



## **BUSHMAN'S RIVER MOUTH / BOESMANSRIVERMOND**

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

19<sup>th</sup> July, 2006

The Municipal Manager  
P O Box 13  
Port Alfred  
6170

### **Comments on Spatial Development Framework Plan especially Bushman's River Mouth/Marcelle/Klipfontein/Kenton/Ekuphumleni Notice 178/2006**

Dear Sir,

We note the improvements in the draft SDF but continue to have reservations as to the vision, planning and the environmental aspects of the plan as it stands. We are also pleased and appreciate the fact that Ndlambe Municipality has placed a tender for the SEA.

As we stated the devil is in the detail. For example there is an ongoing dispute at Kenton Ward 4 as to the positioning of a sewerage pump station. It has incurred unnecessary costs to Ndlambe Municipality and the ratepayers because this was not part of the initial planning procedure. We acknowledge that it would have been difficult to plan 30 years ahead, but it is an example of what can go pear shaped if planning is not done ahead of development.

A looming problem is the current sewerage works and waste disposal sites both in ward 3 and ward 4. There are now applications for rezoning from agriculture to residential development specifically, Marselle Portion 4 and Farm 371, which is the location of the current waste disposal site and sewerage treatment works. This would immediately be in conflict with numerous guidelines and will be both legally inappropriate and expensive to undo in the future. We do not wish to detract from our previous comments, but would like to add a few additional broader comments and some specific comments.

#### **Broader Aspects**

It is understood that the **SEA** is an integral part of the **SDF** and that the SDF is the basis and is integral to the IDP. We also understand that **STEP**, correctly, has been included in the SDF but it does not replace an SEA. **NEMA** is at the core of the SEA and the SDF should carefully consider all aspects of NEMA, if the SEA is not available.

- 1) It is noted that the **urban edge** is extended both to the east, west and north when compared to the previous 2005 draft document. There appear to be anomalies in the documents March 2006 as to the urban edge which are not explained or understood.
- 2) We understand that development has to take place and are not against development in principle. It must however be done in a visionary, sustainable manner where all aspects of urbanization, especially planning, are taken into account. We understand the Provincial Urban Edge Guidelines, Western Cape 2005, but those are general guidelines and do not specifically include the **special estuarine coastal environment**. The Water Research Commission (WRC) is due to hold a workshop/meeting on this particular issue in September, 2006.

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

- 3) We would like to know what planning or vision has gone into the **proposed extension of the urban edge** in these areas or has it purely been by pressure from developers?
- 4) We note in the guidelines, both Western Cape 2005 and LUMS refer to **greenfield developments**, that existing built up areas should be used (i.e. Rivers Bend, Harmony Park, portions of Klipfontein, areas within Kenton and Merry Hill and to the north of Ekuphumleni) in the most efficient way prior to more greenfield development being considered. i.e (Bushman's Rest and Kariega Eco Estate).
- 5) There are regulations in terms of LUMS and the **White Paper on Spatial Planning** regarding subdivision of land parcels. It is also noted that the guideline is that low density is discouraged within the urban core as is industrial usage and waste disposal.
- 6) It needs to be understood that with a proposed expanded Urban Edge, beyond the current limits, there will be further development of housing, whether it be high density or low density, which will add pressure on the already inadequate existing facilities, infrastructure and resources. It is **imperative that careful thought and vision be applied to each proposed extension of the urban edge** and the effect it will have on the communities, resources, environment, services and general sustainability of the area.
- 7) The rivers (Bushman's and Kariega) are the **main asset in the area and are finite** and are deteriorating rapidly after sustained exploitation, siltation, lack of freshwater inflow and no proportional increase in recreational facilities or control partially due to increased, sprawling urbanisation. More development equals more people, equals more pressure on the asset. Very careful planning needs to take place to **ensue that area is sustainable**.

#### **Additional Infrastructural Aspects**

All the above being the general background there are specific important aspects and those are listed below:-

- 1) Page 41 states, "a suitable setback line on either side of all rivers and streams should be determined via the scoping or EIA process prior to any development taking place" This is vague and open to debate and should rather be more positive: "That development will be discouraged to take place in areas defined by NEMA and the White Paper on Sustainable Coastal Development." This would only be fair to all parties concerned and would save potential waste of money, debate, hot air and emotion which would be repeated in the EIA process. We have already have cases such as the proposed Kenton Marina and another for erf 483 Bushman's which could be avoided if the guidelines and laws were applied upfront. Again it is only fair to all parties concerned.
- 2) We reiterate our concern on developments. No permanent developments (housing, hotels, motels, holiday accommodation or apartments) should be allowed in the zones around the water courses (perennial and tidal) or on any of the steep banks leading to the river. This is documented in the SDF as 1:100 year flood line, 1:6 slopes, below 10m amsl and within 30m of the high tide mark and **the new NEMA section 21 (1) also stipulates 100m from the high tide mark**.
- 3) It is essential that these **zones are marked as such on the SDF maps** so as to prevent confusion or potential confusion when developers approach the Ndlambe Municipality to develop certain tracks of land. Another consideration should be the moratorium on development within 1 kilometre of the high tide mark (river and sea) as indicated in the Government White Paper on Sustainable Coastal Development.
- 4) Another very important development is the new EIA regulations NEMA Section 21 (1) which replace ECA section 22(1). Specific are GNR (387) and (GNR 387).

a) **GNR 387** is specific in construction or earthmoving activities in the sea or within 100 metres inland of the high water mark. The sea includes the tidal rivers by definition in law. GNR 387 also specifies the following;

- i) "Construction of facilities for the use, recycling, handling, treatment, storage or final disposal of hazardous waste."
- ii) "Facilities for the final disposal of general waste covering an area of 100 sq m or more or 200 metres cubed of airspace."
- iii) "Construction of a facility where elements of a facility cover a combined area in excess of 1 hectare"
- iv) "Construction of facilities for the recycling, re use, handling, temporary storage or treatment of general waste with a through put of 50 tons or more daily over 30 days."
- v) "Facilities for the treatment of effluent, wastewater or sewerage with an annual throughput of 15,000 cubic metres or more"
- vi) "Facilities for incineration, burning, evaporation etc of waste"

b) **GNR 386** embraces more basic activities and includes the following:-

- i) "Construction or earth moving activities in the sea or within 100 metres inland of the high water mark of the sea, *inter alia* in respect of buildings."
- ii) "Transformation of indigenous vegetation of 3 hectares or more"
- iii) "Transformation of undeveloped, vacant or derelict land to *inter alia* residential, mixed, retail, commercial, industrial or institutional use where the total area transformed is larger than 1 hectare"

Fortunately, land for the water supply and storage facility are both provided for the medium term and are included in the SDF, although an additional storage facility may require more land in the long term.

In the light of the legislation NEMA, Section 24 (1) with some of the points raised in the legislation and the problems with waste disposal and sewerage both in Ward 4 and Ward 3 it will be of paramount importance for the SDF to identify the areas with the least impact for these activities now, before finalisation. If this is not done prior to the SDF being completed it could result in huge unnecessary expenditure in the future.

Johann Smuts  
Chairman Bushman's River Mouth Ratepayers Association

Cc Clr M.Mike  
Mr. A. Schlemmer  
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