# CK RUMBOLL &
# VENNOTE / PARTNERS

PROFESSIONELE LANDMETERS ~ ENGINEERING AND MINE SURVEYORS ~ STAD- EN STREEKSBEPLANNERS ~ SECTIONAL TITLE CONSULTANTS


**DATE:** 15 November 2024 **OUR REF:** CLA/11931_UISP/MH

**PER REGISTERED MAIL**

**Attention**: Mr. A Neethling

The Municipal Manager
Cederberg Municipality
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**CLANWILLIAM**
8135

**PROPOSED UISP HOUSING PROJECT: CLANWILLIAM**

**APPLICATION FOR REZONING AND SUBDIVISION IN TERMS OF THE CEDERBERG MUNICIPALITY LAND USE PLANNING BY-LAW IN RESPECT OF ERF 279 CLANWILLIAM**

With regard to the above application find attached the following:

1. Motivation report with supporting documents including;
    - **Annexure A** – Power of Attorney
    - **Annexure B** – Application Form
    - **Annexure C** – Title Deed & SG Diagram
    - **Annexure D** – Conveyancer Certificate
    - **Annexure E** – Zoning Certificate
    - **Annexure F** – Locality Plan
    - **Annexure G** - GLS Services capacity report
    - **Annexure H** – Engineering Services Report
    - **Annexure I** – Traffic Impact Assessment
    - **Annexure J** – Phase 1 Geotechnical Report
    - **Annexure K** – Heritage Western Cape correspondence
    - **Annexure L** – Plans

We trust you find the above to be in order. Please contact us should you require any further information.

Yours truly,

Mornay Herling

***for CK RUMBOLL & PARTNERS***



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**NOVEMBER**
**2024**

# MOTIVATIONAL REPORT

## PROPOSED UISP HOUSING PROJECT: CLANWILLIAM
## APPLICATION FOR REZONING AND SUBDIVISION IN TERMS OF THE CEDERBERG MUNICIPALITY LAND USE PLANNING BY-LAW IN RESPECT OF ERF 279 CLANWILLIAM

Our Reference: CLA/11931_UISP/MH

**Submitted to:**

CEDERBERG MUNICIPALITY
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8135


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# 1 INTRODUCTION & BACKGROUND

Section 26 of the South African Constitution (1996) guarantees every person the right to adequate housing. It is the Government's duty to take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of this right. However, there is an extreme shortage of affordable housing for the poor in South Africa. Housing needs have not been met and there is an enormous backlog in the supply of low-income housing. Housing provision and delivery is a complex problem in South Africa and is not exclusively related to the lack of sufficient housing, but also to poverty. The Housing White Paper (RSA, 1994a) views income poverty as an underlying cause of the housing problem. The poor do not have the monetary resources to buy a house, and most of them cannot even afford to rent the cheapest house. The prevalence of poverty provides Government, various Local Authorities as well as the communities, with major challenges.

The White Paper on Housing (RSA, 1994a:11-15) highlights several other constraints facing housing provision in South Africa, such as geographic disparities between rural and urban areas; between different urban areas and between provinces; low incomes; high rates of urbanisation; inefficient and inequitable cities; dispersed rural settlement structures; the past institutional framework which governed housing; **shortages of end-user finance and subsidies**; land use and planning; **land availability**; as well as other sociological issues such as high expectations, crime and violence. However, the most significant constraint has been identified as affordability on the part of both the state and the people. Housing is a critical asset for the poor and can cushion them against the impact of poverty.

Clanwilliam has been experiencing severe influx over the past years from destitute foreign immigrants and local migrants. The influx can be ascribed to work opportunities in the construction sector (Clanwilliam dam) and seasonal farm workers, leading to the development of informal settlements. It is the intention of Cederberg Municipality to implement an Upgrading of Informal Settlement Programme (UISP) subsidised housing project in Clanwilliam. The area identified for the proposed development is adjacent to the proposed IRDP housing project (also currently in the planning phase), and will thus support the integration of various housing typologies. The proposed subsidised housing project will consist mostly of residential erven including supporting land uses, and is planned on a portion of Erf 279 Clanwilliam, which is in the ownership of Cederberg Municipality. As mentioned above, Council also intends to implement a IRDP subsidised housing project in Clanwilliam, and located adjacent to the proposed UISP project. This housing project will be dealt with as a separate land use application.

In light of the above this office have been appointed by GF Matthyse on behalf of Cederberg Municipality, registered owner of Erf 279 Clanwilliam, to obtain the necessary land use approvals in terms of the Cederberg Municipality Land Use Planning By-Law. ***Power of Attorney*** is attached as ***Annexure A.***

## 2 PURPOSE OF APPLICATION

The purpose of this motivation report is to apply for the:

a) **Rezoning** of Erf 279 Clanwilliam in terms of **Section 15(2)(a) of the Cederberg Municipality Land Use Planning By-Law (PG 8062 of 15 March 2019)** from Rural Community Zone to Subdivisional Area Zone in order to accomodate the following zoning categories:
   i. Single Residential Zone II
   ii. Local Business Zone II
   iii. Community Zone I
   iv. Community Zone II
   v. Open Space Zone I
   vi. Transport Zone II
   vii. Rural Community Zone

b) **Subdivision** of Erf 279 Clanwilliam in accordance with **Section 15(2)(d) of the Cederberg Municipality Land Use Planning By-Law (PG 8062 of 15 March 2019)**, to create 2 portions, namely: Portion A (±19.7680Ha in extent) and Remainder Erf 279 Clanwilliam as well as the further subdivision of Portion A, as set forth below:
   Portion A:
   i. 463 Single Residential Zone II erven
   ii. 1 Local Business Zone II erf
   iii. 2 Community Zone I erven
   iv. 2 Community Zone II erf
   v. 3 Open Space Zone I erven
   vi. Transport Zone II erven

***Application Form*** *is attached as* ***Annexure B.***

## 3 PROPERTY DESCRIPTION

The table below provides details pertaining to the property concerned. A copy of the ***Title Deed*** as well as the ***SG Diagram*** are attached as ***Annexure C.***

| ERF 279 CLANWILLIAM | |
|---|---|
| **EXTENT** | 926,5469 Ha (In accordance with the attached Conveyancer's Certificate) |
| **REGISTERED OWNER(S)** | Cederberg Municipality |
| **CURRENT ZONING** | Rural Community Zone in terms of Cederberg Municipality Zoning Scheme By-Law (PG 8268 of 10 July 2020) |
| **CURRENT LAND USE** | The majority of the development area remains undeveloped. However, it does include the existing Wastewater Treatment Works and a portion of the golf course. The portion of the development area along the Old Cape Road is occupied by informal structures. |
| **TITLE DEED NR** | CLF3-10/1925 |
| **RESTRICTIONS** | In accordance with the attached Conveyancer's Certificate, the title deed in respect of Remainder Erf 279 Clanwilliam contains no restrictive conditions that may have an impact on the development proposal. |
| **SERVITUDES** | Leasehold area L1 (SG no. 8293/1960)<br>Nature Reserve Area (SG no. 8128/1967)<br>Leasehold area (SG no. 6543/1979)<br>Servitude road (SG no. 5311/1990)<br>There will be no impact on existing servitudes. |
| **MORTGAGE BOND** | No mortgage bond registered over the property. |

*Table 1: Details pertaining to Erf 279 Clanwilliam*

# 4 CONTEXTUAL INFORMANTS

## 4.1 Locality

The development is proposed on a portion of Erf 279, which is designated as part of the municipal commonage. The development area stretches from the proposed IRDP housing project (also currently in the planning phase) onto a portion of the existing Clanwilliam golf course in a southerly direction, and located east of the Clanwilliam WWTW.The ***Locality Plan*** is attached as ***Annexure D.***

*Figure 1: Location of application area*

## 4.2 Zoning and Current Land Uses

Erf 279 Clanwilliam is zoned Rural Community Zone in terms of the Cederberg Municipality Zoning Scheme By-Law (PG 8268 of 10 July 2020). The development area is situated on a portion of the existing golf course.

## 4.3 Surrounding Uses and Character of the area

The surrounding area is primarily characterised by residential neighbourhoods ranging from low to high densities including some institutional uses (east of proposed development) and the golf course. The proposed development consisting of mainly residential erven as well as supporting land uses will seamlessly integrate with the existing surrounding residential neighbourhoods, hence providing the ideal opportunity for infill development within the urban edge of Clanwilliam.

## 4.4 Site Characteristics

The below provides an overview of the physical characteristics of the development areas, which informed the proposed layout.

Constraints identified on the development areas relate to the existing golf course as well as a wetland/natural drainage line running in a North-west to southeasterly direction and a drainage line traversing a portion of the development. These factors have been carefully addressed and incorporated into the proposed layout, ensuring that the development targets are still met without compromising the site's integrity. Discussions between Cederberg Municipality and the golf club, regarding the relocation of a portion of the golf course, are currently underway. Notably, there are no servitudes registered over the development site, providing maximum flexibility for development.

The site has a gentle slope, draining from the west and south-west, towards the east and north-east at an average slope of 5.3%. The geotechnical report pointed out that the site is generally suitable for project linked subsidy housing development. The shallow bedrock should provide a competent founding horizon for future structures, but depth of bedrock varies across the site.

According to Cape Farm Mapper, the on-site vegetation is mapped as Citrusdal Vygieveld. The development areas are highly disturbed with almost no vegetation present on site. Furthermore, the indigenous vegetation present on the development area is not classified as Critically Endangered or Endangered ecosystem in terms of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) National List of Ecosystems that are Threatened and in Need of Protection, 2022. Additionally, the

development site does not overlap any Critical Biodiversity Areas. Furthermore, it appears to be unlikely that the development site is of any heritage significance or that the proposed development will have a significant impact on existing heritage resources in the surrounding area. However, Heritage Western Cape, in their letter dated 16 July 2024, stated that "*since there is reason to believe that the proposed subdivision and rezoning to allow for mixed-use development on Erf 279, Clanwilliam will impact on heritage resources, HWC requires that a Heritage Impact Assessment (HIA)* that satisfies the provisions of Section 38(3) of the NHRA be submitted". CTS Heritage has been appointed to ascertain potential impacts, if any.

In conclusion, the site presents minimal constraints, all of which can be effectively incorporated into the layout. Furthermore, the geotechnical conditions are favourable, the topography is manageable, and no significant environmental constraints are present. These factors make the site an ideal and suitable location for the proposed development.

# 5 DEVELOPMENT PROPOSAL

As mentioned previously, Cederberg Municipality intends to implement an Upgrading of Informal Settlement Programme (UISP) subsidised housing project in Clanwilliam. The area identified for the proposed development is adjacent to the proposed IRDP housing project (also currently in the planning phase), and will thus support the integration of various housing typologies. The proposed subsidised housing project will consist mostly of residential erven including supporting land uses, and is planned on a portion of Erf 279 Clanwilliam, which is in the ownership of Cederberg Municipality. As mentioned above, Council also intends to implement an IRDP subsidised housing project in Clanwilliam, and located adjacent to the proposed UISP project. This housing project will be dealt with as a separate land use application. Details regarding the proposed UISP subsidised housing project are discussed below:

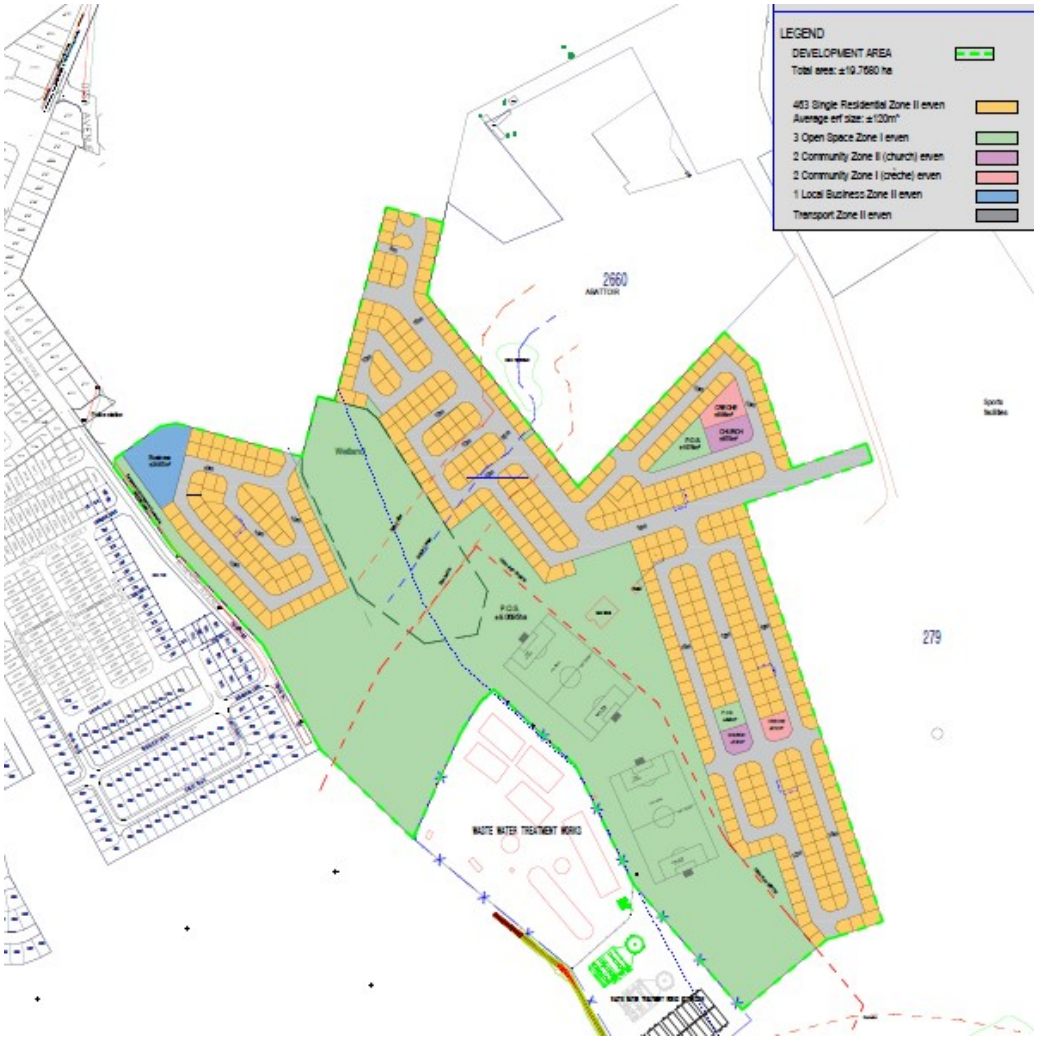
## 5.1 Proposed Rezoning and Subdivision

Given that the development proposal involves the subdivision of land involving a change of zoning, the land must be zoned as Subdivisional Area. In accordance with the Cederberg Municipality Zoning Scheme By-Law, the purpose of the Subdivisional Area Overlay (SAO) zoning is to "*designate land for future subdivision with development rights by providing development directives through specific conditions as approved in terms of this By-law. The SAO zoning confirms the principle of development and acceptance of*

*future subdivision of land; but not the detailed layout that will be determined when an actual application for subdivision is approved".*

<u>The Subdivisional Area zoning will accomodate the following zoning categories:</u>

i. Single Residential Zone II
ii. Local Business Zone II
iii. Community Zone I
iv. Community Zone II
v. Open Space Zone I
vi. Transport Zone II
vii. Rural Community Zone



The below provides a brief description of the various zoning categories:

**a) Residential erven**

The main purpose of the layout design was to develop an integrated neighbourhood that serves as an expansion of the existing residential neighbourhood, through the provision of erven, basic services and amenities. This expansion aims to offer a well-connected environment where employment and social amenities are located in close proximity. The purpose was to create a safe living environment with strategically placed open spaces and social amenities. The use of another housing typology promotes integration with the surrounding neighbourhoods.

The housing typology will consist of:

- 463 Single Residential Zone II erven – UISP housing

Upgrading of Informal Settlements (UISP) single residential erven

The purpose of UISP is to develop formalised serviced erven. These erven will be used for single residential purposes, which allows for the establishment of an informal structure. The average size of these erven is ±120m² and will be zoned Single Residential Zone II.

**b) Community facilities**

The Western Cape Development Parameters Guideline was used to determine the need for community facilities within the development. These facilities include Crèche, Church, school and community centre erven to provide in the social needs of the community. These erven are strategically located to create well-connected community nodes throughout the neighbourhood.

Early Childhood Development Centres (ECD)

The following sets out the number of people / dwelling units that will justify the need for an ECD:

- 2400 people (600 dwelling units) for low income areas.
- 3600 people (900 dwelling units) for high income areas.

The development includes a total of 463 residential units in a low income area, hence it does not warrant the need for an ECD. Due to the profile of the area and prospecting amount of people to move into the area, provision is made for 2 Crèche sites.

Schools

The following sets out the number of people / dwelling units that will justify the need for a school:

- 3000-4000 people (1000 dwelling units) for a primary school
- 6000 people (1500 dwelling units) for a secondary school

The development includes a total of 463 residential units, which does not warrant the need for a school premises. It should be noted that provision is made for 1 school site in the proposed IRDP subsidised housing project, which is currently also in the planning phase.

Place of Worship

The following sets out the number of people / dwelling units that will justify the need for a place of worship:

- 2000 people (500 dwelling units)

The development includes a total of 463 residential units, which does not warrant the need for a place of worship. Due to the profile of the area and prospecting amount of people to move into the area, provision was made for 2 Church erven.

**c) Local economic development**

Provision was also made for a business erf to fulfil the basic needs of the residents, thereby reducing the need to travel to the primary business node of Clanwilliam.

**d) Public open spaces**

The Western Cape Development Parameters Guideline was used to determine the need for open space erven within the development. The following sets out the number of people / dwelling units which will justify the need for a small neighbourhood play plot:

- Minimum 400 m² sized plots for every 1000 people or 250 dwelling units

The development includes a total of 463 residential units, thus a total of 2 play plots need to be provided for. Provision is made for 2 play plots / natural recreational erven as well as a large open space erf, to accomodate natural areas and stormwater runoff. The placement of open space areas within the neighbourhood area is to provide for a safe area for recreation activities, relaxation and pedestrian movement.

**e) Road system and access**

For the new proposed local streets in the development site, a road reserve of 10m is considered appropriate for the residential areas, while 16m is considered appropriate for the main roads (public transport route) in the development.

In addition, application is made for the subdivision of Erf 279 Clanwilliam, as set forth below:

| SUBDIVISION OF ERF 279 CLANWILLIAM | |
|---|---|
| **PORTION A** | ±19.7680 Ha |
| **REMAINDER ERF 279** | ±906.7789 Ha |
| **FURTHER SUBDIVISION OF PORTION A** | 463 Single Residential Zone II erven<br>1 Local Business Zone II erf<br>2 Community Zone I erven<br>2 Community Zone II erf<br>3 Open Space Zone I erven<br>Transport Zone II erven |

*Table 2: Resultant land units after subdivision of Erf 279 Clanwilliam*

## 5.2 Access and parking

UDS Consulting Engineers undertook a Traffic Impact Assessment (TIA) for the proposed development. As mentioned previously, the municipality also intends to implement an IRDP subsidised housing project in Clanwilliam, adjacent to the proposed UISP subsidised housing project. Therefore, the Traffic Impact Assessment includes the IRDP portion as well. The following provides a brief overview in terms of existing and proposed accesses:

The subject development areas currently obtain access via the residential streets leading to/from Ou Kaapse Way.

As shown in the figure below and on the attached Layout Plan, various future access points from/to the existing public road network are proposed. These are as listed below; the numbers coincide with those indicated in the referred figure.

1. Viooltjie Street 1
2. Viooltjie Street 2
3. Oranje Street
4. Park Street
5. Protea Street

6. Buitekant Street 1
7. Buitekant Street 2
8. Denne Street
9. Bloekom Street
10. Aqua-Marine Drive

*Figure 2: Access to proposed UISP subsidised housing project on Erf 279 Clanwilliam. Source: Traffic Impact Assessment UDS Africa Consulting engineers*

Several of the Residential Zone 2 erven in the north of Development Area 1 will have direct access either to/from Milner Street or to/from Viooltjie Street.

As mentioned above, access to the proposed development areas will be obtained from several existing local access roads. These are all single carriageways (i.e. 1 lane per direction), classified as Class 5 local streets and with road widths ranging from ± 4.0 to

7.5m. Denne Street and Park Street have the greatest road widths along their surfaced sections. Also based on its location, Denne Street should thus serve as the main feeder road to Development Area 1. Milner Street, Viooltjie Street, Aandblom Street as well as sections of Waterblom Street, Buitekant Street, Denne Street and Ou Kaapse Way (south) are currently unsurfaced. For the new proposed local streets in the development areas, a road reserve of 10m (typical for Class 5B local residential streets, according to the TRH26 South African Road Classification and Access Management Manual) is shown on the Subdivision Plan for the residential areas, while 16m (typical for Class 5B local commercial streets with on-street parking) is indicated for each of the single main roads in Development Area 1 and Development Area 3. On-site parking for the newly created land units will have to comply with the Zoning Scheme By-Law.

The complete draft Traffic Impact Assessment report is attached herewith.

## 5.3 Municipal Engineering Services

GLS Consulting (Pty) Ltd and UDS Africa Consulting Engineers conducted independent studies relating to bulk supply capacity as well as the provision of internal services for the proposed development. As mentioned previously, Cederberg Municipality also intends to implement an IRDP subsidised housing project, hence the reports include these areas. The reports divide the entire development into 3 areas, namely: Areas A, B and C. Development area C is applicable to this application. The below provides an overview of the conclusions made in the reports, with regards to Development area C. The complete reports and related drawings are attached herewith.

**a) Water:**

There is insufficient capacity available in the existing Clanwilliam water reticulation and bulk supply networks to accommodate the total development areas. Below is a summary of the master plan items that will be required to accommodate the proposed development:

Development area C:

- Master plan item CCIW.B1 to augment reservoir storage capacity,
- master plan items CCIW.B12, CCIW.B16 & CCIW.B17 to supply bulk water to the Cederville no. 2 reservoir and to link the new Cederville no. 2 reservoir to the existing Cederville reservoir no. 1 reservoir,
- master plan items CCIW2.1, CCIW2.2 & CCIW2.3 to improve network conveyance to the development area,

- a portion of internal ring feed pipe item CCIW2.10 to connect to the existing network,
- internal pipe item CCIW2.11 to feed water into the internal network of the development, and
- master plan items CCIW.B8 & CCIW.B9 to augment bulk water supply to the Grootmaat reservoir site.

The internal water reticulation network of the proposed development to comply with the minimum specifications as indicated in the "Red Book - Guidelines for Human Settlement Planning and Design" and the municipal standards from Cederberg Municipality.

**b) Sewerage:**

In the sewer system development area A falls within the existing Clanwilliam Gravity drainage area. The sewer network of the Clanwilliam Gravity drainage area is at capacity and should be upgraded to accommodate the proposed development.

Development areas B and C fall outside the existing sewer drainage areas of Clanwilliam and in the sewer master plan a new sewer drainage area (the so-called "Future Clanwilliam PS CI2 drainage area" is proposed for these areas with a new PS at the lowest point of the larger drainage area which pumps directly to the existing Clanwilliam Wastewater Treatment Plant (WWTP).A few erven within development area B (erven to the far north-west of the development next to ViooltjieStreet) however drains towards the existing Milner Street PS drainage area and should be accommodated within the network of the Milner Street PS drainage area. The following upgrades are required to accommodate the development:

The existing Milner Street PS drainage area has spare capacity available to accommodate the erven within development area B which drains towards the Milner Street PS. In the sewer master plan for Clanwilliam upgrading of the Milner Street PS and accommodating rising main is however proposed (refer to master plan items CCIS2.3 & CCIS2.4), as well as upgrading of the main outfall sewer gravitating toward the Milner Street PS (refer to master plan item CCIS2.2). It can be considered to upgrade the PS, rising main and outfall sewer (master plan items CCIS2.2, CCIS2.3 & CCIS2.4) as part of the construction of the development as these items runs through the development area.

Development area C:

- Link services items CCIS4.2 & CCIS4.3 to connect the internal sewer network of the development area to Future PS CI2, and

- Future PS CI2 (master plan item CCIS4.4) and rising main (master plan item CCIS4.5) to service the larger drainage area.

The internal sewer reticulation network of the proposed development to comply with the minimum specification as given in the "Red Book - Guidelines for Human Settlement Planning and Design" and the municipal standards from Cederberg Municipality.

**c) Stormwater Management:**

An underground piped stormwater system will be provided to accommodate for the minor storm events (upto RI 1: 5 years). The major storm events will be accommodated within the street reserves. Stormwaterrun-off will be channeled to the existing Jan Dissels River flowing to the east of the proposed development.

**d) Roads**

Access to the proposed development will be provided from the existing Bloekom Avenue, south of theproposed development, Denne and Buitekant Street to the west and from Oranje, Protea and ViooltjieStreets to the north. The internal roads will consist of surfaced streets.

**e) Solid waste**

Refuse removal will occur on refuse collection days as per the schedule of Cederberg Municipality.Accommodation for their vehicles will be ensured and be in line with the municipality's relevantrequirements.

## 5.4 Desirability

Desirability from a planning viewpoint is described as the degree of acceptability of the development of land for a particular purpose. The development proposal is viewed as desirable for the reasons as set out below:

Socio-Economic

Clanwilliam has been experiencing severe influx over the past years from destitute foreign immigrants and local migrants. The influx can be ascribed to work opportunities in the construction sector (Clanwilliam dam) and seasonal farm workers, leading to the development of informal settlements with no formal access to basic services. Providing formalised areas will not only greatly improve living conditions but also foster a sense of dignity and pride in its residents. In addition, the provision of formalised areas offers a long-term, sustainable solution to the escalating challenges posed by growing informal

settlements. The development is thoughtfully designed to incorporate functional open spaces that leverage natural features for community use, while also providing critical socio-economic amenities such as churches, crèches and commercial erven. Additionally, the inclusion of a public transport route will improve mobility, ensuring that residents can easily access key services and opportunities in the surrounding area. In conclusion, this development promises to deliver long-term socio-economic benefits, contributing to the creation of a sustainable and integrated community.

Compatibility with surrounding land uses

The proposed development consisting of mainly residential erven as well as supporting social amenities will seamlessly integrate with the existing surrounding residential neighbourhoods, hence providing the ideal opportunity for strategic infill development within the urban edge of Clanwilliam. Additionally, the layout provides a well-planned and formalised settlement.

Impact on municipal engineering services

Given the location of the proposed development, services and infrastructure are in close proximity. This facilitates easy and cost-effective linkage with existing networks. As highlighted in the specialist reports prepared by GLS Consulting (Pty) Ltd and UDS Africa Consulting Engineers, while some upgrades will be necessary to support the proposed development, the proximity to established infrastructure significantly enhances the feasibility and efficiency of these upgrades.

Densification

The development site is located within the demarcated urban edge of Clanwilliam. The development proposal is consistent with Council's approach towards densification, as informed by the directives of national and provincial government, where the objective is to increase the densities of urban areas.

Biophysical Environment

As mentioned previously, the development area does not overlap any Critical Biodiversity Areas. Nonetheless, the development proposal triggers the National Environmental Management Act 107 of 1998 and consequently Enviro-EAP has been appointed to obtain environmental authorisation for the development proposal. A Basic Assessment Report has been submitted to the Department of Environmental Affairs and Development Planning (DEADP) and the ROD will be provided to Cederberg Municipality, upon receipt thereof.

Traffic impact

As mentioned previously, UDS Consulting Engineers undertook a Traffic Impact Assessment for the proposed development. The following conclusions were made:

- The subject development areas are currently accessible via the residential streets leading to/from Ou Kaapse Way. Several additional and/or upgraded access points from/to the existing public road network are proposed for the future.
- Traffic counts were conducted at 9 intersections in the vicinity of the proposed development areas on Thursday, 14 March 2024 during the AM (06:00 to 09:00) and PM (15:30 to 18:30) peak periods.
- The proposed development has the potential to generate 523 AM peak hour trips (193 in, 330 out) and 471 PM peak hour trips (289 in, 182 out). These trips were distributed to/from the main streets intersecting Ou Kaapse Way.
- Traffic analyses were performed for the most traversed sections of Graafwater Way, Main Road and Ou Kaapse Way as well as the three intersections with the highest total expected 2029 peak hour traffic volumes (Graafwater Way/Main Road, Ou Kaapse Way/Voortrekker Street/Denne Street, and Ou Kaapse Way/De Villiers Street/Bloekom Street). No upgrades are considered necessary to accommodate the total expected 2029 peak hour traffic. Nonetheless, mention is made of the potential benefits of the planned bypass road from the entrance of the town (Graafwater Way) to the industrial area (i.e. bypassing Main Road and most of the northern section of Ou Kaapse Way), which was identified as a need in the Cederberg Municipality Local Integrated Transport Plan 2020– 2025.
- For the new proposed local streets in the development areas, a road reserve of 10 m (typical for Class 5B local residential streets) is proposed for the residential areas, while 16 m (typical for Class 5B local commercial streets with on-street parking) is proposed for the main roads in Development Area 1 and Development Area 3.
- The development areas' new/upgraded intersections are to be sign-controlled (i.e. stop or yield).
- Further elements of the new streets, such as cross sections, right of way, kerb radii and sight distances are expected to be specified in the final road designs and will require separate assessment and approval based on the applicable standards.
- Based on the information received, refuse removal will be carried out by the municipality via kerbside collection, as is current practice in the surrounding area.
- The future parking layouts are expected to be addressed during each erf's building plan application process and should comply with the requirements set out in the latest Due to its unpractical location, Clanwilliam's existing formal minibus taxi rank (situated on the corner of Mark Street and Visser Street) is not in use at present. Instead, minibus

taxis operate from the front of Spar on Main Road. The relocation of Clanwilliam's rank has been identified as a prioritised project in the municipality's transport plan, and a new site has been proposed along the eastern side of Ou Kaapse Way opposite Rooitee Street. Appropriate taxi/bus stops and turning facilities need to be provided where applicable.

- Sidewalks of at least 1.5 m should be provided inside the road reserves of the new main streets to tie in with the existing and planned pedestrian facilities and/or routes.
- Further formal public- or non-motorised transport facilities are not deemed necessary for the proposed development areas.

The consultants recommended that the proposed development can be supported from a traffic impact perspective.

Heritage

It appears to be unlikely that the development areas is of any heritage significance or that the proposed development will have a significant impact on existing heritage resources in the surrounding area. However, Heritage Western Cape, in their letter dated 16 July 2024, stated that "*since there is reason to believe that the proposed subdivision and rezoning to allow for mixed-use development on Erf 279, Clanwilliam will impact on heritage resources, HWC requires that a Heritage Impact Assessment (HIA)* that satisfies the provisions of Section 38(3) of the NHRA be submitted". CTS Heritage has been appointed to ascertain potential impacts, if any.

Constraints

There are no restrictive conditions in the title deed that would hinder the proposed development, and the existing servitudes will remain unaffected. The site presents minimal constraints, all of which can be effectively incorporated into the layout. Furthermore, the geotechnical conditions are favourable, the topography is manageable, and no significant environmental constraints are present. These factors make the site an ideal and suitable location for the proposed development.

# 6 COMPLIANCE WITH LEGISLATION AND POLICY FRAMEWORKS

### 6.1.1 Spatial Planning and Land Use Management Act 16 of 2013

Spatial Planning and Land Use Management Act (No. 16 of 2013) has been instituted to guide land use and spatial planning in South Africa repealing the previous Land Use Planning Ordinance 15 of 1985, Western Cape.

SPLUMA's primary aim is to provide national, provincial and municipal spheres of government with a framework relating to the establishment of policies and systems relating to planning and land use management. These policies must embrace the following principles:

- Spatial Justice
- Spatial Sustainability
- Efficiency
- Spatial Resilience
- Good Administration

The development principles, as mentioned above, must be considered when evaluating any land use application:

| Principle | Development Proposal |
|---|---|
| **1. Spatial justice** | The proposal is regarded as being consistent with the objectives of the Cederberg Spatial Development Framework as it promotes the principle of densification within the urban edge of Clanwilliam. The application aims to address historical inequalities by providing access to land for previously disadvantaged communities, enhancing its value through the introduction of basic services and amenities. Providing a formalised area will not only improve the living conditions but also provide a sense of dignity and pride in the residents. |

| | |
|---|---|
| **2. Spatial sustainability** | Development proposals are only viewed as being sustainable when they are ecologically justifiable, socially equitable and economically viable. Environmental consideration, and in particular impacts on all aspects of the environment and all people in the area, will be applied to ensure sustainable functional development. The proposal effectively seeks to organise and formalise already developed land, while ensuring that sensitive ecological areas and arable farmland are not disturbed in the process. |
| **3. Efficiency** | This proposal will effectively result in a formalised, structured community. By doing so, it will bring stability, essential services, and long-term benefits to the area, creating a more organised and dignified living environment for its residents. In addition, the proximity to the existing urban area ensures seamless integration with established infrastructure, making it easier to provide services. The proposed development further contributes to achieving the desired densification targets for Clanwilliam. |
| **4. Good administration** | The processing of the application and decision-making procedures will be administered by Cederberg Municipality in accordance with their Land Use Planning By-law and relevant policy frameworks. All interested and affected parties will be provided an opportunity to comment on this application. |
| **5. Spatial resilience** | The principle of spatial resilience allows more flexibility in spatial plans, policies and land use systems. The proposal seeks to create a more resilient community by providing quality access and services which will improve the livelihoods of the inhabitants and make them less vulnerable to the challenges brought about by the climate and the availability of natural resources. |

*Table 3: SPLUMA and LUPA development principles*

## 6.2 National Environmental Management Act 107 of 1998

As mentioned previously, the development area does not overlap any Critical Biodiversity Areas. Nonetheless, the development proposal triggers the National Environmental Management Act 107 of 1998 and consequently Enviro-EAP has been appointed to obtain environmental authorisation for the development proposal. A Basic Assessment Report has been submitted to the Department of Environmental Affairs and Development Planning (DEADP) and the ROD will be provided to Cederberg Municipality, upon receipt thereof.

## 6.3 Provincial Spatial Development Framework, 2014

The Western Cape Spatial Development Framework (PSDF) was approved by the executive authority in 2014 and endorsed by the Provincial Cabinet to replace the previous PSDF. The Western Cape PSDF has been framed to take forward the National Development Plan's spatial agenda, as well to give effect to the Provincial Strategic Objectives, including the One Cape 2040 initiative, the Western Cape Infrastructure Framework (WCIF) and the Western Cape Provincial Land Transport Framework (PLTF).

The PSDF's policy framework covers provincial spatial planning's three interrelated themes, namely (1) Sustainable use of the Western Cape's spatial assets, (2) Opening-up opportunities in the Provincial space-economy, and **(3) Developing integrated and sustainable settlements.**

The Western Cape Spatial Development Framework points out that the average densities of cities and towns in the Western Cape is low by international standards, in spite of policies to support mixed-use and integration. Furthermore, the PSDF states that there is clear evidence that urban sprawl and low densities contribute to unproductive and inefficient settlements as well as increase the costs of municipal and Provincial service delivery.

The PSDF further indicates that a lack of integration, compaction and densification in urban areas in the Western Cape has serious negative consequences for municipal finances, for household livelihoods, for the environment, and the economy. The PSDF suggests that in order to move towards a more sustainable future for the Province it is important that settlement planning and infrastructure investment achieves:

- higher densities
- a shift from a suburban to urban development model
- more compact settlement footprints to miminise environmental impacts, reduce the costs and time impacts of travel and enhance Provincial and Municipal

financial sustainability in relation to the provision and maintenance of infrastructure, facilities and services.

- address apartheid spatial legacies by targeting investment in areas of high population concentration and socioeconomic exclusion.

It is further mentioned that, prioritising a more compact urban form through investment and development decisions, settlements in the Western Cape can become more inclusionary, widening the range of opportunities for all.

Reference is made to **"Policy S3: Promote Compact, Mixed Use and Integrated Settlements"**. This is one of the policies proposed by the PSDF with particular emphasis on developing integrated and sustainable settlements. According to the PSDF this policy can be achieved by doing the following:

1. Target existing economic nodes (e.g. CBDs, township centres, modal interchanges, vacant and under-utilised strategically located public land parcels, fishing harbours, public squares and markets, etc) as levers for the regeneration and revitalisation of settlements.
2. Promote functional integration and mixed-use as a key component of achieving improved levels of settlement liveability and counter apartheid spatial patterns and decentralization through densification and infill development.
3. Locate and package integrated land development packages, infrastructure and services as critical inputs to business establishment and expansion in places that capture efficiencies associated with agglomeration.
4. Prioritise rural development investment based on the economic role and function of settlements in rural areas, acknowledging that agriculture, fishing, mining and tourism remain important economic underpinnings of rural settlements.
5. Respond to the logic of formal and informal markets in such a way as to retain the flexibility required by the poor and enable settlement and land use patterns that support informal livelihood opportunities rather than undermine them.
6. Delineate Integration Zones within settlements within which there are opportunities for spatially targeting public intervention to promote more inclusive, efficient and sustainable forms of urban development.
7. Continue to deliver public investment to meet basic needs in all settlements, with ward level priorities informed by the Department of Social Development's human development indices.
8. Municipal SDFs to include growth management tools to achieve SPLUMA's spatial principles. These could include a densification strategy and targets appropriate to the

settlement context; an urban edge to protect agricultural land of high potential and contain settlement footprints; and a set of development incentives to promote integration, higher densities and appropriate development typologies.

Based on the above, the development proposal is deemed to be consistent with the Provincial Spatial Development Framework (PSDF, 2014).

## 6.4 Cederberg Municipal Spatial Development Framework (2023-2027)

The Cederberg Municipal Spatial Development Framework provides the planning guidelines that guide forward planning and development in Clanwilliam and the Cederberg Municipal Area as a whole.

Broad overarching objectives of the MSDF, informed by the strategic objectives of the IDP include; densification within the urban edge and protecting the place identity and town character are all supported by this development proposal. The spatial objectives of the SDF translate into certain development proposals for all the Cederberg towns. Clanwilliam is identified as a sub-regional node and its functions, within the Cederberg region, includes being the main administrative town, agricultural service and commercial centre, cultural history, tourism and light industrial (Rooibos tea, leather shoes).

Considering that the development area is located within the urban edge of Clanwilliam, there are proposals at settlement level. With reference to the Spatial Proposal Map for Clanwilliam, the development area is located within Zone I. This zone is "*earmarked for proposed mixed use development with supporting institutional and commercial uses such as a correctional services facility (juvenile detention centre) and a cemetery site the zone is also home to the Khayelitsha informal settlement. Infill medium density residential expansion is proposed along the DR 2183/ R539, with cemetery site. Allow for expansion of the cemetery site. This Zone also includes a secondary business node along Park Street and development should be sensitive to furrows within this zone*".

With reference to the land use zone table, the Cederberg Spatial Development Framework provides additional support for the establishment of a wide range of land uses within this designated zone. This, in turn, highlights the support for creating sustainable, livable and compact settlements (as proposed in this application). By doing so, the development supports the creation of an integrated residential development, with supporting amenities. Refer to the below extract from the land use zone table for Clanwilliam.

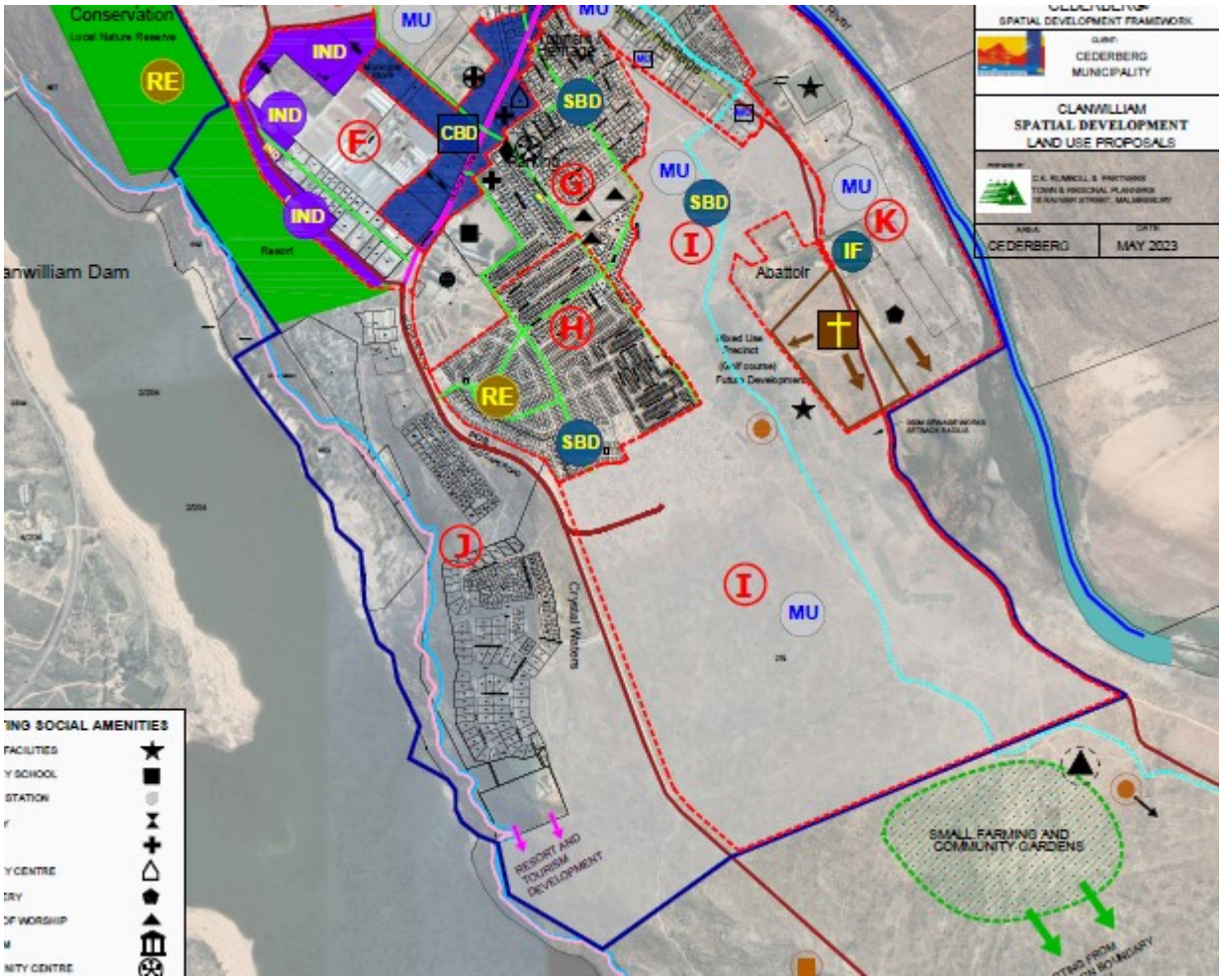



*Figure 3: Extract from Clanwilliam Land Use Zone Map, May 2023*

| CLANWILLIAM LAND USE ZONES | | Low Density Residential | Medium Density Residential | High Density Residential | Place of Education | Professional Services | Business | Secondary Business | Place of Worship | Guest houses/Lodge | Authority | Sport/Recreational Facilities | Light Industrial / Service Trade & Industries | Institution |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| I | Zone I is earmarked for proposed mixed use development with supporting institutional and commercial uses such as a correctional services facility (juvenile detention centre) and a cemetery site the zone is also home to the Khayelitsha informal settlement. Infill medium density residential expansion is proposed along the DR 2183/ R539, with cemetery site. Allow for | X | X | X | X | X | X | X | X | X | X | X | X | X |

Considering the above, the development proposal is deemed to be consistent with the Cederberg Municipal Spatial Development Framework (2023-2027).

### 6.5 Cederberg Municipality Zoning Scheme By-law

The development proposal includes the creation of 468 usable erven. Use and development of these land units will remain subject to the Zoning Scheme By-Law.

## 7 CONCLUSION

In view of the foregoing motivation report, it is therefore clear that the application for:

a) **Rezoning** of Erf 279 Clanwilliam in terms of **Section 15(2)(a) of the Cederberg Municipality Land Use Planning By-Law (PG 8062 of 15 March 2019)** from Rural Community Zone to Subdivisional Area Zone in order to accomodate the following zoning categories:

   i. Single Residential Zone II
   ii. Local Business Zone II
   iii. Community Zone I
   iv. Community Zone II
   v. Open Space Zone I
   vi. Transport Zone II
   vii. Rural Community Zone

b) **Subdivision** of Erf 279 Clanwilliam in accordance with **Section 15(2)(d) of the Cederberg Municipality Land Use Planning By-Law (PG 8062 of 15 March 2019)**, to create 2 portions, namely: Portion A (±19.7680Ha in extent) and Remainder Erf 279 Clanwilliam as well as the further subdivision of Portion A, as set forth below:

   Portion A:

   i. 463 Single Residential Zone II erven
   ii. 1 Local Business Zone II erf
   iii. 2 Community Zone I erven
   iv. 2 Community Zone II erf
   v. 3 Open Space Zone I erven
   vi. Transport Zone II erven

Is considered desirable and is therefore submitted for your favourable consideration.

*Compiled by Mornay Herling*

***for CK RUMBOLL & PARTNERS***