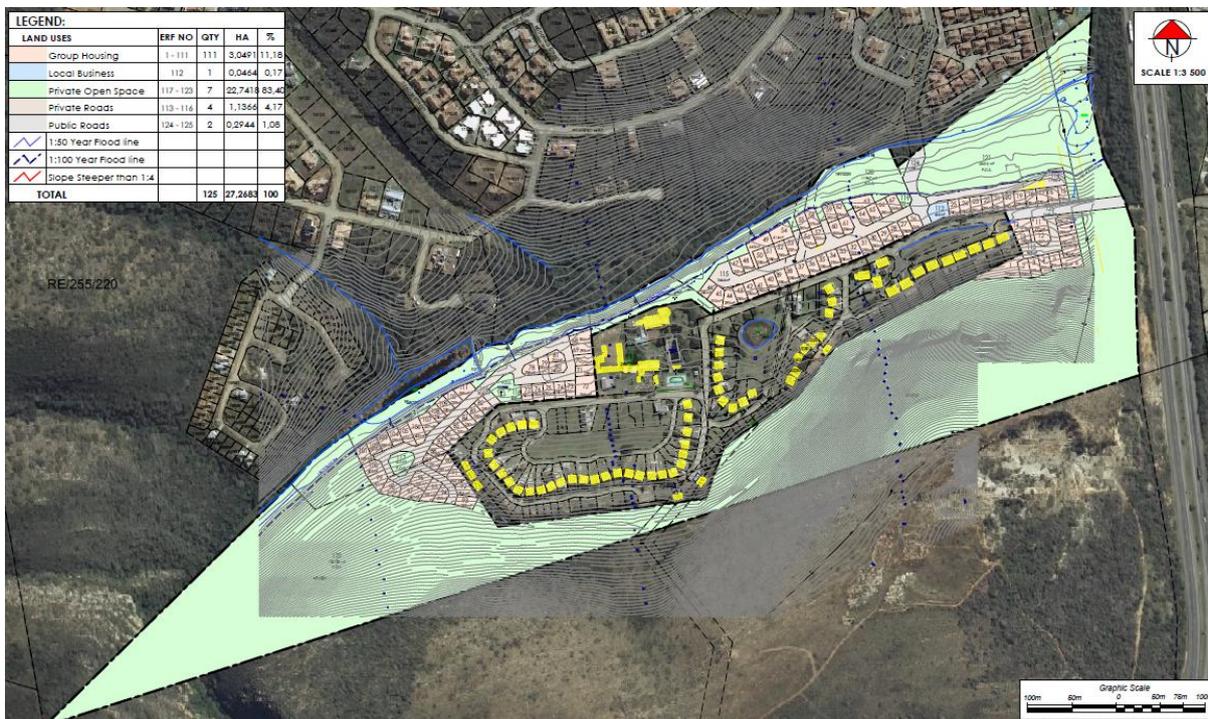


PORTIONS 47; 187 & 188 OF THE FARM VYF BRAKKE FONTEINEN NO 220, DIVISION MOSSEL BAY

APPLICATION FOR:

REZONING & SUBDIVISION



CLIENT:

EXACT TRADE 139 PTY LTD

PREPARED BY:

MARIKE VREKEN URBAN AND ENVIRONMENTAL PLANNERS



FEBRUARY 2018

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EXECUTIVE SUMMARY

Informant	Description	Reference
Property:	Portions 47; 187 & 188 of the Farm Vyf Brakke Fonteinen No. 220	Par. 3
Size:	Combined extent of approximately 29.02ha	Par. 3
Locality / Address:	Portions 47; 187 & 188 of the Farm Vyf Brakke Fonteinen No. 220 is located in Die Voorbaai Area, Mossel Bay. The application area is situated west of the N2 Road and south-east of the Langeberg Mall. The application area surrounds the existing Vogelsang Landgoed.	Par. 8
Existing Land Use:	Vacant	Par. 9
Existing Zoning	Agriculture Zone	Par. 9
Development Proposal:	<p>It is proposed to subdivide Portions 47; 187 & 188 of the Farm Vyf Brakke Fonteinen No. 220 into (125) portions to accommodate the following uses:</p> <ul style="list-style-type: none"> - (111) x Group Housing Erven - (1) x Local Business Erven - (7) x Private Open Space Erven - (4) x Private Roads - (2) x Public Roads 	Par. 4
Development Application:	<ol style="list-style-type: none"> i. The rezoning of Portions 47, 187, 188 of the Farm Vyf Brakke Fonteinen No 220, Division Mossel Bay from "Agriculture Zone" to "Sub-Divisional Area", in terms of Section 15(2) of Mossel Bay By-Law on Municipal Land Use Planning (2015), in order to subdivide into the appropriate number of erven as per the amended Environmental Authorisation (2012); ii. The subdivision of Portions 47; 187 & 188 of the Farm Vyf Brakke Fonteinen No 220, Division Mossel Bay in terms of Section 15(2)(d) of the Mossel Bay By-Law on Municipal Land Use Planning (2015), into the following land uses: <ul style="list-style-type: none"> - (111) x Group Housing Units - (1) x Local Business Unit - (7) x Private Open Space Erven 	Par. 2

Informant	Description	Reference
	<ul style="list-style-type: none"> - (2) x Public Roads - (4) x Private Roads 	
Services Availability:	<ul style="list-style-type: none"> • Water • Sewer • Stormwater • Traffic • Remove removal • Electricity 	Par. 6 & 7
Spatial Policy Framework:	Western Cape Provincial SDF (2014) - comply	Par. 12
	Eden District Spatial Development Framework, 2017 - comply	Par. 12
	Mossel Bay Municipality Spatial Development Framework (June 2017) - comply	Par. 12
	Mossel Bay Integrated Development Plan (2017-2022) - comply	Par. 12
Motivation Criteria:	Municipal Spatial Development Framework	Par. 13
	Consistency with spatial policy directives	Par. 14
	Site-specific circumstances	Par. 15
	Visual & aesthetic impact	Par. 16
	Existing rights	Par. 17
	Consistency with the surrounding area	Par. 18
	Socio-economic impact	Par. 19
	No negative environmental impact	Par. 20
	Infill development	Par. 21
Availability of services	Par. 22	
SPLUMA Principles:	Spatial Justice: Consistent.	Par. 23
	Spatial Sustainability: Consistent.	Par. 23
	Spatial Efficiency: Consistent.	Par. 23
	Spatial Resilience: Consistent.	Par. 23
	Good Administration: Applicable to Mossel Bay Municipality.	Par. 23
Conclusion:	Meets the criteria as set out in The Spatial Planning and Land Use Management Act (SPLUMA) and the Mossel Bay Land Use Planning Bylaw, is desirable and it is therefore recommended that the application for the proposal be supported by the relevant authorities and approved by Mossel Bay Municipality.	Par. 24

SECTION A :

BACKGROUND

1. BACKGROUND

Portions 47; 187 & 188 of the Farm Vyf Brakke Fontein No. 220 is located west of the N2 Road near the Langeberg Mall; which situated north-east of the application area. The application area surrounds the existing Vogelsang Landgoed. The figure below illustrates the locality of the application area:



FIGURE 1: PORTIONS 47; 187 & 188 OF THE FARM VYF BRAKKE FONTEINEN NO 220, DIVISION MOSSEL BAY

Portions 47; 187 & 188 of the Farm Vyf Brakke Fontein No. 220 is currently zoned 'Agriculture Zone' as per the Mossel Bay Zoning Scheme Regulations (1984), and has a combined extent of approximately 27,27ha.

The proposed development entails the establishment of a new Group Housing Development with Communal Open Space, a Public Road and a Business erf.

An Environmental Authorisation was issued for this proposed development, and during 2012, the Department of Environmental Affairs and Development Planning (DEADP) issued an amendment of the Environmental Authorisation for a residential development on Portions 47; 187 & 188 of the

Farm Vyf Brakke Fonteinen No 220 (refer **ANNEXURE M**). However, no planning application was submitted to Mossel Bay Municipality.

In order to obtain "*planning approval*" for the proposed development, the application area has to be rezoned and subdivided into the appropriate number of erven as per the amended Environmental Authorisation.

Mossel Bay Municipality approved a new SDF during May (2017). It appears that the application area is located within the urban edge, but that it is earmarked as *Conservation Areas*. The new planning legislation (SPLUMA) states that a municipality cannot approve an application that is in conflict with an approved SDF, unless there are site-specific informants that warrant such an approval. Since an Environmental Authorisation was issued by DEADP (*that should have considered all environmental informants*), these environmental aspects should have been satisfactorily identified and addressed.

Given the fact that the application area is located near the Langeberg Mall, near the Voorbaai Industrial Area and near the N2 Road, makes the site ideal for densification. The proposed rezoning and subdivision could therefore be supported in principle.

This report serves as the motivation report to support the application for the Rezoning and Subdivision of Portions 47; 187 & 188 of the Farm Vyf Brakke Fonteinen No. 220, Mossel Bay.

2. THE APPLICATION

Marike Vreken Urban and Environmental Planners has been appointed by **EXACT TRADE 139 PTY LTD**, to prepare and submit the required application documentation (refer to **ANNEXURE D: Application Form**) for:

- (i) The rezoning of Portions 47, 187, 188 of the Farm Vyf Brakke Fonteinen No 220, Division Mossel Bay from "Agriculture Zone" to "Sub-Divisional Area", in terms of Section 15(2) of Mossel Bay By-Law on Municipal Land Use Planning (2015), in order to subdivide into the appropriate number of erven as per the amended Environmental Authorisation (2012);
- (ii) The subdivision of Portions 47; 187 & 188 of the Farm Vyf Brakke Fonteinen No 220, Division Mossel Bay in terms of Section 15(2)(d) of the Mossel Bay By-Law on Municipal Land Use Planning (2015), into the following land uses:
 - (111) x Group Housing Units
 - (1) x Local Business Unit
 - (7) x Private Open Space Erven
 - (2) x Public Roads
 - (4) x Private Roads

The required pre-application consultation was conducted with the municipality. The pre-application consultation did not highlight any "red flags" with regard to this application and is attached as **ANNEXURE C**.

3. PROPERTY DESCRIPTION SIZE AND OWNERSHIP

The Certificates of Registered Title and Windeed property reports for Portions 47; 187 & 188 of the Farm Vyf Brakke Fonteinene No. 220, containing the details outlined below are contained in **ANNEXURE A**. The Surveyor General Diagram for Portions 47; 187 & 188 of the Farm Vyf Brakke Fonteinene No. 220 is included in **ANNEXURE I**.

	PORTION 47/220	PORTION 187/220	PORTION 188/220
Title Deed Description:	Restant Gedeelte 47 van die Plaas Vyf-Brakke Fonteinene Nr. 220 in die Munisipaliteit en Afdeling van Mosselbaai, Provinsie Wes-Kaap	Gedeelte 187 (n Gedeelte van Gedeelte 47) van die Plaas Vyf-Brakke Fonteinene Nr. 220 in die Munisipaliteit en Afdeling van Mosselbaai, Provinsie Wes-Kaap	Restant Gedeelte 188 (Gedeelte van Gedeelte 47) van die Plaas Vyf-Brakke Fonteinene Nr. 220 in die Munisipaliteit en Afdeling van Mosselbaai, Provinsie Wes-Kaap
Title Deed Number:	T103166/2000	T103167/2000	T87233/2006
Title Deed Restrictions:	There are no title deed restrictions that could prevent the development proposal.	There are no title deed restrictions that could prevent the development proposal.	There are no title deed restrictions that could prevent the development proposal.
Bonds:	There is no bond registered over the property.	There is no bond registered over the property.	There is no bond registered over the property.
Property Size:	23,7893ha (Twenty-Three Comma Seven Eight Nine Three Hectare)	2,2853ha (Two Comma Two Eight Five Three Hectare)	2,9469 (Two Comma Nine Four Six Nine Hectare)
Property Owner	Petrus Willem Steinberg 6705115075085	Petrus Willem Steinberg 6705115075085	Exact Trade 139 PTY LTD No. 2004/017350/07
Servitudes:	No servitude that prevents the proposed development is registered over the property.	No servitude that prevents the proposed development is registered over the property.	No servitude that prevents the proposed development is registered over the property.

The property owner wishes to develop the exact same proposed residential development as approved in the amended Environmental Authorisation - Record of Decision (2012). A new Subdivision Plan / Site Development Plan was compiled to include the required 1:100 year flood line, including the exact same number of erven that was approved, as per the amended Environmental Authorisation (2012).

The figure below illustrates the new Subdivision Plan / Site Development Plan (2018) which include the 1:100 year flood line:

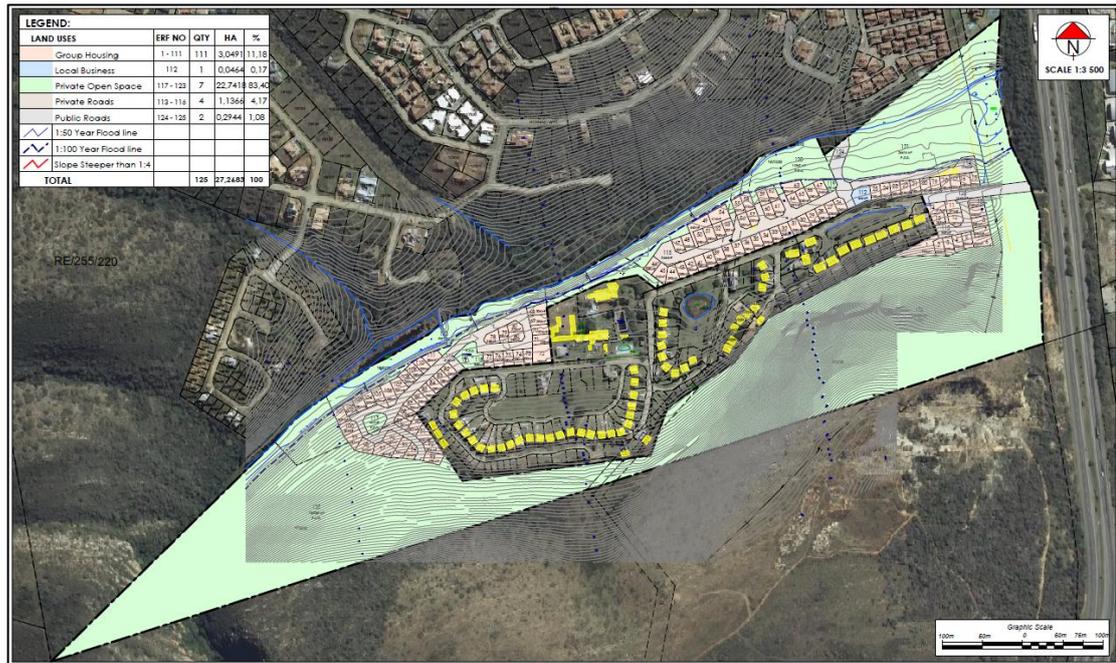


FIGURE 3: SUBDIVISION PLAN / SITE DEVELOPMENT PLAN (2018)

The amended Environmental Authorisation (2012) granted approval for the establishment of (111) group housing units, (1) business erf with proposed bulk services and an associated road network, it also includes the construction of a causeway or bridge across the river.

The new Subdivision Plan / Site Development Plan (2018) include the exact same number of erven that what was approved by the amended Environmental Authorisation (2012). The figure below illustrates the proposed land uses on the new Subdivision Plan / Site Development Plan (2018):

LEGEND:				
LAND USES	ERF NO	QTY	HA	%
 Group Housing	1 - 111	111	3,0491	11,18
 Local Business	112	1	0,0464	0,17
 Private Open Space	117 - 123	7	22,7418	83,40
 Private Roads	113 - 116	4	1,1366	4,17
 Public Roads	124 - 125	2	0,2944	1,08
 1:50 Year Flood line				
 1:100 Year Flood line				
 Slope Steeper than 1:4				
TOTAL		125	27,2683	100

FIGURE 4: PROPOSED LAND USES ON NEW SUBDIVISION PLAN / SITE DEVELOPMENT PLAN (2018)

4.2. Architectural Proposal

An Architectural Design Manual will be implemented for the proposed development, and a copy of the draft Architectural Design Manual, is attached as **ANNEXURE F** to this report.

A simple and concise set of principles, guidelines and controls have been formulated to protect the inherent natural beauty of the site, and for the good of the development as a whole. Appropriate historical and vernacular references such as Cape coastal and Cape farm are referenced and incorporated. These guidelines also draw from other styles like Cape Cod and Caribbean that refer to timber, clad construction, corrugated metal roofs and light weight pergolas.

Emphases is on natural materials like stone and timber so that visual impact is minimized. Landscaping will form an important part of the development and indigenous planting with light weight, permeable, boundary wall and fencing make for a sensitive development that responds to the area and gives the development a particular architectural coherence.

The overall character of the development will be identifiable by the use of harmonizing external elements such as wall colour and finish, roof covering and the standard form of boundary and site walling. The resulting architecture and landscaping is one of simple and modest vernacular style with cladding and plastered walls in muted tones, elements such as natural stone, timber windows, and pitched charcoal or grey coloured roofing.

4.3. Access

Access to the proposed residential development could be gained via two access points; Vogelsang Kransvalk Road or Henra Street. The first access to the property will be obtained via the existing road, Vogelsang Kransvalk Road, which is situated on the east side of the application area. The access road (Vogelsang Kransvalk Road) enters Vogelsang Landgoed and links with the proposed 'Private Roads' in the proposed residential development.

The second access to the proposed residential development is via Henra Street, which is situated north-east of the application area. Henra Street also links with the 'Private Roads' within the proposed development and with Vogelsang Kransvalk Road. The existing Henra Street will be extended to link with the proposal and Vogelsang Kransvalk Road. The Environmental Authorisation has approved the construction of a causeway or bridge across over the river.

It is important to note that the Vogelsang HOA has agreed that this proposed Eagles Creek Development may obtain access through Vogelsang, subject to certain conditions. The Vogelsang HOA has originally appealed the environmental authorisation, but has then withdrew the appeal, subject to certain conditions. A copy of the Vogelsang HOA agreement is attached as **ANNEXURE G**.

On the basis of this agreement, the Vogelsang HOA withdrew their appeal against the Environmental authorisation. A copy of this letter of withdrawal to the Minister of Environmental Affairs and Development Planning, is attached as **ANNEXURE H**.

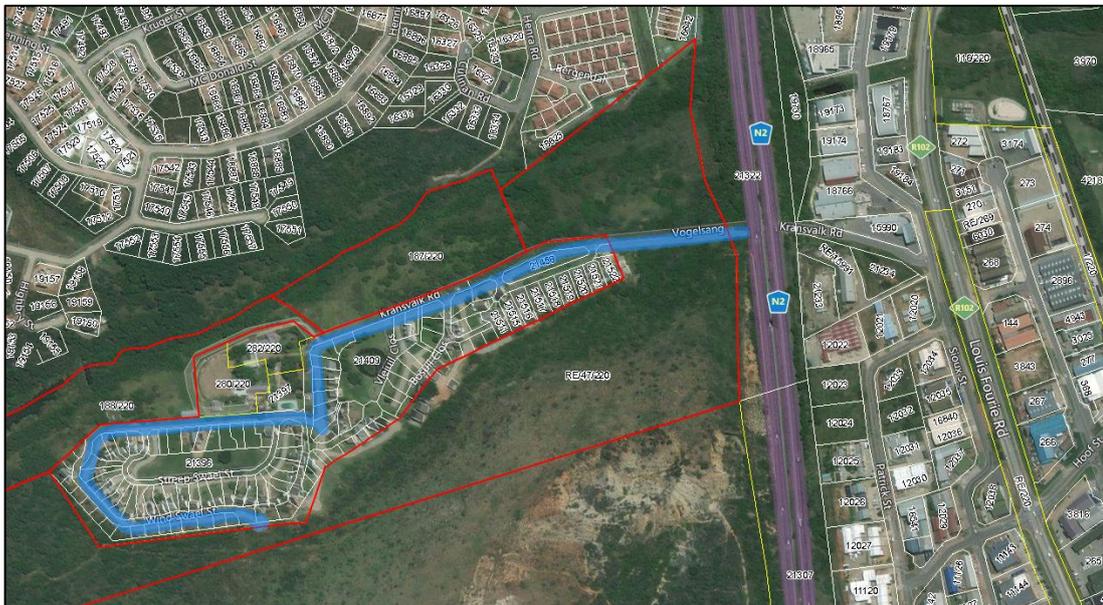


FIGURE 5: 1ST ACCESS TO THE PROPOSED RESIDENTIAL DEVELOPMENT (VOGELSANG KRANSVALK ROAD) THAT LINKS WITH THE PROPOSED PRIVATE ROADS IN THE DEVELOPMENT



FIGURE 6: 2ND ACCESS TO THE PROPOSED RESIDENTIAL DEVELOPMENT (HENRA STREET) THAT LINKS WITH THE PROPOSAL AND WITH VOGELSANG KRANSVALK ROAD

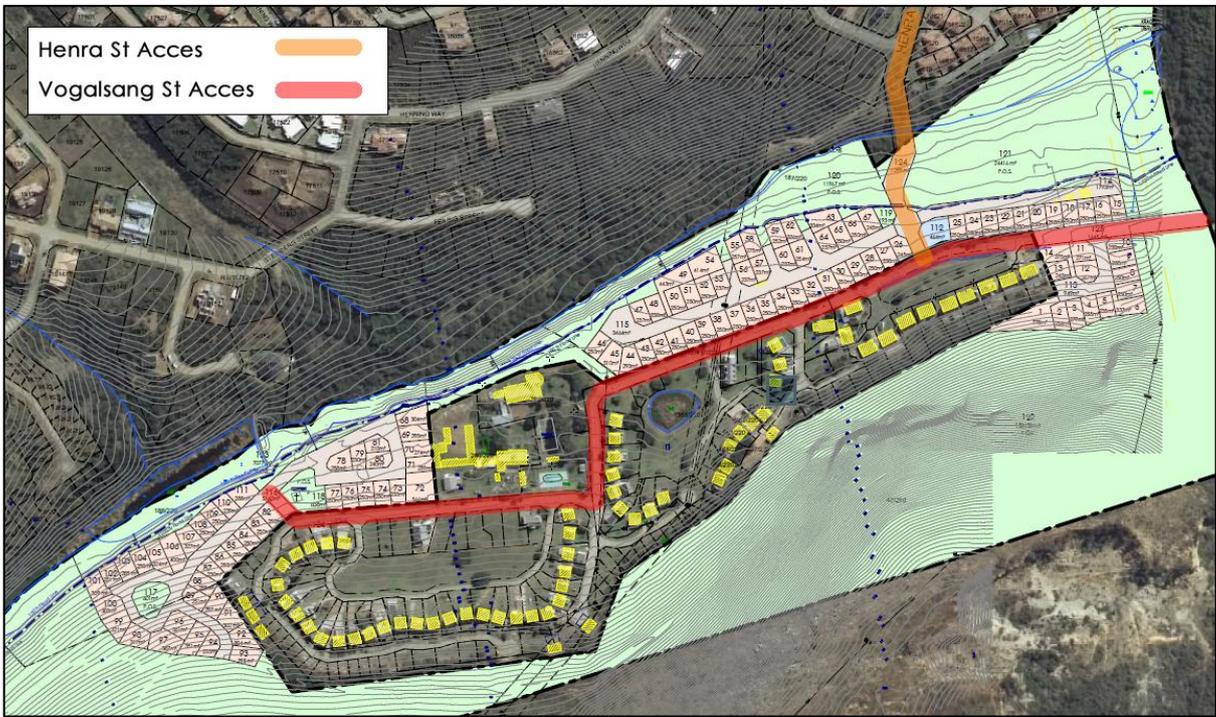


FIGURE 7: ACCESS TO PROPOSED RESIDENTIAL DEVELOPMENT

The figure above illustrates the two access points for the proposed residential development. Safe and sufficient access is proposed to the residential development. A causeway or bridge will be necessary to obtain access via Henra Street, the Environmental Authorisation has approved the construction of a causeway or bridge across the river.

4.4. Roads & Storm water

V3 Consulting Engineers was appointed to compile a civil services report, which includes the Road & Storm water.

Access Roads:

- The main access to the proposed development is from Wassenaar Street, on the eastern side.
- An additional connection will be established with Island View by means of a concrete culvert bridge. The bridge will be designed for the 1:50 year flood level.
- The expected culvert sizes / no's is 3,6m wide x 3,0m high x 4 no.
- The 1:50 year and 1:100 year flood lines are indicated on the drawings.
- A TIA was done previously by Others and has been accepted by the Municipality.

Internal Roads:

- The internal road network comprises of paved / tarred roads.

Storm water drainage:

- For this development, the 1:50 year and 1:100 flood lines are applicable.
- Up to 1:5 year flood to be handled in channels and/or underground pipes. Storm water runoff from the roads will be channelled along concrete channels and/or road kerbs to catch pits from where it will be piped to low points. Bigger floods to run on surface as is the standard.
- The storm water network will consist of 450mm concrete pipes. Pipe trench widths required by SANS 1200 is 900mm. Trench depths will be determined by the topography but will be between 1,0 to 3,0m deep.
- Due to the nature of the development we do not expect screening and/or treatment of the run-off to be necessary.



FIGURE 8: EXTRACT OF ROADS & STORM WATER PLAN COMPILED BY V3

4.5. Flood Lines

Retief Kleynhans & Vennote was appointed to compile the 1:100 year flood line. Retief Kleynhans & Vennote also compiled the 1:50 year flood line during (2012). The 1:100 year and 1:50 year flood line is indicated on the Subdivision Plan / Site Development Plan (2018) as requested by the Mossel Bay Municipality.

5. STATUTORY SPECIFICATIONS

5.1. Proposed Rezoning

The proposal entails a residential development, consisting out of (111) Group Housing units and (1) Business Erf. Portions 47; 187 & 188 of the Farm Vyf Brakke Fonteinens No. 220 is currently zoned 'Agriculture Zone', which does not allow a residential development as a primary use. Thus, it is necessary to rezone the property to the most applicable zone which allows the proposed residential development.

It is proposed to rezone the properties from 'Agriculture Zone' to 'Subdivisional Area'. A "subdivisional area" means an overlay zone that permits subdivision for the purposes of a subdivision application involving a change of zoning. The subdivisional area zoning designates land for future subdivision with development rights by providing development directives through specific conditions as approved in terms of the By-law.

In order to subdivide the properties into the intended uses it is necessary to rezone the properties to 'subdivisional area', as according to Section 20(2) of the By-law stating that *no*

application for subdivision involving a change of zoning may be considered by the Municipality unless the land concerned is zoned as a subdivisional area.

Thus, the requires application is for; the rezoning of Portions 47, 187, 188 of the Farm Vyf Brakke Fonteinen No 220, Division Mossel Bay from "Agriculture Zone" to "Sub-Divisional Area", in terms of Section 15(2) of Mossel Bay By-Law on Municipal Land Use Planning (2015).

5.2. Proposed Subdivision

It is proposed to subdivide Portions 47; 187 & 188 of the Farm Vyf Brakke Fonteinen No. 220 into (125) portions to accommodate the following uses:

- (111) x Group Housing Erven
- (1) x Local Business Erven
- (7) x Private Open Space Erven
- (4) x Private Roads
- (2) x Public Roads

The proposed subdivision correlates with the approved amended Environmental Authorisation (2012), and does not allow for anything else than what was originally approved by the Environmental Authorities.

The following figures illustrate the various proposed land uses:

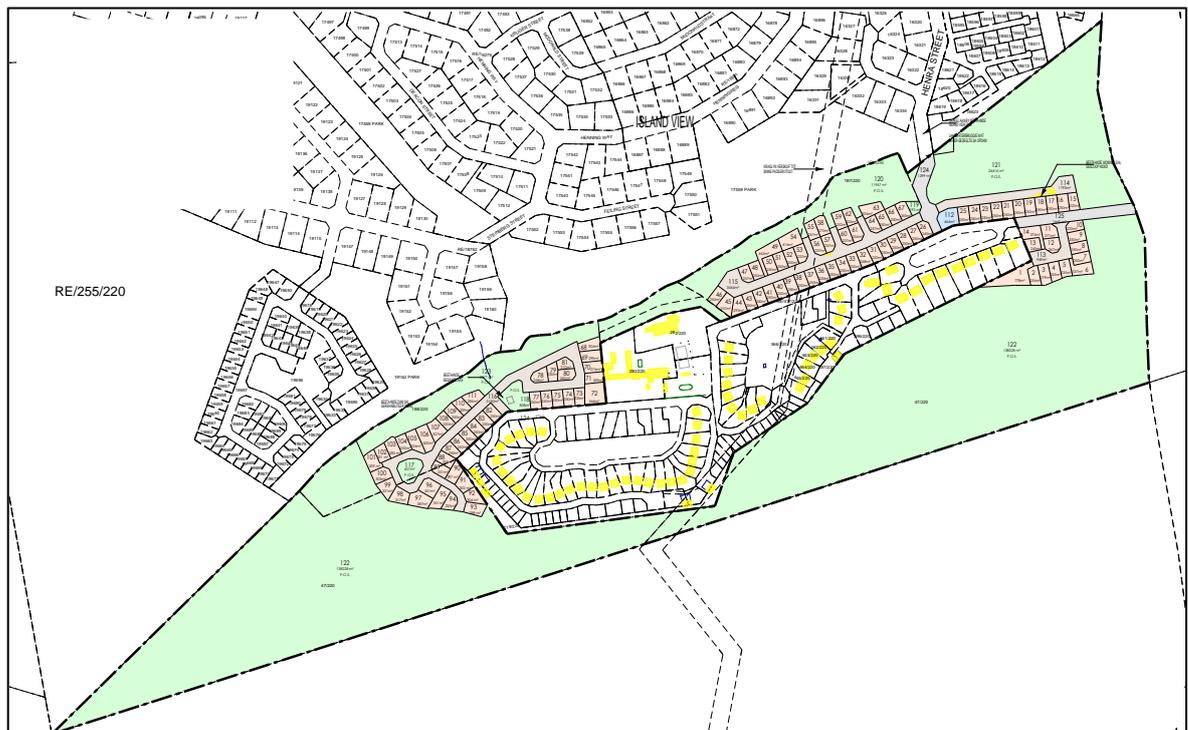


FIGURE 9: PROPOSED SUBDIVISION

A total of (111) x Group Housing units are proposed on the Subdivision Plan.

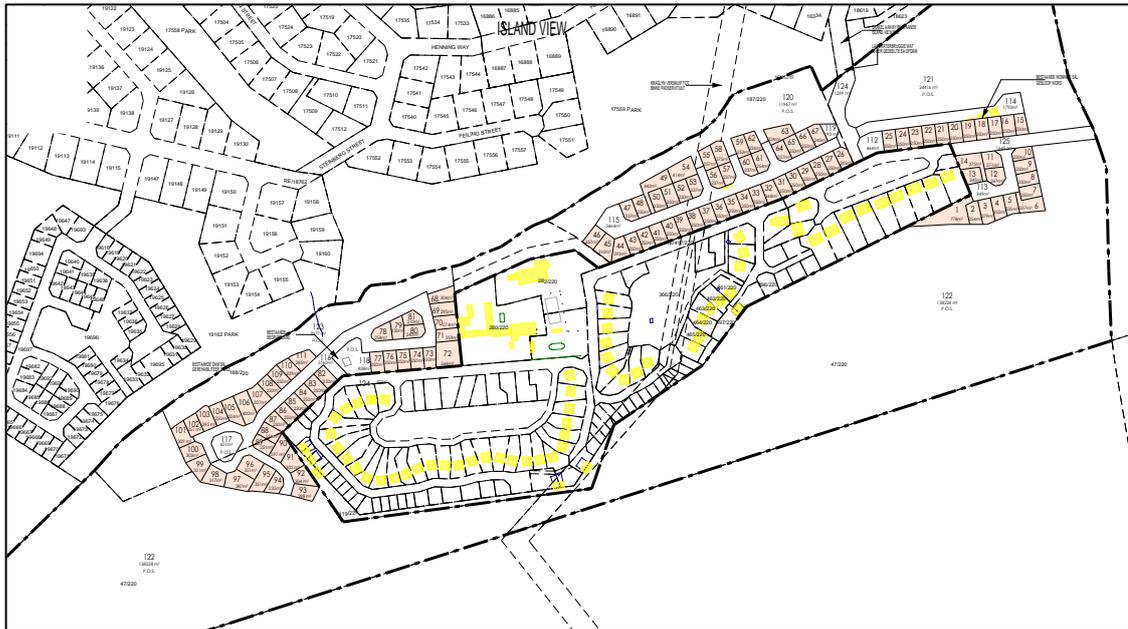


FIGURE 10: GROUP HOUSING UNITS

Only (1) Local Business unit is proposed near the entrance of the residential development, measuring approximately 464m² in extent.

The purpose of the local business property is to provide a small shop / convenience store that serve the needs for daily fresh produce for the surrounding residential areas, such as Vogelsang, Menkenkop, etc. The business erf is centrally located between the entrance of Vogelsang, the new link road to Menkenkop and the access of this proposed new development.

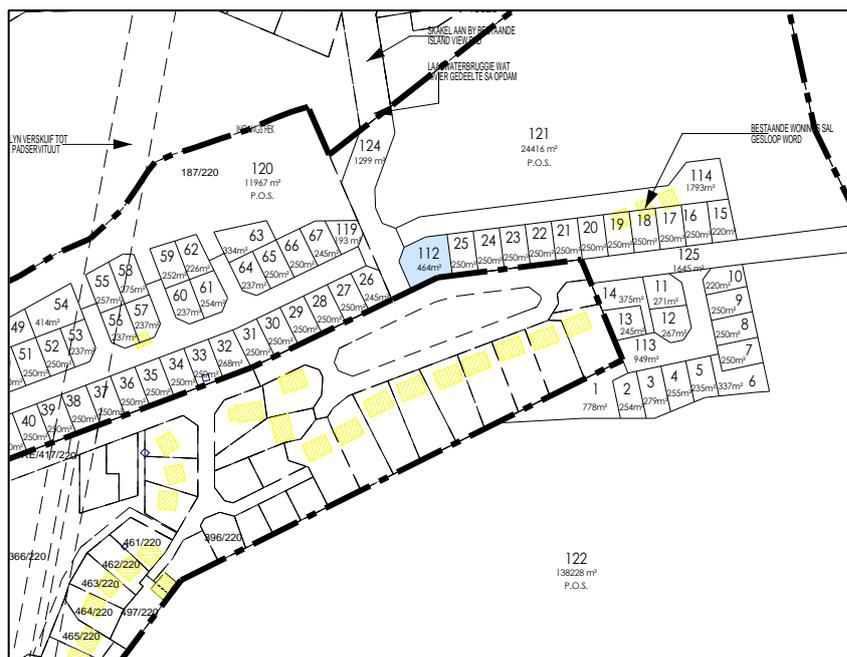


FIGURE 11: LOCAL BUSINESS ERF

A total of (7) Private Open Space Erven are proposed, measuring a total of approximately 22,7418ha. Open space surrounds the proposed development, thereby enabling a network of hiking trails and recreation areas that surround the proposed development.

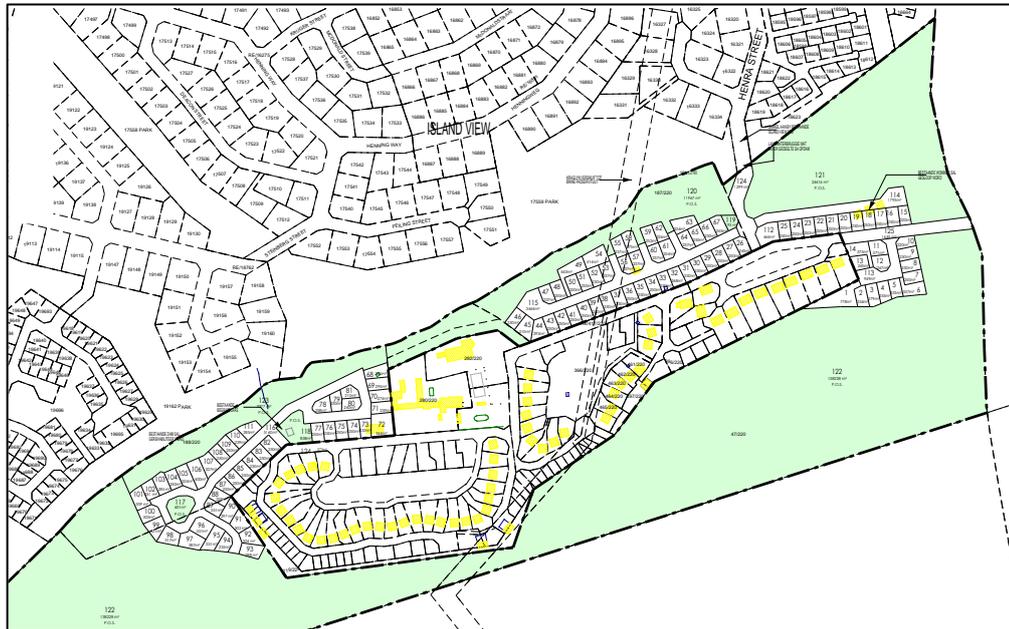


FIGURE 12: PRIVATE OPEN SPACE ERVEN

There are (4) Private Roads and (2) Public Roads proposed on the Subdivision Plan.

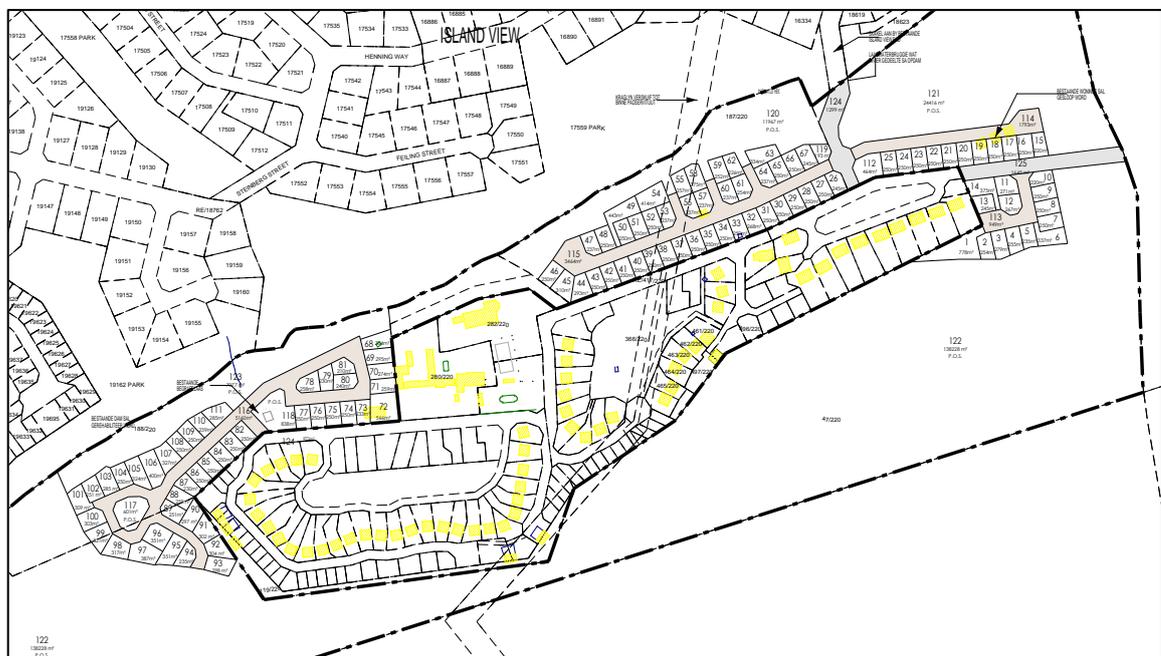


FIGURE 13: PRIVATE ROADS & PUBLIC ROADS

The "Group Housing" and "Local Business" erven will adhere to the Mossel Bay Municipality Integrated Zoning Scheme By-Law (2018). The development parameters for Group Housing and Local Business are stipulated within the Zoning Scheme By-Law.

The required subdivision to allow the proposed residential development is; the subdivision of Portions 47; 187 & 188 of the Farm Vyf Brakke Fonteinien No 220, Division Mossel Bay in terms of Section 15(2)(d) of the Mossel Bay By-Law on Municipal Land Use Planning (2015), into the following land uses; (111) x Group Housing Units, (1) x Local Business Unit, (7) x Private Open Space Erven, (2) x Public Roads & (4) x Private Roads.

5.3. Mossel Bay Integrated Zoning Scheme By-Law

Mossel Bay Municipality has recently implemented its new Zoning Scheme Bylaw. This new Zoning Scheme By-law was published in the Extraordinary Provincial Gazette of 19 January 2018. In terms of this new bylaw, the zonings of these new subdivided properties will be:

- (111) x General Residential Zone I erven
Land use – Group Housing
- (1) x Business Zone III erf
Land use – Neighbourhood Shop
- (7) x Open Space Zone II erven
Land use – Private Open Space
- (2) x Transport Zone II erven
Land use – Public Street
- (4) x Transport Zone III erven
Land use – Private Road

5.4. Environmental Authorisation

During (2012) an amended Environmental Authorisation was issued for the establishment of (111) group housing units, (1) business erf with proposed bulk services and an associated road network, it also includes the construction of a causeway or bridge across the river.

During (2017) The Chief Directorate: Development Planning confirmed that the developer as lawfully commenced with the authorised activities, thereby vesting the Environmental Authorisation. A copy of this confirmation from the Department, is attached as **ANNEXURE O** to this report.

6. CIVIL SERVICES

V3 Consulting Engineers was appointed to compile a civil services report, which include water, sewerage, roads & storm water and the refuse removal. A copy of this Civil Services report is attached as **ANNEXURE J**.

6.1. Water

Bulk Water Supply for Domestic Usage:

Potable water for human consumption and domestic use will be required and will be provided by Mossel Bay Municipality from their water treatment works in Klein Brakriver. Based on the Guidelines for the Provision of Municipal Infrastructure as well as the Water Master Plan for the Mossel Bay Area, it is estimated that the water demand that will be required for domestic usage is as follows:

Per annum: 54750kl/y

Average per day: 150,0kl/day

Allowance will be made for bulk supply connection points to the proposed development with a minimum peak flow rate of 28,89l/s. This will allow for peak and fire demand.

There are two suggested connection options for the proposed development as discussed with Mossel Bay Municipality.

1. A new connection to the Island View reticulation currently being fed from the 3Ml Aalwyndal Reservoir.
2. Connect to the existing Vogelsang internal network at suitable points currently being supplied via the Municipality's bulk water lines in Louis Fourie Road.

Note: During the planning of the upgrade of the adjacent Vogelsang, the proposed Eagle's Creek development was included in the calculations for water supply.

The Mossel Bay Municipality has previously confirmed that enough water is available to supply in this demand.

Mossel Bay Municipality's water master planning is being done by the firm GLS. The Municipality will allow connection to the proposed connection points on condition that GLS determine if any upgrading of the existing infrastructure is necessary.

Internal Water Supply:

The internal water supply for the development will consist of a water reticulation network supplying water through UPVC pipes.

The network is expected to consist of UPVC water pipes ranging in diameter from 75mm to 250mm requiring pipe trenches varying between 675mm and 850mm in width. Recommended trench depths will be between 800mm and 1500mm. Based on the preliminary design the total length of pipe to be installed is estimated at 1620m.

The network will be sized to supply in the peak demands including fire-fighting demands (taking into consideration the relevant fire risk category).

Isolating and scour valves as well as fire hydrants will be installed in valve chambers and placed according to the design guidelines.

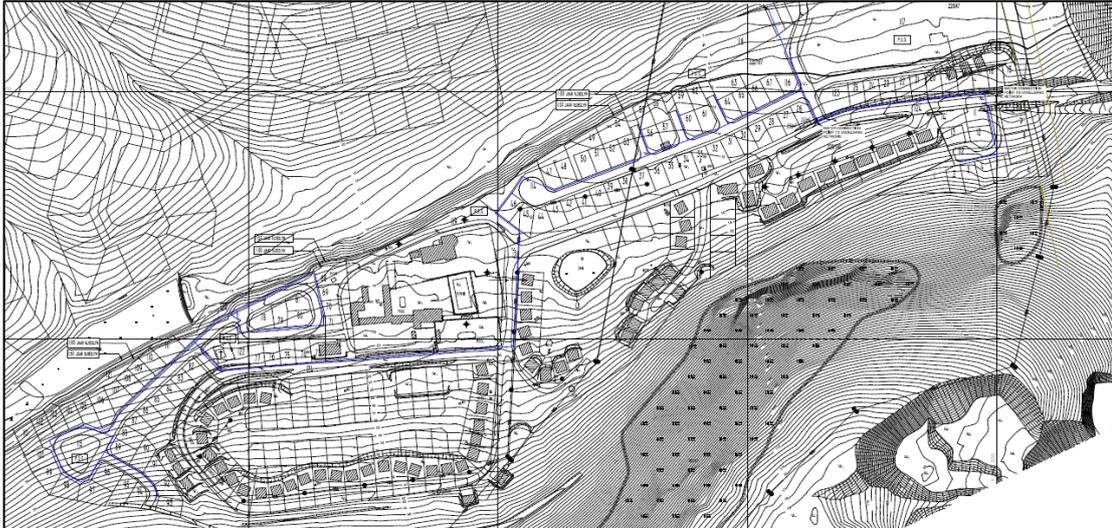


FIGURE 14: EXTRACT OF WATER NETWORK

6.2. Sewerage

Sewage removal will be accommodated by means of a gravity sewer network in combination with a sewage pump station and pumping main.

6.2.1. Internal Sewage Removal

An internal gravity sewer system will collect the sewage from the development and deliver it to a proposed new pump station as indicated.

From this new pump station, sewage will be pumped to a sewer manhole on the existing Municipal system as indicated and gravitate to the Voorbaai pump station.

The sewer network will consist of 2530m UPVC sewer pipes ranging between 160mm and 200mm and 1,0m diameter concrete sewer manholes. Pipe trench widths required by SABS 1200 is between 760mm and 800mm. Trench depths will be determined by the topography but is expected to be between 1,0 to 3,0m deep.

6.2.2. Bulk Sewage Removal:

From the Voorbaai pump station sewage will be discharged to the existing Municipal outfall sewer to the Hartenbos sewer siphon.

The hydraulic loading of the sewage system is estimated at 124,5kl/day.

The Mossel Bay Municipality confirmed that the necessary capacity is available at their Hartenbos Regional Treatment Works to handle the additional sewage inflow from this development.

Mossel Bay sewer network master planning is being done by the firm GLS. The Municipality will allow the proposed connection to the existing sewer pump station on condition that GLS determine if any upgrading of the existing infrastructure is required.

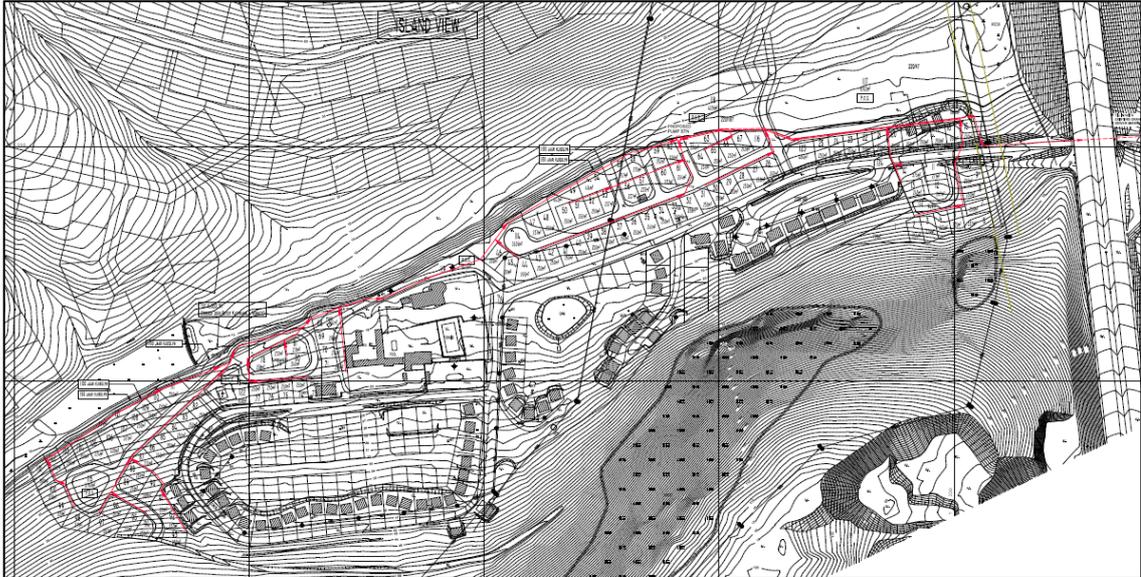


FIGURE 15: EXTRACT OF SEWER NETWORK

6.3. Roads and Storm Water

6.3.1. Access Roads:

The main access to the proposed development is from Wassenaar Street, on the eastern side.

An additional connection will be established with Island View by means of a concrete culvert bridge. The bridge will be designed for the 1:50 year flood level.

The expected culvert sizes / no's is 3,6m wide x 3,0m high x 4 no.

The 1:50 year and 1:100 year flood lines are indicated on the drawings.

Internal Roads:

The internal road network comprises of paved / tarred roads.

6.3.2. Storm water drainage

As is standard practice, a storm water management plan will be handed in to the controlling bodies for approval. For this development, the 1:50 year and 1:100 flood lines are applicable. These lines are shown on the drawings and all development falls outside.

The storm water plan will be based on the following:

- Up to 1:5 year flood to be handled in channels and/or underground pipes. Storm water runoff from the roads will be channelled along concrete channels and/or road kerbs to catch pits from where it will be piped to low points. Bigger floods to run on surface as is the standard.

Note: Above ground channels will be preferred.

The storm water network will consist of 450mm concrete pipes. Pipe trench widths required by SANS 1200 is 900mm. Trench depths will be determined by the topography but will be between 1,0 to 3,0m deep.

- Due to the nature of the development we do not expect screening and/or treatment of the run-off to be necessary.

6.4. Traffic Impact

During (2005) a Traffic Impact Study was compiled by VelaVKE Mosselbaai. The Municipality has confirmed that the TIA is still applicable and sufficient for the proposed residential development.

The TIA concluded and recommended the following conditions:

The proposed expansion and development of Eagles Creek consists of 129 group housing units, 75 special holiday units and a business erf.

There is a link between the existing Island View development and the Eagles Creek development, which will result in migration of traffic. An assumption of 20% of the rush hour traffic from and to each of the developments is accepted as through traffic.

With regard to the above and the distribution of rides at the crossings, 116 and 83 generated trips is expected for the morning and afternoon rush hour at the Louis Fourie / Bally / Sam Williams crossing.

Taking into account the information available, the assumptions and the SIDRA computer analyses, the following recommendations are made:

- That a left turn on Sam Williams and a right turn lane on Bally, (both storage lengths of minimum 20 meters), be constructed.
- That the Louis Fourie / Bally / Sam Williams crossing provided with traffic signals as soon as the development commences.
- To align the Eagles Creek junction to Siouxweg with a 90° stop-controlled connection.
- That the road from the subway to the Island View connection be widened to 6 meters. (Distance ± 300m).
- That the intersection underneath the subway stops on both sides, with only one vehicle that can pass through at a time.
- That the road section under the subway be provided with road traffic signs and road paint marks as previously been installed.
- That the low-water crossing be provided with the necessary flood water warning signs.
- That financial contributions to upgrade the road infrastructure between the developer and the road authorities are negotiated in advance. Knowledge must

be taken from the fact that the improvement measures are already needed, without taking into account the generated traffic from the proposed development.

- That design plans must be submitted to the road authorities for approval before any construction may take effect.

6.5. Refuse Removal

Refuse removal will be handled by Mossel Bay Municipality as per standard service.

7. ELECTRICAL SUPPLY

Makukhane Consulting Engineers CC was appointed to compile an Electrical Services Report. A copy of this report is attached as **ANNEXURE K**.

7.1. Electricity

Electricity will be supplied by the supply authority, Mossel Bay Municipality. The Mossel Bay Municipality will not take over any internal Low Voltage electrical reticulation services.

The existing 95mm², 11 kV ring feed underground/overhead system running past the development is capable of supplying the additional load of ± 550 kVA ADMD. The developer must upgrade the existing 200 kVA mini-sub with anew 630 kVA mini-sub. A Low Voltage bulk meter must be installed by the developer – a bulk account will be registered by the home owner's association and the home owners will be responsible for their own sub-metering.

The development falls into the category Urban Residential II, provision for a 60 A single-phase electricity supply to the boundary of each erf. A 16 or 25mm² Cu 2-core cable will be installed from the nearest Kiosk/DB to the boundary. The estimated After Diversity Maximum Demand for the development is ± 550 kVA.

The distribution on the property will be an 11000/420 V underground cable system, which will have no visual impact on the environment. High Voltage cables will be installed at a minimum depth of 1000mm and Low Voltage cable at a minimum depth of 600mm from the finished ground level. Energy efficient Street Lighting, 34 W LED's on 5,4m Poles will be provided.

In order to minimize electricity load shedding and blackouts, thereby improving the quality of supply, developers and home owners shall install energy efficient lighting (residential and street lights) arrangements, Rooftop Photovoltaic system (25% of actual supply), geysers that incorporate solar/heat pump/gas water heating and LPG gas cooking.

All electrical services will be installed in accordance with NRS 034 and Mossel Bay Municipal standard specifications.

7.2. Telecommunication

The telephone network will be supplied by Telkom.

All Telkom cables in the development will be installed in a 110mm² PVC sleeve on the side of the road, 600mm from the electrical cables at a minimum depth of 600mm from finished ground level. The underground Telkom System will have no visual impact on the environment.

SECTION C : CONTEXTUAL INFORMANTS

8. LOCALITY

(Plan 1: Locality Plan)

Portions 47; 187 & 188 of the Farm Vyf Brakke Fonteinens No. 220 is located in Die Voorbaai Area, Mossel Bay. The application area is situated west of the N2 Road and south-east of the Langeberg Mall. The application area surrounds the existing Vogelsang Landgoed.

The GPS co-ordinates for the centre of the proposed development are 34° 9'13.93"S and 22° 5'35.19"E.

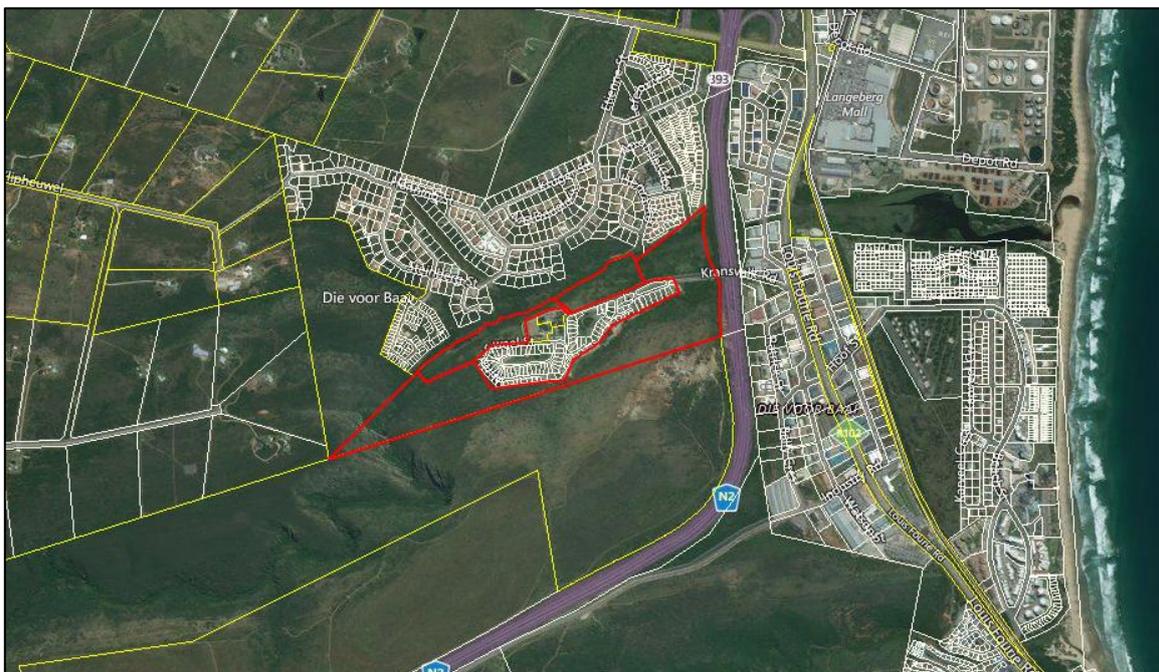


FIGURE 16: LOCALITY OF APPLICATION AREA

9. CURRENT LAND USE AND ZONING

9.1. Land Use

(Plan 2: Land Use Plan)

The current land use on Portions 47; 187 & 188 of the Farm Vyf Brakke Fonteinens No. 220 is vacant. The area is vacant with no structures on the properties. The images below indicate the vacant areas on the properties.

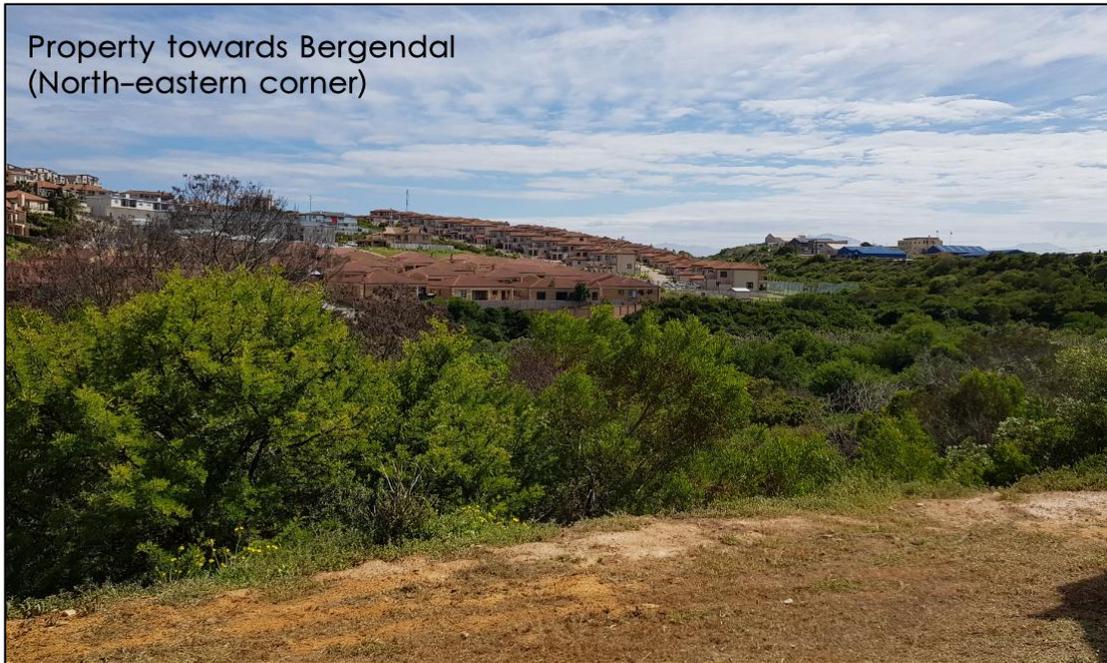


FIGURE 17: SITE AS SEEN FROM APPLICATION AREA TOWARDS BERGENDAL (NORTH-EASTERN CORNER)

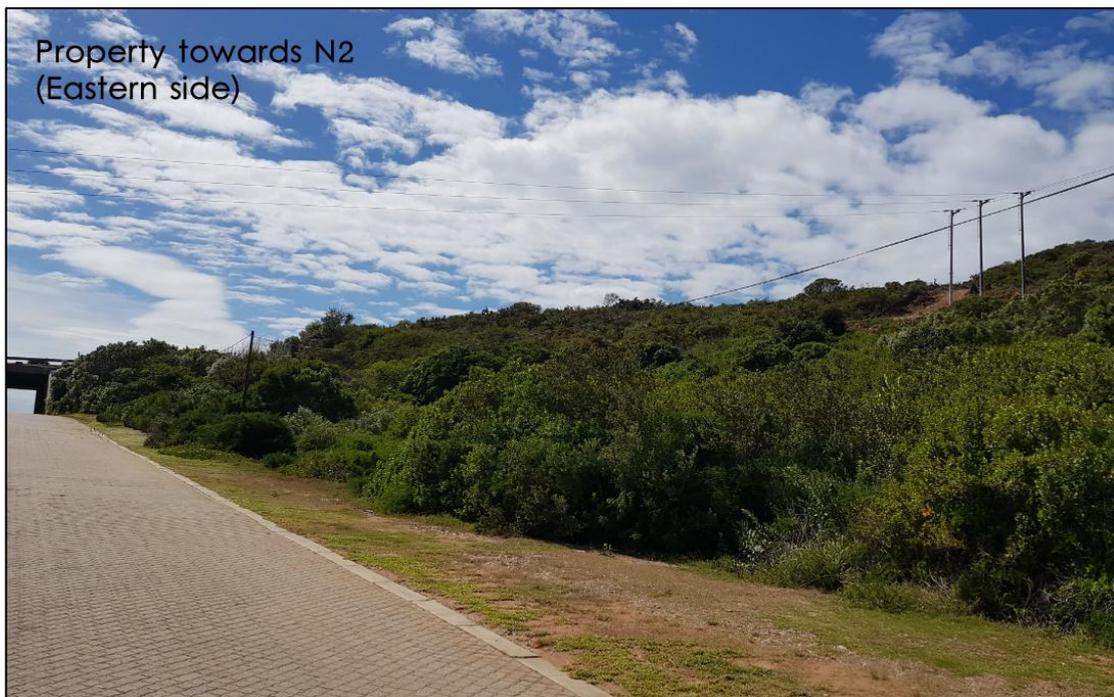


FIGURE 18: SITE AS SEEN FROM APPLICATION AREA TOWARDS N2 (EASTERN CORNER)



FIGURE 19: SITE AS SEEN FROM BERGENDAL TOWARDS APPLICATION AREA (SOUTHERN SIDE)



FIGURE 20: SITE AS SEEN FROM BERGENDAL TOWARDS APPLICATION AREA (SOUTHERN-WESTERN SIDE)

The land use plan below indicates the various land uses surrounding the application area:

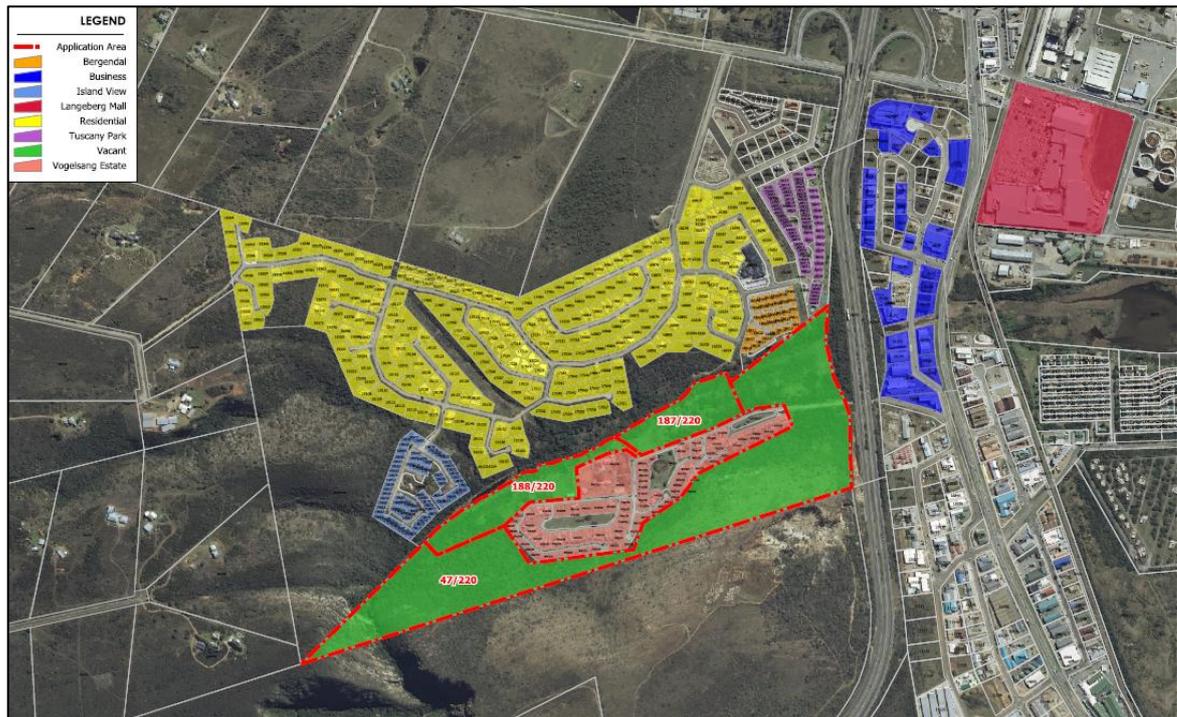


FIGURE 21: EXTRACT OF LAND USE PLAN

9.2. Zoning

Portions 47; 187 & 188 of the Farm Vyf Brakke Fonteinen No. 220 is currently zoned as 'Agriculture Zone' in terms of the Mossel Bay Zoning Scheme Regulations.

10. SITE CHARACTERISTICS

10.1. Topography

The layout was carefully designed, taking into consideration the steep slopes of the terrain. Steep slopes were avoided.

The slopes steeper than 1:4 runs along the edge of the proposed Group Housing units on the north and south of the application area, only encroaching onto the erven on the eastern and western corners. The encroached erven still allow for suitable development footprints.

The figure below illustrates slopes steeper than 1:4 on the proposed Subdivision Plan / Site Development Plan (2018).

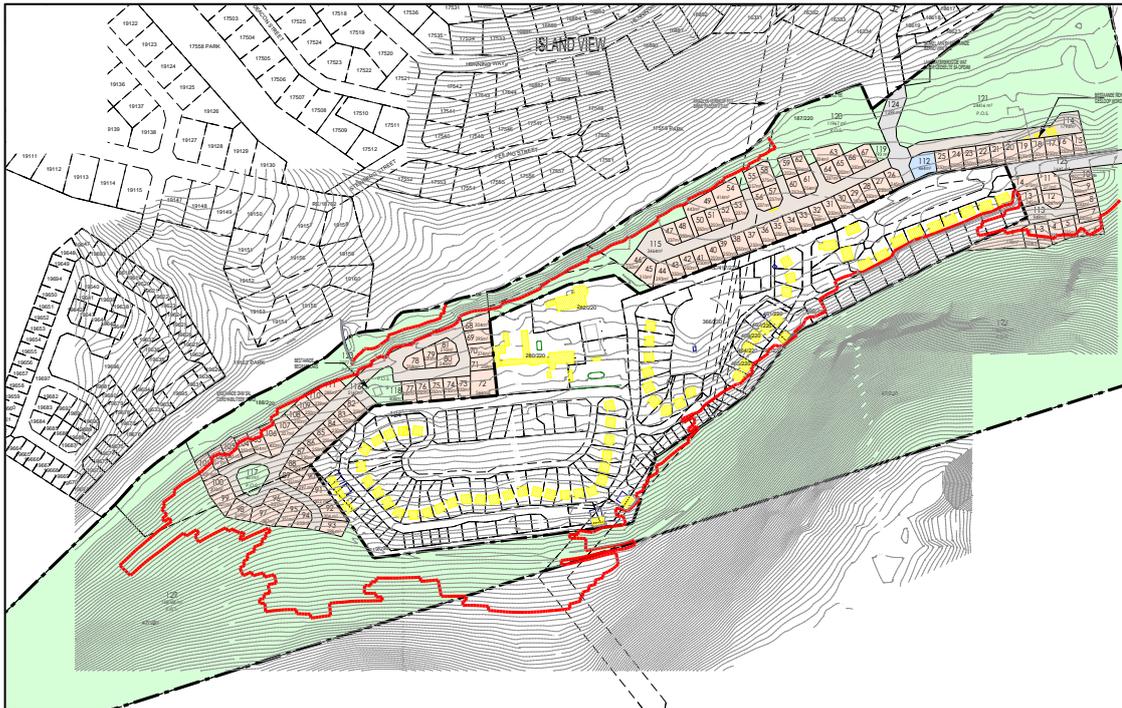


FIGURE 22: SLOPES STEEPER THAN 1:4

10.2. Vegetation

The vegetation on the application vary between; Mossel Bay Succulent Renosterveld (south), Gouritz Dune Thicket (east) and the Hartenbos River & Floodplain (north & west). The figure below illustrates a composite vegetation map as classified by Jan Vlok (Vlok et al., 2005).

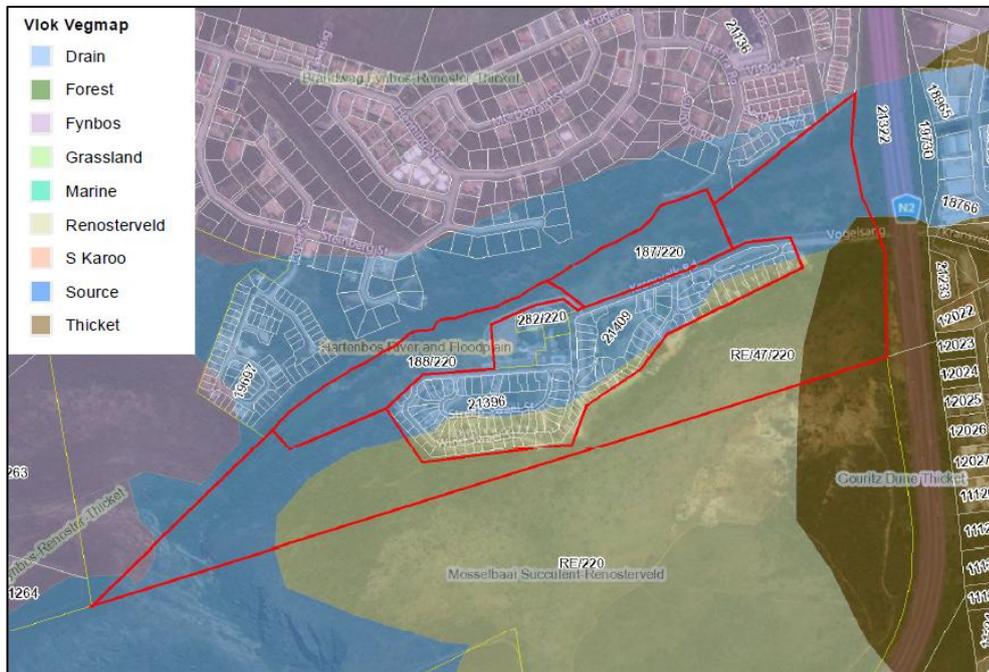


FIGURE 23: EXTRACT OF VLOK VEGETATION MAP

According to the figure below, the northern and north-eastern parts of the application area is classified as endangered ecosystems (Groot Brak Dune Strandveld); and the southern and south-western parts are classified as least threatened ecosystems (North Langeberg Sandstone Fynbos).

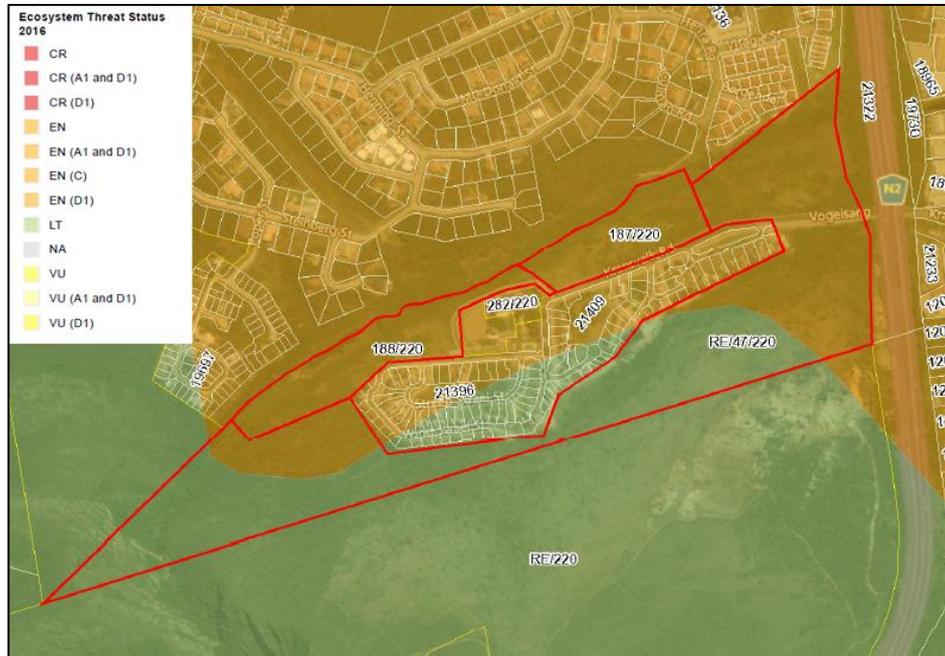


FIGURE 24: ECOSYSTEM THREAT STATUS

According to the Critical Biodiversity Area Map the northern parts of the application area is situated within Wetland and Aquatic CBA area. Western and eastern parts of the application area contain Terrestrial CBA area.

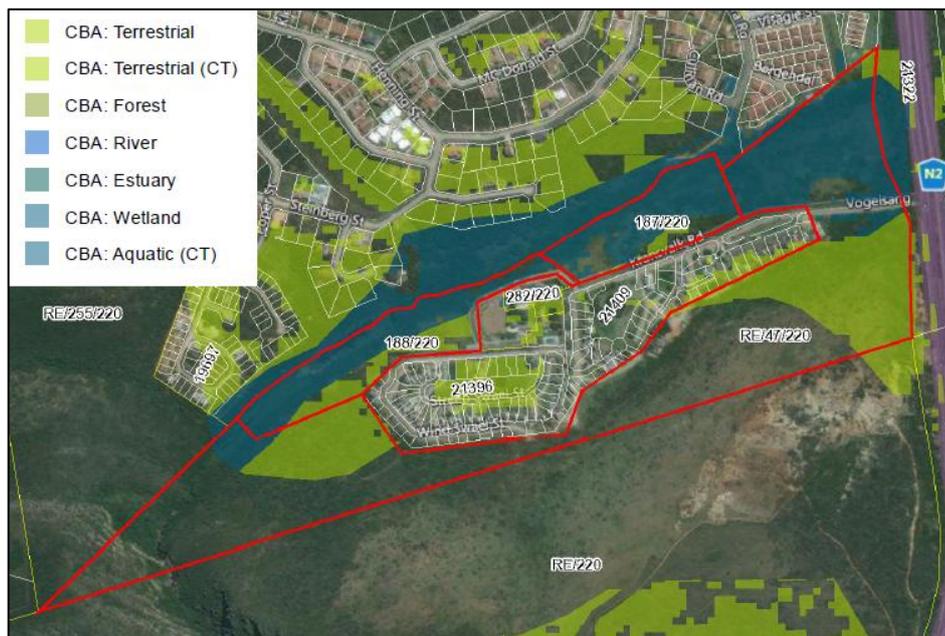


FIGURE 25: CRITICAL BIODIVERSITY AREAS

Although the application area is situated within CBA and Ecosystem Threat areas, it should be noted that after a detailed Environmental Assessment, including botanical assessments, an Environmental Authorisation was issued during (2012) for this proposed residential development and during (2017), The Chief Directorate: Development Planning issued a statement that the Environmental Authorisation issued was commenced with, thus vesting the Environmental Authorisation rights.

These identified sensitive areas have been assessed, on site, and have been found to be suitable for development.

10.3. Drainage

The northern parts of the application are the lowest points of the area; thus, the water will drain towards the northern boundary of the property, exiting toward the north-east corner of the property. The northern part of the application area forms part of a wetland that drain towards the north-eastern corner of the property.



FIGURE 26: SLOPE (%)

The figure below illustrates the wetlands on the application area. The wetland runs along the northern boundary of the property; entering from the west and exiting at the eastern corner of the property. To prevent a flood hazard, it was recommended from the Municipality to indicate the 1:50 and 1:100 year flood line on the Site Development Plan. The proposed residential development is outside the prescribed flood lines, thus outside any flooding hazard.

PROPOSED REZONING & SUBDIVISION: PORTIONS 47; 187 & 188 OF THE FARM VYF BRAKKE FONTEINEN NO 220, DIVISION MOSSEL BAY

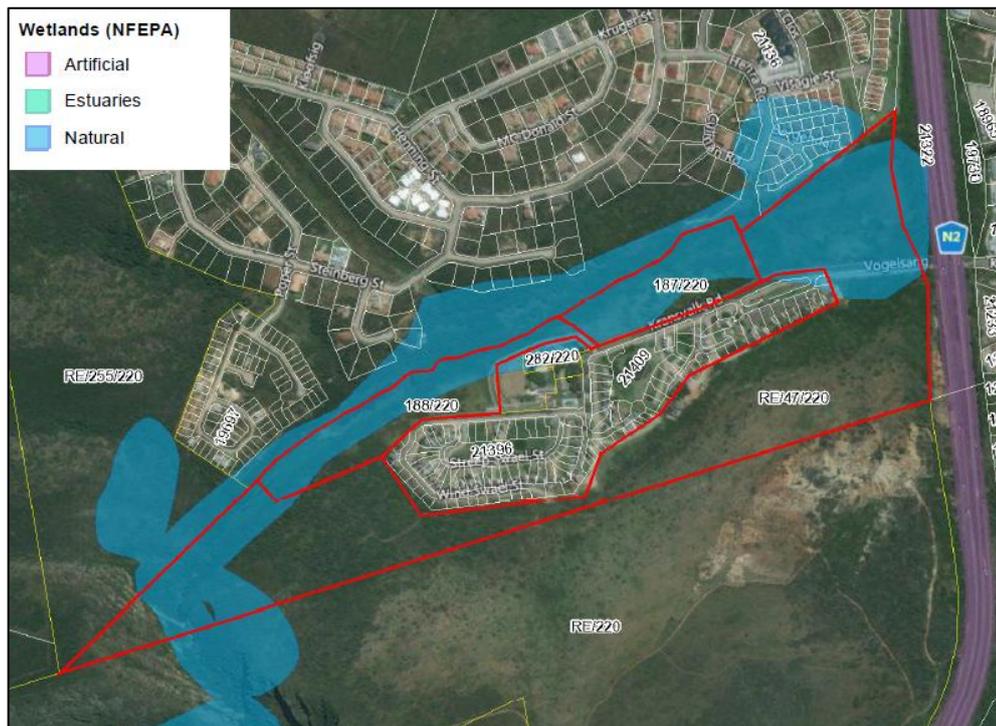


FIGURE 27: WETLANDS (NFEPA)

There is an existing dam on the application area. The dam is located to the north of the western, proposed group housing node. The applicant has rights to irrigate from this dam, and water from this dam will be used for irrigation purposes. Flood lines have been determined and no development will encroach the flood lines near the dam.

10.4. Built Environment

The application area in itself is vacant, with no built environment, except for an old family graveyard (cemetery) near the western proposed group housing node. The figure below illustrates the locality of the existing family graveyard (cemetery). The cemetery will be zoned for Private Open Space and will remain undeveloped.

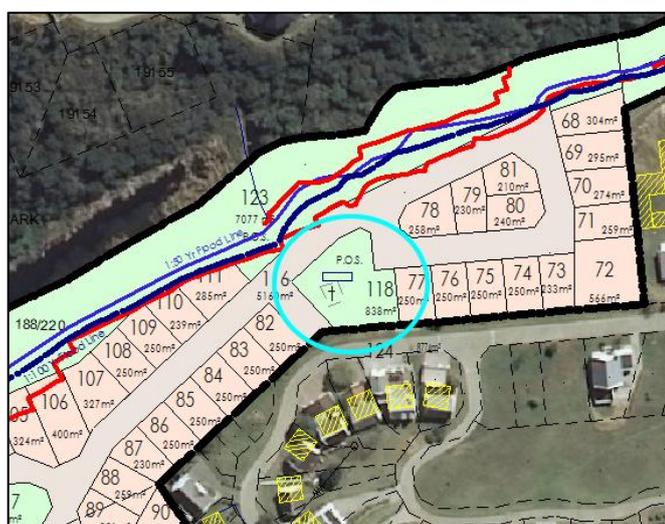


FIGURE 28: CEMETERY

The larger built environment is however characterised with various residential developments. The proposed development area is surrounded by the existing Vogelsang development to the south and by the Island View & Bergendal developments to the north. The application area is in the middle of existing residential developments; making it the ideal location for further residential expansion (infill development). The fact that existing road infrastructure and service infrastructure connections are available in close proximity makes it cost-effective and allows the efficient use of municipal services. The existing services networks bisect the application area and will be used to provide municipal services to the proposed development.

The proposed Architectural Style will complement that of the surrounding Vogelsang Development and contribute to the existing residential character of the area. The application area is ideally suited for residential development, as it is in an existing residential area with existing services networks that could be utilised to allow efficient use of municipal services.

11. CHARACTER OF THE AREA

Portions 47; 187 & 188 of the Farm Vyf Brakke Fontein No. 220 is located within Die Voorbaai area, Mossel Bay. The application area is situated west of the N2 and south-west of the Langeberg Mall. Various residential developments are situated in the immediate vicinity of the application area. The application area surrounds the Vogelsang Landgoed. The N2 National Road divides the residential areas (west) from the business areas (east). East of the N2, various businesses are located, including the Langeberg Mall, Mossel Bay Ford, Mossel Bay Toyota etc. The proposed residential development will contribute to the existing residential character of the area.

The area is currently vacant, however the most suitable land use for the application area is residential. The proposed development will contribute to the existing character of the area.

Given the fact that the application area is located near the Langeberg Mall, near the Voorbaai industrial area and near the N2 National Road, makes the site ideal for densification. The character of the area is residential, although many erven is vacant, in the future residential development will be occupy the vacant erven.

The proposal of a residential development can be regarded as consistent in an area characterised by the various residential uses contributing to character of the area.

12. EXISTING POLICY FRAMEWORKS

12.1. Western Cape Provincial SDF (2014)

The Western Cape Provincial SDF was approved in 2014 by the Western Cape parliament and serves as strategic spatial planning policy that "communicates the provinces spatial planning agenda".

The Western Cape's agenda for spatial transformation and improved efficiencies in the use of natural resources are closely linked. The PSDF states that the paradigm that economic growth implies the on-going depletion of the Province's natural capital needs to be broken.

This is the rationale for the PSDF embracing a transition to a Green Economy. The so-called 'decoupling' of economic growth strived for, requires reductions/substitutions and/or replacements in the use of limited resources, while avoiding negative environmental impacts. The table below, contains a summary of the key transitions promoted in the PSDF:

PSDF THEME	FROM	TO
RESOURCES	Mainly curative interventions	More preventative interventions
	Resource consumptive living	Sustainable living technologies
	Reactive protection of natural, scenic and agricultural resources	Proactive management of resources as social, economic and environmental assets
SPACE-ECONOMY	Fragmented planning and management of economic infrastructure	Spatially aligned infrastructure planning, prioritisation and investment
	Limited economic opportunities	Variety of livelihood and income opportunities
	Unbalanced rural and urban space economies	Balanced urban and rural space economies built around green and information technologies
SETTLEMENT	Suburban approaches to settlement	Urban approaches to settlement
	Emphasis on 'greenfields' development and low density sprawl	Emphasis on 'brownfields' development
	Low density sprawl	Increased densities in appropriate locations aligned with resources and space-economy
	Segregated land use activities	Integration of complementary land uses
	Car dependent neighbourhoods and private mobility focus	Public transport orientation and walkable neighbourhoods
	Poor quality public spaces	High quality public spaces
	Fragmented, isolated and inefficient community facilities	Integrated, clustered and well located community facilities
	Focus on private property rights and developer led growth	Balancing private and public property rights and increased public direction on growth
	Exclusionary land markets and top-down delivery	Inclusionary land markets and partnerships with beneficiaries in delivery
	Limited tenure options and standardised housing types	Diverse tenure options and wider range of housing typologies
	Delivering finished houses through large contracts and public finance and with standard levels of service	Progressive housing improvements and incremental development through public, private and community finance with differentiated levels of service

FIGURE 29: KEY TRANSITIONS FOR THE PSDF

The recent shift in legislative and policy frameworks have clearly outlined the roles and responsibility of provincial and municipal spatial planning and should be integrated towards the overall spatial structuring plan for the province to create and preserve the resources of the province more effectively through sustainable urban environments for future generations. This shift in spatial planning meant that provincial inputs are in general limited to provincial scale planning. However, it is important to note some of the key policies laid down by the PSDF have a bearing on the application.

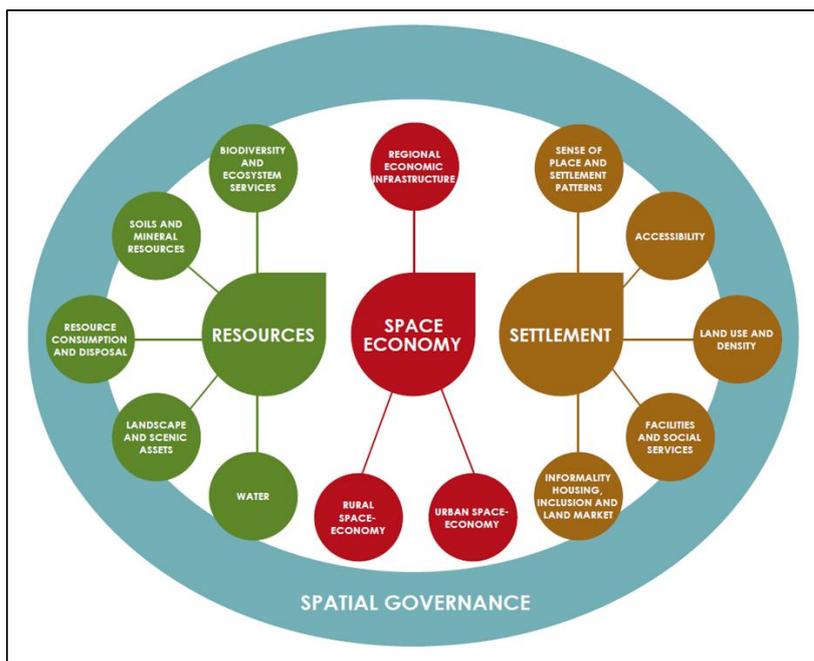


FIGURE 30: POLICIES APPLICABLE TO PROPOSED DEVELOPMENT

The proposed development compliments the SDF spatial goals that aim to take the Western Cape on a path towards:

- (i) Greater productivity, competitiveness and opportunities within the spatial economy;
- (ii) More inclusive development in the urban areas;
- (iii) Strengthening resilience and sustainable development.

Policy R2: Safeguard Inland and Coastal Water Resources, and Manage the Sustainable Use of Inland Water

2 Rehabilitation of degraded aquatic systems is a complex inter-disciplinary intervention requiring, inter alia, built environment upgrading, improved farming practises, as well as the involvement of diverse stakeholders. Towards rolling-out a Province-wide water systems rehabilitation programme, share lessons learnt from the Berg River Improvement Plan and Working for Water – *the proposed development has taken the position of the flood lines of the water course into consideration and the existing river system that bisects the application area will be rehabilitated and protected.*

Policy E3: Revitalise and Strengthen Urban Space-Economies as the Engine of Growth

5. Existing economic assets (e.g. CBDs, township centres, modal interchanges, vacant and under-utilised strategically located public land parcels, fishing harbours, public squares and markets, etc.) should be targeted to lever the regeneration and revitalisation of urban economies.

7. Incentives should be put in place to attract economic activities close to dormitory residential areas, facilitate brownfields development (e.g. mixed-use development and densification in appropriate locations), and private sector involvement in the rental and gap housing markets.

Policy S1: Protect, Manage and Enhance Sense of Place, Cultural and Scenic Landscapes

2. Promote smart growth ensuring the efficient use of land and infrastructure by containing urban sprawl and prioritising infill, intensification and redevelopment within settlements – *as mentioned in this report, the proposed development is infill between various other, surrounding residential developments.*

Policy S2: Improve Inter and Intraregional Accessibility

2. Curtail new settlement formation that increases average travel times – *the centrally located application area will decrease travel times to economic opportunities.*

Policy S3: Ensure Compact, Balanced & Strategically Aligned Activities & Land Uses

This policy reflects the main aim of the policy through targeting economic assists (e.g. Modal Interchanges underutilised strategically located land parcels) should be used as a lever to regenerate and revitalise urban settlements.

Promoting functional integration and mix land use to increase liability of urban areas. Thus, the policy specifies the importance to- increase density of settlements and number of units in new housing projects; continue to deliver public investment to meet the needs in settlement developments; integrate packages of land, infrastructure and services as critical to promote densification and efficiency associated with agglomeration – the application area is within walking distance from an existing economic centre, the Diazdustria commercial centre, as well as the Langeberg Mall node.

Policy S5: Promote Sustainable, Integrated and Inclusive Housing in Formal and Informal Markets

1. Provide a wide choice of housing typologies and tenure options, based on economic, fiscal, and social affordability. Incremental housing development to be pursued, with phased service provision to accelerate housing provision.

4. Promote private-sector participation in the gap market to diversify and expand housing delivery options.

The proposed development can be considered in line with the Provincial Spatial Development Framework.

Note: *The development proposal will comply with the Western Cape Spatial Development Framework as the proposed residential development contribute to the regeneration and revitalisation of urban economies. The development proposal ensures densification and*

contribute to infill development. The Western Cape Spatial Development Framework has a strong emphasis on revitalising urban spaces creating an urban living environment which is more convenient, efficient and aesthetically pleasing to residents. The proposed development is on a vacant site, thus contributing to infill development and it will be strengthening the character of the area by contributing to an existing residential neighbourhood. The residential development will contribute to the integrated living environment which is strategically aligned with the surrounding land uses of the residential neighbourhood. The proposal promotes smart growth, by ensuring the efficient use of land and infrastructure by containing urban sprawl and prioritising infill, intensification and redevelopment within settlements. The development is a private-sector development, which will help to provide a housing opportunity and expand the housing delivery options. Therefore, the proposal is consistent with strategic objectives as set out by the Western Cape Spatial Development Framework.

12.2. Eden District Spatial Development Framework, 2017

The Eden District approved its Spatial Development Framework towards the end of 2017.

The SDF aims to grow the Eden District Economy the spatial concept is structured around the following three primary spatial objectives:

1. Identify and protect the “jewels” of the District that are the base of its economy and economic opportunity;
2. Strengthen physical and virtual accessibility within and into the District and improve the resilience of these systems to improve rural access to services and promote a more sustainable regional space economy;
3. Calibrate and align:
 - **Population growth, economic growth and growth potential, unemployment;**
 - The pipeline of development projects (especially housing projects); as well as
 - The capacity **to maintain urban systems and services** over the long term to facilitate, coordinate and enable the appropriate allocation of resources and investment to where need can be matched with economic growth potential.

The SDF states that:

- Direct and encourage growth to match capacity, resources and opportunity in relation to the regional socio-economic hierarchy of cities and towns.
- Growth should be encouraged in towns that have economic, spatial and social capacity to ensure fiscal sustainability.

- Containing unsustainable urban sprawl and making more efficient use of land and existing facilities is a core component of growth management and long term fiscal resilience of municipalities and households.
- Land should only be developed only in areas that are identified and suitable for urban growth and within these settlements vacant and underutilised land within the existing settlement footprint should be prioritised for development before new greenfield areas are considered for new development.
- Density should occur within 800-1600 m or 10- 20 minutes from transport hubs and areas with mixed-use activity. This will encourage the use of non-motorise forms of transport such as walking and cycling.

The proposed residential development could be considered in line with the Eden SDF. The proposal encourages densification in an area with establish services network, residential development within the urban edge, development of vacant parcels inside the urban edge (infill development), effective use of municipal services and the proposal is within close proximity of the Langeberg Mall node, thus encouraging non-motorise forms of transport. A number of employment opportunities will also arise from the proposed residential development.

12.3. Mossel Bay Municipality Spatial Development Framework (June 2017)

The Mossel Bay Municipality has accepted and implemented a new Spatial Development Framework during (June 2017).

The Spatial Vision of the municipality is to create a long-term, sustainable land use pattern that:

- conserves Mossel Bay municipality's significant rural resources for the biodiversity conservation of its:
 - rivers, wetlands, estuaries and coastline,
 - natural vegetation,
 - scenic landscapes, and
 - extensive and intensive agriculture resources,

to support rural tourism and agricultural economic growth and employment creation. The municipality places a greater focus on leveraging its history, heritage and sense of place of the natural scenic areas and old town to revive its underperforming tourism economy;

and,

- promotes inclusionary, efficient, urban growth that:
 - provides comfortable and convenient access to urban opportunities and livelihoods for all of its existing and future residents;

while at the same time;

- decoupling this growth from excessive water, energy and land consumption along the coastal settlement strip; and,
- the municipality should place effort and energy in developing partnerships, lobbying and undertake proactive planning initiatives in seeking to upgrade, refurbish and link the 'old town' with the existing port in a heritage appropriate way to create a new jewel in the crown of the garden route which both attracts visitors but creates a solid locally-driven economy.

According to the Mossel Bay Municipality Spatial Development Framework (SDF) the application area is located within the urban edge for Mossel Bay, therefore the site has been identified as within the desired envelope of development for the settlement.

The subject property is situated within the Diaz-Voorbaai-Hartenbos Sub-Area as stipulated by the Mossel Bay SDF (2017).

The SDF illustrates that the application area is situated inside a "*Conservation of CBAs and ABAs within urban edge*" area. However, it appears that by the time the SDF was accepted and implemented, (June 2017) the Mossel Bay authorities were unaware of the Environmental Authorisation that was issued.

It should be noted that the SDP map is a schematic map, and it is not accurately on scale. The maps did also not follow cadastral boundaries. It is assumed that the "Core Conservation" area was derived from the water course, and the mapped (from aerial photos and desktop work) Critical Biodiversity Areas Mapping. At this point it should be noted that:

- The development area did take into consideration the drainage and flood lines;
- After a site specific botanical assessment (as part of the environmental authorisation process), the application area was regarded as being suitable for development.
- The Environmental Authorisation has granted approval for a residential development on the subject properties during (2012); and during (2017) The Chief Directorate: Development Planning issued a statement that the Environmental Authorisation issued was commenced with, thus vesting the Environmental Authorisation rights.

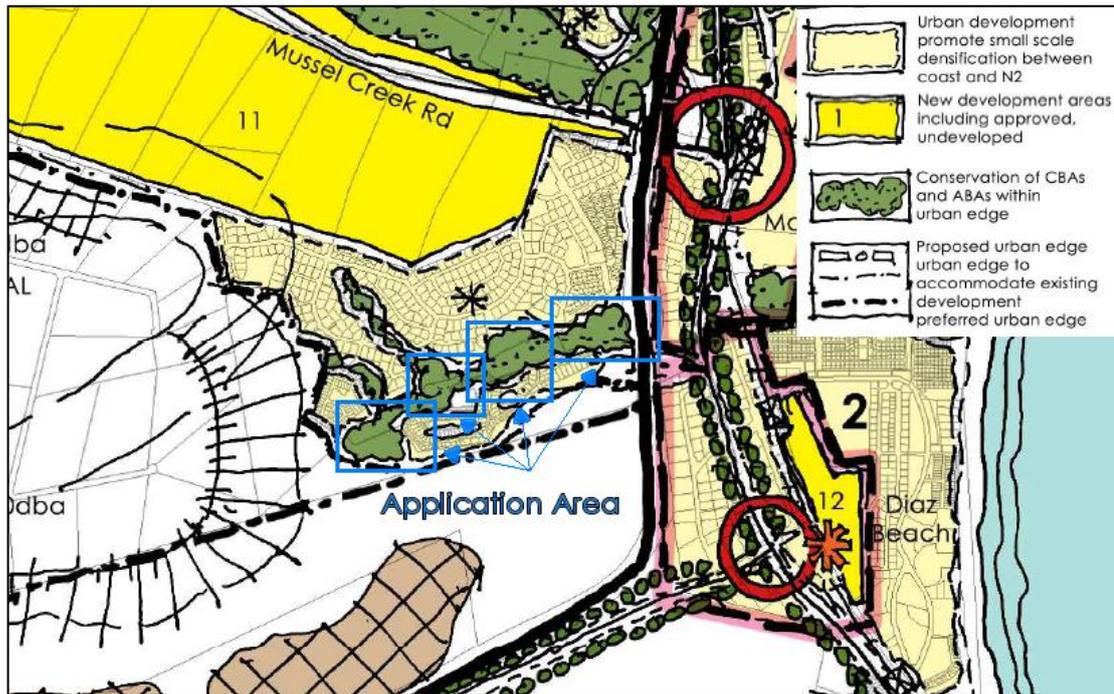


FIGURE 31: EXTRACT OF MOSSEL BAY SDF (2017)

Given the fact that the application area is located near the Langeberg Mall, near the Voorbaai industrial area and near the N2 National Road, makes the site ideal for densification. The application area is surrounded with residential development, therefore integrating within the existing character of the area.

The new planning legislation (SPLUMA) states that a municipality cannot approve an application that is in conflict with an approved SDF, unless there are site specific informants that warrant such an approval. Since an Environmental Authorisation was issued by DEADP (*that should have considered all environmental informants*), these environmental aspects should have been satisfactorily identified and addressed.

Planning Implication

The proposed development is located inside the urban edge of Mossel Bay and therefore the site is suitable for development. According to the SDF (2017) the application area is situated within a "Conservation of CBAs and ABAs within urban edge" area. However, according to section 22(2) of SPLUMA (2013) authority may depart from the provisions of a municipal spatial development framework only if site-specific circumstances justify a departure from the provisions of a municipal spatial development framework. In response to the abovementioned; Environmental Authorisation was issued by DEADP to allow a residential development. Such an authorisation would have considered all environmental informants and environmental aspects; and would have been satisfactorily identified and addressed, to issue such an authorisation. The Environmental Authorisation has also been commenced with, thus vesting the environmental rights. This in itself is sufficient merit to motivate site-specific circumstances to depart from the municipal spatial development framework.

The proposal also promotes the optimal development of vacant land parcels within the existing urban structure, which contributes to infill development. The proposed development will result in the optimal use of unutilised land in the urban edge, thereby preventing urban sprawl. The proposal will contribute to the existing residential character of the area.

12.4. Mossel Bay Integrated Development Plan (2017-2022)

An IDP is a planning mechanism to synchronise planning and fiscal spending across all spheres of government. The IDP allows for synergy between the efforts of all spheres of government to improve the combined developmental impact of the State, translating national, provincial and district objectives into practical interventions within a defined municipal space.

The Municipal Key Performance Areas (KPA’S) and Strategic Objectives set the strategic tone and pave the direction for future developments, investments and public/private partnership interventions. The Key Performance Areas and Strategic Objectives will inform and guide service delivery and development over the next five years.

The following Key Performance Areas (KPA’S) and Strategic Objectives are applicable to the proposed development:

STRATEGIC OBJECTIVES	
SO 1	Create an inclusive, responsive, and healthy environment conducive for living and sustainable growth
SO 2	To manage land-use and development in line with the Spatial Development Framework

The proposed development aim to provide housing opportunities and employment opportunities, allowing for suitable densification and permanent employment for a large number of people. The proposal also aims to be consistent with the various applicable SDF’s.

The property of the proposed development is situated in Ward 7. The development needs that were identified in Ward 7 (Island View / Menenkop / Hartenbos Heuwels / Alwyndal) are summarised in the table below:

Development Priorities
<ul style="list-style-type: none"> ▪ Upgrade Henning Drive Island View (Tar and Widen road) ▪ Traffic Calming “Speed Bump” Henning Drive ▪ Upgrade Refuse Drop off Site in Island View ▪ Bush Clearing at Aalwyndal and Along the to N2 ▪ Upgrade Wassenaar Street

The IDP was reviewed and the ward was identified wherein the proposed development is located. Part from what is discussed above there is no relevant legislation in the IDP applicable to the specific location of the proposed development.

SECTION D :

MOTIVATION

The standard by-law on municipal planning as promulgated by G.N 7565 dated 12 February 2016, states in Section 65 the general criteria necessary for considering an application by the municipality.

It must be noted that the application has not undergone the notice phase of the application process and that the information below is the necessary information required by the municipality to process the application. The following criteria must be taken into account when evaluating the desirability of this application:

- The integrated development plan, including the municipal spatial development framework;
- The applicable local spatial development frameworks adopted by the Municipality;
- The applicable structure plans (No Structure Plans for Upper Old Place);
- The applicable policies of the Municipality that guide decision-making;
- The provincial spatial development framework;
- The policies, principles and the planning and development norms and criteria set by the national and provincial government;
- The matters referred to in Section 42 of the Spatial Planning and Land Use Management Act;
- Principles referred to in Chapter VI (6) of the Land Use Planning Act; and
- The applicable provisions of the zoning scheme.

13. THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013 (16 OF 2013)

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

Section 42 of SPLUMA prescribe certain aspects that have to be taken into consideration when deciding on an application. These are:

- 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.

13.1. Development Principles

SPLUMA sets out the following 5 main development principles applicable to spatial planning, land use management and land development:

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

Paragraph 20 of this report indicates how this proposal is consistent with these principles

13.2. Municipal Spatial Development Framework

According to Section 22(1) a Municipal Planning Tribunal or any other authority required or mandated to make a land development decision in terms of this Act or any other law relating to land development, may not make a decision which is inconsistent with a municipal spatial development framework.

However, Section 22(2) states; subject to section 42, Municipal Planning Tribunal or any other authority required or mandated to make a land development decision, may depart from the provisions of a municipal spatial development framework only if site-specific circumstances justify a departure from the provisions of a municipal spatial development framework.

Paragraph 15 of this report will elaborate on how the proposal warrants site-specific circumstances to depart from the municipal spatial development framework.

14. CONSISTENCY WITH SPATIAL POLICY DIRECTIVES

The proposed development is consistent with the approved spatial policy frameworks that apply to the area.

Western Cape SDF: The development proposal will comply with the Western Cape Spatial Development Framework as the proposed residential development contribute to the regeneration and revitalisation of urban economies. The development proposal ensures densification and contribute to infill development. The Western Cape Spatial Development Framework has a strong emphasis on revitalising urban spaces creating an urban living environment which is more convenient, efficient and aesthetically pleasing to residents. The proposed development is on a vacant site, thus contributing to infill development and it will be strengthening the character of the area by contributing to an existing residential neighbourhood. The general residential development will contribute to the integrated living environment which is strategically aligned with the surrounding land uses of the residential neighbourhood. The proposal promotes smart growth, by ensuring the efficient use of land and infrastructure by containing urban sprawl and prioritising infill, intensification and redevelopment within settlements. The development is a private-sector development, which will help to provide a housing opportunity and expand the housing delivery options. Therefore, the proposal is consistent with strategic objectives as set out by the Western Cape Spatial Development Framework.

Eden Cape SDF:

The proposed residential development could be considered in line with the Eden SDF. The proposal encourages densification in an area with establish services network, residential development within the urban edge, development of vacant parcels inside the urban edge (infill development), effective use of municipal services and the proposal is within close proximity of the Langeberg Mall node, thus encouraging non-motorise forms of transport. A number of employment opportunities will also arise from the proposed residential development.

Mossel Bay SDF: The Mossel Bay SDF indicate that the area where the residential development is proposed, is demarcated for *Conservation* purposes. Thus, the proposal is in conflict with the applicable spatial development framework. As previously mentioned, to depart from the applicable SDF, site-specific circumstances need to be presented to the decision-making authority to allow the proposed. It is the considered opinion that an Environmental Authorisation is sufficient site-specific motivation to depart from the guidelines of the applicable SDF. The Environmental Authorities would have considered all applicable environmental impacts and implications when the environmental authorisation was issued. Thus, in issuing an environmental authorisation the Environmental Authorities has deemed it fit to allow a residential development on the application area.

Mossel Bay IDP: The Mossel Bay IDP aim to create an inclusive, responsive, and healthy environment conducive for living and sustainable growth and to manage land-use and development in line with the Spatial Development Framework. The proposed development aim to provide housing opportunities and employment opportunities, allowing for suitable densification and permanent employment for a large number of people. The proposal also aims to be consistent with the various applicable SDF's.

Conclusion:

The proposed development is located inside the urban edge of Mossel Bay and therefore the site is suitable for development. The proposal promotes the optimal development of vacant land parcels within the existing urban structure, which contributes to infill development. The proposed development will result in the optimal use of unutilised land in the urban edge, thereby preventing urban sprawl. The proposal will contribute to the existing residential character of the area.

15. SITE-SPECIFIC CIRCUMSTANCES

Section 22(1) of SPLUMA states that a Municipal Planning Tribunal or any other authority required or mandated to make a land development decision in terms of this Act or any other law relating to land development, may not make a decision which is inconsistent with a municipal spatial development framework.

However, Section 22(2) states; subject to Section 42, Municipal Planning Tribunal or any other authority required or mandated to make a land development decision, may depart from the provisions of a municipal spatial development framework only if site-specific circumstances justify a departure from the provisions of a municipal spatial development framework.

During 2012, the Department of Environmental Affairs and Development Planning (DEADP) issued an amendment of the environmental authorisation for a residential development on Portions 47; 187 & 188 of the Farm Vyf Brakke Fonteinien No 220. In (2017) The Chief Directorate: Development Planning issued a statement that the Environmental Authorisation issued was commenced with, thus vesting the Environmental Authorisation rights.

It is the considered opinion that during the issuing of the Environmental Authorisation, Environmental Authorities has considered all environmental informants, and was satisfied with the outcome to develop a residential development on the application area; thus, the environmental authorisation is enough site-specific motivation it itself to allow the proposed development.

16. VISUAL & AESTHETIC IMPACT

The dominant character of the area is residential uses, although a number of erven is vacant at present, the proposed use is residential. Thus, a residential development will not be out of character. A detailed architectural design guideline is not available yet, but the current character of the area and existing architectural styles in the area will be considered and implemented in the architectural design guideline. The proposed development will be in keeping with the architectural styles in evidence in the area, while being visually unobtrusive and creating a harmoniously designed development. The proposal will have no visual impact on the surrounding areas. The proposal will not obscure any views of any properties, the erven to the west of the property is higher than the existing Vogelsang Landgoed, and these erven are situated against a ridge, thus not preventing any significant view to the existing houses. The erven north and north-east of the property is lower than the existing Vogelsang Landgoed, thus allowing the existing houses to still enjoy their view, overlooking the new proposed erven.



FIGURE 32: PROPOSED ERVEN NORTH-EAST OF THE PROPERTY IS LOWER THAN THE EXISTING VOGELSANG LANDGOED

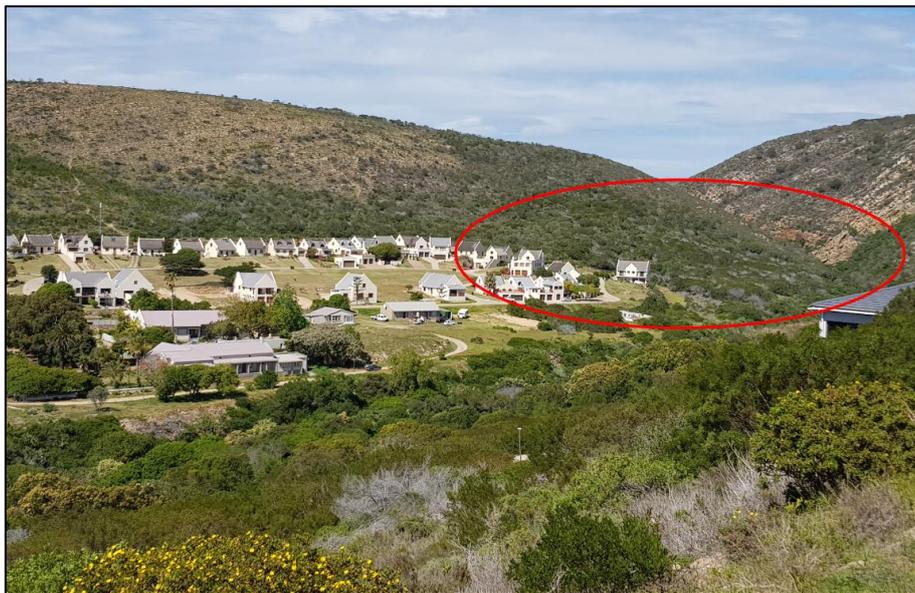


FIGURE 33: PROPOSED ERVEN TO THE WEST OF THE PROPERTY IS HIGHER THAN THE EXISTING VOGELSANG LANDGOED

17. EXISTING RIGHTS

Given the existing residential character of the area, it is the considered opinion that the proposed residential development will not impact on the existing land use rights of any property owners in the area.

The proposal will not prevent any surrounding owner to exercise their legal land use rights, in fact, the proposal will rather enhance the amenity of the area. The proposed residential development will also allow for a more sufficient use of municipal services.

The fact that there will be consistent movement in this area, an increase in land value as well as an increase in urban renewal to the property will contribute to the surrounding area.

18. CONSISTENCY WITH THE SURROUNDING AREA

Given that the application area is situated within Die Voorbaai area, within the existing urban fabric, and the surrounding area is predominantly characterised by residential and vacant properties, it is the opinion that the proposal is consistent with the surrounding areas.

Given the fact that the application area is located near the Langeberg Mall, near the Voorbaai industrial area and near the N2 National Road, makes the site ideal for densification. The character of the area is residential, although many erven is vacant, in the future residential development will be occupy the vacant erven.

The proposed development can be regarded as consistent in an area characterised by residential land uses.

19. SOCIO-ECONOMIC IMPACT

The proposed development will have a positive socio-economic impact on the area. The development will create a mix of short-term and permanent jobs. Short term employment will be provided by additional availability of employment in the construction industry and related fields.

An even greater positive socio-economic impact will be created by the permanent jobs created by the development. Several administrative positions will be also being created as a result of the development. Employment opportunities for cleaning services, garden services and maintenance will be created by the development. Increased employment opportunities within Mossel Bay will have a knock-on effect for local businesses meaning that there is a net increase in prosperity and standard of living in the town as a whole.

20. NO NEGATIVE ENVIRONMENTAL IMPACT

No negative environmental impacts will be created as a result of the development. During 2012, the Department of Environmental Affairs and Development Planning (DEADP) issued an amendment of the environmental authorisation for a residential development on Portions 47; 187 & 188 of the Farm Vyf Brakke Fontein No 220. In (2017) The Chief Directorate: Development Planning issued a statement that the Environmental Authorisation issued was commenced with, thus vesting the Environmental Authorisation rights.

It is the considered opinion that during the issuing of the Environmental Authorisation, Environmental Authorities has considered all environmental informants, and was satisfied with the

outcome to develop a residential development on the application area; thus, the environmental authorisation is enough site-specific motivation it itself to allow the proposed development.

Therefore, the development will not have any significant negative impacts on the natural environment on or around the application area.

21. INFILL DEVELOPMENT

The application area is within the urban edge for Mossel Bay and between existing residential areas, the proposal will therefore constitute the infilling of land available for development within the town. The proposal promotes and support the optimal development of vacant land parcels within the existing urban structure (referred to as infill development).

22. AVAILABILITY OF SERVICES

Paragraph 6 of this report addresses the services delivery of the proposed development. V3 Consulting Engineers was appointed to address the civil services and Makukhane Consulting Engineers were appointed to address the electrical services.

23. SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013 (ACT 16 OF 2013)

One of the main objectives of SPLUMA is to provide a framework for spatial planning and land use management to address past spatial and regulatory imbalances. This section illustrates how the application is consistent with the 5 main development principles applicable to spatial planning, land use management as set out in Section 42 of SPLUMA.

23.1. Spatial Justice

- Past spatial and other development imbalances must be redressed through improved access to and use of land;
- Spatial development frameworks and policies at all spheres of government must address the inclusion of persons and areas that were previously excluded;
- Spatial planning mechanisms, including land use schemes, must incorporate provisions that enable redress in access to land;

Consistency of proposal with Spatial justice:

- i. Development complies with Western Cape Provincial Spatial Development Framework (2014).*
- ii. The proposal will curtail urban sprawl.*
- iii. The development could be regarded as infill development.*
- iv. The proposal will provide housing for much needed middle-income groups, which is not currently available in Mossel Bay – hence, the*

- proposal allows for increased access to affordable, middle income housing.*
- v. Will provide employment opportunities for skilled and unskilled workers.*
 - vi. The Mossel Bay Spatial Development Framework was addressed, and although the proposal is in conflict with the Spatial Development Framework, sufficient site-specific circumstances were provided to depart from the Spatial Development Framework.*
 - vii. The proposal will provide a large amount of employment to skilled and unskilled worker.*
 - viii. Temporary and permanent employment will be created as a result of the proposed residential development.*

23.2. Spatial Sustainability

- Promote land development that is within the fiscal, institutional and administrative means of the Republic;
- Ensure that special consideration is given to the protection of prime and unique agricultural land;
- Uphold consistency of land use measures in accordance with environmental management instruments;
- Promote and stimulate the effective and equitable functioning of land markets;
- Consider all current and future costs to all parties for the provision of infrastructure and social services in land developments;
- Promote land development in locations that are sustainable and limit urban sprawl; and
- Result in communities that are viable;

Consistency of proposal with Spatial Sustainability:

- i. The development aims to promote sustainable land development.*
- ii. The proposed development is located adjacent a major movement corridor connecting residential and business associated uses. The application area will be walking distance from the Langeberg Mall and Voorbaai area, which is one of the major employment nodes in Mossel Bay. This location is particularly favourable for the middle-income population, since these residents can walk to work and won't have to spend a major portion of their income on public or private transport.*
- iii. The proposed development will contribute to the functional land pattern in the surrounding area.*
- iv. Proposed development will contribute towards a more integrated urban environment.*
- v. The proposed development will contribute to the character of the surrounding area.*
- vi. The development will contribute to employment opportunities in the area.*
- vii. The proposed development will benefit the community of Mossel Bay.*
- viii. The proposal will contribute to the efficient use of municipal services.*
- ix. The proposal will allow for the effective use of land, as no other land use would be more suitable for the area, other than residential.*

23.3. Spatial Efficiency (optimising the use of existing resources and infrastructure)

- Land development optimises the use of existing resources and infrastructure
- Decision-making procedures are designed to minimise negative financial, social, economic or environmental impacts; and
- Development application procedures are efficient and streamlined and timeframes are adhered to by all parties.

Consistency of proposal with Efficiency:

- i. Development will make use of existing local resources and contribute to specialised skills development within the local municipality.*
- ii. The proposed development is within the existing urban fabric, hence no new roads, infrastructure, etc. are required to enable the proposed development.*
- iii. The proposed development will contribute to urban infill and an aesthetical appearance which will contribute to the character of the surrounding area.*
- iv. The proposal will make use of existing infrastructure networks, connecting to the exiting municipal service infrastructure.*
- v. The proposed development will contribute to densification within the existing urban area of Mossel Bay.*

23.4. Spatial Resilience (allow for flexibility in spatial plans)

Flexibility in spatial plans, policies and land use management systems are accommodated to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks.

Consistency of proposal with Spatial Resilience:

The development complies with the following spatial development frameworks.

- Western Cape Provincial Development Framework 2014*

The salaried middle-income population groups are more affected by economic cycles. The high need for affordable middle-income housing, within walking distance from employment areas, supports this statement. The proposal will assist in addressing the high housing needs in the middle-income market.

- Mossel Bay Spatial Development Framework 2017*

The Mossel Bay Spatial Development Framework was addressed, and although the proposal is in conflict with the Spatial Development Framework, sufficient site-specific circumstances were provided to depart from the Spatial Development Framework.

23.5. Good Administration

- All spheres of government ensure an integrated approach to land use and land development that is guided by the spatial planning and land use management systems as embodied in this Act;

- All government departments must provide their sector inputs and comply with any other prescribed requirements during the preparation or amendment of spatial development frameworks;
- The requirements of any law relating to land development and land use are met timeously;
- The preparation and amendment of spatial plans, policies, land use schemes as well as procedures for development applications, include transparent processes of public participation that afford all parties the opportunity to provide inputs on matters affecting them;
- Policies, legislation and procedures must be clearly set in order to inform and empower members of the public.

Consistency of proposal with Good Administration:

- i. This principle has no direct bearing on the application, however, the Mossel Bay municipality is obligated to consider the application fairly and within the timeframes provided in terms of the municipal planning bylaw.*

24. CONCLUSION

In light of this motivation, and the information contained within the foregoing report, it is clear that the application for:

- (i) The rezoning of Portions 47, 187, 188 of the Farm Vyf Brakke Fonteinien No 220, Division Mossel Bay from "Agriculture Zone" to "Sub-Divisional Area", in terms of Section 15(2) of Mossel Bay By-Law on Municipal Land Use Planning (2015), in order to subdivide into the appropriate number of erven as per the amended Environmental Authorisation (2012);
- (ii) The subdivision of Portions 47; 187 & 188 of the Farm Vyf Brakke Fonteinien No 220, Division Mossel Bay in terms of Section 15(2)(d) of the Mossel Bay By-Law on Municipal Land Use Planning (2015), into the following land uses:
 - (111) x Group Housing erven
 - (1) x Local Business erf
 - (7) x Private Open Space erven
 - (2) x Public Roads
 - (4) x Private Roads

meets the criteria as set out in The Spatial Planning and Land Use Management Act (SPLUMA) and the Mossel Bay Land Use Planning Bylaw, is desirable and it is therefore recommended

that the application for the proposal be supported by the relevant authorities and approved by Mossel Bay Municipality.

Marike Vreken Urban and Environmental Planners
February 2018

