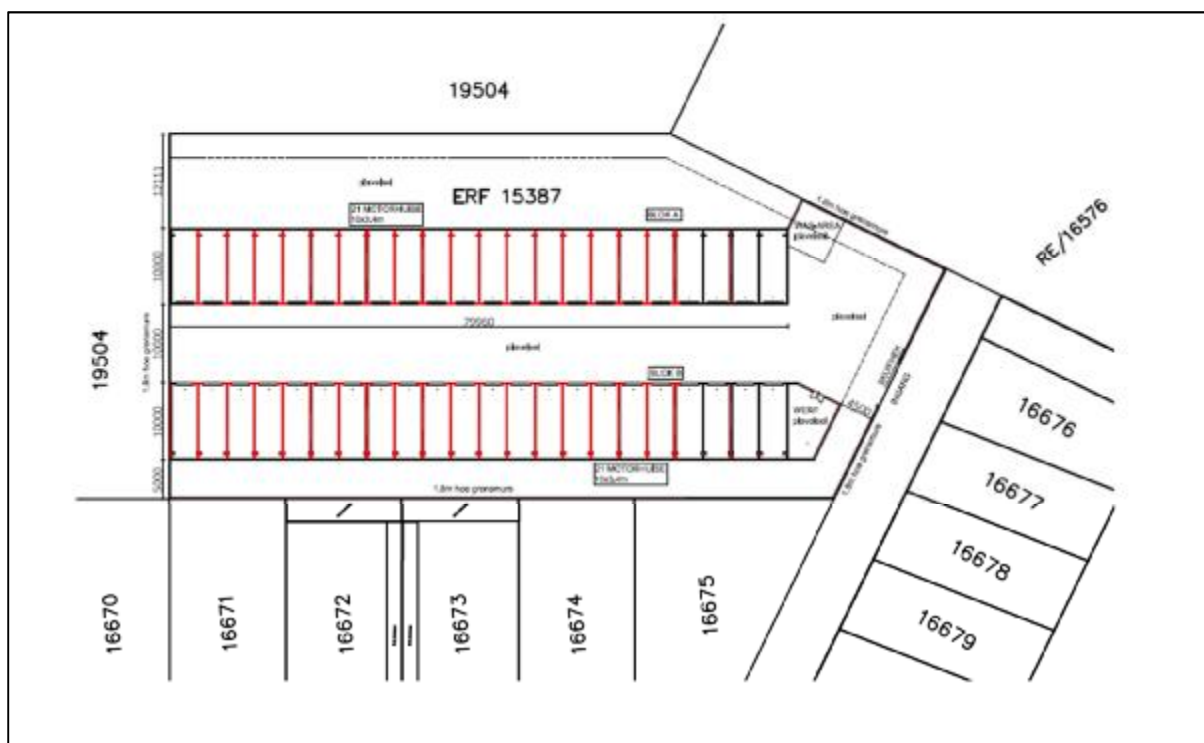


MOSSEL BAY ERF 15387

APPLICATION FOR:

SUBDIVISION, REZONING & DEPARTURE



CLIENT: Pinnacle Point Home Owners Association (PPHOA)

PREPARED BY: MARIKE VREKEN URBAN AND ENVIRONMENTAL PLANNERS



JUNE 2017

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SECTION A : BACKGROUND

1. BACKGROUND

Mossel Bay Erf 15387 is situated on the Garden Route Casino site, adjacent to the Pinnacle Point Estate, in Mossel Bay. The application area is located to the north of Pinnacle Point, near the club house, overlooking the golf course.

The owners (Pinnacle Point Home Owners Association) to the south of Erf 15387 is in the process of acquiring a vacant portion of Mossel Bay Erf 15387. The Pinnacle Point Home Owners Association (PPHOA) intends to use the new subdivided property for garages for the Pinnacle Point Villas.

Currently, the Pinnacle Point Villas have no garage / storage space. The PPHOA wishes to subdivide a portion of Erf 15387 and to rezone the subdivided portion to a similar zoning as the villas (i.e. "Group Housing" zone) to accommodate the required garages.

According to the Mossel Bay Municipality, Erf 15387 Mossel Bay is currently zoned for business purposes (Business Zone). In order to use the subdivided land parcel (Portion A of Erf 15387) for garages for the existing group housing complex, it is necessary to lodge an application for subdivision, rezoning and departure.

2. THE APPLICATION

Marika Vreken Urban & Environmental Planners have been appointed by **PINNACLE POINT HOME OWNERS ASSOCIATION** to apply for:

- a. The subdivision of Mossel Bay Erf 15387 (6,6480ha) into two (2) portions, Portion A of Erf 15387 (4189m²) and Remainder of Erf 19504 (6,2291ha) in terms of Section 15(2)(d) of Mossel Bay Municipality Standard By-Law on Municipal Land Use Planning, to develop garages for the Pinnacle Point Villas;
- b. The rezoning of Portion A of Erf 15387 (4189m²) from 'Business Zone' to 'Group Housing Zone'; in terms of Section 15(2)(a) of Mossel Bay Municipality Standard By-Law on Municipal Land Use Planning, to allow garages for the Pinnacle Point Villas;
- c. A permanent departure of the rear building line in terms of Section 15(2)(b) of Mossel Bay Municipality Standard By-Law on Municipal Land Use Planning, from (3m) to (0m), to allow garages for the Pinnacle Point Villas.

3. PROPERTY DESCRIPTION SIZE AND OWNERSHIP

A copy of the Title Deed that includes all the information outlined below is contained in **ANNEXURE C**. An extract from the S.G. Diagram for the application area, indicating the subject properties are contained in **ANNEXURE D**.

Title Deed Number:	T63143/2002
Title Deed Description:	Erf 15387 Mossel Bay in the Mossel Bay Municipality, Division of Mossel Bay, Province of the Western Cape
Property Owner:	GARDEN ROUTE CASINO PTY LTD Registration Number: 199800039107
Title Deed Restrictions:	No title deed restrictions
Bonds:	There is no bond registered over the property.
Property Size:	6.6480ha (Six Point Six Four Eight Zero) Hectare
SG Diagram	SG No. 3689/2008
Servitudes:	Various servitudes are registered on Erf 15387. These include a right of way servitude, a servitude roads and a servitude area. None of these servitudes affect the proposed rezoning and subdivision, and these servitudes are shown in SG 3689/2008 (ANNEXURE D).

SECTION B : PROPOSAL

4. APPLICATION SPECIFICATIONS

(Refer to Plan 3: Site Development Plan)

In order to create a new property for garages for the Pinnacle Point Villas, Erf 15387 has to be subdivided and the subdivided portion has to be rezoned to a similar zoning as the villas (i.e. "Group Housing" zone).

The owners of Mossel Bay Erf 15387 (Garden Route Casino) have agreed to sell of a portion of land to the Pinnacle Point Home Owners Association, to develop garages for the Pinnacle Point Villas.

The proposed site development plan for the proposed garages for the Pinnacle Point Villas is shown in FIGURE 1 below.

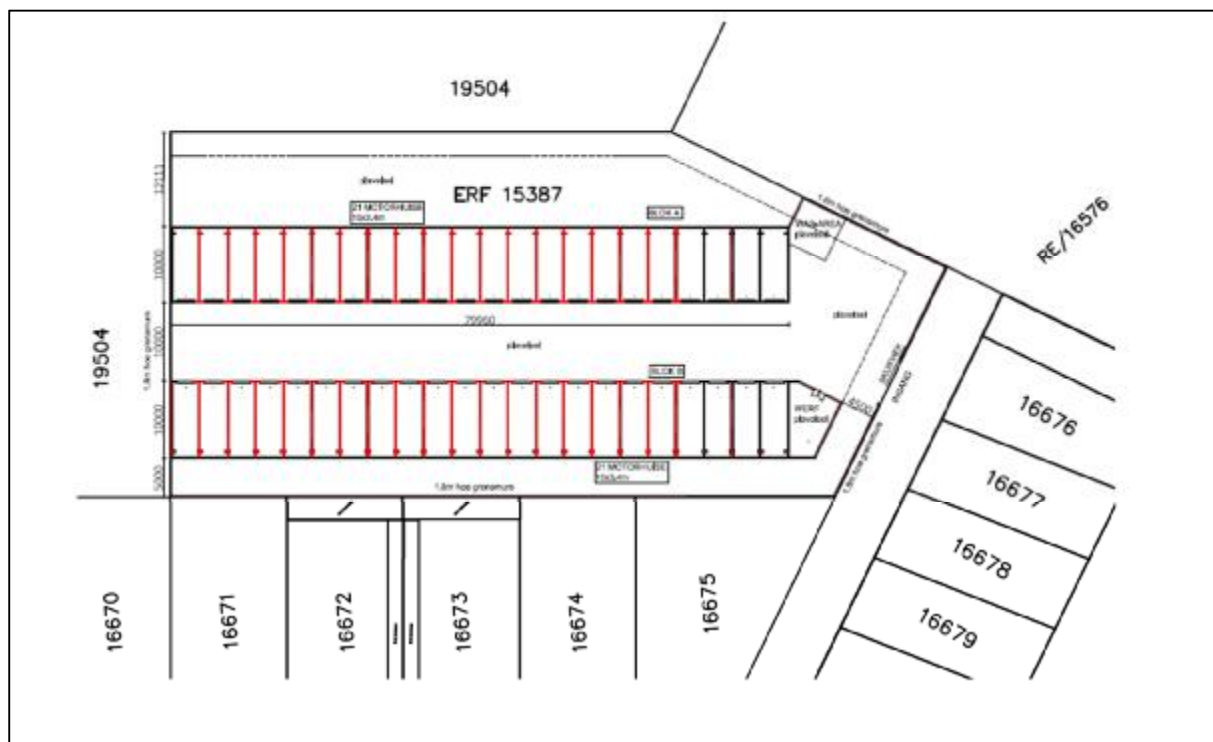


FIGURE 1: SITE DEVELOPMENT PLAN

The proposed garages for the Pinnacle Point Villas include the following:

- (44) x Garages
- (1) x Yard
- (1) x Wash Area

The garages' dimensions are (10m) x (3.4m). The proposed garages will be used by the residents of the Pinnacle Point Villas to park their motor vehicles, boats and other household

goods. The area also includes a washing area and a yard. The area will be secured with 1.8m boundary walls. The entire subdivided portion will be paved.

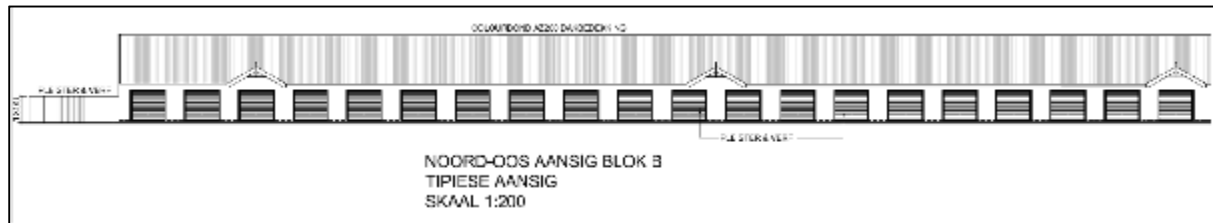


FIGURE 2: NORTH-EASTERN SECTION

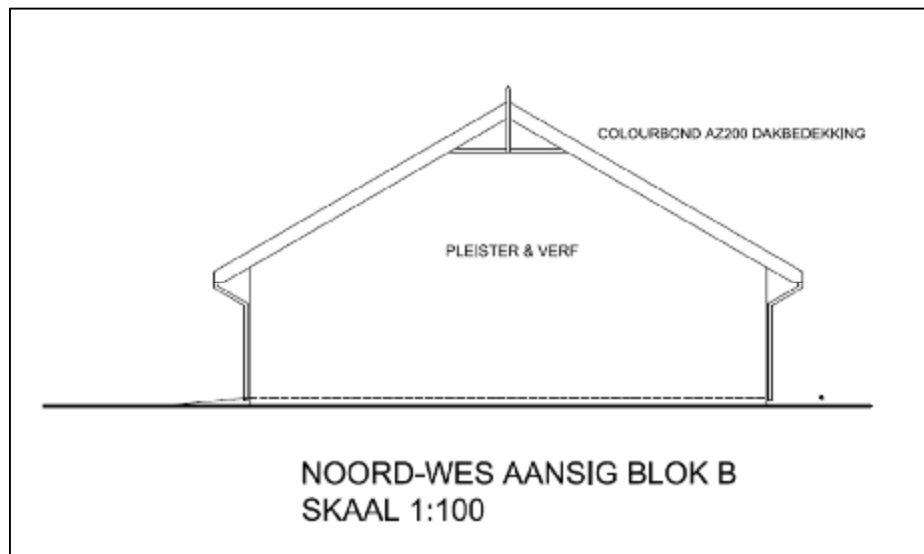


FIGURE 3: NORTH-WESTERN SECTION

4.1. Subdivision

(Refer to Plan 2: Subdivision Plan)

In order to sell the portion of Erf 15387 as agreed between the applicant and the Pinnacle Point Home Owners Association, it is necessary to subdivide the portion of land off from Mossel Bay Erf 15387. The proposed portion to be subdivided is approximately 4189m² in extent.

The figures below indicate the proposed subdivision of Mossel Bay Erf 15387. The subdivision will occur in the south-western part of the property abutting the Pinnacle Point Villas.

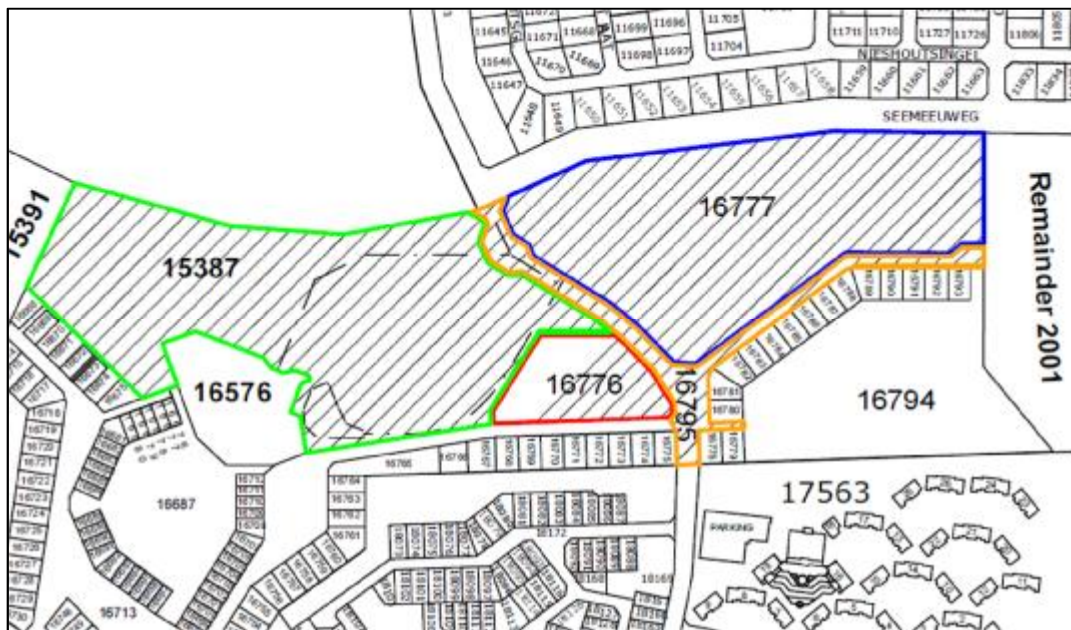


FIGURE 4: MOSSSEL BAY ERF 15387



FIGURE 5: EXTRACT OF PROPOSED SUBDIVISION PLAN

4.2. Rezoning

According to the Mossel Bay Municipality, Erf 15387 Mossel Bay is currently zoned for business purposes, thus the zoning of the property is 'Business Zone'. The proposed subdivided portion (Portion A of Erf 15387) is still zoned Business Zone. In order to use the subdivided portion for garages purposes it is necessary to rezone the subdivided portion to a similar zoning as the villas, that is zoned as 'Group Housing Zone'.

The subdivided portion (Portion A of Erf 15387) must be rezoned from 'Business Zone to 'Group Housing Zone' to allow the use of garages on the property.

4.3. Departure

Portion A of Erf 15387 will have to adhere to the proposed new zoning parameters (Group House Zone) as prescribed in the Mossel Bay Zoning Scheme Regulations. The table below indicates the prescribed zoning parameters for "Group Housing" zoned properties:

Group Housing	Parameter	Proposed Development
Street Building Line	0m	4.5m Comply
Side and Rear Building Line	3m	Rear – 0m Departure Required Side – 3m Comply

A departure to relax the rear building line from 3m to 0m is necessary to allow the proposed development.

5. CIVIL SERVICES

Given the fact that the subject property area is located within the existing urban fabric, services will be provided by Mossel Bay Municipality.

Investigations as too Electrical, Water/Sewerage and Storm water availability and provision possibilities are yet to be undertaken, however since the property is within an existing neighbourhood it can be assumed that there is basic capacity and will not have any significant impact on the existing municipal services infrastructure.

SECTION C : CONTEXTUAL INFORMANTS

6. LOCALITY

(Plan 1: Locality Plan)

Mossel Bay Erf 15387 is situated in Pinnacle Point, Mossel Bay. The property is situated north of the Pinnacle Point Villas. The application area is west of the golf club house and north of the golf course. The locality of the application area is shown in Figure 6 below. The Garden Route Casino is situated on the subject property.

The centre of the application area is at 34°11'45.34"S, 22° 5'21.81"E.



FIGURE 6: LOCALITY

7. CURRENT LAND USE AND ZONING

7.1. Land Use

The Garden Route Casino is situated on the subject property. However, the application area (subdivided portion) is a vacant area. The casino is situated to the east of the property, the western part of the property is a vacant area. The figure below indicates the vacant area on the western part of the property.



FIGURE 7: LAND USE ON THE PROPERTY

7.2. Zoning

Mossel Bay Erf 15387 are zoned "Business Zone" in terms of the Mossel Bay Zoning Scheme Regulations.

8. SITE CHARACTERISTICS

The application area is characterised with a flat topography. The area is covered with grass. The figure below indicates the 5m contours on the property, it is clear that the proposed application area is a flat area, which makes it ideal to develop garages.

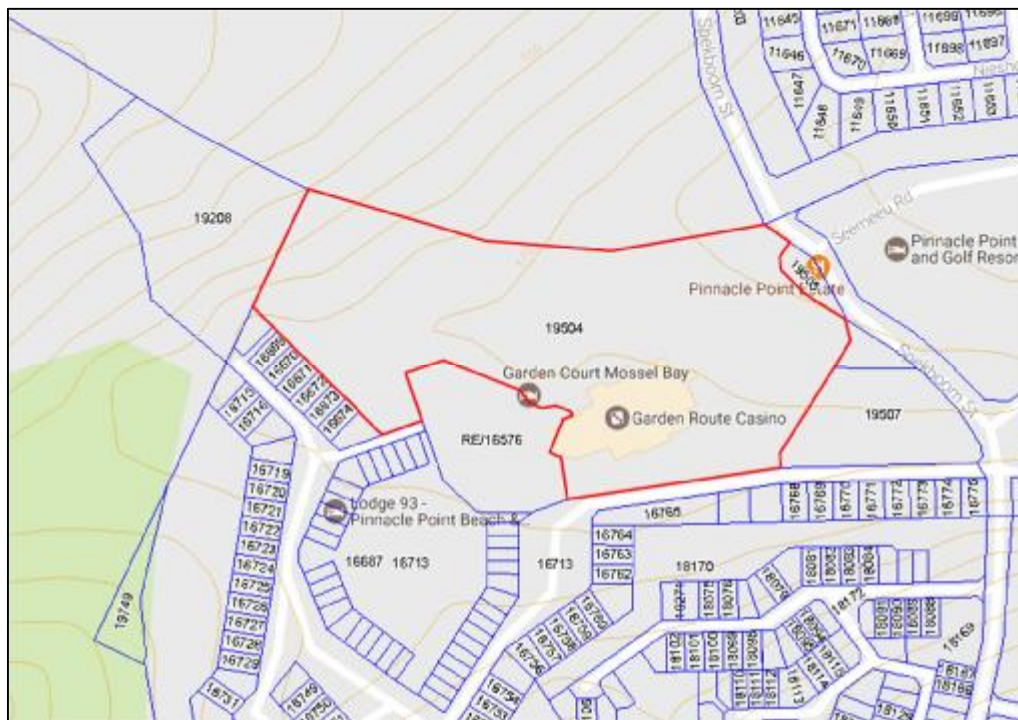


FIGURE 8: TOPOGRAPHY – 5M CONTOURS

The application area is disturbed, covered in grass with a few bushes next to the fence of the property, there is no structure or build environment on the property. The application is a clear area. Most of the area to the north of the application area is vacant, to the south is the Pinnacle Point Villas.



FIGURE 9: APPLICATION AREA

9. SURROUNDING LAND USE & CHARACTER OF THE AREA

The application area abuts the Pinnacle Point Golf Estate and it is proposed that this portion becomes part of the Pinnacle Point Golf Estate. The application area is situated within the property that is used for the Garden Route Casino.

The Pinnacle Point Golf Estate is characterised by large, single residential, houses and large open spaces between them. The location of the properties within the estate is known for the spectacular sea views. The application area is situated between the Casino, Pinnacle Point Villas and vacant area. The use of garages will not change the character of the area because the garages contribute to the residential area.

There is a need for garages for the villas, the garages border the villas, thus it will be a harmonious flow of development next to one another. Since the proposed garages will be single storey, it garages will not intrude on any view enjoyed by surrounding property owners, because the property is to the back of all residential development, thus no sea views will be intruded upon.



FIGURE 10: CHARACTER OF THE AREA



FIGURE 11: LAND USES

10. EXISTING POLICY FRAMEWORKS

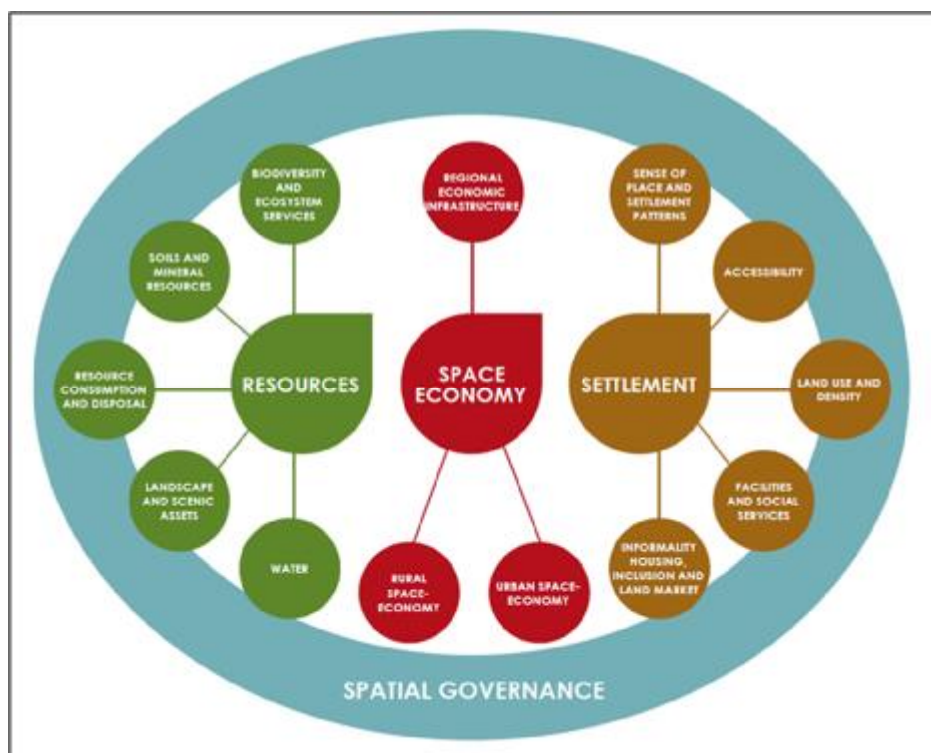
10.1. Western Cape Provincial SDF (2014)

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.



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 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.

Note: *The development proposal will comply with the Western Cape Spatial Development Framework as the proposed garages will contribute to the functional integration and mix land use in the area. The Western Cape Spatial Development Framework has a strong emphasis on revitalising urban spaces creating an urban living environment which is more convenient, efficient and aesthetically pleasing to residents. The proposed development is on a vacant site, thus contributing to infill development and it will be strengthening the character of the area by contributing to an integrated living environment which is strategically aligned with the surrounding land uses of the residential neighbourhood. Therefore, the proposal is consistent with strategic objectives as set out by the Western Cape Spatial Development Framework.*

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;*
- *within a commercial land use category;*
- *within the Casino site;*
- *and in close distance of the Pinnacle Point Golf and Beach Estate;*

Therefore, the site has been identified as a suitable area for urban development.

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

- Promote **sustainable development** by means of ensuring that development is within the financial, institutional and administrative means of the Mossel Bay Municipality.
- **Containment of urban sprawl** and ensuring compact urban settlements by means of:
 - 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;
 - the form **character** and **location** of housing developments;
- **Conservation** of the **architectural and cultural-historical character** of Mossel Bay, as well as the **surrounding coastal** and rural nodes/settlements.
- Encouragement of **appropriate development** in the Mossel Bay region, but within the confines of **acceptable environmental impact**.



FIGURE 12: EXTRACT FROM THE MOSSSEL BAY SDF

Planning Implication

The proposed development is located inside the urban Edge of Mossel Bay thus will contribute by the containment of urban sprawl. The proposed development is to develop garages for the residents of the Pinnacle Point Villas. The area is earmarked for commercial development, the application area is situated on the erf of the Garden Route Casino. The garages are a utility to the villas, a number of permanent residents and tourists stay in the Pinnacle Point Villas and the demand for garages is critical. The proposed development will not change the character of the area, it will contribute to the residential component in the area. Taking into consideration the character of the surrounding area, the Mosselbay SDF states that appropriate land should be secured for housing and that housing strategies should focus on the character and location of housing developments. The garages will contribute to the residential character of the area, providing a much-needed service to the residents of the villas.

Therefore, the proposed development for garages is consistent with the spatial planning policies applicable to this area.

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
2. Spatial sustainability
3. Efficiency (optimising the use of existing resources and infrastructure)
4. Spatial resilience (allow for flexibility in spatial plans)
5. Good administration

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, such as the Western Cape Provincial SDF (2014) and the Mossel Bay Municipality Spatial Development Framework (SDF).

11.2. Consistency with the Character of Surrounding Area

The proposed development will be consistent with the established land use character of the surrounding area. The application area is located within Pinnacle Point Golf Estate and is managed by a Pinnacle Point Home Owners Association. The proposal will therefore be consistent with the residential component in the area, contributing to the services provided by the Pinnacle Point Villas.

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

Access to the property will be via an entrance gate from the existing road through the Villas. Established roads within the Pinnacle Point Villas lead to the entrance gate. The application area is highly accessible, because of existing roads in the residential development, the entrance will be on the eastern side of the application area.

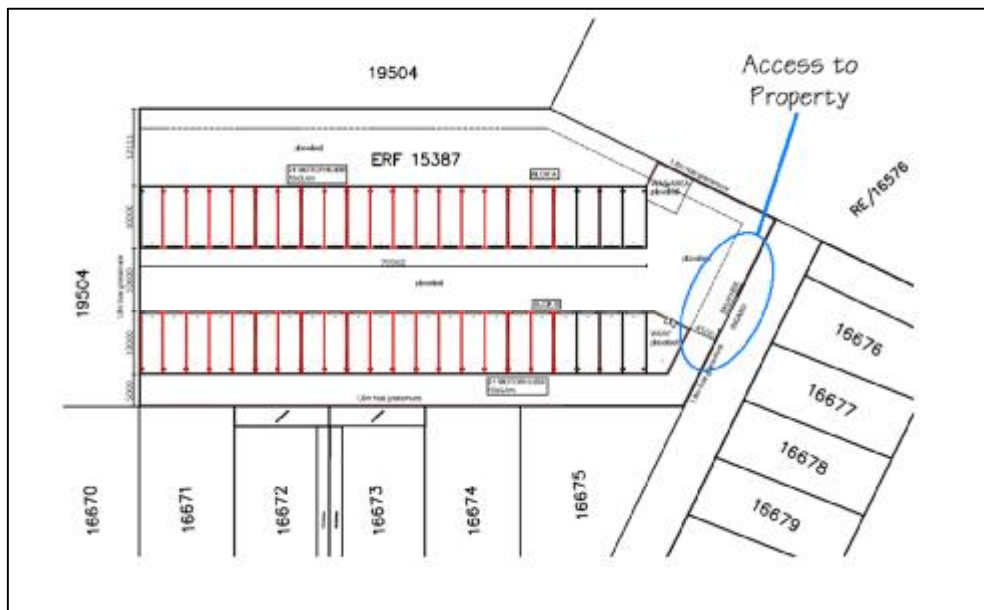


FIGURE 13: ACCESS TO PROPERTY

11.4. No Impact on Existing Rights & Visual Impact

The development proposal entails 42 garages on the subdivided portion. The garages will be for the residents of the Pinnacle Point Villas. There will be no impact on any view lines, the garages are at the back of the villas, in the opposite direction of the ocean. All the immediate land north of the proposed development is vacant. Thus, no obstruction of visual impacts will be caused by the development.

11.5. Services Infrastructure

Given the fact that the subject property area is located within the existing urban fabric, services will be provided by Mossel Bay Municipality.

There will be no impact on the service infrastructure as the proposal is for garages, with minimum services requirements.

11.6. Environmental Impact

No negative environmental impacts will be created as a result of the development. The proposed development site is a disturbed area with no notable flora or fauna. The proposed development does not trigger any listed activities in terms of the National Environmental Management Act (1998) as amended. The application area is nowhere near any Critical Biodiversity Areas or Ecological Support Areas. No endangered vegetation is situated on the application area.

11.7. Infill Development

The application area is within the urban edge for Mossel Bay and between existing residential areas, the proposal will therefore constitute the infilling of land available for development

within the town. The proposal promotes and support the optimal development of vacant land parcels within the existing urban structure (referred to as infill development).

11.8. 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.

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

11.8.1. Spatial Justice

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

Consistency of proposal with Spatial justice:

- i. *Development complies with Western Cape Provincial Spatial development framework (2014).*
- ii. *The proposal will curtail urban sprawl.*
- iii. *The development could be regarded as infill development.*
- iv. *The development aims to promote land development within the urban fabric of Mossel Bay.*
- v. *The proposed development will contribute to the functional and integrated land use pattern in the surrounding area.*
- vi. *Proposed development will contribute towards a more integrated urban environment.*
- vii. *The proposed development will contribute to the character of the surrounding area.*

11.8.2. Spatial Sustainability

- Promote land development that is within the fiscal, institutional and administrative means of the Republic;

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

Consistency of proposal with Spatial Sustainability:

- i. *The proposed development will contribute to the functional land pattern in the surrounding area.*
- ii. *The development aims to promote land development.*
- iii. *Development will have a small services footprint.*
- iv. *Development complies with Western Cape Spatial Development Framework.*
- v. *Development complies with the Mossel Bay Spatial Development Framework.*

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

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

Consistency of proposal with Efficiency:

- i. *Development will make use of existing local resources.*
- ii. *The proposed development will contribute to the aesthetical appearance which will contribute to the character of the surrounding residential area.*
- iii. *The proposal will make use of existing infrastructure networks without having to expand the bulk services network.*

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

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

Consistency of proposal with Spatial Resilience:

The development complies with the following spatial development frameworks.

- *Western Cape Provincial Development Framework 2014*
- *Mossel Bay Spatial Development Framework 2008*

11.8.5. Good Administration

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

Consistency of proposal with Good Administration:

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

12. CONCLUSION

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

- a. The subdivision of Mossel Bay Erf 15387 (6,6480ha) into two (2) portions, Portion A of Erf 15387 (4189m²) and Remainder of Erf 19504 (6,2291ha) in terms of Section 15(2)(d) of Mossel Bay Municipality Standard By-Law on Municipal Land Use Planning, to develop garages for the Pinnacle Point Villas;
- b. The rezoning of Portion A of Erf 15387 (4189m²) from 'Business Zone' to 'Group Housing Zone'; in terms of Section 15(2)(a) of Mossel Bay Municipality Standard By-Law on Municipal Land Use Planning, to allow garages for the Pinnacle Point Villas;
- c. A permanent departure of the rear building line in terms of Section 15(2)(b) of Mossel Bay Municipality Standard By-Law on Municipal Land Use Planning, from (3m) to (0m), to allow garages for the Pinnacle Point Villas;

Meets the criteria as set out in The Spatial Planning and Land Use Management Act (SPLUMA) and the Mossel Bay Land Use Planning Bylaw, is desirable and it is therefore recommended that the application for the proposal be supported by the relevant authorities and approved by Mossel Bay Municipality.

Marika Vreken Urban and Environmental Planners
June 2017