



BUSHMAN'S RIVER MOUTH / BOESMANSRIVERMOND

Ratepayers' Association / Belastingbetalersvereniging Ward 3 / Wyk 3
P.O.Box 50, Boesmansrivermond, 6190

19th July, 2006

Municipal Manager
Ndlambe Municipality
P.O.Box 13,
Port Alfred 6170

Proposed sub division and rezoning of portion 4 of Marselle 348 and remainder Farm 371 Alexandria District. Notice 184/2006 10th July, 2006 Talk of the Town.

Dear Sir,

We as the ratepayers at Bushman's River Mouth are concerned about the proposed subdivision of the property because of several **reasons**. These include three major parts:-

- 1) The **EIA** (Environmental Impact Assessment) process
- 2) The meeting held by Ndlambe Municipality and all IAP's on 12th June, 2006 and subsequent meeting convened by Ndlambe Municipality for identified key people 19th June, 2006 held at Municipal Offices where a decision was taken to place a **moratorium** on new or proposed developments until the SDF (Spatial Development Framework) was finalized and the municipal engineers had time to confirm and formulate the **levy structure** for possible new and proposed developments. A letter confirming the decisions taken at that meeting was sent to Mr. Schlemmer on 20th June, 2006.
- 3) A third concern is that there are numerous other proposed developments, at various stages, in the **pipeline totaling over 500 erven** in the Ward 3 area alone.

The Bushman's Rest Trust proposed new development Marselle 348 Ptn 4 is currently outside the proposed urban edge and the remainder of Farm 317 within the new proposed urban edge and both are subject to an EIA process before any development can take place. The whole area should not be subdivided and rezoned at the same time. Each property has unique attributes.

The reasons behind the caution that needs to be exercised in the **EIA** process are the new regulations. These are the following:-

- 1) The new regulations NEMA (National Environmental Management Act) Section 21(1) July, 2006 include Subdivision of portions of land 9 hectares or larger into portions of 5 hectares or less. "An applicant must appoint EPA to manage the application." (Regulation 17 (1).
- 2) NEMA Sections 21,22 and 26 of ECA are repealed and areas regarding any development where the total area is or is intended to developed is 20 ha more is subject to (GNR 386). For your information:
 - a) "Construction or earth moving activities in the sea or within 100m inland of the high water mark of the sea, *inter alia* in respect of buildings"
 - b) "Transformation or removal of indigenous vegetation of 3 hectare or more"
 - c) "Transformation of undeveloped, vacant or derelict land to, *inter alia*, residential, mixed, retail, commercial, industrial or institutional use where the total area is larger than 1 hectare".
- 3) The area will be subject to GNR 386 of the new EIA regulations NEMA. Specifically:-
 - a) "Construction of facilities for the recycling, re-use, handling, temporary storage or treatment of general waste with a throughput of 50 tons or more daily over a 30 days"

Committee: Johann Smuts (Chairman), Eric Sutton (Vice Chairman), Wendy Grove (Secretary), Charles Sprong (Treasurer), CJF Botha, Schalk Kotze, Dennis Laubscher, Jimmy van Rensberg, Matt Mullins, Ian Smith

b) "Facilities for the treatment of effluent, wastewater or sewerage with annual throughput capacity of 15,000 metres cubed or more.

The Bushman's River estuary is considered by law to be part of the sea. The EIA process still stands and no consideration to develop, phased or not can be legally made until that process has been complied with and completed and an ROD issued.

Marselle 348 portion 4

The reasons for caution with regard to Ptn 4 of Marselle 348 property is that it is outside the new proposed (post March,2006 SDF document) urban edge. Some of the concerns are listed:-

- 1) We are aware that the SEA for Ndlambe has not been done and that it forms an integral part of the SDF. We appreciate that components of STEP have been included in the proposed SDF but that is not what is in question here. What is in question is that the urban edge is being extended without, to our knowledge, the correct procedural planning process being followed. It would be premature to consider this for rezoning.
- 2) It is an enormous section of land and will affect the future development of the whole of Ward 3. Very careful thought and planning needs to go into rezoning Agricultural land for residential purposes as it will impact on all services and resources, now and in the future, ad infinitum.
- 3) The proposed Eco Estate is exclusive rather than inclusive and would further restrict movement and access to the river more so than the Natures Landing development does at present.
- 4) It is a proposed greenfields development as opposed to an extension of the urban node and is tantamount to strip development. This is contrary to the Guidelines in the Provincial Urban Edge Guidelines, Western Cape 2005 which have been adopted by Ndlambe in the SDF. It does not meet short or medium term requirements and should not be considered for urbanization now.
- 5) We ask what medium to long term town planning has gone into the proposed extension of the urban edge, what infrastructural, environmental and social impact studies have been made? What we do not want to see is an area with crumbling infrastructure and riddled with half completed developments. Natures Landing Eco Estate is only 25% developed and there is no need for more Eco Estates, especially with the imminent Kenton Eco estate.
- 6) This area is adjacent to the current solid waste disposal site and sewerage works. We are aware of the need for both an expanded correctly licensed solid waste disposal site and an expanded and new technology sewerage treatment works. Again it would be premature to change status until these matters are resolved.

We are not against development but want to see planning done in a sustainable meaningful manner. It is only fair and reasonable in terms of the community, environment, developers and the law that the correct procedure be followed and this proposed rezoning is clearly premature.

Farm 371

Farm 371 is within the new "post March 2006 SDF" proposed urban edge. It however has a number of similar problems although not as severe. Besides the EIA requirements there are also visionary and planning problems in rezoning all of farm 371, although there is some merit in proposing portions to be rezoned. Careful planning needs to go into the rezoning process if any of the land is to be rezoned as residential. Some of these are listed below.

- 1) There are 4 proposed developments for Ward 3 that are in the pipeline which total over 500 erven. Rivers Bend took years to get to any semblance of a suburb as did Merry Hill in Kenton. There are still numerous properties for sale or undeveloped in those areas and with all of the other proposed developments there will be more than sufficient available property to meet the demand for the medium term.
- 2) The moratorium on new or proposed developments agreed to by Ndlambe, *inter alia*, the SEA and SDF finalization with all planning components.

- 3) The area is also contentious, as both the solid waste disposal and sewerage works sites are proximal to this area. The latter which is a prime UNDP (United Nations Development Program)sponsored pilot project for Africa which is in the planning stages. There are guidelines as to where these types of facilities should be and that is not proximal to a residential area. We already have problems with the Kenton/Ekuphumlemi solid waste and sewerage works and to consider Farm 371 for residential development now would be both premature and extremely reckless without the finalization of these matters.
- 4) The mini Eco Estate is just another residential development which is low density and at 1600 sq m per erf is just reasonable sized residential erven.
- 5) The runway area has not been used as a runway for over 10 years and is not an ideal orientation as the prevailing wind is SW. It would also be restrictive to possible future development. It would be better suited to proposed portion C and remainder of Farm 371.
- 6) Proposed portions, Portion F, Portion G and Portion H are the only portions of the Farm 371 which merit some positives for rezoning from Agriculture to Residential/Industrial at this stage. They both however require some careful town planning with regard to infrastructure requirements and a larger more visionary medium term plan.

The Motivation Report

We have a number of problems with the document "Motivation Report". These are listed below:-

- 1) It claims there are two properties and for development purposes and that these two farms will remain separate entities. They are then dealt with simultaneously. It would be a requirement that they are dealt with as separate applications and motivations.
- 2) There is no motivation in the report other than there is an apparent demand for Eco Estate type development. That is not a motivation as there is more than enough evidence that these are not desirable. See ToTT article by Prof. Britz July, 2006
- 3) It is irrelevant if the development is in stages. Each stage or phase will have to be dealt with separately.
- 4) Under section 5 of the document it claims no formal planning of proposed portions A and B are being carried out. It does not have to be rezoned then and can remain Agriculture 1as is the case with proposed portion C or remainder of Farm 371.
- 5) Proposed portion D is another proposed Eco Estate. Natures landing is an Eco Estate and less than 25% of the properties are developed. Kenton Eco estate is proposed and that is 340 erven. There is enough Eco Estate available now without more being added to the pile. It is too small to hold any game and will be detrimental for any game if they are not allowed to roam to other parts.
- 6) No where in the text does the document state the size of each portion. The size information is in tiny print on the map.
- 7) Proposed portion E is another Eco Estate type but in fact with erven only 1600sq m each is normal residential low density.
- 8) Proposed portion F is normal residential development and is the only logical development in that it forms an integral part of the nodal development required. It is however premature at this time. There is more than enough housing erven available in Rivers Bend and in the plethora of other proposed new developments (over 500 erven) within Ward 3.
- 9) Another problem is the services where it states that water will be from the existing Bushman's River supply system. This is not true as each and every development will have to contribute to the supply system. No such application has been sent to the ACWB.
- 10) Under 6 "Roads and Accessibility". It says the site will be serviced from existing nodes. The problem is that the existing nodes are struggling under the current position and cannot service any more at present until the general services are improved to the extent of becoming sustainable. It would then require a levy to ensure that the expanded nodal development could be properly serviced. None of these plans are in place as yet.
- 11) There is a general of thought especially detail. An illustration is that the plan scale says it is 1:10,000 but in fact it is closer to 1:15,000 as printed and there is no scale bar, date or version no. It is important to gain perspective of the vastness of this proposed rezoning.
- 12) There is no suggestion in the "Motivation" report as to how anything planned is going to benefit the community long or short term.

Overall Comments

Generally the document needs a lot more thought, planning and detail and needs to be clear and separated into two major parts for the two farms in question. The each portion needs to have a separate motivation and plan with details of area, foot print, roads, open space, storm water management, roads, sewerage reticulation, access etc etc.

The area under consideration is greater than the whole of Bushman's Village and Rivers Bend put together. This requires major town planning input as it will affect the whole area forever and the impact will be enormous. Only on that basis can anything be rezoned and that together with the EIA process and proper town planning. A blanket scheme like this one can only lead to mistakes and problems which could have been averted if done carefully, thoughtfully and in a visionary manner.

It is also understood that the rezoning is the thin edge of the wedge and it should not under any circumstances be approved without each proposed division of the farms being evaluated on merits and demerits from Agriculture 1 to any other type according to a list of criteria, some of which are mentioned above. This would be a far more acceptable approach than the blanket type approach which is proposed in the document. There are far too many questions for this proposal to be considered seriously as it presently stands.

The last, but not least important, point is how is this going to benefit the community? It is carefully set out that each erf will be required to have 20,000 litre of water from rainwater harvesting or storage but there is no suggestion of a clause saying that properties will be required to have started building within 2 to 4 years and be completed within 2 years of starting. That would be far more motivational and beneficial to the community and would avert the problems of crumbling roads, absent electrical boxes, water reticulation etc as was experienced in Rivers Bend and for that matter Merry Hill prior to the resent property boom.

Yours faithfully,

Johann Smuts
Chairman Bushman's River Mouth Ratepayers Association.

Cc Mr. A. Schlemmer
Clr. M.Mike
NRF
STEP

