

**AGENDA of the
Portfolio Committee: Infrastructure and Planning
20 October 2015
(Also the agenda for the Mayoral Committee Meeting : 28 October 2015)**

16.

DANGER POINT PRECINCT PLAN : CNDV AFRICA ON BEHALF OF OVERSTRAND MUNICIPALITY

Dangerpoint Precinct Plan (15/3/3/1)

SW van der Merwe

(028) 313 8900

Hermanus Administration

25 September 2015

1. Executive Summary

The purpose of this report is to inform Council that in the report submitted to Council on 3 December 2014 for consideration of the Danger Point Precinct Plan a bona-fide administrative error occurred as the incorrect Annexure C was attached to the item. The correct annexure is now included as Annexure D.

This item serves for Council to consider the information and to consider reaffirming the previous decision.

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

4. Delegated Authority

None

5. Legal Requirements

Municipal Systems Act 2000, Act 32 of 2000

6. Background/Discussion/Conclusion

Background/Discussion

The Danger Point Precinct Plan was adopted by Council on 3 December 2014 as part of the Overstrand Spatial Development Framework. According to the Council Item, the Precinct Plan was available for inspection at the offices of the Town Planning Department whilst this plan was in fact attached as Annexure C to the item. Annexure C of the aforementioned item should have contained a summary of the comments and responses received, as well as the applicants' response thereto. During the finalization of the agenda, the town planners'

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recommendation was amended with reference to the approval of the Precinct Plan as Annexure C. The aforementioned was an administrative error. It should be noted that the evaluation of the Precinct Plan that served before Council, included a thorough analysis of the comments and objections submitted by interested and affected parties, as well as the consultants' response thereto and informed the item that served before Council on 3 December 2014. The opinion is held that the information contained in the new Annexure D would not have a bearing on vested rights and provides adequate motivation to support Council's decision dated 3 December 2014.

It should further be noted that the *functus officio* principle applies in that the aforementioned decision from Council cannot be revoked or amended, unless a review application is brought to the High Court for the latter to give judgement on the matter.

Having had regard to the aforementioned, the item that served before Council on 3 December 2014 is attached as Addendum AA. The input received from the public and comments thereon from the consultants firm is now attached as Annexure D for information purposes and allows Council the opportunity to reaffirm the decision taken on 3 December 2014.

Conclusion

That cognisance be taken of the added Annexure D and Council's decision dated 3 December 2014 be reaffirmed as per the recommendation below.

7. Financial Implications

None

8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

None

10. Annexures

Addendum AA: Council item as per the agenda dated 3 December 2014 with the correct Annexure D

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RECOMMENDATION TO THE COUNCIL:

that the content of Annexure D (inputs received from the public and comments thereof from the consultants firm), **be noted** and Councils' decision to adopt the Danger Point Precinct Plan dated 3 December 2014 be reaffirmed.

RESPONSIBLE OFFICIAL :	S VAN DER MERWE
TARGET DATE FOR IMPLEMENTATION :	11 NOVEMBER 2015
TARGET DATE TO INFORM APPLICANT :	N/A
TARGET DATE TO INFORM OBJECTOR :	N/A

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16.
DANGER POINT PRECINCT PLAN : CNDV AFRICA ON BEHALF OF OVERSTRAND MUNICIPALITY

Dangerpoint Precinct Plan (15/3/3/1)
SW van der Merwe (028) 313 8900 Hermanus Administration
25 September 2015

THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON 20 OCTOBER 2015, WHICH COMMITTEE RECOMMENDED AS FOLLOWS:

RECOMMENDATION TO THE COUNCIL:

that the content of Annexure D to the report (inputs received from the public and comments thereof from the consultants firm), **be noted** and Councils' decision to adopt the Danger Point Precinct Plan dated 3 December 2014 be reaffirmed.

RESPONSIBLE OFFICIAL :	S VAN DER MERWE
TARGET DATE FOR IMPLEMENTATION :	11 NOVEMBER 2015
TARGET DATE TO INFORM APPLICANT :	N/A
TARGET DATE TO INFORM OBJECTOR :	N/A

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
18 November 2014
(Also the agenda for the Mayoral Committee Meeting : 3 December 2014)**

**10.
DANGER POINT PRECINCT PLAN : CNDV AFRICA ON BEHALF OF OVERSTRAND
MUNICIPALITY**

**Dangerpoint Precinct Plan (15/3/3/1)
SW van der Merwe (028) 313 8087 Hermanus Administration
14 October 2014**

1. Executive Summary

The purpose of this report is to table the Dangerpoint Precinct Plan for adoption and inclusion as part of the Spatial Development Framework (SDF).

A Locality Plan of the study area is attached as Annexure A.

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
Creation and maintenance of a safe and healthy environment
The encouragement of structured community participation in the matters of the Municipality
Promotion of tourism, economic and social development

4. Delegated Authority

None

5. Legal Requirements

Municipal Systems Act 2000, Act 32 of 2000

6. Background/Discussion/Conclusion

Background

The Dangerpoint Precinct Plan originates from the approved Overstrand Municipal Spatial Development Framework: 2006 (SDF). In terms of the SDF the town of Birkenhead on the Dangerpoint Peninsula, as well as the area to

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the north of the R43, was incorporated within the urban edge. The area is also predominantly earmarked for low density residential development, subject to the provision of ecological corridors and the creation of a conservancy. With reference to Birkenhead the SDF requires that a detailed local development and conservation framework be approved prior to the consideration of development proposals. The 2006 SDF also indicated process areas supporting connections between endangered and critically endangered habitats for biodiversity purposes and to also link areas of natural vegetation, wetlands and watercourses. The sound management of these areas would enable ecological and evolutionary processes and ecosystem services to persist and therefore the proposed precinct plan should serve to prevent the further fragmentation of natural habitat and maintain links or corridors of natural habitat as per the SDF proposals pertaining to the subject area. It would thus ensure that development occur in a sustainable manner and promotes environmental integrity.

The Birkenhead Property Owners' Association previously appointed a consultant for the development of a Master Plan for Birkenhead.

The Master Plan was considered by Council on 4 May 2011. In terms of Council's decision the Master Plan was referred back to the consultants to consider the following points, namely:

- the appropriate degree of densification
- visual impact assessment
- provision of ecological corridors
- provision of development management guidelines
- traffic impact assessment
- heritage impact assessment and
- establishment of a conservancy

prior to the final consideration thereof by Council (Council's decision attached as Annexure B).

Following the aforementioned Council's decision, funding was obtained from the Department of Rural Development for the development of a Precinct Plan, which department appointed the consultant team at the beginning of 2013. The Master Plan as well as Council's recommendation was provided to the consultant team as part of their brief in the compilation of the Precinct Plan.

The document has gone through a public participation process. The final comments received are summarised in a comments and responses document attached as Annexure C. Amendments were made where necessary and the

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document is available for perusal at the office of the Senior Manager: Town Planning, Hermanus.

Discussion

The Precinct Plan (study area) stretches from the Dangerpoint Peninsula in the south west up to the foot of the Franskraal Mountain that borders the north eastern side of the study area. Existing land uses predominantly to the north of the R43 is agricultural/rural residential, whilst the area between the R43 and Birkenhead comprises the Franskraal commonage that contains a Milkwood nature reserve, large portions of indigenous vegetation and the Romansbaai development, currently under construction.

Precinct Plan

The Precinct Plan is not a standalone document, but an integral part of the Overstrand Municipal SDF. It does not give development rights; neither will it take existing development rights away.

The Precinct Plan considers two levels of detail, namely the precinct as a whole, as well as the Dyer Mountain and the Birkenhead sub precincts. The Precinct Plan provides guidelines as to how development applications should be considered when they are submitted, how Council should amend the SDF (in relation to the study area) when it is reviewed, as well as operational, capital or maintenance projects that should be addressed in the IDP, if applicable.

With regard to the Dyer Mountain precinct it is proposed that apart from the existing primary rights, low key ecotourism opportunities (i.e. farm stall, guest accommodation, walking, running and cycling) be developed at suitable locations. Due to the distinct character of this sub precinct from the rest of the study area, further detailed planning should occur prior to detailed applications by property owners.

With regard to the Birkenhead sub precinct, three development scenarios were considered, namely business as usual (maintain the status quo), a high density development consisting of full municipal services as well as a low density "off grid" development without municipal services.

Section 3 of the Precinct Plan proposes planning policies for the precinct as a whole, whilst Section 4 contains policies relating to the Birkenhead sub precinct. Section 5 of the Precinct Plan concludes and demonstrates how this Precinct Plan addresses the concerns raised by Council in their resolution pertaining to the 2011 Master Plan.

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The Greater Gansbaai Area, Spatial Development Strategy (SDS) 2 requires development to be undertaken in a sustainable manner that promotes compact urban form efficient land use, economies of scale and environmental integrity. Pertaining to the precinct area, the SDF therefore proposed low density development subject to the provision of ecological corridors and conservation management mechanisms as a prerequisite for detailed development proposals.

Having had regard to the analysis of the three development scenarios, i.e. maintaining the status quo (ad hoc development management), high density development with full municipal services, or a low density off grid development scenario, the low density scenario is the only option that will serve to achieve sustainable and efficient development that serves to protect the environmental integrity of the precinct area. Furthermore, the Engineering Services Department clearly indicated that municipal services are currently not available and would not be readily made available in future due to enormous commitments to make basic services available to those less privileged elsewhere in the municipal area. As such, a low density off the grid development as proposed by the Precinct Plan is considered the most appropriate and desirable way forward and will facilitate the appropriate development density, protect the visual amenity/character of the area whilst providing opportunity for the creation of corridors to facilitate mountain to coast linkages as well as larger/central nature areas on the undeveloped portions of the properties.

Conclusion

From the evaluation above it is clear that the low density development scenario would serve to achieve the strategic SDF objectives of promoting sustainable and efficient development that protect the environmental integrity of the precinct as a whole.

It is therefore recommended that the Precinct Plan be adopted by Council as part of the SDF.

7. Financial Implications

None

8. Staff Implications

None

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9. Comments from other Departments, Divisions and Administrations

None

10. Annexures

- Annexure A: Locality Plan indicating the study area
- Annexure B: Council decision pertaining to the Birkenhead Master Plan, dated 4 May 2011
- Annexure C: Inputs received from the public and comments thereon from the consultant firm

RECOMMENDATION TO THE COUNCIL:

1. that the Dangerpoint Precinct Plan, attached as Annexure C to the report which serves before Overstrand Council on 3 December 2014, **be adopted** as part of the Overstrand Spatial Development Framework.

RESPONSIBLE OFFICIAL :

SCHALK VAN DER MERWE

TARGET DATE FOR IMPLEMENTATION :

17 DECEMBER 2014

DANGER POINT PRECINCT DEVELOPMENT PLAN (13.220)
DRAFT PRECINCT PLAN REPORT
25 July 2014

PRECINCT PLAN AND SUB-PRECINCT BOUNDARIES

1.2



Figure 1.1 Study Area, Aerial Photograph (Source: Google Earth, 2010)

MINUTES OF THE MAYORAL COMMITTEE MEETING

4 MAY 2011

7.

BIRKENHEAD : SECTORAL PLAN FOR THE DEVELOPMENT OF THE BIRKENHEAD TOWNSHIP : WRAP CONSULTANCY

Birkenhead (489)

SW van der Merwe

(028) 3848300

Gansbaai Administration

11 March 2011

EXECUTIVE SUMMARY

Following discussions with officials of Overstrand Municipality during 2007 a consortium of consultants had been appointed by the Birkenhead Homeowners Association in order to prepare and submit a master plan for the development of the Birkenhead smallholdings. The master plan was mandated by the Overstrand Spatial Development Framework which was approved in 2006 with the purpose to obtain approval as a Sectoral Plan of the Spatial Development Framework.

This item serves to inform Council about the master plan and to obtain Council's endorsement for the recommendation to refer the item back to the consultants, in order to finalize detailed aspects of the master plan prior to the final submission to obtain Council's decision.

RECOMMENDATION TO THE COUNCIL

that the Sectoral Plan in terms of Section 16 of the Municipal Systems Act, 2000 (Act 32 of 2000), **be referred back** to the consultants to address the following outstanding issues prior to a final submission to obtain Council's decision, namely:

- (a) that an investigation into the appropriate density of development should be made, which investigation shall have regard and be informed by environmental-, visual- and heritage constraints;
- (b) that a visual impact assessment be conducted, in order to determine no go areas in conjunction with the Contour Plan, which assessment should clearly indicated the contours above which development should be prohibited. The Contour Plan should also be submitted in a readable format;
- (c) that the eastern/western ecological corridor running from the coast up to the northern boundary of Marine Drive should be extended 100m inland to include the thicket areas, as described in the botanical assessment;

MINUTES OF THE MAYORAL COMMITTEE MEETING4 MAY 2011

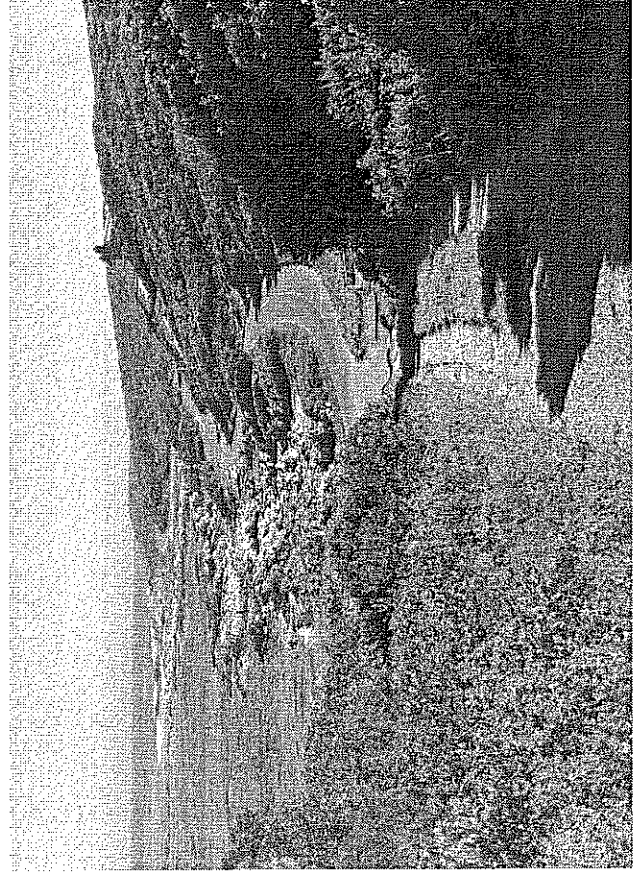
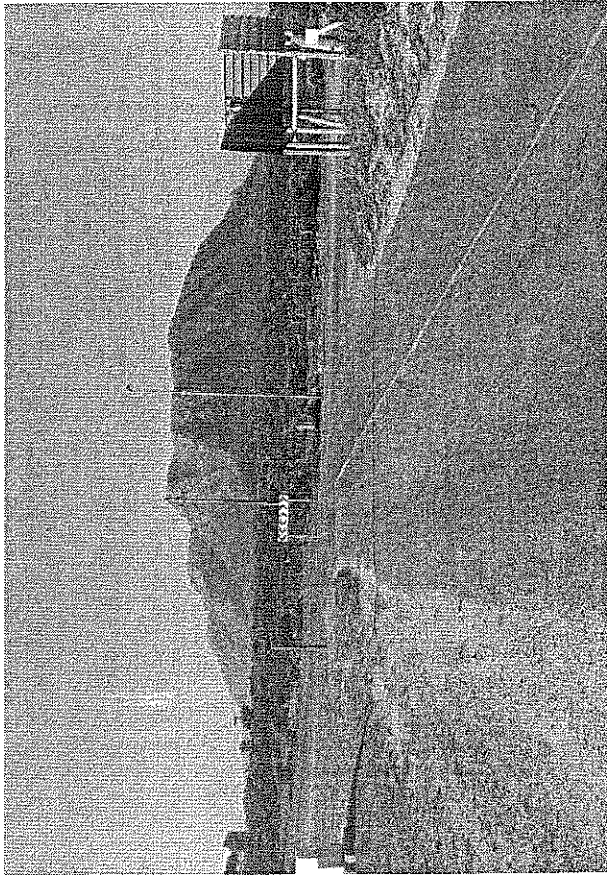
- (d) that the master plan should include clear development management guidelines, which guidelines shall include measures/guidelines to control the further extension of existing structures located within the proposed corridors;
- (e) that a Traffic Impact Assessment should be conducted;
- (f) that specialist's input from a heritage consultant be obtained and included within the master plan;
- (g) that the compulsory establishment of a conservancy should be ensured, and
- (h) that the set back line be issued.

RESPONSIBLE OFFICIAL : S VAN DER MERWE

TARGET DATE FOR IMPLEMENTATION : 13 MAY 2011

TARGET DATE TO INFORM APPLICANT : 20 MAY 2011

TARGET DATE TO INFORM OBJECTOR : 20 MAY 2011



DANGER POINT

PRECINCT DEVELOPMENT PLAN

FINAL PRECINCT PLAN REPORT



July 2014

DANGER POINT PRECINCT PLAN

draft Precinct Plan Report

prepared for



OVERSTRAND MUNICIPALITY

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and



rural development
& land reform

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July 2014

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- 3 Vision and Policies: Whole Precinct
- 4 Vision and Policies: Birkenhead Sub-Precinct
- 5 Next Steps

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- Appendix 2 Birkenhead Township General Plan
- Appendix 3 Zoning Scheme Map
- Appendix 4 Zoning Scheme Conditions
- Appendix 5 Proposed Design Guidelines for the Birkenhead sub-precinct
- Appendix 6 Precedent

Impact of the Precinct Plan on existing development rights:

This Precinct Plan does not give or take away the existing real rights of the properties concerned which are determined by their current zoning.

The Precinct Plan merely provides guidelines as to:

- How development applications should be adjudicated, as and when they are submitted;
- How Council should amend its SDF in this study area as when it is reviewed; and,
- Any operational and capital or maintenance projects, if applicable, that should be addressed in the IDP.



1.1 INTRODUCTION

1.1 Purpose of Report

The purpose of this report is to document the final precinct plan for the Danger Point study area and the Birkenhead sub-precinct, see Figure 1.1.

1.2 Methodology

When urban development applications have been attempted, these have consolidated properties and or attempted to propose as many units as possible to achieve development viability based in terms of conventional urban development and the availability of full municipal services

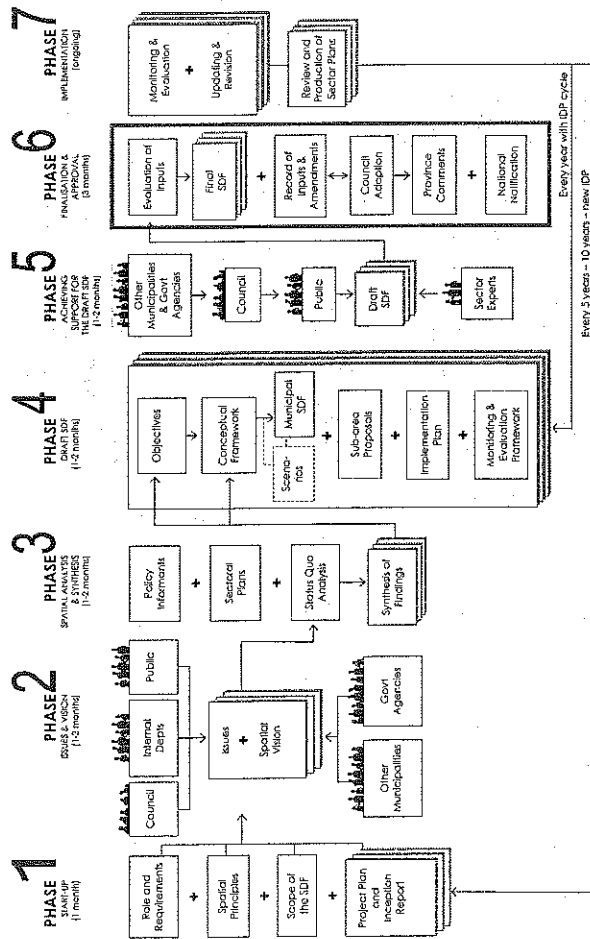


Figure 5.1 Phases in the process of completing an SDF (source: DEADP, 2010)

Section 5.2 describes the underlying Principles, Goals and Objectives informing the Precinct Plan.

Section 5.3 summarises the Opportunities and Constraints informing the Precinct Plan.

In Section 5.4 the Precinct Plan policies are stated at the level of the overall study area, from Dyers Mountain to Danger Point.

Section 5.5 sets out the Birkenhead sub-precinct policies.

Section 5.6 lists the necessary implementation steps to ensure the achievement of the Precinct Framework.

Appendices 1, 2, 3, 4, 5 and 6 contain Property Details, Map, Zoning Scheme Map, Zoning Scheme Conditions and Design Guidelines and Precedent.

The investigations of this plan and public participation reveal the need to identify a second sub-precinct, namely Dyer Mountain and environs as a study area that may warrant a greater level of detailed attention in the future as to what its development should be, see Figure 5.2.

Accordingly only this recommendation, as well as more general precinct wide policies, are contained in this report. Should the land owners and the municipality agree on the need for more detailed analysis and proposals, this can be addressed in due course.

1.2 Brief

The need for this precinct plan arose out of previous efforts to prepare a master plan for the Birkenhead Sub-Precinct. On 04/05/11 Council referred the process back for future consideration requiring the following to be addressed:

- What degree of densification should be permitted;
- Visual assessment should be conducted;
- Need for an east west ecological corridor;
- Introduce clear development management guidelines;

1.3 Structure of this Report

NOTE: This document makes proposals at two level of detail:

- The precinct as a whole; and,
- The Birkenhead sub-precinct.



- Traffic impacts to be considered;
- Heritage consultant's inputs to be incorporated; and,
- Ensure establishment of a conservancy.

Council's previous spatial development frameworks have also consistently promoted the concept of green corridor linking Danger Point to Dyer Mountain.

This precinct plan had to investigate and make proposals as to how this could be given effect.





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PRECINCT PLAN AND SUB-PRECINCT BOUNDARIES

1.2



Figure 1.1 Study Area, Aerial Photograph (Source: Google Earth, 2010)



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2 ANALYSIS: OPPORTUNITIES AND CONSTRAINTS



This section summarises previous work contained in the Status Quo Report (CNdV July 2013) and Scenarios (CNdV September 2013) report.

- Physiologically, the precinct is a single mountain to ocean transect from Mount Dyer to coast.
- This relationship has been significantly weakened by the:
 - R43 rural arterial road around Mount Dyer's base; and,
 - The nature and form of urban development along the coast, particularly van Dyksbaai, especially where it is security walled along the R43, and Blompark.
- The link between the mountain and the sea remains visually intact to some extent along Van Dyks Street and Danger Point road, see Figure 2.2i. The "Clearvu" fence and setting back of proposed development at Romansbaai also helps to retain this connection, although there are concerns that the fence does not permit the movement of small and large animals.
- As a result of the study area boundary, road alignment, pattern of urban development and the topography there are distinct two sub-precincts, see Figure 2.1:
 - Dyer Mountain; and,
 - Birkenhead.

Dyer Mountain Sub-precinct:

- Mount Dyer offers spectacular views over the entire coastline from Pearly Beach to Hermanus with Danger Point in the foreground, see Figure 2.2d.
- It is privately owned and there appears to be limited tourist activity at present.
- It has important ecological functions as a core biodiversity area providing the source for local rivers and conservation of mountain fynbos.
- Access to the crest appears only possible around the "back" of the mountain from its northern slopes.

The R43:

- The R43 is the main transport arterial leading to Franskraal Strand and Pearly Beach to the east and includes a rural road section abuffed by smallholdings.
- It links Gansbaai and Franskraal and economic activity in this vicinity is limited to some agricultural activity on a few smallholdings with some offering guest accommodation.
- If there was continuous ribbon development along this section, similar to that shown in Figure 2.2h. It would have the potential to cut off the peninsula from Mount Dyer
- The intersections along this route could have potential for limited farm stalls and farm stay accommodation with safely designed access and parking.
- To the south of the R43 is municipal owned open space. The eastern part of which comprises Melkhoutbos Nature Reserve, which conserves remnants of a Milkwood forest. It forms an important lowland green lung between the mountain and the peninsula, see Figure 2.2g.
- Access through this reserve is facilitated by numerous firebelts and local residents from all communities appear to use it for both recreational and pedestrian commuting purposes.

Development outside of the precinct boundary:

- To the north and west of Danger Point road is Romansbaai Estate including a partially constructed resort on Portion 40 of Farm 711.
- The Phase 1 main access road of Romansbaai has been completed and services are currently being installed.
- The northern boundary, east of Danger Point road, abuts a 9 hole golf course, a useful recreational resource in the area, and the suburban development of Van Dyksbaai. Its extensions closest to Birkenhead have been serviced but remain largely undeveloped. There are also two approved but unserviced extensions.