

INFORMATION CASCADE -

Overstrand By-Law Planning and Land Use; Heritage and Environmental Overlays

Gossip Corner,

Saturday 16 November 2019

8:30 for 9:00 until 13:00

**Scribing Report**

1. **Registration**: 81 attendees registered and signed the attendance registers.
2. **Welcome: Mark Butler:** Mark opens with a disclaimer indicating that he is there as a facilitator. He is not representing any Rooiels entity/organisation. Apart from information sharing and interactive discussion he sees this meeting as an attempt to find common ground between the Friends of Rooiels and RERA committee. RERA committee workgroups have done exceptional work for the past months. Mark did attend some sessions. Many hours have gone into what will be presented today.

All present will have the opportunity to give input to what is proposed for Rooiels.

There is a collective passion for Rooiels. We live in challenging times …. We cannot live in a bubble. It places challenges on us on how to live in these changing times with respect and understanding for different viewpoints. (Full speech attached)

1. **Apologies/Proxies*:***

**Apologies**: Alison A. Ockert- Erf 117. Baigley Erf 19

**Proxies:** Jennifer van der Riet- Erf 245, Rina Thompson- Erf 78, Leonora Veldtman-Erf 289, Susan Titley-Erf 125, Lavinia Lindsay-Erf 249, Piet Uys-Erf 73,Rix Wellman-Erf 248, Piet van Rensburg, Andre Badenhorst-Erf 35, Mike Levett- Erf 52, Miggie Silbernagel-Erf 20, Marie Philip-Erf 121, Debby McGavin-Erf 77, Graham Burnside-Erf 227, Eugene Burger-Erf 289, Andre and Johline Serdyn-, Lesley Henley-Erf 290, Willem Pienaar-Erf 269, Ena Kruger-Erf 300, Hester Claassens-Erf 179, Marius Weyers-Erf 153, Evette Weyers-Erf 156, M. Mavrokodatos-Erf 205, Ronnie Schild-Erf 217

**THERE were others given on WhatsApp and to various Committee members that still need to be collated.**

1. **Introduction/Background to Information Cascade- Allison Vienings-Chairperson RERA:**

*We are learning something new every day. As RERA committee members we receive legislative documents regularly and we are expected to read, understand and comment almost immediately.*

*The RERA committee is committed to listen to the views and opinions of all its members. We see RERA as the collective voice of its members.*

*I would like to emphasise that RERA is not promoting a consensus view on anything, just trying to inform residents to enable them to express their thoughts on the proposed amendments, before we respond to the public comment opportunity with as much opinion as possible in the time allowed.*

Allison presents her slides which are part of this information pack.

(Presentation Attached)

1. **Rooiels Survey: 2010 – 2019**

**Linda Hiles- RERA Committee Member.**

Linda thanks her co-researchers, Julia Aalbers, Stephanie Milne and Griet Odendaal.

She presents the outcome of her research.

(Presentation on website)

1. **Guest speaker**: Ruida Pool-Stanvliet: Living in the Kogelberg Biosphere

**Mark** B introduces Guest Speaker Ruida Stanvliet.

(Bio-Summary attached)

Mark comments that knowledge and passion provides interesting platform for stimulating discussions.

Ruida indicates that she is pleasantly surprised by the number of people attending the Cascade. She proceeds with her presentation and refers audience to various reference articles and books. (Presentation on website)

1. **Environment Work Group Feedback**

Kay Leresche presents feedback of work done by RERA Environmental Workgroup thus far.

(Presentation on website)

1. **Questions/Comments to Ruida and Kay**

**Jan Horn-Rooiels Resident**.

*I have the world’s respect for the knowledge and input of experts from outside Rooiels, however, people here are all caring and nature oriented. Rooiels residents have cared for the environment for many years without being supervised.*

*What we are doing here is creating bosses on your own property. I fear that we end up like an estate.*

*We don’t need bosses… if you want bosses; carry on with this buffer zone idea.*

**Graham M**.: *Are we in time to submit our buffer motivation to UNESCO Ruida*? Ruida refers to conversations that Veronica had with Mike du Toit. She indicates there must be written confirmation that the majority of Rooiels residents are buying into the idea of being a buffer zone.

**Veronica:** Spoke to Mike du Toit, Chairperson of the Kogelberg Biosphere Reserve Company, who indicated that there might still be a small window to insert the Rooiels request to become a full buffer zone of KBR. (He feels that the buffer zone should be bigger. It is very small or even non-existent in some places).

**Hilgard** indicates it is a process but that we should get our motivation/proposal on paper and submitted to relevant stakeholders and roleplayers ASAP.

**Geoff:** No mention has been made in these proposals about the contribution that Rooiels can make to the development of local economies… e.g. eco- tourism.

**Kay:** There is reference to academic/conservation tourism which refers to researchers and other specialist groups visiting Rooiels.

Kay highlights the fact that Rooiels currently goes directly from Transition to Core.

There is almost no buffer zone.

Pringle Bay and Bettys Bay are different. Some light industries already operating there.

The idea that Rooiels be declared a buffer should already go into the present 10 year review, even if only a short summary to start the ball rolling.

**Frank:** *What happened to the idea of Marine Reserve as part of the KBR?*

*It was a very definite plan when Vali Moosa was around.*

**Ruida:** *Unfortunately it has gone very quiet. (Note:* KBRC Marine task group shouldtake work done already forward).

1. **Town Planning Work Group Feedback David van der Merwe**

**(Presentation on website)**

**Introductory remarks**:

**David** points out that Title Deed conditions are quite dated and should be looked at in the context of the present conditions and development. Rooiels is mainly a residential zone. There is not major industrial and business development in the village.

This RERA group has good interaction with OM. Hilgard sitting on various forums has helped tremendously.

There are a variety of title deed considerations. They are not all the same.

After the devastating fires the last three years in our area, we cannot be too careful about being fire-wise. Cutting back of dry plant material is optimum. Keeping roads clear according to municipal stipulations are important.

Roella and Porter drive plots are at risk… only small fire vehicle are able to access those properties.

The situation has changed over the years and we are seeing outbuildings being used for a diverse set of circumstances… e.g. ageing residents needing caregivers to live on property.

We are opposed to densification. Seems that sub-division has happened in the past. There should be a really good justification to sub-divide.

Home rentals are still a contentious issue.

Guest houses: The jury is still out on renting out more than 2 rooms.

**Question from the floor**: What if neighbours do not agree to consent use?

**David**: Try robust mediation.

**Jenny** indicates there is a system in place to go to municipality to object. There is a strong feeling from the floor that robust mediation is not going to work.

**David**: Architectural guidelines … as contentious as guest houses. We do not want to become a Gordons Bay!

**David:** There are clauses within the building regulations to ensure that buildings are fire resistant e.g. fire-resilient ceilings. Insurance small print should be watched. Some residents in Bettys Bay did not get compensation because of omissions in policies.

Septic tanks: The use of dual system, septic and conservancy to be considered within framework of OM bylaws. We have a very shallow water table… so contamination is an issue in some places.

Awareness re prominent structures spoiling skyline needs to be created. High masts and antenna’s should be discouraged. We want to retain unobstructed views in Rooiels as far as possible.

Municipality is propagating to reduce building line restrictions.

1. **Guest Speaker**: Planning, Land use: Heritage and Environmental Overlays Riaan Kuchar-OM, Senior Planner

Riaan comments on the presentations*: We will meet with the committee and we will run through all the proposals. Probably 60% are already addressed.*

**Main points of importance**:

Overlays zones… where do they fit in? The old Order of planning regime of 2014 is now being replaced. OM advertised zoning scheme and the overlay zones frameworks/guidelines for public comment.

OM will consider proposals, amend and accept after which it will become bylaws.

Full council will take the decision.

Hilgard has put the request that Rooiels be accommodated in its entirety in the Buffer/Heritage Overlay zones.

Riaan explains that there are five environmental overlay zones. All of the overlay zones were drafted based on a variety of sources informing the content of the overlay zone. *We wanted to align all zones so that we can take the soft management rules that stand at the moment but are able to apply in a more force-able manner.*

All overlay zones are aligned. To bring Rooiels into overlay zones at this late stage will probably bring about misalignment. However, the process should be started.

One of the things that are commonly misunderstood is the issue of **second dwellings**. In the old schemes, **outbuildings** were commonly used as garages, servant’s quarters, studios, pool rooms. These evolved into second dwellings. *If you use it for human habitation… you are in contravention of the regulations. Special consent is needed for second dwellings. No subdivision will be allowed for the foresee-able future because of a lack of infrastructure. We cannot allow densification. If you take up the right for second dwelling you are not allowed second access to property. Building of walls is also subject to regulations. Even though you have consent for a second dwelling it is still a single residential property.*

*I want to set up meetings with the committee to clarify the proposals put forward by the RERA working groups. However, we want to adopt current proposed overlay zones without any further delays. I want to adopt all five documents … let’s rather proceed with what we have now… and propose some amendments… we can still address the remaining issues with committee input/workgroup…*

*The 50% restriction still applies… if you get 50% coverage… you will lose most of the green environment that you currently have… you can object as a resident according to current regulations.*

**Peter**… clarification question… The *30 days per year house rental allowance…. Is that 30 consecutive days?*

**Answer:** *Renewed applications are required to accommodate further periods of 30 consecutive days.*

**Graham**… *One thing that worries me is the control and management of the proposals that we have. We do have regular transgressions*.

**Riaan**: *I have appointed a compliance officer to keep an eye on transgressions… we will address those!*

**Riaan***: On the issue of three storeys. In some cases houses can go up to three storeys depending on the height of the building e.g. basement can be added. The maximum height has to be adhered to, 8 Metres. Houses on pillars cannot go three storeys up from pillar platform. In Gordon’s Bay for instance you see huge houses built pillar platforms or being built on a number of levels. In the Overstrand Municipality you cannot step up multiple levels of your dwelling.*

**Question:** *I rent out my house but my manager lives in Pringle Bay is that acceptable?*

**Riaan:** W*e prefer that the manager live in the village where the house is situated. We consistently get complaints from irate neighbours who have to deal with disorderly tenants, people leaving rubbish where baboons can get at it etc. Inevitably neighbours are left to deal with torn rubbish bags and other challenges that arise from visitors/holidaymakers who do not have access to an appointment manager in the near vicinity of the house.*

*At the end of the day Consent Use is all about the management… proper control*…

**Anuta***: Riaan a draft proposal to control light pollution was submitted ten years ago. How long will it take to promulgate the current proposals*?

**Riaan:** *The answer might be to draft a specific overlay for Rooiels to address particular proposals with regard to Rooiels and the KBR.*

**Anuta:** *There was a request in the past that each village has its own overlay.*

**Riaan:** *You don’t want to have too much segregation in overlays as holistic integration is also important. Let us see what comes out of the liaison with the RERA work group… we will look at enforcement issues to establish a home owners- or even architectural guidelines.*

*We will meet with the work group and we will run through all the proposals.*

**Question:** *It seems that 51 percent of home owner’s permission is required to get these proposals through. How does RERA propose to get this?*

**Riaan**: *The current proposed overlays will go through and a RERA working group will work with OM to incorporate the new set of proposals after which a voting process will have to be followed*

**286**: *It will be helpful to have the major differences in the two sets of proposals… so that we don’t have to work through pages and pages of the current HPOZ and suggested new proposals.*

**Estelle: *W****e want to congratulate Riaan. OM Town planning is now being taken to a new level of sophistication which we must fine tune even further.*

***Question****: When will all of this be brought to completion?*

**Riaan**: I*f there is comments that you want to bring you can submit individually before 2nd December. OM will consider all comments before final submission early next year. In the interim let’s start working on an overlay zone for Rooiels. If you do get the buffer zone designation for KBR we can amend the Rooiels Overlay.*

***Ruida:*** *Unfortunately I have to leave. I do want to say … you already are a declared Conservancy… that is a big plus. The Conservancy should address environmental issues. E.g. do not allow impenetrable fences…it is devastating for the free roaming of wild animals. If you want to be a buffer zone, solid walls are a definite no no.*

**Veronica:** *Ruida, before you leave, I just want clarity. We will have to give written proof that more than fifty percent of Rooiels Home Owners approve of the motivation to be declared a buffer zone of KBRC?*

**Ruida:** *51% was just a thumb suck from me. I will have to do some homework on that.*

**Further comments on Consent use:**

**Jenny***… Consent use cannot be sold as part of the deal when selling your guest house. You will have to apply again for consent use. But if it has been used as a compliant guest house at the time of sale, permission cannot reasonably be withheld.*

Second dwelling… removal of title deed restriction can be considered. Rooiels has changed and most title deeds are very dated. Maybe somewhere along the line title deed restrictions can be changed but it is an expensive and time consuming process.

1. **Voting:**

The meeting considers the following three proposals:

* That we continue the process of applying to be designated as a Buffer Zone of the KBR.
* That we propose minor tweaks to the current proposed Overlay Zones drafted by the OM
* That we form a workgroup to work with OM on drafting a specific overlay for Rooiels using the work of the committee workgroups as guidelines

All three proposals accepted by majority of residents present.

1. **Closure and thanks**