

MOSSEL BAY ERVEN 13100; 13104 – 13106; 13109 & 13110

APPLICATION FOR:

**CLOSURE OF PUBLIC PLACE; REZONING; CONSENT
USE; SUBDIVISION, LAND ALIENATION &
CONSOLIDATION**



CLIENT: SATINSKY 169 (PTY)LTD

PREPARED BY: MARIKE VREKEN URBAN AND ENVIRONMENTAL PLANNERS



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SECTION A : BACKGROUND

1. BACKGROUND

Mossel Bay Erven 13101 – 13113 & 13114 are located to the east of the Tarka neighbourhood and the properties are owned by Satinsky 169(Pty) Ltd.

During November 2008 an application for rezoning to “general residential” zone for a licensed hotel was lodged. This application required authorisation from heritage Western Cape and a Heritage Specialist was appointed to conduct the necessary assessments.

A Notification of Intend to Develop (NID) was submitted to Heritage Western Cape and a Stage 1 Heritage Impact Assessment (HIA) was requested. The HIA required that development alternatives be investigated. Heritage Western Cape issued a positive Record of Decision (ROD) for the development of a proposed general residential, retirement facility. A copy of this ROD is attached as **ANNEXURE B**.

Taking into consideration the comments and objections received, the developers have decided to propose an alternative development concept and the HIA revealed that this alternative proposal will be more desirable and the developers decided to rather change the proposal to develop a retirement and specialist caring facility.

The amended proposal was circulated for public comments and inputs, and given the fact that concerns were raised regarding the proposed development abutting the Tarka neighbourhood, the owners approached the municipality to propose a land swap proposal to “relocate” the current public open space abutting the Life Hospital to the private land in order to create a buffer between the Tarka neighbourhood and the intended general residential development.

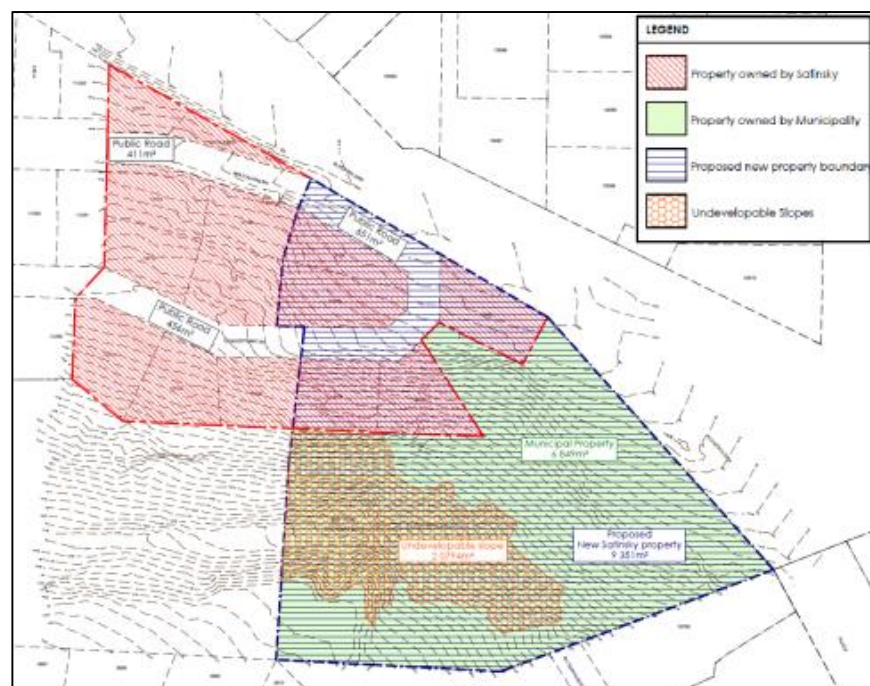


FIGURE 1: APPROVED LAND SWAP PROPOSAL

The application for a land swap was duly advertised and after the public consultation process, the Mossel Bay Council decided to enter into a land swap between Mossel Bay Municipality and Satinsky 169(Pty) Ltd. A copy of the Council's approval for the land swap proposal is attached as **ANNEXURE A** and shown in **Figure 1**.

The Mossel Bay Council resolved that the applicant will be responsible to apply for the required rezoning, subdivision and closure applications to effect the land swap and development proposal. The purpose of this report is to motivate the proposed land use application.

A pre application scoping meeting was held with Mossel Bay Municipality on 4 February 2016. A copy of the minutes of this pre-application scoping meeting is attached as **ANNEXURE E**. This meeting concluded that the application is supported in principle.

2. THE APPLICATION

Marika Vreken Urban & Environmental Planners have been appointed by Satinsky 169(Pty) Ltd (refer to **ANNEXURE D**: Mossel Bay Municipality's approval to enter into land swap

Heritage Western Cape approval, 2009

ANNEXURE K. Application Form

ANNEXURE L. Power of Attorney & Company Resolution

ANNEXURE M. Minutes from Pre-application meeting

to apply for (refer to **ANNEXURE C**: Application Form) the following:

- (i) The closure of a Portion of Mossel Bay Erf 13100 in terms of Section 15(2)(n) of the Mossel Bay By-law on Municipal Land Use Planning as published in P.N. 288/2015 on 21 August 2015;
- (ii) The subdivision of Mossel Bay Erf 13100 into two Portions (Portion A = 6834m² and a Remainder) in terms of Section 15(2)(d) of the Mossel Bay By-law on Municipal Land Use Planning as published in P.N. 288/2015 on 21 August 2015;
- (iii) The closure of a Portion of Malva Lane and Deale Street in terms of Section 15(2)(n) of the Mossel Bay By-law on Municipal Land Use Planning as published in P.N. 288/2015 on 21 August 2015;
- (iv) The subdivision of a Portion of Malva Lane and Deale Street into two Portions (Portion A = 652m² and a Remainder) in terms of Section 15(2)(d) of the Mossel Bay By-law on Municipal Land Use Planning as published in P.N. 288/2015 on 21 August 2015;
- (v) The rezoning of Portion A of Erf 13100; Portion of the closed Street; Erven 13104 – 13106; Erf 13109 & 13110 to "General Residential" zone to allow a retirement and caring facility in terms of Section 15(2)(a) of the Mossel Bay By-law on Municipal Land Use Planning as published in P.N. 288/2015 on 21 August 2015;

- (vi) The consolidation of Portion A of Erf 13100; the closed portion of Malva and Deale Street and Erven 13104 – 13106; Erf 13109 & 13110 to create a new property of 9338m² in terms of Section 15(2)(e) of the Mossel Bay By-law on Municipal Land Use Planning as published in P.N. 288/2015 on 21 August 2015;
- (vii) A consent use to allow an "Institution" on the General Residential" zoned property, in terms of Section 15(2)(o) of the Mossel Bay By-law on Municipal Land Use Planning as published in P.N. 288/2015 on 21 August 2015.
- (viii) The alienation of a portion of municipal land (6834m² in extent) in terms of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003).

3. PROPERTY DESCRIPTION SIZE AND OWNERSHIP

A copy of the Title Deeds that include all the information outlined below is contained in **ANNEXURE F**. An extract from the General Plan for the application area, indicating the subject properties are contained in **ANNEXURE G**.

3.1. Mossel Bay Erf 13100 and road portions

Mossel Bay Erf 13100 was part of the mother erf, Erf 12933 and are held under a Certificate of Registered Title.

Title Deed Number:	T74090/1999
Title Deed Description:	Mosselbaai Erf 12933, Munisipaliteit en Afdeling Mosselbaai en Afdeling Mosselbaai, Provinsie Weskaap.
Property Owner:	Mossel Bay Municipality
Title Deed Restrictions:	None.
Bonds:	No bonds are registered.
Property Size:	Erf 12933 = 12,7846 ha and Erf 13100 = 2,8190 ha
Servitudes:	There are no servitudes registered over the property that prevent the proposed development. A copy of the General Plan the property is contained in ANNEXURE G.

3.2. Mossel Bay Erven 13104 – 13106; 13109 & 13110

Mossel Bay Erven 13104 – 13106; 13109 & 13110 are all held under Title Deed T82477/2007.

Title Deed Number:	T 82477/2007
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Title Deed Description:	Erven 13104 – 13106; 13109 & 13110 in the Municipality and Division of Mossel Bay, Province of Western Cape
Property Owner:	Mossel Bay Municipality
Title Deed Restrictions:	Condition A II – That all roads and thoroughfares over the land, whether or not described in the plan or diagram, thereof or not described in the plan or diagram, thereof, shall remain free and uninterrupted unless closed, diverted, or altered by competent authority. <i>This formal application for road closure fulfil the requirements of this condition, hence no purpose to apply for removal of title deed conditions.</i>
Bonds:	A Bond encumbers Erven 13104 – 13106; 13109 & 13110. The Bond Holder's written consent have been applied for and will be provided in due course.
Property Size:	Erf 13104 = 367m ² Erf 13105 = 397m ² Erf 13106 = 390m ² Erf 13109 = 283m ² Erf 13110 = 414m ²
Servitudes:	There are no servitudes registered over the property that prevent the proposed development. A copy of the General Plan the property is contained in ANNEXURE G.

SECTION B : PROPOSAL

4. APPLICATION SPECIFICATIONS

(Refer to Plan 5: Site Development Plan)

The intention of this application is to obtain land use rights to allow the development of a retirement and caring facility containing fifty four (54) residential units on the property.

The proposed site development plan is shown in Figure 2 below. The proposed land use consists of the following specifications:

- Development of three (3) blocks of units that will contain 54 units;

- The proposed buildings will consist of three storeys (basement; Ground floor and first floor);
- The height of all the buildings will be restricted to 10m above natural ground level;
- The proposed development will have a coverage of 19% (i.e. 1850m²);
- The total floor area ratio (FAR) for the proposed development calculates to 0,53 (i.e. 4950m²)
- Communal recreation space such a a gym, lounge and adminisitrative buildings will be provided for the development;
- The proposed building will comply with the prescribed 8m street building line.
- 68 x off-street parking bays are provided on the consolidated property.
- Vehicular access and egress to and from the application area, will be obtained from Alhof Drive along the north western property boundary;



FIGURE 2: PROPOSED SITE DEVELOPMENT PLAN

In order to obtain these intended development rights, the following applications are required:

4.1. Closure

Two closure applications are required to enable the proposed development. These include a road closure and park closure as described in more detail below:

- (i) The closure of a Portion of Mossel Bay Erf 13100 (6834m²) in terms of Section 15(2)(n) of the Mossel Bay By-law on Municipal Land Use Planning;
- (ii) The closure of a Portion of Malva Lane and Deale Street (652m²) in terms of Section 15(2)(n) of the Mossel Bay By-law on Municipal Land Use Planning.

A status report for closure from the Surveyor General is attached as ANNEXURE I to this application.

The proposed closures are shown in the figure below:

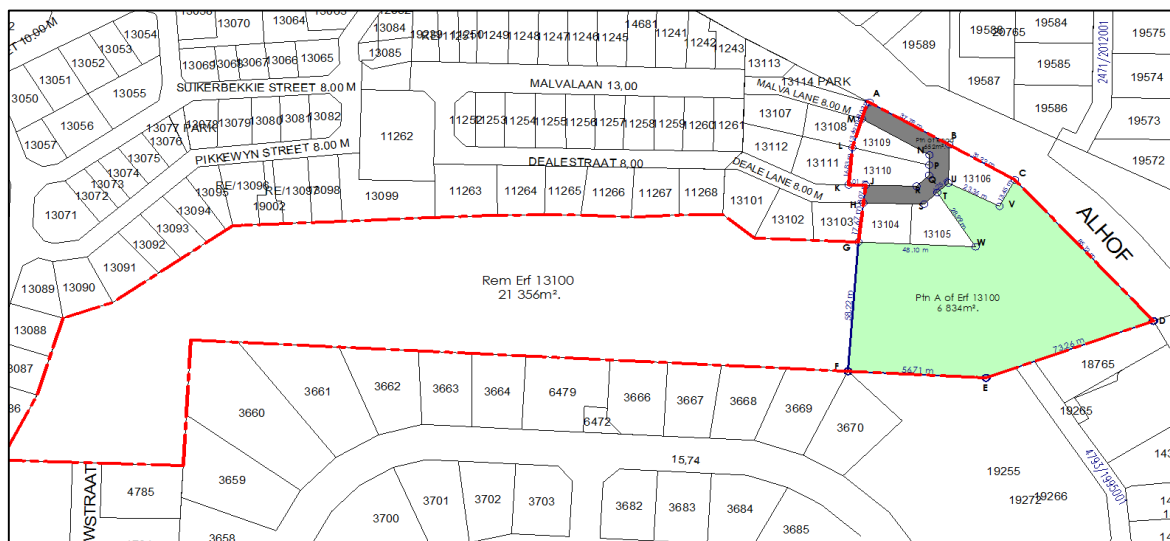


FIGURE 3: PROPOSED ROAD AND PARK CLOSURES

4.2. Subdivision and Consolidation

Two subdivision applications are required to enable the proposed development. These subdivisions include:

- (i) The subdivision of Mossel Bay Erf 13100 into two Portions (Portion A = 6834m² and a Remainder) in terms of Section 15(2)(d) of the Mossel Bay By-law on Municipal Land Use Planning;
- (ii) The subdivision of a Portion of Malva Lane and Deale Street into two Portions (Portion A = 652m² and a Remainder) in terms of Section 15(2)(d) of the Mossel Bay By-law on Municipal Land Use;

Once these subdivisions are completed, these subdivided portions will be consolidated with Erven 13104 - 13106; Erf 13109 & 13110 to form a new development site of 9 338m² in

extent. The proposed consolidated site and the Remainder of Open Space Erf 13100 is shown in the figure below:

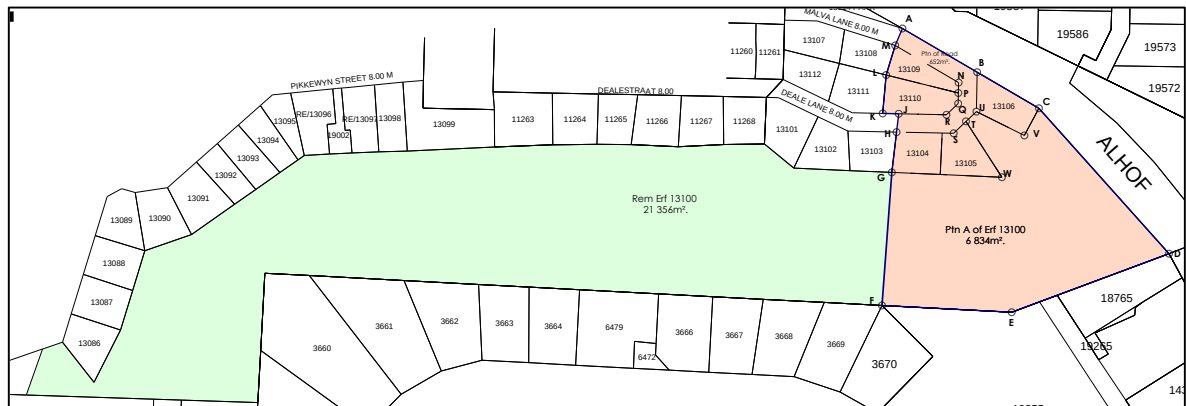


FIGURE 4: PROPOSED ROAD AND PARK CLOSURES

4.3. Rezoning and Consent Use

Given the fact that the application area stretches over various properties, the sites has various zonings (i.e. Single Residential zone, Street, Public Open Space). In order to enable the proposed retirement and assisted living / caring facility as envisaged, the application have to be rezoned to General Residential Zone as specified in the Mossel Bay Zoning Scheme Regulations.

According to the Mossel Bay Zoning Scheme regulations, a “residential building” is included as a primary use right in a “General Residential” zoning category.

A “residential building is defined as:

“...a building (other than a dwelling-house, block of flats or licensed hotel) for human habitation, together with such outbuildings as are ordinarily used therewith and include tenements boarding houses, hostels, residential clubs, but does not include any building mentioned whether by way of inclusion or exclusion in the definitions of “place of instruction” and “institutional building”...”

An “Institutional building” is defined as:

“...a building or portion of a building used or intended to be used as a charitable institution and/or the administration thereof, and includes a hospital, clinic or dispensary, whether private or public in connection therewith, but does not include –

- (a) *A hospital, sanatorium, dispensary or clinic for the treatment of infectious or contagious diseases;*
- (b) *Premises licensed under Act 18 of 1973 for the detention of mentally handicapped persons, or*
- (c) *A psychiatric hospital;*

It is clear that the definition of a “Residential Building” excludes any medical related caring facilities, therefore, in order to allow the medical related caring facilities envisaged with the proposed retirement facility, an application for a consent use for a “Institution” is also required.

Application is therefore also made in terms of Section 15(2)(o) of the Mossel Bay By-law on Municipal Land Use Planning.

4.4. Alienation

The Mossel Bay Municipality has already approved the proposed land swap in principle (refer ANNEXURE A: Mossel Bay Municipality’s approval to enter into land swap), under Council Resolution E258-11/2013, dated 2 December 2013.

A formal Council approval is required in terms of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003) for the alienation of 6834m² of Council land.

4.5. Parking and Access

The Mossel Bay Zoning Scheme Regulations (1984) prescribes that 1 parking bay has to be provided for every dwelling unit (flat) and in addition to this provision, 1 parking bay for visitors has to be provided for every four dwelling units.

A total of 54 residential units are proposed and therefore a total of 68 parking bays are required. The property currently has space available to provide 68 off-street parking bays which can safely access onto 9th avenue on a forward facing direction. Therefore the proposed development complies with the parking requirements as set out in the Mossel bay Zoning Scheme Regulations 1984.

Access to the proposed development is proposed from Alhof Drive, between Arum Street and the access of the new Vidamed Day Hospital on the opposite side of Alhof Drive.

5. SERVICES INFRASTRUCTURE

The property is within the urban fabric of Mossel Bay and is currently connected to municipal services infrastructure. The proposal will have minimal impact on the existing services infrastructure of the area.

5.1. Civil Services

Sufficient bulk services capacity exist to accommodate the proposed development. The application area is not currently linked to the municipal infrastructure, hence internal services and connections will have to be provided by the developer.

The applicant will be responsible to pay the required bulk services contributions to Mossel Bay Municipality.

5.2. Electrical Services

Sufficient electrical capacity exist to accommodate the proposed development

5.3. Traffic and Roads

During the 2009 rezoning application, VKE Consulting Traffic Engineers were instructed to conduct a Traffic Impact Statement (TIS) for the previous hotel development proposal. The Traffic study investigated the impact of a hotel development on this property as initially applied for. This TIS concluded that this development proposal is "...entirely manageable on the adjacent road network..." A copy of this TIS is attached as ANNEXURE J to this report.

It should be noted that since the TIS was compiled, it was decided to change the development proposal to a retirement facility with specialised assisted living services. It is the considered opinion that the proposed retirement facility will have a lesser traffic impact than a hotel. As a result of cost implications, it was decided not to amend the TIS at this stage. The amendment of the TIS could be included as a condition of approval, should the Council decide to approve this application.

SECTION C : CONTEXTUAL INFORMANTS

6. LOCALITY

(Plan 1: Locality Plan)

The application area is very centrally located in relation to Mossel Bay as it is located on the eastern side of the Tarka neighbourhood, in close proximity to the Marsh Street and Louis Fourie Road intersection.

The application area is bordered by Alhof Drive along the northern boundary and a Public Open Space along the southern boundary. Portions of the unbuilt Malva Avenue and Deale Street bisect the application area. The centre of the application area is at 34°10'49.99"S, 22°7'53.46"E.

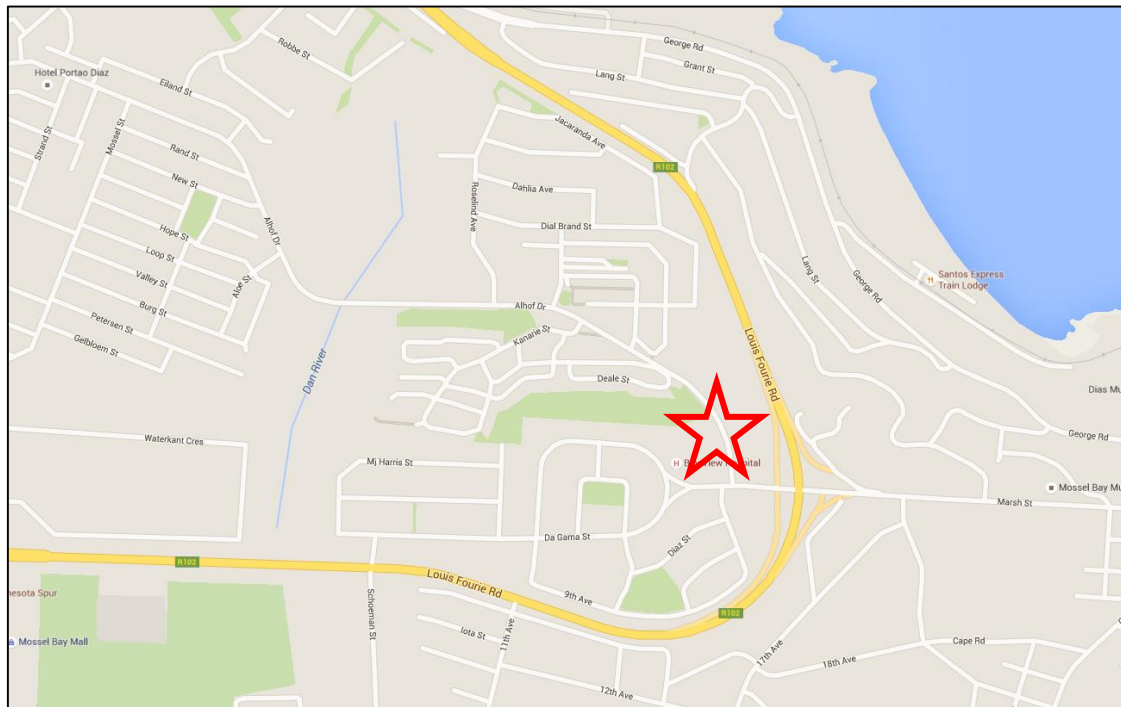


FIGURE 5: LOCALITY

7. CURRENT LAND USE AND ZONING

7.1. Land Use



FIGURE 6: THE APPLICATION AREA

The subject property is currently vacant and the public open space is an unutilised open space.

7.2. Zoning

(Plan 3: Zoning Plan)

Given the fact that the application area stretches over various properties, the sites has various zonings (i.e. Single Residential zone, Street, Public Open Space) in terms of the Mossel bay Zoning Scheme Regulations (1984). The zonings of the application area include:

Mossel Bay Erf 13100:	Public Open Space
Portion of Malva Street & Deale Street:	Street
Mossel Bay Erf 13104:	Single Residential Zone
Mossel Bay Erf 13105:	Single Residential Zone
Mossel Bay Erf 13106:	Single Residential Zone
Mossel Bay Erf 13109:	Single Residential Zone
Mossel Bay Erf 13110:	Single Residential Zone

The figure below shows the zonings of the properties in close proximity to the application area:

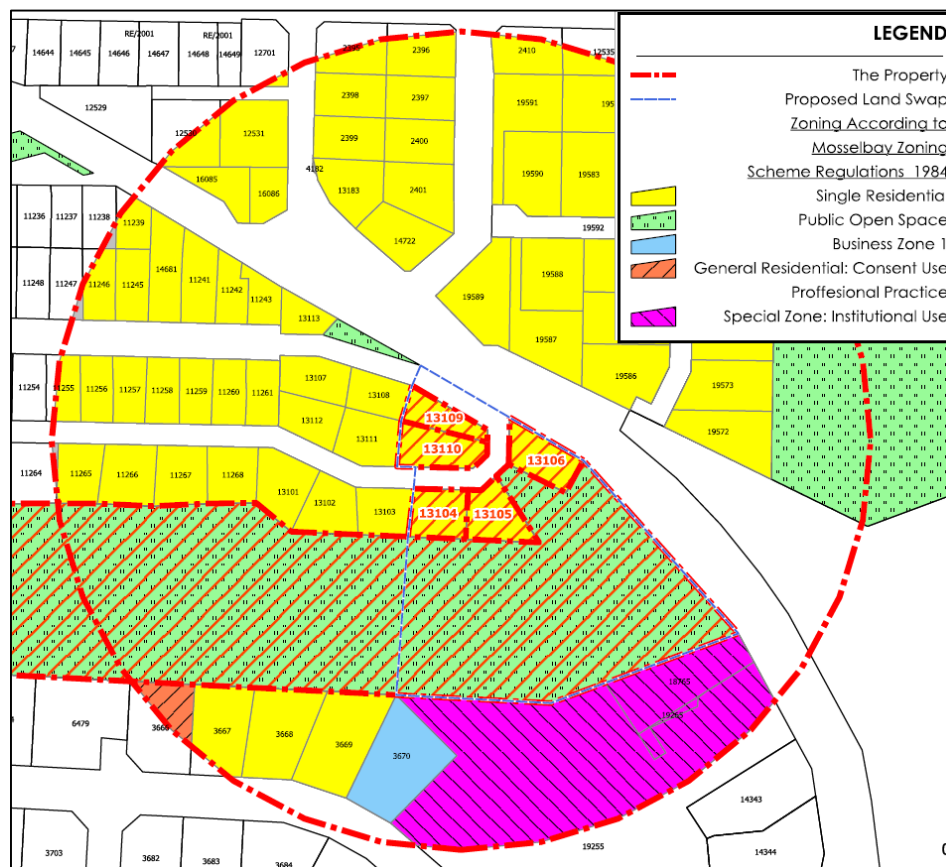


FIGURE 7: ZONINGS IN CLOSE PROXIMITY TO APPLICATION AREA

8. SITE CHARACTERISTICS

8.1. Topography

The application area has a steep north facing topography overlooking the ocean.



FIGURE 8: THE APPLICATION AREA AS SEEN FROM ALHOF DRIVE

The site enjoys exquisite views over the Mossel Bay and Outeniqua Mountains.

Unbuilt portions of Deale Street and Malva Avenue bisect the application area. Even though these unbuilt road portions do not provide any direct access to any erven, they provide a “shortcut” access to Deale Street and Malva Avenue. According to the approved General Plan, these erven don’t have direct access to Alhof Drive.

The application area was surveyed by Tommie Visagie Land Suveyor and the highest part of the application is located at 131m above MSL, whilst the lowest part of the application area is at approximately 106m above MSL.

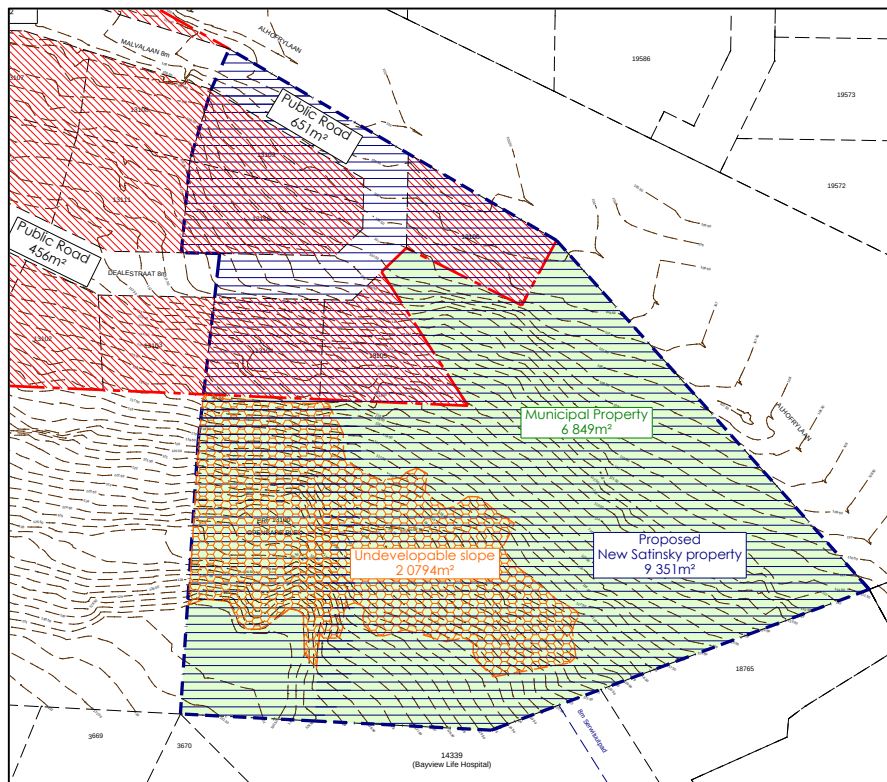


FIGURE 9: TOPOGRAPHY

Approximately 2080m² of the application area is too steep for development, as shown in Figure 9 above.

8.2. Vegetation

The natural vegetation on the site is mostly transformed and is characterised by a rocky outcrop.

8.3. Archaeology

An Archaeological assessment was conducted as part of the previous application process and this assessment concluded that the application area contain no material of any significant archaeological value.

9. SURROUNDING LAND USE & CHARACTER OF THE AREA

(Plan 2: Land Use Plan)

As depicted on Plan 2, the application area is located within an area that is characterised by a mix of land uses including municipal utilities such as the municipal testing grounds and municipal warehouse, single residential uses; cemetery and vacant land. The figures below shows some of the land uses in the surrounding area.



FIGURE 10: VIDAMED DAY HOSPITAL

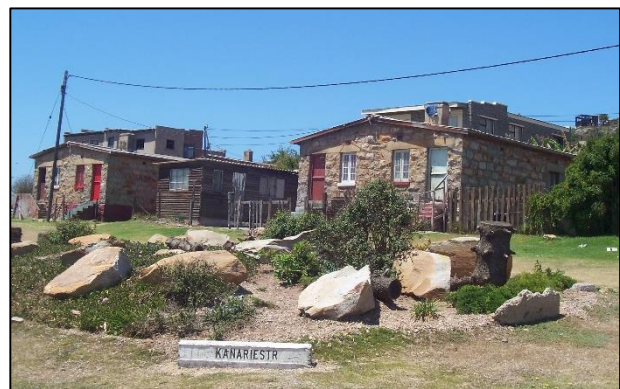


FIGURE 11: BAY VIEW HOSPITAL

The Bay View Life Hospital is located of the south of the application area.



FIGURE 12: BUSINESS USES ON ERF 15715



**FIGURE 13: TYPICAL DWELLINGS ABUTTING THE TARKA
NEIGHBOURHOOD**

The land uses illustrated above are all within a 300m walking distance which is considered a convenient walking distance as a pedestrian. Business uses are more predominant to the south (private hospital) and east of the application area (Spar centre) along Alhof Drive, while single residential uses are predominant more towards the west of Alhof Drive (Tarka).

The proposed higher density and institutional land use is therefore compatible with the existing character of the area. In fact, the application area is ideally located for the proposed use, as it is within walking distance from commercial activities and community facilities.

10. EXISTING POLICY FRAMEWORKS

10.1. 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 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.

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.

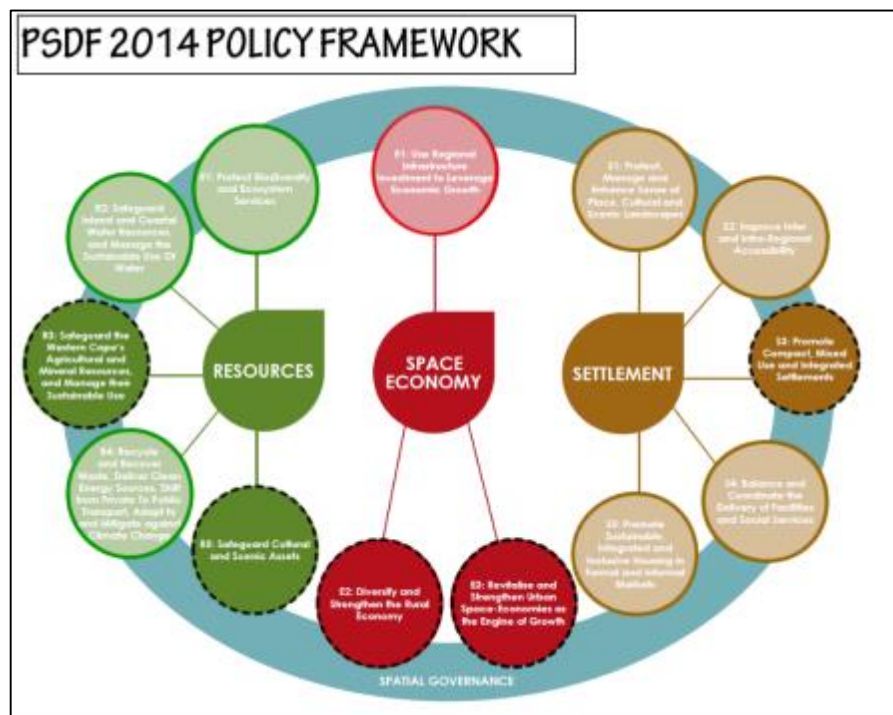


FIGURE 14: POLICIES APPLICABLE TO PROPOSED DEVELOPMENT

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

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

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 levers the regeneration and revitalisation of urban economies.

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).

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

This policy reflects the main aim of the policy through targeting economic assets (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.

Prioritise the identification of Integration Zones within the proposed urban, rural and coastal regions, where opportunities exist for public intervention to promote more inclusive, efficient and sustainable forms of urban development

Policy S5: Ensure Sustainable, Integrated and Inclusive Housing Planning and Implementation

The policy reflects to provide households with the residential environments, mobility and access to opportunities that support productive activities and reduce levels of exclusion from opportunity, increase residential densities of settlements and dwelling units in new projects that provide accommodation, prioritise investment in community facilities, public infrastructure and public space, rather than an exclusive focus on housing or top structures.

PSDF on Densification

The average gross residential density of towns is encouraged to increase to 25 units per ha before extensions to the urban edge are considered. The density could vary between 3-6 units per ha at the periphery of the town to 40-60 units per ha near the centre of the town or other identified nodes in town, subject to due consideration to cultural heritage, services, the natural environment, etc.

The density target should be achieved in a number of development styles:

- demolition and redevelopment

It is important to note that the densification objective stated in this policy is to:

- achieve more economical provision of infrastructure
- convenient public transport services
- better support of public facilities

Planning Implication

On a local level the proposed development can be regarded as urban integration and infill based on the mixture of land uses in close proximity to the surrounding area. The proposed development will contribute to an increase in density which will facilitate the sustainable use of service delivery to the property as the service capacity of 54 dwelling units will be accommodated on the consolidated application area. The application area lies within the urban edge of Mossel Bay and facilitates brownfield development which promotes densification and intensification of the Tarka and Da Nova area. The proposed development is surrounded with a range of social facilities, and business associated uses all within walking distance. It can therefore be regarded that the proposal is consistent with the policies and objectives as prescribed in the PSDF.

10.2. Mossel Bay Municipal Spatial Development Framework (2008)

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 built envelope of development for the settlement.

The Mossel Bay SDF highlights the following objectives that are congruent with the proposed development:

- **Containment of urban sprawl** and ensuring compact urban settlements by means of:
 - urban intensification (infill projects; promotion of higher densities);
 - accommodating population growth within the existing urban areas and not permitting undue urban development outside the proposed urban edges.
- Development of an **urban growth strategy** that focuses on:
 - the timeous identification and securing of appropriate land for housing development;
 - ensuring the necessary speed of housing delivery;
 - the form character and location of housing developments;
 - urban **integration and regeneration**
- Equitable distribution of public **facilities and services** throughout the Mossel Bay Municipal Area.
- Provision of **affordable and sustainable** levels of housing, **services** and infrastructure.

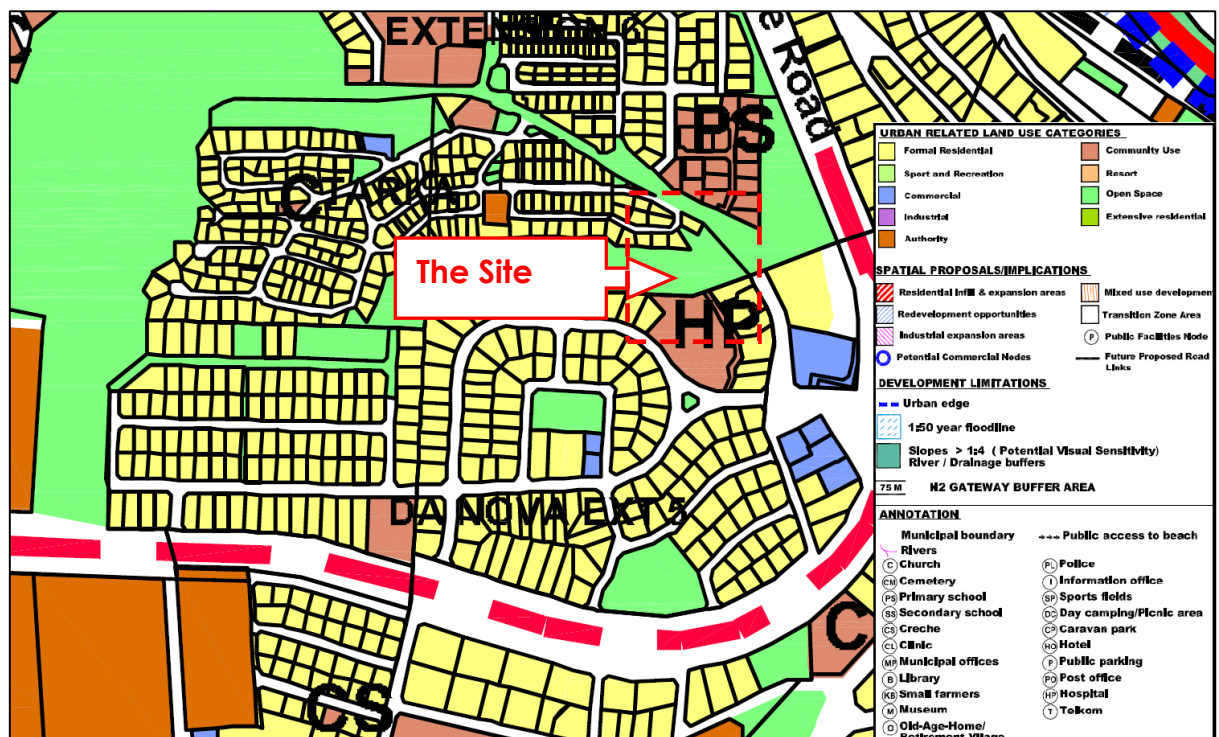


FIGURE 15: EXTRACT FROM THE MOSSEL BAY SDF

Planning Implication

The proposed development is located inside the urban Edge of Mossel Bay and will contribute to intensification of land use in the da Nova Extension. Therefor contributing to promoting higher density housing development which will ultimately mitigate the containment of urban sprawl. The locality of the proposed development is ideally located within a mixture of land uses contributing towards urban integration. The proposed development will contribute to the medium income housing demand providing affordable and sustainable housing solution in terms of infrastructure and service delivery to a specific income group within the Mossel bay area

Therefore the proposed general residential development containing 54 dwelling units on the consolidated site is highly consistent with the spatial planning policies applicable to this area.

10.3. Draft Mossel Bay Densification Study (June 2008) (Refer Plan 4)

The Draft Mossel Bay Densification Study was conducted to give guidance on the implementation of densification goals as set out the Mossel Bay SDF. This study stated that, amongst others:

- (i) That Louis Fourie Road is identified as an activity corridor / axis and that it is foreseen that the majority of the population of Mossel Bay will reside along Louis Fourie Road;
- (ii) One of the spatial challenges of Mossel Bay is to redirect growth and development towards the previous disadvantaged areas and areas of economic opportunity while focussing on the redevelopment of deteriorating areas within the Municipal area;
- (iii) One of the major problems of the previous segregated planning system was that people, especially those from the less privileged working class, lived far from the work place. This pattern must be rectified by bringing people closer to the work place and by bringing the work closer to the people;
- (iv) Densification within the urban area and opportunities for incremental, social and gap housing can aid the process of de-densification of over populated areas and consequently improve living conditions within these areas. The process of urban renewal gives opportunity for the upgrade of existing community facilities, especially in impoverished areas;
- (v) Redevelopment and restructuring therefore has proven to contribute to crime and poverty reduction;
- (vi) In formulating an approach for densification for Mossel Bay, careful attention is given to access to major transportation routes and the proximity of public services. Ideally more housing opportunities should be established close to the

work place and within walking distance from public amenities. Hence the focus is placed on nodes and activity spines and streets;

- (vii) Of the most critical factors determining the necessity for increasing densities, is the delivery of “gap housing” to fill the void in availability of housing for lower to medium income buyers, a national dilemma;
- (viii) This study mentioned that Tarka has limited densification potential as the properties are small. It is however the considered opinion that given the fact that this proposed rezoning entails the consolidation of 13 properties, it is the considered opinion that the proposal could be supported.

Planning Implication:

The desirable density of the area where the application area is situated is a density of higher than 25 units per hectare. The proposal is therefore consistent with this policy document.

10.4. Draft Heritage Policy for Mossel Bay (2001)

Nicholas Baumann and Sarah Winter compiled a draft Heritage Policy for Mossel Bay (2001). This study made certain recommendations with regard to the heritage grading of buildings in the Tarka area.

This study made certain recommendations and statements pertaining to the heritage value of this area.

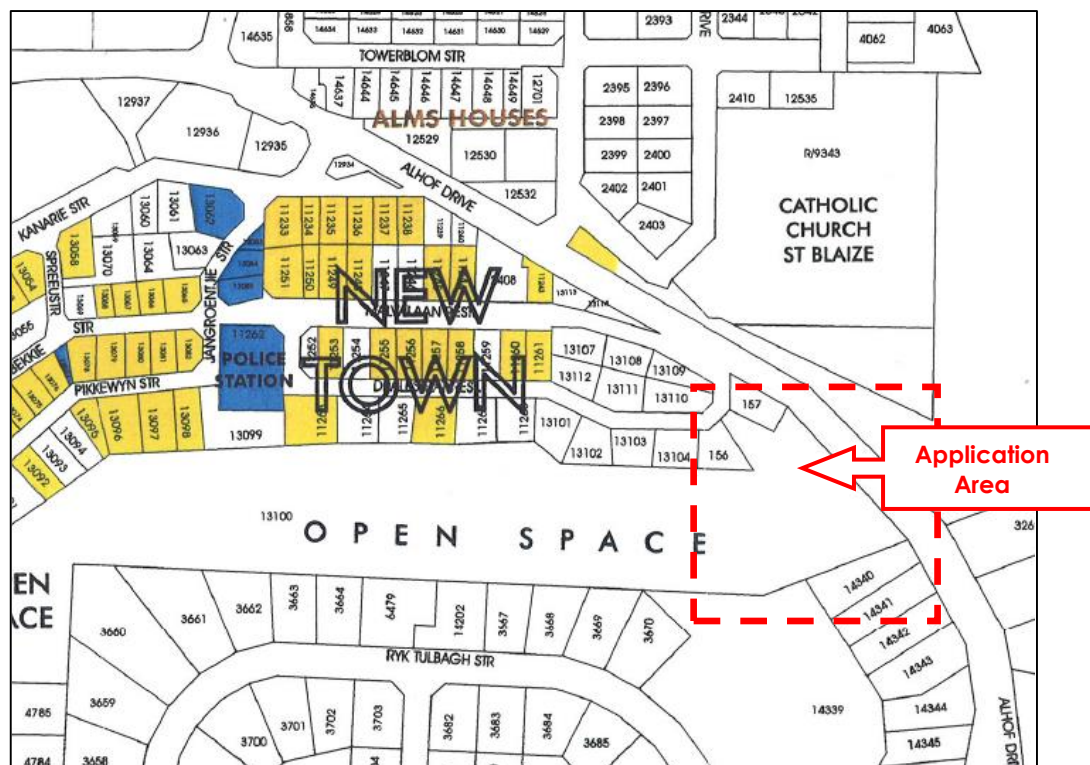


FIGURE 16: EXTRACT FROM FIG 6 IN BAUMANN REPORT – PRELIMINARY GRADING OF CONSERVATION WORTHY BUILDINGS

- (i) Neither the private land (Erven 13101-13114), nor the public land (portion of Erf 13100) contain any heritage buildings. Some of the erven in Tarka abutting the private land are indicated / graded as Grade 3C Heritage buildings. Refer to the extract from Figure 6 in the Baumann report (shown as Figure 11 above).
- (ii) Paragraph 3 of the Baumann report acknowledges that "...conservation requires the maintenance of an appropriate visual setting..." It is therefore the considered opinion that the proposed land swap will enhance the visual setting of Tarka, since the proposed land swap could result in a new green belt abutting Tarka that could enhance the visual setting of the Grade 3C Heritage buildings in Tarka.
- (iii) Paragraph 8(1) of the Baumann report states that where rezoning applications are applicable and such application trigger the need for a Heritage Impact Assessment (HIA), the permission of Heritage Western Cape has to be obtained. As mentioned before: - as part of the previous development application on Erven 13101-13113; both an archaeological impact assessment as well as a heritage impact assessment were conducted. Heritage Western Cape approve the proposed development in terms of Section 38 of the National Heritage Resources Act, 1999 (Act 25 of 1999). It is therefore clear that the proposed development will not have any detrimental heritage impacts.
- (iv) The Tarka Area is one of the seven (7) identified Heritage Precincts for Mossel Bay. Specific form giving elements in Tarka that identifies this heritage precinct include the deep ravine on the west of Tarka; the green hill south of Tarka; relative fine grain of the built form; stone houses (vernacular architecture). Specific conservation objectives for the Tarka Heritage Precinct include:
 - [a] Define open space public realm, in and around the village;
 - [b] Preserve positive house-street relationships;
 - [c] Control further residential development on edge of ravine;
 - [d] Maintain green backdrop on the ridgeline to the south of the villageThe proposed land swap and rezoning will result in the creation of a green buffer surrounding the Tarka village to the south and east. The buffer could serve to contain development within the Tarka settlement. The green buffer will enhance the heritage setting of the Tarka area.
- (v) It is clear that the proposed land swap and rezoning will not have any negative impact on the cultural heritage of the Tarka area. In fact, it might help preserve the heritage characteristics of the area.

Planning Implication:

The proposed development will not have any negative impact on the heritage value of the surrounding area. This statement is supported by the fact that Heritage Western Cape has

previously issued a positive Record of Decision for the previous development proposal on the site (attached as ANNEXURE B).

10.5. Mossel Bay Integrated Development Plan (2012 – 2017)

It should be noted that KPA 11.13 of the Mossel Bay IDP deals with integrated human settlement of all residents of Mossel Bay. One of the identified development objectives is to develop retirement villages.

It is therefore the considered opinion that the proposed land swap and subsequent development of a retirement and high care facility will be consistent with the development objectives identified in the Mossel Bay IDP.

10.6. Conclusion

From the above it is clear that the proposal is consistent with the Provincial SDF, the municipal spatial planning policies and the Mossel Bay IDP.

SECTION D : MOTIVATION

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

The Spatial Planning and Land Use Management Act (SPLUMA) came into effect in Mossel Bay on 1 December 2015. 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.

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

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;

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

3. 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.

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.

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

The motivation in this Section will also indicate how the proposed development will be consistent with the SPLUMA principles.

11.1. Consistency with Spatial Policy Directives

As discussed in detail in Par 9 of this report, this development proposal is consistent with the approved statutory spatial policy framework for the area, as well as the draft policies such as the Mossel Bay Densification Study and the draft Baumann Heritage report.

11.2. Consistency with the Character of Surrounding Area

The proposed development will be consistent with the established mixed land use character of the surrounding area. The application area is located within a local node consisting of the Spar shopping centre, the Bay View Private Hospital and other businesses. The application area is located on the edge of the Tarka neighbourhood and not within the neighbourhood, hence it is ideally located for the proposed retirement facility.

It is clear that the proposal will be consistent with the character of the area and that it will not impact negatively on the existing character.

11.3. Accessibility of the Area

Being located in close proximity to Louis Fourie Road (main activity corridor of Mossel Bay) and Marsh Street (main linkage into Mossel Bay CBD), the application area has excellent accessibility in terms of its location.

The Traffic Impact Assessment concluded that a hotel with 86 rooms will have no significant impact on the existing traffic flow patterns in the immediate area is anticipated. It is therefore the considered opinion that, since a retirement facility with 54 rooms will generate much less traffic than a hotel, the proposed retirement facility will not have any significant impact on the traffic flow and traffic volumes in the area.

11.4. Densification

Densification is a well-accepted mechanism to optimise utilisation of engineering services. This development proposal is a good example of how densification could be implemented in a meaningful and sustainable manner.

11.5. Urban Integration

The integration of working and living environments is a strategic town planning principle that promotes sustainable development. As supported by the policies contained within the Provincial Spatial Development Framework, planning and development should address the separation of work place and residences in urban areas. The 54 retirement units will promote the integration of living environments and workplaces, and will contribute to economic expenditure within the Mossel bay urban edge.

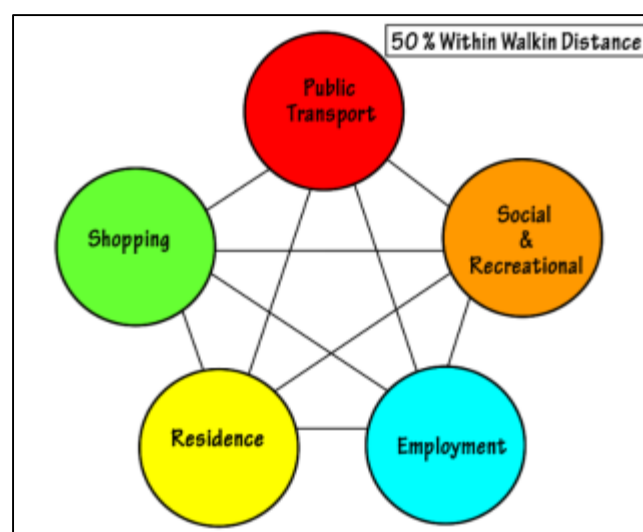


FIGURE 17: EXTRACT FROM PSDF SHOWING IMPORTANCE OF URBAN INTEGRATION

Several similar precedents exist within the surrounding area, this is clear indication that the municipality has the view that general residential development does not negatively impact on established property rights as the predominant character of the areas is for residential purposes.

11.6. Brownfield Development

The application area is within the existing urban fabric of Mossel Bay, and the redevelopment of the site would 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. This can be more economical in terms of provision of services and is a more environmentally sound and efficient use of urban space. The development of brownfield sites within residential neighbourhoods are echoed through national spatial development policies as it constitutes as a more sustainable development option and mitigates the effect of Urban Sprawl.

11.7. No Impact on Existing Rights

Given the existing mixed land use character of the area and the prevalence of several community orientated uses, it is the considered opinion that the proposed rezoning will not change the character of the area.

Given the existing land use character of the area, it is the considered opinion that the proposed rezoning and land use will not impact on the existing land use rights of any property owner in the area. The proposal will rather result in the upgrading of the residential area and a general upliftment of property values in the neighbourhood.

It should also be noted that a wide open space corridor (approximately 60m) is located between the application area and the higher lying residential properties.

11.8. No Visual Impact

There is a significant height difference from the application area to the higher lying Da Nova neighbourhood. During the land swap application process the height of any new development on the site was limited to 10m above natural ground level in order to mitigate any potential visual impact.

The Architect prepared cross sections through the application area from the Da Nova neighbourhood. These cross sections are shown in Figure 16 below and from these figures it is clear that development on the lower sections of the slope, with a height limitation of 10m above natural ground level, will not impact on any views from the Da Nova residents.

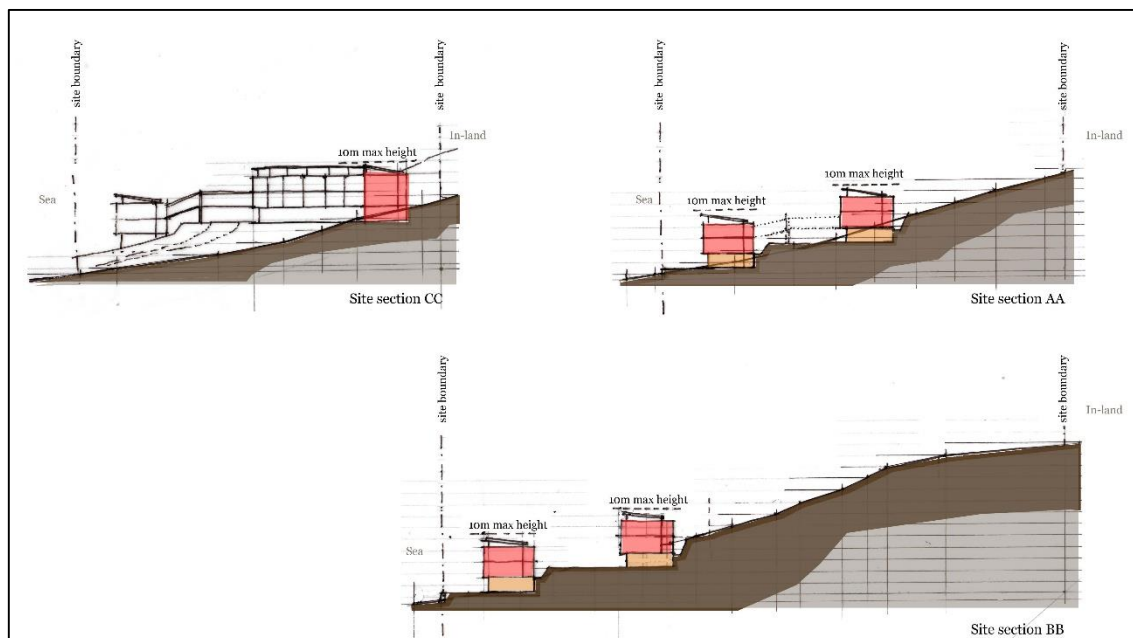


FIGURE 18: CROSS SECTIONS THROUGH APPLICATION AREA FROM DA NOVA

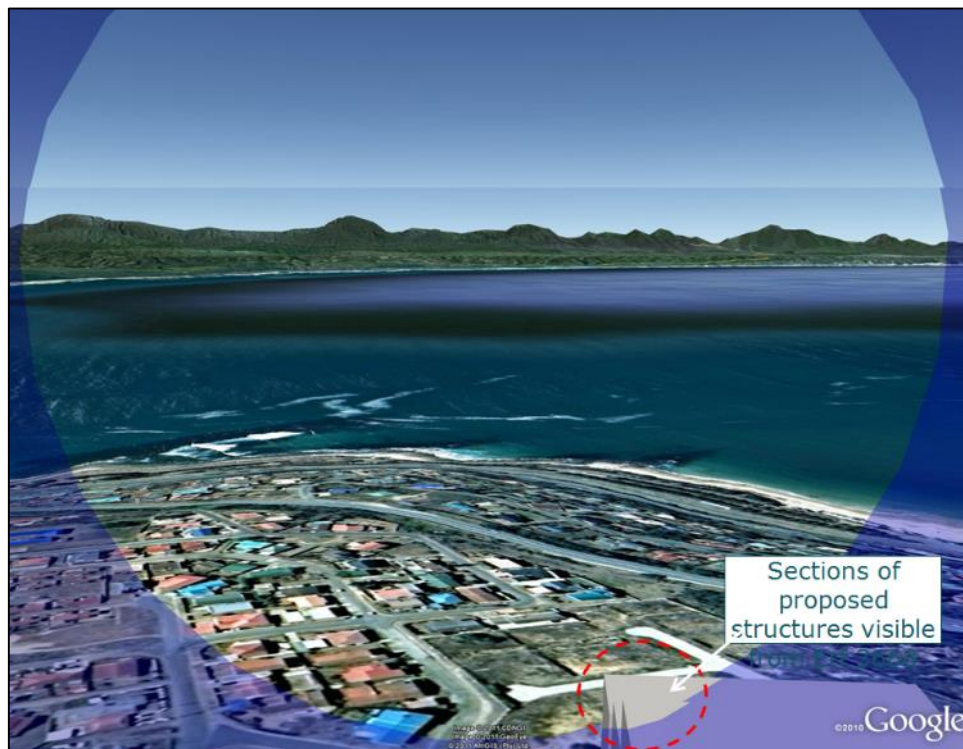


FIGURE 19: VIEW FROM ERF 3668, DA NOVA

11.9. Services Infrastructure

Sufficient bulk services capacity exists for the proposed new development. The developer will be responsible for the required bulk services levy as determined by the Mossel Bay Municipality.

11.10. Consistency with SPLUMA Principles

As discussed in detail in Par 9 of this report, this development proposal is consistent with the approved statutory spatial policy framework for the area, as well as the draft policies such as the Mossel Bay Densification Study and the draft Baumann Heritage report.

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

The table below indicates how the proposed development will be consistent with the SPLUM principles.

Principle	Motivation
Spatial Justice:	- The development aims to promote land development within the urban fabric of Mossel Bay. - The proposed land swap and rezoning will free up land for affordable middle income housing that the local authority could either make available to the Tarka community or alternatively relocate the green belt. This

Principle	Motivation
	has the potential to include marginalised members of the Tarka community into the property market. • The proposed development is located in close proximity to a major movement corridor connecting a variety of tourist facilities, residential and business associated uses in Mossel Bay. • The proposed development will contribute to the functional and integrated land use pattern in the surrounding area. • Proposed development will contribute towards a more integrated urban environment. • The proposed development will contribute to the character of the surrounding area.
Spatial Sustainability:	• Development complies with Western Cape Provincial Spatial development framework (2014) as a spatial tool to guide future development on a provincial Level • The development proposal is included in the urban area and can be regarded as "brownfields development" hence it contributes to the protection of agricultural land outside the urban edge. • Densification inside the urban edge results in more effective provision of services that will result in more feasible provision of infrastructure and social services. • The fact that the proposed development will also consist of a small caring facility, will result in the provision of additional social services (albeit for the private sector). • The development of a higher density residential development in close proximity to social facilities (hospitals) and economic opportunities, result in the creation of more viable communities. • Development complies with the Mossel Bay Spatial Development Framework and other as a spatial policies applicable to the Mossel Bay area.
Spatial Efficiency:	• Development will make use of existing local resources and contribute to specialised skills development within the local municipality. • Densification inside the urban edge results in optimal use of existing resources and infrastructure. • The proposed development will contribute to urban renewal and an aesthetical appearance which will contribute to the character of the surrounding area

Principle	Motivation
	promoting tourist development in the Plettenberg Bay area
Spatial Resilience:	This principle deals with flexibility in spatial planning as well as in land use management systems. The proposal will comply with the principle of spatial resilience as the proposal is indeed to allow for more flexible land uses (higher density residential, combined with institutional uses).
Good Administration:	This principle has no direct bearing on the application, however, the Plettenberg Bay municipality is obligated to consider the application fairly and within the timeframes provided in terms of the municipal planning bylaw.

12. MOSSEL BAY ZONING SCHEME REGULATIONS

The development proposal complies with all the prescribed development parameters of the Mossel Bay Zoning Scheme regulations as set out in the table below:

Parameter	General Residential Zone Mossel Bay	Proposed Development on application area
Min Size of Erf:	Min 2000m ²	9338m ² - Comply
Max Coverage:	At most 25%	19% - Comply
Height:	No Building shall exceed the Height of 3 storeys excluding the Basement	3 Storeys - Comply
Bulk Factor:	At Most 0.75	0.53- Comply
Parking:	1 Parking Bay for every flat Unit 1 Visitor parking bay for every four bedrooms	68 Parking Bays Required – Comply – <i>68 Parking Bays Provided</i>

13. CONCLUSION

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

- (i) The closure of a Portion of Mossel Bay Erf 13100 in terms of Section 15(2)(n) of the Mossel Bay By-law on Municipal Land Use Planning as published in P.N. 288/2015 on 21 August 2015;

- (ii) The subdivision of Mossel Bay Erf 13100 into two Portions (Portion A = 6834m² and a Remainder) in terms of Section 15(2)(d) of the Mossel Bay By-law on Municipal Land Use Planning as published in P.N. 288/2015 on 21 August 2015;
- (iii) The closure of a Portion of Malva Lane and Deale Street in terms of Section 15(2)(n) of the Mossel Bay By-law on Municipal Land Use Planning as published in P.N. 288/2015 on 21 August 2015;
- (iv) The subdivision of a Portion of Malva Lane and Deale Street into two Portions (Portion A = 652m² and a Remainder) in terms of Section 15(2)(d) of the Mossel Bay By-law on Municipal Land Use Planning as published in P.N. 288/2015 on 21 August 2015;
- (v) The rezoning of Portion A of Erf 13100; Portion of the closed Street; Erven 13104 – 13106; Erf 13109 & 13110 to "General Residential" zone to allow a retirement and caring facility in terms of Section 15(2)(a) of the Mossel Bay By-law on Municipal Land Use Planning as published in P.N. 288/2015 on 21 August 2015;
- (vi) The consolidation of Portion A of Erf 13100; the closed portion of Malva and Deale Street and Erven 13104 – 13106; Erf 13109 & 13110 to create a new property of 9338m² in terms of Section 15(2)(e) of the Mossel Bay By-law on Municipal Land Use Planning as published in P.N. 288/2015 on 21 August 2015;
- (vii) A consent use to allow an "Institution" on the General Residential" zoned property, in terms of Section 15(2)(o) of the Mossel Bay By-law on Municipal Land Use Planning as published in P.N. 288/2015 on 21 August 2015.
- (viii) The alienation of a portion of municipal land (6834m² in extent) in terms of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003).

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.

Marika Vreken Urban and Environmental Planners
February 2016

