

PLANNING REPORT: PROPOSED REZONING, SUBDIVISION AND DEPARTURE: REMAINDER OF ERF 2841 GREAT BRAK RIVER

1. INTRODUCTION

The abovementioned property was purchased by Seebou Wonings many years ago with the sole purpose of establishing a residential development thereon. The land owner now wishes to go ahead with the development.

Before the development can commence though, an application for Environmental Authorization as well as Rezoning and Subdivision needs to be submitted for consideration to the relevant authorities of which the first step will be the environmental authorization application. This report is therefore the planning input in support of the environmental process as required by DEADP.

2. THE PROPERTY

2.1 Description

In terms of Deeds of Transfer No's T55269/2007, the property is described as Remainder of Erf 2841, Great Brak River, in the Municipality and Division, Mossel Bay. Read the deed together with Erf Diagram for newly created Erf 5574. This erf was recently cut off from Erf 2841, leaving the Remainder of Erf 2841 with a size of 5,25 ha, the portion to be developed now.

2.2 Size

Remainder of Erf 2841 is 5.25ha in size.

2.3 Locality

The property is situated to the south of and adjacent to the R102 between Great Brak River and Little Brak River, approximately 1km to the west of the De Dekke Shopping Centre and directly to the south of St Ellen Group Housing Development. The locality plan is attached to this report.

2.4 Zoning

The property is zoned Agricultural Zone I at present.

2.5 Ownership

The property is registered in the name of Seebou Wonings BK. The title deed is attached hereto.

2.6 Present Use

The property is undeveloped. ***See photo 1 below.***



Photo 1. The property as seen from a southerly direction. On the photo St Ellen development can be seen directly to the north of the site. Also note the new vegetation growing on the property after the property was cleared of the Australian Myrtle trees that were previously present on the site.

2.7 Surrounding Land Uses

To the south the railway line is the dividing line between the property and the Ottosrus Small Holdings. ***See photo 2 and also photo 4 & 5.*** The northern boundary of the property, is the R102 provincial road and beyond the road is a land portion that has previously been approved as a retirement resort (Groenkloof). The property to the north-east is currently in the process of being developed. St Ellen development lies north of the property and Tuscan on Sea to the west thereof – ***see photo 3.*** To the east is an undeveloped property. To the west directly adjacent to the proposed development, is a vacant property. To the south-west of the property the eastern section of Tergniet can be seen ***on photo 5.***

It is evident that the property is situated in an area where residential developments already exist or approved. The proposed development can be seen as a natural expansion of residential development in this area.



Photo 2. The railway line between Mossel Bay and George, forms the southern boundary of the property. On the photo, the Ottosrus Small Holdings are to the left of the railway line and the subject property to the right thereof.



Photo 3. This photo was taken from the Souwesia access road directly towards the property ie to the left side of the road. Note that at the time when this photo was taken, the property was still covered with Australian Myrtle trees – compare with photo 1 above. St Ellen development can be seen on the right side of the photo and Tuscan at Sea and Seegenot on the far-left side.



Photo 4. The property is in the fore-ground of the photo and Ottosrus AH is the area on the other side of the road that is visible on the photo. C-Plaas can be seen on the right side of the photo.



Photo 5. The photo shows the eastern part of Tergniet residential area as well as the development called C-Plaas, situated on the Ottosrus Small Holdings. Both developments are situated to the south-west of the subject property.

3. DEVELOPMENT PROPOSAL

It is proposed to develop Erf 2841 Great Brak River as a group housing development. The property is located inside the urban edge of Mossel Bay and as such earmarked for development. A draft subdivision plan has been compiled that took into account the topography of the property (1 in 4 slope) and the vegetation found thereon. See attached layout plan.

It is shown on the plan that almost 54% of the property is proposed as open space which shows the commitment of the developer to conserve the natural environment. The open spaces in the development area consist mostly of indigenous vegetation and was identified by a qualified botanist.

The property is proposed to be developed as follows:

- 68 group housing erven \pm 220m² in size
- 11 erven as private open space - Open Space Zone II.
- 2 erven as utility erven (refuse collection)
- The streets inside the proposed development will all be private streets - Transport Zone III.
- 1 erf for public street purpose - Transport Zone II. This erf is required for the re-alignment of the access road to Souwesia and the Ottosrus Small Holdings.

The property will be developed in phases as indicated on the plan.

The average proposed residential density of the development on the property, including the open spaces and streets, will be 12.9 units per ha which is considered low taking into account the aims of the authorities to increase densities in side the urban edge to an average of 25 units per ha.

4. **DESIRABILITY OF THE PROPOSED DEVELOPMENT**

The concept, desirability of the development as proposed in this application, can be described as the acceptability thereof on the land unit and the environment where it will take place. The proposal will be discussed in terms of the following to determine the desirability thereof:

- ❖ Physical characteristics (para 4.1)
- ❖ Proposed Land Uses / Subdivided Portions (para 4.2)
- ❖ Consistency of the proposal in terms of existing planning documents (para 4.3)
- ❖ Consistency of the proposal in terms of the character of the area (para 4.4)
- ❖ Potential of the Property (para 4.5)
- ❖ Accessibility (para 4.6)
- ❖ Services (para 4.7)
- ❖ Visual Impact (para 4.8)

4.1 **Physical Character of the Property**

4.1.1 Topography

The property slopes in a generally southern direction offering exceptional views towards the Indian Ocean for many of the proposed erven. The slope of the property is moderate so that development can take place on the whole property.

4.1.2 Vegetation

An independent botanist was appointed to prepare a vegetation sensitivity map for the property. In summary the botanist established that sensitive indigenous vegetation exist on certain portions of the proposed development area. In the lay-out plan of the proposed development, the sensitive areas were taken into account and do not form part of the developable part of the property but are shown as private open spaces. These open spaces consist of 54% of the property. The areas where the development will take place, were covered by Australian Myrtle trees. The trees were in the meantime removed from the property. ***See photos 1 and 3 above.***

4.1.3 Summary

The physical character of the property is such that the proposed development can be accommodated thereon taking the above reasoning into consideration.

4.2 **Proposed Land Uses**

See paragraph 3 above.

4.3 Consistency in terms of Existing Planning Documents

4.3.1 Deed of Transfer

Deed of Transfer No's T55269/2007 is applicable to the property. There are no conditions in the title deed that are restrictive in respect of this application. **See the attached title deed and SG diagrams.**

4.3.2 Spatial Planning and Land Use Management Act – SPLUMA

The objects of SPLUMA are set out in Section 3 of the Act and reads as follows:

- “3. *The objects of this Act are to-*
- a) *provide for a uniform, effective and comprehensive system of spatial planning and land use management for the Republic;*
 - b) *ensure that the system of spatial planning and land use management promotes social and economic inclusion;*
 - c) *provide for development principles and norms and standards;*
 - d) *provide for the sustainable and efficient use of land;*
 - e) *provide for cooperative government and intergovernmental relations amongst the national, provincial and local spheres of government; and*
 - f) *redress the imbalances of the past and to ensure that there is equity in the application of spatial development planning and land use management systems.”*

These objects will be addressed in paragraph 4.3.2.1 below.

Section 7 of SPLUMA lists 5 development principles that are applicable to spatial planning, land use development and land use management namely:

- ❖ Spatial justice
- ❖ Spatial sustainability
- ❖ Efficiency
- ❖ Spatial resilience
- ❖ Good administration

Section 42 of SPLUMA mentions the factors that must be taken into account when an application is submitted to a municipal tribunal for a decision namely:

- ❖ The 5 development principles as mentioned above
- ❖ Conservation and promotion of agricultural land
- ❖ Public interest
- ❖ Constitutional transformation
- ❖ Rights and obligations of all those affected
- ❖ Impact on engineering services, social infrastructure and open space requirements
- ❖ Compliance with environmental legislation

4.3.2.1 The 5 Development Principles

- a) Spatial Justice refers to the imbalances in development proposals and spatial planning of the past that must be addressed. It is mentioned that spatial development frameworks and policies of governments at all spheres must address the inclusion of persons and areas that were previously excluded. Spatial planning mechanisms must incorporate provisions that will enable access to land by disadvantaged persons. Land use management systems must include all areas of a municipality. Land development procedures must include provisions that accommodate access to secure tenure. Lastly it is mentioned that when a Municipal Planning Tribunal considers an application, it may not be restricted in the exercise of its discretion solely on the ground that the value of land is affected by the outcome of the application.

It must be taken into account that the municipality already approved a Spatial Development Framework (SDF) for Mossel Bay some time ago. This SDF was prepared and approved to comply with the principles set out in SPLUMA. Aspects such as access to land and areas for previously disadvantaged people and land ownership, are addressed in the SDF. The SDF identified specific areas in Mossel Bay for housing project development for disadvantaged people. These areas were identified in closer proximity to the central area of Mossel Bay than for example Tergniet. These areas are also closer to the workplace and social services and will promote the use of public transport services which is essential for the poorer community. The area where this development (this application) is proposed, is not identified as housing project areas for a number of reasons but of which the most important ones are the distance to the workplace, social facilities and lack of public transport. This aspect will be addressed further in paragraph 4.2.1 below.

The erven in the proposed development will be of different sizes, shapes and functionality and therefore also of differing price ranges. Provision is made for medium and lower income groups to also purchase a dwelling unit in this development. Housing in the development is not reserved for specific groups or individuals. Any person who can afford it can buy into this development. No pricing of erven is available yet.

In respect of the influence that the proposed development may have on land values of existing developments in its vicinity, we are of the opinion that there will be no negative influence on land values. The proposed development will be similar to housing developments in this area. Due to the topography of the area, the development will have no negative impact on any views from existing developments towards the sea.

The proposed development can be regarded as consistent with this principle of SPLUMA.

- b) Spatial Sustainability refers to spatial planning and land use management systems that must inter alia protect prime and unique agricultural land (i) as well as the

natural environment (ii), promote development in areas that are sustainable (v) and limit urban sprawl (iii) and to consider the future costs to all parties for the provision of infrastructure and social services (iv).

i) Agricultural Land

No agricultural land is involved in this application. The property was not used for agricultural purposes in the past and the Urban Structure Plan for Mossel Bay and Riversdale has already in 1994 not earmarked the property as Agriculture/Forestry. **See attached extract from the Structure Plan.** No signs can be found that the property was used for agricultural purposes for many decades.

ii) Natural Areas

See paragraph 4.1.2 i.r.o. the protection of the natural environment.

iii) Urban Sprawl

The development will not result in urban sprawl but rather as infill development as the property is situated inside the urban edge of Mossel Bay.

iv) Future Costs

In respect of the affordability of future costs in respect of maintenance of infrastructure and social facilities, it must be noted that a monthly levy will be payable by the residents of the proposed group housing development. This levy includes an amount for the insurance for all services so that repairs to services can take place in case of for example flood damage. The balance of the monthly levy will be used for normal administrative functions as well as maintenance to items such as roads and open spaces. This development will in other words function exactly the same as many similar "gated" developments in Mossel Bay in respect of the maintenance of services. Maintenance of internal services will not be the responsibility of the municipality.

v) Sustainability

The proposed group housing development will be viable in terms of the purpose of the proposed facility. The purpose of the development is to provide a safe living residential area for its residents in a natural environment, the same as similar developments in close vicinity. The residents will be in a position to access facilities such as shopping centers,

library, clothing shops, restaurants and similar other facilities. All of these is available in Great Brak River town and De Dekke Shopping Centre that are within minutes' drive from the proposed development.

The proposed development complies and supports this principle.

- c) Efficiency refers to development that optimizes the use of existing resources and infrastructure.

It is the owners of the property's intention to develop individual erven themselves. The developer intends to install water saving shower devices as part of the construction of the units and rain water will be collected for watering of gardens. Units will be supplied with solar energy water heating devices that will contribute to saving on electricity consumption.

As already mentioned before, it is proposed to develop 68 erven on the property at a density of 13 units per ha. It is proposed in the PSDF that the Provincial Government aims at the densification of the land in the municipal area, included within the urban edge to an average of 25 units per ha. The SDF earmarks this area for urban development of 35 units per ha. The density proposed in this application of 13 units per ha is not even close to what is proposed for this area. This is however due to the presence of sensitive vegetation on the property where no development is proposed and which constitute more than 50% of the area of the property

The proposed development will make use of existing services that are already available in the area and will therefore lead to the optimizing of such resources and infrastructure.

In view of the above, it is clear that the proposed development adheres to this principle.

- d) Spatial Resilience refers to flexibility in spatial plans, policies and land use management systems to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks.

This principle is not applicable to this application.

- e) Good Administration refers to an integrated approach to land use and land development for all spheres of government. Spatial development frameworks and inputs thereto by all government departments must be met timeously. Public participation must be transparent and all parties must have opportunity to participate in matters affecting them.

This principle is supported and will be implemented in the application.

4.3.2.2 Factors Mentioned in Section 42 of SPLUMA (para 4.3.2 above)

Section 42 of SPLUMA deals with the factors that a Municipal Planning Tribunal must consider when deciding on a development application namely:

- a) it must be guided by the development principles as set out in Section 7 (Chapter 2) of SPLUMA. This consideration was already dealt with in para 4.3.2.1 above.
- b) make a decision that is consistent with norms and standards, protect agricultural land and is consistent with the Spatial Development Framework (SDF) of the municipality.

Protection of agricultural land is not applicable in this proposal- also see para 4.3.2.1 (b) above - Spatial Sustainability.

The consistency with the SDF will be dealt with in para 4.3.3 below.

- c) other factors relating to the application:

- (i) Public Interest

The proposal will be advertised in due course at which stage the public will be offered the opportunity to object and/or give final comments on the application.

The public interest will therefore be taken into account before a final decision is taken on the application.

- (ii) Constitutional Transformation Imperatives and Duties of the State

This was already discussed in para 4.3.2.1 – Spatial Justice

- (iii) Facts and Circumstances Relevant to the Application

It is the purpose of the application to put the Planning Tribunal in a position to consider the application on the grounds of the circumstances relevant to the application.

- (iv) Respective Rights and Obligations of those Affected

This implies that the tribunal must consider the application taking into account the possible objections against the application as well as the need for this type of living accommodation in the town.

- (v) Engineering Services and Open Space Requirements

Engineering services will be dealt with in para 4.7 of this report. Open Space

in the development represents approximately 54% of the total area of the property which is considered more than sufficient.

(vi) Any Factors that may be Prescribed Including Time Frames

No comment.

(vii) Environmental Factors (including Heritage Assessment)

The proposed development is subject to NEMA. An environmental process will be done. In fact, this report forms part of that process. A heritage impact study forms part of the environmental assessment study that is being carried out at the moment.

4.3.3 Land Use Planning Act, Act 3 of 2014. (LUPA)

It is clear that LUPA gives effect to SPLUMA in the Western Cape Province. Section 49 of LUPA gives the basis of assessments of land use applications. It mentions that when a Municipality considers and decides on a land use application, at least the following must be assessed:

- Applicable spatial development frameworks,
- Applicable structure plans,
- Principles of Chapter 6 of LUPA,
- Desirability of proposed land uses / subdivision,
- Guide lines that may be issued by the Provincial Minister regarding desirability.

4.3.3.1 Relevant Spatial Development Frameworks

4.3.3.1.1 Mossel Bay Spatial Development Framework

Mossel Bay Spatial Development Framework (SDF) is applicable to this area. The purpose of the SDF is to provide a forward planning document which spatially indicates the long-term growth and development path of the municipality. A number of Strategies are formulated in the SDF to support the spatial planning approach to direct and manage development in the Greater Mossel Bay area and the urban environment. Each strategy (there are 7 strategies) is supported by a set of policies and policy guidelines to base decisions on. Of these strategies, Strategy 4 (manage urban growth and restructure the urban form, is relevant to this application. The purpose of this strategy is to facilitate a functional city, based on SPLUMA and smart growth principles to accommodate the needs of the population. There are thirteen policies to achieve the long-term goals of the municipality's vision for the area. Where applicable these policies are addressed below.

- a) Policy 1A *Manage and preserve the mountains, natural vegetation, streams and rivers in a manner which protects the natural eco-systems.*

The proposed development fully takes cognizance of this policy.

- b) Policy 4 B and 4 C *prioritize efficient urban form and creation of an open space network*

These 2 policies are complied with in the proposed development. There is more than the normal amount of open space in the development which can link with an open space network in the area.

- c) Policy 4 D *implementation of biodiversity offsets*

This policy is not applicable as all sensitive vegetation or other sensitive features present on the property are conserved and left untouched. There is no need for any biodiversity off-sets.

- d) Policy 4 E *maintain a compact settlement form*

The application complies with this policy. The properties are located inside the urban edge. The proposed development is for a group housing medium density residential area with small erven to maximize the use of the developable land available.

- e) Policy 4 F *provide places of residence closer to places of work*

The policy is supported, but in the case of this application work opportunities are limited. The property is however ideally situated to support any future bus route that may be implemented later due to its location next to 2 major transport routes.

- f) Policy 4 H *densification in existing settlements*

The policy is supported, but in the case of this case application is for a totally new development.

- g) Policy 4 I *supply in demand for full spectrum of property typologies and property prices.*

The policy is supported. The development will make provision for different erf sizes and dwellings will be of different sizes and prices. No one will be excluded from buying into the development although it must be understood that the development is a private one and cannot make provision for the low-income group due to the high cost of development.

General

There are a number of other policies mentioned in the SDF which are not mentioned here as most of these do not affect this development proposal. Taking into account the policies mentioned in the SDF, it is clear that this development is in line therewith and is in fact supported by the SDF.

4.3.3.1.2 Provincial Spatial Development Framework

The PSDF is the Provincial document that provides the long-term spatial framework for decisions i.r.o. development application. Where the municipal SDF focuses on spatial framework for the Mossel Bay Area in more detail, the PSDF embraces the concept of sustainable and integrated Human settlements for the whole of the Western Cape with all its cities towns, hamlets and rural areas, as a transversal instrument.

In preparing a municipal SDF, the aims and objectives of the PSDF must always be taken into account and be incorporated into such a municipal SDF.

The policy objectives to achieve the goals of the PSDF, are:

- To protect and enhance sense of place and settlement patterns
- To improve accessibility at all scales
- To promote an appropriate land use mix and density in settlements
- To ensure effective and equitable social services and facilities
- To support inclusive and sustainable housing

The policy objectives mentioned above, are dealt with below in so far as they have relevance to this proposed development.

a) Policy S1. Protect & Enhance Sense of Place and Settlement Patterns

The PSDF list the following 5 points to achieve Policy Statement S1:

Point 1) *Prevent encroachment into agricultural areas, scenic areas.*

The proposed development complies with point 1 above. The proposed development will take place on land that is not used for or earmarked for agricultural purposes. Also see Para 4.3.5 below.

The proposed development is situated to the south of the N2 as well as the R102 which are both regarded as a scenic tourist routes. The development will however, not cause any negative visual impact on

these roads. This aspect will be dealt with in more detail in Para 4.8 below.

Point 2) *Contain urban sprawl.*

The property is situated inside the urban edge and will as such not lead to urban sprawl. The urban edge was created specifically to contain urban sprawl and as such the development comply with this policy. The density of the proposed development can also be considered as densification if compared with the density of the developments in this area for example Tergniet & Reebok.

Point 3) *Enhance an economically, socially and spatially meaningful settlement.*

The development as proposed on this property, is for a gated group housing development. For security purposes, almost all (if not all) similar group housing developments are usually gated developments which restricts interaction with neighboring developments. In the area where this development is proposed other developments are also gated. Economically, socially and spatially the proposal is in line with other developments in this area and it is obvious that the goals as mentioned in this policy (S1: para 3) cannot be achieved on this property including the type of development that is proposed. As already mentioned elsewhere in this report, the development will be economically meaningful for the target market thereof.

The proposed development adheres to the issues mentioned in this point. The development is not restricted to any group of people, although lower income group will most probably not be able to afford to buy into this development due to the cost of the construction of infrastructure the developers need to undertake as well as other costs.

Point 4) *Use heritage resources.*

This point is not applicable to the proposed development. There are no historical resources on the property.

A heritage impact study was carried out and will form part of the environmental process that is currently being followed.

Point 5) *Conservation strategies, place-specific guidelines and development guide lines.*

There are no items of conservation worthy significance in the development that can influence this point. The developers have specific detailed design guide lines for development of their properties and this will also be the case here to ensure that the development will be attractive and not degrade the character of this area.

b) Policy S2. Inter and Intra Regional Accessibility

The PSDF list 9 points to achieve this policy. Most of these points are however, not relevant to a specific development but rather address functional linkages in the Province between bigger and smaller towns and hamlets including public transport on different scales. What is relevant to this development and other individual developments, is that developments must, where possible, be directed in areas to enhance public transport systems. Although the development is not proposed close to a public transport system, as there is no public transport in this area, the proposed development could eventually support this objective especially when and if a bus route is introduced to this area.

c) Policy S3. Land Use and Density

The PSDF lists 8 Points to achieve this policy. Most of these points are not relevant to this proposed development. Statements for example such as specific areas in the CBD of towns should be targeted for regeneration and revitalization of settlement and the prioritization of rural development, have no relevance to this development. What is important to note however is that Municipal SDF's should include growth management tools to achieve Spatial principles mentioned in SPLUMA, like a densification strategy and urban edge to protect agricultural land of high potential and contain settlement footprints as well as incentives to promote integration. These growth management tools have been included in the Mossel Bay SDF and this development complies with the spatial strategies and supporting of the SDF.

d) Policy S4. Facilities and Social Services

The PSDF lists 9 points to achieve this policy. Again, these are not relevant to the proposed development. This point is also addressed elsewhere in the report.

- e) **Policy S5.** Sustainable, integrated and inclusive housing in formal and informal markets

Fifteen points are listed in the PSDF to achieve this policy. All of these points are directed at the provision of a wide choice housing typologies and opportunities in areas that must be identified strategically keeping in mind aspects such as affordability, integration zones and inclusionary forms of development, accessibility and higher densities. All of these are already included in the Mossel Bay SDF and are mostly not applicable to this development proposal. It is however important to note that this development does make provision for more than one income group and that nobody will be excluded from owning a property in this development. Due to the locality of the development, no provision should be made for housing for the low-income group, as there is no public transport system in this area at this stage, job opportunities are also limited and social services are not readily available near the development. Where applicable, this development adheres to the Policy.

4.3.3.2 **Applicable Structure Plan**

There is no structure plan applicable for the area in which the application property is situated.

4.3.3.3 **Principles of Chapter 6 of LUPA**

The land use planning principles mentioned in LUPA as set out in Chapter 6 (Section 59), are in essence the same as the 5 development principles of SPLUMA that are applicable to spatial planning, land use development and land use management. These principles were already dealt with in para 4.3.2.1 above and will not be addressed again.

4.3.3.4 **Desirability**

The desirability of the application will be dealt with in paragraph 4.3.4.1.

4.3.3.5 **Guidelines by Provincial Minister**

As far as can be ascertained, there are no guide lines in this regard from the Provincial Minister that has not been dealt with so far.

4.3.4 **Land Use Planning By – Law for Mossel Bay Municipality, 2015 (By – Law)**

In Chapter 5 (Regulation 65) of the By-Law, a number of general criteria are listed that must be taken into account when an application for land development is considered inter alia:

- Desirability of the proposed land uses / subdivision (par4.3.4.1)
- Impact on municipal services (Par 4.3.4.2)
- Spatial Development Frameworks/Integrated Development Plan (par 4.3.4.3)
- Local structure plans/Local SDF (par 4.3.4.4)
- Relevant planning policies (par 4.3.4.5)
- SPLUMA – Section 42and LUPA – Chapter 6 (par 4.3.4.6)
- Zoning scheme (par 4.3.4.7)

4.3.4.1 Desirability

Desirability is mentioned in the Land Use Planning By-Law as one of the criteria that must be taken into account when applications are considered by the Municipality. The whole of Para 4 of this report is considered as the desirability of the proposal – see pre-amble - para 4 above. Desirability will not be dealt with separately in this paragraph.

4.3.4.2 Impact on Municipal Services

See paragraph 4.7.

4.3.4.3. Mossel Bay I.D.P, SDF & PSDF

4.3.4.3.1 Mossel Bay I.D.P.

The MB IDP 2022 confirms that the Spatial Vision of the Municipality is to create a long-term, sustainable land-use pattern that:

- *Conserves the 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 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;*

- *That the Municipality places effort and energy into developing partnerships, lobbying and undertaking 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.*

The proposed development is in line with the IDP.

4.3.4.3.2 MSDF & PSDF

The Municipal SDF was dealt with in para 4.3.3.1.1 above and the PSDF in para 4.3.3.1.2.

4.3.4.4 Local Structure Plans and Local SDF

There is no local structure plan or LSDF for this specific area.

4.3.4.5 Relevant Planning Policies

The proposed development is in line with policies of the municipality i.r.o. development of vacant parcels of land inside the urban edge of the town that needs to be developed in line with density targets.

4.3.4.6 SPLUMA and LUPA

See paragraph 4.3.2 and 4.3.3 above.

4.3.4.7 Zoning Scheme

The Integrated Zoning Scheme for Mossel Bay is applicable to this area. The property is zoned Agricultural Zone I. In order to develop the property as set out in para 3 above, the property needs to be rezoned and subdivided as proposed. Zonings of individual erven will be allocated to correspond with the zonings specified in the Zoning Scheme.

4.3.5 Subdivision of Agricultural Land Act 70 of 1970

Due to the fact that the property is currently zoned as Agricultural Zone I, it can be argued that Act 70 of 1970 is applicable to this property.

Attached hereto is a letter from the Surveyor General's Office (Circular 2 of 2018) confirming that properties not earmarked for Agriculture in terms of an Urban or Regional Structure Plan (former Guide Plans), are excluded from the provisions of Act 70 of 1970. Also attached hereto is an extract from the Mossel Bay/ Riversdale Guide Plan that indicates that the property was not earmarked as agricultural/ forestry.

4.3.6 NEMA

The development of the property as proposed, is subject to the provisions of NEMA. Such a process is currently been followed.

4.4 Consistency with the Character of the Area

It was already mentioned in para 2.8 above that the application property is adjacent to existing residential developments or properties already approved for residential development. The proposed development will be similar to these developments. The whole of this area is in fact earmarked for residential development and it is clear that the development will be compatible with existing as well as future developments in this area. The proposed development will not affect the views of other properties towards the sea, negatively, due to the topography of the area.

4.5 Potential of the Property

The property is at present zoned Agricultural Zone I. This implies that the properties can be farmed. However, the property is earmarked for development purposes and have the potential to be developed as a residential area as proposed here.

4.6 Accessibility

During the upgrading of the R102 by the Provincial Roads Department, a new access road was built from Souwesia to link up with the existing junction from St Ellen development instead of the previous staggered junction with the R102. **See Photo 6 & 7 below.**



Photo 6. The current access to the property from the road towards Souwesia.



Photo 7. This photo shows the R102 running from left to right towards Mossel Bay and the new crossing of the access road from St Ellen and the new access road towards Souwesia.

Access to the proposed development of the property can be regarded as good. Also see the traffic report that is attached to the environmental application.

4.7 Provision of Services

4.7.1 Electricity, Water, Sewerage, Refuse Removal, Roads and Stormwater

See the reports compiled by the relevant consulting engineers iro the provision of services to the development. These reports are attached to the environmental application.

4.8 Visual Impact: Scenic Routes

It was already mentioned in para 4.3.3.1.2 (a), (point 1) that the development will not cause any negative visual impact as seen from the 2 tourist routes traversing this area namely the R102 and the N2. On **photo no 8** below, it is clear that existing vegetation on the property will screen the proposed development from traffic travelling in a westerly direction. Further to the west, the development will be visible due to less dense vegetation between the development and the road. **See photo 9 below.** The developers, however, intend to plant and maintain indigenous vegetation in the 10m wide buffer between the road and the development so that within a few

years, the development will not be visible from the R102. In addition to this screening by the vegetation, it is also important to note that the property slopes away from the road adding to the fact that the development will not be “in the face” of passing traffic as seen from this road.



Photo 8. This photo was taken from the R102 in the fore-ground, towards the property. Note the vegetation on the property directly adjacent to the road reserve.



Photo 9. This photo was taken from the R102 towards the property. Note that some vegetation is present on the boundary between the road and the proposed development. The developer intends to erect berms on the boundary in areas where no vegetation is present currently. The berms will then be planted with indigenous vegetation and maintained to act as a screen between the road and the development.

The development will also not be visible from the N2, as a result of the slopes of the area in a southerly direction away from the road. **Photo 10** below, was taken from the highest point on the N2 in the direction of the property. On the photo neither the R102 nor the railway line, which forms the southern boundary of the property, is visible from the N2. The property lies between the R102 and the railway line.

From the above it is clear that the proposed development will not have a negative effect on the tourist routes that run through this area.



Photo 10. This photo was taken from the highest point on the N2 in the direction of the subject property. The property is not visible at all. The property in in the center of the photo up to and including the horizon, is where a retirement resort was approved, on the land that was previously used as the Great Brak River Saw Mill.

5. **CONCLUSION**

The owners of Remainder of Erf 2841, Great Brak River wish to develop the property as a group housing development consisting of 68 units and private streets and private open spaces.

In the report above it was motivated that the proposed development is in line with the relevant planning legislation and will not have a detrimental effect on the area where it is proposed.

We are of the opinion that the property is suitable for the proposed development and can be considered positively by the authorities.
