

**PROPOSED REZONING AND  
SUBDIVISION**  
**PORTION 40 OF THE FARM NO. 711**  
**DIVISION: CALEDON**  
**OVERSTRAND MUNICIPALITY**

## **MOTIVATION REPORT**

### **1. BACKGROUND**

The company Danger Point Ecological Development Company (Pty)Ltd, the owner of Portion 40 of the Farm No.711 has instructed the company Plan Active to submit an application for the rezoning and subdivision of the subject farm portion. Portion 40 of the Farm No. 711 is 6.4286ha in extent and is held by Title Deed Number T14927/2022.

A previous application was lodged and approved during a Mayoral Meeting held on 27 August 2008 for an additional dwelling unit.

The proposed rezoning and subdivision can be interpreted as an extension of the Romansbaai Beach & Fynbos Estate. The proposal consists mainly of the addition of 6 residential erven, a private road, a private open space, a utilities erf and a conservation usage erf to accommodate the existing dwelling, outbuilding and additional dwelling unit.

The environmental process was dealt with by PHS Consulting, a checklist for the determination of the applicability of the NEMA EIA Regulations, 2014 as amended, was completed.

The details of the proposed development on Portion 40 of the Farm No.711 will be described later in this report. The Title Deed applicable to Portion 40 of the Farm No. 711 contains no restrictions that prohibit the proposed development of the subject farm portion.

## **2. APPLICATION DETAILS**

Application is made for and in terms of:

- Rezoning from Agriculture Zone 1 to Subdivisional area as contemplated in Chapter 4, Section 22(2) of the Overstrand Municipality's Amended Bylaw on Municipal Land Use Planning, 2020. "No application for subdivision involving a change of zoning may be considered by the Municipality, unless the land concerned is zoned for a subdivisional area."
- Chapter 4, Section 16(2)(a) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, for the rezoning of portions of Portion 40 of the Farm No. 711.
- Chapter 4, Section 16(2)(d) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, for the subdivision of Portion 40 of the Farm No. 711 to create 1 Conservation Usage (R2) erf, 6 Residential Zone 1 erven, 1 Open Space Zone 3 erf, 1 Transport Zone 2 erf and 1 Utility Services erf.
- The Subdivision of Agricultural Land Act, Act 70 of 1970, for the subdivision of Portion 40 of the Farm No.711.

## **3. DESIRABILITY**

### **3.1 PROPERTY DESCRIPTION**

Portion 40 of the Farm No.711 is situated  $\pm$ 3.77km southwest from Gansbaai, west and adjacent to the Romansbaai Beach & Fynbos Estate, Danger Point. Please refer

to the enclosed locality plan. Portion 40 of the Farm No. 711 is 6.4286ha in extent and it is situated in a predominantly mixed use area consisting of residential developments, natural vegetation, tourist related uses and abalone farms.

### **3.2 ZONING**

Portion 40 of the Farm No. 711 is zoned Agriculture Zone 1 and is used mainly for residential purposes. A manor house associated outbuildings that includes a helicopter hangar and an additional dwelling have been established on the farm portion. A borehole and small solar plant have also been established on the farm. Surrounding properties are zoned for agricultural uses, residential uses, public and private roads, private open spaces and limited tourism related business uses.

### **3.3 LAND USE**

Portion 40 of the Farm No. 711 is used for residential purposes. A manor house with associated outbuildings such as a helicopter hangar, an additional dwelling, a borehole and small solar power generation plant are established on the subject farm portion.

Land uses that surround Portion 40 of the Farm No. 711 are residential dwellings, natural vegetation, private open spaces, tourist related businesses, public and private roads, abalone farms and utility uses. It is therefore evident that Portion 40 of the Farm No. 711 is situated within a mixed use area of which the predominant use is residential.

### **3.4 PROPOSAL**

Application is made for and in terms of:

- Rezoning from Agriculture Zone 1 to Subdivisional area as contemplated in Chapter 4, Section 22(2) of the Overstrand Municipality's Amended Bylaw on

Municipal Land Use Planning, 2020. “No application for subdivision involving a change of zoning may be considered by the Municipality, unless the land concerned is zoned for a subdivisational area.”

- Chapter 4, Section 16(2)(a) of the Overstrand Municipality’s Amended By-law on Municipal Land Use Planning, 2020, for the rezoning of portions of Portion 40 of the Farm No. 711.
- Chapter 4, Section 16(2)(d) of the Overstrand Municipality’s Amended By-law on Municipal Land Use Planning, 2020, for the subdivision of Portion 40 of the Farm No. 711 to create 1 Conservation Usage (R2) erf, 6 Residential Zone 1 erven, 1 Open Space Zone 3 erf, 1 Transport Zone 2 erf and 1 Utility Services erf.
- The Subdivision of Agricultural Land Act, Act 70 of 1970, for the subdivision of Portion 40 of the Farm No.711.

It is the intention of the owner of Portion 40 of the Farm No. 711 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 an utilities erf.

The detail of the application can be described as follows:

### 3.4.1 Proposed Rezoning and Subdivision

Portion 40 of the Farm No. 711 is 6.4286ha in extent and shares a common boundary with the Romansbaai Beach & Fynbos Estate, Danger Point. Access to the subject farm is via the internal roads network of the Romansbaai Beach & Fynbos Estate and an access servitude. Access to the proposed erven will follow the same route. The Romansbaai Beach & Fynbos Estate Homeowners Association supports the proposed access over their property to the proposed development on Portion 40 of the Farm No. 711. Please refer to the enclosed letter of support received from the Homeowners Association, **Annexure A**.

The owner intends to rezone the subject erf to subdivisational area in order to create 6 Residential Zone 1 erven, 1 Conservation Usage(R2) erf, 1 Open Space Zone 3 erf, 1Transport Zone 2 erf and a Utility Services erf. Subsequently the farm portion will also be removed from the Agricultural Register.

The 6 single residential erven indicated as proposed erven 1-6 are all 750m<sup>2</sup> in extent and occupy a total area of 4500m<sup>2</sup> that will be rezoned to Residential Zone 1. The placement of the 6 proposed residential erven was determined by the 100m offset line from the high water mark, clearly indicated on the subdivision plan. The existing manor house, additional dwelling and helicopter hangar are situated near the coastline on the northern portion of the farm. The erf size of the proposed Erf No.7 that accommodates the last mentioned land uses will be 34 428m<sup>2</sup> or 3.4428ha in extent and will be rezoned to Conservation Usage (R2).

The area situated to the south of Erf No.7, surrounding the proposed residential erven will be rezoned to Open Space Zone 3 to make provision for a private open space. The private open space is indicated as proposed Erf 8 and is 21 694m<sup>2</sup> or 2.1694ha in extent.

The new private road will be accessed via the internal road infrastructure of the Romansbaai Beach & Fynbos Estate and an access servitude from an existing cul-de-sac. The private road will have a road reserve width of 8m and a proposed 3.5m wide road surface that will provide access to the 6 residential erven and the conservation usage erf. The total area of the proposed private road reserve indicated as Erf 10 is 2 625m<sup>2</sup> in extent.

As mentioned earlier in this motivation report, a borehole and small solar plant were constructed in the south-eastern corner of the subject farm portion. According to our client the borehole has a yield of ±2 000l per hour and the small solar plant generates 30kw of electricity per hour on a sunny day. It has been decided to formalise the uses with the rezoning of an area of 1 039m<sup>2</sup> in extent, labelled as proposed Erf 9 on the zoning plan, to Utility Services. It is anticipated that the water from the borehole and electricity generated by the solar plant will be used to supplement the municipal water and electricity supplied to the proposed 6 residential erven and proposed Erf 7 on which the manor house, additional dwelling and associated structures are situated.

Please refer to the enclosed proposed layout plan indicating the variety of erven and its proposed sizes and zoning.



The combination of the land uses can be tabled as follows:

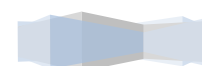
<b>Erf No</b>	<b>Zoning</b>	<b>Size (<math>\pm</math>m<sup>2</sup>)</b>	<b>%</b>
<b>1-6</b>	Residential Zone 1	4500	7%
<b>7</b>	Conservation Usage (R2)	34428	54%
<b>8</b>	Utility Services	1039	2%
<b>9</b>	Open Space Zone 3	21694	34%
<b>10</b>	Transport Zone 2	2625	4%
	<b>TOTAL</b>	<b>64286</b>	<b>100%</b>

With reference to the table above the proposed residential development will blend in with the current residential land use and character of the area.

With reference to the applicability of the NEMA with respect to the proposed development on Portion 40 of the Farm No. 711 the Department of Environmental Affairs and Development Planning has concluded that the proposal does not constitute any listed activities as defined in terms of the NEMA EIA Regulations. Please refer to the letter from the Department of Environmental Affairs and Development Planning dated 04/05/2022 that we have enclosed as **Annexure B**.

The proposed development is specifically aimed at the preservation and protection of the existing natural environment and vegetation. Therefore, the size of the proposed residential erven only constitutes  $\pm$ 7% of the area of the farm portion.

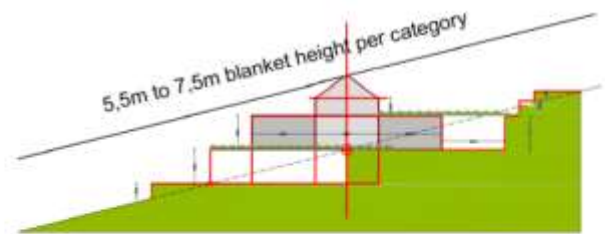
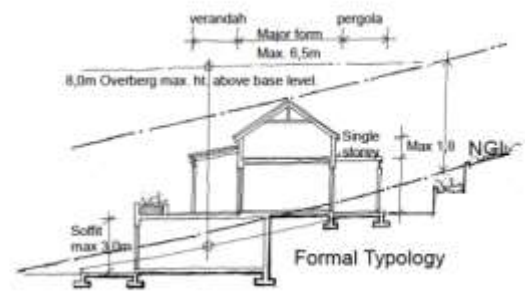
The proposed residential erven will be developed in terms of the approved **Architectural Guidelines** applicable to the Romansbaai Beach en Fynbos Estate and the height restriction applicable to the blue sites. Please refer to the abstract below from the architectural guidelines for ease of reference.



## 2.5 Height Restrictions

A blanket height restriction of between 5.0 and 7.5 meters measured from natural ground level, based on a professional survey of the pre-earthworks site. This height is measured from all parts of the building to the point of the natural ground level immediately below it.

- 2.5.1 The height restrictions on the specific sites are as follows as per height restriction diagram (annexure D).
- Yellow sites - 7.5m
  - Red sites - 6.0m
  - Blue sites - 5.5m
  - Purple sites - 7.5m
- 2.5.2 No house may be higher than what is permitted in the Overstrand zoning scheme regulations (8m from base level to top of roof).
- 2.5.3 Flat roofs planted with fynbos and contiguous with the natural ground levels are limited to single storey sections and to 3.0m from FFL to soffit.
- 2.5.4 Any double storey portion of the house must be a maximum of 50% of the footprint as defined in (2.2) **excepting that for the purpose of this calculation only, flat fynbos planted roofs contiguous with the natural ground levels will be included** in the footprint areas.
- A **double storey** will be defined as any first floor which has a floor to wall plate height greater than 1.8m.
- 2.5.5 No unarticulated exposed vertical face of solid wall or glazing (excl gables) may be taller than 6.0m above finished ground level.
- 2.5.6 The maximum height of a lean-to's and verandahs at eaves, will be 3.5m above the finished floor level directly below.



The height restriction of the future houses on the proposed 6 residential erven will be 5.5m as indicated above. It is furthermore proposed that the development be included in the Romansbaai Beach and Fynbos Estate's Constitution and also forms part of the Homeowners' Association.

## 3.5 ACCESS

Portion 40 of the Farm No.711 shares a common boundary with the Romansbaai Beach and Fynbos Estate to the east. Access to the subject farm portion is via the estate and a registered access servitude. Please refer to the enclosed subdivision plan. The existing access servitude will be used to access the proposed private road that has a road reserve width of 8m that will provide access to the proposed 6 residential erven and the Conservation Usage (R2) erf. Being within an area of natural beauty the actual road surface will be limited to only be 3.5m wide. Please refer to the enclosed subdivision plan.

### **3.6 SERVICES**

Portion 40 of the Farm No. 711 is located adjacent to the established Romansbaai Beach and Fynbos Estate development. The erf proposed as a conservation usage, Erf 7, is already developed and serviced. The proposed 6 additional single residential erven will link with the existing services infrastructure of the Romansbaai Beach and Fynbos Estate development. Please refer to the letter from the Romansbaai Beach and Fynbos Estate Homeowners' Association agreeing that the proposed development may link with the existing services of the Romansbaai Beach and Fynbos Estate development. According to our client there are services capacity to provide the proposed 6 residential erven with the required services such as water, sewage, electricity and refuse removal.

As mentioned previously, it is anticipated that the water from the borehole and electricity generated by the solar plant will be used to supplement the municipal water and electricity supplied to the proposed 6 residential erven and proposed Erf 7 on which the manor house, additional dwelling and associated structures have been constructed. According to our client the borehole has a yield of  $\pm 2\ 000\text{l}$  per hour and the small solar plant generates 30kw of electricity per hour on a sunny day.

### **3.7 TITLE DEED**

The Title Deed T14927/2022 has no restrictions that need to be removed in order for this application for rezoning and subdivision to be approved.

A bond is registered against the subject property at ABSA. The bondholder's consent has been requested and will be forwarded on receipt thereof.



### 3.8 **FORWARD PLANNING**

#### **Overstrand Municipality Spatial Development Framework 2020**

In terms of the Overstrand Wide Spatial Development Framework the subject property is within the urban edge and earmarked for urban development purposes. The proposed additional 6 residential erven, private road, private open space and utilities erf are located outside the Coastal Management Line, Sensitive Development Areas and CBA. The proposed land use changes are all above the 100m offset line from the high water mark. The area below the 100m offset line to the high water mark falls within a CBA and Sensitive Development area but no land use changes are proposed within this area.

#### **Overstrand Growth Management Strategy**

The *Overstrand Municipal Growth Management Strategy (OMGMS, 2010)* specifies that Portion 40 of the Farm No.711 is part of Planning Unit No. 1. A large portion of the Planning Unit No.1 is identified as part of the Danger Bay Conservancy Area and an area of  $\pm 20\%$  has been assumed suitable for densification purposes for this area. The proposal in the Growth Management Strategy can potentially contribute to  $\pm 4700$  additional dwelling units.

#### **Danger Point Precinct Development Plan 2014**

Portion 40 of the Farm No.711 is not included within the study area of the Danger Point Precinct Development Plan.

With reference to the above mentioned it is our opinion that the proposed 6 additional residential erven, private open space, private road, utilities erf and the conservation usage erf that has already been developed fall with the above mentioned development guidelines and can be supported.

The Department of Environmental Affairs and Development Planning also confirmed that no listed activities are triggered with the proposal as formerly mentioned.

### **3.9 OTHER RELEVANT LEGISLATION FOR CONSIDERATION OF THE APPLICATION**

#### **3.9.1 HERITAGE VALUE**

Portion 40 of the Farm No. 711 is not situated within the Heritage Overlay Zone as determined by the Overstrand Municipality Growth Management Strategy (2010). The property is not earmarked for heritage conservation purposes in terms of the Overstrand Heritage Survey Report (2009).

The subject property is not associated with any important persons or groups or important events and activities. The subject property has no association with the history of slavery and is not used for living heritage.

In the light of the above mentioned it is evident that the proposed rezoning and subdivision will not have a negative impact on the heritage value of the subject property or the Greater area of Danger Point.

#### **3.9.2 IMPACT ON THE BIOPHYSICAL ENVIRONMENT**

The proposed rezoning and subdivision do not trigger any listed activities in terms of the National Environmental Management Act (NEMA). An environmental process was conducted by PHS Consulting who has completed a checklist for the determination of the applicability of the NEMA EIA Regulations, 2014 as amended.

The Department of Environmental Affairs and Development Planning concluded that the proposal does not constitute any listed activities as defined in terms of the NEMA EIA Regulations. Please refer to the letter from the Department of Environmental Affairs and Development Planning dated 04/05/2022 that we have enclosed as **Annexure B**.



### 3.10 **PLANNING PRINCIPLES**

The planning principles of spatial justice, spatial sustainability, efficiency and spatial resilience of this application can be described as follows:

**Spatial Justice:** The proposed residential development on Portion 40 of the Farm No. 711 will be compatible with the current erf sizes and housing styles in the vicinity and will form part of the Romansbaai Beach and Fynbos Estate. The development will have to comply with the architectural styles of the Romansbaai Beach and Fynbos Estate and will also be included in their constitution. There are no restrictive Title Deed conditions that prohibit the subdivision and rezoning of the subject erf.

**Spatial sustainability:** The proposed residential erven are in line with the current character of the established adjoining residential area and can be interpreted as an extension thereof. The proposed application will not have a negative impact on the conservation worthy areas of Danger Point. Spatially the residential development proposed for Portion 40 of the Farm No. 711 will be in line with the residential character of the area.

**Efficiency:** The proposed additional erven are easily accessible and conveniently located within an area of natural beauty.

**Spatial Resilience** in the context of land use planning refers to the need to promote the development of sustainable livelihoods for the poor (i.e. communities that are most likely to suffer the impacts of economic and environmental shocks). Spatial resilience also refers to the requirement for flexibility in spatial plans, policies and land use management systems to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks. The spatial plans, policies and land use management systems should enable the communities to be able to resist, absorb and accommodate these shocks and to recover from these shocks in a timely and efficient manner, which includes the preservation and restoration of essential basic infrastructure and functions, but also adaptation in order to ensure increased resilience

in terms of future shocks (United Nations Office for Disaster Risk Reduction, 2009). The principle of Spatial Resilience is not applicable to this application.

**Good administration:** Our Company is committed to the principle of good administration and will cooperate with the Overstrand Municipality to ensure a time efficient, uncomplicated land use planning process. The land use application will follow due process as stipulated in the relevant municipality's bylaw and related provincial and national land use planning legislation. All measures will be taken to ensure an efficient and streamlined process within the applicable timeframes as stipulated by the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020.

#### 4. **RECOMMENDATION**

When this application is evaluated it is important to take note of the following:

- The proposed rezoning and subdivision of Portion 40 of the Farm No. 711 fall within the existing land use tendencies in the area;
- The proposed rezoning and subdivision are in line with the Overstrand Municipality Spatial Development Framework and the Overstrand Growth Management Strategy.
- The proposed development is compatible with the adjoining Romansbaai Beach and Fynbos Estate and its character;
- The proposal falls within the urban edge beyond the 100m offset line from the high water mark.
- There is sufficient services capacity to which the additional erven can be connected to;
- The proposed rezoning and subdivision will not have a negative impact on the current character and land values of the surrounding erven.
- The proposed development on Portion 40 of the Farm No. 711 has taken the natural value of the site into consideration and will be professionally managed to ensure the preservation of the natural beauty of the site.



## Motivation report

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With regards to the above mentioned it would be appreciated if the Overstrand Municipality would consider the application favourably for the rezoning and subdivision of the proposed development of Portion 40 of the Farm No. 711.

