

HARTENBOS

Garden Estate
Natuur-Landgoed



*Application for Rezoning, Subdivision,
Consent Use, Departure & Exemption:
Erf 3122
Hartenbos*

**VOLUME 1:
APPLICATION**

June 2021

H 10-113



P-J Le Roux

STADS-EN STREEKBEPLANNER/
TOWN AND REGIONAL PLANNER

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1. INTRODUCTION

1.1. Application

With this document formal application is made for the following:

- (i) In terms of **Section 15(2)(a)** of the Mossel Bay Municipality: By-Law on Municipal Land Use Planning, 2019 for the **REZONING** of Erf 3122 Hartenbos from **Agriculture Zone I (AZI) to Subdivisional Zone Area (SOA)** in order to establish **THE HARTENBOS GARDEN ESTATE** development thereon;
- (ii) In terms of **Section 15(2)(d)** of the Mossel Bay Municipality: By-Law on Municipal Land Use Planning, 2019 for the **SUBDIVISION** of the rezoned Erf 3122 Hartenbos into the following **296 Portions** as clearly depicted on the attached *Subdivision Plan: Plan H 10-113 SUB1 REV10 dated May 2021* **and which will be developed in separate phases:**
 - Portions 1-279 (Dwelling houses)
 - Portion 280-282 (Flats –terrace apartments)
 - Portions 283-290 (Private Open Space)
 - Portion 291 (Nature Conservation Area)
 - Portion 292 (Sport facilities etc.)
 - Portion 293 (Maintenance shed/store)
 - Portion 294 (Flats/Retirement Resort)
 - Portion 295 (Private Road)
 - Portion 296 (Municipal Reservoirs)
- (iii) In terms of **Section 15(2)(o)** of the Mossel Bay Municipality: By-Law on Municipal Land Use Planning, 2019 for the following **CONSENT USES:**



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- **Restaurant (tearoom) and Freestanding base telecommunication station** under Open Space Zone II (OSZII) (**Portions 283-290**)
- **Tourist facility (tearoom) and Utility services (sewer pump station)** under Open Space Zone III (OSZIII) (**Portion 291**)
- **Sports and recreations centre, restaurant and utility services (sewer pump station)** under Open Space Zone II (OSZII) (**Portion 292**)
- **Utility services (sewer pump station)** under Open Space Zone II (OSZII) (**Portion 293**)
- **Retirement Resort** under General Residential Zone III (GRZIII) zoning (**Portion 294**);

(iv) In terms of **Section 15(1)(b)** of the Mossel Bay Municipality: By-Law on Municipal Land Use Planning, 2019 for **DEPARTURE** of the building lines for some of the residential erven as described in detail in Section 6.4 of this report;

(v) In terms of **Section 15(1)(g)** of the Mossel Bay Municipality: By-Law on Municipal Land Use Planning, 2019 for the approval of the **SITE DEVELOPMENT PLAN** for the Village Precinct on Portion 294 as depicted on the attached *Village Site Development Plan*; and

(vi) In terms of **Section 24(1)(f)** of the Mossel Bay Municipality: By-Law on Municipal Land Use Planning, 2019 for the **EXEMPTION OF SERVITUDES** over Erf 3122 Hartenbos as depicted on the attached Subdivision Plan.



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1.2. Applicant

AJ KRUGER as Director and duly authorised by **HARTENBOS HILLS PROPCO (PTY) LTD** as prospective owners of **Erf 3122 Hartenbos**, appointed this firm *P-J le Roux Town Planners (Pty) Ltd*, to submit an application for Rezoning, Subdivision, Consent Use, Departure, Approval of Site Development Plan and Exemption of the subject property in order to establish the HARTENBOS GARDEN ESTATE DEVELOPMENT thereon, and to submit it to the relevant authorities for approval. Although the subject property is currently owned by **DIE AFRIKAANSE TAAL-EN KULTUURVERENIGING** an offer to purchase was signed in favour of Hartenbos Hills Propoco (Pty) Ltd who acts as the applicant for this application (*Power of Attorney, Offer to purchase (extract) and Company Resolution attached*).



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2. THE PROPERTY INFORMATION

| | |
|------------------------|--|
| Description | Erf 3122 Hartenbos |
| Location | West of Kammiebos Avenue Hartenbosheuwels |
| Extent | 60,5190ha |
| Registered owner | DIE AFRIKAANSE TAAL-EN KULTUURVERENIGING Offer to purchase: Hartenbos Hills Propoco (Pty) Ltd |
| Title Deed | T 24075/1995 (Copy of Title Deed attached) |
| Existing zoning | Agriculture Zone |
| Restrictive Conditions | None in Title Existing pipeline servitude and servitude area |
| Planning Legislation | Mossel Bay Municipality: Integrated Zoning Scheme By-Law Mossel Bay Municipality: By-Law on Municipal Land Use Planning, 2019 |

Table 1: property description

The subject property is located west of the existing Hartenbos Heuwels residential neighbourhood northwest off Mossel Bay town and falls in the area of jurisdiction of the Mossel Bay Municipality on the Garden Route of the Western Cape Province.



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Van der Spuy & Partners Attorneys has been appointed to do a thorough search of the title deed of the subject property and confirmation has been received vide the attached Conveyancer Certificate dated 24 May 2021 that there are no restrictive title deed conditions that will have to be removed to permit the rezoning and subdivision of the subject property to facilitate the proposed urban development thereon (**Conveyancer Certificate attached**).



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3. LOCALITY

Erf 3122 Hartenbos is an existing land unit which forms part of the higher lying undulating hill side of Hartenbos Heuwels located approximately 8,5km northwest of Mossel Bay central business district (CBD) and approximately 1,5km south of the Hartenbos River inside the approved urban edge of Mossel Bay.



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Erf 3122 Hartenbos forms part of the original Hartenbos Township Development and represents an undeveloped section of Hartenbos Township Extension 4 (*General Plan attached*). The subject property is situated west of the N2 freeway approximately 2,5km from the original Hartenbos Town which developed between Louis Fourie Road and the Indian Ocean. The subject property is bounded by the existing Hartenbos Heuwels residential neighbourhood to the east, municipal conservation area to the west, south and north. The Aalwyndal small holdings are located further to the south, while medium density housing complexes are located to the southeast and the Sonskyn Valley residential area (a social housing complex) and mining activities further to the northwest.

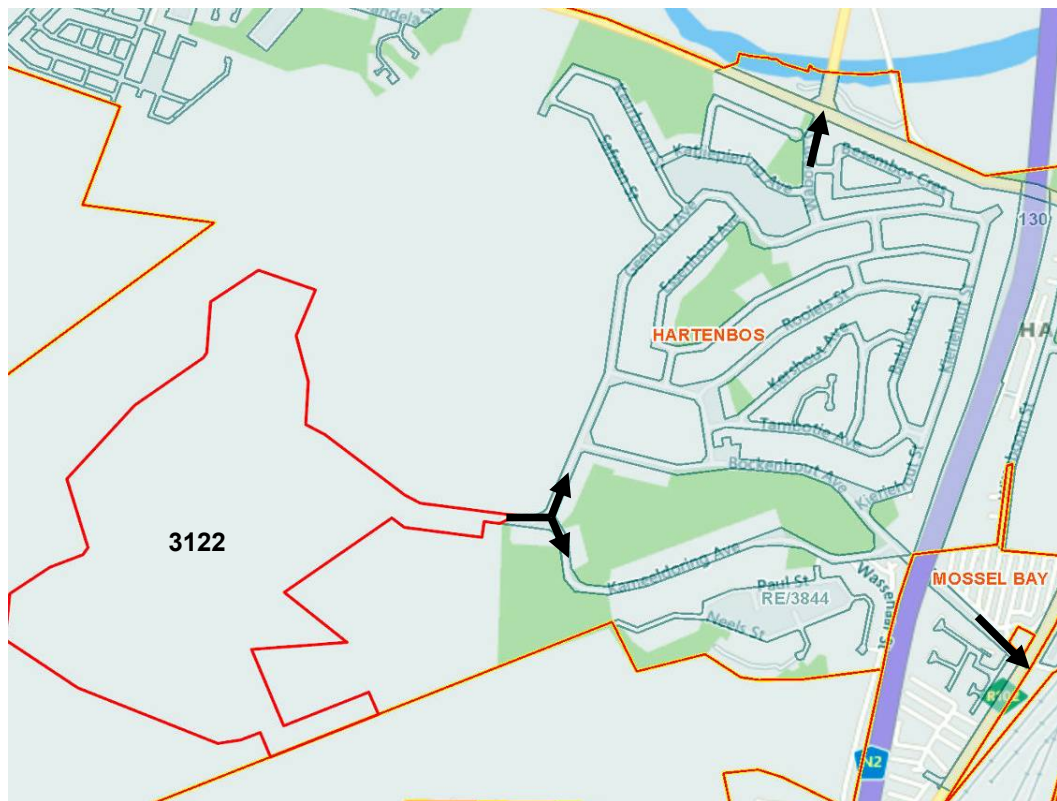
Access to the subject property is taken directly from Kammiebos Avenue which links with Louis Fourie Road (R102) via Boekenhout Avenue. Louis Fourie Road (R102) is the main transportation route linking Mossel Bay to the south with Hartenbos and environments to the north. An alternative access to the subject property is taken via Geelhout Avenue and Waboom Street which end at the R102 and R328 intersection. The R328 is an extension of Louis Fourie Road which connects Hartenbos with Oudtshoorn via the Robinson Pass.

Hartenbos Heuwels has a well developed road network and can without any significant impact accommodate the expected increase in traffic from the proposed development since there are a variety of municipal roads inside Hartenbos Heuwels which can be used to alleviate the traffic flow through the neighbourhood. It shall be noted that the extension of Kammiebos



Avenue onto the subject property was included into the Mossel Bay Road Master Plan to facilitate future development on the subject property.

The N2 freeway separates the subject property from Louis Fourie Road and access onto Louis Fourie Road is limited to the existing access points via Boekenhout Avenue with a bridge crossing the N2 freeway and Waboom Street at the R102 and R328 intersection respectively. Louis Fourie Road provides the only access onto the N2 national road at the Hartenbos off-ramp No.393 between Mossel Bay and Hartenbos. Due to the topographical constraints there is no transportation network located west of the N2 freeway connecting to Mossel Bay CBD and Louis Fourie Road serves as the only transportation corridor between Mossel Bay CBD and Hartenbos.



Existing road network and circulation



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4. LEGAL LAND USE RIGHTS

4.1 Existing zoning

Although the subject property is located in Hartenbos township and was originally subject to the provisions of the Hartenbos Town Planning Scheme, which was promulgated in terms of section 7 of the Land use Planning Ordinance, 1985 (Ordinance 15 of 1985), it now falls within the area of jurisdiction of the Mossel Bay Municipality and is therefore subject to the recently promulgated the Mossel Bay Municipality Integrated Zoning Scheme By-Law, 2019. The municipality has confirmed that the subject property is zoned as **Agriculture Zone I (AZI)**. The following land use right are permitted in Agriculture Zone I:

| Primary Use | Consent Use |
|-------------|--|
| Agriculture | <ul style="list-style-type: none"> • Abattoir • Airfield • Agricultural industry (>2000m²) • Animal care centre • Aqua-culture • Camping site • Farm shop • Farm grave yard • Freestanding base telecommunication station • Function venue • Helicopter landing pad • Off-road trail • Plant nursery • Quarry • Renewable energy structure • Shooting range • Tourist facilities • Utility service |

Table 2: Extract from Mossel Bay Integrated Zoning Scheme By-Law, 2019



In addition it is noteworthy that Erf 3122 Hartenbos is an undeveloped section of Hartenbos Township Extension 4 and reflect on the General Plan No.9949. This General Plan was amended in 1991 to replace all the unregistered erven west of the power line with one erf, Erf 3122 with approved SG diagram No. 7853/1991. This was confirmed by the Office of the Surveyor General Western Cape as well as the fact that Erf 3122 Hartenbos **is not subject** to the provisions of Section 1(a) of Act 70 of 1970 (*copy attached*).

4.2 Existing land uses

Apart from an existing Municipal reservoir located in the northern most portion of the subject property, there are no temporary or permanent structures thereon. There is however an existing water pipeline servitude traversing the subject property which has been taken into consideration with the layout and design of the proposed development.

Due to the undulating topography of the subject property various slopes and valleys are present on the eastern portion of the property, while a relative flat plateau is located in the central portion of the subject property. A series of narrow gravel roads traverse mainly the central plateau linking the different areas of the subject property with each other. The main gravel road which leads from Kammiebos Avenue in Hartenbos Heuwels residential neighbourhood serves as access road to the municipal reservoir for maintenance purposes. The intention is to utilize this existing extension of Kammiebos Avenue as the main entrance to the new proposed **HARTENBOS GARDEN ESTATE DEVELOPMENT**.



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It is noteworthy that since portions of the subject property was also used as an illegal dumping of building materials; access to the subject property has been restricted to prevent any further illegal dumping. There are also remnants of an old airstrip in the south western corner of the subject property on the central plateau area which adds to the degraded state thereof.

The subject property was historically used for agricultural purposes, although no current agricultural activities are present thereon. The historical cultivation (ploughing) has disturbed the vegetation especially on the central plateau. Despite the fact that it was done many years ago and is the reason for the current degraded state of vegetation thereon. With the valleys and steep slopes undisturbed for many years the subject property is covered by both natural and alien vegetation and specialists have been appointed to determine the sensitivity levels of the vegetation thereon. These specialists covered the entire environmental spectrum and are all listed in section 8 of this report. The primary purpose of these appointments was **to identify of a portion of the subject property suitable for development**. The findings and recommendations of these specialist investigations resulted in the identification of a portion of the subject property for development, which is primarily **the central plateau and southern portion** and represents **<50% of the subject property**. The **remainder of the property** which represents the undulating eastern portion comprising the existing valleys and slopes have been identified as significant from a conservation point of view and was therefore **excluded from the development area**. Seeps and watercourses were also observed in these valleys which support the



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conservation of these valleys and steeper slopes. The environmental constraints are depicted on the attached *Environmental Constraints Plan*.

The development proposal which forms part of this application acknowledges and respects these “*boundaries*” set by the specialist investigations collectively in creating a sustainable development opportunity with a combination of urban development and conservation. Each specialist report has evaluated the potential impact of the proposed development on the environment and recommendations are made to mitigate and manage any potential impacts. These reports will be submitted to the relevant authorities as part of the Environmental process.



5. PROPOSED DEVELOPMENT

5.1 Statement of Purpose

The intention of the applicant is to optimize the existing property to its fullest potential by establishing a financially viable and socially acceptable **Residential** development thereon. The proposed **Hartenbos Garden Estate Development** will not only supply in the demand for a variety of **residential opportunities** inside the approved urban edge of Mossel Bay, but will at the same time provide in the ever increasing and much needed **frail care and assisted living opportunities with communal facilities** within the Mossel Bay area. This development proposal **will be developed in separate phases** as clearly depicted on the attached *Phasing Plan*. **This should be included as a condition of approval as contemplated in Section 66(2)(q) of the Mossel Bay Municipality: By-Law on Municipal Land Use Planning, 2019**

The subject property initially formed part of the original Hartenbos Heuwels Development which inter alia includes the existing Hartenbos Heuwels residential neighbourhood immediately to the east of the subject property. The subject property however has never been developed although it is registered as a single erf within the Hartenbos Heuwels Extension 4. The new residential development will serve as a natural extension to the existing residential neighbourhood with the proviso that the **deeper slope and valley areas** of the subject property which represents the largest component of the subject property **be retained as nature conservation area**. Detail specialist studies have identified and recommended these natural areas to be conserved and have been included as such (nature conservation area) into the proposed Site Development Plan.



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Apart from providing in the ever increasing demand for residential erven and specialised services within the Mossel Bay/Hartenbos area, the proposed development will also create new employment opportunities which will have a cumulative impact on the **local economy** through direct and indirect effects. The **direct effect** starts with the money spent or generated by the new residential market through building plan fees, construction costs and materials, salaries to workers etc., while municipal services and property taxes are the **indirect effect** to the local economy. The economic impact of the proposed development will include both the direct contributions to the local regional and South African economy and the **economic multiplier effects** working through the complex chain of business activities. These multiplier effects in the economy include capital expenditure, operational expenditure and social expenditure.

It is noteworthy that the main objective with this development is to create a sustainable development within the existing and approved urban edge of Mossel Bay. **Sustainable development** can be defined as *a development that meets the needs of the present without compromising the ability of future generations to meet their own needs*. The aim of sustainable development is to allow **all people equal access** to a satisfactory level of economic, social, human and cultural development **within an area where resources are used with care and ecosystems carefully protected**.

New sustainable development should provide a variety of commercial, **institutional**, educational and **residential uses** as well as **housing options, styles, sizes and prices**. The provision of **sidewalks, play and activity areas and private roads** is necessary to **interconnect** these



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components within the development since it provides mobility options and helps reduce pollution by minimize vehicle trips. The sustainability of this particular development is further strengthened with the allocation of the majority of the subject property for **nature and conservation purposes**. The principle of “**conservation with development**” is an essential criterion for sustainability *to ensure a continuous and harmonious interaction between people and nature*. This principle has been adopted for the proposed development and is clearly depicted on the attached Site Development Plan for **HARTENBOS GARDEN ESTATE DEVELOPMENT**.

The proposed development is a result of an integrated process combining a variety of specialists as well as urban design strategies to create a well balanced and sustainable development with a unique urban structure. **Urban structure** is the arrangement of land uses within an urban area and also the **arrangement of public and private space** and the degree of **connectivity and accessibility**. It is a combination of characteristics which make a place **special and unique**. The development proposal also integrated the existing environment and unique character of the site into the final layout to respect the sense of place. The “**sense of place**” involves the human experience within a landscape and grows from identifying oneself in relation to a particular piece of land and environment.

It is evident from the attached Subdivision Plan that the HARTENBOS GARDEN ESTATE DEVELOPMENT complies with all these criteria for a sustainable development.



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Optimum use of existing resources and the management thereof is an important consideration for developments. The Mossel Bay Municipality has made significant capital investments over the years in the **construction of bulk services infrastructure for the Hartenbos Heuwels Development** which include not only for the existing developments in the area, but also land for future development which were identified through a transparent and public process and which also include the subject property. Since the subject property formed part of the Hartenbos Heuwels Development the **bulk infrastructure that is already available** and which has been **designed to facilitate existing and future developments** is noteworthy and should serve as a strong motivation to support the development of the subject property.

Internally the existing development will be supported by the necessary **engineering infrastructure and services** which will serve the entire development and which will be **connected to the existing bulk infrastructure** and services in the area. These engineering services will be designed and constructed to the satisfaction of the Mossel Bay Municipality Engineering Department in accordance with the standards and requirements. According to detail investigations by the Engineering Consultants the potential impact of the proposed development on the existing infrastructure and services **will be minimal due to the scale of the development and the available services** in the area. In order to assist the Mossel Bay Municipality in the provision of bulk infrastructure, provision is also made within this development for the increase of the existing reservoir site in the northern most portion of the subject property to also accommodate a **second water reservoir** planned by the Mossel Bay



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Municipality to facilitate their bulk water supply infrastructure. Provision will also be made for a **servitude right of way** in favour of the Mossel Bay Municipality to access this infrastructure.

The objective of this application is to transform and redevelop the subject property within an area already earmarked for **urban infill** purposes into a **well balanced and financially viable development** which will be beneficial to the applicant as well as the residents of Mossel Bay. **The fact that the subject property is an existing erf which formed part of the original Hartenbos Heuwels Development, located within the approved urban edge for Mossel Bay and is directly connected with the existing residential neighbourhood via Kammiebos Street, substantiates the development thereof.** The proposed development will provide a new opportunity to create an **integrated sustainable development** at an acceptable density which is initiated and endorsed by **all spheres of government** with facilities and services made available to **all members of the Mossel Bay community.**

The subject property is **located immediately to the west of the existing Hartenbos Heuwels residential neighbourhood** which has been identified and included into a General Plan many years ago as the **future urban infill area** of the Hartenbos Heuwels Development in order to **prevent urban sprawl.** This area is not only in close proximity to the existing urban infrastructure but is also easily accessible through a network of internal municipal streets which makes it ideal for the intended purposes. The proposed residential development with its large open and conservation areas will fit in with the existing residential developments in the area,



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especially since the residential components will be separated by large open areas and no direct conflict with existing residential erven are expected. We are of the considered opinion that **the alternative residential options and specialised services** proposed by this development will provide new opportunities to the residents of Mossel Bay and will benefit all. With the introduction of a **large nature conservation** area as part of the development and which separates the existing urban area from the new development, the **respect for conservation and a sustainable environment comprising** a combination of residential and natural areas is worth noting.

The **design principles** that gave shape to the proposed development derive primarily from the **existing natural characteristics** of the subject property in its undulating shape and vegetation. Specialised studies have identified the conservation worthy portions of the subject property which represent primarily the **valleys and steeper slopes on which no development** is proposed. In order to have a successful and sustainable development there must be a balance between social, economic and environmental needs. We are of the opinion that the development proposal has achieved this successfully since all these components were used as the basis thereof. The development proposal is complemented by a detail **Landscaping Plan** (attached) reflecting a lifestyle theme which integrates the development into the pristine natural environment.

According to the Project Architects the development proposal is based on an **Architectural and Design philosophy** which is not only relating to the greater Garden Route and Mossel Bay area, but is also more site specific



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which is characterised by indicators on the site and immediate surrounds.

The philosophy can be described as follows:

“CRITERIA

The timeless contemporary architectural language will have a minimum impact on the environment by respecting the landscape and blending into the surroundings.

All structures and buildings to be positioned in such a way that it will be sensitive to the environment and surroundings.

The above criteria can be achieved by sensitive positioning of buildings on site as well as strong friendly design guidelines.

LAYOUT

Site layout to be done in such a way that the natural habitat forms an integrated part of the development. The houses will be clustered in smaller groups with landscaped open spaces in between where the natural vegetation can flourish freely.

The multi-storey buildings will be terraced against the slopes of the Hartenbos Hills to create a harmonious experience between the and nature.

Foot paths will meander through the entire development enhancing an outdoor orientated lifestyle. The roads have been carefully mapped to reduce speeding with various traffic circles and the road following the contours of the hills.

The visibility of parked cars will be limited by creating a basement underneath The Village and the multi-storey buildings.

DESIGN & CRITERIA

BUILDING FORM

The concept of fragmented buildings with glass links is used to create a desirable scale within the environment. The fragmentation softens the structure and breaches the threshold between inside and outside.



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A combination of flat concrete roofs and pitch roofs integrates the traditional southern Cape architecture with the timeless contemporary architectural language.

The terraced multi-storey buildings are designed to have spectacular views over the Overberg mountains with large curtain walls and corner window details.

Stoops will have planters as 'balustrades' to reintroduce the indigenous vegetation from the area sensitively.

BUILDING MATERIALS

Natural materials by the likes of timber, stone from the area and raw concrete is to be used.

Plastered walls to be textured and painted with colours inspired by the habitat of the southern Cape. No primary colours to be allowed.

Feature walls in buildings and leading to clusters to be plastered with a mixture of sand, fine shells and chalk as done historically in the area. Cobble stones to be used on road surfaces to reduce large continuous tar surfaces.

Roof structures consist of a combination of charcoal Chromadek at a 40 degree angle and flat concrete roofs."

5.2 Development Concept

The development concept comprises the optimizing of the subject property by redeveloping it into a functional and viable **Phased Residential Development** comprising **a variety of residential opportunities** with **specialised services** as depicted on the attached *Subdivision Plan: Plan H 10-113 SUB1 REV10 dated May 2021*.



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The objective is to create a unique residential estate within the natural environment and which complements and serves the larger Mossel Bay Municipal area. The combination of conservation and development within the boundaries of Erf 3122 Hartenbos has manifested into the development proposal which includes various residential options (dwellings/flats) with specialised services for the old and frail not only provides new opportunities to the retirees but also to the younger generation and first time homeowners and large conservation and open areas. Due to the **pleasant climatic conditions and effective management** by the local municipality, Hartenbos and Mossel Bay have in recent years seen a significant influx of people into the municipal area. Although Hartenbos Hills Garden Estate **will not be classified as a retirement development**, provision will be made inside the development for facilities normally associated with a retirement resort.

The development will be managed according to a single level management system with a **Home Owners Association** (HOA) to be established to manage all residential components. **Body Corporates** (BC's) will be established for the separate General Residential Zone III (GRZIII) (flats and terrace apartments) components. The BC's will form part of the HOA and will be managed by one HOA constitution. The HOA will be responsible for *inter alia* civil and electrical services, fire control, access and landscaping, as well as medical care. A detail constitution will be prepared and submitted to the Mossel Bay Municipality for approval.

The development proposal as depicted on the attached *Subdivision Plan: Plan H 10-113 SUB1 REV10 dated May 2021* comprises the following:



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PORTIONS 1-279:

The proposed residential component of the development which will be zoned **Single Residential Zone I (SRZI)** is in extent the largest urban land use within the development. A total of **279 single residential erven** are proposed as part of the development on erven varying in size from **200m² to 747m²** in extent. These residential erven include a combination of **40 Garden Houses (200m² erven), 122 smaller residential erven (<350m²) and 117 larger residential erven (350m²->600m²)**. The garden house erven (200m²) will all have a common building line departure (0m) to facilitate the intended semi-detached dwellings thereon. Detail with regard to this departure will be discussed in Section 6.4 of this report). These 279 single residential portions will be developed in **phases as tabulated below:**

| Phases | Phase 1 | Phase 2 | Phase 3 | Phase 4 |
|--------------------|---------|---------|---------|---------|
| Number of portions | 85 | 48 | 88 | 58 |

Table 3: Single Residential Zone I phasing

These residential erven are proposed on primarily the **flatter plateau portion of the subject property** mostly on **land disturbed** in the past by agriculture and other activities (airstrip etc.). The smaller residential erven are located near the village precinct and on the western portion of the subject property, while the larger erven mostly forms the edge with the private open space and nature conservation areas. The **279 single residential erven** covered a total area of **±8,39ha** at a **density of ± 33 units/ha, while the combined density (531 residential units on 60,51ha) of all residential opportunities is ±8,7 units/ha**, which is well below the average density of 25 units/ha recommended by all spheres of government.



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The single residential erven are all accessed by the private road network through the development and linked by a network of interacting private open spaces which provide a combination of active and passive open areas.

The smaller garden houses are within easy and short walking distance from the communal activities and village precinct. In order to facilitate the proposed single residential component on Portions 1-279, these portions must be rezoned to Single Residential Zone I (SRZI) with dwelling unit as a primary land use as tabulated and defined below.

Single Residential Zone I (SRZI)

| Primary Uses | Consent Uses |
|---|--|
| <ul style="list-style-type: none"> • Dwelling house or • Dwelling house and second dwelling or • Double Dwelling house | <ul style="list-style-type: none"> • Guest house • Halfway house • Home care facility • House shop • Place of instruction |

Extract from Mossel Bay Integrated Zoning Scheme By-Law, 2019

“dwelling house means a building containing only one dwelling unit together with such outbuildings as are ordinarily used with a dwelling house including:

- (a) A storeroom and garaging
- (b) A habitable outbuilding without a kitchen which is not interleading with the dwelling house and does not exceed 30m²
- (c) A braai room
- (d) Renewable energy structures for household purposes
- (e) Home occupation
- (f) Letting to lodgers
- (g) A bed and breakfast establishment; and
- (h) Home child care



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PORTIONS 280-282:

In order to comply with the general trend for densification inside approved urban edges supported by all spheres of government to optimise existing infrastructure and services and facilitate an integrated and sustainable development, provision is made within the development for alternative residential options than single residential to provide opportunities for all members of the community. Portions 280, 281 & 282 represent the proposed **Terrace Apartments (flats)** which measures collectively **8394m²** in extent and which will be zoned **General Residential Zone III (GRZIII)**.

A total of **54 apartments** varying from **1 bedroom to 3 bedrooms** are proposed on the individual portions as part of the proposed development on the subject property. **These three portions will be developed in phases 2, 3 and 5 respectively.**

Portions 280, 281 & 282 will each accommodate **18 apartments** comprising **two 1 bedroom apartments, twelve 2 bedroom apartments and four 3 bedroom apartments** at a **total rentable floor area per portion of 1938m²**.

The **coverage** of the proposed apartments will vary between **27%-49%** (**less than prescribed 60%**) and a **bulk between 0,54-0,96** (**less than prescribed 1**). The apartment buildings will comprise individual **three storey** contemporary designed buildings strategically placed on each portion within the development in order to create a unique **sense of place** with **interactive open spaces** between these buildings. All these buildings will **be lower** than the **12m height restriction** as stipulated in Zoning

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Scheme By-Law. The interface with the new arterial private road will also be respected through sufficient setbacks and landscaped areas. Provision will also be made for sufficient onsite parking bays and will be detailed on submission of the building plans. A detail **Site Development Plan will be submitted for each of these portions as part of the building plan process.**

In order to facilitate the proposed terrace apartments (flats) on the proposed portions, **Portions 280, 281 & 282** will have to be rezoned to **General Residential Zone III (GRZIII)** with the primary land use as tabulated and defined below.

General Residential Zone III (GRZIII)

| Primary Uses | Consent Uses |
|---|---|
| <ul style="list-style-type: none"> • Flats | <ul style="list-style-type: none"> • Backpackers's lodge • Boarding house • Convenience shop • Home occupation • Office • Renewable energy structure • Retirement resort |

Extract from Mossel Bay Integrated Zoning Scheme By-Law, 2019

“flats means a building containing three or more dwelling units of which at least one does not have a ground floor, together with such outbuildings, open space and private roads as are ordinarily associated with flats and includes a rooftop base telecommunication station”

PORTION 283-290:

Provision is also made within the development for a variety of **private open spaces** which link the residential and other components with each other in order to create a sustainable and balanced development. These **private open spaces, measuring total of ±12 ha,** which will be zoned **Open**



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Space Zone II (OSZII), are strategically placed within the development and are easily accessible from all the residential erven and include the larger conservation area which comprises the majority of the eastern portion of the subject property and separates the proposed development component from the existing Hartenbos Heuwels residential neighbourhood.

Some of these OSZII portions will also serve a **secondary function** with the portions along the outside perimeter of the proposed development also serving as **fire breaks**. These areas, which facilitate a setback of the residential components from the abutting natural areas, will be landscaped and shaped in accordance with the requirements from the fire specialists. These areas will be properly maintained to ensure the safety of the residents and property.

The OSZII portion between the proposed village precinct and the municipal reservoir on the northern portion of the subject property will also function as open space for the butterflies which were found in that area.

In order to establish an integrated and sustainable development on the subject property and provide a specific service to the residents, provision is made for **small tearooms** throughout the development where residents can meet and enjoy fellowship. These tearooms, which are classified as restaurants in the zoning scheme by-law, will be small in size and will be scattered throughout the development on the OSZII zoned portions. These facilities will be in close proximity to all residents and can be easily accessed (vehicle or pedestrian) from the internal private road network or



the interconnected private open space network which runs through the development.

Provision is also made for future **freestanding base telecommunication station** on the proposed OSZII zoned portion. The final position of this facility will still have to be determined in accordance with the necessary criteria.

In order to facilitate these structures and land uses (**tearoom/ restaurant and telecommunication station**) **Consent** is required from Council on the OSZII portions as tabulated and defined below.

Open Space Zone II (OSZII)

| Primary Uses | Consent Uses |
|---|---|
| <ul style="list-style-type: none"> • Private open space | <ul style="list-style-type: none"> • Cemetery • Environmental facilities • Informal trading • Plant nursery • Shop • Restaurant • Sport and recreation centre • Tourist facilities • Urban agriculture • Utility service • Freestanding base telecommunication station |

Extract from Mossel Bay Integrated Zoning Scheme By-Law, 2019

“private open space:

(a) Means land not designated as public open space and that is used primarily as a private site for sport, play, rest or recreation, or as a park, botanical garden or nature conservation area;



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- (b) Includes ancillary buildings, infrastructure, rooftop base telecommunication station, public land that is or will be leased on a long term basis and occasional use; and
- (c) Does not include shops, restaurants and gymnasiums

“freestanding base telecommunication station means a freestanding support structure on land or anchored to land and used for telecommunication infrastructure to transmit or receive electronic communication signals, and may include access roads to the structure, provided that-

- (a) No telecommunication infrastructure may be located so that a habitable structure is within 50 metres directly in front of the antennae, at the same height;
- (b) Telecommunication infrastructure should be designed and site to minimise any potential adverse visual impact on the character and amenity of the local environment, in particular, impacts on prominent landscape features, general views in the locality and individual significant views; and
- (c) Telecommunication infrastructure must be designed and sited to minimise, mitigate or avoid adverse impact on the visual character and amenity of residential areas.”

“restaurant means a commercial establishment where meals and liquid refreshments are prepared or served or prepared and served to paying customers primarily for consumption on the property, and may include licensed provision of alcoholic beverages for consumption on the property, and the option for customers to purchase for consumption off the property”

PORTION 291:

As the result of the specialist studies that were conducted for the subject property in support of the proposed development, large areas of the subject property have been identified as being **environmentally sensitive and conservation worthy** and on which **no development** should take place. This area (Portion 291) which represents the majority of the subject property (**±23,9ha**)(**39,6%** of property) comprises primarily the **valleys and steeper slopes** along the eastern portion of the subject property. In



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respect of the findings of these specialist studies, this area have all been excluded from the future urban development areas but included into the development as conservation areas. In order to ensure that no future development takes place on this portion of land, the intention is to rezone this to an appropriate zoning. In terms of Mossel Bay Municipality Integrated Zoning scheme By-Law, 2019 the most appropriate zoning is **Open Space Zone III (OSZIII)** which makes provision for **nature conservation area**. The intention is that these areas will be included into a proper management plan and managed collectively with the abutting Mossel Bay Municipality Conservation area.

Provision will however be made, subject to the compliance with specific requirements, for **walkways and pedestrian routes** in these areas in order to provide limited access to the residents to enjoy this nature area. Provision is also made on the southern portion of the nature conservation area for a small **tearoom** which will serve as gathering point for the residents residing within the development. Both these activities are categories as “***tourist facilities***” which is a **Consent use** under OSZIII zoning. As part of the engineering infrastructure in support of the proposed development provision is also made on the subject portion for a **sewer pump station** which classifies as “***utility service***” and which is also a Consent Use under OSZIII zoning. This pump station will be one of two proposed on Portion 291 and will pump the sewerage to the main bulk infrastructure network. In order to facilitate this land use, Portion 291 will have to be rezoned to Open Space Zone III (OSZIII) with the primary land use as tabulated and defined below.



Open Space Zone III (OSZIII)

| Primary Uses | Consent Uses |
|---|--|
| <ul style="list-style-type: none"> • Nature conservation area | <ul style="list-style-type: none"> • Conference facilities • Environmental facilities • Freestanding base telecommunication station • Harvesting of natural resources • Rooftop base telecommunication station • Tourist accommodation • Tourist facilities • Utility service • Wellness centre |

Extract from Mossel Bay Integrated Zoning Scheme By-Law, 2019

“nature conservation area means the use and management of land with the objective of preserving the natural biophysical characteristics of that land, including the fauna and flora and includes occasional use, but does not include tourist accommodation or agriculture”

“tourist facilities means amenities for tourists or visitors and-

- (a) *Includes lecture rooms, restaurants, gift shops, restrooms, farmers’ market and recreational facilities; and*
- (b) *Does not include an off-road trail, a hotel, wellness centre; or tourist accommodation”*

“utility service means a use or infrastructure that is required to provide engineering and associated services for the proper functioning of urban development and-

- (a) *Includes a water reservoir and purification works, electricity substation, storm water retention facilities, waste-water pump station and treatment works, landfill site, recycling plant and ancillary uses, rooftop base telecommunication station and freestanding base telecommunication station; and*
- (b) *Does not include transport use; and*
- (c) *Provided that a road is not regarded as a utility service.”*



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PORTION 292:

Provision is also made for other communal facilities on a separate portion within the development. The intention is to utilize Portion 292 for **communal facilities** which comprise, but is not limited to, a **restaurant and sport and recreation centre with parking** and will be zoned **Open Space Zone II (OSZII) with Consent Use**. Portion 292 is situated at the end of a cul de sac road with spectacular views over the valleys and deep slopes of the subject property as well as the sea. The intention is to provide a unique facility where the residents of Hartenbos Hills Garden Estate can enjoy not only the unique **culinary experiences of the restaurant but also to have access to sport and recreation facilities**. It is well documented that communal facilities in general are very important catalysts in creating a **balanced and integrated society**.

The proposed sport and recreation facilities also lead to a **healthier and sustainable livelihood**, which together with the unique setting will create a specific *sense of place* within the development. Portion 292 measures **±3686m²** in extent and will comprise a **built structure with sufficient on-site parking** to support the intended land uses.

As part of the engineering infrastructure in support of the proposed development provision is also made on the subject portion for a **sewer pump station** which classifies as **“utility service”** and which is also a Consent Use under OSZII zoning. This pump station will be one of a few proposed across the entire development and will pump the sewerage to the main bulk infrastructure network. In order to facilitate these intended land

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uses, Portion 292 will have to be rezoned to Open Space Zone II (OSZII) with the primary and **Consent Uses** as tabulated and defined below.

Open Space Zone II (OSZII)

| Primary Uses | Consent Uses |
|---|--|
| <ul style="list-style-type: none"> • Private open space | <ul style="list-style-type: none"> • Cemetery • Environmental facilities • Informal trading • Plant nursery • Shop • Restaurant • Sport and recreation centre • Tourist facilities • Urban agriculture • Utility service • Freestanding base telecommunication station |

Extract from Mossel Bay Integrated Zoning Scheme By-Law, 2019

“private open space:

- (d) *Means land not designated as public open space and that is used primarily as a private site for sport, play, rest or recreation, or as a park, botanical garden or nature conservation area;*
- (e) *Includes ancillary buildings, infrastructure, rooftop base telecommunication station, public land that is or will be leased on a long term basis and occasional use; and*
- (f) *Does not include shops, restaurants and gymnasiums*

“sport and recreation centre means an outdoor or indoor sport and/ or recreation facility which may be public or privately owned and which may include sports grounds and fields, golf courses, a sports stadium, as well as ancillary and subservient facilities and amenities like a clubhouse with a restaurant and shop, gymnasium, ablution facilities, stores and related administrative buildings”

“restaurant means a commercial establishment where meals and liquid refreshments are prepared or served or prepared and served to paying customers primarily for consumption on the property, and may include licensed provision of alcoholic beverages for consumption on the property, and the option for customers to purchase for consumption off the property”



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“utility service means a use or infrastructure that is required to provide engineering and associated services for the proper functioning of urban development and-

- (d) Includes a water reservoir and purification works, electricity substation, storm water retention facilities, waste-water pump station and treatment works, landfill site, recycling plant and ancillary uses, rooftop base telecommunication station and freestanding base telecommunication station; and*
- (e) Does not include transport use; and*
- (f) Provided that a road is not regarded as a utility service.”*

PORTION 293:

In order to maintain the private open spaces and landscaping within the development, provision must be made for a facility in which such **maintenance equipment can be stored**. This portion, Portion 293 measuring $\pm 3720\text{m}^2$ in extent will be zoned **Open Space Zone II (OSZII)** and is located along the southeastern boundary of the subject property at the end of the internal private road. The intention is to construct a new building on Portion 293 which will be utilized for maintenance and storage purposes by the Home Owners Association.

As part of the engineering infrastructure in support of the proposed development provision is also made on the subject portion for a **sewer pump station** which classifies as *“utility service”* and which is a **Consent Use** under **OSZII** zoning. This pump station will be one of a few proposed across the entire development and will pump the sewerage to the main bulk infrastructure network. In order to facilitate this proposed land use, Portion 293 will have to be rezoned to Open Space Zone II (OSZII) with the primary land use as tabulated and defined below.



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Open Space Zone II (OSZII)

| Primary Uses | Consent Uses |
|---|--|
| <ul style="list-style-type: none"> • Private open space | <ul style="list-style-type: none"> • Cemetery • Environmental facilities • Informal trading • Plant nursery • Shop • Restaurant • Sport and recreation centre • Tourist facilities • Urban agriculture • Utility service • Freestanding base telecommunication station |

Extract from Mossel Bay Integrated Zoning Scheme By-Law, 2019

“private open space:

- (g) Means land not designated as public open space and that is used primarily as a private site for sport, play, rest or recreation, or as a park, botanical garden or nature conservation area;*
- (h) Includes ancillary buildings, infrastructure, rooftop base telecommunication station, public land that is or will be leased on a long term basis and occasional use; and*
- (i) Does not include shops, restaurants and gymnasiums*

“utility service means a use or infrastructure that is required to provide engineering and associated services for the proper functioning of urban development and-

- (a) Includes a water reservoir and purification works, electricity substation, storm water retention facilities, waste-water pump station and treatment works, landfill site, recycling plant and ancillary uses, rooftop base telecommunication station and freestanding base telecommunication station; and*
- (b) Does not include transport use; and*
- (c) Provided that a road is not regarded as a utility service.”*



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PORTION 294:

Portion 294 represents the **Village Precinct** which represents the central component of the proposed development located on the northern portion of the flat plateau of the subject property south of Portion 1 (water reservoir). This portion which will be zoned **General Residential Zone III (GRZIII)** with **Consent Use as ‘Retirement Resort’** represents a variety of land uses measures **±2,43 ha** in extent and comprises the main focal point of the proposed development with the communal amenities and specialized services. Detail development and land use proposals as well as the spatial orientation of each of these land uses on this portion are clearly depicted on the attached **Site Development Plan: Village for which formal approval is also seek (see Section 6.5 of this report).**

The proposed land uses and buildings on Portion 294 as part of the **Village Precinct** comprise various land uses associated with a retirement resort and are **directed to the residents of the proposed development**. A total of **248 onsite parking bays** are provided on basement and ground floor levels and will facilitate the flats as well as the supporting facilities:

- Clubhouse
- Recreation Centre
- Village Apartments (flats)
- Health Care

Clubhouse:

This component comprises one **3 storey** (ground plus first and second floor) building measuring **±1300m²** in extent which forms the centre of the



proposed village precinct on the proposed Portion 294. The land uses proposed within this building comprise:

Ground floor:

- Entrance foyer and courtyard
- Home Owners Association offices
- Sales Office
- Restaurant
- Kitchen
- Lounge & Game Room
- Library
- Convenient store
- Hair and nail salon
- Cinema room
- Slop Room
- Outside braai area
- Public toilets
- Nurse's room

First and second floor:

Provision is made on the first and second floor of the club house building for a total of **54 one bedroom assisted living and comprehensive care centre units respectively**. These single rooms will vary in size from **28m² to 45m²**. Details with the regard to these units will be discussed under the health care heading later in this report.

Recreation Centre:

Provision is made in a separate building behind the clubhouse building for **indoor gym with rehabilitation facilities and pool** area as well as a **multifunctional hall**. The proposed building also includes **ablution facilities and store rooms** and measure **±440m²** in extent. The indoor sports facilities include but not limited to a gymnasium, aerobic area, indoor pool and other associated facilities, while the multifunctional hall will be a



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communal facility which can be used for any purpose from social gatherings, church services and dances. The proposed building will lead out onto an **outdoor recreation area** which will be landscaped and will function as a central courtyard on the site and which is earmarked for outside play and recreation purposes.

Village Apartments (flats):

The proposed village apartments (flats) comprise **five 3 storey** (ground plus first and second floor) **buildings (V4, V5, V6, V7 & V8 as depicted on the attached: *Village Site Development Plan*)** grouped around the central courtyard (outside recreation area) within the Village Precinct. **The Site Development Plan for the Village Precinct depicting all land uses and buildings are included into this application for approval. These village apartments (flats) will be developed in phases as tabulated below:**

| Phases | Phase 1 | Phase 2 | Phase 3 | Phase 4 | Phase 5 | Phase 6 |
|------------------------|---------|---------|---------|---------|---------|---------|
| Number of units | 27 (V4) | 33 (V5) | - | 33 (V7) | 33 (V8) | 18 (V6) |

Table 4: Village Apartment phasing

A total of **144 village apartment** units are proposed within these buildings on the proposed Portion 2 and comprise a combination of **bachelors, 1 and 2 bedroom units** which will vary in size from **±40m² to ±90m²**. Apart from the **bedrooms** provision is also made for a **bathroom and open plan kitchen and lounge area** as well as **balconies**.

The required **parking bays** for the proposed apartments are provided for in the proposed **basements of each of the buildings (V4, V5, V7 & V8)** as



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well as on **ground level** (V6) within the Village Precinct. These parking areas have direct access from the proposed internal private road network. These apartment buildings are all linked with each other as well as with the communal and health care facilities within the Village Precinct by formal walkways. These apartments will provide an alternative residential option for those who require smaller units in close proximity to the communal and health care facilities within the development.

Health Care:

Although this development will not be an exclusive retirement development, provision is also made in the development for specialized facilities normally associated with retirement resort; hence the consent use application. The proposed **health care units** and **comprehensive care units** will accommodate those members of the public who needs health care on a continuous basis within an area where they can be monitored and cared for. A total of **34 comprehensive care units** are proposed inside a **3 storey** (ground plus first and second floor) **health care centre building** on the Village Precinct. This building will be located immediately north of the proposed clubhouse and will be linked thereto with covered walkways. The proposed health care apartments which are proposed on all **three floors** and designed around a **central open volume courtyard** will measure **±28m²** in extent and comprise a **bedroom and a bathroom**. These rooms will be accessed from a covered walkway which leads to the **staircase and lift shaft**. This building will function exclusively as a health care facility and will provide a much needed service to the residents of the development. In addition to the comprehensive care apartments the **health care building**



will also make provision for other facilities directly associated with such care which include but not limited to the following:

- **Reception,**
- **Communal dining and lounge area** in the proposed courtyard,
- **Doctor's rooms,**
- **Consulting rooms,**
- **Nurse's room,**
- **Private gardens,**
- **Satellite kitchen,**
- **Public toilets,**
- **Slop room,**
- **Staff room, and Administrative office.**

In addition a total of **20 one bedroom assisted living units** which will function collectively with the health care centre are proposed on the **first and second floor** of the proposed **clubhouse building**. These units with associated storage areas will be linked with the abutting health care building and facility immediately to the north thereof with covered walkways on all three levels as clearly depicted on the attached plans..

In order to facilitate this land use, **Portion 294** will have to be rezoned to **General Residential Zone III (GRZIII)** with the primary and **Consent Uses** as tabulated and defined below.



General Residential Zone III (GRZIII)

| Primary Uses | Consent Uses |
|---|--|
| <ul style="list-style-type: none"> • Flats | <ul style="list-style-type: none"> • Backpackers's lodge • Boarding house • Convenience shop • Home occupation • Office • Renewable energy structure • Retirement resort |

Extract from Mossel Bay Integrated Zoning Scheme By-Law, 2019

“flats means a building containing three or more dwelling units of which at least one does not have a ground floor, together with such outbuildings, open space and private roads as are ordinarily associated with flats and includes a rooftop base telecommunication station”

“retirement resort mean flats, group housing or town housing that conforms to the following conditions:

- (a) Each dwelling unit must be occupied by a retiree or pensioner or by a family of which at least one member is a retiree or pensioner; and*
- (b) A full spectrum of frail care and other facilities reasonably associated with a retirement resort may be provided at a retirement resort”*

PORTION 295:

Portion 295 represents a **private road network** which links the proposed development with the existing Hartenbos Heuwels residential neighbourhood at the intersection with Kammiebos Street. This private road network will be zoned **Transport Zone III (TZIII)** and comprises a **20m wide main road** which serves as activity spine through the development with **secondary roads** varying from **10m -15m in width** intersecting therewith at strategic points throughout the development. The secondary roads provide direct access to each of the individual portions not bounding onto the main road.



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Provision is also made at the north eastern portion of the property for a **security entrance** to the development. This security entrance will be designed to the requirements of the Mossel Bay Municipality and will include **double lanes a guard house and associated infrastructure.**

The geometric design of the private roads will make provision for **hard road surfaces (5m-7m wide)** as well as **sidewalks** for pedestrian uses and landscaping. The design of these roads will encourage pedestrian movement which will ultimately reduce the carbon footprint within the development. Although the private road network comprises ring roads and cul de sacs, the design and layout of the development proposal ensure that the roads are optimized to its fullest potential.

As part of the engineering infrastructure and services within the development, provision will be made for **315kVA electrical sub stations within the road reserve** of these private roads. According to the definition of private road, "*utility services*" are permissible within this zoning.

As mentioned previously in this report a servitude right of way in favour of the Mossel Bay Municipality will be registered over a portion of the private road network to facilitate access to the water reservoir on the subject property.

In order to facilitate this land use, Portion 295 will have to be rezoned to Transport Zone III (TZIII) with the primary land uses as tabulated and defined below.



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Transport Zone III (TZIII)

| Primary Uses | Consent Uses |
|---|--|
| <ul style="list-style-type: none"> • Private road • Private parking | <ul style="list-style-type: none"> • None |

Extract from Mossel Bay Integrated Zoning Scheme By-Law, 2019

“private road;

- (a) Means privately owned land designated as a private road that provides vehicle access to a separate cadastral property or properties;
- (b) Includes utility services and ancillary access control infrastructure, including a gatehouse, guardhouse, refuse room, utility room and occasional use; and
- (c) Does not include a driveway on a property, or a servitude right of way over a property as these do not constitute private roads for the purpose of this zoning scheme.

“private parking means property reserved exclusively for parking purposes and that is not normally accessible to the general public and includes occasional use”

PORTION 296:

The proposed Portion 1 as depicted on the attached plan is designated for utility services to facilitate the existing and future **water reservoir(s)** of the Mossel Bay Municipality. This portion measures **±9286m²** in extent and is located in the northern most portion of the subject property. This area not only includes the existing water reservoir on the subject property, but has also been increased to also make provision for a second water reservoir to be constructed in the future thereon as well as other bulk infrastructure requirements. In order to facilitate the existing and future municipal bulk



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water infrastructure thereon, Portion 1 will have to be rezoned to **Utility Zone (UZ)** in terms of the Mossel Bay Integrated Zoning Scheme By-Law, 2019.

This entire Portion 1 will be transferred to the Mossel Bay Municipality, while a servitude right of way will be registered over the subject property in favour of the Mossel Bay Municipality to access and maintain the specific site and the reservoir(s) thereon.

In order to facilitate the proposed bulk infrastructure on the subject property, **Portion 296** will have to be rezoned to **Utility Zone (UZ)** with the primary land use tabulated and defined below.

Utility Zone (UZ)

| Primary Uses | Consent Uses |
|--|--|
| <ul style="list-style-type: none"> • Utility service | <ul style="list-style-type: none"> • Authority use • Renewable energy structures |

Extract from Mossel Bay Integrated Zoning Scheme By-Law, 2019

“utility service means a use or infrastructure that is required to provide engineering and associated services for the proper functioning of urban development and-

- (a) Includes a water reservoir and purification works, electricity substation, storm water retention facilities, waste-water pump station and treatment works, landfill site, recycling plant and ancillary uses, rooftop base telecommunication station and freestanding base telecommunication station; and*
- (b) Does not include transport use; and*
- (c) Provided that a road is not regarded as a utility service.”*



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6. PROPOSED APPLICATIONS

In order to achieve this goal for the proposed HARTENBOS GARDEN ESTATE DEVELOPMENT as clearly described in the preceding section of this report as well as depicted on the attached *Subdivision Plan, Plan No H10-113 SUB 1 REV10 dated May 2021* the existing land use rights of the subject property will need to be amended in accordance with the Mossel Bay Municipality: By-Law on Land Use Planning, 2019 and the Mossel Bay Municipality Integrated Zoning Scheme By-Law, 2019 respectively. **The approvals for the Site Development Plans for the development and Terrace apartments will be included as a condition of approval by the Mossel Bay Municipality, while the approval of the Site Development Plan for the Village precinct (Portion 294) forms part of this application.** In order to comply with the provisions of these By-Laws, a formal pre-consultation meeting was scheduled with the relevant officials at the Mossel Bay Municipality at which time the details with regard to the application were discussed and confirmed. A copy of the minutes of the pre-consultation meeting is attached herewith. It was agreed that the following applications are required.

6.1 Rezoning

Since the subject property is currently zoned Agriculture Zone (AZ) and the proposed land uses are not compliant with this zoning, it is required that the existing zoning is amended in accordance with the requirements of the Land Use Planning By-Law in order to facilitate the intended land uses on the subject property. It is important to note that the proposed development also includes individual erven with different zonings and that the appropriate zoning to facilitate that is required. In terms of **Section 20(2)** of the Mossel



Bay Municipality: By-Law on Land Use Planning, 2019, no application for subdivision involving a change of zoning may be considered by the Municipality unless the land concerned is zoned as a **subdivisional area**. Subdivisional area in terms of the Mossel Bay Municipality: By-Law on Land use Planning, 2019 is defined as follows:

*“**subdivisional area** means an overlay zone that permits subdivision for the purposes of a subdivision application involving a change of zoning”*

In terms of schedule 3 of the Mossel Bay Municipality Integrated Zoning Scheme By-Law, 2019 the following reference is made to subdivisional area:

“The subdivisional area overlay (SAO) zoning designates land for future subdivision with development rights by providing development directives through specific conditions as approved in terms of this By-Law. The SAO zoning confirms the principle of development and acceptance of future subdivision of land; but not the detailed layout that will be determined when an actual application for subdivision is approved.”

In order to permit the proposed development with various zonings as depicted on the attached Subdivision Plan on the subject property, it is necessary that a formal application in terms of **Section 15(2)(a)** of the Mossel Bay Municipality: By-Law on Land Use Planning, 2019 be submitted for the **REZONING** of Erf 3122 Hartenbos from **Agriculture Zone I (AZI)** to **Subdivisional Area Overlay (SAO)**.

6.2 Subdivision

In order to facilitate the individual portions as depicted on the attached Subdivision Plan, an application for subdivision is also required. In terms of **Section 20(3)** of the Mossel Bay Municipality: By-Law on



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Land Use Planning, 2019, an applicant may submit a subdivision application simultaneously with a rezoning application. Hereby formal application is made in terms of **Section 15(2)(d)** of the **Mossel Bay Municipality: By-Law on Land Use Planning, 2019** for the **SUBDIVISION** of the rezoned land unit into the following **296 Portions** as depicted on the attached *Subdivision Plan, Plan No H10-133 SUB 1 REV10* dated May 2021.

| Ptn | No units | Ext. ha | % | Zoning/Consent use | Land Uses |
|--------------|------------|----------------|------------|--|---|
| 1-279 | 279 | 10,9151 | 18 | Single Residential Zone I (SRZI) | Dwelling house |
| 280-282 | 3 | 0,8394 | 1,4 | General Residential Zone III (GRZIII) | Flats (54) Terrace apartments Private open space |
| 283-290 | 8 | 12,0308 | 19,9 | Open Space Zone II (OSZII) Consent Use | Restaurant Freestanding base telecommunication station |
| 291 | 1 | 23,9230 | 39,6 | Open Space Zone III (OSZIII) Consent Use | Nature conservation area Tourist facility, utility |
| 292 | 1 | 0,3686 | 0,6 | Open Space Zone II (OSZII) Consent Use | Sport and recreation centre/ Restaurant/ Utility service |
| 293 | 1 | 0,3720 | 0,6 | Open Space Zone II (OSZII) Consent Use | Maintenance shed Utility service |
| 294 | 1 | 2,4333 | 4,0 | General Residential Zone III (GRZIII) Consent Use | Flats (144) Retirement Resort |
| 295 | 1 | 8,7082 | 14,4 | Transport Zone II (TZII) | Private road |
| 296 | 1 | 0,9286 | 1,5 | Utility Zone (UZ) | Reservoir |
| Total | 296 | 60,51ha | 100 | | |

Table 5: Proposed subdivision with zonings and land uses



It is noteworthy that **Hartenbos Garden Estate will be developed in phases as clearly depicted on the attached Subdivision Plan** and as described in detail earlier in this report.

6.3 Consent Use

In addition to the aforementioned primary land uses provision is also made in the Integrated Zoning Scheme By-Law for secondary land uses that can be permitted with special consent from Council. Since there is land uses in the proposed development which are not listed as primary land uses, it is necessary to obtain the consent from Council for these specific land uses.

In order to facilitate the proposed secondary land uses as part of the HARTENBOS GARDEN ESTATE DEVELOPMENT formal application in terms of **Section 15(2)(o)** of the Mossel Bay Municipality: By-Law on Municipal Land Use Planning, 2019 for the following **CONSENT USES**:

- **Restaurant (tearoom) and Freestanding base telecommunication station** under Open Space Zone II (OSZII) **(Portions 283-290)**
- **Tourist facility (tearoom) and Utility services (sewer pump station)** under Open Space Zone III (OSZIII) **(Portion 291)**
- **Sports and recreations centre, restaurant and utility services (sewer pump station)** under Open Space Zone II (OSZII) **(Portion 292)**
- **Utility services (sewer pump station)** under Open Space Zone II (OSZII) **(Portion 293)**
- **Retirement Resort** under General Residential Zone III (GRZIII) zoning **(Portion 294);**



6.4 Departure

In order to facilitate the variety of residential options inside the proposed development, it is necessary that some of the building lines be relaxed. It is proposed that the **common building lines** on the smaller (**garden house erven of 200m²**) be **relaxed to 0m** to enable semi-detached dwellings thereon.

In terms of **Section 15(1)(b)** of the Mossel Bay Municipality: By-Law on Municipal Land Use Planning, 2019 for **DEPARTURE** of the building lines of the garden house erven to 0m to facilitate the proposed semi-detached dwellings thereon.

6.5 Approval of Site Development Plan

In order to facilitate the proposed mixed use development comprising flats and retirement resort facilities on the **Village Precinct on Portion 294** of the **Hartenbos Garden Estate Development**, it is necessary that the details pertaining to the proposed development and land uses are captured on a specific plan according to which the proposed development must be done. It is also necessary that such a plan be approved as part of the formal application.

In terms of **Section 15(2)(g)** of the Mossel Bay Municipality: By-Law on Municipal Land Use Planning, 2019 for the approval of the **SITE DEVELOPMENT PLAN** for the Village Precinct on **Portion 294** as depicted on the attached combined *Village Site Development Plan*.

6.6 Exemption of servitudes

In order to acknowledge the existing municipal infrastructure (water reservoir) on the subject property and to facilitate future access to this



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facility, a **servitude right of way** must be registered over Erf 3122 Hartenbos **in favour of the Mossel Bay Municipality**. This servitude will follow the alignment of the access road and secondary road that leads to the reservoir site and will also **include a services servitude** as required.

In order to facilitate the registration of a servitude right of way over Erf 3122 Hartenbos, formal application in terms of **Section 24(1)(f)** of the Mossel Bay Municipality: By-Law on Municipal Land Use Planning, 2019 for the **EXEMPTION OF SERVITUDE** in favour of the Mossel Bay Municipality.



7. SPATIAL PLANNING PRINCIPLES

In terms of National, Provincial and Local spatial planning legislation certain development principles were adopted to apply to spatial planning, land development and land use management. The development principles on National level is in terms of Section 7 of the **Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA)**, while the land use planning principles on Provincial level is in terms of Section 59 of the **Western Cape Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA)**. These development principles were all adopted and included into the subsequent **Land Use Planning By-Laws** promulgated for each Local Municipality.

The proposed development and land uses will be evaluated as follows against the five development principles:

(a) Principle of spatial justice

- The spatial justice principle requires that the past spatial and development imbalances should be redressed through improved access to and utilization of land. Access to land for all should be facilitated. We are of the opinion that the **proposed development promotes this principle by optimizing the use of the property** in accordance with the original intention with the approval of the General Plan for Hartenbos Township Extension 4. We are of the opinion that this development proposal will result in the **optimising of natural and man-made resources without compromising the surrounding area.**



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- The proposed development provides an opportunity to provide in much sought after residential opportunities within the Mossel Bay area by optimizing vacant and unutilized land bordered by an established residential development.

(b) Principle of spatial sustainability

- The principle of spatial sustainability will be achieved by a development if it is spatially compact, using resources sparingly. **The proposed layout and urban design of the proposed development in our view embodies this principle with the optimal use of land without compromising the surrounding area.** The fact that the majority of the subject property is retained as conservation area with no development thereon is a clear indication of the intention of the developer to ensure that the current character of the area and sense of place is preserved. As a result of detailed specialist investigations in which the developable areas on the subject property have been identified in advance, **no pressure is placed on land of environmental and conservation value.**
- The proposal promotes land development that is **spatially compact and resource-frugal** as the proposed development is **within the urban edge** and represents an extension and execution of the original Hartenbos Township Extension 4 approval.
- The proposal promotes land development in a **location that is sustainable in respect of an environmental point** of view since all development will be confined to the identified developable area as depicted on the attached *Environmental Constraints Plan*.



- Although the proposed development will include the establishment of new infrastructure and services on this vacant property, **no safety hazards which cannot be mitigated through regulations and management are anticipated** through this application.
- Due to the strategic location of the proposed development on the subject property and the fact that it is separated from the existing Hartenbos Heuwels residential neighbourhood by a large conservation area, the proposed development will in our view **not have any detrimental impact on the surrounds**. Despite the height difference between the subject property and the abutting properties, the visual impact is mitigated by the undulating topography of the site and area.
- The proposed development is suitably located on a property situated inside the **approved urban edge and earmarked for urban development** purposes in the approved spatial planning documentation.
- The proposed development promotes land development in a location that is **sustainable** from an urban development and infrastructure and services point of view. Existing **municipal infrastructure and services are available and will be extended** as a result of this application to the benefit of the larger Mossel Bay Municipal area.
- The proposed development will not only provide in the increasing demand for residential opportunities, but will simultaneously contribute significantly to the **local and regional economy** of the area.



- The economic potential of the subject property will be optimized by the proposed development with the creation of **new employment opportunities** which will benefit the local communities.

(c) Principle of efficiency

- The proposed development will **optimize the use of existing resources, infrastructure, and land** while respecting and contributing to the conservation of natural areas on the subject property.
- The proposed development will optimize the use of existing resources, infrastructure, and **in-fill land within the established urban footprint**.
- Since the subject property abuts a new development, the utilization of the subject property for urban purposes is logical and in line with spatial planning policies, since it forms part of the **future development** of the area.
- The functionality of the public spatial environment is promoted with the development **linking with another existing development** in the immediate surrounds and **share services and infrastructure**.
- By utilizing the subject property for the intended purposes is in line with the **recommendations in the spatial planning documentation** and will ultimately benefit the entire community and add to the local economy of the area.



- The proposed development makes provision for **spatial integration** with **different residential options** in order to make it accessible for all the residents in Mossel Bay.

(d) Principle of spatial resilience

- This principle is **not applicable** since the subject property forms part of an existing urban development (Hartenbos Heuwels Development) and is located within the approved urban edge for Mossel Bay and therefore included into spatial planning documentation for the area.

(e) Principle of good administration

- Various pre-consultation meetings and discussions with the relevant officials from the Mossel Bay Municipality as reflected in the attached pre-consultation documentation as well as various specialist studies conducted in support of the proposed development, ensure the efficient assessment of the application by the relevant authorities.
- The formal application will be submitted to the Mossel Bay Municipality as local authority as well as other relevant statutory authorities for approval and will be administered in accordance with the procedures contemplated in the Mossel Bay Municipality: By-Law on Land Use Planning, 2019



8. LEGAL REQUIREMENTS AND SPECIALIZED REPORTS

8.1 Mossel Bay Municipality: By-Law on Land Use Planning, 2019

In order to create and permit the proposed activities on the subject property, the following formal applications are submitted:

- In terms of **Section 15(2)(a)** of the Mossel Bay Municipality: By-Law on Municipal Land Use Planning, 2019 for the **REZONING** of Erf 3122 Hartenbos from **Agriculture Zone I (AZI) to Subdivisional Zone Area (SOA)** in order to establish THE HARTENBOS GARDEN ESTATE DEVELOPMENT thereon;
- In terms of **Section 15(2)(d)** of the Mossel Bay Municipality: By-Law on Municipal Land Use Planning, 2019 for the **SUBDIVISION** of the rezoned Erf 3122 Hartenbos into the following **296 Portions** as clearly depicted on the attached *Subdivision Plan: Plan H 10-113 SUB1 REV10 dated May 2021* **and which will be developed in separate phases:**
 - Portions 1-279 (Dwelling houses)
 - Portion 280-282 (Flats –terrace apartments)
 - Portions 283-290 (Private Open Space)
 - Portion 291 (Nature Conservation Area)
 - Portion 292 (Sport facilities etc.)
 - Portion 293 (Maintenance shed/store)
 - Portion 294 (Flats/Retirement Resort)
 - Portion 295 (Private Road)
 - Portion 296 (Municipal Reservoirs)
- In terms of **Section 15(2)(o)** of the Mossel Bay Municipality: By-Law on Municipal Land Use Planning, 2019 for the following **CONSENT USES:**



- **Restaurant (tearoom) and Freestanding base telecommunication station** under Open Space Zone II (OSZII) (**Portions 283-290**)
 - **Tourist facility (tearoom) and Utility services (sewer pump station)** under Open Space Zone III (OSZIII) (**Portion 291**)
 - **Sports and recreations centre, restaurant and utility services (sewer pump station)** under Open Space Zone II (OSZII) (**Portion 292**)
 - **Utility services (sewer pump station)** under Open Space Zone II (OSZII) (**Portion 293**)
 - **Retirement Resort** under General Residential Zone III (GRZIII) zoning (**Portion 294**);
- In terms of **Section 15(1)(b)** of the Mossel Bay Municipality: By-Law on Municipal Land Use Planning, 2019 for **DEPARTURE** of the building lines for some of the residential erven as described in detail in Section 6.4 of this report;
 - In terms of **Section 15(1)(g)** of the Mossel Bay Municipality: By-Law on Municipal Land Use Planning, 2019 for the approval of the **SITE DEVELOPMENT PLAN** for the Village Precinct on **Portion 294** as depicted on the attached *Village Site Development Plan*; and
 - In terms of **Section 24(1)(f)** of the Mossel Bay Municipality: By-Law on Municipal Land Use Planning, 2019 for the **EXEMPTION OF SERVITUDES** over Erf 3122 Hartenbos as depicted on the attached Subdivision Plan.



8.2 National Environmental Management Act, 1998 (Act 107 of 1998)

Messrs Cape EAPrac Environmental Assessment Practitioners has been appointed to ensure that the provisions of the National Environmental Management Act (NEMA) are met. A formal application form for Scoping and Basic Assessment Reporting (Full Scoping and Impact Assessment Reporting (EIA) will soon be submitted in terms of the prescribed process to the Department of Environmental Affairs and Development Planning Western Cape Government. This process will continue in accordance with the requirements from the department.

The specialist studies and investigations that were conducted as part of the environmental process comprise (*copies of reports attached*):

- ❖ Botanical
- ❖ Archaeology
- ❖ Visual
- ❖ Fire Management
- ❖ Heritage
- ❖ Fauna
- ❖ Palaeontology
- ❖ Butterflies
- ❖ Socio-economic
- ❖ Aquatic
- ❖ Biodiversity

8.3 National Heritage Resources Act, 1999 (Act 25 of 1999)

In order to comply with the provisions of the National Heritage Resources Act, a Notification of Intent to Develop (NID) will be submitted to Heritage Western Cape for their comment in terms of Section 38 of Act 25 of 1999. On receipt of their formal response will further processes be undertaken



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and if necessary will specialised consultants be appointed to conduct what is required.

8.4 The Subdivision of Agriculture Land Act, 1970 (Act 70 of 1970)

Since Erf 3122 Hartenbos formed part of the approved Hartenbos Township Development (Extension 4) and a Surveyor General Diagram (No. 9853/1991) was framed and subsequently approved, it has been confirmed by the Surveyor General Western Cape in the attached email dated 28 January 2019 that Erf 3122 Hartenbos constitutes an urban area and as such exempt in terms of Section 1(a) of the Subdivision of Agricultural land Act, 1970 (Act 70 of 1970) (*copy attached*).

8.5 Landscaping Report

Messrs JdV Landscape Studio has been appointed as Landscape Architects to develop a landscape lifestyle theme that will integrate the development into the existing pristine natural environment. The attached **Landscape Site Development Report** details the various elements which form part of the ultimate landscape theme and provides a list of preferred plant species to complement the development and environment.

8.6 Services Report

Messrs LJR Civil Consultants CC has been appointed as Civil Engineering Consultants to compile a report on the provision of civil engineering services for the proposed development. The **Services Report dated June 2021** applicable to the proposed development on Erf 3122 Hartenbos is attached to this application and is the result of numerous in



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depth discussions with the relevant officials at the Mossel Bay Municipality. This report comprise various components to the civil engineering services and includes inter alia **geotechnical report, stormwater management report, GLS report and water and sewer layout plans.**

8.7 Electrical Services Report

Messrs Buro Tech Consulting Engineers CC has been appointed as Electrical Engineering Consultants to compile a report on the internal electrical reticulation for the proposed development. **The Services Report on Electrical Reticulation Services dated 11 May 2021** is attached to this application and is the result of numerous in depth discussions with the relevant officials at the Mossel Bay Municipality.

8.8 Traffic Impact Assessment Report

Messrs TECH IQ Consulting Engineers has been appointed as Traffic Engineering Consultants to compile a Report for the proposed development which investigates the expected transport related impact of the proposed development and also the facilities available or required for public and non-motorised transport as well as how it complies with the Roads Master Plan for Mossel Bay. The attached **Traffic Impact Assessment Report dated June 2021** is based on numerous discussions with the relevant officials from Mossel Bay Municipality and makes recommendations on how to facilitate the proposed development from a transportation point of view.



9. DESIRABILITY

In terms of Section 65 of the Mossel Bay Municipality: By-Law on Municipal Land Use Planning (2015) the proposed land uses must be desirable as contemplated in subsection (c) of the same By-Laws

The concept of “desirability” in a land use planning context and as contemplated in Section 65(c) of the Mossel Bay Municipal Planning By-Laws can be described as the “degree of acceptability” of the specific land use(s) on a said property within an existing natural or manmade environment and the guideline proposals included in the relevant spatial development framework plans and policies in so far as it relates to desirability, or on the basis of its effect on existing rights and the biophysical environment concerned.

The desirability of this application for **Rezoning, Subdivision, Consent Uses, Departure, Approval of Site Development Plan and Exemption of servitudes on Erf 3122 Hartenbos** will be discussed with regard to the following aspects

- Physical characteristics
- Character of the area
- Accessibility
- Spatial Planning
- Provision of services



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9.1 Physical Characteristics

9.1.1 Topography and Vegetation

The subject property is characterised by an undulating topography which results in a combination of flatter land on the western portion of the property and deep slopes and drainage channels on the eastern side. The subject property has therefore a distinctive slope which runs from west to east across the property towards the coast. Historically the subject property formed part of a terrace which created between the Outeniqua Mountains and the coast as the sea level retreated.

The terrace has been cut into by the distinctive drainage channels on the eastern portion of the subject property which creates the undulating landforms and which left the remnant of the terrace on the western portion of the subject property. It is this flatter portions of the subject property which is higher than the surrounding properties and which has been identified by all specialists as the proposed development area. This portion of the property not only has spectacular 360 degrees views onto the coast and surrounding mountain ranges, but is also the portion of the subject property which was previously disturbed by agricultural and other activities.

From detail investigations it has become evident that large portions of the subject property is undeveloped and is covered by natural vegetation. Specialists have indicated that it is primarily the deep slopes and drainage areas on the subject property where remnants of natural and conservation worthy vegetation are present and that it should therefore be conserved. These investigations were conducted to determine the area on the subject



property which is most suitable for development. It was found that the flatter remnant of the terrace located on the western portion of the subject property was the most suitable area for development. The result of this is depicted on the attached *Environmental Constraints Plan*, which clearly defines the edge of the proposed development area.

The topography of this flatter area is also more suitable for development and the earthworks for infrastructure and services will be minimal with limited scarring visible from the abutting properties. The design and layout of the proposed development respected these findings.

The combination of conservation and development on one property has been achieved through the layout and design of the proposed development on the flatter terrace portion of the subject property, while retaining the large open and conservation areas to the east. The conservation and retention of as much natural vegetation on the subject property will contribute to the visual integration of the proposed development into the landscape. This will not only make this development unique but also comply with the principles of a sustainable development.

Due to the topography of the subject property and the deep slopes and drainage channels, stormwater runoff from the proposed development will follow these channels and the management thereof is important. Specialists in this field of expertise will address this in detail reports.

Since the subject property is much higher than the immediate surrounding properties, the development area on the subject property is visible from the



north, west and south, while the rising landform mostly screens the development site from the east. Views of the development area from surrounding residential areas are limited, only from the higher grounds to the south and south west of the subject property. The north eastern edge of the subject property is visible for a short distance from the south bound lane of the N2 freeway. Only some of the new dwellings on the ridge will be partly visible from a distance from the north and north east. We are of the opinion that through sufficient mitigating measures in terms of height of buildings, landscaping and setbacks, any visual impacts can be addressed successfully.

9.1.2 Climate

The subject property is located inside the urban area of Mossel Bay and forms part of the Mediterranean climate system of the Western Cape. Mossel Bay has a very mild and moderate climate with an average of 320 sunny days per year. The area is known for its cool and windy winters and comfortable and dry summers. The weather is influenced by the Agulhas current and Indian Ocean to the south and east and the Outeniqua Mountains to the north.

Mossel Bay does not experience significant seasonal variations and the average temperature is between 11 °C and 24°C and is rarely below 8°C or above 27°C. The prevailing winds are westerly during the winter months (May-August) and easterly during the summer time (September-April).

We are of the opinion that the proposed development and the future new buildings will not influence the existing micro climate of the area and that



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the designs and layout of the proposed development were sensitively done to facilitate current climatic conditions.

9.2 Character of the area

The subject property is located to the west of the existing Hartenbos Heuwels residential neighbourhood north west of the CBD of Mossel Bay. The subject property is bounded to the south, west and north by vacant municipal land which form part of the Mossel Bay conservation area, while the existing Hartenbos Heuwels Residential neighbourhood bounds the subject property to the east.

Since the subject property has not been developed despite its inclusion into the approved urban edge, the current character of the subject property is rural in nature as a result of the vacant status thereof, the natural vegetation in the deeper slopes and drainage channels and its relative remote setting. The intention with this application is to introduce a residential development on a portion of the subject property and therefore change the character of the property from primarily rural to a combination of residential and rural. This will be realised especially since the majority of the subject property will remain open and conservation areas and development will be restricted to a defined development area as determined through specialist investigations. This combination of conservation and development will create a unique character which will have no negative impact on any of the surrounding properties and which will benefit the larger area.

We are of the considered opinion that due to the proximity to the existing residential neighbourhood and the fact that the subject property is included



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into the urban edge and spatial planning documentation for future urban development, the intended residential development and subsequent change in character of the specific property, is warranted and can be supported.

We are confident that the proposed development will have no negative impact on the existing character of the area; in fact we strongly believe that the proposed combination of development and conservation will create a unique character which will enhance the overall character of the area and is therefore desirable.

9.3 Accessibility

Erf 3122 Hartenbos is an existing land unit which forms part of the higher lying undulating hill side of Hartenbos Heuwels located approximately 8,5km northwest of Mossel Bay central business district (CBD) and approximately 1,5km south of the Hartenbos River inside the approved urban edge of Mossel Bay. Access to the subject property is taken directly from Kammiebos Avenue which links with Louis Fourie Road (R102) via Boekenhout Avenue. Louis Fourie Road (R102) is the main transportation route linking Mossel Bay to the south with Hartenbos and environments to the north. An alternative access to the subject property is taken via Geelhout Avenue and Waboom Street which end at the R102 and R328 intersection. The R328 is an extension of Louis Fourie Road which connects Hartenbos with Oudtshoorn via the Robinson Pass.

The proposed development will gain access via a **one access point from the existing Kammiebos Avenue**. Due to the environmental sensitivity of the area it is recommended that no through road should traverse the subject



property. Discussions with the municipality and investigations into the amendment of the municipal road master plan have indicated the road originally proposed through the subject property is not desirable and that other options are available.

The intention is therefore to extend Kammiebos Avenue onto the subject property to serve as primary access to the proposed development. In order to manage access control to and from the proposed development a **new security gate entrance** is proposed near the entrance to the subject property. It shall be noted that the extension of Kammiebos Avenue onto the subject property was included into the Mossel Bay Road Master Plan to facilitate future development on the subject property. The internal circulation comprises a **20m wide main road** which serves as activity spine through the development with **secondary roads** varying from **10m -15m in width** intersecting therewith at strategic points throughout the development. The secondary roads provide direct access to each of the individual portions not bounding onto the main road.

Hartenbos Heuwels has a well developed road network and can without any significant impact accommodate the expected increase in traffic from the proposed development since there are a variety of municipal roads inside the neighbourhood which can be used to alleviate the traffic flow.

Detail with regard to the access to and from the subject property and proposed development is included into the attached Traffic Impact Assessment Report (TIA).



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9.4 Spatial Planning

In order to address the current and future planning for the area the following planning documentation are of importance:

- Mossel Bay Municipality Spatial Development Framework and Urban Edge (May 2018)
- Mosel Bay Municipality Zoning Scheme By-Law (2019)

Mossel Bay Municipality Spatial Development Framework and Urban Edge (May 2018)

The Mossel Bay Municipality Spatial Development Framework was prepared in terms of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), and in particular Chapter 5. The purpose of the SDF is to improve the spatial structure of Mossel Bay Municipality and at the same time improve access to opportunities in both urban as well as rural areas of the municipality. The Mossel Bay Municipal Spatial Development Framework and urban edge (May 2018) was formally adopted by Council. It has been confirmed by the Mossel Bay Municipality that Erf 3122 Hartenbos is included into the approved urban edge and that it is earmarked for Urban Expansion.

Hartenbos Heuwels was approved in 1970's and phase 1 developed as it exists today. Erf 3122 Hartenbos formed part of this approved development and a General Plan (Plan no. 9949) for the Hartenbos Extension 4 was approved (see General Plan attached). This General Plan was amended in 1991 to replace all the unregistered erven west of the power line with one erf, Erf 3122 with approved SG diagram No. 7853/1991. Subsequent to that in 1993 and 1994 servitudes were registered over Erf 3122 Hartenbos in



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favour of the Mossel Bay Municipality to facilitate the existing pipeline and municipal reservoir. Erf 3122 Hartenbos was therefore included into the urban edge and earmarked for urban development since the 1970's and has been included again into the approved urban edge dated 2018 as depicted in figure below.



The 2018 SDF also confirmed that Erf 3122 forms part of the potential developments which are in process as depicted in red in the figure below.





The spatial vision of the Mossel Bay Municipality is to *create a long-term, sustainable land use pattern that conserves the significant rural resources and the conservation thereof as well as to support tourism and employment creation*. We are of the opinion that the **proposed development complies with this vision** since the **combination of conservation with development** proposed by this development will ensure the **conservation of the natural area**, while the proposed development will make a meaningful contribution in creating **new employment opportunities and to the overall local economy**.

The SDF document also recommends increase densities inside the urban edge to an average of 25 units/ha and in other smaller settlements to an average of 15 units/ha. The proposed development with an average density of 8 units/ha is primarily due to the respect of natural conservation worthy areas which represents the majority of the subject property. The

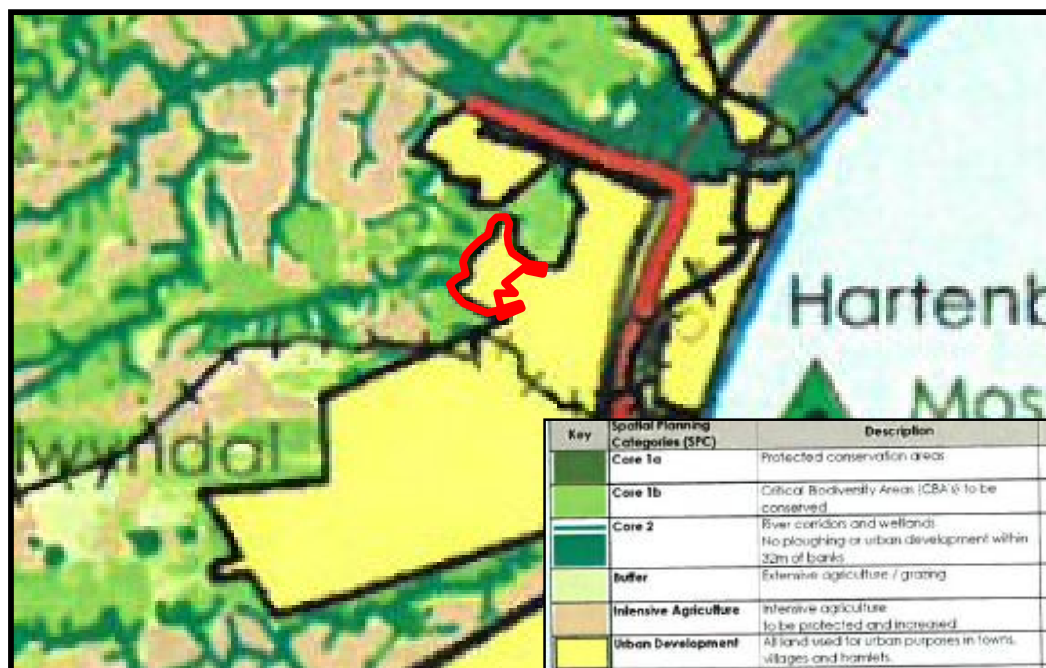


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proposed development does however make provision for alternative residential opportunities in order to increase the density and to create an integrated residential development. The proposed development will also comply with other recommendations in the SDF where optimum use of existing infrastructure and services are proposed. With the development proposal and layout on the flatter terrace portion of the subject property, all infrastructure and services will be concentrated in that area which will optimize the infrastructure to its fullest potential, while the natural areas will be left untouched.

According to the SDF Plan for Mossel Bay, the subject property is included as “urban development”



Extract from the Mossel Bay SDF

According to the Mossel Bay Municipal Spatial Development Framework the spatial planning documentations and guidelines indicate form and location



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of new development opportunities within the Mossel Bay area to accommodate new growth. There are two main components for the spatial concept namely the rural hinterland and the urban coastal settlement. The recommendation of the SDF is that new developments must be located inside the approved urban edge. The provision of residential opportunities within the urban edge of Mossel Bay that result in urban integration and increase in density has been identified in the spatial documents as an urgent need and will be realised by this development. The fact that the subject property is located in an area earmarked for urban development and that the proposed layout respects the natural environment on the subject property confirm the compliance thereof with the spatial planning principles. Spatially the utilization of the subject property for low density residential development is not in conflict with any of the surrounding land uses.

It suffices to say that since this proposed development will create new economic opportunities and provides in alternative residential options and much needed community facilities, it is not in conflict with the spatial planning policies of the Mossel Bay Municipality and can therefore be regarded as desirable.

Mossel Bay Zoning Scheme By-Law

Erf 3122 Hartenbos is subject to the provisions of the Mossel Bay Municipality Zoning Scheme By-Law which was adopted in 2019. This integrated zoning scheme is applicable to all properties located within the jurisdiction of the Mossel Bay Municipality. The purpose of this By-Law is to manage the land use rights on land units within the Mossel Bay Municipality



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as well as stipulating the land use parameters pertaining to each of the specific zonings and land uses.

According to the zoning scheme by-law, the subject property is zoned Agriculture despite the fact that it is located within the approved urban edge and earmarked as urban development purposes in the approved SDF document. Since the proposed residential development is not be permitted under the existing Agriculture Zoning, it is necessary that the zoning of the subject property be changed to accommodate the proposed land uses. This change will be in accordance with the provisions of the new Zoning Scheme By-Law and will comprise different zonings as recommended by the municipality during the pre-consultation discussions and as described earlier in this report. The parameters for each of the specific zonings will guide the development thereof and no departures from the zoning scheme by-law is applied for with this application

9.5 Provision of services

9.5.1 Services Report

Messrs LJR Civil Consultants CC has been appointed as Civil Engineering Consultants to compile a report on the provision of civil engineering services for the proposed development. The **Services Report dated June 2021** applicable to the proposed development on Erf 3122 Hartenbos is attached to this application and is the result of numerous in depth discussions with the relevant officials at the Mossel Bay Municipality. This report comprise various components to the civil engineering services and includes inter alia **geotechnical report, stormwater management report, GLS report and water and sewer layout plans.**



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9.5.2 Services Report on Electrical Reticulation

Messrs Buro Tech Consulting Engineers CC has been appointed as Electrical Engineering Consultants to compile a report on the internal electrical reticulation for the proposed development. **The Services Report on Electrical Reticulation Services dated 11 May 2021** is attached to this application and is the result of numerous in depth discussions with the relevant officials at the Mossel Bay Municipality.

9.5.3 Transportation Impact Assessment Report

Messrs TECH IQ Consulting Engineers has been appointed as Traffic Engineering Consultants to compile a Report for the proposed development which investigates the expected transport related impact of the proposed development and also the facilities available or required for public and non-motorised transport as well as how it complies with the Roads Master Plan for Mossel Bay. The attached **Traffic Impact Assessment Report dated June 2021** is based on numerous discussions with the relevant officials from Mossel Bay Municipality and make recommendations on how to facilitate the proposed development from a transportation point of view.



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10. CONCLUSION

From the aforementioned it is clear that the proposed rezoning, subdivision, consent uses, departure, approval of site development plan and exemption of servitudes on Erf 3122 Hartenbos in order to facilitate a new residential development with supporting facilities thereon, is in line with Section 65 of the Mossel Bay Municipality Land Use Planning By-Law and in particular Section 65(c) thereof.

The motivation for the proposed development and land uses can be summarized as follows:

Economic impact

- From a business point of view the application will optimise the existing vacant property and at the same time provide new residential and supporting opportunities within an established urban area.
- New employment and entrepreneurial opportunities will be created which will add to the local economy of the area and increase the wellbeing of the residents.
- The new development will contribute to the local economy of Mossel Bay as well as the wider Garden Route region.
- Direct (employment, purchasing of goods for the industries, labour force etc) and indirect (municipal taxes, building plan fees etc.) economic benefits will arise from this new development.
- The proposed development in its current scale and form will be financially viable.



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Social impact

- The proposed development will have a positive social impact since it will provide in the demand for a variety of residential opportunities inside an integrated development within the approved urban area of Mossel Bay.
- New employment opportunities will be created, not only during the construction phase, but also on a more permanent basis.
- The design and layout of the development with large open areas throughout the development endeavours to reduce carbon footprint and traffic congestion and encourage pedestrian movement within the development.
- The combination of single dwellings and apartments with specialised supporting facilities will create a social interaction which will result in a well balanced and sustainable neighbourhood.
- The proposed density of the development is in line with the spatial recommendations for areas inside existing urban areas in order to optimise the services and infrastructure.

Scale of the capital investment

- In order to facilitate the proposed development the proposed new buildings with infrastructure will be well in access of **R1 Billion** (please take note that these figures are only preliminary and final development costs could even be much more).

Compatibility with surrounding land uses

- The subject property is abutted by the existing Hartenbos Heuwels residential development to the east and since the subject property formed part of the original township approval the development thereof is in line with the existing land uses in the immediate surrounds.



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- Due to the large open and conservation area on the subject property, the scale of the proposed development in relation to the extent is much less than the abutting neighbourhood.
- The proposed urban land uses is in line with the spatial planning visions and policies of the Mossel Bay Municipality for the area.
- The residential options provided in the development proposal are in line with what is recommended to increase the average density inside the urban edge.
- The provision of specialised supporting facilities as part of the development will ensure an integrated development that both young and old can enjoy.

Impact on external engineering services

- Detail investigations to the civil and electrical engineering services, both external as well as internal, have been done and the attached reports speak to these existing and future infrastructure and services.
- Provision is made for an additional reservoir on the subject property to facilitate future developments in the Mossel Bay area

Impact on safety, health and wellbeing of the surrounding community

- There is no reason to believe that the proposed development will result in any changes to the safety and security in the area since it is in the applicant's own interest to ensure strict security in the area.
- The proposed development will be security controlled to ensure the safety of people within the development.
- The setbacks and landscaping introduced with the development proposal will minimize any visual impacts from the immediate surrounds.



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Impact on heritage

- Although there are no heritage resources on the subject property, a formal heritage process will follow as part of the Environmental Process.
- The proposed development will have no direct impact on any existing heritage resources in the immediate surrounds.

Impact on the biophysical environment

- Due to the presence of natural and remnants of conservation worthy vegetation, specialist investigations were conducted in advance to determine the most appropriate location of the proposed development as depicted on the Environmental Constraints Plan.
- Sufficient recommendations were made in these specialist reports to mitigate any potential impact on the natural lands.
- The conservation land which represents the majority of the subject property will be subject to an environmental management plan which will be managed in conjunction with the municipal conservation area to the south, west and north of the subject property..

Traffic impacts, parking, access and other transport related considerations

- Access to the subject property and proposed development will be taken from a single access point from Kammiebos Avenue in the north eastern corner of the subject property.
- The internal road network will comprise a 20m wide access road which links with secondary roads 13m and 10m wide respectively which provide direct access to each of the individual residential erven within the development.



- Sufficient onsite parking will be provided on the Village Precinct on Portion 294 of the development as part of the Site Development Plan submitted for approval.

Whether the imposition of conditions can mitigate and adverse impact of the proposed land use

- We are of the considered opinion that the proposed development will not have any adverse impact on the surrounding area and that the mitigating factors recommended in the specialist studies be introduced.
- In order to ensure that the development is done in accordance with the necessary standards and guidelines, conditions of approval are a common phenomenon.

I trust therefore that the application for **Rezoning, Subdivision, Consent Use, Departure, Approval of Site Development Plan and Exemption of servitudes on Erf 3122 Hartenbos** in order to facilitate the proposed **HARTENBOS GARDEN ESTATE RESIDENTIAL DEVELOPMENT** thereon as depicted on the attached ***Subdivision Plan: Plan H10-113 SUB1 REV10 dated May 2021*** will be approved.

PIERRE-JEAN LE ROUX

Pr. Pln. A./803/1995



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