

**4.3****PORTION 25 (PORTION OF PORTION 2) OF THE FARM RIVERSIDE NO. 644, DIVISION CALEDON: APPLICATION FOR REZONING AND CONSENT USE****Portion 25 of Farm 644****P Roux****08 June 2022****(028) 313 8900****Hermanus Administration**

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**1. EXECUTIVE SUMMARY**

An application was submitted by the Overstrand Municipality in 2021 for the following:

- **Rezoning**

Application in terms of Section 16(2)(a) of the By-Law to rezone unregistered Erven 2934-2999, 3001-3005, 3010-3028, 3031-3065 & 3067-3091, portions of Portion 25 (Portion of Portion 2) of The Farm Riverside No. 644, Division Caledon, from Residential Zone 1: Single Residential (SR1) to Less Formal Development Zone to accommodate emergency housing units.

- **Consent Use**

Application in terms of Section 16(2)(o) of the By-Law for a consent use on unregistered Erf 3066, a portion of Portion 25 (Portion of Portion 2) of The Farm Riverside No. 644, Division Caledon, in order to accommodate emergency housing units.

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 from the applicant in support of the proposal is attached as Annexure C.

**2. DECISION AUTHORITY**

Authorised Official

**3. BACKGROUND / SITE HISTORY**

Approval was provided in 2018 to develop Portion 25 of the Farm 644 as an extension of the Stanford settlement. This approval allows for the development of 770 Single Residential Zone 1 properties with community, commercial and public erven.

The locality of the application site is on the southern portion of Portion 25 (portion of Portion 2) of Farm 644. Portion 25 (portion of Portion 2) of Farm 644 is directly west and adjacent to the existing Stanford settlement. The R43 is located to the east and southern sides of the application area. Agricultural land is located to the west of the application area. Access routes to the development have already been constructed. The development as approved consists of a mixed-use development with residential, commercial, community and public open space erven.

The area which was approved for the residential development on Portion 25 (portion of Portion 2) of Farm 644 Riverside is ±28.73ha in extent; the current application area will consist of ±5.53ha in extent. Portion 25 (portion of Portion 2) of Farm 644 Riverside is held under Title deed 41074/2013 as the erven have not yet been

registered and is still owned by the Overstrand Municipality. The afore-mentioned title deed does not include any restrictive conditions that would prohibit the proposed application.

#### 4. SUMMARY OF APPLICANT'S MOTIVATION

The motivation for the application is as follows:

- ❖ The proposal is for the rezoning of 149 erven from Residential Zone 1: Single Residential to Less Formal Development Zone.
- ❖ It should be noted that the public open space and community zoned property will not be rezoned and remain intact.
- ❖ Services and roads have been installed on Portion 25 (portion of Portion 2) of Farm 644 Riverside.
- ❖ Additional to the rezoning of unregistered erven, application for consent use is also made on unregistered erf 3066 which is zoned Authority Zone; the property is ±6288m<sup>2</sup> in extent.
- ❖ As per the waiting list it is required that only 621 of the 770 approved residential erven will be used to develop top structures, this leaves the Municipality with 149 sites available for emergency housing. The sites where on emergency housing (shelters) will be placed; will remain in the ownership of the Municipality as the shelters are only a temporary solution.
- ❖ The proposed application will in essence not change the underlying use as both zonings are predominantly for residential use.
- ❖ The proposed zoning is further in keeping with the adjacent settlement of Stanford as the southern tip of Stanford is also zoned for Less Formal Development Zone and therefore there isn't any disparity between the existing development and the proposed uses.
- ❖ Persons who will be temporarily housed at the proposed location will have access to existing community and economic facilities as developed on the new extension and the facilities in Stanford.
- ❖ The Site Development Plan was already considered and approved by the Municipality, and it is proposed that the layout of the newly approved road network will be retained.
- ❖ Services for the area has already been approved and installed on the unregistered erven.
- ❖ It should be noted that the Environmental approval was obtained from DEADP (Department of Environmental Affairs and Development Planning) and a botanical impact assessment was done prior to the approval dated in 2018.
- ❖ The original site development plan as approved in 2018 went through an extensive public participation process which addressed the concerns of the community, the Stanford Heritage Committee, and affected and interested parties.
- ❖ Planning Principles

#### The principle of spatial justice

The approval of the proposed application will provide a solution to community members who are in desperate need for a housing solution due to situations outside of their control. The properties are located within an approved residential development of the Overstrand Municipality and therefore members of the community which will reside on the erven will not alienated from the socio-economic facilities which they are familiar with. The proposed portion will remain integrated within existing residential neighborhoods of Stanford.

The principle of spatial sustainability

No additional land will be required for the proposal. The open spaces and community erven will remain intact. The application area will be situated within the approved site development plan, and layout, and will therefore not have any additional impact on the environment or level of service required.

The principle of efficiency

Existing bulk services and connections will be utilized for the proposed development's internal services. The connection/linkage with these existing networks contributes substantially to the reduction of the development cost by means of reduced bulk service installation costs.

The principle of spatial resilience

The proposed utilisation of land will allow the Municipality to assist the greater community when it comes to emergency housing and to aid the community when it comes to impacts of economic and environmental shocks, which is outside of the community's control.

The principle of good administration

The application will follow the required planning procedures to ensure that land use activity is in line with Municipal By-Laws and the community's need.

**5. ADMINISTRATIVE COMPLIANCE**

Methods of advertising		Date published	Closing date for comments
Press	Yes	24 August 2021	05 November 2021
Notices	Yes	24 August 2021	05 November 2021
Ward councillor	Yes	24 August 2021	05 November 2021
Total comments	<b>Comment from DEADP (Environmental Section) should be noted</b>		
Total letters of support	<b>NONE</b>		
Was public participation undertaken in accordance with Section 46 - 50 of the By-Law on Municipal Land Use Planning?			<b>Yes</b>
Was the application processed correctly (if no, elaborate below):			<b>Yes</b>
Is the proposal consistent with the principles referred to in Chapter 2 of SPLUMA and Chapter VI of LUPA? (can be elaborated further below)			<b>Yes</b>

**6. SUMMARY OF COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS**

Name	Date received	Summary of comments
Engineering Services	19/12/2021	See Annexure D.
DEADP Environment	04/11/2021	See Annexure E.

District Health	09/11/2021	See Annexure F.
Environmental Management	05/11/2021	No objection.
Open Serve	04/11/2021	See Annexure G.
Property Administration	28/10/2021	No objection.
Fire department	11/10/2021	See Annexure H.
Building department	05/10/2021	No objection.

## 7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION

N/A

## 8. SUMMARY OF APPLICANT'S REPLY TO COMMENTS

N/A

## 9. MUNICIPAL ASSESSMENT OF COMMENTS

None of the internal technical departments have any objection against the application.

It is noted that a comment was received from DEADP (Environmental Section) regarding the proposal the main part of the comment stated the following:

*Please note the following advice pertaining to the application for rezoning and consent use:*

*An amendment to the EA issued on 7 July 2017, is required in order to accommodate the proposed rezoning of 149 erven for emergency housing. Overstrand Municipality must set up a meeting with the department in order to determine the correct amendment process.*

A meeting was held per telephone on 4 November 2021 and a follow up email on 15 November 2021. The reason why an amendment process will be required was due to the following as quoted below:

*We take note of the provisions made under the respective planning legislation for single residential 1 erven to allow for a primary and secondary dwelling on an erf.*

*However, the EA approves 770 single residential erven, which would accommodate 1 unit per erf. This translates to the development comprising of 770 residential units in its current approved form. Confirmation must be provided whether the approved erven will accommodate 1 dwelling or more. In addition, confirmation is required whether the 149 erven that will be allocated to a Less Formal Development Zone to accommodate emergency housing units (shelters) will accommodate 1 unit per erf.*

A follow up meeting was held on 7 December 2021 at a MOP (Municipal Outreach Program) via Teams and also during the virtual meeting held on 23 February 2022, the rezoning of 149 erven from single residential zone to less formal development zone was discussed in detail. On 10 March 2022 formal feedback was provided where in the following was stated:

- *The EA approved 770 single residential erven (“residential zone 1”) and ancillary components to the development. The municipality indicated that not all of the 770 single residential erven are needed to provide formal housing, as there are not enough beneficiaries to take up all these opportunities in Stanford. There is now a need to use 149 of the 770 erven to provide emergency housing opportunities (where the Overstrand Municipality provides emergency housing kits to people who then construct their own dwellings on these erven). You intend to rezone these 149 erven from single residential to a “less formal development” zoning and want to create two dwelling unit opportunities on each of the 149 erven.*
- *The Environmental Impact Assessment (“EIA”) process undertaken did not assess the impacts associated with the construction of 1540 residential units on the environment and service infrastructure, but rather that of 770 residential units. If the intention was to construct two units per erf, the EIA process would have assessed the impact associated with the construction of 1540 residential units on the environment and services infrastructure. This Directorate, as the competent authority in terms of the NEMA EIA Regulations, 2014 (as amended), does not interpret a development proposal in the context of what additional components could be developed in terms of a zoning scheme, but rather in terms of what is being applied for, with its associated impacts as investigated and assessed during the EIA process.*
- *Additional residential units may be allowed upon application for additional rights, such as a consent use, in terms of the applicable municipal zoning scheme. While the zoning scheme indicates that a second dwelling unit is permissible on an erf, it is only allowed once an application for the necessary consent use was made and duly approved. It is therefore not an automatic right and can therefore not be regarded as included in an EIA approval.*
- *The Overstrand Municipality confirmed in a letter dated 19 September 2016, that there is spare service infrastructure capacity to supply 600 residential units. Additionally, the Traffic Impact Assessment dated February 2017, indicated that 822 residential units will form part of this development. It is therefore clear that the traffic impact assessment and comment from the municipality did not take the zoning scheme into account, but the number of residential units that was proposed as part of the EIA application process.*
- *Once a development, as approved, has been developed (i.e., completed), each individual landowner is entitled to apply to a municipality for additional land use rights. These will likely not trigger an EIA on an individual basis. Since the implementation of the Environmental Authorization (“EA”) would have been completed, such further development would not likely influence the EA. However, in this case, you want to change the scope of what was assessed and approved, while the EA is still valid and in force. Since you are still bound by it, the EA needs to be amended to reflect those changes in the development.*

It should be noted that additional communication occurred between the departments however due to the information received in the above-mentioned letter the Town and Spatial Planning Department contacted the Municipal service departments who confirmed that the services available will not have an impact on the number of residential units provide on-site as their understanding is that single residential erven can be developed with two units as a primary right. Further the rezoning of the erven as proposed does not change the scope of the number of units (i.e. primary right) per residential erf. In addition to this the service departments provided a certificate of completion for the services provided and the Overstrand Environment Management provided a letter confirming that the developer has commenced with the listed activities applied for. This information was sent to the DEADP in order to review their comment however the department's view on the matter remains unchanged as confirmed the email dated 20 May 2022 which is quoted below:

*Portion 25 of Farm 644, is a property located outside the buildup urban area. Note that this is different from the urban edge of a municipality adopted in terms of planning legislation.*

*When assessing the development in terms of the NEMA EIA Regulation it was evident that activities as defined in the NEMA EIA Regulation would be triggered and therefore an application was required in terms of the aforementioned. The environmental authorization was issued and construction commenced on site. As per our conversation the services are installed but the top structure still need to be build. In terms of this please note that the EA and the condition contained therein are still valid. Thus, if you wish to do anything other than what is described in the EA, then amendment to such an EA is required, provided that it does not trigger a new listed activity. With your request to have 149 erven rezoned to an emergency housing zonation and to allow for 2 units per erf, note that a part 2 Amendment application is required, since the scope will change in terms of the density of the project which will result in an increase impact in terms of service provision that was not assessed as part of the original project. The same goes for the remainder of the properties. If you intent to have 2 dwellings per erf, this is change in the scope of the project and in terms of what was assessed and therefore a part 2 Amendment process needs to be applied for.*

From a town planning perspective the opinion is held that the proposed application can proceed due to following reasons:

- Portion 25 of the Farm 644 is situated in the urban edge since 2006 SDF,
- The zoning of the erven and site development plan of the settlement extension was approved in 2018,
- Services have been installed and therefore commencement have occurred,
- The proposed rezoning will not change the number of units which are allowed for in terms of the 2018 land use approval,
- The EA in 2017 was not specific to the number of units which may be constructed on the erven and provided approval for 770 residential erven – the zoning scheme at that time allowed for a primary and secondary dwelling unit on the property. Therefore, the density of the units provided will not change,
- The subdivision plan will remain unchanged including where open spaces, roads and community facilities will be provided.

## 10. MUNICIPAL PLANNING EVALUATION (REFER TO RELEVANT CONSIDERATIONS GUIDELINE)

### 10.1 Background

N/A

### 10.2 Consistency with the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)

The application is in line with the planning objectives applicable to this application.

The objectives relating to:

#### Spatial Justice

In line with the principles as provided in Planning Law and as motivated.

#### Spatial sustainability

In line with the principles as provided in Planning Law and as motivated.

#### Efficiency

In line with the principles as provided in Planning Law and as motivated.

#### Spatial Resilience

In line with the principles as provided in Planning Law and as motivated.

#### Good administration

The application will follow the required planning procedures to ensure that land use activity is in line with Municipal By-Laws and the community's need.

### 10.3 (In) consistency with the principles referred to in Chapter Val of the Land Use Planning Act, 2014 (Act 3 of 2014)

The application is consistent with the planning principles.

### 10.4 Consistency with the IDP/Various levels of SDF's/Applicable policies

#### **Overstrand Municipal Wide Spatial Development Framework, 2020:**

- ❖ The application areas are situated within the urban edge.
- ❖ Application will not alter the primary use of the property or the layout of the approved settlement.
- ❖ The proposed change of use is logically located within new extension to the residential area.

### 10.5 (In) consistency with guidelines prepared by the Provincial Minister

N/A

### 10.6 Impact on Municipal engineering services

The application will have no impact on municipal services. (See Annexure D)

**10.7 Outcomes of investigations/applications i.t.o other legislation**

N/A

**10.8 Existing and proposed zoning comparisons and considerations**

The property is currently zoned as Single Residential Zone 1 and will be rezoned to Less Formal Development Zone.

**11. ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS**

The property will only be rezoned, and no restrictions will be removed.

**12. THE DESIRABILITY OF THE PROPOSAL**

Approval was provided in 2018 to develop Portion 25 of the Farm 644 as an extension of the Stanford settlement which will allow for 770 Single Residential Zone 1 properties. It is envisaged that not all 770 sites will be occupied by the waiting list beneficiaries and developed with top structures and it is therefore proposed to utilize the remaining sites for emergency housing (shelters).

Application is made for the following:

- Application in terms of Section 16(2)(a) of the Overstrand Municipality Amendment By-law on Land Use Planning, 2020 to rezone 149 unregistered Erven (2934-2999, 3001-3005, 3010-3028, 3031-3065 & 3067-3091), portions of Portion 25 (Portion of Portion 2) of The Farm Riverside No. 644, Division Caledon, from Residential Zone 1: Single Residential (SR1) to Less Formal Development Zone to accommodate emergency housing units (shelters), and
- Application in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-law on Land Use Planning, 2020 for consent use on unregistered Erf 3066, a portion of Portion 25 (Portion of Portion 2) of The Farm Riverside No. 644, Division Caledon, in order to accommodate emergency housing units (shelters).

It should be noted that the layout of the erven and the development as depicted on the approved Site Development Plan as approved in 2018 will remain unchanged and that the public open space and community zoned property will not be rezoned and remain intact.

The proposed application will in essence not change the underlying use as both zonings are predominantly for residential use. But will allow the Municipality to assist the greater community when it comes to emergency housing (shelters) and to aid the community when it comes to Spatial Resilience (impacts of economic and environmental shocks) as directed in terms of Section 42 of the Spatial Planning and Land Use Management Act, 2013 (ACT 16 of 2013).

The proposed zoning is further in keeping with the adjacent settlement of Stanford as the southern tip of Stanford is also zoned for Less Formal Development Zone and therefore there isn't any disparity between the existing development and the proposed land uses.

Services for the development has already been approved and installed on the unregistered erven. Further the level of service required by the emergency housing sites is less than what was previously planned for, as some emergency shelters may only require communal toilets and portable water taps as directed by national norms.

Considering the abovementioned the application is supported.

### 13. RECOMMENDATION

1. that the comments be noted;
2. that in terms of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) the application to develop an emergency housing on Portion 25 (Portion of Portion 2) of the farm Riverside No. 644, Division Caledon, which includes the following:

❖ Rezoning

Application in terms of Section 16(2)(a) of the By-Law to rezone unregistered Erven 2934-2999, 3001-3005, 3010-3028, 3031-3065 & 3067-3091, portions of Portion 25 (Portion of Portion 2) of The Farm Riverside No. 644, Division Caledon, from Residential Zone 1: Single Residential (SR1) to Less Formal Development Zone to accommodate emergency housing units.

❖ Consent Use

Application in terms of Section 16(2)(o) of the By-Law for a consent use on unregistered Erf 3066, a portion of Portion 25 (Portion of Portion 2) of The Farm Riverside No. 644, Division Caledon, in order to accommodate emergency housing units.

**be approved** in terms of the provisions of Section 61 of the said By-Law, subject to the following conditions:

- (a) that emergency units can only be placed on the Less Formal Development Zone erven and Authority Zone as demarcated on the site development plan as submitted with this application
- (b) that the emergency units placed on the earmarked erven be in compliance with the building lines and land use scheme requirements;
- (c) that all conditions in the Municipal Services Report (attached as Annexure D), be complied with;
- (d) that all conditions imposed by District Health, Telkom (Open Serve), Fire Department, be complied with;
- (e) that this approval does not absolve the applicant from compliance with any other relevant legislation, and

- (f) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
3. that the applicant and persons who commented, be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above decision.

#### 14. REASONS FOR RECOMMENDATION

- ❖ The application has followed due procedure.
- ❖ The application is in line with policy documents.
- ❖ Will enhance the mixed development proposed in the policy documents.
- ❖ The rezoning of the subject properties will have no negative impact on the surrounding properties as the majority of the surrounding properties are Residential Zone 1.
- ❖ The implementation of this application will not negatively impact the natural environment.
- ❖ It should be noted that the layout of the erven and the development as depicted on the approved Site Development Plan as approved in 2018 will remain unchanged and that the public open space and community zoned property will not be rezoned and remain intact.
- ❖ The proposed application will in essence not change the underlying use as both zonings are predominantly for residential use.
- ❖ The proposed zoning is further in keeping with the adjacent settlement of Stanford as the southern tip of Stanford is also zoned for Less Formal Development Zone and therefore there isn't any disparity between the existing development and the proposed land uses.
- ❖ The proposed emergency housing sites will allow the Municipality to assist the greater community when it comes to emergency housing (shelters) and to aid the community when it comes to Spatial Resilience (impacts of economic and environmental shocks) as directed in terms of Section 42 of the Spatial Planning and Land Use Management Act, 2013 (ACT 16 of 2013).
- ❖ Portion 25 of the Farm 644 is situated in the urban edge since 2006 SDF.
- ❖ Services have been installed and therefore commencement has occurred.
- ❖ The proposed rezoning will not change the number of units which are allowed for in terms of the 2018 land use approval.
- ❖ The EA in 2017 was not specific to the number of units which may be constructed on the erven and provided approval for 770 residential erven – the zoning scheme at that time allowed for a primary and secondary dwelling unit on the property. Therefore, the density of the units provided will not change.

#### 15. ANNEXURES

- Annexure A: Locality Plan
- Annexure B: Motivation Report
- Annexure C: Site Development Plan
- Annexure D: Services Report
- Annexure E: Comment: DEADP Environmental Impact Management Services
- Annexure F: Comment: District Health
- Annexure G: Comment: Open Serve
- Annexure H: Comment: Fire department
- Annexure I: Certificates of completion
- Annexure J: Letter from Overstrand Municipality Environmental Department

Annexure K: Communication dated 20 May 2022 & 10 March 2022 from DEADP  
Environmental Impact Management Services

Annexure L: Environmental Authorisation dated 07 July 2017

**SIGNATURES****AUTHOR**

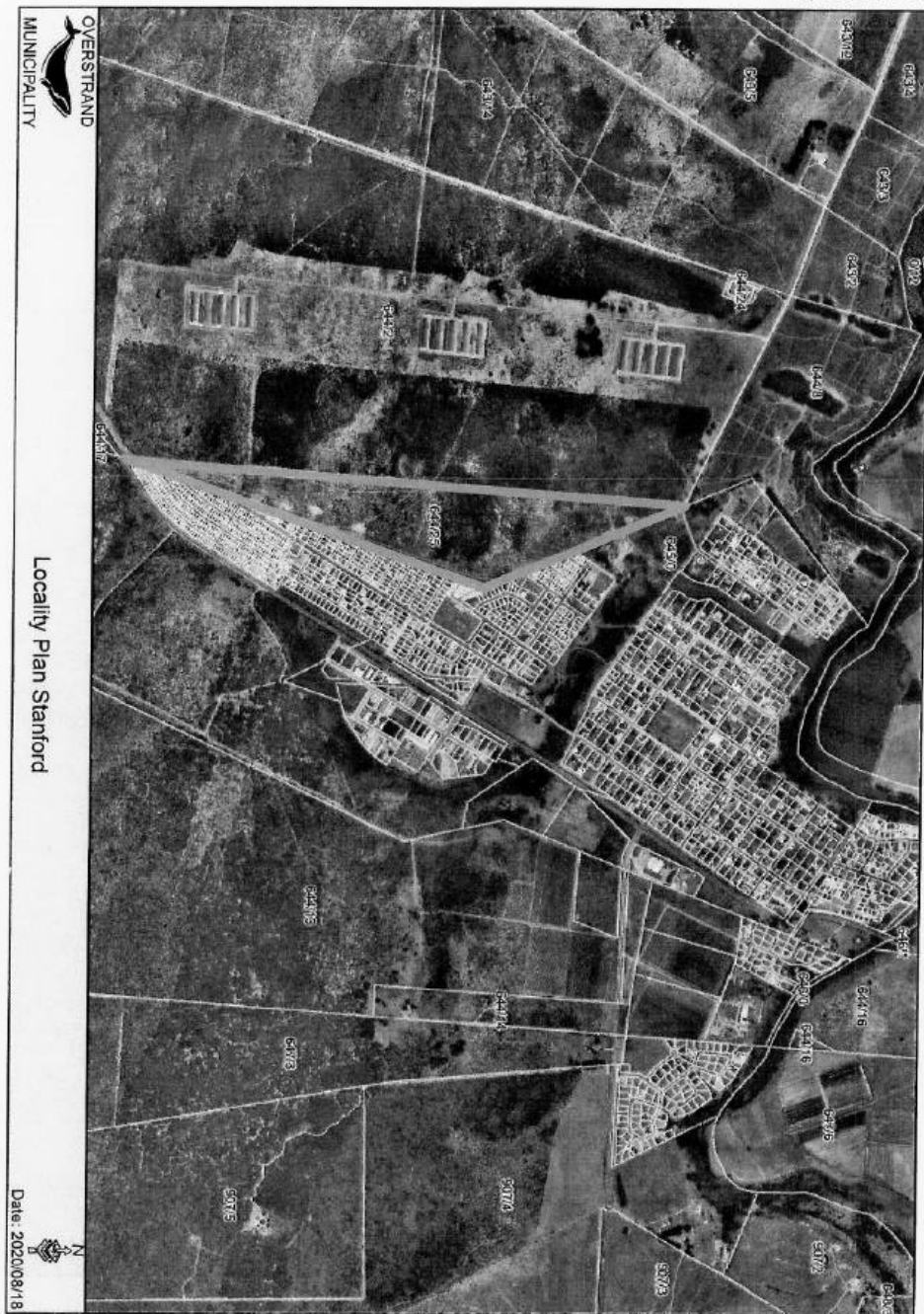
Name: **P ROUX**

SACPLAN Reg No: **A2246/2015**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

ANNEXURE A



Application for Emergency Housing  
(shelters) on unregistered portions of Portion  
25 of the Farm 644, Stanford



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## ANNEXURES

Annexure A: Application form

Annexure B: Locality Plan

Annexure C: Proposed Amendment to the Site Development Plan

Annexure D: Approval Letter and approved Site Development Plan

Annexure E: Comments from Overstrand Municipality Engineering Services and Operational Department

Annexure F: Environmental Authorisation and comments from Overstrand Environmental Services

Annexure G: Title Deed

### 1. Background

Approval was provided in 2018 to develop Portion 25 of the Farm 644 as an extension of the Stanford settlement which will allow for 770 Single Residential Zone 1 properties. It is envisaged that not all 770 sites will be occupied by the waiting list beneficiaries, and developed with top structures and it is therefore proposed to utilize the remaining sites for emergency housing (shelters).

In January 2018 council approved a process plan to address the need for emergency housing in the event of unforeseen circumstances, for example, evictions, and natural disasters. Towns where emergency housing was to be provided was identified namely, Kleinmond, Hermanus Gansbaai and Stanford. In order to effect to the Municipality's plan for Stanford, and to allow the construction of temporary housing solutions as and when it is required, the following is proposed:

- to rezone 149 unregistered Erven on Portion 25 (Portion of Portion 2) of The Farm Riverside No. 644, Division Caledon, from Residential Zone 1: Single Residential (SR1) to Less Formal Development Zone to accommodate emergency housing units (shelters), and
- a consent use on unregistered Erf 3066, a portion of Portion 25 (Portion of Portion 2) of The Farm Riverside No. 644, Division Caledon, in order to accommodate emergency housing units (shelters).

Emergency housing (shelters) will only be a temporary housing relief in a first phase towards a permanent housing solution. The following cases are provided for through the program, namely: - Persons living in dangerous conditions, - The total destitute, and - Assist households facing the threat of imminent evictions. Further in the circumstances where an eviction is sought and may be granted, the municipality's constitutional obligation to provide emergency accommodation is triggered. A municipality is obligated to provide housing opportunities or if these are not immediately available, emergency housing (shelters), which is a plot, with shared services, and an informal structure of a minimum of 24m<sup>2</sup>.

Emergency shelter (shelters) is not formal housing and is temporary and the beneficiaries, when they qualify for other housing opportunities or can accommodate themselves, will move from the emergency accommodation. The criteria for emergency shelter (shelters) are simply that the households will be genuinely homeless, if evicted or if they find themselves in a crisis situation. The normal National qualifying criteria do not apply.

## 2. Application

The decision taken by the Municipality in 2018 to develop Portion 25 of the Farm 644 as an extension of the Stanford settlement stated the following;

1. that the objections be noted;
2. that in terms of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) the application to develop a housing development on Portion 25 (Portion of Portion 2) of the farm Riverside No. 644, Division Caledon, which includes the following:
  - ❖ rezoning in terms of Section 16(2)(a) of Portion 25 (Portion of Portion 2) of the farm Riverside No. 644 from Agriculture Zone 1 to Subdivisional Area;
  - ❖ subdivision in terms of Section 16(2)(d) in order to create 770 Residential Zone 1, 6 Community Zone 1, 7 Business Zone 3, 12 Open Space Zone 2, 1 Authority Zone and Transport Zone 2 (roads) erven;
  - ❖ departure in terms of Section 16(2)(b) in order to relax the lateral building lines applicable to the proposed residential erven from 1m to 0m (only one (1) lateral building line of the respective erven will be relaxed);
  - ❖ approval of new street names in terms of Section 96 of the Overstrand By-Law on Municipal Land Use Planning, 2015,

be approved in terms of the provisions of Section 61 of the said By-Law;
3. that in terms of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) the application on Erven 1909-1914, 2275 and 1198, Stanford, which includes the following:
  - ❖ subdivision in terms of Section 16(2)(d) of the Remainder of Erf 1198, Stanford to create Portion A approximately 287m<sup>2</sup> in extent;
  - ❖ closure in terms of Section 16(2)(n) of Portion A (public road) of the Remainder of Erf 1198;
  - ❖ rezoning in terms of Section 16(2)(a) of Portion A and Erven 1909-1914 and 2275, Stanford from Transport Zone 2 and Residential Zone 1 respectively, to Transport Zone 2;
  - ❖ consolidation in terms of Section 16(2)(e) of Portion A and Erven 1909-1914 and 2275, Stanford to create application Area B;
  - ❖ subdivision in terms of Section 16(2)(d) to create Portion C (proposed road ±571m<sup>2</sup>) and the Remainder (existing taxi rank);
  - ❖ rezoning in terms of Section 16(2)(a) from Portion C to public road; and
  - ❖ consent use in terms of Section 16(2)(o) to accommodate shops and informal trading on the taxi rank site (Remainder),

be approved in terms of the provisions of Section 61 of the said By-Law.

4. that the decision in paragraphs 1 and 2 above be subject to the following conditions:
  - (a) that should top structures (units) be developed in this project a Layout Plan be submitted showing the building lines, placement of the units and unit types (single or double storey) prior to the building plan submission phase;
  - (b) that all conditions imposed by Eskom, Fire Services, District Health, Department of Environmental Affairs and Development Planning, (Environmental Authorisation), Breede-Gouritz Catchment Management Agency and Telkom (attached as Annexures F - K), be complied with;
  - (c) that all conditions in the Municipal Services Report (attached as Annexure O), be complied with;
  - (d) that the provision of street names be noted and that the list of names be work shopped with the Social Compact;
  - (e) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
  - (f) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
5. that the applicant and objectors be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above decision.

It is proposed to rezone 149 erven (indicated in the yellow color on Map 2) from Single Residential Zone 1 to Less Formal Development Zone. This will allow the development of 621 Single Residential Zone 1 erven and 149 Less Formal Development Zone erven. In addition to the aforementioned application is made for a consent use on unregistered Erf 3068 (indicated in the orange color on Map 2). The layout of the erven and the development as depicted on the approved Site Development Plan as approved in 2018 will remain unchanged.

Application is therefore submitted for the following;

- Application in terms of Section 16(2)(a) of the Overstrand Municipality Amendment By-law on Land Use Planning, 2020 to rezone 149 unregistered Erven (2934-2999, 3001-3005, 3010-3028, 3031-3065 & 3067-3091), portions of Portion 25 (Portion of Portion 2) of The Farm Riverside No. 644, Division Caledon, from Residential Zone 1: Single Residential (SR1) to Less Formal Development Zone to accommodate emergency housing units (shelters), and
- Application in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-law on Land Use Planning, 2020 for a consent use on unregistered Erf 3066, a portion of Portion 25 (Portion of Portion 2) of The Farm Riverside No. 644, Division Caledon, in order to accommodate emergency housing units (shelters).

In terms of the Land Use Scheme, 2020 a shelter is defined as the following; *means an informal structure or wendy house intended for human accommodation, irrespective of whether the material used does not comply with the standards of durability as intended by the National Building Regulations;*

Shelters are primary rights in terms of the Less Formal Development Zone.

### **3. Character of the environment**

The locality of the application site is on the southern portion of Portion 25 (portion of Portion 2) of Farm 644. Portion 25 (portion of Portion 2) of Farm 644 is directly west and adjacent to the existing Stanford settlement. The R43 is located to the east and southern sides of the application area. Agricultural land is located to the west of the application area. Access routes to the development has already been constructed. The development as approved consists of a mixed-use development with residential, commercial, community and public open space erven.

The area which was approved for the residential development on Portion 25 (portion of Portion 2) of Farm 644 Riverside is  $\pm 28.73$ ha in extent, the current application area will consist of  $\pm 5.53$ ha in extent. Portion 25 (portion of Portion 2) of Farm 644 Riverside is held under Title deed 41074/2013 as the erven have not yet been registered and is still owned by the Overstrand Municipality. The afore-mentioned title deed does not include any restrictive conditions that would prohibit the proposed application.

The application area has a gentle slope and poses limited challenge towards the construction of top structures, services, or the management of stormwater.

#### 4. Desirability of the proposed utilization

As depicted in the blue outline on the Site Development Plan below, the proposal is for the rezoning of 149 erven from Single Residential Zone 1 : Single Residential to Less Formal Development Zone in order to allow for the construction of emergency housing (shelters). The rezoning will encompass the following unregistered Erven 2934-2999, 3001-3005, 3010-3028, 3031-3065 & 3067-3091. Erf sizes range between 150-253m<sup>2</sup> as per the SG Diagrams. Due to the size of the erven more than one shelter will be situated on each erf.

It should be noted that the public open space and community zoned property will not be rezoned and remain intact.

Services and roads have been installed on Portion 25 (portion of Portion 2) of Farm 644 Riverside.

Additional to the rezoning of unregistered erven, application for consent use is also made on unregistered erf 3066 which is zoned Authority Zone, the property is ±6288m<sup>2</sup> in extent. In terms of the Land Use Scheme, 2020, an application can be made for "any other uses determined by the Municipality" under Authority Zone. This is done in order to allow for the construction of emergency housing (shelters) on the property.

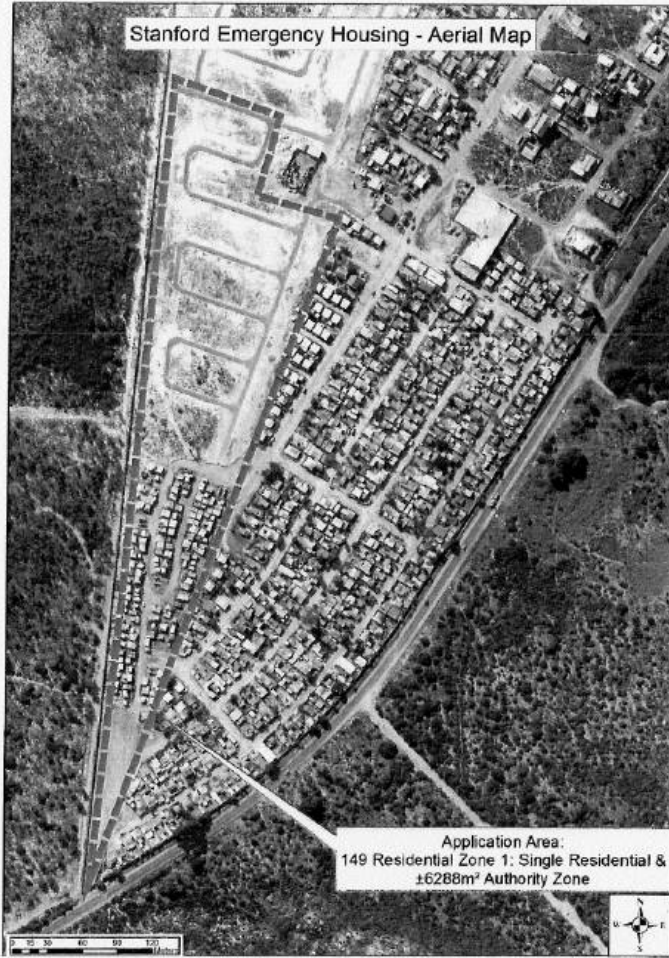
As per the waiting list it is required that only 621 of the 770 approved residential erven will be used to develop top structures, this leaves the Municipality with 149 sites available for emergency housing. The sites, where on emergency housing (shelters) will be placed, will remain in the ownership of the Municipality as the shelters are only a temporary solution.

The proposed application will in essence not change the underlying use as both zonings are predominantly for residential use. But will allow the Municipality to assist the greater community when it comes to emergency housing (shelters) and to aid the community when it comes to Spatial Resilience (impacts of economic and environmental shocks) as directed in terms of Section 42 of the Spatial Planning and Land Use Management Act, 2013 (ACT 16 of 2013).

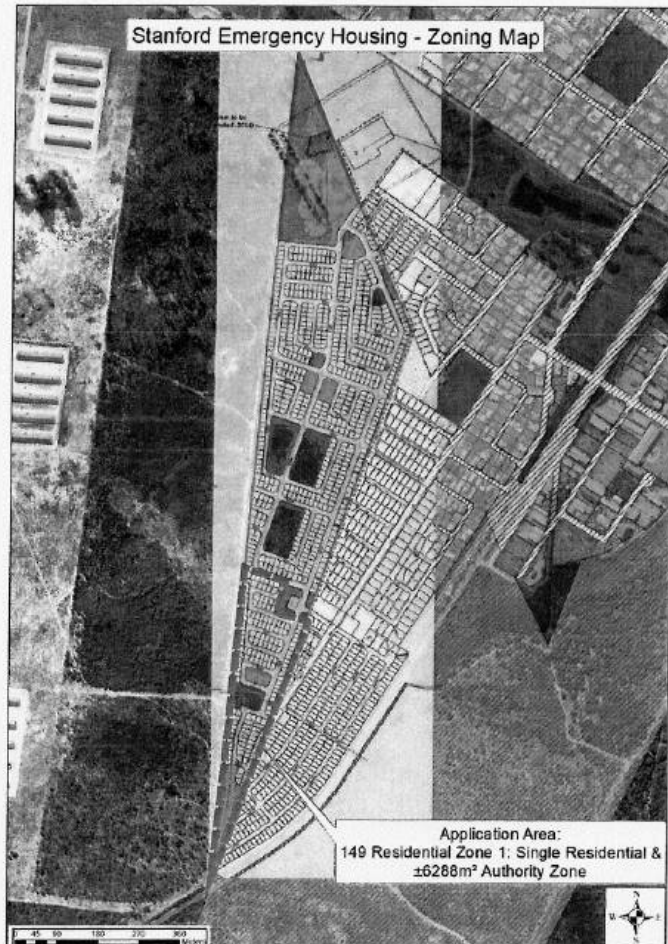
The proposed zoning is further in keeping with the adjacent settlement of Stanford as the southern tip of Stanford is also zoned for Less Formal Development Zone and therefore there isn't any disparity between the existing development and the proposed uses.

Persons who will be temporarily housed at the proposed location will have access to existing community and economic facilities as developed on the new extension and the facilities in Stanford.

Map 1: Application Area



Map 2: Zoning Map



#### **5. Access and services**

The Site Development Plan was already considered and approved by the Municipality, and it is proposed that the layout of the newly approved road network will be retained. The proposed application will not create additional traffic on the approved road network as both zonings are primarily for residential use no additional business activities are proposed.

Services for the area has already been approved and installed on the unregistered erven. Further the level of service required by the emergency housing sites is less than what was previously planned for, as some emergency shelters may only require communal toilets and portable water taps as directed by national norms.

#### **6. Other legislation requirement**

##### Environmental aspects

The proposed application will be forwarded to the Overstrand Municipality's Environmental Services for comment. However, it should be noted that the Environmental approval was obtained from DEADP (Department of Environmental Affairs and Development Planning) and a botanical impact assessment was done prior to the approval dated in 2018. Considering the proposed is merely a zoning change (and the primary use will remain residential) and the site plan will remain unchanged, the opinion is held that there will be no additional impact on the environment nor will there be additional studies required. Please refer to the Environmental Authorization which was submitted with the initial application and site layout which was approved in January 2018.

##### Heritage aspects

The original site development plan as approved in 2018, went through an extensive public participation process which addressed the concerns of the community, the Stanford Heritage Committee, and affected and interested parties. It is foreseen that the change of the zoning will not create any issues or concerns regarding heritage as the layout and primary use of the properties will remain unchanged. It is further noted that the application site will be of the same zoning as currently developed in the adjacent urban extension of Stanford.

#### **7. Forward Planning Documentation**

The application complies in terms of the Overstrand Municipal Wide Spatial Development Framework, 2020 in the following aspects:

- o the application areas are situated within the urban edge;

- o application will not alter the primary use of the property or the layout of the approved settlement; and
- o the proposed change of use is logically located within new extension to the residential area.

The proposed application remains consistent with existing planning policies applicable to the study area. The development of the application area will ensure access to emergency housing which is well-located and ensures that the integration community and socio-economic facilities are maintained.

#### **8. Planning Principles**

The desirability of the application is further based on spatial planning, land development and land use management principles as described in Section 7 of the Spatial Planning Land Use Management Act, 2013, as follows:

##### The principle of spatial justice

The approval of the proposed application will provide a solution to community members who are in desperate need for a housing solution due to situations outside of their control. The properties are located within an approved residential development of the Overstrand Municipality and therefore members of the community which will reside on the erven will not alienated from the socio-economic facilities which they are familiar with. The proposed portion will remain integrated within existing residential neighborhoods of Stanford.

##### The principle of spatial sustainability

No additional land will be required for the proposal. The open spaces and community erven will remain intact. The application area will be situated within the approved site development plan, and layout, and will therefore not have any additional impact on the environment or level of service required.

##### The principle of efficiency

Existing bulk services and connections will be utilized for the proposed development's internal services. The connection/linkage with these existing networks contributes substantially to the reduction of the development cost by means of reduced bulk service installation costs

##### The principle of spatial resilience

The proposed utilisation of land will allow the Municipality to assist the greater community when it comes to emergency housing and to aid the community when it

comes to impacts of economic and environmental shocks, which is outside of the community's control.

The principle of good administration

The application will follow the required planning procedures to ensure that land use activity is in line with Municipal By-Laws and the community's need.

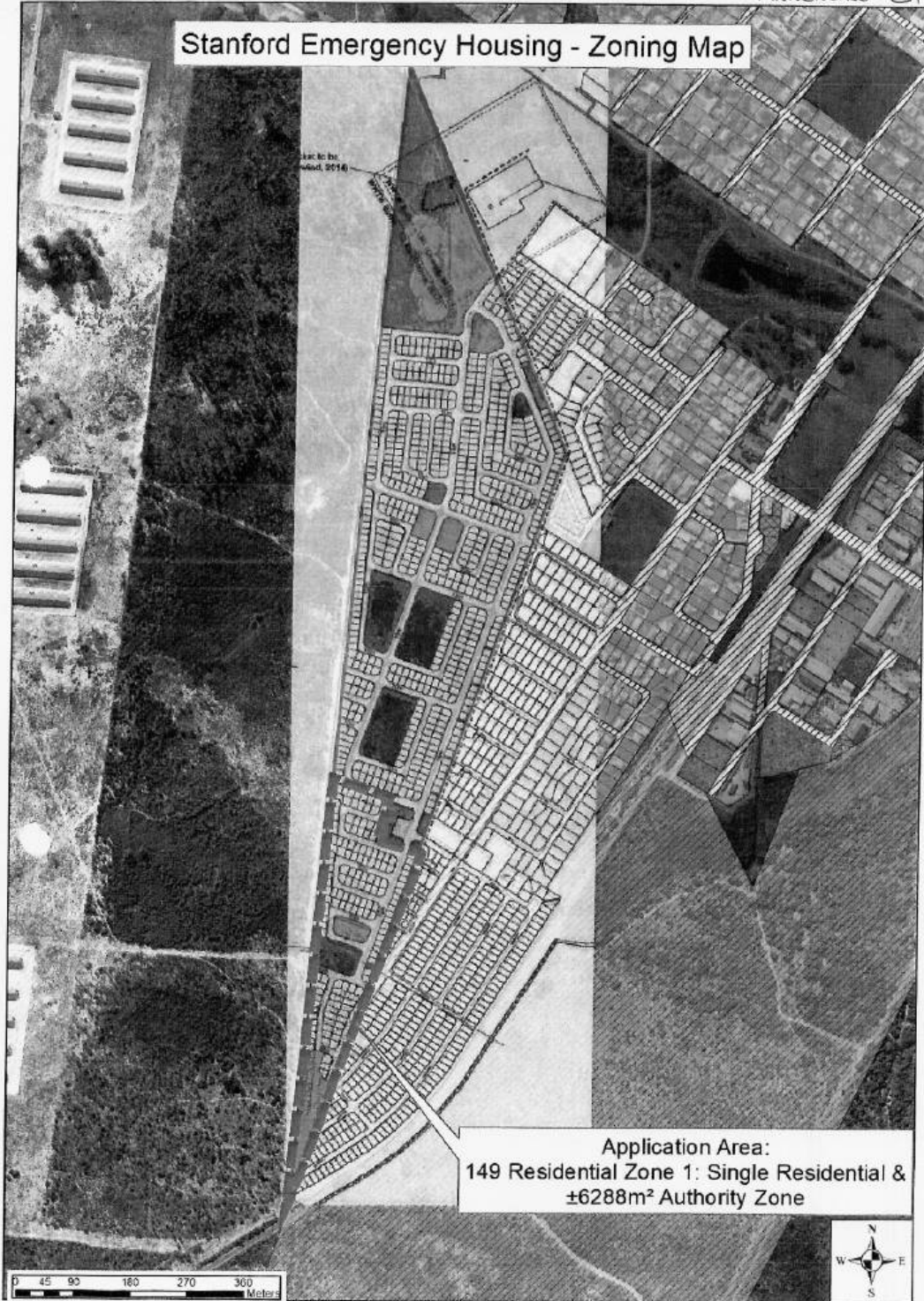
**9. Conclusion**

The proposed rezoning and consent use will be an asset to the Overstrand Municipality and a benefit to its community.

The site is in an already serviced area and is accessible due to a good existing road infrastructure. Environmental approval has already been obtained for the approved layout. The proposed area and the adjacent settlement both have similar mixed use areas and therefore the proposed application will not have a negative effect on the character of the area. The proposal is in line with the Overstrand Municipality forward planning policies. The application complies with the General Principles in terms of LUPA and SPLUMA.

Considering the above, the application is considered desirable, and should be supported by the Municipality.

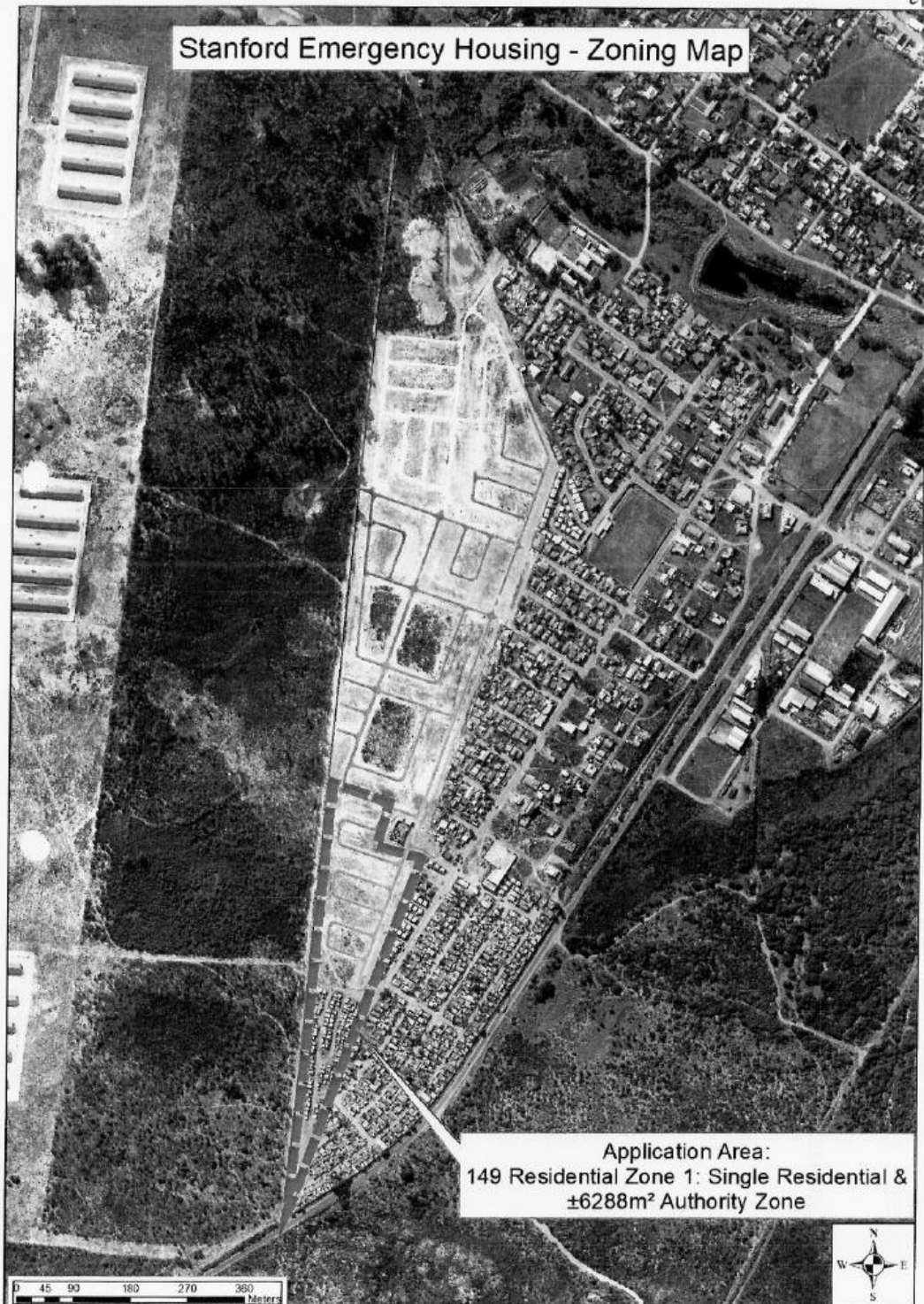
Stanford Emergency Housing - Zoning Map



Application Area:  
149 Residential Zone 1: Single Residential &  
±6288m<sup>2</sup> Authority Zone

0 45 90 180 270 360 Meters





**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR REZONING & CONSENT USE: PORTION 25  
(PORTION OF PORTION 2) OF THE FARM RIVERSIDE NO. 644, DIVISION  
CALEDON**

Water	:	In order
Sewer	:	In order
Roads and traffic	:	In order
Stormwater (SW)	:	In order
Electricity	:	In order

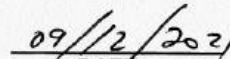
**Conditions:**

1. that the developer (Overstrand Municipality) at his cost constructs the internal municipal civil and electrical services for the development as well as any link or bulk municipal services that need to be provided;
2. that servitudes for municipal services be registered in respect of all main services to be taken over by the developer and all existing municipal services concerned, crossing private property;
3. that plans of all the internal municipal civil and electrical (high and low voltage supply) services and such link services as required by the Director: Infrastructure and Planning, prepared by an ECSA registered professional engineer/technologist, be submitted to the Director: Infrastructure and Planning for his prior approval;
4. the "Guidelines for the Provision of Engineering Services in Residential Townships" (Blue Book), SABS 1200 specifications and the Design and Construction Standards for civil and electrical services of the Council to be used as the standard design and construction criteria with which such plans must comply;
5. the Director: Infrastructure and Planning to be notified in writing of all deviations from the Standard Design and Construction Criteria when plans are submitted for his approval and such deviations to be separately approved in writing by the Director: Infrastructure and Planning;
6. the successful completion of such works to be supervised and certified by an independent professional civil engineer/technologist i.e. a professional civil engineer/technologist who has no direct financial interest in the development, other than payment as standard professional fees for the work concerned; and

2

7. that a Certificate of Completion together with as-built services plans be provided by the independent professional engineer/technologist to the Overstrand Municipality. As-built plans to be on quality paper, together with a DXF file thereof;
8. that the Implementing Agent apply for a temporary water connection on the prescribed application form, at Overstrand Municipality's Finance Department, before commencement of construction;
9. that the connection to the main water line only be done by the Operational Department, after payment of the connection fee, by the developer;
10. that damage to the existing roads, used as routes for access to the development, for the provision of services, be repaired by the developer.

  
\_\_\_\_\_  
**DENNIS HENDRIKS**  
**SENIOR MANAGER:**  
**ENGINEERING SERVICES**

  
\_\_\_\_\_  
**DATE**



Western Cape  
Government

Department of Environmental Affairs and Development Planning  
D'mitri Matthews  
Development Management  
D'mitri.Matthews@westerncape.gov.za | Tel: 021 483 8350

**REFERENCE:** 16/3/3/6/6/E2/27/1333/21  
**DATE:** 4/11/2021

The Municipal Manager  
Overstrand Municipality  
P. O. Box 20  
**HERMANUS**  
7200

**Attention: Ms. M. Miller**

Tel.: (028) 313 8900  
Email: marizemiller@overstrand.gov.za

Dear Madam

**RE: APPLICABILITY OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED), WITH RESPECT TO THE PROPOSED APPLICATION FOR REZONING & CONSENT USE: PORTION 25 (PORTION OF PORTION 2) OF THE FARM RIVERSIDE NO. 644, OVERSTRAND (DIVISION CALEDON)**

1. The electronic correspondences dated 1 October 2021, as received by the Department on 5 October 2021, refers.
2. Following the review of the new information contained in the electronic correspondence, this Department notes the following:
  - 2.1 The application for rezoning and consent use, entails the use of 149 erven from 770 erven approved in the EA for emergency housing, that may arise as a result of various circumstances. The emergency housing will act as a temporary housing relief in a first phase towards a permanent housing solution.
3. Existing approvals:
  - 3.1 On 7 July 2017, the Department issued an Environmental Authorisation ("EA") for:
    - The proposal entails the development of a low cost housing area to the east of the existing Stanford low cost residential area that will have a development footprint of approximately 29ha in extent. The proposal will consist of the following:
      - 770 Residential Zone I erven (approximately 12,7ha);
      - Six Community Zone I erven (approximately 5ha, including the Waste Water Treatment Works ("WWTW") buffer zone);
      - Seven Business Zone III erven (approximately 0,4ha);
      - 12 Open Space Zone II erven (approximately 2,5ha);
      - One Authority Zone erf (approximately 0,6ha);
      - One Transport Zone II erf (approximately 7,4ha);
      - Bulk water infrastructure;

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Department of Environmental Affairs and Development Planning

- A canal/earthen channel (0,5m deep, 0,5m wide and approximately 200m long) for storm water discharge into the Mill Stream from the detention facility; and
  - Internal roads.
4. Please note the following advice pertaining to the application for rezoning and consent use:
    - 4.1 An amendment to the EA issued on 7 July 2017, is required in order to accommodate the proposed rezoning of 149 erven for emergency housing. Overstrand Municipality must set up a meeting with the Department in order to determine the correct amendment process.
  5. Please note that the applicant must comply with any other statutory requirements that may be applicable to the undertaking of the activity.
  6. Kindly quote the abovementioned reference number in any future correspondence concerning the proposed development.
  7. This Department reserves the right to revise or withdraw its comments and request further information based on any information received.

Yours faithfully

**Marbe** Digitally signed  
by Marbe Coetzee  
Date: 2021.11.04  
13:06:09 +0200  
PP **Coetzee**

**HEAD OF COMPONENT**

**ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 1**

**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

Cc: (1) Ms. P. Apon (Overstrand Municipality)  
(2) Mr. A. Oosthuizen (DEA&DP: DF)

Email: paplon@overstrand.gov.za  
Email: Andre.Oosthuizen@westerncape.gov.za



File reference:	PTN 644/25 RCAL
Date:	1 October 2021
	MM



## INTERNAL MEMORANDUM

From	: Town Planning Department
Town Planner	: P Roux (Town Planner)

TO:

<u>Area Manager</u>	<u>Building Control Department</u>	<u>District Health</u>	<u>Electrical Department</u>	<u>Environmental Officer</u>
<u>Fire Department</u>	<u>Infrastructure and Planning</u>	<u>Local Heritage Committee (Stanford Heritage)</u>	<u>Operational Services</u>	<u>Property Administration</u>
Tourism	<u>Traffic Department</u>	<u>Ward Councillor (D Coetzee)</u>	<u>Waste Management</u>	


Applicant	OVERSTRAND MUNICIPALITY
Property Details	PORTION 25 (PORTION OF PORTION 2) OF THE FARM RIVERSIDE NO. 644, DIVISION CALEDON
Application Description	APPLICATION FOR REZONING AND CONSENT USE

**ATTACHMENTS :**

1. Notice	<i>Should the information be insufficient for you to make an informative comment, please list any additional documentation that you would require to make informed comments.</i>
2. Locality Plan	
3. Motivation	
4. Site Development Plan	

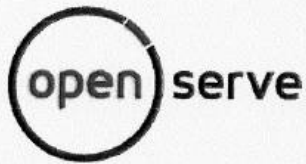
**YOUR DEPARTMENT'S COMMENTS:**

*\*Temporary Structures should have sufficient ventilation.\* Proper toilet facilities (sanitation) should be made available.\* Safe running potable water should be provided and \*proper waste removal should in place (with bins.)*

Signature:  Date: 9/11/ 2021

Please provide your comments (with specific reference to any conditions of approval that should be imposed) in the space provided above or in a separate Memo by not later than the date stipulated below. If you require an extension of time for submission of comments, kindly request this in writing. Should no comments be received, it will be assumed that you have no objection to the proposal and where appropriate, the Mayoral Committee will be informed accordingly.

**COMMENTS REQUIRED BY: 5 NOVEMBER 2021**



Division of Telkom SA SOC Ltd

10 Jan Smuts Drive  
Pinelands  
7404

I Peters

Tel: 021 414 5614  
Fax: 086 480 0617  
Email: ihlaamp@openserve.co.za

Our Ref.: WWIP\_WCN+3975\_21  
Your Ref.:

04 November 2021

Attention: Marlize Miller  
OVERSTRAND MUNICIPALITY  
TOWN & SPATIAL PLANNING  
HERMANUS

Dear Sir /Madam

#### SERVICES AFFECTED

**APPLICATION FOR WAYLEAVE – PORTION 25 (PORTION OF PORTION 2) OF THE FARM RIVERSIDE NO 644, DIVISION OF CALEDON: APPLICATION FOR REZONING AND CONSENT USE**

With reference to your application dated September 2021.

As important cables are affected, please contact our representative MELT VAN AS at telephone number **0813637873/MeltVA@openserve.co.za** at least 48 hours prior of commencement on construction work.

I hereby inform you that Open Serve approves the proposed work indicated on your drawing in principle. This approval is valid for 12 months only, after which reapplication must be made if the work has not been completed.

Any changes or deviations from the original planning during or prior to construction must immediately be communicated to this office.

Approval is granted, subject to the following conditions.

As per sketch attached, Open Serve Infrastructure will be affected, consequently the conditions below and on the attached legend will apply.

Telecommunication services position is shown as accurately as possible but should be regarded as approximate only.

61 Oak Avenue, Highveld, Techno Park, Centurion 0157,  
Private Bag X881, Pretoria, Gauteng, 0001

Should alterations or relocation of existing infrastructure be required, such work will be done at the request and cost of the applicant.

Please notify this office within 21 working days from this letter of acceptance and if any alternative proposal is available or if a recoverable work should commence.

It would be appreciated if this office can be notified within 30 days of completion of the construction work. Confirmation is required on completion of construction as per agreed requirements.

Should Open Serve infrastructure be damaged while work is undertaken, kindly contact our representative immediately.

All Open Serve rights remain reserved.

Yours faithfully



---

**Ihlaam Peters**  
FOR  
**Selwyn Bowers**  
Operations Manager  
Wayleave Management: Western Region

ANNEXURE H

File reference:	PTN 644/25 RCAL
Date:	1 October 2021
	MM



**INTERNAL MEMORANDUM**

<b>From</b>	: Town Planning Department
<b>Town Planner</b>	: P Roux (Town Planner)

**TO:**

<u>Area Manager</u>	<u>Building Control Department</u>	<u>District Health</u>	<u>Electrical Department</u>	<u>Environmental Officer</u>
<u>Fire Department</u>	<u>Infrastructure and Planning</u>	<u>Local Heritage Committee (Stanford Heritage)</u>	<u>Operational Services</u>	<u>Property Administration</u>
Tourism	<u>Traffic Department</u>	<u>Ward Councillor (D Coetsee)</u>	<u>Waste Management</u>	

<b>Applicant</b>	<b>OVERSTRAND MUNICIPALITY</b>
<b>Property Details</b>	<b>PORTION 25 (PORTION OF PORTION 2) OF THE FARM RIVERSIDE NO. 644, DIVISION CALEDON</b>
<b>Application Description</b>	<b>APPLICATION FOR REZONING AND CONSENT USE</b>

**ATTACHMENTS :**

1. Notice	Should the information be insufficient for you to make an informative comment, please list any additional documentation that you would require to make informed comments.
2. Locality Plan	
3. Motivation	
4. Site Development Plan	

**YOUR DEPARTMENT'S COMMENTS:**

The fire department has no objection subject to compliance with the provision of SANS-A:2016 10400-T:2020 and the By-Law relating to community fire safety:	
<b>ASSISTANT CHIEF</b> <b>Enrico Solomons</b> PO Box 30 Tel: 028 212 8975 HEBERHUIS, FARM 028 228 2999 7200	
Signature: <i>E Solomons</i>	Date: 11 OCT 2021
Email: esolomons@overstrand.gov.za	

Please provide your comments (with specific reference to any conditions of approval that should be imposed) in the space provided above or in a separate Memo by not later than the date stipulated below. If you require an extension of time for submission of comments, kindly request this in writing. Should no comments be received, it will be assumed that you have no objection to the proposal and where appropriate, the Mayoral Committee will be informed accordingly.

**COMMENTS REQUIRED BY: 5 NOVEMBER 2021**

**CERTIFICATE OF COMPLETION**  
IP150\_B2



**EMPLOYER:** MCape Overstrand

**J37086/1: STANFORD IRDP HOUSING DEVELOPMENT PROJECT;**  
Construction of Internal Civil Engineering Services for 783 Erven (Reduced to 743 Erven)

**CONTRACTOR:** Cornfield Construction

In accordance with Clause 5.14.4 of the General Conditions of Contract 2010 we hereby certify that the outstanding work listed in the Certificate of Practical Completion dated 13 August 2020 has been duly completed and that the abovementioned Works are deemed complete in conformity with the provisions of the Contract, except for any defects not yet discovered.

The Defects Liability Period shall, subject to the listed items being satisfactorily attended to by the specified date, be held to commence on the date of this Certificate of Completion.

Items to be attended to:

Nil

Gareth Jansen

**NAME OF ENGINEER**

**SIGNATURE OF ENGINEER**

9 September 2020

**DATE**

**CERTIFICATE OF COMPLETION**  
IP150\_B2



EMPLOYER: MCape Overstrand

J37086/1.1 STANFORD IRDP HOUSING DEVELOPMENT PROJECT:  
Construction of Internal Civil Engineering Services for 40 Erven -Unavailable Area

CONTRACTOR: Cornfield Construction

In accordance with Clause 5.14.4 of the General Conditions of Contract 2010 we hereby certify that the outstanding work listed in the Certificate of Practical Completion dated

1 February 1, 2021 has been duly completed and that the abovementioned

Works are deemed complete in conformity with the provisions of the Contract, except for any defects not yet discovered.

The Defects Liability Period shall, subject to the listed items being satisfactorily attended to by the specified date, be held to commence on the date of this Certificate of Completion.

Items to be attended to:

Nil

Gibb(Pty) Ltd

NAME OF ENGINEER

SIGNATURE OF ENGINEER

1 February 2021

DATE

# Memo



**To:** Petrus Roux (Town Planning)

**From:** Penelope Aplon (Environmental Management)

**Date:** 13 April 2022

**Re:** **Portion 25 of farm 644, Stanford Low-cost housing development**

On 07/07/2017 an Environmental Authorization was issued for the Stanford low-cost housing residential development on portion 25 of farm 644, Stanford. The listed activities approved are the following:

Listed Activity	Activity/Project Description
<p>Governmental Notice No. 322 of 7 April 2017 Activity Number 9</p> <p>The development of infrastructure exceeding 1000 metres in length for the bulk transportation of water or storm water:—</p> <p>(i) with an internal diameter of 0.36 metres or more; or</p> <p>(ii) with a peak throughput of 120 litres per second or more;</p> <p>excluding where—</p> <p>(a) such infrastructure is for bulk transportation of water or storm water or storm water drainage inside a road reserve or railway line reserve; or</p> <p>(b) where such development will occur within an urban area.</p>	<p>The storm water pipes will range in diameter from 375mm to 900mm and will have a cumulative length that exceeds 1 000m.</p>
<p>Activity Number 12</p> <p>The development of—</p> <p>(i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or</p> <p>(ii) infrastructure or structures with a physical footprint of 100 square metres or more;</p> <p>where such development occurs—</p> <p>(a) within a watercourse;</p> <p>(b) in front of a development setback; or</p> <p>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse;—</p> <p>excluding—</p> <p>(aai) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</p> <p>(abb) where such development activities are related to the development of a port or harbour, in which case activity 24 in Listing Notice 2 of 2014 applies;</p> <p>(acd) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies;</p> <p>(add) where such development occurs within an urban area;</p>	<p>The storm water from the development will discharge via a channel/canal into the Mill Stream, which is located within 32m of the watercourse and will have a development footprint larger than 100m<sup>2</sup>.</p>



<p>(ee) where such development occurs within existing roads, road reserves or railway line reserves; or</p> <p>(ff) the development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared.</p>	
<p>Government Notice No. R. 325 of 7 April 2017 – Activity Number 15</p> <p>The clearance of an area of 20 hectares or more of indigenous vegetation, excluding where such clearance of indigenous vegetation is required for—</p> <p>(i) the undertaking of a linear activity; or</p> <p>(ii) maintenance purposes undertaken in accordance with a maintenance management plan.</p>	<p>More than 20ha of indigenous vegetation will be cleared for the proposed development.</p>
<p>Government Notice No. R. 324 of 7 April 2017 – Activity Number 4</p> <p>The development of a road wider than 4 metres with a reserve less than 13,5 metres.</p> <p><b>1. Western Cape</b></p> <p>i. Areas zoned for use as public open space or equivalent zoning;</p> <p>ii. Areas outside urban areas:</p> <p><b>(aa) Areas containing indigenous vegetation;</b></p> <p>(bb) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined; or</p> <p>iii. Inside urban areas:</p> <p>(aa) Areas zoned for conservation use; or</p> <p>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority.</p>	<p>Internal roads will be wider than 4m and constructed in an area comprising indigenous vegetation.</p>

Attached certificates confirms that commencement of above approved listed activities, namely the installation of internal engineering services, including water and sewer networks and roads. Also refer to below areal phot for proof of site clearance and development of roads.



Based on this evidence this office is of the opinion that the developer has commenced with the listed activities applied for and approved for the development of low-cost housing on portion 25 of farm 644, Stanford.



Penelope Aplon

Tel: 028 316 5619 | E-mail: [paplon@overstrand.gov.za](mailto:paplon@overstrand.gov.za)  
PO Box 20 | HERMANUS 7200  
[www.overstrand.gov.za](http://www.overstrand.gov.za)

**P Roux**

**From:** Marbe Coetzee <Marbe.Coetzee@westerncape.gov.za>  
**Sent:** Friday, 20 May 2022 09:42  
**To:** P Roux  
**Cc:** Dmitri C Matthews; Melanese Schippers  
**Subject:** RE: Portion 25 of the Farm 644

Petrus,

I do apologies for taking so long to get back to you.

The two applications namely Efr 1772 and Portion 25 of Farm 644 are completely different from each other.

Portion 25 of Farm 644, is a property located outside the build up urban area. Note that this is different from the urban edge of a municipality adopted in terms of planning legislation.

When assessing the development in terms of the NEMA EIA Regulation it was evident that activities as defined in the NEMA EIA Regulation would be triggered and therefore an application was required in terms of the aforementioned. The environmental authorisation was issued and construction commenced on site. As per our conversation the services are installed but the top structure still need to be build. In terms of this please note that the EA and the condition contained there in is still valid. Thus, if you wish to do anything other that what is described in the EA, then amendment to such an EA is required, provided that it does not trigger a new listed activity. With your request to have 149 erven rezoned to an emergency housing zonation and to allow for 2 units per erf, note that a part 2 Amendment application is required, since the scope will change in terms of the density of the project which will result in an increase impact in terms of service provision that was not assessed as part of the original project. The same goes for the remainder of the properties. If you intent to have 2 dwellings per erf, this is change in the scope of the project and in terms of what was assessed and therefore a part 2 Amendment process needs to be applied for.

In terms of Erf 1772, note that the information is very limited. However, what was found with the evaluation of the information is that:

- The site contains no indigenous vegetation,
- There is no watercourses present on the site,
- The services that is required for the development does not meet or exceed any of the thresholds of the listed activities as defined in the Regulations,
- The site was note used for agricultural purposes, and
- The site is 3,3 ha.

The possible listed activities were thus eliminated as no thresholds in the listed activities where triggered by the proposed project.

Hope this sheds some light in terms of you enquiry.

Regards

Marbe Coetzee  
 Control Environmental Officer (Grade A): EIA (Cape Winelands and Overberg)  
 Directorate: Development Management Region 1  
 Chief Directorate: Development Planning  
 Department of Environmental Affairs and Development Planning  
 Western Cape Government



Western Cape  
Government

Department of Environmental Affairs and Development Planning

**D'mitri Mathews**

Directorate: Development Management, Region 1

D'mitri.Mathews@westerncape.gov.za | Tel: 021 483 8350

**EIA REFERENCE:** 16/3/3/6/6/E2/27/1333/21  
**DATE:** 8 March 2022

The Municipal Manager  
Overstrand Municipality  
P. O. Box 20  
**HERMANUS**  
7200

**Attention: Mr. P. Roux**

Tel.: (028) 313 8000  
Email: petrusroux@overstrand.gov.za

Dear Sir

**RE: PROPOSED STANFORD LOW-COST HOUSING RESIDENTIAL DEVELOPMENT ON PORTION 25 OF FARM NO. 644, STANFORD**

1. The electronic correspondences dated 1 October 2021, as received by the Department on 5 October 2021, the Department's correspondence dated 4 November 2021, the Municipal Outreach Programme ("MOP") Meeting held on 7 December 2021 and the virtual meeting held on 23 February 2022, refer.
2. The purpose of this letter is to provide clarity with respect to the proposed amendment of the approval for the Stanford low-cost housing development.
3. The Department draws your attention to the following:
  - 3.1 On 7 July 2017, the Department issued an Environmental Authorisation ("EA") that approved the following development:
    - 770 Residential Zone I erven (approximately 12,7ha);
    - Six Community Zone I erven (approximately 5ha, including the Waste Water Treatment Works ("WWTW") buffer zone);
    - Seven Business Zone III erven (approximately 0,4ha);
    - 12 Open Space Zone II erven (approximately 2,5ha);
    - One Authority Zone erf (approximately 0,6ha);
    - One Transport Zone II erf (approximately 7,4ha);
    - Bulk water infrastructure;
    - A canal/earthen channel (0,5m deep, 0,5m wide and approximately 200m long) for storm water discharge into the Mill Stream from the detention facility; and
    - Internal roads.
  - 3.2 On 5 October 2021, the Department received an application for rezoning & consent use for the rezoning of 149 of the 770 erven from single residential zone to less formal development zone to accommodate emergency housing. The Overstrand Municipality is of the opinion that, although the EA approved 770 single residential erven, the zoning scheme makes provision for the development of a secondary dwelling on each single residential erf, therefore the EA allows for the provision of 1540 dwellings on the 770 erven. You raised the opinion that the provisions of the zoning scheme

therefore allow for the "doubling up" of housing opportunities on the 149 erven, without an amendment to the EA.

- 3.3 The Department's correspondence dated 4 November 2021 highlighted that an amendment to the EA dated 7 July 2017 is required, to accommodate the rezoning and associated changes that are now proposed. The Department further advised that a meeting be set up to discuss the appropriate amendment process for the rezoning of the 149 erven in question.
- 3.4 During the virtual MOP meeting held on 7 December 2021 and also during the virtual meeting held on 23 February 2022, the rezoning of 149 erven from single residential zone to less formal development zone was discussed in detail. The Department advised that a Part 2 amendment process is the appropriate way forward for the following reasons:
- The EA approved 770 single residential erven ("residential zone 1") and ancillary components to the development. The municipality indicated that not all of the 770 single residential erven are needed to provide formal housing, as there are not enough beneficiaries to take up all these opportunities in Stanford. There is now a need to use 149 of the 770 erven to provide emergency housing opportunities (where the Overstrand Municipality provides emergency housing kits to people who then construct their own dwellings on these erven). You intend to rezone these 149 erven from single residential to a "less formal development" zoning and want to create two dwelling unit opportunities on each of the 149 erven.
  - The Environmental Impact Assessment ("EIA") process undertaken did not assess the impacts associated with the construction of 1540 residential units on the environment and service infrastructure, but rather that of 770 residential units. If the intention was to construct two units per erf, the EIA process would have assessed the impact associated with the construction of 1540 residential units on the environment and services infrastructure. This Directorate, as the competent authority in terms of the NEMA EIA Regulations, 2014 (as amended), does not interpret a development proposal in the context of what additional components could be developed in terms of a zoning scheme, but rather in terms of what is being applied for, with its associated impacts as investigated and assessed during the EIA process.
  - Additional residential units may be allowed upon application for additional rights, such as a consent use, in terms of the applicable municipal zoning scheme. While the zoning scheme indicates that a second dwelling unit is permissible on an erf, it is only allowed once an application for the necessary consent use was made and duly approved. It is therefore not an automatic right and can therefore not be regarded as included in an EIA approval.
  - The Overstrand Municipality confirmed in a letter dated 19 September 2016, that there is spare service infrastructure capacity to supply 600 residential units. Additionally, the Traffic Impact Assessment dated February 2017, indicated that 822 residential units will form part of this development. It is therefore clear that the traffic impact assessment and comment from the municipality did not take the zoning scheme into account, but the number of residential units that was proposed as part of the EIA application process.
  - Once a development, as approved, has been developed (i.e., completed), each individual landowner is entitled to apply to a municipality for additional land use rights. These will likely not trigger an EIA on an individual basis. Since the implementation of the Environmental Authorisation ("EA") would have been completed, such further development would not likely influence the EA. However, in this case, you want to change the scope of what was assessed and approved, while the EA is still valid and in force. Since you are still bound by it, the EA needs to be amended to reflect those changes in the development.
4. From the information above, it should therefore be clear that the competent authority that took the original decision, is not misinterpreting the parameters of that decision. Furthermore, the fact that the 149 erven in question will have to be rezoned to allow two units per erf, is regarded as further proof of a change in scope to what was approved, and therefore confirms the requirement for a Part 2 amendment.
5. This Directorate therefore awaits the submission of a Part 2 amendment application, as compiled by an independent Environmental Assessment Practitioner.

6. Kindly quote the abovementioned reference number in any future correspondence concerning the proposed development.
7. This Department reserves the right to revise or withdraw its comments and request further information based on any information received.

Yours faithfully

**Mare-Liez  
Oosthuizen**

Digitally signed by Mare-Liez  
Oosthuizen  
Date: 2022.03.08 07:56:35  
+02'00'

**HEAD OF COMPONENT  
ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 1  
DEPARTMENT OF ENVIRONMENTAL AND DEVELOPMENT PLANNING**

Cc: (1) Haneen van der Stoep (Overstrand Municipality)  
(2) Abigail Jacobs

e-mail: [hvdstoep@overstrand.gov.za](mailto:hvdstoep@overstrand.gov.za)  
e-mail: [ajacobs@overstrand.gov.za](mailto:ajacobs@overstrand.gov.za)



**Western Cape  
Government**  
Environmental Affairs and  
Development Planning

Directorate: Development Management  
(Region 2)

**REFERENCE:** 16/3/3/2/E2/37/1004/16  
**NEAS REFERENCE:** WCP/EIA/0000152/2016  
**ENQUIRIES:** D'mitri Matthews  
**DATE OF ISSUE:** 2017-07-07

The Board of Directors  
Mollekor Overstrand  
P.O. Box 4697  
**DURBANVILLE**  
7551

**Attention: Mr R. van Rooyen**

Tel.: (086) 144 4489  
Fax: (086) 600 5707

Dear Sir

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): PROPOSED STANFORD LOW COST HOUSING RESIDENTIAL DEVELOPMENT ON PORTION 25 OF FARM NO. 644, STANFORD**

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** Environmental Authorisation, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the Environmental Impact Assessment Regulations, 2014 (as amended), you are instructed to ensure, within 14 days of the date of the Environmental Authorisation, that all registered interested and affected parties ("I&APs") are provided with access to and reasons for the decision, and that all registered I&APs are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the National Appeal Regulations, 2014 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarized in the attached Environmental Authorisation.

Yours faithfully

**MR. HENRI FORTUIN**  
**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 2)**  
**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

CC: (1) Ms P. Apton (Overstrand Municipality) Fax: (028) 316 4953  
(2) Mr A. Withers (Withers Environmental Consultants) Fax: (021) 883 2952  
(3) Me E. Pelsar (WCC: Department of Human Settlements) Fax: (021) 483 5510  
(4) Mr A. Oosthuizen (DEA&DP: Development Facilitation) Email: Andre.Oosthuizen@westerncape.gov.za

2<sup>nd</sup> Floor, 1 Dorp Street, Cape Town, 8001  
Tel: +27 21 483 8350 Fax: +27 21 483 3633  
E-mail: D'mitri.Matthews@westerncape.gov.za

Private Bag X9086, Cape Town, 8000  
www.westerncape.gov.za/eadp



**Western Cape  
Government**  
Environmental Affairs and  
Development Planning

Directorate: Development Management  
(Region 2)

**REFERENCE:** 16/3/3/2/E2/37/1004/16  
**NEAS REFERENCE:** WCP/EIA/0000152/2016  
**ENQUIRIES:** D'mitri Matthews  
**DATE OF ISSUE:**

### ENVIRONMENTAL AUTHORISATION

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): PROPOSED STANFORD LOW COST HOUSING RESIDENTIAL DEVELOPMENT ON PORTION 25 OF FARM NO. 644, STANFORD**

With reference to your application for the abovementioned, find below the outcome with respect to this application.

#### DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended), the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activities specified in Section B below with respect to Layout Alternative 1, described in the Environmental Impact Assessment Report ("EIAR"), dated March 2017.

The applicant for this Environmental Authorisation is required to comply with the conditions set out in Section E below.

#### A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

Motlekar Overstrand  
% Mr R. van Rooyen  
P.O. Box 4697  
**DURBANVILLE**  
7551

Tel.: (086) 144 4489  
Fax: (086) 600 5707

2<sup>nd</sup> Floor, 1 Dorp Street, Cape Town, 8001  
Tel: +27 21 483 8350 Fax: +27 21 483 3633  
E-mail: D'mitri.Matthews@westerncape.gov.za

Private Bag X9086, Cape Town, 8000  
[www.westerncape.gov.za/eacdp](http://www.westerncape.gov.za/eacdp)

The abovementioned applicant is the holder of this Environmental Authorisation and is hereinafter referred to as "the holder".

**B. LIST OF ACTIVITIES AUTHORISED**

Listed Activity	Activity/Project Description
<p>Government Notice No. 327 of 7 April 2017 – Activity Number 9</p> <p>The development of infrastructure exceeding 1000 metres in length for the bulk transportation of water or storm water—</p> <p>(i) with an internal diameter of 0,36 metres or more; or</p> <p>(ii) with a peak throughput of 120 litres per second or more;</p> <p>excluding where—</p> <p>(a) such infrastructure is for bulk transportation of water or storm water or storm water drainage inside a road reserve or railway line reserve; or</p> <p>(b) where such development will occur within an urban area.</p>	<p>The storm water pipes will range in diameter from 375mm to 900mm and will have a cumulative length that exceeds 1 000m.</p>
<p>Activity Number 12</p> <p>The development of—</p> <p>(i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or</p> <p>(ii) infrastructure or structures with a physical footprint of 100 square metres or more;</p> <p>where such development occurs—</p> <p>(a) within a watercourse;</p> <p>(b) in front of a development setback; or</p> <p>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; —</p> <p>excluding—</p> <p>(aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</p> <p>(bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;</p> <p>(cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies;</p> <p>(dd) where such development occurs within an urban area;</p>	<p>The storm water from the development will discharge via a channel/canal into the Mill Stream, which is located within 32m of the watercourse and will have a development footprint larger than 100m<sup>2</sup>.</p>

<p>(ee) where such development occurs within existing roads, road reserves or railway line reserves; or</p> <p>(ff) the development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared.</p>	
<p>Government Notice No. R. 325 of 7 April 2017 – Activity Number 15</p> <p>The clearance of an area of 20 hectares or more of indigenous vegetation, excluding where such clearance of indigenous vegetation is required for—</p> <p>(i) the undertaking of a linear activity; or</p> <p>(ii) maintenance purposes undertaken in accordance with a maintenance management plan.</p>	<p>More than 20ha of indigenous vegetation will be cleared for the proposed development.</p>
<p>Government Notice No. R. 324 of 7 April 2017 – Activity Number 4</p> <p>The development of a road wider than 4 metres with a reserve less than 13,5 metres.</p> <p><b>i. Western Cape</b></p> <p>i. Areas zoned for use as public open space or equivalent zoning;</p> <p>ii. Areas outside urban areas;</p> <p><b>(aa) Areas containing indigenous vegetation;</b></p> <p>(bb) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined; or</p> <p>iii. Inside urban areas:</p> <p>(aa) Areas zoned for conservation use; or</p> <p>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority.</p>	<p>Internal roads will be wider than 4m and constructed in an area comprising indigenous vegetation.</p>

The abovementioned list is hereinafter referred to as "**the listed activities**".

The holder is herein authorised to undertake the following alternative:

The proposal entails the development of a low cost housing area to the east of the existing Stanford low cost residential area that will have a development footprint of approximately 29ha in extent. The proposal will consist of the following:

- 770 Residential Zone I erven (approximately 12,7ha);
- Six Community Zone I erven (approximately 5ha, including the Waste Water Treatment Works ("WWTW") buffer zone);
- Seven Business Zone III erven (approximately 0,4ha);
- 12 Open Space Zone II erven (approximately 2,5ha);
- One Authority Zone erf (approximately 0,6ha);

- One Transport Zone II erf (approximately 7,4ha);
- Bulk water infrastructure;
- A canal/earthen channel (0,5m deep, 0,5m wide and approximately 200m long) for storm water discharge into the Mill Stream from the detention facility; and
- Internal roads.

#### C. SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken on Portion 25 of Farm No. 644, Stanford, at the following coordinates:

Latitude (S)	Longitude (E)
34° 26' 50,60"	19° 126' 50,68"

The SG digit code is: C0130000000064400025

Refer to Annexure 1: Locality Plan and Annexure 2: Site Plans

The above is hereinafter referred to as "the site".

#### D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Withers Environmental Consultants (Pty) Ltd  
 % Mr. A. Withers/ Ms. K. Neethling  
 P. O. Box 6118  
**UNIEDAL**  
 7612

Tel.: (021) 887 4000

Fax: (021) 883 2952

#### E. CONDITIONS OF AUTHORISATION

##### Scope of authorisation

1. The holder is authorised to undertake the listed activities specified in Section B above in accordance with, and restricted to, Layout Alternative 1, described in the EIAR dated March 2017 at the site as described in Section C above.
2. The Environmental Authorisation is valid for a period of **five years** from the date of issue within which commencement must occur.
3. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
4. Any changes to, or deviations from the scope of the alternative described in Section B above must be accepted or approved, in writing, by the Competent Authority before such changes

or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the Competent Authority may request information, in order to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

**Written notice to the Competent Authority**

5. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of construction activities. The notice must:

- 5.1 make clear reference to the site details and EIA Reference number given above; and
- 5.2 include proof of compliance with the following conditions described herein:

Conditions: 6, 7, 10, 16, 17 and 19

**Notification and administration of appeal**

6. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision-

- 6.1 notify all registered Interested and Affected Parties ("I&APs") of -
  - 6.1.1 the outcome of the application;
  - 6.1.2 the reasons for the decision as included in Annexure 3;
  - 6.1.3 the date of the decision; and
  - 6.1.4 the date when the decision was issued.
- 6.2 draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations, 2014 (as amended) detailed in Section G below;
- 6.3 draw the attention of all registered I&APs to the manner in which they may access the decision; and
- 6.4 provide the registered I&APs with:
  - 6.4.1 the name of the holder (entity) of this Environmental Authorisation;
  - 6.4.2 name of the responsible person for this Environmental Authorisation;
  - 6.4.3 postal address of the holder;
  - 6.4.4 telephonic and fax details of the holder;
  - 6.4.5 e-mail address, if any, of the holder; and
  - 6.4.6 contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the 2014 National Appeals Regulations (as amended).

7. The listed activities, including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant notifies the registered I&APs of this decision. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided i.e. the listed activities, including site preparation, must not commence until the appeal is decided.

**Management of activity**

8. The draft of Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.
9. The EMPr must be included in all contract documentation for all phases of implementation.

**Monitoring**

10. The holder must appoint a suitably experienced environmental control officer ("ECO"), or site agent where appropriate, before commencement of any land clearing or construction activities to ensure compliance with the EMPr and the conditions contained herein.
11. A copy of the Environmental Authorisation, EMPr, audit reports and compliance monitoring reports must be kept at the site of the authorised activity, and must be made available to anyone on request, including on a publicly accessible website.
12. Access to the site referred to in Section C must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the Competent Authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

**Auditing**

13. In terms of Regulation 34 of the NEMA EIA Regulations, 2014, the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation, the EMPr and submit Environmental Audit Reports to the Competent Authority. The Environmental Audit Report must be prepared by an independent person and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014.

The holder must submit an Environmental Audit Report for the construction phase within 3 months from the start of construction to the Competent Authority and thereafter, every 3 months for the duration of the construction phase. The final Environmental Audit Report must be submitted to the Competent Authority three months after construction is completed.

The holder must, within 7 days of the submission of each of the above-mentioned reports to the Competent Authority, notify all potential and registered I&APs of the submission and make the report available to anyone on request and on a publicly accessible website (if applicable).

**Specific Conditions**

14. Should any heritage remains be exposed during excavations or any other actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape. Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape.

Heritage remains include: meteorites, archaeological and/or palaeontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts and bone remains; structures and other built features with heritage significance; rock art and rock engravings; and/or graves or unmarked human burials including grave goods and/or associated burial material.

15. A qualified archaeologist and/or palaeontologist must be contracted where necessary (at the expense of the holder) to remove any heritage remains. Heritage remains can only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant heritage resources authority.
16. The construction site must be clearly demarcated prior to the commencement of construction activities and all areas outside of the demarcated construction site must be regarded as "no-go" areas.
17. A search and rescue exercise for the endangered *Disa hallackii* species must be implemented prior to commencement of construction. A qualified horticulturist/restoration ecologist must be appointed to oversee the search and rescue operation.
18. The development must only discharge sewage to the Stanford Waster Water Treatment Works ("WWTW") once Overstrand Municipality confirms that upgrading of the Stanford WWTW has been completed.
19. The community facility area which contains Millwood Thicket must be fenced off prior to commencement of construction activities.
20. The identified buffer zone around the Stanford WWTW must be implemented and maintained by the municipality. No residential erven must be located within the buffer zone.

#### F. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.
2. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. If the holder does not commence with the listed activities within the period referred to in Condition 2, this Environmental Authorisation shall lapse for that activity, and a new application for Environmental Authorisation must be submitted to the Competent Authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the Competent Authority prior to the expiry date of the Environmental Authorisation.
4. The holder must submit an application for amendment of the Environmental Authorisation to the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the EIA Regulations, 2014 must be submitted.

Please note that an amendment is not required if there is a change in the contact details of the holder. In this case, the Competent Authority must only be notified of such changes.

5. The manner and frequency for updating the EMPr is as follows:  
Amendments to the EMPr, other than those mentioned above, must be done in accordance with Regulations 35 to 37 of GN No. 326 of 7 April 2017 or any relevant legislation that may be applicable at the time.

#### G. APPEALS

Appeals must comply with the provisions contained in the National Appeal Regulations 2014 (as amended).

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date on which notification of the decision was sent to the holder by the Competent Authority –
  - 1.1. submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
  - 1.2. submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date on which the holder of the decision sent notification of the decision to the registered I&APs –
  - 2.1. submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
  - 2.2. submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organs of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organs of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.
4. The appeal and the responding statement must be submitted to the address listed below:
 

By post:	Western Cape Ministry of Local Government, Environmental Affairs and Development Planning Private Bag X9186 CAPE TOWN 8000
By facsimile:	(021) 483 4174; or

By hand: Attention: Mr Jaap de Villiers (Tel: 021 483 3721)  
Room 809  
8<sup>th</sup> Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

**Note:** For purposes of electronic database management, you are also requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority to the address listed above and/ or via e-mail to Jaap.DeVilliers@westerncape.gov.za.

5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from Appeal Authority at: Tel. (021) 483 3721, E-mail Jaap.DeVilliers@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

#### H. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this Environmental Authorisation shall not be responsible for any damages or losses suffered by the holder, developer or his/her successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

Your interest in the future of our environment is appreciated.

Yours faithfully



**MR. HENRI FORTUIN**

**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 2)**

DATE OF DECISION: 7-7-17

CC: (1) Ms P. Aplon (Overstrand Municipality)  
(2) Mr A. Withers (Withers Environmental Consultants)  
(3) Me E. Pelsar (WCG: Department of Human Settlements)  
(4) Mr A. Oosthuizen (DEA&DP: Development Facilitation)

Fax: (028) 316 4953

Fax: (021) 883 2952

Fax: (021) 483 5510

Email: Andre.Oosthuizen@westerncape.gov.za

ANNEXURE 1: LOCALITY MAP

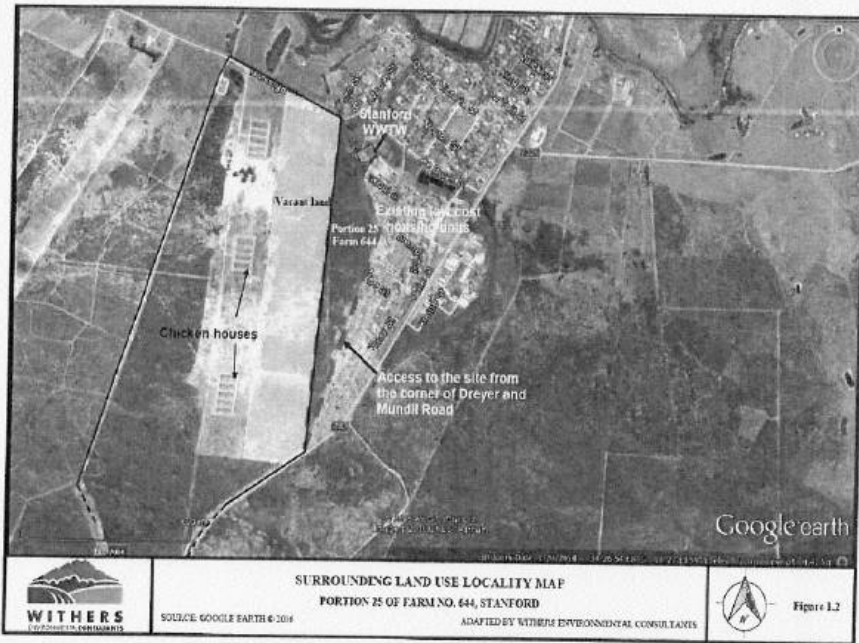


Figure 1: Locality map of Portion 25 of Farm No. 644, Stanford

ANNEXURE 2: SITE PLAN

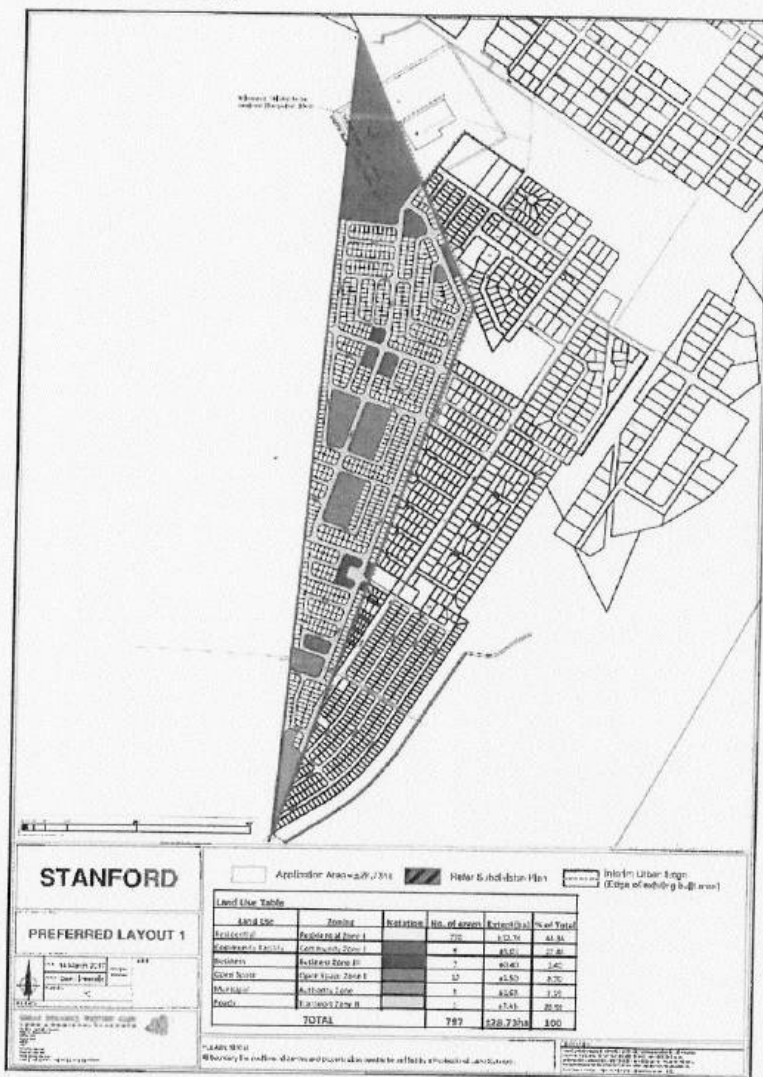


Figure 2: Site Plan for the Stanford low cost housing Development.



**ANNEXURE 3: REASONS FOR THE DECISION**

In reaching its decision, the Competent Authority considered, amongst others, the following:

- a) The information contained in the Application Form dated 15 July 2016, the final EIAR dated March 2017 and the EMPr submitted together with the final EIAR;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation and Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of NEMA;
- d) The comments received from I&APs and responses to these, included in the EIAR dated March 2017; and
- e) The balancing of negative and positive impacts and proposed mitigation measures.

No site visits were conducted. The Competent Authority had sufficient information before it to make an informed decision without conducting a site visit.

This application was submitted in terms of the NEMA Environmental Impact Assessment ("EIA") Regulations, 2014. This decision takes into account the relevant amendments to the text of the said regulations promulgated on 7 April 2017.

All information presented to the Competent Authority was taken into account during the consideration of the application for Environmental Authorisation. A summary of the issues that were considered to be the most significant for the decision is set out below.

**1. Public Participation**

The public participation process included:

- identification of and engagement with I&APs;
- public meetings were held with I&APs on 21 February 2016, 27 June 2016, 7 September 2016 and 21 February 2017;
- the placing of a newspaper advertisement in the 'Hermanus Times' on 7 July 2016;
- fixing notice boards at the sites where the listed activities is to be undertaken on 11 July 2016;
- giving written notice to the owners and occupiers of land adjacent to the site where the listed activities is to be undertaken, the municipality and ward councillor, and the various Organs of State having jurisdiction in respect of any aspect of the listed activities, on 8, 11 and 12 July 2016;
- making the draft Scoping Report ("SR") available to I&APs for public review on 12 July 2016; and
- Making the draft EIAR available to I&APs for public review from 8 February 2017.

All the concerns raised by I&APs were responded to, and addressed during the public participation process. Specific management and mitigation measures have been considered in this Environmental Authorisation and in the EMPr, in order to address the concerns raised.

The Competent Authority notes the Environmental Assessment Practitioner's responses to the issues raised during the public participation process, and has included appropriate conditions in this Environmental Authorisation and in the EMPr.

## 2. Alternatives

A number of alternatives were assessed during the application process and only the reasonable and feasible alternatives are discussed below.

### Layout Alternative 1 (Herewith Authorised):

The proposal entails the development of a low cost housing area to the east of the existing Stanford low cost residential area that will have a development footprint of approximately 29ha in extent. The proposal will consist of the following:

- 770 Residential Zone I erven (approximately 12,7ha);
- Six Community Zone I erven (approximately 5ha, including the Waste Water Treatment Works ("WWTW") buffer zone);
- Seven Business Zone III erven (approximately 0,4ha);
- 12 Open Space Zone II erven (approximately 2,5ha);
- One Authority Zone erf (approximately 0,6ha);
- One Transport Zone II erf (approximately 7,4ha);
- Bulk water infrastructure;
- A canal/earthen channel (0,5m deep, 0,5m wide and approximately 200m long) for storm water discharge into the Mill Stream from the detention facility; and
- Internal roads.

This alternative is preferred since it provides more community sites and an additional business zone, the open space areas are better aligned with the sensitive vegetation core compared to Layout Alternative 2 and the Milkwood Thicket is located in the Stanford WWTW buffer zone, where no development will be undertaken.

### Layout Alternative 2:

The proposal entails the development of a low cost housing area to the east of the existing Stanford low cost residential area. The proposal will consist of the following:

- 801 Residential Zone I erven (approximately 13,24 ha);
- Four Community Zone I erven (approximately 0,75ha);
- Six Business Zone III erven (approximately 0,31ha);
- Nine Open Space Zone II erven (approximately 2,72ha);
- One Open Space Zone II erf for sport and recreation (approximately 4,16ha);
- One Transport Zone II erf (approximately 7,55ha);
- Bulk water infrastructure;
- A canal/earthen channel (0,5m deep, 0,5m wide and approximately 200m long) for storm water discharge into the Mill Stream from the detention facility; and
- Internal roads.

This alternative is not preferred since it will have less community and business sites as well as a less favourable open space system that is not aligned with the sensitive vegetation core.

### "No-Go" Alternative

The "no-go" option to retain the site as undeveloped was not deemed feasible since the site is used for illegal dumping, informal mining, vegetation is cleared for informal soccer fields and it is

at risk of being encroached by informal housing. In addition, the opportunity to reduce the housing backlog will also be lost.

### 3. Impact Assessment and Mitigation measures

#### 3.1 Activity need and desirability

The Overstrand Spatial Development Framework, highlights the need for residential development in Stanford. Therefore, the municipality intends to develop Portion 25 of Farm No. 644, Stanford, to aid in their provision of subsidy housing. The site earmarked for development is located within the municipal urban edge, and is designated for urban expansion. Furthermore, the proposed low cost housing development can be accommodated within the municipal infrastructure in terms of service provision.

#### 3.2 Biodiversity and Biophysical Impacts

According to the Botanical Assessment dated November 2014 and the Addendum to this report dated 19 March 2017, compiled by Mr. Gregory Nicolson of Bergwind Botanical Surveys and Tours cc, the vegetation on site comprises Agulhas Limestone Fynbos, an ecosystem classified as being vulnerable in terms of Section 52 of the National Environmental Management Biodiversity Act, 2004 (Act No. 10 of 2004) (NEMBA). Some areas have been highly invaded by alien plant species and in other areas there has been moderate invasion. Two areas of high botanical sensitivity were identified, namely the Milkwood thicket to the north of the site and the sensitive vegetation core of restorable fynbos in the centre of the site. The Milkwood thicket is located within the buffer zone around the Stanford WWTW that will not be developed and a portion of the sensitive vegetation core has been incorporated into the centralised open space areas within the proposed development. A search and rescue exercise will be undertaken prior to the commencement of construction activities (included as Condition 17) to relocate the endangered *Disa hallackii* species. As such, through the implementation of recommendations of the botanical specialist, Condition 17 and the EMPr (Accepted as per Condition 8), the impact on sensitive vegetation on the site will be adequately mitigated.

#### 3.3 Traffic Impacts

According to the Transport Impact Assessment dated February 2017, compiled by Ms. Karin Liebenberg of Gibb Engineers and Architecture (Pty) Ltd, all intersections will operate at Level of Service A to B (Free flow and Reasonably free flow) with minimal traffic queues during both am and pm peak hours. With the implementation of the recommendations of the Traffic Impact Assessment and the EMPr, the impacts on future traffic conditions will be mitigated.

#### 3.4 Air Quality Impacts

The potential air quality impacts due to the close proximity of the development to the Stanford WWTW were assessed and according to the Air Quality Impact Assessment and Buffer Zone Determination, compiled by Demos Dracoulides of DDA Environmental Engineers, the following findings were noted:

##### Odour Impact:

The cumulative odour concentrations at the proposed development were below 0,5 odour unit ("OU"), which is below the nuisance level of 2 OU. Even though odours may still be experienced occasionally by the residents close to the WWTW, it will be infrequent and with a very low occurrence.

**Non-carcinogenic Health Risk Impact:**

The indexes for both short- and long-term non-carcinogenic health risk were recorded as being 0,1 and 0,01, respectively, which is well below the guideline level of 1 outside of the WWTW. Thus, non-carcinogenic health impacts are considered to be very low.

**Carcinogenic Risk Impact:**

The estimated carcinogenic risk was below  $0,01 \times 10^{-4}$ , which means that a person in any of the areas would have less than 0,01 in a million chance of developing cancer due to lifetime exposure. Therefore, the carcinogenic risk is considered negligible.

**Buffer Zone Determination:**

The buffer zone required for the Stanford WWTW was determined on the odour, non-carcinogenic health and carcinogenic risk impacts associated with the proposed development's proximity to the Stanford WWTW and incorporated into the preferred layout. Furthermore, through the implementation of the recommendations of the Air Quality Impact Assessment and Buffer Zone Determination and the EMPr, the impacts of odour emanating from the Stanford WWTW will be low.

**3.5 Services****Bulk Supply**

In their letters dated 19 and 21 September 2016, Overstrand Municipality confirmed the following:

**Electricity:**

The Eskom supply to Stanford has recently been upgraded and there is sufficient capacity to accommodate the proposed development.

**Water:**

The proposed development can be supplied from the existing municipal services.

**Waste Removal:**

The municipal waste site in Gansbaai has sufficient capacity to receive the waste from the proposed development.

**Sanitation:**

Currently there is no capacity at the existing Stanford WWTW to accommodate the proposed development. However, the implementation plan for the upgrade of the WWTW is planned for the 2017/2018 financial year. This upgrade would not require environmental authorisation, as confirmed in the email dated 26 September 2016. Furthermore, as stated in Condition 18, the development must not discharge sewage before the upgrading of the Stanford WWTW has been completed.

The development will result in both negative and positive impacts.

**Negative Impacts:**

- The proposed development will result in elevated noise and dust levels during the construction period.
- Loss of and disturbance to indigenous vegetation during site preparation and construction.

**Positive Impacts:**

- Housing opportunities will be provided for potential beneficiaries.
- Non-motorised transport infrastructure will be upgraded.
- The Milkwood thicket located on the northern section of the site will be conserved and the sensitive vegetation core located in the centre of the site will be retained.
- A search and rescue exercise will be undertaken to ensure that the *Disa hallackii* can be conserved in another location.
- Temporary employment opportunities will be created during the construction phase.

**4. National Environmental Management Act Principles**

The NEMA Principles (set out in Section 2 of the NEMA, which apply to the actions of all Organs of State, serve as guidelines by reference to which any Organ of State must exercise any function when taking any decision, and which must guide the interpretation, administration and implementation of any other law concerned with the protection or management of the environment), *inter alia*, provides for:

- the effects of decisions on all aspects of the environment to be taken into account;
- the consideration, assessment and evaluation of the social, economic and environmental impacts of activities (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment;
- the co-ordination and harmonisation of policies, legislation and actions relating to the environment;
- the resolving of actual or potential conflicts of interest between organs of state through conflict resolution procedures; and
- the selection of the best practicable environmental option.

**5. Conclusion**

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMP, the Competent Authority is satisfied that the proposed listed activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the NEMA and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

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