

## Motivational Memorandum

# Sinethemba Phase 1 Land Use Application

Application and motivational memorandum  
for the Sinethemba Phase 1 Land Use  
Application

Reference: 113408  
Revision:2

Submission date: 2024/07/12

# Document control record

**Document prepared by:**

Zutari (Pty) Ltd  
Reg No 1977/003711/07  
Suite 201  
2nd Floor  
Bloemhof Building  
65 York Street  
George  
South Africa  
PO Box 509  
George  
6530  
Docex: DX42

**T** +27 44 874 2165  
**F** +27 44 873 5843  
**E** [george@zutari.com](mailto:george@zutari.com)

A person using Zutari documents or data accepts the risk of:

- Using the documents or data in electronic form without requesting and checking them for accuracy against the original hard copy version.
- Using the documents or data for any purpose not agreed to in writing by Zutari.

Document control						
Report title		Application and motivational memorandum for the Sinethemba Phase 1 Land Use Application				
Document code			Project number		113408	
Client		Mossel Bay Municipality				
Client contact		Jaco Roux	Client reference			
Rev	Date	Revision details/status	Author	Reviewer	Verifier (if required)	Approver
0	2021-03-01		MvE	RS		RS
1	2022-08-31		WGD	RS		RS
2	2024-07-11	Phase 1	WGD	RS		RS
Current revision		0				

Approval			
Author signature		Approver signature	
Name	Willem Davel	Name	Rudolf Schroder
Title	Professional Planner	Title	Integrated Human Settlement Consultant

# Contents

<b>1</b>	<b>Introduction.....</b>	<b>4</b>
1.1	Background .....	4
1.2	Purpose of the Application .....	4
1.3	Applicant.....	4
<b>2</b>	<b>Application for exemption .....</b>	<b>5</b>
<b>3</b>	<b>Land development application.....</b>	<b>6</b>
3.1	Pre-application.....	6
3.2	Land development application/s.....	6
3.3	Property Information and ownership .....	6
3.4	Title deed and restrictions .....	7
3.5	Mineral rights .....	7
3.6	Location and Accessibility .....	7
3.7	Application detail .....	8
3.7.1	Subdivision .....	8
3.7.2	Rezoning and subdivision .....	10
<b>4</b>	<b>The Development Proposal and contextual analysis .....</b>	<b>13</b>
4.1	Introduction .....	13
4.1.1	Vision .....	13
4.1.2	Concept .....	13
4.2	Layout Plan.....	18
4.3	Engineering Services.....	18
4.3.1	Bulk services .....	19
4.3.2	Internal services .....	21
4.3.3	Standard of services to be provided.....	21
4.4	Motivation .....	21
4.5	Legislative Context .....	21
4.5.1	By-Law on Municipal Land Use Planning (2021) .....	21
4.5.2	National Environmental Management Act (Act 107 of 1998) .....	21
4.5.3	The subdivision of Agricultural Land Act, 1970 .....	22
4.5.4	The Spatial Planning and Land Use Management Act, 2013 .....	22
4.5.5	Consistency with Spatial Policy Directives .....	24
4.6	Need & Desirability .....	24
4.6.1	Need .....	24
4.6.2	Desirability .....	25
<b>5</b>	<b>Conclusion .....</b>	<b>25</b>

## Appendices

Appendix A – Pre-Application notes

Appendix B – Title Deeds

Appendix C – SG Diagrams

Appendix D – EIA application and NID

Appendix E – Layout plan

Appendix F – Consolidation plan

Appendix G – Servitude plan

## Figures

Figure 1: Sinethemba Phase 1 Locality Map

Figure 2: Subdivision of the Remainder of Ptn 249 of the farm Vyf-Brakke-Fontein 220

Figure 3: Layout Plan for Sinethemba Phase 1

Figure 4: Vehicular movement system

Figure 5: Example of 10 metre Road Reserve

Figure 6: Public Open Space Network

Figure 7: Example 3D Visualisation of communal gardens

Figure 8: Example 3D Visualisation of communal gardens

Figure 9: Community Facilities

Figure 10: Mobile Clinic Route and Stops

Figure 11: Proposed Residential Layout

## Tables

Table 1: Summary of property information

Table 2: Proposed subdivision of the subject property into smaller erven

Table 3: Proposed land uses in Sinethemba Phase 1

# 1 Introduction

## 1.1 Background

After completing the Participatory Based Planning Support for Informal Settlement Upgrading in Mossel Bay Local Municipality in 2016, Zutari was appointed by Mossel Bay Municipality to complete the relevant statutory planning processes in order to formalise the sites which formed part of this study.

Mossel Bay has experienced fast growth for the past decade and a half. This growth is especially visible in the Kwanonqaba Township within the Mossel Bay Municipal area. The erven that form part of this application, specifically fall within the Kwanonqaba area. The high growth has meant that residents have settled on land within the Kwanonqaba Township which was not originally planned for residential purposes. Various pockets of open land within this area have been transformed into informal settlements. Through the Upgrading of Informal settlements Programme (UISP), the Mossel Bay Municipality is addressing this issue through formalising the informal settlements by providing fully serviced sites to the residents that live in the informal settlements.

In April 2018 an application was lodged for the Sinethemba/Sewendelaan settlement/s and the formalisation thereof. The application/s went through certain public participation process already. However, the project for the larger areas has been terminated or was put on hold.

It was however decided that an open and fenced-out portion of the land in the Sinethemba area, should be initiated as the first phase and possible serving as relocation area.

This document therefore serves to seek approval from the Mossel Bay Municipality for the proposed upgrading as it pertains to the **first phase (Phase 1) of the Sinethemba Informal Settlements**.

The details of the proposed development application, as well as the supporting documents are contained herein. Furthermore, the aim of this Land Use Planning Application is to analyse the relevant legislation and development policies within the municipal area to ensure that the proposed settlement upgrading does not contradict any current municipal plans or future development strategies. Moreover, compliance to the relevant municipal land use management plans will further ensure that the proposed development will not have any negative impacts on the current land uses in the area, natural environment or character of the area.

## 1.2 Purpose of the Application

The purpose of this application and motivational report is to apply for land use rights in terms of provisions of the Mossel Bay Municipality By-law Municipal Land Use Planning, 2021 on a portion of the Remainder of Portion 249 of the farm Vyf-Brakke-Fontein 220 Division of Mossel Bay for the establishment of a residential development proposed within Kwanonqaba Township.

This forms part of the Mossel Bay Upgrading of Informal Settlements Programme (UISP). Specific details regarding the properties in question, the development proposal and motivation evaluating the desirability of the abovementioned proposal is discussed in more detail in this report.

Furthermore, as part of this application and because of the processes already conducted since 2018, the Municipality will also be requested to seek exemption from the Minister to deviate from certain procedures as provided in the act and the municipality's by-law.

## 1.3 Applicant

Zutari (Pty) Ltd an Africa-based consulting, engineering, management, and specialist technical services firm, has been appointed by Mossel Bay Municipality to obtain the necessary land use approvals in terms of the Mossel Bay Municipality by-law on Municipal Land Use Planning as published in the Province of the Western

Cape: Provincial Gazette Extraordinary of 18 November 2021 (Notice 8520 of 2021) for the Mossel Bay Upgrading of Informal Settlements Programme (UISP).

The initial appointment included the submission of land use application for Sewendelaan and Sinethemba. The erf sizes of the initial submission were 120 sqm. Due to the expansion of the informal settlements in Mossel Bay, the initial layouts planned on the available land earmarked for development as part of the UISP could not accommodate the increased number of households living in the informal settlements and the Municipality therefore took a decision to densify the layouts.

The municipality requested that the layouts be amended to change the erf sizes from 120 sqm to approximately 80 sqm to accommodate the additional households in the informal settlements.

Furthermore, the settlement upgrade will firstly focus on Phase 1 with the upgrading of only a part of the settlement.

Thus, a new application is herewith submitted for assessment and approval by the municipality.

## 2 Application for exemption

An application for exemption in terms of Section 64(1)(a)(ii) and (iii) of the **Mossel Bay Municipality By-law Municipal Land Use Planning, 2021** read with provisions of Section 60(1)(c) of the Western Cape Land Use Planning Act, 2014, is made for:

- a) Exemption to publish notices as contemplated in section 45(1)(a) and (b) read with section and 46 of the by-law (supra) for the following:
  - i. Serving of notices contemplated in section 46(2)(c) and (d), i.e. on persons whose light or legitimate expectation will be affected; owners of land adjoining the land concerned
  - ii. Other methods of public notice contemplated in section 48(2)(b), (c), (d) and (f), i.e. convening of a meeting informing members of the public of the application; broadcasting information regarding the application; holding an open day public meeting, and obtaining letters of consent or objection

The reason for this request is firstly based on the fact that a similar application for the larger Sinethemba/Sewendelaan area already went through certain Public Participation Processes in 2018.

Secondly, the proposed Phase 1 Sinethemba is part of the upgrading of informal settlement programme of government and intended for subsidised housing development. The exemption will reduce the financial burden on government and administrative burden of further extensive public participation processes.

The applicant proposes that the following essential processes of public notification still be undertaken contemplated in section 45, especially because of the time lapse between 2018 and 2024, namely:

- a) Notices in terms of section 45(2) (a), i.e. publishing a notice in a local newspaper
- b) Notices in terms of section 45(2)(b), i.e. posting a notice on site; and
- c) Notices in terms of section 45(2)(c), i.e. publishing a notice on the municipal website

The applicant further proposes that comments from the Ward Councillor and external departments on the revised Sinethemba Phase 1 application also be obtained.

## 3 Land development application

### 3.1 Pre-application

A pre-application in terms of provisions of Section 37 of the Mossel Bay Municipality By-law Municipal Land Use Planning, 2021 was submitted on 4 April 2024 whereafter a pre-consultation meeting was held on 30 April 2024 (See **Appendix A** for minutes of the meeting).

### 3.2 Land development application/s

The purpose of this application is for the formalisation of a part of the Sinethemba/Sewendelaan informal settlement as part of the Mossel Bay Upgrading of Informal Settlements Programme (UISP).

This application is therefore for the first phase of the formalisation in a portion of the land which is vacant and suitable for re-location.

Specific details regarding the properties in question, the development proposal and motivation evaluating the desirability of the abovementioned proposal is discussed in more detail in this report.

This land development application is therefore lodged in terms of Sections 15(2)(a) and (d) and of the Mossel Bay By-law on Municipal Land Use Planning, 2021 for the establishment of an integrated human settlement on a portion of the Remainder of Portion 249 of the farm Vyf-Brakke-Fontein no. 220, Registration Division Mossel Bay, Western Cape Province.

The application includes seeking the municipality's approval for the following land use rights in terms of provisions of the **Mossel Bay Municipality By-law Municipal Land Use Planning, 2021** on a portion of the Remainder of Portion 249 of the farm Vyf-Brakke-Fontein 220 Division of Mossel Bay, namely:

- a) Subdivision of Portion 249 of the farm Vyf-Brakke-Fontein 220 into two portions in terms of Section 15(2)(d) read together with Section 20 of the by-law (*supra*), namely Portion A and the Remainder of the farm
- b) Rezoning to a "Subdivisional area" of the subdivided portion in terms of Section 15(2)(a) read together with Section 17 of the by-law (*supra*); simultaneously with
- c) Subdivision of the Subdivisional Area in terms of Section 15(2)(d) read together with Section 20 of the by-law (*supra*) as follows:
  - 194 Residential Zone II erven;
  - 8 Open Space Zone II erven; and
  - 1 Transport Zone II (Public Street).

### 3.3 Property Information and ownership

The site of application referred to as Sinethemba/Sewendelaan Phase 1 is located on a portion of the Remainder of Portion 249 of the farm Vyf-Brakke-Fontein 220 Division of Mossel Bay, Western Cape Province.

Refer to Table 1 below for a summary of the property details.

**Table 1: Summary of property information**

Property Details	
Property description	Remainder of Portion 249 of Farm Vyf-Brakke-Fontein No. 220, Mossel Bay Registration Division
Registered Division	Mossel Bay
Extent	29.8791ha

Registered Details	
Registered Description	Remainder of Portion 249 of the farm Vyf-Brakke-Fonteinien Number 220 in the Mossel Bay Municipality, in the Division of Mossel Bay, Province of the Western Cape
Title Deed No.	T000042449/2020
Registered Owner	Mossel Bay Municipality
Surveyor General Diagram / General Plan No.	3299/1997
Current Zoning	Agriculture Zone I
Current Land Use	Informal settlement (area of subject property/proposed Phase 1 is vacant)

### 3.4 Title deed and restrictions

There are no restrictive title conditions registered against the property and Title Deed T000042449/2020. A copy of the Title Deed is attached hereto as **Appendix B**.

A Deeds Report/Conveyancer's Certificate by a Conveyancing Attorney in respect of the Remainder of Portion 249 of the farm Vyf-Brakke-Fonteinien No. 220 in the Municipality and Division of Mossel Bay Western Cape Province is attached hereto as **Appendix C**.

The original Surveyor General Diagramme is also attached hereto as **Appendix D**.

### 3.5 Mineral rights

All mineral rights are reserved in favour of the State as contained in new legislation.

This land development application is therefore exempted from obtaining permission from the mineral rights holders, as no mineral rights have been reserved in the relevant title deed or in any other manner in respect of any specific legal entity/person other than the State.

Although the application will be/has been referred to the Department of Mineral Resources for their comments, this issue needs no further attention in this application.

### 3.6 Location and Accessibility

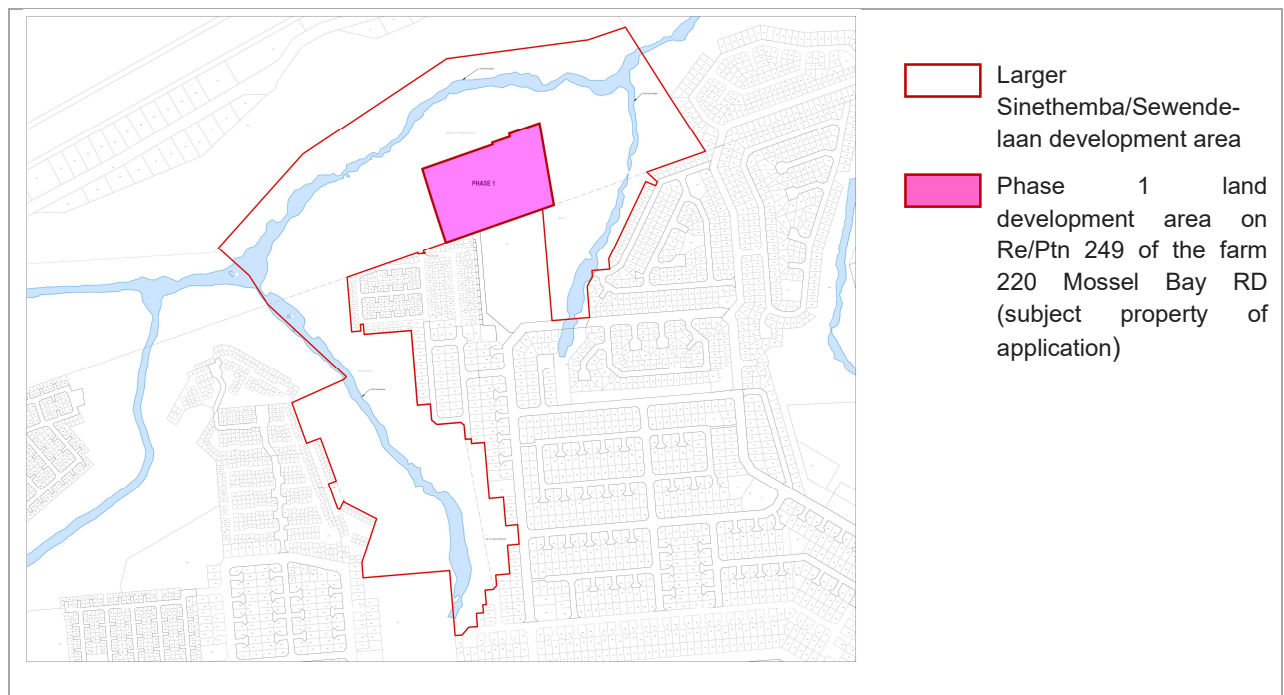
The proposed settlement is located approximately 5.7km west of Mossel Bay CBD on the outskirts of Kwanonqaba township. Furthermore, the settlement is accessible from Mayekiso Street via Thembelihle Avenue. (See **Appendix E** for Locality Map)

A large portion of the Sinethemba land is currently being occupied, but the area where Phase 1 (subject property of this land development application) is located, still lies vacant and will be a green fields development.

Figure 1 provides a detailed depiction of the site of application's location (Also refer to **Appendix H** for more detail).



**Figure 1: Sinethemba Phase 1 Locality Map**



A significant portion of Sewendelaan and Sinethemba is characterised by moderate to steep slopes and in some areas the slopes exceed the 1:4 gradient which is the maximum allowable gradient at which development of this nature should occur.

The Mossel Bay River flows through portions of the larger proposed development area but does not affect Phase 1 site though.

## 3.7 Application detail

The land development application is for an integrated human settlement for 202 erven and includes:

### 3.7.1 Subdivision

The **subdivision** of Portion 249 of the farm Vyf-Brakke-Fontein 220 Division of Mossel Bay in terms of **Section 15(2)(d)** read together with **Section 20** of the Mossel Bay By-law on Municipal Land Use Planning, 2021.

Therefore, the subdivision of the Remainder of Ptn. 249 of the farm Vyf-Brakke-Fontein no. 220 in terms of Section 15(2)(d) into Portion A and the Remainder is reflected in **Appendices F.1** and **F.2** attached hereto and also depicted in **Error! Reference source not found.** herein.

The subject property will be divided as follows:

- **Portion A** (a portion of the Remainder of Ptn 249) of the farm Vyf-Brakke-Fontein 220 in extent of **2.6280ha** and rezoned to a Subdivisional Area.
- The **Remainder** of Ptn 249 of the farm Vyf-Brakke-Fontein 220, in extent of **26.9619ha**; and

Figure 2: Subdivision of the Remainder of Ptn 249 of the farm Vyf-Brakke-Fontein 220



### 3.7.2 Rezoning and subdivision

The **rezoning** of the subject property in terms of **Section 15(2)(a)** read together with **Sections 17** of the Mossel Bay By-law on Municipal Land Use Planning, 2021, from “Agricultural Zone I” to a “Subdivisional Area” for purpose of the proposed Sinethemba/Sewendelaan Phase 1 township.

The further **subdivision** of the proposed Portion A (subdivisional area) in terms of **Section 15(2)(d)** read together with **Section 20** of the Mossel Bay By-law on Municipal Land Use Planning, 2021 into the following uses:

- 194 Residential Zone II erven;
- 8 Open Space I erven; and
- 1 Transport Zone II (Public Street) erf.

The detail of the further subdivisions is set out in Table 2.

The land uses are further depicted in the Layout Plan in Figure 3 (also **Appendix G**) and Table 3.

**Table 2: Proposed subdivision of the subject property into smaller erven**

Erf No	Area (m <sup>2</sup> )	Erf No	Area (m <sup>2</sup> )	Erf No	Area (m <sup>2</sup> )	Erf No	Area (m <sup>2</sup> )	Erf No	Area (m <sup>2</sup> )	Erf No	Area (m <sup>2</sup> )
1	99.6	36	80.18	71	80	106	84	141	84.4	176	81.7
2	82.2	37	80.18	72	80	107	84	142	84.4	177	81.6
3	82.2	38	80.18	73	83	108	81.6	143	81.6	178	81.6
4	82.2	39	86.4	74	80	109	81.6	144	81.6	179	81.7
5	82.2	40	83.3	75	83	110	84	145	84.4	180	81.7
6	82.2	41	80.18	76	104.7	111	84	146	84.4	181	81.7
7	82.2	42	80.18	77	86	112	84	147	84.4	182	81.7
8	82.2	43	80.18	78	88	113	84	148	84.4	183	81.7
9	82.2	44	80.18	79	86	114	84	149	84.4	184	81.7
10	82.2	45	81.6	80	104.7	115	84	150	84.4	185	81.7
11	82.2	46	80	81	81.8	116	84	151	84.4	186	81.7
12	82.2	47	79.6	82	77.4	117	84	152	84.4	187	81.7
13	82.2	48	79.6	83	77.4	118	84	153	84.4	188	81.7
14	82.2	49	79.6	84	77.4	119	84	154	84.4	189	81.7
15	86.9	50	79.6	85	80.1	120	84	155	84.4	190	81.7
16	88	51	81.1	86	76.2	121	84	156	84.4	191	81.7
17	89.6	52	78	87	77.4	122	84	157	84.4	192	81.7
18	89.6	53	79.6	88	77.4	123	84	158	84.4	193	81.7
19	89.6	54	79.6	89	77.4	124	84	159	84.4	194	92.7
20	89.6	55	79.6	90	81.8	125	84	160	106.1	195	49.2
21	88.7	56	79.6	91	97.7	126	79.8	161	110.7	196	64.1
22	81.6	57	80	92	84	127	124.1	162	81.7	197	64.1
23	80.18	58	91.3	93	84	128	84.4	163	81.7	198	64.1
24	80.18	59	97	94	84	129	84.4	164	81.7	199	49.5
25	80.18	60	80	95	84	130	84.4	165	81.7	200	63.2
26	80.18	61	83	96	84	131	84.4	166	81.7	201	63.3
27	95.4	62	83	97	84	132	84.4	167	81.7	202	63.3
28	92.3	63	80	98	84	133	84.4	168	81.7	203	10259.7
29	80.18	64	80	99	84	134	84.4	169	81.7		

Erf No	Area (m <sup>2</sup> )	Erf No	Area (m <sup>2</sup> )	Erf No	Area (m <sup>2</sup> )	Erf No	Area (m <sup>2</sup> )	Erf No	Area (m <sup>2</sup> )	Erf No	Area (m <sup>2</sup> )
30	80.18	65	83	100	84	135	84.4	170	81.7		
31	80.18	66	83	101	84	136	84.4	171	81.7		
32	80.18	67	80	102	84	137	84.4	172	81.7		
33	81.6	68	80	103	84	138	84.4	173	81.7		
34	81.6	69	83	104	84	139	84.4	174	81.7		
35	80.18	70	83	105	84	140	84.4	175	81.7		
<b>TOTAL (m<sup>2</sup>)</b>										<b>26971</b>	

**Table 3: Proposed land uses in Sinethemba Phase 1**




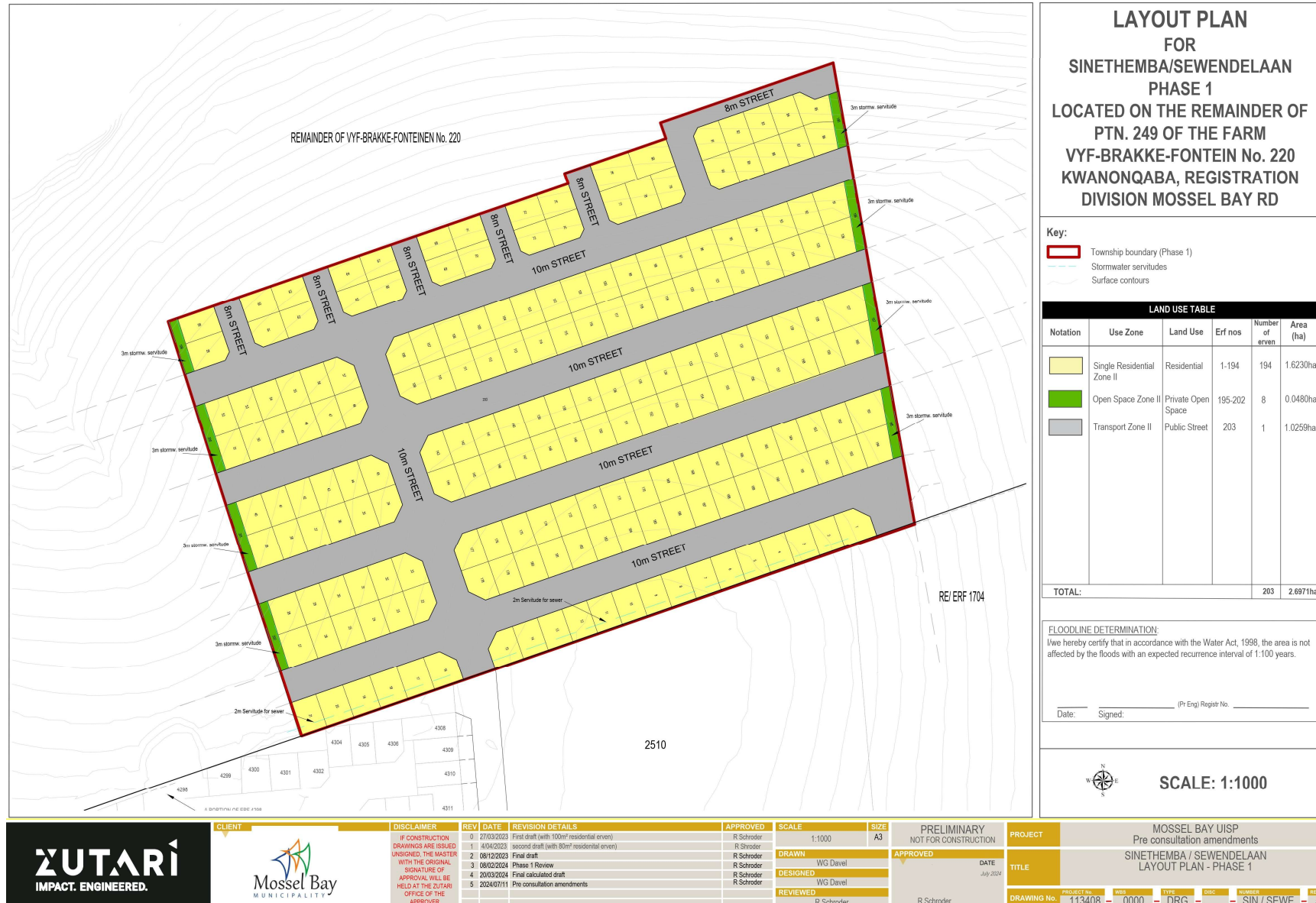
Notation	Use Zone	Land Use	Erf no's	Number of erven	Area (ha)
	Single Residential Zoned II	Residential	1-194	44	1.6230
	Open Space Zone II	Private Open Space	195-202	8	0.0480
	Transport Zone II	Public Street	203	1	1.0259
<b>TOTAL</b>				<b>203</b>	<b>2.6971</b>

Figure 3: Layout Plan for Sinethemba Phase 1



## 4 The Development Proposal and contextual analysis

### 4.1 Introduction

This section of the report describes the vision for this development and the concept development elements considered in order to prepare the layout plan.

#### 4.1.1 Vision

It is the vision of the Mossel Bay UISP project to provide better living conditions for the people living in informal settlements in Mossel Bay. The project aims to provide each household with their own property, water- and electrical points as well as toilet facilities. Further to this, the upgrading plan ensures that people are removed from the sensitive natural environment and those experiencing regular flooding due to the proximity to the water course and are relocated within the 1 in 100-year floodline. The supporting community facilities as identified in the Sustainable Livelihoods Programme (SLP) Reports prepared by Zutari in 2016 are appropriately located throughout the settlement.

#### 4.1.2 Concept

The section below illustrates the formulation of the concept and indicates that the larger Sinethemba Sewendelaan site will contain a mix of land uses and take into consideration the existing formalised structures on the site. Mixed use development refers to the incorporation of multiple land uses on the same parcel of land or development. These include residential and non-residential uses. The incorporation of a variety of land uses enable the facilitation of a broad range of uses of space which give rise to the creation of diverse, vibrant living environments. This also acts as the central mechanism through which access to urban opportunities can be entrenched and enhanced.

During the concept formation, the following elements were considered:

- Vehicular Movement Systems;
- Public Open Spaces;
- Community Facilities;
- Residential;
- Location of key land uses; and
- Size and mix of land uses.



## Vehicular Movement Systems

Creating an open vehicular movement system is an important part of integrating the site into its surrounding environment. Vehicular movement must be strategically planned so that it integrates well with other movement strategies of the existing urban form. The nature of the roads will encourage pedestrian safety through the incorporation of traffic calming measures, ensuring that vehicular routes promote safe movement. The concept allows for a 10-meter road reserve. This road reserve makes provision for a 5m road surface and a 2.4m sidewalk on either side of the road.

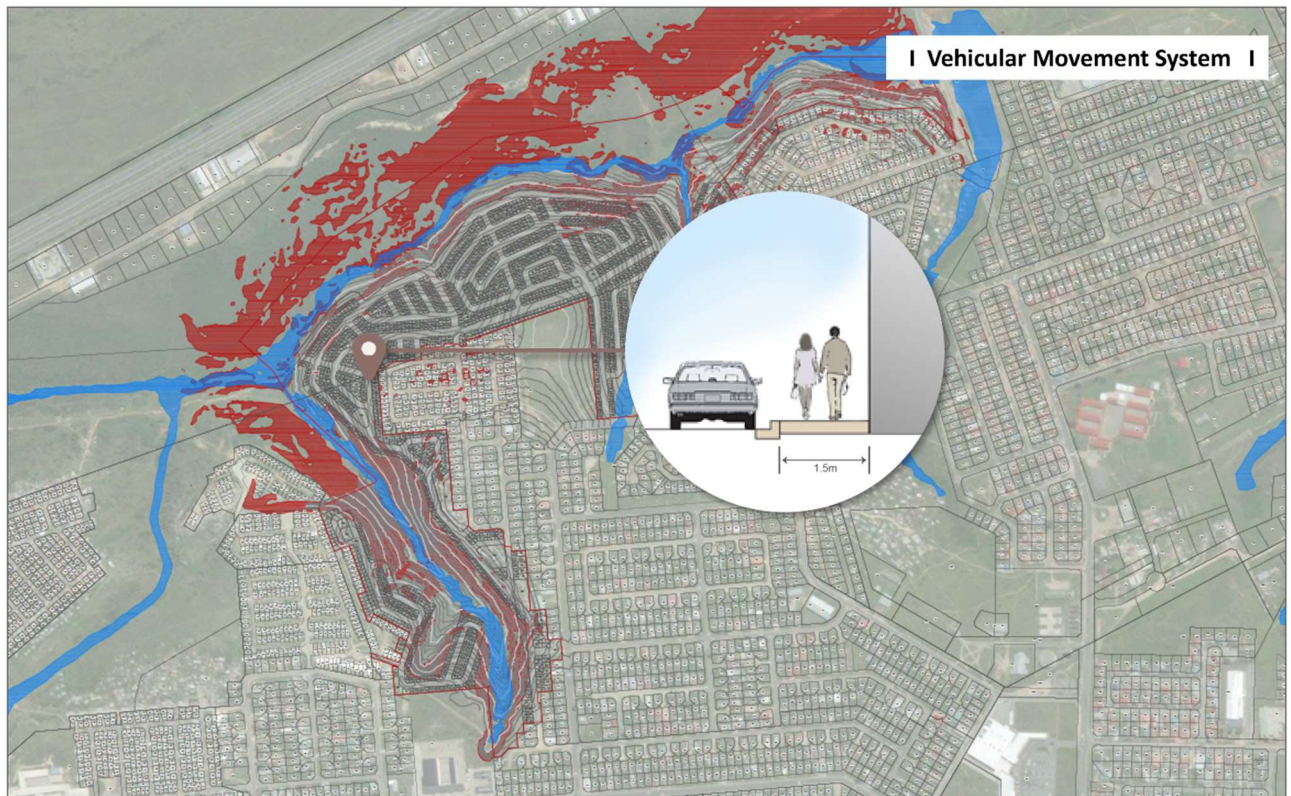


Figure 4: Vehicular movement system

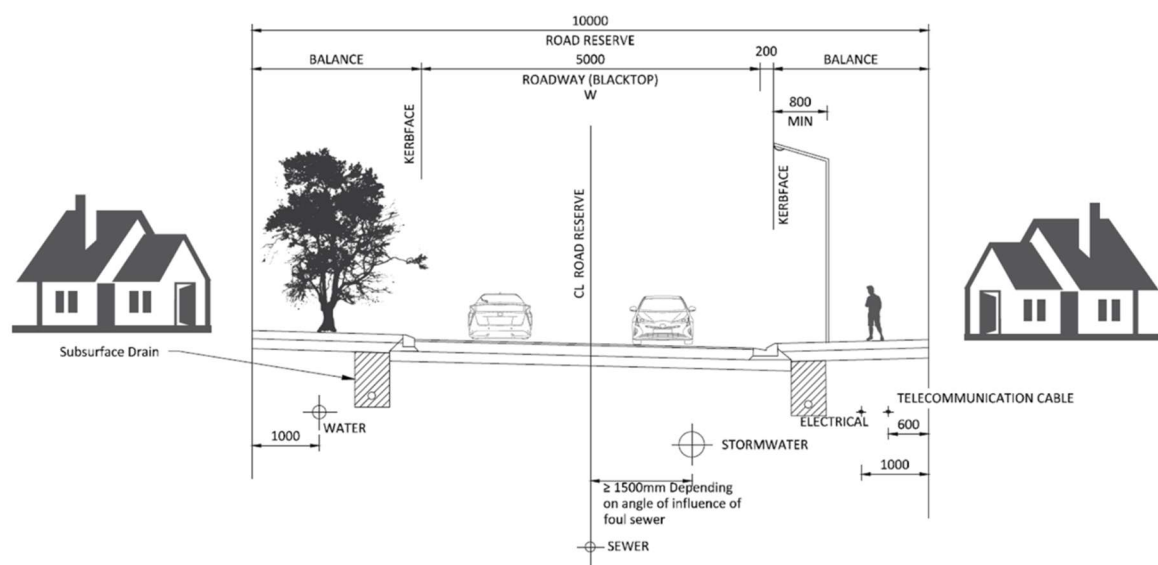


Figure 5: Example of 10 metre Road Reserve



## Public Open Spaces

Figure 4 below illustrates the public open space network for the larger area. Soft open spaces have been incorporated within the design to allow the creation of functional public parks. It is envisioned that the parks will provide recreational amenities to both children and adults in the form of play park equipment and potentially outdoor gyms for adults. It is further envisioned to create communal gardens within the open space network where slopes are not too steep. Urban agriculture is an efficient manner to optimise land use, create job opportunities and to provide fresh vegetables in poor communities. Partnering with community organisations it is envisioned that via basic skills development programs the community can be trained in the art of urban agriculture, sustainable farming practice, etc.



**Figure 6: Public Open Space Network**



**Figure 7: Example 3D Visualisation of communal gardens**





**Figure 8: Example 3D Visualisation of communal gardens**

### *Community Facilities*

Public facilities add value to urban settlements on multiple levels. These facilities act as a gathering and meeting place for communities, and they also provide essential services necessary for a sustainable human settlement.

The mixed use and retail areas allow for the creation of economic opportunities, such as trading areas providing valuable opportunities for community growth, development and well-being. Socio-economic activities allow for the creation of work opportunities, and therefore also an improvement in the quality of life. A number of mixed use sites in the centre of the settlement have been earmarked for a variety of retail and business opportunities.

The SLP Report indicated that there are no social and civic facilities located within the settlement boundary. The concept makes provision for one crèche. The Mossel Bay Municipality identified the demand for worship centres and as such two sites have been identified for such a use. If there is a greater need within the community, another worship centre can be established on one of the identified mixed use sites.

The community has limited access to health care facilities. The SLP report indicated that community members make use of the nearby clinic (Alma Clinic), and residents have stated that the clinic does not have sufficient



capacity and must wait to be attended to. The proposed layout identifies a potential mobile clinic route with a number of stops, refer to Figure 9 below. This will ensure better access to basic health care for the community.

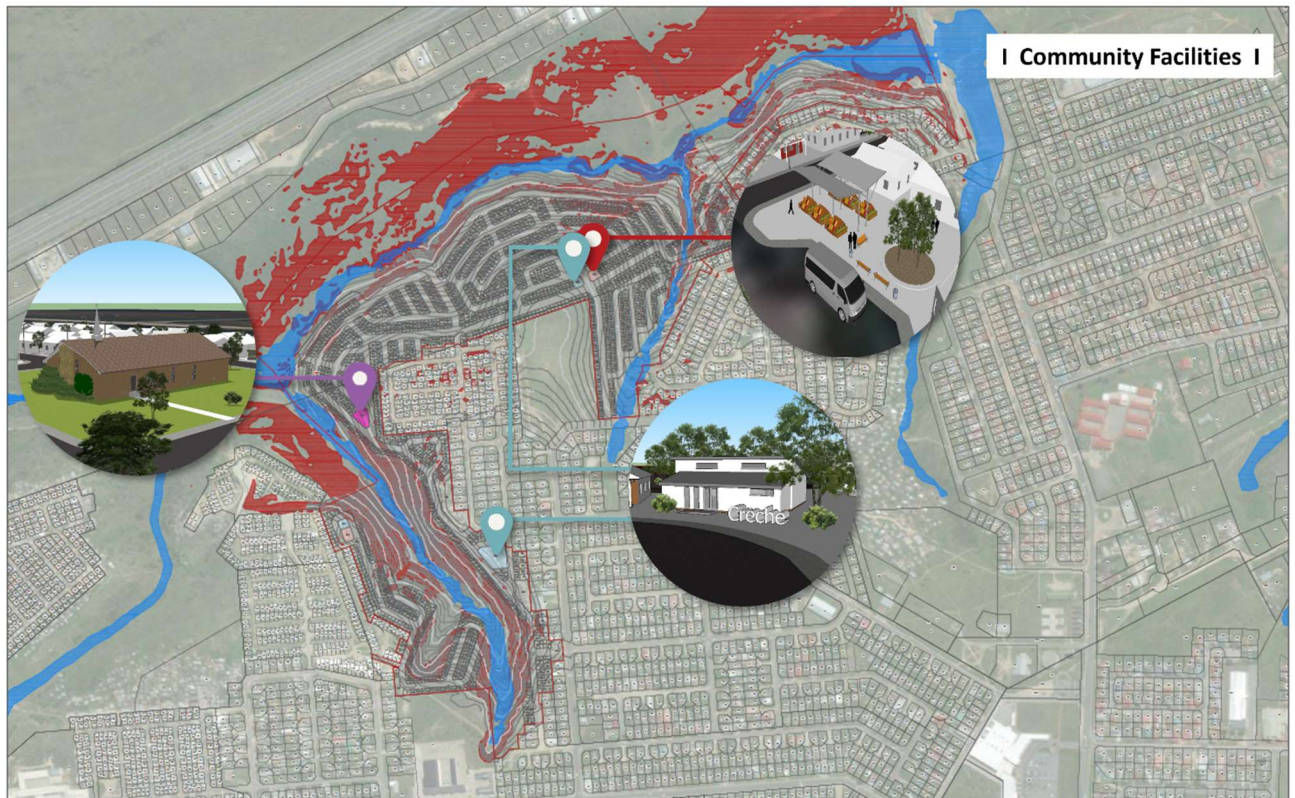


Figure 9: Community Facilities

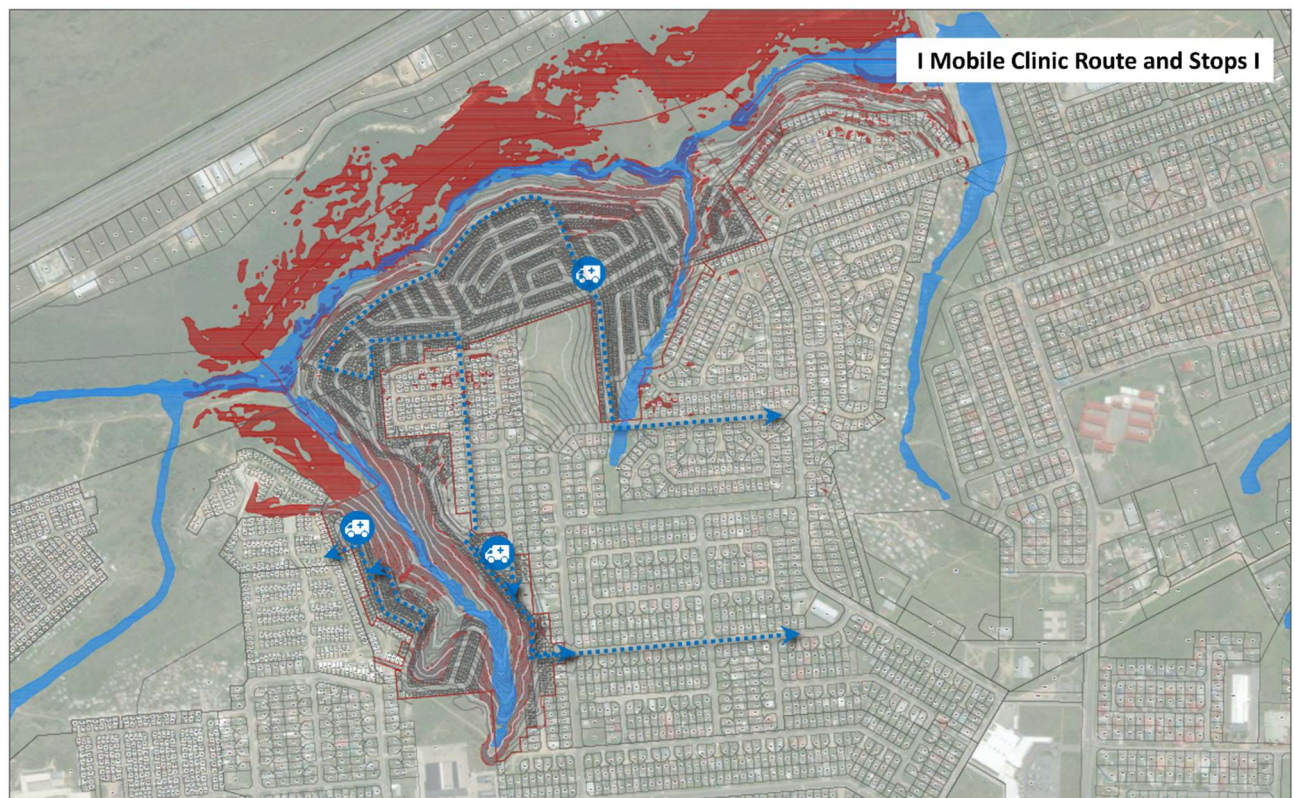


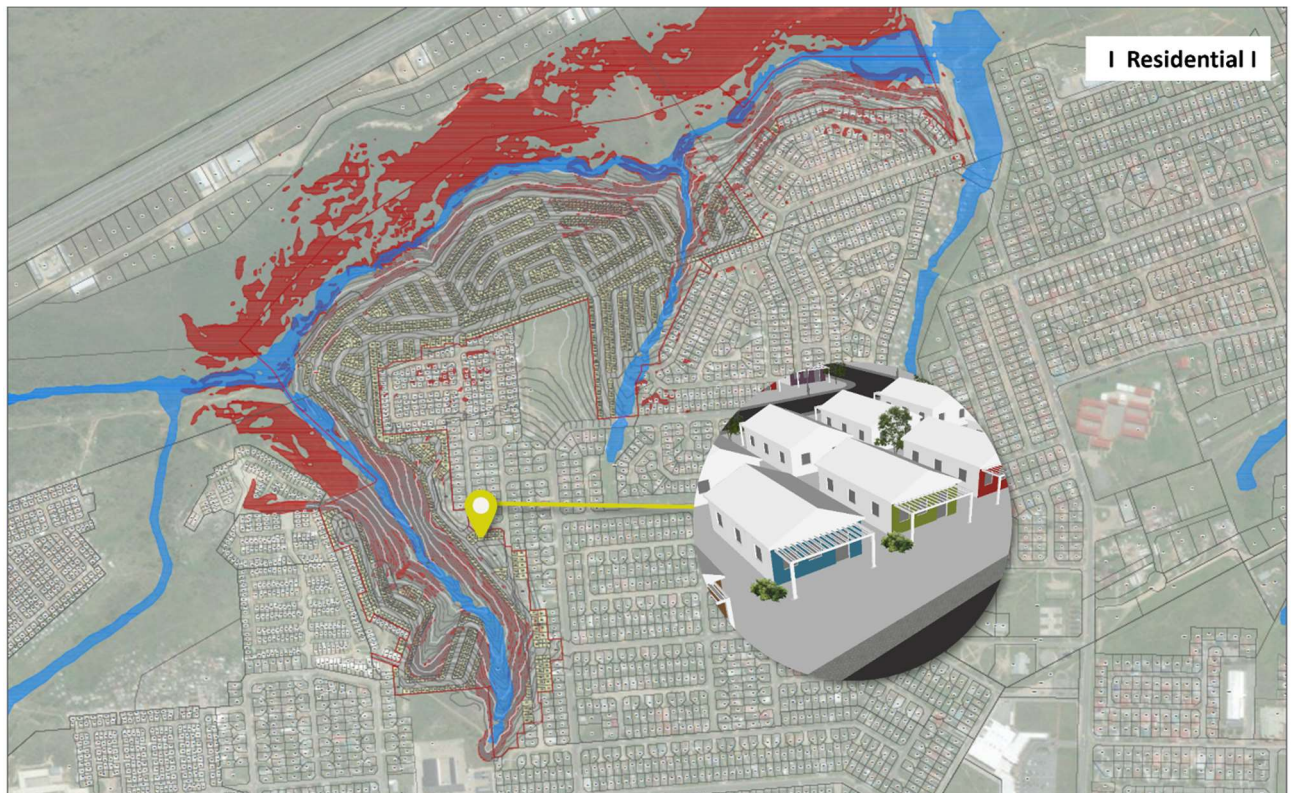
Figure 10: Mobile Clinic Route and Stops



## Residential

Residential uses form an important aspect of the landscape in any area, as it gives the area character as well as function. Mixed land use developments can afford urban dwellers the opportunity to live in a home close to opportunities. The opportunities include access to places of transport and employment opportunities, as well as social integration and social mix.

The residential erven are the predominant land use within this settlement. A total of 1,543 residential erven are included within the Sewendelaan and Sinethemba settlements. On the flat areas erf sizes of 6m by 8m has been created and along the steep areas the erf sizes measure 10m by 12m to allow platforms. An average density of 176.54 du/ha (net) or 43.76 du/ha (gross) have been achieved.



**Figure 11: Proposed Residential Layout**

## 4.2 Layout Plan

The Layout Plan attached hereto as **Appendix G** includes the proposed rezoning and further subdivision of the Subdivisional Area (Ptn. A of the farm 220) in terms of Sections 15(2)(a) and 15(2)(d) as depicted in Table 3 in section **Error! Reference source not found.** (page **Error! Bookmark not defined.**) of this report.

## 4.3 Engineering Services

A detailed Engineering Services Report for Sinethemba Phase 1 have been completed and attached hereto as **Appendix J.1**.

The main findings of the report can be summarised as follow:

### 4.3.1 Bulk services

- BULK WATER SUPPLY SYSTEM:

Existing network capacity in the vicinity of the site is subject to the confirmation by Mossel Bay Municipality. GLS Consulting (GLS) were appointed by Mossel Bay Municipality to draw up the Water Master Plan for the Municipal area and to determine the effect of any form of developments in the Municipal area on the Water Master Plan. If required, this and other reports will be submitted to GLS in order to determine whether the existing water network system has sufficient capacity to accommodate the proposed housing development

The total Annual Average Daily Demand (AADD) for the proposed 194 residential erven @ 600l/day is estimated at 116,400l/day.

This equates to 117 equivalent erven and from the design codes, we expect to design for a peak factor of 7.

$$\begin{aligned}\text{Peak Domestic Demand} &= 116\,400 \text{ l/d} \times 7 \\ &= 814\,800 \text{ l/d} \\ &= 9.43 \text{ l/s}\end{aligned}$$

**Conclusion:** No upgrades to the existing water reticulation system are envisaged in order to accommodate this development, but if required, this and other reports will be submitted to GLS in order to determine whether the existing water network system has sufficient capacity to accommodate the proposed housing development.

- BULK SEWAGE SYSTEM:

Waste Water Treatment Works:

Wastewater generated from the proposed development will gravitate into the existing system and conveyed by means of gravity sewer lines as well as pumped through rising mains to the Hartenbos Regional Wastewater Treatment Works, where it will be treated.

According to the Sewer Master Plan for the Municipal area, sufficient capacity exists at the Sewage Treatment Plants.

Wastewater reticulation system.

A normal gravity wastewater reticulation system exists within the adjacent neighbourhoods to which the proposed development will drain. A system of gravity sewer mainlines, wastewater pump stations and rising mains delivers the accumulated wastewater to the Mossel Bay wastewater treatment works.

Wastewater flow demand.

The expected average daily wastewater flow per dwelling for the three income groups is

Low income: 500 l/day

Medium Income: 750l/day

High income: 1,000l/day

Based on the above, the Average Dry Weather Flow (ADWF) for the residential erven would therefore be:

$$Q = 194 \times 500$$

$$Q = 97000 \text{ l/d}$$

$$= 97 \text{ kl/d}$$

$$\text{ADWF} = 0.097 \text{ Ml/d}$$

The expected Peak Dry Weather Flow (PDWF) as follows:

$$Q = (97000) \times 2.6$$

$$= 252\,200 \text{ l/d}$$

$$= 0.252 \text{ Ml/d}$$

$$\text{PDWF} = 2.92 \text{ l/s}$$

The Peak Wet Weather Flow (PWWF) is calculated as follows:

$$Q = 252\,200 \times 1.15$$

$$= 290\,030 \text{ l/d}$$

$$= 0.29 \text{ Ml/d}$$

$$\text{PWWF} = 3.36 \text{ l/s}$$

**Conclusion:** No upgrades to the existing sewage reticulation system are envisaged in order to accommodate this development, but if required, this and other reports will be submitted to GLS in order to determine whether the existing sewage network system has sufficient capacity to accommodate the proposed housing development.

- **STORMWATER:**

No bulk stormwater systems are required as the stormwater will be dispersed via a number of stormwater outlets into the existing natural watercourse. Accumulated stormwater will be dispersed by means of energy dissipating structures to minimize the effect of peak runoff downstream.

Currently, stormwater reticulation may exist within the proposed construction area. This is subjected to confirmation during the detailed design phase. All existing services will either be rerouted or accommodated with the future development area.

- **ACCESS ROADS:**

Access to the proposed development area will be provided from the North-West from Thembelihle Ave, North from Nofemela St or North from Sijaji St. No upgrades to the existing road infrastructure is required. The points/roads allocated where access will be available to the area will need to be upgraded, stabilized or filled with material to give proper movement of vehicles in and out of the site.

- **SOLID WASTE:**

Refuse removal will be dealt with once a week as applicable to all the current residential areas in the Mossel Bay Municipal area.

The expected solid waste is calculated as 4.75 tons/day.

**Conclusion:** Based on preliminary discussions with Mossel Bay Municipality the existing solid waste site will be able to accommodate the additional solid waste generated by the development. An existing solid waste processing and transfer site is located within, the development area will be accommodated within the final development layout.

### 4.3.2 Internal services

The internal services design is depicted in the drawing attached hereto as **Appendix J.2** and further described in section 9 of the civil engineering report (**Appendix J.1**) hereto.

### 4.3.3 Standard of services to be provided

The standard of services is described in section 10 of the civil engineering report (**Appendix J.1**) hereto and summarised as follows:

- Sewer: Erf connection ends 1m into the erf with a rodding eye.
- Water: Each erf will be serviced with a 20mm diameter connection
- Roads and stormwater: The road width will be 4.5m in 8 and 10m reserves and 5.5m in 13 and 16m reserves. All road surfaces will be either Cape seal or paved surface.

## 4.4 Motivation

The National Department of Human Settlements appointed Zutari to provide Participatory Based Planning Support for Informal Settlement Upgrading in Mossel Bay Local Municipality via the National Upgrading Support Programme (NUSP). Through this project Zutari provided technical assistance to develop settlement level analysis, upgrading plans and Sustainable Livelihoods Programme reports for informal settlements located within Mossel Bay Municipality. Zutari was subsequently appointed to complete the Upgrading of Informal Settlements Programme (UISP) for the informal settlements forming part of the NUSP project.

During the course of the Participatory Based Planning Support for Informal Settlement Upgrading project Zutari performed a sample survey of the community to determine number of households. In 2017 Zutari conducted a geotagged household survey of the informal settlements and it was evident that the informal settlements expanded rapidly and as such the site boundaries established under the NUSP project had to be significantly amended.

In order to formalise the illegal occupation on the subject properties, the Mossel Bay Municipality requires the preparation of upgrading plans and application to legalise the occupation on the properties and the newly created erven for these occupants.

## 4.5 Legislative Context

### 4.5.1 By-Law on Municipal Land Use Planning (2021)

As mentioned above the purpose of this motivational report is to apply for the subdivision and rezoning of the Remainder of Portion 249 of Farm 220, Mossel Bay in terms of Section 15(2) of the Amended By-Law on Municipal Land Use Planning (2021), for the Mossel Bay Municipality, for the establishment of Sinethemba Phase 1 development proposed within Kwanongqaba Township.

### 4.5.2 National Environmental Management Act (Act 107 of 1998)

According to the applicability of the National Environmental Management Act (Act 107 of 1998) to the Sewendelaan and Sinethemba, the letter dated 27 January 2017 (reference number: 16/3/3/6/1/D6/26/0004/17) holds relevance. In summary, the Department of Environmental Affairs & Development Planning, stated that activity 12(x) and 12(xii) of Environmental Impact Assessment Regulations

Listing Notice 3 of 2014 (GN No. R.983 of 4 December 2014) may be applicable to a portion of Portion 249 of Farm 220.

For a detailed summary about the process that was followed, and reasons provided for decision, please refer to **Appendix K.1**

In terms of heritage conservation, the letter dated 16 February 2018 of Heritage Western Cape (reference 18012305AS0201E), bears reference. The conclusion was that the proposed development will not have any impact on heritage resources and no further action is required under provisions of Section 38 of the National Heritage Resources Act, 1999. (See **Appendix K.2**)

#### 4.5.3 The subdivision of Agricultural Land Act, 1970

It is most likely that the subject property is not regarded as agricultural land as defined in the Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970) and therefore excluded from provisions of Section 3 thereof which requires the Minister of Agriculture's consent for the land development application and subdivision, which is under normal circumstances prohibits without the Minister's approval.

Section 1 of the Act defines "agricultural land" as any land: *".... situated in the area of jurisdiction of a transitional council as defined in section 1 of the Local Government Transition Act, 1993 (Act 209 of 1993), which immediately prior to the first election of the members of such transitional council was classified as agricultural land, shall remain classified as such."* It is assumed that the subject property (Remainder of Ptn. 249 of the farm Vyf-Brakke-Fontein No. 220) was not classified as agricultural land prior to the commencement of the Transitional Local Councils between 1994 to 2000 and/or did not already form part of a land use scheme and/or jurisdiction area of the Mossel Bay Municipality or its predecessor.

Therefore, the Minister's or the Dept. Agriculture Land Reform and Rural Development (DALRRD) consent or confirmation that the property is excluded from provisions of the Subdivision of Agricultural Land Act, 1970 needs to be obtained.

#### 4.5.4 The Spatial Planning and Land Use Management Act, 2013

The Spatial Planning and Land Use Management Act (SPLUMA) came into effect on 1 September 2014. A key objective of this act is to provide a framework for spatial planning and land use management to redress past spatial and regulatory imbalances.

Section 42 of SPLUMA suggest specific aspects that must be taken into consideration when deciding on an application. These include:

- development principles set out in Chapter 2 of SPLUMA;
  - protect and promote the sustainable use of agricultural land;
  - national and provincial government policies;
  - the municipal spatial development framework; and
  - take into account—
    - (i) the public interest;
    - (ii) the constitutional transformation imperatives and the related duties of the State;
    - (iii) the facts and circumstances relevant to the application;
    - (iv) the respective rights and obligations of all those affected;
    - (v) the state and impact of engineering services, social infrastructure and open space requirements;
- and



(vi) any factors that may be prescribed, including timeframes for making decisions.

### **Development Principles**

SPLUMA sets out five (5) development principles applicable to spatial planning, land use management and land development. The five development principles are listed below:

- Spatial justice;
- Spatial Sustainability;
- Efficiency (optimising the use of existing resources and infrastructure);
- Spatial resilience (allow for flexibility in spatial plans); and
- Good administration.

How the proposed Layout plan comply with SPLUMA development principles are discussed below:

#### **Spatial Justice**

The principle of spatial justice is geared towards redressing the past development imbalances by improving access to well-located land and through the promotion of integrated human settlements. Moreover, this development principle is geared towards realising housing rights of the disadvantaged communities in South Africa. With the aforementioned said, the vision of this project is to formalise the existing informal settlement to ensure better living conditions, which captures the essence of this principle.

#### **Spatial Sustainability**

The proposed layout will contribute to the functional land pattern in the surrounding area. The principle of spatial sustainability is relevant as the proposed land use aims at contributing to long-term sustainable urban development through infill development that marries with the existing urban form. Opportunity is taken to incorporate much needed social and civic facilities for the community. Thus, the proposed layout will contribute to Kwanonqaba through revitalising the area by creating sustainable settlements and supporting land uses that will be sustainable, in turn benefitting the community. The proposed layout will ensure that the sensitive natural environment is preserved.

#### **Efficiency**

The proposed layout aims to enhance the existing urban fabric. The principle of efficiency is relevant in that it promotes high density urban growth, ensures alignment between sector plans, optimises land by providing an interconnected street network and a transit-oriented development that ultimately caters to diverse needs of the community. The principle of efficiency is in alignment with the SDF and IDP strategic objectives for this area, as these strategic spatial planning documents prioritises and promotes densification and efficient land use as growth is limited due to limited land availability. Moreover, in terms of planning for the settlement spatial organisation, the settlement is in a key location situated around proposed tourist routes and economic corridors. Due to the settlement being in close proximity to a neighbouring formal settlement, the planning around this informal settlement upgrade will be done efficiently, as infrastructural costs feed off existing networks.

#### **Spatial Resilience**

The principle of spatial resilience will be applied by the manner in which the proposed layout will contribute towards sustainable livelihoods creating a vibrant settlement that will stimulate job creation connected with nearby settlements and transform the local economy. There are a variety of land uses proposed for the area, thus this proposal has taken into consideration adequate space to accommodate land uses such as, retail, residential, public open space, streets, religious facilities and crèches. These considerations of accommodating various activities with the appropriate land uses characterises spatial resilience that is functional.

#### **Good Administration**



The Mossel Bay SDF (2018) earmarked this land for housing projects and infill development. This plan shows that the future growth and development of housing within Kwanonqaba must be managed through strategic infill and densification. Thus, the principle of good administration is applied by way of the application not being in contravention of the development policy of the Mossel Bay Municipality and is aligned with governmental policy affecting the spatial development of the area.

#### 4.5.5 Consistency with Spatial Policy Directives

The proposed layout plan is consistent with all the forward planning frameworks that apply to the area:

The proposed layout plan and the informal settlement upgrade of Sewendalaan and Sinethemba directly relates to the incentives of the National Upgrading Support Programme, which is based on three pillars: basic services (including water and sanitation), security of tenure and community empowerment. This proposal is therefore consistent with National Government Policies.

The proposed layout plan complies with the Western Cape Provincial Spatial Development Framework (WCPSDF), as the WCPSDF prioritizes an Urban Agenda that aims to improve services and housing in urban peripheral locations and previously disadvantaged communities. Legalizing informal land uses and providing the community with the respective or adequate housing rights are geared towards the transformation of *“dormitory townships into integrated and sustainable human settlements, as well as accommodating urban growth more efficiently and equitably”* (Western Cape Province, 2013, 18). This proposed development aims to provide the necessary densification and infill through revitalizing this urban space or former township to one that is more aesthetic, efficient, and convenient to residents. This development will seek to strategically integrate existing community networks into a living environment that is strategically aligned with the surrounding neighbourhood and optimizes the existing space in a manner that ensures efficient use of land and infrastructure, intensification, more so empowering the community in the process.

The proposal furthermore will contribute to the existing character of the townships spatial layout which is generally residential (informal settlements), the proposed upgrade of this settlement is in line and consistent with spatial policies applicable to the area with specific reference made to the Integrated Development Plan (IDP 2017) and Spatial Development Framework (SDF 2017).

### 4.6 Need & Desirability

#### 4.6.1 Need

The National Upgrading Support Programme (NUSP) is cognisant of the increased rate that informal settlements are growing and the delay in the roll-out of low-cost housing projects. It is evident that access to adequate housing within the Mossel Bay Municipality is urgent and should be prioritised. The Upgrading of Informal Settlements Programme (UISP) incentive promises the need, and urgency for the proposed development to come to fruition.

The need for this application stems from the clear need for adequate housing, growth and development, and promotion of sustainable livelihoods. Kwanonqaba has a predominantly young unmarried population of 27 561 people between the ages 25 to 29 which is equal to the ages 0-4 (Stats SA, 2011), there is thus a serious demand and need to accommodate the growing population of Kwanonqaba. The Mossel Bay SDF (2018) identifies the Kwanonqaba area as one of the strategic areas for densification, thus informing the need to develop and grow this area. The drive in the current climate is therefore to develop the incremental settlement process in such a manner that it will lead to access to integrated human settlements comprised of a range of housing typologies, that are mixed income, mixed use and have access to a range of amenities, social spaces and services.

## 4.6.2 Desirability

The compatibility of the proposed layout plan and whether it is acceptable for the spatial development pattern prescribed by the Mossel Bay Municipality (SDF 2018), is fundamental when considering this application. Various aspects that relate to the desirability of the proposed development are discussed below:

### *Overall character of the surrounding area*

The area known as Sinethemba and Sewendelaan is currently an informal settlement, surrounded by other formal and informal settlements. The proposed layout will add value in improving the living conditions of the residents of Sewendelaan and Sinethemba through providing adequate urban upgrade. The proposal will further have no visual impact or obscure any views on the surrounding areas.

### *Existing planning initiatives in the area*

The broad conceptual SDF (2018) for the Mossel Bay Municipality, mentions that Kwanonqaba has historically followed the classic 1960's apartheid spatial planning pattern being located peripherally from the CBD off Louis Fourie Road. Ironically, the subsequent intersection of Louis Fourie Road with the N2 has resulted in Kwanonqaba becoming the gateway to Mossel Bay CBD from the West. These characteristics of the area therefore suggests a strategic opportunity for good economic and employment creation, given the appropriate transport and urban design is implemented.

### *Location and accessibility of the property*

Sinethemba forms part of Ward 1 and 3, Kwanonqaba, and is accessible via Sijaji Street and Thembelihle Avenue. The sites are suitable for informal settlement upgrading as portions of the sites are currently occupied informally.

### *Overall potential of the property*

The proposed layout and activities related to these land uses that are applied for through this application does not infringe or have an impact on the sensitive natural and cultural areas located in relative proximity to the site. It is argued that through careful consideration the proposed land uses will add value to these areas and to the whole of Kwanonqaba as well.

The potential of the overall property is evident by how the Mossel Bay Municipality, has prioritised this area as part of their future planning initiatives through the IDP (2022-2027) and SDF (2018). It is evident that strategic development objectives have been identified that will contribute to making the Kwanonqaba area more economically vibrant and provide residents of the various informal settlements in the area with adequate access to basic services. Moreover, development objectives ensure and preserve the social, commercial, and ecological integrity of the area.

## 5 Conclusion

This Land Use Application and Motivational Report for the proposed change in land use as reflected in the proposed Layout Plan for Sinethemba Phase 1, is to a great extent envisioned and supported by various municipal plans and strategies. The proposed development will have a positive socio-economic impact on the local municipality and most importantly provide the people of Mossel Bay's informal settlements with access to adequate housing and access to basic services.

Should this application be approved, it will aid the vision of the National Development Plan (NDP) 2030. The vision of the NDP 2030 is that by the year 2030: "human settlements in South Africa have been transformed

into equitable and efficient spaces with citizens living in close proximity to work with access to social facilities and necessary infrastructure”.

As indicated in the Mossel Bay SDF (2018), this proposed development has been identified and ‘earmarked’ as one of the key strategic priorities within Kwanonqaba. Mossel Bay Municipality’s spatial vision for Kwanonqaba has been carefully considered during the completion of this land use application. Therefore, the proposed development is consistent with municipal, regional plans and national guidelines.

The Upgrading of Informal Settlements Programme (UISP) is an extremely important shift in policy. Therefore, this proposed development attempts to try to address access to urban opportunities for the poor. Moreover, the proposed development, land use application is an attempt and means to better the translation and implementation of the national programme on a local municipal level.

The proposed development is consistent with the nature and place of the surrounding area, the statutory requirements as well as the environment and physical characteristics anticipated for the area. There is a need and desirability for the type of land use proposed to provide adequate housing rights and key activities to stimulate vibrancy and economic opportunities.

**WG Davel Pr PLN (A/941/1997)**

In diversity there is beauty  
and there is strength.

MAYA ANGELOU

**Document prepared by:**

Zutari (Pty) Ltd

Reg No 1977/003711/07

Suite 201

2nd Floor

Bloemhof Building

65 York Street

George

South Africa

PO Box 509

George

6530

Docex: DX42

T +27 44 874 2165

F +27 44 873 5843

E [george@zutari.com](mailto:george@zutari.com)

ZUTARI

IMPACT. ENGINEERED.

