

FISH HOEK VALLEY RATEPAYERS & RESIDENTS ASSOCIATION

(Incorporating Fish Hoek, Clovelly and Sun Valley)

~~Central Circle, Fish Hoek 7975~~

Web: <https://www.fhvrta.org.za/> Facebook: www.facebook.com/FHVRRA/

Heritage Western Cape: Conservation Body

**TO: DISTRICT MANAGER, DEPARTMENT OF PLANNING AND BUILDING
DEVELOPMENT comments_objections.southern@capetown.gov.za**

CC: PIERRE EVARD Pierre.Evard@capetown.gov.za

**SUBJECT: OBJECTION TO DEPARTURES FOR ERF 17336, 24 CARLTON ROAD,
FISH HOEK**

CASE ID: 70576193

DUE DATE: 6 JULY 2022

The Fish Hoek Valley Ratepayers and Residents Association (FHVRRA) fails to understand why a developer can be allowed to continuously reapply after the community has several times objected to this development in our wetland. See our recent objections of 14 June 2021 and 12 August 2019.

It should be noted that at the time of the City sale, our local ward Councillor, FOSNA (Friends of the Silvermine Nature Area with the Riverine Rovers) and SANPARKS all opposed the sale as it enabled the encroachment of private land into the Silvermine River wetland.

Please note that the Department of Environment Affairs and Development Planning has not completed the draft Basic Assessment Report (dBAR) process and will only be assessed 107 days after the full BAR is submitted. The Western Cape Province could completely stop the City's process. Thus, it is a wasteful and fruitless exercise for the City to continue with their process until the BAR has been completed.

The City recognises that in terms of Section 16(1) of the Municipal Planning By-Law, the proposal does not comply with the district spatial development framework, being the Southern District Plan, in that the property is located within an area designated as "Buffer 1" purposes. One in 50 year flood plans are meaningless to young adults in our valley that have first hand experience with wetland flooding either in or having threatened their homes. If the City continues to canalise our section of the Silvermine River due to hard surfaced developments that do not absorb flooding, then the back-fill will have to increase in height and the river will flow more strongly. This will destroy the biodiversity in this wetland. The fish that breed in our wetland do not produce spawn that can survive in fast flowing rivers. Otters are good swimmers, but also won't fight a fast flow with no fish in it.

The City also recognises that in terms of Section 9(1) of the Municipal Planning By-Law, the proposal does not comply with the municipal spatial development framework, being the Cape Town Municipal Spatial Development Framework, in that the property is located within an area designated "Critical Natural Asset" area. This is a protected area and breeding home to the endangered Western Leopard Toad, *Amietophrynus pantherinus*, which has several implications. Nearby neighbours were required to make access holes in their walls for these toads. Ditches / foundations must be monitored daily to make sure no animals have fallen in that may not be able to get out on their own. All kerbing constructed

must be sloping and not right angled to allow for the movement of toadlets, which are too small to negotiate right angled kerbs.

The Source to Sea Trail alongside the wetlands runs through this property as it provides dry land for the trail. We would like to see a suitable, similar quality, 2m wide slightly raised dry replacement path between Erf 17336 and the wetlands to allow hikers to continue using this trail, at the developer's expense.

We object to their clearing approximately 300m² (0.75ha) of indigenous vegetation within 32m of a wetland which is classified as an endangered ecosystem. This is a destruction of natural habitat for flora and fauna. Note that the City of Cape Town's Floodplain and River Corridor Management Policy (2009) requires an ecological buffer of 75 m for wetlands and 500 m for the floodplain of a wetlands.

The FHVRRA has to wonder why there is a municipal spatial development framework if developments are allowed that contravene it in such a dramatic manner.

Items one and two on the purpose of the application pertain to rezoning from TR2 to GR1. There are nine neighbours zoned single residential SR1 on the South-West side of this proposed development. The nearby neighbours object to this development due to their loss of view over the wetland, but also of the Clovelly mountain (Trappieskop) due to these being two storey buildings. There are no other two-storey buildings along the wetlands and this would set a bad precedent. [FHVRRA will object directly to the City when the rezoning application is available for comment as two-storey buildings will require more cement foundations in this sensitive area. Cement is toxic to fish.]

Departures:

- Item 35(e): To permit the building on Portion 1 to be setback 1.49m in lieu of 3m from the western common boundary of the site.
- Item 35(e): To permit the building on Portion 15 to be setback 1.52m in lieu of 5m from the street boundary (Winkle Way).
- Item 35(e): To permit the building on Portion 16 to be setback 2.01m in lieu of 5m from the street boundary (Winkle Way).
- Item 35(e): To permit the building on Portion 17 to be setback 1.79m in lieu of 5m from the street boundary (Winkle Way).
- Item 35(e): To permit the building on Portion 1 to be setback 2.81m in lieu of 5m from the street boundary (Carlton Road).

We strenuously object to any development of portions 1, 2, 13, 14 and 15 as they are within the prescribed 15m taboo of the conservation buffer. Development construction will create dust, noise, exhaust fumes, light pollution (some of the fauna in the area are nocturnal) in the wetland.

Other objectionable aspects include gated communities in close proximity to one another. Already Sea Breeze Mews, Greenside and Riverside Mews are juxtaposed. One definitely feels unsafe walking on the pavement between these gated communities as no one can see them from inside the communities, hear their cry for help, nor escape easily.

Any development needs to be sympathetic and in keeping with 18 neighbouring residences in the locality map facing opposite this erf, which are individual, single properties (SR1). This would then be compliant with Cape Town Urban Design Policy. Additionally, the housing facing the wetlands should be terraced towards that view.

A condition of the Fish Hoek Northern By-pass Substitution Scheme was that it had to

have an aesthetically appealing form. We submit that two-storey clustered housing is not an aesthetically appealing form in the floodplain of a wetland. It also required flood control measures with an appointment of a specialised engineering hydrologist recommended by the City Engineer and indemnify the City from any legal claims due to flooding. The elevation of the "Study Area" in relation to the elevation of the "Wetland" is important as this development will be on stilts, back-filled, bridged or bermed.

As the Western Cape Government did not approve the Northern Bypass, the City changed its mind and decided to rather make this river into a wetlands and a preserve to flora and fauna. Why is the City's Planning Department going against this?

We argue that the development is not in line with the City's IDP "Imperatives under this spatial priority are to: (point 3) take into account biodiversity, aquatic resources and networks as well as agricultural areas when planning new development." The development completely ignores these by wanting to annihilate them.

We'd like to see an agreement between the City and the developer as to who will be responsible for addressing, "Pedestrian facilities along Carlton Road are inadequate for the proposed development" as contained in their motivation's section 4.1. Currently, nearby dog walkers walk along the berm on the north side of Carlton Road. Will the proposed 1.5m pedestrian path be sufficient.

Their motivation talks about internal parking, but no mention is made of the current external parking at the mouth of the wooden bridge (called "pipe bridge" locally due to the municipal pipes crossing from Clovelly to Fish Hoek that lie underneath the bridge) at the start of wetlands walk. This informal parking is on the left (West) side of the Winkle Way towards the wetlands, which is a favourite parking spot for dog walkers and local residents bringing their children for a stroll. We would like to see that this dirt road parking lot is preserved.

The vehicles occupying the planned 58 parking bays will have a negative impact on the traffic flow in that area. Any off-street visitor parking creating further congestion will be highly objectionable to the nearby neighbours. As there are many schools along this pathway, at least two primary, one pre-school and one nursery school, the developer must pay for traffic calming measures between their Erf and Main Road to mitigate the potential harm to pedestrians and school children.

SUMMARY

In conclusion, the FHVRRA objects to:

- any development within a "Buffer 1" zone;
- any development within a "Critical Natural Asset" area;
- any associated clearing of indigenous vegetation;
- rezoning from TR2 to GR1 being inconsistent with the bordering SR1 properties;
- any development of portions 1, 2, 13, 14 and 15 as they are within the prescribed 15m taboo of the conservation buffer;
- clustering of gated communities, which create unsafe inter-zones; and
- any back-fill being added to this erf as it will help canalise the Silvermine River.

This proposed development will have a hugely negative impact on neighbours and nature lovers due to loss of bird watching capability (two-storey buildings being visually opaque), creating excessive congestion and lacking in pedestrian facilities.

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