REMAINING EXTENT OF PORTION 47 (A PORTION OF PORTION 1) OF THE FARM GANSE VALLEI NO 444

APPLICATION FOR:

REZONING

CLIENT: SAPER INVESTMENTS PTY LTD

PREPARED BY: MARIKE VREKEN URBAN AND ENVIRONMENTAL PLANNERS

SKY VILLA BOUTIQUE HOTEL

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SECTION A : BACKGROUND

1. BACKGROUND

Remainder of Portion 47 (A Portion of Portion 1) of the Farm Ganse Vallei No 444 is currently zoned as "Agriculture Zone" in terms of the Plettenberg Bay Zoning Scheme Regulations. The property is 8,4899ha in extent, and is surrounded by the urban development of Plettenberg Bay. This property was the remaining farm house when the Baron's View development was approved and developed after the Provincial Government approved the development of Portion 47 of the Farm Ganse Vallei No 444 during 1998.

FIGURE 1: REMAINDER OF PORTION 47 (A PORTION OF PORTION 1) OF THE FARM GANSE VALLEI NO 444

The owners of the application area have applied for a consent use for a guest house, and started to use the existing farm house as a guest house. This application was subsequently withdrawn and the owners now wish to convert the existing manor house into a boutique hotel with a restaurant & function venue. It is also proposed to develop (22) villas, (2) blocks of apartments and (10) tented decks on the property. The proposal is to convert the application area into an upmarket boutique hotel with ancillary accommodation facilities. In order to allow for these land uses, it is necessary to apply for the 'Rezoning' of the property.

2. THE APPLICATION

Marike Vreken Urban and Environmental Planners has been appointed by **SAPER INVESTMENTS (PTY) LTD** to prepare and submit the required application documentation (refer to ***ANNEXURE I***: Power of Attorney & Company Resolution and ***ANNEXURE J***: Application Form) for:

(i) The rezoning of a portion of Remaining Extent of Portion 47 (A Portion of Portion 1) of the Farm Ganse Vallei No 444 from "Agriculture Zone" to "General Residential Zone" as per the Plettenberg Bay Zoning Scheme Regulations, in terms of Section 15(2)(a) from the Bitou Municipality Land Use Planning By-Law;

(ii) The rezoning of a portion of Remaining Extent of Portion 47 (A Portion of Portion 1) of the Farm Ganse Vallei No 444 from "Agriculture Zone" to "Special Zone – Conservation Area" as per the Plettenberg Bay Zoning Scheme Regulations, in terms of Section 15(2)(a) from the Bitou Municipality Land Use Planning By-Law;

(iii) The registration of a new electrical servitude over the Remainder of Portion 47 (A Portion of Portion 1) of the Farm Ganse Vallei No 444. In terms of Section 24(f)(i) of the Bitou Municipality Land Use Planning By-Law, this proposal is exempted from a formal application for subdivision.

3. PROPERTY DESCRIPTION, SIZE AND OWNERSHIP

A copy of the Title Deed which includes all the information outlined below is contained in ***ANNEXURE C***. The Surveyor General Diagrams (SG 10048/65) for the application area is contained in ***ANNEXURE D***.

Title Deed Number:	T13745/2017
Title Deed Description:	Remainder of Portion 47 (a portion of portion 1) of the Farm Ganse Vallei No 444, in the Bitou Municipality, Division of Knysna, Western Cape Province.
Property Owner:	SAPER INVESTMENTS (PTY)LTD Registration No. 2008/016031/07
Title Deed Restrictions:	***Conditions D(b) & D(c):*** *These conditions deal with certain land uses that may not be conducted on the land without the permission of the National and Provincial Roads Authorities. This means that a development application will require the approval from these authorities, before the local municipality can approve a land use application.* ***Condition E:*** *deals with an electrical servitude in favour of the local municipality – this servitude must be honoured in a*

development proposal on the land.

Condition F: *deals with the expropriation of a portion for road purposes.*

Condition G: *deals with the expropriation of a portion for road purposes.*

Bonds:	There is no bond registered over the property.
Property Size:	8,4899 ha (Eight Comma Four Eight Nine Nine) Hectares Once the impact of the expropriations has been calculated, the property size measures 8,3405 ha (Eight Comma Three Four Zero Five) Hectares (refer to ***ANNEXURE E*** for the certificate issued by Beacon Surveys.
Servitudes:	A general service servitude of 5 metres wide is registered across the eastern boundary of the site (refer to ***ANNEXURE F*** for S.G. Diagram No. 8205/1996).

SECTION B : PROPOSAL

4. DEVELOPMENT SPECIFICATIONS

(Refer to: Plan 4: Site Development Plan)

The property owners envision to convert the existing manor house into a boutique hotel, also developing (22) lose standing Villas, (2) block of flats and (10) tented decks. All the proposed uses are ancillary to the Boutique Hotel. The proposed development consists of the following:

- (1) x Boutique Hotel (30 hotel rooms)
- (22) x Villas (2 bedrooms each)
- (18) x Apartments (1 bedroom each)
- (10) x Tented Decks

FIGURE 2: PROPOSED DEVELOPMENT - EXTRACT OF THE SITE DEVELOPMENT PLAN

In order to allow the proposed development (boutique hotel, villas, flats & tents) the property must be rezoned to "General Residential Zone" to allow the proposed uses as primary land use rights. The topography of the property allows the majority of the development proposal to occur on the south-western part of the property (which is a plateau), because of the topography a split zoning is proposed (***Plan 3***); "General Residential Zone" for the area that allows for the proposed land uses and "Special Zone – Conservation Area" for the rest of the property.

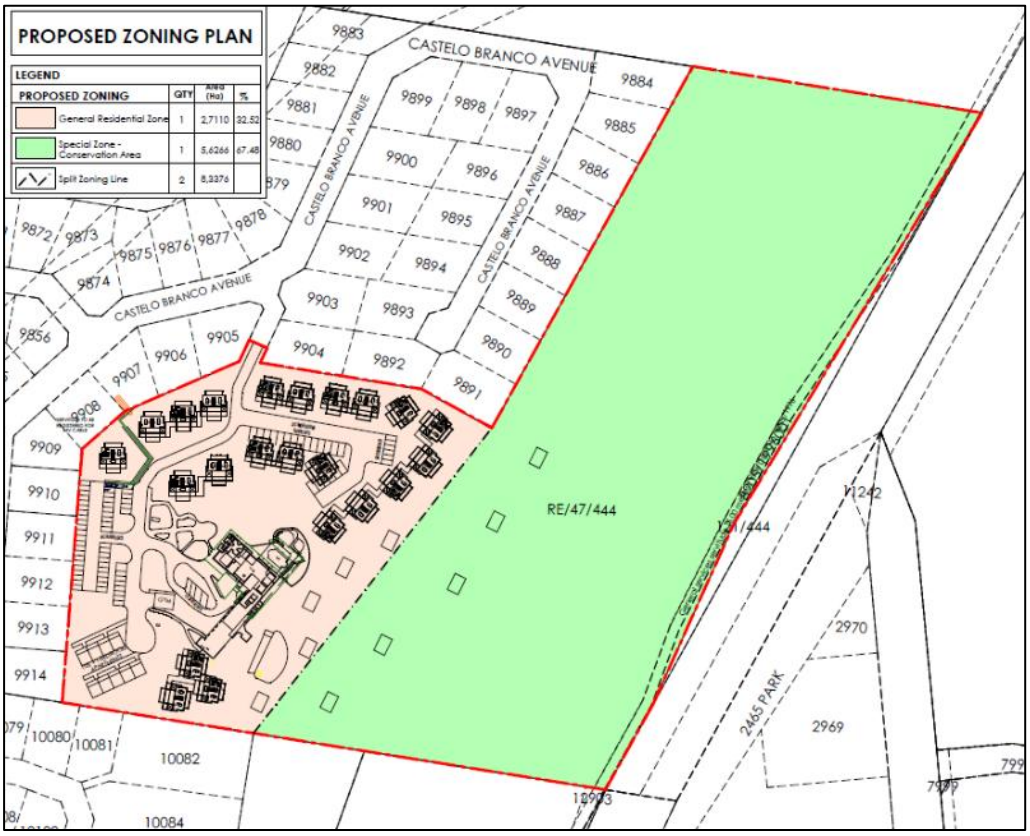


FIGURE 3: EXTRACT OF ZONING PLAN

The figure above illustrates that the proposed uses (boutique hotel, villas, flats & (5) tents) are all situated on the portion of the subject property which is proposed to be rezoned to "General Residential Zone" and the rest of the property will be rezoned to "Special Zone – Conservation Area".

"General Residential Zone" as per the Plettenberg Bay Zoning Scheme Regulations allows for various land uses as primary rights; these include:

- *Blocks of flats, licenced hotels, residential buildings, institutional buildings and professional buildings.*

The proposed development is to allow a boutique hotel (licenced hotel, block of flats, loose standing villas and tented decks. All these proposed uses are included in the allowed land uses as mentioned above and are ancillary uses to the Boutique Hotel.

4.1. Licenced Hotel

The original manor house has been converted into a boutique hotel. The hotel has been developed on the same footprint as the existing manor house. Building plans for the alterations to the manor house have been approved in November 2011.

The boutique hotel consists of (30) hotel rooms, which results to a total of (60) hotel beds. The boutique hotel will also include a restaurant and a function venue.

FIGURE 4: APPROVED BUILDING PLANS (NOVEMBER 2011)

FIGURE 5: SKY VILLA BOUTIQUE HOTEL

4.2. Villas

There are (22) Villas with (2) bedrooms each proposed, totalling (88) beds.

4.3. Block of Flats

There are (2) block of flats proposed, each with (18) one-bedroom apartments, totalling (36) beds.

4.4. Tented Decks

There are (10) tented decks proposed; (5) in the "General Residential Zone" and (5) in the "Special Zone – Conservation Area". The tented decks will be luxury tented decks, offering a unique lodging experience.

Below are examples of luxury tented decks, it is clear that little to none disturbance of vegetation occurs, as they are on stilts.

FIGURE 6: EXAMPLES OF LUXURY TENTED DECKS

4.5. Parking Provision

The Plettenberg Bay Zoning Scheme Regulations prescribed (1) parking bay for every (2) bedrooms and an additional (20) parking for hotels. With a total of (102) bedrooms between the various uses, plus the (20) additional parking bays required, a total of (71) parking bays is required for the proposal. The proposal has provided more than adequate parking on-site, as there is ample space to allow more parking if necessary.

A total of (86) parking bays are provided on the property as per the SDP.

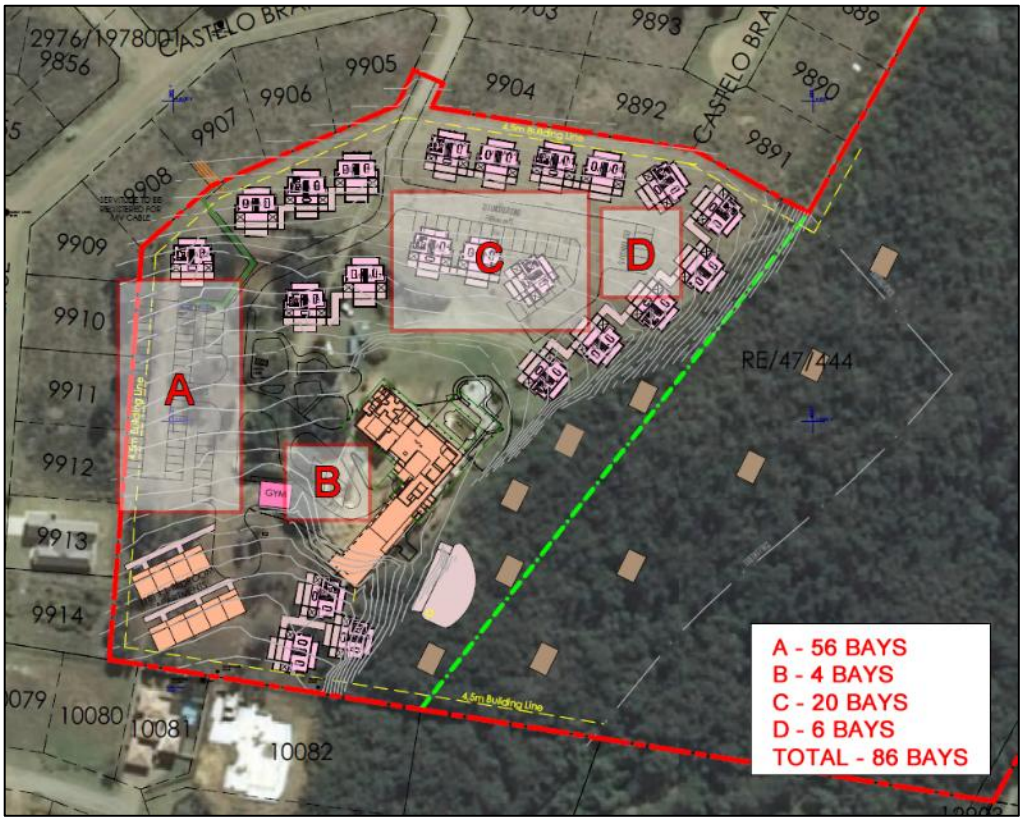


FIGURE 7: PARKING PROVIDED

5. STATUTORY SPECIFICATIONS

5.1. Rezoning

During the pre-application meeting dated 22 November 2018 (See attached ***ANNEXURE H***) the pre-application consultation panel advised that a rezoning application must be submitted in order to allow the proposed development. The panel also advised that split zoning is recommend allowing the development proposal.

To accommodate the proposed boutique hotel, block of flats, loose standing villas & tented decks a rezoning application is submitted in terms of the Bitou Municipality Land Use Planning By-Law.

A split zoning is proposed to allow the proposed boutique hotel, block of flats, loose standing villas & tented decks on the western part of the property, which consists of existing disturbed areas, this portion will be rezoned to "General Residential Zone".

The rest of the property will be rezoned to "Special Zone – Conservation Area" to conserve the natural vegetation; however the proposed zoning will allow for limited tented decks on exiting disturbed areas. it is also proposed to allow walking trails and mountain bike trails in this area.

The "split zoning line" is determined from the south-eastern corner of Erf 9891 to the north-eastern corner of Erf 10083.

5.2. Plettenberg Bay Zoning Scheme Regulations

The Plettenberg Bay Zoning Scheme Regulations prescribes development parameters for buildings in a 'General Residential Zone'. The table below illustrate the development parameters applicable to the uses in 'General Residential Zone':

PARAMETER	PRESCRIBED	PROPOSED DEVELOPMENT
GENERAL RESIDENTIAL ZONE		
Minimum Erf size	1000m² - Blocks of Flats 4000m² - Licensed Hotel 2000m² - Residential Buildings *(Most restrictive applies)*	Property size - 8,3405ha
Street Building Line	4,5m	Further than 4.5m away from any street
Lateral Building Line	4,5m or ½ the height of the building (whichever is more restricting)	Will adhere to the most restrictive parameter
Rear Building Line	4,5m or ½ the height of the building (whichever is more restricting)	Will adhere to the most restrictive parameter
Street Width	The site must abut a street of at least 13m wide	Property borders the N2 Road which is wider than 13m.
Distance from Street centre line	All street boundary wall or fences of the site are erected at a distance of not less than 8m from the centre line of the abutting street or streets and the land between such boundary walls or fences and the legal street boundary is made up as part of such street. The portion(s) of the site falling within 8m of the centre line of the abutting street(s) shall be excluded for the purpose of determining coverage and bulk on the remainder of the site, provided that if the owner transfers the said portions of the site to the Council free of compensation.	Further away than 8m.
Coverage	50% - Blocks of Flats 50% - Licensed Hotel 50% - Residential Buildings *(Most restrictive applies)*	Proposed development is much less than 50% coverage.
Floor Area Ratio	0.75 - Blocks of Flats 1.00 - Licensed Hotel 0.75 - Residential Buildings *(Most restrictive applies)*	Proposed development is much less than the most restrictive FAR.
Number of Floors	3 Floors	Will not exceed the allowed floors
Height	No point or any portion of the building shall be higher than 10,3m above the natural	Will not exceed the allowed height.

PARAMETER	PRESCRIBED	PROPOSED DEVELOPMENT
	ground level, measured from the contiguous average natural ground level of that portion of the building nearest to the principal or main road frontage and taken around the perimeter of the building any portion of the building shall not be higher than 10.6m above the NGL directly below such a point of any portion of the building.	
Parking Provision	- 1 for every 2 bedrooms in case of hotels and other residential buildings - 20 additional parking bays for hotel	71 bays required 86 bays provided

The proposed development where a portion of the side is developed into a tourism accommodation establishment, and the remainder as a private, unregistered / un-proclaimed nature conservation area, is so unique, the Plettenberg Bay Zoning Scheme Regulations do not have any zoning category that is applicable to the intended uses, it is necessary to rezone it to a "Special Zone – Conservation Area" with special development parameters.

A summary of the special development parameters for "Special Zone – Conservation Area" are shown in the table below:

Special Zone – Conservation Area
Land use description: "conservation area" means the use and management of land with the objective of preserving the natural biophysical characteristics of that land, such as the fauna and flora- and include tourist accommodation.
Development parameters: a. The Municipality may require an environmental conservation plan to be submitted for its approval. b. The Municipality must determine the land use restrictions and the development parameters for the property based on the objectives of this zoning, the particular circumstances of the property and, where applicable, in accordance with an approved environmental management plan. c. Tourist accommodation in a "conservation area", is subject to conditions imposed by the Municipality with regard to layout, landscaping and building design. d. A site development plan must be submitted to the Municipality for its approval, clearly indicating the position of all structures, services and internal roads.

5.3. Title Deed Conditions

Conditions D(b) & D(c) of the title deed states that the property may only be used for single residential and agricultural purposes, unless the applicable roads authorities (National and Provincial) grants permission for the intended use. Therefore, this application also require approval from the Provincial and National Roads Authorities, before Bitou Municipality can make a decision with regard to the application.

A copy of this application will be circulated to the applicable roads Authorities for their comment / approval.

6. OTHER LEGISLATIVE REQUIREMENTS

The proposal does not require approval in terms of any other legislation, such as the Environmental or Heritage Legislation.

6.1. National Heritage Resources Act, 1999 (Act 25 of 1999)

Section 38 of this Act determines that any rezoning of land larger than 1ha requires an approval from the applicable Heritage Authority. A Notice of Intend to develop (NID) has been completed and submitted to Heritage Western Cape (HWC) for consideration.

6.2. National Environmental Management Act, 1998 (Act 107 of 1998)

The application area is a disturbed site, where the development proposal is located on the disturbed plateau.

Listing Notice 3, Activity 6, states that the development of tourism accommodation that sleeps more than 15 people, outside an urban area, requires environmental authorisation.

At this point, it should be noted that these regulations define "urban area" as: "*…areas situated within the urban edge (as defined or adopted by the competent authority), or in* ***instances where no urban edge or boundary has been defined or adopted****, it refers to* ***areas situated within the edge of built-up areas****…*"

The application area is located outside the current urban edge as defined in the 2013 Plettenberg Bay SDF. This urban edge has not been adopted by the competent authority, hence one has to refer to the definition of "urban areas" in the regulations. The application area is surrounded by The Hill Development and Formosa retirement village to the south and southwest; by the Baron's View development to the west and north, and the Plettenberg Bay Primary School and Market Square development to the east. The application area is also connected to the municipal infrastructure services, and therefore it is clear that the application area is ***situated within the edge of built-up area*** of Plettenberg Bay, and therefore this listed activity is not applicable to this application.

7. SERVICES INFRASTRUCTURE

Tuiniqua Consulting Engineers was appointed in October 2018 to compile a Civil Service Report (***ANNEXURE K***) for the proposed development, below is a brief summary of their report:

7.1. Water Supply and Storage

The primary point of supply is the water purification works in Flying Cloud Avenue in central Plettenberg Bay. A secondary supply point is the south west corner of the property

where the proposed development is bordered by Erf 9914 and Erf 10080. A 110mm diameter watermain future connection point is indicated here on the as built plans. The existing residential house connection is made at this point.

It is proposed to connect to the existing 200mm watermains within Barons View (at Erf 9909) and install a new 150m long, 160mm mains to the edge of the development as per GLS recommendations.

7.2. Fire Risk

The fire risk of the site is classified as low to moderate risk.

7.3. Sewer

Barons View is directly adjacent to the Ganze Vallei Sewer Purification Works. It is proposed to connect into the Barons View sewer network and thereby connecting directly to the sewer purification works.

The surrounding developments are linked to the works and it is proposed to connect to the existing gravitation system on the north eastern side of the development. There are two sewer manholes that have been provided on the boundary of the development for future connections. There is a bulk sewer line from the Barons View development connecting to the existing municipal outfall sewer to the north west of the property.

7.4. Roads

SANRAL has approved a combined access at km 62,0 (National route 2: Section 8) and it is proposed that this access and the road previously constructed to the site edge be used.

The proposed development would have no significant impact on the level of service of network traffic operations and it is recommended that the development be approved from a traffic point of view. Access and use of the Barons View internal road needs to be negotiated and confirmed with the Barons View HOA.

The existing access road has recently been improved by the developer from a safety point of view where road marking lines and signage has been introduced.

7.5. Storm water

There is an existing storm water system on site in the access road to the proposed development. The existing system consists of a kerb and channel on the side of the road with a catch pit at Erf 9902 with a 300mm concrete pipe conveying stormwater across the road towards the west where a concrete stormwater retention/irrigation tank collects the water with an overflow opening.

It is proposed that stormwater runoff be collected and conveyed on the road surface and in a new piped network with a new site specific 600 diameter stormwater pipe conveying stormwater along the access road servitude, over the neighbouring developed area to the

north and discharging on Erf 9865 (Park) with a gabion retention and dissipation structure. A further two double stormwater catch-pits are required in the road reserve adjacent to Erven 9903 and 9904.

A minor piped system is required in the north eastern corner of the development with gabion structure and stone pitching with water discharging onto the Remainder of Portion 47.

7.6. Refuse Removal

The municipality currently service the Barons View development and it is proposed that the same collection point with enlarged refuse room be utilized as a refuse collection point.

SECTION C : CONTEXTUAL INFORMANTS

8. LOCALITY

(*Plan 1: **Locality Plan***)

The application area is surrounded by the urban development of Plettenberg Bay and is situated en-route to Keurbooms via the N2 National Road.

FIGURE 8: LOCALITY

The application area is surrounded by The Hill Development and Formosa retirement village to the south and southwest; by the Baron's View development to the west and north, and the Plettenberg Bay Primary School and Market Square development to the east. Access to the site is obtained via an existing public road that runs from the Old Nick Intersection on the N2 National Road, to the north western boundary of the property. The GPS coordinates for the centre of the property is 34° 2'25.75"S and 23°22'0.51"E.

9. CURRENT LAND USE AND ZONING

9.1. Land Use

Bitou Municipality has recently approved building plans (November 2016) for the upgrading and expansion of the existing manor house.

The existing manor house is currently being used as a boutique hotel (**Sky Villa Boutique Hotel**), thus the necessary application is submitted to lawfully allow the current land use. No agricultural activities are practised on the property what so ever.

FIGURE 9: CURRENT LAND USE - SKY VILLA BOUTIQUE HOTEL

The figures below illustrate the exiting manor house before the alterations and after the amendments where applied:

Before **After**

FIGURE 10: THE MANOR HOUSE – THEN AND NOW

9.2. Zoning

The application area is currently zoned as "Agriculture Zone" in terms of the Plettenberg Bay Zoning Scheme Regulations.

10. SITE CHARACTERISTICS

(Refer Plan 2: Contour Plan)

10.1. Topography and Hydrology

The proposed development will be constructed on the south-western side of the property. The south-western part of the property is characterised by a flat topography, characterised with a slope between 1:8 and 1:10, and this area is mostly transformed and infested with alien vegetation. It should be noted that only the area of the site where the actual development will take place was surveyed.

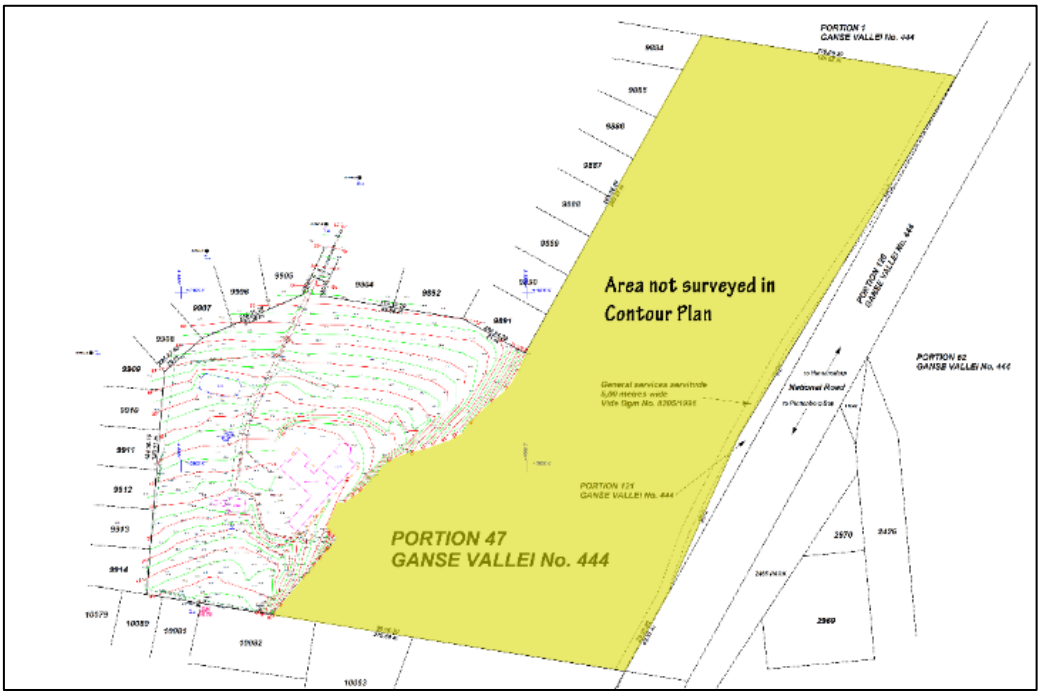


FIGURE 11: EXTRACT OF CONTOUR PLAN

A contour plan was prepared by Beacon Survey Professional Land Surveyors, this plan indicates that the highest point is situated in the south west corner measuring 96msl and the lowest point is situated at the northern boundary at 79msl. The eastern part of the site is characterised with a very steep slope towards the N2 road.

10.2. Agricultural Potential

FIGURE 12: AGRICULTURAL LAND CAPACILITY

According to Cape Farm Mapper, the application area has a low potential to moderate potential for grazing. Also, the site is so small that it cannot even carry 1 large stock unit *(according to Cape Farm Mapper the carrying capacity of the land is 108ha per 1 large stock unit)*.

Therefore, even though the application area is currently zoned as "agriculture" is has low agricultural potential, and the rezoning of this property for general residential and private conservation purposes, will not result in the loss of high potential agricultural land.

10.3. Vegetation

A botanical study was conducted on the application area during 2016. A copy of this report is attached as ***ANNEXURE L*** to this report.

This report concluded that: *"…The proposed development site is located on a hilltop environment that was subject to regular bush cutting and other disturbances. The fynbos regrowth encountered in the northern part of site comprises widespread fynbos species and grasses. Although it has potential to re-establish itself to a certain extent, it has low to medium conservation value as certain key fynbos elements, such as proteas and restios, have been eliminated. Likewise, the wooded area comprises mainly invasive aliens, other exotic trees and common forest species, which utilise the shade provided by the taller alien trees. No Species of Conservation Concern or protected tree species were recorded and will be affected by the project..."*

FIGURE 13: VEGETATION TOWARDS EASTERN BOUNDARY

The figure above clearly illustrates the existing disturbed areas on the western part of the subject property. The dense vegetation runs down the slope towards the eastern boundary and N2 road.

10.4. Access

Access to the property is obtained via a public servitude road from the Old Nick Intersection with the N2 National Road. The public servitude bisects Portions 1; 71 and 89 of the Farm Ganse Vallei No 444.

The streets through the Baron's view development are public streets (***ANNEXURE N***), and the application area's access is from Costello Branco Avenue at the north-eastern corner of the application area.

FIGURE 14: ACCESS TO PROPERTY

It is important to note that when the Baron's View development was approved, access from the N2 National Road to the development site was problematic, and the then owners of the application area, entered into an agreement with the land owners of Portion 89 of the Farm Ganse Vallei (Old Nick Village); Portion 1 of the Farm Ganse Vallei No 444; Rem Portion 38 of the Farm Wittedrift No 306 (Snap Shot Investments) and Bitou Municipality that agreed to the registration of a public access servitude on Portion 71 of the Farm Ganse Vallei No 444.

A copy of the surveyed servitude access road is attached as ***ANNEXURE B*** to this report. Therefore, the application area has a valid and legal access via a public street that runs to the boundary of the application area.

11. CHARACTER OF THE AREA

The immediate area surrounding the property is characterised by medium to high income residential development and tourist facilities. The residential developments that surround the

application area, include Baron's View, Formosa Retirement Village and The Hill. Plettenberg Bay Primary School is situated east of the property. South-east of the property is the Market Square Shopping Centre which is a large customer attraction. Old Nick Village is situated north of the property which is another tourist attraction. The proposed development is situated on top of a hill, providing spectacular views of the Indian Ocean and Plettenberg Bay.

FIGURE 15: CHARACTER OF SURROUNDING AREA

Established developments in the surrounding area which operate as group housing and tourist facilities are shown in Figures 14-19 below and include:

- Baron's View
- Formosa Retirement Village
- The Hill
- Old Nick Village
- Market Square & Checkers Shopping Centres

FIGURE 16: MARKET SQUARE SHOPPING CENTRE

FIGURE 17: FORMOSA RETIREMENT VILLAGE

FIGURE 18: BARON'S VIEW

FIGURE 19: THE HILL

These developments exist mainly because of the excellent locational and environmental factors afforded by the area. Properties on the ridge have spectacular views of the beaches and the Indian Ocean. The properties are in an excellent environmental setting with natural surroundings. These factors have combined to create highly sought-after local residential areas dominated by medium to high income developments with contemporary architectural styles that mitigate the impact of urban development on a sensitive natural environment.

It can be concluded that, even though the application area is located outside the demarcated urban edge, the site is surrounded by urban development and that application is consistent with the character of the area.

SECTION D : SPATIAL PLANNING FRAMEWORKS

12. EXISTING POLICY FRAMEWORKS

12.1. Western Cape SDF (2014)

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

The PSDF sets out a policy framework within which the Western Cape Government will carry out its spatial planning responsibilities. Each of the three spatial themes contributes to the achievement of the Western Capes strategic objectives. These policies are categorised into three themes, namely:

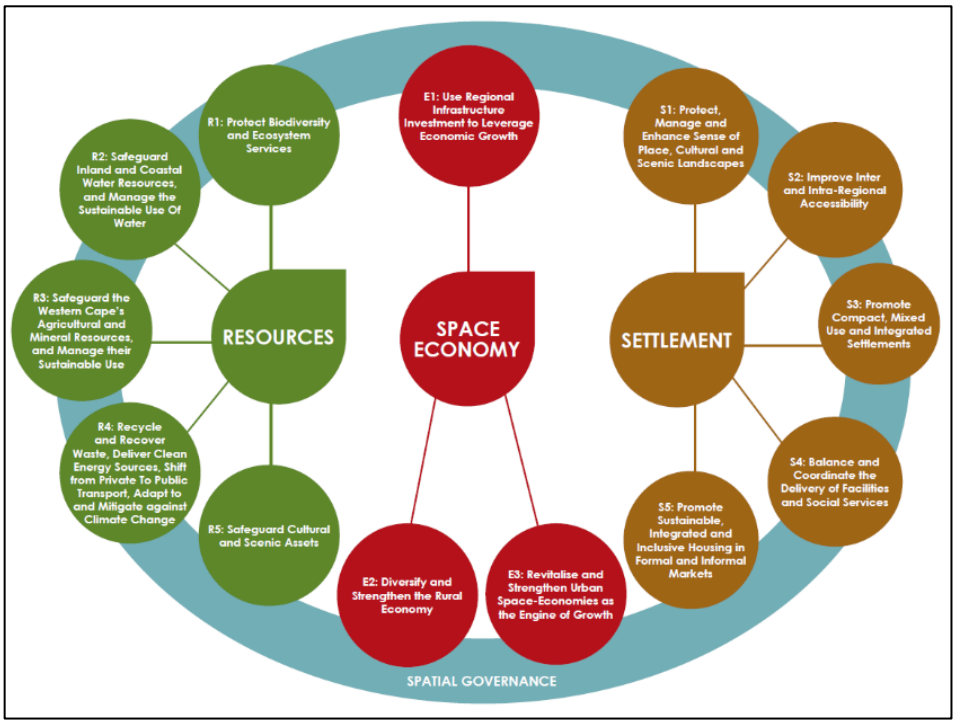
- **Resources:** Sustainable use of spatial assets and resources
- **Space Economy:** Opening up opportunities in the Space Economy
- **Settlement:** Developing Integrated and sustainable settlements.

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 infrastrucutre	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 20: 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.



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

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

However, it is important to note some of the key policies laid down by the PSDF have a bearing on the application.

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.

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.

POLICY S5: PROMOTE SUSTAINABLE, INTEGRATED & INCLUSIVE HOUSING IN FORMAL AND INFORMAL HOUSING 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.

6. Increase densities of settlements and dwelling units in new housing projects.

11. Achieve a wider range of housing opportunities with regards to diversity of tenure, size, density, height and quality in order to promote a ladder of upward mobility for households to progress as economic circumstances change over time.

Planning Implication:

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 site is ideally located for densification as it is surrounded by residential developments. The proposal will not detract from the liveability of the existing area will contribute to appropriate densification and urban renewal on an Erf with existing municipal infrastructure. The proposed land use is on a brownfield site and upon operation of proposed use (hotel, villas, flats & tented decks) it will attract new economic activities within the established neighbourhood contributing to a functional and urban integrated living environment which is strategically aligned with the surrounding land uses of the residential neighbourhood. The proposal will provide a variety of housing typology (flats, tents, villas and hotel accommodation). The proposed development will not deter from the existing character of the area and contribute to urban integration. Therefore, the proposal complies with strategic objectives as set out by the Western Cape Spatial Development Framework.

12.2. Eden SDF (2017)

The purpose of the Eden SDF is to coordinate District departments involved with planning, land use management, infrastructure, economic and social development to identify and provide guidance to effectively initiate and implement regional projects and provide a framework for public investment priorities. This document more importantly provides guidance to local municipalities in the District regarding future spatial planning, strategic decision-making and regional integration. Bitou Municipality is located within Eden District. The objectives, guidelines and spatial planning strategies are guided by the Eden District's Spatial Development Framework.

The Eden District SDF identified the following objectives applicable at a district level to promote sustainable development:

- Growth management (achieving a balance between urban development and the environment);
- Economic development (both growth and distribution, poverty alleviation and job creation);
- The provision of social facilities and services (in an equitable manner), and
- Settlement pattern (how these elements play out in space).

The following policies are applicable to the proposed land development planning application:

Strategy: Sustainable Growth Management	
Policy 3.1. Direct and encourage growth to match capacity, resources and opportunity in relation to the regional socio-economic hierarchy of cities and towns	
Guideline 3.1.1. Align growth with infrastructure and fiscal capacity	**Compliance with land development application**
Direct and encourage growth to match	The development will contribute to a more

capacity, resources and opportunity in relation to the regional socio-economic hierarchy of cities and towns.	intensified use of the land making optimal use of the available municipal infrastructure. Tourism is one of the main economic contributors to Plettenberg Bay, the proposed development provides a unique tourism opportunity to the area. The existing hotel is frequently at full-capacity, as it has established itself as one of the must-see places in the Plettenberg Bay area.
Policy 3.3. Optimise existing infrastructure capacity and economic opportunity by directing mixed use, higher density development to areas of opportunity	
Guideline 3.3.9. Ensure the development of strong resilient towns and places	**Compliance with land development application**
The SDF promotes a considered approach to investment in settlement and growth management that directs new investment towards the establishment of appropriate urban form. A regional settlement hierarchy and framework for accommodating growth has been established in relation to infrastructure, economic and institutional capacity. Growth must be encouraged in towns that have economic, spatial and social capacity to ensure fiscal sustainability.	The property is surrounded by urban development, with existing services infrastructure connection points. The proposal is on a brownfield site. Sufficient infrastructure capacity is available to accommodate the proposed development. Tourism is one of the main contributors to the economy of Plettenberg Bay, the proposed development will attract local and international tourist, that will contribute to the general expenditure in the area.

12.3. Bitou SDF (2017)

The updated Bitou Spatial Development Framework (SDF) was approved by the Bitou Municipal Council in May 2017. The SDF is, therefore, the primary spatial tool for guiding development within the municipal area.

The SDF echoes the principles laid down by the Provincial SDF including densification, the importance of compact settlements and walkability and the promotion of a mixture of uses in close proximity to one another.

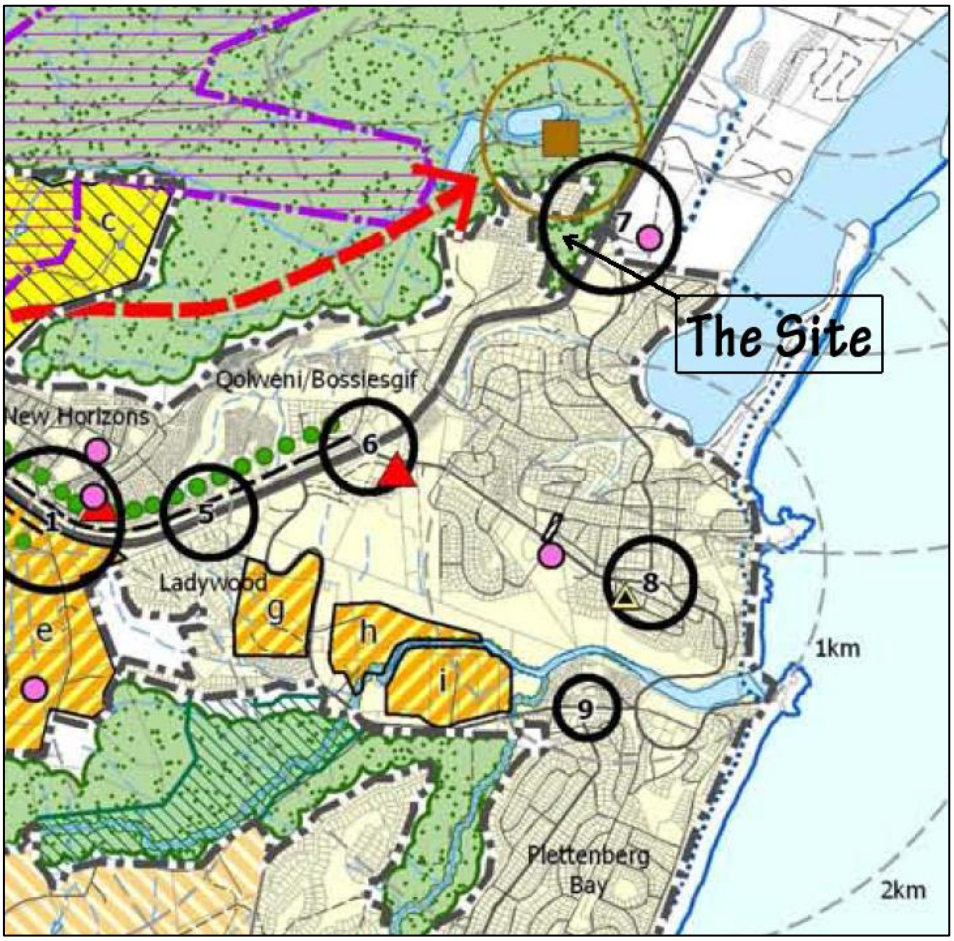


FIGURE 21: EXTRACT FROM THE BITOU SDF (2017)

The application area is located *outside the urban edge* and the identified existing urban area of Plettenberg Bay. It should be noted that even though the site is located outside the urban edge, the site is surrounded by urban development and the proposal could be regarded as "infill" development. The SDF did not provide any description/motivation why this site (with existing residential uses) was excluded from the urban edge *(e.g. sensitive environment or productive agricultural land)* hence it assumed that the urban edge was determined on the current extent of the urban development of Baron's View.

It should be noted that, the Municipality is busy reviewing the SDF, and the subject property is included in the urban edge of the draft SDF that will soon be circulated and advertised for public comments / inputs. The current alignment of the Plettenberg Bay urban edge must have been a bona fide mistake when the SDF was compiled at the time, as the application area is surrounded with urban development.

According to the Bitou SDF, the application area is earmarked as "Core 1: Formally protected areas" but also in a sub centre node.

The application area is definitely not a protected area and has no statutory conservation status, in fact the site is zoned as agricultural land. It would make sense that the undevelopable steep slopes be excluded from the urban edge. The Bitou SDF made the following statements for urban areas in the Plettenberg Bay area:

Core Landscape areas	Description: Formally protected conservation areas Policies: - Formally protected areas, including those under SANParks and CapeNature control, should continue to enjoy the highest levels of protection - Further continuous between the mountain and the sea, such as that between Nature Valley on the coast and the Garden Route National Park in the Tsitsikamma Mountains, should be promoted. - The municipality should engage with the conservation authorities to ensure that economic growth and employment opportunities from these areas are maximised. *Applicant's response:* - *It is important to note that the Core 1 designation in the SDF, was informed by the unverified CBA mapping and not on site specific biodiversity date.* - *Since the proposal is only proposed on the disturbed areas, no disturbance of any CBA will take place.* - *The SDF did not take the site specific environmental informants into consideration when the proposed future land uses were assigned.*

12.3.1. Site specific circumstances

Section 42 of the Spatial Planning and Land Use Management Act, Act 16 of 2013m states that *"…a 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 such municipal spatial development framework…"* This section aims to motivate why there are "site specific circumstances" why this proposal can be approved, even if the site is excluded from the demarcated urban edge of Plettenberg Bay.

The following points have to be taken into consideration:

FIGURE 22: POSSIBLE DEVELOPMENT FOOTPRINTS SURROUNDING THE APPLICATION AREA

(i) The application area is surrounded by urban development. The application area is bordered to the north, west and south with urban development; the eastern boundary is bordered by the N2 Road. Baron's View is an approved residential development that borders the entire western boundary of the property. When Barons View is developed to full capacity it will basically surround the application area. The figure below is to illustrate the possible urban development that will surround the application area when Barons View is developed to full capacity. The **red** areas indicate vacant erven with a possible development footprint and the **blue** areas indicate existing development footprints.

(ii) It is clear from the figure above that once the surrounding residential developments are development to full capacity, the proposed development on the application area will fit in with the urban area and will allow for a more uniform urban pattern.

(iii) The "split zoning line" is determined from the south-eastern corner of Erf 9891 to the north-eastern corner of Erf 10083. This will allow for a uniform urban pattern and that the proposed development is setback in accordance with the neighbouring property's development footprint. The proposal is linear with the surrounding properties boundaries; thus the proposal will not exceed or be more visible that the neighbouring properties.

(iv) There are existing civil services connection points for the proposed development. Minor alterations are necessary to either install or connect to

the civil services infrastructure. There are exiting roads to property, no need to construct additional access roads to the property.

(v) The property is situated on a unique area, with stunning views of the ocean. The existing Sky Villa Boutique Hotel is already a main attraction for visitors and tourists in the area. The operation of the proposed development has benefited the entre Plettenberg Bay, as various businesses and enterprises has choses the Sky Villa Boutique Hotel to launch new products or host unique events. These events and launches allow local and international tourists to visit Plettenberg Bay, most of the visitors stay a few days, which causes expenditure in the area.

(vi) The unique lodging experience that is on offer will attract international tourists; as it will allow people to live close to nature but with luxury treatment and facilities. The entire development is development with an architectural design that blends in with the natural environment. This allows the proposal to be tucked away within the natural environment providing spectacular views of the surrounding area and of the ocean. It is not often that one does not have to drive far out of a town to experience a lodging experience that integrates with the natural environment and have exceptional views.

(vii) The application area is connected to the existing municipal services infrastructure. Thereby including it in the existing urban footprint.

12.3.2. Urban Design Guidelines for future urban development

The following Urban Design Guidelines are proposed in the Bitou SDF to guide all future development in the Bitou Municipal area:

UD1 – Create open space systems that integrate the elements of a settlement to contribute to a meaningful urban structure. This can be done by:

- Providing connectivity between open spaces;
- Establishing linkages between open spaces;
- Aligning the open space system with public buildings; and
- Ensuring an improved quality of linkages through the continuation of special activities or functions along major routes.

UD11 – Any proposals for the redevelopment of existing buildings should consider their heritage value, elements of the vernacular architecture and, where possible, retain these important elements. Similarly, the historical characteristics of existing buildings should be considered to draw from their elements that could be integrated into the design and construction of new buildings close by.

UD12 – The use of local materials should be encouraged in the construction of new buildings.

The following Smart Growth Principles in the Bitou SDF are applicable to the proposed development that should be used to help achieve integrated and efficient human settlements:

1. Provide for a mix of different kinds of land uses, e.g. residential. Retail, business, and recreational opportunities.

2. Create well-designed compact neighbourhoods where the different activities are in close proximity to each other.

4. Create a variety of housing opportunities, i.e. in terms of function, form and affordability.

5. Encourage growth in existing communities this can be done through infrastructure upgrade, urban renewal, new amenities and densification.

6. Preserve open spaces, natural beauty, and environmentally sensitive areas.

9. Foster a unique neighbourhood identity building on the unique and diverse characteristics of each community.

From the above mentioned it is clear that the proposal is consistent with the urban design guidelines as proposed in the Bitou SDF.

12.3.3. Bio-regions within Bitou

The proposed development falls on the southern boundary of the Keurbooms Estuary and Flood Plain Bioregion.

Keurbooms Estuary and Flood Plain (Bioregion 5)

The future of this estuarine flood plain should be promoted such that the development of each property contributes to a private nature reserve conserving the primary dunes and a significant expanse of the flood plain behind so the spatial qualities of the larger whole are retained and this sub-region is not split up into a series of walled off development estates which destroy the sense of place.

FIGURE 23: APPROXIMATE LOCATION OF SITE IN BITOU BIOREGIONS

12.3.4. Conclusion

From the above discussion regarding the Bitou SDF; the following conclusion can be made:

(i) The site is earmarked as a Core 1 protected area (even though surrounded by urban development).

(ii) The application area is located outside the urban edge.

(iii) Even though outside the urban edge the proposal is generally consistent with the Bitou SDF for the following reasons:

a) The private development will impact as little as possible on the environmental integrity by promoting;

- large portions of land are incorporated in conservation reserves.
- development is proposed on the disturbed areas
- visual impact of the development is as limited as possible

b) to provide sufficient protection to land requiring conservation, promote public and non-motorised transport and encourage the infill of vacant land parcel within the existing urban areas.

c) to ensure that future development improves the current urban structure.

d) the proposed development falls within the sub-centre urban node (Intersection at Beacon Way and the N2) which encourages development.

(iv) The application area is connected to the existing municipal infrastructure services, thereby including the property inside the existing urban footprint.

(v) There are site-specific circumstances why the proposal can be approved, even though it is located outside the current demarcated urban edge.

12.4. Bitou IDP 2017-2022

The IDP is a municipal planning instrument that drives the process to address the socio-economic challenges as well as the service delivery and infrastructure backlogs experienced by communities in the municipality's area of jurisdiction.

Bitou Municipality approved the 4th generation IDP during June 2017 Council Resolution Number: C/6/23/05/17. According to this IDP, the municipality's vision is to:

Bitou IDP Vision
To address the disjuncture in services delivery, inequality, unemployment and economic participation caused by the apartheid system which benefited a certain racial group at the neglect or exploitation of others
Vision
To be the best together

Bitou Municipality has adopted seven strategic objectives to deliver on its vision and to help realize the objectives of the district economic development, provincial strategic goals and national development plan which eventually will contribute to the globally sustainable development goals. Strategic objectives relevant to the proposal are:

OBJECTIVE	
Economic Development	*Grow local economy, create jobs, empower previously disadvantaged, transform ownership patterns. Economic development of local economy.*
Infrastructure Development	*Universal access to decent quality of services.*

The application area is located in Ward 2 of the Bitou Municipality. The following Ward based planning interventions are considered to be applicable to the land development application:

ECONOMIC DEVELOPMENT	Make development more accessible and expedite applications (rezoning and building plans) make industrial and commercial development possible.

Planning Implication:

The IDP is a municipal planning tool to integrate municipal planning and allocate municipal funding to achieve strategic objectives that will contribute to the overall municipal vision. Although this application is not considered to be an important strategic objective it can be motivated that the development of the land supports important municipal interventions

amongst others creating economic jobs within the ward. Further to the above the proposed development will contribute to the tourism sector, providing housing opportunities, create employment and the make use of existing services network.

It is the considered opinion that the existing development will contribute to the strategic objectives within Ward 2.

SECTION E : MOTIVATION

13. BITOU MUNICIPAL LAND USE PLANNING BYLAW, 2015

In Section 65 of the By-law the general criteria necessary for considering an application by the Bitou Municipality is stated.

The following criteria must be considered when evaluating the desirability of this land development application submitted in terms of Section 15(2) of the By-Law:

- The integrated development plan, including the municipal spatial development framework;
- The applicable local spatial development frameworks adopted by the Municipality;
- 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 Vl (6) of the Land Use Planning Act; and
- The applicable provisions of the zoning scheme.

14. CONSISTENCY WITH SPATIAL PLANNING POLICIES

As described in Paragraph 10 of this report, the proposal is consistent with the relevant spatial planning policies.

15. CONSISTENCY WITH THE CHARACTER OF THE AREA

The areas surrounding the application area is characterised by various residential and tourism uses. The proposal will not change the character of the area, the proposal to allow residential and tourism activities fits in with the existing character of the area.

The property is situated in a unique area, with spectacular views, the visitors will enjoy a unique lodging experience. Plettenberg Bay is a tourist destination; the proposal will contribute to established tourism brand for the region. The proposed development will benefit from the quiet, up-market character of the area and therefore will strive to maintain this atmosphere. The architectural design of the proposed buildings will be built according to the topography of the land specifically to maintain harmony with the landscape and limit visual impact.

16. ACCESS AND PARKING

The application area is located just outside the town of Plettenberg Bay on route to Keurbooms via the N2. Access to the property is obtained via a public servitude road from the Old Nick Intersection with the N2 National Road. The public servitude bisects Portions 1; 71 and 89 of the Farm Ganse Vallei No 444. The streets through the Baron's view development are public streets, and the application area's access is from Costello Branco Avenue at the north-eastern corner of the application area.

The development proposal provides ample parking for the various proposed uses and visitors. A total of (86) parking bays are provided on the property. If necessary there are ample space to include more parking on the property.

The property is easily accessible – there is a tarred road (protected by public access servitude) leading all the way to the property that would allow for easy and safe access, thus the proposed development provided ample access and parking to visiting customers.

17. NO NEGATIVE ENVIRONMENTAL IMPACTS

No negative environmental impacts will be created as a result of the development. The proposed development does not trigger any listed activities in terms of the National Environmental Management Act (1998). The application area is also not within a recognised Critical Biodiversity Area, nor is it within a listed Threatened Ecosystems area. Therefore, the development will not have any significant negative impacts on the natural environment on or around the application area. All the proposed structures will be on existing disturbed areas.

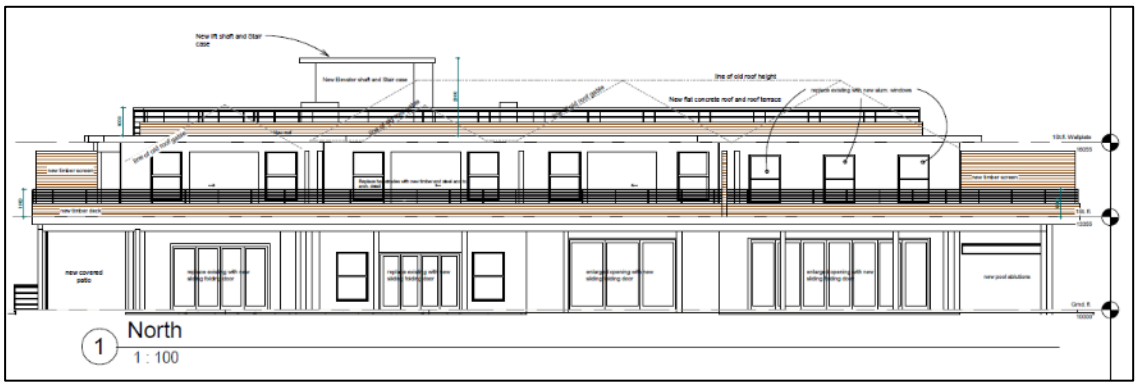
FIGURE 24: CRITICAL BIODIVERSITY AREAS

18. NO AGRICULTURAL IMPACT

As described in Par 10.2 of this report, the application area has low to moderate agricultural potential, and the proposed development will not result in the loss of any high potential agricultural land.

19. NO VISUAL IMPACT

The existing structure on the property was originally used as the main farm house. As per the Plettenberg Bay Zoning Scheme Regulations, the allowed high for a dwelling house on "Agriculture Zone" is 2 storeys. Building plans was submitted for amendments and alterations to the existing farm house, these building plans was approved during November 2011.



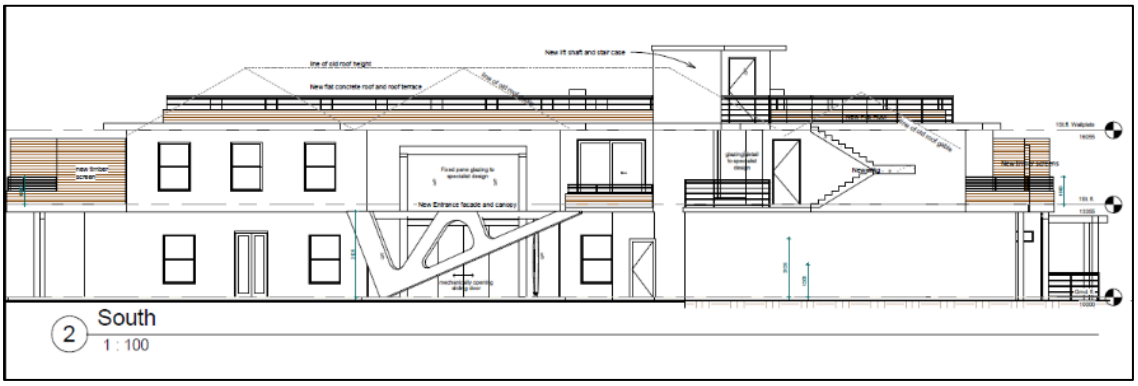


FIGURE 25: APPROVED BUILDING PLANS (NOVEMBER 2011)

Since then; the approved structure has been utilised as a boutique hotel. Thus, the current structure is within the allowed height of the current zoning, however it is utilised unlawfully as a hotel. The purpose of this application is to lawfully allow the hotel, thus the required rezoning.

FIGURE 26: CURRENT LAND USE - SKY VILLA BOUTIQUE HOTEL

As seen from the figures above the building consists of various natural building materials (timber, stone etc.). A flat roof was purposefully designed to further mitigate any visual impact; to compress the building with the topography. Natural colours were used in the design to further mitigate the structure with the natural environment.

The rezoning however allows for an increase in allowed height; the "General Residential Zone" allows for a total of 3 floors and the prescribed height is that no point or any portion of the building shall be higher than 10,3m above the natural ground level.

The current approved structure consists of 2 storeys, as per the prescribed height parameters of the existing zoning. However, the property owner has appointed an architect to illustrate the option of a 3rd floor in comparison with the manor house (before alterations & amendments). The old manor house consisted of 2 floor with a pitched roof.

FIGURE 27: OPTION OF 3RD FLOOR (COMPARISON WITH OLD MANOR HOUSE)

The figure above clearly shows that a 3rd floor will not differ much regarding height as compared with the old manor house. The 3rd floor will also consist of a flat roof, and will not prescribe the allowed height as per the new zoning category.

Thus, there will be no visual impact as a result of the proposed development, various mitigation design guidelines could be imposed by architectural design guidelines to mitigate any visual impact. The major factor in causing visual impact is the height of a structure, the allowed height in the current zoning is 2 floors, the allowed height in the new zoning category is 3 floors, as the figure above clearly illustrate; there is no major difference in the height when 3 floors are compared to the approved old manor house. Thus, there will be no detrimental visual impact created as a result of the proposed development.

The design of the proposed guest house is in line with the design and character of the buildings within the surrounding area.

The figures below illustrate a design the owners did on another development in Stellenbosch, the structure is a 3-storey building with various mitigation methods that allow the structure to be tucked away in the natural environment. This is to show that it is possible to develop a 3-storey structure that will integrate with the natural environment and not be visual intrusive:

FIGURE 28: SPANISH FARM IN SOMERSET WEST - 3 STOREY STRUCTURE

It should also be noted when Baron's View is developed to full capacity the entire ridge will be with urban development. Currently it is only the Sky Villa Boutique Hotel building on the ridge and one would see it easily as it is the only structure that is currently present. However, when all the neighbouring properties have been developed, there will be linear urban development on the ridge. The illustration below shows the potential development footprint of the neighbouring property owners, the application area is even further back than the properties north. If the correct mitigation methods are implemented, the proposed development will have little visual impact.

FIGURE 29: POSSIBLE DEVELOPMENT FOOTPRINTS OF SURROUNDING PROPERTIES

A viewshed analysis (***Plan 5***) was conducted of the application area during 2016. The figure below shows the viewshed analysis. From this viewshed analysis it is clear that the site will only

really be visible to surrounding properties from a distance of 500m and more. The site is most visible from 1km and further away.

It should be noted that from a distance of 1km and more: -

- The height increase of the hotel building by approximately 0,5m will be negligible small and mostly not visible.
- When Baron's View is developed to its full capacity, the application area will be surrounding by urban development and houses. The proposed new hotel development will blend in, in the existing urban landscape. The potential visual impact should be assessed from an urban context, and not a rural context.

It can be concluded that the proposal will have limited visual impact.

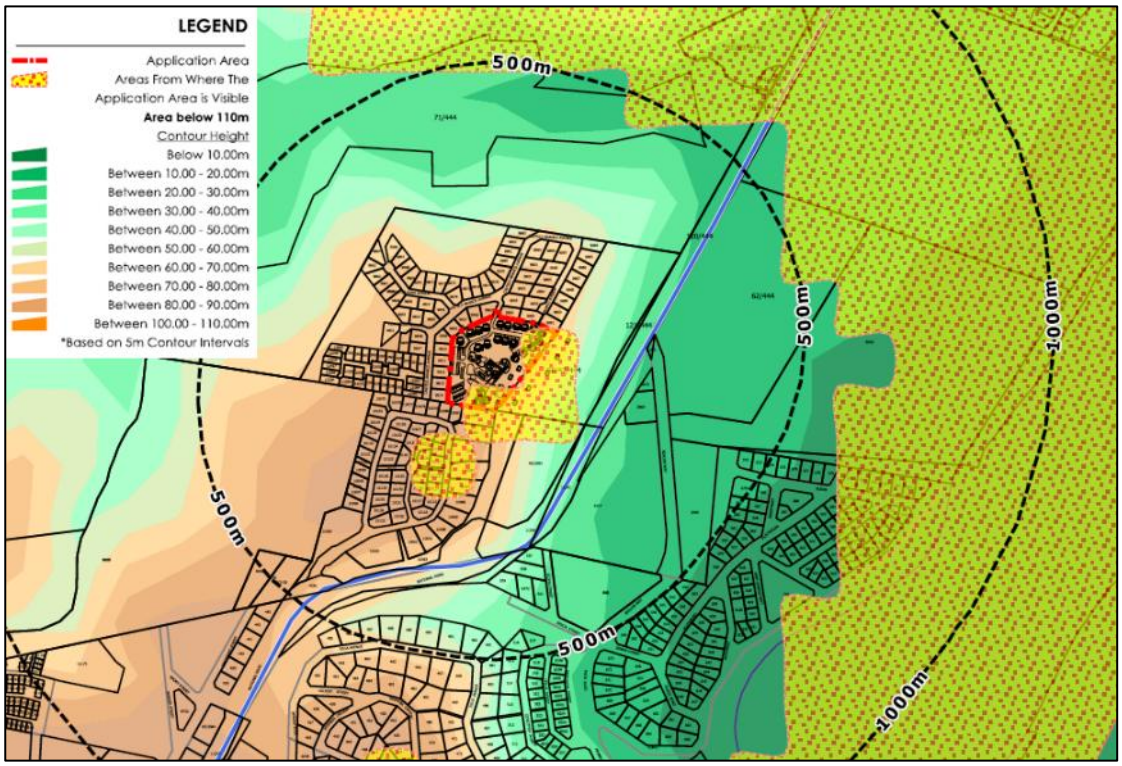


FIGURE 30: EXTRACT OF VIEWSHED ANALYSIS

20. BROWNFIELD DEVELOPMENT

Given its favourable locality, the property is situated in a unique area, with spectacular views, the visitors will enjoy a unique lodging experience. The application area is located within one of the prime residential, tourism accommodation and tourism nodes of Plettenberg Bay. The redevelopment of the application area will constitute the redevelopment of an existing developed erf – i.e. brownfield development.

Brownfield development is considered preferable over Greenfield development as it re-uses urban developed land in a way that is more appropriate to current needs without the need for the development of virgin land. The development of a brownfield sites complements the policy of smart growth principle by: redeveloping an existing erf; making more efficient use of the

land; connecting to existing municipal infrastructure; and reducing the environmental impact to promote sustainable development.

21. TOURISM AND ECONOMIC DEVELOPMENT

The tourism sector is one of the major economic drivers for the Plettenberg Bay area. The tourism sector has proven to be a major employment generator. Further downstream economic impacts include support to tour operators, local restaurants, and other tourism related businesses.

The proposed development will help to support Plettenberg Bay's growing tourism industry. The property can easily be accessed given its suitable location to a primary route. This is evident throughout the area with numerous B&B's, lodging and guest houses which provide tourist with easy access to a variety of tourist associated facilities in and around Plettenberg Bay. The development of another accommodation establishment in the area, will not only complement the character of the area, but assist in the growth of the tourism industry of Plettenberg Bay.

The boutique hotel will accommodate local and international tourists which will result in increased spending within Plettenberg Bay, which will contribute to the local economic development of Plettenberg Bay. If the boutique hotel is occupied on full capacity, permanent staff employed by the establishment could include:

- chefs
- waiters
- cleaners
- a manager
- security staff
- gardeners
- maintenance staff

This means that the continued success of the establishment is in the interest of the economy and tourism industry of Plettenberg Bay as the proposal will create new permanent employment opportunities for skilled and unskilled staff.

22. NO IMPACT ON EXISTING RIGHTS

The proposed development will not have any negative impacts on any neighbouring property.

The change of the land use to accommodate a hotel and residential uses will not impact any right currently enjoyed by neighbouring properties as the main use of the property will be for residential purposes which is no different than the what the property was used for previously when it was used for single residential purposes.

23. FINANCIAL IMPLICATIONS FOR THE LOCAL AUTHORITY

The promotion of densification will have the following financial implication for Bitou Local Municipality:

- Widen the rates and taxes revenue that help local government pay for infrastructure improvements.
- Improved property values will result in higher rates and taxes payable for the Bitou Municipality
- The developer will enter into a service level agreement prior to any development will commence. The developer will pay for augmentation fees.

24. NO IMPACT ON MUNICIPAL SERVICES CAPACITY

Service provision will be appropriately addressed in the service level agreement between the developer and Bitou Municipality. The preliminary civil and electrical engineering report indicate that enough services capacity is available to accommodate the development proposal.

25. WESTERN CAPE LAND USE PLANNING ACT, 2014 (ACT 3 OF 2014)

The purpose of this Provincial legislation is to consolidate legislation in the Province pertaining to provincial planning, regional planning and development, urban and rural development, regulation, support and monitoring of municipal planning and regulation of public places and municipal roads arising from subdivisions; to make provision for provincial spatial development frameworks; to provide for minimum standards for, and the efficient coordination of, spatial development frameworks; to provide for minimum norms and standards for effective municipal development management; to regulate provincial development management; to regulate the effect of land development on agriculture; to provide for land use planning principles; to repeal certain old-order laws; and to provide for matters incidental thereto.

Section 59 of this Act prescribe the Land Use Planning Principles that are applicable to all land development in the Province. These are summarised in the tables below. The tables below aim to summarise how the proposed development complies with these principles.

25.1. Spatial Justice

Criteria	Compliance	Planning Implication
Past spatial and other development imbalances must be redressed through improved access to and use of land.	**Not applicable**	This policy is not applicable to the application area.

Criteria	Compliance	Planning Implication
Spatial development frameworks and policies at all spheres of government must address the inclusion of persons and areas that were previously excluded, with an emphasis on informal settlements, former homeland areas and areas characterised by widespread poverty and deprivation.	**Comply**	The proposal represents the improved utilisation of land and it utilise the land to the best of its potential in terms of the current zoning scheme; and the proposed zoning which provides for a more intensive use of land in appropriate form and scale in suitable locations. As such the proposal supports densification and in an appropriate scale to compliment the locality of the area.
Spatial planning mechanisms, including land use schemes, must incorporate provisions that enable redress in access to land by disadvantaged communities and persons.	**Not applicable**	This policy is not applicable to the application area.
land use management systems should include all areas of a municipality and specifically include provisions that are flexible and appropriate for the management of disadvantaged areas and informal settlements;	**Not applicable**	This policy is not applicable to the application area
land development procedures must include provisions that accommodate access to, and facilitation of, security of tenure and the incremental upgrading of informal areas;	**Not applicable**	This policy is not applicable to the application area
A competent authority contemplated in this Act or other relevant authority considering an application before it, may not be impeded or restricted in the exercise of its discretion solely on the ground that the value of land or property will be affected by the outcome of the application; and	**Applicable to Bitou Municipality**	This policy is applicable to Bitou Municipality considering the land development application.
The right of owners to develop land in accordance with current use rights should be recognised.	**Does not comply**	The proposed development cannot be accommodated on the current land use rights of a Agriculture Zone property.

25.2. Spatial Sustainability

Criteria	Compliance	Planning Implication
Promote land development that is within the fiscal, institutional and administrative means of the Republic.	**Comply**	The development aims to promote land development. The proposed development is located adjacent a major movement corridor connecting a variety of tourist facilities, residential and business associated uses. The proposed development will contribute to the functional land pattern in the surrounding area. The proposed density is suitable for the location and will be appropriate in terms of scale and the locality the proposed density will also result in the frugal use of municipal service infrastructure.
Ensure that special consideration is given to the protection of prime and unique agricultural land.	**Comply**	The property is not a productive farming unit and neither has it been farmed productively for the past 10 years. Because of the steep undevelopable slopes that are earmarked as a critically endangered ecosystem, the application area does not have any high potential agricultural land.
Uphold consistency of land use measures in accordance with environmental management instruments.	**Comply**	The proposed development is located adjacent a major movement corridor connecting a variety of tourist facilities, residential and business associated uses. The application area does not trigger any environmental listed activities according to the National Environmental Management Act (1998).
Promote and stimulate the effective and equitable functioning of land markets.	**Comply**	The proposed development is consistent with the character of the surrounding area. The proposal will promote a spatially compact and resource frugal in terms of efficient service delivery. Additional housing typologies will be provided. The proposed development will contribute to the tourism sector.
Consider all current and future costs to all parties for the provision of infrastructure and social services in land developments.	**Comply**	A Service Level Agreement between the developer and Bitou Municipality will clarify the cost to all parties involved to provide service and infrastructure to the proposed development.
Promote land development in locations that are sustainable and limit urban sprawl; and	**Comply**	The proposed development is within an existing residential township area. The proposed development will be located within an existing residential area and adhere to the development parameters of a General Residential Zone in terms

Criteria	Compliance	Planning Implication
		of the Plettenberg Bay Zoning Scheme Regulations. No urban sprawl will be created because of the proposed land development application, the proposed development will contribute to the functional land pattern in the surrounding area.
Result in communities that are viable.	**Comply**	The development is located in an existing residential community and can contribute to the existing function of the viable community.
Strive to ensure that the basic needs of all citizens are met in an affordable way;	**Comply**	Property will make use of existing municipal infrastructure. Therefore, the basic service to the proposed development will be provided in the most affordable way. Should any additional development charges be necessary to Bitou Municipality to upgrade any infrastructure the owner will be responsible for the contributions
The sustained protection of the environment should be ensured by having regard to the following: i) natural habitat, ecological corridors and areas with high biodiversity importance; ii) the provincial heritage and tourism resources; iii) areas unsuitable for development, including flood plains, steep slopes, wetlands and areas with a high-water table and landscapes and natural features of cultural significance; and iv) the economic potential of the relevant area or region;	**Comply**	i) The application does not trigger any environmental listed activities according to the National Environmental Management Act (1998). ii) The development proposal will have no impact on heritage or tourism resources, the proposal will contribute to the tourism sector. iii) A split zoning is proposed to ensure the safekeeping of the sensitive vegetations, the proposed development is proposed on the existing disturbed areas. iv) The proposed development will contribute to the expanding property market and values of the property in the surrounding area.
Climate change adaptation and climate change mitigation strategies should be developed and considered in land use planning.	**Comply**	Climate change and rising highwater mark will have no impact on proposed development
The provision and conservation of, and the management of the demand for, energy should be considered in land use planning	**Comply**	The proposed development adheres to SANS building standards and will make use of energy efficient materials, technology and equipment as part of the designed structure.

Criteria	Compliance	Planning Implication
The safe utilisation of land should be ensured by taking into consideration factors such as sea-level rise, storm surges, flooding, fire hazards and geological formations;	**Not applicable**	This policy is not applicable to the application area
The illegal occupation of land should be discouraged with due recognition of informal land development practices; and	**Not applicable**	This policy is not applicable to the application area
development should be principle-driven and should prioritise long-term social, economic and environmental benefits over short-term benefits	**Comply**	The proposed development is permanent nature and will contribute to the long investment of rates and taxes payable the Bitou Municipality. The proposed development will also contribute to short term benefits such as economic expenditure in the local economy and tourism industry when habitants occupy the residential units.

25.3. Spatial Efficiency

Criteria	Compliance	Planning Implication
Land development optimises the use of existing resources and infrastructure.	**Comply**	The proposal represents the improved utilisation of land and it utilise the land to the best of its potential in terms of the current zoning scheme regulations. As such, the proposal supports densification and in an appropriate scale to compliment the locality of the area.
integrated cities and towns should be developed, whereby— The social, economic, institutional and physical aspects of land development is integrated;	**Comply**	The proposal will maintain a strong residential character and contribute densification and more intensive use of available Municipal Infrastructure. The proposal will also allow positive financial, social, economic or environmental impacts by; higher rates and taxes for the municipality.
Land development in rural and urban areas in support of each other is promoted;	**Comply**	The development will contribute to the existing character of the area.
The availability of residential and employment opportunities in close proximity to, or integrated with, each other is promoted;	**Comply**	The proposed development is located in an integrated urban environment. The proposed development will contribute to the functional land pattern in the surrounding area.
a diverse combination of land uses is promoted;	**Comply**	The proposed development is located in an integrated urban environment. A diverse integrated

Criteria	Compliance	Planning Implication
		environment will be promoted by the development.
The phenomenon of urban sprawl in urban areas is discouraged and the development of more compact towns and cities with denser habitation is promoted;	**Comply**	The proposed development is located on a brownfield site in an existing urban environment. Urban Sprawl will not be encouraged by the proposed development. The proposed development will contribute to the functional land pattern in the surrounding area.
Historically distorted spatial patterns of settlement are corrected; and	**Comply**	The proposed development is located in an existing and established settlement pattern. This principle is applicable to township establishment areas that aim to integrate form and functionality of the existing and proposed development environment.
The quality and functionality of the public spatial environment is promoted.	**Comply**	The proposed development will contribute to urban renewal.
Policy, administrative practice and legislation should promote speedy land development.	**Not Applicable**	The municipality should process this application within the prescribed time frames of the Bitou Municipality Land Use Planning Bylaw.

25.4. Spatial Resilience

Criteria	Compliance	Planning Implication
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	**Not Applicable**	The proposal is in line with the various spatial plans and policies, as motivated in the report. The surrounding area is located in a well-established high-income residential neighbourhood. Resilience is the capacity and ability of a community to withstand survive or adopt from a crisis or disaster Spatial resilience associated with this development the following: The development complies with Spatial Development Frameworks (National, District and Local) policies that guide development in urban areas; The building will comply with National Building Regulations and SANS; Use will comply with General Residential Zone in terms of the Plettenberg Bay Zoning Scheme Regulations.

25.5. Good Administration

Criteria	Compliance	Planning Implication

Criteria	Compliance	Planning Implication
Land use planning is guided by the principles contained in Section 59(2) of this Act	**Applicable to Bitou Municipality**	This principle has no direct bearing on the application, however, the Bitou Municipality is obligated to consider the application fairly and within the timeframes provided in terms of the municipal planning bylaw. What is however important is that all decision making is aligned with sound policies based on nation, provincial and local development policies.
All government departments must provide their sector inputs and comply with any other prescribed requirements during the preparation or amendment of spatial development frameworks.		

26. 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 a portion of Remaining Extent of Portion 47 (A Portion of Portion 1) of the Farm Ganse Vallei No 444 from "Agriculture Zone" to "General Residential Zone" as per the Plettenberg Bay Zoning Scheme Regulations, in terms of Section 15(2)(a) from the Bitou Municipality Land Use Planning By-Law;

(ii) The rezoning of a portion of Remaining Extent of Portion 47 (A Portion of Portion 1) of the Farm Ganse Vallei No 444 from "Agriculture Zone" to "Special Zone – Conservation Area" as per the Plettenberg Bay Zoning Scheme Regulations, in terms of Section 15(2)(a) from the Bitou Municipality Land Use Planning By-Law;

(iii) The registration of a new electrical servitude over the Remainder of Portion 47 (A Portion of Portion 1) of the Farm Ganse Vallei No 444. In terms of Section 24(f)(i) of the Bitou Municipality Land Use Planning By-Law, this proposal is exempted from a formal application for subdivision.

Meets the criteria as set out in The Spatial Planning and Land Use Management Act (SPLUMA) and the Bitou 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 Bitou Municipality.

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