



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

DRAFT



4.1 POLICY ONE: DENSITY

- i. Owners who wish to develop their properties may apply for an increase in density to a maximum of one dwelling unit per hectare rounded up to the next hectare, i.e. 3.01 hectares will be calculated as 4 hectares;
- ii. Owners of properties less than one hectare, mainly those with business rights, which require a consent use for residential development in terms of the relevant zoning condition, may also apply for residential rights at a density of 1 dwelling unit per hectare.
- iii. Portions 16 and 29 of Farm 711, may apply for residential rights at a density of 1 dwelling unit per 5 hectares, providing they become a part of the proposed HoA or similar umbrella body.

rural residential, 1 du/10 ha, and the density increase proposed for the Birkenhead properties is recommended.

Implementation

The density policy will be implemented on a piecemeal basis as and when those owners who wish to increase the densities on their properties submit applications.

4.2 POLICY TWO: BIRKENHEAD SUB-PRECINCT OFF-GRID CLUSTERS
Development in the Birkenhead sub-precinct should follow the form and layout of 'off-grid eco-clusters'.

Reasons

- i. The current rights on the Single Dwelling zoned properties permit one dwelling per property plus an additional dwelling as a consent use;
- ii. Permitting an increase in densities, in some cases two or three times the number of units permitted under the current zoning, is considered necessary to provide an incentive to address larger public policy issues including promoting bio-diversity conservation and the creation of a significant, contiguous private nature reserve and to address social issues such as security through having more activity and surveillance;
- iii. These increased number of new buildings, located and constructed according to the design guidelines contained in this precinct plan, will help to create a sufficient critical mass of appropriately designed development. This, in turn, should help to improve the general urban and environmental quality of the area and, thereby, increase land values and encourage permanent residential occupation. More 24/7 activity in the sub-precinct will also create surveillance and improve security. Permanent residents at Danger Point report that they do not experience the security problems of part time residents.
- iv. Portions 16 and 29 of Farm 711 are currently zoned agriculture and have different rights to those properties zoned for single dwelling and business. Should their owners wish to receive enhanced density rights, they will need to be at a lower rate than the much smaller Birkenhead properties and, hence, a density between that generally proposed for

Reasons:

This form of development is able to respond appropriately to sensitive coastal environments of outstanding natural beauty and maximise property values at low density situations where conventional urban services will not be available.

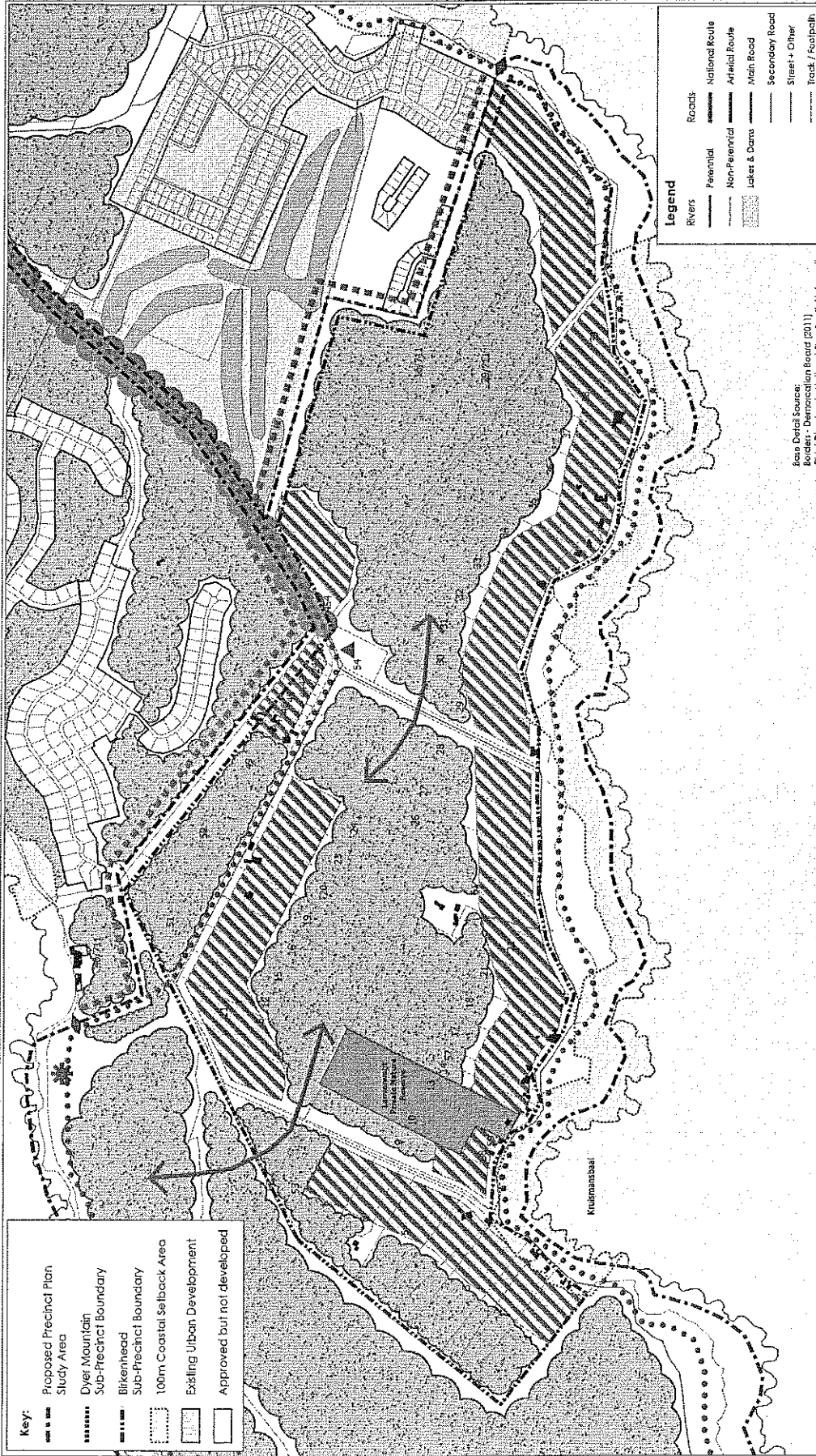
Implementation:

See Policy 4.1 above and Appendix 5 for precedent.

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

4. PRECINCT PLAN: BIRKENHEAD SUB-PRECINCT

4.



Key:

- Proposed Precinct Plan Study Area
- Dyer Mountain Sub-Precinct Boundary
- Birkenhead Sub-Precinct Boundary
- 100m Coastal Setback Area
- Existing Urban Development
- Approved but not developed

Legend

- Rivers
- Roads
- Potential National Route
- Arterial Route
- Main Road
- Lakes & Dams
- Secondary Road
- Street + Other
- Track / Footpath

Base Data Source:
Bodies - Demarcation Board (2011)
Crest Districts National Geo-Spatial Information

Danger Point Peninsula Precinct Plan
Birkenhead Estate

Scale at A3
1:10,000

0 100 200 300 400 Meters

Drawn: RE | Checked: RE | Date: 28.07.2013

Proposals:

- Private Nature Reserves
- Melkshof Public Nature Reserve/ Commonage
- Birkenhead Off-Grid Eco Clusters
- Widens verge to accommodate landscaped fynbos corridor

East - West Biological Corridor Links

- Danger Point Private Nature Reserve eco-estate boundary
- Mountain to Coast Running/ Walking/MTB Trail (approx. 30km)
- Vehicle barriers across Mountain to Coast Trail. No vehicles across carcan
- Off-Grid Eco-Resort
- Access Management

Figure 3.3 Birkenhead Sub-Precinct Plan

4.3 POLICY THREE: DEVELOPMENT BOUNDARIES AND SET BACK LINES

The following development and set back lines shall apply to each property, see figure 4.1:

- i. 20 m setback from all road boundaries to be landscaped with endemic vegetation;
- ii. 5m setback from all common property boundaries;
- iii. 150m maximum development line from the following street boundaries:
 - Marine Drive;
 - The western boundary of Lord Roberts Drive road reserve;
 - Van Blommenstein Street; excluding government owned properties;
- iv. Additional dwellings constructed on the parent properties in line with the proposed increased density policy may be alienated by subdivision or sectional title;
- v. Such erven or sections created in this way around individual dwellings may not be larger than 600m²;
- vi. Access and other requirements such as garden extensions across the parent property may be facilitated by way of servitudes in favour of the relevant users.

Reasons

- i. The 20m development setback line from all road boundaries landscaped set back line is intended to ensure that the wilderness, coastal fynbos character of Danger Point is retained and strengthened, especially for passers by along the roads.
- ii. Endemic vegetation refers to the priority to use vegetation that is found on site where possible as different to indigenous vegetation which is sometimes interpreted as from anywhere in South Africa
- iii. The 5m side boundary is intended to minimise the possibility of abutting development merging into a continuous linear corridor as well as neighbourly issues relating to nuisance;
- iv. The 150m maximum development line from certain roads is intended to encourage the location of dwellings towards the ends of the properties while still leaving enough space for each dwelling to be relatively secluded. The overall effect of this development line will be

to keep the majority of the internal areas of the properties free from development. This will create the potential for a meaningful biodiversity conservation and recreational corridor, particularly if property owners agree to allow these portions of their properties to form part of a private nature reserve.

Implementation

- i. The setback lines should be implemented on an ad-hoc basis as conditions of approval as and when applications for further development are made;
- ii. Property owners may also voluntarily decide to make a portion of their properties available for incorporation into a nature reserve formally on a contractual basis or informally without submitting development applications.

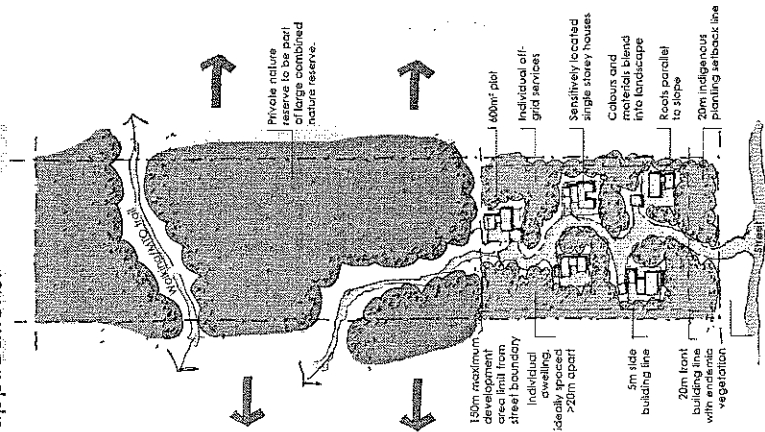


Figure 4.1 Typical plot development guide

4.4 POLICY FOUR: BUILDING DESIGN AND SITING GUIDELINES

The following guidelines should be implemented in new development proposals including the submission of building plans in terms of existing rights on properties and where, relevant, retrofitted on alterations and additions to existing buildings:

- i. **Location:** The height of ridge lines of buildings, except for protrusions such as chimneys, to be generally below topographical ridgelines and should sit "in" rather than "on" the landscape;
- ii. **Layout:** Dwellings may be clustered or separated within the maximum development and set back lines;
- iii. **Roofs:** Slope shall be largely parallel with the average ground slope on the property;
- iv. **Height:** New applications for maximum number of units, as per policy one. Building plans submission in terms of existing rights: Two storeys but if visual impact of 2nd storey on viewsheds from surrounding properties and policy one to be taken into account in final design and approval.
- v. **Bulk:** Maximum of 250m² including all garages and outbuildings;
- vi. **Massing:** No single component of a building shall be larger 100m². Larger footprints shall than this should be broken into smaller components that may be attached by corridors and walkways;
- vii. **Materials:** Found materials on site where possible, natural, stone, wood, masonry – no cement or face bricks
- viii. **Colours:** walls: natural or earthy or light coloured plaster
- ix. **Roofs:** dark –green (Graaf-Reinet) or charcoal
- x. **Lighting:** all luminaires to be 50% shaded so that only downwards and not horizontal or vertical light is cast;
- xi. **Boundary walls and fences:** not more than 30% shall be solid with the balance as planted palisade or "clearvu" fencing
- xii. **Retaining walls:** shall not be higher than 1.0m without stepping back and should be landscaped and built or faced with natural materials;

- xiii. **Where necessary reference shall be made to the National Building Regulations and the municipality's zoning scheme and by-laws for clarity on definitions such as height and bulk.**

Reasons:

The proposed density policy could result in a fourfold increase in the number of structures currently in the sub-precinct and this requires careful design management if the desired qualities of retaining the wilderness character, attractiveness and high property values are to be achieved.

Implementation:

- i. All development plans shall include building plans and site plans as well as a base plan on which the existing natural ground levels have been determined by a land surveyor.
- ii. The building plans should be scrutinised and recommended for submission to council by an aesthetics committee of the homeowners association or improvement district before submission;
- iii. Until an effective aesthetics committee under the auspices of an umbrellas home owners association or improvement district is in place the council's building survey department shall ensure that building plans comply with these guidelines.

4.5 POLICY FIVE: CIVIL SERVICES

Council shall support the installation of all properly certified off-grid service technologies including rainwater harvesting, grey water recycling, liquid waste disposal, solar hot water heating and photovoltaic electricity generation. Wind generation that is not visually obtrusive may be considered.

Reason

Council does not intend supplying conventional urban services to the sub-precinct.

Implementation

On an ad-hoc basis as and when property owners implement approved building plans.



4.6 POLICY SIX: NATURE AREAS

- I. All property owners shall be encouraged to make the balance of their properties outside of the 150 m from street development boundary available for inclusion in a conservation area (privately owned) to be managed by an overall management body along the lines of a homeowners association or improvement district as relevant;
- II. Erven 52 and 53, owned by council, shall link the nature area proposed on the Birkenhead township erven across Lord Roberts Street with that proposed on Rem Farm 711 (I&J);
- III. Development application approvals for any of the Birkenhead properties shall include a condition requiring the inclusion of the balance of the property outside of the 150m from the street development boundary in the private nature reserve.
- IV. All other council owned land not required for utility services, e.g. waste transfer station, shall be used for nature area purposes.

Reasons

Considerable bio-diversity conservation and recreational potential will be achieved by consolidating the balance of conservation land on individual properties in a much larger conservation estate.

Implementation

1. Due to funding and resource constraints the council is highly unlikely to purchase land from the private owners for conservation purposes. Therefore, the only strategies are:
 - First, to encourage landowners to make their land available on a contractual or donation basis;
 - Secondly, use the opportunity presented by development applications to impose a condition of approval requiring the donation of this land to a relevant umbrella body to manage.
 - Thirdly, linkages to abutting bio-diversity conservation areas on Rem Farm 711 (I&J) and the proposed linkage to Dyer Mountain along Danger Point Main Road will help to consolidate these conservation areas.

4.7 POLICY SEVEN: DANGER POINT PROPERTY OWNERS ASSOCIATION OR IMPROVEMENT DISTRICT

- I. To address general management, building control and security concerns the formation of a sub-precinct body such as a formally constituted homeowners association to a business improvement district should be encouraged by the municipality;
- II. Its aim should be to include all property owners south of the boundary indicated on figure 3.3.

Reasons:

- I. The precinct planning process has indicated that the property owners in this sub-precinct have a set of common issues relating to access, security, and building development control and appearance.
- II. Addressing these issues require an institutional body who should be properly constituted with financial and human (which may be voluntary) resources and a sufficient degree of consensus where possible. Homeowners Associations or Improvement District vehicles have been used elsewhere to address similar situations of multiple land owners with common issues requiring resources, attention and management.

Implementation:

- I. Legislation and precedent exists that can be used as a model for implementing such an institution. This addresses the issue of sufficient consensus by requiring that only 50% plus one of property owners is required to implement such an institution. The municipality will then be able to achieve the authority to levy a percentage of the rate income for use by the Improvement District.
- II. This strategy is likely to be quicker than the formation of a Homeowners Association (HoA). It is difficult to retrofit a homeowners association on an existing situation, unless there is voluntary consent. It is more likely that this will only be able to be implemented incrementally as and when each property owner submits a development application at which point membership of the homeowners association can be made compulsory as a condition of approval.



POLICY EIGHT: ACCESS AND SECURITY MANAGEMENT

- i. There should be a suitable form of access management at the entrance to the Birkenhead sub-precinct that manages vehicle movement in the precinct and permits non-motorised transport access by the general public;
- ii. Appropriate proposals to install such a facility should be considered favourable by the municipality.

Reasons:

The Birkenhead sub-precinct including the Danger Point peninsula coastal areas currently experience crime against property and sometimes persons which detracts from its business, recreational and property value potential.

Implementation:

- i. Vehicle access along the coast should be closed off at the eastern boundary of the sub-precinct and Van Dyksbaai;
- ii. An access control point, which should also accommodate a refuse collection and separation area, should be located at the entrance of the sub-precinct;
- iii. This control point should include camera monitoring of vehicle number plates;
- iv. It should include a dusk to dawn curfew with vehicle access only to property owners and other authorised personnel supplied with tags during this period;
- v. A cordon fence, which already partially exists along the western (Romansbaai) boundary, should be implemented along the eastern boundary by consent of property owners. This could also be achieved by contribution as a condition of development of the relevant properties;
- vi. Funding of the security access could be achieved by an improvement district mechanism whereby all property owners contribute a certain percentage of their rates value to fund various operational requirements. Potential members of such an umbrella body could include I&J and Transnet.

4.9 POLICY NINE: COMPLIANCE WITH OTHER LEGISLATION

Where identified as necessary by the officials all applicable legislation, including, coastal environmental and heritage will have to be complied with in the submission of development applications.

Reasons

The primary purpose of this document is to provide land use policy guidelines for the future development of the properties within the study area. Compliance with these guidelines will not take away the need for other relevant legislation (heritage, EIA) to be complied with.

Implementation

On an ad-hoc basis as and when applications are submitted.

4.10 POLICY TEN: HERITAGE AND TOURISM

- I. In addition to legislative requirements to investigate possible heritage resources such as coastal middens in terms of the heritage impact legislation Council shall support, in any manner it sees fit, the memorialising of Danger Point's heritage. This is mainly focused on the internationally renowned wreck of the Birkenhead.
- II. Council should encourage heritage memorialisation to contribute to economic growth and employment creation in the form of a tourism attraction should such initiatives be made. These could include the construction of a heritage centre and restaurant at a suitable location such as the lighthouse.

Reasons:

- I. Currently, there is no physical manifestation of the memory of the saga of the Birkenhead on the site which continues to capture of the imagination of all those who hear about it both locally and internationally. This amounts to a wasted opportunity for tourism and heritage. Creating an attraction focused on this historic event at dramatic location such as the lighthouse would help to ensure Danger Point's contribution to opportunities for the public at large in the form of visitors and employment.



II. It will be important that if such an initiative does come to light there is as much appropriate policy support as possible so as to maximise the chances of successful implementation

Implementation

This will be dependent on initiatives to be taken by a champion that may come from the general public, NPO or one or other government heritage or tourism organisation.



5 CONCLUSION

This precinct plan has addressed Council's original requirements of its decision of 04/05/11 with regard to the Birkenhead sub-precinct plan as follows:

1. What degree of densification should be permitted:

An increased density policy that will see the current total number of structures on the properties quadruple and the number of permitted dwellings, (including second dwellings, assuming all consent applications were approved), more than double, is proposed:

2. Visual assessment should be conducted

Views that should be kept open and existing building forms and positioning that could unnecessarily undermine the visual integrity of the sub-precinct were identified. The development management guidelines address building positioning, height, colour and materials to deal with this issue;

3. Need for an east-west ecological corridor

Within the Birkenhead sub-precinct this has been achieved by encouraging development areas on individual properties towards their street boundaries. This will keep the majority of the internal area of the properties free of development and allow them to become part of a much larger nature area.

Linkages are also proposed westwards across council-owned properties on Lord Roberts drive to the large piece of undeveloped land owned by I&J, and across Shute street along where no development is proposed abutting most of this road's boundaries.

The ecological link to Dyer mountain along the Danger Point road has been largely compromised by the property boundaries that hard-about this road and have been fenced, especially along the Romansbaai boundary. This "clearvu" fence permits some degree of visual linkage and seed and bird transport but prevents faunal movement. Within these limitations, use of the current road reserve through endemic landscaping and, where possible, achieving larger setbacks along the eastern boundary if and when new

development applications are submitted are proposed to try and support this link. The exception to this will be the proposed farm stall node around the Danger Point Main Road/Swart road (to van Dyksbaai) intersection around and behind which the ecological corridor should be routed. This rerouting will ensure a continuous link between Danger Point, the proposed Melkhoutbos reserve extension and on to Dyer Mountain

4. Introduce clear development management guidelines

These are set out in sections 4.3 and 4.4 of this report.

5. Traffic impacts to be considered.

If the density policy proposed in the previous master plan which Council referred back had been approved it would have created the potential for over 800 dwelling units to be developed in the Birkenhead. As well as severely compromising the visual integrity and limiting the bio-diversity conservation of Danger Point, this development potential raised concerns for Council regarding traffic impact. The density policy proposed in this report is approximately 25% of this previous proposal and hence the traffic impact will be far lower.

6. Heritage Consultant's inputs to be incorporated

In addition to any archaeological remains that may be found on proposed development sites and any buildings that may be older than 60 years, the main heritage resource in the study area is the intangible memory of the Birkenhead ship wreck. It is proposed that this could be commemorated at an environmental and heritage resource centre which would be located at the Danger Point lighthouse. This could be operated in conjunction with a commercial venture such as a restaurant. Council should be supportive of any initiatives that may be forthcoming.

7. Ensure establishment of a conservancy

The need and potential for a conservancy in the Birkenhead sub-precinct including the remainder of the Danger Point Peninsula is clearly identified. This could take the form of an umbrella homeowners' association or a conservation improvement district whose members include all of the property owners

C N d V a f r i c a

environmental planning • landscape architecture • urban design



Our ref: 2013.2208/response to comments

24 June 2014

Overstrand Municipality
PO Box 20
Hermanus
7200

Att: Schalk van der Merwe

Dear Schalk

DANGER POINT: RECOMMENDATIONS FOR THE FINAL REPORT

1. PURPOSE OF THIS REPORT

The purpose of this report is to reflect on the comments received in the final round of public participation and propose a recommended way forward for Council's consideration prior to finalising the precinct plan proposals.

The most contentious issue in the process of preparing the Danger Point Precinct Plan has been the preferred scenario for the Birkenhead sub-precinct and, hence, this report is mostly confined to addressing this issue although some others are touched on as well.

2. SUMMARY OF FINAL COMMENTS

15 comments were received from the final public participation meeting.

These can be grouped as follows:

2.1 Generally supportive of the proposals:

1. Birkenhead Conservancy;
2. Cape Nature – (required clarity on how some of their previous comments had been addressed); and,
3. Gabriel da Silva.

2.2 Supportive of densities of 3 to 5 du/ha

The following responses, while supporting some of the aspects of the mountain to sea eco-estate proposals, such as the need for improved security, and some agreeing in principle, although as can be seen their proposals make this difficult, that development should be sensitive to the natural environment, argued strongly for an increase in densities. This should preferably be to a density of 5 du/ha although the

Members: Simon Nicks
Tanya de Villiers
Nazeema van Rooyen

CNdV africa (Pty) Ltd
Registration: 2012/211263/07
Ground Floor, Bree Street Studios
17 New Church Street, Cape Town, 8001
PO Box 16465 Vlaeberg 8018

Tel: +27 21 424 5022
Fax: +27 21 424 6837
Email: planning@cndv.co.za
landscape@cndv.co.za
info@cndv.co.za
Web: www.cndv.co.za

possibility that 3 du/ha may be sufficient to address their contention of what scale of development would be viable:

1. A de Klerk;
2. Tom van Wyk;
3. Jacobs & Vennote;
4. Arthur Swanepoel;
5. Marizanne Viljoen;
6. Antoinette Versfeld;
7. Carina Kruger; and,
8. Pierre Spengler.

2.3 Dyer Mountain

1. P van Staden; and,
2. L van Staden (x 2).

The Dyer mountain respondents' main concern was that if the R43 between Gansbaai and Franskraal was to be a rural corridor between the two settlements, their potential development rights should not be curtailed. Furthermore, there was a request for more properties to the east to be included in the study area and a similar level of detail regarding analysis and proposals to the Birkenhead sub-precinct be applied here.

It is proposed that these two latter requests should be addressed by recommendations for this work to be carried out in the future in the final sub-precinct report.

3. GENERAL RESPONSE

3.1 Summary of Process and Conclusions to date

The formulation of this precinct phase underwent three distinct phases:

The initial phase included an initial round of public participation and a review of the status quo. This phase revealed the need for an additional "scenarios" phase as feedback soon revealed that there were different views among the Birkenhead land owners regarding the preferred future development scenario for the Birkenhead sub-precinct.

The scenario phase set out three scenarios:

- A "Do-Nothing" scenario in which the current status quo should prevail;
- A "Business as Usual" scenario; and,
- A "MTO Eco-estate" scenario.

There were some that preferred the "Do Nothing" scenario, but in general stakeholders did not want the status quo to continue. There were both common and different reasons for those stakeholders wanting change.

Common reasons included:

- The need to address increasing security problems. (However, it should be noted that those residents living permanently on their properties did not face these to the same extent); and,
- An awareness that the natural environment of the area is one of its greatest assets with regards to scenic and recreational quality and property values. But, continuing the ad-hoc piece-meal

development pattern of the past is likely to endanger this. It was felt that development to date had not yet reached this critical tipping point.

The main difference in wanting change is centred on the ultimate development vision. Some owners see the route to realising the value of their properties through conventional urban development.

They continually cite the following as evidence that a conventional urban development scenario is the appropriate vision for the Birkenhead sub-precinct:

- Use of the legal and technical term of "township";
- Existence of the urban zonings of single dwelling, public open space and authority purposes;
- The inclusion of the sub-precinct within the Urban Edge of the SDF, although there are indications that this alignment will be changed in the review of this policy plan;
- General national and provincial policies about the need for densification in urban areas and compact urban settlements. They see these policies as applicable because they regard the Birkenhead precinct as an urban precinct due to its subdivision designation and zonings;
- This approach is extended by one proponent of this vision suggesting that Birkenhead sub-precinct could have a role as a residential suburb serving staff and workers at the proposed nearby nuclear power station should it be located here. (A Swanepoel, 5.6.4 p 10 – comments and response table dd 26 May 2014); and,
- This approach is further extended by these particular owners contending that because of this urban terminology, the municipality should be obliged to provide an urban level of services to the area.

To further add weight to these arguments these owners maintain that:

- The proposed increase in density to approximately 1 dwelling unit per hectare is too low to be "viable".

However, the term "viable" is not demonstrated systematically through the use of costs and revenues to illustrate what levels are necessary to afford improved services and security, but is referred to in general terms.

- There are a significant number of property owners in favour of these arguments.

Reference is made to a survey of 20 respondents (A Swanepoel, 5.10.1 p 14), conducted by Arthur Swanepoel Realisation Trust whose results are interpreted as a call for increased densities of 3 to 5 du/ha. Scrutinising the results indicates that 7 of the 20 respondents definitely want to develop. The survey does not indicate the number of Birkenhead sub-precinct properties owned by these seven respondents, but in quantitative terms seven out of the 52 properties in the Birkenhead sub-precinct represents a minority.

- In the past the Birkenhead property owners invested a significant sum of their own money in preparing a master plan whose proposals some of these owners are in strong support of.

However, as evidenced from the comments from other stakeholders, such as the Birkenhead Conservancy as well as Council's own decision to defer taking a decision on this master plan, the proposals of this master plan do not enjoy unanimous support. Council, in particular, on whom these proposals would impose a significant financial burden and require it to deviate resources from achieving other national, provincial and local municipal policy goals, have made it very clear they are unable to support proposals that would benefit such a small and comparatively well-resourced constituency.

Other owners appear comfortable with the notion that well designed and maintained properties, given the outstanding qualities of the existing natural environment are capable of realising considerable improvements in property value, particularly if a successful institutional framework to manage issues, like security, can be created.

3.2 Implications of the proposed density scenarios

There are three main implications of the proposed density scenarios:

First, The need to apply policy consistently and fairly

Although some of the respondents in favour of the 3 to 5 dwelling units per hectare scenario, with the higher end of this range being the most popular, suggest that the implication of these higher scenarios may not be as severe because a number of property owners are unlikely to develop, Council is obliged to apply policy consistently. It could not be placed in the invidious position of having to impose a total development ceiling. This would imply only giving rights to some owners before the ceiling is reached and refusing additional rights to others who apply afterwards. This would create strong grounds for applying the legal principle of "legitimate expectations" against Council and would be considered bad policy.

Therefore, the total impact of the development scenarios on all of the Birkenhead precinct properties has to be considered as follows:

Existing situation:

52 dwelling units plus 2nd dwellings now permitted as of right subject to building plans and other relevant approvals = **104 units**

(There are currently approximately 37 structures including houses and outbuildings on approximately 20 properties)

Mountain to sea eco-estate: (approximately 1 dwelling unit per hectare)

The 52 properties occupy approximately 187.1 hectares. If each of these properties were to get rights at this ratio (note: some are owned by council and some have non-residential zones) approximately 188 dwelling units could be accommodated. This represents an 80% increase in density. However, it is proposed that this density factor be applied by the rounding up of the permissible density factor to the next hectare for each property. For instance a 2.1 hectare property would be considered as a 3 hectare property for this purpose.

This approach yields **208 units** = 100% increase or doubling of the permissible density in terms of the **current zoning**.

To appreciate the impact of this scenario it should be noted that it amounts to 462% or approximately a 4.5 times increase in the amount of built development currently experienced in the Birkenhead precinct.

This is considered a fair and generous approach, particularly to those owners with smaller properties.

It can be appreciated that an increase of this magnitude could have a significant negative impact on the current qualities of the sub-precinct if not very carefully managed with regards to the siting, design and scale of buildings.

The building area at the proposed 175m² per unit would amount to 36 400m².

While this is a significant amount of building floor space, it may be considered small in relation to the size of the building sub-precinct. However, as has been demonstrated in the analysis phase of this project, building impact is not narrowly limited to a building's footprint, but includes the extent of the plot or erf on which that building sits. Furthermore, the visual impact of a building can affect a much bigger area depending on its prominence, design and building materials.

3 – 5 dwelling per hectare scenario

Just using the overall area of the sub-precinct without the rounding up process proposed above would yield between **561** and **936 units**.

This would amount to a 439% to 800% or approximately 4.5 to 8 times increase on the current permissible zoning.

It is clear that increases of this magnitude would fundamentally transform the current character of the Birkenhead sub-precinct from rural to urban (which is in line with what some of the respondents believe it should become).

Should the permissible dwelling unit size be 300m², as proposed by some of those preferring the larger increase in density, the total building footprint area would range from 168 300m² to 280 000m², again a fundamentally urban scenario.

Differing reasons for wanting change

However, there was a difference in value given to the natural environment – some wanted it to be the major informant of a future development scenario. In this case there should be little or no change in densities.

Others acknowledged the importance of the natural environment, but pressed for higher densities that would make future development viable.

Yet others indicated little concern for the wilderness character of Danger Point in their comments and articulated a vision for the peninsula based on conventional urban development patterns. In these instances the current urban character of Gansbaai, the fact that Birkenhead was originally proclaimed as an urban township, the general policy for increased densification in urban areas and the potential housing demand from future staff who may work at the proposed Pearly Beach nuclear power station, should this ever be built, were mentioned.

Secondly: The need for flexibility

It is clear that the various property owners are in completely different positions regarding when and if they want to develop. In the survey conducted by one of the respondents, seven have stated their intention to definitely develop their properties, a number are not sure (recorded "maybe") and others prefer the status quo or minimal development. It is therefore imperative that recommendations should:

- Be capable of being implemented on a piece meal plot by plot basis;
- Retain some level of continuity and coherence in the overall character and personality of the precinct; and,
- The 1 du/ha scenario implemented with design and location guidelines, while still likely to have a significant impact on these factors, is unlikely to detract from the current character to the extent that the much higher density scenarios would.

Three: The need for resources to address security

The following points should be made:

Funds will be required for increased security beyond the minimal reactive services able to be provided by SAPS. These will have to come from property owners in the precinct. It has been pointed out that property owners are unlikely to provide funds for this purpose, if they do not live on the properties, or have not improved them. In order for this to happen, the precinct needs to become more attractive for owners to commit more resources. Those promoting a high density scenario believe it would only be the granting of enhanced rights that will provide sufficient incentive. Others have said that if the precinct became more secure they would be more likely to live there permanently, which, as others who already live there have pointed out, is in itself a deterrent to crime.

Thus, there is a catch 22.

In light of the great range of property owners' development intentions, it is believed that the only way

forward is for a sufficient number of property owners to form an association and be prepared to contribute the funds necessary to enhance security. I&J have implied that they may be interested in contributing to such an initiative if it is properly run and managed and, this could well be a useful opportunity. Unfortunately, there do not seem to be any other practicable way in which these resources could be procured at this stage.

4. PROPOSED WAY FORWARD

It is clear from all of the inputs that the prime issue to be decided in this precinct plan is the density scenario on the Birkenhead sub-precinct.

Other secondary issues to be considered include:

- A proposal for a smaller planning exercise to be taken in regards to the Dyer Mountain properties, including the extension of this study area to include adjacent properties as requested in the comments from the residents in this area; and,
- Security and service issues and an appropriate vehicle to address these in light of the municipality's position that, due to the enormous demands made on its resources by less privileged communities elsewhere, it is unable to offer material assistance, but only policy support to the Birkenhead sub-precinct stakeholders.

4.1 Recommendations

(In addition to others for the precinct as a whole to be discussed separately from this report)

4.1.1 Proposed density scenario: Birkenhead sub-precinct

After considering:

- Public policy that requires focus of public resources on those with the most need and the promotion of bio-diversity; and,
- Inputs from all parties including the:
 - Municipality;
 - Those Birkenhead residents wishing for the status quo to remain;
 - Those generally in favour of 1 dwelling unit per hectare scenario;
 - Those preferring the 3 to 5 dwelling unit per hectare scenario; and,
 - Relevant commenting authorities such as SANBI.

It is proposed that the scenario of 1 dwelling unit per hectare be recommended and that this ratio be slightly increased by the rounding up of the area of each property to the nearest whole hectare for the purposes of calculating a density factor.

4.1.2 Proposed minimum dwelling unit floor area

While evidence elsewhere has shown that a floor area of 175m² is perfectly acceptable for housing of this nature with regards to design, living space and generating extremely high property values, and the municipality may wish to inspect such developments which CNdV can organise, consideration can be given to increasing this maximum footprint to 200m² if deemed necessary.

4.1.3 Security and institutional arrangements

Should the Birkenhead sub-precinct property owners, including I&J and the Department of Transport, wish to form themselves into a homeowners association for the purposes of managing security including a

security control on the Danger Point road at a location and time and nature to be agreed, the closing off of the coastal route to vehicles also at a location to be agreed, and waste management the municipality shall support such proposals at a policy level within the ambit of the law.

Furthermore, with regards to resources required by such a Homeowners Association for the scrutiny of building plans and similar matters, the municipality should provide assistance to the greatest extent possible within their available resources.

4.1.4 Services

The municipality should positively regard individual owners wanting to service existing and additional development using off grid technologies by providing advice and not requiring connection applications and any base fees for services not being rendered.

5. CONCLUSION

Should you have any questions or require additional information, please do not hesitate to contact our office.

Yours sincerely

SIMON NICKS
for CNdV Africa

cc: Leona Bruiners

DANGER POINT PENINSULA PRECINCT PLAN RESPONSE TO COMMENTS RECEIVED

26 May 2014

#	INDIVIDUAL / DEPARTMENT	COMMENTS	PROPOSED RESPONSE – SEE RECOMMENDATIONS FOR FINAL REPORT
1.	BIRKENHEAD Conservancy Bewarea 23 May 2014	<p>The Birkenhead Conservancy (BC) is a formally constituted organisation registered with CapeNature Conservation and with the Overstrand Municipality, as an interested and or Affected Party for the Birkenhead Peninsula.</p> <p>The BC's Executive Committee has convened to discuss the "Danger Point Concept Precinct Plan Report - March 2014 Draft Document" presented and published by CNdV Africa Planning & Design CC.</p> <p>Based on this document and the official minutes recorded from the public meeting held on the 22 April 2014, at the Overstrand Municipality offices in Gansbaai, the following:</p> <p>1.1 The BC is satisfied with the "Danger Point Concept Precinct Plan Report - March 2014 Draft Document" even-though we would have preferred the "Status Quo" option to remain.</p> <p>1.2 The concept proposed of a clustered development limited to 1 unit per full hectare and allowing for a green zone in the middle, is acceptable to us and our members.</p> <p>1.3 The successful concept adopted by the "Churchhaven" community situated within the West Coast Nature Reserve of an conservation based develop plan together with a security fence and or access control is also acceptable by our organisation. Especially that such high demand exists for these special properties while living in harmony with nature.</p> <p>1.4 Adopting such a plan together with the historical and environmental uniqueness of this pristine area will most certainly increase the appeal and values of these properties.</p> <p>1.5 Protecting this area for future generations is important to us all. Once uncontrolled development is permitted, the appeal of this conservation worthy area will dissipate and with it most of the flora and fauna. The area would then become just like another densely build-up sub-urban area such as Kleinbaai, Franskraal and or De Kelders.</p> <p>1.6 Property owners or developers who invested in the Birkenhead Peninsula knew full well of the existing title deed restrictions placed on their properties limiting them to two Dwellings and two Out-Houses.</p> <p>1.7 In the minute held on the Public Meeting: Draft Precinct Plan Report point 2.1.6 where it was recorded that, "2006 residents voted for increased densities i.e. 5du/ha in terms of the Draft SDF – this was followed by the preparation of the Master Plan. This was support by at least 85% of the land owners." The verbalised statement made at the meeting was factually incorrect and totally miss-leading. In 2006, the Birkenhead Owners Association (BoA) sent a general questionnaire to a handful of landowner on the peninsula asking them whether or not they would ever consider developing their respective plots. The answer for many was "yes" as many of the landowners who had a legal right to build a first and or second dwelling on their vacant or build land would obviously want to build at some time in the future.</p>	

#	INDIVIDUAL / DEPARTMENT	COMMENTS	PROPOSED RESPONSE - SEE RECOMMENDATIONS FOR FINAL REPORT
		<p>1.8 The answer to this questionnaire in (7) was then used to miss-represent the real majority of the landowner views on the Birkenhead Peninsula as they were in fact very much against the any high density development proposal. At the time the BoA was also promised support from the Romansbaai development team.</p> <p>In closing, the Birkenhead Conservancy would like to thank CNDV and the Overstrand Municipality on the manner that they have conducted themselves in attempting to address all interested and Affected Parties views covering Danger Point Peninsula.</p> <p>We represent a large portion of land owner views together with the unrepresented and threatened fauna and flora views.</p>	
2.	A. de Klerk, Birkenhead 2014/05/21	<p>2. Birkenhead is a distressed area.</p> <p>2.1 Property in Birkenhead is worthless. At least 40% of property in the town is available to be sold at the moment, or has been on the market previously (details can be provided). Only one property sale has occurred in Birkenhead in the last 10 years and that involved a developer who purchased it after the municipal Spatial Development Framework was approved by the Municipality in 2006. One new residence has been erected in 20 years and that was by a foreigner, who apparently has regretted this decision, as the property has been advertised several times in national newspapers. Properties have no value for potential purchasers due to uncertainty about its use. This situation is scandalous considering that Birkenhead has been a proclaimed township for about three quarters of a century and included in the municipal area for more than a decade.</p> <p>2.2 Crime – Property owners have to be self-sufficient for security. Government effectiveness is nil and for practical purposes law enforcement can be regarded as non-existent. Plots are too big, overgrown and residents too few to improve the situation. Several houses have been stripped bare by criminals. One has been abandoned and now a target for squatters. In another an unemployed family have moved in, staying for free, but there are serious allegations that they have been involved in several types of crimes. Sufficient densification is not negotiable so that private security can become affordable.</p> <p>2.3 Densification – Is this not a government and provincial government policy? If so, why is it not being applied to Birkenhead? The only way that the habitability of Birkenhead can be established, is by densification. Land owners who for motivations such as conservation may not be interested in developing their land, will have the choice of leaving their properties undeveloped, but will also still reap the benefits of improved security by densification on other areas. Conservation as a motivation against densification does not have credibility because with the SDF's MAXIMUM density of 5 units per ha, previous exercises have shown that most of the plots remain undisturbed. It is unconscionable that the planning of Birkenhead is now based on premises other than that of currently official policies (such as SDF). Conservation and densification are not mutually exclusive.</p> <p>2.4 Size of Plots and Residences – For the upliftment of the area to have any realistic chance of succeeding the size of plots and houses are just too small taking into consideration the low density type of development and the high cost thereof.</p>	

#	INDIVIDUAL / DEPARTMENT	COMMENTS	PROPOSED RESPONSE – SEE RECOMMENDATIONS FOR FINAL REPORT
3.	Tom van Wyk Erf 29 2014/05/22	<p>2.5 Conclusion – The Precinct Plan does not address the core issues surrounding Birkenhead and is rejected. The Master Plan previously drawn up should be completed and implemented expeditiously. There is no confidence in the planners appointed for the Precinct Plan, nor in the treacherous conduct of the municipality. Vigorous steps will in future be taken to protect my interests.</p> <p>3.1 Birkenhead was already proclaimed as a township in the 1930s. Currently it is also part of the Gansbaai Township. My title deeds (Erf 29) confirmed that it is residential. The 2006 SDF confirmed the 5 units per hectare. Romansbaai made provision for water and sewages in their system in the expansion of the Birkenhead Township.</p> <p>3.2 First "off the grid" will be far too expensive. Due to the fact that we are part of the township we are legally entitled to services from the municipality. Densification will definitely help to curb the crime in the area and also enable us to make security measures.</p> <p>3.3 Below-mentioned property owners were contacted by telephone and responded positively to the above: Erf 1, Erf 3, Erf 5, Erf 7, Erf 13, Erf 14, Erf 19, Erf 21, Erf 22, Erf 27, Erf 29, Erf 30, Erf 32, Erf 33, Erf 38, Erf 57. With all the other owners who also responded positively to various writings, this amounts to 40 owners in favor of the above (81%).</p> <p>3.4 Where the record is concerned, we are very unhappy about the fact that it has been sent to us so late, and also the fact that the record is not factual.</p> <p>3.5 Due to the above, we see no other way out except that you have to go back to the 2006 SDF. According to the municipality, we as landowners have no rights upon our own land and we should agree with decisions made by an outside company.</p>	
4.	Deon Broodryk. Director – Bloureen Beleggings (Pty) Ltd PO Box 111, Durbanville, 7551 27 21 976-1390 22 April 2014	<p>4. The following comments are made on behalf of Bloureen Beleggings (Edms) Bpk, by the Directors of the company which owns the following 10 plots in the Birkenhead Township: Erf number 7, 8, 11, 12, 15, 16, 43, 44, 45, and 46. 4.1 We support Scenario 3. The other 2 scenarios are not acceptable. 4.2 We do not support the proposed low density of 1du/ha and would rather suggest this to be increased to at least 4du/ha or 5du/ha. Alternatively, the 30% / 70% rule can be used – 30% developed and 70% undeveloped. This would accommodate the higher density of up to 5du/ha. 4.3 We would also recommend increasing the maximum size of the dwellings to a maximum of at least 250m². 4.4 Security is probably currently the main reason why most owners do not want to increase the capital invested in their properties, and why some have put their properties on the market to get rid of them. This is also probably a major deterrent to potential new owners looking at buying property in the Birkenhead township. There are currently too few properties and owners. A drastic increase in the</p>	

#	INDIVIDUAL / DEPARTMENT	COMMENTS	PROPOSED RESPONSE – SEE RECOMMENDATIONS FOR FINAL REPORT
		<p>number of properties will ease the burden of owners when contributing to shared issues like Security etc. the low density and even the proposed 1du/ha will make it economically impossible to enable owners to address the security issue and any other issues that need to be addressed by the owners, as there will be too few owners to contribute to a decent security solution like security patrols, CCTV cameras, etc. or any other issues to be addressed.</p> <p>4.5 Access control should be made even stricter after hours, as poaching can still be done, even with pedestrian access only. That's why there are already so many walkways amongst the Fynbos on the undeveloped erven. The Fynbos have already been damaged extensively under current conditions.</p> <p>4.6 The possibility of cooperation with I&J and Romansbaai security could be investigated.</p> <p>4.7 We cannot understand why Overstrand Municipality do not want to support higher densities, when they have already confirmed that they will not be able to supply services like water, sewerage and electricity. There is thus no additional financial burden on Overstrand Municipality for delivering any infrastructure. If the density is not increased, the current status quo will be maintained.</p>	
5.	Arthur Swanepoel Trustee: Arthur Swanepoel Realisasie Trust (Erf 36 Marine Drive	<p>5. Herewith my comments on the invitation, per topic, on behalf of Arthur Swanepoel Realisation Trust (Erf 36 Marine Drive)</p> <p>I support the comments as per Management: Birkenhead Association, already submitted - comments attached.</p> <p>Personally I support a permissible density of 3du/ha with erf sizes of 600-700m² and house size of 225-250m².</p> <p>Any consideration for possible future development will depend on several factors – e.g.</p> <ul style="list-style-type: none"> • The approved allowable level of densification, • What any concept development layout will look like in relation to current configuration / buildings, • Overall financial feasibility. <p>Currently my co - trustee and I are not keen for the Trust to develop property 36; it is more about establishing and, over time, improving the current value than the direction that property values for the peninsula as a whole is moving to due to the current problems and causes which you are well aware of.</p> <p>Personally I believe that any densification and development – e.g. the densification levels and house sizes that I personally prefer – which is at most 20-25% of the total surface area of residential and commercial plots; are sufficiently environmentally friendly; retains its rural feel, but that will at the same time create the ability to actually start addressing the problems.</p> <p>Any densities lower than that has almost no chance for real change to address the current problems and ensure a measure of sustainability, due to insufficient resources and human presence.</p>	

#	INDIVIDUAL / DEPARTMENT	COMMENTS	PROPOSED RESPONSE – SEE RECOMMENDATIONS FOR FINAL REPORT
5.1		<p>DANGER POINT PENINSULA PRECINCT PLAN – INVITATION TO COMMENT (Dated 10 April 2014 –reference M.N. 8/2014)</p> <p>This Management: Birkenhead Association's comments:</p> <p>A. Background regarding the three scenarios (as per CNDV's "Scenario Proposals" document)</p> <p>B. The feasibility of "Scenario 3: MTO Eco-estate" and thus the chance for some much needed changes, to actively address the trouble of Danger Point.</p> <ol style="list-style-type: none"> 1. The low, proposed, allowable densities of only 1 development unit per hectare ("1Du/ha"). 2. Effectively addressing poaching / theft / vandalism (with a security proposal whose feasibility itself is questioned!). 3. The high cost and challenge as owner / developer, the basic self-services for power / water / sewer supply for developed plots. 4. The compulsory membership of owners to a Home Owners Association, and the devolution of responsibilities to various members of such an association. <p>C. Survey relative to 20 plots.</p> <p>D. Comments to what extent, the proposed Precinct Plan addresses contributions made during the first public participation meeting.</p> <p>E. Comments on written comments / questions to CNDV / Overstrand Municipality - 7 November 2013.</p>	
5.2		<p>BACKGROUND</p> <p>Management: Birkenhead Association made the following comments on each of the "Scenarios" raised at the Annual General Meeting held on Sat. December 28, 2013:</p> <p>At the previous Public Participation meeting (during Oct. 2013) the following "Scenarios" (from CNDV's "Scenario Proposals" document) were suggested:</p>	
5.2.1		<p>"Scenario 1: Do Nothing" :</p> <p>Comment: Not an acceptable option because the option: a) Still leaves us in an unfavourable situation with the "Status Quo". b) Reduce our investment in the Master Plan to zero. c) Is very likely to be detrimental in the long-term as a result of continued, gradual deterioration due to continued poaching/ theft/vandalism.</p>	
5.2.2		<p>"Scenario 2: Business as Usual"</p> <p>Comment:</p>	