

18.

ERF 1, HAWSTON, OVERSTRAND MUNICIPAL AREA: PROPOSED SUBDIVISION, DEPARTURE, REZONING TO SUBDIVISIONAL AREA AND AMENDMENT OF THE OVERSTRAND GROWTH MANAGEMENT STRATEGY, 2010 : MESSRS URBAN DYNAMICS WESTERN CAPE ON BEHALF OF OVERSTRAND MUNICIPALITY

1 HHW (2875)**H Olivier****17 June 2016****(028) 313 8900****Hermanus Administration**

1. Executive Summary

An application for development of a housing development on Erf 1, Hawston has been submitted to this office by Messrs Urban Dynamics Western Cape on behalf of Overstrand Municipality.

The application includes the subdivision of Erf 1, Hawston into a Remainder and a new portion and the rezoning of the new portion to subdivisional area, to create the following:

- 485 Residential Zone I erven
- 9 Open Space Zone II (Public Open Space) erven
- 2 Local Business (B3) erven
- 1 Utility Zone Erf
- 2 Community Zone I erven
- Transport Zone II (roads) portion

The application also includes an application for departure to relax the one (1) lateral building line for all residential erven from 1m to 0m to accommodate semi-detached dwellings. The application also includes an application for the amendment of the Growth Management Strategy, 2010 to provide for a gross residential density of 36,2 units per hectare.

A Locality Plan of the property concerned is attached as Annexure A. The proposed Site Development Plan is attached as Annexure B, while the Motivation Report in support of the proposal is attached as Annexure C.

2. Service Delivery and Budget Implementation Plan - IGNITE

Infrastructure and Planning
Town- and Spatial Planning

3. Compliance with Strategic Priority

Provision of democratic, accountable and ethical governance

4. Delegated Authority

Certain matters delegated to the Executive Mayor, whilst one (1) matter is to be considered by Council.

5. Legal Requirements

- Section 15, 17, 22 and 24 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985)
- Municipal Systems Act (Act 32 of 2000)

6. Background/Discussion/Evaluation/Conclusion**Background/Discussion**

A portion of Erf 1, Hawston was identified for a Housing Development. The site is suitable for 485 residential erven. The residential sites will comprise mostly of semi-detached units, which would be single or double storey buildings. It is to be noted that GAP Housing units, which caters for higher quality housing were placed on the southern and south-eastern portion of the site.

Two (2) Community Zone erven are created more to the centre of the development for possible future crèche, school, church or other community needs.

Two (2) Local Business Zone: Business Zone III erven are created towards the centre of the development next to the R43, Main Road, to provide for commercial facility opportunities to the north-east of the R43 Road.

The application was advertised in the Hermanus Times (local newspaper) and the Government Gazette, notices were sent out to forty one (41) directly adjacent property owners and also to the Hawston Ratepayers' Association. No objections were received.

The application was circulated to all relevant municipal and state departments and institutions. No objections were received.

Evaluation

The application will be considered in terms of the criteria to determine desirability in terms of Section 36 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985).

Physical characteristics of the property

The portion of Erf 1 to be utilised for the Housing Development measures approximately 13,00 ha.

The land is vacant at this point in time and overgrown with mostly alien vegetation.

The property has a relatively gentle slope from the mountain side to the east towards the R43 Road to the west.

There is an existing Eskom power line over the site, which has been incorporated into the layout of the development.

Location and Accessibility

The site is situated on the north eastern side of Hawston, between the R43 and the mountain.

The area to the east of the R43 already obtains access from the R43 at the Disa Road turnoff. The new development would however require that another access point off the R43 would be required opposite George Viljoen Drive.

A Traffic Impact Assessment was prepared for the development by Messrs Gibb Engineers. In the conclusion/recommendation of the report it is indicated that no upgrading is required at the R43/George Viljoen intersection.

The Engineering Department also did consult with the Department of Transport with regards to any possible needs for the further upgrading of the R43, due to this development. The Department of Transport indicated that the R43/George Viljoen intersection does not warrant a grade separation in the short to medium term. The Department of Transport will also look into the signalisation of the intersection when the warrants are met in the short term.

Considering the above, the site is accessible and the existing road network can carry the additional traffic.

Existing Planning and Character of the area

The area to the west, opposite the R43 Main Road, is developed with residential properties, and also the area to the south. The land to its north is vacant land zoned for agricultural purposes, and the area to the east is vacant mountainous area.

The low cost subsidy housing units are placed in the north eastern area of the development, and are physically buffered from the erven in the western side of Hawston by the R43 Main Road and a 20m wide open space buffer that has been created.

GAP housing with larger erven is proposed on the southern and south eastern side of the development to create a transition between the lower cost housing to the north and existing Hawston Residential area to the south. There is also an existing green strip between the existing residential area and the GAP Housing development, to help the transition.

The development has been carefully planned and, although the development is a substantial increase in density (\pm 36 units per hectare) to the existing average density of approximately 10 units per hectare for Hawston, the GAP Housing Development and green buffers help to blend in the development with the surrounding area.

Provision of Services

In the Planning Motivation it is indicated that the Hawston Waste Water Treatment Works will have to be upgraded and that it still had to be confirmed if bulk water infrastructure capacity needed to be upgraded.

The electricity department indicated the electricity capacity does have to be upgraded to accommodate the development.

In terms of the Municipal Services Report upgrades will have to be done in line with the GLS Report and the electrical master plan.

Considering the above, some services will have to be upgraded to accommodate the proposed development.

Planning Policies

In terms of the Overstrand Municipal Wide Spatial Development Framework, 2006 the area is earmarked for "Urban Extension".

In terms of the Overstrand Growth Management Strategy, 2010 the area is earmarked for residential development with a density up to 10 units per hectare. The density description relate over a larger area, which also include mountainous areas, etc. which will lower the overall density. The density of 36 units per hectare therefore sounds out of line with the relevant policy, but in the context of the larger identified area will be much lower. It was however still decided to rather address the density issue, by applying for an amendment of the Growth Management Strategy, 2010.

Environmental Sensitivity

The site is overgrown with alien vegetation.

It is also to be noted that Cape Nature did comment on the application. They indicated that although the area falls in a Critical Biodiversity Area, the Species Conservation Concern is isolated and are also unlikely suitable for search and rescue.

The Municipal Environmental Section indicated their support for the application, subject to the approval of an Environmental Impact Assessment (EIA).

An EIA Record of Decision (RoD) was approved for the development on 19 June 2015. Small amendments were made to the layout prior to the Land Use Planning application submission, and therefore an amended EIA RoD was obtained on 1 October 2015.

Considering the above, it is not foreseen that the development will have a negative impact on the natural area.

General

The site is zoned for Agricultural Zone I, but is situated within the Urban Edge. The application was circulated to the Provincial and National Department of Agriculture, but only the Provincial Department commented. It was indicated by that Department that Erf 1 is not subject to the provisions of the subdivision of the Agricultural Land Act (Act 20 of 1970).

It is also to be noted that the comment of BOCMA was requested three (3) times, but no comments were received.

Conclusion

No objections were received from the public, Ratepayers' Association and Ward Committee.

All relevant Municipal and state departments support the application.

The housing development is in line with the Spatial Development Framework, 2006, and although it is in line with the broader aims of the Overstrand Growth Management Strategy, 2010 application is made for amendment for a development with a higher density.

The Housing development was planned as such to have a minimal effect on surrounding properties.

This development will make a great contribution to eradicate the need for housing, and also provide some work opportunities in the construction phase.

The application is desirable and supported.

7. Financial Implications

None

8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

Engineering Services

Attached as Annexure D.

Fire Department

Fire Hydrants must be provided at 180m apart maximum linear to street layout - SANS 10400 T : 2011 Section 4.35.4. All buildings must be in compliance with Fire Protection Regulations SANS 10400 T : 2011.

Building Department

Triggers Heritage Regulations.

Operational Services

Provision will have to be made for an additional refuse compactor and personnel to operate equipment.

Waste Management (J van Taak)

Environmental Impact Assessment will determine the distance allowed to build from the old dump site.

District Health

See attached as Annexure L.

Electrical Department

There is no electrical infrastructure in the above mentioned area. The existing capacity at the Eskom intake point needs to be increased to accommodate this new development at the cost of the Municipality. Furthermore, the electrical department have no comments on the project.

Traffic Department

No comment received.

Environmental Department

Approved, Developer to adhere to conditions as set out in Environmental Authorisation.

10. Annexures

- Annexure A: Locality Plan
- Annexure B: Site Development Plan
- Annexure C: Motivation Report
- Annexure D: Municipal Services Report
- Annexure E: Environmental Impact Assessment Record of Decision
- Annexure F: Letter received from Cape Nature
- Annexure G: Comments: Provincial Department Agriculture
- Annexure H: Comments: Department of Transport

Annexure I: Comments: Heritage Western Cape
 Annexure J: Comments: Telkom
 Annexure K: Comments: Eskom
 Annexure L: Comments: Overberg District Municipality Health Section

RECOMMENDATION:

1. that the application in terms of Section 25 of the Land Use Planning Ordinance (LUPO) for the subdivision of Erf 1, Hawston into a Portion A (measuring approximately 14 hectares) and a Remainder, **be approved**;
2. that, in terms of Section 16 and 25 of LUPO the rezoning of the newly consolidated erf in Point 1 above, to subdivisional area, and the subdivision thereof, **be approved**, to create the following:
 - 485 Residential Zone I erven
 - 9 Open Space Zone II (Public Open Space) erven
 - 2 Local Business (B3) erf
 - 1 Utility Zone Erf
 - 2 Community Zone I erven
 - 1 Transport Zone II (roads) portion.
3. that, in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), the application for the relaxation of the 1m lateral building line to 0m on new residential erven as mentioned in Point 2 above, to accommodate semi-detached dwellings on such residential erven, **be approved**,
4. that the approval of Points 1, 2 and 3 be subject to the following conditions:
 - (a) that all conditions in the Municipal Services Report (attached as Annexure D), be complied with;
 - (b) that all conditions imposed by Western Cape Government : Environmental Affairs and Development Planning Environmental [Record of Decision] (attached as Annexure E), be complied with;
 - (c) that all conditions imposed by Western Cape Government : Transport and Public Works (attached as Annexure H), be complied with;
 - (d) that all conditions imposed by the Heritage Western Cape (attached as Annexure I), be complied with;
 - (e) that all conditions imposed by Telkom (attached as Annexure J), be complied with;

- (f) that all conditions imposed by Eskom (attached as Annexure K), be complied with;
 - (g) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (h) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with; and
 - (i) that a Layout Plan be submitted showing the building lines, placement of the units, unit type (single or double storey) of the new residential units, prior to the building plan submission phase.
5. that the applicant be notified of their right of appeal in terms of Section 62 of the Local Government: Municipal Systems Act No 32 of 2000 with regards to the above conditions of approval.

RECOMMENDATION TO COUNCIL:

1. that the amendment of the Overstrand Municipality Growth Management Strategy, 2010 in terms of the Municipal Systems Act (Act 32 of 2000) to allow for a development with a density of 36,2 units per hectare, **be recommended for approval.**

RESPONSIBLE OFFICIAL :	H OLIVIER
TARGET DATE FOR IMPLEMENTATION :	10 AUGUST 2016
TARGET DATE TO INFORM APPLICANT :	10 AUGUST 2016
TARGET DATE TO INFORM OBJECTOR :	N/A

SECTION 1

INTRODUCTION

1.1 BACKGROUND

The Overstrand Municipality identified Hawston as an area with an urgent housing need where development planning needs to be undertaken to address the current housing needs of the local community of this town. The residents/waiting list beneficiaries of the Hawston residential area are the primary beneficiaries of this proposed housing development.

Urban Dynamics Western Cape has been appointed by the Overstrand Municipality to prepare and submit a land use planning application to procure development rights for the proposed subsidised housing project (Refer *Annexure A: Application Form and Annexure B: Power of Attorney*).

The locality of the application site is directly adjacent to the existing township of Hawston and is located within the demarcated urban edge of the Overstrand Municipality (Spatial Development Framework, 2006). Figure 1.1 shows the application area in its surrounding context.

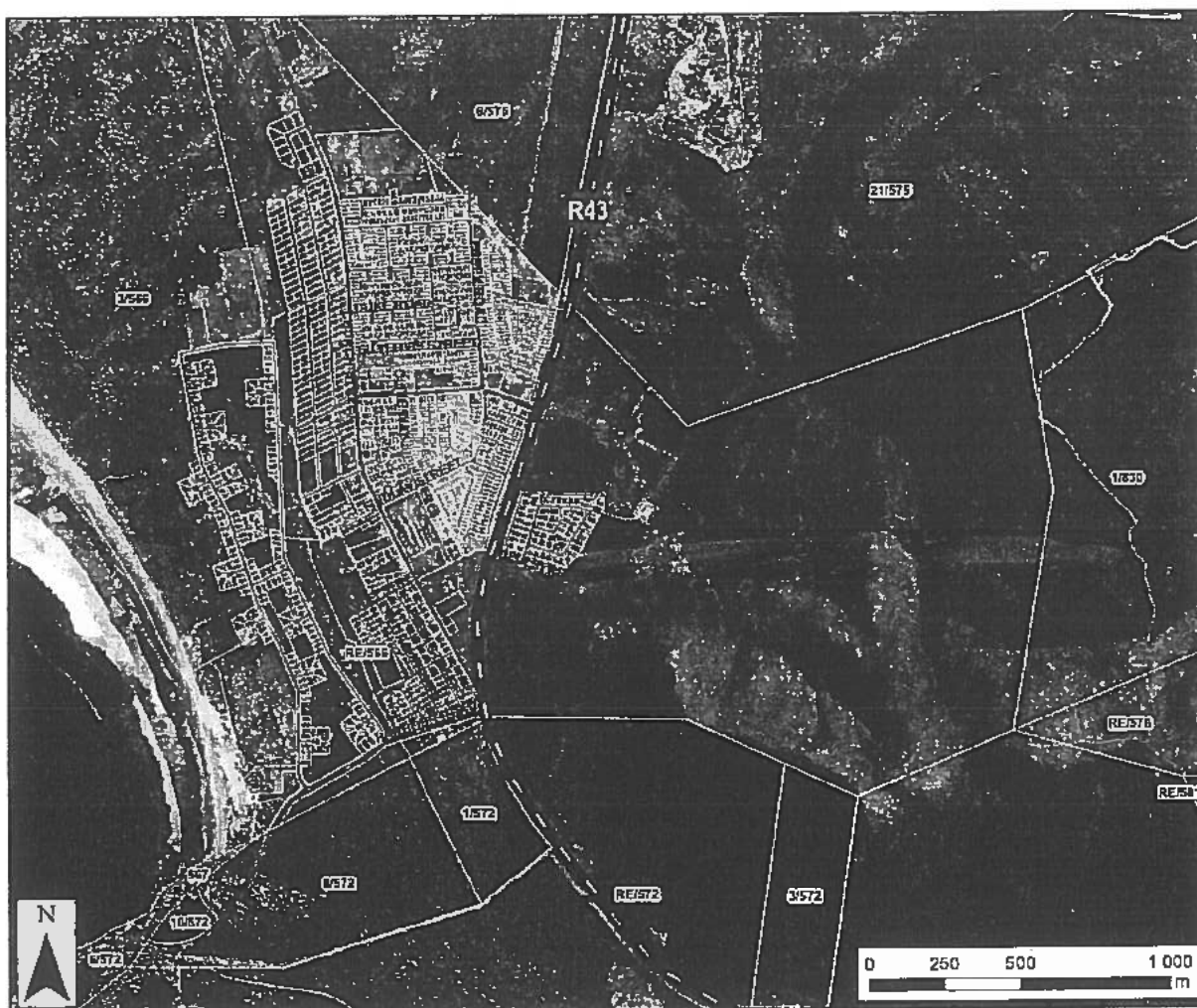


Figure 1.1: The application site relative to Hawston & surrounding environs



1.2 PROPERTY DESCRIPTION AND OWNERSHIP

The application site is situated on Erf 1 Hawston, which can be described as follows:

Property Description	Extent	Title Deed	Registered Owner
Erf 1 Hawston (commonage)	± 280 ha	G224/1950 now T35515/2013	Overstrand Municipality (previously owned by Provincial Government)

Table 1.1: Property Description

The afore-mentioned title deed does not include any restrictive conditions that would affect the proposed integrated residential development on the application site. Several previous subdivisions and developments have been undertaken successfully on Erf 1 Hawston.

The title deed is attached as Annexure C.

1.3 APPLICATION DETAILS

The application area falls within the Overstrand Municipality, and is subject to the zoning categories and provisions of the Integrated Overstrand Zoning Scheme (2014).

The proposed land use application includes the following:

- The subdivision of Erf 1 Hawston to create 1 new portion (Portion A of ± 14 ha) and the Remainder (± 270 ha) in terms of Section 24 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985);
- The rezoning of Portion A from Agricultural Zone I to subdivisional area in terms of Section 17 and 22, and the simultaneous subdivision in terms of Section 24, of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) to create the following:
 - 498 Single Residential Erven (SR1);
 - 1 Transport Zone 2 (TR2) erf (public roads/streets);
 - 2 Community Use Zone 1 (CO1) erven to establish community facilities that could include a clinic, crèche, day care centre, multi-purpose centre, place of assembly, place of instruction and place of worship;
 - 2 Business Zone 3: Local Business (LB3) erven,
 - 1 Utility Zone (UT) erf to accommodate a stormwater retention pond;
 - 16 Open Space Zone 2: Public Open Space (OS2) erven.
- Departure from Section 6.1.2 (B) (Building Lines) of the Overstrand Zoning Scheme (2013) in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) to allow the following:
 - Lateral building lines: 0.0m in lieu of 1.0m on one lateral boundary of all 498 of the proposed residential erven, to accommodate semi-detached dwellings.
- Approval by the District Roads Engineer for an access point directly from the R43 road, and for the subdivision of land adjacent to a road under the jurisdiction of the District Roads Engineer, in terms of Act 21 of 1940.



SECTION 2

CONTEXTUAL AND SITE ANALYSIS

2.1 LOCALITY

Hawston is located along the southern coast of the Western Cape Province, within the jurisdiction of the Overstrand municipal area, approximately 6 kilometres north west of Central Hermanus (Refer *Figure 2.1*). Access to Hawston is primarily obtained from the R43 road via existing access roads. Hawston is well-located in terms of accessibility, proximity to economic and job opportunities as well as social and community amenities.

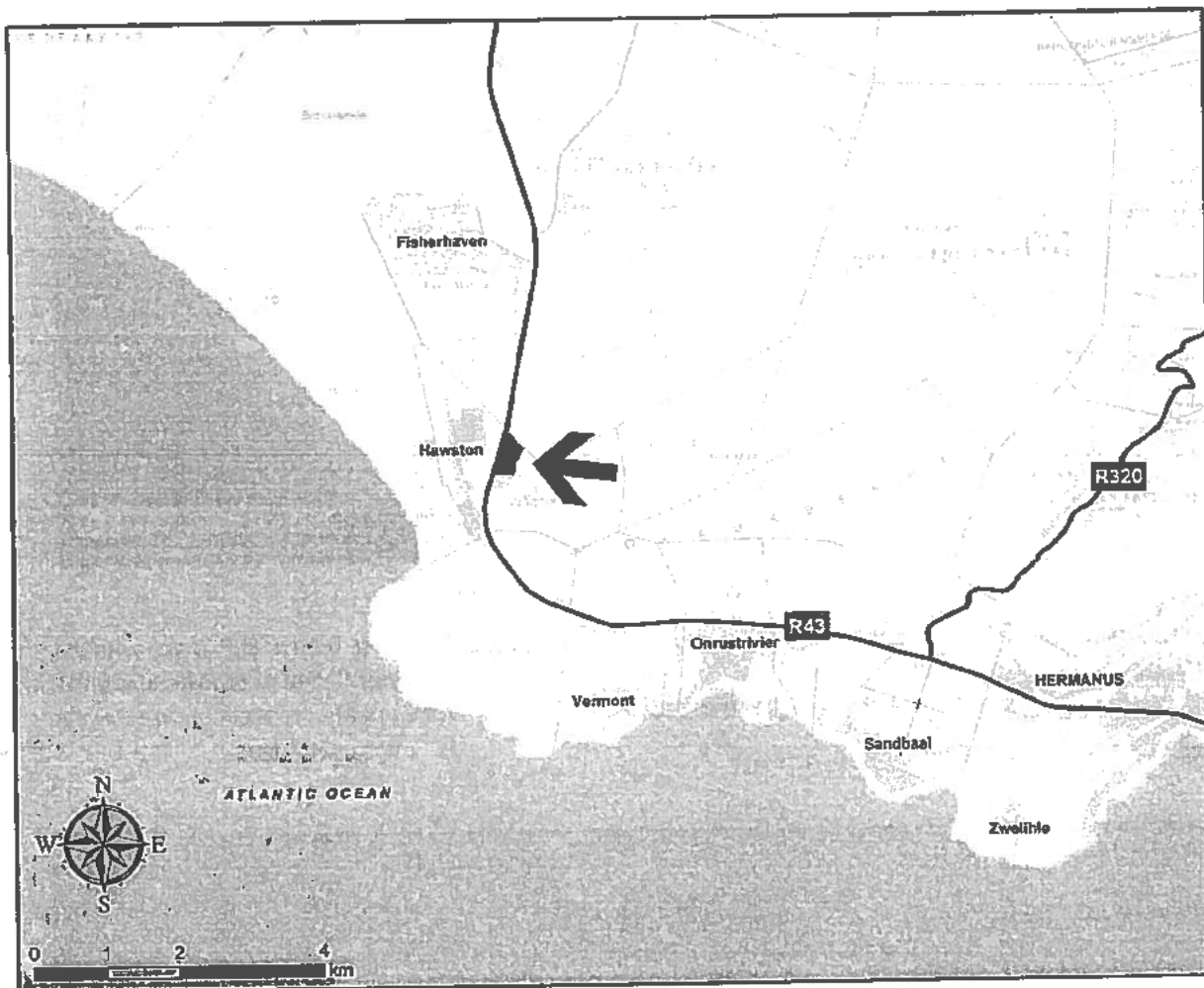


Figure 2.1: Regional Context

The application site is located south-east of the R43 road (refer Figure 2.1 and Figure 2.2), adjacent to an existing residential extension of Hawston.



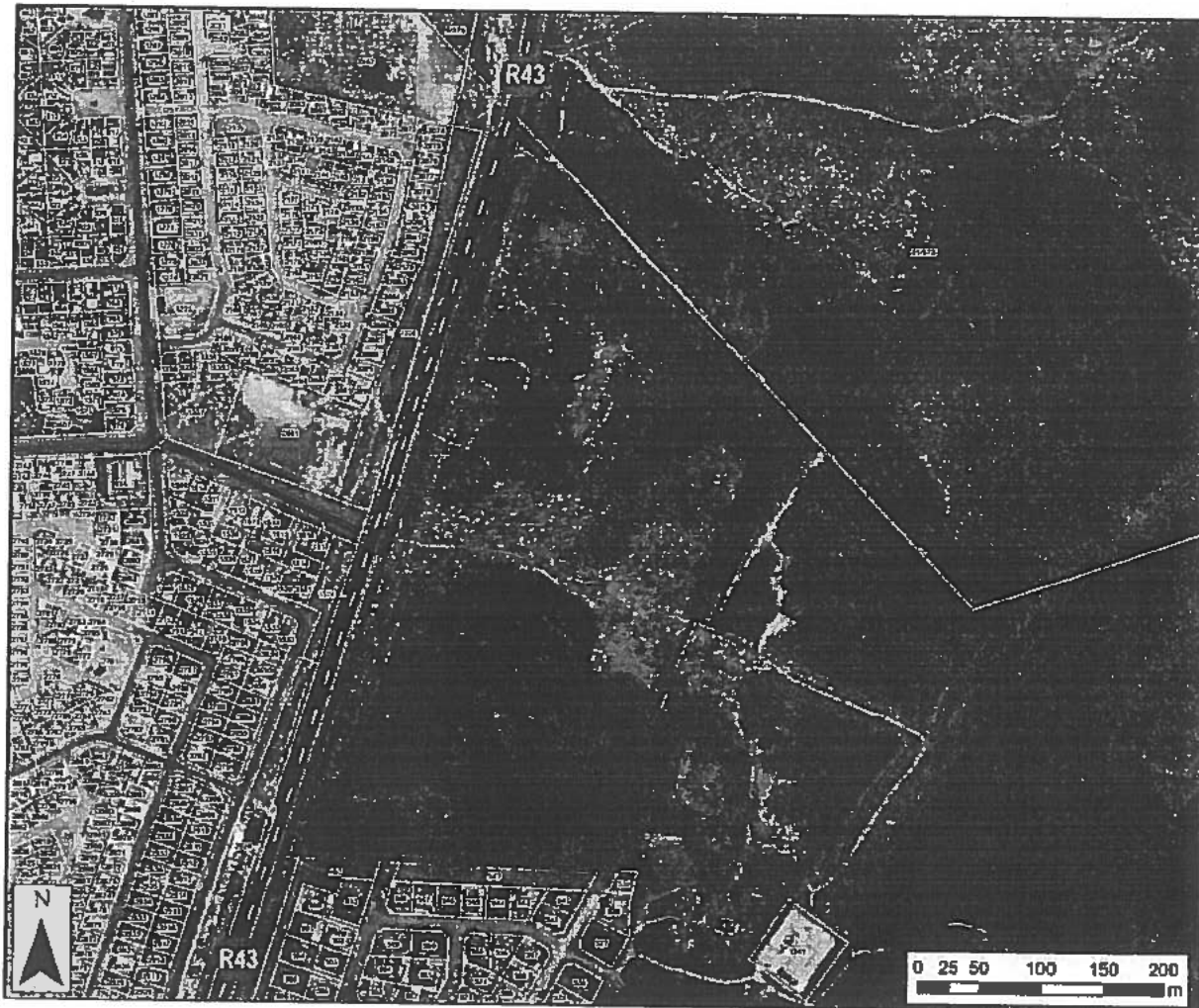


Figure 2.2: Local Context

In terms of the local context, the application area is located directly adjacent to the R43 road, with an existing access point (subject to approval) onto/from the R43. The south-western edge of the site abuts the existing residential area of Hawston, while the northern and eastern edges of the application area abuts onto undeveloped land.

PLANNING IMPLICATIONS

The locality of the application site adjacent to the R43 road as a major access road is considered most beneficial to ensure good accessibility, while the locality directly abutting existing residential areas will facilitate integration with the existing town and access to existing socio-economic facilities.

Furthermore, in terms of its locality, the application site is a logical extension of the existing town with service and access opportunities directly into the existing networks.

2.2 Zoning & Land Use Context

The application site is zoned Agriculture Zone 1 in terms of the Overstrand Zoning Scheme (2013). The surrounding properties to the east and south-east are also zoned agricultural, while the adjacent Hawston township includes a mix of residential, business and institutional zoned properties.

It is important to note that although the property is zoned Agriculture Zone 1, it is not subject to Act 70 of 70 for the subdivision of agricultural land, as it was included within the former Hermanus Municipal Boundaries, and have been exempted from Act 70 of 70 accordingly.

Figure 2.3 indicates the areas exempted from Act 70 of 1970 (marked in blue shading), while also indicating the area that are subject to the Act.

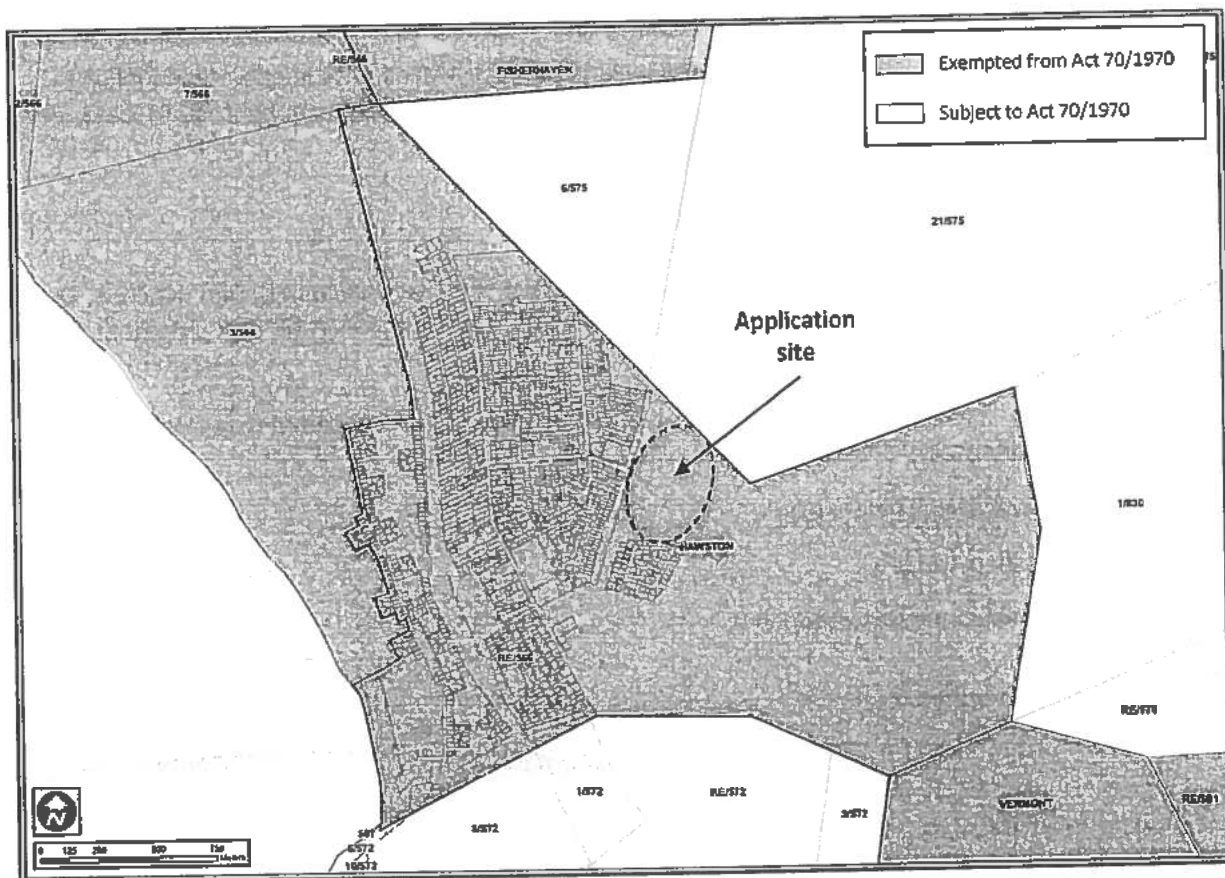


Figure 2.3: Exemption of Act 70 of 1970 (SG Database)

PLANNING IMPLICATIONS / APPLICATIONS

The zoning of the application property is currently Agriculture Zone 1, which will require a subdivision and rezoning application in terms of the Land Use Planning Ordinance, 1985 (Ord. 15 of 1985) to facilitate the proposed human settlement development. Act 70 of 1970 is not applicable to the application site.



2.3 Spatial Policy Context

The proposed development is informed by the following spatial and strategic policies, which were reviewed/assessed to identify the broad spatial principles, policies and objectives relating/applicable to the proposed development.

- National Development Plan (November 2011);
- Provincial Spatial Development Framework (2014);
- Overstrand Spatial Development Framework (2006);
- Overstrand Growth Management Strategy (2010).

The most appropriate and relevant spatial principles, policies, objectives and strategies were identified in the afore-mentioned spatial and related policy directives in order to determine the compliance and consistency of the proposed development with these policies, as follows:

2.3.1 National Development Plan (November 2011)

The former National Planning Commission Chairperson Minister Trevor Manuel, Deputy Chair Cyril Ramaphosa and NPC commissioners handed over the National Development Plan [PDF] to President Zuma and Deputy President Motlanthe on 11 November 2011.

The NDP identified 12 key national strategies, of which the following are considered relevant to the proposed human settlement development:

- An economy that creates more jobs
- Improving Infrastructure
- An Inclusive and integrated economy

PLANNING IMPLICATIONS:

The proposed human settlement development will contribute to employment opportunities, will contribute to improved infrastructure and will facilitate and contribute to well-located development that will integrate with an existing developed area and its existing socio-economic facilities.

The proposed human settlement development is considered consistent with the objectives and vision set out in the NDP.



2.3.2 Provincial Spatial Development Framework (PSDF, 2014)

The PSDF (2014) includes a series of spatial policy directives and strategies. The proposed human settlement development at Hawston is considered consistent with the overarching strategies of the PSDF (2014), namely:

- Promoting sustainable use of resources;
- Facilitating socio-economic opportunities;
- Developing integrated and sustainable human settlements.

PLANNING IMPLICATIONS

The PSDF (2014) is the latest and current spatial planning policy for the Western Cape. On this basis, consistency with the PSDF(2014) is regarded critical for any development application. The proposed human settlement development at Hawston will in fact contribute positively towards achieving the spatial vision and objectives presented in the PSDF(2014), and is thus considered consistent with the broad and overarching spatial agenda of the PGWC.

2.3.3 Overstrand Municipal Spatial Development Framework (SDF, 2006) & Growth Management Strategy (GMS, 2010)

The Overstrand Municipal Wide Spatial Development Framework (2006) (OSDF) provides overarching spatial development principles which underpin the municipality's approach to the integrated spatial planning and management of land use and economic development for the municipal area as a whole.

Figure 2.4 indicates the application site relative to the urban edge and land use designations of the OSDF (2006), which shows the following:

- The application property is located within the urban edge;
- The application area is designated for 'urban extension' purposes;
- The development of the application sites is a logical extension to the existing residential area.

Furthermore, the GMS (2010) investigated the growth- and densification potential of the urban areas located within the Overstrand Municipality with due regard to the existing provision of social facilities such as schools, religious facilities and recreational facilities. The GMS recommended certain development densities and community facilities to be established in specific areas. Figure 2.5 shows the application site designated as a low-medium density development area.

PLANNING IMPLICATIONS

From a spatial planning policy context, the development proposal is consistent with the principles of the Overstrand Municipal wide Spatial Development Framework (2006). The application property is designated for "urban extension" and is located within the urban edge, being fully consistent with the SDF(2006). The proposed density of the development is not consistent with the designation of the GMS, but is consistent with human settlement development trends and with the objectives of the PGWC to promote denser integrated urban areas rather than low density sprawl.



2.4 SUBSIDY HOUSING CONTEXT

The approach to this project and to the land use application is to respond to the housing need of the local community of Hawston, while incorporating and addressing the broad spatial and economic policy objectives of the National and Western Cape Provincial Governments, namely:

- Accelerating the delivery of housing as a key strategy for poverty alleviation;
- Utilizing provision of housing as a major job creation strategy;
- Ensuring property can be accessed by all as an asset for wealth creation and empowerment;
- Utilizing housing as an instrument for the development of sustainable human settlements, in support of spatial restructuring;
- Promoting upgrading of informal settlements, and
- Providing community-supporting facilities through housing delivery.

Following the afore-mentioned, the proposed housing development of the application area would contribute most positively to these objectives and would further also facilitate and contribute to achieving the following key principles, which are regarded as critical deliverables by the Overstrand Municipality, namely to:

- Ensure access to affordable, well-located housing;
- Promote integration of the proposed development with the existing surrounding neighbourhoods;
- Create economic opportunities for the local residents of the Greater Hermanus area;
- Provide basic services to all residents; and
- Facilitate access to existing and new socio-economic and community facilities.

PLANNING IMPLICATIONS

The proposed subsidy housing project includes a combination of individual subsidy erven and GAP housing erven, while also providing business erven and provision for community facilities. The proposed development is regarded as an integrated human settlement development, which is consistent with the housing objectives and principles of the National and Provincial Governments.

2.5 HERITAGE CONTEXT – IMPACT ASSESSMENT

A heritage Notice of Intent to Develop (NID) was submitted to the Heritage Western Cape (HWC) for consideration in terms of the National Heritage Resources Act, 1999 (Act 25 of 1999). Following the afore-mentioned submission of the NID, the HWC responded (refer Annexure F) by requesting further heritage assessment. Mr. Jonathan Kaplan was appointed to undertake a Heritage Impact Assessment (HIA) and Archaeological Assessment, which was submitted to HWC (refer Annexure G) and the decision by HWC is now pending.

The findings of the HIA and Archaeological Assessment are summarised as follows:



- The results of the archaeological assessment indicate that the proposed Hawston East housing development will not have an impact of great significance on the archaeological heritage;
- The receiving environment is not a sensitive archaeological landscape;
- No archaeological mitigation is required;
- The heritage study has identified no significant impacts to archaeological heritage that will need to be mitigated prior to the proposed development commencing.

PLANNING IMPLICATIONS

The attached HIA and Archaeological Assessment indicates that there are no significant heritage resources on the application site and that no mitigation is required prior to the commencement of the development. The final decision by the HWC on the HIA is still pending and will be submitted to the Overstrand Municipality as an addendum to the application.

2.6 ENVIRONMENTAL IMPACT

2.6.1 Impact Assessment: Statutory Requirements

Withers Environmental Consultants were appointed to assess the applicability of the National Environmental Management Act (NEMA), 1998 (Act No. 107 of 1998) to the proposed application. Due to the size of the application site, and several other triggers in terms of the National Environmental Management Act (NEMA, 1998), a Basic Assessment (BA) is required to assess the environmental impact of the proposed development. The BA is still in process and the Environmental Authorisation from the Department of Environmental Affairs & Development Planning (DEA&DP) is pending.

2.6.2 Botanical Assessment

Bergwind Botanical Surveys & Tours CC (Dr. Dave McDonald) was appointed as a sub-consultant by Withers Environmental Consultants, to provide specialist botanical consulting services for the proposed subsidy housing development in Hawston. An onsite botanical survey (refer Annexure H) was undertaken to identify the vegetation and habitat conditions on the site, and to assess the impacts of the proposed development on these natural resources.

The findings and recommendations of the botanical assessment are summarised as follows:

- The vegetation in the Hawston East site has been highly disturbed from its original state;
- The site is dominated by dense stands of invasive alien trees or areas of open grasslands dominated by pioneer grass species, most of which are exotic;
- In areas where the invading trees have been cleared for firewood, few indigenous species have returned indicating permanent damage to the indigenous seed bank;
- The potential to fully rehabilitate the site is very low;
- The classification of the majority of the site as a CBA and rehabilitation of this area is unlikely to yield a positive contribution to the conservation of Hangklip Sand Fynbos;

