# PLANNING STATEMENT FOR ERF 12459, MOSSEL BAY HARBOUR, MOSSEL BAY MUNICIPALITY AND DIVISION



FOR: AFROFISHING (PTY) LTD



URBAN & REGIONAL PLANNERS

DEVELOPMENT ENVIRONMENT LINK

# PROPOSED CONSENT USE & DEPARTURE APPLICATION FOR A PORTION OF ERF 12459, MOSSEL BAY HARBOUR, MOSSEL BAY MUNICIPALITY AND DIVISION

#### 1. BACKGROUND

The harbour of Mossel Bay is a remarkable element of the town. If the history of the harbour is studied, it can be noticed that the development of the last-mentioned town grew rapidly around the harbour since it acts as a major influencer for economic development, tourism development and job creation.

Thus, the future development of the harbour can play a significant role in the future development of Mossel Bay. Afro Fishing (PTY) LTD envisions an investment of between R300 and R350 million in this project. The investment will expand Afro Fishing into other fisheries, namely anchovy, sardinella and red-eye herring.

#### 2. INTRODUCTION

DELplan Consulting was appointed by Afrofishing (PTY) LTD, the lessee of a portion of Erf 12459, Mossel Bay, referred hereafter as the "subject property", to prepare the required planning statement for the proposed development.

The cadastral land unit subject to this application is as follows:

• The Erf 12459, Mossel Bay, Mossel Bay District and Municipality. Located at 34°10'47.8"S 22°08'56.9"E

#### 2.2 Title deed

The Title Deed T66241/1993 indicates that Erf 12459, Mossel Bay is registered in the name of *Transnet Limited*. The last-mentioned deed describes that the subject property is 11.14 ha in extent. The SG Diagram and Title Deed are attached to this statement. Currently, Afrofishing (PTY) LTD has a lease agreement with Transnet.

The Title Deed has been scrutinized and the deed does not have any restrictive conditions that will prohibit the proposed consent use from happening.

#### 2.3 Land Use Application

• <u>Consent use</u> in terms of Section 15(2) (o) of the Mossel Bay Municipality: Land Use Planning By-Law (2015) of **Erf 12459**, **Mossel Bay**, to accommodate an industry on Erf 12459, Mossel Bay (Zoned as Transport Zone I).



• Approval of the SDP in terms of Section 15(2) (I) of the Mossel Bay Municipality: Land Use Planning By-Law (2015).

#### 3. CONTEXTUAL INFORMATION

# 3.1 The locality of the subject property

Figure 1 below indicates the subject property, in relation to Mossel Bay. Figure 2 supplies a closer look at the subject property and surrounding area.



**Figure 1:** The location of the subject property in relation to Mossel Bay and major roads (Source: Cape Farm Mapper, 2019).



**Figure 2:** An extract of satellite imagery (Source: Cape Farm Mapper, 2018) of the subject properties (indicated in red) together with the immediately surrounding land uses.



No significant historic buildings, ruins, gravesites or any other heritage-related activities and objects are evident within the landscape. A locality plan is attached to this report.

### 3.2 Existing Land Uses and Character of the Area

Afrofishing's current factory was developed on the subject property. The last-mentioned company want to expand the current factory to include fish meal and oil reduction processes on the current footprint.

It can be noticed that the development of the Mossel Bay Harbour created opportunities for businesses and industrial businesses to be developed contiguous to the subject property. Thus, it can be argued that the development of the harbour triggered certain business opportunities and the end result was that the character of the area changed into a mixed-use area. The zoning map below illustrates and strengthens this argument.

The area surrounding the proposed development is characterized by medium- to high-density residential developments, industrial properties, tourism facilities and businesses. It can be argued that the harbour area was initially developed for transport purposes (with ancillary uses), but over time residential developments developed around the subject property due to the unique location.



Figure 3: The subject property together with the immediately surrounding zonings.

The consent use for the extended lease area will not have a visual impact and will not change the sense of place of the harbour as only a portion of the subject property will be transformed into an industrial area. Thus, the proposed development will not disrupt the character of the area.



## 3.3 Zoning

The zoning of the subject property according to the Mossel Bay Integrated Zoning Scheme By-Law is "Transport Zone I: Transport Use".

"Transport Zone I: Transport Use" has a secondary right, namely Industry (Industrial Zone II). The definition of an Industry is as follows: "Industry" means a property used as a factory and in which an article or part of the article is made, manufactured, produced, built, assembled, compiled, printed, ornamented, processed, treated, adapted, repaired, renovated, rebuilt, altered, painted (including spray painting), polished, finished, cleaned, dyed, washed, broken up, disassembled, sorted, packed, chilled, frozen or stored in cold storage; including offices, caretaker's quarters, factory shop or other uses that are subservient and ancillary to the use of the property as a factory;"

This definition does not include a noxious trade or risk activity. The air quality assessment (done by *Lethabo Air Quality Specialists (Pty) Ltd*), however, made recommendations so that odour generation can be reduced substantially by adhering to the recommendations in the report.

The proposal is therefore not a noxious trade and no split zoning is needed. The new section can be handled as a consent use only.

#### 3.4 Site Characteristics

The proposed development is located on the already existing Mossel Bay Harbour. The subject property is mostly associated with harbour activities and ancillary uses.

#### 4. DEVELOPMENT PROPOSAL

#### **4.1 Proposed Development**

This development proposal is for a consent use to allow for an extended portion of the subject property to be utilized as an industrial property. Simultaneously, an application will be launched to approve the site development plan.

The proposed Site Development Plans is attached to this statement.

# 4.2 Accessibility and Parking

The proposed development will get access from the existing road, namely Kloof Street. Parking bays will be provided according to the integrated zoning scheme regulations.



# 4.3 Engineering Services

The property is located in an already developed Mossel Bay Harbour. Thus, the necessary engineering services are available for the proposed development. Where needed upgrades to the services will be done after input from the municipal engineers.

#### 5. RELEVANT SPATIAL PLANNING POLICIES

#### **5.1 Exiting Policy Frameworks**

This section briefly addresses the relevant spatial policy frameworks that provide guidance to development proposals in general and its applicability to this proposed development. These include:

# 5.1.1 Mossel Bay Integrated Development Plan (IDP) (2017/2022)

The IDP is a broad municipal-wide plan. This plan seeks to integrate and balance the economic, ecological and social pillars of sustainability without compromising effective service delivery. The subject property forms part of Ward 8. Various development needs were identified for this ward.

The municipality has identified several key developments as a key intervention to enhance the local economy and has identified the Harbour Development as one of the key developments. The IDP states that the Harbour Development will create economic development and "create an investor-friendly environment by enhancing the tourism value of the Central Business District (CBD)." However, the Harbour Development only focus on the development of the Waterfront and associated businesses and did not promote the development of the existing industrial footprint.

#### <u>Proposed Harbour Development</u>

The IDP supports the harbour development project to its fullest. A CBD and harbour development precinct plan have been adopted in 2013. The Transnet National Ports Authority has approved the proposed harbour developed and is currently soliciting input from all stakeholders through the process of expressions of interest. The figure demonstrates the proposed layout as follows:

- Area 1: Business Waterfront
- Area 2: Business Residential
- Area 3: Corporate Offices
- Area 4: Tourist Trade and Recreation
- Area 5: Commercial Port Authorities





Figure 4: Harbour land use opportunities.

The IDP states "The proposed harbour development will require a joint effort between Transnet National Ports Authorities, the Municipality, Provincial and National Government Authorities, interested private sectors Investors, and the local community of Mossel Bay. The harbour will be reconstructed and expanded in phases to realise the maximum economic benefit and potential for all stakeholders."

The IDP only acknowledge the waterfront and ancillary uses but did not consider the further development of the current harbour with existing buildings. Thus, the proposed development is not in conflict with the IDP (2017-2022).

The proposed expansion of the industrial activities on the harbour should not be hampered by the tourism and business development envisaged and vice versa.

A commercial harbour is primary an industrial land use related to fishing and other land uses.

# 5.1.2 Mossel Bay Municipal Spatial Development Framework (2018)

The approved SDF has developed spatial strategies and supporting policies to support the spatial planning approach to direct and manage development in the Greater Mossel Bay Area and the Mossel Bay city area.

The Mossel Bay SDF (2018) focused on the Waterfront development at the Mossel Bay Harbour. The SDF (2018: p.441) explains that "Mossel Bay port offers the potential for an



attractive seaside waterfront experience within convenient walking distance of the CBD but this is not being realised at present although Transnet has recently produced a plan to upgrade this facility."

The Mossel Bay Harbour has a great potential to utilize the current buildings on the subject property and to develop these buildings to its fullest. The proposed development is an indicator that investors still want to develop the current harbour and expand the ancillary uses.



Figure 5: The location of the lease area (indicated in red) in the MBSDF (2018).

The above figure indicates that the subject property is located in the 100-meter coastal protected zone.

# Opportunities include

"The municipality is extremely fortunate to have these two assets (the CBD and the Mossel Bay Port), particularly if it is to make serious inroads into maximizing business potential and reducing unemployment."

Since the development of the harbour, businesses and industries have developed in and around the harbour. Thus, the expansion of the harbour will exploit business opportunities.

Furthermore, this proposed development will cater for 560 employment opportunities and will reduce the local unemployment rate.

#### Challenges include

"The port vests in National Government creating a challenge in achieving coordination and alignment between these two spheres."



This is not a challenge for the proposed development as the owner has a lease agreement with the Transnet.

#### <u>Urban Development</u>

"The municipality and the Transnet should collaborate on an integrated project that maximises the ports shipping and mixed-use waterfront potential and seamlessly integrates with the CBD."

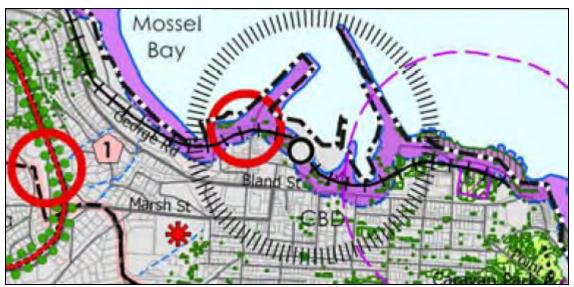


Figure 6: Integrated Port Upgrading with CBD

This proposed development does not adhere to the urban development of Mossel Bay but will maximize the port's shipping which will promote great economic development and job creation for the last-mentioned town. The kind of industry is only suited to be on a harbour and placing it somewhere inland will not be sustainable.

#### **CBD** and Port

- "Incorporate the rail link from Diaz Dustria to the Port."
- "The harbour should be redeveloped with a strong tourist and mixed-use waterfront including berthing cruising ships."

The development of the Mossel Bay Waterfront is a great initiative, but the proposal will take time to develop. The current proposed development will develop the harbour to its fullest and utilize current buildings on the subject property.

It is evident that the proposed development, although not in line with the Waterfront proposal, that it is in line with the MBSDF (2018) as it promotes a necessary economic injection that Mossel Bay needs and provides work opportunities for the locals.



## 5.1.3 Mossel Bay CBD & Harbour Precinct (2013)

The above-mentioned document acknowledges that there are several examples over the globe of harbours that are functioning in economic harmony with the towns, where the natural assets of the area are used to capitalize on its potential. The LSP indicates that the harbour plays a vital role and is a great asset for Mossel Bay. The document mentions that the current harbour must be revitalized and be developed to its fullest.

However, the precinct plan focused more on the development of the Mossel Bay Waterfront and not the expansion of the current harbour facilities and buildings.

As a result, the proposed development is not in conflict with the above-mentioned plan.

#### 5.1.4 National Ports Plan 2015

The above-mentioned document has a new business development envisioned for the harbour. Transnet has identified certain portions of land along the port front earmarked for development. The identified land is currently under the Pre-Feasibility Study which seeks to propose development opportunities for the underutilised land in and around the port, thereby integrating the Mossel Bay Central Business District (CBD) with the port through infrastructure development. The site layout and precincts earmarked for development are shown below in the approved Short-Term Layout plan from 2015.

# <u>Port Development Framework Plans</u>

This section provides the updated present (2017), short- (2017-2023), medium- (2024-2046) and long-term (beyond 2046) Port Development Framework Plans (PDFPs) for the Harbour of Mossel Bay. The changes between the different plans are listed below. Only the short-and long-term proposals are discussed.

The statistics below comprises of all the updates until March 2018. The land-use area of the harbours main activities and cargo types are tabularized on the layouts. Each activity or cargo type is colour-coded and indicated in the legend.



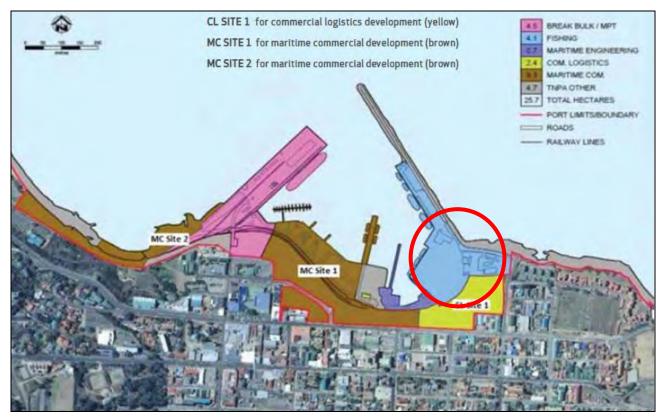


Figure 7: Mossel Bay - Short Term Layout - 2021 (National Ports Plan - 2015)

The NPP (2015) explains that the following changes are foreseen for the short-term layout:

- "Breakbulk storage area increases by 1 ha due to the new proposed port limits.
- The fishing area (2 ha) at Quay 5 converts to maritime commercial. Together with the new proposed port limits the maritime commercial area increases by 6 ha.
- Due to the new proposed port limits, commercial logistics increases to 2 ha."

The planned port layout beyond 2046 is shown in Figure 8 below.





Figure 8: Mossel Bay Long-Term Layout: Beyond 2046 (National Ports Plan)

The NPP (2015) envisions the following changes for the long-term layout:

- "Infill between Quay 4 and Quay 5 to provide additional quay length to accommodate an additional vessel.
- Extension of the breakwater towards the north.
- The existing maritime commercial at quay 5 relocates to a new proposed location on the northern side of the port.
- An additional breakwater next to the new proposed marina.
- Land reclamation next to Quay 4 to provide additional storage area and quay length."

As indicated on the above plan, it can be seen that the lease area is earmarked for fishing purposes (marked as blue on the map) and that the NPP (2015) indicates that this area will remain as a fishing quay. It is evident that the proposed development is in line with the National Ports Plan (2015).



#### 6. STATUTORY FRAMEWORKS

Following the most recent legislative and procedural changes that have become applicable to the management of land use planning in South Africa, and consequently the Western Cape Province, it is considered necessary to summarise the implications of the current statutory framework within the context of this land-use planning application. Set out below are a set of principles and ethical conventions related to this application.

## 6.1 Spatial Planning and Land Use Management Act, 2013 (ACT 16 OF 2013) (SPLUMA)

Section 7 of SPLUMA lists the five development principles that apply to spatial planning, land use development and land use management namely (each of which to be elaborated on);

- 1. Spatial justice refers to the need for improved access and use of land in order to readdress past spatial and development imbalances as well as the need for SDF's and relevant planning policies, spatial planning mechanisms, land use management systems and land development procedures to address these imbalances.
  - The proposed development will contribute to a more integrated harbour environment.
  - This development will also contribute to the character of the surrounding area.
- 2. Spatial sustainability refers to the need for spatial planning and land use management systems to promote land development that is viable and feasible within a South African context, to ensure the protection of agricultural land and maintain environmental management mechanisms. It furthermore relates to the need to promote effective/equitable land markets, whilst considering the cost implications of future development on infrastructure and social services as well as the need to limit urban sprawl and ensure viable communities.
  - The proposed development will be located on the already developed harbour and make use of existing buildings.
- 3. Efficiency relates to the need for optimal use of existing resources and infrastructure, decision- making that minimizes negative financial, social, economic or environmental impacts and development application procedures that are efficient and streamlined.
  - The proposed development will optimize existing resource related to the subject property that will not have a financial, social, economic or environmental impact on the subject property and the surrounding properties.



- The development will make use of existing local resources and contribute to specialized skills development within the municipality.
- 4. *Spatial resilience* refers to the extent to which spatial plans, policies and land use management systems are flexible and accommodating to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks.
  - The proposed development complies with the following spatial development frameworks:
    - Western Cape Provincial Spatial Development Framework; and
    - o Mossel Bay Municipal Spatial Development Framework (2018).
  - This development also complies with Mossel Bay Municipality's land use management scheme.
- 5. Good administration refers to the obligation on all spheres of government to ensure implementation of the above efficiently, responsibly and transparently.
  - This principle has no direct bearing on the application. Mossel Bay Municipality should consider the application within the prescribed timeframes. Public participation must be transparent with policies and legislation. Procedures should be clear to inform and empower members of the public.

#### 6.2 Land Use Planning Act (LUPA)

The development objectives entrenched in SPLUMA have been assimilated into the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014) and sets out a basis for the adjudication of land use planning applications in the province. It requires that local municipalities have due regard to at least the following when doing so:

- Applicable spatial development frameworks;
- Applicable structure plans;
- Land use planning principles referred to in Chapter VI (Section 59);
- The desirability of the proposed land use; and
- Guidelines that may be issued by the Provincial Minister regarding the desirability of proposed land use.

The land-use planning principles of LUPA (Section 59) is, in essence, the expansion of the five development principles of SPLUMA listed above.



## 6.1.1 Compliance/consistency with spatial policy directives

Section 19(1) and (2) of LUPA states that the following:

"(1) If a spatial development framework or structure plan specifically provides for the utilisation or development of land as proposed in a land use application or a land development application, the proposed utilisation or development is regarded as complying with that spatial development framework or structure plan;

(2) If a spatial development framework or structure plan does not specifically provide for the utilisation or development of land as proposed in a land use application or a land development application, but the proposed utilisation or development does not conflict with the purpose of the relevant designation in the spatial development framework or structure plan, the utilisation or development is regarded as being consistent with that spatial development framework or structured plan."

As addressed under Section 5, it is clear that the application is compliant with the spatial policies, specifically the Mossel Bay Municipality's Spatial Development Framework (2018).

#### 6.1.3 Need

The need for a development primarily refers to the timing of the development and whether the development is needed at this time. Consistency with approved forward planning and land use policy is an important consideration of the need.

It is apparent that the IDP (2017-2022) elucidates that Mossel Bay needs economic development and job recreational industries. The further development of the harbour's fishing quay will directly address this need and maximum the economic benefit and potential of the Mossel Bay Harbour.

It is evident that the proposed development is in line with the Mossel Bay Spatial Development Framework. The MBSDF (2018) indicates that Mossel Bay Harbour is a great asset to maximize business potential and reduce unemployment. Thus, the demand for the proposed development is in line with the last-mentioned document.

Although the Mossel Bay Central Precinct Plan (LSP) indicates that the surrounding areas of the harbour must be developed as a waterfront and ancillary businesses, the LSP did not examine the expansion of the current footprint of the harbour fishing quay. Nonetheless, the LSP states "The ultimate goal of incentives is to induce growth in targeted areas, creating jobs and stimulating construction in stagnant areas while creating long term positive tax



Ref No: 1001/MOS/19

revenue." It can be argued that the proposed development directly addresses the needs of the LSP and to develop the harbour.

Lastly, the National Port Plan (2015) also addresses the need to develop the harbour and they have catered for the future expansion until 2046 and beyond. These future layouts focused on the need for the fishing quay and that there is a need to develop this quay.

#### 6.1.4 Desirability

From a planning perspective, desirability has always been the most important factor when considering a land-use application. With the recent legislative changes, more relevant considerations have been added to land-use decision making.

The concept "desirability" in the land use planning context may be defined as the degree of acceptability of a proposed development on land units concerned or the proposed land use application of a property. This section expresses the desirability of the proposed consent use application, taken in conjunction with the development principles and criteria set out through the statutory planning framework listed above, as well as the degree to which this proposal may be considered within the context of broader public interest. It is our view that the initial investigation into the desirability of the proposal reveals no obvious negative impacts. The proposed development is in line with the MBSDF, as the development will maximize business potential and reduce unemployment of Mossel Bay. The location of the property, being on the existing harbour of Mossel Bay, is ideal for the proposed use.

Given the above, the proposed development is considered desirable according to the MBSDF (2019), the Mossel Bay IDP, the Mossel Bay Central Precinct Plan (2013), the National Port Plan (2015) and the Mossel Bay Municipality's Integrated Zoning Scheme (2017).

The findings in the EIA will determine if the environmental impact is significant and if the development can be seen as noxious or not. There are enough other similar developments abroad using the correct technology and management to ensure that the proposed development can take place in this location.

The harbour area has developed and grew with ancillary businesses over the decades. Moreover, businesses, tourism, industries and residential developments have occurred since the harbour was developed. Thus, the expansion of the fishing quay will be desirable for the reason that it will promote an economic injection, it will trigger more businesses to develop in the CBD of Mossel Bay and it will produce job opportunities.



#### 7. CONCLUSION

The relevant considerations for this land use application for the subject property have been addressed in the paragraphs above and can be summarised as follow:

- The subject property has vested land use rights. The proposal would, therefore, be for a consent use application.
- The development proposal is consistent with the MBSDF (2019), the Mossel Bay IDP, the Mossel Bay Central Precinct Plan (2013), the National Port Plan (2015) and the Mossel Bay Municipality's Integrated Zoning Scheme (2017).
- The required municipal services for the development proposal are available.
- This development proposal is inter alia for the expansion of the existing fishing quay due to the demand of the fish industry. It will strengthen the position of the Mossel Bay Harbour and the CBD.
- This development proposal is not in conflict with the Provincial Urban Edge Guidelines
  or any other relevant spatial plan and policy document as it is situated inside the
  Urban Edge.
- This development proposal supports the IDP for Mossel Bay.
- This development proposal is not undesirable considering all the relevant considerations.

<u>DELAREY VILJOEN Pr. Pln</u>

**JULY 2019** 





# Land reform

Department: Rural Development and Land Reform REPUBLIC OF SOUTH AFRICA

Office of the Registrar of Deeds CAPE TOWN, 90 Plein Street, Private Bag X 9073, Cape Town Tel (821) 464 7600 Fax (621) 464 7725

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J. H. VAN ROOYEN

(Appointed in terms of Section 33 of Act No. 9 of 1989 as amended by Act 52 of 1991)

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CERTIFICATE OF REGISTERED TITLE

Issued under the provisions of Section 43 of the Deeds Registries Act, 1937 (Act 47 of 1937).

WHEREAS Transnet Limited (No. 90/00900/06) has applied for the issue to the said company of a Certificate of Registered Title under the provisions of Section 43 of the Deeds Registries Act, 1937 in respect of the undermentioned land being portion of the land registered in the name of Transnet Limited (No. 90/00900/06) under Certificate of Consolidated Title T.

NOW, THEREFORE, in pursuance of the provisions of the said Act, I, the Registrar of Deeds at CAPE TOWN, do hereby certify that the said -

# TRANSMET LIMITED (No. 90/00900/06)

its successors in title or assigns, is the registered owner of :

ERF 12459 (a portion of Erf 12458) MOSSEL BAY, partly in the Municipality of Mossel Bay, Administrative District of Mossel Bay,

MEASURING eleven comma two six one six (11,2616) hectares as will appear from the annexed diagram L.G. No. 5668/1991, and

HELD by Certificate of Consolidated Title ". (4370 53

SUBJECT to the following condition :-

"Alle regte op minerale en edelmetale, soos in die mineraalwette omskryf op of onder die grond word ten gunste van die Staat voorbehou."

AND THAT by virtue of these presents the -

# TRANSMET LIMITED (No. 90/00900/06)

its successors in title or assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however, reserving its rights.

IN WITNESS WHEREOF I, the said Registrar, have subscribed to these presents, and have caused the seal of office to be affixed thereto.

THUS DONE AND EXECUTED at the office of the Registrar of Deeds at CAPE TOWN on this 26 day of August 1993

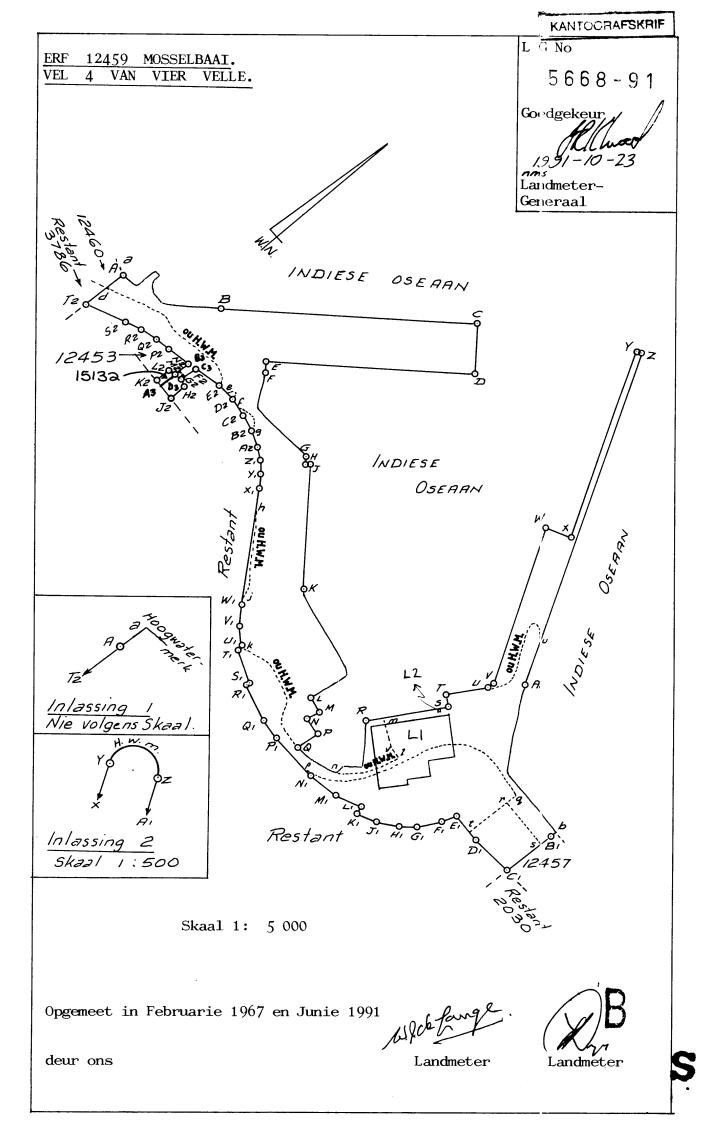
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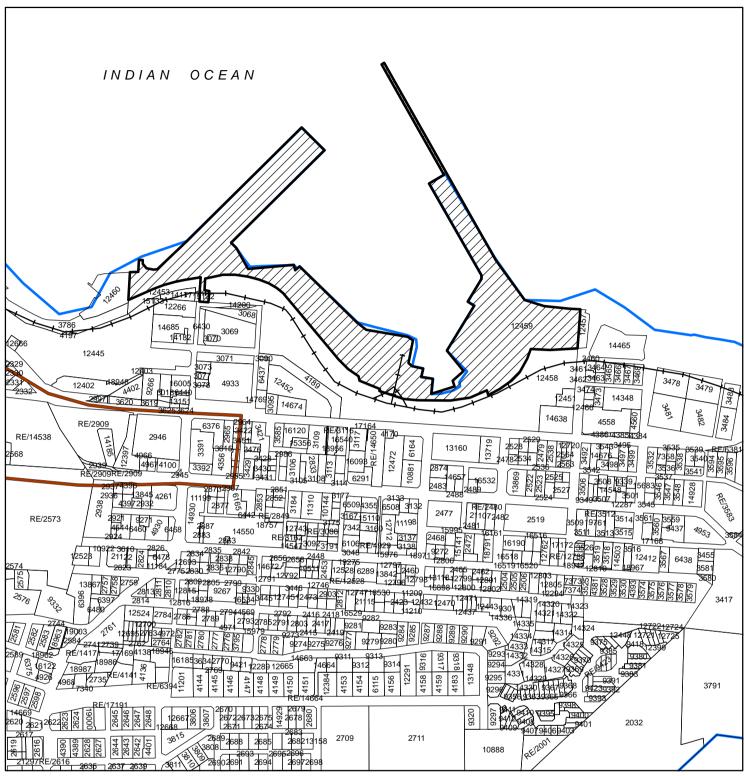
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LEGEND:

PROJECT: PROJEK:
Proposedconsent use & departure
for Afrofishing (Pty) Ltd

DESCRIPTION:

BESKRYWING:

Erf 12459, Mossel Bay

A4 Scale: 1:7 500 TITLE: TITEL:

Locality Plan

1001/MOS/19/GIS/Ligging

DESIGNED: SG ONTWERP: SG DRAWN: GETEKEN: MV

DATE: JULY 2019

PLAN NO: ANNEXURE 2



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