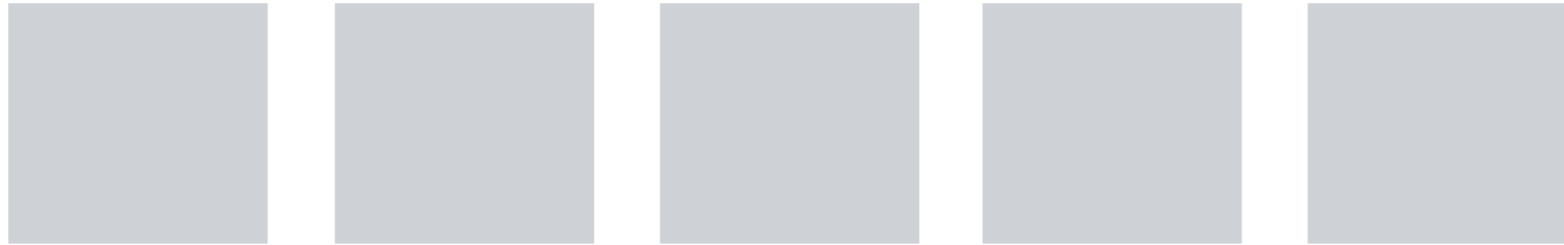
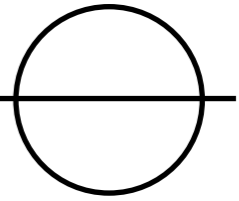


# 05

## Planning Procedures



## 5.0 Planning Procedures

The planning and development of District Six will need to follow the statutory planning and development processes set out by National, Provincial and Local Government as discussed below.

### 5.1 Environmental Impact Assessment

There are specific components of the development that trigger the Scoping and EIA/BAR processes in terms of the National Environmental Management Act (NEMA), Act No. 107 of 1998. These components may include the following among others.

List 1: activity 23

The transformation of undeveloped, vacant or derelict land, to residential, retail, commercial, recreational, industrial or institutional use, inside an urban area, and where the total area to be transformed is 5 hectares or more, but less than 20 hectares, or (ii) residential, retail, commercial, recreational, industrial or institutional use, outside an urban area and where the total area to be transformed is bigger than 1 hectare but less than 20 hectares, except where such transformation takes place for linear activities.

List 1: activity 24

The transformation of land bigger than 1000 square meters in size to residential, retail, commercial, industrial or institutional use, where, at the time of the coming into effect of the Schedule, such land was zoned open space, conservation or had an equivalent zoning.

List 2: activity 15

Physical alteration of undeveloped, vacant or derelict land for residential, retail, commercial, recreational, industrial or institutional use where the total area to be transformed is 20 hectares or more; except where such physical alteration takes place for: (i) linear development activities; or (ii) agriculture or afforestation where activity 16 in this Schedule will apply.

List 3: Activity 26

Phased activities for all activities listed in this Schedule and as it applies to a specific geographical area, which commenced on or after the effective date of this Schedule, where any phase of the activity may be below a threshold but where a combination of the phases, including expansions or extensions, will exceed a specified threshold.

### 5.2. Additional Authorisations forming part of the Environmental Authorisation

#### Department of Water Affairs

The Department of Water Affairs (DWA) would have to permit certain activities such as the placement of water and sewerage pipelines, etc. The DWA authorisations would be made in terms of Section 20 of the Environment Conservation Act, 1989 (Act 73 of 1989) and Chapter 4 and Section 21 of the National Water Act, 1998 (Act 36 of 1998) and Section 7 of the Water Services Act, 1997 (Act 108 of 1997).

#### The Heritage Approval Process

The National Heritage Resources Act, 1999 (Act 25 of 1999) determines that any significant development (as detailed in Section 38) is subject to authorisation by the responsible heritage resources authority. The applicant is required to notify the responsible heritage resources authority and furnish it with details regarding the location, nature and extent of the proposed development, in response to which the responsible heritage resources authority will specify information to be provided in a heritage impact assessment. As part of the Development Framework process the relevant authorities have been engaged and the following has been agreed:

- The District Six Phase One HIA, approved by the South African Heritage Resources Agency (SAHRA), has been a key informant to the Development Framework and the Stage One development. After discussions with officials from SAHRA, Heritage Western

Cape (HWC) the Environmental and Heritage Management Branch of the City of Cape Town and the Department of Environmental Affairs and Development Planning (DEA&DP) it has been proposed that the draft DF should be subjected to an integrated EIA/HIA and land use planning procedure with one public participation process.

- It is recommended that the DF should be subjected to an integrated EIA/HIA and land use planning procedure with one public participation process. The nature of the heritage assessment would thus be a Section 38(8) application in terms of the NHR Act, with both SAHRA and HWC functioning as commenting authorities and with DEA&DP as the authorizing agency.
- It is intended that the nature of the assessment will be strategic in nature and should clearly identify those heritage issues which need to be assessed at the macro level and those heritage issues which could be assessed at the precinct level according to the “package of plans” approach.
- Key issues likely to be identified at the macro level i.e. the Stage Two HIA level include parameters related to density, bulk, height, land use, grain/texture and the public space framework. The primary consideration at this scale will be the need to preserve memory and the sense of place and sense of history and the need to ensure that new development is appropriate to the spatial and historical context. The purpose will not be to micro-manage the process.
- The need for sufficient flexibility is a core consideration of the strategic approach. The primary heritage issues need to be addressed (the essence of what constitutes the physical and social environment) and allowance made for more specific design proposals to be assessed at precinct level. Congruence will, however, be ensured between the different levels of assessment i.e. lower order assessments will be embedded within the higher-order assessment.

- The strategic nature of the Development Framework assessment will accommodate the components of the plan already identified in the draft DF as having existing development rights and which are congruent with the Spatial Development Framework and the Table Bay District Plan. These fast track sites which are appropriately zoned in terms of the draft DF will be clearly identified for information purposes during the public participation process.
- A plan of study clearly indicating the procedure envisaged for integrating the LUPO/EIA/HIA processes will be submitted to DEA&DP, SAHRA and HWC for approval. This will include the tiered approach to the proposed assessment process i.e. a “higher order” assessment of the key issues pertaining to the social and historical context as set out in the FDDF (2011) and the more detailed assessment at the precinct level.

### 5.3 Procedural planning and associated land use applications

Notwithstanding the imminence of the City of Cape Town’s Integrated Zoning Scheme (IZS), the following planning procedure is applicable to District Six.

#### Existing Zoning and schedule conditions

There are a variety of existing zonings in the District Six Study area including General Residential, Commercial, Public Open Space, etc (Refer to Figure 5.1). However certain of these zonings (for example, land zoned for public open space) as they presently stand are not suitable for the specific development proposed in the Development Framework. As a result, rezoning in terms of the Land Use Planning Ordinance (Ordinance No.15 of 1985) or LUPO is required to facilitate, manage and control development in District Six following a package of plans approach.

Various restrictive conditions were imposed in terms of the old Townships Ordinance 33 of 1934. These include schedule conditions that apply to specific erven and dictate the form of development that may take place. An application for the removal of these conditions would have to be made based on Figure 5.1.

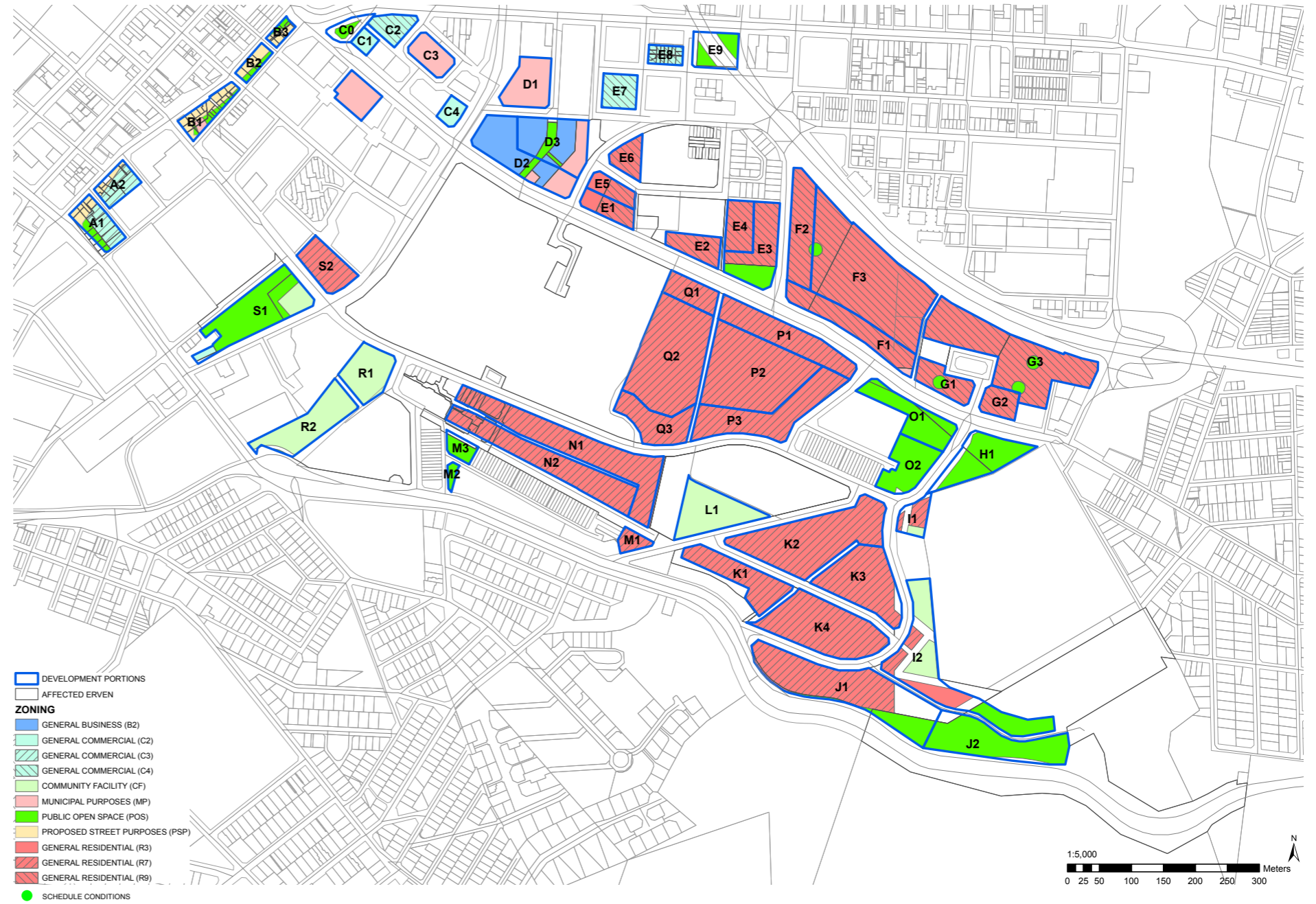


FIGURE 5.1: CURRENT ZONING AND SCHEDULE CONDITIONS

A deeds search needs to be conducted by a conveyancing attorney to determine whether there are any restrictive conditions of title that would restrict, limit or prevent the proposed development to occur in terms of the framework proposals.

### Closure of roads and public places

Certain roads and public places require closure to allow for the proposed development framework to take effect on the ground. Refer to Figure 5.2.

### Approach to rezoning of land in District Six

The approach to the rezoning of certain portions of land in District Six in terms of LUPO will continue on the basis of a Package of Plans (PoP) approach which would entail the following broad steps.

#### a) CTSDF and TBSDP (Contextual and Conceptual Framework)

The CTSDF and TBSDP will form the higher order contextual and conceptual frameworks for the redevelopment of District Six as discussed in Section 2.

These frameworks comprise a number of principles expressed graphically and built upon in this District Six Development Framework.

#### b) Development Framework

The content of this report comprises the Development Framework for District Six which will be submitted to the City of Cape Town's relevant structures for information, as the basis for evaluating further detailed planning and design proposals.



FIGURE 5.2: PLAN OF REQUIRED AREAS WHICH REQUIRE CLOSURE OF ROADS AND PUBLIC PLACES

### c) Precinct Plans

Precinct planning comprises the following:

- Proposed layout plan and land uses,
- A detailed land use programme,
- Urban design parameters and guidelines,
- Transport, circulation and parking plans
- House types
- Environmental and associated Impact Assessments, where required
- Notice of intent to develop in terms of heritage requirements,
- Preparation, submission and approvals are obtained for rezoning and subdivision of parcels / precincts that require land use applications.

### d) Site Development and Building Plans

These are very detailed plans that carry the following information:

- Site boundary for general plan registration purposes
- Building footprints
- Cadastral information and proposed subdivisions
- Hard and Soft Landscaping plans
- Access and egress, on-site / on street parking layouts
- Public spaces and / or court yards
- On site management of environmental, zoning, heritage conditions of approval
- Building plans for all types of residential and non-residential buildings to be built in specific individual locations on a cadastrally-defined erf
- All procedural land use requirements and compliance with the National Building Regulations

Notwithstanding the intent to follow the PoP approach, the District Six redevelopment area of approximately 40ha has 3 types of sites including:

- i) Sites presently under construction that are zoned appropriately;
- ii) Sites that are already zoned appropriately and ready for detailed precinct planning and site development plans whereafter building plan submission and construction can happen; and
- iii) Sites that require statutory planning, environmental impact assessments and heritage impact assessments (refer to Figure 5.3).

## 5.4 Proposed Phasing

The final phasing of the project will be informed by a number of factors which will bring together considerations of spatial planning, financial deliverability as well as procedural matters as outlined above.

In July 2011 a commitment was made by National Government to settle all validated District Six Claimants within a 3 year period comprising three main phases depicted on the adjacent plan (Figure 5.3) and Table 5.1.

- **Phase 1A: Fast Track Development Parcels.** These are sites which are zoned appropriately and on which construction can commence immediately after building plans have been approved by the CoCT.
- **Phase 1B:** These sites are not zoned appropriately or have schedule conditions attached to them which mean that certain procedural processes need to be completed before development can occur. These processes include rezonings and removals of restrictions and will require certain environmental processes to be undertaken as described above. The intention is that the rezoning and detailed planning of these sites are undertaken at the same time or parallel to the EIA process. This will speed up the approvals process in that final planning approvals could be granted as soon as the environmental authorisation is issued.

## 5.5 Precinct Design and Implementation

The manner in which the District Six redevelopment will be implemented and building procurement will occur will be subject to the findings and recommendations of the Business Plan and dependent on how the SPV is established. Over the past number of years District Six has developed in a piece-meal fashion, with the building of the Pilot Projects. The adoption of this Development Framework provides a robust structure to coordinate future growth and development on a structured roll out basis.

For both the Pilot Projects conventional building contracts have been entered into with medium sized contractors where through the efforts of the D6BT and DRD&LR, housing has been provided to claimants.

At this stage there are possibly three forms of building procurement that could be considered, namely the use of Medium sized Contractors, Small Building Contractors and the provision of Owner-build opportunities. The extent to which each of these forms are employed will be subject to the envisaged pace of development, preferred development phasing, strategies of empowerment, the participation of the community and the availability of funding.

Parcel No.	Parcel Area (m <sup>2</sup> )	Zoning	Est Unit Numbers	Residential Mix				Possible m <sup>2</sup> of Commercial Space
				67% Claimant	16%		17% Market	
					Social	Gap		
E2	3 078	C4	35	35				310
<b>PHASE 1A</b>								
C2	2 350	C4	80			40	40	2820
C4	1 270	C2	30				30	1140
K2	14 536	R7	170	170				
K3	11 483	R7	130	130				
N1	13 921	R7	160	160				
N2	11 100	R7	130	130				
Q2	14 185	R7	120	120				
Q3	9 897	R7	130	130				
<b>Subtotal</b>	<b>78 742</b>		<b>950</b>	<b>840</b>	<b>0</b>	<b>40</b>	<b>70</b>	<b>3960</b>
<b>PHASE 1B</b>								
B1	3 020	PSP / SP / POS / MUN	70			18	52	2 720
B2	1 475	PSP / POS	30			8	22	1 330
B3	985	PSP / SP / POS / MUN	40			10	30	1 480
G1	5 666	R9	130	78	32		20	
G2	3 071	R9	40	24	10		6	
G3	16 701	R9	110		30	30	50	
H1	6 712	POS	90	54	23		13	
P1	7 807	R7	120	52	50		18	1 870
Q1	2 764	R7	40	20	20			660
<b>Subtotal</b>	<b>48 201</b>		<b>670</b>	<b>228</b>	<b>165</b>	<b>66</b>	<b>211</b>	<b>8 060</b>
<b>TOTAL</b>	<b>130 021</b>		<b>1 655</b>	<b>1 103</b>	<b>165</b>	<b>106</b>	<b>281</b>	<b>12 330</b>

TABLE 5.1: SUMMARY OF FAST TRACK DEVELOPMENT

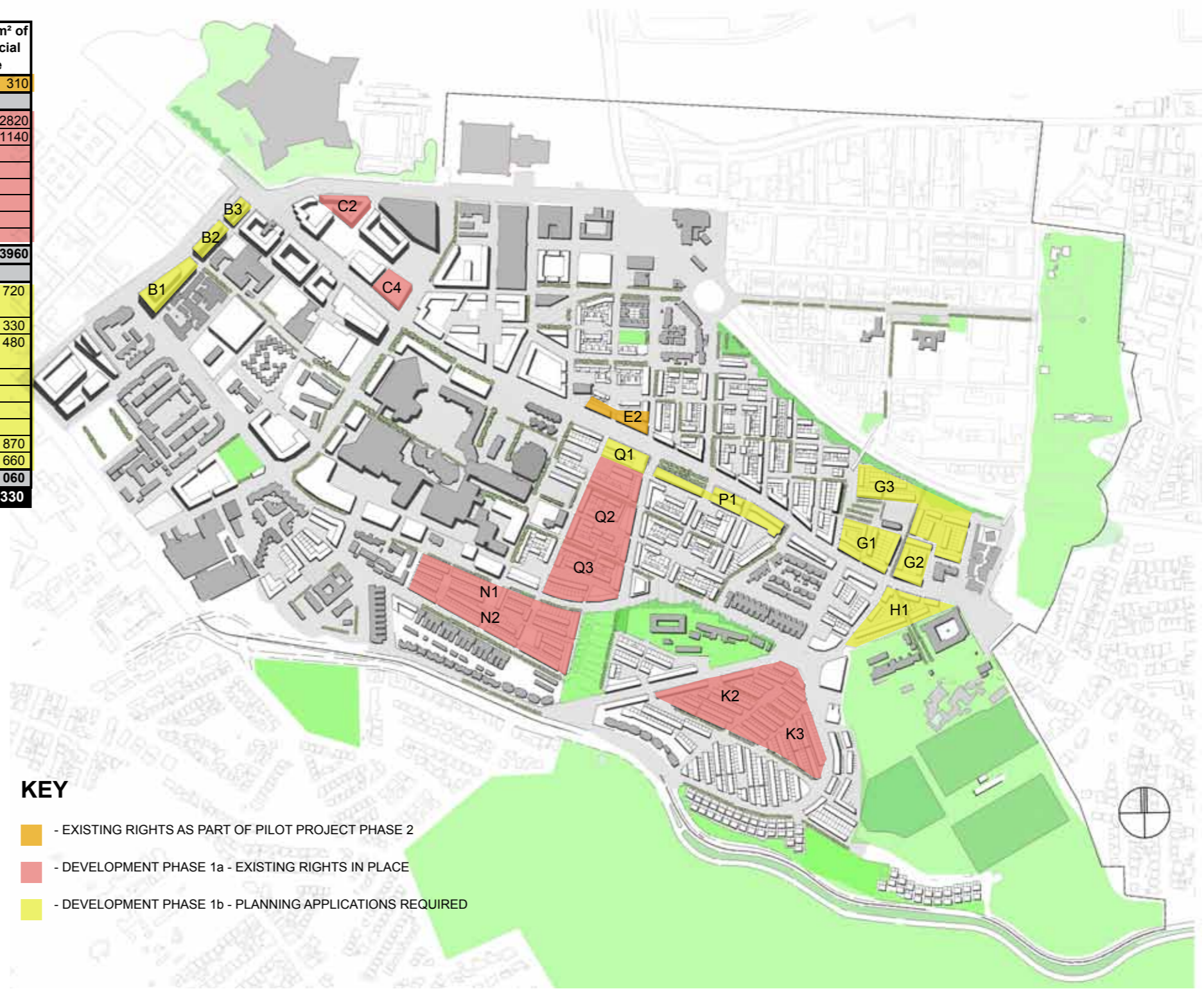


FIGURE 5.3: FAST TRACK DEVELOPMENT PARCELS