

**AGENDA of the  
Portfolio Committee: Infrastructure and Planning  
22 March 2017  
(Also the agenda for the Mayoral Committee Meeting: 29 March 2017)**

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**2.**

**ERVEN 8823 AND 8946, HERMANUS, OVERSTRAND MUNICIPAL AREA:  
PROPOSED CLOSURE OF AN OPEN SPACE, REZONING TO SUBDIVISIONAL  
AREA, SUBDIVISION, DEPARTURE AND AMENDMENT OF THE OVERSTRAND  
GROWTH MANAGEMENT STRATEGY (2010) : MESSRS URBAN DYNAMICS ON  
BEHALF OF OVERSTRAND MUNICIPALITY**

**8823 & 8926 HZW (3181)**

**H Olivier**

**(028) 313 8900**

**Hermanus Administration**

**27 January 2017**

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**1. Executive Summary**

An application for development of a housing development on Erven 8823 and 8946, Zwelihle has been submitted to this office by Messrs Urban Dynamics on behalf of Overstrand Municipality.

The application includes the closure of open space Erf 8946, Zwelihle and the rezoning thereof to subdivisional area, to create the following and the subdivision thereof:

- 27 Single Residential Erven
- 1 Transport Zone II erf for public road

The application also includes an application on Erf 8823, Zwelihle for rezoning to subdivisional area, to create the following, and subdivision thereof into:

- 127 Single Residential Erven
- 1 Open Space one II Site
- 1 Transport Zone II Site (Public Road)

Both applications also includes an application for departure to relax lateral building lines from 1m to 0m to accommodate semi-detached units, and also to relax the 2m street building lines to 1m.

The application on Erf 8946 also includes an application for the amendment of the Growth Management Strategy, 2010 to develop a designated open space for residential development of more than thirty (30) units per hectare.

As previously mentioned the application on Erf 8946 includes the closure of the open space in terms of the Municipal Ordinance 20 of 1974.

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

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**2. Service Delivery and Budget Implementation Plan - IGNITE**

Infrastructure and Planning  
Town- and Spatial Planning

**3. Compliance with Strategic Priority**

Provision of democratic, accountable and ethical governance

**4. Delegated Authority**

Partially delegated to the Executive Mayor

**5. Legal Requirements**

- Section 15, 17, 22 and 24 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985)
- Local Government: Municipal Systems Act (Act 32 of 2000)
- Section 137 of the Municipal Ordinance 20 of 1974

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

**Background/Discussion**

Erf 8823, Zwelihle was used as a Temporary Relocation Area (TRA) and there are existing informal structures on the site. Funding has been obtained to formalize the area to put in services and road infrastructure and is suitable for one hundred twenty seven (127) residential sites.

Erf 8946 was planned as an open space, but due to pressure for additional areas to provide accommodation, there are informal structures on the property. Funding has been obtained to put in services and roads in this area and it would be suitable for 27 residential erven.

The application was advertised in the Hermanus Times and Government Gazette, notices were sent out to surrounding property owners and the Ward Councillor. No objections were received.

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

**Evaluation/Discussion**

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

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Physical Characteristics of the Property

There are informal structures on both properties. There are also existing services that traverse the properties, some which will be accommodated within the road reserves and open space on Erf 8823, and others that will have to be relocated.

Both properties have a flat gradient and can easily be serviced and later formally developed.

Location and Accessibility

The development on Erf 8823, Zwelihle (Transit Camp) will be accessible from Ntlanzi Street from the east which links this area to Swartdam Road to the east and Chris Hani Street to the north.

The development on Erf 8946 will also be accessible from Ntlanzi Street from the west, and Swartdam Road to the east.

Each new residential erf will have good road access.

Existing Planning and Character of the area

The area surrounding Erven 8823 and 8946 is mostly developed with formal dwellings, with some level of informal structures also found on these erven. There is also an existing crèche north of Erf 8946.

The formalization of this area with services and road infrastructure will help to formalize the area to ultimately be developed to the same level as the surrounding area.

The formalization of the area with serviced sites and road infrastructure can only have a positive impact on the surrounding area.

It is to be noted that Erf 8823 is zoned Community Zone (school purposes). The Department of Education however support the rezoning of the erf.

Provision of Services

At this stage the residents of the informal structures on the properties already utilize electricity, water (taps in area) and sewerage (communal toilets). The increase in use due to the creation of serviced site should not create a major increase in use.

It is clearly indicated on the layout plan and in the report that some existing services will remain and some will be relocated.

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The proposal is then also supported by the Operational, Electrical and the Engineering Department.

Environmental Sensitivity

In terms of the National Environmental Management Act, 1998 approval had to be obtained for the rezoning of Erf 8946 from Open Space. This approval was obtained (see Annexure F).

The Municipal Environmental Department also indicated that they have no objection to the developments.

Planning Policies

In terms of the Overstrand Municipal Wide Spatial Development Framework, 2006 the properties are earmarked for residential purposes and the application is in line with such policy.

In terms of the Overstrand Municipal Spatial Growth Management Strategy, 2010 Erf 8223 is identified as status quo and Erf 8946 Open Space due to its existing status on the general plan. The application includes the amendment of this Policy Document to allow for residential development on Erf 8946 in excess of thirty five (35) units/ha. Considering the fact that the area is already utilized for informal housing, the amendment would have no impact on the surrounding area.

**Conclusion**

No objections were received from the public or Ward Committee against the application.

All relevant municipal and state departments support the application.

The housing developments are in line with the Overstrand Municipal Wide Spatial Development Framework, 2006, and although it is in line with the broader aims of the Overstrand Growth Management Strategy, 2010 application is made for amendment for a development on Erf 8946 which is indicated as an open space on the plan in such Policy Document.

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

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

The application is desirable and supported.

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**7. Financial Implications**

None

**8. Staff Implications**

None

**9. Comments from other Departments, Divisions and Administrations**

**Engineering Services**

Attached as Annexure D.

**Fire Department**

Provision of fire hydrants in compliance with National Fire Protection Regulations Section 4.35 of SANS 10400 T : 2011 is required continuous maintenance of clear spaces between dwellings of minimum 2,4m is required.

**Building Department**

Supported subject to compliance with SANS 10400 when structures are erected.

**Operational Services**

No objection.

**Waste Management (J van Taak)**

No objection.

**District Health**

No comments received.

**Electrical Department**

No comment.

**Environmental Department**

No objection.

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**10. Annexures**

- Annexure A: Locality Plan
- Annexure B: Layout Plan
- Annexure C: Motivation Report
- Annexure D: Municipal Services Report
- Annexure E: Department Education
- Annexure F: EIA RoD Erf 8946

**RECOMMENDATION TO THE EXECUTIVE MAYOR:**

1. that the recommendation for the application on Erf 8946, Zwelihle is as follows:
  - (a) that the closure of open space Erf 8946, Zwelihle in terms of Section 137 of the Municipal Ordinance of 1974 (Ordinance 20 of 1974), **be approved**;
  - (b) that in terms of Sections 16 and 25 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for the rezoning to Subdivisional Area of Erf 8946, to create twenty seven (27) Residential Zone I (Single Residential) erven and 1 Transport Zone II (Public Road, and the subdivision thereof, **be approved**.
2. that the recommendation for the application on Erf 8223, Zwelihle is as follows:
  - (a) that in terms of Section 16 and 25 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), the application for the Rezoning to Subdivisional Area of Erf 8223, Zwelihle to create one hundred and twenty seven (127) Residential Zone I erven (single residential), 1 Open Space Zone II (public open space) site, and 1 Transport Zone II (public road) site, and the subdivision thereof, **be approved**.
3. that the approvals in A and B above be subject to the following conditions:
  - (a) that all conditions in the Municipal Services Report (attached as Annexure D), be complied with;
  - (b) that all conditions imposed by western Cape Government : Environmental Affairs and Development Planning Environmental (Record of Decision) attached as Annexure G, be complied with;
  - (c) that should Telkom impose any conditions, it be adhered to;
  - (d) that should Eskom impose any conditions, it be adhered to;
  - (e) that this approval does not absolve the applicant from compliance with any other relevant legislation;

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- (f) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
  - (g) 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, and
  - (h) that fire hydrants in compliance with National Fire Protection Regulations 4.35.4 of SANS 10400 T : 2011 be provided and continuous maintenance of clear spaces between dwellings be provided to the satisfaction of the Municipal Fire Department.
4. that in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for the relaxation of the 2m street building line to 1m and the 1m lateral building line to 0m on the new residential erven as mentioned in A and B above, to accommodate semi-detached dwellings, **be approved**.
  5. that the applicant be notified of its right of appeal in terms of Section 62 of the Local Government: Municipal Systems Act No 32 of 2000 with regards to the above conditions of approval.

**RECOMMENDATION TO COUNCIL:**

that the amendment of the Overstrand Municipality Growth Management Strategy, 2010 in terms of the Municipal Systems Act (Act 32 of 2000) to allow for residential development with a density of more than thirty five (35) units per hectare, **be recommended for approval** on Erven 8223 and 8946, Zwelihle.

<b>RESPONSIBLE OFFICIAL :</b>	<b>H OLIVIER</b>
<b>TARGET DATE FOR IMPLEMENTATION :</b>	<b>12 APRIL 2017</b>
<b>TARGET DATE TO INFORM APPLICANT :</b>	<b>12 APRIL 2017</b>
<b>TARGET DATE TO INFORM OBJECTOR :</b>	<b>N/A</b>

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**ERVEN 8823 AND 8946, HERMANUS, OVERSTRAND MUNICIPAL AREA:  
PROPOSED CLOSURE OF AN OPEN SPACE, REZONING TO SUBDIVISIONAL  
AREA, SUBDIVISION, DEPARTURE AND AMENDMENT OF THE OVERSTRAND  
GROWTH MANAGEMENT STRATEGY (2010) : MESSRS URBAN DYNAMICS ON  
BEHALF OF OVERSTRAND MUNICIPALITY**

**8823 & 8926 HZW (3181)**

**H Olivier**

**(028) 313 8900**

**Hermanus Administration**

**27 January 2017**

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**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON  
22 MARCH 2017, WHICH COMMITTEE RECOMMENDED AS FOLLOWS:**

**RECOMMENDATION TO THE EXECUTIVE MAYOR:**

1. that the recommendation for the application on Erf 8946, Zwelihle is as follows:
  - (a) that the closure of open space Erf 8946, Zwelihle in terms of Section 137 of the Municipal Ordinance of 1974 (Ordinance 20 of 1974), **be approved**;
  - (b) that in terms of Sections 16 and 25 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for the rezoning to Subdivisional Area of Erf 8946, to create twenty seven (27) Residential Zone I (Single Residential) erven and 1 Transport Zone II (Public Road, and the subdivision thereof, **be approved**.
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- (e) that this approval does not absolve the applicant from compliance with any other relevant legislation;
  - (f) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
  - (g) 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, and
  - (h) that fire hydrants in compliance with National Fire Protection Regulations 4.35.4 of SANS 10400 T : 2011 be provided and continuous maintenance of clear spaces between dwellings be provided to the satisfaction of the Municipal Fire Department.
4. that in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for the relaxation of the 2m street building line to 1m and the 1m lateral building line to 0m on the new residential erven as mentioned in A and B above, to accommodate semi-detached dwellings, **be approved**.
5. that the applicant be notified of its right of appeal in terms of Section 62 of the Local Government: Municipal Systems Act No 32 of 2000 with regards to the above conditions of approval.

**RECOMMENDATION TO COUNCIL:**

that the amendment of the Overstrand Municipality Growth Management Strategy, 2010 in terms of the Municipal Systems Act (Act 32 of 2000) to allow for residential development with a density of more than thirty five (35) units per hectare, **be recommended for approval** on Erven 8223 and 8946, Zwelihle.

<b>RESPONSIBLE OFFICIAL :</b>	<b>H OLIVIER</b>
<b>TARGET DATE FOR IMPLEMENTATION :</b>	<b>12 APRIL 2017</b>
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<b>TARGET DATE TO INFORM OBJECTOR :</b>	<b>N/A</b>



**OVERSTRAND HOUSING  
ZWELIHLE, TRANSIT CAMP & ASAZANI**

**DRAFT LAYOUT PLAN**

□ Application Areas

LAND USE TABLE (A)			
Land Use	Area (ha)	No. of Units	Area (sqm)
Residential	277	1.11	24.48
Open Space	1	0.19	1.12
Other	1	0.15	0.12
<b>TOTAL</b>	<b>279</b>	<b>1.25</b>	<b>25.72</b>

LAND USE TABLE (B)			
Land Use	Area (ha)	No. of Units	Area (sqm)
Residential	27	0.28	23.80
Other	1	0.02	0.14
<b>TOTAL</b>	<b>28</b>	<b>0.30</b>	<b>23.94</b>

**PLEASE NOTE:**  
All boundary lines, positions, dimensions and property shape maps as described by a Professional Land Surveyor.

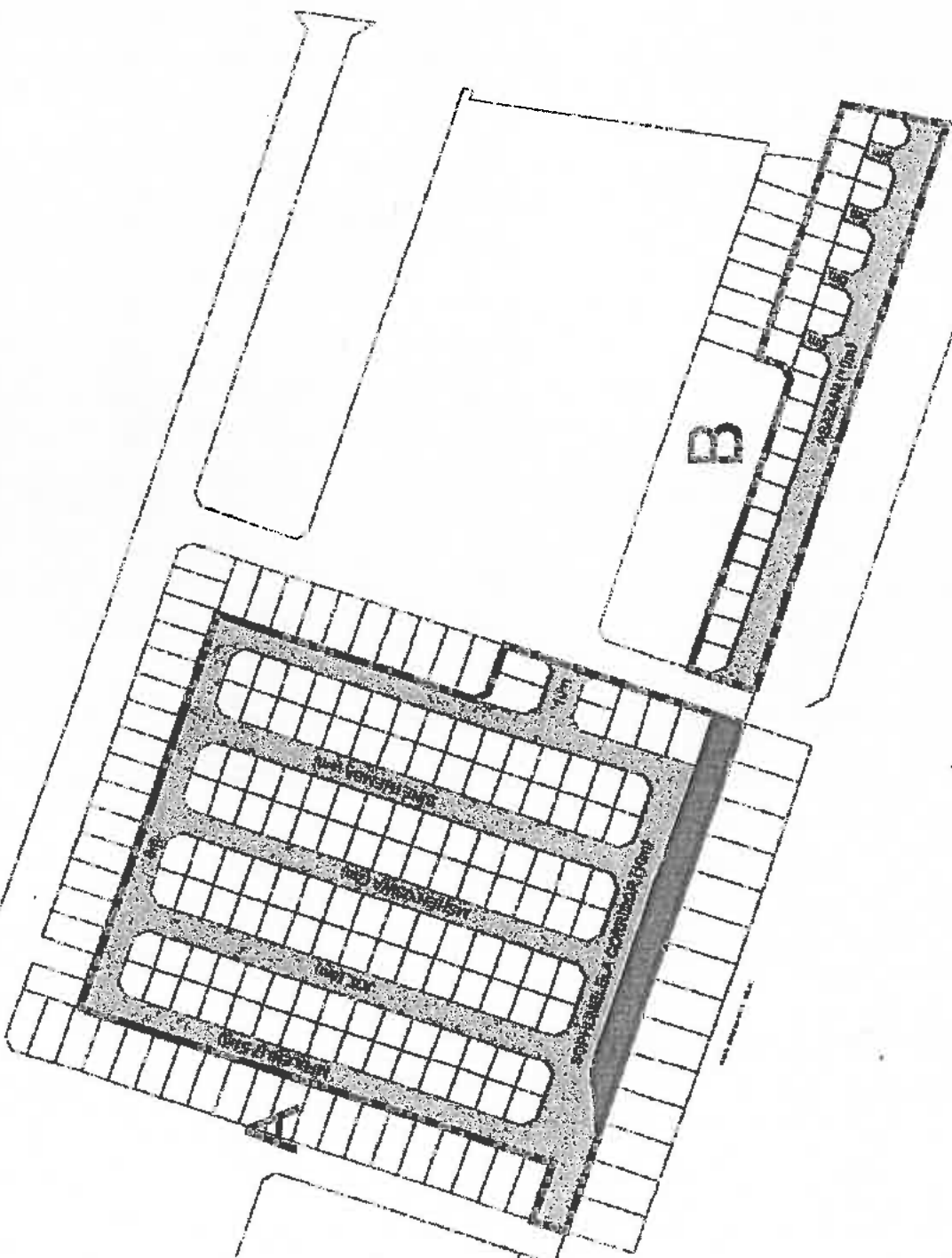
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DATE: 18 May 2015  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 SCALE: 1:1000



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**SECTION 1****INTRODUCTION****1.1 BACKGROUND**

The Overstrand Municipality identified 2 existing informal housing sites, Transit Camp and Asazani respectively, for upgrading/formalising purposes.

The primary objective of this housing development is to address the living conditions of these residents and to formalise housing opportunities by means of serviced sites. The proposed development will contribute towards improving living conditions within the township of Zwelihle towards achieving a more sustainable human settlement.

For the purposes of this application, the two application areas will be referred to as follows:

- Application Area A - Transit Camp
- Application Area B - Asazani

**1.2 BRIEF**

Urban Dynamics Western Cape Inc., has been appointed by the Overstrand Municipality, to prepare and submit an application in order to procure the rights for a formalised housing development on the properties indicated in the table below (refer *Annexure B: Power of Attorney*).

**1.3 PROPERTY DESCRIPTION AND OWNERSHIP**

The proposed application area is described in the title deed (refer *Annexure C*) as tabulated below:

Property Description (Erf)	Extent	Title Deed	Ownership
Erf 8823 Zwelihle (Area A)	± 1.9 ha	T92095/2001	Overstrand Municipality
Erf 8946 Zwelihle (Area B)	± 0.42 ha	T92095/2001	Overstrand Municipality

TABLE 1.1 PROPERTY DESCRIPTIONS

The title deed of the application properties was perused and no restrictive title deed conditions were found that would limit/impact the proposed development. The application properties form part of an approved SG general plan in Hermanus (Zwelihle), which is attached as Annexure D.

## 1.4 THE APPLICATION

Application is hereby made in terms of Section 15, 17 and 24 of the Land Use Planning Ordinance, 1985 (Ordinance No. 15 of 1985), as follows:

### 1.4.1 Application Area A: Transit Camp

- (i) The rezoning of Erf 8823 Hermanus from Community Zone I to Subdivisional Area in terms of Sections 17 of the Land Use Planning Ordinance, 1985 (Ord. 15 of 1985) and the simultaneous subdivision in terms of Section 24 of the Land Use Planning Ordinance, 1985 (Ord. 15 of 1985), to establish the following:
  - 127 Single Residential Erven (SR1);
  - 1 Open Space Zone 2 Erf (OS2);
  - 1 Transport Zone 2 (TR2) erf for public roads
- (ii) Departure from the Overstrand Integrated Zoning Scheme (2013) in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) to allow the following:
  - Lateral building lines of 0.0m in lieu of 1.m to accommodate semi-detached dwellings for all 127 residential erven;
  - Street building lines of 1.0m in lieu of 2.0m to increase the development potential of the small residential erven.

### 1.4.2 Application Area B: Asazani

- (i) The rezoning of Erf 8946 Hermanus from Open Space Zone 2 to Subdivisional Area in terms of Sections 17 of the Land Use Planning Ordinance, 1985 (Ord. 15 of 1985) and the simultaneous subdivision in terms of Section 24 of the Land Use Planning Ordinance, 1985 (Ord. 15 of 1985), to establish the following:
  - 27 Single Residential Erven (SR1);
  - 1 Transport Zone 2 (TR2) erf for public roads.
- (ii) Departure from the Overstrand Integrated Zoning Scheme (2013) in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) to allow the following:
  - Lateral building lines of 0.0m in lieu of 1.m to accommodate semi-detached dwellings for all 27 residential erven;
  - Street building lines of 1.0m in lieu of 2.0m to increase the development potential of the small residential erven.
- (iii) Amendment of the Overstrand Growth Management Strategy (GMS, 2010) to change the designation of Erf 8946 from open space to residential with a density grading of more than 30 dwelling units per hectare, in terms of the Municipal Systems Act, 2000 (Act 32 of 2000).

The application form is attached as Annexure A.

**SECTION 2****CONTEXTUAL AND SITE ANALYSIS****2.1 LOCALITY****2.1.1 REGIONAL CONTEXT**

Zwelihle is located within the Overstrand Municipality in the Overberg District, which is situated within the southern region of the Western Cape Province. Zwelihle forms part of the Greater Hermanus area and is located approximately 80 kilometres southwest of the Cape Metropolitan Area.

Access to Zwelihle is obtained via the R43 directly linked with the N2. Within the context of greater Hermanus, Zwelihle is located strategically within short travelling distance to and from the Hermanus CBD, Hermanus Industrial as well as other surrounding residential neighbourhoods, i.e. Sandbaai and Onrusriver. (Refer Figure 2.1).

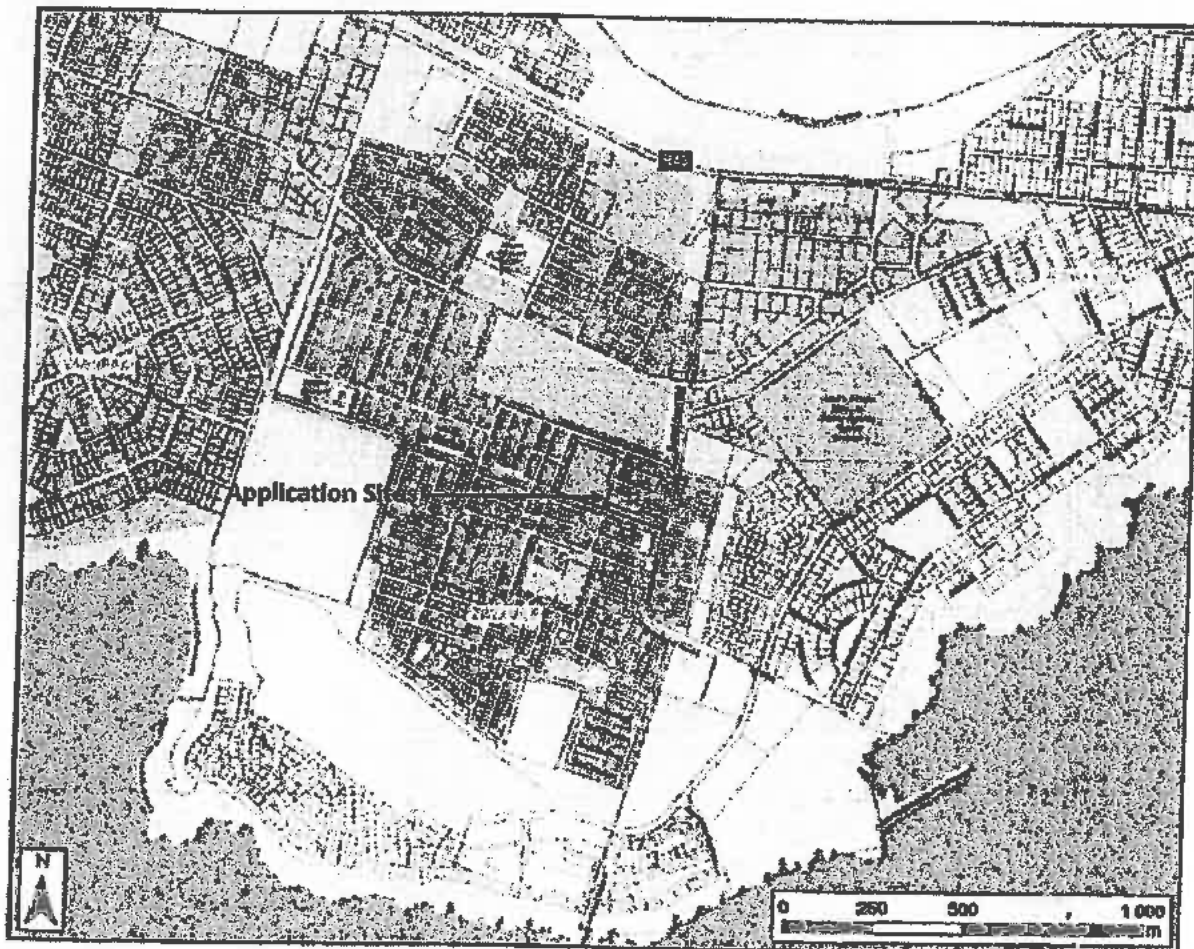


FIGURE 2.1: REGIONAL CONTEXT PLAN



### 2.1.2 LOCAL CONTEXT

The 2 application areas are located centrally within Zwelihle. Access to and from the sites are gained via existing local distributor roads abutting the application sites. The surrounding area is characterised by existing formalised and informal residential development at a high density, with community facilities spread throughout Zwelihle.

The application sites are considered logical infill sites for upgrading and formalised development in terms of services provision to formally subdivided erven.

Figure 2.2 shows the application areas within its local context of Zwelihle.

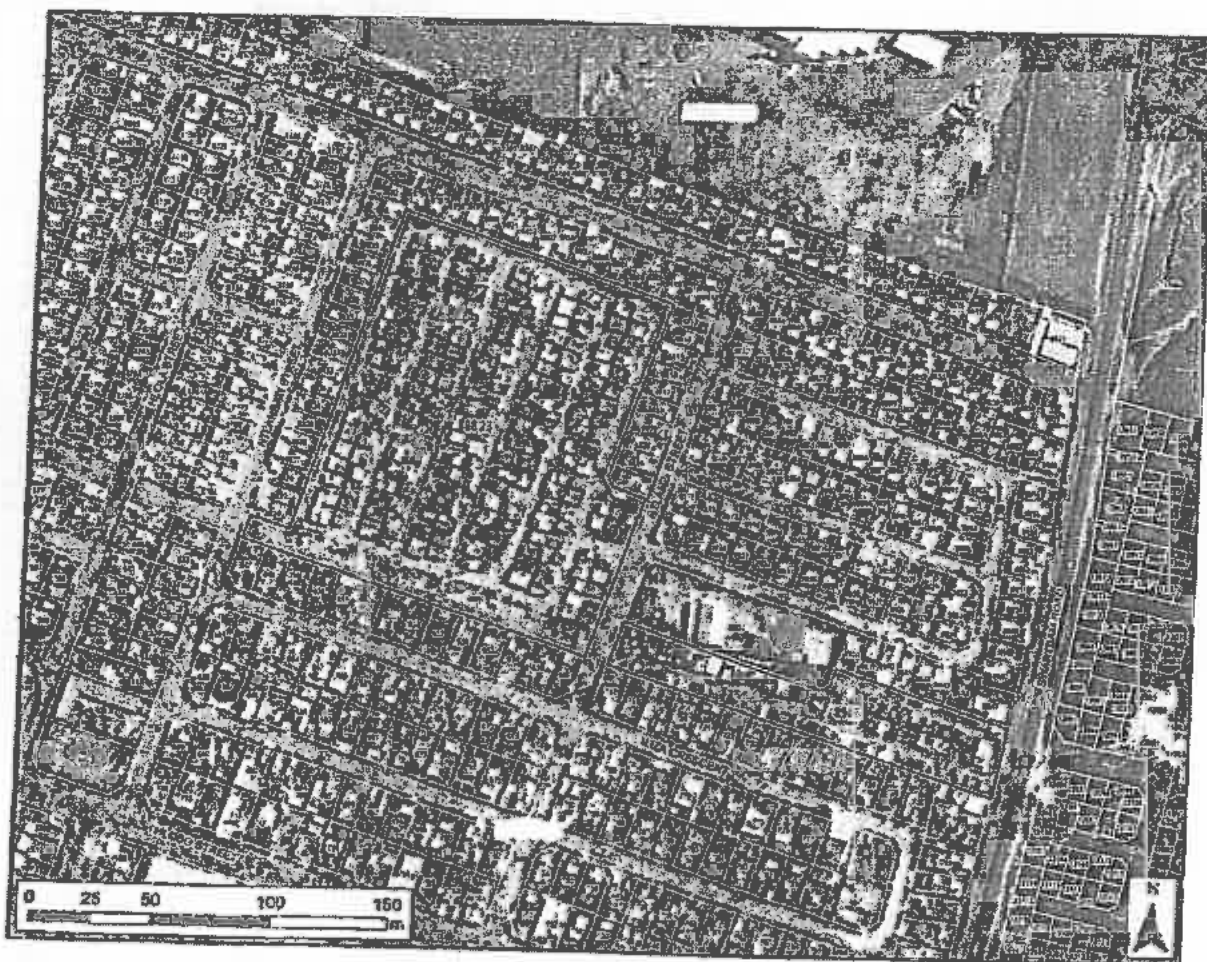


FIGURE 2.2: LOCAL CONTEXT PLAN

### 2.2 ZONING CONTEXT

The 2 application areas are zoned Community Zone 2 and Open Space Zone 2 respectively, while the surrounding zonings include similar zonings as well as residential zonings.

## 2.3 POLICY CONTEXT

A review of existing planning policies was undertaken to determine the planning policy framework pertaining to the application areas and the surrounding environs in order to contextualise the application within the relevant frameworks. The relevant policy documents are:

### 2.3.1 OVERSTRAND MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK (2006)

Following review of the SDF (2006), the following aspects are most important:

- The application properties are located within the urban edge,
- The application sites are considered as infill development and extension to the existing urban areas;
- The application areas are designated for 'residential' in the SDF;
- The upgrading of the settlements on the application sites will improve access to basic services to all residents; and
- Promote access to existing socio-economic facilities;
- The formalisation of the application areas for housing purposes will contribute to alleviate the growing extent of informality and supply in the existing need for formalised housing in Zweilhe, as well as to accommodate people on the current municipal housing waiting list.

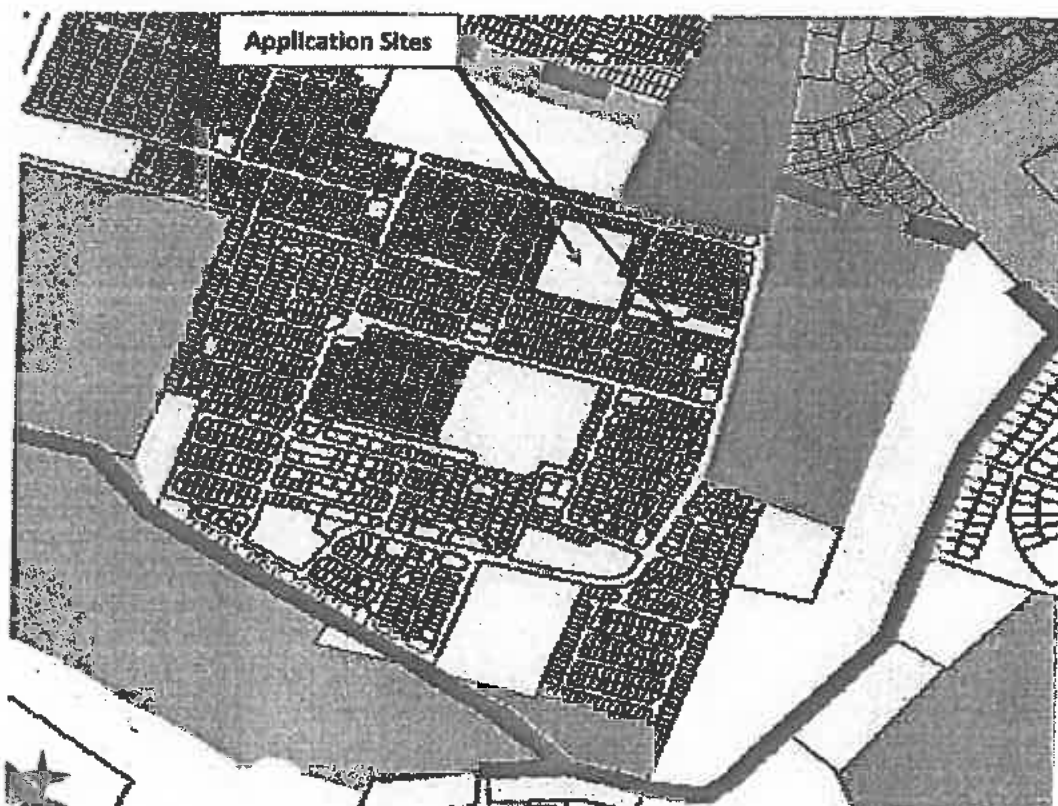


FIGURE 2.3: OVERSTRAND SPATIAL DEVELOPMENT FRAMEWORK EXTRACT - 2006

### Planning Implications

From a spatial planning policy context, the development proposal is considered consistent with the principles and designations of the Overstrand Spatial Development Framework (2006).



### 2.3.2 OVERSTRAND GROWTH MANAGEMENT STRATEGY (GMS, 2010)

Following a review of the Growth Management Strategy (2010), it can be confirmed that the application sites are indicated as follows:

#### Area A - Residential Development @ Status Quo

In this regard, the proposed upgrading and formalising of the site is fully consistent with the designation by the GMS (2010), and requires no amendments.

#### Area B - Open Space

The zoning of the property is Open Space Zone 2, which informed the designation by the GMS (2010). However, the site has been occupied for residential use for many years and has been part of the Overstrand Municipality's housing roll-out plan accordingly. In this regard, it is now required to amend the GMS (2010) in terms of the Municipal Systems Act (Act 32 of 2000) to change the designation of the site from Open Space to residential at a density higher than 30 units per hectare.

Figure 2.4 shows the application sites on an extract plan from the GMS(2010).

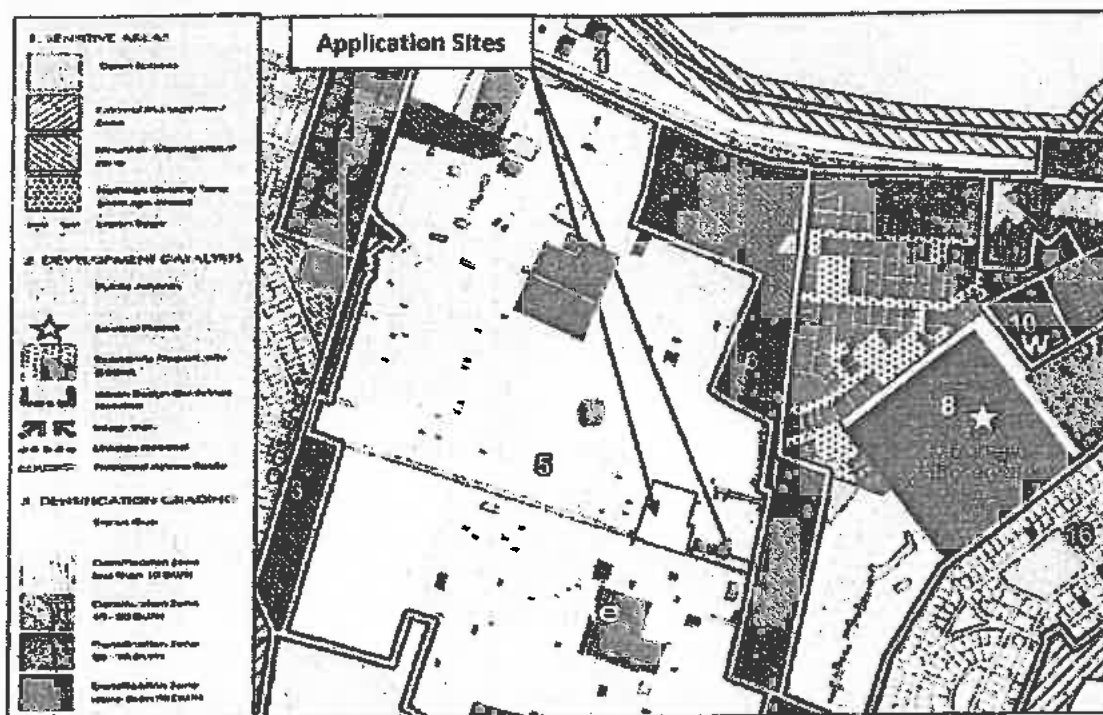


FIGURE 2.4: OVERSTRAND GROWTH MANAGEMENT STRATEGY EXTRACT - 2010

From the above contextual and policy review, it can be concluded that the application areas are most suitable for housing development and would be fully consistent with the character of the surrounding area, while providing an opportunity to positively improve living conditions for the beneficiary community.

**SECTION 3****SITE ANALYSIS AND INFORMANTS****3.1 SITE ANALYSIS**

The application sites were assessed in terms of topography, land use and physical characteristics to determine the most appropriate layout options for the 2 application sites. Following a desktop analysis of available information, as well a site visit by the specialist team, the following key informants were identified:

**3.1.1 ACCESS**

The 2 application sites are located within the context of an existing road network and should therefore link with the existing streets abutting the sites to ensure adequate and safe accessibility for vehicles as well as pedestrians.

Application Area A offers 2 access opportunities, one from the east (Ntlanzi Street) and one from the west (Ntlanbati Street). Application Area B also offers access from the west (Ntlanzi Street), but no vehicular access should be provided to the east onto Swartdam Weg. The road reserve in the layout plan does go through to the east, but it should be barricaded to only allow for pedestrian through movement – subject to decision of the municipality.

**3.1.2 TOPOGRAPHY**

Both sites are regarded as flat (developable). The stormwater on the sites will drain into the existing stormwater infrastructure of the abutting streets.

**3.1.3 SERVICES INFRASTRUCTURE**

Both sites are constrained by existing services infrastructure, which are accommodated within the proposed layouts as best as possible to avoid costly relocation of infrastructure. However, there will be some relocation of service on the site, especially relating to existing electrical overhead lines.

The proposed development will be linked to existing municipal services infrastructure in terms of water, sewer, stormwater and electricity. Refer attached Service Report (Annexure E).

**3.1.4 EXISTING LAND USE**

Both sites are currently occupied by informal dwellings, arranged in rough informal layouts that would not be adequate for direct insitu upgrading. In this regard, it is the intention of the Overstrand Municipality to relocate the current residents to a temporary relocation site in the area while constructing services and roads on the application sites. The residents will then be moved back onto the formalised sites once completed. This approach ensure safety of children during construction and enhances the implementation time on the sites in lieu of implementing services infrastructure amongst houses while people reside on the sites.



### 3.2 ENVIRONMENTAL IMPACT

The proposed development is located in an existing built-up urban environment with no envisaged impact on any environmental, natural or biodiversity resources.

The zoning of Application Area B is Open Space Zone 2, which requires environmental approval for rezoning applications. The relevant environmental application was undertaken in terms of the National Environmental Management Act (1998) and approval was consequently granted (refer Annexure G: Environmental Authorization).

### 3.3 HERITAGE IMPACT

The development of the 2 application sites does not require any assessment or approvals in terms of the National Heritage Resources Act (1999), as the proposed development will not 'change the character of the sites'. Last-mentioned aspect being the key determining factor as to whether heritage approval is required or not.

### 3.4. TRAFFIC IMPACT ASSESSMENT

A Transport Impact Statement (TIS) was undertaken by Arcus Gibb and is attached as Annexure F. According to this study, all roads within the proposed developments will comply with the minimum roads standards and will be consistent with road reserves in the surrounding residential areas. The proposed residential development is considered as infill development within the existing urban fabric, which is compatible with the existing transport network of the area.

### 3.5 CONCLUSION

Following the above-mentioned assessment of site conditions and contextual informants, it can be concluded that the application sites are regarded as well-located sites for formalised development and will contribute positively to the improved living conditions of the local community. In terms of the biophysical site conditions, there are no 'show-stopper' site constraints that would prevent the proposed site upgradings.

## SECTION 4 PROPOSED LAYOUT

### 4.1 PLANNING & DESIGN PRINCIPLES

The layout planning of the 2 application sites were primarily conceptualised to consider and incorporate local informants, relating to existing onsite services, existing access opportunities and the number of people residing on the sites in its current status.

However, notwithstanding the above-mentioned defining local informants, the layouts were also designed to ensure that the principles of integrated human settlements, promoting access to well-located residential opportunities and providing basic services to all people, were incorporated within the planning processes.

The proposed development forms part of the Overstrand Municipality's attempt to positively and proactively resolve the housing backlog in the Greater Hermanus area through the provision of affordable formalised housing opportunities, while also incorporating the following principles:

- Aim towards achieving spatial sustainability;
- Promote land development in locations that are sustainable and limit urban sprawl;
- Establish a pedestrian-orientated and friendly environment;
- Establish systems of continuous routes to promote accessibility to social and economic activities;
- Implement a cost-effective design in order to optimise the use of available land, as well as resources;
- Promote the optimisation of vacant municipal land within the urban footprint;
- A design that will enable the provision of civil engineering services in a cost-effective manner where possible.

### 4.2 DEVELOPMENT PARAMETERS

The Overstrand Municipality's Integrated Zoning Scheme (2013) makes provision for a series of development parameters for Single Residential erven of specific sizes. In this regard, the proposed layouts were based on small residential erven of  $\pm 80m^2$  in extent, with street frontages of 8m minimum width.

Table 4.1 provide an overview of the zoning parameters versus the proposed development parameters:

Residential Zone	Zoning Scheme Parameters	Proposed Development
Coverage (net Erf less than 400m <sup>2</sup> )	65%	Comply ✓
Street building line (net Erf less than 400m <sup>2</sup> )	2m	1m - Departure
Rear building line (net Erf less than 400m <sup>2</sup> )	1m	Comply ✓
Side building line (net Erf less than 400m <sup>2</sup> )	1m	0m - Departure

TABLE 4.1: PLANNING PARAMETERS

From Table 4.1 above, it is indicated that a street and side building line departure is proposed on all the residential erven on both the application sites. The reason and motivation for the proposed building line departures are as follows:

- The proposed 0m side building lines will enable the provision of semi-detached dwellings to be developed on the residential erven, which is an effective way of optimising the use of a small erf, while also reducing construction cost due to a shared middle wall between 2 units.
- The proposed 1m street building lines is regarded sufficient, as it provides for a set back from the street boundaries, while the status quo is currently that informal dwellings sit right onto the streets and some even into the streets. A formalised 1m street building line will establish a known parameter for all to adhere to, while contributing to increase the developable space on the proposed small residential erven.

### 4.3 PROPOSED SITE LAYOUTS

The proposed payout plans for the 2 application sites include the following:

#### Application Area A (refer Figure 4.1)

- 127 Single Residential Zone erven;
- 1 Open Space Zone 2 Erf (OS2) – (this open space is aligned with existing services infrastructure);
- 1 Transport Zone 2 (TR2) erf for public roads.

#### Application Area B (refer Figure 4.2)

- 27 Single Residential Zone erven;
- 1 Transport Zone 2 (TR2) erf for public roads.

It has to be noted that both layout plans were primarily determined by the positions of existing services infrastructure on the 2 sites, i.e. existing overhead electrical lines, sewer pipes, etc. The layout plans are regarded as functional, and a direct response to the restrictions and characteristics of the application sites and surrounding context.

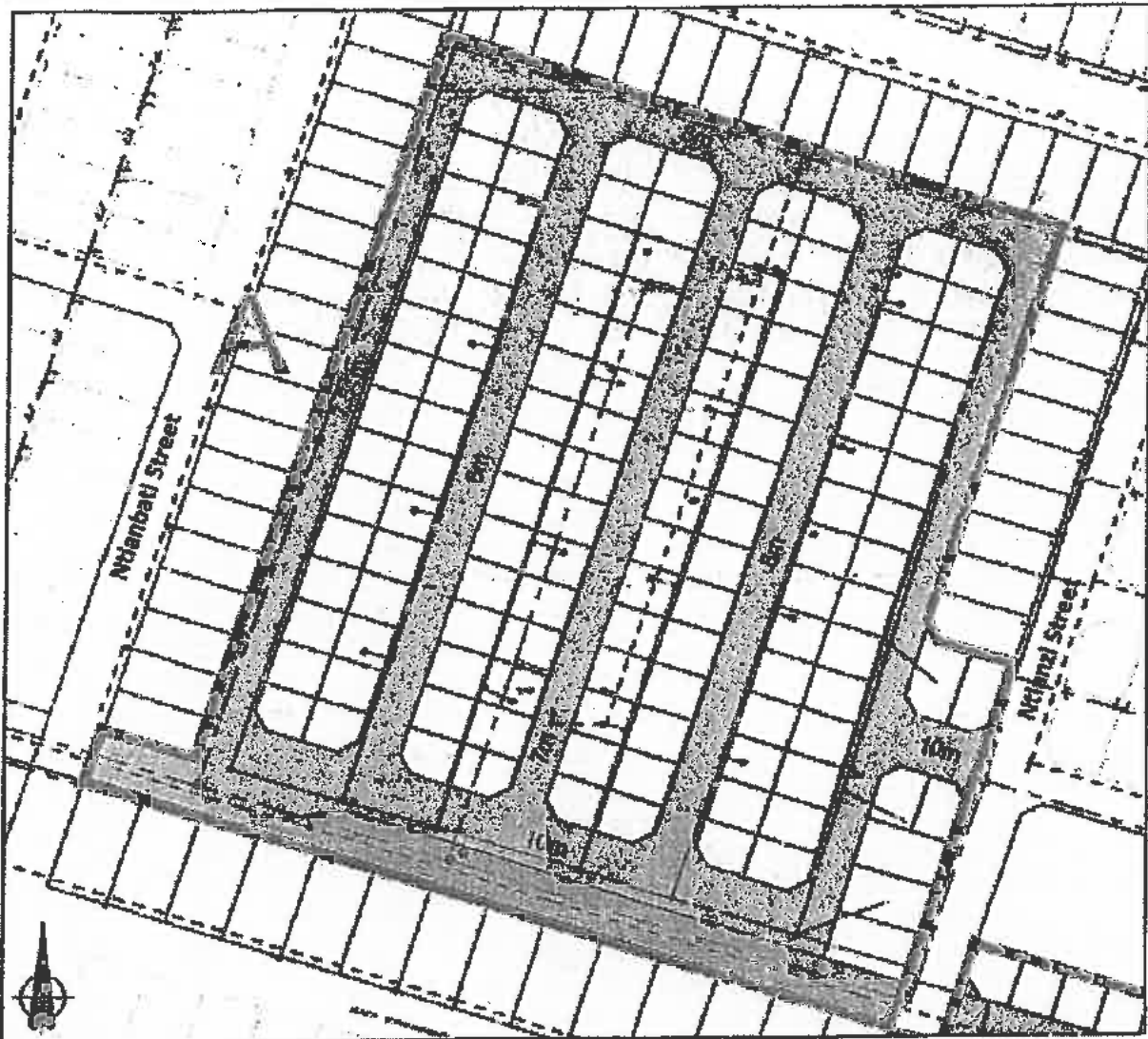


FIGURE 4.1: LAYOUT PLAN – APPLICATION AREA A: TRANSIT CAMP

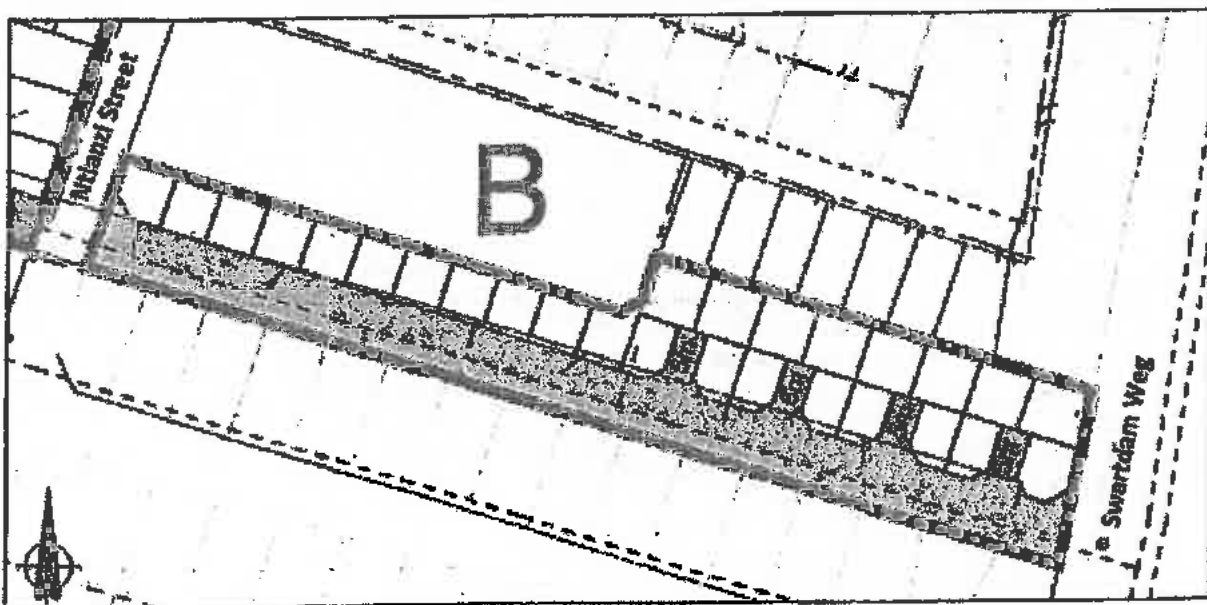


FIGURE 4.2: LAYOUT PLAN – APPLICATION AREA B: ASAZANI

## SECTION 5 DESIRABILITY CRITERIA

Section 36 of the Land Use Planning Ordinance stipulates that applications may only be refused if they lack desirability or if they negatively affect existing rights. Furthermore, the ordinance prescribes that, when a decision is made, the health, welfare and safety of the community, and the built-up and natural environment must be considered.

The proposed development was assessed in terms of the following desirability criteria:

<ul style="list-style-type: none"> <li>Character of the Surrounding Area</li> </ul>	<p>The properties located in the vicinity of the application areas are mostly residential with some community facilities. The proposed development areas are already fully integrated and embedded within the existing residential neighbourhood of Zwelihle. The proposed formalised upgrading of the 2 sites will be fully consistent with the surrounding residential character of Zwelihle.</p>	✓
<ul style="list-style-type: none"> <li>Location and Accessibility</li> </ul>	<p>The application sites are located within the township of Zwelihle, with existing access roads and services connections that link to the existing municipal networks in the surrounding area. Accessibility to the sites is good and will be improved with the formalised upgrading of the sites.</p>	✓
<ul style="list-style-type: none"> <li>Policy Consistency</li> </ul>	<p>The application sites are designated for residential development in the Overstrand SDF (2006). The Growth Management Strategy(2010) demarcated Application Area B as open space due to its zoning, but the use of the site has been residential for a long time. An amendment of the GMS (2010) is proposed to correct the demarcation of Application Area B.</p>	<p>✓ Amendment of GMS (2010)</p>
<ul style="list-style-type: none"> <li>Impact on Existing Rights</li> </ul>	<p>The proposed formalised development will not impact adversely on the rights of any surrounding land owners, as the proposed residential use is consistent with the character of the area. In fact, the formalising of the sites will contribute positively to the surrounding areas and to abutting private properties.</p>	✓

TABLE 5.1: DESIRABILITY CRITERIA – ASSESSMENT

From the above tabular assessment, it is illustrated that the proposed development complies with the desirability criteria specified in Section 36 of the Land Use Planning Ordinance, 1985 (Ord. 15 of 1985), and can be motivated as a positive development proposal that will contribute towards sustainable human settlements, improved living conditions and access to basic services by all people, ultimately improving safety and welfare of the local community.

**SECTION 6****CONCLUSION & RECOMMENDATION**

The application areas, as motivated in this report, provide an excellent opportunity for a formalised housing upgrade to ensure access to services and a safe environment to people of the local community in Zwelihle. The development is regarded as desirable within its local context and well integrated within the existing and future town.

It is therefore recommended that this application be approved in terms of the Land Use Planning Ordinance, 1985 (Ordinance No. 15 of 1985) as follows:

**Application Area A: Transit Camp (Erf 8823 Hermanus)**

- (i) The rezoning of Erf 8823 Hermanus from Community Zone I to Subdivisional Area in terms of Section 17 of the Land Use Planning Ordinance, 1985 (Ord. 15 of 1985) and the simultaneous subdivision in terms of Section 24 of the Land Use Planning Ordinance, 1985 (Ord. 15 of 1985), to establish the following:
  - 127 Single Residential Erven (SR1);
  - 1 Open Space Zone 2 Erf (OS2);
  - 1 Transport Zone 2 (TR2) erf for public roads.
- (ii) Departure from the Overstrand Integrated Zoning Scheme (2013) in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) to allow the following:
  - Lateral building lines of 0.0m in lieu of 1.m to accommodate semi-detached dwellings for all 127 residential erven;
  - Street building lines of 1.0m in lieu of 2.0m to increase the development potential of the small residential erven.

**Application Area B: Asazani (Erf 8946 Hermanus)**

- (i) The rezoning of Erf 8946 Hermanus from Open Space Zone 2 to Subdivisional Area in terms of Section 17 of the Land Use Planning Ordinance, 1985 (Ord. 15 of 1985) and the simultaneous subdivision in terms of Section 24 of the Land Use Planning Ordinance, 1985 (Ord. 15 of 1985), to establish the following:
  - 27 Single Residential Erven (SR1);
  - 1 Transport Zone 2 (TR2) erf for public roads.
- (ii) Departure from the Overstrand Integrated Zoning Scheme (2013) in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) to allow the following:
  - Lateral building lines of 0.0m in lieu of 1.m to accommodate semi-detached dwellings for all 27 residential erven;
  - Street building lines of 1.0m in lieu of 2.0m to increase the development potential of the small residential erven.
- (iii) Amendment of the Overstrand Growth Management Strategy (GMS, 2010) to change the designation of Erf 8946 from open space to residential with a density grading of more than 30 dwelling units per hectare, in terms of the Municipal Systems Act, 2000 (Act 32 of 2000).



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR SUBDIVISION, REZONING, DEPARTURE,  
AMENDMENT OF THE GROWTH MANAGEMENT STRATEGY: ERVEN  
8823 & 8946, ZWELIHLE (3181)**

Water	:	According to GIS report
Sewer	:	According to GIS report
Roads and traffic	:	According to TIA
Stormwater (SW)	:	See conditions 9, 10 & 11
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 a plan of all existing services be submitted to the Director: Infrastructure and Planning, by the developer and that any of the services that need to be relocated, be done by the developer at his cost to the satisfaction of the Director: Infrastructure and Planning:
  - 3.1 way-leaves must be obtained from the Operational Manager;
  - 3.2 such way-leaves to be obtained prior to any excavation on public property or property where existing services are located;
4. 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;
5. the "Guidelines for the Provision of Engineering Services in Residential Townships" (Blue Book), SANS 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;
6. 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;
7. 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
  8. such independent professional civil engineer/technologist to furnish the Director: Infrastructure and Planning with satisfactory proof of his professional indemnity insurance to an amount which shall not be less than that required by the CESA and which insurance shall be valid for the relevant contract and maintenance period;
  9. that a stormwater management plan, which may include attenuation facilities to ensure that the pre-development run-off is not exceeded and that erosion and pollution is minimised, be submitted to the Director: Infrastructure and Planning for approval and that the approved management plan be implemented by the developer at his cost to the satisfaction of the Director: Infrastructure and Planning;
  10. that the above stormwater management plan include the following:
    - 10.1 pre-development run-off from the catchment area;
    - 10.2 post-development run-off from catchment area;
    - 10.3 existing stormwater reticulation system and the capacity thereof;
    - 10.4 connection of internal stormwater reticulation system;
    - 10.5 overland escape routes.
  11. that the connection to the stormwater reticulation system if any, be provided according to the stormwater management plan;
  12. 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;
  13. 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;

14. that the connection to the main water line only be done by the Operational Department, after payment of the connection fee, by the developer;
15. 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**

11 | 11 | 2016  
\_\_\_\_\_  
DATE



Western Cape  
Government

Education

Directorate: Physical Resource Planning & Property Management

Melodie.Campbell@westerncape.gov.za  
tel: +27 21 467 2605 fax: +27 21 467 2565

Reference: 20161207-6793  
Enquiries: Ms M Campbell

Infrastructure & Planning  
Town Planning: Hermanus  
Overstrand Municipality  
PO Box 20  
Hermanus  
7200



TR A Theart  
CH Olivier

Email: [loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)

FILE NO:	Erven 8823 & 8946
SCAN NO:	Zwel.
COLLABORATOR NO:	978435

Dear Mr Olivier

**REQUEST FOR COMMENT AS TO THE PROPOSED REZONING, CONSOLIDATION, SUBDIVISION, DEPARTURE AND AMENDMENT OF THE OVERSTRAND MUNICIPAL WIDE SPATIAL DEVELOPMENT FRAMEWORK AND CLOSURE OF ROAD PERTAINING TO ERVEN 8823 & 8946, ZWELIHLE (HERMANUS)**

With reference to your request for comment with regards to the abovementioned, as per **File Reference: 8823 & 8946 HZW (3181)**.

Please be advised that the Western Cape Education Department (WCED) has **no objections** to the proposed formalisation of the informal settlement, currently occupying Erven 8823 and 8946, Zwelihle (Hermanus), which is zoned Community Zone 1 and Open Space 2, respectively, **on condition** that adequate provision is made for the development of future educational facilities (sites for both primary and secondary schools) in the area.

The WCED further recommends that, as part of the formalisation of the informal settlement, consideration be given to ensure the sufficient provision of Early Childhood Development (ECD) facilities in the surrounding area.

Lower Parliament Street, Cape Town, 8001  
tel: +27 21 467 2000 fax: +27 21 467 2996  
Safe Schools: 0800 45 46 47

Private Bag X9114, Cape Town, 8000  
Employment and salary enquiries: 0861 92 33 22  
[www.westerncape.gov.za](http://www.westerncape.gov.za)

✓  
HZ1

TP  
- 3 DEC 2016

I trust that you will find this comment in order. Should you require any further information, please do not hesitate to contact me.

Regards

A handwritten signature in black ink, appearing to be 'Gerrit Coetsee', written over a faint circular stamp or watermark.

**Gerrit Coetsee**

**Director: Physical Resources Planning & Property Management**

Date: 08 December 2016



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

**DIRECTORATE: LAND MANAGEMENT  
REGION 2**

**REFERENCE: 16/3/1/1/E2/15/2081/13**

**ENQUIRIES: Maboe Nihejane**

**DATE OF ISSUE: 2014-02-12**

The board of Directors  
Suppliers to all (Pty) Ltd  
P. O. Box 4697  
**DURBANVILLE**  
7551

**Attention: Mr. R. van Rooyen**

Tel.: (086) 144 4489

Fax: (088) 021 976 0984

Dear Sir

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT AMENDMENT REGULATIONS, 2010: THE PROPOSED ESTABLISHMENT OF THE SWARTDAM AFFORDABLE HOUSING DEVELOPMENT ON THE REMAINDER OF ERF 243 AND THE FORMALISING OF RESIDENTIAL ERVEN ON THE ASAZANI SITE ON ERF 8946, HERMANUS**

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

**ENVIRONMENTAL AUTHORISATION**

**DECISION**

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Assessment Amendment Regulations ("NEMA EIA Regulations") of 2010, the competent authority herewith **grants environmental authorisation** to the applicant to undertake the list of activities specified in section B below with respect to the Layout Alternative No. 1 ("applicant's preferred layout alternative") described in the final Basic Assessment Report ("BAR") dated 29 November 2013 and attached hereto as Appendix A1 for the Swartdam site and Appendix A2 for the Asazani site.

The granting of this environmental authorisation is subject to compliance with the conditions set out in section E below.

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

Suppliers to all (Pty) Ltd  
 c/o Mr. R. van Rooyen  
 P. O. Box 4697  
**DURBANVILLE**  
 7551

Tel.: (086) 144 4489  
 Fax: (088) 021 976 0984

The abovementioned company is the holder of this environmental authorisation and is hereinafter referred to as "the applicant".

**B. LIST OF ACTIVITIES AUTHORISED**

Government Notice No. R. 544 of 18 June 2010 –

**Activity Number: 23**

**Activity description:** *"The transformation of undeveloped, vacant or derelict land to –*

- (i) residential, retail, commercial, recreational, industrial or institutional use, inside an urban area, and where the total area to be transformed is 5ha or more, but less than 20ha, or*
- (ii) residential, retail, commercial, recreational, industrial or institutional use, outside an urban area and where the total area to be transformed is bigger than 1ha but less than 20ha".*

Except where such transformation takes place –

- (i) For linear activities*
- (ii) For purposes of agriculture or afforestation, in which case Activity 16 of Notice No. R. 545 applies".*

**Activity Number: 24**

**Activity description:** *"The transformation of land bigger than 1000m<sup>2</sup> in size, to residential retail, commercial, industrial or institutional use, where, at the time of the coming into effect of this Schedule or thereafter such land was zoned open space, conservation or had an equivalent zoning".*

Government Notice No. R. 546 of 18 June 2010–

**Activity Number: 4**

**Activity description:** *"The construction of a road wider than 4m with a reserve less than 13.5m*

*(d) In Western Cape:*

- (i) in an estuary*
- (ii) all areas outside urban areas;*
- (iii) in urban areas:*

*(aa) areas zoned for use as public open space within urban areas; and*

*(bb) areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose".*

**Activity Number: 12**

**Activity description:** "The clearance of an area of 300m<sup>2</sup> or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation

- (a) Within any critically endangered or endangered ecosystem listed in terms of Section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment of 2004;
- (b) Within critical biodiversity areas identified in bioregional plans;
- (c) Within the littoral active zone or 100m inland from the high water mark of the sea or an estuary, whichever distance is the greater, excluding where such removal will occur behind the development setback line or even in urban areas".

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

The applicant is herein authorised to undertake the following alternative related to the listed activities:

The establishment of a residential development on the Swartdam site on the Remainder of Erf 243 consisting of the following:

- i. Approximately 282 affordable residential erven.
- ii. A single erf for a road.
- iii. Public open space taking up twenty four erven.

On the Asazani site on Erf 8946, the development entails the formalising of approximately 28 residential erven.

The Overstrand Municipality will provide the residential development with electricity, potable water and with wastewater disposal and solid waste disposal services.

The residential development will take up approximately 5.57ha.

### C. PROPERTY DESCRIPTION AND LOCATION

The listed activities will take place on the Remainder of Erf 243 and on the Asazani site on Erf 8946, Hermanus.

The SG 21 digit codes and coordinates of the approximate centre point of these erven are given in table 1 below.

Table 1: SG 21 digit codes of the land parcels that constitute the site

	SG 21 digit code	Coordinates
Swartdam site on the Remainder of Erf 243, Hermanus	C01300130000024300000	34° 25' 38.00"S 19° 13' 10.67"E
Asazani site on Erf 8946, Hermanus	C01300130000894600000	34° 25' 38.34"S 19° 13' 05.09"E

hereinafter referred to as "the site".

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

Withers Environmental Consultants (Pty) Ltd  
 c/o Mr. C. D. Cilliers  
 P. O. Box 6118  
 UNIEDAL  
 7612

Tel: (021) 887 4000  
 Fax: (021) 883 2952

**E. CONDITIONS OF AUTHORISATION**

1. This environmental authorisation is valid for a period of **five years** from the date of issue. The holder must commence with all the listed activities within the said period or this environmental authorisation lapses and a new application for environmental authorisation must be submitted to the competent authority, unless the holder has lodged a valid application for the amendment of the validity period of this environmental authorisation, before the expiry of this environmental authorisation. In such instances, the validity period will be automatically extended ("the period of administrative extension") from the day before this environmental authorisation would otherwise have lapsed, until the amendment application for the extension of the validity period is decided. The listed activities, including site preparation, may not commence during the period of administrative extension.
2. The listed activities, including site preparation, may not commence within 20 calendar days of the date of issue of this environmental authorisation. In the event that an appeal notice and subsequent appeal is lodged with the competent authority, the effect of this environmental authorisation may be suspended until such time as the appeal is decided.
3. The applicant must in writing, within 12 calendar days of the date of this decision and in accordance with Regulation 10(2)--
  - 3.1 notify all registered interested and affected parties ("I&APs") of --
    - 3.1.1 the outcome of the application;
    - 3.1.2 the reasons for the decision as included in Annexure 1;
    - 3.1.3 the date of the decision; and
    - 3.1.4 the date of issue of the decision;
  - 3.2 publish a notice in the newspapers contemplated in Regulation 54(2)(c) and (d), and which newspaper was used for the placing of advertisements as part of the Public Participation Process ("PPP"), that --
    - 3.2.1 informs all I&APs of the decision;
    - 3.2.2 informs all I&APs where the decision can be accessed; and
    - 3.2.2 informs all I&APs that an appeal may be lodged against the decision in terms of Chapter 7 of the Regulations;
4. A written notice of seven calendar must be given to the competent authority before construction activities are commenced with.
  - 4.1. The notice must make clear reference to the site details and EIA Reference number given above.
  - 4.2. The notice must also include proof of compliance with the following conditions described herein:  
 Conditions: 2, 3,13 and 17.

5. The holder is responsible for ensuring compliance with the conditions by any person acting on behalf of the owner, including an agent, sub-contractor, employee or any person rendering a service to the holder.
6. Any changes to, or deviations from the scope of the description set out in section B above must be approved, in writing, by the competent authority before such changes or deviations may be implemented. In assessing whether to grant such approval or not, the competent authority may request such information as it deems necessary 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.
7. The applicant must notify the competent authority in writing, within 24 hours of not complying with any condition stipulated herein.
8. The Construction Environmental Management Programme ("CEMP") submitted as part of the application for environmental authorisation is hereby approved and must be implemented. An application for amendment to the CEMP must be submitted to the competent authority if any amendments are to be made to the CEMP, and the amendments must only be implemented if the amended CEMP has been authorised by the competent authority. The CEMP must be included in all contract documentation for all phases of implementation.
9. A copy of the environmental authorisation and the CEMP must be kept at the site where the listed activities will be undertaken during the construction phase. Access to the site referred to in section C above must be granted and, the environmental authorisation and CEMP 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. The environmental authorisation and CEMP must also be made available for inspection by any employee or agent of the applicant who works or undertakes work at the site.
10. The applicant must submit an application for amendment of the environmental authorisation to the competent authority where any detail with respect to the environmental authorisation needs to be amended, added, substituted, corrected, removed or updated. Further, the rights granted by this environmental authorisation are personal rights (i.e. not attached to a property, but granted to a natural or juristic person). As such, only the holder may undertake the listed activities authorised by the competent authority. Permission to transfer the rights and obligations contained herein must be applied for in the following manner:
  - 10.1. The applicant must submit an original signed and dated application for amendment of the environmental authorisation to the competent authority stating that he or she wishes the rights and obligations contained herein to be transferred, and including (a) confirmation that the environmental authorisation is still in force (i.e. that the validity period has not yet expired or the activities were lawfully commenced with); (b) the contact details of the person who will be the new holder; (c) the reasons for the transfer; (d) an original signed letter from the proposed new holder acknowledging the rights and obligations contained in the environmental authorisation and indicating that he or she has the ability to implement the mitigation and management measures and to comply with the stipulated conditions.
  - 10.2. The competent authority will issue an amendment to the new holder either by way of a new environmental authorisation or an addendum to the existing environmental authorisation if the transfer is found to be appropriate.
11. Non-compliance with a condition of this environmental authorisation or CEMP may result in suspension of this environmental authorisation and may render the holder liable for criminal prosecution.

12. Notwithstanding this environmental authorisation, the holder must comply with any other statutory requirements that may be applicable to the undertaking of the listed activities.
13. The holder must appoint a suitably experienced Environmental Control Officer ("ECO") for the construction phase before any land clearing or construction activities are commenced with, to ensure compliance with the CEMP and the conditions contained herein.
14. An integrated waste management approach, which is based on waste minimisation and that incorporates reduction, recycling, re-use and disposal, where appropriate, must be employed. Any solid waste must be disposed of at a waste disposal site licensed in terms of the applicable legislation.
15. The applicable requirements with respect to the relevant legislation pertaining to occupational health and safety must be adhered to.
16. Should any heritage remains be exposed during excavations or any actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape (in accordance with the applicable legislation). Heritage remains uncovered or disturbed during earthworks must not be disturbed further, until the required approval has been obtained from Heritage Western Cape. Heritage remains include archaeological remains (including fossil bones and fossil shells); coins; indigenous and colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts and bone remains; structures and other built features; rock art and rock engravings; shipwrecks; and graves and unmarked human burials. A qualified archaeologist must be contracted where necessary (at the expense of the applicant and in consultation with the relevant authority) to remove any human remains in accordance with the requirements of the relevant authority.
17. The applicant must appoint an accredited botanist to oversee a search and rescue operation for any conservation-worthy plants on the site. The search and rescue operation must be undertaken before construction work can be commenced with and the rescued plants must be replanted in a place that is satisfactory to CapeNature.
18. The applicant must implement the recommendations contained in the Traffic Impact Study Report compiled by Arcus Gibb Pty Ltd dated February 2013, by implementing the following measures:
  - 18.1 Provide pedestrian facilities in the vicinity of the affordable housing development.
  - 18.2 Provide cycling routes along key routes in the area.
  - 18.3 Provide off-street parking at a ratio of a single parking bay per residential unit.
19. The applicant must ensure that the affordable housing development incorporates electricity saving measures that include *inter alia*, the following:
  - 19.1 Use of energy efficient lamps and light fittings. Low-energy light bulbs must be installed, particularly where lights are left on for long periods of time. Replacement bulbs must also be the low-energy consumption type.
  - 19.2 Street lighting must be kept to a minimum to reduce energy consumption. Downlighting must be used for all street lighting to minimise lighting impacts and all street lights must be switched off during the day.
  - 19.3 All installed geysers must be covered with geyser "blankets" to improve the energy efficiency of the geysers.

20. The applicant must ensure that the affordable housing development incorporates water-saving technologies that include *inter alia*, the following:
  - 20.1 All toilets installed in the affordable houses must be dual-flush toilets.
  - 20.2 All taps must be fitted with water-saving devices, i.e. tap aerators, flow restrictors and slow-flow shower heads.

#### F. APPEALS

Appeals must comply with the provisions contained in Chapter 7 of the NEMA EIA Regulations of 2010.

1. An appellant must –
  - 1.1. submit a notice of intention to appeal to the Minister, within 20 calendar days of the date of the decision;
  - 1.2. submit the appeal within 30 calendar days after the lapsing of the 20 calendar days contemplated in Regulation 60(1), for the submission of the notice of intention to appeal; and
  - 1.3. within 10 calendar days of having lodged the notice of intention to appeal, provide each person and organ of state registered as an I&AP in respect of the application, or the applicant, with –
    - 1.3.1. a copy of the notice of intention to appeal form; and
    - 1.3.2. a notice indicating where and for what period the appeal submission will be made available for inspection by such person, organ of state, or applicant, on the date of lodging the notice with the Minister, and that a responding statement may be made on the appeal within 30 calendar days from the date the appeal submission was lodged with the Minister.
2. A person, organ of state or applicant that submits a responding or answering statement in terms of Regulation 63 must within 10 calendar days of having submitted the responding or answering statement, serve a copy of the statement on the other party.
3. All notice of intention to appeal and appeal forms must be submitted by means of one of the following methods:
 


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. J. de Villiers (Tel. 021 483 3721) Room 809 8 <sup>th</sup> Floor Utilitas Building, 1 Dorp Street, Cape Town 8001
4. A prescribed notice of intention to appeal form and appeal form as well as assistance regarding the appeal processes may be obtained from the office of the Minister by making use of the following contact details: Tel. (021) 483 3721, E-mail [aap.devilliers@westerncape.gov.za](mailto:aap.devilliers@westerncape.gov.za) or URL <http://www.westerncape.gov.za/eacdp>.

**G. 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 the successor thereof, in any instance where construction or operations 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

  
\_\_\_\_\_

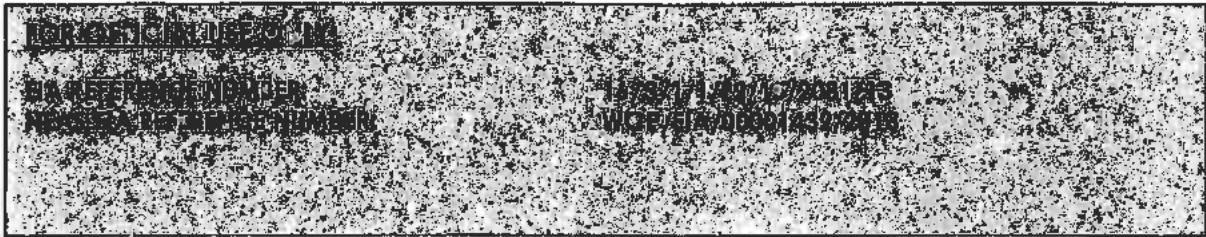
**MR. ZAAHIR TOEFY**  
**DIRECTOR: LAND USE MANAGEMENT (REGION 2)**

DATE OF DECISION: 12/02/2014

Copied to: Mr. C. Cilliers

(Withers Environmental Consultants (Pty) Ltd)

Fax: (021) 883 2952



## ANNEXURE 1: REASONS FOR THE DECISION

In reaching its decision, the competent authority, *inter alia*, considered the following:

- a) The information contained in the amended Basic Assessment Application Form dated 28 November 2013 and received by the competent authority on 29 November 2013;
- b) Relevant information contained in the Departmental information base, including, the Guidelines on Public Participation, Alternatives and Exemptions (March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA;
- d) The comments received from I&APs and the responses provided thereto, as included in the final BAR dated 29 November 2013;
- e) The sense of balance of the negative and positive impacts and proposed mitigation measures.

No site visits were conducted, as the competent authority had sufficient information to make an informed decision without conducting a site visit. All information presented to the competent authority was taken into account in the consideration of the application for environmental authorisation. A summary of the issues which, according to the competent authority, were the most significant for the decision is set out below.

### 1. Public Participation

The Public Participation Process ("PPP") included *inter alia*, the following:

- Identification of and engagement with I&APs;
- Placing a newspaper advertisement in the 'Hermanus Times' on 12 September 2013
- Fixing a notice board at the site where the listed activities are to be undertaken on 16 September 2013;
- Giving written notice that the Draft BAR is available for comment to the owners and occupiers of land adjacent to the site where the listed activities are to be undertaken, to the ward councilor and to the various organs of state having jurisdiction with respect to an aspect of the listed activities on 27 September 2013; and
- Holding a meeting on 08 October 2013 in the Moffat Hall in Mount Pleasant with members of the community.

All the concerns raised by the I&APs were responded to during the PPP. Specific management and mitigation measures have been considered in the CEMP to address the concerns raised. The competent authority has included appropriate conditions in this environmental authorisation so that the issues raised during the PPP can be satisfactorily addressed.

### 2. Alternatives

The applicant considered two layout alternatives for the affordable housing development as well as the 'no-go' alternative. These alternatives are discussed below.

#### Layout Alternative No. 1 (applicant's preferred alternative and herewith authorised)

This layout alternative entails the establishment of a residential development consisting of the following on the Swartdam site on the Remainder of Erf 243:

- i. Approximately 282 affordable residential erven.
- ii. A single erf for a road.
- iii. Public open space taking up twenty four erven.

On the Asazani site on Erf 8946, the development entails the formalising of approximately 28 residential erven.

The Overstrand Municipality will provide the residential development with electricity, potable water and with wastewater disposal and solid waste disposal services.

The residential development will take up approximately 5.57ha

This layout alternative incorporates only two access points to the residential development and both access points connect directly to Swartdam Road. These two access points are well aligned with the future road network that the Overstrand Municipality intends to establish, whereas only a single access point out of the three intended access points in Layout Alternative No. 2 connects directly to Swartdam Road. In addition, the internal access road in the case of Layout Alternative No. 1 provides a continuous circular route that will be easier to maneuver during municipal service delivery, unlike the non-circular route provided by the internal access road of Layout Alternative No. 2.

In view of this, Layout Alternative No. 1 was deemed to be the more desirable layout alternative and is therefore the layout alternative authorised.

#### Layout Alternative No. 2

This layout alternative entails the establishment of a residential development consisting of the following on the Swartdam site on the Remainder of Erf 243:

- i. Approximately 284 affordable residential erven.
- ii. A single erf for a road.
- iii. Public open space taking up seven erven.

On the Asazani site on Erf 8946, the development entails the formalising of approximately 28 residential erven.

The Overstrand Municipality will provide the residential development with electricity, potable water and with wastewater disposal and solid waste disposal services.

The residential development will take up approximately 5.16ha

This layout alternative incorporates a single access point connecting the residential development directly to Swartdam Road and two other access points connecting to other roads in the area. The two access points not connecting directly to Swartdam Road reduce the desirability of this layout alternative, as these two access points do not align well with the future road network that the Overstrand Municipality intends to establish. In addition, the internal access road in the case of Layout Alternative No. 2 provides a route that is not continuous and circular, meaning that the route will be more difficult to maneuver during municipal service delivery than is the case with Layout Alternative No. 1.

In view of this, Layout Alternative No. 1 was deemed to be the less desirable layout alternative and is therefore not authorised.

#### "No-Go" Alternative

This alternative involves abandoning the proposal of establishing the residential development of approximately 282 new affordable residential erven and the formalizing of 28 existing residential erven on the site. This means that approximately 310 of the households in the area around Hermanus will have to continue living in informal settlements for longer, even though the affordable housing development proposal can be authorised to enable the said households to be given housing in a formal residential area. The 'no-go' alternative is therefore deemed to be undesirable and was dismissed.

### **3. Impact Assessment and Mitigation measures**

#### **3.1 Activity Need and Desirability**

The establishment of the affordable housing development will help to alleviate the housing shortage in Hermanus by making formal housing opportunities available to approximately 310 of the households living in in the area. The residential development will therefore bring about a significant improvement in the living conditions of the households that will receive the affordable houses. Furthermore, the residential development will blend well into the surrounding area, as the residential area of Zwelihle and other urban land uses currently exist nearby.

In addition, the construction phase of the development will yield socio-economic benefits in the form of approximately 200 employment opportunities, thus contributing towards poverty alleviation. In view of these advantages, the establishment of the affordable development is deemed to be desirable.

### 3.2 Land Use Planning

The applicant will lodge an application with the relevant authority so that the development may be permitted in terms of the applicable land use management legislation.

### 3.3 Services

The Overstrand Municipality has confirmed in a letter dated 27 August 2013 that adequate electricity will be supplied to the residential development. In addition, the Overstrand Municipality confirmed in a letter dated 19 August 2013 that adequate potable water supply, refuse disposal and wastewater disposal services will be provided to the residential development.

### 3.4 Biophysical

On the southern and central areas of the Swartdam portion of the site exists Overberg Sandstone Fynbos and this vegetation is categorised as Critically Endangered by the South African National Biodiversity Institute. However, the Swartdam portion of the vegetation on the site has been significantly transformed by trampling, alien plant infestation and on-site land uses that include unlawful dumping of domestic waste, establishment of an informal soccer field. An informal settlement exists on the entire Asazani site and this has resulted in the absence of any significant areas of indigenous vegetation thereon. In addition, the site is surrounded by urban development and does not perform an important ecological connectivity function. The affordable housing development is therefore unlikely to cause any significant impacts relating to vegetation. CapeNature has expressed a similar view regarding the impacts of the development on the on-site vegetation in the letter of comment dated 25 November 2013.

Furthermore, the construction and post-construction activities will be undertaken in accordance with the CEMP approved in Condition 8 of this environmental authorisation. The appointment of an ECO as required in Condition 13 of this environmental authorisation will further help to ensure that the construction activities remain in line with the conditions of this environmental authorisation. In view of the above, the likelihood of significant biophysical impacts arising from the establishment of the affordable housing development is not deemed to be significant.

### 3.5 Visual impact and sense of place

The residential development is unlikely to cause a significant change in the sense of place prevailing in the surrounding area, as residential and other urban land uses currently exist nearby to the site.

### 3.6 Traffic

The Western Cape Department of Transport and Public Works commented on the proposed residential development in a letter dated 07 October 2013 and indicated that no objection exists regarding the proposed development.

### 3.7 Heritage

Heritage Western Cape commented by means of a letter dated 21 August 2013 and indicated that the applicant may proceed with the residential development.

### 3.8 Socio-economic

The establishment of the residential development will yield socio-economic benefits, as approximately 200 construction phase employment opportunities will be provided. The establishment of the residential development will yield further socio-economic benefits during the operational phase, as approximately 310 households in the Zwelihle area will be given housing opportunities in a formal residential area.

### National Environmental Management Act Principles

The National Environmental Management Principles (set out in section 2 of the NEMA, that 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 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.

The positive impacts associated with the affordable housing development include enabling 310 households that are enduring inadequate housing conditions in Hermanus to acquire formal housing. In addition, the establishment of the affordable housing development will also provide approximately 200 construction-related employment opportunities, thus contributing towards poverty alleviation.

On the other hand, the affordable housing development will to a certain extent add to the development pressure faced by the Critically Endangered Overberg Sandstone Fynbos. However, on evaluating the above-mentioned positive social and economic impacts of the development against the negative impact on the indigenous vegetation, it is deemed that the positive social and economic impacts outweigh the negative impact on the indigenous vegetation.

In view of the above, the principles stipulated in Section 2 of the NEMA, compliance with the conditions stipulated in this environmental authorisation, and compliance with the CEMP, the competent authority is satisfied that the undertaking of the listed activities by the applicant will not be in 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.

**OVERSTRAND HOUSING**  
 Hermanus Affordable Housing  
 Zweilhe - Swartdam Weg

Application Area

Clinic



Table:

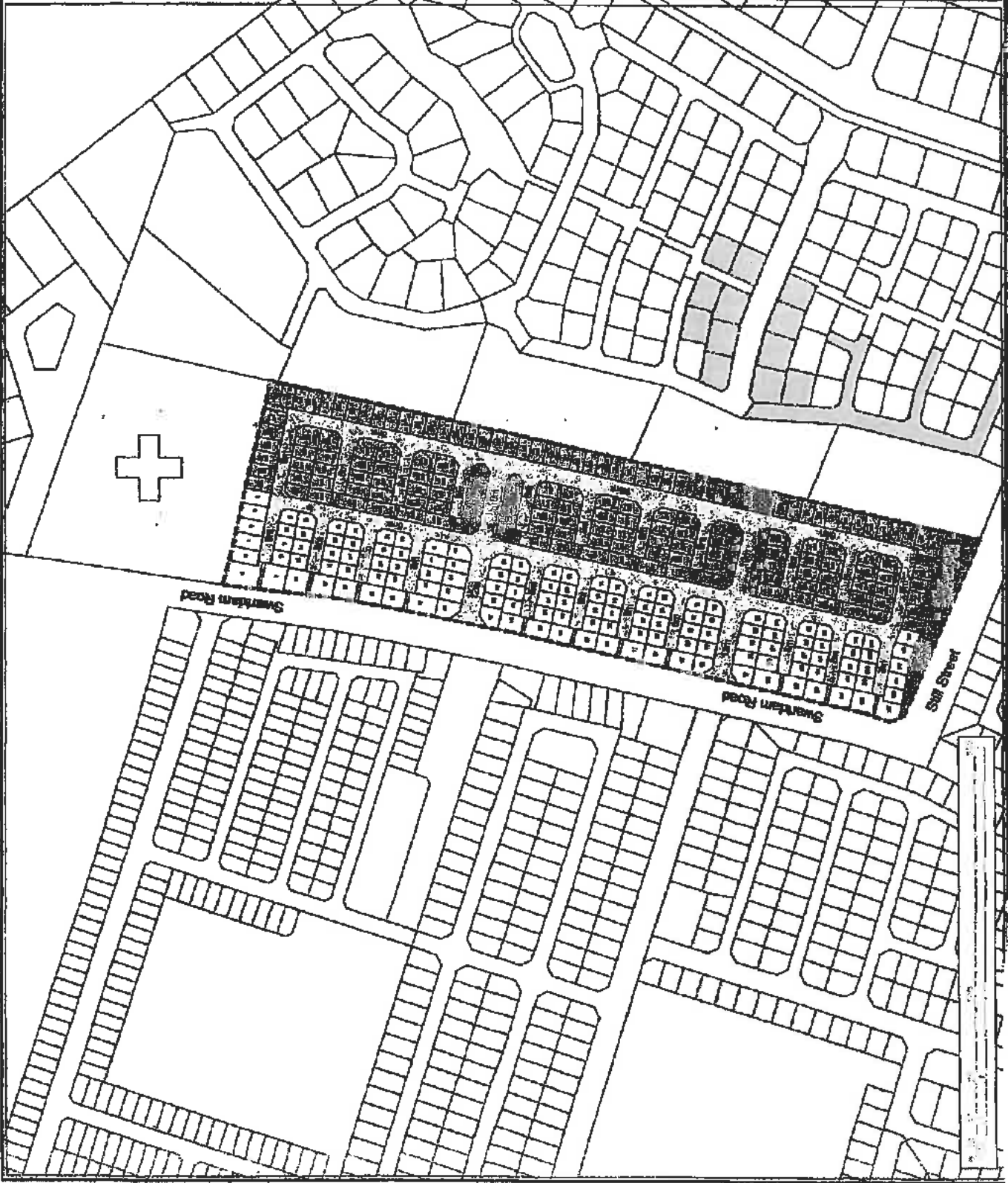
Category	Area (m <sup>2</sup> )	Volume (m <sup>3</sup> )	Weight (kg)
Asphalt	120	120	120
Concrete	100	100	100
Gravel	100	100	100
Earth	100	100	100
Water	100	100	100
Other	100	100	100
<b>Total</b>	<b>520</b>	<b>520</b>	<b>520</b>



LAND RAINCO

20 Aug 2013

BEE LINESCALE



# OVERSTRAND HOUSING ZWELIMLE, ASAZAW

Application Area

LANDS UNAVAILABLE			
Land No.	Area (sq. m)	Subplot No.	Area (sq. m)
1	21000	1	21000
2	21000	2	21000
3	21000	3	21000
TOTAL	63000		63000

Existing Sewer Line



Existing Water Line



PLEASE NOTE  
All existing line positions, dimensions and property values need to be verified  
by a Professional Land Surveyor.

THIS PLAN IS THE PROPERTY OF THE ENGINEER AND SURVEYOR AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE ENGINEER AND SURVEYOR.

DATE: 26 Aug 2013

Scale: See Linework

PLANNING: 1

CITY: ...

**URBAN DYNAMICS WESTERN CAPE**  
**TOWN & REGIONAL PLANNERS**

100 ...  
 ...  
 ...

## Appendix A2

