

APPENDIX K: NEED AND DESIRABILITY

This document considers the proposed residential development on Portion 40 of Farm 711, Klip Fonteyn, within the context of need and desirability.

The property is currently zoned as Agriculture 1 but sits within the urban edge. It is the intention of the owner to rezone and subdivide the subject property in order to create a residential development consisting of 6 additional residential erven, a private road, a private open space, a conservation usage erf, and a utilities erf that will be integrated into the Romansbaai Beach & Fynbos Estate. The proposed development entails the following (Figure 1):

- 6 Residential Erven ($\pm 750\text{m}^2$ each)
- Private Road ($\pm 3\,313\text{m}^2$)
- Private Open Space Zone ($\pm 20\,733\text{m}^2$)
- Utility Services Zone ($\pm 1039\text{m}^2$)
- Conservation Usage ($\pm 35\,389\text{m}^2$)

The property is located adjacent to the established Romansbaai Beach and Fynbos Estate development. The proposed 6 additional single residential erven will link with the existing services infrastructure of the Romansbaai Beach and Fynbos Estate development. According to the Romansbaai Beach and Fynbos Estate, there is sufficient municipal services capacity to provide the proposed 6 residential erven with the required services such as water, sewage, electricity and refuse removal, given that they abide to the conditions as set out by the Overstrand Municipality regarding Bulk Services Contribution Levies (BSCL).

The new private road will also be accessed via the internal road infrastructure of the Romansbaai Beach & Fynbos Estate. The private road will be 3.5m wide and have a road reserve width of 8m that will provide access to the development. The proposed rezoning, subdivision and subsequent development can be interpreted as an extension of the existing Romansbaai Beach & Fynbos Estate.

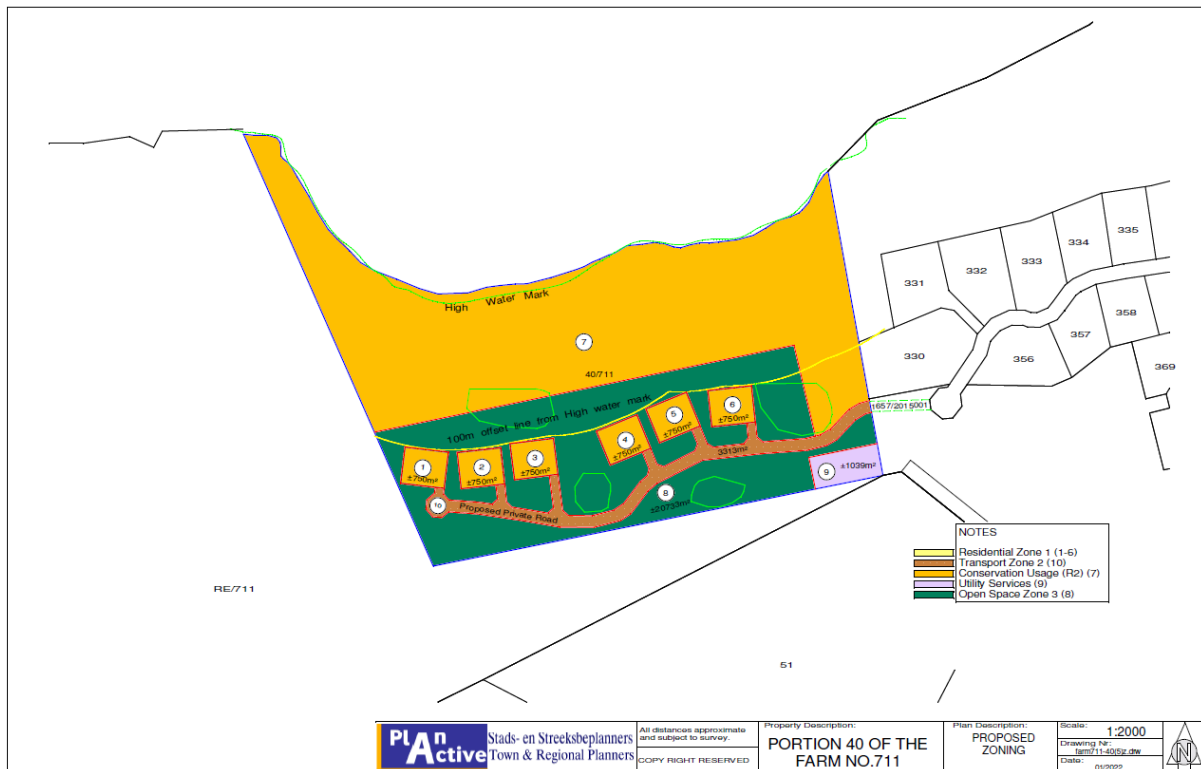


Figure 1: SDP for proposed development on Portion 40 of Farm 711.

The need and desirability of the proposed development has been evaluated by considering the broader community’s needs and interests as reflected in a credible Integrated Development Plan (IDP), Spatial Development Framework (SDF) and Environmental Management Framework (EMF) for the area, and as determined by the Basic Assessment process.

The following policies were considered:

- Overstrand Draft Strategic Environmental Management Framework
- Overstrand Municipality Environmental Management Overlay Zones 2020
- Overstrand Municipality SDF 2020
- Overstrand IDP 2022 – 2027
- Overberg Coastal Management Framework
- Western Cape Biodiversity Spatial Plan (2023)
- Western Cape Provincial Spatial Development Framework (PSDF) (2014)

The **Overstrand draft Environmental Management Framework (EMF)** is an environmental planning tool that identifies where land uses are most compatible or

incompatible with environmental opportunities and constraints. Key recommendations relevant to the proposed development include:

- Natural habitats: Fragmentation of continuous natural areas should be avoided. Decisions affecting pristine or threatened (critically endangered, endangered, or vulnerable) ecosystems should be informed by specialist biodiversity assessments and should consider
- Endangered and critically endangered ecosystems: Prevent further habitat loss or degradation. Activities that do not disrupt ecosystem functioning or further disturb the natural environment are considered appropriate in these systems.

In line with these requirements, the original development plan was edited after the Botanical, Faunal and Heritage Impact Assessments were conducted. The changes made to the development plan were done to further minimise environmental impacts and avoid “no-go” areas (as determined by the Botanical specialist). Additionally, the development plan includes a 2ha private open space zone and a 3.5ha conservation zone thus contributing to the protection and sustainable management of the natural habitat on the property.

The development can be seen as an extension of the existing Romansbaai Beach Estate and therefore will not be a significant change to the landscape.

The development is consistent with the Overstrand EMF because it:

- Minimises loss of high sensitivity habitat
- Is expected to have a low visual impact
- Incorporates conservation actions that will enhance long-term ecological health and aesthetic value

The **Overstrand Municipality Environmental Management Overlay Zone (EMOZ) Regulations 2020** aims to provide a mechanism through which the Council can issue and apply specific guidelines in terms of spatial development. The Overstrand Municipality EMOZ Regulations define 5 specific environmental management overlay zones:

- 1) Coastal Protection Environmental Management Overlay Zone

- 2) Mountain Catchment Environmental Management Overlay Zone
- 3) Protected Area Buffer Environmental Management Overlay Zone
- 4) Riverine Environmental Management Overlay Zone
- 5) Urban Conservation Environmental Management Overlay Zone

The proposed residential development falls within the Coastal Protection EMOZ. Schedule A of the Overstrand Municipality EMOZ regulations outlines prohibited activities within overlay zones while Schedule B outlines activities that require council permission and Schedule C outlines general regulations that must be considered within all 5 overlay zones. The proposed development does not trigger any prohibited activities; however, the following activities require council consent: Construction or placement of any permanent object, building, shelter, pathway or structure and removal or destruction of vegetation which is protected and/or of conservation concern.

The proposed development activities aim to align with the general regulations outlined for EMOZs. An Environmental Management Plan (EMPr) which covers the planning and design, construction and operation phase of the development will be developed. The EMPr will outline measures to minimise negative impacts on the sensitive natural ecosystems including recommendations for the appropriate management of the private open space and conservation zones within the development.

The **Overstrand Municipal Spatial Development Framework (SDF)** aims to promote the conservation of the natural environment in which Romansbaai is located and build the tourism industry based on the ecological and heritage value of the region. The proposed Romansbaai development falls within the Gaansbaai urban edge (Figure 2) the development plan still takes into account sensitive vegetation and habitat. The layout of the development is such that it avoids the high sensitivity vegetation, as delineated by the Botanical Specialist (See Appendix M1 – Botanical Report and Figure 3). The development also includes a conservation area and private open spaces with intentions to maintain the indigenous vegetation in the most ecologically sound way possible.

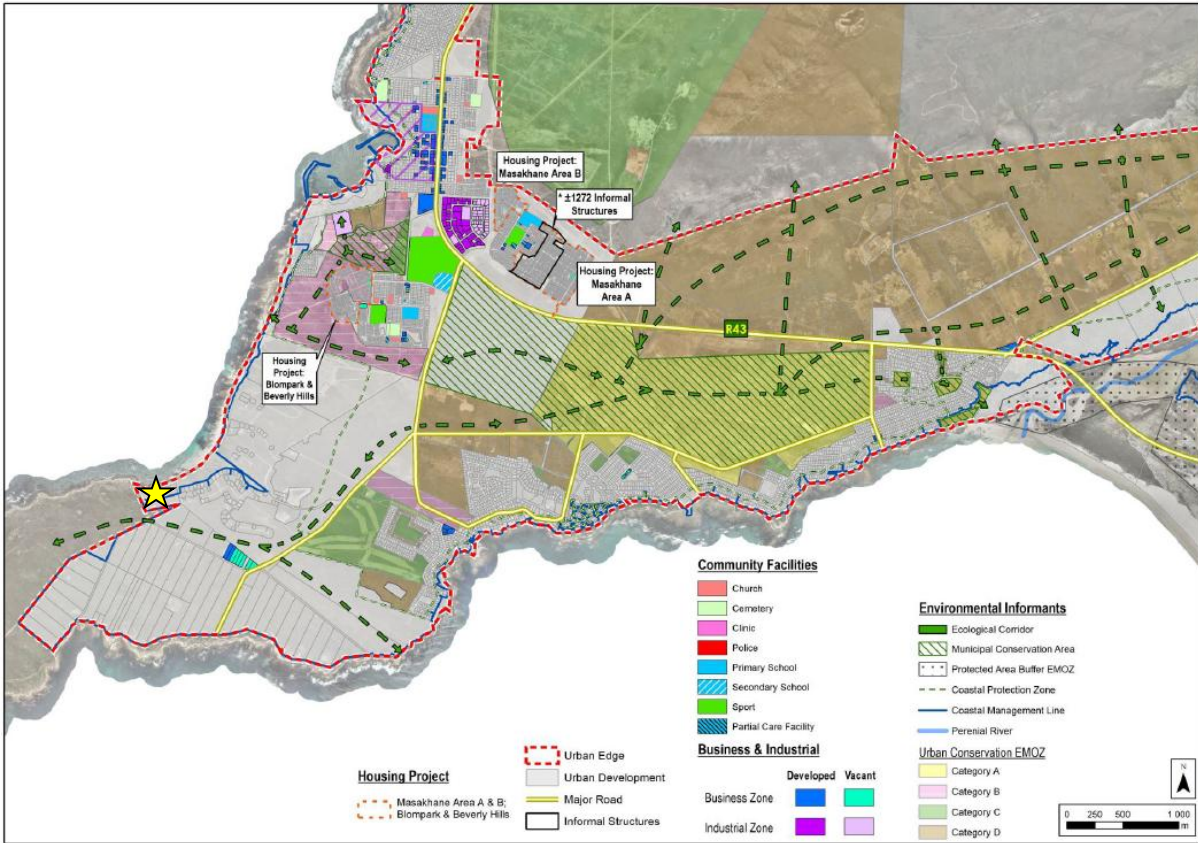


Figure 2: Extract from the Overstrand SDF showing the urban edge of the area. The location of the site is indicated by the star.



Figure 3: Areas of high sensitivity are shaded in red, these were delineated by the terrestrial specialist and supported by the faunal specialist. The property for the proposed development is outlined in yellow, and the general area of the development is outline.

The **Overstrand Integrated Development Plan (IDP)** highlights the importance of biodiversity conservation within its management region and the goal of finding the right match between protecting natural and cultural resources (i.e., preventing their loss or degradation), whilst addressing the need for development. The proposed residential development falls within the Endangered Overberg Dune Strandveld vegetation type and will result in some loss of habitat but still incorporates the vegetation into its planning, the conservation zone and open spaces. Additionally, the site plan has been amended to avoid the areas of high sensitivity habitat (see Botanical Specialist Report - Appendix G1).

The **Overberg Coastal Management Framework** outlines the “*regulation of development in the coastal zones (landward, within municipal boundaries, e.g. in terms of by-laws and planning relating to High Water Mark, Coastal Protection Zones & Coastal management Lines)*” as a key area in marine and coastal management that require local government to be involved and to serve a governing/regulatory function to ensure sustainable development. The proposed additional 6 residential erven, private road, private open space and utilities erf are located outside the Coastal Management Line and Sensitive Development Areas. The proposed land use changes are all above the 100m setback (offset line as per plan) line from the high-water mark. The area below the 100m setback line to the high-water mark is privately developed but no land use changes are proposed within this area. Based on the above, the development aligns with the Overberg Coastal Management Framework.

The **Western Cape Biodiversity Spatial Plan (WCBSP) (2023)** aims to guide sustainable development by providing a synthesis of biodiversity information to decision-makers. The main map categories are Critical Biodiversity Areas (Terrestrial and Aquatic), Ecological Support Areas (Critical and Other), Other Natural Remaining Areas and No Natural Remaining Areas. The first two mentioned categories represent the biodiversity priority areas which should be maintained in a natural to near-natural state. The last two mentioned categories are not considered as priority areas and a loss of biodiversity within these areas may be acceptable. The site of the proposed development is over a CBA: Terrestrial – Threatened Ecosystem; and therefore, the objective of this area is to maintain in a natural or near-natural state, with no further loss of natural habitat. Degraded areas should be rehabilitated. Only low-impact, biodiversity-sensitive land

uses are appropriate. However, the area does fall within the urban edge of Gansbaai and will contribute to the conservation of the threatened ecosystem by establishing a conservation zone on the property. Vegetation clearance outside of the conservation area will also be as little as possible, with only the development footprint and the construction buffer being cleared ($\pm 9766\text{m}^2$). The rest of the vegetation ($\pm 5\text{ ha}$) will remain undisturbed.

The **Western Cape Provincial Spatial Development Framework (PSDF) (2014)** outlines the following key transitions to ensure sustainable settlement developments:

- Transition from an Emphasis on ‘greenfields’ development and low-density sprawl to Emphasis on ‘brownfields’ development.
- Transition from Segregated land use activities to Integration of complementary land uses.

Furthermore, the PSDF also promotes “compact, mixed-use & integrated settlements as a provincial spatial policy” (1) as well “promote sustainable, integrated and inclusive housing in formal and informal markets” (2). This includes inter alia the following policies:

- Municipal SDFs to include growth management tools to achieve SPLUMA’s spatial principles. These could include: a densification strategy and targets appropriate to the settlement context; an urban edge to protect agricultural land of high potential and contain settlement footprints; and a set of development incentives to promote integration, higher densities and appropriate development typologies.
- (2) Provide households with the residential environments, mobility and access to opportunities that support productive activities and reduce levels of exclusion from opportunity.
- (2) Increase densities of settlements and dwelling units in new housing projects.

Based on the above, it is deemed that the proposed development will align with the PSDF as the development will make use of a “brownfield site”, result in increased densification on the property as well as within the demarcated urban edge, will result in the integration

of complementary land uses and will promote integration of higher densities and appropriate development typologies.

In terms of the Basic Assessment process the following was found:

The consideration of 'need and desirability' in EIA decision-making requires the consideration of the strategic context of the development proposal along with the broader societal needs and the public interest. According to the Guidelines on Need and Desirability, issued in DEA&DP's Environmental Impact Assessment Guideline and Information Document Series (2013), the concept of need and desirability relates to the type of development being proposed, essentially, the concept of need and desirability can be explained in terms of the general meaning of its two components in which need refers to time and desirability to place – i.e. is this the right time and is it the right place for locating the type of land-use/activity being proposed? Need and desirability can also be equated to wise use of land – i.e. the question of what is the most sustainable use of land? Although the proposed activity will offer a relatively small benefit to society in general and may not be considered a societal priority, it will still have a positive benefit for the local community.

The needs and upliftment of the community will be achieved through job creation and the stimulation of the local economy, during the construction phase (short term) as well as the operational phase (long term). In terms of job creation, the construction phase will stimulate the local construction industry through the construction of dwellings and a road.

The property lies within the Gansbaai urban edge (Figure 2). The proposed site is situated in a predominantly mixed-use area consisting of residential developments, natural vegetation, tourist related uses and abalone farms. The proposed residential development lies adjacent to an existing residential estate and can be seen as an extension of the Romansbaai Beach and Fynbos Estate. The development will make use of vacant land that is easily connected to the existing urban area, and the site layout has been designed to maximise conservation spaces through limited vegetation disturbance. The overall maximum footprint is relatively small at $\pm 9766\text{m}^2$.

From a faunal perspective - No significant habitat loss or displacement of faunal species is likely to occur beyond what has already been assessed and approved. While some disturbance may occur during the construction, this is unlikely to result in significant impacts as sufficient intact natural systems are present in the immediate surroundings to which fauna can temporarily relocate.

Overall, the proposed development on portion 40 of Farm 711 is unlikely to generate significant negative impacts on any of the faunal SCC flagged once mitigation is followed. It is the specialists' opinion that the proposed development will have an overall low significance on the faunal SCC flagged: largely on the condition that the highly sensible and easily implementable mitigation measures are followed.

From a botanical perspective – Construction phase botanical impacts are Medium to High negative before mitigation, and Low to Medium negative after mitigation. The primary proposed mitigation is avoidance of all areas mapped as High sensitivity (see Figure 3). The four areas of High sensitivity have been mapped, which incorporate the known patches of *Diosma demissa* and *Agathosma geniculate* (Species of Conservation Concern highlighted by the screening tool). The rest of the study area is of Medium to High botanical sensitivity. Operational phase botanical impacts are likely to be Low to Medium negative (before and after mitigation), driven mainly by likely invasive alien Argentine ant impacts (associated with human residences) on seed dispersal that is normally undertaken by the outcompeted indigenous ants.

From the heritage perspective - There is no objection to the proposed development from a heritage perspective on condition that mitigation measures are followed.

The development is an inevitable part of the densification of the growing Gansbaai area, which is further emphasized by the fact that it lies within the urban edge. This development is one that whilst resulting in clearing of vegetation will also lead to the conservation of the Endangered vegetation type; Overberg Dune Strandveld. The layout design has been amended in such a way as to avoid areas of important habitat and minimise the projects footprint as much as possible. Furthermore, the development does not require major construction for access to utilities and services as most of the needed

infrastructure is already in place (Romansbaai Estate and the existing residential dwelling on the property).

Additionally, on the recommendation of the Botanical Specialist, R 500 000 will be made available for alien clearing in the Walker Bay Conservancy (WBC.) The NGO, Grootbos Foundation will implement the clearing works. The selected area to be cleared inside the WBC will be mutually agreed upon between the NGO and the Applicant before the funds are transferred.

This is a development that will have less of an impact due to its location and design. There is an appropriate balance between environmental needs and social/urban development.