

25 JAN 2019



**A3 Scale**  
1 : 10000

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ISSUE NO.	ISSUE DATE	ISSUE DESCRIPTION

- Study Area
- Electricity lines
- Water lines
- Existing Roads
- Sewer

**Precinct Plan**  
**Infrastructure Plan**

PROJECT: \_\_\_\_\_  
TITLE: \_\_\_\_\_

**InterActive Town & Regional Planning**

André Wiehahn Pr. Ph. A/927/1986  
B Art et Sc. (Town and Regional Planning)  
Telephone 028 317 1868  
Cell Phone 082 468 0450  
E-Mail: [Wiehahn.a@gmail.com](mailto:Wiehahn.a@gmail.com)

25 JAN 2010

**ANNEXURE H: PRECINCT DEVELOPMENT PROPOSAL PLAN**

**25 JAN 2019**





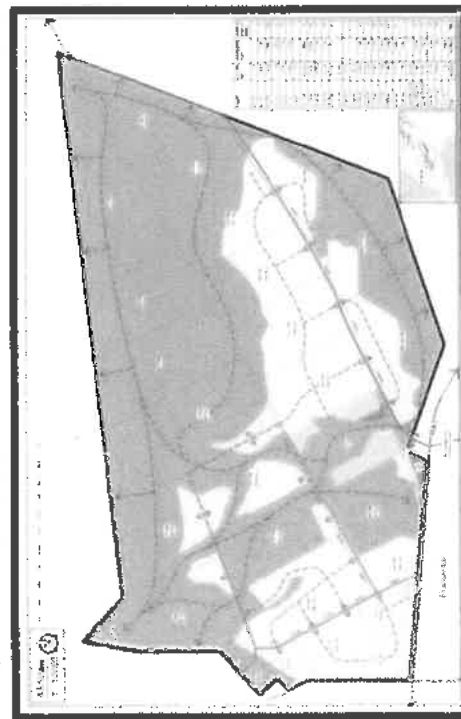
**InterActive Town & Regional Planning**  
PO Box 980  
Hermanus  
7200

**Date: 15 January 2019**

**FRANSKRAAL PRECINCT PLAN: RESPONSE TO OBJECTIONS AND COMMENTS**

**A. Background**

An application was submitted for a proposed development on Portion 29 of the Farm 708, Franschekraal for a mixed-use but mainly residential development which includes an open space, a business, an industrial and a transport component.



**Figure 1: Proposed Franschekraal Precinct Plan**

Consequently, in considering this application, the municipality then requested a precinct plan for Franschekraal illustrating the integration of the proposed development with the surrounding area and development options for the larger study area. An initial precinct plan was compiled by ITRP as illustrated in figure 1.

The proposed precinct development plan was compiled based on the data gathered from various informational base plans namely, location plans (regional and local), policy plan, environmental and topography plan, zoning plan, land use plan and infrastructure plan.

Conceptually the precinct development plan proposed development pockets in non-conservation worthy areas and where topography

permitted, linked by ecological corridors. The aspects addressed by the plan were residential development, environmental conservation and provision of a collector roads system. Further studies would be required to confirm the proposals as per the development plan.

This proposed precinct plan was distributed to the interested and affected parties and a public meeting was held to clarify and discuss the proposal. In response to public participation, six comments were received from the following interested and affected parties:

- Tanya de Villiers
- LS van Staden
- Graham Field
- Mr and Mrs Gerber
- Mathilda en Lonnie Roos
- The Western Cape Government: Department of Transport

The comments received were analyzed and divided into two categories namely suggestions and concerns/ objections.

Firstly, the suggestions which are sensible and workable were incorporated into an amended precinct plan as illustrated in figure 2 and the amendments were listed. Secondly, the objections/ concerns were summarized and tabulated and a response thereto provided.

## B. Amended Precinct Plan

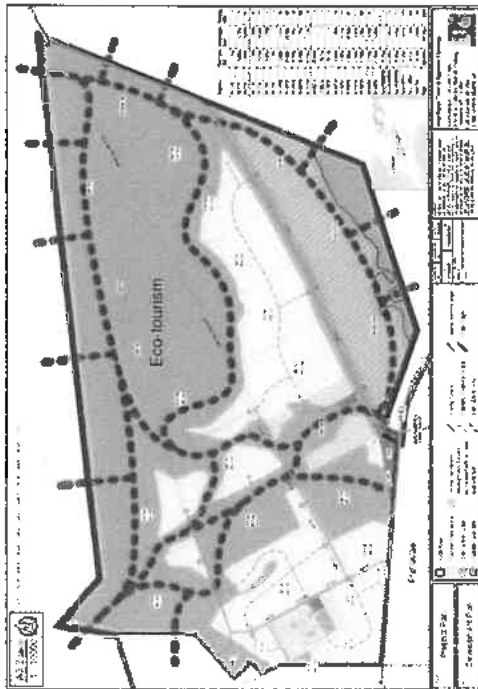


Figure 2: Amended Precinct Plan

The following amendments were applied to the proposed precinct development plan to incorporate the practical and workable suggestions received during the public participation phase:

- The main concept of the proposed and amended plan is the approximate positioning of development pockets in non-conservation worthy zones linked via ecological and open space corridors. The exact location of residential developable areas will be determined by specialist studies.
- An ecological buffer zone of 30m above the 1:100 floodline has been provided to protect the lagoon to the south of the study area.

- Sensitive placed and limited residential development clusters have been proposed between the wetland edge to the south and the existing main access road to the north and is not depicted as a solid band of development.

- The zones along the river are of low conservation value and therefore the area for proposed limited residential development clusters is extended to the wetland edge.

- The area to the north of the study area is proposed for eco-tourism as this area is ecologically sensitive and conservation worthy with much to offer eco-tourists in terms of vegetation, wetlands and animal life.

- Access points to the development area should be controlled to improve security.
- Access to open space links should be controlled as currently there is a lot of illegal activities, fence cutting and poaching occurring on the river edge.

- An ecological buffer zone between 650m and 750m has been proposed on both sides of the existing main access road to protect the natural, ecologically sensitive vegetation.

- Collector road access to the existing main access road has been minimized to ensure more efficient traffic flow and better security to the residential areas.

- The road which was erroneously proposed through a wetland area on the eastern boundary of Erf 20/708 was altered to run along the western boundary of Erf 20/708.
- A water pipe servitude between existing farm portions was extended to run along the eastern and northern boundary of Portion 20 of Farm 708 to provide water to proposed residential areas higher up to the north.
- The business area on Erf 1235 has been extended slightly to include a little triangular portion of land on the Re/36/708.
- The informational zoning plan was corrected to indicate the Remainder of Erf 1717 as Resort Zone 1.
- The informational electrical services plan indicating existing electrical provision, was corrected.
- Land use in suitable locations, other than higher density residential use, such as tourism type facilities including guesthouse, clubhouse, boathouse and restaurant could be considered and is not precluded by the proposed precinct plan.
- Other tourist facilities encouraging synergy between humans and conservation of the environment could be considered and is not precluded by the proposed precinct plan.
- Non-traditional farming activities, including hydroponics, bees and fynbos harvesting could be considered and is not precluded by the proposed precinct plan.

### **C. Response to concerns/objections**

In the following table a summary is provided of the objection themes of comments received in response to the proposed precinct plan, followed by a reply to the objections/ concerns.

Theme of objection	Summary of objections	Response to objections
<p><b>Data and Information:</b>  <b>Broad and Superficial Conclusion</b></p>	<p>More detail and sufficient information should be provided by the precinct plan for participants to make informed decisions.</p> <p>The division between the residential development areas and the open space areas should be determined by more detailed studies.</p> <p>Except for Portion 29/708 for which detailed studies have been conducted, all other portions require more detailed studies.</p> <p>An EIA is required for proposed development on Portion 29/708.</p> <p><b>Conclusion</b></p>	<p>The proposed precinct development plan is aimed at the whole precinct area and not just at Portion 29/708. It was mentioned in the precinct plan that the outcome is based on the informational plans and that this is an overarching plan for the area and not a detailed plan. It was furthermore stated that more detailed studies would be required from specialists for specific development applications in the area. The position of the developable areas is based on approximate positioning and the exact locations would need to be confirmed through botanical, wetland and other specialist studies including traffic studies.</p> <p>Proper legislative procedures will be followed regarding the proposed development on Portion 29/708.</p> <p>The purpose and function of a precinct plan is to propose an overall and overarching development plan for the area which will require further detail studies as per development application proposal. The data used for the proposal is considered sufficient for the purpose of this precinct plan. Subsequently these comments / objections are considered invalid and should be ignored.</p>

<p><b>Improved Public Involvement</b></p>	<p>Only the landowner of Portion 29/708 was contacted before publication of the precinct plan. All stakeholders/ landowners should be involved.</p> <p>The landowner of Portion 19/708 never received a notification about proposed development on Portion 29/708.</p> <p>Various landowners never received notification about the development precinct plan proposal or public meeting.</p> <p>Landowners need to be made aware of the impact the proposed road system will have on the value of their land.</p>	<p>The landowner of Portion 29/708 was instructed by the Overstrand Municipality to ensure that a precinct plan for the Franschekraal area is in place in order to be in a position to consider the existing township application for Portion 29/708. The municipality in the mean-time held the subject application on hold.</p> <p>The application of Portion 29/708 was subjected twice to a public participation process following the EIA process which resulted to material changes to the original application. No objections were received on the amended second application apart from the Department of Transport which requested clarity on the access.</p> <p>As part of the public participation process for the Precinct Plan, registered letters were sent out to all owners within the demarcated area of the Franschekraal area as determined by the Overstrand Municipality. In addition to the above, the applicant voluntary held a public information session to provide any additional information and answer any questions. The invites to the public meeting were mailed to all 41 relevant landowners of which record is held.</p> <p>It is thus clear that the minimum requirements for the public participation process was exceeded and sufficient opportunity was provided for comments.</p>
<p><b>Conclusion</b></p>	<p>There are other land-uses besides higher density</p>	<p><b>All proper procedures have been followed. Therefore these objections should be ignored.</b></p>
		<p>The comments forwarded are acknowledged, even-though not only residential uses were proposed.</p>

<p><b>Focus only on Residential Land use</b></p>	<p>residential development which could be and are already significant in the area, such as tourism facilities.</p> <p>Furthermore, there are other land-uses such as holiday accommodation, low density houses in nature and agriculture including hydroponics, bees and fynbos harvesting for which the area is suitable.</p> <p><b>Conclusion</b></p>	<p>This precinct plan does not preclude the use of portions of the land for other suitable land use than higher density residential uses. Following these comments the precinct plan has been adapted to also include uses such as tourism facilities and non-traditional farming activities.</p> <p><b>The proposed precinct plan has been amended to also include uses such as tourism and non-traditional farming activities.</b></p>
<p><b>Conflict of Interests</b></p>	<p>Equal treatment should be given to all landowners in the study area.</p> <p>Development options should be for the larger area independent of Portion 29/708.</p> <p>There are detailed studies only for Portion 29/708.</p>	<p>The objective of the public participation process, which is a standard part of the procedure for compiling and approving a precinct plan, is to involve all interested and affected parties in the planning process and obtain their input and comments. This has been done in consultation with the Overstrand Municipality.</p> <p>The development options as proposed by the precinct plan are for the larger area than that of Portion 29/708. The proposed precinct plan is objectively based on the informational base plans and not on the proposed development for Portion 29/708 only.</p> <p>As only Portion 29/708 formed part of a township establishment application, more detail information was included. As and when landowners of the other</p>

	<p>An EIA for proposed development on Portion 29/208 should have been conducted before the development proposal was compiled and detailed scoping and an EIA for Portion 29/708 is now requested to ensure better understanding by affected and interested parties of the impacts of the proposal, how to minimize impacts and rehabilitate areas affected by proposed development, as well as alternate proposals.</p> <p><b>Conclusion</b></p>	<p>portions propose development, more detail information can be included for those relevant portions.</p> <p>An EIA was conducted and the subject land-owners were all part of the of the EIA application to develop on Portion 29/708..</p>
<p><b>Environmental Damage</b></p>	<p>It is against sustainable spatial planning principles to include more than 500ha of sensitive agriculture/nature properties into a precinct plan for the development of plots.</p> <p>The proposed development on Portion 29/708 will cause permanent damage to this</p>	<p>There is no conflict of interests. Incorrect assumptions are made that the correct procedures were not followed. Correct procedures were and are followed. Therefore these objections should be omitted.</p> <p>The proposed precinct plan represents a flexible, practical proposal based on relevant, overreaching information to ensure that environmental and other aspects are accommodated efficiently and sustainably.</p> <p>The statement that the proposed development will cause permanent damage is factually incorrect. Several of the current uses in the area is illegal and causing serious threats to the area. In response to inter alia these illegal land-uses this</p>

	<p>unique, pristine area of the Overberg.</p> <p>The precinct area forms a natural buffer against impacts on the environmentally sensitive mountain area with its various unique characteristics.</p>	<p>precinct plan specifically intends to establish harmonious plan between development and environment. Evident from this precinct plan is that 53.5% of the development has been proposed as part of an open space system.</p> <p>As part of the open space system the section of land to the north of the precinct area is proposed for eco-tourism that still forms an ecological buffer between proposed development and the sensitive mountain area.</p>
<p><b>Services</b></p>	<p><b>Conclusion</b></p> <p>Regarding Portion 29/708:</p> <ul style="list-style-type: none"> <li>• Water is not sufficient for proposed development.</li> <li>• Sewage is a no-go.</li> <li>• There are drainage problems.</li> </ul> <p>Services delivery to the precinct area would be more costly compared to developing on undeveloped land between developed areas.</p>	<p><b>The purpose of the precinct plan is to provide general guidelines for development in harmony with environmental conservation. These objections is considered invalid and should be ignored.</b></p> <p>It is evident that the objectors do not understand the purpose and scale of this Franschekraal Precinct plan.</p> <p>Even-though that certain land-uses are proposed, the necessary services studies will need to be conducted by engineers to ensure that sufficient services are available for the proposed development and that storm water is managed effectively only and when application is made on the relevant areas.</p> <p>The cost of the development will be covered by the developer and developers of the area which will make provision over time for the larger area.</p>

	<p>Mobility needs to be preserved through restricting access to the northern part only from the existing intersection of Main Road 28 /Russouw Street and off Divisional Road 1205 at <math>\pm 0.65\text{km}</math> and <math>1.55\text{km}</math>. These 3 accesses are to serve the entire area with a collector / distributor and local road.</p> <p>As to the way forward, we await a revised Franschekraal Precinct Plan and a Transport Impact Assessment which is based on the above access locations.</p> <p><b>Conclusion</b></p>	<p>The point of access to Portion 29 /708 was cleared during communication with Department of Transport. The restricted access is acceptable and amended on the precinct plan with the exception of the proposed access of <math>\pm 0.65\text{km}</math> off Divisional Road 1205. This is the point of access which was clarified with the said department. In a telephone discussion the department indicated that that will reconsider the point of access.</p> <p>The revised precinct plans will be forwarded to the Department of Transport, but the provision of a Transport Impact Assessment at this stage is considered premature, given that the real extent of development is not yet known.</p>
<p><b>Natural Development Axis</b></p>	<p>The precinct area is not located within the normal development axis between Hermanus and Pearly Beach. There are huge tracts of undeveloped land and a large number of vacant residential</p>	<p>A services provision investigation and report by engineers is standard procedure and will be provided as part of each development application. Thus it is requested that these objections be omitted.</p> <p>The precinct area forms part of an area identified for development within the Overstrand Spatial Development Framework and secondary planning documents. The compilation of a precinct plan does not mean that the area will develop immediately, however be planned to develop over time harmoniously.</p> <p>Furthermore, being within the urban edge, development is restricted to the subject area and subject to market demand. Thus, should the market demand</p>

	plots between the R43 and the ocean in the surrounding area. This should first be developed before considering the precinct area for development.	development within the area, the planning should be in place and that is exactly what is endeavoured with this plan i.e. ensure that development takes place orderly. Therefore this point of objection is considered not relevant.
<b>Conclusion</b>		<b>The objection is considered as an invalid as it restricts market driven development.</b>

## D. Conclusion

This proposal for a Franschekraal Precinct Plan is in direct response to a request by the municipality for development proposals within the precinct area. The proposal is aligned with the approved policy documents of Overstrand to contribute towards responsible densification and addressing the growing need for housing but simultaneously protecting the environment from the negative impacts of development. Furthermore, it should be kept in mind that the proposal is based on relevant data for the precinct area which provides a guidelines for the overarching development of the precinct while preserving the sensitive and the pristine characteristics of the area but also the illegal activities present in the area.

The positive, practical and workable proposals received were incorporated into an amended precinct plan. The objections received are considered to be mostly a result of a misunderstanding of the function and purpose of a precinct plan as well as the administrative and legislative processes involved in compiling and approving a precinct plan. A precinct plan provides general guidelines for a harmonious synergy between future development and environmental conservation, based on the relevant overarching data for this specific area, and where more detailed studies are required for specific land use applications in the precinct area in future.

The proposed precinct plan represents a harmonious synergy between development and environmental conservation which will contribute towards a growing need for housing and tourism as well as the necessity for environmental conservation, which will

protect and enhance the unique pristine and sensitive characteristics of the area, including wetlands, critical biodiversity and animal life and also address the illegal uses in the area..

Thus in light of the above, your favourable consideration of the amended Franschekraal Precinct Plan proposal, will be appreciated.



**Andre Wiehahn Pr Pln A/927/1996**

Telephone: 028 312 1668 Cellphone: 082 466 0490 Fax: 086 602 7558 E-Mail: [wiehahn.a@gmail.com](mailto:wiehahn.a@gmail.com)

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR FRANSCHEKRAAL PRECINCT PLAN:  
FRANSCHEKRAAL, A DIVISION OF CALEDON**

**Conditions:**

1. that each development/developer arrange with ESKOM for the provision of electricity and each development/developer complies with all conditions as may be set by ESKOM;
2. that each developer/development will be responsible for the phased supply and installation of water infrastructure, as well as the internal distribution and provision of any water and / or –services to the relevant properties within the development;
3. the "Guidelines for the Provision of Engineering Services in Residential Townships" (Blue Book), SABS 1200 specifications and the Minimum Standards for Civil and Electrical services of the Overstrand Municipality be used as the standard design and construction criteria with which such plans must comply.
4. that each developer must 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:
  - 4.1 such costs to be established in accordance with a system which is fair, equitable, transparent, competitive and cost effective;
  - 4.2 such costs shall be set-off against (part or full) development contributions payable in respect of engineering services;
  - 4.3 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
5. that each developer at his/her 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;
6. 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;

7. that any alternative sewer treatment facilities that may be proposed for disposal of sewer from the developments, be approved by the Department of Water Affairs and written proof of such approval be submitted to the Municipality
8. that, each developer /owner will be responsible for removal of all refuse generated on the property, and disposal thereof at a registered municipal waste transfer station or at an approved waste disposal facility or in line with a Service Level Agreement with Overstrand municipality.
9. that each developer/development will arrange with Provincial Administration to obtain approval for any new access from the Provincial road, where applicable.

*pp R Cobler*

**DENNIS HENDRIKS**

**SENIOR MANAGER: ENGINEERING SERVICES**

*20/04/2019*

**DATE**



**ROAD NETWORK MANAGEMENT**  
 Email: Grace.Swanepoel@westerncape.gov.za  
 Tel: +27 21 483 4669  
 Rm 335, 9 Dorp Street, Cape Town, 8001  
 PO Box 2603, Cape Town, 8000

**REFERENCE: 16/9/6/1-21/98 (Job 24031)**

**ENQUIRIES: Ms GD Swanepoel**

**DATE: 18 March 2019**

The Municipal Manager  
 Overstrand Municipality  
 Gansbaai Administration  
 PO Box 26  
**GANSBAAI**  
 7220



Attention: Mr S van der Merwe

Dear Sir

**FRANSCHKRAAL PRECINCT PLAN**

1. The following refer:
  - 1.1 Your letter dated 19 October 2018;
  - 1.2 This Branch's even-numbered letter dated 5 December 2018;
  - 1.3 E-mail from the Applicant received on 17 January 2019 and follow up e-mail received on 1 February 2019 and
  - 1.4 This Branch's even-numbered letter dated 25 February 2019.
2. This letter replaces this Branch's letter referenced in paragraph 1.4.
3. The request by the Applicant to amend the access point off Divisional Road 1205 from km0.65 to km0.36 is approved by this Branch subject to the following:
  - 3.1 The new site development plan makes ample provision for the collector road to serve not only Portion 29 of Farm 708 but also Portions 17, 20, 21, 30, 31 and 32;
  - 3.2 The through roads of the development (that is linking other parcels of land) may not be hampered with booms or other control points and

- 3.3 The municipality must ensure that all the affected parcels of land as identified in the Precinct Plan, dated 14 January 2019, have access in terms of the proposed municipal road network to the proclaimed road network as and when they are developed.
4. In order to finalise its comment on the rezoning application for Portion 29 of Farm 708, we await an amended Site Development Plan.

Yours faithfully



**SW CARSTENS**

**For CHIEF DIRECTOR: ROAD NETWORK MANAGEMENT**