

**AGENDA of the  
Portfolio Committee : Infrastructure & Planning  
20 March 2018  
(Also the agenda for the Mayoral Committee Meeting : 28 March 2018)**

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**3.  
ERF 210 GANSBAAI (MASAKHANE), OVERSTRAND MUNICIPAL AREA :  
PROPOSED REZONING, SUBDIVISION, DEPARTURE, AMENDMENT OF THE  
OVERSTRAND GROWTH MANAGEMENT STRATEGY AND APPROVAL OF  
STREET NAMES : MASAKHANE AFFORDABLE HOUSING PROJECT : MESSRS  
URBAN DYNAMICS ON BEHALF OF OVERSTRAND MUNICIPALITY**

**210 GGB (3723)**

**SW van der Merwe  
6 February 2018**

**(028) 313 8900**

**Hermanus Administration**

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**1. Executive Summary**

An application has been received on 4 July 2017 from Messrs Urban Dynamics on behalf of the Overstrand Municipality on Erf 210, Gansbaai for the deviation of the Overstrand Growth Management Strategy, 2010 (OGMS) in order to provide a residential density of 45 units per hectare in lieu of the 20 – 30 units per hectare.

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

Infrastructure and Planning  
Town Planning

**3. Compliance with Strategic Priority**

Provision of democratic, accountable and ethical governance  
Provision and maintenance of municipal services  
Creation and maintenance of a safe and healthy environment  
Promotion of tourism, economic and social development

**4. Delegated Authority**

None

**5. Legal Requirements**

Section 22 (2) of the Spatial Planning Land Use Management Act, 2013

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

**Background**

Gansbaai (Masakhane) has been identified by the Overstrand Municipality as having an urgent housing need. The application is therefore submitted to address the current and future housing need of the community. The housing

**AGENDA of the  
Portfolio Committee : Infrastructure & Planning  
20 March 2018  
(Also the agenda for the Mayoral Committee Meeting : 28 March 2018)**

---

development is to provide housing opportunities for existing community members who are on the housing waiting list.

An application has been received on 4 July 2017 from Messrs Urban Dynamics on behalf of the Overstrand Municipality in terms of the Overstrand Municipal Land Use Planning Bylaw, 2015 on Erf 210, Gansbaai (Masakhane) for the following:

**Application Area A**

- subdivision of Erf 210 in terms of Section 16(2)(d) to create Application Area A ( $\pm 26,62$  ha);
- rezoning in terms of Section 16(2)(a) of Application Area A from Undetermined Zone to Subdivisional Area;
- subdivision in terms of Section 16(2)(d) in order to create 1184 Less Formal Development Zone, 5 Community Zone 1, 6 Business Zone 3, 7 Open Space Zone 2 (public open space) and Transport Zone 2 (public road) erven;
- departure in terms of Section 16(2)(b) in order to relax the street building line from 2m to 1m and lateral building lines applicable to the proposed less formal development zone erven from 1m to 0m (only one lateral building line of the respective erven will be relaxed);
- deviation of the OGMS in order to provide a gross residential density of 45 units per hectare in lieu of the 20 - 30 units per hectare; and
- approval of new street names in terms of Section 96 of the Overstrand By-Law on Municipal Land Use Planning, 2015.

**Application Area B**

- subdivision of Erf 210 in terms of Section 16(2)(d) to create Application Area B ( $\pm 6,81$  ha);
- rezoning in terms of Section 16(2)(a) of Application Area A from Undetermined Zone to Subdivisional Area;
- subdivision in terms of Section 16(2)(d) in order to create 295 Residential Zone 1, 1 Community Zone 1, 4 Open Space Zone 2 (public open space) and Transport Zone 2 (public road) erven;
- departure in terms of Section 16(2)(b) in order to relax the street building line from 2m to 1m and lateral building lines applicable to the proposed less formal development zone erven from 1m to 0m (only one lateral building line of the respective erven will be relaxed);
- deviation of the OGMS in order to provide a gross residential density of 45 units per hectare in lieu of the 20 - 30 units per hectare; and
- approval of new street names in terms of Section 96 of the Overstrand By-Law on Municipal Land Use Planning, 2015.

**AGENDA of the  
Portfolio Committee : Infrastructure & Planning  
20 March 2018  
(Also the agenda for the Mayoral Committee Meeting : 28 March 2018)**

---

The application referred to above was considered by the Authorised Official under delegated authority since no objections were received and it was resolved as follows:

**"RESOLVED:**

1. *that in terms of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) the application for a housing development on a portion of Erf 210, Gansbaai, Masakhane, which includes the following:*
  - ❖ *subdivision of Erf 210, Gansbaai into Application Area A (±26,62 ha), Application Area B (±6,81 ha) and a Remainder (±6,81 ha);*
  - ❖ *rezoning in terms of Section 16(2)(a) of Application A and B from Undermined Zone to Subdivisional Area;*
  - ❖ *subdivision of Application Area A in terms of Section 16(2)(d) in order to create 1184 Less Formal Development Zone, 5 Community Zone 1, 6 Business Zone 3, 7 Open Space Zone 2 (public open space) and Transport Zone 2 (public road) erven;*
  - ❖ *subdivision of Application Area B in terms of Section 16(2)(d) in order to create 295 Residential Zone 1, 1 Community Zone 1, 4 Open Space Zone 2 (public open space) and Transport Zone 2 (public road) erven;*
  - ❖ *departure in terms of Section 16(2)(b) in order to relax the street building line from 2m to 1m and one lateral building line applicable to the proposed residential erven from 1m to 0m; and*
  - ❖ *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;
2. *that the approval in paragraph 1. 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 the allocation of serviced sites without formal top structures in application Area A be subject to the submission of a site plan for prior approval by the Authorised Official;*
  - (c) *that all conditions imposed by Department of Environmental Affairs and Development Planning, Component: Planning, Eskom, Fire Services, Cape Nature, Breede-Gouritz Catchment*

**AGENDA of the  
Portfolio Committee : Infrastructure & Planning  
20 March 2018  
(Also the agenda for the Mayoral Committee Meeting : 28 March 2018)**

---

*Management Agency, Telkom, Department of Transport and Public Works, Department of Environmental Affairs and Development Planning (Environmental Authorisation) (attached as Annexures D, E, F, G, I-L), be complied with;*

- (d) *that all conditions in the Municipal Services Report (attached as Annexure H), be complied with;*
  - (e) *that the provision of street names be noted and that the list of names be work shopped with the Social Compact;*
  - (f) *that this approval does not absolve the applicant from compliance with any other relevant legislation, and*
  - (g) *that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.*
3. *that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above decision.*

**RECOMMENDATION TO COUNCIL :**

- 1. *that the application for the deviation of the Overstrand Growth Management Strategy, 2010 in order to provide a residential density of 45 units per hectare in lieu of the 20 - 30 units per hectare in terms of the provisions of Section 22(2) of the Spatial Planning and Land Use Management Act, 2013 **be recommended for approval.***

This item serves to inform the Council regarding the application and the subsequent decision which was taken by the Authorised Official and to receive Council's decision in terms of the Local Government Municipal Systems Act, 2000 (Act 32 of 2000) on the proposed **deviation** of the OGMS in order to provide a residential density of 45 units per hectare in lieu of the 20 - 30 units per hectare.

**Evaluation**

As stated earlier the proposed application is to develop a human settlement which will address the current and future housing need of the community. The housing development is to provide housing opportunities for existing community members. A substantial part of Masakhane currently comprises of a densely populated informal settlement with a low level of services. It is the intention of the proposed development to formalise the informal part of Masakhane through the provision of subdivided serviced erven resulting in the de-densification of the existing informal settlement.

**AGENDA of the  
Portfolio Committee : Infrastructure & Planning  
20 March 2018  
(Also the agenda for the Mayoral Committee Meeting : 28 March 2018)**

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The application involves two (2) application areas, namely Application Area A, situated south east of Masakhane that will be zoned for less formal development purposes, permitting serviced erven with dwelling units / shelters under the applicable primary rights as not all residents will qualify for individual Breaking New Ground top structure subsidies in terms of the National Housing Code.

Application Area B is situated north west of Masakhane and is bordered by the Gansbaai Industrial Area to the west and the Gansbaai Commonage to the north comprises vacant land. This area will be developed with formal structures. The layout was also amended to accommodate an existing electrical servitude situated in the road reserve north-west of the site and a 300m buffer from the landfill site further north.

The average erf size provided for in the development is 120m<sup>2</sup>, which is flexible enough to accommodate different house typologies and to permit for future house extensions. The proposal also entails the relaxation of the 2m street building line to 1m and one lateral building line of 0m in order to accommodate semi-detached dwellings.

The application property being part of the commonage, zoned as Undetermined Zone is exempted from the provisions of Act 70 of 1970 and excluded from the agricultural register.

The development gains access from the existing road network with direct access from the R43. A further access from the R43, south east of Application Area A is also proposed.

In the application it is proposed to increase the residential density from 20 – 30 units per hectare to 45 units per hectare. The Growth Management Strategy, 2010 (GMS) prescribes a density of 20 – 30 units per hectare, therefore a deviation is required. In accordance with the provision of SPLUMA, Section 22(2) the Municipal Planning Tribunal (MPT) or Authorized Official (AO) or any other authority required/mandated to make a land development decision (in this case Council), may depart from the provisions of a SDF & GMS if site specific circumstances exist that justifies such departure. In view of the above the following site specific circumstances could be argued supporting a deviation from the GMS, namely:

- ❖ Land scarcity for human settlement development in the Western Cape and specifically Overstrand;
- ❖ The subject property is situated within the urban edge and designated for urban development purposes;
- ❖ The proposed development is well located relative to existing facilities and amenities and is logical extensions of the existing township;
- ❖ The subject property will be optimally utilised to provide more housing opportunities to the community;

**AGENDA of the  
Portfolio Committee : Infrastructure & Planning  
20 March 2018  
(Also the agenda for the Mayoral Committee Meeting : 28 March 2018)**

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- ❖ The proposed 45 units per hectare are regarded as medium density in terms of human settlement design trends;
- ❖ The proposed development will facilitate the de-densification of the area with current densities above 200 units per hectare to 45 units per hectare; and
- ❖ The proposal will not have a negative impact in its surrounding environment

The proposed development further complies with strategic policies that promote a balanced land use mixed, including provision for commercial uses and community facilities in a sustainable manner that promotes compaction and efficient land use.

**Conclusion**

That the application be supported as per the recommendation below.

**7. Financial Implications**

None

**8. Staff Implications**

None

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

None

**10. Annexures**

Addendum AA : Item served before the Authorised Official (AO) on 23 January 2018

Addendum BB: Decision of the Authorised Official dated 23 February 2018

**RECOMMENDATION TO COUNCIL:**

that the application for the deviation of the Growth Management Strategy, 2010 in order to provide a residential density of 45 units per hectare in lieu of the 20 - 30 units per hectare in terms of the provisions of Section 22(2) of the Spatial Planning Land Use Management Act, 2013, **be approved.**

**AGENDA of the  
Portfolio Committee : Infrastructure & Planning  
20 March 2018  
(Also the agenda for the Mayoral Committee Meeting : 28 March 2018)**

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<b>RESPONSIBLE OFFICIAL :</b>	<b>SW VAN DER MERWE</b>
<b>TARGET DATE FOR IMPLEMENTATION :</b>	<b>11 APRIL 2018</b>
<b>TARGET DATE TO INFORM APPLICANT :</b>	<b>11 APRIL 2018</b>
<b>TARGET DATE TO INFORM OBJECTOR :</b>	<b>N/A</b>

**AGENDA of the  
Portfolio Committee : Infrastructure & Planning  
20 March 2018  
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**3.  
ERF 210 GANSBAAI (MASAKHANE), OVERSTRAND MUNICIPAL AREA :  
PROPOSED REZONING, SUBDIVISION, DEPARTURE, AMENDMENT OF THE  
OVERSTRAND GROWTH MANAGEMENT STRATEGY AND APPROVAL OF  
STREET NAMES : MASAKHANE AFFORDABLE HOUSING PROJECT : MESSRS  
URBAN DYNAMICS ON BEHALF OF OVERSTRAND MUNICIPALITY**

**210 GGB (3723)**

**SW van der Merwe  
6 February 2018**

**(028) 313 8900**

**Hermanus Administration**

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**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON  
20 MARCH 2018, WHICH COMMITTEE RECOMMENDED AS FOLLOWS:**

**RECOMMENDATION TO THE COUNCIL:**

that the application for the deviation of the Growth Management Strategy, 2010 in order to provide a residential density of 45 units per hectare in lieu of the 20 - 30 units per hectare in terms of the provisions of Section 22(2) of the Spatial Planning Land Use Management Act, 2013, **be approved.**

**RESPONSIBLE OFFICIAL :**

**SW VAN DER MERWE**

**TARGET DATE FOR IMPLEMENTATION :**

**11 APRIL 2018**

**TARGET DATE TO INFORM APPLICANT :**

**11 APRIL 2018**

**TARGET DATE TO INFORM OBJECTOR :**

**N/A**

## ADDENDUM AA 1/86

**LAND USE PLANNING REPORT**  
**Authorised Official**

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**ERF 210 GANSBAAI (MASAKHANE), OVERSTRAND MUNICIPAL AREA : PROPOSED REZONING, SUBDIVISION, DEPARTURE, AMENDMENT OF THE OVERSTRAND GROWTH MANAGEMENT STRATEGY AND APPROVAL OF STREET NAMES : MASAKHANE AFFORDABLE HOUSING PROJECT : MESSRS URBAN DYNAMICS ON BEHALF OF OVERSTRAND MUNICIPALITY**

**210 GGB (3723)**  
**SW van der Merwe**  
**6 February 2018**

**(028) 313 8900**

**Hermanus Administration**

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**1. EXECUTIVE SUMMARY**

An application has been received on 4 July 2017 from Messrs Urban Dynamics on behalf of the Overstrand Municipality in terms of the Overstrand Municipal Land Use Planning Bylaw, 2015 on Erf 210, Gansbaai (Masakhane) for the following:

**Application Area A**

- subdivision of Erf 210 in terms of Section 16(2)(d) to create Application Area A (+ 26,62 ha);
- rezoning in terms of Section 16(2)(a) of Application Area A from Undetermined Zone to Subdivisional Area;
- subdivision in terms of Section 16(2)(d) in order to create 1184 Less Formal Development Zone, 5 Community Zone 1, 6 Business Zone 3, 7 Open Space Zone 2 (public open space) and Transport Zone 2 (public road) erven;
- departure in terms of Section 16(2)(b) in order to relax the street building line from 2m to 1m and lateral building lines applicable to the proposed less formal development zone erven from 1m to 0m (only one lateral building line of the respective erven will be relaxed);
- deviation of the Overstrand Growth Management Strategy (2010) in order to provide a gross residential density of 45 units in lieu of the 20 - 30 units per hectare; and
- approval of new street names in terms of Section 96 of the Overstrand By-Law on Municipal Land Use Planning, 2015.

**Application Area B**

- subdivision of Erf 210 in terms of Section 16(2)(d) to create Application Area B (+ 6,81 ha);
- rezoning in terms of Section 16(2)(a) of Application Area A from Undetermined Zone to Subdivisional Area;
- subdivision in terms of Section 16(2)(d) in order to create 295 Residential Zone 1, 1 Community Zone 1, 4 Open Space Zone 2 (public open space) and Transport Zone 2 (public road) erven;
- departure in terms of Section 16(2)(b) in order to relax the street building line from 2m to 1m and lateral building lines applicable to the proposed less formal development zone erven from 1m to 0m (only one lateral building line of the respective erven will be relaxed);
- deviation of the Overstrand Growth Management Strategy (2010) in order to provide a gross residential density of 45 units in lieu of the 20 - 30 units per hectare; and

## ADDENDUM AA 2/86

**LAND USE PLANNING REPORT**  
**Authorised Official**

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- approval of new street names in terms of Section 96 of the Overstrand By-Law on Municipal Land Use Planning, 2015.

The Locality Plan of the property concerned is attached as Annexure A, the Motivation Report from the applicant in support of the application is attached as Annexure B and the Development Plan is attached as Annexure C.

**2. DECISION AUTHORITY**

Authorised Official

**3. BACKGROUND / SITE HISTORY**

Gansbaai (Masakhane) has been identified by the Overstrand Municipality as having an urgent housing need. The application is therefore submitted to address the current and future housing need of the community. The housing development is to provide housing opportunities for existing community members who are on the housing waiting list. A substantial part of Masakhane currently comprises of a densely populated informal settlement with a low level of services. It is the intention of the proposed development to formalise the informal part of Masakhane through the provision of subdivided serviced erven resulting in the de-densification of the existing informal settlement.

The application involves two (2) application areas, namely Application Area A, situated south east of Masakhane that will be zoned for less formal development purposes, permitting serviced erven with dwelling units/shelters under the applicable primary rights as not all residents will qualify for individual Breaking New Ground (BNG) top structure subsidies in terms of the National Housing Code.

Application Area B is situated north west of Masakhane and is bordered by the Gansbaai Industrial Area to the west and the Gansbaai Commonage to the north comprises vacant land. This area will be developed with formal structures. The layout was also amended to accommodate an existing electrical servitude situated in the road reserve north-west of the site and a 300m buffer from the landfill site further north.

The average erf size provided for in the development is 120m<sup>2</sup>, which is flexible enough to accommodate different house typologies and to permit for future house extensions. The proposal also entails the relaxation of the 2m street building line to 1m and one lateral building line of 0m in order to accommodate semi-detached dwellings.

The application property being part of the commonage, zoned as Undetermined Zone is exempted from the provisions of Act 70 of 1970 and excluded from the agricultural register.

The development gains access from the existing road network with direct access from the R43. A further access from the R43, south east of Application Area A is also proposed.

## ADDENDUM AA 3/86

**LAND USE PLANNING REPORT**  
**Authorised Official**


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

Due to the comprehensiveness of the Motivation Report, only the main points of motivation are conveyed as follows (the detailed report is attached as Annexure B):

- ❖ application Areas A & B provide excellent opportunity for a housing development. This human settlement is regarded desirable within its local context;
- ❖ the application is consistent with the Provincial Spatial Development Framework (PSDF) as it will provide access to services, comprises infill development that facilitate better integration with Gansbaai, the area is already disturbed and developed with an informal settlement that should be formalised, the land is designated for urban development, and densification levels consistent with policy directives;
- ❖ the application is consistent with the Overstrand Municipal Spatial Development Framework (OMSDF), being located within the urban edge and earmarked for urban extension purposes;
- ❖ The application area is designated for human settlement development in terms of the Overstrand Growth Management System (GMS) for densities between 20-30 dwelling units per hectare. Site specific circumstances will be motivated in order to deviate, thereby requiring approval by Council. The deviation is motivated due to:
  - the application site is situated within the urban edge and designated for urban development purposes;
  - the site is currently occupied by informal settlements at a density of + 200 units per hectare in lieu of the proposed 45 units per hectare. The proposal thus achieve a de-densified area that is safer and more accessible for emergency vehicles;
  - the proposed development is well located relative to existing facilities and amenities and are a logical extensions of the existing township.
- ❖ the Environmental Impact Assessment (EIA) taken into consideration all environmental, biodiversity and ecological concerns and information and mitigation have been applied in the amended layout proposals;
- ❖ the development is supported by Heritage Western Cape and did not require heritage assessments;
- ❖ erf layout parameters were informed by unit typologies, development and service costs and the overall design pattern. The Layout Plan was presented to all Services Departments, external stakeholders and the Social Compact;
- ❖ the development provides for an integrated range of land uses that will facilitate community development, safety and convenience to residents;
- ❖ the development forms a logical extension from existing developed areas and provides for easy access to and from existing roads and surrounding amenities;
- ❖ subject to upgrade of bulk infrastructure and implementation of bulk infrastructure masterplan items, there will be sufficient capacity to accommodate the development in terms of road, access, sewer, storm water and water supply;
- ❖ the transport impact of the proposed development will have a minimal impact on Gansbaai;
- ❖ the application complies with the planning principals;
- ❖ the existing zoning rights enjoyed by the community will not be negatively affected; and

## ADDENDUM AA 4/86

**LAND USE PLANNING REPORT**  
**Authorised Official**

- ❖ the proposed development is consistent with policy objections of the National and Provincial Government for human settlement development and local policy objectives of Overstrand Municipality.

**5. ADMINISTRATIVE COMPLIANCE**

Methods of advertising		Date published	Closing date for comments
Notices	Yes	28/09/2017	03/11/2017
Ward councillor	Yes	28/09/2017	03/11/2017
Advertisement	Yes	27/09/2017	03/11/2017
Total letters of objection	<b>None</b>		
Was public participation undertaken in accordance with Section 45 – 49 of the Proposed Draft By-Law on Municipal Land Use Planning?			<b>Yes</b>
Was the application processed correctly?			<b>Yes</b>
Is the proposal consistent with the principles referred to in Chapter 2 of SPLUMA and Chapter VI of LUPA?			<b>Yes</b>

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

Name	Date received	Summary of comments	Recommendation
<b>Traffic Department</b>	17/10/2017	Will assist where needed.	<b>Positive</b>
<b>Department of Environmental Affairs and Development Planning: Component Planning</b>	18/10/2017	Annexure D.	<b>Positive</b>
<b>Electro Technical Services</b>	24/10/2017	No objection.	<b>Positive</b>
<b>Eskom</b>	25/10/2017	Annexure E.	<b>Positive</b>
<b>District Health</b>	15/11/2017	Recommended for approval as long as applicant comply with all relevant MHS legislation.	<b>Positive</b>
<b>Waste Management</b>	16/11/2017	No objection. No houses to be built in the buffer zone of 200 meter from the Gansbaai landfill.	<b>Positive</b>
<b>Environmental Section</b>	16/11/2017	No objection.	<b>Positive</b>
<b>Fire Services</b>	17/11/2017	Annexure F.	<b>Positive</b>

## ADDENDUM AA 5/86

**LAND USE PLANNING REPORT**  
**Authorised Official**

<b>Cape Nature</b>	16/05/2017 29/11/2017	Annexure G.	<b>Positive</b>
<b>Services Report</b>	28/11/2017	Annexure H.	<b>Positive</b>
<b>Breede-Gouritz Catchment Management Agency</b>	04/12/2017	Annexure I.	<b>Positive</b>
<b>Telkom</b>	06/12/2017	Annexure J.	<b>Positive</b>
<b>Department of Transport and Public Works</b>	13/02/2018	Annexure K.	<b>Positive</b>
<b>Environmental Authorization</b>	08/09/2017	Annexure L.	<b>Positive</b>

**7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION**

No objections were received.

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

Not applicable.

**9. MUNICIPAL ASSESSMENT OF COMMENTS**

Not applicable.

**10. MUNICIPAL PLANNING EVALUATION (REFER TO RELEVANT CONSIDERATIONS GUIDELINE)**
**10.1 (In)consistency with the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)**

It can be considered that the planning principles are adhered to as follows:

**Spatial Justice**

The proposed development will provide previously disadvantaged community members access to formal housing and access to serviced sites. The proposed location of the development is within the vicinity of the existing residential neighbourhood and can be easily integrated in the existing settlement form of Gansbaai and Masakhane and seen as a logical extension of the existing urban form.

**Spatial sustainability**

The proposed development is a logical approach to extending the existing development footprint. The proposed development will not impact significantly on the biodiversity, or adversely affect the ecological functioning of the area.

## ADDENDUM AA 6/86

**LAND USE PLANNING REPORT**  
**Authorised Official**


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**Spatial Efficiency**

Existing service connections will be utilised for the development's internal services. The connection/linkage with the existing services will substantially reduce the development cost by means of reduced bulk service installation costs. Access to and from facilities and economic opportunities in Masakhane are made possible by the existing road network which will connect to the application area.

**Spatial resilience**

The principle of establishing resilient developments relate to the potential flexibility of planning to adapt to changing circumstances and to minimise any potential negative impact on the affected communities. In this regard, the proposed development is well located relative to existing amenities and facilities and is a logical extension of existing developed areas. The form, layout of roads and erven are however fixed and formalised on a cadastral basis, but allows flexibility to accommodate future extensions, linkages and services infrastructure routes.

**Good administration**

The application followed the required planning procedures to ensure that land use activity is in line with Municipal By-Laws and the public process has been followed.

**10.2 (In)consistency with the principles referred to in Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014)**

Same as above.

**10.3 (In)consistency with the IDP/Various levels of SDF's/Applicable policies**

- ❖ The application complies in terms of the OMSDF in the following aspects:
  - the application areas are situated within the urban edge;
  - the application areas are designated for urban extension purposes; and
  - the proposed development is a logical extension to the existing residential area.
- ❖ The application proposes higher densities than what is designated in the GMS therefore the application do not comply in terms of the GMS. The GMS deviation is motivated due to:
  - land scarcity for human settlement development in the Western Cape and specifically Overstrand;
  - the proposed 45 units per hectare are regarded as medium density in terms of human settlement design trends; and
  - the proposed development will facilitate the de-densification of the area with from densities above 200 dwelling units per hectare to 45 units per hectare and will have no negative impact in its surrounding environments.

**10.4 (In)consistency with guidelines prepared by the Provincial Minister**

Not applicable.

## ADDENDUM AA 7/86

**LAND USE PLANNING REPORT**  
**Authorised Official**

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**10.5 Impact on Municipal engineering services**

The proposed development will require upgrades in terms of bulk infrastructure in accordance with the infrastructure masterplan items. Following the upgrade there will be sufficient capacity to accommodate the additional demands for the development in terms of road, access, sewer, stormwater and water supply.

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

The applicant indicated and sufficiently motivated that the application adheres to National and Provincial policies and legislation regarding the provision of housing.

In terms of the National Environmental Management Act, 1998 Environmental Authorization (EA) has been obtained for the proposed development (see Annexure L).

The Municipal Environmental Department also indicated that they have no objection towards the proposed development.

**10.7 Existing and proposed zoning comparisons and considerations**

Both Application Areas A and B are zoned for undetermined purposes.

Application Area A will be rezoned to Less Formal Development Zone that permits the construction of either a dwelling unit or a shelter (i.e. serviced site).

Application Area B will be rezoned to Residential Zone 1. The application also entails the relaxation of the street building line from 2m to 1m and the relaxation of one lateral building line to 0m in order to permit semi-detached dwellings. The departure application will be applicable to both application areas.

**10.8 The desirability of the proposal**

As stated earlier the proposed application is to develop a human settlement which will address the current and future housing need of the community. The housing development is to provide housing opportunities for existing community members who are on the housing waiting list.

**Physical characteristics of the property**

The application area forms part of the Gansbaai commonage and is partly occupied by existing informal township and rudimentary services. A portion of the application area comprises vacant land.

The nearby landfill to the north requires a 300m development setback that was incorporated in the planning of the development layout.

The application site is located within a sensitive natural environment. As such a full EIA (including specialist assessments) was undertaken to inform and guide the development. The layout plan was designed to make provision for a formalised mountain to coast ecological link to the east of the site of 150m.

## ADDENDUM AA 8/86

**LAND USE PLANNING REPORT**  
**Authorised Official**

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By approving the development it will allow the Municipality to develop the land to its full potential, while addressing the housing need in Gansbaai (Masakhane).

**Location and accessibility**

The proposed housing settlement will be accessible from Mandela Road, Masakhane via the existing road network. A secondary access directly from the R43 will provide direct access to Application Area A.

Each new residential erf will have street access via a formalised internal road network.

**Existing planning and character of the area**

Application Area A is situated south east of Masakhane on the commonage and comprises the existing informal settlement and vacant land. It is situated within the urban edge and bordered by agricultural properties further south east and south of the R43. Application Area B is also situated within the urban edge and bordered by the Gansbaai Industrial Area to the west, the GAP housing development to the north-west and remainder of the Gansbaai commonage and the Gansbaai Landfill to the north. The formal part of Masakhane is mostly developed with formal dwellings, with some level of informal structures.

The formalization of the subject property with services and road infrastructure will help to formalize the subject property to ultimately be developed to the same level as the adjacent settlement. It should be noted that not all residents on the waiting list will qualify for BNG top structures in terms of the National Housing Code. As such application Area A, under the applicable primary rights will provide for serviced sites to non-qualifiers. Application Area B, being situated adjacent to the industrial area and the GAP housing development to the north will not cater for serviced sites.

The proposed development can only have a positive impact on the surrounding area.

The proposed development caters for a mixture of residential erven, community zoned, commercial zoned properties and open spaces in order to develop a sustainable development which caters to the needs of the community.

**Departure**

It is further proposed to relax the street building line from 2m to 1m and the lateral building lines applicable to the proposed residential erven from 1m to 0m along one lateral building line of the respective erven. This is to ensure that the erven are optimally utilized while allowing sufficient space to allow on-site parking and room for extensions. Further, the remaining lateral building line allows access for safety personnel in case of an emergency. This departure will be applicable on all residential erven and will therefore set the character and design of the settlement.

## ADDENDUM AA 9/86

**LAND USE PLANNING REPORT**  
**Authorised Official**


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**Deviation from the Overstrand Municipal Wide Spatial Development Framework, 2006**

The applicant also proposes a higher density than what is designated in the GMS and the deviation is motivated by the applicant. The proposed deviation is considered desirable due to the following:

- the subject property is situated within the urban edge and designed for urban development purposes;
- the proposed development is well located relative to existing facilities and amenities and are a logical extensions of the existing township;
- the subject property will be optimally developed and utilized;
- the higher density also enables the Municipality to provide more housing opportunities to the community; and
- the site is currently occupied by informal structures at a density of  $\pm$  200 units per hectare in lieu of the proposed 45 units per hectare. The proposed development will result in the de-densification of the area that is safer and more accessible for emergency vehicles.

**Street names**

The social compact nominated a list of potential street names that will be presented to the Authorised Official to take cognisance off. The allocation of street names onto the layout plan will be done in consultation with the Municipality and the Social Compact.

**10.9 ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS**
**The financial or other value of the rights**

N/A

**The personal benefits which will accrue to the holder of rights and/or to the person seeking the removal**

N/A

**The social benefit of the restrictive condition remaining in place, and/or being removed/amended**

N/A

**Will the removal, suspension or amendment completely remove all rights enjoyed by the beneficiary or only some of those rights**

N/A

## ADDENDUM AA 10/86

**LAND USE PLANNING REPORT**  
**Authorised Official**


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**11. RECOMMENDATION**

1. that in terms of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) the application for a housing development on a portion of Erf 210, Gansbaai, Masakhane, which includes the following:
  - ❖ subdivision of Erf 210, Gansbaai into Application Area A (±26,62 ha), Application Area B (±6,81 ha) and a Remainder (±6,81 ha);
  - ❖ rezoning in terms of Section 16(2)(a) of Application A and B from Undermined Zone to Subdivisional Area;
  - ❖ subdivision of Application Area A in terms of Section 16(2)(d) in order to create 1184 Less Formal Development Zone, 5 Community Zone 1, 6 Business Zone 3, 7 Open Space Zone 2 (public open space) and Transport Zone 2 (public road) erven;
  - ❖ subdivision of Application Area B in terms of Section 16(2)(d) in order to create 295 Residential Zone 1, 1 Community Zone 1, 4 Open Space Zone 2 (public open space) and Transport Zone 2 (public road) erven;
  - ❖ departure in terms of Section 16(2)(b) in order to relax the street building line from 2m to 1m and one lateral building line applicable to the proposed residential erven from 1m to 0m; and
  - ❖ 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;
2. that the approval in paragraph 1. 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 the allocation of serviced sites without formal top structures in application Area A be subject to the submission of a site plan for prior approval by the Authorised Official;
  - (c) that all conditions imposed by Department of Environmental Affairs and Development Planning, Component: Planning, Eskom, Fire Services, Cape Nature, Breede-Gouritz Catchment Management Agency, Telkom, Department of Transport and Public Works, Department of Environmental Affairs and Development Planning (Environmental Authorisation) (attached as Annexures D, E, F, G, I - L), be complied with;
  - (d) that all conditions in the Municipal Services Report (attached as Annexure H), be complied with;
  - (e) that the provision of street names be noted and that the list of names be work shopped with the Social Compact;
  - (f) that this approval does not absolve the applicant from compliance with any other relevant legislation, and

## ADDENDUM AA 11/86

**LAND USE PLANNING REPORT**  
**Authorised Official**


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- (g) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
3. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above decision.

**RECOMMENDATION TO COUNCIL :**

that the application for the deviation of the Overstrand Growth Management Strategy (2010) in order to provide a residential density of 45 units per hectare in lieu of the 20-30 units per hectare in terms of the provisions of Section 22(2) of the Spatial Planning and Land Use Management Act, 2013, **be recommended for approval.**

**12. REASONS FOR RECOMMENDATION**

- ❖ the application complies with the principles as set out in SPLUMA and LUPA;
- ❖ the application complies with the Overstrand Zoning Scheme Regulations and other policies;
- ❖ the proposed development will allow for greater housing opportunities;
- ❖ the proposed development will be to the benefit of the existing community in Gansbaai (Masakhane);
- ❖ the proposed development will be a natural extension of existing urban footprint;
- ❖ the proposal will not adversely impact upon vested rights of adjoining properties;
- ❖ Environmental Authorisation has been given for the proposed development; and
- ❖ no objections were received

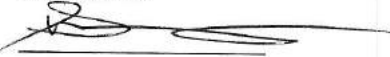
**13. Annexures**

Annexure A:	Locality Plan
Annexure B:	Motivation Report
Annexure C:	Subdivisional and Development Plan
Annexure D:	Department of Environmental Affairs and Development Planning: Component: Planning
Annexure E:	Eskom
Annexure F:	Fire Services
Annexure G:	Cape Nature
Annexure H:	Services Report
Annexure I:	Breede-Gouritz Catchment Management Agency Department of
Annexure J:	Telkom
Annexure K:	Department of Transport and Public Works
Annexure L:	Environmental Affairs and Development Planning (Environmental Authorisation)

## ADDENDUM AA 12/86

**LAND USE PLANNING REPORT**  
**Authorised Official**

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**SIGNATURES****REGISTERED PLANNER**Name: **SW van der Merwe**SACPLAN registration number: **A/1850/2014**Signature: Date: 22 / 02 / 2018

23 / 2 / 2018

**MASAKHANE**  
REMAINDER ERF 210  
GANSBAAI

**REGIONAL CONTEXT**

Application Areas

- 1.) Area A = ±26.62ha
- 2.) Area B = ±9.81ha

Cadastral Boundaries



**ADDENDUM AA 13/86**

PLEASE NOTE:  
This plan is submitted for the purpose of providing information and is not intended to be used for a title deed or any other legal purpose.

REF: \_\_\_\_\_

COMPILED BY: F. Van \_\_\_\_\_

INCUMBENT: \_\_\_\_\_

DATE: \_\_\_\_\_

SCALE: SEE LISTINGS

PLAN NO: 1

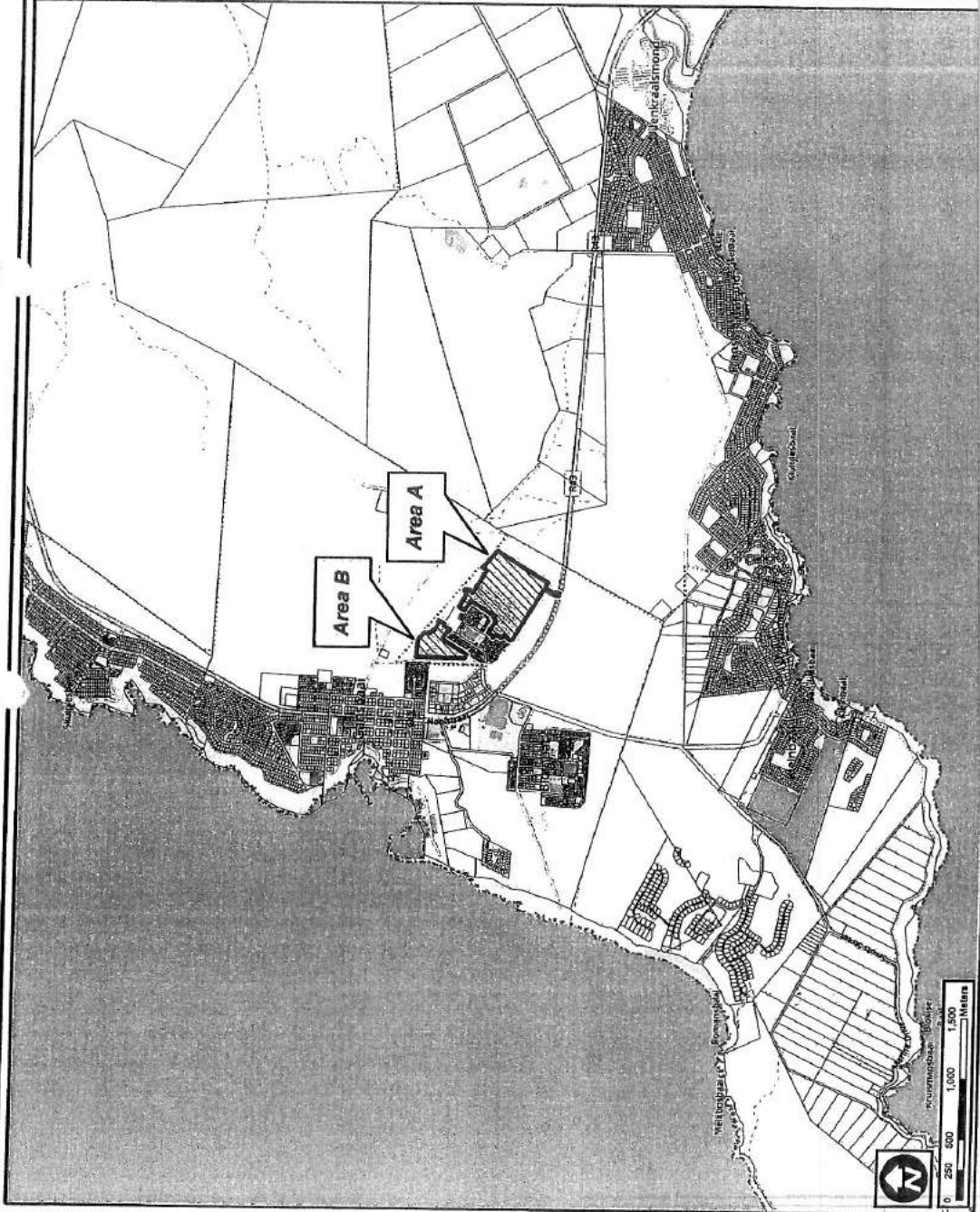
CLIENT: \_\_\_\_\_

DATE: JUNE 2017

**ANNEXURE A 1/1**

**TRAY DYNAMICS WESTERN CAPE**  
A COMPANY OF TRAY DYNAMICS GROUP  
10000 TRAY DYNAMICS GROUP ROAD  
WILLOWDALE  
7130

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## SECTION 1

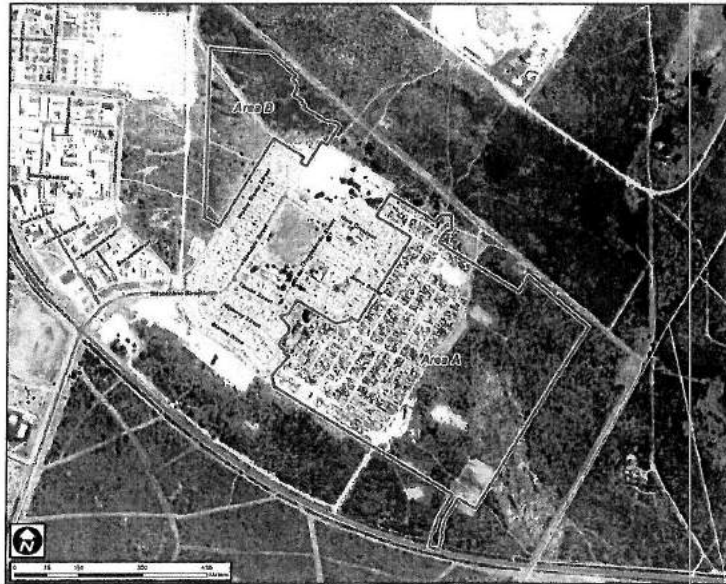
## INTRODUCTION

## 1.1. BACKGROUND

The Overstrand Municipality identified Masakhane (Gansbaai) as an area with an urgent housing need where development planning needs to be undertaken to address the current and future housing needs of the local community of this town. The objective of this housing development is to provide housing opportunities in Masakhane, to people of Masakhane. A substantial part of Masakhane exists of informal settlement with low level of services. It is now the intention to formalise the informal part of Masakhane, by providing subdivided serviced erven and community facility erven.

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

The locality of the application site is directly adjacent to the existing Masakhane township, which lies to the immediate east of Gansbaai. The application area is located on Erf 210 Gansbaai (being the Gansbaai commonage land). The application includes two development areas, referred to as Areas A & B respectively, as indicated in *Figure 1.1*.



*Figure 1.1: Application area in its surrounding context*

## 1.2. PROPERTY DESCRIPTION AND OWNERSHIP

Application Areas A & B are described in Table 1.1, as follows:

PROPERTY DESCRIPTION	EXTENT	TITLE DEED	REGISTERED OWNER
Erf 210 Gansbaai – Area A	±26.62 ha	T41074/2013	Overstrand Municipality
Erf 210 Gansbaai – Area B	± 6.81 ha		

Table 1.1: Property Description

The title deed is attached as **Annexure C**. There are no title deed restrictions in the title deed of Erf 210 Gansbaai. The SG diagram and noting sheets are attached as **Annexure D**.

## 1.3. THE APPLICATION

Application is hereby made as follows (refer **Application Form**, attached as **Annexure A**):

- i. **Subdivision** of Erf 210 Gansbaai (refer **Figure 1.2**), to create Application Area A (± 26.62 ha), Application Area B (± 6.81 ha) and the Remainder of Erf 210 Gansbaai (± 688 ha), in terms of Section 16(2)(d) of the Overstrand By-Law on Municipal Land Use Planning (2015);

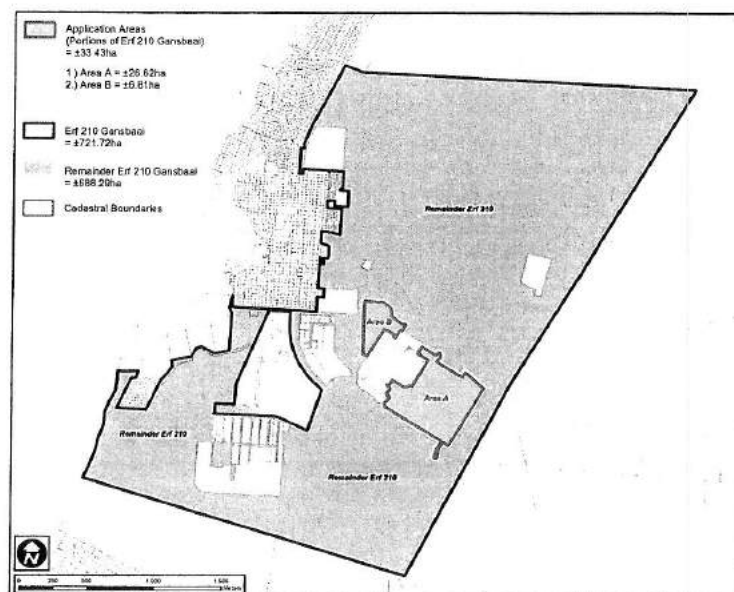


Figure 1.2: Subdivision Plan – Erf 210 Gansbaai

- ii. **The rezoning** of Application Area A and Application Area B, from Undetermined Zone to Subdivisional Area, in terms of Section 16(2)(a) of the Overstrand By-Law on Municipal Land Use Planning (2015);
- iii. **The subdivision** in terms of Section 16(2)(d) of the Overstrand By-Law on Municipal Land Use Planning (2015), as follows:

**Application Area A:**

- Less Formal Development Zone 1184 erven
- Community Zone I 5 erven
- Business Zone III (LB) 6 erven
- Open Space Zone II 7 erven
- Transport Zone II All Roads/Streets

**Application Area B:**

- Residential Zone I (SR1) 295 erven
- Community Zone I 1 erf
- Open Space Zone II 4 erven
- Transport Zone II All Roads/Streets

- (iv) **Building line departure** in terms of Section 16(2)(b) of the Overstrand By-Law on Municipal Land Use Planning (2015), on the SR1 and Less Formal Zone erven, to allow the following:

- Lateral/side building lines of 0m in lieu of 1m on one lateral boundary of each/all proposed residential erven (to accommodate semi-detached houses);
- Street building lines of 1m in lieu of 2m on all proposed residential erven.

- (v) **Deviation** from the Overstrand Growth Management Strategy (2010) to provide a gross residential density of 45 units per hectare on the application sites, in lieu of the designated density of 20-30 units per hectare, in terms of Section 10 of the Overstrand By-Law on Municipal Land Use Planning (2015).

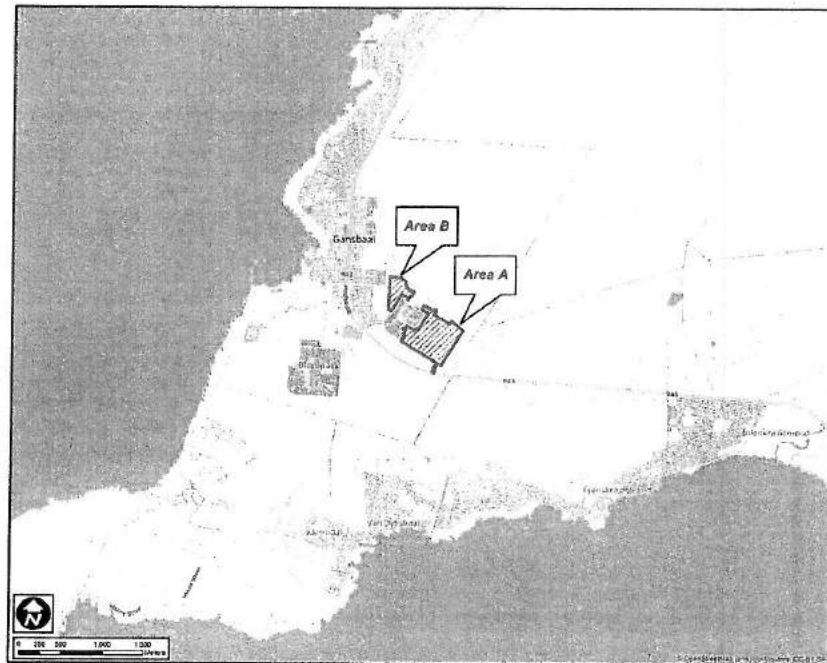
- (vi) **Approval of new Street Names** by Overstrand Municipality in terms of Section 96 of the Overstrand By-Law on Municipal Land Use Planning (2015).



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

Gansbaai is located along the southern coast of the Western Cape Province, within the jurisdiction of the Overstrand municipal area. Access to Gansbaai is primarily obtained from the R43 road via existing access roads. The application area is located at Masakhane, which is a typical example of an apartheid planned township that is segregated from the main town of Gansbaai. The township is also densely populated, with a substantial portion of the township existing of informal settlement with low levels of services.

*Figure 2.1* indicates the locality of the application area within its regional context.

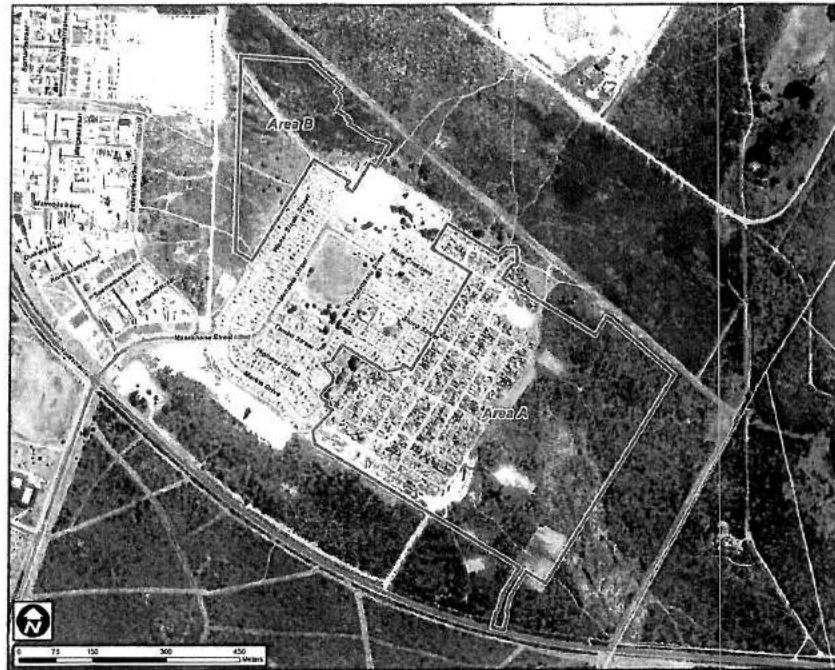


*Figure 2.1: Regional Context*

### 2.1.2. LOCAL CONTEXT

In terms of the local context, the application area for the proposed housing development is located to the south-east of Gansbaai. The application area is further directly abutting the existing township of Masakhane. The proposed housing development is regarded as a logical extension of the existing urban footprint, with Area A being an extension and Area B being considered an infill area that will connect Masakhane more directly to Gansbaai. The area gains access from the existing road network, including direct access from the R43 road.

*Figure 2.2* illustrates the application area in its local context.



2.2: Local Context Plan (Attached as Plan 6)

## 2.2 HOUSING CONTEXT

The proposed human settlement development is a direct response by the Overstrand Municipality, in association with the Western Cape Department of Human Settlements, to address the existing need for subsidy housing development in Masakhane.

It should be noted that the Masakhane project is primarily a UISP project that will resolve the existing informal settlement of Masakhane, in terms of de-densification of the existing overcrowded settlement. Formalising the existing informal township results in a need for additional land in order to establish the roll-over of people, hence certain green fields areas form part of the application area. Furthermore, the proposed human settlement development will meet the National and Provincial Government's objectives of providing basic services and housing opportunities to all people, subsequently uplifting and improving the livelihoods of the people already residing within Masakhane. Formalising of existing informal settlements is also a key policy objective of the PGWC and of the Overstrand Municipality.

It is therefore clearly stated that the proposed housing development is focussed at alleviating existing conditions in Masakhane, and to accommodate people already residing within Masakhane.

## 2.3 POLICY FRAMEWORK

The proposed development is supported by the following planning policies, which were reviewed to determine the consistency of the land use proposal:

### 2.3.1 Provincial Spatial Development Framework (PSDF) – 2014

The Provincial Spatial Development Framework 2014 (PSDF) is the spatial policy of the Western Cape, guiding spatial planning in the province in the short-medium term. The PSDF includes a number of policies that relate to housing development, some of which are applicable to the proposed Masakhane housing development, namely:

- Provide integrated, well-located human settlement development;
- Protect and conserve natural resources outside of urban areas;
- Optimise the use of existing designated urban development t land, to avoid a loss of agricultural and natural resources.

The PSDF further advocates the necessity to provide households with the residential environments, mobility and access to opportunities that support productive activities and reduce levels of exclusion from opportunity, while a denser urban form should be promoted in all new housing projects throughout the province.



*Consistency of the Proposed development with the PSDF*

The proposed development is consistent with the PSDF, as:

- The application area has good access to services and road networks;
- It involves the **infill** of space between the existing township and the main town of Gansbaai, to achieve **better integration** and a more direct link between the two settlements;
- The application area is partly already **disturbed** and developed with **informal settlement** (refer Area A), which should be **formalised**, while Area B is regarded as a logical infill area;
- In terms of **densification**, the proposed development is planned at a density of  $\pm 45$  units per hectare, which is good and consistent with policy directives;
- Lastly, the land is designated for **urban development** purposes in the local Overstrand SDF and is not agricultural land, while planning of the housing development has also incorporated adequate **mitigation** in terms of the sensitivity of the surrounding natural environs.

### 2.3.2 Overstrand Municipal Wide Spatial Development Framework (2006)

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

In terms of the site specific and local spatial objectives for the area, the Overstrand SDF (2006) designates the application area as follows (refer *Figure 2.3*):

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

The proposed development is therefore **fully consistent** with the intention and designations of the Overstrand SDF (2006).



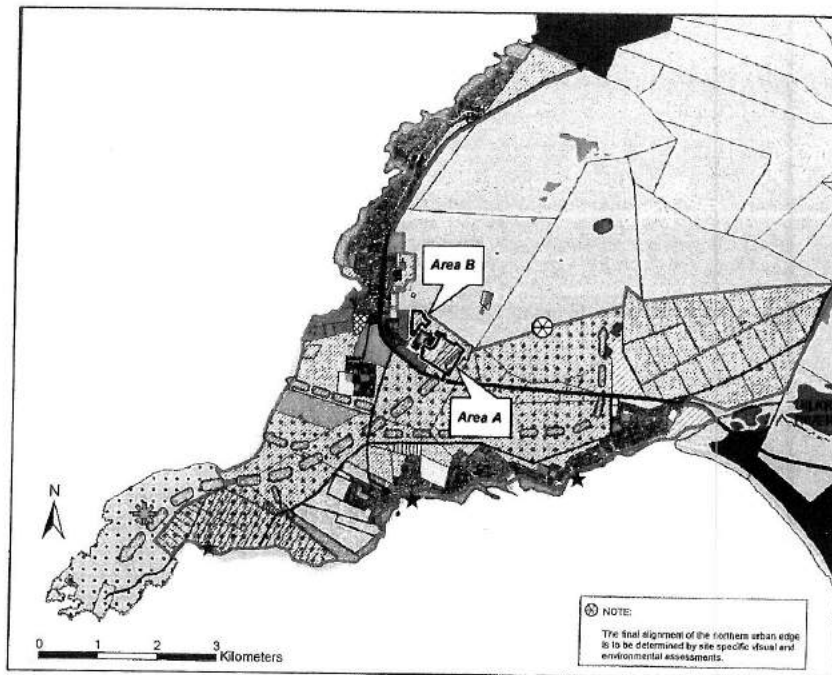


Figure 2.3: Overstrand SDF (2006) – Application Site Designated within urban edge for urban development

### 2.3.3 Overstrand Growth Management Strategy (OGMS, 2010)

In terms of the Overstrand Growth Management Strategy (2010), the application areas were specifically designated for human settlement development at an estimated density of 20-30 units per hectare (refer Figure 2.4). The objectives and principles of the proposed human settlement development is therefore regarded consistent with the OGMS (2010).

The proposed density of 45 units per hectare is more than the density allocation (20-30 u/ha) of the OGMS (2010), which requires a **deviation** to be approved by the Overstrand Municipality in terms of the Municipal Planning By-Law (2015).

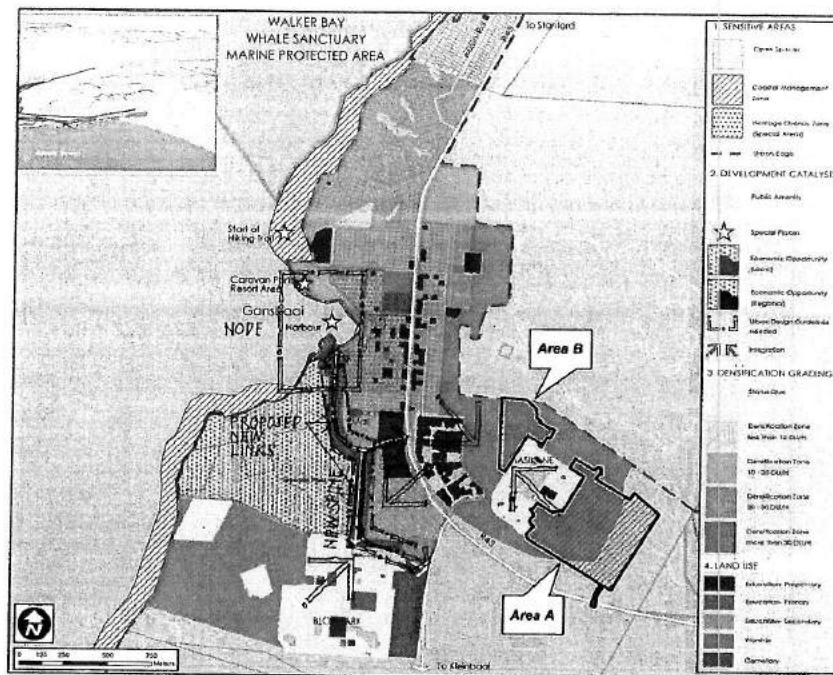


Figure 2.4: Overstrand GMS (2010) – Gansbaai Density Proposals

#### 2.3.4 Policy Context – Conclusion

Notwithstanding the above-mentioned review of the most applicable policy directives, a broader policy assessment was undertaken to illustrate the consistency of the proposed development with overarching policy in general, as reflected in Table 2.2.

Policy Directive	Compliance with Overarching Spatial & Economic Objectives	Compliance with Site Specific Spatial Designations
National Development Plan (2011)	✓	n/a
PSDF (2014)	✓	n/a
Strategic Provincial Objectives (2012)	✓	n/a
Overstrand SDF (2006)	✓	✓
Overstrand GMS (2010)	✓	Proposed density deviation

Table 2.1: Consistency of Proposed development with Spatial & Economic Policy Directives

Following the afore-mentioned review of policy directives, the proposed application is regarded consistent with the overarching spatial and economic objectives, principles and strategies, which were identified within the respective policy documents, namely:

- Prioritise the **upgrading of informal settlements**;
- Creating **opportunities for growth and jobs**;
- Providing **well-located integrated human settlements**;
- **Reducing poverty**;
- Promote development within designated urban development areas and **within identified urban edges**;
- **Densification** is considered one of the key tools towards achieving the restructuring of urban areas;
- Ensure **access to basic services and shelter** to all people.

In terms of the site specific and local spatial objectives for the area, the Overstrand SDF (2006) designates the application site as follows (refer Figure 2.1):

- The application property is located **within the urban edge**;
- The application area is designated partly as '**existing residential**' and the remainder for '**urban extension**' purposes;
- The development of the application site is a **logical extension** to the existing residential area, while also being based on the existing informal settlement of Masakhane.

## 2.4. ZONING

The proposed application area is zoned as **Undetermined Zone**. The site is **exempted from the provisions of Act 70 of 1970** for the subdivision of agricultural land, as it is municipal commonage land (Erf 210 Gansbaai) and is not part of the agricultural register.



## 2.5. LAND USES

The application area is partly occupied by existing informal township and rudimentary services, while a portion of the application areas is vacant land. The immediate surroundings include the formalised portions of the Masakhane township, Gansbaai Industrial area as well as a municipal landfill site to the north of the application area.

Figure 2.5 shows the application sites within the context of the surrounding land uses.

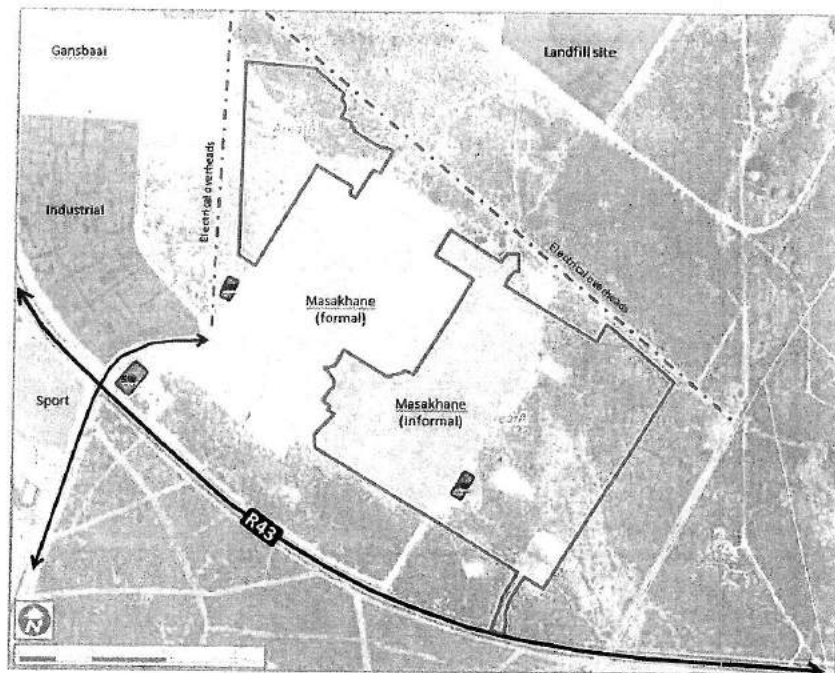


Figure 2.5: Land Use – Contextual Overview

From Figure 2.5 it is clear that the proposed residential development is a logical extension and infill response to alleviate the housing needs of the Masakhane Township, and is fully consistent with the surrounding land use context.



## 2.6 ENVIRONMENTAL & BIODIVERSITY CONTEXT

The proposed application area includes existing disturbed land areas, but also includes some vacant natural land. In this regard, a full environmental impact assessment (EIA) has been undertaken and a decision by the Department of Environmental Affairs (DEA&DP) is currently pending.

The key environmental informants that have been identified and informed the development proposal, include the following:

- Mountain-to-Coast ecological linkages (the layout plan was structured to allow for an ecological corridor on the eastern side of the development;
- Milkwood trees were identified in some portions of the site (refer attached **Botanical Report** as **Annexure F**). The layout was designed to accommodate/retain some of these trees, but some of the milkwoods will have to be removed;
- Environmental/health implications relating to the existing landfill site to the north of the application area. An Air Pathway Study was undertaken, and subsequently the development buffer around the landfill site was relaxed from 400m to 200m. The layout was further amended to not propose any development within 300m of the landfill site, to avoid any gas mitigation requirements. The Air Pathway Study is attached as **Annexure H**.

In conclusion, the environmental impact assessment process has taken into consideration all environmental, biodiversity and ecological concerns and informants, and mitigation have been applied to the amended layout proposals. The competent environmental authority (DEA&DP) will assess the final EIA report and issue a decision accordingly.

## 2.7 HERITAGE CONTEXT

The application area is bigger than 5000m<sup>2</sup>, and therefore required that a Notice of Intend (NID) be submitted to the Western Cape Heritage Department (HWC) in terms of the National Heritage Resources Act (1999).

Following the submission of the NID to HWC, a positive decision was obtained from HWC (refer **Annexure I**). No further heritage assessments were required.



## 2.8 SYNTHESIS: OPPORTUNITIES & CONSTRAINTS

### 2.8.1 OPPORTUNITIES

The biophysical and contextual opportunities identified for the site and proposed human settlement development, are summarised in Table 2.2.

OPPORTUNITY	IMPLICATIONS
<ul style="list-style-type: none"> <li>Proximity to community facilities</li> </ul>	<ul style="list-style-type: none"> <li>The development areas are located immediately abutting to the existing Masakhane Township where many community facilities have already been established, including schools and sport facilities.</li> </ul>
<ul style="list-style-type: none"> <li>Logical Extension to Existing Township</li> </ul>	<ul style="list-style-type: none"> <li>The proposed development is a logical extension and infill of vacant land surrounding the township of Masakhane and Gansbaai. The proposed development will integrate well with existing developed areas, as it will link to existing roads and infrastructure and is within walking distance of amenities.</li> </ul>
<ul style="list-style-type: none"> <li>Vacant Land - Commonage</li> </ul>	<ul style="list-style-type: none"> <li>The application sites form part of the Gansbaai commonage (Erf 210), which is the preferred area for urban development, as it is municipal owned and designated for development in terms of spatial planning policy.</li> </ul>
<ul style="list-style-type: none"> <li>Access opportunities</li> </ul>	<ul style="list-style-type: none"> <li>Access is possible from the R43 through the existing township of Masakhane, while a new direct access is also proposed from the R43, which will ensure excellent accessibility to the development.</li> </ul>
<ul style="list-style-type: none"> <li>Employment Opportunities</li> </ul>	<ul style="list-style-type: none"> <li>The existing and future/proposed industrial areas of Gansbaai is in close proximity to the proposed development, which is conveniently within walking distance.</li> </ul>

Table 2.2: Biophysical & Contextual Opportunities



### 2.8.2 CONSTRAINTS

The biophysical and contextual constraints identified for the site and proposed human settlement development, are summarised in Table 2.3.

CONSTRAINTS	IMPLICATIONS
<ul style="list-style-type: none"> <li>Services Infrastructure</li> </ul>	<ul style="list-style-type: none"> <li>There are a number of existing service lines in the area surrounding the development, while new bulk electrical cables are also planned in the area. The development layout had to be planned to incorporate these services and to allow for sufficient servitude widths for future maintenance and upgrading.</li> </ul>
<ul style="list-style-type: none"> <li>Landfill Site – Buffer Area</li> </ul>	<ul style="list-style-type: none"> <li>The nearby existing landfill site requires that development be setback 300m to avoid any special construction and foundation requirements. The layout was planned and designed to respond to the buffer requirements.</li> </ul>
<ul style="list-style-type: none"> <li>Mountain-to-Coast Ecological Link</li> </ul>	<ul style="list-style-type: none"> <li>The application sites are located within a sensitive natural environment. A full environmental assessment (including specialist assessments) was undertaken to inform and guide the development. The layout plan was designed to make provision for a potential formalised mountain-to-coast ecological link to the east of the site.</li> </ul>
<ul style="list-style-type: none"> <li>Density of Existing Township</li> </ul>	<ul style="list-style-type: none"> <li>The existing informal part of Masakhane is very densely populated. It is the objective that the proposed development will de-densify the township to ensure fire safety and improved living conditions. The challenge is to accommodate the entire existing population within the limited available land.</li> </ul>

Table 2.3: Biophysical & Contextual Constraints



### 2.8.3 SYNTHESIS OF OPPORTUNITIES AND CONSTRAINTS

The analysis of the physical and contextual opportunities and constraints provide a detailed overview of the local informants to the planning process. Although there are a number of constraints, the proposed development has been planned and designed through an iterative assessment process to respond to and incorporate all necessary measures and mitigation to achieve a positive development.

The positive opportunities and development objectives are to improve quality of life within the Masakhane Township, to ensure access to services, housing opportunities, community facilities and employment opportunities.

Figure 2.6 is a summary map that illustrates the respective opportunities and constraint that were identified, considered and utilised to shape, guide and inform the final development proposal.

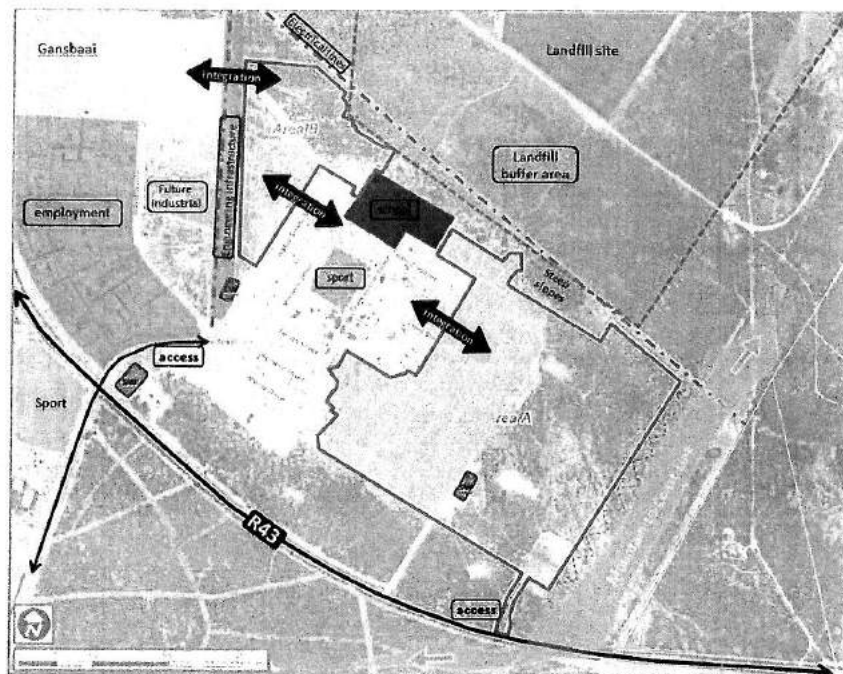


Figure 2.6: Synthesis – Opportunities & Constraints Plan



**SECTION 3****PROPOSED HUMAN SETTLEMENT DEVELOPMENT****3.1. DEVELOPMENT PRINCIPLES****3.1.1. Planning Principles**

The following planning and urban design principles have been applied to the proposed development with the objective to address the current housing need and to formalize ownership within the township of Masakhane.

- Subsidy housing development to accommodate people on the housing waiting list, and to formalise the existing informal township with services, roads and housing opportunities to qualifiers.
- Locate development in low to moderate sensitivity areas and areas with least development constraints.
- Implement a cost-effective design, to optimise the use of available land and resources.
- A safe environment with a strong sense of community.
- Establish a pedestrian-orientated and friendly environment.
- A system of continuous routes to promote accessibility to social and economic activities.
- Ensure sustainable development and limit urban sprawl.
- Optimise the use of existing resources and infrastructure.

**3.1.2. Design Considerations**

The following basic design principles were applied to inform the design concept:

- A design that will contribute towards the functionality of services as well as to the access to local amenities.
- Integration with the existing residential development.
- A design that enables the provision of civil engineering services in a cost-effective manner.
- A design that will promote density.
- The quality and functionality of the spatial environment is promoted.

Notwithstanding the above-mentioned generic design principles and considerations, the application sites in Masakhane pose a number of site-specific considerations that influenced the layout plan significantly, i.e. landfill site buffer, ecological ink area, existing services infrastructure, etc. On this basis, the final layout proposal is a localised solution to address the issues and concerns of the site and its context, rather than being a generic principle-based plan.



### 3.2. DEVELOPMENT PARAMETERS

The average erf size provided for in the development is  $\pm 120\text{m}^2$ , which is flexible enough to provide some flexibility for different house typologies, as well as providing sufficient space for future house extensions, cultural activities and recreation.

The proposed development includes 2 residential zoning categories, namely:

- Less Formal Development Zone (LFD) for Area A;
- Residential Zone I (SR1) for Area B.

The zoning parameters (in terms of the Overstrand Zoning Scheme) of the respective zoning categories are mostly identical (refer Table 3.1 below), with the exception of the primary use rights of the LFD zone that allows for shelters (informal houses) in lieu of formally constructed houses.

	Parameters: SR1	Parameters: LFD
<b>Primary uses</b>	Day care centre, dwelling house, guest rooms, home occupation, second dwelling unit.	Day care centre, dwelling unit, guest rooms, home occupation, second dwelling unit, <u>shelter</u>
<b>Coverage</b>	65% (<400m <sup>2</sup> )	65%
<b>Street building line</b>	2,0m (<400m <sup>2</sup> ) (Application is made for the relaxation of street building lines from 2m to 1m).	2,0m (<400m <sup>2</sup> ) (Application is made for the relaxation of street building lines from 2m to 1m).
<b>Side and rear building line</b>	1,0m (<400m <sup>2</sup> ) (Application is made for the relaxation of common building lines to 0m on one side of each erf to accommodate semi-detached houses).	1,0m (Application is made for the relaxation of common building lines to 0m on one side of each erf to accommodate semi-detached houses).
<b>Height</b>	8,0m	8,0m
<b>Parking</b>	At least 1 parking bay per land unit, on the land unit, if so required by the council.	At least 1 parking bay per land unit, on the land unit, if so required by the council.

Table 3.1 Planning Parameters

The fact that not all residents will qualify for individual BNG top structure subsidies in terms of the National Housing Code requires provision to be made for some serviced sites within the development. The Overstrand Municipality decided to allocate the LFD zone to Area A, as it is currently an existing informal township, while Area B is designated as the more formal area of the development for designation of top structure subsidy qualifiers. However, the allocation of top structure beneficiaries and serviced site respectively will be undertaken in consultation with the community during the implementation phase of the project.



### 3.3. ERF LAYOUT PARAMETERS

It was determined by the implementing agent and the professional team, through a range of iterations taking into consideration unit typologies, development and service costs as well as overall design pattern that the dimensions of the proposed erven should be as follows:

Land use	Dimensions
Residential erven	<ul style="list-style-type: none"> <li>- Minimum street frontage of 9m</li> <li>- Average erf size 120m<sup>2</sup></li> <li>- Average erf dimension: 9m front x 13m deep</li> </ul>

Table 3.2 Erf Dimensions

### 3.4. LAYOUT PLAN

Taking the aforementioned planning and design principles into consideration and consequently evaluating these elements in context of the layout parameters and topography of the application area, the final layout (refer *Figure 3.1*) consists of the following land uses:

#### Application Area A:

- Less Formal Development Zone (LFD) 1184 erven
- Community Zone I 5 erven
- Business Zone III (LB) 6 erven
- Open Space Zone II 7 erven
- Transport Zone II All Roads/Streets

#### Application Area B:

- Residential Zone I (SR1) 295 erven
- Community Zone I 1 erf
- Open Space Zone II 4 erven
- Transport Zone II All Roads/Streets

**Figure 3.1** represents the final layout plan, which has gone through an intensive iteration process with the professional team and with the Masakhane Social Compact.



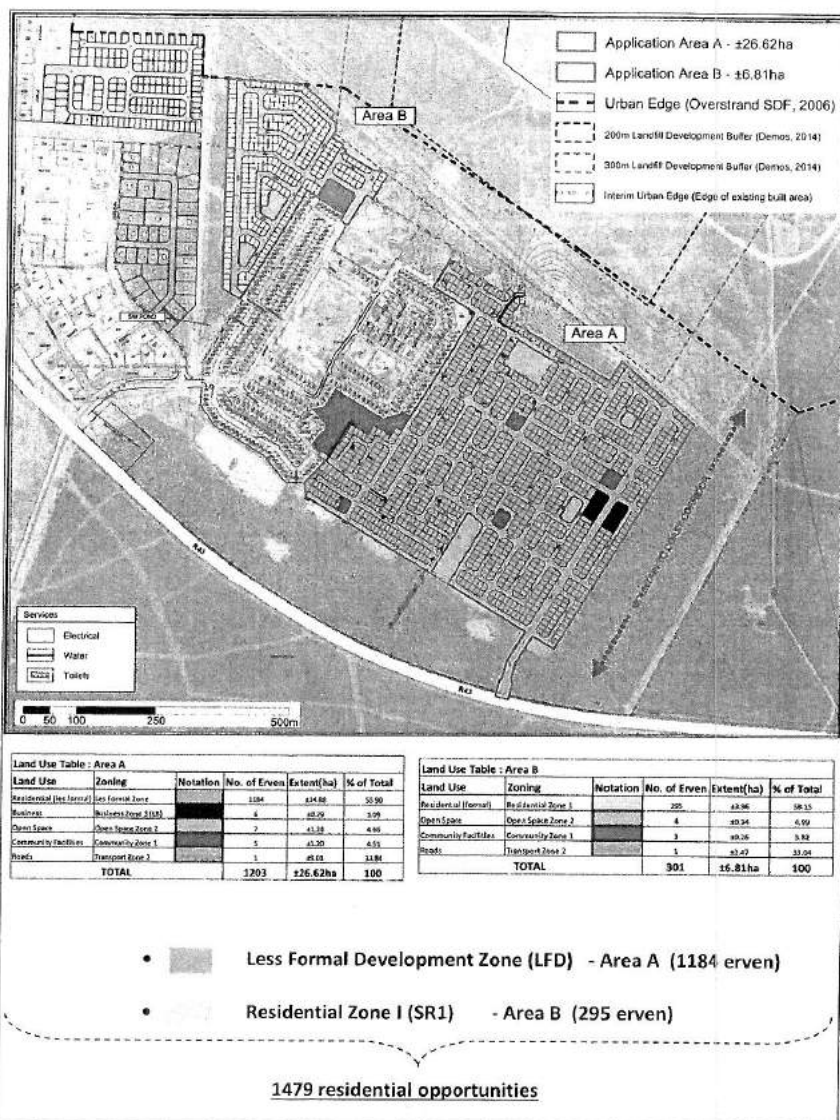


Figure 3.1: Layout Plan – proposed human settlement development

### 3.5 LAND USE PROPOSAL – INTEGRATED HUMAN SETTLEMENT

The above-mentioned layout plan makes provision for a mix of land uses, as follows:

- Single Residential properties are provided to accommodate dwelling houses.
- Community facilities – no uses are allocated to the site at this stage, but the allocated zoning of Community Zone I allows for a range of different community uses, which can be allocated to the sites by the Overstrand Municipality as the need arise in future.
- Open Space is provided for in a series of substantially sized properties, which allow flexibility to the potential uses of the site, including informal sport and recreation uses, parking, play areas, etc. The total open space provision entails  $\pm 5\%$  of the development, which is acceptable in terms of the relevant land use standards.
- The proposal also incorporates a new business node where local business can be located. This will contribute to employment and economic opportunities within the community.

In conclusion, the proposed human settlement development makes provision for an integrated range of land uses that will facilitate community development, safety and convenience to the residents. The development forms a logical extension to existing developed areas and provides for easy access to and from existing roads and surrounding amenities.

### 3.6 PROPOSED STREET NAMES

The proposed development will require a number of new street names, while **some existing streets will extend into the development and therefore retain the existing street names.** The Masakhane Social Compact nominated a list of potential street names at a meeting held on 5 July 2017, as follows:

1. Noma-China Tutu	11. Lolwane	21. Nkelejani
2. Samson	12. Piyose	22. Dyani
3. Nothwala	13. Yawa	23. Maduna
4. Mphezulu	14. Patayi	24. Baleka Mbethe
5. Komani	15. Kelembe	25. Mjodo
6. Kalolo	16. Miss George	26. Hector Peterson
7. Msweli	17. Nko	27. Joe Nqayi
8. Mtyibilizi	18. Mrs Gqosha	28. Mthembu
9. Nowethu	19. Nqinata	29. Maphukathe
10. Gwele	20. Skameni	30. Diego



31. Msophi	41. Sophumelela	51. Xhama
32. Nokilane	42. Winnie	52. Sicelo Hewukile
33. Nonambane	43. Modise	53. Mazongolo
34. Yana	44. Dube	54. Duna
35. Loko	45. Mangela	55. Nododile
36. Prou	46. Makuliwe	56. Hlaziya
37. Zane	47. Vivasha	57. Nondzaba
38. Blayi	48. Siya ka-Hubhe	58. Mlityalwa
39. Mzingeli	49. Maphasa	59. Nombo
40. Mape	50. Kutu	60. Xovula

Table 3.3 Proposed Street Names – Masakhane Social Compact (5 July 2017)

The street names marked with a blue shading above were proposed by the Social Compact for the main roads within the development. It is further proposed by the Social Compact that Application Area B should be named as *Solomon Mahlangu SQ*.

The allocation of street names from the proposed list of names, onto the layout plan, will be done in consultation with the Overstrand Municipality and with the Social Compact.

### 3.7 CIVIL SERVICES

GIBB was appointed by the Overstrand Municipality to undertake the design of the bulk and internal civil services for the proposed development. An assessment of existing infrastructure was undertaken to determine availability of services, potential connectivity and the upgrading requirements to infrastructure do to the proposed development (refer Annexure E).

The findings of the GIBB civil services report are summarised as follows:

- **Foul Sewer**

The existing sewer infrastructure will be upgraded as per GLS master planning report, which will include 160mm to 200mm link pipes and 550mm gravity main lines. The average daily sewer flow is estimated to be 685.75 kl/d for Area A and 167.6 kl/d for Area B. The internal sewer reticulation will consist of 110mm diameter house connection pipes discharging into 160mm diameter mains.

- **Water Supply**

The existing water infrastructure will be upgraded as per GLS master planning report, which will include a new booster pump, new internal link lines and also a new water reservoir of 2.5Ml. It is estimated that the average daily water demand for the proposed development will be 747.90 kl/d for Area A and 188.64 kl/d for Area B. Fire hydrants will be strategically placed to meet firefighting requirements.



- **Stormwater**

The stormwater runoff is expected to increase over the proposed development due to the increase in hardened surface areas. Stormwater infrastructure will be implemented according to the approved stormwater masterplan for Masakhane. There are a number of existing and proposed stormwater ponds in the immediate vicinity of the development area.

- **Conclusion**

After the upgrading of the existing bulk infrastructure and implementation of bulk infrastructure masterplan items have been completed, there will be sufficient capacity to accommodate the additional demands of the proposed development, in terms of road access, sewer, stormwater and water supply.

### 3.8 TRANSPORT IMPACT ASSESSMENT

GIBB was appointed by the Overstrand Municipality to undertake a Transport Impact Assessment (TIA) for the proposed housing development (refer **Annexure G**). The following was concluded and recommended by the TIA:

- The proposed extension of the Masakhane township area will comprise low-income residential, local retail, community facilities and sport and recreation facilities.
- Two layout options were suggested for the proposed development and the transport impact of the two options were assessed.
- The R43 / Masakhane Road / Main Road intersection should be converted to a roundabout to alleviate the expected delay for the proposed development for both layout options.

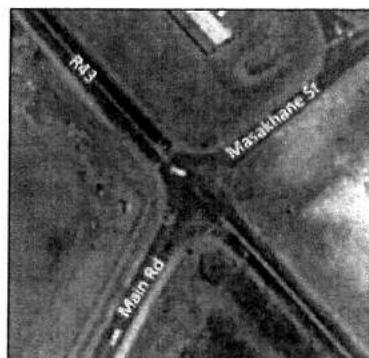


Figure 3.2: Existing Intersection

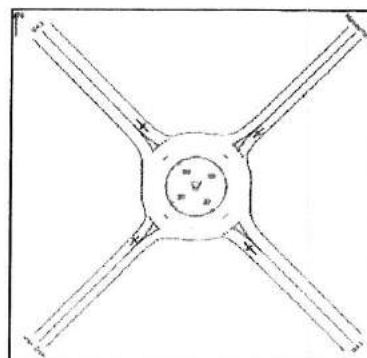


Figure 3.3: Proposed Roundabout Intersection



## MASAKHANE: AFFORDABLE/SUBSIDY HOUSING PROJECT

- As indicated on the proposed layout plan, an additional access road should be implemented to the east of the proposed development to serve as a second access onto the R43.
- The R43 / Kapokblom Road intersection should be converted to a two-way stop-controlled intersection with priority at the R43 approaches to alleviate the expected delay for the proposed development for both layout options.
- Additional NMT facilities and pedestrian safety measures should be provided in Masakhane in the future to improve safe access to public transport.
- The existing minibus taxi routes should be realigned to service the eastern portion of the proposed Area A in the future. Additional public transport facilities, such as sheltered stops and minibus taxi embayments, should also be considered once the proposed development commenced.
- Parking bays should be provided at a ratio of 1 bay/dwelling unit, 2 bays/100m<sup>2</sup> GLA for retail facilities and 1 bay/classroom or office plus drop and go facilities for school. A drop-and-go facility should also be provided at the ratio of 1 bay/33 students.

Refer *Annexure G* for the full TIA.

### 3.9 CONCLUSION

It should be noted that the layout plan presented in this application has gone through a thorough iteration process. Inputs from services departments, Cape Nature, the botanist as well as the Masakhane Social Compact were incorporated to amend and improve the initial layout plan.

The final layout now proposed is a positive response to local and micro informants and will establish practical and functional environs for safe community living.



**SECTION 4****DESIRABILITY CRITERIA**

Desirability and the degree of the acceptability of the land use change is based on the following considerations:

#### 4.1. SECTION 7 OF THE SPATIAL PLANNING LAND USE MANAGEMENT ACT, 2013

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

- **The principle of spatial justice**

The proposed development will provide community members in informal settlements access to formal housing. The properties located in the vicinity of the application area are residential in nature. The proposed development area can easily be integrated within existing residential neighbourhoods of Masakhane and Gansbaai through the proposed extension of existing roads and bulk services. The proposed application is seen as a logical extension of the existing urban footprint.

- **The principle of spatial sustainability**

A site analysis was undertaken for the provision of low cost housing. The proposed development is a logical extension of the existing urban footprint. The proposed development will not impact significantly on the biodiversity, or adversely affect the ecological functioning of the area.

- **The principle of efficiency**

Existing bulk services and connections will be utilised 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. Access to and from facilities and economic opportunities in Masakhane, is made possible by the existing road network which will connect to the application area.

- **The principle of good administration**

The proposed Masakhane human settlement development project has been carefully planned on an integrated and consultative approach by Western Cape Provincial Government and the Overstrand Municipality. All relevant departments have been part of the process to ensure that an informed and well-planned project is delivered, thus addressing the requirements of good administration as prescribed by SPLUMA and LUPA.

- **The principle of spatial resilience**

The principle of establishing resilient developments relate to the potential flexibility of planning to adapt to changing circumstances and to minimise any potential negative impact on the affected communities. In this regard, the proposed development is well-located relative to existing amenities and facilities and is a logical extension of existing developed areas. The form, layout of roads and erven are however fixed and formalised on a cadastral basis, but allows flexibility to accommodate future extensions, linkages and services infrastructure routes. The proposed development is considered fully compliant with the principle of spatial resilience.



#### 4.2. COUNCIL'S LAND USE POLICIES

The proposed development is consistent with existing planning policies applicable to the study area. The development of the application area will ensure access to affordable, well-located housing contributing towards integration and community development. The area within which the proposed development is located is viewed as being appropriate for new human settlement development, while a substantial portion of the application area is in fact already an established informal township.

This view is further substantiated in all the applicable spatial policy frameworks reviewed. The policy assessment found that the proposed development of the application property is most consistent with the relevant policy frameworks. The application does include a deviation from the density designation of the GMS (2010), which is considered appropriate and consistent with overarching policy objectives in terms of densification.

#### 4.3. IMPACTS ON EXISTING RIGHTS

The proposed development will in no way negatively impact on the existing zoning rights of surrounding properties. The application site was designated for urban development purposes in the SDF (2006) and the surrounding properties are considered contextual to the spatial environs of the site. Furthermore, Masakhane is an established township, and the proposed development is a logical extension to Masakhane, with the objective of accommodating existing residents of the township.

#### 4.4. SAFETY AND WELFARE OF THE COMMUNITY

The proposed provision of acceptable level of services will contribute to a safe environment and will enhance the welfare and livelihoods of the community.

Design considerations related to safety and community welfare have been incorporated, including:

- establishing a pedestrian-orientated and friendly environment;
- promoting a system of continuous routes and accessibility to social and economic activities;
- implementing cost-effective layout design; and
- optimising the use of available resources.



#### 4.5 CONSERVATION OF THE NATURAL AND BUILT-UP ENVIRONMENT

In principle, there are no significant environmental concerns. Particular care has been taken with the proposed designs of the development to ensure it will make a positive contribution to the area. The proposed development is located within the urban edge, which contributes to the optimum use of available land and would facilitate increased residential densities. The proposed human settlement development would not have any significant impact on the natural or built environment. The proposed development has also been crafted to allow for a mountain-to-sea ecological link to the east of the development, which is a positive contribution to biodiversity conservation.

#### 4.6 SITE SPECIFIC CIRCUMSTANCES – DEVIATION FROM GMS (2010)

Section 22 (1) and (2) of SPLUMA (2013) specify the following:

22. (1) A Municipal Planning Tribunal or any other authority required or mandated to make a land development decision in terms of this Act or any other law relating to land development, may not make a decision which is inconsistent with a municipal spatial development framework.
22. (2) Subject to section 42, a Municipal Planning Tribunal or any other authority required or mandated to make a land development decision, may depart from the provisions of a municipal spatial development framework only if site-specific circumstances justify a departure from the provisions of such municipal spatial development framework.

Given the above-mentioned sections of SPLUMA (2013), it should be emphasized that the proposed Masakhane human settlement development is **fully consistent** with the Overstrand SDF (2006), which is to date still the legally applicable SDF of the Overstrand Municipality.

The application does include a deviation from the density provisions of the Overstrand Growth Management Strategy (GMS, 2010), which is a strategic policy/sector plan under the Overstrand SDF (2006). On this basis, site specific motivation for the density deviation is provided, as follows:

- The application sites are located **within the demarcated urban edge**, and are **designated for urban development purposes**;
- The site is partly **occupied by informal settlements** at a density of **± 200 units per hectare**, in lieu of the proposed density of **45 units per hectare**. The proposal will therefore achieve a de-densified area that is **safer and more accessible** for emergency vehicles;



- The proposed development areas are **well-located** relative to existing facilities and amenities, and are **logical extensions** of the existing township.

#### 4.7 CONCLUSION

In conclusion, the proposed human settlement development at Masakhane will contribute positively to improve the living conditions of a substantial community, which will create new economic and employment opportunities and will enhance safety of the community. Furthermore, the proposed development has incorporated substantial mitigation in terms of local micro informants, i.e. biodiversity, storm water, landfill buffer area, future road and infrastructure, etc.

The proposed development is consistent with policy objectives of the National and Provincial Government for human settlement development, and is consistent with the local policy objectives of the Overstrand Municipality. The development is regarded as desirable in terms of the relevant decision criteria of the SPLUMA (2013), LUPA (2013) and the Overstrand Municipal Planning By-Law (2015).



**SECTION 5****CONCLUSION & RECOMMENDATION****5.1 CONCLUSION**

The application area, as motivated in this report, provides an excellent opportunity for a housing development. This human settlement development therefore is regarded as desirable within its local context and well integrated within the existing town. The proposal incorporates community use areas and a new local business node, establishing opportunities for local entrepreneurs and contributing to local community investment.

With reference to Section 4 above, the desirability of the proposal can further be motivated on the basis of the following considerations:

- The proposal will contribute towards alleviating the growing need for subsidy-based housing in the town of Masakhane.
- The integration of the proposed land uses with the surrounding development as well as the opportunity for integration within the proposed development.
- Consistent with the spatial policy plans for the area.
- The improvement in quality of life for the beneficiaries and community as a whole in the town of Masakhane and Gansbaai.

**5.2 RECOMMENDATION**

It is therefore recommended that the applications ***be approved*** in terms of the Overstrand By-Law on Municipal Land use Planning (2015) as follows:

- i. **Subdivision** of Erf 210 Gansbaai, to create Application Area A ( $\pm 26.62$  ha), Application Area B ( $\pm 6.81$  ha) and the Remainder of Erf 210 Gansbaai ( $\pm 688$  ha), in terms of Section 16(2)(d) of the Overstrand By-Law on Municipal Land Use Planning (2015);
- ii. **The rezoning** of Application Area A and Application Area B, from Undetermined Zone to Subdivisional Area, in terms of Section 16(2)(a) of the Overstrand By-Law on Municipal Land Use Planning (2015);



- iii. **The subdivision** in terms of Section 16(2)(d) of the Overstrand By-Law on Municipal Land Use Planning (2015), as follows:

**Application Area A:**

- |                                      |                   |
|--------------------------------------|-------------------|
| • Less Formal Development Zone (LFD) | 1184 erven        |
| • Community Zone I                   | 5 erven           |
| • Business Zone III (LB)             | 6 erven           |
| • Open Space Zone II                 | 7 erven           |
| • Transport Zone II                  | All Roads/Streets |

**Application Area B:**

- |                            |                   |
|----------------------------|-------------------|
| • Residential Zone I (SR1) | 295 erven         |
| • Community Zone I         | 1 erf             |
| • Open Space Zone II       | 4 erven           |
| • Transport Zone II        | All Roads/Streets |

- iv. **Building line departure** in terms of Section 16(2)(b) of the Overstrand By-Law on Municipal Land Use Planning (2015), on the SR1 and Less Formal Zone erven, to allow the following:

- Lateral/side building lines of 0m in lieu of 1m on one lateral boundary of each/all proposed residential erven (to accommodate semi-detached houses);
- Street building lines of 1m in lieu of 2m on all proposed residential erven.

- v. **Deviation** from the Overstrand Growth Management Strategy (2010) to provide a gross residential density of 45 units per hectare on the application sites, in lieu of the designated density of 20-30 units per hectare, in terms of Section 10 of the Overstrand By-Law on Municipal Land Use Planning (2015).

- vi. **Approval of new Street Names** by Overstrand Municipality in terms of Section 96 of the Overstrand By-Law on Municipal Land Use Planning (2015).



**MASAKHANE**  
**REMAINDER ERF 210**  
**GANSBAAI**

**SUBDIVISION PLAN**

Application Areas  
(Portions of Erf 210 Gansbaai)  
= 333,43ha

- 1.) Area A = ±26,62ha
- 2.) Area B = ±6,81ha

Erf 210 Gansbaai  
= 1721,72ha

Remainder Erf 210 Gansbaai  
= ±688,29ha

Cadastral Boundaries

**ADDENDUM AA 43/86**

**ANNEXURE C 1/5**

PLEASE NOTE:  
This boundary for purposes, dimensions  
is the result of a Professional Land

REF:

COMPILED BY: A. B.M.

INDUSTRY:

DATE: June 2007

SCALE: See Legend

PLAN NO: 4

DATE: June 2007

SCALE: See Legend

PLAN NO: 4

DATE: June 2007

SCALE: See Legend

PLAN NO: 4

DATE: June 2007

SCALE: See Legend

PLAN NO: 4

DATE: June 2007

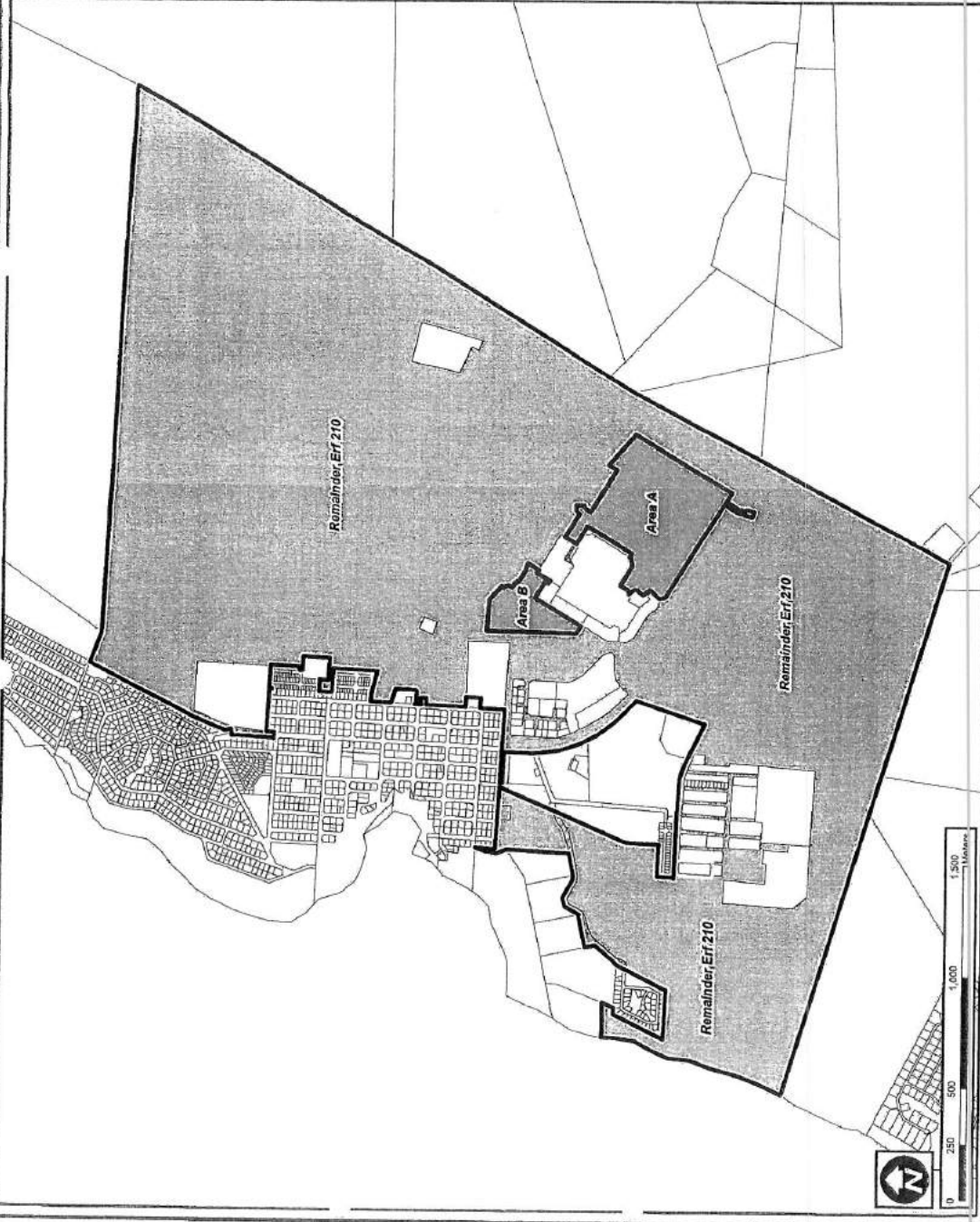
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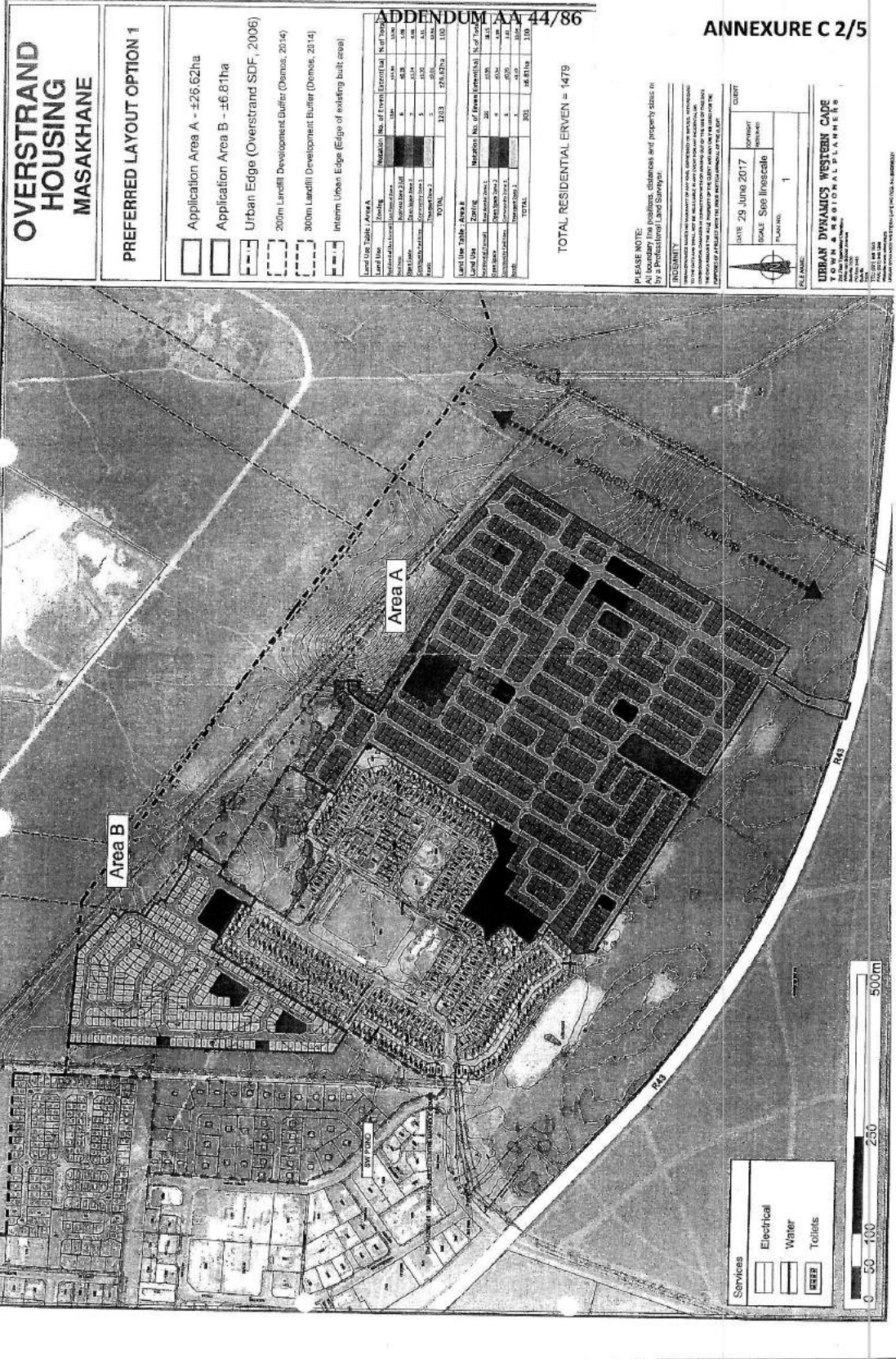
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PLAN NO: 4





# OVERSTRAND HOUSING MASAKHANE

## PREFERRED LAYOUT OPTION 1

- Application Area A - ±26.62ha
- Application Area B - ±6.81ha
- Urban Edge (Overstrand SDF, 2006)
- 200m Landfill Development Buffer (Domus, 2014)
- 300m Landfill Development Buffer (Domus, 2014)
- Intern Urban Edge (Edge of existing built area)

**ADDENDUM AA 44/86**

Land Use Table: Area A			
Land Use	Count	Number	No. of Units (Approx.)
Residential (General)	1200	1200	1200
Residential (Medium Density)	4	4	4
Residential (High Density)	1	1	1
Public Open Space	1	1	1
Public Open Space (Water)	1	1	1
Public Open Space (Green)	1	1	1
<b>TOTAL</b>	<b>1208</b>	<b>1208</b>	<b>1208</b>

Land Use Table: Area B			
Land Use	Count	Number	No. of Units (Approx.)
Residential (General)	4	4	4
Residential (Medium Density)	1	1	1
Residential (High Density)	1	1	1
Public Open Space	1	1	1
Public Open Space (Water)	1	1	1
Public Open Space (Green)	1	1	1
<b>TOTAL</b>	<b>9</b>	<b>9</b>	<b>9</b>

TOTAL RESIDENTIAL UNITS = 1479

**PLEASE NOTE:**  
All boundary line problems, distances and property status in this plan are shown for information only and are not intended to be used as a legal document. The applicant is responsible for ensuring that all information is correct and up-to-date. The applicant is also responsible for ensuring that all necessary permissions and approvals are obtained before any construction or development begins.

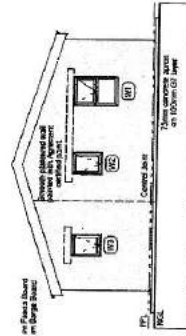
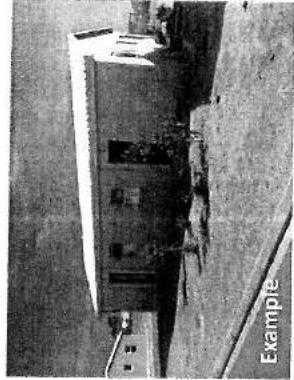
## ANNEXURE C 2/5

DATE: 29 June 2017  
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 PLAN NO.: 1

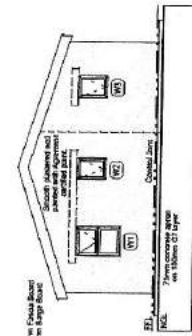
**URBAN DYNAMICS WESTERN CAPE TOWN & REGIONAL PLANNERS**  
 111, 113, 115, 117, 119, 121, 123, 125, 127, 129, 131, 133, 135, 137, 139, 141, 143, 145, 147, 149, 151, 153, 155, 157, 159, 161, 163, 165, 167, 169, 171, 173, 175, 177, 179, 181, 183, 185, 187, 189, 191, 193, 195, 197, 199, 201, 203, 205, 207, 209, 211, 213, 215, 217, 219, 221, 223, 225, 227, 229, 231, 233, 235, 237, 239, 241, 243, 245, 247, 249, 251, 253, 255, 257, 259, 261, 263, 265, 267, 269, 271, 273, 275, 277, 279, 281, 283, 285, 287, 289, 291, 293, 295, 297, 299, 301, 303, 305, 307, 309, 311, 313, 315, 317, 319, 321, 323, 325, 327, 329, 331, 333, 335, 337, 339, 341, 343, 345, 347, 349, 351, 353, 355, 357, 359, 361, 363, 365, 367, 369, 371, 373, 375, 377, 379, 381, 383, 385, 387, 389, 391, 393, 395, 397, 399, 401, 403, 405, 407, 409, 411, 413, 415, 417, 419, 421, 423, 425, 427, 429, 431, 433, 435, 437, 439, 441, 443, 445, 447, 449, 451, 453, 455, 457, 459, 461, 463, 465, 467, 469, 471, 473, 475, 477, 479, 481, 483, 485, 487, 489, 491, 493, 495, 497, 499, 501, 503, 505, 507, 509, 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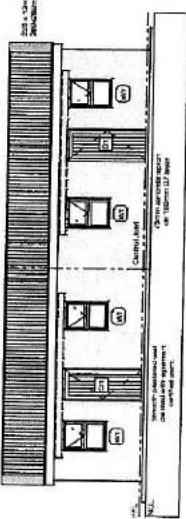
# Single Storey Semi-Detached



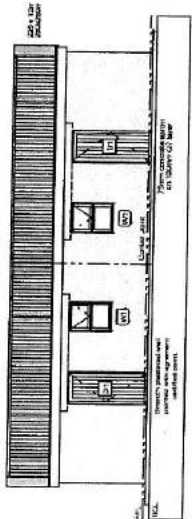
**FRONT ELEVATION**  
SCALE 1:100



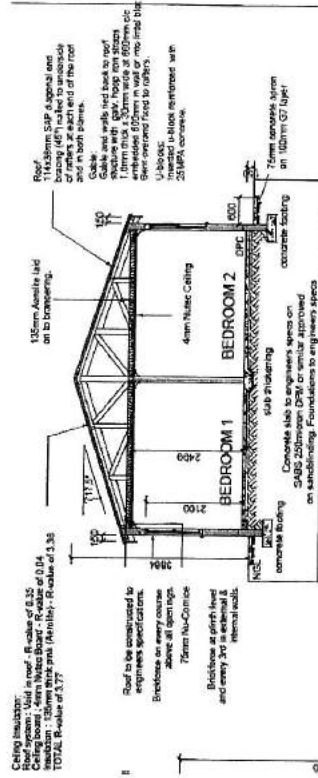
**SIDE ELEVATION**  
SCALE 1:100



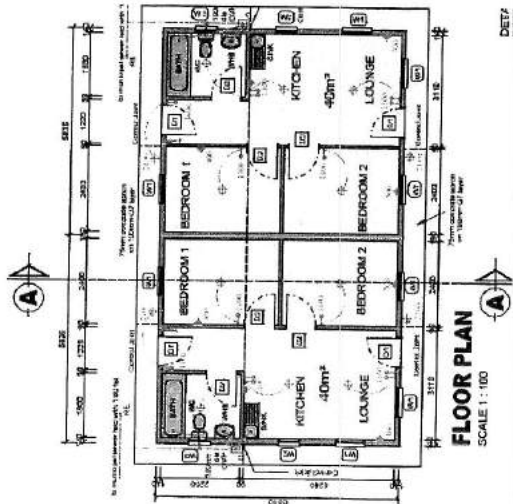
**BACK ELEVATION**  
SCALE 1:100



**SIDE ELEVATION**  
SCALE 1:100



**SECTION A-A**  
SCALE 1:100



**FLOOR PLAN**  
SCALE 1:100



OSCAR SCHMIDT  
OVERTRAND  
ARCHITECTS  
100/101, 102/103, 104/105, 106/107, 108/109, 110/111, 112/113, 114/115, 116/117, 118/119, 120/121, 122/123, 124/125, 126/127, 128/129, 130/131, 132/133, 134/135, 136/137, 138/139, 140/141, 142/143, 144/145, 146/147, 148/149, 150/151, 152/153, 154/155, 156/157, 158/159, 160/161, 162/163, 164/165, 166/167, 168/169, 170/171, 172/173, 174/175, 176/177, 178/179, 180/181, 182/183, 184/185, 186/187, 188/189, 190/191, 192/193, 194/195, 196/197, 198/199, 200/201, 202/203, 204/205, 206/207, 208/209, 210/211, 212/213, 214/215, 216/217, 218/219, 220/221, 222/223, 224/225, 226/227, 228/229, 230/231, 232/233, 234/235, 236/237, 238/239, 240/241, 242/243, 244/245, 246/247, 248/249, 250/251, 252/253, 254/255, 256/257, 258/259, 260/261, 262/263, 264/265, 266/267, 268/269, 270/271, 272/273, 274/275, 276/277, 278/279, 280/281, 282/283, 284/285, 286/287, 288/289, 290/291, 292/293, 294/295, 296/297, 298/299, 300/301, 302/303, 304/305, 306/307, 308/309, 310/311, 312/313, 314/315, 316/317, 318/319, 320/321, 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1900/1901, 1902/1903, 1904/1905, 1906/1907, 1908/1909, 1910/1911, 1912/1913, 1914/1915, 1916/1917, 1918/1919, 192





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

**ADDENDUM AA 48/86  
DEVELOPMENT N**  
An

**ANNEXURE D 1/1**

1 Dorp Street, Cape Town, 8000  
[www.westerncape.gov.za](http://www.westerncape.gov.za)

**REFERENCE:** 15/3/2/12/BO3/Erf 210, Gansbaai  
**ENQUIRIES:** A. Mabie-Goeieman

*TRATheart  
(Suld Marwe)*



The Municipal Manager  
Overstrand Municipality  
P O Box 20  
Hermanus  
7200

For attention: Loriaan Isaacs

**REQUEST FOR PLANNING COMMENT: SUBDIVISION, REZONING, DEPARTURE AND APPROVAL OF STREET NAMES OF ERF 210, GANSBAAI**

1. Your request for comment, dated 28 September 2017, refers.
2. According to the Overstrand Municipality Spatial Development Framework, 2017 (SDF), the property is located inside the demarcated urban edge and is earmarked for Urban Extension and Residential. The SDF encourages a spatial development pattern that contains urban sprawl and promotes compact, well-defined settlements.
3. A positive Environmental Authorisation has been issued by this Department, dated 08 September 2017.

*D*  
\_\_\_\_\_  
**CHIEF TOWN AND REGIONAL PLANNER: REGION 2**

**DATE:** 10/10/2017

FILE NO:	<i>EL 210 Gansbaai</i>
SCAN NO:	<i>06</i>
COLLABORATOR NO:	<i>1091540</i>

ADDENDUM AA 49/86

ANNEXURE E 1/1



TP - A Thear  
C S vld Merwe

OVERSTRAND MUNICIPALITY  
P.O. Box 20  
HERMANUS  
7200

Date:  
24.10.2017

Enquires:  
Mr. Shaun Swanepoel  
Tel: 021 980 3913  
Fax: 021 980 3053

Attention: Loriaan Isaacs

Dear Madam

WAYLEAVE APPLICATION: ERF 210, MASAKHANE HOUSING DEVELOPMENT, GANSBAAI  
YOUR REF: 210 GGB (3723)  
OUR REF: 03177/17

I refer to your letter dated 28 September 2017

Eskom has no objection to the proposal. Not in close proximity of our services.

Kindly contact Shaun Swanepoel at Tel 021 980-3913, Land Development, Brackenfell should you require any further information.

Yours faithfully

SHAUN SWANEPOEL  
LAND DEVELOPMENT - BRACKENFELL



FILE NO:	EL 210, GGB - Masakhane
SCAN NO:	
COLLABORATOR NO:	1093834

Western Region  
Eskom Road, Brackenfell, 7561 P.O. Box 222, Brackenfell, 7560 SA  
Tel 00 27 (0)86 003 7566 www.eskom.co.za

Eskom Holdings SOC Limited Reg No 2002/015527/30



ADDENDUM AA 50/86

ANNEXURE F 1/1

	<p><b>OFFICE of THE CHIEF FIRE OFFICER</b>  <b>PO BOX 20</b>  <b>HERMANUS</b>  <b>7200</b>  <b>Tel: 028 313 8980</b>  <b>Fax: 028 313 1493</b></p>	
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**MEMORANDUM**

Date: 17 November 2017

To: Mr. Schalk vd Merwe (Senior Town Planner)

Ref: J Schoeman

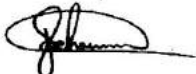
Re: **TOWN PLANNING APPLICATION: Erf 210 Masakhane, Gansbaai Appl. Number: 3723**

Dear Mr. van der Merwe

The development of the above property for cluster housing is subject to the following compliance:

- The developer must provide adequate fire hydrants in compliance with section 4.35 of the National Fire Protection Regulations SANS10400T:2011. Fire hydrants to be spaced at a maximum of 180 metres apart linear to the street layout so that no structure is further than 90 metres from any hydrant.
- Division walls between semi-detached dwellings must be roof height, beam filled 60 minute fire walls in terms of section 4.6.2 Table 5 of SANS10400T:2011. i.e. in the event of the construction material being 190mm cement block the division walls must be filled from ground to top height with cement/sand composite to prevent heat radiation and conduction between dwellings. Cement blocks of lesser dimensions must be constructed as a double wall between dwellings.
- No combustible roofing elements may communicate between semi-detached dwellings. i.e. sheeting attachment purlins must be provide with a minimum of 100mm spacing between dwelling units.

Yours Sincerely



Assistant Chief – Head: Fire Safety



### SCIENTIFIC SERVICES

**postal** Private Bag X5014 Stellenbosch 7599  
**physical** Assegaibosch Nature Reserve Jonkershoek  
**website** [www.capenature.co.za](http://www.capenature.co.za)  
**enquiries** Rhett Smart  
**telephone** +27 21 866 8017 fax +27 21 866 1523  
**email** [rsmart@capenature.co.za](mailto:rsmart@capenature.co.za)  
**reference** SSD14/2/6/1/7/2/210\_housing\_Masakhane  
**date** 16 May 2017

Withers Environmental Consultants  
 P.O. Box 6118  
 Uniedal  
 7612

Attention: Aubrey Withers  
 By email: [info@withersenviro.co.za](mailto:info@withersenviro.co.za)

Dear Aubrey

**Draft Environmental Impact Assessment Report for the Proposed Masakhane Low Cost Housing Development on a Portion of Farm 210, Masakhane, Gansbaai**  
 (DEA&DP ref. no. 16/3/3/6/7/1/E2/10/1048/16)

CapeNature would like to thank you for the opportunity to comment on the proposed development and would like to make the following comments. Please note that our comments only pertain to the biodiversity related impacts and not to the overall desirability of the proposed development.

#### Background

CapeNature commented on the Draft Scoping Report in which we supported the findings of the two botanical specialist studies for each of the two components of the proposed development. The botanical specialist report for the north-western component did not indicate any constraints to development therefore we did not have any concerns with the proposed layout for this section.

However the botanical specialist report for the south eastern component had indicated a proposed biodiversity area occupying over half of the study area in the eastern section. The preferred development layout did not fully take into account the constraints presented by the botanical specialist, even if it was better than the other layout alternative provided. CapeNature had concluded that further investigation of layout alternatives is required in order to address the botanical constraints.

Addendums have been compiled for both of the botanical specialist reports, as both of the original botanical specialist reports had been compiled prior to the development of layouts. The two original layout alternatives have been refined for the EIA Phase from the Scoping Phase. The refined layouts have catered for a 300 m buffer from the landfill and increased the buffer along the western boundary of the north western component as well as a re-arrangement of the internal layout.

The addendum for the north western component of the development has included the Western Cape Biodiversity Spatial Plan (WCBSP, 2017) which is supported. The WCBSP has included

The Western Cape Nature Conservation Board trading as CapeNature

Board Members: Ms Merle McOmbring-Hodges (Chairperson), Dr Collin Johnson (Vice Chairperson), Mr Mervyn Burton, Prof Denver Hendricks, Dr Bruce McKenzie, Adv Mandla Mdludlu, Mr Danie Nel, Prof Aubrey Rodlinghuis, Mr Paul Slack

an area in the northern section of the north western component as an Ecological Support Area (ESA) which was not included in the Overberg Conservation Plan. As noted, the ESA is an aquatic ESA. The mapping for this area for the final version of the WCBSP has not changed from the draft beta version which was referred to in the two addendum reports. The metadata (which was not available in the beta version) for this ESA indicates that the selection is due to the presence of a watercourse. The source of data for the WCBSP for riparian functional areas (watercourses) is a combination of the Western Cape's 2013/14 land cover riparian class and the Surveyor General's 1:50 000 river data (buffered by 32 m)<sup>1</sup>.

#### **North Western Development Component Terrestrial Habitat**

The findings of the addendum for the north western component have not changed from the original, and indicate that the layout is an improvement over the original as the one clump of milkwood trees has been excluded from the layout (within the landfill buffer) and the other concentration of milkwood trees has been included in one of the open space areas. No evidence of wetland conditions was encountered in the botanical addendum report.

#### **South Eastern Development Component Terrestrial Habitat**

The addendum for the south eastern component has emphasized that the initial botanical specialist report was undertaken prior to any development layouts being developed. The addendum has referred back to a recommendation that a minimum of a 150 m corridor must be maintained to allow for a continued ecological link between the Franskraal Mountains and Danger Point.

The reference to the 150 m wide corridor however refers to Figure 14 which indicates the proposed biodiversity area, which was the diagram which CapeNature used as a reference for the development layout. The proposed biodiversity area varies in width throughout, with sections that are more than double the width than the narrowest section in the south. It is assumed that the width of the narrowest section in the south is 150 m wide, as this is the corridor width which has been used for the preferred development layout.

Based on our interpretation of the recommendations of the botanical specialist report, the proposed biodiversity area as indicated in Figure 14 would be the preferred alternative from a biodiversity perspective as this incorporates all of the intact vegetation in good condition. No development layouts have however been provided for this option. However, the proposed preferred development alternative which allows for a continuous 150 m wide biodiversity corridor along the eastern boundary is considered acceptable in the botanical specialist addendum, provided recommended mitigation measures are implemented.

The mitigation measures proposed could compensate for the loss of sections of good quality vegetation, in addition to addressing the current impacts which are resulting in the continual degradation of the vegetation on site. The preferred development layout can therefore only be considered acceptable if the proposed mitigation measures are also implemented.

Furthermore, the botanical specialist addendum for the south eastern component has made reference to the WCBSP. As noted previously the CBA for the south eastern component is significantly reduced compared to the Overberg Conservation Plan and is now restricted to the northern section. It should further be noted that we stated that the reasons for selection could not be queried for the beta version of the product however now they can be. As referred to above, the ESA for the north western component is an aquatic ESA and therefore does not refer to either of the two botanical specialist studies.

<sup>1</sup>Pool-Stanvliet, R., Duffell-Canham, A., Pence, G. & Smart, R. 2017. *The Western Cape Biodiversity Spatial Plan Handbook. Stellenbosch: CapeNature.*

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One of the key mitigation measures emphasized in the addendum botanical specialist report for the south eastern component is that the ecological corridors indicated in the Spatial Development Framework (SDF) must be maintained. As such the designated 150 m corridor between the edge of the proposed development must be maintained, and therefore a proposal for this open space corridor must be included within this development proposal in order for this development to be considered acceptable.

In this regard CapeNature recommends:

- The proposed mountain to coast 150 m corridor should be included within the development layout as open space (preferably Open Space Zone 1: Nature Reserve) and subdivided and rezoned as such.
- The proposed fence around the development must be implemented as recommended in the two botanical specialist studies. It must be ensured that the specifications for the fence are such that it is not easily damaged.
- An alien clearing programme must be implemented within the open space corridor in order to improve the current ecological condition, particularly of the sections which are heavily invaded. This will provide a level of compensation for the loss of intact habitat. The botanical specialist has not indicated that any sections of the study area are not restorable to good quality habitat.
- A search and rescue programme must be implemented for the areas which are to be developed, particularly for the species which are amenable to transplanting such as the one Species of Conservation Concern encountered, *Satyrium carneum*. The degraded sections of the open space corridor are likely to be a suitable receptor area (to be confirmed by the botanical specialist).
- It is strongly recommended that the open space corridor is included under Category C of the Urban Conservation Environmental Management Overlay Zone (EMOZ) for the Overstrand Municipality. The study area is not currently included under the Urban Conservation EMOZ.

#### **Freshwater Habitat**

CapeNature recommended that a freshwater specialist scan is undertaken to verify the presence of wetlands due to the possibility of groundwater-fed wetlands being present on the site, as it is located on coastal sands. The response provided in the comments and response report is that the water table in this area is relatively deep (20 – 30 m), and therefore there are no wetlands on the site. The source of this information needs to be provided.

As stated above, the northern section of the north western component is indicated as an aquatic CBA due to the presence of a watercourse. CapeNature has indicated the source of this data. Further verification is therefore required regarding the potential presence of a wetland or watercourse in this location.

#### **Conclusion**

In conclusion, CapeNature agrees with the findings of the botanical specialist addendums and that the preferred development layout can be considered acceptable from a terrestrial habitat perspective, but only if the mitigation measures are implemented. The primary mitigation measures will be securing the biodiversity corridor and the associated actions as listed above. All the other mitigation measures listed in the botanical specialist studies and addendums must be implemented as well.

CapeNature however recommends that further verification of the presence of wetlands or watercourses is provided. Information has been provided regarding the geohydrology of the site, however this needs to be referenced and more detail provided. The presence of the aquatic ESA also requires further verification.

The Western Cape Nature Conservation Board trading as **CapeNature**

Board Members: Ms Merle McOmbring-Hodges (Chairperson), Dr Colin Johnson (Vice Chairperson), Mr Mervyn Burton, Prof Denver Hendricks, Dr Bruce McKenzie, Adv Mandla Mludlu, Mr Danie Nel, Prof Aubrey Reddinghuis, Mr Paul Stack

ADDENDUM AA 54/86

ANNEXURE G 4/6

CapeNature reserves the right to revise initial comments and request further information based on any additional information that may be received.

Yours sincerely



Rhett Smart  
For: Manager (Scientific Services)

cc. Bernadette Osborne, Department of Environmental Affairs and Development Planning

ADDENDUM AA 55/86

ANNEXURE G 5/6



TP-A TL  
LS vld me



## SCIENTIFIC SERVICES

postal Private Bag X5014 Stellenbosch 7599  
 physical Assegaalbosch Nature Reserve Jonkershoek  
 website www.capenature.co.za  
 enquiries Rhett Smart  
 telephone +27 21 866 8017 fax +27 21 866 1523  
 email rsmart@capenature.co.za  
 reference SSD14/2/6/1/7/2/210\_housing\_Masakhane  
 date 29 November 2017

Overstrand Municipality: Hermanus Administration  
 P.O. Box 20  
 Hermanus  
 7200

Attention: S.W. van der Merwe  
 By email: [aconradie@overstrand.gov.za](mailto:aconradie@overstrand.gov.za)

Dear Alida

FILE NO:	EL 210, GB
SCAN NO:	
COLLABORATOR NO:	1108105

**Application for Subdivision, Rezoning, Departure etc. for the Proposed Masakhane Integrated Housing Development on a Portion of Farm 210, Masakhane, Gansbaai (Overstrand Municipality ref: 210 GGB (3723))**

CapeNature would like to thank you for the opportunity to comment on the proposed development and would like to make the following comments. Please note that our comments only pertain to the biodiversity related impacts and not to the overall desirability of the proposed development.

CapeNature commented in detail on the full Scoping and EIA NEMA process for this application. Within the process our various concerns were addressed and ultimately we did not object to the proposal provided the recommended mitigation measures are implemented. The comments on the NEMA process should be referred to for more detail.

One aspect that was raised in our comments on the Draft Environmental Impact Assessment Report was the potential presence of a wetland within the development footprint based on desktop information. CapeNature staff did ground-truth the site and did not encounter any wetland conditions and this was communicated to DEA&DP via email prior to issuing of the environmental approval.

It should further be noted that the conditions of the approval of the environmental authorisation included maintaining the 150 m wide open space biodiversity corridor and keeping this free of alien invasive vegetation. Other mitigation measures such as providing a fence around the development to prevent encroachment and other impacts on the surrounding natural vegetation are not stated separately, however they are included in the Environmental Management Plan which must be implemented in accordance with the conditions of approval.

CapeNature reserves the right to revise initial comments and request further information based on any additional information that may be received.

The Western Cape Nature Conservation Board trading as **CapeNature**

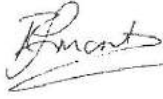
Board Members: Ms Merle McOmbring-Hodges (Chairperson), Dr Colin Johnson (Vice Chairperson), Mr Mervyn Burton, Prof Denver Hendricks, Dr Bruce McKenzie, Adv Mandla Mdludlu, Mr Danie Nel, Prof Aubrey Redlinghuis, Mr Paul Slack

1 DEC 2017

ADDENDUM AA 56/86

ANNEXURE G 6/6

Yours sincerely



Rhett Smart  
For: Manager (Scientific Services)

cc. P.J. Lerm, Urban Dynamics Western Cape

The Western Cape Nature Conservation Board trading as **CapeNature**

Board Members: Ms Merle McOmbring-Hodges (Chairperson), Dr Collin Johnson (Vice Chairperson), Mr Mervyn Burton, Prof Denver Hendricks, Dr Bruce McKenzie, Adv Mandla Mdludlu, Mr Danie Nel, Prof Aubrey Redlinghuis, Mr Paul Slack

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR SUBDIVISION, REZONING, DEPARTURE, DEVIATION  
FROM THE OVERSTRAND GROWTH MANAGEMENT STRATEGY (2010)  
& APPROVAL OF NEW STREET NAMES, ERF 210, GANSBAAI (3723)**

Water	:	According to GLS report
Sewer	:	According to GLS report
Roads and traffic	:	According to TIA
Stormwater (SW)	:	See conditions 8, 9 & 10
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), 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;
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. 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;
9. that the above stormwater management plan include the following:
  - 9.1 pre-development run-off from the catchment area;
  - 9.2 post-development run-off from catchment area;
  - 9.3 existing stormwater reticulation system and the capacity thereof;
  - 9.4 connection of internal stormwater reticulation system;
  - 9.5 overland escape routes.
10. that the connection to the stormwater reticulation system if any, be provided according to the stormwater management plan;
11. 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;
12. 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;
13. that the connection to the main water line only be done by the Operational Department, after payment of the connection fee, by the developer;
14. that a traffic impact study be done for the proposed development at the developers cost;

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**

28/1/2017  
DATE

ADDENDUM AA/60/86

ANNEXURE I 1/2

08 DEC 2017

**BREDE-GOURITZ**

Catchment Management Agency  
Opvanggebied Bestuursagentskap  
I-Arhente yolawulo lomMandla nokungqongileyo  
51 Baring Street Worcester 6850, Private Bag X3055 Worcester 6850

TR A Theart  
(S vld Merwe)  
H Bignaut

Enquiries: Patrick van Collier  
Date: 30 November 2017

Tel: 023-346 8018

Fax: 023-347 2012

E-mail: pcollier@bgcma.co.za

Reference No: 4/10/1/G40L/Remainder Erf 210, Caledon

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

Attention: Mr. S.W. van der Merwe

Dear Sir

FILE NO:	EL 210 9B
SCAN NO:	16/1/11
ERF NO:	ERF 210
COLLABORATOR NO:	1110795

**COMMENT ON THE PROPOSED SUBDIVISION, REZONING, DEPARTURE, DEVIATION FROM THE OVERSTRAND GROWTH MANAGEMENT STRATEGY (2010) AND APPROVAL OF THE NEW STREET NAMES FOR THE REMAINDER ERF 210, GANSBAAI: CALEDON MAGISTERIAL DISTRICT: URBAN DYNAMICS WESTERN CAPE (obo OVERSTRAND MUNICIPALITY.**

With reference to the Report received 28 September 2017, the following:

The Breede-Gouritz Catchment Management Agency (BGCMA), in principle, has no objection to the proposed activities, subject to the following conditions:

- All relevant sections and regulations of the National Water Act, 1998 (Act 36 of 1998) regarding water use must be adhered to.
- No storm water runoff from any premises containing waste, or water containing waste emanating from industrial activities and premises may be discharged into a water resource. Polluted storm water must be contained.
- The waste generated by the facility needs to be managed of in terms of the National Environmental Management Waste Act, 2008 (Act 59 of 2008) on the property and the final disposal of the waste at a licensed solid waste disposal site.
- Solid waste may only be disposed of onto an authorised solid waste facility in terms of above-mentioned legislation.
- The minimizing of waste must be promoted and alternative methods for waste management must be investigated.
- No permanent structures maybe constructed/erected within the 1:100 year flood line of any watercourse (seasonal or permanent river, stream, etc.) or alternatively, more than 100 metres from the edge of a water resource, whichever is further.

**Water for domestic use**

- The water provided for domestic use must comply with the SANS 241: 2015 Guidelines for Drinking Water as amended from time to time. Regular monitoring must be done to ensure compliance. If the quality of the water is of such a nature that it is a threat to human health, then the Breede-Gouritz CMA and the Provincial Department of Health must be informed of the procedures to rectify the problem.

**The disposal of sewage needs to adhere to the following:**

- The disposal of sewage must at all times comply with the requirements of Sections 22 and 40 of the National Water Act 1998, (Act 36 of 1998).

This office trust the above-mentioned is acceptable and if you do have any further queries, please do not hesitate to make contact with this office.

Yours Faithfully



**MR. JAN VAN STADEN**

1( **CHIEF EXECUTIVE OFFICER (Acting)**

cc. Me. Loriaan Isaacs-Overstrand Municipality ([loriaanisaacs@overstrand.gov.za](mailto:loriaanisaacs@overstrand.gov.za))



TP A Theart  
(Svd Marwe)

Division of Telkom SA SOC Ltd

10 Jan Smuts Drive  
Pinelands  
7404

Candice Spammer

Tel: 021 414 5582  
Fax: 086 480 0617  
Email: spammec1@telkom.co.za

FILE NO:	EL 210	✓
	Gansbaai	
SCAN NO:	ERF 210	
COLLABORATOR NO:	1110194	

Our Ref.: WWIP\_WGNB4024\_17  
Your Ref.: 210 GGB 3723

5 December 2017

Attention: S Muller

Overstrand Municipality  
HERMANUS

PLANT AFFECTED:

PROPOSED SUBDIVISION, REZONING, DEPARTURE, DEVIATION FROM THE OVERSTRAND GROWTH MANAGEMENT STRATEGY AND APPROVAL OF NEW STREET NAMES: ERF 210, MASAKHANE INTEGRATED HOUSING DEVELOPMENT, GANSBAAI

With reference to your application received October 2017.

As important COPPER AND OPTIC FIBRE cables are affected, please contact our representative Frederik Swart at telephone number 028 514 1199 / 081 363 7815 / FrederikS@openserve.co.za at least **48 hours prior to 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.

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



This wayleave, Reference Number **WWIP WGNB4024 17** is valid for 12 months from date here of and is subject to the following conditions:

1. No mechanical plant or vibrator type compactors may be used within three metres of any Open Serve plant ( I.E. any Telecommunication equipment above or below ground level. )
2. The position of our plant affected by the proposal is indicated as approximate and **Frederik Swart** at telephone number **081 363 7815** must be contacted at least 48 hours prior to commencement of the work, upon which the actual location of Open Serve Plant will be indicated on site.
3. A written request must be submitted to Open Serve for consideration should the applicant require our plant to be relocated. The cost of such a relocation will be recoverable from the applicant.
4. It is the responsibility of the applicant to verify the existence of the indicated plant and to notify Open Serve immediately, should the applicant locate any Open Serve plant indicated on the provided plans.
5. Should the applicant expose any Open Serve plant, the safeguard thereof will be the applicant's full responsibility
6. Failing to comply with the above conditions or any special conditions addendum hereto will be regarded as gross negligence and the applicant will be held responsible for the damage or loss as a result thereof.

Date: **05 December 2017**

By: **C Spammer**

For Regional General Manager  
Western Cape ( N2W3T1B)

1. Underground Pipe	
2. Underground Cable	
3. Manhole	
4. Street Distributio Cabinet (SDC)	
5. Jointing Pit / AJB	
6. Jointing Pillar ( PJ )	
7. Pipe Junction Box ( B/S )	
8. Robot Control	
9. Pole	
10. Stay	
11. Strut	
12. Aerial Cable ( A/C )	
13. Break In pipe	

The pipeline indicated contains **OPTIC FIBRE** cables.

**F Swart** - telephone **028 514 1199** must be contacted at least 48 hours before commencement of work.







ROAD NETWORK MANAGEMENT  
Email: Grace.Swanepoel@westerncape.gov.za  
Tel: 427 21 483 4669  
Km 335, 9 Dorp Street, Cape Town, 8001  
PO Box 2603, Cape Town, 8000

**REFERENCE: 16/9/6/1-21/05 (Job 21967)**

**ENQUIRIES: Ms GD Swanepoel**

**DATE: 13 February 2018**

The Municipal Manager  
Overstrand Municipality  
Gansbaai Administration  
PO Box 26

**GANSBAAI**  
7220

Attention: Mr S van der Merwe

Dear Sir

**ERF 210, GANSBAAI, MASAKHANE INTEGRATED HOUSING DEVELOPMENT: MAIN ROAD 28:  
PROPOSED SUBDIVISION, REZONING, DEPARTURE, DEVIATION FROM THE OVERSTRAND  
GROWTH MANAGEMENT STRATEGY**

1. The following refer:
  - 1.1 Your letter 220 GGB (37231) dated 28 September 2018 and
  - 1.2 E-mail correspondence between F. Fakier and the S Chow of Gibb Consulting between 3 November 2017 and 22 January 2018.
2. The subject erf is located in Gansbaai. Access is via the local streets of Gansbaai.
3. This application is for the subdivision, rezoning, departure and deviation from the Overstrand Growth Management Strategy in order to develop the following:
  - 3.1 1479 residential erven;
  - 3.2 6 Community zones;
  - 3.3 6 Business Zones;
  - 3.4 11 Open Space Zones and
  - 3.5 Transport Zones II
4. Cognisance is taken of the Traffic Impact Assessment dated March 2017.

5. This Branch offers no objection to the application in terms of the Land Use Planning Act, No 3 of 2014, subject to the implementation of the following road infrastructure upgrades as contained in the TIA:
  - 5.1 Construction of a roundabout at the R43 / Masakhane Road / Main Road intersection;
  - 5.2 Construction of a new access to the development off the R43 at ± km1.9 and
  - 5.3 Converting the R43 / Kapokblom Road intersection to a two-way stop controlled intersection with priority on the R43.
6. This Branch is unable to contribute financially to the improvements.
7. Approval from the Design Directorate (Ms M Hofmeyr 021483 3999) of this Branch is required for work to be undertaken on proclaimed roads
8. The Municipality is advised to provide internal vehicular and pedestrian linkages that will serve on a secondary level to that of the Main Road.

Yours faithfully



**ML WATTERS**  
For **CHIEF DIRECTOR: ROAD NETWORK MANAGEMENT**

**ENDORSEMENTS**

1. Overstrand Municipality  
Attention: Mr S van der Merwe (e-mail: [svdmerwe@overstrand.gov.za](mailto:svdmerwe@overstrand.gov.za))
2. Urban Dynamics  
Attention: Mr PJ Lerm (e-mail: [pj@udwc.co.za](mailto:pj@udwc.co.za))
3. Mr ML Watters (e-mail)
4. Ms M Hofmeyr (e-mail)
5. Mr F Fakier (e-mail)
6. Planning Section



Directorate: Development Management  
(Region 2)

**REFERENCE:** 16/3/3/2/E2/10/1005/16  
**NEAS REFERENCE:** WCP/EIA/0000179/2016  
**ENQUIRIES:** D'mitri Matthews  
**DATE OF ISSUE:** 2017-09-08

The Board of Directors  
Mollekar Overstrand on behalf of Overstrand Municipality  
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 MASAKHANE LOW COST HOUSING DEVELOPMENT ON A PORTION OF ERF NO. 210, GANSBAAI**

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, 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. Aplon (Overstrand Municipality) Fax: (028) 316 4953  
(2) Ms K. Neethling (Withers Environmental Consultants) Fax: (021) 883 2952  
(3) Ms E. Pelsler (WCG: 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



Directorate: Development Management  
(Region 2)

**REFERENCE:** 16/3/3/2/E2/10/1005/16  
**NEAS REFERENCE:** WCP/EIA/0000179/2016  
**ENQUIRIES:** D'mitri Matthews  
**DATE OF ISSUE:** 2017 -09- 08

#### 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 MASAKHANE LOW COST HOUSING DEVELOPMENT ON A PORTION OF ERF NO. 210, GANSBAAI**

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 on behalf of Overstrand Municipality  
 % 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/eadp](http://www.westerncape.gov.za/eadp)

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 The development of infrastructure exceeding 1000 metres in length for the bulk transportation of water or storm water— <b>(i) with an internal diameter of 0,36 metres or more; or</b> (i) with a peak throughput of 120 litres per second or more;  excluding where— (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 (b) where such development will occur within an urban area.</p>	<p>The bulk water supply pipelines include 200mm-355mm diameter network pipes and 400mm diameter water supply pipes. Storm water pipelines will have a diameter of 375mm and the pipeline lengths will have a cumulative length that exceeds 1 000m.</p>
<p>Activity Number 10 The development and related operation of infrastructure exceeding 1 000 metres in length for the bulk transportation of sewage, effluent, process water, waste water, return water, industrial discharge or slimes – <b>(i) with an internal diameter of 0,36 metres or more; or</b> (ii) with a peak throughput of 120 litres per second or more;  excluding where— (a) such infrastructure is for the bulk transportation of sewage, effluent, process water, waste water, return water, industrial discharge or slimes inside a road reserve or railway line reserve; or (b) where such development will occur within an urban area.</p>	<p>The sewer infrastructure includes 160mm to 200mm diameter gravity sewer link pipes and 550mm diameter gravity sewer pipes. Internal sewer reticulation will consist of 110mm diameter house connection pipes discharging into 1 600mm diameter sewer mains. The pipeline lengths will exceed 1 000m.</p>
<p>Activity Number: 24 The development of a road— (i) for which an environmental authorisation was obtained for the route determination in terms of activity 5 in Government Notice 387 of 2006 or activity 18 in Government Notice 545 of 2010; or <b>(ii) with a reserve wider than 13,5 meters, or where no reserve exists where the road is wider than 8 metres;</b></p>	<p>The proposed roads will have road reserves of 8m, 10m, 13m and 16m, with some roads being located outside of the urban area.</p>

## ADDENDUM AA 71/86

## ANNEXURE L 4/19

<p>but excluding a road—</p> <p>(a) which is identified and included in activity 27 in Listing Notice 2 of 2014;</p> <p>(b) where the entire road falls within an urban area; or</p> <p>(c) which is 1 kilometre or shorter.</p>	
<p>Government Notice No. 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, outside of an urban area.</p>
<p>Activity Number: 12</p> <p>The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</p> <p><b>i. Western Cape</b></p> <p><b>i. 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</b></p>	<p>Areas that comprise Western Cape Milkwood Forest an ecosystem classified as critically endangered in terms of Section 52 of the National Environmental Management Biodiversity Act, 2004 (Act No. 10 of 2004) ("NEMBA"), will be cleared.</p>

<p><b>2004;</b></p> <ul style="list-style-type: none"> <li>ii. Within critical biodiversity areas identified in bioregional plans;</li> <li>iii. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas;</li> <li>iv. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or</li> <li>v. On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister.</li> </ul>	
---	--

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

The holder is herein authorised to undertake the following alternative:

The proposal entails:

A) The development of 1 479 residential erven adjacent to the existing Gansbaai residential area. The total development footprint amounts to approximately 33,4ha (of which approximately 1,5ha is earmarked for open space), and is divided into two nodes:

- Area A (approximately 26,6ha): This node consists of approximately 10ha (including access roads) of brownfields (i.e. the existing informal settlement that will be formalized) and approximately 16ha of greenfields (new areas to be developed). The development will entail:
  - 742 greenfield residential erven (approximately 9ha).
  - 442 brownfield residential erven (approximately 5,8ha).
  - Six (6) business erven (approximately 0,3ha).
  - Seven (7) open space erven (approximately 1,2ha).
  - Five (5) community erven (approximately 1,20ha).
  - One (1) transport erf (approximately 9ha).
  - Bulk water and sewage infrastructure.
  - Internal roads.
- Area B (±6,81ha): This node consists entirely of a greenfield development and will entail:
  - 295 greenfield residential erven (approximately 4ha).
  - Four (4) open space erven (approximately 0,3ha).
  - One (1) community erf (approximately 0,2ha).
  - One (1) transport erf (approximately 2,5ha).
  - Bulk water and sewage infrastructure.
  - Internal roads.

- B) The construction of storm water infrastructure for the proposed development, consisting of:
- Concrete dish channels (800mm wide) adjacent to the road edge.
  - New storm water attenuation ponds of approximately 3 500m<sup>3</sup> (Area A) and 1 300m<sup>3</sup> (Area B).
  - The extension of the existing storm water attenuation facility on the western border of the Masakhane development.
- C) The construction of a new 2,5ML reservoir (to be located at the existing transformed reservoir site).

#### C. SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken on Erf No. 210, Gansbaai, at the following co-ordinates:

Area A:

Latitude (S)	Longitude (E)
34° 35' 37.02"	19° 21' 44.79"

Area B:

Latitude (S)	Longitude (E)
34° 35' 19.51"	19° 21' 28.84"

The SG digit code is: C01300090000021000000

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 May 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 and 16

**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).

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 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 (as amended), 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 (as amended).

The holder must submit an Environmental Audit Report once bulk services has been constructed. Thereafter, Environmental Audit Reports must be submitted for each phase of construction (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 paleontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artefacts 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. The 150m wide corridor on the eastern section of the development must be maintained and kept free from alien vegetation.
18. The Milkwood trees that will be incorporated into the open space areas in Area B must be demarcated prior to any clearing activities commencing and must be treated as a "no-go" area for the duration of the construction phase.
19. The identified 300m buffer zone around the Gansbaai landfill site must be implemented and maintained by the municipality. No residential erven may 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 (as amended) 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, must be done in accordance with Regulations 35 to 37 of the EIA Regulations, 2014 (as amended) 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.

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 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 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  
CAPETOWN  
8000

## ADDENDUM AA 78/86

## ANNEXURE L 11/19

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: 8-9-17

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

ANNEXURE 1: LOCALITY MAP



Figure 1: Locality map of Erf No. 210, Gansbaai.

ANNEXURE 2: SITE PLAN

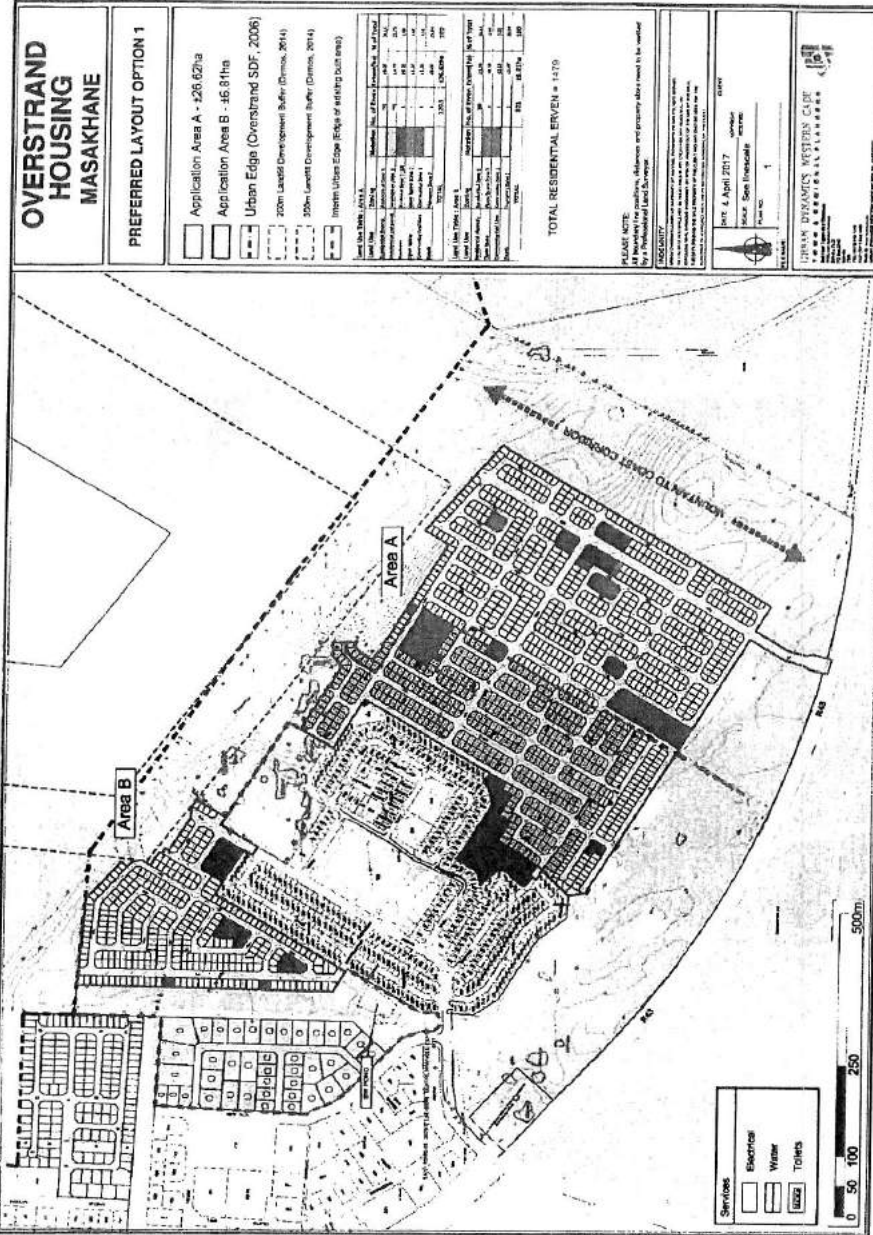


Figure 2: Site Plan for the Gansbaai low cost housing Development.

**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 17 October 2016, the final EIAR dated May 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 May 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 15 September 2016 and 11 May 2017;
- the placing of a newspaper advertisement in the 'Gansbaai Courant' on 13 October 2016;
- fixing notice boards at the sites where the listed activities are to be undertaken on 12 October 2016;
- giving written notice to the owners and occupiers of land adjacent to the site where the listed activities are to be undertaken on 12 October 2016 and to the municipality and ward councillor, and the various Organs of State having jurisdiction in respect of any aspect of the listed activities, on 15 and 17 October 2016 respectively;
- making the draft Scoping Report ("SR") available to I&APs for public review from 17 October 2016; and
- Making the draft EIAR available to I&APs for public review from 12 April 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:

- B) The development of 1 479 residential erven adjacent to the existing Gansbaai residential area. The total development footprint amounts to approximately 33,4ha (of which approximately 1,5ha is earmarked for open space), and is divided into two nodes:
- Area A (approximately 26,6ha): This node consists of approximately 10ha (including access roads) of brownfields (i.e. the existing informal settlement that will be formalized) and approximately 16ha of greenfields (new areas to be developed). The development will entail:
    - 742 greenfield residential erven (approximately 9ha).
    - 442 brownfield residential erven (approximately 5,8ha).
    - Six (6) business erven (approximately 0,3ha).
    - Seven (7) open space erven (approximately 1,2ha).
    - Five (5) community erven (approximately 1,2ha).
    - One (1) transport erf (approximately 9ha).
    - Bulk water and sewage infrastructure.
    - Internal roads.
  - Area B (±6,81ha): This node consists entirely of a greenfield development and will entail:
    - 295 greenfield residential erven (approximately 4ha).
    - Four (4) open space erven (approximately 0,3ha).
    - One (1) community erf (approximately 0,2ha).
    - One (1) transport erf (approximately 2,5ha).
    - Bulk water and sewage infrastructure.
    - Internal roads.
- A) The construction of storm water infrastructure for the proposed development, consisting of:
- Concrete dish channels (800mm wide) adjacent to the road edge.
  - New storm water attenuation ponds of approximately 3 500m<sup>3</sup> (Area A) and 1 300m<sup>3</sup> (Area B).
  - The extension of the existing storm water attenuation facility on the western border of the Masakhane development.
- B) The construction of a new 2,5ML reservoir (to be located at the existing transformed reservoir site).

This alternative is preferred since it provides for a wider mountain to coast ecological corridor along the eastern boundary of the development footprint and allows for a 300m landfill site buffer compared to Layout Alternative 2.

### Layout Alternative 2:

This alternative entails the development of 1 522 residential erven. The total development footprint is approximately 36,85ha (of which ±10ha is brownfields development and the remainder is greenfield development), located to the south east of the existing residential area of Masakhane. This alternative makes provision for a 30m wide open space buffer and will comprise:

- 1 063 greenfield residential erven (approximately 13,7ha)
- 459 brownfield residential erven (approximately 6ha)
- Five business erven (approximately 0,2ha).
- 13 open space erven (approximately 4,8ha).
- Eight community erven (approximately 1,5ha).
- One transport erf (approximately 11ha).
- Bulk water and sewage infrastructure.
- Internal roads.

This alternative is not preferred since it does not provide an adequate mountain to coast ecological corridor and places some residential erven within the 300m landfill site buffer.

#### "No-Go" Alternative

The "no-go" option to retain the site as being undeveloped and partially transformed by an informal settlement was not deemed feasible since the site is at risk of being encroached by informal housing and the opportunity to reduce the housing backlog will be lost.

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

#### **3.1 Activity need and desirability**

The site is currently partially developed (informal settlement) and vacant, and has been earmarked for low cost housing. It is the intention of the municipality to not only expand the existing residential area to contribute to housing delivery, but also to formalise an area of approximately 10ha. The development site is located in close proximity to public transport, places of employment, industrial precincts and various other community and public facilities and can be connected to existing municipal services. The development is in line with the Provincial Development Spatial Framework, by providing the upgrading and improvement of living conditions in South Africa, as this development demonstrates:

- Spatial and social integration.
- Community facilities, employment opportunities and other major activities to be located within walking distance.

#### **3.2 Biodiversity and Biophysical Impacts**

According to the Botanical Assessment dated October 2013, compiled by Dr. David McDonald of Bergwind Botanical Surveys and Tours cc and the Addendums to this report dated 19 May 2015 and 4 April 2017, compiled by Ms. Johlene Krige, Area A only comprises Overberg Dune Strandveld and Agulhas Limestone Fynbos, ecosystems classified as being least threatened and vulnerable (respectively) in terms of Section 52 of the National Environmental Management Biodiversity Act, 2004 (Act No. 10 of 2004) ("NEMBA"), a mature patch of Western Cape Milkwood Forest and cleared land. In addition, Area A is partially transformed by an informal settlement. Area B of the development site comprises Overberg Dune Strandveld that is degraded due to the high alien infestation. The preferred layout alternative has taken into account the biodiversity constraints of the development site and will result in less loss of intact Overberg Dune Strandveld, Agulhas Limestone Fynbos and excludes the mature patch of Western Cape Milkwood Forest in Area A through the establishment of an ecological corridor of 150m along the eastern section of the site (Condition 16), that will allow for continuous connection between the mountain and coast. Patches of the Western Cape Milkwood Forest have been incorporated as far as possible into the layout of Area B. Where Western Cape Milkwood Forest patches are not located within open space areas, the necessary permit from the Department of Forestry and Fisheries will be

obtained prior to the clearance of this vegetation type. As such, through the implementation of the EMPr (Accepted as per Condition 8), the impact on sensitive vegetation on the site will be adequately mitigated.

According to the Western Cape Biodiversity Spatial Plan 2017 ("WCBSPP"), there is an aquatic ecological support area ("ESA") located within Area B of the development. However, the Botanical Assessment dated 19 May 2015 and the Addendums to this report confirmed that there are no watercourses or wetlands on site. As such, no freshwater impacts are anticipated.

### 3.3 Traffic Impacts

According to the Transport Impact Assessment dated March 2017, compiled by Ms. Karin Liebenberg of Gibb Engineers and Architecture (Pty) Ltd, the R43/Masakhane Road/Main Road will operate at Level of Service ("LOS") E to F, which will experience extensive queues at the northern R43 and the Main Road approaches during the AM and PM peak hours. The R43/Kapokblom Road will operate at LOS B to E and will experience moderate queues during AM and PM peak hours and all other intersections will operate at LOS A to C. 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 Gansbaai landfill site 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 1.5 odour unit ("OU") at the landfill site and 1 OU at the immediate vicinity of the landfill site, which is below the nuisance level of 2 OU. The residential areas around the landfill site, including the proposed housing development is outside of the 1 OU zone. Waste will be covered daily, thereby further limiting the odours emanating from the landfill site.

#### Non-carcinogenic Health Risk Impact:

The indexes for both short- and long-term non-carcinogenic health risk were recorded as being 0,05, which is well below the guideline level of 1. Thus, non-carcinogenic health impacts are considered to be very low.

#### Carcinogenic Risk Impact:

The estimated carcinogenic risk was below  $1 \times 10^{-6}$ , which means that a person in any of the areas would have less than 1 in a million chance of developing cancer due to lifetime exposure to carcinogenic compounds. Therefore, the carcinogenic risk is considered negligible.

#### Particulate Matter ("PM) Concentrations:

##### PM<sub>10</sub> Ambient Concentrations:

PM<sub>10</sub> concentrations at the site were within the guideline of 75µg/m<sup>3</sup>, except for the concentrations within 10m of the access road to the landfill site. At locations further than 140m from the access road, concentrations were below 40µg/m<sup>3</sup> and the maximum PM<sub>10</sub> concentrations at all community receptors were well below 40µg/m<sup>3</sup>.

**PM<sub>2.5</sub> Ambient Concentrations:**

PM<sub>2.5</sub> were below the guideline of 65µg/m<sup>3</sup>, as well as for future guidelines for the 2016 and 2030 of 40µg/m<sup>3</sup> and 25µg/m<sup>3</sup> respectively. The modelled PM<sub>2.5</sub> concentrations were very low, with the maximum reaching 5,5µg/m<sup>3</sup> on top of the access road.

**Dust Deposition:**

The dust deposition at all community receptors was found to be less than 100mg/m<sup>2</sup>/d, which is within the Department of Environmental Affairs guideline for residential areas. As such, the dust deposition impact is considered to be low.

**Buffer Zone Determination:**

Originally, the buffer zone around the Gansbaai landfill site was 800m, however, a Waste Management Variation was issued on 20 February 2015 and the buffer zone was relaxed to 200m. However, a 300m wide buffer zone around the Gansbaai landfill site for the proposed development was determined based on the odour, non-carcinogenic health, carcinogenic risks estimated, particulate matter concentrations and dust deposition associated with the proposed development's proximity to the Gansbaai landfill site and incorporated into the preferred layout. Furthermore, through the implementation of the recommendations of the Air Quality Impact Assessment, the Buffer Zone Determination and the EMP, the impacts of odour emanating from the Gansbaai landfill site will have a low significance.

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

In their letter dated 24 March 2017, Overstrand Municipality confirmed the following:

**Water:**

The proposed development can be supplied from the existing municipal services provided that the upgrades highlighted in the Civil Services Report dated March 2017 are implemented.

**Waste Removal:**

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

**Sanitation:**

The Gansbaai Waste Water Treatment Works has sufficient capacity to available to accommodate the sewage from the proposed development.

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.
- Opportunities for local economic development are available.
- 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.

-----END-----

## ADDENDUM BB 1/2

**LAND USE PLANNING REPORT**  
**Authorised Official**


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**11. RECOMMENDATION**

1. that in terms of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) the application for a housing development on a portion of Erf 210, Gansbaai, Masakhane, which includes the following:
  - ❖ subdivision of Erf 210, Gansbaai into Application Area A (±26,62 ha), Application Area B (±6,81 ha) and a Remainder (±6,81 ha);
  - ❖ rezoning in terms of Section 16(2)(a) of Application A and B from Undermined Zone to Subdivisional Area;
  - ❖ subdivision of Application Area A in terms of Section 16(2)(d) in order to create 1184 Less Formal Development Zone, 5 Community Zone 1, 6 Business Zone 3, 7 Open Space Zone 2 (public open space) and Transport Zone 2 (public road) erven;
  - ❖ subdivision of Application Area B in terms of Section 16(2)(d) in order to create 295 Residential Zone 1, 1 Community Zone 1, 4 Open Space Zone 2 (public open space) and Transport Zone 2 (public road) erven;
  - ❖ departure in terms of Section 16(2)(b) in order to relax the street building line from 2m to 1m and one lateral building line applicable to the proposed residential erven from 1m to 0m; and
  - ❖ 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;
2. that the approval in paragraph 1. 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 the allocation of serviced sites without formal top structures in application Area A be subject to the submission of a site plan for prior approval by the Authorised Official;
  - (c) that all conditions imposed by Department of Environmental Affairs and Development Planning, Component: Planning, Eskom, Fire Services, Cape Nature, Breede-Gouritz Catchment Management Agency, Telkom, Department of Transport and Public Works, Department of Environmental Affairs and Development Planning (Environmental Authorisation) (attached as Annexures D, E, F, G, I - L), be complied with;
  - (d) that all conditions in the Municipal Services Report (attached as Annexure H), be complied with;
  - (e) that the provision of street names be noted and that the list of names be work shopped with the Social Compact;
  - (f) that this approval does not absolve the applicant from compliance with any other relevant legislation, and

## ADDENDUM BB 2/2

**LAND USE PLANNING REPORT**  
**Authorised Official**

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- (g) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
- 3. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above decision.

**RECOMMENDATION TO COUNCIL :**

that the application for the deviation of the Overstrand Growth Management Strategy (2010) in order to provide a residential density of 45 units per hectare in lieu of the 20-30 units per hectare in terms of the provisions of Section 22(2) of the Spatial Planning and Land Use Management Act, 2013, **be recommended for approval.**