

# STILBAAI-WES ERF 7484 (A PORTION OF ERF 657)

## SPECIALIST PLANNING REPORT FOR NEMA AUTHORISATION PURPOSES



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**SECTION A :****BACKGROUND****1. PURPOSE OF THE REPORT**

Hessequa Municipality has identified the need for the development of a retirement resort in Stilbaai. The municipality issued a tender to alienate a portion of municipal land and after a thorough public participation and tender process, the tender was awarded to Ellenrust Properties CC.

The portion of land that will be alienated for the development of a retirement resort is Stilbaai-Wes Erf 4784 (A Portion of Erf 657). Erf 4784 has been surveyed and is 5,7076 ha in extent. A copy of SG Diagram 2258/2018 is attached as **ANNEXURE A**.

The development proposal is to develop a new retirement resort, consisting of 120 loose standing retirement homes, 8x semi-detached assisted living units and a frail care facility with administrative and communal facilities.

The development of the proposed new retirement resort will require Environmental Authorisation in terms of the National Environmental Management Act, 1998 (Act 107 of 1998), as well as a land development approval from Hessequa Municipality in terms of the Hessequa By-law on Municipal Land Use Planning, 2015.

CapeEAPrac Environmental Consultancy has been appointed to apply for Environmental Authorisation and Marike Vreken Urban and Environmental Planners have been appointed by **Ellenrust Eiendomme BK** to apply for the required development rights from the applicable authorities.

This report serves as the Specialist Planning Report for the Environmental Authorisation application on Stilbaai-Wes Erf 4784. The objective of this Specialist Planning Report is to provide a description of the proposed development and to **"contextualize" the envisaged project within the administrative, legal and policy planning framework**. These policies are not prescriptive legal requirements, but rather guidelines to inform detailed planning and design, and to be interpreted and applied at the level of an individual project.

**2. PROPERTY DESCRIPTION, SIZE AND OWNERSHIP**

Stilbaai-Wes Erf 4784 has been surveyed, but not yet been transferred to Ellenrust Eiendomme BK. **The only title deed available is the Deed of the "Mother Erf", Stilbaai-Wes Erf 657.** A copy of the Title Deed which includes all the information outlined below is contained in **ANNEXURE B**. The Surveyor General Diagram (SG2258/2018) for the application area is contained in **ANNEXURE A**.

Title Deed Number:	T13989 /1963
SG Diagram Description:	Erf 4784 (A Portion of Erf 657 Stilbaai-Wes)
Title Deed Description:	Erf No 657 geleë in die Dorpsbestuurgebied van Stilbaai in die Afdeling van Riversdal
SG Code:	C06400060000478400000
Property Owner:	Hessequa Municipality, to be transferred to Ellenrust Eiendomme BK
Title Deed Restrictions:	The Title Deed contains no restrictive title deed conditions that prevent the proposed development.
Bonds:	There is no bond registered over the property.
Property Size:	Erf 657 = 7,57512ha Erf 4784 = 5,7076ha
Servitudes:	No servitudes are registered. However, there are services mains along the Northwestern boundary – a new servitude will have to be registered to accommodate these service mains.

<b>SECTION B :</b>	<b>DEVELOPMENT PROPOSAL</b>
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**3. DEVELOPMENT ALTERNATIVES**

*(Refer to Plan 2: Layout Plan)*

Site Development Plan: Preferred Alternative

**PLAN 6.** Site Characteristics

**PLAN 7.** Character of the Area

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Section 24(O) (1) (b) (iv) of the National Environmental Management Act, 1998 (Act 107 of 1998) as amended states that:

*"...where appropriate, any feasible and reasonable alternatives to the activity which is the subject of the application and any feasible and reasonable modifications or changes to the activity that may minimise harm to the environment..."*

The following development alternatives were investigated for the application area:



- **Alternative 1 (Preferred Alternative):** Development of a retirement resort, with consisting of 120x loose standing, freehold title retirement homes, 8x semi-detached assisted living units and a frail care facility with administrative and communal facilities. The frailcare unit will be a phased development, with approximately 32 beds.
- **Alternative 2:** The proposed development will contain retirement units along the north western boundary. The resort will consist of 121x loose standing, freehold title retirement homes, 10x semi-detached assisted living units and a frail care facility with administrative and communal facilities.
- **Alternative 3:** No go Alternative.

These development alternatives are discussed in more detail hereunder:

### 3.1. Preferred Alternative

The Preferred Alternative development proposal is shown in the figure below:



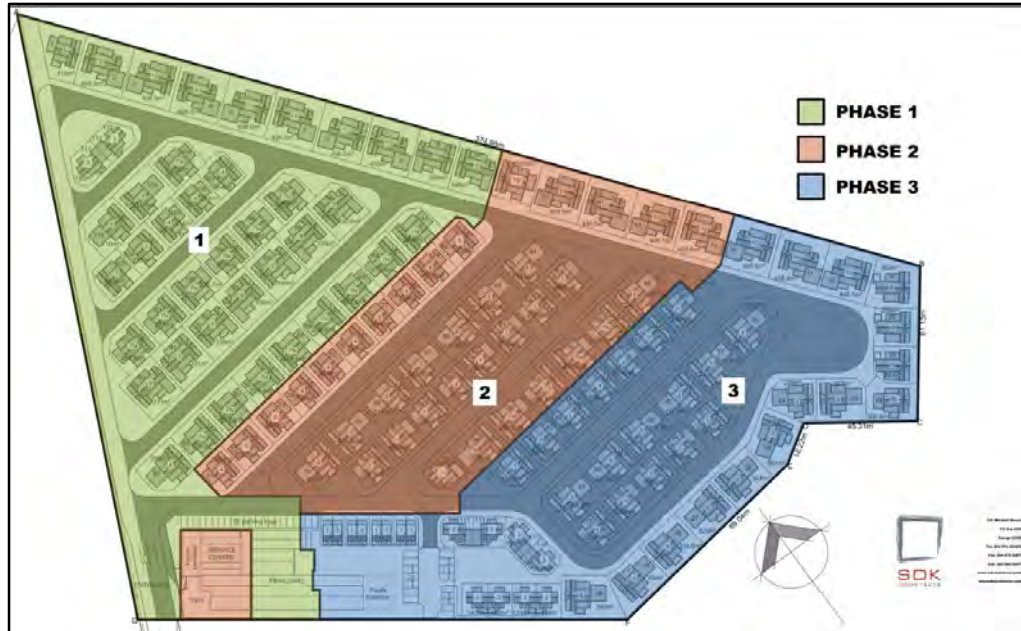
**FIGURE 1: PREFERRED LAYOUT**

The preferred layout, consists of the following:

#### 3.1.1. Development Phases

A phased development, that will be implemented in three (3) phases:

- Phase 1: 42x retirement units, 14 frail care beds,
- Phase 2: 38x retirement units and the service centre
- Phase 3: 40x retirement units, 8x assisted living units and the remainder of the service centre.



**FIGURE 2: PROPOSED PHASING**

**3.1.2. Access**

Access to the application area will be via a new public street (Erf 4785, that runs south of the application area, to the to the East of Erf 2267. A copy of the SG Diagram for this new public street is attached as **ANNEXURE C**.



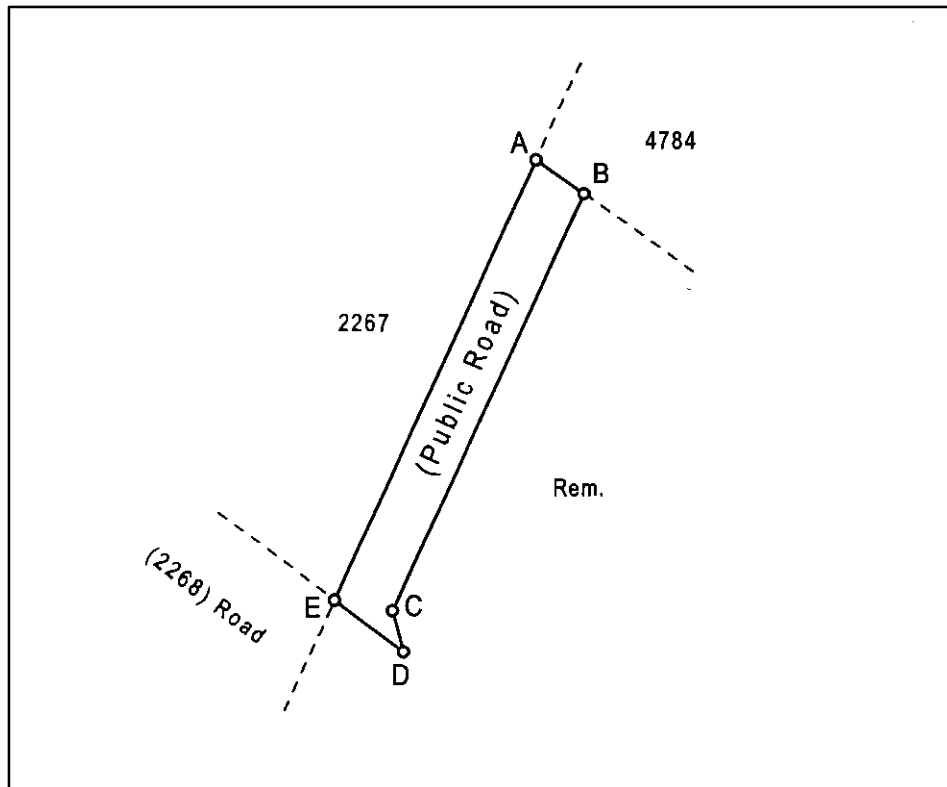


FIGURE 3: PROPOSED ACCESS VIA ERF 4785

### 3.1.3. Development Parameters

The development parameters of the preferred development proposal include the following:

- 129 x General Residential Zone III erven (of which 8x are assisted living)
- 1x Open Space Zone II
- Communal uses of the proposed retirement resort include a frailcare facility, service center, and communal open space.
- Building Lines: 3m on the outer perimeter, 0m inside
- Coverage: 50%
- Density: 22,6 unit / ha
- Parking Requirement: 290 Parking Bays

The preferred development alternative complies with the prescribed development parameters for a "Group Housing" development, as set out in the Hessequa Integrated Zoning Scheme By-Law.



**FIGURE 4: ARTIST'S IMPRESSION OF THE PROPOSED DEVELOPMENT**

#### **3.1.4. Proposed Land Development Application**

In order to obtain land development rights for the proposed retirement resort, the following land development application will have to be lodged to Hessequa Municipality:

- (i) The rezoning of Erf 4784 Stilbaai-Wes from "Utility" zone to "Subdivisional Area), in terms of Section 15(2)(a) of the Hessequa Municipality: By-law on Municipal Land Use Planning 2015 (PN 287 of 2015);
- (ii) The subdivision of Erf 4784 Stilbaai-Wes in **130x "General Residential Zone II" (Group housing)** erven, in terms of Section 15(2)(d) of the Hessequa Municipality: By-law on Municipal Land Use Planning 2015 (PN 287 of 2015);
- (iii) A consent use for a "retirement resort" on the "General Residential Zone II" zoned Erf 4784, in terms of Section 15(2)(o) of the Hessequa Municipality: By-law on Municipal Land Use Planning 2015 (PN 287 of 2015).
- (iv) A permanent departure for the relaxation of the perimeter building line for Erven 117 – 120, in terms of Section 15(2)(b) of the Hessequa Municipality: By-law on Municipal Land Use Planning 2015 (PN 287 of 2015).

A summary of the prescribed development parameters for "General Residential Zone II", and compliance of the proposed development's parameters are shown in the table below:

PARAMETER	REQUIREMENT	PROPOSAL	COMPLIANCE
Primary land use	Group Housing	Retirement Resort	<b>Consent Use Required</b>
Coverage:	at most 60%.	50%	<b>COMPLY</b>
Density:	at most 35 units / ha	22,6 u/ha	<b>COMPLY</b>
Height:	May not exceed 8,5 metres	Single storeys	<b>COMPLY</b>
Private Open Space	at least 50 m <sup>2</sup> per dwelling unit	Erven allow for 50% coverage, hence more than ample provided.	<b>COMPLY</b>
Building Lines:	boundary building line of 5m	10m	<b>COMPLY</b>
	3 metres along the perimeter.	3m	<b>Departure Required for Erven 117 - 120</b>
Service Yard:	Must be provided	Provided – refer to SDP	<b>COMPLY</b>
Refuse Room:	Must be provided	Provided – refer to Erf 129 on SDP	<b>COMPLY</b>
Parking Requirements:	2 bays per dwelling 0.25 bays/unit for visitors (288)	290 Parking Bays	<b>COMPLY</b>

Except for a building line relaxation for 4x retirement units (Erven 117-120), the entire development complies with the prescribed development parameters of the Hessequa Integrated Zoning By-Law.

**3.2. Alternative 1: No Accommodation of Services Mains**

Alternative 1 is like the preferred alternative layout, however, this proposal does not include an accessible area to accommodate the services mains along the north western property boundary.

This alternative is not the preferred alternative, as it could become problematic for future maintenance of services, the services mains are bisecting individual erven. Individual servitudes will have to registered over all the individual erven along the north western boundary.

A copy of the layout for Alternative 1 is shown in the figure below:



FIGURE 5: ALTERNATIVE 1

**3.3. Alternative 2: No Go Alternative**

This alternative is not to do any development on Erf 4784. The no-go alternative is not desirable, as it means that a very strategic, centrally located piece of municipal land will stay vacant, and undeveloped. The implication being that there will be more pressure for urban sprawl on other land parcels.



**SECTION C : CONTEXTUAL INFORMANTS**

**4. LOCALITY**

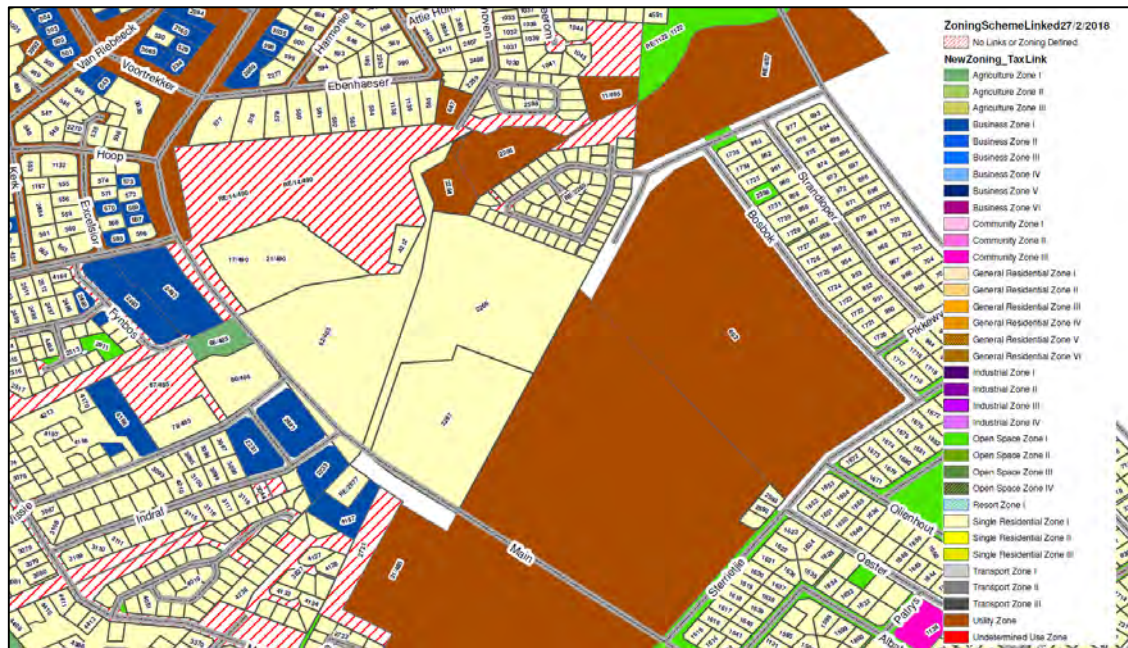
*(Refer to Plan 1: Locality Plan)*

Erf 4784 is located to the north of the Still Bay West Community Hall, the Municipal offices, Library SAPS and other community uses. The coordinates of the centre point of the property are located at 34°22'31.9"S 21°24'40.0"E.

The Palinggat resort abuts the western boundary of the application area, and the Stilbaai Municipal offices, library, community hall and SAPS, are located to the south of the application area.



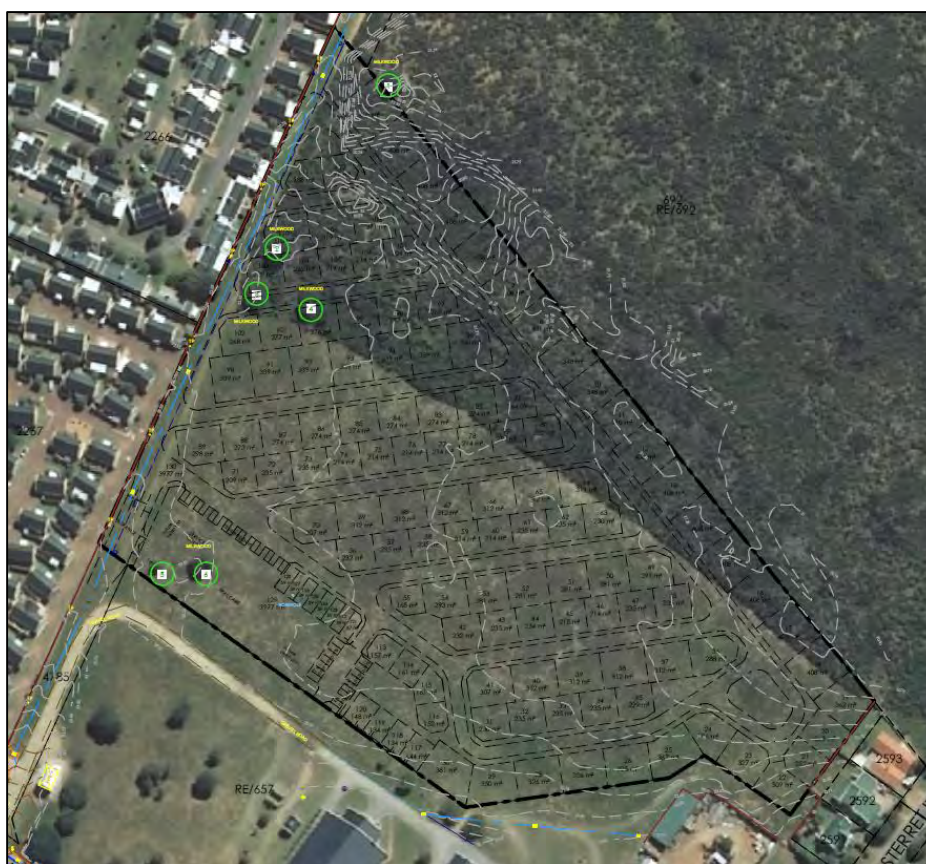




**FIGURE 7: EXTRACT OF ZONING MAP**

**6. SITE CHARACTERISTICS**

The site characteristics of the application area are shown in the figure below:



**FIGURE 8: SITE CHARACTERISTICS**

### 6.1. Topography

The application area is flat, with heights that vary between 20m and 22m above Mean Sea Level. Given the flat topography, the site is ideally suited to be developed as a retirement resort.

### 6.2. Vegetation

The application area is mostly completely transformed, with approximately 5x scattered milkwood trees that can be accommodated within the road reserves of the proposed development.

The only constraint is two (2) Milkwood trees that exist where the frail care and service centre is proposed. These trees will have to be transplanted, or be replaced by more indigenous and protected trees in suitable communal open spaces.

### 6.3. Built Environment / Improvements

The application area is vacant. The only improvements on the application area is an existing borehole that is located to the south west of the application area.

## 7. CHARACTER OF THE AREA

The area where the application area is located, is characterised by mixed uses, group housing uses and community facilities, as shown in the figure below:

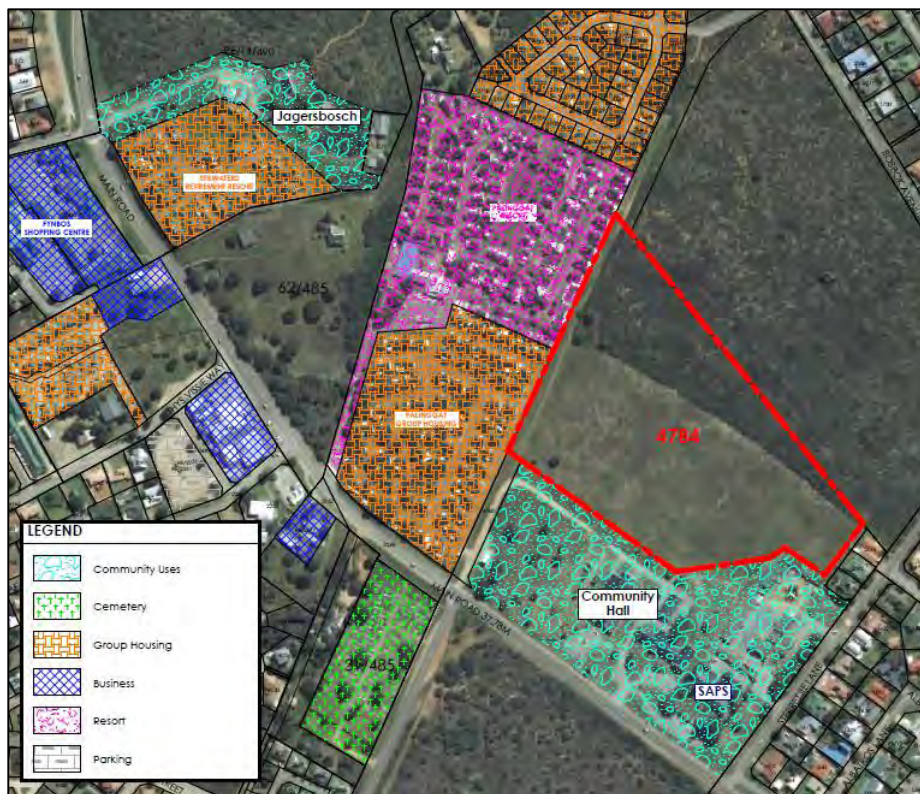


FIGURE 9: CHARACTER OF THE AREA



The Remainder of Erf 657 to the south of the application area contain various community uses such as the Stilbaai Community Hall, the Stilbaai Library, Municipal offices and the SAPS. The Stilbaai Cemetery is located to the south west of the application area.



**FIGURE 10: COMMUNITY CENTRE ON THE REMAINDER OF ERF 657**

Various group housing and resort type developments are in close proximity to the application. Examples of these are:

- Palinggat Group Housing on Erf 2267 (24 units/ha)
- Stilwater Retirement Resort on Portion 21 of Farm No 490 (22 units/ha)
- Group housing development on Erven 3687-3740 (23 units/ha)
- Palinggat Resort on Erf 2266

Furtheron, there are business uses within walking distance from the application area. These include:

- OK Foods on Erf 2491
- Fynbos Shopping Centre on Erven 2492 & 2493



**FIGURE 11: BUSINESS USE ON ERF 2491**

From the above it is clear that the proposed development is consistent with the existing medium density residential character of the area, and that the proposed use is ideally located, as it will be walking distance from business and community uses.

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

## SECTION D :

## SPATIAL PLANNING POLICIES

### 8. EXISTING POLICY FRAMEWORKS

This section will discuss the applicable policy frameworks that have an influence on any development proposal on the application area. These include:

#### 8.1. Western Cape Provincial SDF (2014)

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

The PSDF puts in place a coherent framework for the Province’s urban and rural areas that:

- Gives spatial expression to National and provincial development agendas.
- Serves as basis for coordinated and integrated planning alignment on National and Provincial Departmental Programmes.
- Supports municipalities to fulfil their mandates in line with national and provincial Agendas.
- Communicates government’s spatial development agenda.

The Western Cape Province’s Strategic objectives include:

- ***Educating Cape:*** Everyone has access to a good education, and the cities, towns and rural villages are places of innovation and learning
- ***Working Cape:*** There are livelihood prospects available to urban and rural residents, and opportunities for them to find employment and develop enterprises in these markets.
- ***Green Cape:*** All households can access basic services that are delivered resource efficiently, residents use land and finite resources prudently, and safeguard their ecosystems.
- ***Connecting Cape:*** Urban and rural communities are inclusive, integrated, connected and collaborate.

- **Living Cape:** Living and working environments are healthy, safe, enabling and accessible, and all have access to the region’s unique lifestyle offering.
- **Leading Cape:** Urban and rural areas are effectively managed.
- **Resources:** Sustainable use of spatial assets and resources
- **Space Economy:** Opening up opportunities in the Space Economy
- **Settlement:** Developing Integrated and sustainable settlements.

The Western Cape’s agenda for spatial transformation and improved efficiencies in the use of natural resources are closely linked. The PSDF states that the paradigm that economic growth implies the on-going depletion of the Province’s natural capital needs to be broken. This is the rationale for the PSDF embracing a transition to a Green Economy. The so-called ‘decoupling’ of economic growth strived for, requires reductions/substitutions and/or replacements in the use of limited resources, while avoiding negative environmental impacts.

The recent shift in legislative and policy frameworks have clearly outlined the roles and responsibility of provincial and municipal spatial planning and should be integrated towards the overall spatial structuring plan for the province to create and preserve the resources of the province more effectively through sustainable urban environments for future generations. This shift in spatial planning meant that provincial inputs are in general limited to provincial scale planning.

The table below contains a summary of the key transitions promoted in the PSDF:

PSDF THEME	FROM	TO
RESOURCES	Mainly curative interventions	More preventative interventions
	Resource consumptive living	Sustainable living technologies
	Reactive protection of natural, scenic and agricultural resources	Proactive management of resources as social, economic and environmental assets
SPACE-ECONOMY	Fragmented planning and management of economic infrastructure	Spatially aligned infrastructure planning, prioritisation and investment
	Limited economic opportunities	Variety of livelihood and income opportunities
	Unbalanced rural and urban space economies	Balanced urban and rural space economies built around green and information technologies
SETTLEMENT	Suburban approaches to settlement	Urban approaches to settlement
	Emphasis on 'greenfields' development and low density sprawl	Emphasis on 'brownfields' development
	Low density sprawl	Increased densities in appropriate locations aligned with resources and space-economy
	Segregated land use activities	Integration of complementary land uses
	Car dependent neighbourhoods and private mobility focus	Public transport orientation and walkable neighbourhoods
	Poor quality public spaces	High quality public spaces
	Fragmented, isolated and inefficient community facilities	Integrated, clustered and well located community facilities
	Focus on private property rights and developer led growth	Balancing private and public property rights and increased public direction on growth
	Exclusionary land markets and top-down delivery	Inclusionary land markets and partnerships with beneficiaries in delivery
	Limited tenure options and standardised housing types	Diverse tenure options and wider range of housing typologies
Delivering finished houses through large contracts and public finance and with standard levels of service	Progressive housing improvements and incremental development through public, private and community finance with differentiated levels of service	

FIGURE 12: KEY TRANSITIONS FOR THE PSDF



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

- (i) Greater productivity, competitiveness and opportunities within the spatial economy;
- (ii) More inclusive development and strengthening the economy in rural areas;
- (iii) Strengthening resilience and sustainable development.

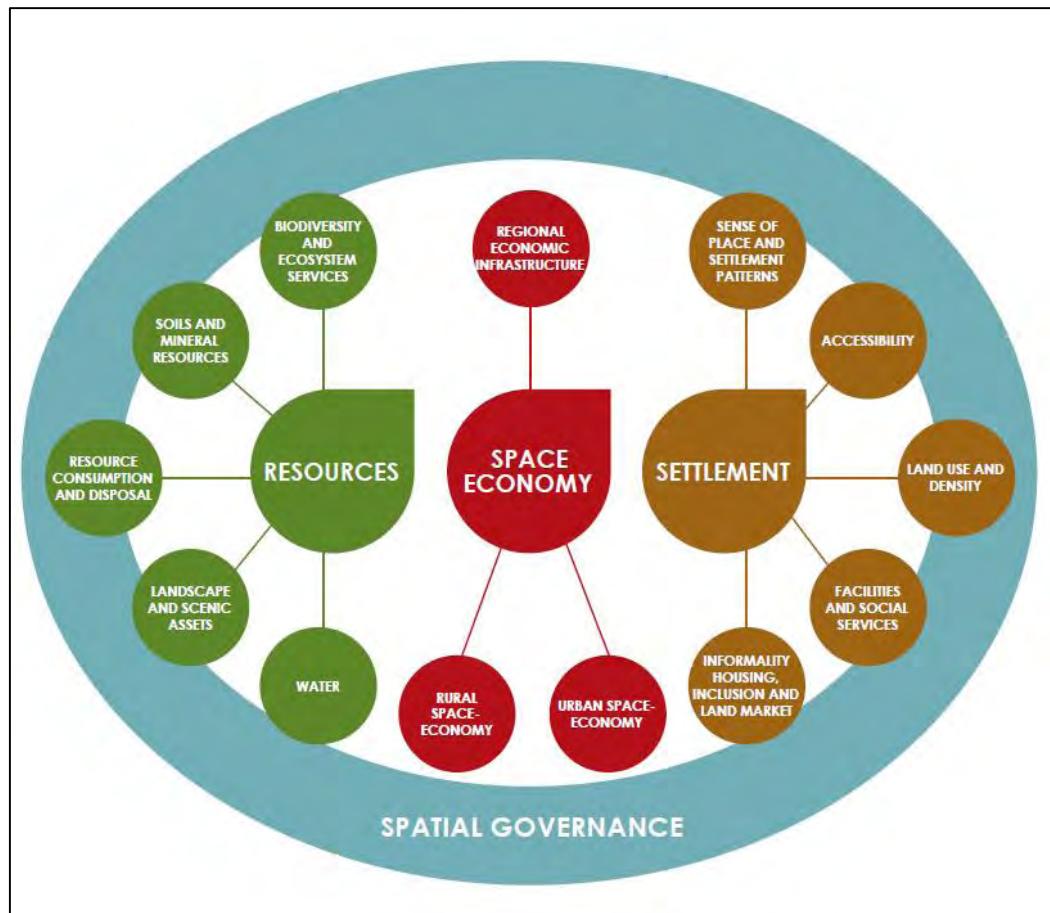


FIGURE 13: POLICIES APPLICABLE TO THE PROPOSED DEVELOPMENT

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

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

Policy Statement	Development’s response
2. Whilst public investment in the built environment to be spatially targeted to complement <u>new regional economic infrastructure investments</u> (in the dominant and emerging regional growth centres as identified), it will also be made available <u>to any settlement that makes a</u>	<ul style="list-style-type: none"> <li>▪ <i>Stilbaai is one of the identified growth nodes in Hessequa Municipality.</i></li> <li>▪ <i>Complies with “Living Cape” as this new living environment will be walking distance form business and community uses.</i></li> </ul>

Policy Statement	Development's response
<p><i>business case for delivering on the Provincial Strategic Objectives.</i> In this regard the Growth Potential Study (GPS) to be used as a tool to inform spatial investment decisions</p>	
<p>5. Existing economic assets (e.g. CBDs, township centres, modal interchanges, vacant and under-utilised strategically located public land parcels, fishing harbours, public squares and markets, etc.) to be targeted to lever the regeneration and revitalisation of urban economies</p>	<ul style="list-style-type: none"> <li>▪ <i>This is a strategically located underdeveloped site that will be developed with an appropriate use, creating additional employment opportunities and generating additional income for the Hessequa Municipality.</i></li> </ul>

**POLICY S1: PROTECT, MANAGE AND ENHANCE SENSE OF PLACE, CULTURAL AND SCENIC LANDSCAPES**

Policy Statement	Development's response
<p>2. Promote smart growth ensuring the efficient use of land and infrastructure by containing urban sprawl and prioritising infill, intensification and redevelopment within settlements.</p>	<ul style="list-style-type: none"> <li>▪ <i>This is an infill development, preventing urban sprawl.</i></li> </ul>
<p>3. Respond to and enhance an economically, socially and spatially meaningful settlement hierarchy that takes into account the role, character and location of settlements in relation to one another while preserving the structural hierarchy of towns, villages, hamlets and farmsteads in relation to historical settlement patterns.</p>	<ul style="list-style-type: none"> <li>▪ <i>Stilbaai is one of the main settlements in the Hessequa Municipality, with high development potential. It is therefore appropriate to locate this proposed development in Stilbaai.</i></li> </ul>

**S3: PROMOTE COMPACT, MIXED USE AND INTEGRATED SETTLEMENTS**

Policy Statement	Development's response
<p>1. Target existing economic nodes (e.g. CBDs, township centres, modal interchanges, vacant and under-utilised strategically located public land parcels,</p>	<ul style="list-style-type: none"> <li>▪ <i>The application area is within walking distance of the Stilbaai CBD and other community uses.</i></li> </ul>

Policy Statement	Development's response
fishing harbours, public squares and markets, etc.) as levers for the regeneration and revitalisation of settlements.	
2. Promote <i>functional integration and mixed use</i> as a key component of achieving <i>improved levels of settlement liveability</i> and counter apartheid spatial patterns and decentralization through densification and infill development	<ul style="list-style-type: none"> <li>▪ <i>Given the existing mixed uses in the area, the proposal will indeed contribute to mixed land uses.</i></li> </ul>

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

Policy Statement	Development's response
6. Increase densities of settlements and dwelling units in new housing projects	<ul style="list-style-type: none"> <li>▪ <i>The proposed density of 22 units / ha is denser than the existing single residential areas, and consistent with the densities of the surrounding group housing developments.</i></li> </ul>

**Planning Implication:**

*From the above it is clear that the proposed development is consistent with the Western Cape Provincial SDF.*

**8.2. Eden Spatial Development Framework (2017)**

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

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

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

- Strategy 2:** Regional accessibility for inclusive growth; a strategy that is based on the notion that improved regional accessibility is essential to achieving inclusive growth
- Strategy 3:** Coordinated growth management for financial sustainability; a strategy informed by the realities of global fiscal austerity and the need for responsible growth management that does more with less to secure future social and economic resilience.
- Strategy 4:** Planning, budgeting and managing as one government, this strategy highlights that real intergovernmental cooperation is essential to achieving the spatial transformation goals of SPLUMA and the three spatial strategies above.

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

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

<b>STRATEGY: GROWTH MANAGEMENT</b>	
<b>Policy 3.3.</b> Optimise existing infrastructure capacity and economic opportunity by directing mixed-use, higher density development to areas of opportunity	
<b>Guideline 3.3.7.</b> Promote compact development	<b>Compliance with the land development application</b>
<ul style="list-style-type: none"> <li>▪ Density should occur within 800-1600 m or 10- 20 minutes from transport hubs and areas with mixed-use activity.</li> <li>▪ The promotion of a more compact city form requires an increase in average gross density. However, an increase in density should maintain the character and form of certain heritage areas and natural environments so as to not damage or negatively impact the surroundings.</li> <li>▪ Appropriate urban density is key to achieving the Eden SDFs policy objectives</li> </ul>	<ul style="list-style-type: none"> <li>▪ The proposed development is within walking distance from community services (SAPS; Community Hall, Municipal Offices, Library) and business uses.</li> <li>▪ The proposed development will therefore result in an integrated and compact urban form for Stilbaai.</li> </ul>

Further to the above, according to this regional SDF, Stilbaai has a residential and tourism role, and therefore the proposed retirement resort will strengthen this existing role of Stilbaai.

Stilbaai has been categorised as a *"Specialised Coastal Centre"*. These are Urban centres with a special function (often tourism related) as well as a role in terms of servicing the surrounding areas and containing a mix of economic activities and services. Appropriate development in *"Specialised Coastal Centre"* would be development only within the urban

edge only, and development that keeps in character with promotion of a walkable, compact urban environment.

**Planning Implication:**

*The proposed development of Stilbaai Erf 4784 as a "retirement resort" is regarded as being consistent with the Eden District SDF.*

**8.3. Hessequa Spatial Development Framework (2017)**

The Spatial Development Framework (SDF) is one of the sectoral plans of an Integrated Development Plan. According to the law of Municipal Systems, 2000 (act32 of 2000), the purpose of the SDF is to give general spatial guidelines to officers on a consistent basis, which aims to an integrated and sustainable city, town and residential area. Also included in the SDF:

- spatial analysis of the Municipality
- Spatial development principles
- Maps which identify certain spatial goals

Hessequa SDF has identified towns which has high growth potential. According to the results of the growth potential study that was conducted by provincial authority, growth and development strategies must be focussed on towns that has relatively growth potential towards other towns. These towns include:

- Riversdale
- Heidelberg
- Albertinia
- Stilbaai

Still Bay is one of the biggest coastal towns from Gansbaai until Mossel Bay. Coastal towns plays an enormous role from a regional perspective and thus the Still Bay area should be considered as a top coastal development node.

The application area is located inside the demarcated urban edge of Stilbaai, and it is also **earmarked as a proposed "densification" area.**





FIGURE 14: EXTRACT HESSEQUA SDF – STILBAAI-WES

**Planning Implication:**

The application area is located inside the demarcated urban edge of Stilbaai, and earmarked as a densification area. The proposal is therefore consistent with the local Municipal Spatial Development Framework.

**8.4. Hessequa Integrated Development Plan (2017–2022)**

The Integrated Development Plan (2017-2022) is the fourth generation of strategic development plans together with proper monitoring of progress on goals as provided in the National Development Plan and the Hessequa Long Term Financial Plan. The image below is a condensed summary of the Hessequa Municipality’s Vision; Mission & Strategic Objectives.



FIGURE 15: HESSEQUA VISION, MISSION & STRATEGIC OBJECTIVE

The key pillars of sustainability for the Hessequa Municipality's are Social Well-being, Economic Viability and Environmental Integrity.

According to the Municipal IDP, the key development priorities for Stilbaai include:

- Commercial Development;
- Industry Development;
- Bulk Infrastructure Development;
- Property Development;
- Water Security

The IDP highlights the following aspects for Stilbaai in the IDP:

- There has been a change in the attitude of most residents towards a positivity regarding growth.
- Growth is inevitable and the focus should be on managing the growth to protect what is important to the residents
- When a critical mass of development is reached the element of crime will also manifest, therefore development should be strictly managed and guided **towards a common goal of maintaining the "ambience" and "free"** characteristics of the town.
- 

According to the IDP, most of the population in Stilbaai is older than 55 years. This emphasises the need for retirement housing in Stilbaai.

**Planning Implication:**

*The IDP is a municipal planning tool to integrate municipal planning and allocate municipal funding to achieve strategic objectives that will contribute to the overall municipal vision.*

*The IDP recognises the need for property development in Stilbaai, and also the need for growth and development.*

*It is the considered opinion that the proposed development of Erf 4784 is consistent with the Hessequa IDP.*

**SECTION E : STATUTORY REQUIREMENTS**

**9. THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (107 OF 1998)**

The National Environmental Management Act (NEMA) requires that all aspects of potential impacts of a proposed development are assessed within an Environmental Impact Assessment (EIA), with many specialists involved in order to investigate these potential impacts. From a Town Planning perspective, one of the most important considerations when providing input into the wider EIA process is the **Need and Desirability** of a potential project.

The Guideline on Need and Desirability published by the Department of Environmental Affairs and Development Planning (DEADP) goes to great lengths to explain that the 'Need' for a project relates to its 'timing', where the 'Desirability' related to the 'placing' of the proposed development; i.e. is this the right time and is it the right place for locating the type of land-use/activity being proposed.

**9.1. Need**

Need, as defined by DEADP refers to the timing of the proposal, as such the question 'do we need this development now?'. In answering this question, the forward planning and land use policy of the area must be examined. Therefore, the consistency with the existing approved Spatial Development Framework (SDF), the current Integrated Development Plan (IDP) and other municipal planning policy are important in the consideration of need.

Further considerations of need include the need of the community/area of the activity & land use – is the development "a societal priority"?

The figure below, shows the demographic profile of the Stilbaai population, as contained in the Hessequa IDP. From this figure, it is clear that 64% of the Stilbaai population is older than 55 years – this is a clear indication of the need for appropriate retirement accommodation facilities.

Category	2011 Census Data			Projections for 2016 based on 2001 and 2011 Census data		
	Male	Female	Total	Male	Female	Total
0 - 4	58	35	93	62	37	99
5 - 9	32	41	73	33	42	75
10 - 14	43	53	96	44	53	98
15 - 19	66	59	125	63	58	122
20 - 24	31	46	77	36	53	89
25 - 29	42	60	102	50	69	119
30 - 34	41	54	95	40	49	89
35 - 39	53	56	109	54	56	110
40 - 44	83	97	180	97	111	208
45 - 49	77	77	154	91	91	183
50 - 54	56	98	154	64	117	181
55 - 59	95	180	275	113	212	325
60 - 64	179	236	415	202	276	477
65 +	689	873	1562	847	1104	1953
	1545	1965	3510	1690	2144	3834

**FIGURE 16: STILBAAI DEMOGRAPHIC PROFILE AS PER HESSEQUA IDP**

## 9.2. Desirability

The desirability of a proposed development also relies heavily on the consistency with policy documentation but has a distinctly spatial focus. The guideline on Need and Desirability specifically poses the question *"Would the approval of this application compromise the integrity of the existing approved and credible municipal IDP and SDF as agreed to by the relevant authorities?"*

NEMA also links the desirability of development to the concept of the *"best practicable environmental option"*; this refers to the option that provides the most benefit and *causes the least damage to the environment, at a cost acceptable to society, in the long term as well as in the short term*. The consideration of alternatives is therefore closely related to this concept.

## 9.3. Planning Evaluation

The above boxes for need and desirability can be ticked. The current and the draft Spatial Development Framework earmarks the subject property for future urban development and locates the subject property inside the urban edge of Stilbaai.

The Integrated Development Plan (IDP) sets out strategic objectives to achieve the desired goal of the Hessequa Municipality. According to the IDP, 64% of the Stilbaai population is older than 55 years – this is a clear indication of the need for appropriate retirement accommodation facilities. It is safe to say that the **development "a societal priority" in the area** that it is situated in and it is this the right time and is it the right place for locating the type of land-use as being proposed.

The development proposal is consistent with all the applicable policy guidelines, it is consistent with the Hessequa IDP and consistent with the character of the area. It is therefore the considered opinion that it is indeed desirable.

## 10. THE NATIONAL HERITAGE RESOURCES ACT, 1999 (25 OF 1999)

The National Heritage Resources Act states in Section 38 of this Act, that the rezoning, of a property of more than 1 ha in extent, requires the permission from Heritage Western Cape.

In order to obtain permission, an application (Notice of Intent to develop – (NID), has to be submitted to Heritage Western Cape (HWC). A suitably qualified Heritage consultant has been appointed to comply with the requirements of the Heritage Act.

## 11. SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013 (ACT 16 OF 2013)

Section 42 of SPLUMA prescribe certain aspects that have to be taken into consideration when deciding on a land development application. These are:

- (1). Development principles set out in Chapter 2 of SPLUMA
- (2). Protect and promote the sustainable use of agricultural land
- (3). National and provincial government policies the municipal spatial development framework; and take into account: —
  - (i) the public interest;
  - (ii) the constitutional transformation imperatives and the related duties of the State;
  - (iii) the facts and circumstances relevant to the application;
  - (iv) the respective rights and obligations of all those affected;
  - (v) the state and impact of engineering services, social infrastructure and open space requirements; and
  - (vi) any factors that may be prescribed, including timeframes for making decisions.

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

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

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

The tables below aim to summarise how the proposed development on Stilbaai-Wes Erf 4784 complies with these planning principles.

**12.1. Spatial Justice**

<b>Criteria</b>	<b>Compliance</b>	<b>Planning Implication</b>
Past spatial and other development imbalances must be redressed through improved access to and use of land.	Not applicable	This policy is not applicable to the application area.

Criteria	Compliance	Planning Implication
Spatial development frameworks and policies at all spheres of government must address the inclusion of persons and areas that were previously excluded, with an emphasis on informal settlements, former homeland areas and areas characterised by widespread poverty and deprivation.	Not applicable	This policy is not applicable to the application area. Not a Spatial Development Framework or Policy.
Spatial planning mechanisms, including land use schemes, must incorporate provisions that enable redress in access to land by disadvantaged communities and persons.	Not applicable	This policy is not applicable to the application area.
Land use management systems should include all areas of a municipality and specifically include provisions that are flexible and appropriate for the management of disadvantaged areas and informal settlements.	Not applicable	This policy is not applicable to the application area.
Land development procedures must include provisions that accommodate access to, and facilitation of, security of tenure and the incremental upgrading of informal areas.	Not applicable	The municipality should process this application within the prescribed guidelines of the Land Use Planning By-Law for Hessequa Municipality, 2015.
A competent authority contemplated in this Act or other relevant authority considering an application before it, may not be impeded or restricted in the exercise of its discretion solely on the ground that the value of land or property will be affected by the outcome of the application.	<b>COMPLY</b>	The municipality should process this application within the prescribed guidelines of the Land Use Planning By-Law for Hessequa Municipality, 2015.
The right of owners to develop land in accordance with current use rights should be recognised.	<b>COMPLY</b>	This is a joint venture between the Hessequa Municipality and the applicant, as the land is alienated for the purpose to be developed as a retirement resort for Stilbaai.



## 12.2. Spatial Sustainability

Criteria	Compliance	Planning Implication
Promote land development that is spatially compact, resource-frugal and within the fiscal, institutional and administrative means of the relevant competent authority in terms of this Act or other relevant authority;	<b>COMPLY</b>	<ul style="list-style-type: none"> <li>The proposed development can be regarded as infill development, hence spatially compact development for Stilbaai.</li> <li>The proposal will contribute to additional capital income for the municipality.</li> </ul>
Ensure that special consideration is given to the protection of prime, unique and high potential agricultural land.	Not applicable	Not Agricultural land
Uphold consistency of land use measures in accordance with environmental management instruments.	<b>COMPLY</b>	Currently busy with an environmental authorisation process.
Promote and stimulate the effective and equitable functioning of land markets.	<b>COMPLY</b>	<ul style="list-style-type: none"> <li>The properties in the surrounding area which consist of a diverse group of land uses.</li> <li>Development is occurring in the area and change of land use is not an irregular occurrence.</li> <li>The proposal to rezone will not influence the functioning of the land markets in the area.</li> </ul>
Consider all current and future costs to all parties for the provision of infrastructure and social services in land developments.	<b>COMPLY</b>	Any service upgrades at the cost of the applicant. Civil and electrical services report is to be provided with the land use application.
Promote land development in locations that are sustainable and limit urban sprawl.	<b>COMPLY</b>	<ul style="list-style-type: none"> <li>The application area is located within the urban edge of Stilbaai, and within walking distance of community facilities, as well as business opportunities.</li> </ul>
Result in communities that are viable.	<b>COMPLY</b>	<ul style="list-style-type: none"> <li>The proposed development will result in additional rate payers that will support the existing retail businesses in town.</li> <li>The proposed development will create additional temporary and permanent employment opportunities for the area.</li> </ul>
Strive to ensure that the basic needs of all citizens are met in an affordable way.	Not Applicable	This principle is not applicable to the applicant or this development.
The sustained protection of the environment should be ensured.	<b>COMPLY</b>	<ul style="list-style-type: none"> <li>Currently busy with an environmental authorisation process.</li> <li>The site is mostly transformed, flat and no water courses exist on the site.</li> </ul>

### 12.3. Spatial Efficiency

Criteria	Compliance	Planning Implication
Land development should optimise the use of existing resources, infrastructure, agriculture, land, minerals and facilities.	<b>COMPLY</b>	<ul style="list-style-type: none"> <li>Given the strategic location of the application area, the proposed development will support the existing community uses and business activities in the area.</li> </ul>
Integrated cities and towns should be developed.	<b>COPMLY</b>	<ul style="list-style-type: none"> <li>The area is characterised by mixed uses, community uses and business uses. The proposed use will support these uses, and further support the existing mixed uses, thereby supporting the integration of various uses in town.</li> </ul>
Policy, administrative practice and legislation should promote speedy land development.	Not Applicable	The municipality should process this application within the prescribed time frames of the Land Use Planning By-Law for Hessequa Municipality, 2015.

### 12.4. Spatial Resilience

Criteria	Compliance	Planning Implication
Flexibility in spatial plans, policies and land use management systems are accommodated to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks.	<b>COMPLY</b>	<p>The proposal is in line with all the various spatial plans, zoning scheme and policies, as motivated by the report.</p> <p>Currently busy with the Environmental authorisation process.</p> <p>The proposed application complies with the requirements of the Land Use Planning By-Law for Hessequa Municipality, 2015.</p>

### 12.5. Good Administration

Criteria	Compliance	Planning Implication
All spheres of government should ensure an integrated approach to land use planning.	<b>Applicable to Hessequa Municipality</b>	<p>This principle has no direct bearing on the application; however, the Hessequa Municipality is obligated to consider the application fairly and within the timeframes provided in terms of the municipal planning bylaw.</p> <p>What is however important is that all decision making is aligned with sound policies based on nation, provincial and local development policies.</p>
All government departments must provide their sector inputs and comply with any other statutory requirements during the preparation or amendment of spatial development frameworks.		

Criteria	Compliance	Planning Implication
The requirements of any law relating to land development and land use must be met timeously.		
The preparation and amendment of spatial plans, policy, zoning schemes and procedures for land development and land use applications, should include transparent processes of public participation that afford all parties the opportunity to provide inputs on matters affecting them.		
The legislation, procedures and administrative practice relating to land development should be clear, promote predictability, trust and acceptance in order to inform and empower members of the public.		
A spatial development framework, zoning scheme or policy should be developed in phases and each phase in the development thereof should include consultation with the public and relevant organs of state and should be endorsed by the relevant competent authority.		
Decision-making procedures should be designed to minimise negative financial, social, economic or environmental impacts.		
Development application procedures should be efficient and streamlined and timeframes should be adhered to by all parties.		
Decision-making in all spheres of government should be guided by and give effect to statutory land use planning systems.		

### **13. CONCLUSION**

The purpose of this specialist report was to identify the administrative process, legal requirements and policies that are directly applicable to the proposed development and to ensure compliance with the principles contained therein as far as reasonably possible.

In summary, the proposed development as envisaged:

1. Requires a land use approval for a rezoning **from “Undetermined Zone”** to **“Subdivisional Area”** to allow the property to be developed as a retirement resort with ancillary uses;
2. This application will require approval from Heritage Western Cape in terms of the National Heritage Resources Act, 1999 (Act 25 of 1999) since the proposal will constitute the rezoning of a property exceeding 1 ha in extent.
3. No development is proposed on environmentally sensitive areas. Development is proposed on the portions of land with a flat topography which is suitable for urban development;
4. Is consistent with the character of the area;
5. Is consistent with the various applicable spatial planning policies and land use management legislation;
6. There is a great need for the proposed development and it is highly desirable and suitable for the area.

It is the considered opinion that the proposed development will achieve a sensitive balance between the natural environment, the built environment, and the social economic environment, that is imperative to ensure sustainable development.

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