

**MOTIVATION REPORT
CONSOLIDATION, REZONING AND SUBDIVISION
ERF 998 TERGNIET AND THE REMAINDER OF PORTION 5 OF THE FARM
ZANDHOOGTE 139**

1. BACKGROUND

Erf 998 Tergniet is registered in the name of 3MP Sales and Education Services CC Registration number 1996/051600/23.

The Closed Corporation purchased a portion of the Remainder of the Farm Zandhoogte 139 with as size of 8.3676 hectare located directly to the east of Erf 998 Tergniet from Ideal Trading 301 CC Registration number 2010/122651/23. This portion has since been surveyed and is now known as the Remainder of Portion 5 of the Farm Zandhoogte 139.

The Remainder of Portion 5 of the Farm Zandhoogte 139 has since been transferred to 3MP Sales and Education Services CC Registration number 1996/051600/23. It is now the intention to consolidate Erf 998 Tergniet and the Remainder of Portion 5 of the Farm Zandhoogte 139 and to develop the consolidated erf as indicated and discussed in point 2 of this motivation report.

The location of Erf 998 Tergniet and the Remainder of Portion 5 of the Farm Zandhoogte 139 is indicated on the locality plan attached hereto as **Annexure "A"**.

2. DEVELOPMENT PROPOSAL

2.1 Proposed land uses

It is the intention to consolidate Erf 998 Tergniet and the Remainder of Portion 5 of the Farm Zandhoogte 139 and to rezone the consolidated erf to a Subdivisional Area and to subdivide the Subdivisional Area into the portions as indicated on the subdivision and consolidation plan below.

The proposed subdivision/consolidation plan is also attached hereto as **Annexure "B"**.



In terms of this plan, it is intended to develop the consolidated erf with

- ⇒ 2 Business Zone I (BZI) erven with a total size of 2.6040 hectare (Portions 1 and 9),
- ⇒ 1 Business Zone IV (BZIV) erf with a size of 0.2680 hectare (Portion 5),
- ⇒ 1 Community Zone III (CZIII) erf with a size of 0.5270 hectare (Portion 2),
- ⇒ 1 General Residential Zone II (GRZI) erf with a size of 0.6970 hectare to be developed at a density of 60 dwelling units per hectare (Portion 3),
- ⇒ 1 General Residential Zone III (GRZII) erf with a size of 0.6530 hectare to be developed with flats (Portion 6),
- ⇒ 1 Mixed Use Zone II (MZII) erf with a size of 0.9020 hectare (Portion 7),
- ⇒ 2 Open Space Zone II (OSZII) erven with a size of 1.2250 hectare (Portions 4 and 11),
- ⇒ 2 Transport Zone II (TZII) erven with a size of 1.3600 hectare (Portions 10 and 12), and
- ⇒ 1 Split zone erf consisting of a portion Business Zone I (BZI) with a size of 1.0 hectare and a portion Open Space Zone II (OSZII) with a size of 1.0 hectare (Portion 8).

The development intended for each of the portions will be discussed in the following points.

2.2 Business Zone I erven (Portions 1 and 9)

At this stage it is the intension to develop the northern-western portion of Portion 1 with a shopping complex which will house an anchor tenant and a number of line shops. Portion 1 will have a size of approximately 2.1040 hectares. It is the intention to place the complex as far as possible to the north-west, facing towards the south. The area to the south of the building adjacent to the internal street will be used for parking purposes. The development will be focused on providing retail facilities aimed at serving the needs of the residents residing in the surrounding residential areas.

The possibility is investigated to develop the south-eastern corner of Portion 1 with a building providing in the building needs of the residents residing in the surrounding residential areas.

It is the intention to develop Portion 9, which will have a size of approximately 0,5000 hectares with a drive-through restaurant.

All buildings will be developed in accordance with the land uses permitted and development parameters applicable to a Business Zone I as per the Mossel Bay Municipality Zoning Scheme By-law, 2021.

2.3 Business Zone IV erf (Portion 5)

It is the intention of the owners to develop Portion 5 which will have a size of approximately 0.2680 hectares with a small office block which will mainly be used by the owners themselves from where their business concerns and the development will be managed. The office block will be developed in accordance with the development parameters applicable to a Business Zone IV as per the Mossel Bay Municipality Zoning Scheme By-law, 2021.

2.4 Community Zone III erf (Portion 2)

It is the intention to make Portion 2, which will have a size of approximately 0.5270 hectares, available for the development of a medical facility/clinic that will serve the needs of the residents of the surrounding area. This facility will be developed in accordance with the development parameters applicable to Community Zone III as per the Mossel Bay Municipality Zoning Scheme By-law, 2021.

2.5 General Residential Zone I erf (Portion 3)

Portion 3 has a proposed size of approximately 0.6970 hectare. It is the intention to develop this portion with a town housing complex which will be developed at a density of 60 dwelling units per hectare. It is envisaged that it will be possible to develop approximately 42 town housing units on this portion.

It is foreseen that an application for subdivision of this portion into 42 housing erven, private streets and private open spaces will be submitted to the Mossel Bay Municipality for consideration once the portion is available for development. A site development plan will accompany such a subdivision application. It will thus be possible to ensure that the proposal will comply with the development parameters applicable to town housing as per the Mossel Bay Municipality Zoning Scheme By-law, 2021

2.6 General Residential Zone III erf (Portion 6)

Portion 9 is to be zoned General Residential Zone III and will be developed with flats in accordance with the land use parameters applicable to flats as per the Mossel Bay Municipality Zoning Scheme By-law, 2021. This portion has a size of 0.6530 hectare and if developed at its maximum floor area ratio of 1, and with an average size of 75m² per flat, it would be possible to develop this portion with approximately 85 flats.

No development proposal is available at this stage. It is foreseen that a site development plan will have to be submitted for any development proposal for this portion to the Mossel Bay Municipality for approval before the portion may be developed. It will thus be possible to ensure that the development proposal will be undertaken in compliance with the stipulations of the Land Use Planning By-law for Mossel Bay Municipality, 2021 and the Mossel Bay Municipality Zoning Scheme By-law, 2021.

2.7 Mixed Use Zone II erf (Portion 7)

In terms of the development proposal a mixed-use zone portion (Portion 7) is proposed allowing for a mixture of land use, for which a need in this specific area exists, and which cannot be provided on the two Business Zone I erven.

It is foreseen that a site development plan will have to be submitted for any development proposal for this portion to the Mossel Bay Municipality for approval before the portion may be developed. It will thus be possible to ensure that the development proposal will be undertaken in compliance with the stipulations of the Land Use Planning By-law for Mossel Bay Municipality, 2021 and the Mossel Bay Municipality Zoning Scheme By-law, 2021.

2.8 Open Space Zone II erven (Portions 4 and 11)

In terms of the development proposal a 40-metre-wide open space corridor is provided along the N2-National Road boundary of the consolidated erf (Portion 11). This open space is to be linked to a future open space system which is to be provided along the southern boundary of the N2-National Road. The provision of this open space is a requirement which stems from a report -

“Botanical Comment” prepared by MB Botanical Services dated February 2024. A copy of the report is attached hereto as **Annexure “C”**.

In terms of the development proposal a further open space is provided on the southern side of the east/west street along the eastern boundary of the consolidated erf (Portion 4). Due to the topography of the site, and the lack of existing stormwater infrastructure in the area, it is proposed that the stormwater generated by the proposed development be managed by a Sustainable Urban Drainage System (SUDS) on a portion of Portion 4. The remainder of Portion 4 will be developed as an open space/recreation area for the benefit of the residents residing and working within the boundaries of the development area. This open space will be registered as a public open space and will, once developed, be transferred to the Mossel Bay Municipality who will be responsible for the future maintenance of this open space.

2.9 Split zone erf (Portion 8)

The existing plan nursery which exists on Erf 998 Tergniet is located on the southern portion of Portion 8.

In terms of the development proposal, it is the intention to provide Portion 8 with a split zoning with an Open Space Zone II zoning proposed for the southern portion (approximately 1.0 hectare in extent) and a Business Zone I zoning proposed for the northern portion (approximately 1.0 hectare in extent). It is the intention to develop a plant nursery with an extensive retail section associated there with on Portion 8. The southern portion of Portion 8 will be used for the growing, displaying of plants, trees, shrubs, etc, whilst the northern portion will be developed as the retail section of the nursery where a wide variety of items related to a nursery, curios, household decorating items, etc. will be sold.

As a plant nursery is only allowed as a consent use on an Open Space Zone II zoned property application will also have to be made for the consent of the Mossel Bay Municipality to allow for the plan nursery on the southern portion of Portion 8. The retail section can be accommodated within the portion of Portion 8 to be zoned for Business Zone I.

2.10 Transport Zone II erven (Portions 10 and 12)

In terms of the development proposal an east-west street (Portion 10) is proposed linking the development area to the properties to the east thereof. The connection point of this east-west street with Sorgfontein Road is addressed in detail in the Traffic Impact Study undertaken by the Urban Engineering Consulting Civil and Structural Engineers which is attached hereto as **Annexure "C"**.

Two cul de sacs providing access to the northern and southern area portions of the development area is proposed.

The streets within the development area will be registered as public streets. The recommended width of the streets has been indicated in the Traffic Impact Study that has been undertaken by the Urban Engineering Consulting Civil and Structural Engineers. The recommended street widths have been incorporated in the layout of the development area. The widths of the streets are thus of such a nature that it will be possible to accommodate the traffic to be generated by the development proposal.

Certain recommendations are also made in terms of access to the various portions fronting onto the east/west road.

A portion of Portion 5 of the Farm Zandhoogte 159 with a size of approximately 240m² is located to the west of Sorgfontein Road (Portion 12). As this portion is too small to be used for any purpose and no access will be available to this portion it is proposed that Portion 12 be given off for road purposes to form part of the Sorgfontein Road road reserve. This portion will be transferred to the Mossel Bay Municipality.

3. PRE-APPLICATION CONSULTATION

The pre-application was discussed by the Town Planning Section of the Mossel Bay Municipality on 12 August 2022 and based on the available information it was decided that an on-site Pre-application Consultation was not required in terms of Section 37 of the Mossel Bay Municipality By-law on Municipal Land Use Planning, 2021 prior to submitting the formal land use planning application.

It was however indicated that note should be taken of the following comments of the Town Planning Section of the Mossel Bay Municipality:

1. *“The proposal falls within the Urban Edge as amended in the new MSDF 2022.*
2. *The area falls within a new node identified for the Midbrak area.*
3. *The access point to the site must be confirmed with the Provincial Roads Department.*
4. *The development will trigger NEMA, NID and possible WULA applications.*
5. *Services report must be compiled.*
6. *Geotech report.*
7. *A final sewerage exclusion zone determination will have to be done and comments from the District Health department obtained.*
8. *Height of the building must take the sense of place into account.*
9. *Conveyancer certificate must be provided and clarity regarding the expropriations given.*
10. *The land use proposals: No Industrial Zone 1 will be supported in the area. It is recommended to change the Industrial Zone 1 erven to Industrial Zone 2 and the Industrial Hive area to Mix Use Zone 2*
11. *The access point of the new 16 m road which will provide access to 136/37 and 129/114 must be located between the two properties or on portion 129/114.*

The proposal is in line with the objectives of the Mossel Bay SDF 2022. If the above-mentioned is in order you can proceed with the application process.”

A copy of the minutes of the pre-application consultation which took place on 12 August 2022 is attached hereto as **Annexure “E”**.

4. APPLICATION

- Application is made in terms of Section 15(2)(e) of the Land Use Planning By-law for Mossel Bay Municipality, 2021 for the consolidation of Erf 998 Tergniet and the Remainder of Portion 5 of the Farm Zandhoogte 139 as indicated on the subdivision/consolidation plan attached hereto as **Annexure “B”**.

- Application is made in terms of Section 15(2)(a) of the Land Use Planning By-law for Mossel Bay Municipality, 2021 for the rezoning of the consolidated erf from Agricultural Zone I to a Subdivisional Area to allow the following land uses:
- ⇒ 2 Business Zone I (BZI) erven with a total size of 2.6040 hectare,
 - ⇒ 1 Business Zone IV (BZIV) erf with a size of 0.2680 hectare,
 - ⇒ 1 Community Zone III (CZIII) erf with a size of 0.5270 hectare,
 - ⇒ 1 General Residential Zone II (GRZI) erf with a size of 0.6970 hectare to be developed at a density of 60 dwelling units per hectare,
 - ⇒ 1 General Residential Zone III (GRZII) erf with a size of 0.6530 hectare to be developed with flats,
 - ⇒ 1 Mixed Use Zone II (MZII) erf with a size of 0.9020 hectare,
 - ⇒ 2 Open Space Zone II (OSZII) erven with a size of 1.2250 hectare,
 - ⇒ 2 Transport Zone II (TZII) erven with a size of 1.3600 hectare, and
 - ⇒ 1 Split zone erf consisting of a portion Business Zone I (BZI) with a size of 1.0 hectare and a portion Open Space Zone II (OSZII) with a size of 1.0 hectare.
- Application is made in terms of Section 15(2)(d) of the Land Use Planning By-law for Mossel Bay Municipality, 2021 for the subdivision of the Subdivisional Area into the following erven:
- ⇒ 2 Business Zone I (BZI) erven (Portions 1 and 9),
 - ⇒ 1 General Residential Zone II (GRZI) erf (Portion 3),
 - ⇒ 1 General Residential Zone III (GRZII) erf (Portion 6),
 - ⇒ 1 Community Zone III (CZIII) erf (Portion 2),
 - ⇒ 2 Open Space Zone II (OSZII) erven (Portions 4 and 11),
 - ⇒ 1 Business Zone IV (BZIV) erf (Portion 5),
 - ⇒ 1 Mixed Use Zone II (MZII) erf (Portion 7),
 - ⇒ 1 Split zone erf consisting of a portion Business Zone I (BZI) and a portion Open Space Zone II (OSZII) erf (Portion 8), and
 - ⇒ 2 Transport Zone II (TZII) erven (Portions 10 and 12)

as indicated on the subdivision/consolidation plan attached hereto as **Annexure "B"**.

- Application is made in terms of Section 15(2)(o) of the Land Use Planning By-law for Mossel Bay Municipality, 2021 for the consent of the Mossel Bay Municipality to allow for a plant nursery to be established on the Open Space Zone II (OSZII) portion of Portion 8.
- Application is made in terms of Section 15(2)(d) of the Land Use Planning By-law for Mossel Bay Municipality, 2021 for the cancellation of the following two servitudes:
 - ⇒ the electrical transmission servitude running in an east/west direction over Erf 998 Tergniet and the Remainder of Portion 5 of the Farm Zandhoogte 139; and
 - ⇒ the 5-metre-wide sewer servitude located along the western boundary of the Remainder of Portion 5 of the Farm Zandhoogte 139.
- Application is made in terms of Section 15(2)(d) of the Land Use Planning By-law for Mossel Bay Municipality, 2021 for the registration of the following two servitudes:
 - ⇒ a 5-metre-wide general right of way servitude along the eastern boundary of Portion 1 in favour of Portion 11; and
 - ⇒ a 5-metre-wide general right of way servitude along the western boundary of Portion 2 in favour of Portion 11.

The completed municipal application form is attached hereto as **Annexure "F"**.

5. OWNERSHIP

5.1 Registered owner

Erf 998 Tergniet registered in the name of 3MP Sales and Education Services CC Registration number 1996/051600/23.

The Remainder of Portion 5 of the Farm Zandhoogte 139 is also registered in the name of 3MP Sales and Education Services CC Registration number 1996/051600/23.

5.2 Title Deeds

Erf 998 Tergniet is in terms of title deed, Title Deed T25706/2018, registered in the name of 3MP Sales and Education Services CC Registration number 1996/051600/23. A copy of the title deed is attached hereto as **Annexure “G”**.

The Remainder of Portion 5 of the Farm Zandhoogte 139 is in terms of title deed, Title Deed T49512/2023, registered in the name of 3MP Sales and Education Services CC Registration number 1996/051600/23. A copy of the title deed is attached hereto as **Annexure “H”**.

5.3 Company Resolution and Power of Attorney

A Closed Corporation resolution whereby it is resolved by the Directors of 3MP Sales and Education Services CC Registration number 1996/051600/23, the registered owners of Erf 998 Tergniet and the Remainder of Portion 5 of the Farm Zandhoogte 139, to appoint Jan Vrolijk Town Planner to prepare and submit the applications as mentioned in point 4 above to the Mossel Bay Municipality is attached hereto as **Annexure “I”**.

A document in terms of the Closed Corporations Act, 1984 confirming the names of the Directors of 3MP Sales and Education Services CC Registration number 1996/051600/23 is attached hereto as **Annexure “J”**.

5.4 Bondholder's consent

There is no bond registered over Erf 998 Tergniet or the Remainder of Portion 5 of the Farm Zandhoogte 139.

5.5 Conveyancer Certificates

A Conveyancer Certificate for Erf 998 Tergniet is attached hereto as **Annexure “K”**.

A Conveyancer Certificate for the Remainder of Portion 5 of the Farm Zandhoogte 139 is attached hereto as **Annexure “L”**.

In terms of the Conveyancer Certificates the title deeds of the two properties contains no conditions which prohibit the development of the two properties as proposed.

6. GENERAL INFORMATION REGARDING ERF 998 TERGNIET AND THE REMAINDER OF PORTION 5 OF THE FARM ZANDHOOGTE 139

6.1 Locality

Erf 998 Tergniet and the Remainder of Portion 5 of the Farm Zandhoogte 139 are located on the north-eastern corner of the intersection of the R102 and Sorgfontein Road in the area known as Tergniet. The N2 National Road forms the northern boundary of the two properties.

The locality of Erf 998 Tergniet and the Remainder of Portion 5 of the Farm Zandhoogte 139 is indicated on the locality plan attached hereto as **Annexure "A"**.

6.2 Existing land uses

6.2.1 Erf 998 Tergniet

The southern portion of the erf is currently used as a plant nursery.

The plant nursery consists of several areas where different plants and products are displayed and grown. The plant nursery is complemented by a tea garden and a shop where products related to a plant nursery are sold. Flowerpots and ornamental products are also exhibited and sold under canopies on this portion of the erf.

The portion of Erf 998 Tergniet which is at present occupied by the plant nursery has an area of approximately 12,684m² and includes, among other things, a spacious parking area and a dwelling house. The owner of the plant nursery resides in the dwelling house. The tea garden and shop form an extension of this dwelling house.

The photos below show the entrance to the nursery, the portions of the erf that are used as a tea garden/shop, the canopies that appear on the portion under which products are displayed, the

spacious parking area as well as the residential dwelling house that appears on the southern portion of Erf 998 Tergniet.



The northern portion of Erf 998 Tergniet is at present vacant and is not used for any purpose at this stage.

6.2.2 The Remainder of Portion 5 of the Farm Zandhoogte 139

The Remainder of Portion 5 of the Farm Zandhoogte 139 is at present vacant.

6.3 Extent

Erf 998 Tergniet has a size of 1.8684 hectare whilst the Remainder of Portion 5 of the Farm Zandhoogte 139 has, according to the title deed of the property, a size of 8.3676 hectares.

The two properties have a combined size of 10.2360 hectares.

6.4 Existing zonings

Erf 998 Tergniet and the Remainder of Portion 5 of the Farm Zandhoogte 139 is at present zoned Agricultural Zone I in terms of the Mossel Bay Municipality Zoning Scheme By-law, 2021.

6.5 Surveyor General Diagrams

The Surveyor General Diagram for Erf 998 Tergniet attached hereto as **Annexure “M”**. A copy of the Surveyor General Diagram for the Remainder of Portion 5 of the Farm Zandhoogte 139 is attached hereto as **“Annexure N”**.

6.6 Servitudes

6.6.1 Erf 998 Tergniet

There are two servitudes registered over Erf 998 Tergniet. The two servitudes which effects Erf 998 Tergniet includes an

- electrical transmission servitude running in an east/west direction which transverses in the northern third of the erf.

- electrical transmission servitude located along the southern erf boundary of the erf.

The servitudes are indicated on the on the Surveyor General Diagram for Erf 998 Tergniet attached hereto as **Annexure “M”**.

6.6.2 The Remainder of Portion 5 of the Farm Zandhoogte 139

There are several servitudes registered over the Remainder of Portion 5 of the Farm Zandhoogte 139. These servitudes includes

- a 5-metre-wide sewer servitude located along the western boundary of the property.
- an electrical transmission servitude running in an east/west direction which transverses through the middle of the development area.
- a 4-metre-wide water pipeline servitude located along the southern boundary of the property.
- an electrical transmission servitude located along the southern erf boundary of the property.
- a 6-metre-wide sewer pipeline servitude located along the southern boundary of the property.

The servitudes are indicated on the on the Surveyor General Diagram for Portion 5 of the Farm Zandhoogte 159 attached hereto as **Annexure “N”**.

6.6.3 Summary

The development area is furthermore subject to a 500-metre development restriction area which is applicable to the sewerage treatment plant which is located to the north-west of the development area across the N2-National Road.

More detail as to how it is proposed to deal with the servitudes and the 500-metre restriction area in provided in point 7.7 of this motivation report.

7. DESIRABILITY OF THE APPLICATION FOR THE REZONING AND SUBDIVISION IN RESPECT OF ERF 998 TERGNIET AND THE REMAINDER OF PORTION 5 OF THE FARM ZANDHOOGTE 139

7.1 Introduction

The owner intends to subdivide the consolidated erf into

- ⇒ 3 Business Zone I (BZI) erven (Portions 1 and 9),
- ⇒ 1 General Residential Zone II (GRZI) erf (Portion 3),
- ⇒ 1 General Residential Zone III (GRZII) erf (Portion 6),
- ⇒ 1 Community Zone III (CZIII) erf (Portion 2),
- ⇒ 2 Open Space Zone II (OSZII) erven (Portions 4 and 11),
- ⇒ 1 Business Zone IV (BZIV) erf (Portion 5),
- ⇒ 1 Mixed Use Zone II (MZII) erf (Portion 7),
- ⇒ 1 Split zone erf consisting of a portion Business Zone I (BZI) and a portion Open Space Zone II (OSZII) erf (Portion 8), and
- ⇒ 2 Transport Zone II (TZII) erven (Portions 10 and 12)

The following stipulation appears in Section 20 of the Mossel Bay Municipality Land Use Planning By-Law, 2021:

- “20(2) No application for subdivision involving a change of zoning may be considered by the Municipality unless the land concerned is zoned as a subdivisational area.*
- (3) An applicant may submit a subdivision application simultaneously with an application for rezoning.”*

The proposed rezoning of the erf to a Subdivisational Area and simultaneous subdivision of the consolidated erf into the 12 separate portions will, therefore, comply with the aforementioned stipulations.

The desirability of both the proposed consolidation, rezoning and subdivision will, as such, be dealt with simultaneously in point 8 of this motivation report.

The term "desirability" in the land use planning context, may be defined as the degree of acceptability of the land uses on the land unit concerned. The desirability of the intended consolidation, rezoning and subdivision shall be discussed with reference to the aspects listed below.

- Physical characteristics of the site.
- The proposed land uses.
- The compatibility of the proposal with existing planning documentation, spatial frameworks, legislation and policies.
- The compatibility of the proposal with the character of the surrounding area.
- Potential of the site.
- Accessibility of site.
- Availability of parking.
- Provision of services.

It will be indicated in the following paragraphs that the proposal can be regarded as being desirable as far as the mentioned aspects are concerned.

7.2 Physical characteristics of the development area

7.2.1 Topography

A topographical plan of the site indicating the contours of the development area is attached hereto as **Annexure "O"**.

In terms of the topographical plan, it is clear that the development area has a downward slope from the south-east towards the north-west with the lowest point more or less on the alignment of the proposed east/west street. To the north of this proposed east/west street the development area has an upwards slope in a north-western direction with the highest point being the north-western corner of the development area. A derelict man-made dam is located on this highest point. This dam will be closed and will make way for the development of the shopping complex which is proposed for Portion 1. The dam, which is located on the southern portion of Portion 8 will be maintained and will be incorporated as a landscape feature within the proposed plant nursery.

In terms of the development proposal, it is proposed that the lowest point of the development area be earmarked as an open space, namely Portion 4. It is proposed that the stormwater generated by the proposed development be managed by a Sustainable Urban Drainage System (SUDS) on a portion of Portion 4.

The topography of the development area is of such a nature that it would be possible to develop the development area as proposed within the existing topographical characteristics of the development area.

7.2.2 Geotechnical investigation

Little information is known about the soil classification found on the proposed development area. Further specialist studies will be required before any form of construction is to take place to determine the exact characteristics of the in-situ soils relating to the structural and the groundwater conditions in the area. The recommendations from the specialist studies will be dealt with in the development stage of the development.

All recommendations contained obtained from the soil tests will thus be considered in the design and construction phase.

7.2.3 Vegetation

The following extract from the “Botanical Comment” prepared by MB Botanical Services dated February 2024 gives an indication of the existing vegetation within the boundaries of the development area. A copy of the complete report is attached hereto as **Annexure “C”**.

“The site is located in a semi transformed strandveld environment in the southern Cape coastal region. The 2018 Vegetation Map of South Africa classifies the vegetation type found here as Hartenbos Dune Thicket. The latter is currently listed as Endangered¹. It is described as “a mosaic of low (1-3 m) thicket, occurring in small bush clumps dominated by small trees and woody shrubs, in a mosaic of low (1-2 m) asteraceous fynbos. Thicket clumps are best developed in fire-protected dune slacks, and the fynbos shrubland occurs on upper dune slopes and crests”.

From a biodiversity network perspective, the site falls largely inside an ecological support area (ESA) and corridor (see the biodiversity assessment report prepared by Chepri). What the latter report did not seem to mention is that the site also forms part of the ecological link between the Groot Brak and Klein Brak Estuaries. However, the link may have been compromised by development approvals further away to the west between the R102 and the N2. There is also an unrehabilitated or active sand mine 500 m away to the west that also impacts on the link. The areas to the north and south of the site have been transform for agricultural and residential purposes. Other (probably lesser) links run along the railway line, the N2 road reserve and primary dune above the beach.”

The report concludes as follows:

*The most important management or maintenance task for the corridor would be to keep it clear of aliens. Ideally, all exotic species should be removed from the corridor. A simple alien clearing plan should suffice. It is important to note that the aliens must be cleared on an annual basis. To improve biodiversity inside the corridor, it is recommended that topsoil containing seeds of indigenous species and salvageable plants, such as *Carpobrotus* spp and *Aloe arborescens*, be collected from the development areas and deposited or planted inside the corridor. The corridor should also not be fenced off on the sides facing away from the development. If fencing is needed for security reasons, a permeable fence should be erected that will allow small mammals through. Pedestrian traffic should be minimised. But if access needs to be provided for the residents, a path network should be established. The corridor should also be assessable for fire protection purposes.*

There is thus no reason from a vegetation point of view why the application as proposed cannot be supported.

7.2.4 Drainage pattern

A storm water plan will form part and parcel of the engineering services plans that needs to be prepared and approved for the proposed development. Storm water drainage will thus be addressed in the civil engineering design stage of the development.

The street layout has been designed in such a way that it will be possible to channel all stormwater generated within the development area to the east/west street from where it will flow towards Portion 4 where the stormwater generated by the proposed development is to be managed by a Sustainable Urban Drainage System (SUDS).

Stormwater will thus be adequately addressed under the control and supervision of Urban Engineering Consulting Civil and Structural Engineers.

7.2.5 Conclusion

From the contents of the above-mentioned paragraphs, it is clear that there is no reason from a physical characteristics point of view why the application for consolidation, rezoning and subdivision cannot be supported.

7.3 Proposed land uses

The proposed land uses have been discussed in detail in point 2 of this motivation report. In terms of the development proposal, a mixed-use development consisting of business land uses and residential land uses is proposed.

7.4 Density of the proposed development

In terms of the development proposal two higher density residential erven are proposed, namely Portions 3 and 6.

Portion 3 is to be zoned General Residential Zone II and will be developed as a town housing complex with a maximum density of 60 town housing units per hectare. This portion has a size of 0.697 hectare which calculates to 42 town houses to be developed on this portion.

Portion 6 is to be zoned General Residential Zone III and will be developed with flats in accordance with the land use parameters applicable to flats as per the Mossel Bay Municipality Zoning Scheme By-law, 2021. This portion has a size of 0.6530 hectare and if developed at its maximum floor area ratio of 1, and with an average size of 75m² per flat, it would be possible to develop this portion with approximately 85 flats.

No residential units are proposed on any of the other portions.

The development proposal thus provides for approximately 127 housing units which calculated to a density of approximately 12.5 dwelling units per hectare for the whole property which is well below the norm of 25 dwelling units per hectare, aimed at by the Department of Environmental Affairs and Development Planning of the Western Cape Government.

7.5 Compatibility of the development proposal with existing planning documentation and policies

7.5.1 Introduction

Different planning documents apply to the application and the desirability and compatibility of the application regarding each of these documents will subsequently be discussed.

7.5.2 "Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA)"

Section 7 of the "Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)" lists 5 development principles which must be applied when any development application is to be evaluated. The principles referred to are as follows:

- "Spatial justice"
- "Spatial sustainability"
- "Spatial efficiency"
- "Spatial resilience"
- "Good administration"

Different development principles are identified under each of the 5 abovementioned principles which must be applied when a land use application is to be evaluated. The proposed application for consolidation, rezoning and subdivision will subsequently be evaluated on each of the principles.

Spatial justice		
Criteria	Compliance	Planning Implication
<p>Past spatial and other development imbalances must be redressed through improved access to and use of land.</p>	<p>Complies with.</p>	<p>This application will result in undeveloped properties situated within the Urban Edge of Mossel Bay being developed to their fullest potential as per the Mossel Bay Spatial Development Framework, 2022. The business development targets the residents residing in the residential areas to the west, south and east of the development site, whilst the residential component, because of the development cost to provide the development area with services, will unfortunately have to target the middle to higher-income groups.</p>
<p>Spatial development frameworks and policies at all spheres of government must address the inclusion of persons and areas that were previously excluded, with an emphasis on informal settlements, former homeland areas and areas characterised by widespread poverty and deprivation.</p>	<p>Complies with.</p>	<p>The Mossel Bay Municipality has drawn up and approved a Spatial Development Framework for the Mossel Bay Municipal area which includes development proposals aimed at improving the quality of life of every resident living in the Mossel Bay Municipal area. It will be shown in this application that the development can be considered compatible with this spatial development framework. Through this development, a vast number of temporary and permanent jobs will be created. Furthermore, the development will provide the opportunity for the Mossel Bay Municipality to generate additional income which can be used for service delivery which will contribute to the improvement of the quality of life of the residents of Mossel Bay. The development will therefore make a positive contribution to improving the quality of life of every resident of Mossel Bay.</p>

<p>Spatial planning mechanisms, including land use schemes, must incorporate provisions that enable redress in access to land by disadvantaged communities and persons.</p>	<p>Complies with.</p>	<p>This provision does not apply to this application, as no informal residential development is involved.</p>
<p>Land use management systems must include all areas of a municipality and especially include provisions that are flexible and appropriate for the management of disadvantaged areas, informal settlements and former homelands areas.</p>	<p>Complies with.</p>	<p>This provision does not apply to this application, as no disadvantaged areas, informal settlements and former homelands areas is involved.</p>

<p>Land development procedures must include provisions that accommodate access to secure tenure and incremental upgrading of informal areas.</p>	<p>Not applicable.</p>	<p>This provision does not apply to this application, as no informal residential development is involved.</p>
<p>A Municipal Planning Tribunal, considering an application before it, may not be impeded or restricted in the exercise of its discretion solely on the ground that the value of land or property is affected by the outcome of this application.</p>	<p>Not applicable.</p>	<p>As far as is known, the Eden Joint Planning Tribunal – Mossel Bay Municipality's discretion when considering applications is not affected by the value of land or property. Decision making is, as far as is known, based on the principles, as stated in Section 7 of the Spatial Planning and Land Use Act, 2013 (Act 16 of 2013).</p>

Spatial sustainability		
Criteria	Compliance	Planning Implication
<p>Promote land development that is within the fiscal, institutional and administrative means of the Republic.</p>	<p>Complies with.</p>	<p>The proposed development will have no impact on the fiscal, institutional or administrative capabilities of the Mossel Bay Municipality. The Mossel Bay Municipality's income base will in fact be broadened through this development proposal. The</p>

		development proposal that forms the subject of the application is furthermore located within the urban edge of Mossel Bay and is in terms of the Mossel Bay Spatial Development Framework, 2022 located in an area earmarked for development.
Ensure that special consideration is given to the protection of prime and unique agricultural land.	Not applicable.	Although both properties are zoned Agricultural Zone I, the properties are located within the urban edge of Mossel Bay Municipality. The provisions of the Act on the Subdivision of Agricultural Land, 1970 (Act 70 of 1970) therefore do not apply to the application.
Uphold consistency of land use measures in accordance with environmental management instruments.	Not applicable.	Several activities listed in terms of the National Environmental Management Act, 1998 (Act 107 of 1998) will be triggered by virtue of this application. The owner has appointed Sharples Environmental Services to prepare and submit the necessary application for environmental approval for the development as proposed.
Promote and stimulate the effective and equitable functioning of land markets.	Complies with.	As has been indicated in detail in this motivation report, the proposed land uses are compatible with the land use character of the area within which the development will be located. The proposed development is furthermore considered desirable. It is therefore argued that the development proposal will not negatively affect the property value of any adjacent development. The opinion is held that the development will in fact make a positive contribution to the uplifting of the area which will ultimately contribute to increased property values in the area.
Consider all current and future costs to all parties for the provision of infrastructure and social services in land developments.	Complies with.	All infrastructure required for the development will be provided by the developer at his cost in accordance with the details as set out in the Civil Services and Electrical Services

		Reports attached to this motivation report.
Promote land development in locations that are sustainable and limit urban sprawl.	Complies with.	The development area is in terms of the Mossel Bay Spatial Development Framework. 2022 located within the urban edge of the Mossel Bay Municipal area and is in terms of the framework targeted for urban development. The proposal will thus not result in urban sprawl.
Result in communities that are viable.	Complies with.	The development will have a positive effect on the economy of Mossel Bay and will contribute towards the finances of the Mossel Bay Municipality and various suppliers of materials and services will generate additional income from the development, income that can be used for the improvement of the quality of life of the various service providers as well as the resident of Mossel Bay in general.

Spatial efficiency		
Criteria	Compliance	Planning Implication
Land development optimises the use of existing resources and infrastructure.	Complies with.	The required infrastructure for the proposed development will be provided by the developer at his costs. The proposal will thus not result in infrastructure costs to any external parties. The proposal will thus not place any burden on municipal budget for the provision services infrastructure.
Decision-making procedures are designed to minimise negative financial, social, economic or environmental impacts.	Complies with.	In terms of the contents of this motivation report the proposed development will have no negative financial, social, economic or environmental impacts. It will thus be possible to comply with any

		procedures which the Mossel Bay Municipality has designed to minimise negative financial, social, economic or environmental impacts.
Development application procedures are efficient and streamlined and timeframes are adhered to by all parties.	Complies with.	Mossel Bay Municipality has adopted the Mossel Bay Municipality: Land Use Planning Ordinance, 2021 which prescribes procedures and time frames developers must comply with when submitting land use applications, and which officials must consider when considering applications. This application has been prepared in accordance with the stipulations of the Mossel Bay Municipality: Land Use Planning By-law, 2021 and the application will therefore be managed and considered in accordance with the time frames as prescribed.

Spatial resilience

Criteria	Compliance	Planning Implication
Flexibility in spatial plans, policies and land use management systems are accommodated to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks.	Complies with.	The application erf is situated within the urban Edge of Mossel Bay, in an area indicated for further development in the Mossel Bay Spatial Development Framework, 2022.

Good administration

Criteria	Compliance	Planning Implication

<p>All spheres of government ensure an integrated approach to land use and land development that is guided by the spatial planning and land use management systems as embodied in this Act.</p>	<p>This is general principle that municipalities need to comply with.</p>	<p>Input was received from all spheres of government when the Mossel Bay Spatial Development Framework was drafted. An integrated approach, guided by the spatial planning and land use management systems as embodied in this Act, was thus followed in the preparation of the Mossel Bay Spatial Development Framework. As the development proposal can be deemed to comply with the contents of the Mossel Bay Spatial Development Framework, 2022 it can be stated that the proposal complies with these specific criteria.</p>
<p>All government departments must provide their sector inputs and comply with any other prescribed requirements during the preparation or amendment of spatial development frameworks.</p>	<p>This is general principle that municipalities need to comply with.</p>	<p>Input was received from all government departments and sectors when the Mossel Bay Spatial Development Framework was drafted. An integrated approach, guided by the spatial planning and land use management systems as embodied in this Act, was thus followed in the preparation of the Mossel Bay Spatial Development Framework. As it can be deemed that the development proposal complies with the contents of the Mossel Bay Spatial Development Framework, 2022 it can be stated that the proposal complies with this specific criterion.</p>
<p>The requirements of any law relating to land development and land use are met timeously.</p>	<p>This is general principle that municipalities need to comply with.</p>	<p>The Mossel Bay Municipality has adopted the Mossel Bay Municipality: By-law on Land Use Planning, 2021 which prescribes procedures and timeframes which developers must adhere to when submitting land use applications and which officials needs to take into consideration when considering applications. This application has been prepared in keeping with the requirements as per the Mossel Bay Municipality: By-law on Land Use Planning, 2021 and the application will from date of submission be dealt with and be</p>

		considered within the timeframes prescribed in the by-law.
The preparation and amendment of spatial plans, policies, land use schemes as well as procedures for development applications, include transparent processes of public participation that afford all parties the opportunity to provide inputs on matters affecting them.	This is general principle that municipalities need to comply with.	This application will be advertised in accordance with the stipulations as contained in the Mossel Bay Municipality: By-law on Land Use Planning, 2021. All parties will be given the opportunity to participate in the public participation process and will be afforded the opportunity to provide input on the application.
Policies, legislation and procedures must be clearly set in order to inform and empower members of the public.	This is general principle that municipalities need to comply with.	The Mossel Bay Municipality: By-law on Land Use Planning, 2021 contains clear procedures set to inform and empower members of the public. This application will be subjected to these procedures.

As can be seen from the table above, it can be argued that the proposal can be regarded as being compatible with the 5 development principles of SPLUMA.

7.5.3 “Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA)”

In terms of the above Act, it is expected of a municipality to consider the compatibility of any development proposal with existing provincial and municipal spatial development frameworks and as well as more detailed local spatial frameworks.

Section 19(1) and 19(2) of the Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA) which is relevant to this application reads as follows:

*19(1) If a spatial development framework or structure plan specifically provides for the utilization or development of land as proposed in a land use application or a land development application, the proposed utilization or development is regarded as **complying** with that spatial development framework or structure plan.*

19(2) If a spatial development framework or structure plan does not specifically provide for the utilization or development of land as proposed in a land use application or a land development application, but the proposed utilization does not conflict with the purpose of the relevant designation in the spatial development framework or structure plan, the

*utilization or development is regarded as being **consistent** with that spatial development framework or structure plan.”*

The compatibility of the development proposal with existing spatial development frameworks is addressed in points 7.5.4 to 7.5.9 of this report.

The development principles referred to in Section 59 of LUPA, which should also be considered when motivating an application, are directly in line with the principles of SPLUMA which have been discussed in detail in point 7.5.2 above. The comments in point 7.5.2 are thus also relevant as far as Section 59 of LUPA is concerned.

7.5.4 Western Cape Provincial Spatial Development Framework (WC PSDF)

7.5.4.1 Introduction

The Western Cape Provincial Spatial Development Framework (WC PSDF) not only provides for a new spatial development pattern for the Province but also clearly points out where development may and may not take place. The provisions of the development framework must therefore be considered with any development proposal.

In terms of the framework, mention is made of several principles namely spatial justice, spatial sustainability, spatial resilience, spatial efficiency, accessibility and quality of life and good administration to which spatial planning must comply. The impact of the application on spatial justice, spatial sustainability, spatial resilience, spatial efficiency, has already been discussed in point 7.5.2 above and it has been shown that the proposed development complies with the mentioned principles.

Several policy statements are also highlighted in terms of the WC PSDF which must specifically correlate with the mentioned principles. Some of the policy statements that are relevant to this town planning application will be addressed in the following points.

7.5.4.2 Protection of agricultural land

In terms of the WC PSDF, it is indicated that agricultural land must be protected. Although both properties are zoned Agricultural Zone I, the properties are located within the urban edge of Mossel Bay Municipality and earmarked for development in terms of the proposals contained in the Mossel Bay Spatial Development Framework, 2022. The provisions of the Act on the Subdivision of Agricultural Land, 1970 (Act 70 of 1970) therefore do not apply to the application.

A Site sensitivity verification and Agricultural Compliance Statement has been prepared by Johan Lanz Soil Scientist (Pr.Sci.Nat.). The complete report dated 13 May 2023 is attached hereto as **Annexure "P"**. The report comes to the following conclusion:

"The agricultural impact of the proposed development will be the permanent exclusion of potential agricultural production from the land parcel. As has been discussed above the site is not currently utilised for agricultural production, and has very limited future production potential because of the very sandy soils, the small size of the land parcel, which makes agriculture non economically viable, and its location among small parcels of land with non-agricultural land use and cut off from nearby agriculture by the N2 highway.

Because the site is not suitable for agricultural production, the proposed development cannot have an unacceptable negative impact on the agricultural production capability of the site. Therefore, from an agricultural impact point of view, it is recommended that the development be approved.

The entire site will be excluded from agricultural use. Therefore, the protocol requirement of confirmation that all reasonable measures have been taken through micro-siting to avoid or minimise fragmentation and disturbance of agricultural activities, is not relevant in this case. For the same reason, and because there are no off-site agricultural impacts, there are no Environmental Management Programme inputs required for the protection of agricultural potential on the site.

The conclusion of this assessment on the acceptability of the proposed development and the recommendation for its approval is not subject to any conditions. In completing this statement, no assumptions have been made and there are no uncertainties or gaps in knowledge or data that are relevant to it. No further agricultural assessment of any kind is required for this application."

In terms of the contents of this report there is no reason from an agricultural point of view why this application cannot be supported. This objective of the WC PSDF is therefore not relevant to this application.

7.5.4.3 Self sufficiency

The most important overall guideline which is laid down is that any development should be self-sufficient. It states that *“the development needs of the present generations should be met without the ability of future generations to meet their own needs, being compromised.”* The development as proposed by this application will be self-sufficient and will not place any burden on the future residents of Mossel Bay. The development will in fact make a positive contribution to the improvement of the residents of Mossel Bay’s quality of life since it will make a considerable contribution to the property rates structure of the Mossel Bay Municipality and will also create many temporary and permanent job opportunities.

The WC PSDF further states that settlement areas with enough natural resources and the economic development potential to accommodate self-sufficient long-term population growth, should be identified and that development outside the areas should be prevented and rather be channelled towards these settlement areas. Mossel Bay can be classified as a town with a high development potential. Mossel Bay furthermore boasts a diverse well-balanced support basis which can support a development as proposed. Mossel Bay can furthermore be considered a focus point, due to the presence of its schools, sport, shopping and related functions and has already proved to be a town that has the developing potential to be self-sufficient. The proposal will make a positive contribution to Mossel Bay being fortified even further as a self-sufficient town. The proposal can thus be regarded to be in keeping with this specific guideline of the WC PSDF.

7.5.4.4 Urban edge

The WC PSDF provides for a guideline which determines that towns should identify an urban edge and that development should be restricted to areas inside the urban edge. The Mossel Bay Municipality identified an urban edge, and both properties are located within the identified urban

edge. As such, the proposed development will not result in "urban sprawl". The proposal therefore meets the requirement of this guideline set out in the WC PSDF.

7.5.4.5 Densification

In terms of the development proposal two of the twelve portions (Portions 3 and 6) are earmarked for residential development. In terms of the densities proposed on the two portions it will be possible to develop approximately 127 housing units on the two portions.

In terms of the WC PSDF, higher densities and more compact cities must be created. According to the framework, it is recommended that towns should densify to an average density of 25 units per hectare with development densities of 3 to 6 units per hectare on the edge of a town and densities of between 40 to 60 units per hectare in the core of the urban area.

In the framework, it is highlighted that the density was decided upon following studies that were undertaken and which showed "that this is the minimum density at which urban settlements begin to significantly improve their urban performance."

According to the framework, the proposed density creates the following benefits:

- The ability to walk to several different destinations on foot.
- Improve surveillance and security.
- Employment and retail opportunities within easy distance.
- Vibrant and active streetscape.

The framework further states that "the figure of an average gross density of 25 du/ha should be seen as a hurdle below which urban settlements will not perform adequately, and above which a number of positive opportunities begin to be achievable."

According to the framework, increased densities are best applied in towns that are under development pressure and, according to the framework, increased densities is a valuable tool to counter urban sprawl. Although Mossel Bay is not subject to high development pressure and

urban sprawl is not a problem at this stage, an application of this nature may contribute to limiting urban sprawl in the future.

According to the framework, the increased density and the combating of urban sprawl can be achieved through various development possibilities. Subdivisions of properties, the development of additional residential units as well as sectional title developments, demolition and redevelopment, high density residential areas, apartment blocks and infill are presented as means by which higher densities can be achieved.

The option of vacant land that is located within the urban edge of a town and that is targeted for residential development in terms of an approved spatial development framework has been identified to achieve the increased density and counteract urban sprawl. This specific proposal involves the development of undeveloped land within the urban edge of Mossel Bay which has inter alia been targeted for residential development in. This development proposal, which will be inter alia allow for residential component of approximately 127 housing units at an average density of approximately 12.5 units per hectare, will contribute to the fact that the density prescribed by the framework will eventually be achieved and that urban sprawl will be limited/contained.

However, it is important to point out that densification must take place within acceptable areas and that it must not detract from the environment within which the densification is proposed. This development takes place within the urban edge of Mossel Bay as well as in an environment that is targeted for residential development in terms of the Mossel Bay Spatial Development Framework, 2022 The objectives as prescribed in the development framework are therefore achieved with this application.

7.5.4.6 Summary

From the content of point 7.5.4 it is clear that the application can indeed be considered compatible with the WC PSDF.

7.5.5 Southern Cape Regional Spatial Implementation Framework, 2019 (RSIF)

The Southern Cape Regional Spatial Implementation Framework, 2019 (RSIF) only addresses general principles, policies and guidelines within which local spatial development frameworks must be prepared. The Mossel Bay Spatial Development Framework, 2022 has been prepared based on the principles, policies and guidelines contained in the RSIF.

As will be noted from the contents of point 7.5.9 below, the development proposal is compatible with the provisions of the Mossel Bay Spatial Development Framework, 2022. It is therefore argued that the development proposal will therefore be compatible with the principles, policies and guidelines contained in the RSIF.

7.5.6 Garden Route District Municipality Integrated Development Plan, 2022 (IDP)

The Garden Route District Municipality Integrated Development Plan, 2022 (IDP) refers to the Eden District Spatial Development Framework, 2017 (DSDF) and the planning principles referred to in the DSDF. No detail is provided that is really relevant at the level of this application.

7.5.7 Eden District Spatial Development Framework, 2017 (DSDF)

The Eden District Spatial Development Framework, 2017 (DSDF) only addresses general principles, policies and guidelines to which spatial development within municipal areas must conform. The Mossel Bay Integrated Development Plan, 2022 to 2027 defines, supports and is based on the principles, policies and guidelines contained in the DSDF.

As will be noted from point 7.5.8 the development proposal is compatible with the provisions of the Mossel Bay Integrated Development Plan, 2022 to 2027. It is therefore argued that the development proposal will therefore be compatible with the principles, policies and guidelines as contained in the DSDF.

7.5.8 Mossel Bay Integrated Development Plan, 2022 to 2027

In terms of the Mossel Bay Integrated Development Plan, 2022 to 2027, eight strategies have been formulated to support the spatial planning approach and spatial drivers, in order to direct and manage development in the Greater Mossel Bay urban environment. Each strategy is

supported by a set of policies and policy guidelines on which to base decisions and on which actions can be taken and budgeted for.

Strategy 4 deals specifically with urban growth and the restructuring of the urban form to meet the Mossel Bay Community's needs. The strategy applies to this application.

In terms of the strategy, the following policy guidelines are laid down which development applications must comply with, namely

- “Policy 4A - Future urban form design is to be based on future scenario planning in the SDF”

The development proposed for Erf 998 Tergniet and the Remainder of Portion 5 of the Farm Zandhoogte 139 is located within an area that is targeted for urban development in terms of the Mossel Bay Spatial Development Framework, 2022. The application is therefore based on the development proposals as contained in the Mossel Bay Spatial Development Framework, 2022. More detail with regards to the compatibility of the development proposal with the Mossel Bay Spatial Development Framework, 2022 (MBSDF) is provided in point 7.5.9 of this motivation report.

- “Policy 4B - Prioritize efficient urban form”

The development proposal forms a sensible logical development proposal with the layout which has been prepared within the physical and biological constraints of the erf. The development area is furthermore located within the approved urban edge for Mossel Bay which represents the urban boundary/form of Mossel Bay as determined in terms of the MBSDF. The development proposal will thus further contribute to an efficient urban form.

- “Policy 4C - Creation of an Open Space/Conservation network”

In terms of the development proposal a 40-metre-wide open space corridor is provided along the N2-National Road boundary of the consolidated erf (Portion 11). This open space is to be linked to a future open space system which is to be provided along the southern boundary of the N2-National Road. The provision of this open space is a requirement which

stems from a report - “Botanical Comment” prepared by MB Botanical Services dated February 2024. A copy of the report is attached hereto as **Annexure “C”**.

The development proposal will thus contribute to a future open space system to be created along the southern boundary of the N2-National Road.

- “Policy 4D - Implementation of biodiversity offsets as a tool for an efficient and sustainable urban form”

The comments made above with regards Policy 4C is also applicable to this policy.

- “Policy 4E - Maintain a compact settlement form to facilitate inclusion and integration and improved service delivery”

Erf 998 Tergniet and the Remainder of Portion 5 of the Farm Zandhoogte 139 is located within the urban edge of Mossel Bay Municipal Area. The proposal will therefore not lead to urban sprawl and will therefore lead to a more compact urban area. The fact that the development proposal will contribute to a more compact urban area will thus also contribute positively towards improved service delivery.

All infrastructure required for the development will be provided by the developer at the cost of the developer in accordance with the details as set out in the Civil Services and Electrical Services Reports attached to this motivation report. In terms of the services reports it will be possible to link the internal services with the external services that are available in the immediate area. It will thus be possible to integrate the proposed services with the existing services that are available in the area. The proposal will thus not result in infrastructure costs to any external parties. The proposal will therefore not place any burden on municipal budget for the provision services infrastructure.

- “Policy 4F - Provide places of residence closer to places of work”

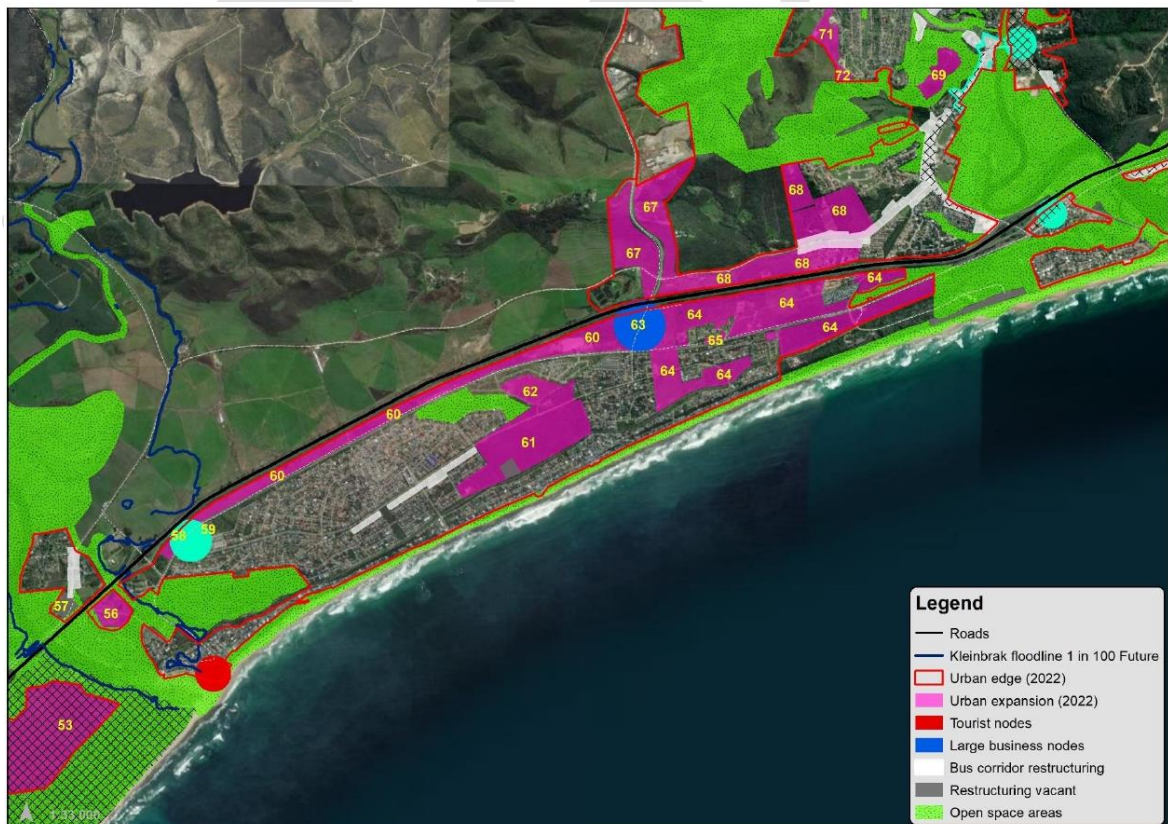
The development proposal allows for a mixed land use development consisting of various business uses and a residential component. A large number of employment opportunities will be created by virtue of the business component of the development. The development

proposal also makes provision for approximately 127 housing units which includes town housing units and flats. Places of residence will thus be developed adjacent to the employment opportunities. The development proposal will thus comply with this policy guideline.

- “Policy 4G - Direct public investment (public facilities, amenities and services), commercial activity and residential densification towards the urban core and priority nodes”

In terms of the MBSDF a large business node is proposed to the north of the R102, to the south of the N2-National Road and along Sorgfontein Road. The business node is indicated on the plan below which is also attached hereto as **Annexure “Q”**. This business node is furthermore classified as infill development in terms of this framework.

In terms of the MBSDF the following land uses are proposed for this node, i.e., businesses, light industrial uses, mixed-uses and medium density residential development. The development proposal is in keeping with the proposed land uses.



From the content of the above paragraphs, it appears clear that the development proposal is compatible with the policy guidelines contained in the Mossel Bay Integrated Development Plan for the period 2022 to 2027.

7.5.9 Mossel Bay Spatial Development Framework, 2022 (MBSDF)

Erf 998 Tergniet and the Remainder of Portion 5 of the Farm Zandhoogte 139 is located within the study area of the Mossel Bay Spatial Development Framework, 2022 (MBSDF) and the framework therefore applies to this application.

The status quo of Mossel Bay as a town and environment indicates a number of strategic issues which are critical in terms of future growth demands and conservation. The MBSDF recognizes the existing inequalities within the Mossel Bay urban space. It aims to restructure the urban form in such a manner as to optimize and unlock opportunities for the previously disadvantaged communities.

Seven strategies are formulated to support the spatial planning approach and spatial drivers to direct and manage development in the Greater Mossel Bay area and the urban environment. Each strategy is supported by a set of policies and policy guidelines to base decisions on and on which actions can be taken and budgeted for. The objective of the strategies is to give spatial and practical expression to the optimum utilization and management of the unique attributes of Mossel Bay town and region – the natural environment, the heritage assets, its economic potential – to benefit all its people. Some of the strategies are aimed towards the resilience of the town in the case of water scarcity, moving away from fuel-based energy sources and the effects of climate change.

The seven strategies can be summarized as follows:

- Strategy 1 – The purpose of this strategy is to conserve and manage the natural environment in balance with the demands from urban growth and agricultural use.

In terms of the development proposal a 40-metre-wide open space corridor is provided along the N2-National Road boundary of the consolidated erf (Portion 11). This open space is to be linked to a future open space system which is to be provided along the southern boundary of the N2-National Road. The provision of this open space is a requirement which stems from a report - “Botanical Comment” prepared by MB Botanical Services dated February 2024. A copy of the report is attached hereto as **Annexure “C”**.

The development proposal will thus contribute to a future open space system to be created along the southern boundary of the N2-National Road.

- Strategy 2 - Secure sufficient water and food for future demands.

This strategy is not applicable to this specific development proposal.

- Strategy 3 - Facilitate opportunities for utilization of renewable energy.

This strategy is not applicable to this specific development proposal.

- Strategy 4 - Manage urban growth and restructure the urban form to serve the Mossel Bay Community needs.

Erf 998 Tergniet and the Remainder of Portion 5 of the Farm Zandhoogte 139 are located in an area which has been earmarked as a “Large business node” in terms of the MBSDF. The two properties are located within the Mossel Bay urban edge, and it is indicated in the MBSDF that the development of the two properties is regarded to be classified as infill development. The development as proposed can thus be regarded to comply with the urban form of Mossel Bay as envisaged in the MBSDF.

It is the intention that the businesses, medical facility/clinic and mixed-use development envisaged will serve the needs of the residents of the surrounding area. The proposal is thus directly earmarked to serve the community needs. The proposal will thus comply with this strategy.

➤ Strategy 5 - Provide a safe and secure environment for all residents and visitors

The development will be developed in such a way that it provides a safe and secure business and residential environment for the residents to shop and live in.

➤ Strategy 6 - Create a local economic base to provide sustainable employment opportunities.

The development will, once completed, be erected at an estimated cost of between R300 and R400 million, which represent a massive economic injection into the municipal area of Mossel Bay. A vast number of temporary and permanent job opportunities will also be created during the construction phase as well as in the operation phase of the development. As such, the development will have a positive effect on the economy of Mossel Bay and will contribute towards the finances of the Mossel Bay Municipality and various suppliers of materials and services generating additional income from the development, income that can be used to the improvement of the quality of life of the various service providers as well as the resident of Mossel Bay in general.

➤ Strategy 7 - Ensure a municipality that is functioning on a financially sustainable basis.

The development will contribute additional rates and taxes towards the Mossel Bay Municipality and will contribute towards keeping Mossel Bay Municipality financially sustainable.

As mentioned under the heading Policy 4G in point 7.5.8 of this motivation report, a large business node is proposed in terms of the MBSDF to the north of the R102, to the south of the N2-National Road and along Sorgfontein Road. The business node is indicated on the plan attached hereto as **Annexure “Q”**. In terms of the MBSDF the following land uses are proposed for this node, i.e., businesses, light industrial uses, mixed-uses and medium density residential development. The development proposal is thus in keeping with the proposed land uses proposed for the development area in terms of the MBSDF.

7.5.10 Mossel Bay Municipality Zoning Scheme By-Law, 2021

In terms of the development proposal 12 portions, each with their own zoning is proposed. The development on each of the portions will be undertaken within the parameters applicable to the specific zoning as per the Mossel Bay Municipality Zoning Scheme, 2021. The development will thus comply with the requirements as per the mentioned zoning scheme.

7.5.11 Title Deeds

Although the title deed of a property is not a planning document, it sometimes still contains conditions which may have an essential impact on the development potential of a property.

The title deeds of the Erf 998 Tergniet and the Remainder of Portion 5 of the Farm Zandhoogte 139 were scrutinised, and it was found that it contains no conditions prohibiting the consolidation, rezoning and subdivision and development as proposed.

A Conveyancer Certificate confirming the abovementioned is attached hereto as **Annexure “K”** and **Annexure “L”**.

7.5.12 Conclusion

From the above information it is clear that the application for consolidation, rezoning and subdivision complies with the mentioned Planning Polices and Planning Guidelines and can be considered desirable.

7.6 Other legislation

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

The development proposal triggers certain listed activity in terms of regulations promulgated in terms of the National Environmental Management Act, 1998 (Act 107 of 1998).

The owners have appointed Sharples Environmental Services to prepare and submit the required environmental application to the Department of Environmental Affairs and Development Planning of the Western Cape Government for consideration. The Mossel Bay Municipality will be

informed of the outcome of this environmental application process as soon as a Record of Decision is received.

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

In terms of Section 38(1) of the National Heritage Resources Act, 1999 (Act 25 of 1999) approval in terms of the Act is required for the following activities.

“38(1) Subject to the provisions of subsections (7), (8) and (9), any person who intends to undertake a development categorised as—

- (a) the construction of a road, wall, powerline, pipeline, canal or other similar form of linear development or barrier exceeding 300m in length;*
- (b) the construction of a bridge or similar structure exceeding 50 m in length;*
- (c) any development or other activity which will change the character of a site—
 - (i) exceeding 5 000 m² in extent; or*
 - (ii) involving three or more existing erven or subdivisions thereof; or*
 - (iii) involving three or more erven or divisions thereof which have been consolidated within the past five years; or*
 - (iv) the costs of which will exceed a sum set in terms of regulations by SAHRA or a provincial heritage resources authority;**
- (d) the re-zoning of a site exceeding 10 000 m² in extent; or*
- (e) any other category of development provided for in regulations by SAHRA or a provincial heritage resources authority”*

“Development” is in terms of the Act defined as follows:

“development” means any physical intervention, excavation, or action, other than those caused by natural forces, which may in the opinion of a heritage authority in any way result in a change to the nature, appearance or physical nature of a place, or influence its stability and future well-being, including—

- (a) *construction, alteration, demolition, removal or change of use of a place or a structure at a place;*
- (b) *carrying out any works on or over or under a place;*
- (c) *subdivision or consolidation of land comprising, a place, including the structures or airspace of a place;*
- (d) *constructing or putting up for display signs or hoardings;*
- (e) *any change to the natural or existing condition or topography of land; and*
- (f) *any removal or destruction of trees, or removal of vegetation or topsoil.”*

From the above extract and the contents of this motivation report it is clear that the development proposal will definitely activate Section 38(1) of the Act and the necessary approval from Heritage Western Cape will thus be required.

The required Heritage Western Cape approval has been obtained and is attached hereto as **Annexure “R”**. The requirements of this Act have thus been met.

7.6.3 Advertising on Roads and Ribbon Development Act, 1940 (Act 21 of 1940)

The development is located along the R102 and DR1578 (Sorgfontein Road). The development area will obtain access from DR1578 (Sorgfontein Road) this access point has been discussed with officials of the Western Cape Government: Transport and Public Works. The necessary formal approval of the development is however required in terms of Act 21 of 1940.

This access point of the proposed east/west street with Sorgfontein Road is addressed in detail in the Traffic Impact Study undertaken by the Urban Engineering Consulting Civil and Structural Engineers which is attached hereto as **Annexure “D”**.

As such the application will be referred to the “Western Cape Government: Transport and Public Works” for their comments and approval in terms of Act 21 of 1940. As soon as the comments/approval of the Western Cape Government: Transport and Public Works have been received the comments/approval will be forwarded to the Mossel Bay Municipality.

7.7 Servitudes

In point 6.6 of this motivation report it is indicated that the two properties are subjected to various servitudes. The following two servitudes has an effect on the development proposal:

- an electrical transmission servitude running in an east/west direction which transverses through the middle of the development area.
- a 6-metre-wide sewer pipeline servitude located along the southern boundary of the property.

The electrical servitude referred to will be relocated underground within the proposed east/west street road reserve. A letter whereby the Mossel Bay Municipality grants its permission to the cancellation of the electrical servitude dated 27 January 2023 is attached hereto as **Annexure "S"**. This servitude can thus be cancelled.

The 6-metre-wide sewer along the western boundary of the Remainder of Portion 5 of the Farm Zandhoogte 139 will also be relayed to a position to be determined by Urban Engineering Consulting Civil and Structural Engineers in consultation with the officials of the relevant department of the Mossel Bay Municipality.

Both relocations will be for the cost of the owner and will be undertaken in accordance with approved engineering plans under supervision of the owner's engineers.

The other servitudes referred to in point 6.6 are not affected by the development proposal and will remain intact.

A municipal sewerage treatment plant is located to the north-west of the development area across the N2-National Road. This sewerage treatment plant is located at level lower than the N2-National Road and is as such screened off from the development area by virtue of a very wide N2-National Road reserve which is located at a level considerably higher than the sewerage treatment plant and development area.

In terms of health regulations this sewerage treatment plant is subject to a 500-metre radius within which no residential development is allowed. This restriction has been discussed with officials of the Mossel Bay Municipality who have indicated that this 500-metre radius is because of the topographical restrictions of the area not applicable to the development area. A letter

confirming the latter is attached hereto as **Annexure “T”**. Notwithstanding the latter the development area has been planned in such a way that non-residential land uses are located within this 500-metre radius. The residential components as proposed are located outside the 500-metre radius. The development proposal is thus not affected by the 500-metre radius applicable to the sewerage treatment plan.

7.8 Desirability of the application for consolidation of Erf 998 Tergniet and the Remainder of Portion 5 of the Farm Zandhoogte 139

The consolidation of the two properties will

- lead to the optimal development of the two properties from a development point of view;
- create the opportunity to establish a development on the consolidated erf that can be designed and planned as a harmonious designed precinct without having to take existing boundaries with their restrictions into account;
- enable a development which is designed in accordance with the existing topography of the two properties;
- allow for the optimal development of the two properties from an access point of view.

From the contents of the above-mentioned it is clear that the consolidation of the erven will have no effect on the surrounding area and will in fact result in a development which can be regarded as an asset for this specific area. There is as such no reason why the application for consolidation of the erven cannot be supported from a town planning point of view.

7.9 Compatibility of the development proposal with the character of the area

The development area is bordered by the N2-National Road to the north, Sorgfontein Road to the west, the R102 to the south and farming land to the east.

The area to the west of Sorgfontein Road is at present vacant and used for limited agricultural purposes. It is known to the owners that the owner of the mentioned land is also in the process of applying for development rights for this portion of land. From discussion held with these owners it was established that the two developments will complement each other. The

development proposal will thus have no negative affect on the property located to the west of Sorgfontein Road.

The area to the north of the development area is separated from the development area by the N2-National Road. The N2-National Road is furthermore at this point located at a level higher than both the land to the north and south of the N2-National Road. This elevated level and the road reserve width of the N2-National Road is of such an extent that the proposed development can have no effect on any future development to the north of the N2-National Road.

To the east the development area borders onto agricultural land which is earmarked for township development. The residential component proposed in terms of this the development proposal is proposed along the eastern boundary of the development area in order to create a residential buffer between the business development proposed in terms of the development proposal and the future township development to the east.

The area to the south of the R102 consist mainly of residential erven which have been developed with dwelling houses and group housing complexes. The R102 forms a physical barrier between the proposed development area and the area to the south of the R102. The width and extent of this R102 is of such a nature that the proposed development cannot have an impact on the residential areas to the south of the R102.

It is thus clear from the context of the paragraphs above that the proposal will not have a negative effect on the surrounding area.

7.10 Compatibility of the development proposal with the natural environment

Sharples Environmental Servies has been appointed by the owners to attend to the environmental approvals required for the proposed development. It is anticipated that this process will deal with the impact of the development proposal on the natural environment and that any issues in this regard will be addressed in the Record of Decision to be issued for the development proposal.

7.11 Potential of the development area

As mentioned under the heading Policy 4G in point 7.5.8 of this motivation report, a large business node is proposed in terms of the MBSDF to the north of the R102, to the south of the N2-National Road and along Sorgfontein Road. The business node is indicated on the plan attached hereto as **Annexure “Q”**. Erf 998 Tergniet and the Remainder of Portion 5 of the Farm Zandhoogte 139 is located within this proposed business node. In terms of the MBSDF the following land uses are proposed for this node, i.e., businesses, light industrial uses, mixed-uses and medium density residential development. The development proposal is in keeping with the proposed land uses proposed for the development area in terms of the MBSDF.

The consolidation, rezoning and subdivision of the development area, as proposed in this application, will therefore result in the development area being utilized at its maximum potential as proposed in terms of the MBSDF.

7.12 Access to the development area

A traffic impact study dated June 2023 which included an access study was undertaken by Urban Engineering Consulting Civil and Structural Engineers. The complete study is attached hereto as **Annexure “D”**.

More detail with regard to the traffic impact study which included an access study is provided in point 7.13 of this motivation report.

7.13 Traffic Impact Statement

A traffic impact study dated **June 2023** which included an access study was undertaken by Urban Engineering Consulting Civil and Structural Engineers. The complete study is attached hereto as **Annexure “D”**.

The following conclusions are reached in terms of the traffic impact study and access study which was undertaken for the proposed development as indicated on the subdivision/consolidation plan attached hereto as **Annexure “B”**.

1. It is the intention of 3MP Sales and Services to consolidate, sub-divide and rezone Erf 998 Tergniet and PTN 5 of Farm Zandhoogte No. 139, Mossel Bay in order to create a new mixed-use development. The development is known as the Dolphin Circle Development.
2. The proposed SDP makes provision for various land uses as summarised in the table below.

LAND USE DESCRIPTION	ABREVIATION	SIZE (ha)
Business Zone I	BZI	3.4924
Business Zone IV	BZIV	0.2913
Community Zone III	CZIII	0.5431
Mixed Zone II	MZII	1.0281
General Residential Zone I	GRZI	0.9734
General Residential Zone II	GRZII	0.7690
General Residential Zone III	GRZIII	0.6213

3. Site access is proposed directly via DR1578, which also forms the Western Property boundary.
4. The position of the new DR1578 site access is a function of intersection spacing, Shoulder Sight distance and geometric design requirements. Unfortunately, the site is constrained by the existing N2 overpass to the north and the existing MR344 intersection to the south. An investigation into the position for the new Site Access Road revealed that the best suited position is approximately 220m north of the existing MR344 intersection.
5. The new Dolphin Circle site access will also have to provide access to the neighbouring erven (PTN115) towards the west of DR1578. To protect mobility along DR1578, the future intersection layout must include dedicated right turn lanes for both DR1578 approaches.
6. Background traffic counts were recorded at both the DR1578/DR1583 and DR1578/MR334 intersection. Counts were recorded over a 12-hour period on Tuesday 14 March 2023. Traffic count data has been attached as ANNEXURE D to this report. The traffic count revealed relatively large percentages of heavy traffic (8% of AADT at DR1578/MR344 intersection and 16,8% of AADT at DR1578/DR1583 intersection) passing through the intersections.
7. Based on the COTO TMH17 guidelines, the development has the potential to generate up to 597 trips (IN and OUT) during the Weekday AM- and 591 trips during the Weekday PM

Peak Hour Periods. Since the exact development particulars are not yet known, no reduction factors were applied to the trip generation rates. The trip distributions are based on the actual traffic count data and has been attached as ANNEXURE E to this report.

8. *Due to the relatively large percentage of heavy vehicles, the SIDRA analysis returned lower than expected LOS specifically for the South Bound approaches to the two intersections.*
9. *Analysis of the future "No-Go" scenario indicates that at a fairly conservative 3% growth rate, the right turn movement of the South Bound approach to the DR1578/MR344 intersection will reduce to a LOS C even without the proposed Dolphin Circle development.*
10. *The addition of the newly generated Dolphin Circle traffic reduced the LOS of the Right turn movement at the DR1578/MR344 (South Bound approach) to an unacceptable poor level F (average delay 121s with 28 vehicle queue length) during the Weekday PM peak hour period.*
11. *Urban Engineering TIA (Report 23-033) indicate that the future development of PTN115 will add an additional 259 trip during the weekday Peak hour periods.*
12. *Trips from both Dolphin Circle and PTN115 were added to the future traffic volumes, resulting in a further reduction in the LOS of the south bound approach to the DR1578/MR344 intersection. (Average delay reduced from 121s to 799s. Queue length increased from 28 to 154 vehicles).*
13. *The following mitigation measures at the DR1578/MR344 intersection were analysed:*
 - a. ***Introduction of an additional right turn lane for the DR1578 south bound lane:***
SIDRA analysis returned a slight improvement, in the overall LOS, but the dedicated right turn lane remained at LOS D.
 - b. ***Conversion of the DR1578/MR344 intersection to a roundabout:***
This conversion proved to be the most effective in improving overall LOS of the intersection."

In line with the conclusions above, the traffic impact study concludes as follows:

Based on the findings of this report, the proposed consolidation, rezoning and subdivision of Erf 998 Tergniet and PTN 5 of Farm Zandhoogte 139 is supported from a traffic and transportation point of view, subject to the following conditions:

b) **Class 5a Road = 22m**

c. **The road reserve positions in relation to the road centre lines have been indicated in Figure 14-2**

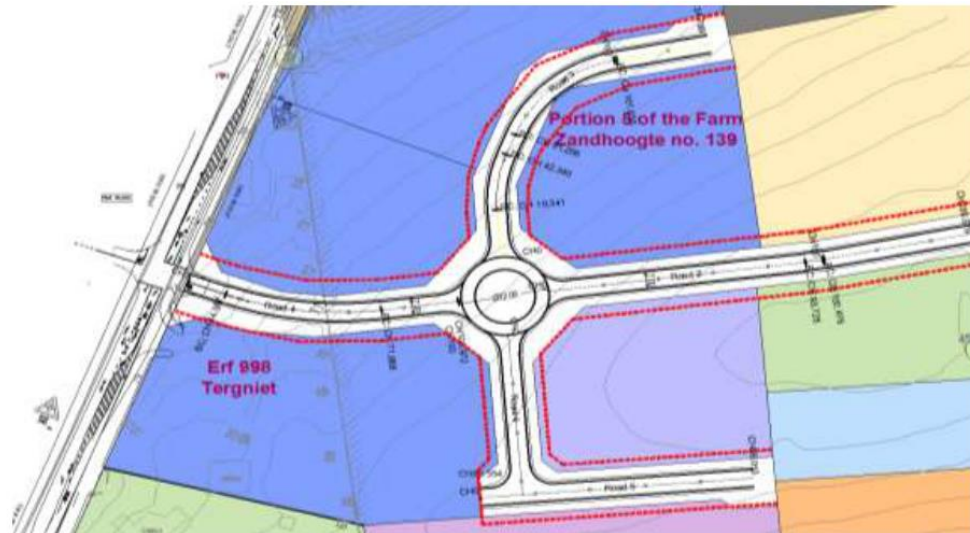


Figure 14-2 - Road Reserve Positions

3. **EXISTING DR1578/MR344 INTERSECTION**

- a. **In order to improve the LOS of the South Bound right turn movement for this intersection, it is recommended that the intersection be converted to a traffic circle (roundabout).**
- b. **A preliminary design of the traffic circle must be undertaken to ensure that there is sufficient road reserve to accommodate the new proposed circle. It is envisaged that this new circle can be based on the design parameters (ICD and lane widths) of the traffic circle recently constructed at the intersection of MR344/TR209/MR348 in Groot Brak River.**
- c. **The cost for the design and construction of the new proposed traffic circle should be divided in a fair and equitable way between the two developers (Dolphin Circle and PTN115) both sides of the DR1578.**

d. **GENERAL**

- a. *All Geometric and Pavement designs should be according to the standards and requirements of the Provincial Government of The Western Cape and must be undertaken by a professionally registered Civil Engineer.*
- b. *Detailed “Site Impact Assessments” must be prepared for the various internal erven. These SIA should check inter alia sweep paths, parking provisions, positions of driveways and sight distances.*
- c. *All internal road cross sections must make provision for universally accessible pedestrian sidewalks.”*

From the contents of the abovementioned paragraphs it is clear that the access to the development area as proposed is supported and that the road system can accommodate the proposed development provided the abovementioned recommendations are implemented. There is thus no reason why the development as proposed cannot be supported from a form a traffic and access point of view.

7.14 Provision of services

7.14.1 Civil Engineering Services

The owners appointed Urban Engineering Consulting Civil and Structural Engineers, for the planning of the civil engineer’s services in respect of the proposed development. A copy of the civil engineering services report is attached hereto as **Annexure “U”**.

The purpose of this report was to assess the existing municipal engineering services and the extent thereof that will be affected by the proposed development. The findings of this report are summarized as follows:

- *“The proposed rezoning is in line with the Mossel Bay Municipality’s Local Spatial Development Framework.*
- *It is proposed that the water supply to the proposed development be a metered connection, connected to the 200mm diameter main water line running parallel to Sorgfontein Road (DR1578). A minimum pipe size of 110mm diameter is proposed for the new development*

to accommodate the potable and the fire water demand. The total demand for the development is 53.624ℓ/s.

- *On site water storage for Firefighting purposes may not be required. Capacity within the existing network will need to be confirmed by the Mossel Bay Municipality.*
- *The proposed development requires one new sewer pump station to the east, which would be required to drain 100% of the effluent of the development. A minimum pipe size of 160mm diameter is proposed for the new development to accommodate the anticipated sewage flows that will be generated.*
- *Due to the topography of the site, the lack of existing stormwater infrastructure in the area and the environmental benefits, it is proposed that the stormwater generated by the proposed development be managed by a Sustainable Urban Drainage System (SUDS). This will ensure that the stormwater runoff be discharged into natural water courses or soak aways as far as possible.*
- *The Capital Contributions are to be determined by the various Municipal Directorates involved.*
- *The access approval for the proposed development is dealt with under a separate report.”*

With reference to all the conclusions above, it can be concluded that the proposed development can be provided with the required civil engineering services subject to certain conditions and recommendations. The provision of civil services to the development thus poses no obstacle.

7.14.2 Electrotechnical Engineering Services

The owners appointed BDE Consulting Engineers for the planning of the electrical engineer's services in respect of the proposed development. A copy of the electrical services report is attached hereto as **Annexure “V”**.

In terms of the contents of the report, it is concluded that electrical services can be made available to the site subject to the requirements of the Mossel Bay Municipality.

A letter dated 28 July 2023 has since been received from the Mossel Bay Municipality approving the application for an electrical connection to the capacity of 1.465MVA for the proposed

development of Erf 998 Tergniet and the Remainder of Portion 5 of the Farm Zandhoogte 139 subject to the following conditions:

- a) *“Development contributions is payable at the ruling rate.*
- b) *A wayleave application for existing services shall be submitted to the Department Infrastructure Services prior to commencement of construction. Payment of the wayleave application shall be done as per the ruling tariff.*
- c) *The bulk meters shall be installed and commissioned by a municipal appointed service provider for bulk metering.*
- d) *SL7000 bulk meters with Automatic Meter Reading (AMR) function shall be installed in the metering kiosks at the boundary of each erf.*
- e) *Internal MV & LV reticulation and streetlights will be taken over by Mossel Bay Municipality.”*

A copy of the letter dated 28 July 2023 is attached hereto as **Annexure “W”**. The provision of electrical services to the development thus poses no obstacle.

8. CONCLUSION

Application is made for the consolidation of Erf 998 Tergniet and the Remainder of Portion 5 of the Farm Zandhoogte 139. Application is further made to rezone the consolidated erf and to subdivide the consolidated erf into

- ⇒ 2 Business Zone I (BZI) erven with a total size of 2.6040 hectare (Portions 1 and 9),
- ⇒ 1 Business Zone IV (BZIV) erf with a size of 0.2680 hectare (Portion 5),
- ⇒ 1 Community Zone III (CZIII) erf with a size of 0.5270 hectare (Portion 2),
- ⇒ 1 General Residential Zone II (GRZI) erf with a size of 0.6970 hectare to be developed at a density of 60 dwelling units per hectare (Portion 3),
- ⇒ 1 General Residential Zone III (GRZII) erf with a size of 0.6530 hectare to be developed with flats (Portion 6),
- ⇒ 1 Mixed Use Zone II (MZII) erf with a size of 0.9020 hectare (Portion 7),
- ⇒ 2 Open Space Zone II (OSZII) erven with a size of 1.2250 hectare (Portions 4 and 11),
- ⇒ 2 Transport Zone II (TZII) erven with a size of 1.3600 hectare (Portions 10 and 12), and

- ⇒ 1 Split zone erf consisting of a portion Business Zone I (BZI) with a size of 1.0 hectare and a portion Open Space Zone II (OSZII) with a size of 1.0 hectare (Portion 8).

As indicated in this report the proposed applications are compatible with all existing planning documents, spatial plans, legislation and policy documents applicable to the applications.

The proposal will not have a negative impact on the environment, development, public facilities, traffic circulation or Municipal services in the surrounding area.

The applications can therefore be considered desirable and are submitted for consideration in terms of the relevant stipulations of the Mossel Bay Municipality Land Use Planning By-Law, 2021.