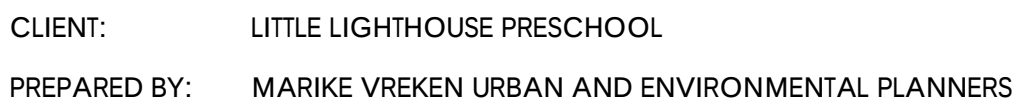


APPLICATION FOR:  
REZONING & DEPARTURES



JULY 2017

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**SECTION A :****BACKGROUND****1. BACKGROUND**

The owners of Mossel Bay Erf 20601 and Erf 19204 were granted consent to operate a “place of instruction” on the property in November 2011. The Lighthouse Preschool has been operating on the premises since this approval.

The initial approval included a condition that the owners of the property should continue to live permanently on Erf 13849 (now 20601). This office applied to amend this condition in August 2013, which was subsequently approved on 29 November 2013. Together with this application was a proposal to lease a 200m<sup>2</sup> portion of 11<sup>th</sup> Avenue to allow the owners to use the area as a drop-off zone, as well as five additional parking bays. On 3 March 2013, an approval letter for the lease area was also issued by the Mossel Bay Municipality.

The owners then acquired Erf 16126, abutting the crèche and applied for rights to extend the use onto the Erf. On 30 April 2014, a ‘consent use’ application was lodged with the Mossel Bay Municipality to use the property as a ‘place of instruction’. The Mossel Bay Municipality required that a Traffic Impact Assessment be conducted and that the required parking be evaluated on the property prior to an approval, this included a clause stating that *“the lease application can therefore not be considered before the above-mentioned application has been finalised and dealt with.”*, overturning the approval of the parking and drop-off zone on 11<sup>th</sup> avenue.

The Mossel Bay Municipality finally approved the application on Erf 16126 as a Temporary Departure for a period of one year in October 2014. The approval instructed that the owners prepare a rezoning application for the entire property within this time, to be accompanied by a Traffic Impact Assessment. Approval was granted on 30 November 2015 to rezone erven 3201, 16126, 19225, 19240 and 20601 from Single Residential Zone to Special Zone: Education to allow the Little Lighthouse Pre-School.

The pre-school on the site has been very successful, and the school has seen the need to expand further to provide additional facilities and classroom space. The owners of the property have since acquired additional property abutting the development – Erf 20602 (subject property) - and commissioned a master plan for the development of the school on the entire property.

An application to consolidate Erven 3201, 16126, 19225, 19240, 20601 and 20602 has been submitted to Mossel Bay Municipality and has been put on hold until this application (rezoning of Erf 20602) is finalised. The consolidation of these properties was a condition of approval of the Little Light House rezoning approval (2015). Since then the owners also acquired Erf 20602 (after rezoning of Little Lighthouse), and their intentions are to consolidate this property with the school, they included Erf 20602 in the application for consolidation. The municipality does not allow split zoning, thus, the application to consolidate is on hold until the rezoning of Erf 20602 is finalised.

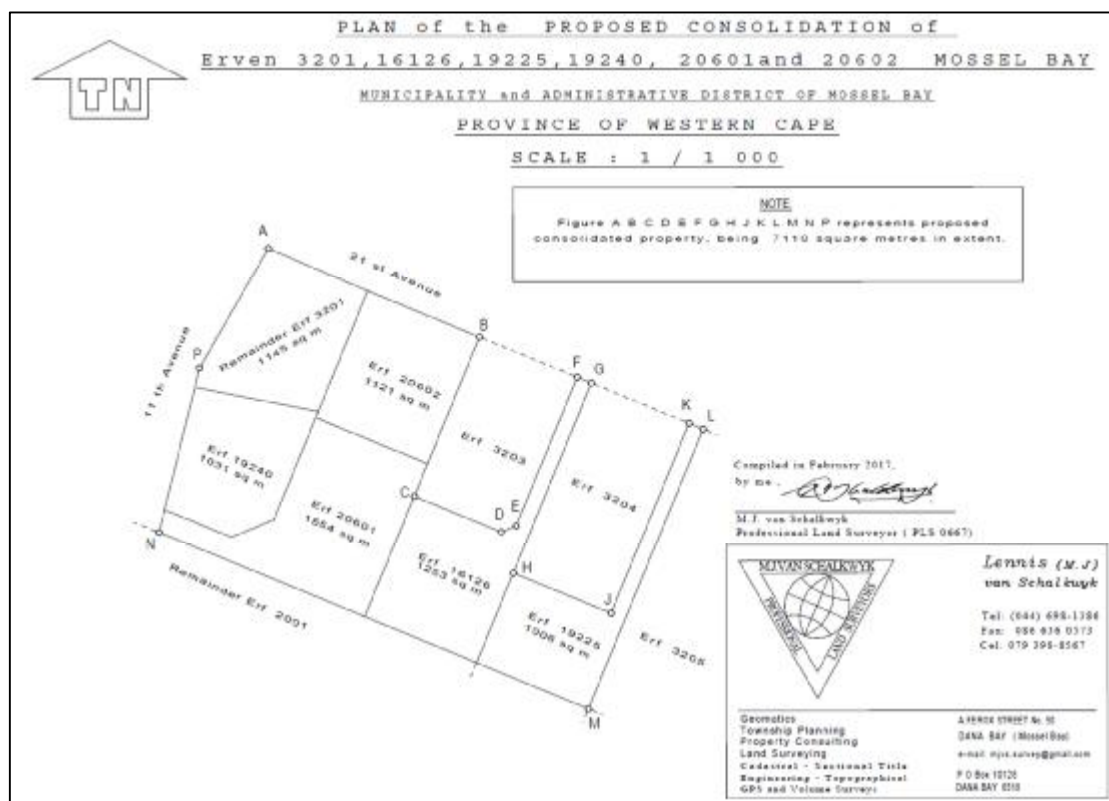


FIGURE 1: PROPOSED CONSOLIDATION

Mossel Bay Erf 20602 is located on 112 21st Avenue. The erf is situated adjacent to the Mossel Bay Hospital and the Mossel Bay Golf Club. According to the Mossel Bay Municipality, Erf 20602 Mossel Bay is currently zoned as Single Residential Zone. Mossel Bay Erf 20602 is 1121m<sup>2</sup> in extent.

Erf 20602 was not part of the original rezoning approval, hence to allow the property to be used for educational purposes and to consolidate with the remaining portions for the Little Lighthouse School, it is necessary to rezone the property from Single Residential Zone to "Special Zone: Education" in terms of Section 15(2)(a) of Mossel Bay Municipality Standard By-Law on Municipal Land Use Planning.

In order to obtain rights to use the property as a place of instruction, an application for rezoning has to be lodged with Mossel Bay Municipality.

## 2. THE APPLICATION

Marika Vreken Urban & Environmental Planners have been appointed by **K G DORWARD PROP CC** and **JEREMY ANDREW ROBUS & DEE ROBUS** (refer to **ANNEXURE A**: Power of Attorney & Company Resolution) to apply for (refer to **ANNEXURE B**: Application Form):

- (i) Rezoning of Mossel Bay Erf 20602 from 'Single Residential Zone' to 'Special Zone: Education' in terms of Section 15(2)(a) of Mossel Bay Municipality Standard By-Law on Municipal Land Use Planning to allow a place of instruction;



- (ii) A permanent departure to allow a 4,5m street building line to allow a place of instruction in terms of Section 15(2)(b) of Mossel Bay Municipality Standard By-Law on Municipal Land Use Planning;
- (iii) A permanent departure to allow a 1,5m lateral building line to allow a place of instruction in terms of Section 15(2)(b) of Mossel Bay Municipality Standard By-Law on Municipal Land Use Planning;
- (iv) A permanent departure to allow 0m internal building lines (where there the abutting properties have similar educational zonings) to allow a place of instruction in terms of Section 15(2)(b) of Mossel Bay Municipality Standard By-Law on Municipal Land Use Planning.

### 3. PROPERTY DESCRIPTION SIZE AND OWNERSHIP

The Certificates of Registered Title and Windeed property reports for Mossel Bay Erf 20602, containing the details outlined below are contained in **ANNEXURE C**. The Surveyor General Diagrams for the subject property is contained in **ANNEXURE D** (SG No.143/2012).

|                          |                                                                                                   |
|--------------------------|---------------------------------------------------------------------------------------------------|
| Title Deed Description:  | Erf 20602 Mossel Bay in the Municipality and Division of Mossel Bay, Province of the Western Cape |
| Title Deed Number:       | T22057/2017                                                                                       |
| Title Deed Restrictions: | There are no title deed restrictions that could prevent the development proposal.                 |
| Bonds:                   | There is no bond registered over the property.                                                    |
| Property Size:           | 1121m <sup>2</sup> (One Thousand One Hundred and Twenty-One Square Meters)                        |
| Property Owner:          | K G Dorward Properties CC<br>No. 1995/023378/23                                                   |
| Servitudes:              | No servitude that prevents the proposed development is registered over the properties.            |

## SECTION B :

## DEVELOPMENT PROPOSAL

## 4. DEVELOPMENT SPECIFICATIONS

(Refer to Plan 3: Site Development Plan)

#### 4.1. Proposed Development on Erf 20602

The proposal entails the use of Erf 20602 as a place of instruction. The current structure on Erf 20602 is used for single residential purposes. The structure will be used as is and converted into a place of instruction. Minor additions and alterations will be made to the existing structure to accommodate various uses. The site development plan is indicated below:

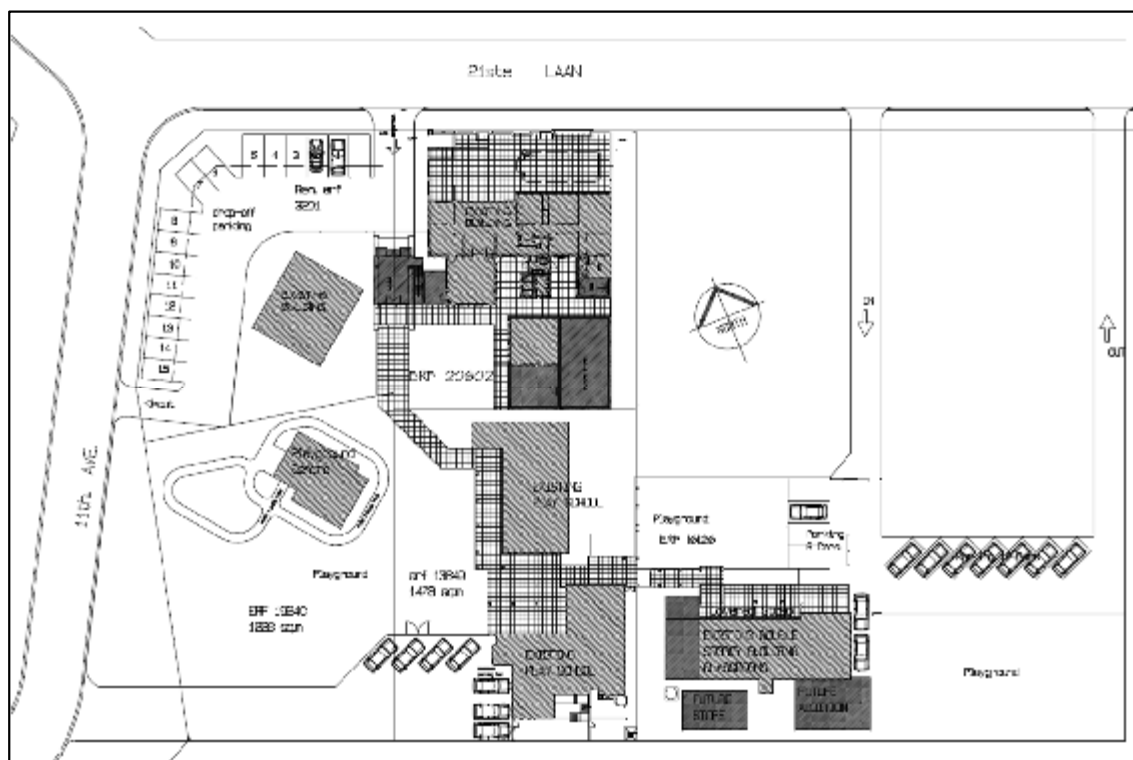


FIGURE 2: EXTRACT OF SITE DEVELOPMENT PLAN

Mossel Bay Erf 20602 is currently zoned Single Residential and was used for single residential purposes. The figure below indicates the existing structure on the subject property and the proposed alterations on the property to allow a place of instruction on the property.

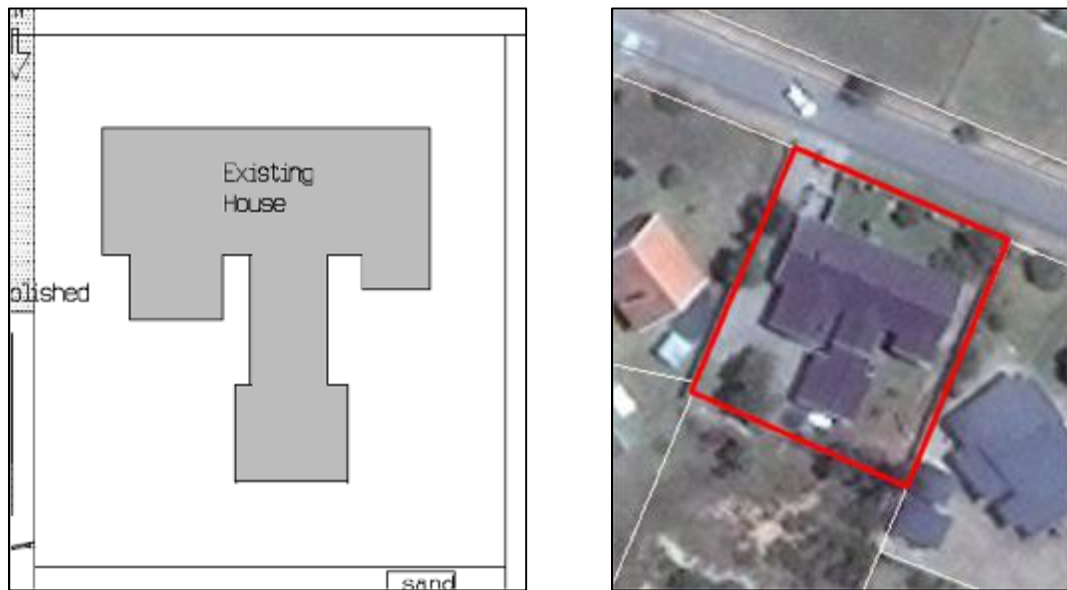


FIGURE 3: EXISTING STRUCTURE ON ERF 20602

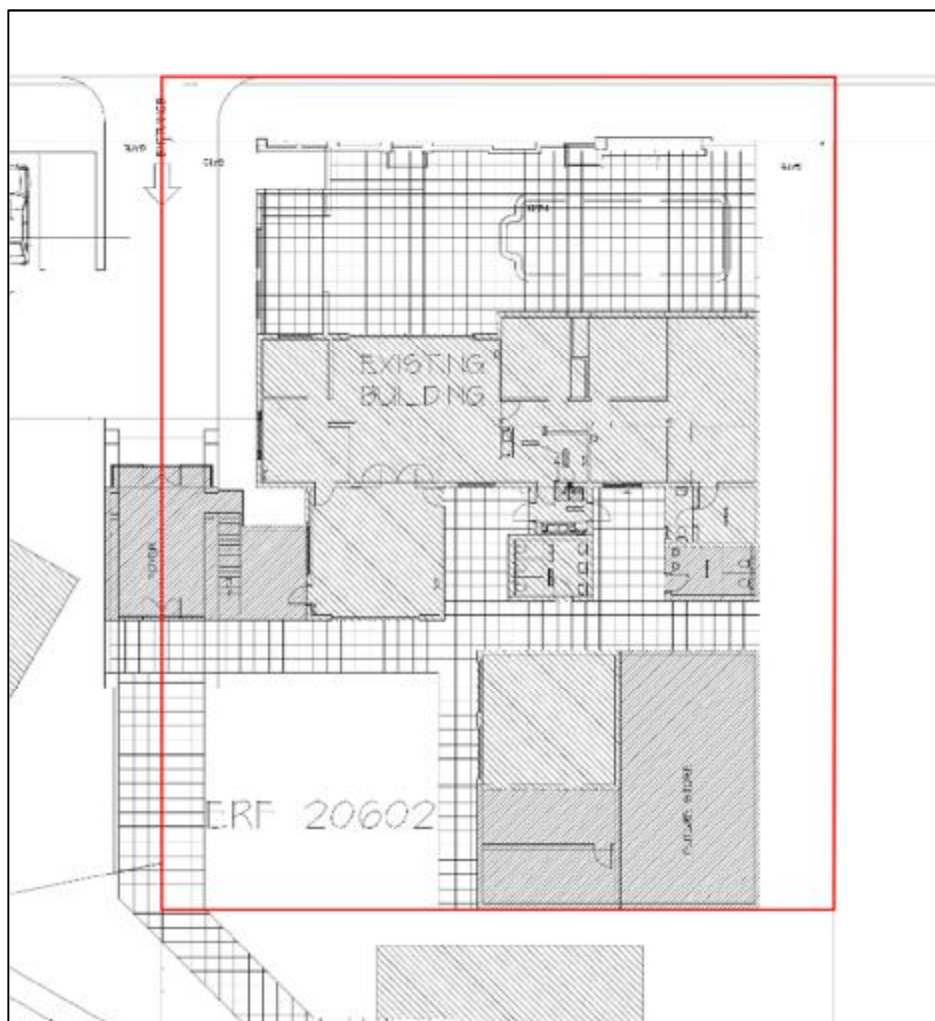


FIGURE 4: PROPOSED ALTERATIONS ON EXISTING STRUCTURE (ERF 20602)

Most of the existing structure will be used as is, with only minor alterations to allow for a place of instruction. One must keep in mind that the six erven (3201, 16126, 19225, 19240, 20601 and 20602) will be consolidated, as stipulated by the conditions of approval (approval letter 2015). The figure below indicates the various uses on Erf 20602. A new administrative office will be constructed that will extend from the existing structure over the western boundary, onto Erf 3201. The existing structure will accommodate (2) classrooms, (3) storages rooms, (1) kitchenette and (3) toilets. Another classroom will be accommodated within the existing structure, which will be extended from the existing structure to the south also accommodating a storage room.

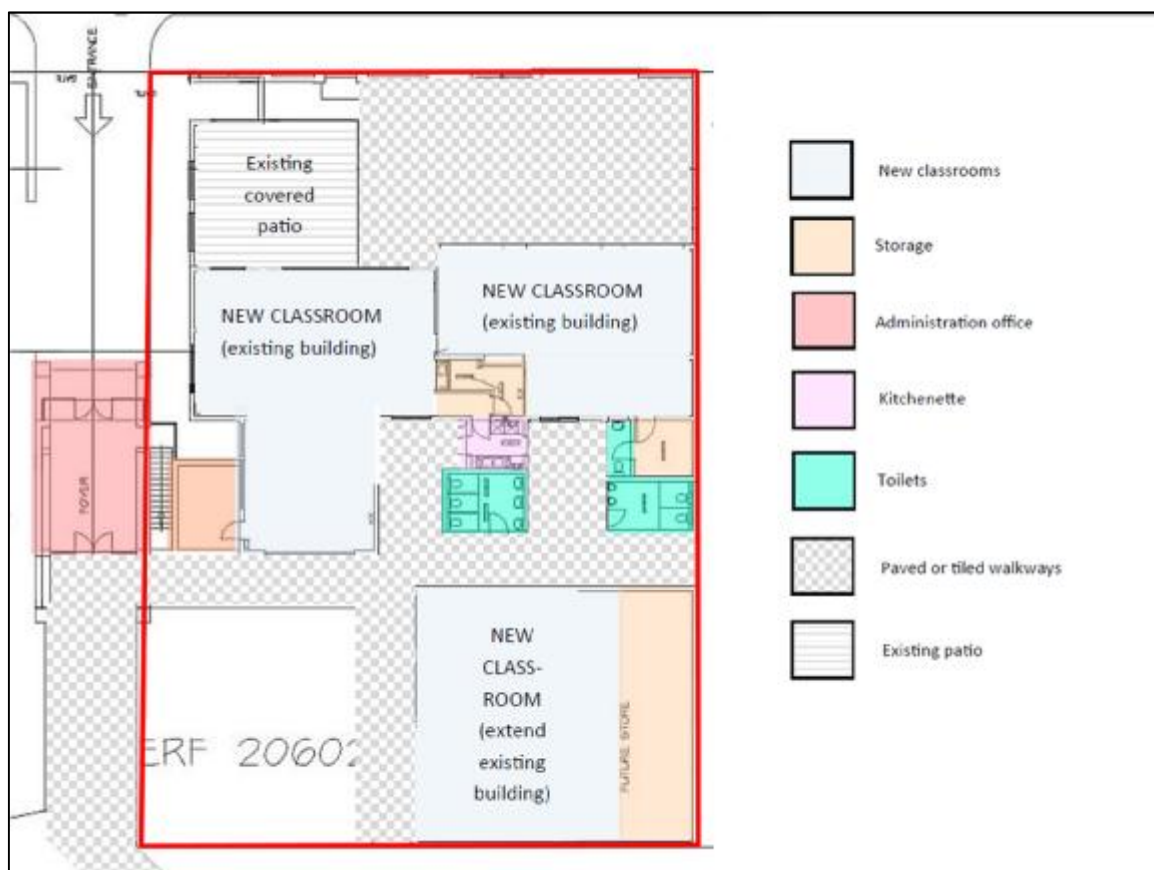


FIGURE 5: PROPOSED USES ON ERF 20602

To allow a place of instruction on Erf 20602 it is necessary to rezone the subject property to Special Zone: Education. The subject property will have to adhere to the parameters set out for properties zoned Special Zone: Education, and if it does not conform to all the development parameters, it will be necessary to apply for permanent departures.

## 4.2. Access

Access to the site will be obtained from the north-western corner of the property, off 21<sup>st</sup> Avenue. The figure below indicates the access point to the property.

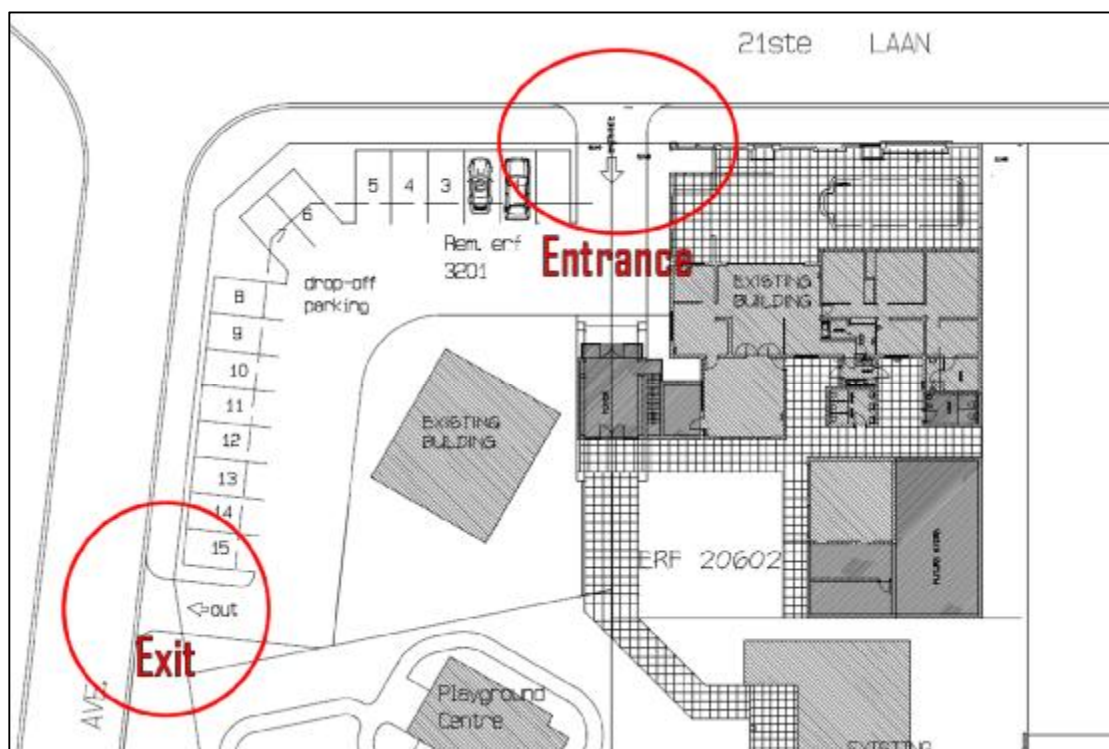


FIGURE 6: ACCESS TO ERF 20602

Once again one has to bear in mind that the (6) erven (erven 3201, 16126, 19225, 19240, 20601 and 20602) will be consolidated. The subject property will share and access point with the western abutting property (Erf 3201) and both properties will share an exit onto 11th Avenue. The boundaries between the (6) erven will be demolished (once consolidated), thus it is possible to share the access point. Within the larger context, there will be one access point less on 21<sup>st</sup> Avenue, because (Erf 20602) and (Erf RE/3201) will share an access point.

*Kantley and Templer Consulting Engineers* were appointed to conduct a Traffic Impact Assessment for the proposed Pre-School during 2015, which was approved and implemented.

There are three access points to the site. The one access point is located on 11th Avenue, through Erf 19240. This access point is approximately 75m from the key intersection, located at the corner of 11th and 21st avenue. Vehicles are allowed to enter and exit this access point.

The access leading to the staff parking on (Erf 19225) is a one-way traffic circulation system. Vehicles enter and exit the site via 21st Avenue, the panhandle access to Erf 16126 serves as the entrance, while the panhandle of Erf 19225 is the exit. These access and egress points are 30m apart from one another and more than 90m from the key intersection.



FIGURE 7: ACCESS POINTS TO LITTLE LIGHT HOUSE PRE-SCHOOL

The access leading to the drop-off parking on (Erf RE/3201), is also a one-way traffic circulation system, this access point will also provide access to (Erf 20602 the subject property). Vehicles enter the site via 21st Avenue and exit the site on 11th Avenue. Access to this parking is  $\pm 30\text{m}$  from the key intersection. The egress to this parking lot is  $\pm 20\text{m}$  from the key intersection.

#### 4.3. Parking

The new Site Development Plan for the proposed development shows in excess of 35 parking bays in the site which equates to one bay for every 4,5 learners. This is well within the provision of Special Zone: Education which requires that 1 bay per 10 learners be provided, meaning that 16 bays are needed.

It should be noted that only (12) of the staff members commute with their own cars, the rest make use of public transport. Meaning sufficient parking is available at all time.

## 5. STATUTORY SPECIFICATIONS

### 5.1. Proposed Rezoning of Erf 20602

A place of instruction is allowable as a 'consent use' application in several existing zoning categories within the Mossel Bay Zoning Scheme (1984). However, it is the advice of Mossel Bay Municipality's Town Planning Department that a 'consent use' implies that the primary

use for that zone is retained in some form. This is not the case with the current proposal, since the entire site will become a “place of instruction” on a permanent basis.

Other schools in the Mossel Bay Scheme Area are shown as being zoned for ‘education’ on the Mossel Bay Zoning map, and in Table ‘A’ of the Mossel Bay Zoning Scheme (1984). However, there but there is no zone that corresponds with this use, and therefore no attendant parameters that can be applied.

The Council Resolution of September 2014 specifically stipulated that the application area be rezoned out of a “Single Residential” zoning. Hence the need to rezone the property.

It is therefore the advice of the Mossel Bay Municipality to apply to rezone the property to an appropriate zoning category. The Mossel Bay Zoning Scheme (1984) does not make provision for a Place of Instruction as a primary use right in any zoning category, therefore application is made to rezone the site to Special Zone: Education.

The Mossel Bay Municipality intends to implement the Mossel Bay Municipality Zoning By-Law (2017) as its Zoning By-Law. The Mossel Bay Municipality Zoning By-Law (2017) was published in June 2017 and includes a ‘Community Zone I’ Zoning Category, which has a ‘place of instruction’ as its primary land use right.

It is therefore proposed to rezone the site to a Special Zone: Education that has the same zoning parameters as the new ‘Community Zone I’ Zoning Category, such that when the new zoning scheme is brought into effect the zoning of the site can be converted to ‘Community Zone I’. The zoning parameters for ‘Community Zone I’ and the proposed Special Zone: Education are as per the following paragraph.

#### **5.1.1. Special Zone: Education (‘Community Zone 1’ - The Mossel Bay Municipality Zoning By-Law (2017))**

**Land use description:** “place of instruction” —

...(a) means a place for education or training at pre-school, school or post-school levels;  
(b) includes a crèche, nursery school, primary school, secondary school, college, university or research institute, rooftop base telecommunication station;...

**Development parameters:**

| Floor factor                                                                                   | Coverage | Height                         | Building lines       |
|------------------------------------------------------------------------------------------------|----------|--------------------------------|----------------------|
| Max 1,2                                                                                        | Max 60%  | 12m above natural ground level | 5m on all boundaries |
| Building lines (Proposed Development):                                                         |          |                                |                      |
| Street Building Line:                                                                          |          | 4,5 m                          |                      |
| Lateral building lines:                                                                        |          | 1,5 m                          |                      |
| Internal building lines (where there the abutting properties have similar educational zonings) |          | 0m                             |                      |

**Parking:** 1 bay per 10 children plus a drop off facility, one disabled parking bay (3, 7 x 5m) per 50 required bays when less than 200, 1 per 100 bays thereafter.

**Site access and exits:**

- No access may be closer than 10 metres from an intersection as defined by the prolongation of street boundaries,
- The Municipality may restrict or prohibit access if a pedestrian or traffic hazard is created or is likely to be created.
- Vehicle entrances and exit ways to and from property must conform to the following requirements:
  - a) motor vehicle carriageway crossings may be limited to one per site per public street or road abutting the site;
  - b) despite paragraph (a), if the total length of any street boundary of a site exceeds 30 metres, one additional carriageway crossing may be permitted, provided that no two carriageway crossings may be closer than 12 metres to each other; and
  - c) the minimum and maximum widths of motor vehicle carriageway crossings must be in accordance with the following table.

| Type of carriageway crossing   | Minimum width | Maximum width |
|--------------------------------|---------------|---------------|
| Single entrance or exit way    | 2,7 metres    | 4,0 metres    |
| Combined entrance and exit way | 5,0 metres    | 8,0 metres    |

**Refuse Room:** Must be provided of a size large enough to accommodate 1 weeks' refuse. The Refuse Room must be located adjacent to a public street, or in a position which will provide acceptable access to a refuse collection vehicle.

**5.2. Proposed Departures**

The proposed development on Erf 20602 will not adhere to all the development parameters as set out for 'Special Zone: Education'. Thus, it will be necessary to apply for certain permanent departures.

The following departures will be required from the current 1984 Zoning Scheme Regulations, to allow the place of instruction on Erf 20602:

- a. A building line departure to allow 4,5m street building lines (adheres to the Western Cape Provincial Model Scheme Regulations (June 2017));
- b. A building line departure to allow 1,5m lateral building lines (adheres to the Western Cape Provincial Model Scheme Regulations (June 2017));
- c. A building line departure to allow 0m internal building lines (where there the abutting properties have similar educational zonings).

### 5.3. Site Development Plan (Including all 6 Erven: 3201, 16126, 19225, 19240, 20601 and 20602)

To determine if the proposed development on Erf 20602 complies with the development parameters as set out for 'Special Zone: Education', one must keep in mind the fact that the (6) erven will be consolidated. As mentioned, a consolidation application has been submitted, but is put on hold until the completion of this rezoning application.

Approval was granted on 30 November 2015 to rezone erven 3201, 16126, 19225, 19240 and 20601 from Single Residential Zone to Special Zone: Education to allow the Little Lighthouse Pre-School. The following Site Development plan was submitted and approved:

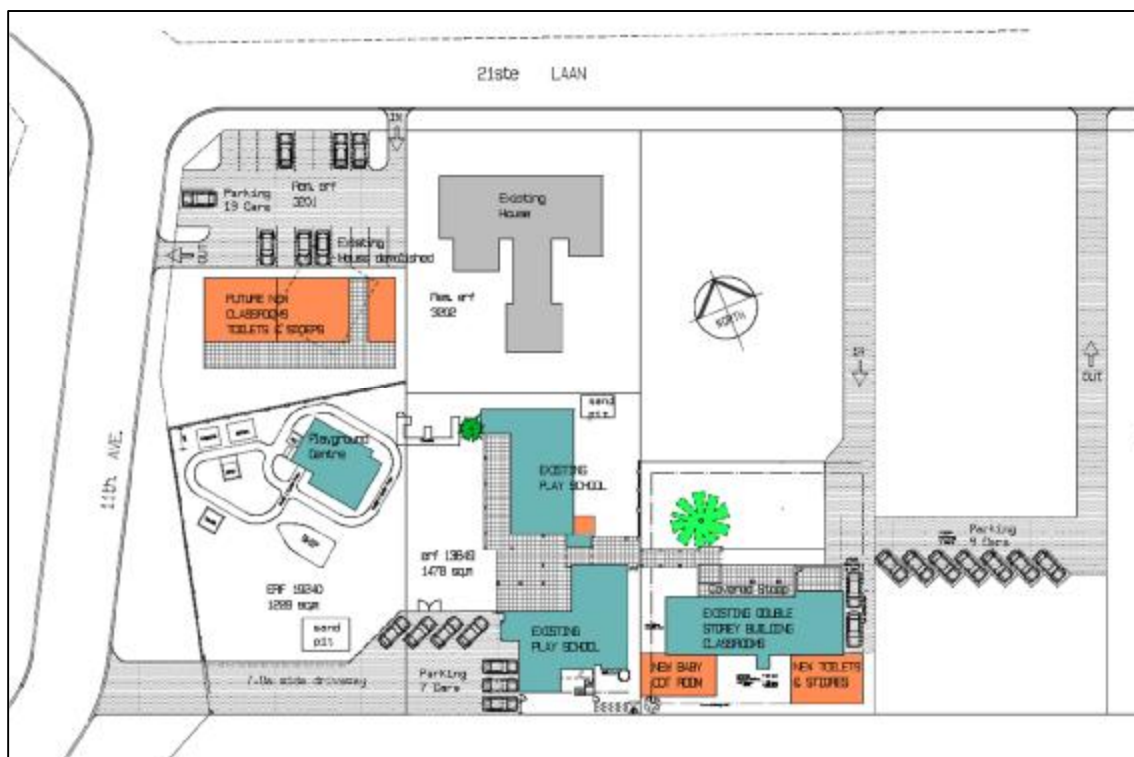


FIGURE 8: APPROVED SITE DEVELOPMENT PLAN (2015)

The Municipal Approval Letter (2015) was for the following:

|                  | Amount |
|------------------|--------|
| Staff            | 30     |
| Learners         | 160    |
| Parking Required | 16     |
| Parking Provided | 35     |

The new Site Development Plan will include the subject property (Erf 20602). The figure below illustrates the new SDP:

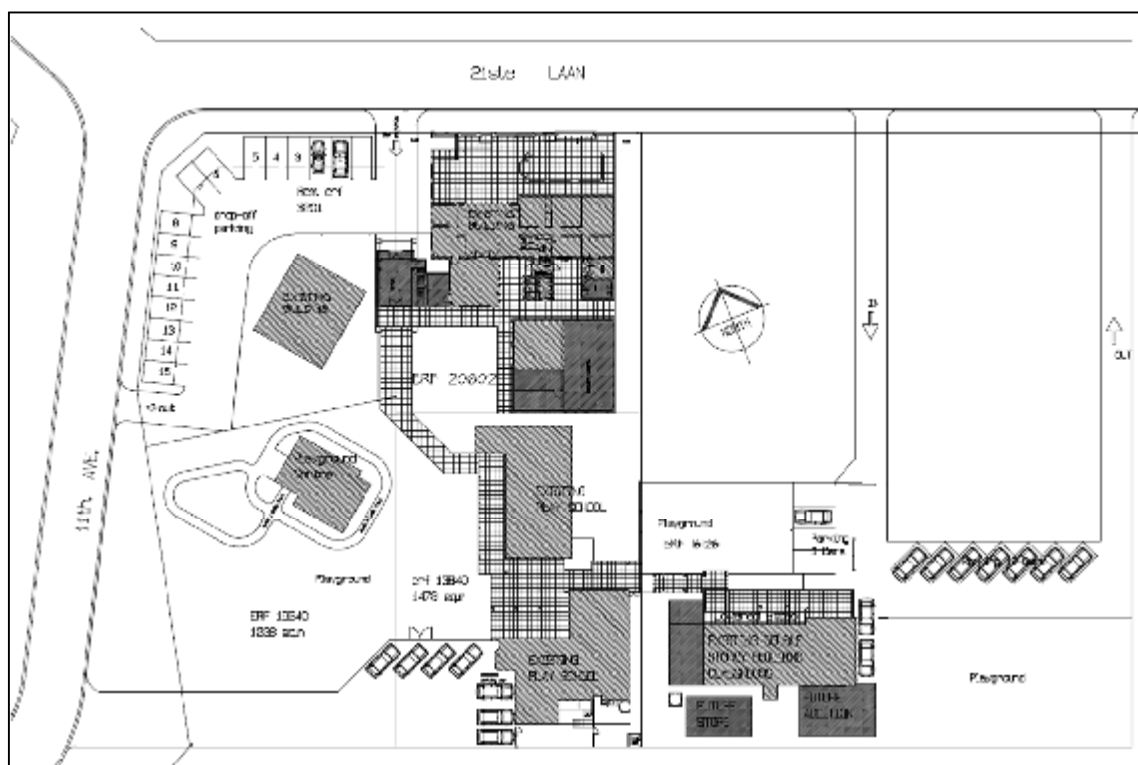


FIGURE 9: NEW SITE DEVELOPMENT PLAN

The new SDP include all (6) Erven; 3201, 16126, 19225, 19240, 20601 and 20602. Although the layout and land uses of the two site development plans differ, the number of learners and staff has minimal change. Thus, the parking requirements does not change and no more traffic will be caused as a result of the addition of (Erf 20602) to the Little Light House Pre-School.

|                 | Land Use Application<br>(2015) – Approved by<br>the Municipality | Development<br>Proposal | Increase |
|-----------------|------------------------------------------------------------------|-------------------------|----------|
| <b>Learners</b> | 160                                                              | 160                     | None     |
| <b>Staff</b>    | 30                                                               | 31                      | 1        |
| <b>Parking</b>  | 35                                                               | 35                      | None     |
| <b>Total</b>    | 190                                                              | 191                     | 191      |

## 6. SERVICES INFRASTRUCTURE

The property is within the urban fabric of Mossel Bay and is currently connected to municipal services infrastructure. It is unlikely that the proposed additional property will increase the demand for water, sewer and electrical services.

## 6.1. Civil Services

The proposed class rooms on the application area replaces some of the class rooms that were approved on other portions on the site (e.g. such as Erf 3201) on the previously approved Site Development Plan. Hence, even though there will be an additional property as part of the Little Lighthouse School, the school will not have additional learners, hence no need for additional services.



FIGURE 10: SUSTAINABLE PRACTICES

*MVD Engineering Company* was asked to provide comment on the civil services (water and sewer) during 2015, on the approved rezoning application (Erven 19240, 20601, 16126, 19225). They have done their calculations on a total of 185 people (staff/learners).

During the time of the previous application Erven 20601 & 19240 was used for a place of instruction, the school then acquired Erven 3201, 16126 and 19225. It was then requested that a civil status report should be done to determine what the impact on civil services would be if (5) erven (185 people) were to be used for a place of instruction.

They concluded that the (5) properties will use an average of 157.95 kl/m. The increase in water would be 46.97 kl/m, which is less than the existing water rights of the additional (3) residential erven, which is a total of 90 kl/m.

A residential erf has the exiting water right of 30 kl/m. Because the proposed development does not increase the total number of people, the proposed rezoning of Erf 20602 will not increase or effect the civil services. The additional property will add an extra water right of 30 kl/m to the development as a whole.

Thus, it will not be necessary to charge any capital contribution, because little no none effect will be caused to civil services.

## 6.2. Traffic Impact Assessment (February 2015)

*Kantley and Templer Consulting Engineers* were appointed to conduct a Traffic Impact Assessment for the proposed Pre-School during (2015). The report documents the traffic impacts of the expansion of the Little Lighthouse Pre-school to be situated on the remainder of Erf 3201 and Erf's 19240, 20601, 16126, 19225 Mossel Bay (excluding the subject property, Erf 20602).

The Traffic Impact Assessment focused on two key intersections 11<sup>th</sup> Avenue (Louis Fourie Road) and 11<sup>th</sup> Avenue (21<sup>st</sup> Avenue), the study caters for a maximum of 160 learners and 11 staff members.

The study concluded and recommended the following:

- The road safety of the children is a major concern. It is therefore recommended that 11<sup>th</sup> and 21<sup>st</sup> Avenue be equipped with advance warning signage. The 'Children – W308' sign should be displayed no less than 90m away from the boundary of site.



FIGURE 11: PROPOSED SIGNS

- The proposed site should be approved as it is a positive initiative to provide a formal place of instruction for toddlers.
- The access points to the site should be approved as they adhere to the minimum requirements of the Mossel Bay Zoning Scheme (2013) Regulations.

The Traffic Impact Assessment for a place of instruction with a total of 160 learners and 11 staff members was approved by Council during (2015). Since the proposed rezoning will not increase the capacity of the school (the educational use on Erf 20602 will replace other uses

that were accommodated on the other properties on Little Lighthouse School), the proposed rezoning will have an insignificant traffic impact. In fact, the proposed rezoning of Erf 20602 will improve the traffic situation on 21<sup>st</sup> Avenue, as it will decrease the individual access points on this road (i.e. the current access on Erf 20602 will be consolidated with the access on Erf 3201).

## SECTION C :

## CONTEXTUAL INFORMANTS

### 7. LOCALITY

(Plan 1: Locality Plan)

Mossel Bay Erf 20602 is located on 112 21<sup>st</sup> Avenue. The erf is situated adjacent to the Mossel Bay Hospital and the Mossel Bay Golf Club. The centre of the application area is at 34°11'13.81"S and 22° 7'38.40"E.



FIGURE 12: LOCALITY

### 8. CURRENT LAND USE AND ZONING

#### 8.1. Land Use

(Plan 2: Land Use Plan)

Erf 20602 is currently being used for single residential purposes. A residential structure is currently situated on the property. the structure will be converted into a place of instruction.



FIGURE 13: SINGLE RESIDENTIAL STRUCTURE ON PROPERTY



FIGURE 14: EXTRACT OF LAND USE PLAN

## 8.2. Zoning

According to the Mossel Bay Municipality, Erf 20602 Mossel Bay is currently zoned as Single Residential Zone.

Mossel Bay Erven 19240, 20601, 16126 & 19225 are all zoned Special Zone: Education.



FIGURE 15: ZONING OF MOSSEL BAY ERVEN 19240, 20601, 16126 & 19225

An application to consolidate Erven 3201, 16126, 19225, 19240, 20601 and 20602 has been submitted to Mossel Bay Municipality and has been put on hold until this application (rezoning of Erf 20602) is finalised. The consolidation of these properties was a condition of approval of the Little Light House rezoning approval (2015). Since then the owners also acquired Erf 20602 (after rezoning of Little Lighthouse), and their intentions are to consolidate this property with the school, they included Erf 20602 in the application for consolidation. The municipality does not allow split zoning, thus, the application to consolidate is on hold until the rezoning of Erf 20602 is finalised.

## 9. SURROUNDING LAND USE & CHARACTER OF THE AREA

(Plan 2: Land Use Plan)

The area surrounding the subject property is characterised by a wide variety of land uses, including several community and residential uses.

The Mossel Bay Municipal Golf Course is to the south of the application area on the remainder of Erf 2001. Community uses in the area include:

- A church on Erf 12273
- Sandkasteel creche on Erf 20766
- Mossel Bay Public Hospital on Erf 3215
- A service centre for the Elderly on Erf 4651

Business uses are more prevalent to the west of the application area along Schoeman Street, while residential uses are predominant along 21st Avenue and to the east.



*FIGURE 16: CRÈCHE ON ERF 20766*



*FIGURE 17: CHURCH ON ERF 12273*



*FIGURE 18: MOSSEL BAY GOLF COURSE ON ERF  
RE/2001*



*FIGURE 19: MOSSEL BAY HOSPITAL ON ERF 3215*

The area can therefore be described as having mixed uses, and incorporating the transition from business to residential uses.

Higher density residential developments in close proximity to the application area include the group housing 'Protea Aftreeoord' development on Erf 12272 and Fijnbosch Park to the northwest of the application area.



FIGURE 20: GROUP HOUSING ON ERF 12272



FIGURE 21: FIJNBOSCH PARK ON ERVEN 15768 - 15821



FIGURE 22: WEATHA SURE PAINTS AND ROADWORTHY CENTRE ON SCHOEMAN STREET

From the above it is clear that the area is characterised by mixed land uses and that the proposed rezoning to Special Zone: Education on Erf 20602 is consistent with the existing mixed land use character of the area.

## 10. EXISTING POLICY FRAMEWORKS

### 10.1. National Development Plan (2011)

The National Development Plan recognises that education, training and innovation are central to South Africa's long-term development. These are core elements in eliminating poverty and reducing inequality, and the foundations of an equal society. Education empowers people to define their identity, take control of their lives, raise healthy families, take part confidently in

developing a just society, and play an effective role in the politics and governance of their communities.

A strong educational system spanning early childhood development, primary, secondary, tertiary and further education is crucial for addressing poverty and inequality. The psychosocial wellbeing of learners from early childhood to higher education is also central to the success of a good quality education system.

The NDP proposes five cross-cutting, interdependent and implementable themes for improving the education system in South Africa:

- i. Lay a solid foundation for a long and healthy life and higher educational and scientific achievement
- ii. Build a properly qualified, professional, competent and committed teaching, academic, research and public service core
- iii. Build a strong and coherent set of institutions for delivering quality education, science and technology innovation, training and skills development
- iv. Expand the production of highly skilled professionals and enhance the innovative capacity of the nation
- v. Create an educational and national science system that serves the needs of society

It is therefore clear that the proposed preschool of the application area is consistent with the goals of the National Development Plan.

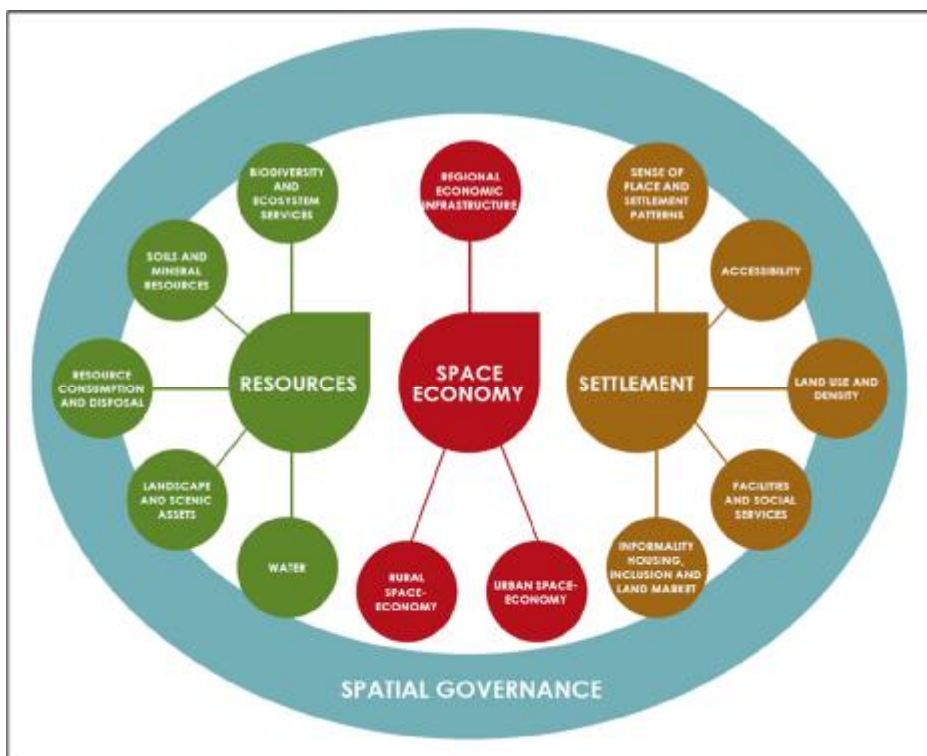
### **10.2. Western Cape Provincial SDF (2014)**

The Western Cape Provincial SDF was approved in 2014 by the Western Cape parliament and serves as strategic spatial planning policy that “communicates the province’s 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 complements 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 levers 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 though regenerating and revitalising key economic centres. 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.

1. Target 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 as levers the regeneration and revitalisation of settlements.

2. Promote functional integration and mixed use as a key component of achieving improved levels of settlement liveability and counter apartheid spatial patterns.

### Policy S4: Ensure Balanced & Coordinated Delivery of Facilities and Social Services

1. Balance sustainable service delivery and equitable access to education and health services to improve equitable access to social services.



2. Apply the principles of space utilization efficiency, multi-functionality and clustering to all facility provision projects.

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

**Note:** *The development proposal will comply with the Western Cape spatial development framework as the proposed preschool on Erf 20602 contributes to the functional integration and mix land use in the area. It will provide access to education to a much-needed level of education to the children in the community. The preschool is an efficient social service delivered to community in the area, it will have a positive contribution to the area and to the community of the area.*

### **10.3. Mossel Bay Municipality Spatial Development Framework (April 2017)**

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

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

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

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

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

while at the same time;

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

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

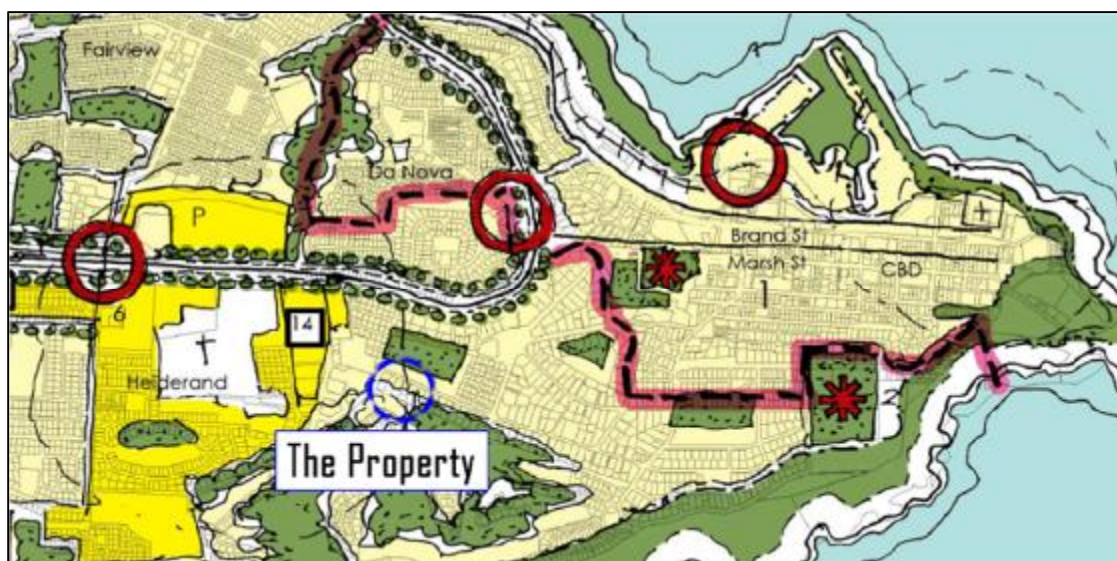


FIGURE 23: EXTRACT OF MOSSEL BAY SDF (2017)

The area surrounding the subject property could be considered as a node, because various uses (such as the hospital, crèche, church, service centre and golf course) are in close proximity of on another.

The Mossel Bay SDF encourages that where growth is required, the nodes should be encouraged to grow along the corridor towards each other. The pre-school is also within walking distance of the nearby residential neighbourhoods. The proposed development is an expansion of an existing pre-school, thus promoting growth towards each other, and providing a service in close proximity to residential neighbourhoods.

## SECTION D :

## MOTIVATION

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

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

- § The integrated development plan, including the municipal spatial development framework;



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

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

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

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

- development principles set out in Chapter 2 of SPLUMA
- protect and promote the sustainable use of agricultural land
- national and provincial government policies
- the municipal spatial development framework; and
- take into account—
  - i. the public interest;
  - ii. the constitutional transformation imperatives and the related duties of the State;
  - iii. the facts and circumstances relevant to the application;
  - iv. the respective rights and obligations of all those affected;
  - v. the state and impact of engineering services, social infrastructure and open space requirements; and
  - vi. any factors that may be prescribed, including timeframes for making decisions.

## 12. CONSISTENCY WITH SPATIAL POLICY DIRECTIVES

This development application is consistent with the approved statutory spatial policy framework for the area. The application is consistent with the policies laid down within the Provincial Spatial Development Framework that advocates the accessible provision of community services within walking distance of residential areas. The application area is within the Urban Edge and in line with the policies of the Mossel Bay SDF.

The proposed development will contribute to the established node of mixed uses in close proximity of on another. The proposed development will also contribute to linear development; the proposal is an extension of an existing pre-school, which will be working in cohesion with the existing pre-school.

## 13. CONSISTENCY WITH THE SURROUNDING AREA

The application area is located within a cluster of community service land uses. The educational use is consistent with these community uses (church, hospital, care centre). There is also another crèche in operation less than 300m from the application area.

The use is also not in conflict with the residential uses to the east of the application area, since it is not intrusive upon them. This is evidenced by the fact that the crèche has been in operation on the abutting properties since 2011 and no surrounding property owners have complained about the use on the property.

The proposed use renders a much-needed service to the surrounding residential area.



FIGURE 24: HIGH DENSITY HOUSING ON ERF 12272



FIGURE 25: SERVICE CENTRE FOR RETIREES ON ERF 14651

## 14. ACCESSIBILITY OF THE AREA

The application area is located off 11th avenue, a major feeder road for the area which is acceded from Louis Fourie Road (R102); the property is therefore highly accessible. This is also in line with the provincial policy of locating community services at easily accessible areas.

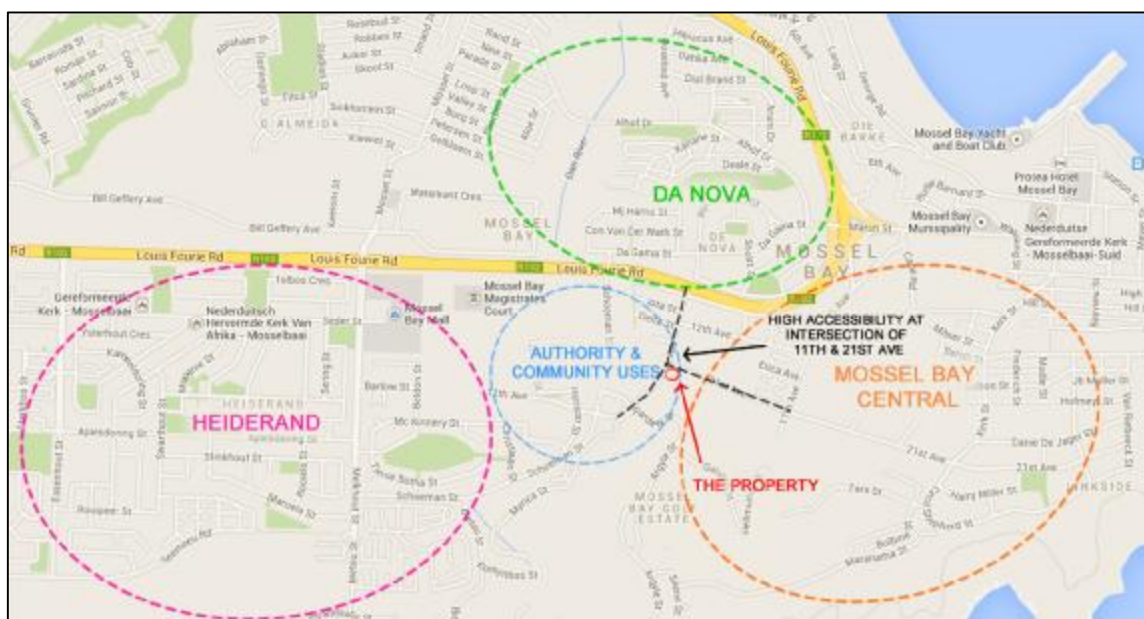


FIGURE 26: STRATEGIC LOCATION BETWEEN NEIGHBOURHOODS

The application area is between three major residential areas: Heiderand, Da Nova, and Mossel Bay Central. The application area is not only easily accessible from these areas but they all three have differing characteristics and income groups, meaning that the location of the school at this intersection point will further the objective of urban and social integration.

## 15. NO IMPACT ON TRAFFIC CIRCULATION

The impact on traffic was identified as a concern by the Mossel Bay Municipality in previous applications on the neighbouring properties, hence *Kantley and Templer Consulting Engineers* were appointed to investigate the traffic situation on the application area.

The traffic report concluded that the vehicular traffic generated by the proposed school is insignificant in the context of the background traffic, with an increase in the AM and PM peak trips by less than 50 additional vehicles, even after 160 learners and 11 staff members were considered.

## 16. 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 proposed rezoning will promote the integration of living environments and workplaces, and will bring economic activities closer to residential areas.

## 17. POSITIVE ECONOMIC IMPACT

The Little Lighthouse crèche is a successful enterprise within Mossel Bay that contributes to the Mossel Bay Economy. The pre-school has repeatedly expanded since 2011 such that the school



currently employs a total of thirty (30) staff means that thirty families are currently supported by the school. The school had a specific interest in developing youth employment in the area thus employs local students that have an interest in early childhood development. The crèche also employs twenty-one women, therefore contributing to gender equality in employment.

If the expansion of the school is allowed to take place the owners will need to employ an additional staff member, meaning that thirty-one (31) individual's livelihoods will be supported by the existence of the school. This means that the continued success of the school that will become possible if it is allowed to expand and upgrade, is in the interest of the Mossel Bay economy.

## **18. PROVISION OF A COMMUNITY SERVICE**

The provision of a pre-school is a service that assists the people of the Mossel Bay community. A pre-school is an educational establishment that socialises and provides foundation education to young children. This means that a well-run, child-orientated establishment like the Little Lighthouse Preschool has a positive impact on the development of a child and thus a positive long-term impact on the community as a whole.

The pre-school also allows parents time to take a breather from parenting and to undertake other important tasks like taking on gainful employment. The pre-school's continued success therefore allows for the positive inputs of parents into the Mossel Bay local economy.

The continued success and expansion of the school therefore will allow it to continue to impact positively on Mossel Bay as a whole.

The provision of this private school, will also relieve the pressure from the Government to provide quality educational services to the local Mossel Bay community.

## **19. 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.

The fact that the crèche has been in operation for over three years and that the proposed rezoning will have little actual and no discernible impact on the built environment around the property means that there will be no impact on the existing land use rights of any property owners in the area.

## **20. SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013 (ACT 16 OF 2013)**

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

## 20.1. 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 brownfield development.*
- iv. Education is provided within walking distance of residential areas.*
- v. Development complies in general with Mossel Bay Spatial Development Framework (2017) as a spatial tool to guide future development on a Local Municipal Level.*
- vi. Will provide employment opportunities for skilled and unskilled workers.*
- vii. The proposal will address previous imbalances via the provision of an early childhood development centre for the poor and marginalised communities of Mossel Bay.*

## 20.2. Spatial Sustainability

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

**Consistency of proposal with Spatial Sustainability:**

- i. The development aims to promote sustainable land development.*
- ii. The proposed development is located adjacent a major movement corridor connecting a variety of social facilities, residential and business associated uses.*
- iii. The proposed development will contribute to the functional land pattern in the surrounding area.*
- iv. Proposed development will contribute towards a more integrated urban environment.*
- v. The proposed development will contribute to the character of the surrounding area.*
- vi. The development will contribute to employment opportunities in the area.*
- vii. The proposed development will benefit the community of Mossel Bay.*
- viii. The proposal will provide access to education.*

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

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

**Consistency of proposal with Efficiency:**

- i. Development will make use of existing local resources and contribute to specialised skills development within the local municipality.*
- ii. The proposed development is within the existing urban fabric, hence no new roads, infrastructure, etc. are required to enable the proposed development.*
- iii. The proposed development will contribute to urban infill and an aesthetical appearance which will contribute to the character of the surrounding area.*
- iv. The proposal will make use of existing infrastructure networks without having to expand the bulk services network.*
- v. The proposed development will contribute to education within the existing urban area of Mossel Bay.*

#### 20.4. 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 2017

*The proposal will assist in addressing the need of education in the Mossel Bay area. The proposal will contribute to the establishment of a existing node with in Mossel Bay.*

#### 20.5. 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.*



## 21. CONCLUSION

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

- (i) Rezoning of Mossel Bay Erf 20602 from 'Single Residential Zone' to Special Zone: Education in terms of Section 15(2)(a) of Mossel Bay Municipality Standard By-Law on Municipal Land Use Planning to allow a place of instruction;
- (ii) A permanent departure to allow a 4,5m street building line to allow a place of instruction in terms of Section 15(2)(b) of Mossel Bay Municipality Standard By-Law on Municipal Land Use Planning;
- (iii) A permanent departure to allow a 1,5m lateral building line to allow a place of instruction in terms of Section 15(2)(b) of Mossel Bay Municipality Standard By-Law on Municipal Land Use Planning;
- (iv) A permanent departure to allow 0m internal building lines (where there the abutting properties have similar educational zonings) to allow a place of instruction in terms of Section 15(2)(b) of Mossel Bay Municipality Standard By-Law on Municipal Land Use Planning.

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  
July 2017