

**PROPOSED REZONING AND CONSENT USE (ANIMAL CARE CENTRE) IN TERMS OF SECTIONS
15(2)(a) and 15(2)(o) OF THE BITOU MUNICIPALITY LAND USE PLANNING BYLAW, 2015**

ERF 2103 (PLETTENBERG BAY), KNYSNA DISTRICT AND BITOU MUNICIPALITY



ON BEHALF OF: SASKIA VOGEL

AUGUST 2021

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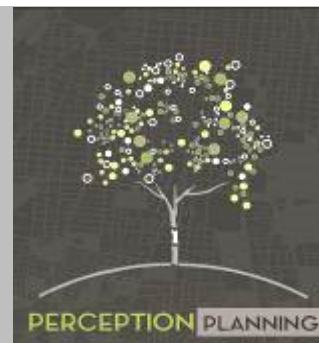
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PERCEPTION Planning

URBAN & REGIONAL PLANNING - ENVIRONMENTAL PLANNING - HERITAGE IMPACT ASSESSMENT - URBAN DESIGN

CONTENTS

1	INTRODUCTION
1.1	The Application
1.2	Description of Study Area
1.2.1	Topography and Vegetation
1.2.2	Agricultural potential
1.2.3	Land use and Zoning
1.2.4	Access
2	PROPOSED DEVELOPMENT
2.1	Existing use rights: NEMA
2.2	Motivation for Revised proposal
2.3	Tanaka Foundation
2.4	Development description
2.5	Pre – Application Meeting
2.6	Engineering services and Infrastructure
2.6.1	Bulk services
2.6.1.2	Water reticulation
2.6.1.2	Sewage reticulation
2.6.1.3	Roads
2.6.1.4	Stormwater drainage
2.6.2	Internal services
2.6.2.1	Water reticulation
2.6.2.2	Sewer reticulation
2.6.2.3	Internal roads
2.6.2.4	Internal stormwater
2.6.2.5	Solid waste
2.6.2.6	Alternative technology
2.7	Traffic – related aspects
2.8	Noise mitigation
3.	REGULATORY CONTEXT
3.1	Section 8 Zoning Scheme Regulations
3.1.1	Rezoning: Business Zone I
3.1.2	Consent use: Residential building
3.1.3	Parking requirements
3.2	Bitou Draft Zoning Scheme Bylaw
3.2.1	Agriculture Zone
3.2.2	Development parameters
4.	OTHER LEGISLATION
4.1	National Heritage Resources Act, 1999 (Act 25 of 1999)
4.2	National Environmental Management Act, 1998 (Act 107 of 1998)
5.	SPATIAL POLICY & PLANNING FRAMEWORKS
5.1	Western Cape Provincial Spatial Development Framework, 2014
5.2	Eden District Spatial Development Framework, 2017
5.3	Bitou Municipal Spatial Development Framework, 2017
5.4	Draft Bitou Municipal Spatial Development Framework, 2020
5.5	Bitou Integrated Development Framework (2017 – 2022)
6	MOTIVATION
6.1	Statutory Context
6.1.1	Spatial Planning Land Use Management Act, 2013
6.1.2	Western Cape Land Use Planning Act, 2014
6.1.3	Bitou Municipality Land Use Planning Bylaw, 2015
6.2	Spatial policies
6.3	Character of the area
6.4	Access and Parking
6.5	Mitigation of potential noise
6.6	Environmental impact
6.7	Heritage resources
6.8	Municipal services
6.9	Agricultural potential
7	CONCLUSION

ANNEXURES

1. Power of Attorney, Title Deed, SG Diagram

2. Rezoning Plan, Locality Plan
3. Land Use Planning Application Form
4. Part 2 Amendment NEMA Application
5. Photographs
6. DEADP Environmental Authorisation (EA) dated 17th September 2018
7. Site Development Plan, Floor Plans, Elevations
8. Pre-Application Consultation
9. Civil engineering services report
10. Traffic Investigation
11. Integrated Heritage Impact Assessment/ Notification of Intent to Develop

FIGURES

1. Locality broader context
2. Close context: site
3. Topography
4. Agricultural potential
5. Urban context – surrounding land use
6. Zoning map
7. Vegetation
8. WC PSDF: Key spatial transitions
9. WC PSDF: Provincial spatial policies
10. Bitou MSDF, 2017
11. Draft Bitou MSDF, 2020

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1. Cape Town Archives
2. Cape Town Deeds Office
3. Department of Rural Development and Land Reform, Mowbray (NGSI)
4. Integrated Heritage Impact Assessment (Incorporating an Archaeological Impact Assessment) in terms of Section 38(4) of the National Heritage Resources Act, 1999 (Act 25 of 1999): Proposed Development of Erf 2103, Plettenberg Bay, Bitou Municipality, Western Cape Province (Webley, L), September 2019
5. Services report for Tenaka Foundation "The Happy Place" development on Erf 2103, Plettenberg Bay: Roads Stormwater, Water and Sewer (Tuiniqua Consulting Engineers), August 2021
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7. Surveyor General Office
8. Transportation Investigation: Redevelopment and Rezoning of Northern Portion of Erf 2103, Plettenberg Bay (Urban Engineering), June 2021

ABBREVIATIONS

BMSDF – Bitou Municipality Spatial Development Framework
 NEMA – National Environmental Management Act
 LUPA – Western Cape Land Use Planning Act, 2014 (Act 3 of 2014)
 PPP – Public Participation Process
 SPLUMA - Spatial Planning and Land Use Management Act, 2013 (Act 3 of 2013)
 LUPO – Land Use Planning Ordinance, 1985 (Ord. 15 of 1985)
 HWC – Heritage Western Cape
 NEMA – National Environmental Management Act, 1998 (Act 107 of 1998), as amended
 NHRA – National Heritage Resources Act, 1999 (Act 25 of 1999)
 DEADP – Department of Environmental Affairs & Development Planning (Western Cape Government)
 EA – Environmental Authorisation (in terms of NEMA)
 NEM:BA – National Environmental Management: Biodiversity Act, 2004 (Act 10 of 2004)
 DEFF – Department of Environment, Forestry and Fisheries (National Government)

COVER: Extract from GoogleEarth © imagery dated 16th May 2021

PROJECT SUMMARY	
Objective	Rezoning, Consent Use
Property	Erf 2103 (Plettenberg Bay), Knysna District and Bitou Municipality
Surveyor General Diagram	SG 566/1910
Registered Owner	Saskia Vogel
Title Deed	T 73487/2017
Extent	4,0446 ha
Restrictive Title Deed Condition(s)	None
Bond Holder	None
Servitudes	Yes, water pipeline servitudes
Zoning Scheme	Section 8 LUPO
Legislation	Bitou Municipality: Land Use Planning Bylaw, 2015
Current Zoning	Agricultural Zone I
Current Land Use	Vacant/ Grazing
Proposed Development	Rezoning, Consent Use
Proposed Land Use	Mixed use (Business, Tourism, Residential)
NEMA Required	Yes
NHRA Required	Yes
Act 70 of 1970	No

1. INTRODUCTION

PERCEPTION Planning was appointed by the registered property owner, Ms. Saskia Vogel, to compile and submit to Bitou Municipality a land use planning application for rezoning as well as consent use pertaining to the northern portion of Erf 2103 (Plettenberg Bay), Knysna District and Bitou Municipality, in terms of Sections 15(2)(a) and 15(2)(o) of the Bitou Municipality Land Use Planning Bylaw (P.N. 273/2015). A copy of the Power of Attorney, duly signed by the registered property owner, appointing the *Perception Planning* to lodge this application, is attached as part of **Annexure 1** hereto, together with copies of the relevant SG Diagram and current title deed. There is no bond registered over the property.

The cadastral land unit subject to this application is:

- Erf 2103 (Plettenberg Bay), Knysna District and Bitou Municipality, measuring 4,0446 ha, registered to Saskia Vogel and held under title deed T 73487/2017.

1.1 The Application

This land use application pertaining to the northern portion of Erf 2103 (Plettenberg Bay), Knysna District and Bitou Municipality submitted in terms of Sections 15(2)(a) and 15(2)(o) of the Bitou Municipality Land Use Planning Bylaw (P.N. 273/2015) incorporate the components below. The proposed rezoning plan is attached as **Annexure 2** to this report. The Land Use Planning Application form, duly completed and signed, is attached as **Annexure 3**.

- Rezoning of the northern portion of Erf 2103, north of the Piesang Valley Rd, to Business Zone I in terms of Section 15(2)(a) of the Bitou Municipality Land Use Planning Bylaw (P.N. 273/2015);
- Consent Use for residential-orientated use within Business Zone I on the northern portion of Erf 2103 in terms of Section 15(2)(o) of the Bitou Municipality Land Use Planning Bylaw (P.N. 273/2015).

Note this application should be considered within context of the separate, concurrent land use application pertaining to Erven 2103, Plettenberg Bay (Proposed Subdivision, Rezoning and Consent Use).

1.2 Description of Study Area

Erf 2103, Plettenberg Bay is situated within the lower reaches of the Piesang River valley, ±1km directly southwest of the Plettenberg Bay historic town centre and ±1.3km west of the coastline/ Indian Ocean. Extending southwards from the Piesang River, which defines the northern cadastral boundary, the rectangular-shaped Erf 2103 is also traversed by the Piesang Valley Road (**Figure 1**). The property is therefore effectively divided into two portions, namely the **northern portion** (±3 ha in extent) and the **southern portion** (±1 ha in extent).

The Department of Environmental Affairs & Development Planning (DEADP) on 18th September 2018 issued an Environmental Authorisation (EA) for construction of a single residential dwelling on the northern portion of the property. The EA includes permission for an access road crossing the tidal channel. Municipal building plans pertaining to works permitted in terms of the EA have been approved by Bitou Municipality and remain valid.

The land owner has now decided not to proceed with construction of said single residential dwelling on the northern portion of the property but to rather apply for DEADP for amendment of the existing EA in order to allow for an Animal Care Centre, as presented throughout this land use planning application. The Part 2 Amendment application, submitted to DEADP during June 2021 (DEADP Ref. 16/3/3//1/D1/13/0004/18) is attached as part of **Annexure 4** to this report.



Figure 1: Study area location within a broader context (Google Earth, 2020, as edited)

1.2.1 Topography and Vegetation

The lower-lying **northern portion** of Erf 2103 extends from the Piesang Valley Road towards the southern bank of the Piesang River and consists of formerly cultivated agricultural pastures presently used for grazing purposes. This area is predominantly overgrown by kikuyu and other grass species whilst limited indigenous vegetation/shrubs occur along some of the cadastral boundaries. This portion is traversed by a remnant tidal channel (essentially a tributary of the Piesang River) which is prone to occasional flooding (**Figure 2**).



Figure 2: Close-up aerial view of Erf 2103 within its urban and riverine contexts. Note location of mature trees on the southern portion of the property. Red arrows denotes existing access points (Google Earth, 2020, as edited)

The higher-lying **southern portion** of Erf 2103 is situated directly south of the Piesang Valley Road. This land parcel consists of a relatively flat upper section and with moderate (4%) slopes to the north and east as illustrated through mapping of 5m contours and slope classification, Cape Farm Mapper (**Figure 3**). There are no natural water courses or drainage line traversing this portion of Erf 2103. A land use application (Rezoning, Subdivision and Consent use) for this portion of the property is presently under consideration.



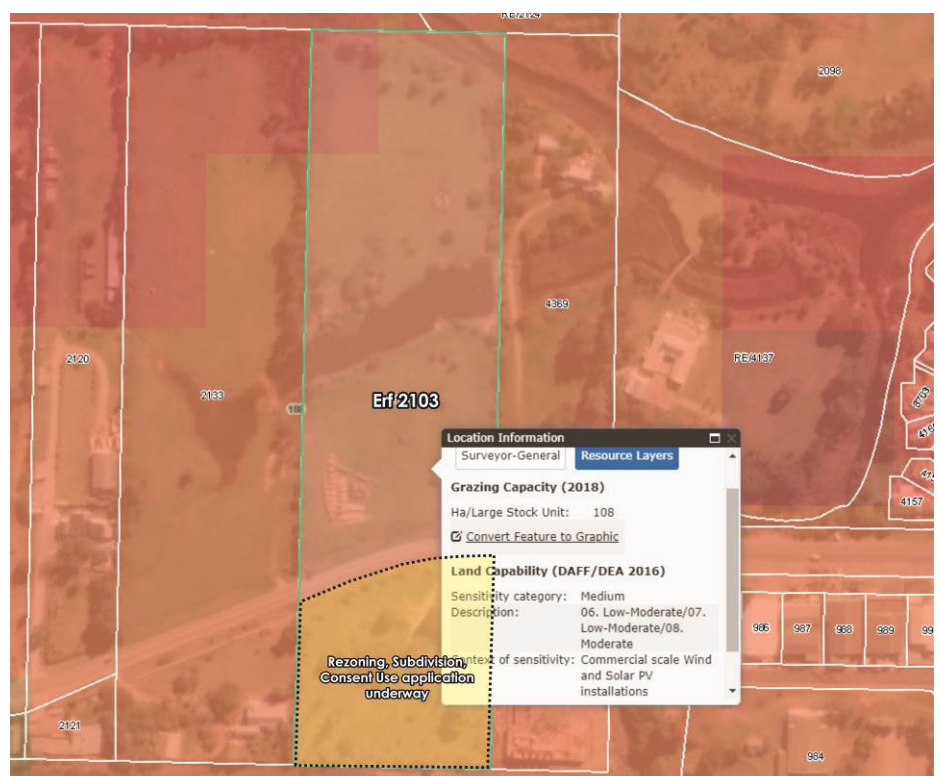
Figure 3: Topography of Erf 2103 with 4% slopes along the higher-lying southern portion and flatter section along the lower-lying northern portion (Cape Farm Mapper, 2020)

1.2.2 Agricultural potential

The application area is recorded as having low to moderate potential for grazing and information provided through Cape Farm Mapper described the carrying capacity of the area as 108ha for one large stock unit. Though Erf 2103 is presently zoned "Agricultural Zone I", the property is effectively divided into two portions by the Piesang Valley Road, thus resulting in two portions of land greatly differing in nature, topography and suitability from agricultural perspective.

As stated previously (Section 1.2), permission has already been granted DEADP for construction of a single dwelling on the northern portion. The proposed development would therefore not result in the loss of high potential agricultural land. An application for amendment of the existing EA has been submitted to DEADP.

Figure 4: Grazing capacity and Land Capability for Erf 2103 (Cape Farm Mapper)



1.2.3 Land Use and Zoning

The current mix of land uses prevalent along the Piesang Valley Road, westward of Beacon Isle Drive, tends to be varied and include e.g. low and medium-high density residential development (group housing, town housing), industrial use, various business and commercial premises, authority use (community hall), rural occupation, tourism orientated uses, education (crèche, primary and secondary school) and agriculture (**Figure 5**). Construction works to a recently-permitted hotel, micro-brewery and restaurant (Barrington's) situated on Erf 2103, directly east of the subject property have been concluded. A land use planning application for rezoning of the southern portion of the subject Erf 2103 is currently under review by Bitou Municipality. Photographs of the property and its direct environs are attached as part of **Annexure 5** to this report.

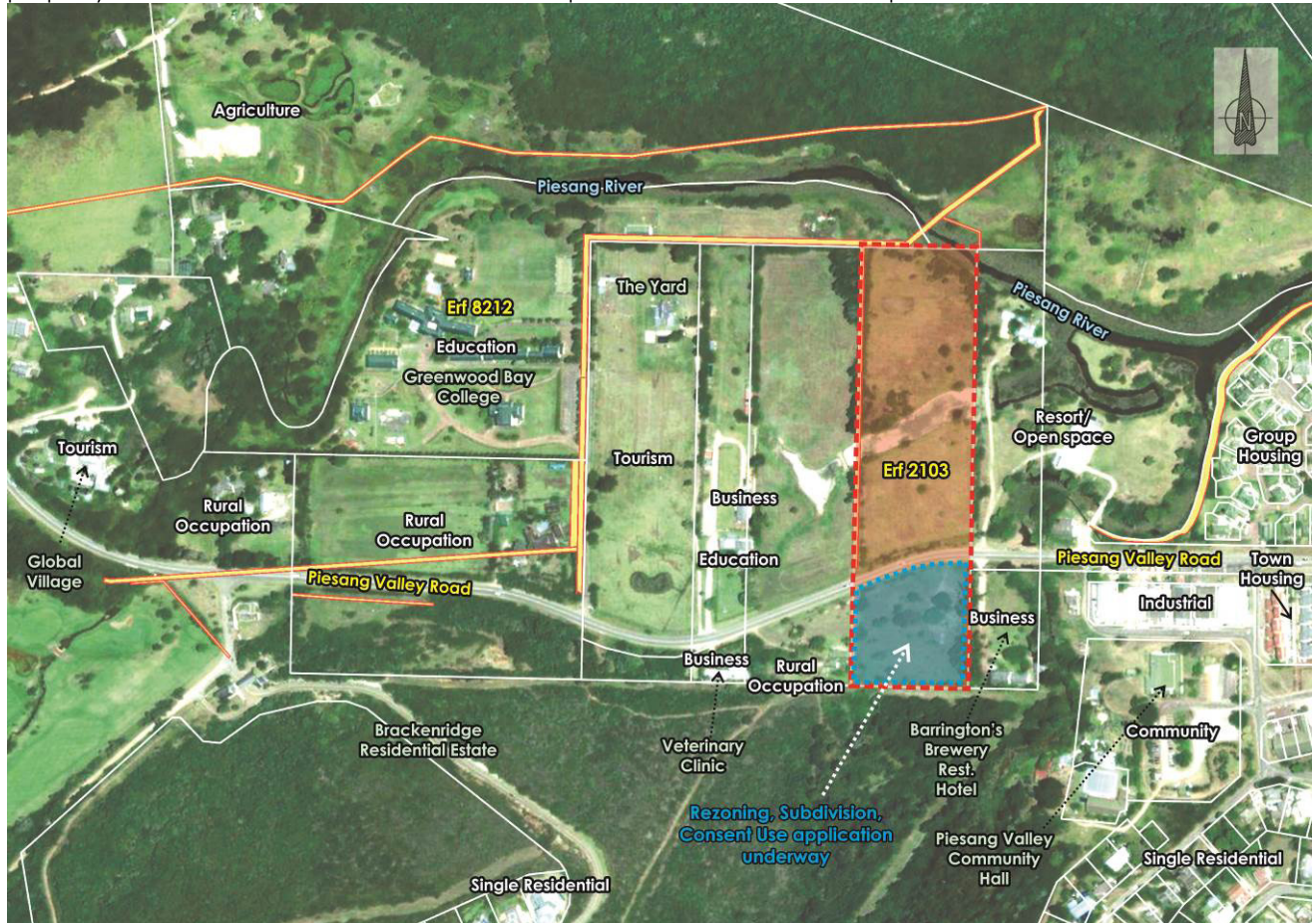


Figure 5: Study area shown within a closer urban context, including surrounding land use. Existing water pipeline servitudes highlighted with red lines/ yellow hatching. (Cape Farm Mapper, 2020, as edited)

Existing zonings of properties within the proximity of Erf 2103 are illustrated through an extract from the Zoning Map shown in **Figure 6** (Bitou Municipality, 2021).

An application for rezoning of the southern portion of Erf 2103 is currently under consideration by Bitou Municipality.

Figure 6: Erf 2103 shown within context of existing zonings/ Bitou GIS Viewer (Bitou Municipality, 2021)



A land use planning application for rezoning of the southern portion of Erf 2103 from Agricultural Zone I to Business Zone I (multi-purpose business complex) is currently underway. This application also includes a consent use for incorporation of a residential component as well as subdivision of Erf 2103 along the southern boundary of the Piesang Valley Road in order to create two portions, namely a newly-created Portion A (situated north of the road, $\pm 3,0453$ ha in extent) and the Remainder of Erf 2103 (situated south of the road, $\pm 9963\text{m}^2$ in extent).

1.2.4 Access

Vehicular access points to the northern and southern portions of Erf 2103 are situated diagonally-opposite and directly off the Piesang Valley Road as illustrated with Figure 2. Provision has been made for a new, shared access between the southern portion of Erf 2103 as well as neighbouring Erf 2104, the latter of which accommodates "Barrington's". Future arrangements with relation to access to the northern portion of Erf 2103 are discussed in Section 2.7 of this report.

2. PROPOSED DEVELOPMENT

2.1 Existing use rights: NEMA

In accordance with DEADP's EA dated 17th September 2018 (**Annexure 6**), existing development rights applicable to the northern portion of Erf 2103 are as outlined below. Note that these rights were implemented through upgrading of a culvert on the tidal remnant on this portion of land, in accordance with recommendations contained in a specialist wetland assessment (Scherman Colloty & Associates, 2018: 35) undertaken as part of the previous NEMA process. Works were undertaken during the course of May 2021 in accordance with procedures and protocols outlined in the EA.

Existing use rights: DEADP EA (17/09/2018)
<p>"The proposal entails the moving or infilling of sand/soil from an estuary or within 100 meters from an estuary to construct the following:</p> <ul style="list-style-type: none"> • A double storey dwelling and basement with a footprint of $\pm 1300\text{m}^2$; • Decking/ boardwalks for dwelling area $\pm 815\text{m}^2$; • Access and parking areas of $\pm 1780\text{m}^2$; • A pavilion for entertaining guests of $\pm 125\text{m}^2$; • Decking/ boardwalk for pavilion of $\pm 135\text{m}^2$; • Gatehouse of $\pm 124\text{m}^2$; • Guardhouse of $\pm 23\text{m}^2$."

While the development footprint of the revised proposal would be contained to the physical development footprint implied through the aforementioned existing use rights, it would nevertheless prompt a "Part 2" amendment in terms of NEMA in respect of the existing Environmental Authorisation previously granted for construction of a single dwelling and associated ancillary services, thus full Basic Assessment including public participation to be adjudicated by the DEADP (also refer to Section 4 of this report).

2.2 Motivation for Revised proposal

The current land owner and her family resolved to move their business and personal interests outside South Africa and therefore no longer intends building a residential dwelling on the subject portion of land. However, the landowner, as passionate supporter of animal rights, decided to rent the land to the Tanaka Foundation so as to establish an Animal Care Centre on the northern portion of Erf 2103 (i.e. north of the Piesang Valley Road). The proposed centre would incorporate the components outlined in Section 2.4 below and as illustrated in the conceptual site development plan and building plans attached as part of **Annexure 7** to this report.

2.3 Tanaka Foundation (Tenant/ Operator)

The Tanaka Foundation (NPC/NPO 250-236), based in Plettenberg Bay is a pro-life, registered non-profit organisation formally established in 2020, following 10 years of domestic animal outreach work in the local communities.

"'Tanaka' is defined as 'the good times that come following a long struggle or hardship'.

At the Tanaka Foundation animals receive physical, emotional and psychological support in order to heal and be afforded an opportunity to thrive and experience their very own happy endings.

Tanaka strongly believes in sterilizing in order to control the domestic animal population, reduce suffering and minimise euthanizing. We, at Tanaka, feel that terminating a life is a decision not to be taken lightly and should only be considered in extreme cases of terminal illness, suffering or if rehabilitation is unsuccessful.

Further, Tanaka proliferates an animal welfare conscious society and responsible pet ownership through education, community services and leading by example.

Our vision – Tanaka is passionately devoted to eradicating animal cruelty, suffering, ignorance and abuse and embraces a community/society taking responsibility for animal rights and welfare as well as demonstrating compassion, kindness and respect toward all living creatures.

In order for Tanaka to enable a sustainable future and maximise the ability to assist domestic animals in need in our community, we require a comprehensive rescue and rehabilitation centre. Further, as we don't feel relying on donations only is maintainable long-term, we would like to introduce certain activities and services that will generate income for the centre.

Our current day to day community services (not intended for the subject property) include:

1. Rescuing, rehabilitating and rehoming severely neglected and abused dogs and cats
2. Feeding hundreds of cats and dogs on a weekly basis
3. Distributing dog houses to those needing adequate shelter
4. Sterilizing to reduce the animal population and in turn minimize the number of unwanted, neglected dogs and cats
5. Getting dogs off chains – e.g. we assist with building fences as well
6. Supporting the general, ongoing care of pets e.g. providing tick/flea preventatives, de-wormers, wound dressings, dipping against mange, nail clipping, grooming, etc.
7. Attending to the medical needs of sick and injured pets
8. Educating, educating, educating...responsible pet ownership."

(Tanaka Foundation, August 2021)

2.4 Development description

The proposed development for establishment of an Animal Care Centre on the northern portion of Erf 2103 comprises the following components as further annotated through the conceptual site development plan and building plans attached as part of Annexure 7 to this report:

Primary Use Component	Total Surface Area of Use Component	Structures per Use Component	Detailed Description
Animal Training Centre	4,500m ²	<ul style="list-style-type: none"> • Main Building – ±110m² (may possibly include small coffee shop) • Ablution – 20m² 	<ul style="list-style-type: none"> • Essentially a dog training and agility centre; • Fully enclosed training area; • Operational during business hours only; • Various qualified trainers for puppy socialising, dog obedience, behaviour correction and agility training for Tanaka rescues as well as pets in the community; • This component is income generating.
Animal Day Care	4,500m ²		<p>Dog day care facility</p> <ul style="list-style-type: none"> • Fully enclosed day care area with small dam; • Rest area / shelter provided; • Max. 10 dogs & separate puppy play pen; • Dog minder – 1 trained person per 5 dogs in day care; • Income generating. <p>Grooming parlour</p> <ul style="list-style-type: none"> • Mobile – in order to use the service at the Tanaka centre as well as in the surrounding communities; • For Tanaka rescues and pets in the community; • Partially income generating. <p>Education centre</p> <ul style="list-style-type: none"> • Free educational sessions for kids and adults from the local community on responsible pet ownership, etc.; • Courses on various animal related topics such as e.g. animal communication, healthy feeding options, correcting unwanted pet behaviour, etc.; • Partially income generating.
Rehabilitation Centre (Dogs and Cats)	1,700m ²	<ul style="list-style-type: none"> • Main Building - ±60m² • Manager's House - ±76m² • Labourer's House - ±76m² • 13 x Kennels – ±6m² each (78m²) • Container (Storage, Refreshment facility for staff) - ±30m² 	<ul style="list-style-type: none"> • Rescue & rehabilitation facility for dogs and cats; • No more than 25 dogs & puppies at a time; • 13 x kennels with large, enclosed garden areas; • Gardens to be interlink-able should we feel dogs are healthy and socialised; • Separate high care area for dogs with contagious diseases, serious injuries; • No more than 20 cats & kittens at a time; • Fenced, spacious, natural area with top netting and small kennels distributed in the space for shelter; • Separate high care area for cats with contagious diseases, serious injuries; • Attached main building with kitchenette, storeroom, washing machine, etc.
Parking	1,780m ²	<ul style="list-style-type: none"> • Access road • 26 x parking bays • 1 x disabled parking 	<p>Existing, approved access alignment to be utilised;</p> <p>Existing, approved crossing over the aforementioned tidal remnant to be utilised;</p> <p>Provision for parking within three smaller pockets.</p>
Total building footprints (business/ residential buildings)			300m ² / 152m ²
Total area (Animal Care Centre)			±1.248 ha

2.5 Pre – Application Consultation

As required in terms of Section 37(1) of the Bitou Municipality Land use Planning Bylaw, 2015, a pre-application consultation was held with Bitou Municipality on 5th May 2021. The preliminary outcomes of said meeting were followed up with an e-mail summary dated 20th May 2021 (**Annexure 8**), outlining the anticipated approach to be followed as well as a preliminary list of considerations that would need to be addressed in a subsequent land use planning application. Further responses to said summary are also attached as part of Annexure 8 to this report and are addressed in further detail below.

2.6 Engineering Services and Infrastructure

Tuiniqua Consulting Engineers were appointed to compile a Services Report (roads, storm water, water and sewer) with relation to the proposed development (**Annexure 9**). For ease of reference a concise summary of the report is provided below.

2.6.1 Bulk services

The (services) supply authority, being Technical Services Department, Bitou Municipality was requested to comment on the proposed connection points and "a service agreement with regard to water, sewerage, storm water management and access will be entered into with the Municipality, if required. If any increase in civil services demand is required, augmentation fees and capital contributions in this regard will be calculated and payable in accordance with Council's policy. The connection points will be finalized between the Developer and the Municipality when detail planning is done. The developer envisages to limit their demand on the municipal networks, various strategies will be implemented to make this possible. Details of said measures will be finalized during the planning process." (Tuiniqua, 2021: 3)

2.6.1.1 Water reticulation

The developer will be held responsible for the construction and/or upgrading of bulk services required in relation to the proposed development. Provision of water would be via an existing water pipe along the northern side of the Piesang Valley Road crossing the property. "The proposed development is a bulk consumer and internal infrastructure shall remain the property and responsibility of the developer." (Tuiniqua, 2021: 4)

The location and alignment of existing water pipeline servitudes are shown in Figure 5 above.

2.6.1.2 Sewer reticulation

The report confirms that the existing municipal bulk sewer line runs along the Northern boundary of Erf 2103 and that a connection point is available along this line.

2.6.1.3 Roads

There is an existing road network servicing this area, the road leading to this property is tarred and of good quality. Further traffic-related aspects are dealt with in Section 2.7 of this report.

2.6.1.4 Storm water drainage

The report indicates that, "The Piesang Valley Road crosses the property to the south of the proposed development area and drains to the south away from the development. The runoff from the road drains into a natural drainage system which will have no influence on the proposed development." (Tuiniqua, 2021: 4)

2.6.2 Internal services

The report confirms that design of engineering services will be in accordance with principles outlines in the Guidelines for Human Settlement Planning and Design as well as Bitou Municipality's requirements for such engineering services. Services will be installed in accordance to SANS 1200 standards and materials complying with ISO standards. Internal services will be installed within the cadastral boundaries of the property.

2.6.2.1 Water reticulation

Proposed water demand for the proposed development in accordance with the "Guidelines for the Provision of Engineering Services and Amenities in Residential Township Development" is calculated at 2,3kl/day as outlined in the table below. Average daily flow rate was calculated at: $2300 / 24 \times 60 \times 60 = 0.026\text{l/s}$ and Peak flow rate at: $0.026 \times 2.5 = 0.065\text{l/s}$. The report therefore recommends that a 20mm Municipal connection will be sufficient to serve the proposed development.

Description	Demand kl/day
Low rise multiple dwellings (600l/day/unit) x2	1,20
Training centre 66m ² (Office 400l/100m ² floor area)	0,26
Rehabilitation centre 36m ² (Clinic 500l/100m ² floor area)	0,18
Kennel x 13 (50l/day/kennel)	0,65
Total demand	2,30

2.4.2.2 Sewer reticulation

Sewage flow expected in relation to the proposed development is calculated at 1,35kl/day as outlined in the table below:

Description	Demand kl/day
Low rise multiple dwellings (500l/day/unit) x2	1,00
Training centre 66m ² (Office 400l/100m ² floor area)	0,21

Rehabilitation centre 36m2 (Clinic 500l/100m2 floor area)	0,14
Kennel x 13 (12l/day/kennel)	0,00
Total demand	1,35

Further calculations projected in the report includes Average daily flow rate at: $1350 / 24 \times 60 \times 60 = 0.016\text{l/s}$ and Peak flow rate at: $0.016 \times 2.5 = 0.039\text{l/s}$. The report indicates that a "full waterborne sanitation system is envisaged for the proposed development. Bulk sewer drainage will be provided, by means of Class 34x110 mm diameter pipes that gravitate to the municipal system on the northern boundary of the property." (Tuiniqua, 2021: 5). However also refer to Section 2.6.2.6 below in this regard.

2.6.2.3 Internal roads

The report states that "The proposed development will have one vehicular access from Piesang Valley Road. The proposed access is located at the existing gate, currently providing access to the northern portion of the property. Ample parking will be provided on site to accommodate the various activities, as indicated on the Site Plan." (Tuiniqua, 2021: 6). With relation to access requirements, this should be read in conjunction with the findings and recommendations of the Traffic Statement (Section 2.5 of this report).

2.6.2.4 Internal storm water

The report states that, "Storm water will not be concentrated and will be discharged into the natural watercourse on site. A culvert will be provided where the internal road crosses the watercourse in the centre of the property, to provide access to the remaining section of the development¹. All structures are positioned well outside the 20m wetland buffer zones, as indicated on the Site Plan." (Tuiniqua, 2021: 6)

2.6.2.5 Solid waste

The report states that, "Disposal of waste shall be done via normal municipal domestic waste collection." However also refer to Section 2.6.2.6 below in this regard.

2.6.2.6 Alternative technology

Alternative options for the treatment of organic waste through a highly effective small scale biogas plant, in accordance with standards outlined by the South African Biogas Industry Association (SABIA) are currently being investigated and considered.

2.7 Traffic-related aspects

Urban Engineering was appointed to compile a Traffic Impact Statement (TIS) with relation to the proposed development (**Annexure 10**). The report serves to consider the anticipated impact of additional traffic likely to be generated through the proposed development on the surrounding road network and to furthermore recommend mitigation measures to reduce said impact.

The **key components emanating from the Traffic Investigation** are as follows:

- **"Road Authority** – The section of Piesang Valley Road (DR1775) relevant to this report, is a Municipal Street under jurisdiction of Bitou Municipality
- **Road Classification** – According to Bitou Municipality's GIS system Piesang Valley Road is currently classified as a Class 4 Collector.
- **Trip Generation** – It is estimated that the worst-case scenario will take place during the PM peak hour when a total of 19 (IN and OUT) trips could be generated by the development. Trip generation volumes can therefore be classified as mild and will easily be accommodated within the surrounding road network.
- **Access points** – A shared access point is required between the Northern section of erf 2103 and erf 4369. This access point should align with the combined access point between erf 2104 and the Southern section of erf 2103. The access point will allow combined ingress and egress to both erf 4369 and the Northern section of erf 2103.
- **Sight distances** – Sight distances for the proposed development are sufficient.
- **Parking** – Parking offering is more than adequate and in line with the specifications of the South African Parking Standards Guideline document.
- **Turning Lanes** – Dedicated Left and Right turn lanes are not warranted."

(Urban Engineering, 2021: 11,12)

The Traffic Investigation concludes that the impact of the proposed development on the surrounding road network is acceptable and that it may therefore be from a transport engineering perspective, subject to the following **conditions and mitigation measures** (verbatim):

1. Access to Erf 2103 and Erf 4369 should be combined to form one single point of ingress/egress. This, combined section of road should be at least 30 m long;
2. The position of the combined access to the northern section of Erf 2103 and Erf 4369, must be aligned with the combined access to Erf 2104 and the Southern section of Erf 2103;
3. All accesses and internal roads should be designed to allow safe egress during periods of high flood levels;
4. No development should be allowed to take place within the road reserve.

¹ The culvert has been implemented successfully – refer to Section 2.1 of this report.

2.8 Noise mitigation

During the Pre-Application Consultation concerns were expressed with relation to potential noise that may be associated with the proposed development. The land owner and tenants suggested the following mitigation measures (structural and management interventions) so as to limit and mitigate potential noise and disturbance that may be associated with the proposed Animal Care Centre:

- Providing vegetated/ landscape buffers along perimeter of Animal Care Centre so as to reduce possible noise overspill;
- Limiting the number of dogs and cats that may be accommodated at any one time;
- Providing supervision 24hrs per day/ 7 days per week;
- Limiting activities to standard business days and times;
- Adapting animal facilities to minimise noise.

3. REGULATORY CONTEXT

3.1 Section 8 Zoning Scheme Regulations

The Section 8 Zoning Scheme Regulations, promulgated in terms of the former Land Use Planning Ordinance, 1985 (Ord. 15 of 1985), remains applicable to the subject property and surrounding area.

3.1.1 Rezoning: Business Zone I

Present use of Erf 2103, Plettenberg Bay for grazing purposes is consistent with its current zoning, namely "Agricultural Zone I". In order to accommodate the proposed Animal Care Centre on the northern portion of Erf 2103 is proposed to be rezoned to "Business Zone I" in terms of which the primary use is "Business purposes" and potential consent uses that may be permitted include, "town house, flats, residential building, place of assembly, place of entertainment, place of instruction, institution, bottle-store, supermarket and service trade".

In terms of the Zoning Scheme Regulations "Business premises" are defined as, "a site or building or structure on or in which business is done and includes shops, offices, financial institutions or restaurants or sites, buildings or similar uses, but does not include places of assembly or entertainment, institutions, service stations, public garages, industries, noxious trades, bottle-stores or supermarkets". Given that the proposal would make provision for retail- and office components as well as a restaurant, it is considered consistent with the above definition.

3.1.2 Consent use: Residential building

In terms of the Zoning Scheme Regulations "Residential building" means, "a building (other than a dwelling-house, group house, town house or flats) for human habitation, together with such outbuildings as are normally used therewith, and includes a boarding house, residential rooms, a licenced hotel (excluding an off-sales facility), an old age home, a children's home and a hotel, but does not include buildings mentioned, whether by means of inclusion or exclusion, in the definitions of "place of instruction" or "institution".

The proposal makes provision for two residential buildings (manager's cottage and staff cottage), each $\pm 76\text{m}^2$ in extent so as to ensure efficient and effective management of the centre and is considered consistent with the above definition but would require permission from the planning authority.

3.1.3 Parking requirements

In terms of Regulation 3.8.2 at least one parking bay per **25m² total floor space must be provided for business premises**, whereas "Floor space in relation to any building or structure means the area covered by roof, slab or projection, excluding a projection not exceeding 1m over an exterior wall or similar support; provided that the area which is covered by a canopy or projection on the street side of business premises in business zones I to V shall not be regarded as floor space. Floor space shall be measured from the outer face of the exterior walls or similar supports of such building or structure, and where a building or structure consists of more than one storey, the total floor space for the purposes of the definition of 'maximum floor space' shall be the sum of the floor space of all storeys, including that of basements".

In terms of Regulation 3.8.5, provision must be made for **at least 0,7 parking bays per bedroom for residential buildings under Business Zone I**. The proposed manager's and staff cottage would each make provision for two bedrooms, which therefore translates to the need for 2,8 parking bays for this component of the proposal. Two parking bays per cottage will be provided for, which would therefore be sufficient.

Development parameter	Requirement	Proposed
Coverage (business premises/ residential building)	100%/ 75%	41% / 0,5% ²
Floor factor (business premises/ residential building)	3/ 1	0.1
Height (business premises/ residential building)	None / two storeys	single storey
Building lines	Setback – 6,5m/ Street/ Side – 0m	Complies
Parking requirement (business premises)	1 parking bay per 25m ² total floor space	22 (12 required)
Parking requirement (residential building)	0,7 parking bays per bedroom	4 (2,8 required)
Disabled parking	Not stated	1
Loading bay	Not stated	Not provided

² Calculated at extent of portion of Erf 2103 situated north of the Piesang Valley Road, $\pm 3,0453$ ha in extent

Refuse room	Not stated	Not provided
Site Development Plan	Not stated	Provided

Table: Summary regarding compliance with applicable development parameters, Section 8 Zoning Scheme Regulations

3.2 Draft Bitou Zoning Scheme Bylaw

Once formally approved and gazetted the new Bitou Zoning Scheme Bylaw will replace all other zoning schemes applicable, including the Section 8 Zoning Scheme Regulations (3.1 above). It would therefore be prudent to ensure that components to the proposal align with the development parameters outlined in the new bylaw.

3.2.1 Agriculture Zone

According to the Bitou Zoning Scheme Bylaw (Final Draft, 20th January 2020) Agriculture means “cultivation for the raising of crops and other plants, including plantations, the keeping and breeding of animals, birds or bees, stud farming or game farming, primarily for commercial purposes” and incorporates permissible uses such as an additional farm house, the cultivation of plants on an intensive scale under a roof or in greenhouses, a farm building, a farm house, the harvesting, cooling, storing, sorting, and packaging of agricultural produce or a riding school.

Consent uses that may be applied for under the future Agriculture Zone includes an abattoir, agricultural industry, animal care centre, animal exhibition facility, aqua-culture, a plant nursery or sawmill. Once the Bylaw has been promulgated, the proposed development could possibly have been applied for as a consent use (animal care centre/ facility), which is defined as “a facility for the care of pets and other animals, operated on either a commercial or a welfare basis” including ancillary buildings required for the administration, maintenance and use of the facility, boarding kennels, a pet training centre, an animal, reptile and bird rescue centre but excluding an animal exhibition facility or veterinary practice.

3.2.2 Development parameters

The following development parameters (restrictions and requirements), considered applicable within the context of the proposed development, would apply to Agriculture Zone in terms of the Draft Bitou Zoning Scheme Bylaw:

Development parameter	Requirement	Proposed
Maximum floor space	300m ²	380m ²
Coverage	Land unit 1 - 3 ha 20%	41%
Height	1 storey/ 6,5m	Complies
Building lines	Street (local)	20m
	Common boundaries (If not shared with Agri-Industrial or any Industrial zone)	30m
Parking requirement	Minimum 2 bays	22

Table: Summary regarding compliance with applicable development parameters, Draft Bitou Zoning Scheme Bylaw

4. OTHER LEGISLATION

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

The separate, concurrent land use application pertaining to Erven 2103, Plettenberg Bay (Proposed Subdivision, Rezoning and Consent Use) triggered development activities listed in terms of Section 38(1) of the NHRA. HWC required an Integrated Heritage Impact Assessment together with an Archaeological Impact Assessment, which was undertaken by Dr. Lita Webley during September 2019, a copy of which is attached as part of Annexure 11. HWC in their final comments dated 2nd October 2019 (Annexure 10) endorsed the Integrated HIA subject to the following condition:

“... should any heritage resources, including evident of graves and human burials, archaeological material and palaeontological material be discovered during the execution of the activities above, all works must be stopped immediately and HWC must be notified without delay.”

The revised proposal for the northern portion of Erf 2103, as per this land use planning application, once more triggers development activities listed in terms of Section 38(1) of the NHRA and a Notification of Intent of Develop was therefore submitted to HWC on 27th July 2021 (HWC case number 2107 2105). A copy of the heritage report is attached as part of **Annexure 11** hereto.

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

This land use application triggers a “Part 2” amendment in terms of NEMA i.r.o. the existing Environmental Authorisation previously granted for construction of a single dwelling and associated ancillary services on the northern portion of Erf 2103. The NEMA process, involving a full Basic Assessment and including public participation is therefore underway and will be adjudicated by the DEADP. A copy of the Part 2 amendment application as compiled by Cape Environmental Assessment Practitioners (Pty) Ltd is attached to this report as part of Annexure 4.

The vegetation classification (as gazetted, 2011) of the area proposed to development is “Garden Route Shale Fynbos”, the Conservation Status of which is “Vulnerable” as illustrated in **Figure 7**. Worthy of note is the fact that

this conservation status was confirmed in a recently published assessment of terrestrial ecosystem threat status undertaken by the South African National Biodiversity Institute (SANBI, 2019: 28).



14. Development along the coast, lakes, rivers and dams must not compromise ecological integrity, tourism potential and landscape character. Development should be contained within a limited footprint, preferably within or adjacent to existing settlements, and the required ecological buffers and setbacks must be adhered to. Ensure public access to aquatic assets, and acknowledge the importance of coastlines in contributing to the sense of place.

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 8: Summary of key spatial transitions envisaged through the WC PSDF, 2014 (WCG, DEADP, 2014:32)

Planning statement:

The WC PSDF supports *inter alia* the vitalisation of urban spaces (preferably within existing settlements), promotes compact form, mixed use development and encourages development that does not compromise ecological setbacks, landscape character or tourism potential. The proposed development site is an under-utilised, greenfield site situated between the Piesang River and Piesang Valley Road, which in terms of current land use rights may largely be transformed through a private single residential dwelling and associated structures.

Instead, the revised proposal would be accessible to, and serve, the public and provide training and educational facilities for dogs and cats (as well as their owners) within an open landscape setting and requiring limited built structures to be sited within the building footprint formerly permitted by DEADP as part of the current EA.

Given the (mixed) pattern of land use prevalent along the Piesang Valley Road, including various business premises, authority use (community hall), rural occupation, tourism orientated uses, education (crèche, primary and secondary school) and agriculture it is considered that the proposed Animal Care Centre would fit well within the present landscape setting.

The development would be accessible to the public and provide important, higher order public service promoting social interaction and inclusivity. Taken in conjunction with the pattern of existing urban development within the proximity of the property the proposal would not detract from the overall character of the area. It is therefore considered that the proposal complies with the strategic objectives outlined in the WC PSDF, 2014.

5.2 Eden District Spatial Development Framework, 2017 (EDSDF)

The purpose of the EDSDF includes *inter alia* providing strategic direction and vision rather than being prescriptive regarding spatial recommendations and providing guidance to local municipalities in the District regarding future spatial planning, strategic decision-making and regional integration. Following from the vision, the problem statement, special concepts and proposals as well as implementation framework outlined in the EDSDF are focussed around the following four key strategies that are intended to drive spatial transformation within the Eden district:

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.

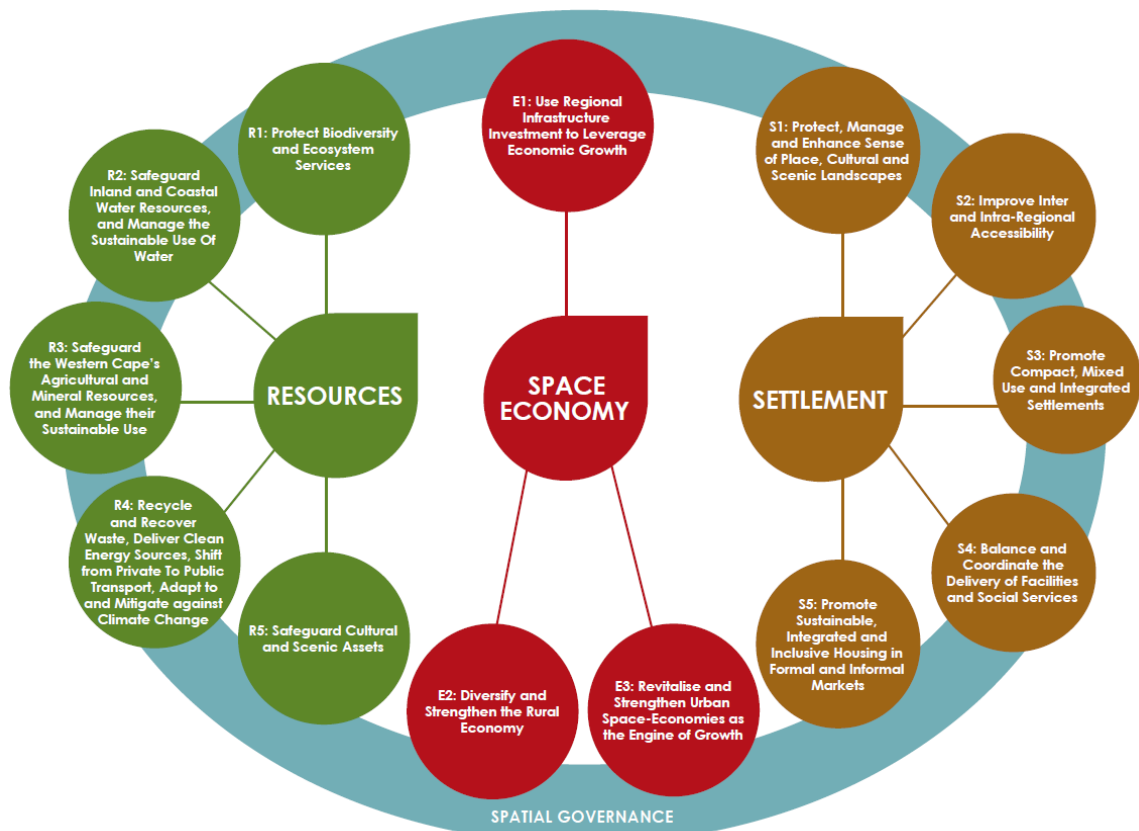


Figure 9: Summary of Provincial spatial policies, WC PSDF, 2014 (WCG, DEADP, 2014:36)

The EDSDF identifies Plettenberg Bay as a specialised coastal centre focussing primarily on tourism (2017:131). The EDSDF outlines the following spatial policies that are relevant to the proposed development and that are aimed at encouraging sustainable development (Sustainable growth strategy) at a district level:

Policy 3.1. Direct and encourage growth to match capacity, resources and opportunity in relation to the regional socio-economic hierarchy of cities and towns	
Guideline 3.1.1. Align growth with infrastructure and fiscal capacity	The proposal is aimed at providing a specialised public service (animal training and rehabilitation) through an economic model that would allow for generation of income and lessen dependency on sponsors. It would furthermore broaden the scope of specialised social services provided within the area whilst contributing to the local economy of Plettenberg Bay through training and education.
Guideline 3.1.3. Role and investment focus of specialised coastal centres	The proposed development would represent an investment within the local economy of Plettenberg Bay, create additional temporary and permanent work opportunities and make publically-accessible, ethically-focussed social services currently lacking in the area.
Policy 3.2. Contain settlement sprawl	
Guideline 3.2.5. Urban edge guidelines	The property is situated inside the urban edge within an existing urban area and directly adjoins a recently-developed mixed-use business premise (hotel, restaurant, brewery, etc.)
Policy 3.3. Optimise existing infrastructure capacity and economic opportunity by directing mixed use, higher density development to areas of opportunity	
Guideline 3.3.7. Promote compact development	The development would comprise limited built structures (total overall building footprint of ±268m²).
Guideline 3.3.9. Ensure the development of strong resilient towns and places	The proposed development site is situated within an existing urban area characterised by mixed land use and served by existing municipal services and infrastructure. The site is a green site to which existing land use rights apply. The overall physical impacts that may be associated with the proposal would be considerably lower (and less permanent) that

	those of existing land use rights in place.
	Sufficient infrastructure capacity is available to accommodate the proposed development.

Table 4: Compliance within context of policies aimed at attaining sustainable growth at a district level

5.3 Bitou Municipal Spatial Development Framework, 2017 (BMSDF)

The BMSDF, adopted during 2017, included a comprehensive contextual analysis of bio-physical, economic and social elements of Bitou Municipality and provides the policy framework taken into consideration with the formulation of the spatial proposals for Bitou. The BMSDF follows on and refines policy guidelines emanating from the WC PSDF as well as the EDSDF. Erf 2103 is situated within the urban edge. The portion of the property north of the Piesang Valley Road, which is the subject of this land use application, is earmarked for "GAP Housing" while the portion of the property south of said public road is designated "existing urban development" (Figure 10).

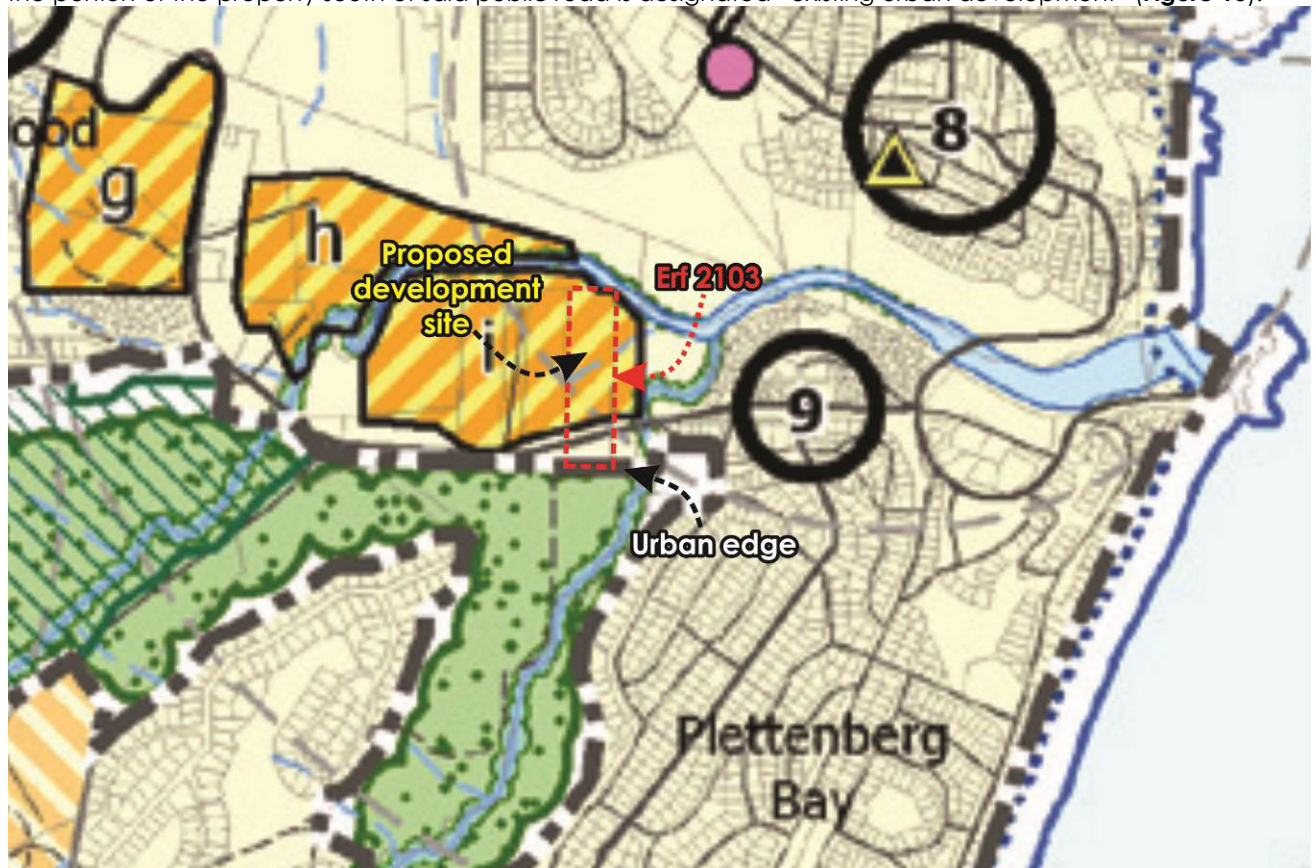


Figure 10: Proposed site (yellow) shown in relation to Erf 2103 and transposed onto extract from BMSDF (BM, 2017)

The BMSDF identifies the site as being earmarked for GAP Housing though the environmental constraints applicable to this land, which essentially forms part of a flood plain is questionable. The exclusion of this particular spatial proposal for the site in the subsequent Bitou Draft SDF, 2020 (Section 5.4) is noted.

5.10.2.1 Core landscape areas

- The [Piesang River] valley also has a role in consolidating the main attractions that Plettenberg Bay has to offer, namely upmarket leisure and lifestyle opportunities;
- River corridors should be designated as Core 1 SPCs with no ploughing or urban development permitted with 32 metres of the banks unless set-back lines have been determined by a fresh water ecologist.

Planning statement:

The severity and permanency of impacts of the proposed Animal Care Centre from environmental, landscape setting and visual perspectives would be considerably lower than likely to have been associated with implementation of the existing land use rights applicable to the northern portion of Erf 2103. Whereas existing land use rights imply a collective physical building envelope of $\pm 2,522\text{m}^2$ (excluding $1,780\text{m}^2$ for the access road and parking), the combined building footprint of structures associated with the revised proposal (excluding access road and parking) would be only $\pm 452\text{m}^2$.

Furthermore, extensive boundary walls envisaged as part of existing land use rights would not be implemented thus allowing for continued open north-facing views from the Piesang Valley Road across the river corridor.

It is crucial to note that buildings proposed as part of the Training Centre, Animal Daycare, Rehabilitation Centre as well as associated accommodation (manager's cottage and staff cottage) have been set back so as to maintain set-back lines formerly determined by a fresh water ecologist (i.e. as determined through previous

NEMA process). Furthermore, 30m building lines applicable to common cadastral boundaries will be maintained.

5.5 Urban Design Guidelines

UD1: Create open space systems that integrate the elements of a settlement to contribute to a meaningful urban structure.
The low density of physical structures and low intensity of use envisaged on the site translate to considerably lower impacts on the riverine landscape setting – particularly when compared to the intensity and permanent nature of physical impacts likely to be associated with implementation of existing land use rights.
UD3: Ensure the definition of the public spaces through effective design of an interface between public and private domains.
The layout makes provision for public access to the Training Centre and Animal Daycare, both components of which are orientated between the Piesang Valley Road and tidal remnant. Access to the higher-intensity land use (Rehabilitation Centre) as well as staff accommodation would be restricted and are setback from Piesang Valley Road.
UD13: Encourage appropriate water-wise landscaping.
In addition to landscaping throughout the site, the establishment of vegetated/ landscape buffers along the perimeter of the Animal Care Centre is proposed. This would also serve as a strategy to reduce possible noise overspill, particularly from the proposed Rehabilitation Centre.

Table 5: Compliance within context of local urban design guidelines

5.4.6 Smart Growth Principles

1. Provide for a mix of different kinds of land uses, e.g. residential, retail, business, and recreational opportunities.
The development concept is informed through ethical principles and would provide specialised, community-based services which are not yet available in the area.
2. Create well-designed compact neighbourhoods where the different activities are in close proximity to each other.
The design proposal acknowledges the importance of reducing and mitigating possible visual and other environmental impacts and therefore carefully considered the siting of various components of the proposed Animal Care Centre on the site. Minimal structures are proposed, landscaping provided for and a series of mitigation measures proposed to address the potential impact of noise emanating from the Centre in the interest of the amenities of the surrounding area.
5. Encourage growth in existing communities this can be done through infrastructure upgrade, urban renewal new amenities and densification.
The proposal would effectively provide limited infrastructural upgrade but instead provide a highly specialised form of community-orientated service focussed on training and education, which do not exist in the area.

Table 6: Compliance within context of local smart growth principles

5.4 Draft Bitou Municipal Spatial Development Framework, 2020 (Draft BMSDF)

While not yet formally adopted, the Draft BMSDF will eventually replace the current BMSDF (2017), together with specific spatial policies and objectives for Bitou Municipality. The draft document therefore has a bearing on future spatial planning and should be acknowledged as part of this application.

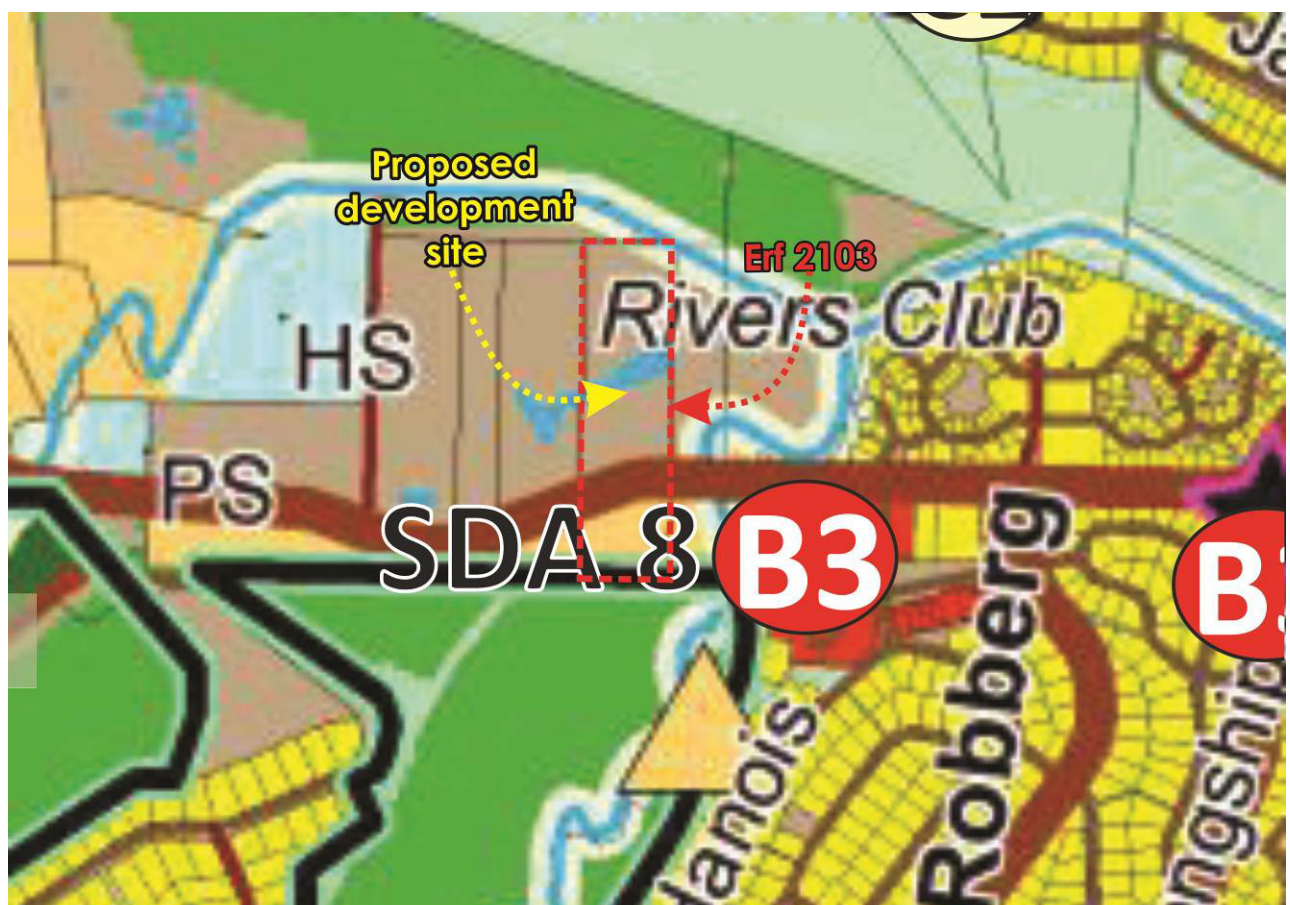


Figure 11: Proposed site shown in relation to Erf 2103 and transposed onto extract from Draft BMSDF (BM, 2020)

The Draft BMSDF does not contain specific spatial proposals pertaining to the northern portion of Erf 2103 north of the Piesang Valley Road other than earmarking it as "Agriculture" and highlighting the tidal remnant extending across the portion of land (**Figure 11**). In contrast the southern portion of Erf 2103 forms part of a designated "Strategic development area" within which "mixed income residential development should be promoted where environmental conditions are suitable". The Draft BMSDF furthermore states that, "SDA8 could also accommodate tourism related business activities as and where such opportunities may present itself."

Planning statement:

Whilst acknowledging the need for mixed income residential uses in this area it is known that the lower-lying portion of Erf 2103, situated north of the Piesang Valley Road is sensitive from an environmental perspective, as confirmed through an EIA process undertaken by the landowner when seeking approval for the existing land use rights. The proposed layout therefore assimilates the permitted development footprint by setting back proposed structures. As such the proposal is considered consistent with the overall spatial proposals for the subject site.

5.5 Bitou Integrated Development Plan, 2017-2022 (IDP)

The current Bitou IDP was adopted under Council resolution number C/6/23/05/17 and presents the Mission of Bitou Municipality as, "We partner with communities and stakeholders to sustainably deliver quality services so that everyone in Bitou can live and prosper together". Through the IDP the municipality formulated and adopted seven key performance areas and strategic objectives, the following of which are considered of particular relevance to this application:

KPA 2 Economic development:

Objective 1.1 – Grow local economy, create jobs, empower previously disadvantaged, transform ownership patterns. Economic development of local economy.

KPA 4 Infrastructure development:

Objective 4.1 – Universal access to decent quality of services

The proposed development site forms part of Ward 2 within which the following specific (relevant) issue has been identified:

"Economic development – Make development more accessible and expedite applications (rezoning and building plans) make industrial and commercial development possible".

Planning statement:

The proposed development, while not a crucial municipal objective would support the above municipal objectives through the creation of additional temporary and permanent work opportunities whilst providing an ethically-responsible, specialised public service to the general public providing for training, education and opportunities for social integration within the community of Plettenberg Bay. We therefore submit that the proposed development would contribute to meeting the relevant strategic objectives outlined in the Bitou IDP.

6. MOTIVATION

6.1 Statutory Context

Following recent legislative and procedural changes that directly impact on land use planning in South Africa and consequently, the Western Cape Province, it is considered necessary to summarise the implications of this land use planning application within the context of the current statutory framework. Outlined below therefore are sets of principles and ethical conventions pertaining to this application.

6.1.1 SPLUMA [The Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)]

Section 7 of this Act sets out five development principles that are applicable to spatial planning, land development and land use management, as outlined below together with respective planning responses insofar as these are applicable to the proposed development.

- **Spatial justice** refers to the need for improved access and use of land in order to readdress past spatial and development imbalances as well as the need for SDF's and relevant planning policies, spatial planning mechanisms, land use management systems and land development procedures to address these imbalances.

While from a broader perspective the proposal might not by itself necessarily readdress past spatial and development imbalances it would certainly create additional work opportunities within the local economy and be consistent with the requirements of relevant spatial planning policy and frameworks as discussed in Section 5 of this report. It would also contribute through making available locally a much-needed ethically-driven specialised, community-orientated educational and training facility likely to create opportunities for social integration and community outreach programmes in the Plettenberg Bay area.

- **Spatial sustainability** refers to, inter alia, the need for spatial planning and land use management systems to promote land development that is viable and feasible within a South African context, to ensure protection of agricultural land and maintain environmental management mechanisms. It furthermore relates to the need to promote effective/ equitable land markets, whilst considering the cost implications of future development on infrastructure and social services as well as the need to limit urban sprawl and ensure viable communities.

The proposal would provide a community-orientated educational and training facility and service, for which there is a high demand in the Plettenberg Bay area. Physical structures associated with the proposal are limited and will be constructed on stilts so as to reduce potential environmental impacts. In comparison to existing land use rights, the proposal would be reversible in that proposed structures may eventually be removed, the proposed use be terminated and land rehabilitated. It is therefore argued that the proposal would not translate to permanent transformation of viable agricultural land, would be consistent with spatial planning objectives and proposals for the area and would create additional economic opportunities.

- **Efficiency** relates to the need for optimal use of existing resources and infrastructure, decision- making that minimises negative financial, social, economic or environmental impacts and development application procedures that are efficient and streamlined.

The proposed development of this site will tie into existing engineering services and infrastructure with available capacity (see Section 2.6 of this report) thus efficiently making use of available resources.

- **Spatial resilience** refers to the extent to which spatial plans, policies and land use management systems are flexible and accommodating to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks.

The proposal complies to this principle as physical structures associated with various components to the development (Training Centre, Animal Daycare, Rehabilitation Centre and staff accommodation) are modest and could be removed with relative ease as opposed to more formal structures of traditional construction. Awareness regarding the need for a facility of this nature became evident through the Tenaka Foundation's involvement in, inter alia, educational initiatives as well as the treatment of sick and malnourished animals within poorer communities of Plettenberg Bay. The proposed facility is therefore a direct response to these economic and environmental realities prevalent within the area.

- **Good administration** refers, inter alia, to the obligation on all spheres of government to ensure implementation of the above efficiently, responsibly and transparently.

Section 42 of SPLUMA refers to the factors that must be considered by a municipal tribunal when adjudicating a land use planning application, which include (but are not limited to):

- Five SPLUMA development principles as listed above;
- Public interest;
- Constitutional transformation;
- Respective rights and obligations of all those affected;
- State and impact of engineering services, social infrastructure and open space requirements;
- Compliance with environmental legislation.

The degree to which the proposal would contribute to broader public interest within the context of pertinent spatial planning policies and frameworks is articulated throughout Section 5 of this report.

6.1.2 **LUPA (Land Use Planning Act, 2014 (Act 3 of 2014))**

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

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

The land use planning principles of LUPA (Section 59) is in essence the expansion of the five development principles of SPLUMA listed above. With regards to this application, no further assertions are to be added.

Consistency and Compliance with LUPA, 2014 (Act 3 of 2014)

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

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

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

It is our contention that the proposal would make provision for a much needed community-orientated training and rehabilitation facility for dogs and cats and that the overall design and layout of the facility, which allows for minimal landscape transformation and low overall built footprint – all of which are reversible and largely set-back to the overall development envelope previously determined through recommendations of a fresh water ecologist (i.e. as per the existing EA) – would be **consistent** with the spatial objectives outlined in the BMSDF, 2017 as well as the Draft BMSDF, 2020.

6.1.3 Bitou Municipality Land Use Planning Bylaw, 2015

Section 65 of the said Bylaw outlines general criteria for the consideration of land use planning applications to Bitou Municipality. The municipality must, inter alia, consider the following criteria when evaluating the desirability of land use planning applications submitted in terms of Section 15(2) of this Bylaw:

- Desirability of the proposed utilisation of land and any guidelines issued by the Provincial Minister regarding the desirability of proposed land uses;
- Impact of the proposed land development on municipal engineering services;
- The relevant integrated development plan, including the municipal spatial development framework;
- The integrated development plan and spatial development framework of the district municipality, where applicable;
- Applicable local spatial development frameworks adopted by the Municipality;
- The provincial spatial development framework;
- Policies, principles and the planning and development norms and criteria set by the national and provincial government;
- Aspects referred to in section 42 of the Spatial Planning and Land Use Management Act;
- Principles referred to in Chapter VI of the Land Use Planning Act;
- Provisions of the relevant zoning scheme.

The above criteria have been addressed throughout this land use planning application.

6.2 Spatial policies

As outlined in Section 5 of this report it is submitted that this proposal would be consistent with the relevant spatial planning policies, frameworks and development proposals for the study area.

6.3 Character of the area

The subject development site is situated within an area characterised by mixed land use. This pattern is evident along both sides of the Piesang Valley Road, westward of Beacon Isle Drive. Land use within the along the northern side of said road includes medium-high density residential development (group housing, town housing), rural occupation, tourism-orientated facilities (e.g. nursery, coffee shop, riding school), community-orientated use (private school, veterinary). In comparison, the pattern of land use along the southern side of the Piesang is of higher intensity and diversity and includes e.g. low and medium-high density residential development (group housing, town housing), industrial use, various business and commercial premises, authority use (community hall), rural occupation, tourism orientated uses, education (crèche, primary and secondary school) and agriculture. A recently-completed hotel, micro-brewery and restaurant (Barrington's) is situated on Erf 2104, directly east of the subject property and an application for rezoning of the portion of Erf 2103 situated south of the road, to make provision for a mixed use business complex is under consideration.

The overall density of built form proposed as part of the proposal would be very low ($\pm 1,5\%$ coverage). The Training Centre and Animal Daycare components (orientated closest to the Piesang Valley Road would require only two structures, namely a Training Centre ($\pm 110\text{m}^2$) and Ablution facility ($\pm 20\text{m}^2$). The proposed Rehabilitation Centre (building footprint $\pm 168\text{m}^2$) and Staff accommodation (building footprint $\pm 152\text{m}^2$) will be sited furthest from the road and neighbouring properties. The overall coverage of the proposed Animal Daycare Centre ($\pm 1,248\text{ ha}$) would relate to a coverage of $41\%^3$, the majority of which will remain open, fenced fields only to be occupied in conjunction with the proposed uses outlined during business hours.

As such it is submitted that the proposal would not materially impact on north-facing views of the Piesang River corridor from the Piesang Valley Road nor would it militate against the overall landscape of land use character of the area.

6.4 Access and Parking

The Traffic Investigation undertaken by Urban Engineering (Annexure 9) supports the proposal subject to a number of recommendations and conditions as outlined in Section 2.7 of this report and repeated below for ease of reference:

³ Calculated as percentage of Erf 2103 north of the Piesang Valley Road in accordance with concurrent land use planning application (Rezoning, Subdivision and Consent Use) currently under review)

- Access to Erf 2103 and Erf 4369 should be combined to form one single point of ingress/egress. This, combined section of road should be at least 30 m long;
- The position of the combined access to the northern section of Erf 2103 and Erf 4369, must be aligned with the combined access to Erf 2104 and the Southern section of Erf 2103;
- All accesses and internal roads should be designed to allow safe egress during periods of high flood levels;
- No development should be allowed to take place within the road reserve.

With relation to provision for parking the report acknowledges the low intensity of the proposed development and therefore relative low parking requirements. The report outlines the theoretical parking requirements as per the South African Parking Standard (Dot Nov 1985) as per Table 7 below.

Description land use component	Parking requirement	Parking bays required
2 x Staff accommodation units	1.75 bays per dwelling 0.25 Bays per visitor	4
Rehabilitation centre (13 kennels)	0.25 bays per kennel 2 bays for staff	5
Training centre	1 bay per trainer	12

Table 7: Parking requirements as per SA Parking Standards (DOT, November 1985)

The conceptual Site Development Plan makes provision for 5 parking bays for the Rehabilitation Centre and 22 parking bays for the Training Centre/ Daycare component. The total number of bays for these facilities is deemed sufficient. For each facility, 1 parking bay will be reserved for physically disabled persons, which in turn satisfies the requirements specified in Section 8 Zoning scheme regulations (Section 3.1.3).

Should a joint access be required as recommended in the Traffic Investigation the owner will obtain and provide an agreement with the land owners of adjoining Erf 4369. We are of the view that the proposed access and parking put forward would sufficiently provide for the proposed development.

6.5 Mitigation of potential noise

During the Pre-Application Consultation concerns were expressed with relation to potential noise that may be associated with the proposed development – in particular potential noise emanating after hours from the proposed Rehabilitation Centre. This matter was discussed with the project team and as a result this component of the proposal was moved to the northernmost portion of the property – furthest away from adjoining habitable structures.

In addition, the land owner and tenants suggested the following risk mitigating strategies (risk avoidance and risk limitation), which relates to both physical (design/ structural) interventions as well as management strategies:

- Providing vegetated/ landscape buffers along perimeter of Animal Care Centre so as to reduce possible noise overspill;
- Limiting the number of dogs and cats that may be accommodated at any one time;
- Providing supervision 24hrs per day/ 7 days per week;
- Limiting activities to standard business days and times;
- Adapting animal facilities to minimise noise.

If required, a condition could be imposed requiring the land owner to submit to the municipality, for approval, a suitable noise management strategy prior to the commencement of the Rehabilitation Centre.

6.6 Environmental impact

As explained in Section 4.2 of this report this land use application triggers a "Part 2" amendment in terms of NEMA i.r.o. the existing Environmental Authorisation previously granted for construction of a single dwelling and associated ancillary services on the northern portion of Erf 2103. The NEMA process, involving a full Basic Assessment and including public participation is currently underway, essentially deals with the proposed change of use and will be adjudicated by the DEADP. A copy of the Part 2 amendment application as compiled by Cape Environmental Assessment Practitioners (Pty) Ltd is attached to this report as part of Annexure 4.

It is undeniable that the severity and permanency of anticipated impacts of the proposal from environmental, landscape setting and visual perspectives would be considerably lower than likely to have been associated with implementation of the existing land use rights applicable to the northern portion of Erf 2103. For example, existing land use rights imply a collective physical (permanent) building envelope of $\pm 2,522\text{m}^2$ (excluding $1,780\text{m}^2$ for the access road and parking), the combined building footprint of structures associated with the revised proposal would be only $\pm 452\text{m}^2$.

Implementing the proposal would not require removal of trees that would require permission in terms of the National Forests Act, 1998 (Act 84 of 1998).

6.7 Heritage resources

The ongoing land use planning application (Rezoning, Subdivision and Consent Use) pertaining to the southern portion of Erf 2103 currently under review by Bitou Municipality prompted an application to HWC in terms of Section 38 of the NHRA. Perception Planning submitted a Notice of Intent to Develop (NID) to Heritage Western Cape (HWC) for consideration. HWC through their interim comments dated 27th June 2019 required a Heritage Impact Assessment (HIA), Archaeological Impact Assessment (AIA) and focussed public participation (i.e. registered local conservation bodies and planning authority). Dr. Lita Webley was subsequently appointed by the property owner to conduct the above process (Annexure 10).

The Integrated HIA (incorporating an AIA), submitted to HWC during September 2019, did not locate any heritage resources on Erf 2103 and recommended the development for approval subject to the following condition:

"If during ground clearance or construction, any archaeological material or human graves are uncovered, work in that area should be stopped immediately and the ECO should report this to Heritage Western Cape (Tel: 021 483 9689). The heritage resource may require inspection by the heritage authorities, and it may require further mitigation in the form of excavation and curation in an approved institution." (Webley, L, 2019:27)

HWC through their final response dated 2nd October 2019 to the Integrated HIA approved the proposed development of Erf 2103, Plettenberg Bay, subject to the abovementioned condition.

The revised proposal for the northern portion of Erf 2103, as per this land use planning application, once more triggers development activities listed in terms of Section 38(1) of the NHRA and a Notification of Intent of Develop was therefore submitted to HWC on 27th July 2021 (HWC case number 2107 2105). A copy of the heritage report is attached as part of Annexure 11 hereto.

6.8 Municipal services

An independent engineering service report, undertaken with relation to civil and technical services and infrastructure that will be required to be installed as a result of the proposed development, is discussed in Section 2.6 of this report. The service report supports the proposal. Alternative options for the treatment of organic waste through a highly effective small scale biogas plant, in accordance with standards outlined by the South African Biogas Industry Association (SABIA) are currently being investigated and if implemented, will be undertaken in accordance with relevant requirements of the municipality.

6.9 Agricultural potential

As described in Section 1.2.2 of this report the proposed development site is recorded as having low to moderate potential for grazing despite its current zoning being Agricultural Zone I. The proposed development would not result in the loss of high potential agricultural land.

7. CONCLUSION

Following from the above it is considered that the following land use planning application, as discussed herein, meets and complies with statutory policies and requirements outlined in the Spatial Planning Land Use Management Act, 2013, Western Cape Land Use Planning Act, 2014, Bitou Municipality Land Use Planning Bylaw, 2015 as well as other regulatory requirements discussed and that the proposal may therefore be supported by Bitou Municipality:

- a.) Rezoning of the northern portion of Erf 2103, north of the Piesang Valley Rd, to Business Zone I for the establishment of an Animal Care Centre, in terms of Section 15(2)(a) of the Bitou Municipality Land Use Planning Bylaw (P.N. 273/2015);
- b.) Consent Use for residential-orientated use within Business Zone I (staff accommodation) on the northern portion of Erf 2103 in terms of Section 15(2)(o) of the Bitou Municipality Land Use Planning Bylaw (P.N. 273/2015).

PERCEPTION Planning
18th August 2021



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 Hons: TRP(SA) EIA Mgmt(IRL) Pr Pln PHP