

FARM 428 (OUTENIQUASBOSCH PARK)

APPLICATION FOR:
REZONING & SUBDIVISION



CLIENT: CSHELL 114 PROPRIETY LIMITED
PREPARED BY: MARIKE VREKEN TOWN & REGIONAL PLANNERS



October 2021

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SECTION A : BACKGROUND

1. BACKGROUND

Farm 428 Outeniquasbosch Park is the result of an approved development application in Hartenbos, directly east of the Monte Christo development, known as Outeniquasbosch Wildlife Village. The development rights on Farm 428 was confirmed through the registration of the erven in Phases 1 – 3. The development is currently in progress.

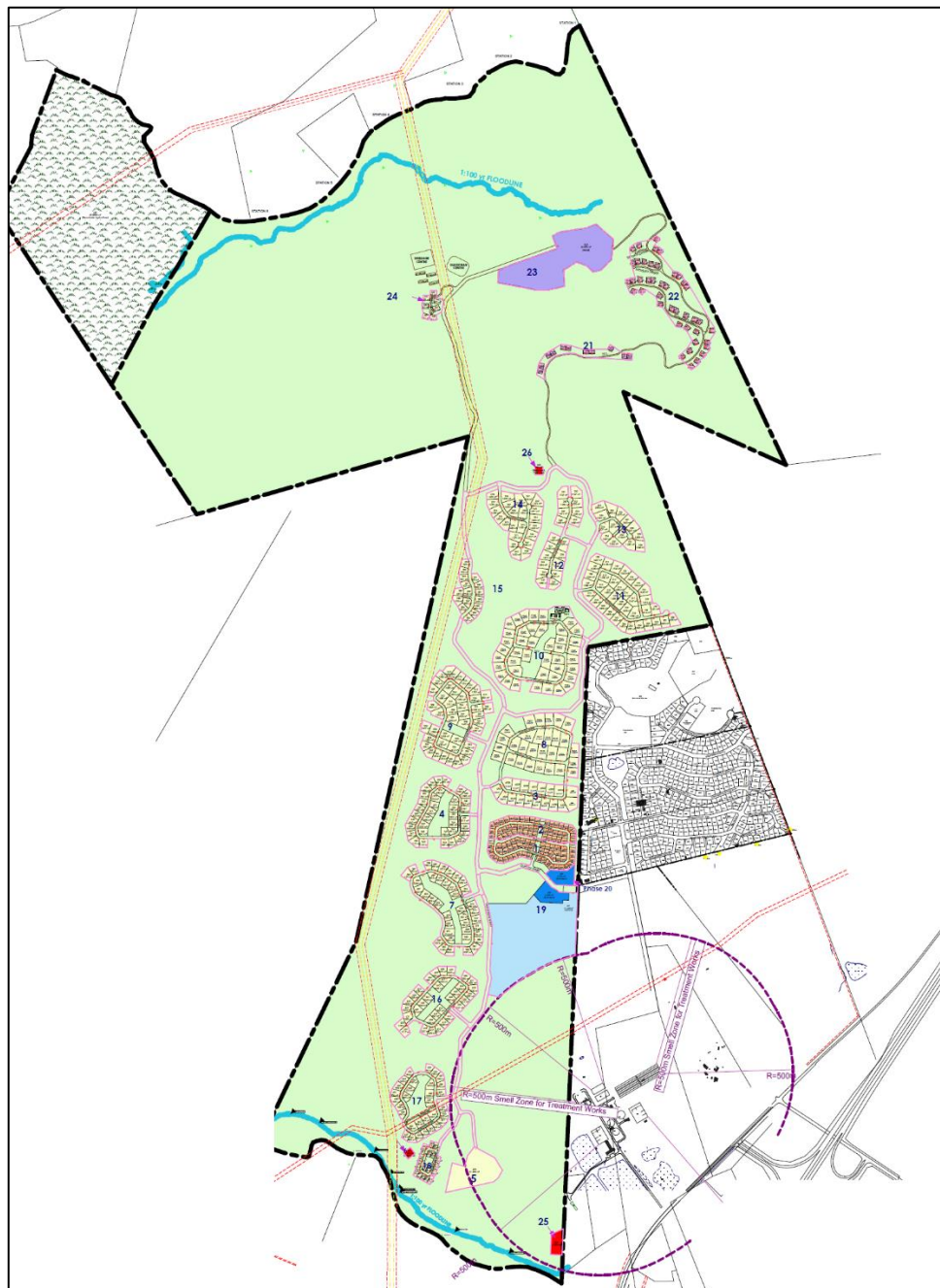


FIGURE 1: OUTENIKVASBOSCH APPROVED LAYOUT

Until date, Phases 1; 2; 3; 8 & 10, as well as some sections of the private roads have been surveyed and registered. These are shown in orange in the image below:

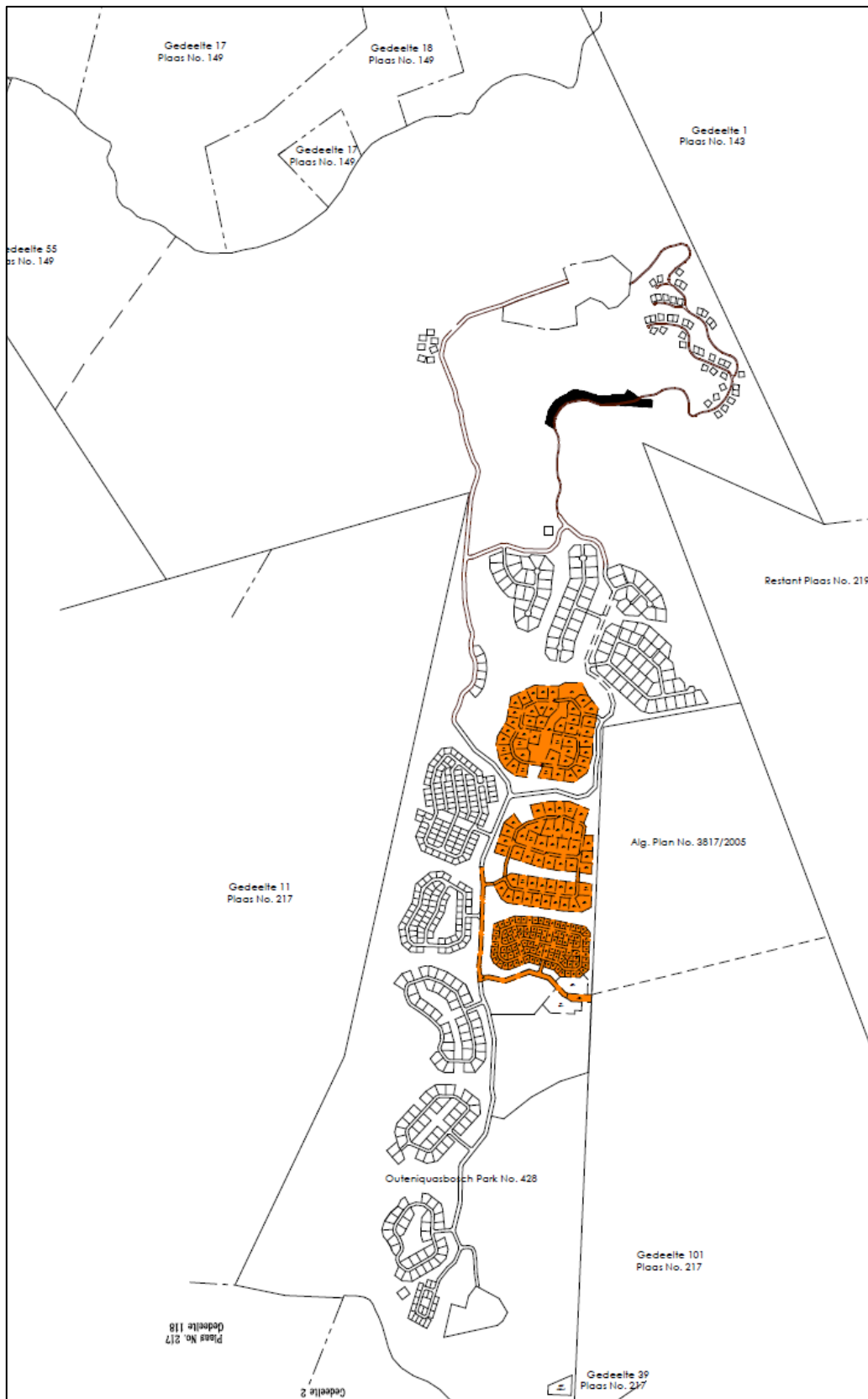


FIGURE 2: REGISTERED PHASES

These registered Erven are:

	<u>Size (ha)</u>	
Farm 428	523.1722	Entire New Farm before development

<u>Registered Erven</u>	<u>Size (ha)</u>	<u>Description</u>
Erf 6034	0.2190	Road
Erf 6035	1.1279	Road
Erf 6547	5.5665	Phase 1 & 2
Erf 6527	3.2089	Phase 3
Erf 7297	6.1558	Phase 8
Erf 7329	9.2893	Phase 10
Erf 7461	1.2997	Phase 21 - resort
<u>Sub Total</u>	<u>26.8671</u>	
<u>Total Remainder</u>	<u>496.3051</u>	

The implication being, the current Remainder of the Farm Outeniquasbosch Park is 496.3051 ha in extent.

Since the development was approved and implementation commenced, market demand, and the feasibility of the development resulted in the need for some changes to the approved layout. The proposal is therefore to amend certain portions of the approved layout. These amendments include:

- The former Utility site abutting the municipality waste water treatment works, to be changed into a site for a storage facility (Industrial);
- The densification of the former Phase 4 from 36x single residential erven, to 70x group housing erven
- The densification of the former Phase 9 from 44x single residential erven to 103x group housing erven
- The addition of 5x single residential erven at Phase 11
- The addition of 3x single residential erven at Phase 12
- The removal of 7x residential erven at Phase 15.

The purpose of this report is to motivate the proposed amendments to the approved development.

1.1. Property Background

The application area was the subject of various land development applications over the past few years:

- (i) During 2013, the Department of Environmental Affairs and Development Planning issued a Record of Decision for the proposed development. A copy of the Environmental Authorisation is attached as **ANNEXURE A**. The EA was appealed and then during November 2014, the Minister of Department of Environmental Affairs and Development Planning upheld the appeal. A copy of the appeal decision is attached as **ANNEXURE B**.
- (ii) During 2015, the Mossel Bay Council approved the rezoning and subdivision of Portion 16 & Remainder of Portions 9 & 15 of the Farm Outeniquasbosch No 149 & Portion 119 & 28 of the Farm Hartenbosch No 217, Division & Municipality Mossel Bay. A copy of this approval is attached as **ANNEXURE C**.
- (iii) An application for the amendment of some of the conditions of approval and an amendment of the approved layout was approved by the Mossel Bay Municipality, was approved during December 2019. A copy of this approval is attached as **ANNEXURE D**.
- (iv) The development then commenced lawfully, erven were registered, and now, the developer wish to apply for amendments to the approved layout, to allow for densification.

1.2. Pre-Application Consultation

The required pre-application consultation was conducted with the municipality. The pre-application consultation did not highlight any "red flags" with regard to this application and the minutes of the pre-application consultation is attached as **ANNEXURE F**. The points raised during the pre-application consultation is summarised in the table below:

Issue	Reference in report
(i) Comments from the Department of Environmental Affairs and Development Planning is required prior to the submission of the formal land use planning application.	<i>Refer Par 13.1</i>
(ii) An updated Traffic Impact Assessment (TIA) is required.	<i>ANNEXURE L</i>
(iii) The sizes of the proposed erven on the phased Layout Plan must clearly be indicated	<i>Done</i>
(iv) If the group housing erven is larger than 500m ² , it is advised that the zoning should remain Single Residential Zone I.	<i>Erf sizes vary between 430m²-500m² - proposal remains</i>
(v) Comments from the Technical Department of the Municipality is required regarding the effect the proposed changes will have on the current Service Level Agreement	<i>Specialist Services reports completed with the inputs of the Technical Services Directorate -</i>

Issue	Reference in report
	<i>attached to this application</i>
(vi) All possible amendments to the Outeniquasbosch development should be considered in order to avoid future amendment applications	<i>Done</i>

2. THE APPLICATION AREA

The Application Area consists of the unregistered erven and phases on the Remainder of Farm No 428, having underlying approved development rights, as shown in the figure below. The current Remainder of the Farm Outeniquasbosch Park is 496.3051 ha in extent.

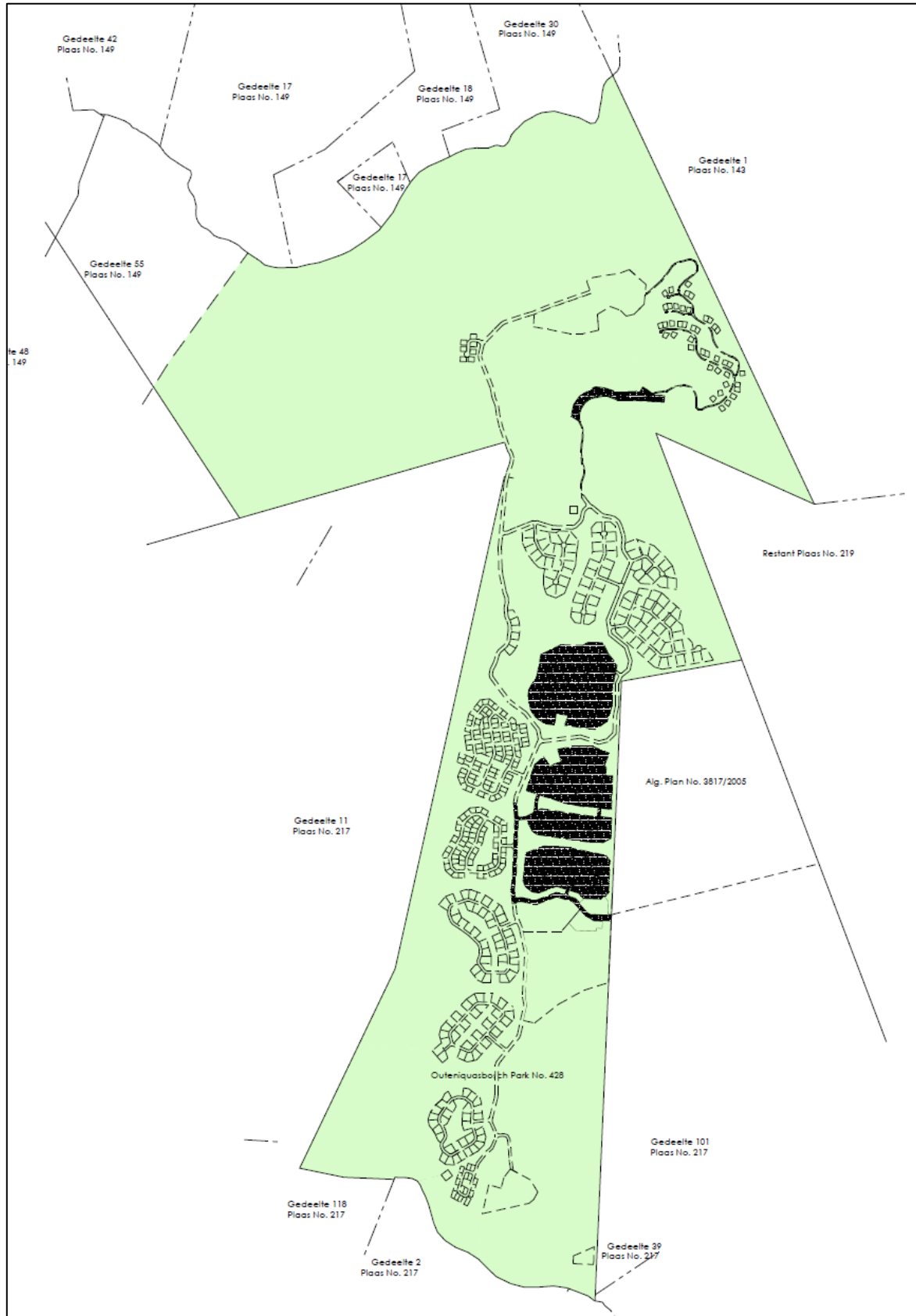


FIGURE 3: THE APPLICATION AREA 2021

3. THE APPLICATION

Marika Vreken Urban and Environmental Planners has been appointed by **CShell 114(Pty)Ltd**, to prepare and submit the required application documentation (refer to **ANNEXURE G**: Signed Power of Attorneys & Company Resolutions and **ANNEXURE H**: Application Form) for:

- (i) The rezoning of Remainder of the Farm Outeniquasbosch Park No 428, to "Subdivisional Area", in terms of in terms of Section 15(2)(a) of the Mossel Bay Municipality By-Law on Municipal Land Use Planning (2015).
- (ii) The phased Subdivision of Remainder of the Farm Outeniquasbosch Park No 428, in terms of in terms of Section 15(2)(d) of the Mossel Bay Municipality By-Law on Municipal Land Use Planning (2016), to allow:
 - 249 x Single Residential Zone I erven;
 - 173 x General Residential Zone I erven;
 - 1 x General Residential Zone V erf;
 - 42 x Resort Zone II erven;
 - 2 x Business Zone II erven;
 - 2 x Utility Zone erven;
 - 1 x Community Zone I erf;
 - 1 x Industrial Zone I erf;
 - Private Open Spaces & Roads

At this stage, it should be noted, that the proposal requires the amendment of the current Environmental Authorisation, and Hilland & Associates have been appointed to facilitate the application for the amendment of the existing Environmental Authorisation.

4. PROPERTY DESCRIPTION SIZE & OWNERSHIP

A copy of the Title Deed (T40103/2019), containing the details outlined below is contained in **ANNEXURE I**. The Surveyor General Diagram (SG No. SG 2700/2018) of the application area is included in **ANNEXURE J**.

Title Deed Description:	The Farm Outeniquasbosch Park No 428, in the Municipality and Division of Mossel Bay, Western Cape Province
Title Deed Number:	T40103/2019
Title Deed Restrictions:	There are no title deed restrictions that could prevent the proposed land use applications.
Bonds:	There are no bonds registered over the property.
Property Size:	523.1722 Ha – <i>minus the registered erven</i> i.e. 'the application area' = 496.3051ha

Property Owner: CShell 114(Pty)Ltd
Servitudes: Subject to Eskom and water line servitudes, as shown on SG 2700/2018

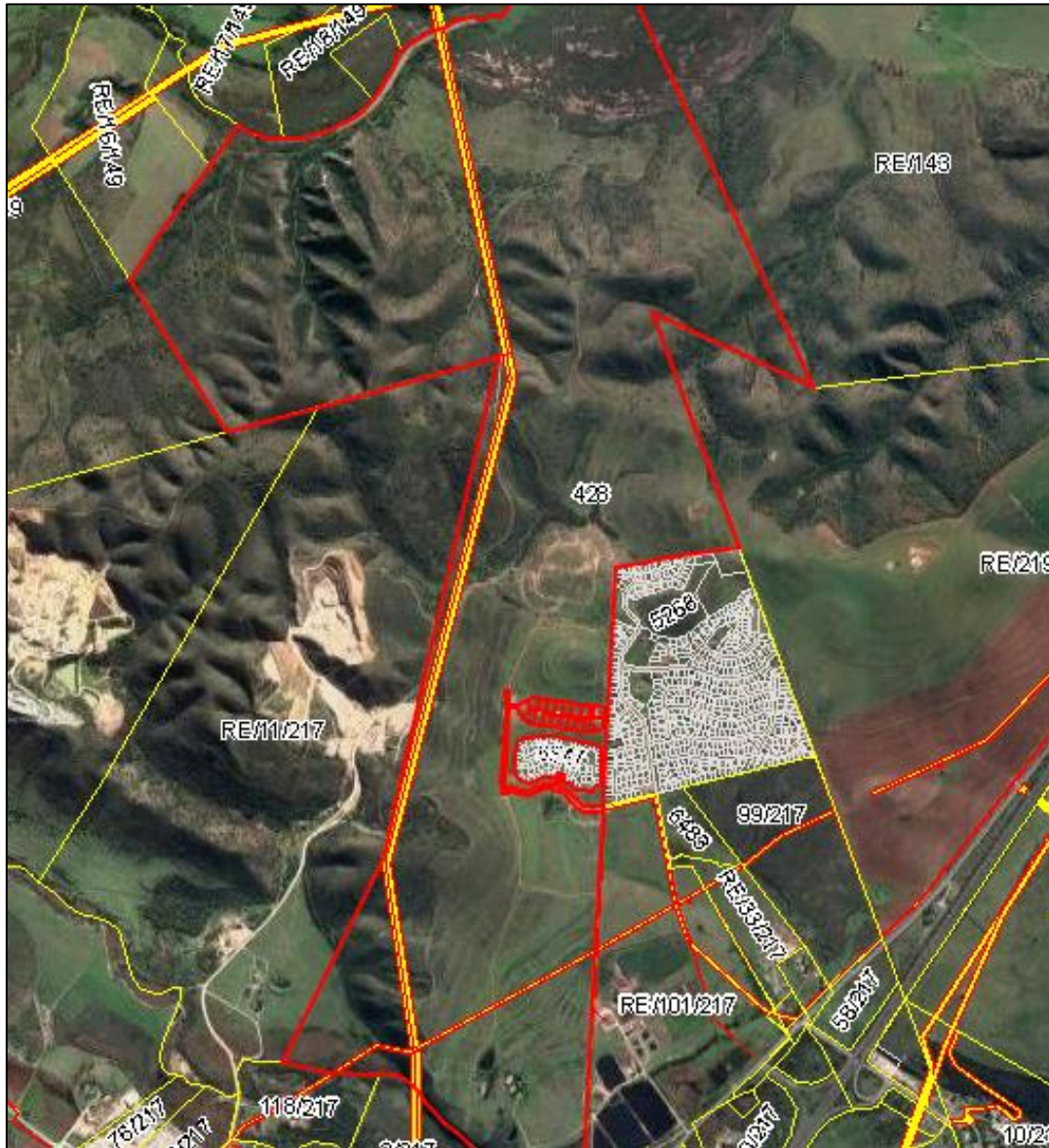


FIGURE 4: SERVITUDES ON REMAINDER OF FARM NO 428

SECTION B :**DEVELOPMENT SPECIFICATIONS****5. DEVELOPMENT CONCEPT: WILDLIFE VILLAGE**

Outeniquasbosch Wildlife Village is a 525ha approved development, of which 75% remains green open space. The unspoilt rolling hills, covered in fynbos and grass provide a safe habitat for the abundant wildlife.

The residential erven within the approved development, share their space with Bontebok, Zebra, Kaapse grysbok, Bosbok, Nyala, Kudu, Impala, Giraffe, Waterbuck and Common duiker, as well as small wildlife and bird species.

The approved Outeniquasbosch development commenced with the approved group housing site, and the feedback from buyers and new residents are that there is a need / demand for storage space for residents. Buyers / residents have boats and caravans that are unsightly if stored on a residential property, hence the opportunity was identified to utilise the approved "Utility" site for construction of a "storage facility" to address the need for storage space for residents. Also, market demand indicates a need for more, smaller group housing erven.

Market demand has changed since 2004/2005, when the original development application was initiated. The proposal is therefore to amend certain portions of the approved layout. These amendments include:

- The former Utility site abutting the municipality waste water treatment works, to be changed into a site for a storage facility (Industrial);
- The densification of the former Phase 4 from 36x single residential erven, to 70x group housing erven
- The densification of the former Phase 9 from 44x single residential erven to 103x group housing erven
- The addition of 5x single residential erven at Phase 11
- The addition of 3x single residential erven at Phase 12
- The removal of 7x residential erven at Phase 15.

This section of the report will describe the proposed amendments of the approved development.

6. EXISTING DEVELOPMENT RIGHTS VS PROPOSED DEVELOPMENT RIGHTS
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The proposed amendments, and a comparison of the amended proposal vs the original approved layout, is summarised in the table below:

	2019 Final Approved Layout	2021 Amendments	Changes / Comments
Single Residential Zone I	398	319	<ul style="list-style-type: none"> ▪ minus 36 at Phase 4 ▪ minus 44 at Phase 9 ▪ minus 7 erven Phase 15 ▪ plus 5 Erven Phase 11 ▪ plus 3x erven Phase 12
General Residential Zone I	97	270	<ul style="list-style-type: none"> ▪ plus 70 erven Phase 4 ▪ plus 103 Erven Phase 9
General Residential Zone V	1	1	no change
Resort Zone II	53	53	no change
Business Zone II	2	2	no change
Utility Zone	3	2	minus Erf 554
Industrial Zone I	0	1	new storage & renewable energy
Community Zone I	1	1	no change
Open Space Zone II	447.304 ha		
Total	<u>555</u>	<u>649</u>	<u>+94</u>

From the above table it is clear, that in total, there will be 94 additional erven in the approved development.

7. OUTENIKUASBOSCH WILDLIFE VILLAGE DEVELOPMENT DESCRIPTION

(Plan 2: Layout Plan & Plan 3: Site Development Plan)

The proposed amendments to the Outeniquasbosch Wildlife Village, will consist of the following:

7.1. Densification of the Approved Phase 4

Phase 4 consisted of 36x single residential erven, and the proposal is to densify Phase 4 to 70x group housing erven.

The average property sizes in Phase 4 used to be approximately 1000m², and with the amended layout, the size of the group housing erven vary between 430m² - 500m².

The development footprint of Phase 4 remains as approved, only with smaller, densified residential units.

The figures below, shows the proposed amended Phase 4, vs the original approved Phase 4.



Phase 4: Original Layout



Phase 4: Proposed New Layout

FIGURE 5: PHASE 4 COMPARISON

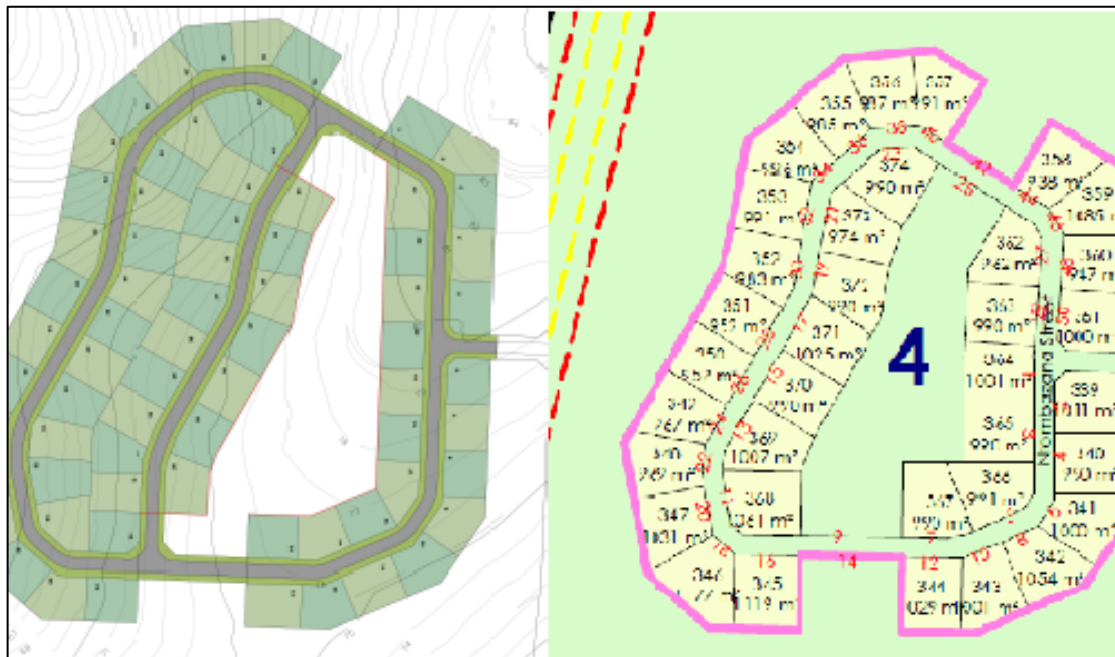


FIGURE 6: PROPOSED PHASE 4 AMENDMENTS

From Figure 5 above, it is clear that the proposed changes will not change the character of the area, or the proposed development footprint.

7.2. Densification of the Approved Phase 9

Phase 9 consisted of 44x single residential erven, and the proposal is to densify Phase 9 to 103x group housing erven.

The average property sizes in Phase 9 used to be approximately 1000m² - 1500m², and with the amended layout, the size of the group housing erven vary between 430m² - 500m².

The development footprint of Phase 9 remains as approved, only with smaller, densified residential units.

The figures below, shows the proposed amended Phase 9, vs the original approved Phase 9.



FIGURE 7: PHASE 9 COMPARISON



FIGURE 8: PROPOSED PHASE 9 AMENDMENTS

There is an existing Homeowners’ Association, and all erven will belong to the HOA. Development on all erven, will be controlled by an approved Architectural Design Manual.

7.3. Expansion of Phase 11

Phase 11 consisted of 36x single residential erven, and the proposal is to add 5x single residential erven along the northern boundary of Phase 11. The area is disturbed and old agricultural fields, with exquisite northern views.

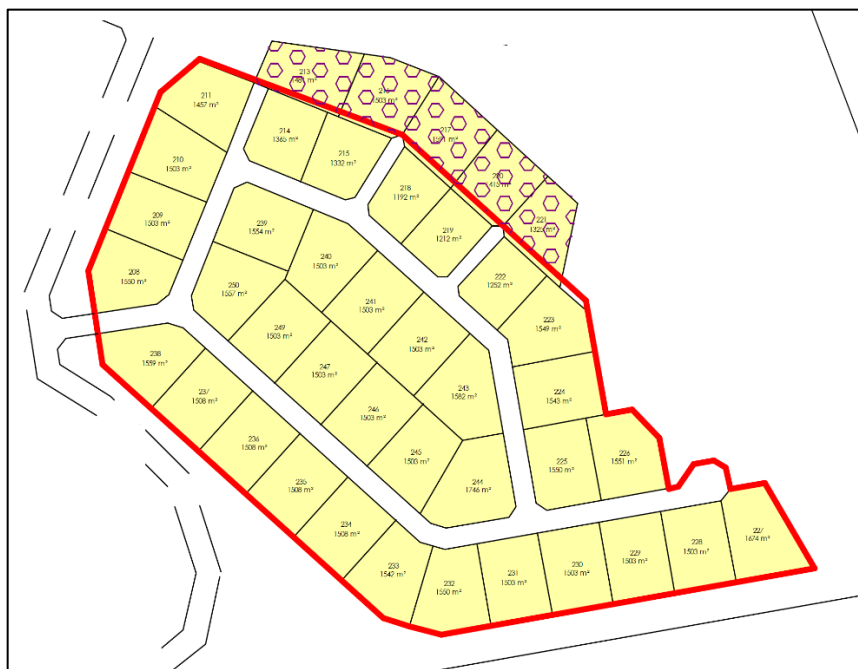


FIGURE 9: PHASE 11 EXPANSION

7.4. Amendments to Phase 12

Phase 12 used to consist of 19x single residential erven. The proposal is to add 3x single residential erven in areas that were previously open for game corridors. With the imposed building lines between the residential development footprints, there are sufficient wildlife corridors between the residential homes, hence the proposal to add 3x additional single residential erven to Phase 12, as shown in the figure below:

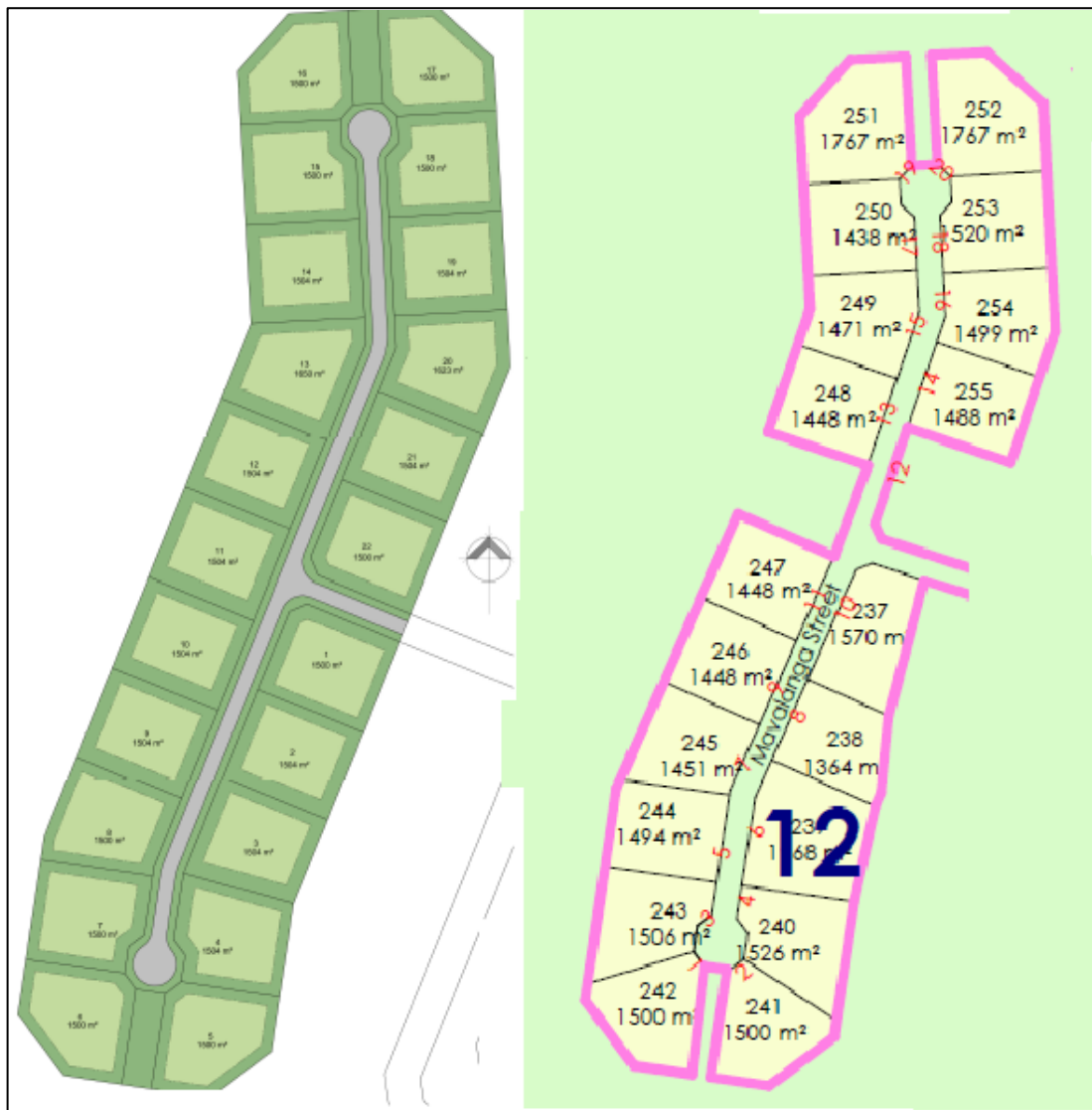


FIGURE 10: PHASE 12 COMPARISON OF AMENDMENTS

7.5. Amendments to Phase 15

Phase 15 used to consist of 16x single residential erven. The proposal is to remove the erven along the western side of the proposed access road, and only retain 6x single residential erven along the eastern side of the road.

The additional private open space at Phase 15, compensates for the open space that will be lost by the introduction of additional erven at Phase 11.

The figure below shows a comparison vs the new and old layout of Phase 15.

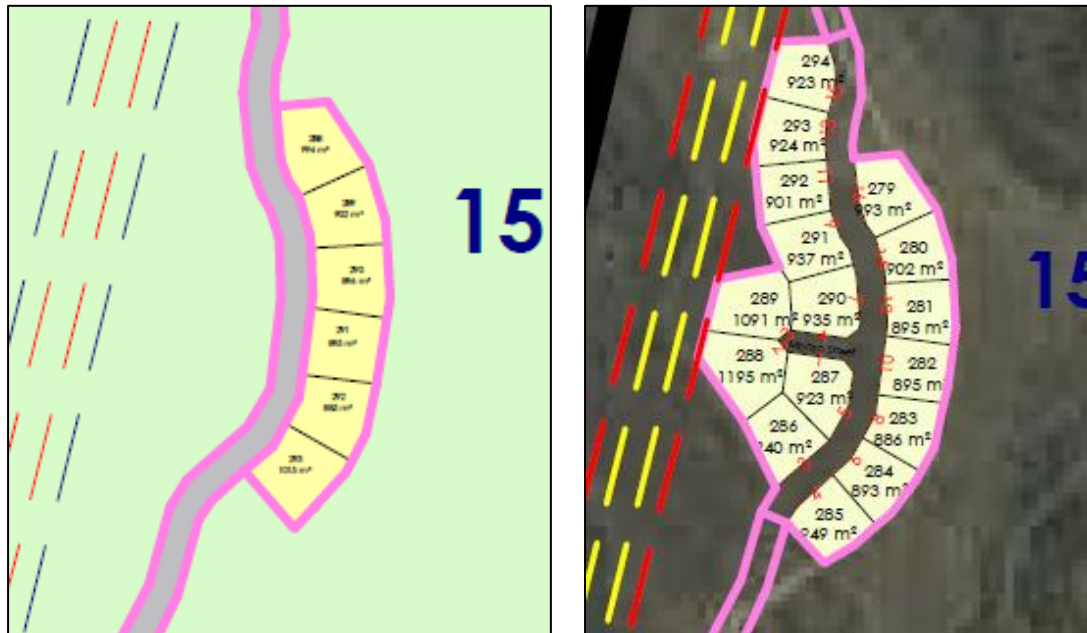


FIGURE 11: PROPOSED AMENDMENTS TO PHASE 15

7.6. Proposed Storage Facility

At the time when the original development application was initiated (2004/2005), the Mossel Bay Municipality was planning to expand the existing regional sewer treatment works on Remainder of Portion 101 of Farm No 217. The development made provision for land to accommodate a potential expansion, hence the provision of a 4000m² "Utility" site abutting the existing Regional Sewer Treatment works. The Municipality has then decided to develop a RO plant, and there was no longer a need for additional land for expansion purposes. The implication being that the need for an "Utility" site of 4000m² (Erf 554 of the approved layout), became redundant.

The proposal is to develop approximately 64-70 storage garages. These will be for storage of boats, caravans, motor bikes, etc. The garages will be mainly for the use of residents and access will be provided from the private roads within the development.

The storage units will be architecturally designed not to impact on the character and spirit of the approved development. The units will be designed in such a way as to appear like the residential units, with some, having loft units, to cater for higher items like boat masts, etc.

Access will be towards the south, from internal private roads.

The Figures below, shows the layout and architectural proposal of the proposed storage / Industrial Site:

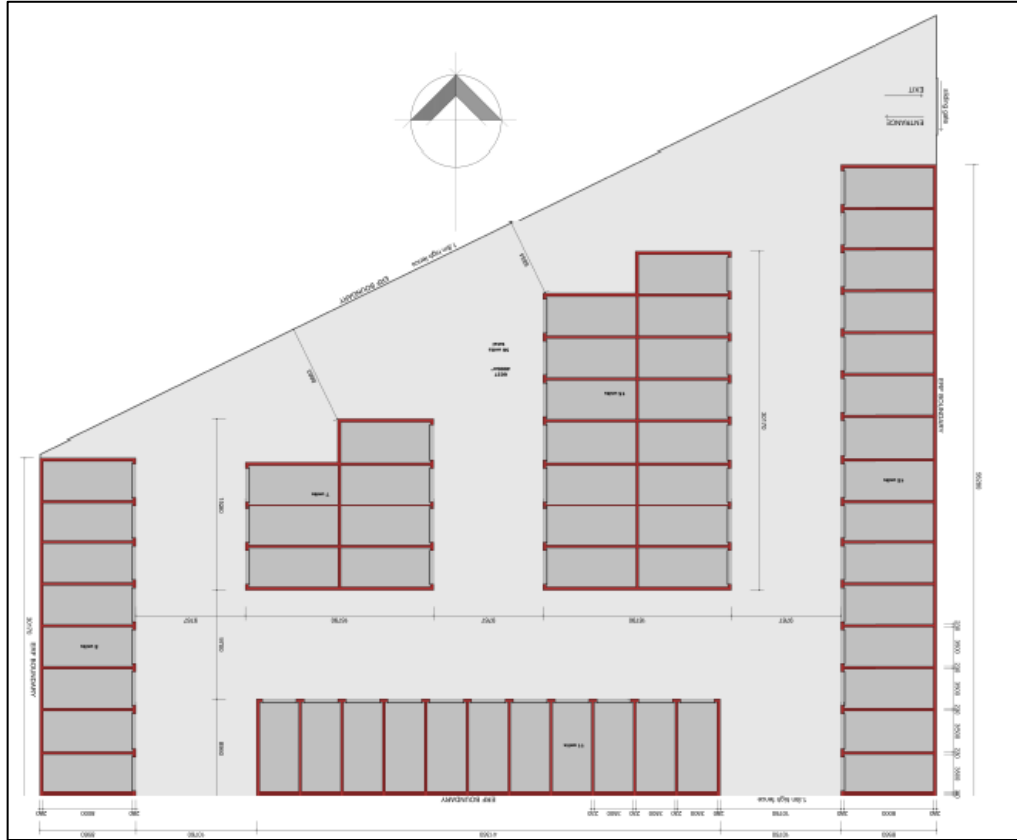


FIGURE 12: PROPOSED STORAGE



FIGURE 13: ARCHITECTURAL PROPOSAL – PROPOSED STORAGE



FIGURE 14: ARCHITECTURAL PROPOSAL – FORMER UTILITY SITE



FIGURE 15: SOUTH ELEVATION OF PROPOSED STORAGE FACILITY

The table below, summarises the land use description of the Mossel Bay Zoning Scheme By-law for a “storage facility”.

<p>“storage facility”</p> <p>Land use description: “storage facility” means an enterprise in which storage space also known as storage units are rented to tenants on a temporary basis.</p> <p>Development parameters:</p> <p>(a) The Municipality must require a site development plan for a storage facility;</p> <p>(b) The site development plan as approved by the Municipality constitutes the development parameters in addition to the parking and accesses which must be provided on the land unit in accordance with this By-law apply.</p>

7.7. Street Names and Street Numbers

The proposed street names and street numbers for most of the development remain unchanged. Where densification is proposed, an additional street was introduced, and names have slightly changed. The street names are shown on the layout plan, and the

theme of the street names remain the names of the magnificent Seven elephant bulls in the Kruger Park and other iconic elephants.

8. GOVERNANCE

There is an existing, established HOA for the Outeniquasbosch Wildlife Village. All additional erven will become members of the HOA, and thereby there will also be additional members that can contribute to the HOA funds.

9. STATUTORY SPECIFICATIONS

In order to achieve an amended approved layout, the following land development applications will be required:

9.1. Proposed Rezoning Application

The rezoning application on the Remainder of Farm No 428 entails the following:

- (i) The rezoning of Remainder of the Farm Outeniquasbosch Park No 428, to "Subdivisional Area", in terms of in terms of Section 15(2)(a) of the Mossel Bay Municipality By-Law on Municipal Land Use Planning (2015).

9.2. Proposed Subdivision Plan

The Remainder of Farm No 428 has underlying subdivision rights for 304x single residential erven; 42x "resort zone II" erven; 1x Hotel site; 3x Utility erven, 2x business erven, and 1x school site.

The proposal now is for the phased Subdivision of Remainder of the Farm Outeniquasbosch Park No 428, in terms of in terms of Section 15(2)(d) of the Mossel Bay Municipality By-Law on Municipal Land Use Planning (2016), to allow:

- 249 x Single Residential Zone I erven;
- 173 x General Residential Zone I erven;
- 1 x General Residential Zone V erf;
- 42 x Resort Zone II erven;
- 2 x Business Zone II erven;
- 2 x Utility Zone erven;
- 1 x Community Zone I erf;
- 1 x Industrial Zone I erf;
- Private Open Spaces & Roads

Since this is part of an existing approved development, the proposed subdivision is exempted from the provisions of the Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970).

10. CIVIL SERVICES

The developers of Outeniquasbosch Park Wildlife Village have entered into a Services Level Agreement (SLA) with Mossel Bay Municipality. Since there is a signed SLA in place for the original development proposal, the services capacity for that development is reserved and available.

The applicant's project engineers (***Charl Moller Professional Engineer***) were requested to quantify the services requirements of the amended development proposal, and to compare these with the available services capacity for the approved development. A copy of the Technical Services Report is attached as **ANNEXURE K**.

This Civil Services report concluded the following for Civil Services:

10.1. Water Provision

No increase in water capacity and adjustment in the Service Agreement for the water provision are thus required as a result of the proposed amendment.

10.2. Sanitation

The Annual Average Daily Flow from the Outeniquasbosch development to the Hartenbos WWTW – after approval of the proposed densification – is projected to be approximately 525 k/day (previously 560 kl/day), which can be attributed to two (2) reasons:

- the size of the General Residential Zone 1 erven are substantially smaller than the General Residential Zone 1 erven, although it is an increased number of erven, and
- 7 of the General Residential Zone 1 erven and 53 of the Resort Zone II erven will in future be serviced by a sewer package plant (Maskam's Clarion Fusion or similar) in order to make substantial savings in expenditure on main sewer lines and a sewer pumping station, as well as dispensing with the resultant damage to the environment when main sewer lines and a sewer pump station are constructed. No sewerage will be discharged from these 60 erven to the Hartenbos WWTW.

The decrease in future sewerage discharge to the Hartenbos WWTW will require an adjustment in the Service Agreement in order to make provision for the non-calculation of sewer charges for the above mentioned 60 erven when the transfers of these 60 erven are to be effected in future.

The developer is also of the intention to provide solar electricity to the above mentioned 60 erven, and will a similar adjustment as the sewer calculations be required for electricity when future transfers are effected for the mentioned 60 erven.

10.3. Roads

Provision was made for asphalt and/or concrete paved roads for all internal roads in the development. Roads for Phases 1, 2 and 3 has already been constructed. Current and future access to the development is from Provincial Main Road MR 344 via the existing Link Road/Monte Christo Access Road.

The recent Traffic Impact Assessment, dated September 2021, by Urban Engineering recommends (attached as **ANNEXURE L**), *inter alia*, as follows:

- Intersection improvements shown in Figure C2 needs to be implemented before the completion of Outeniquasbosch Main Phase 1. These are combinations of the improvements recommended by ITS in the 2018 TIA and by Element in the 2020 Hartland TIA and the 2021 Mystic Views TIA and it requires the construction of a dedicated right turn lane along the Waboom Street approach; and
- Improvements shown in Figures D2 and D5 need to be implemented before the completion of Outeniquasbosch Main Phase 2. It requires that the existing Louis Fourie Road/Main Road 344/ Waboom Street - intersection be upgraded with signal control and all the necessary ancillary improvements, such as street lights, included. Cost apportionment can be based on the percentage of traffic attributed by each of the three developments and by natural background traffic growth; and
- Depending on the completion date of Outeniquasbosch Main Phase 3, the improvements shown in Figures E2 and E5 may have to be implemented. This should be confirmed through an investigation of traffic conditions at that stage. Costs may be apportioned based on the percentages shown in Figure E4.

Although Urban Engineering in the 2021 TIA recommends that cost apportionment be based on percentage of traffic, attributed by each of the developments, has the Mossel Bay Municipality resolved that the upgrading of various intersections be included in the Service Agreements of the various developments.

It is recommended that the current Service Agreement, after approval of the proposed amendment, be adjusted in order to require that the Outeniquasbosch developer be responsible for: (i) the construction of a dedicated right turn lane along the Waboom Street approach and (ii) the upgrading of the existing Louis Fourie Road/Main Road 344/

Waboom Street - intersection with signal control and all the necessary ancillary improvements, such as street lights included, according to the recommendations of Urban Engineering Traffic Impact Assessment in terms of the time frames mentioned in **Figures C2, D2 and D5**.

10.4. Storm Water

All current and future storm water on site are being managed by means of minimal pipe networks or surface drainage. Discharge is to natural streams and no storm water pipes are connected to the storm water system of the Mossel Bay Municipality.

No adjustment in the Service Agreement for the storm water is required as a result of the proposed amendment.

10.5. Refuse Removal

Current and future Refuse Removal is the responsibility of developer by means of an agreement with the Monte Christo development.

No adjustment in the Service Agreement for the refuse removal is required as a result of the proposed amendment.

10.6. Waste Water

The current Service Agreement makes provision for the availability of wastewater to the Outeniquasbosch development for the purposes of the operation of the fire-fighting system, on the basis of at least 83% of the volume of water discharged into the Municipality's Hartenbos Regional WWTW by the development.

No adjustment in the Service Agreement for the wastewater is required as a result of the proposed amendment.

10.7. Electricity

Makukhane Consulting Engineers was appointed to compile an Electro Technical Report (**ANNEXURE M**), which also quantify the electrical services required for the amended development proposal. This report concluded that:

The 2019 Service Agreement application to Mossel Bay Municipality requested a total estimated maximum demand for the entire development at ≤ 3.6 MVA. The 2019 approved layout plan equated to a 2.741 MVA demand. The new 2021 amended layout plan bulk electrical demand requirement is estimated at 2.866 MVA. This is within and below the original demand approved by Mossel Bay Municipality.

The Municipality confirmed that there is enough spare capacity at Sonskynvallei Substation.

10.8. Conclusion

From this paragraph, it is clear that adequate services capacity is available to accommodate the proposed densification of the approved Outeniquasbosch Wildlife Village.

SECTION C :**CONTEXTUAL INFORMANTS****11. LOCALITY**

(Plan 1: Locality Plan)

The application area is situated in the Hartenbos Basin to the northwest of the existing Monte Christo residential neighbourhood. The coordinates at the entrance gate of the approved development is -34.100417 S and 22.099681E.

The application area borders Monte Christo, and other residential areas in close proximity to the application area include Hartenbos Landgoed, Oewerstroom; Hartenbos Heuwels; Hartland and Sonskynvallei.

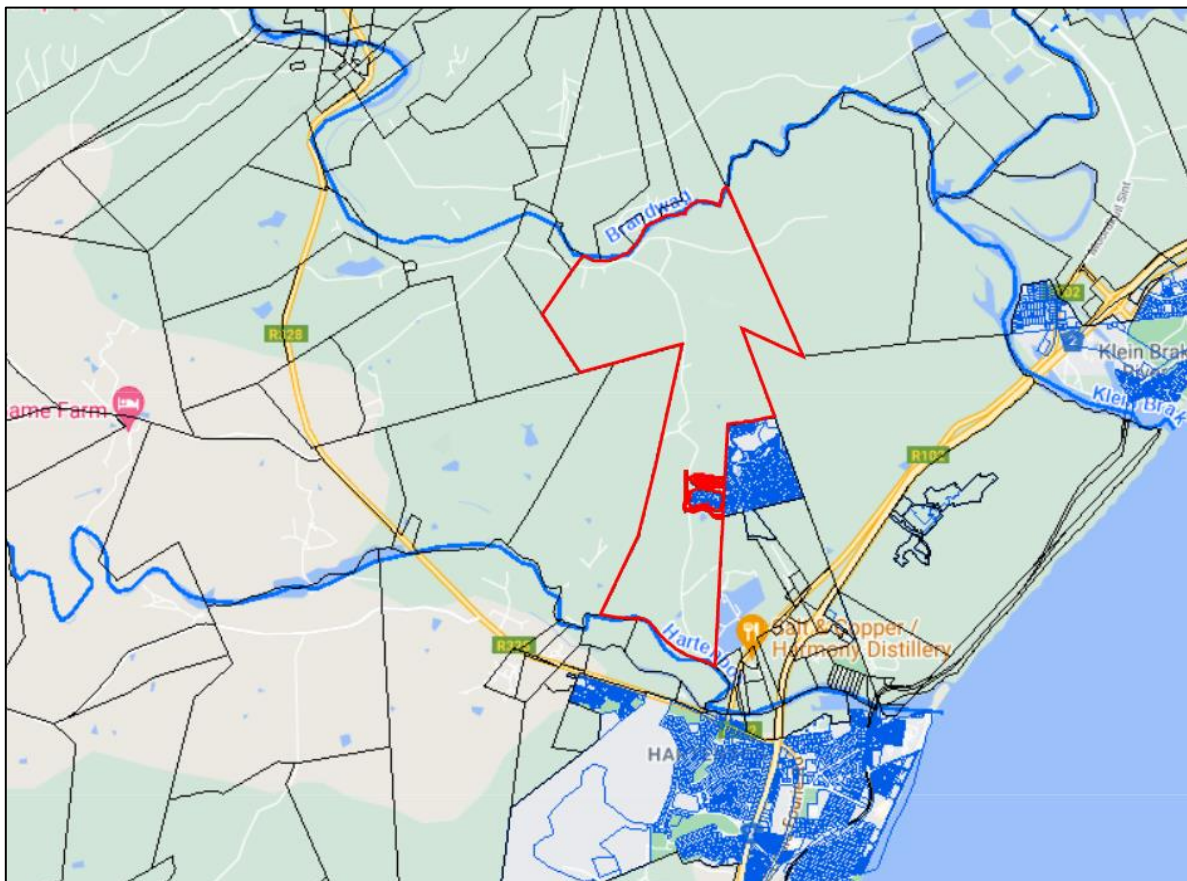


FIGURE 16: OUTENIKUASBOSCH WILDLIFE VILLAGE - LOCALITY

12. CURRENT LAND USE & ZONING**12.1. Land Use**

Phases 1; 2; 3; 8; & 10 of the approved Outeniquasbosch Wildlife Estate has been implemented. Some houses have been constructed that the development is in operation.

The Remainder of Farm 428 contain the existing farmhouse with associated outbuildings and agricultural infrastructure, and the remainder has underlying approved development rights, with an Environmental Authorisation that has lawfully commenced.

The figures below, show some of the existing development that have commenced on the approved development.



FIGURE 17: OUTENIKUASBOSCH WILDLIFE VILLAGE – EXISTING DEVELOPMENT

12.2. Zoning

Remainder of the Farm Outeniquasbosch Park No 428, is deemed to be zoned “Subdivisional Area” in terms of the Mossel Bay Integrated Zoning Scheme Bylaw. This subdivisional area includes 304 x single residential erven.

The proposal is to change the approved layout to reduce the number of single residential erven, and to add 173 x group housing erven. Hence the need to rezone the Remainder to a “Subdivisional Area” zoning, that allows for the intended amendments.

13. SITE CHARACTERISTICS

13.1. Botanical Sensitivity

Hilland Environmental is the appointed Independent Environmental Practitioners (IEP) as well as the appointed Environmental Control Officers for the approved development. A statement on the Environmental Sensitivity of the application area is attached as **ANNEXURE N**.

The densification will be contained to existing approved development areas and where an additional development area (5x erven at Phase 11) is proposed, such additional development is proposed on existing transformed agricultural land and non-sensitive areas.

Outeniquasbosch Wildlife Village is in full compliance with the EA and EMPr.

The property falls within the mapped Endangered Groot Brak Dune Strandveld Ecosystem and the EIA process and EA approval confirmed that the development falls within areas previous transformed that no longer support any endangered ecosystems.

It should further be noted that **HilLand Environmental** has been appointed to apply for the amendment of the current NEMA Environmental Authorisation, in order to be in line with the revised development proposal. A representative from the Department of Environmental Affairs, Luxolo Kula, did conduct a site visit on 15 July 2021, and confirmed that an application for an amendment of the NEMA Environmental Authorisation will be required, but also confirmed that no new listed activities that will require a new Basic Assessment, are triggered.

14. CHARACTER OF THE AREA

(Error! Reference source not found.: Error! Reference source not found.)

The application area is located in the Hartenbos Basin, within the approved urban edge / urban area of Mossel Bay.

The application area borders Monte Christo, and other residential areas in close proximity to the application area include Hartenbos Landgoed, Oewerstroomb; Hartenbos Heuwels; Hartland and Sonskynvallei.

The proposed densification will not have any negative impacts on the character of the area.

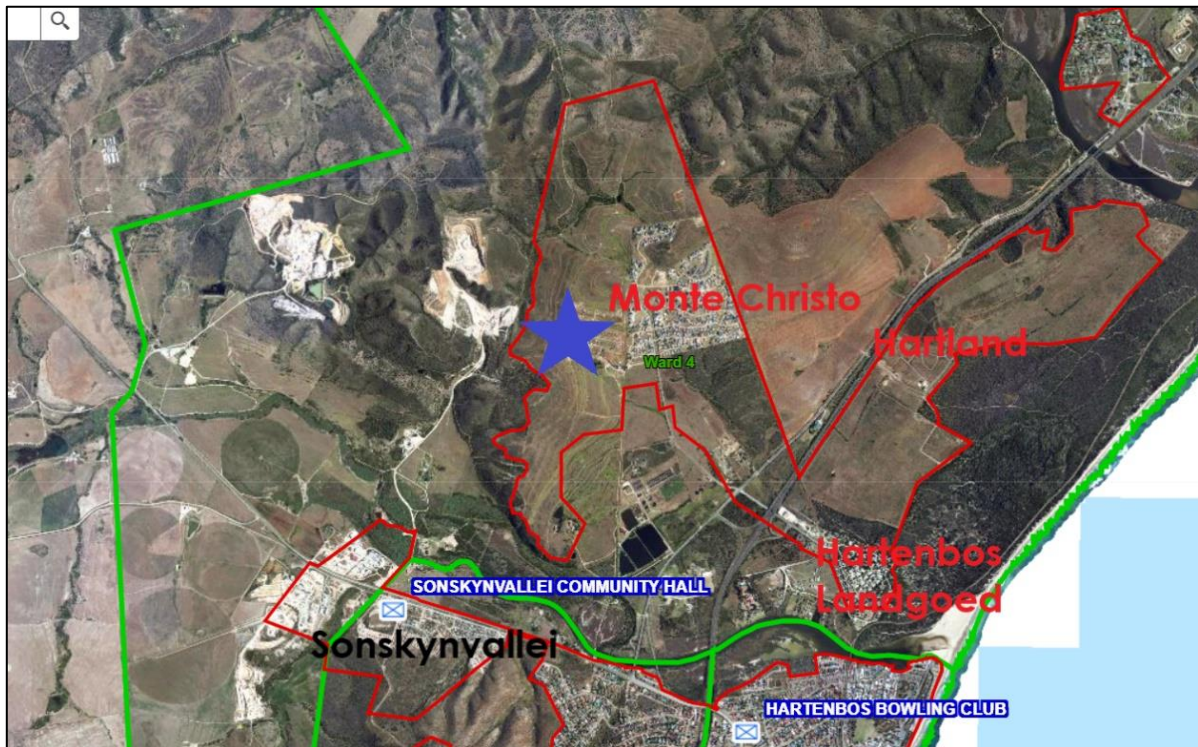


FIGURE 18: CHARACTER OF THE AREA

15. EXISTING POLICY FRAMEWORKS

15.1. National Development Plan

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.

The National Development Plan is a broad strategic framework. It sets out a coherent and holistic approach to confronting poverty and inequality based on the six focused, interlinked priorities summarised below:

- Building Safer Communities
- Environmental Sustainability
- Faster and inclusive economic rural and urban economic growth
- Economic infrastructure
- Promoting Health
- Transforming human settlements and urban space economy.

The National development plan is divided into 15 chapters which outlines the objectives and actions necessary to achieve the overall vision for South Africa by 2030: The following policies have been identified have a bearing on the proposed development.

NDP Chapter 3 – (Economy and Employment)

The following economic development policies are proposed that focus on removing the most pressing constraints on growth, investment and job creation, including energy generation and distribution and urban planning. These policies include the following:

- Promote Private Investment- Private Investment is linked with improved condition as a result of policy certainty, infrastructure delivery, and efficiency of public services which will improve quality of labour in surrounding areas.
- Improve spatial dynamics and rural employment- Encourage development close to rural townships. Rural economies will be activated through stimulation of agriculture and tourism investment.
- Establish economic and growth clusters – firm decisions need to be taken on sectors which could serve as platforms to launch new growth trajectories.
- Establish Tourism Clusters- Increase number of tourists entering the country and increase the average amount of money spent in regional economy.
- South Africa can do more to develop regions as international tourist destination by empowering the broader diversity and range of tourism destinations.

NDP Chapter 5 – (Environmental Sustainability)

The following guiding principles are defined for the transition of all aspects from policy to process to action. Focus should be put in place to establish regulatory framework for proposed land uses, to ensure the conservation and restoration of the natural environment. These guidelines include the following:

- Strategic Planning – Apply a systems perspective, while ensuring an approach that is dynamic, with flexibility and responsiveness to emerging risk and opportunity, and effective management trade-offs.
- Transformative approach- Address all aspects of the current economy and society requiring amongst others visionary thinking and innovative planning.
- Manage transition – build on existing process to attain gradual change and phased transition.
- Opportunity focus – for business growth, competitiveness and employment creation, that will contribute to equality and prosperity.
- Full cost accounting – Internalise externalities through full cost accounting.

- Effective participation of social partners – Be aware of mutual responsibilities, engage on differences, seek consensus and exact compromise.

NDP Chapter 8 – (Transforming Human Settlement and the National Space Economy)

Provincial Land use management systems overlap with local municipalities creating confusion and conflict. Provincial governments overseeing key economic activities such as agriculture tourism environmental management.

Spatial developments should conform to the following normative principles and should explicitly indicate how they would meet the requirements of these principles. These principles are directly related to Section 42 of the Spatial Planning and Land Use Management Act 16 of 2013 which will be implemented as the primary spatial and Land Use Management legislation on the 1st of July 2015. These principles include:

NORMATIVE PRINCIPLES FOR SPATIAL PLANNING	
PRINCIPLE	DESCRIPTION
Spatial justice	The historic policy of confining particular groups to limited space, as in ghettoization and segregation, and the unfair allocation of public resources between areas, must be reversed to ensure that the needs of the poor are addressed first rather than last.
Spatial sustainability	Sustainable patterns of consumption and production should be supported, and ways of living promoted that do not damage the natural environment.
Spatial resilience	Vulnerability to environmental degradation, resource scarcity and climatic shocks must be reduced. Ecological systems should be protected and replenished.
Spatial quality	The aesthetic and functional features of housing and the built environment need to be improved to create liveable, vibrant and valued places that allow for access and inclusion of people with disabilities.
Spatial efficiency	Productive activity and jobs should be supported, and burdens on business minimised. Efficient commuting patterns and circulation of goods and services should be encouraged, with regulatory procedures that do not impose unnecessary costs on development.

Policies relating to housing & densification in the NDP:

- Promote **mixed housing** strategies and more **compact urban development** to help people access public spaces and facilities, state agencies, and work and business opportunities.
- New spatial norms and standards – **densifying cities**, improving transport, locating jobs where people live, upgrading informal settlements and **fixing housing market gaps**.
- Develop a strategy for **densification of cities** and resource allocation to **promote better located housing** and settlements.

15.2. Western Cape Provincial SDF (2014)

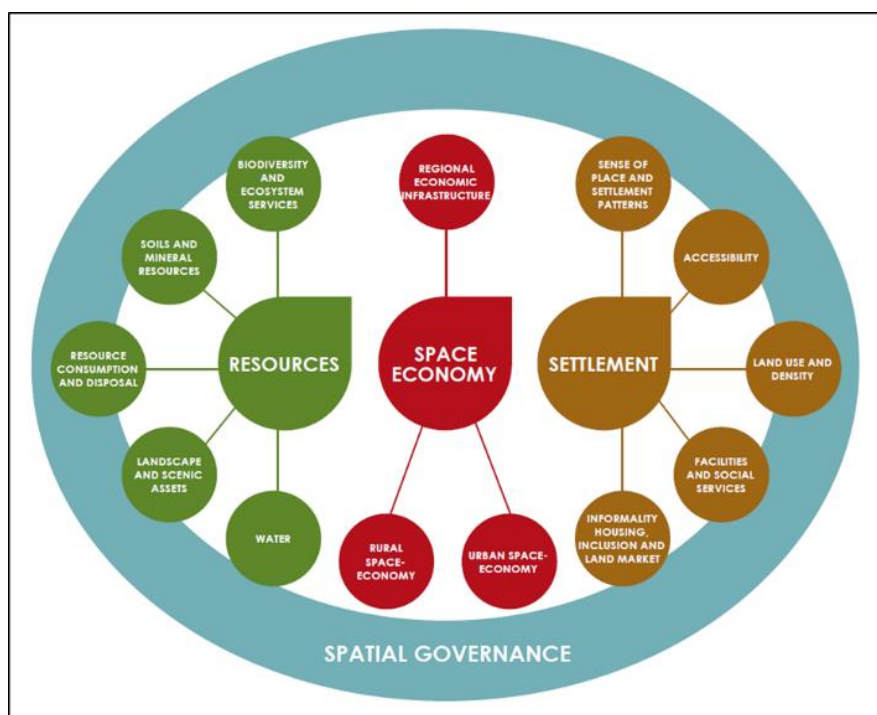
The Western Cape Provincial SDF was approved in 2014 by the Western Cape parliament and serves as strategic spatial planning policy that “communicates the provinces spatial planning agenda”.

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.

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

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

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



POLICY R1: PROTECT BIODIVERSITY & ECOSYSTEM SERVICES

This policy reflects on securing fragmental natural habitats, it is necessary to prevent further intrusion of agricultural activity or urban expansion into key Critical Biodiversity Areas and

ecological support areas. This policy helps to prevent any development in these unique environments, to preserve and protect the natural habitat.

This development realises the importance of the environment and did take into account the CBA areas and all other sensitive areas, the proposed development strives to be as sustainable and eco-sensitive as possible. The proposed layout of the development, stayed clear on the protected areas, thus indicating the commitment of the development to comply with any environmental constraints.

POLICY E3: REVITALISE & STRENGTHEN URBAN SPACE-ECONOMIES AS THE ENGINE OF GROWTH

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

7. Incentives should be put in place to attract economic activities close to dormitory residential areas, facilitate brownfields development.

POLICY S3: ENSURE COMPACT, BALANCED & STRATEGICALLY ALIGNED ACTIVITIES & LAND USES

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

Promoting functional integration and mix land use to increase liability of urban areas. Thus, the policy specifies the importance to- increase density of settlements and number of units in new housing projects; continue to deliver public investment to meet the needs in settlement developments; integrate packages of land, infrastructure and services as critical to promote densification and efficiency associated with agglomeration.

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

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

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

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

The proposed residential development will definitely increase the density of the area, which will ensure the sufficient use of municipal service infrastructure. The residential development

also aims to provide a mixture of housing opportunities, which allows buying opportunities to various income groups.

Planning Implication:

The Western Cape Spatial Development framework has a strong emphasis on revitalising urban spaces creating an urban living environment which is more convenient, efficient and aesthetically pleasing to residents. The proposal is consistent with strategic objectives as set out by the Western Cape Spatial Development Framework, for the following reasons:

- *The development proposal will comply with the Western Cape Spatial Development Framework as the proposed residential development contribute to the regeneration and revitalisation of urban economies.*
- *The development proposal ensures densification and contribute to infill development.*
- *The proposed development is on a vacant site, thus contributing to infill development and it will be strengthening the character of the area by contributing to an existing residential neighbourhood.*
- *The residential development will contribute to the integrated living environment which is strategically aligned with the surrounding land uses of the residential neighbourhood.*
- *The proposal promotes smart growth, by ensuring the efficient use of land and infrastructure by containing urban sprawl and prioritising infill, intensification and redevelopment within settlements.*
- *The development is a private-sector development, which will help to provide a housing opportunity and expand the housing delivery options.*
- *The proposed development accommodates a mixture of land uses and upon operation of all the tourism related uses it will attract new economic activities within the established neighbourhood contributing to a functional and urban integrated living environment which is strategically aligned with the surrounding land uses of the residential neighbourhood.*
- *It should further be noted that in the original Environmental Authorisation, the Provincial Government recommended a higher residential density for the proposed development. It is therefore the considered opinion, that this densification proposal of an approved development, is consistent with the WCPSDF.*

15.3. Eden Spatial Development Framework (2017)

The Eden District Spatial Development Framework was approved in 2017 and aims to establish a strong strategic direction and vision, towards increasing levels of detail in the spatial recommendations that are directive rather than prescriptive and providing guidance to local municipalities in the District regarding future spatial planning, strategic decision-making and regional integration.

This vision and strategic direction identify the four key drivers of spatial change within the District. These drivers are defined in terms of spatial legacies, current challenges, future risks and prospects. The four drivers of change around which this SDF are framed are:

Strategy 1: The economy is the environment; a strategy founded on the principle that a sustainable economy in Eden District is an economy that is positioned for growth.

Strategy 2: Regional accessibility for inclusive growth; a strategy that is based on the notion that improved regional accessibility is essential to achieving inclusive growth

Strategy 3: Coordinated growth management for financial sustainability; a strategy informed by the realities of global fiscal austerity and the need for responsible growth management that does more with less to secure future social and economic resilience.

Strategy 4: Planning, budgeting and managing as one government, this strategy highlights that real intergovernmental cooperation is essential to achieving the spatial transformation goals of SPLUMA and the three spatial strategies above.

These strategies lie at the heart of this SDF and the problem statement, spatial concept, spatial proposals and implementation are organised around these directives.

The following Spatial Policy Statements & Guidelines are applicable to the proposed land development planning application:

The Garden Route SDF specifically states that *"...A pattern of urban sprawl along the coastline in Mossel Bay has heavily eroded the natural scenic qualities of this portion of the Garden Route. A pattern of unconsolidated urban growth resulting in continuous development along the coastline and abutting riverine corridors and estuaries will ultimately destroying and terminating the integrity of this landscape by negatively affecting visual linkages with the coastline..... Therefore **adhering to a more compact urban growth scenario** and restricting any future development within the Coastal Management line will have a minimal impact on the significance of the cultural landscape..."*

The following Spatial Policy Statements & Guidelines are applicable to the proposed land development planning application:

Strategy: Sustainable Growth Management	
Policy 3.1. Direct and encourage growth to match capacity, resources and opportunity in relation to the regional socio-economic hierarchy of cities and towns.	
Guideline 3.1.1. Align growth with infrastructure and fiscal capacity	Compliance
Direct and encourage growth to match capacity, resources, and opportunity in relation to the regional socio-economic hierarchy of cities and towns.	<ul style="list-style-type: none"> ▪ <i>The development will contribute to a more intensified use of the land making optimal use of the available municipal infrastructure.</i> ▪ <i>The proposal intends to cater for a range of income-groups; first-time-buyer, small families, and large families.</i>

	<ul style="list-style-type: none"> ▪ <i>There is sufficient services capacity to allow the proposed amended residential development.</i> ▪ <i>Strengthens Mossel Bay's role as an Economic / industrial hub along the N2</i>
Guideline 3.1.3. Role and investment focus of specialised coastal centres	Compliance
<p>These urban centres have a special function (often tourism related), as well as important roles in servicing the surrounding areas and rural settlements. They should be complete settlements. Complete settlements aim to improve standards of living and social inclusion.</p> <p>Investment in these areas should prioritise achieving a balanced mix of uses, economic activities, socio-economic groups and services.</p>	<ul style="list-style-type: none"> ▪ <i>The proposal intends to cater for a range of income-groups; first-time-buyer, small families and large families, seeking a rural lifestyle in an agricultural environment.</i> ▪ <i>This unique residential development and tourism uses will attract numerous investors and visitors, contributing to the development and the economical income of Mossel Bay.</i> ▪ <i>It also provides the employment opportunities to several professional people and local people.</i>
Policy 3.3. Optimise existing infrastructure capacity and economic opportunity by directing mixed use, higher density development to areas of opportunity.	
Guideline 3.3.9. Ensure the development of strong resilient towns and places	Compliance
<p>The SDF promotes a considered approach to investment in settlement and growth management that directs new investment towards the establishment of appropriate urban form.</p> <p>A regional settlement hierarchy and framework for accommodating growth has been established in relation to infrastructure, economic and institutional capacity.</p> <p>Growth must be encouraged in towns that have economic, spatial and social capacity to ensure fiscal sustainability.</p>	<ul style="list-style-type: none"> ▪ <i>The application area is within the urban edge and it could be regarded as infill development.</i> ▪ <i>The property is surrounded by urban development, with existing services infrastructure connection points. The proposal is on a brownfield site.</i> ▪ <i>Sufficient infrastructure capacity is available to accommodate the proposed development.</i> ▪ <i>The proposed development will attract local and international investors, that will contribute to the general expenditure in the area.</i>

15.4. Mossel Bay Municipality Spatial Development Framework (2018)

The Mossel Bay Municipality has adopted and implemented a new Spatial Development Framework during (2018).

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 **inside the urban edge** for Mossel Bay and the existing approved development rights are acknowledged.

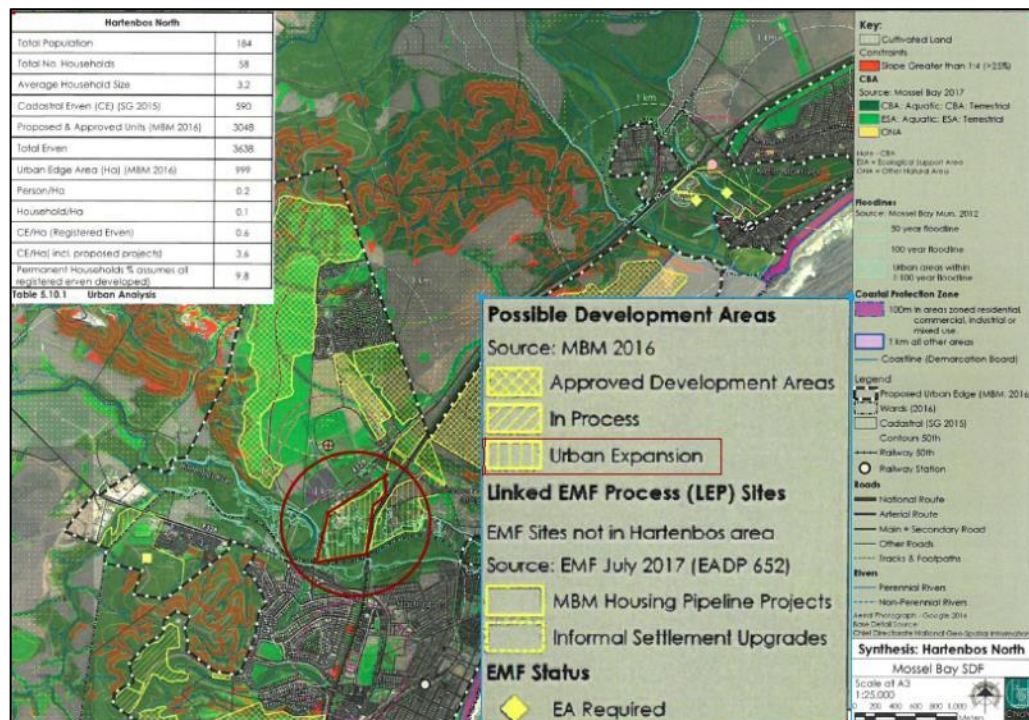


FIGURE 19: EXTRACT OF THE MOSSEL BAY SDF (2018)

The SDF elaborates that no further urban development should be encouraged other than the new development areas identified in the SDF.

Planning Implication

The proposed densification of the Outeniquasbosch Wildlife Village is clearly consistent with the Mossel Bay SDF as the property is earmarked for urban expansion.

15.5. Hartenbos River Basin Precinct Plan (2018)

The Hartenbos River Basin Plan earmarks the application area as an approved development area.

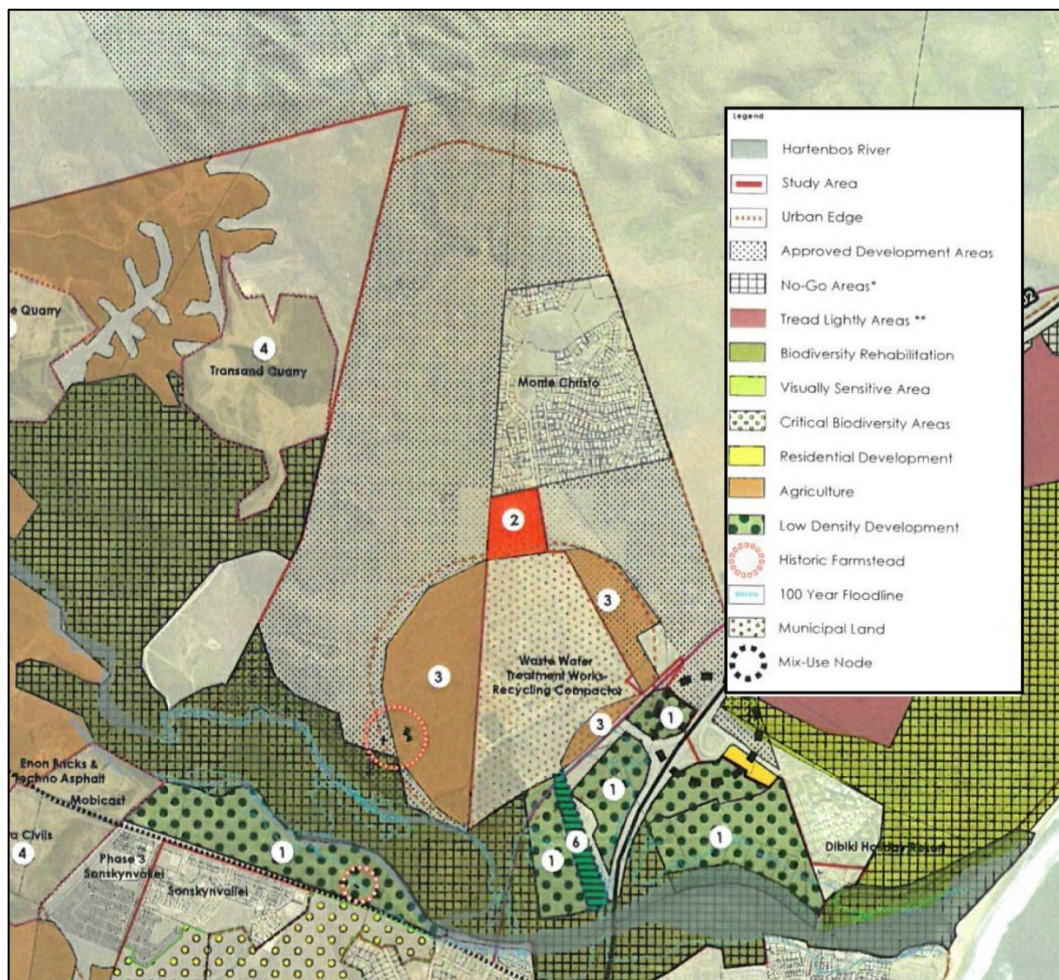


FIGURE 20: EXTRACT OF THE HARTENBOS RIVER BASIN PRECINCT PLAN (2018)

The proposed tourist facilities / uses are consistent with the Hartenbos River Basin Plan as this precinct plans also earmarks the application area as low density/tourist facilities.

15.6. Mossel Bay Municipality: Integrated Development Plan (2017-2022)

The Integrated Development Plan (2017-2022) is the fourth-generation of strategic development plans adopted and implemented by this Municipality. This IDP serves as an enabler for mutual accountability towards the attainment of the agreed development priorities, hence it constitutes a social contract between the Council and residents of the greater Mossel Bay. It is therefore one of the most critical plans in ensuring equitable distribution of municipal resources and seamless development of infrastructure and upliftment of all communities.

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

Key Performance Areas (KPA'S) and Strategic Objectives applicable to area is listed below:

KEY PERFORMANCE AREA	BASIC SERVICES DELIVERY AND INFRASTRUCTURE DEVELOPMENT
STRATEGIC OBJECTIVES	FOCUS AREA
<p style="text-align: center;">SO 1</p> <p style="text-align: center;">Create an inclusive, responsive, and healthy environment conducive for living and sustainable growth</p>	<ul style="list-style-type: none"> • Water provision • Sewerage and Sanitation Services • Household Electricity and lighting • Housing and Serviced Site Opportunities • Provide Public Transport and Road Infrastructure Solid Waste Management
STRATEGIC OBJECTIVES	FOCUS AREA
<p style="text-align: center;">SO 5</p> <p style="text-align: center;">To provide recreational facilities and opportunities and programmes aimed to facilitate and promote community development and social cohesion</p>	<ul style="list-style-type: none"> • Social Development • Rural Development • Youth Development • Library Services • Facilities Management • Sport and Recreation
<p style="text-align: center;">SO 6</p> <p style="text-align: center;">To facilitate economic and tourism development to the benefit of the town and all residents</p>	<ul style="list-style-type: none"> • Red-Tape Reduction • SMME Development • Tourism Development • Manage and Maintain Caravan Parks and Beaches

The IDP identifies 9 Key Performance Areas of which the above-mentioned strategic objectives are applicable to the proposed application. This will be a major tourist attraction and will attract people from all over the Garden Route. There aren't many of the proposed activities available and therefore this will be successful. This proposal will especially attract the youth, as it offers outdoor adventure activities.

According to the IDP the application area is located in WARD 4. The following development need/priorities are listed for Ward 4:

	STRENGTHS	WEAKNESSES	OPPORTUNITIES	THREATS
SOCIAL	<ul style="list-style-type: none"> Community Halls Churches Sports Facilities Schools 	<ul style="list-style-type: none"> Staff Shortage Brandwacht clinic No Day Care Centre Brandwacht No Recreational Facilities for Senior Citizens Degeneration of Sport Facilities 	<ul style="list-style-type: none"> Extent Library in Great Brak River Parking at Sport Facilities Extent Brandwacht Clinic 	<ul style="list-style-type: none"> Social Ills School Drop Out Low Literacy Levels
BASIC SERVICES	<ul style="list-style-type: none"> Good Basic Service Delivery standard Indigent Subsidy Free 20 KWH Electricity 	<ul style="list-style-type: none"> Bad Tar Road Surface Gravel roads in Bad Condition No Parking Near to Businesses Ageing Infrastructure Water Electricity SANRAL Roads Condition 	<ul style="list-style-type: none"> Enhance Recycling Refuse Drop-Off Sites Resealing of Roads Upgrade Ageing Infrastructure 	<ul style="list-style-type: none"> Long and unexpected service interruptions due to ageing infrastructure
SAFETY	<ul style="list-style-type: none"> SAPS Station Neighbourhood Watch Great Brak Street Lighting 	<ul style="list-style-type: none"> Road Marking not Visible No Mobile Police Service Brandwacht SAPS and Neighbourhood Watch Communication 	<ul style="list-style-type: none"> Upgrade Road Markings Improve Street Lighting Ambulance Service Great Brak River Security Surveillance System 	<ul style="list-style-type: none"> Ambulance Response Time Accidents
ENVIRONMENT	<ul style="list-style-type: none"> Natural Scenery Little Brak River Estuary Good Bulk Infrastructure Blue Flag beaches 	<ul style="list-style-type: none"> Bad Lighting from Hartenbos River to Hartenbos Estate Effluent Water Discharge in Hartenbos River 	<ul style="list-style-type: none"> Beautify Great Brak Entrance with Mossel Bay Emblem (Flags) Golf Driving Range (Great Brak) Beautification of a Green Strip next to Railway in Klein Brak River Cleaning of beaches Boat slipway Klein Brak River 	<ul style="list-style-type: none"> Flooding Pollution of river estuaries Management of nature reserve
ECONOMIC	<ul style="list-style-type: none"> Blue flag beaches Tourism Potential Business / Economic Hub 	<ul style="list-style-type: none"> No Tourism Information Boards Entrance in Lang Street No Mossel Bay Emblem Limited Economic Activity Brandwacht 	<ul style="list-style-type: none"> Improve customer service Great Brak River Flea Market 	<ul style="list-style-type: none"> Limited land for Business Development

FIGURE 21: DEVELOPMENT NEED/PRIORITY – WARD 4 (IDP)

Apart from being located in WARD 4; the proposed densification does not fall within the ambit of social and infrastructure development needs highlighted for Grootbrak and Brandwag in Ward 4.

SECTION D :**MOTIVATION**

The Standard By-Law on Municipal Planning as promulgated by G.N 7473 dated 21 August 2015 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;
- 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.

16. 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.

16.1. Development Principles

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

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

Par. 24 of this report indicates how this proposal is consistent with these principles.

17. CONSISTENCY WITH SPATIAL POLICY DIRECTIVES

As described in Par. 15 of this report, the proposal is consistent with the relevant spatial planning policies, applicable to this area.

18. NO VISUAL & AESTHETIC IMPACT

The statement from Hilland Environmental (***ANNEXURE N***), confirms that:

The Visual assessment and determination of ridge lines was done as part of the original EIA and informed the development layout and nodes for development. The densification within the nodes will not impact on this visual assessment and there is no encroachment onto the ridgeline as defined and accepted in the EIA and EA.

Also, *Figure 5*: Phase 4 Comparison in this report, clearly shows that the densification of the existing, approved development nodes, will have an insignificant visual impact on the surrounding area.

The figure below shows the proposed storage as seen from Hartenbos Heuwels, as well as seen from the Helicopter landing site to the south of the Outeniquasbosch Wildlife Village. Since the

height of the storage units will be limited to a height of a residential dwelling, the proposal will have an insignificant visual impact on the surrounding area.



FIGURE 22: THE SITE AS SEEN FROM HARTENBOS HEUWELS

19. NO IMPACT ON EXISTING RIGHTS

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

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

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

The proposed densification will not have any impacts on the rights of surrounding residents. It is therefore the considered opinion that the proposed densification will not impact negatively on any existing land use rights.

20. CONSISTENCY WITH THE CHARACTER OF THE SURROUNDING AREA

The application area is located inside the demarcated urban edge; and the site is surrounded by urban development. The proposal is consistent with the character of the area for the following reasons:

- It contains single residential and group housing units surrounded by private open space.
- The density of the proposed development will be consistent with the density and character of surrounding developments.

- The proposed development can be regarded as “infill” development that is consistent with the character of the surrounding area.

The proposal to allow a residential development (of appropriate scale) is considered highly consistent with the existing character of the area.

21. SOCIO-ECONOMIC IMPACT

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

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

22. NO NEGATIVE ENVIRONMENTAL IMPACT

The subject properties have a valid Environmental Authorisation - Record of Decision issued by the Appeals unit of the Minister of the Department of Environmental Affairs and Development Planning during 2014.

The development areas were identified as suitable for development while the sensitive areas were set aside for conservation. The proposed densification will be contained to within existing approved development footprints.

It should be noted that **HilLand Environmental** has been appointed to apply for the amendment of the NEMA Environmental Authorisation, in order to be in line with the revised development proposal.

23. AVAILABILITY OF SERVICES

The various specialist reports have concluded that there is sufficient service capacity to allow the proposed development, in fact, the amended proposal will have a lower bulk services requirement than the current approved development.

Any additional infrastructure required to accommodate the service capacity of the proposed development will be at the cost of the developer.

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

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

Section 59 of this Act prescribe the Land Use Planning Principles that are applicable to all land development in the Province. These are summarised in the tables below.

The tables below aim to summarise how the proposed development on the application area complies with these planning principles.

24.1. Spatial Justice

Criteria	Compliance	Planning Implication
Past spatial and other development imbalances must be redressed through improved access to and use of land.	COMPLY	<ul style="list-style-type: none"> Proposed development will result in more integrated housing development as more smaller and affordable housing will be provided within the formally exclusive high-income housing area.
Spatial development frameworks and policies at all spheres of government must address the inclusion of persons and areas that were previously excluded, with an emphasis on informal settlements, former homeland areas and areas characterised by widespread poverty and deprivation.	Not applicable	<ul style="list-style-type: none"> This policy is not applicable to the application area. Not a Spatial Development Framework or Policy.
Spatial planning mechanisms, including land use schemes, must incorporate provisions that enable redress in access to land by disadvantaged communities and persons.	Not applicable	<ul style="list-style-type: none"> This policy is not applicable to the application area.
Land use management systems should include all areas of a municipality and specifically include provisions that are flexible and appropriate for the	Not applicable	<ul style="list-style-type: none"> This policy is not applicable to the application area.

Criteria	Compliance	Planning Implication
management of disadvantaged areas and informal settlements.		
Land development procedures must include provisions that accommodate access to, and facilitation of, security of tenure and the incremental upgrading of informal areas.	Not applicable	<ul style="list-style-type: none"> The municipality should process this application within the prescribed guidelines of the Land Use Planning By-Law for Mossel Bay Municipality, 2015.
A competent authority contemplated in this Act or other relevant authority considering an application before it, may not be impeded or restricted in the exercise of its discretion solely on the ground that the value of land or property will be affected by the outcome of the application.	COMPLY	<ul style="list-style-type: none"> The municipality should process this application within the prescribed guidelines of the Land Use Planning By-Law for Mossel Bay Municipality, 2015.
The right of owners to develop land in accordance with current use rights should be recognised.	Not applicable	<ul style="list-style-type: none"> This policy is not applicable to the application area, as the proposal is not to implement the existing rights.

24.2. Spatial Sustainability

Criteria	Compliance	Planning Implication
Promote land development that is spatially compact, resource-frugal and within the fiscal, institutional and administrative means of the relevant competent authority in terms of this Act or other relevant authority;	COMPLY	<ul style="list-style-type: none"> The proposed development can be regarded as infill development, hence spatially compact development for Mossel Bay. The proposal will contribute to additional capital income for the municipality. The amended development proposal will result in a more compact, nodal group housing development, with larger, communal open spaces.
Ensure that special consideration is given to the protection of prime, unique and high potential agricultural land.	Not applicable	<ul style="list-style-type: none"> Not applicable, as no longer agricultural land.
Uphold consistency of land use measures in accordance with environmental management instruments.	COMPLY	<ul style="list-style-type: none"> There is an existing Environmental Authorisation in place, for this property. Currently busy with an amendment to the environmental authorisation.

Criteria	Compliance	Planning Implication
Promote and stimulate the effective and equitable functioning of land markets.	COMPLY	<ul style="list-style-type: none"> ▪ <i>The properties in the surrounding area which consist of a diverse group of land uses.</i> ▪ <i>Development is occurring in the area and change of land use is not an irregular occurrence.</i> ▪ <i>The proposal to rezone will not influence the functioning of the land markets in the area.</i> ▪ <i>The proposal will provide a range of housing opportunities, supporting the functioning of land markets in the area.</i> ▪ <i>The proposed agri-hood will not be in "competition" to any of the surrounding residential developments in the area, in fact, it will enhance the area, thereby increasing the value of the surrounding properties.</i>
Consider all current and future costs to all parties for the provision of infrastructure and social services in land developments.	COMPLY	<ul style="list-style-type: none"> ▪ <i>Any service upgrades at the cost of the applicant.</i> ▪ <i>The proposed agri-hood will result in more community amenities and facilities in an otherwise "dormitory" residential neighbourhood, thereby reducing some social costs for the applicable authority.</i>
Promote land development in locations that are sustainable and limit urban sprawl.	COMPLY	<ul style="list-style-type: none"> ▪ <i>The application area is located within the urban edge of Mossel Bay, on land that has been previously approved for development purposes.</i> ▪ <i>The Mossel Bay Spatial Planning policies, promote higher density and more compact spatial developments.</i>
Result in communities that are viable.	COMPLY	<ul style="list-style-type: none"> ▪ <i>The proposed development will result in additional rate payers that will support the existing retail businesses in town.</i> ▪ <i>The proposed development will create additional temporary and permanent employment opportunities for the area.</i> ▪ <i>Various recreational and community services are proposed within this proposed development. Therefore, the proposed development will result in the creation of a viable community.</i>
Strive to ensure that the basic needs of all citizens are met in an affordable way.	Not Applicable	<ul style="list-style-type: none"> ▪ <i>This principle is not applicable to the applicant or this development.</i>
The sustained protection of the environment should be ensured.	COMPLY	<ul style="list-style-type: none"> ▪ <i>There is an existing environmental authorisation in place for this proposed development.</i> ▪ <i>Currently busy with an amendment to the environmental authorisation.</i>

24.3. Spatial Efficiency

Criteria	Compliance	Planning Implication
Land development should optimise the use of existing resources, infrastructure, agriculture, land, minerals and facilities.	COMPLY	<ul style="list-style-type: none"> Given the strategic location of the application area, the proposed development will support the existing community uses and business activities in the area.
Integrated cities and towns should be developed.	COMPLY	<ul style="list-style-type: none"> The area is characterised by mixed uses, community uses and business uses. The proposed use will support these uses, and further support the existing mixed uses, thereby supporting the integration of various uses in town. The proposal will provide a range of housing opportunities for the retired community, together with recreational and caring facilities, resulting in the creation of an integrated village.
Policy, administrative practice and legislation should promote speedy land development.	Not Applicable	<ul style="list-style-type: none"> The municipality should process this application within the prescribed time frames of the Mossel Bay Municipality By-law on Municipal Land Use Planning, 2015.

24.4. Spatial Resilience

Criteria	Compliance	Planning Implication
Flexibility in spatial plans, policies and land use management systems are accommodated to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks.	COMPLY	<ul style="list-style-type: none"> The proposal is in line with all the various spatial plans, zoning scheme and policies, as motivated by the report. It will have no negative impact on the livelihood of the community. The proposal will uplift the community. The proposed application complies with the requirements of the Mossel Bay Municipality By-Law on Municipal Land Use Planning (2015).

24.5. Good Administration

Criteria	Compliance	Planning Implication
All spheres of government should ensure an integrated approach to land use planning.	Applicable to Mossel Bay Municipality	<ul style="list-style-type: none"> 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.
All government departments must provide their sector inputs and comply with any		

Criteria	Compliance	Planning Implication
<p>other statutory requirements during the preparation or amendment of spatial development frameworks.</p>		<ul style="list-style-type: none"> ▪ <i>What is however important is that all decision making is aligned with sound policies based on nation, provincial and local development policies.</i>
<p>The requirements of any law relating to land development and land use must be met timeously.</p>		
<p>The preparation and amendment of spatial plans, policy, zoning schemes and procedures for land development and land use applications, should include transparent processes of public participation that afford all parties the opportunity to provide inputs on matters affecting them.</p>		
<p>The legislation, procedures and administrative practice relating to land development should be clear, promote predictability, trust and acceptance in order to inform and empower members of the public.</p>		
<p>A spatial development framework, zoning scheme or policy should be developed in phases and each phase in the development thereof should include consultation with the public and relevant organs of state and should be endorsed by the relevant competent authority.</p>		
<p>Decision-making procedures should be designed to minimise negative financial, social, economic or environmental impacts.</p>		
<p>Development application procedures should be efficient and streamlined and timeframes should be adhered to by all parties.</p>		

Criteria	Compliance	Planning Implication
Decision-making in all spheres of government should be guided by and give effect to statutory land use planning systems.		

25. CONCLUSION

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

- (iii) The rezoning of Remainder of the Farm Outeniquasbosch Park No 428, to “Subdivisional Area”, in terms of in terms of Section 15(2)(a) of the Mossel Bay Municipality By-Law on Municipal Land Use Planning (2015).
- (iv) The phased Subdivision of Remainder of the Farm Outeniquasbosch Park No 428, in terms of in terms of Section 15(2)(d) of the Mossel Bay Municipality By-Law on Municipal Land Use Planning (2016), to allow:
 - 249 x Single Residential Zone I erven;
 - 173 x General Residential Zone I erven;
 - 1 x General Residential Zone V erf;
 - 42 x Resort Zone II erven;
 - 2 x Business Zone II erven;
 - 2 x Utility Zone erven;
 - 1 x Community Zone I erf;
 - 1 x Industrial Zone I erf;
 - Private Open Spaces & Roads

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

Marika Vreken Urban and Environmental Planners
October 2021

