

PORTION 33 OF THE FARM HILL VIEW NO 437

SPECIALIST PLANNING REPORT



CLIENT: BITOU MUNICIPALITY

PREPARED BY: MARIKE VREKEN URBAN AND ENVIRONMENTAL PLANNERS



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SECTION A :**BACKGROUND****1. INTRODUCTION**

Bitou Municipality appointed Marika Vreken Urban and Environmental Planners to conduct an investigation into the suitability of five alternative sites to establish a new regional cemetery consisting of at least 12 ha whilst incorporating an integrated urban development consisting of low and medium income housing. Phase 1 of the study was to investigate the five sites and to identify the most suitable alternative. Phase 2 has been the design of the cemetery and integrated development followed by authorisations and development rights for the proposal.

After the completion of Phase 1, Portion 3 and 33 of the farm Hill View No 437, division Knysna were identified as most suitable locations for the proposed development. The purpose of this study will reflect on the suitable cemetery location and the statutory requirements applicable to the proposed development.

The subject site is located to the north of the suburb of Kwanokuthula and to the west side of Plettenberg Bay town. The location is adjacent to an existing development meaning that it can be regarded as a suitable urban expansion area for Plettenberg Bay. The GPS Coordinates for the Portion 33 of Knysna Farm Hill View No 437 site is 34° 2'28.31"S and 23°19'48.95"E. The site measures a total of approximately 44.976Ha.

The following Specialist Planning Report aims to provide a description of the proposed development and to "contextualize" the envisaged project within the administrative, legal and planning policy framework. These policies are for the most part 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.

In parallel with the abovementioned applications; **Eco-Route Environmental Consultants** has been appointed as independent environmental practitioner (IEP) for the preparation and submission of the application for 'environmental authorisation' of the envisaged development for consideration by the 'relevant authority' in terms of the provisions of the National Environmental Management Act, 1998 (Act 107 of 1998).

2. PROPERTY DESCRIPTION SIZE AND OWNERSHIP

A copy of the Title Deed for the properties, which include all the information outlined below, is contained in ANNEXURE A.

Property	Ptn 33/437
Title Deed Number:	T38863/2008
Title Deed Description:	Portion 33 of the Farm Hill View No 437 in the Greater Plettenberg Bay Transitional Local Council Area, Division of Knysna, Province of the Western Cape

Property	Ptn 33/437
Property Owner:	South African National Roads Agency Limited.
Title Deed Restrictions:	None
Bonds:	None
Property Size:	44,9761 ha
Servitudes:	◇ 22m Eskom Servitude

TABLE 1: PROPERTY INFORMATION

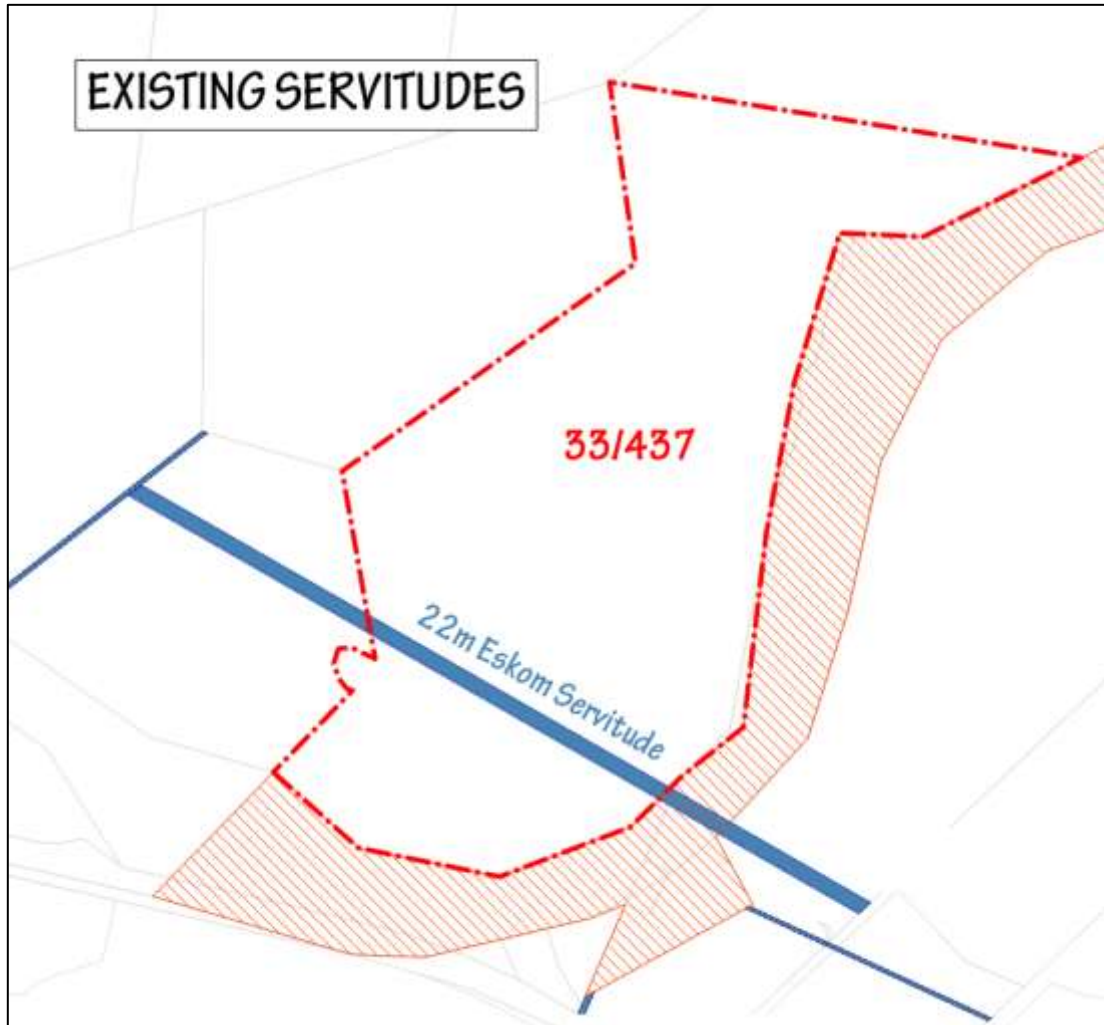


FIGURE 1: SERVITUDES ON PTN 3 OF FARM 437

SECTION B :**CONTEXTUAL INFORMANTS****3. LOCALITY**

(Plan 1: Locality Plan)

The site is located less than 5km away from the Plettenberg bay CBD and 30km from Knysna, on the N2 National Route. The N2 is the main movement route which connects towns and cities along the coast on a regional scale.

Portion 33 of the Farm 437 Hill View is located to the west of Portion 3, of the Farm Hill View adjacent to the expropriated N2 bypass. The site is north of Kwanokuthula and to the western side of Plettenberg Bay. The existing N2 is located directly south and is approximately 100 meters from the site. The site is currently land locked but access to the site could be gained across the expropriated N2 Bypass via Portion 3 of Farm No 437 from the existing Ebenezer intersection off the N2. The GPS Coordinates of the site is 34° 2'28.31"S and 23°19'48.95"E.



FIGURE 2: LOCALITY

4. CURRENT LAND USE AND ZONING**4.1. Land Use**

Portion 33 of Farm Hill View No 437 is currently vacant.

4.2. Zoning

The Application Area is deemed to be zoned as "Agriculture Zone I" in terms of the Section 8 Zoning Scheme Regulations.

5. CHARACTER OF THE AREA

The area is characterised by medium to low income housing development and some remaining agricultural activity. The Kwanokuthula and New horizons residential areas are approximately 400m and 200m from the boundary of the site respectively. Further afield the area is characterised by natural vegetation and little human intervention, apart from additional agricultural activity along the Wittedrift road to the west and the town of Plettenberg Bay to the east.



FIGURE 3: NEW HORIZONS RESIDENTIAL SUBURB

New Horizons is a formal neighbourhood comprising mainly market housing, including medium income housing. Kwanokuthula is a lower income area including some informal dwellings and a significant number of low income, subsidised housing units.



FIGURE 4: MIX OF FORMAL AND INFORMAL HOUSING IN THE KWANOKUTHULA AREA

6. SITE CHARACTERISTICS

6.1. Topography

The site is characterised by relatively flat areas to the south and west. On the flatter plateau section, the land changes in height from a maximum of 180m above sea level to approximately 170m, meaning that this area has a gradient of less than 1:10. This developable plateau area measures approximately 20.8ha.

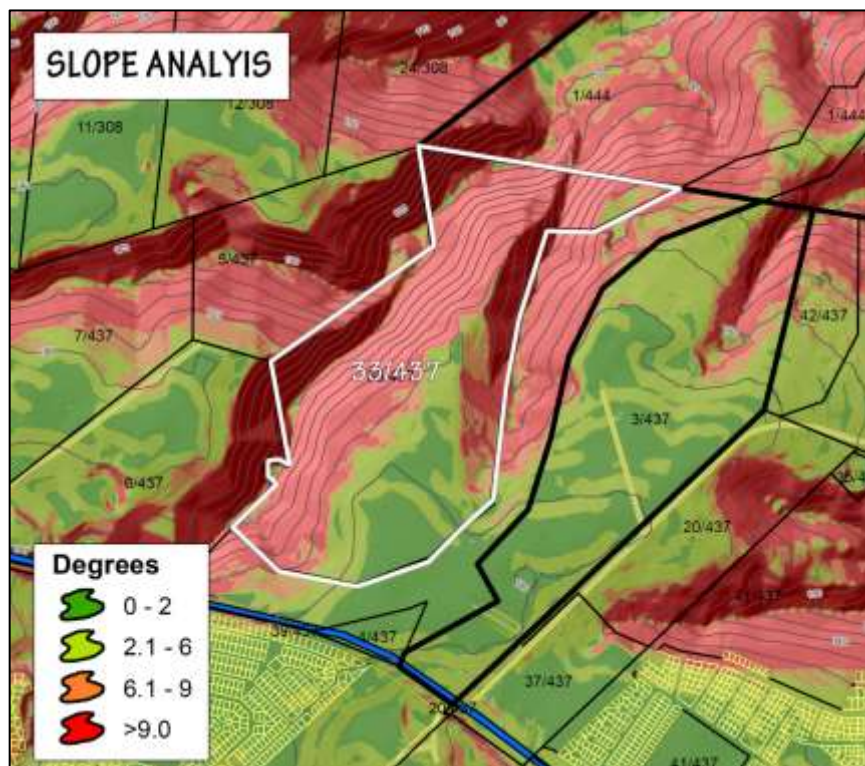


FIGURE 5: SLOPE ANALYSIS OF THE SITES

The south-east portion of the application area is characterised by relative flat sections. The site then drops significantly in height towards the west of the property, with gradients in excess of 60% in places see **Error! Reference source not found.. Error! Reference source not found.** below illustrates the difference in elevation relating to the east and western section of the site.



FIGURE 6: TOPOGRAPHY OF THE SITE FROM THE WEST

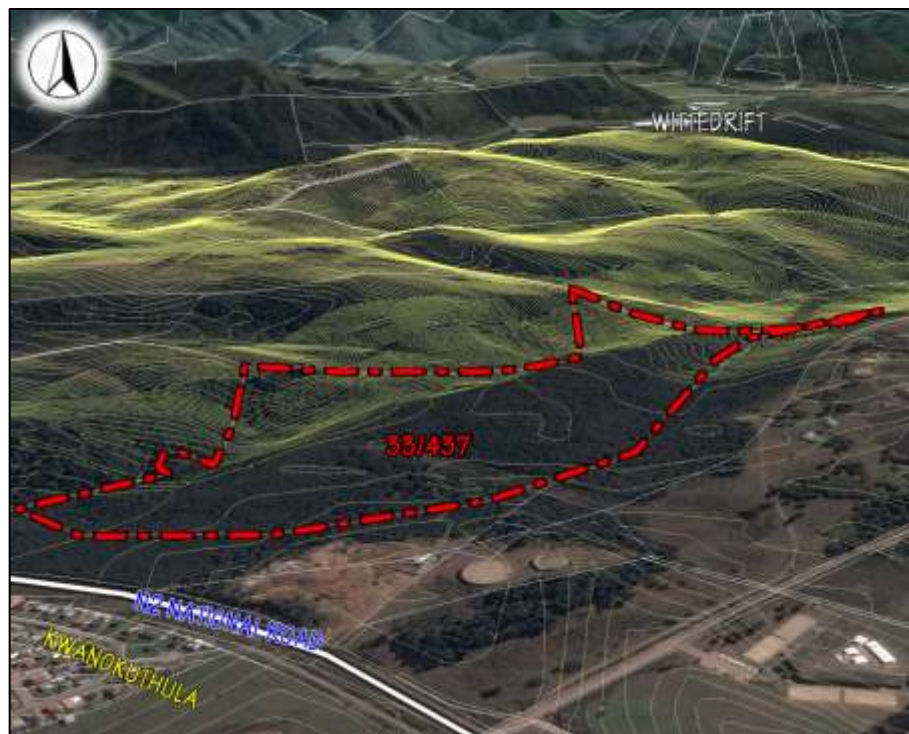


FIGURE 7: TOPOGRAPHY OF THE SITE FROM THE SOUTH

6.2. Drainage

There are two main drainage lines on the site. The 'Dieprivier' runs to the west of portion 33 of farm 437 flowing in a northerly direction.

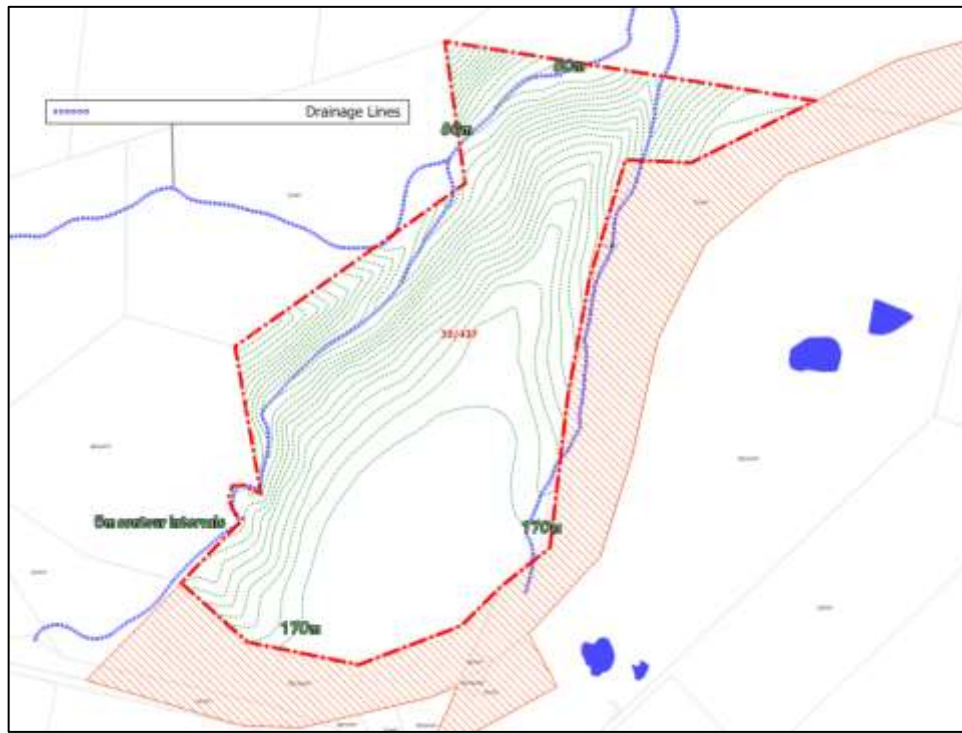


FIGURE 8: DRAINAGE OVER THE SITE

A second river flows through the expropriated bypass land between the two subject properties, and. There are no water bodies on Portion 33 of the Farm Hill View No 437.

6.3. Geotechnical Conditions

Outeniqua Lab was appointed to investigate the soil suitability and geological conditions of the alternative sites for cemetery purposes. A copy of this report is attached as ANNEXURE C. Important geotechnical factors which can affect the suitability of a cemetery site include site topography (slopes), site drainage, excavatability, workability of the soil and stability of grave sidewalls.

This geotechnical study concluded that Portion 33 carry unfavourable constraints and is considered only marginally suitable, although this is not unusual in cemetery site selection. In terms of excavatability, the application area is underlain by stiff residual soil which will be difficult to dig through by hand (pick and shovel), only a portion of Site D (Portion 33 of Farm 437) is suitable because of the presence of shallow rock in the remaining area.

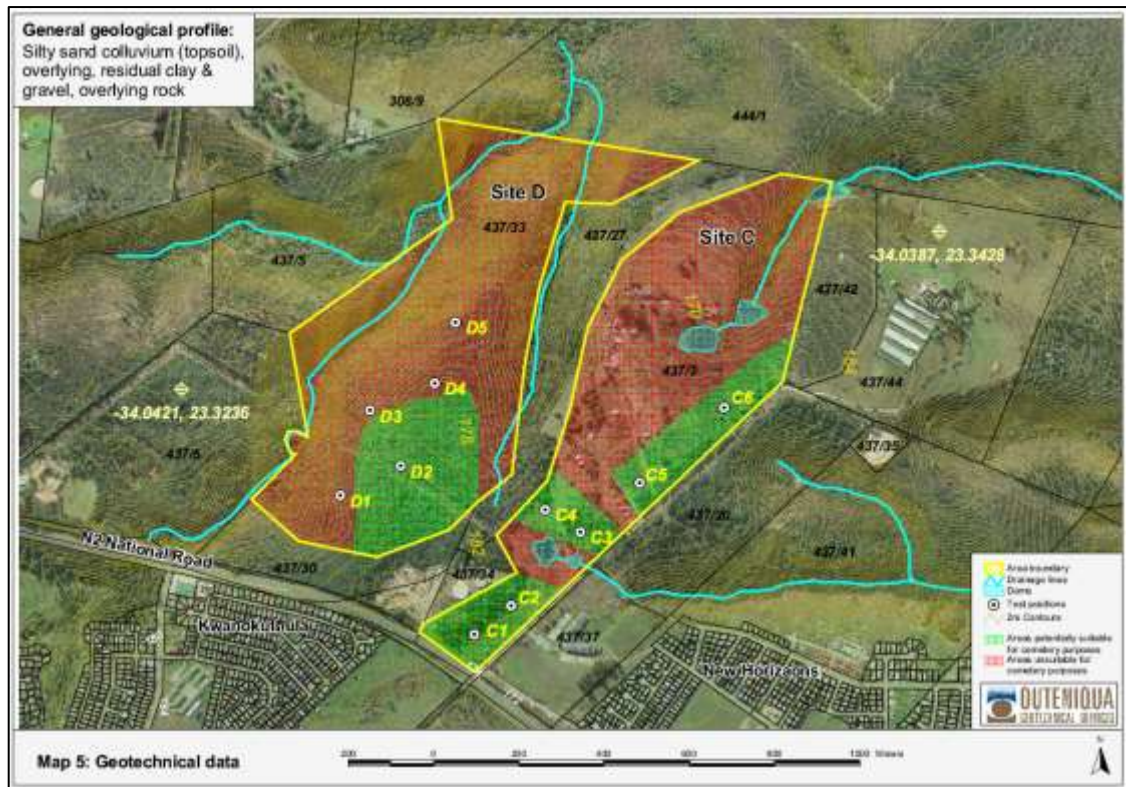


FIGURE 9: GEOTECHNICAL DATA

The geo-technical study concluded that neither of the proposed sites are ideal for cemetery purposes. However, it did state that, in the absence of more suitable alternatives, it is recommended that developable portion of Site D (Portion 33) be utilised for cemetery purposes. The portion of the application area that is suitable for cemetery purposes, is indicated in green in Figure 9.

Grave excavation will be slow and difficult by hand and the municipality should consider the use of a TLB in this regard. Backfilling of graves will also be challenging with the in situ clayey material which can be blocky and difficult to compact. It is recommended that the topsoil and clay are mixed for backfilling to reduce voids. Soil that is wet will not be suitable for backfilling and should be replaced with drier imported soil from any available source.

6.4. Vegetation

According to the RSA Vegetation classification the vegetation on the site is 90% South Outeniqua Sandstone Fynbos, which not listed in terms of NEM:BA, 10% of the property is Eastern Coastal Shale Band Vegetation which is vulnerable.

In terms of the GRI Vegetation Classification the property is classified as Uplands Grassy Fynbos (83%) and Roodefontein Grassy Fynbos (10%) which is Critically Endangered. Groot Brak River and Floodplain covers 2% of the property.

5% of the property constitutes a CBA which correlates with the location of the Groot Brak River and Floodplain and some Eastern Coastal Shale Band Vegetation.



FIGURE 10: VEGETATION ON PORTION 33 OF THE FARM HILL VIEW NO 437

6.5. Built Environment

There are no evident structures on Portion 33 of the Farm Hill View No 437.

6.6. Heritage Informants

Perception Heritage Planning was appointed to conduct a Heritage Assessment of the application area. A Background Information Document (BID) was compiled for submission to Heritage Western Cape. A copy of the BID is attached as ANNEXURE D. The study concluded that:

- Traditional cultural landscape features employed locally, such as landscape framing and use of tree-rows along the linear “Ebenezer” approach road may contribute to the visual setting and character of the future settlement quality
- A focussed Integrated HIA be undertaken focussing on the following issues and articulated through a set of integrated recommendations:
 - Built environment and cultural landscape informants;
 - Analysis of visual-spatial informants;
 - Archaeological Impact Assessment.
- No significant historic themes were found to apply to the proposed development area

Further to the above Heritage Western Cape confirmed that no HIA is required for the application area on condition that the monitoring is undertaken by a suitably qualified Archaeologist, should the construction commence (Refer to ANNEXURE F).

6.7. Archaeology

Dr. Peter Nilssen was appointed to investigate the archaeological characteristics of Portion 33 and 3 of the Farm Hill View No 437 as part of the Heritage Assessment process (refer to ANNEXURE E). The Archaeological Investigation for Portion 33 of the Farm Hill View No 437 concluded that:

- Due to the inaccessibility of most of the study area and very poor archaeological visibility, it was not possible to complete an archaeological assessment of the site.
- Due to the property's presently undisturbed nature (and hence undisturbed archaeological record), it is recommended that archaeological monitoring be conducted by a professional archaeologist during vegetation clearing so that a more realistic assessment can be done.

6.8. Access

The application area is currently land locked. It has no direct access as it is bordered by the expropriated N2 Bypass route along its southern and eastern boundaries. No direct access will be allowed from the current N2 National Road.

The application area will have to obtain access via Portion 3 of the Farm Hill View No 437 (Ebenebezer). An access servitude has to be registered in favour of Portion 33 to allow for access to the cemetery.

SECTION C :**PROPOSAL****7. DEVELOPMENT ALTERNATIVES**

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): Regional cemetery, memorial garden, crematorium, chapel
- Alternative 2: Regional cemetery
- Alternative 3: No go Alternative

These development alternatives are discussed in more detail hereunder:

7.1. Alternative 1: Preferred Alternative

(Refer to Plan 2: Layout Plan Option 1: Preferred Layout)

The preferred layout will consist of a cemetery, memorial garden, crematorium and chapel as the primary land uses on Portion 33 of the Farm Hill View No 437. This layout was considered as the preferred alternative as the proposed cemetery will be located furthest away from existing habitable building and the proposed housing developments envisioned for the Remainder of Portion 3 of the Farm Hill View No 437.

PREFERRED LAYOUT	NUMBER OF ERVEN	AREA
Open Space		
Private Open Space	1	33. 782ha
Authority		
Cemetery Public Open Space	2	9.779ha
Cemetery Private Open Space	1	0.200ha
Transport		
Transport Zone	1	1.215ha
Total	5	44,976 ha

TABLE 2: PREFERRED LAYOUT

It should be noted that there is no urban development proposed on Portion 33 of the Farm Hill View No 437. The placement of the cemetery has been strategically selected to accommodate the environmentally restrictive (e.g. steep slopes), sensitive areas as well as

the proposed recommendations from the geotechnical study for the preferred location for cemetery purposes. The remaining open space on the remainder of Portion 33 of the Farm Hill View No 437 will be used as private open space.

The private open space will be used for recreational purposes such as hiking and biking trails that can contribute to tourist development in future.

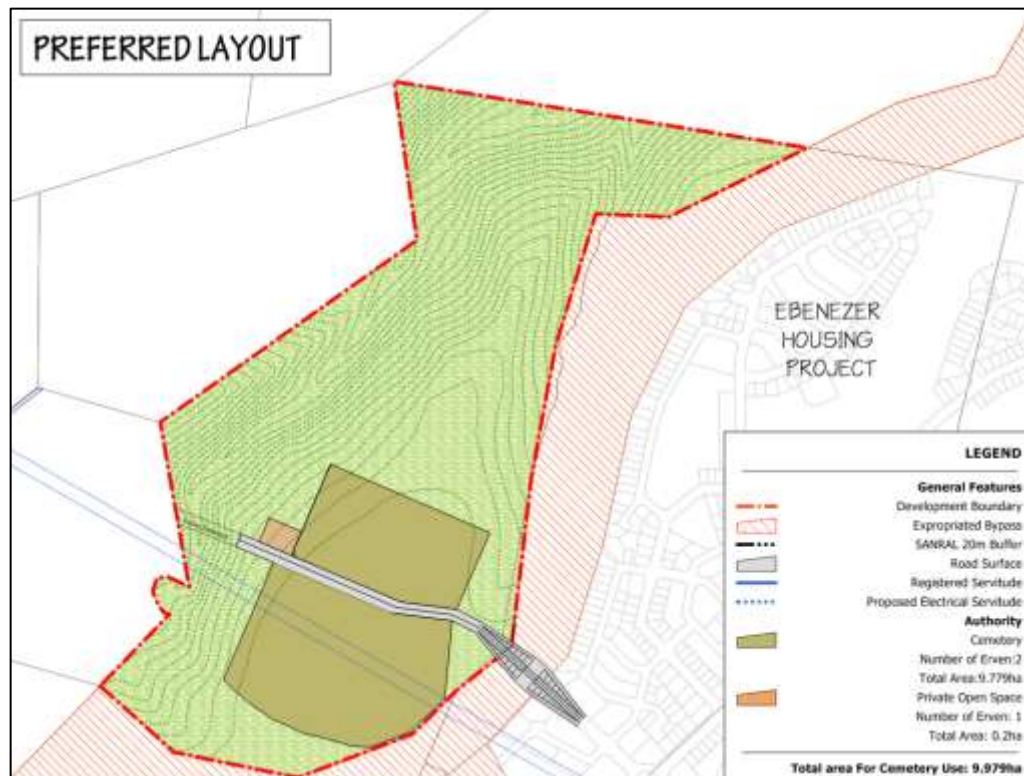


FIGURE 11: PREFERRED LAYOUT PLAN

7.1.1. Cemetery Layout North of Access Road

The cemetery measuring 9.779 ha in extent is split by the access road into two portions, creating a northern and southern cemetery area. The dimensions of each graveyard comply with the typical dimensions of associated with cemeteries. The adult graves measure 2.2m x 0.9m with a spacing of 1.2m between each grave. Children's Graves measure 1.5m x 0.7m with 1.2m spacing between graves.

The northern section of the cemetery measures approximately 3.687ha in extent and will accommodate a total of 4239 graves; consisting of 3619 adult graves and 620 children's graves. A total of 27 public parking bays and 3 bus parking bays are centrally located to allow for easy vehicular and public transport access during a burial process. A caretaker's dwelling measuring approximately 75m² and ablution facility measuring 30m² will be in the same vicinity as the public parking area.

A private open space measuring 2000m² west of the northern section cemetery will contain a chapel measuring 250m² and a crematorium measuring 150m². It is not the intention to apply for the crematorium at this stage. The land is merely reserve

for crematorium use in future. Should the local authority decide to develop a crematorium in future, the development will still have to comply with all the prescribed statutory authorisations such as the Environmental Legislation, etc.

24 x parking bays will be in the private open space to be used either by the crematorium or the chapel during a service. A wall of remembrance will be in close proximity to the church for better surveillance over the wall and to mitigate vandalism. The figure below illustrates the proposed cemetery layout north of the access road.



FIGURE 12: CEMETERY LAYOUT NORTH

7.1.2. Cemetery Layout South of Access Road

The cemetery located south measures 6,092ha in extent and will contain approximately 6142 adult graves.

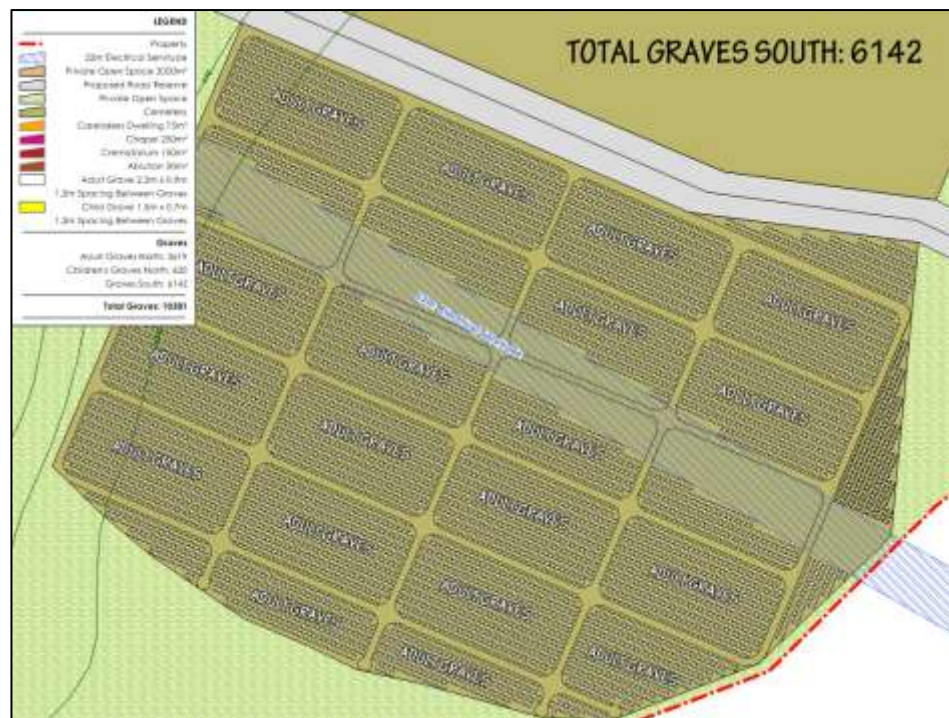


FIGURE 13: CEMETERY LAYOUT SOUTH

No children's graves will be located on this section of the cemetery. A 22m electrical servitude traverses the southern part of the proposed cemetery. No graves will be located within the servitude area. Figure 13, above illustrates the proposed cemetery layout south of the access road.

7.1.3. Access

Portion 3 of the Farm Hill View No 437 is the only portion of site with access off the N2 National Route at +/-km57 marker (shown in the figure below in **blue**) via the existing Bay College access road, which is currently a gravel road. The Bay College road will serve as the main feeder route that will intersect with other public routes that will give access to the future housing development on Portion 3. This access is shown in **purple** in the figure below.

According to ITS Traffic Engineers, the access is earmarked for a roundabout and has been conditioned by SANRAL as part of previous approvals. Although the two proposed properties only link indirectly to the N2, all the generated traffic to/from the development will use the nearby N2 intersection.

Bitou Municipality is planning a housing development on Portion 3 of the Farm Hill View, and the housing development's layout will allow for an access road through this housing development, through to the proposed cemetery.

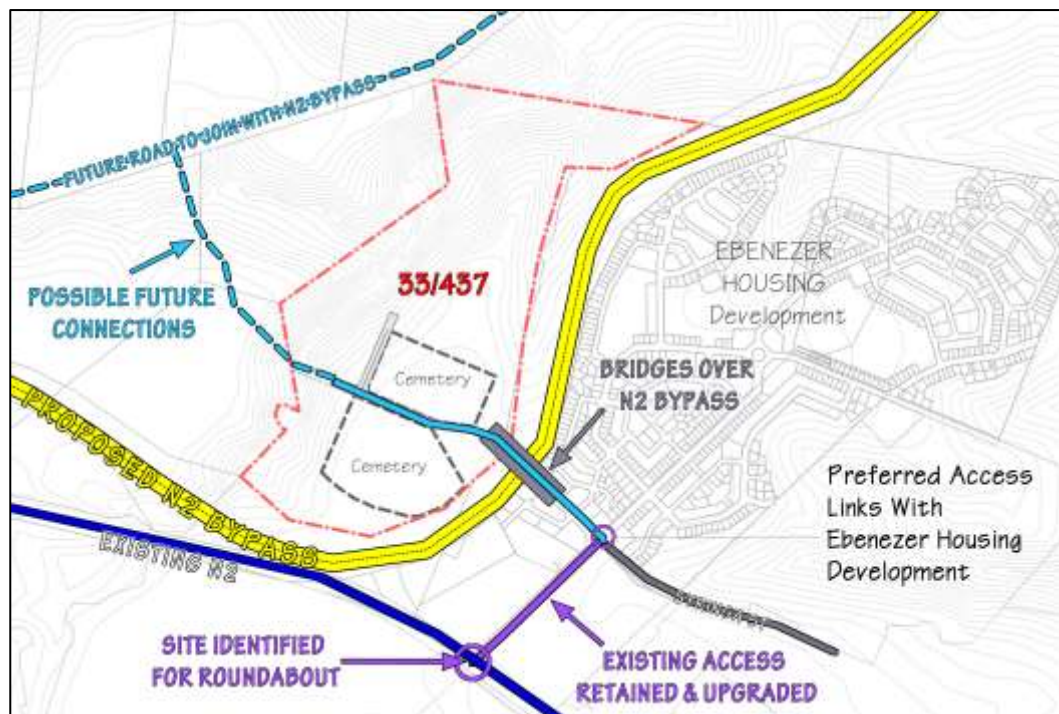


FIGURE 14: ACCESS ARRANGEMENTS

Portion 33 of the Farm Hill View No 437 is abutted by the expropriated N2 Bypass along the southern and eastern boundaries (the potential route on the land expropriated by SANRAL is shown in yellow on the figure above). However, no direct access can be obtained via the existing N2 National Road and any proposed access will have to take into consideration the future planning of the N2 National Road.

No new future intersection is planned near the application area. Hence, once the new National Road has been constructed, Portion 33 can only be accessed via a bridge across the expropriated bypass route.

It is important to note that there is no immediate need to build a bridge. A bridge will only be required once the expropriated bypass is constructed. For time being, the proposed cemetery can be accessed via a normal road.

These access options are shown in **blue** in the figure above. The bridge and access route over the expropriated bypass is the preferred access route, as this alignment has been confirmed as the most suitable access route by the Bitou Municipality's Directorate of Technical Services. At this stage SANRAL could not provide any Preliminary designs of the vertical alignment of the Future N2 Bypass and confirmed that as an interim the access over the road reserve can be a level crossing. This access route also aligns with the proposed layout of the Ebenezer Housing Development.

The access road to Portion 33 has to be able to connect with the future planned N2 intersection, which is at the Wittedrift Road. The dotted **blue** lines in the figure above show a potential link road route that will create this connection.

Portion 33 will therefore will receive access through the proposed new housing development on Portion 3, via a roundabout. Once the new N2 National Road bypass has been constructed, the access road to Portion 33 will have to be a Bridge overpass over the expropriated bypass route.

7.1.4. Services Capacity

These considerations will be dealt with in more detail by the relevant professionals, however a brief outline is provided here for reference purposes:

7.1.5. Availability of Civil Services

The point of supply could be the existing Kwanokuthula Tower Reservoir at an elevation of 201m above MSL. The master planning includes the construction of a new 250mm diameter gravity main from Kwanokuthula Reservoir to the proposed Ebenezer Housing Development. The proposed cemetery and ancillary uses could the feel within the new Kwanokuthula/ Ebenezer Water Supply Zone

An internal reticulation pipe diameter of 110mm should be specified with a 32mm diameter ring main to standpipes and dwelling/chapel unit connections of 20mm diameter. The proposed cemetery is located between contour level 175m and 150m above MSL and should be provided with adequate residual pressure from the Kwanakuthula Tower Reservoir at 201m above MSL

Each ancillary use in the proposed cemetery will be provided with an individual sewer connection. Sewage generated by the ancillary cemetery facilities will gravitate from the internal network to the proposed new conservancy tank on the Northern boundary of the Cemetery layout situated at contour level 150m. The internal network should consist of 160mm diameter pipes with manholes spaced at not more than 80m and at flow direction changes.

Future planning could allow for sewage to be pumped via a 110mm diameter pumping main pipeline to the Future Ebenezer Housing Development network where it will gravitate in the Future bulk 250mm gravity outfall sewer to the Waste Water Treatment Works.

7.1.6. Availability of Electrical Services

There is an existing electrical connection on portion 3 of the Farm 437. Bulk supply for any significant development will need to be upgraded but could be connected from the main supply at New Horizons.

There is a 22 m Eskom Servitude located towards the south side portion 33 of the Farm Hill View no 437, this servitude is accommodated in the proposed layout.

7.2. Alternative 2: Cemetery

(Refer To Plan 3: Layout Plan Option 2: Alternative Layout)

The alternative layout consists of a cemetery area of approximately 9.317ha. The cemetery will consist of two separate land parcels separated by the access road.

The northern section of the cemetery zone will measure 3.687ha in extent and will accommodate 4455 graves, 216 more than the preferred layout. The graves will consist of 3835 adult graves and 620 children's graves. The public parking area will be located at the lower western corner of the northern cemetery zone. Internal cemetery roads will provide access to the graves. A total of 27 public parking and 3 bus parking bays are provided in the demarcated parking area. A caretaker's dwelling measuring approximately 75m² and ablution facility measuring 30m² will be in the same vicinity as the public parking area.

No crematorium is proposed for Alternative 2, and the layout was planned to maximise burial space, with no central ablution facility.

The southern section the cemetery zone measuring 6,092ha in extent will accommodate 6142 adult graves. The same, if compared to the preferred layout. The impact of this layout alternative is that the 22m electrical servitude be relocated to the satisfaction of ESKOM at the expense of the Bitou Municipality.

The remaining open space on the remainder of Portion 33 of the Farm Hill View will be used as public open space. Although it is still open for discussion, it was suggested that the desired use will be environmentally sensitive such as a mountain bike trail or a recreational use which will be highlighted by the requirements of the Bitou integrated development plan this will the property to be used for recreational purposes that can contribute to tourist development.

This layout was considered as the alternative:

ALTERNATIVE 1	NUMBER OF ERVEN	AREA
Open Space		
Private Open Space	1	33. 782ha
Authority		
Cemetery Public Open Space	2	9.979ha
Transport		
Transport Zone	1	1.215ha
Total	6	44,976 ha

TABLE 3: ALTERNATIVE LAYOUT

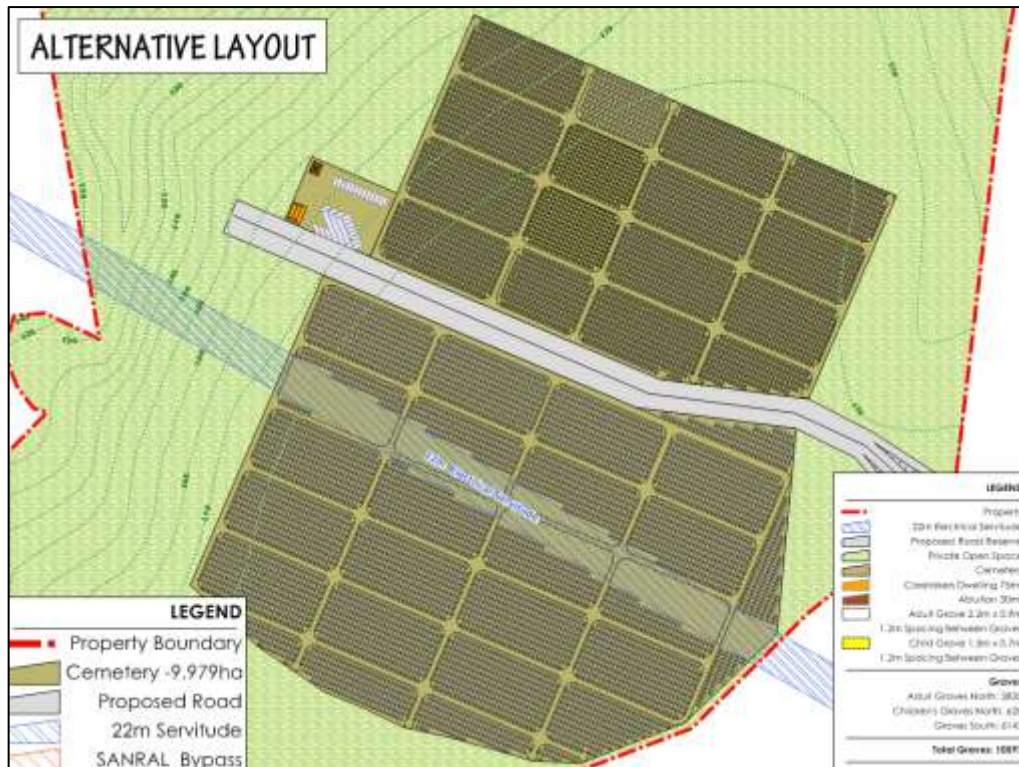


FIGURE 15: ALTERNATIVE LAYOUT PLAN

7.3. Alternative 3: No-Go Option

The No-Go alternative would see the continuation of the unproductive vacant land and no additional cemetery space for Bitou Municipality. The landlocked nature of the property would mean that little development would be possible here.

There is an extreme need for additional cemetery space within the Bitou Municipality. The additional cemetery space will provide burial space for approximately the next 10 years for Bitou Municipality. The no-go option would result in increasing pressure for the Bitou municipality to provide suitable areas to be used as a cemetery and would result in unnecessary financial resources and time delays to investigate suitable locations for a new cemetery.

The proposed regional cemetery would also not be possible with the no-go option, this would mean that the severe shortage of burial space would continue in the area leading to a critical situation with no apparent solution.

SECTION D :**FORWARD PLANNING****8. SPATIAL PLANNING GUIDELINES****8.1. National Development Plan (2011)**

The National Development Plan presents an ambitious vision for the country to be achieved by the year 2030. The document begins by stating that:

“By 2030, we seek to eliminate poverty and reduce inequality. We seek a country wherein all citizens have the capabilities to grasp the ever-broadening opportunities available. Our plan is to change the life chances of millions of our people, especially the youth; life chances that remain stunted by our apartheid history.”

In order to achieve this the NPC explains that the core focus is on raising the capabilities of the citizens of South Africa, in order to do this the following pre-requisites are highlighted:

- education and skills,
- decent accommodation,
- nutrition,
- safe communities,
- social security,
- transport and
- job opportunities

The municipality currently have 8 cemeteries located throughout the municipal area. The majority of the cemeteries have no capacity. Finding vacant land for new cemeteries or extensions to existing cemeteries is an urgent need by the Bitou municipality and the addition of cemeteries must be explored to elevate current capacity problems. The proposal will provide at least 10 000 additional graves in the Bitou Cemetery network creating additional jobs associated with the maintenance and upkeep of the Cemetery and Ancillary associated uses.

Under the heading of “Reversing the Spatial Effects of Apartheid”, the National Development Plan highlights the following strategies:

1. Increasing urban population density, while improving the liveability of cities by providing parks and other open spaces, and ensuring safety.
2. Providing more reliable and affordable public transport with better coordination across municipalities and between different modes.

3. Moving jobs and investment towards dense townships that are on the margins of cities. Building new settlements far from places of work should be discouraged, chiefly through planning and zoning regulations responsive to government policy.

The National development plan is divided into 15 chapters which outlines the objectives and actions necessary to achieve the overall vision for South Africa by 2030: The following policies have been identified have a bearing on the proposed cemetery development

NDP Chapter 3

The following economic development policies are proposed that focus on removing the most pressing constraints on growth, investment and job creation, including energy generation and distribution and urban planning. These policies include the following:

- Promote Private Investment- Private Investment is linked with improved condition as a result of policy certainty, infrastructure delivery, and efficiency of public services which will improve quality of labour in surrounding areas.
- Improve spatial dynamics and rural employment- Encourage development close to rural townships. Rural economies will be activated through stimulation of agriculture and tourism investment
- Establish Tourism Clusters- Increase number of tourists entering the country and increase the average amount of money spent in regional economy

NDP Chapter 5

The following guiding principles are defined for the transition of all aspects from policy to process to action. Focus should be put in place to establish regulatory framework for proposed land uses, to ensure the conservation and restoration of the natural environment. These guidelines include the following:

- Strategic Planning – Apply a systems perspective, while ensuring an approach that is dynamic, with flexibility and responsiveness to emerging risk and opportunity, and effective management trade offs
- Transformative approach- Address all aspects of the current economy and society requiring amongst others visionary thinking and innovative planning
- Manage transition – build on existing process to attain gradual change and phased transition.
- Opportunity focus – for business growth, competitiveness and employment creation, that will contribute to equality and prosperity.
- Full cost accounting – Internalise externalities through full cost accounting
- Effective participation of social partners – Be aware of mutual responsibilities, engage on differences, seek consensus and exact compromise

NDP Chapter 8

Provincial Land use management systems overlap with local municipalities creating confusion and conflict. Provincial governments overseeing key economic activities such as agriculture tourism environmental management

Spatial developments should conform to the following normative principles and should explicitly indicate how they would meet the requirements of these principles. These principles are directly related to Section 42 of the Spatial Planning and Land Use Management Act 16 of 2013 which will be implemented as the primary spatial and Land Use Management legislation on the 1st of July 2015. These principles include:

Normative Principles for Spatial Planning	
Principle	Description
Spatial justice	The historic policy of confining particular groups to limited space, as in ghettoization and segregation, and the unfair allocation of public resources between areas, must be reversed to ensure that the needs of the poor are addressed first rather than last.
Spatial sustainability	Sustainable patterns of consumption and production should be supported, and ways of living promoted that do not damage the natural environment.
Spatial resilience	Vulnerability to environmental degradation, resource scarcity and climatic shocks must be reduced. Ecological systems should be protected and replenished.
Spatial quality	The aesthetic and functional features of housing and the built environment need to be improved to create liveable, vibrant and valued places that allow for access and inclusion of people with disabilities.
Spatial efficiency	Productive activity and jobs should be supported, and burdens on business minimised. Efficient commuting patterns and circulation of goods and services should be encouraged, with regulatory procedures that do not impose unnecessary costs on development.

The proposal will follow these strategies by:

- Implementing Strategic Planning by identifying a geotechnical suitable site for a regional cemetery. A suitable location for cemeteries is identified as an urgent social need by the Bitou Council. The regional cemetery will alleviate pressure and financial resources to investigate new possible sites to establish a regional cemetery. Further to the above there is not a single crematorium facility in the entire Bitou Municipality. The public who wants to make use of the services of a crematorium must drive all the way to George. The provision of the

crematorium facility will bring a much-needed social facility closer to proximity to the residents of Bitou Municipality.

- The proposed alternative will provide additional graveyards which will further alleviate the need for cemeteries for an extended time up to 5 years.
- The public open space surrounding the cemetery will be maintained to ensure that any disturbance to the existing environment is mitigated to only the area demarcated for cemetery purposes. This will allow the cemetery to integrate in to the existing characteristics of the natural environment.

8.2. Provincial Spatial Development Framework (2014)

The Western Cape Provincial SDF was approved in 2014 by the Western Cape Parliament and serves as strategic spatial planning tool that “communicates the provinces spatial planning agenda”. The updated PSDF takes on spatial vision of the OneCape2040 document, in an attempt to create:

- i. Educating Cape: Everyone has access to *a good education*, and the cities, towns and rural villages are places of innovation and learning.
- ii. 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.
- iii. Green Cape: All households can access basic services that are delivered resource efficiently, residents use land and finite resources prudently, and *safeguard their ecosystems*.
- iv. Connecting Cape: Urban and rural communities are *inclusive, integrated, connected* and collaborate.
- v. Living Cape: Living and working environments are healthy, safe, enabling and accessible, and all have access to the region’s unique *lifestyle offering*.
- vi. Leading Cape: Urban and rural areas are effectively *managed*

There has been a recent legislative and policy shift that more clearly delineates the role of provincial and municipal spatial planning. This shift has meant that provincial inputs are generally limited to provincial scale planning. However, it is important to note some of the key policies laid down by the draft PSDF that have a bearing on the proposal:

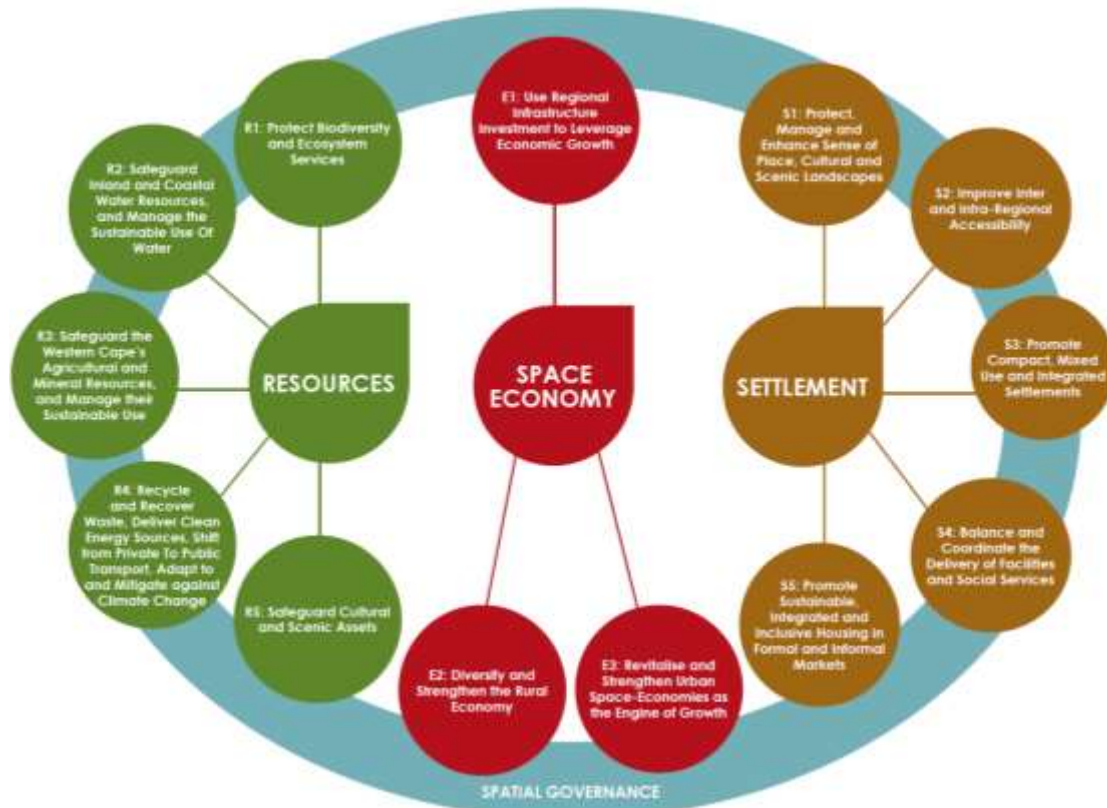


FIGURE 16: POLICIES IN THE PSDF

Under policy E3: Revitalise and Strengthen Urban Space Economies as the Engine of Growth, the PSDF states in point 7 that:

7. Incentives should be put in place to attract economic activities close to dormitory residential areas, facilitate brownfields development (e.g. mixed use development and densification in appropriate locations), and private sector involvement in the rental and gap housing markets.

Although the proposal is not a privately initiated project, it will both require and facilitate private investment into the development and surrounding areas, thereby helping to fulfil the policy.

Policy S3 is to Promote Compact, Mixed Use and Integrated Settlements. It states:

2. Promote functional integration and mixed use as a key component of achieving improved levels of settlement liveability and counter apartheid spatial patterns and decentralization through densification and infill development.

The proposal provides essential municipal service in close proximity to an existing urban area, which will contribute to the mixture of integrated land uses to create more liveable and integrated urban spaces.

3. Locate and package integrated land development packages, infrastructure and services as critical inputs to business establishment and expansion in places that capture efficiencies associated with agglomeration.

The Bitou Municipality is an area that is recognised by the Western Cape Growth Potential Study as having a high Social Growth Potential and a Very High Economic Growth Potential, this means that the area will both benefit socially from the proposed investment and has the potential to take advantage of the economic opportunities that the development will create. The proposal is located within the existing fabric of Plettenberg Bay and within close proximity to existing residential neighbourhoods, the CBD and Industrial Area, therefore there is strong potential for the realisation of the benefits of agglomeration.

7. Continue to deliver public investment to meet basic needs in all settlements, with ward level priorities informed by the Department of Social Development's human development indices.

The proposal will assist in the provision of a necessary social service by the Bitou Municipality.

8.3. Bitou Municipality IDP 2017-2022

The proposed development straddles Ward 7 and Ward 4 within the Bitou Municipality, and is in close proximity to Wards 4 as can be seen in the figure below.



FIGURE 17: WARDS IN PROXIMITY TO THE PROPOSED DEVELOPMENT

According to the Bitou IDP¹, Phase 1 of the study to identify a location for a new regional cemetery was done on Portion 33 of 437(the application area). This location was the most feasible location based on numerous factors and inputs from professional consultants.

¹ Bitou Municipality Integrated Development Plan 2017-2022, Pg. 49

Phase 2 is the submission of all relevant studies to obtain authorisations and development rights for the new regional cemetery. The NEMA application is in process. Due to the fact that the integrated development, which includes housing which will be partly funded through the Department of Rural Development which stipulates specific housing typologies only, the housing component is to be dealt with as a separate matter. The cemetery application will therefore now be dealt with separately, which is under way.

The latest version of the Bitou IDP acknowledges the need for a regional cemetery and is identified as a key performance area for infrastructure development. Therefore, this proposal is highly consistent with the Bitou IDP.

8.4. Bitou SDF (2013)

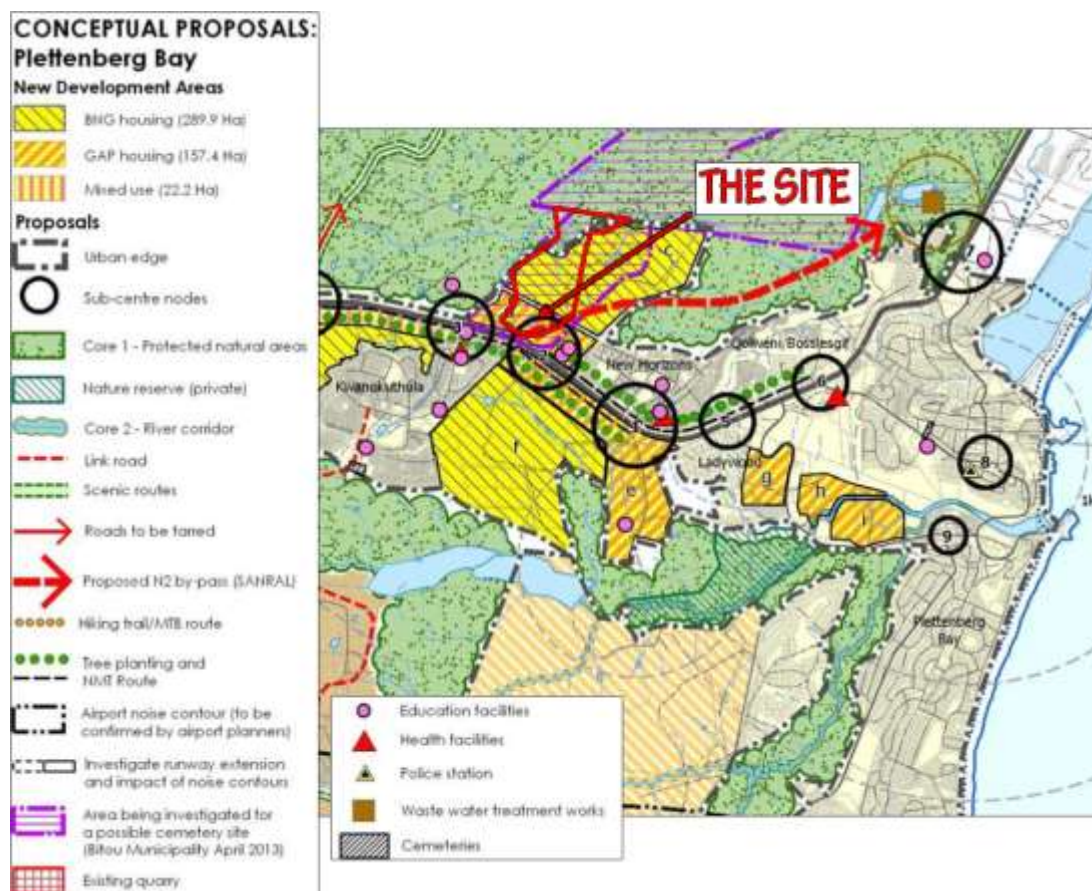


FIGURE 18: EXTRACT BITOU MUNICIPALITY SDF

The Spatial Development Framework for the Bitou Municipality was approved by Bitou Municipal Council in May 2013.

The Bitou SDF shows that the proposed site is within the urban edge of Plettenberg Bay, this means that it is regarded as suitable for urban development purposes. The Bitou SDF specifically identifies demarcated area (shown hatched in purple) where the cemetery investigation has been taking place, an area including the application area.

The southern portion of both property is identified for Gap housing, while the northern portion is identified for Breaking New Ground (BNG) housing.

Should any of the proposed layouts be considered the urban development guidelines will be applicable as proposed in the Bitou SDF.

The SDF includes a set of Urban Design Guidelines that must be considered with the detail design of the proposed cemetery. These guidelines include the following-

8.4.1. Urban Design Guidelines for future urban development

The following urban design guidelines are proposed to guide all future development in the Bitou Municipal area:

UD1 – Create open space systems that integrate the elements of a settlement to contribute to a meaningful urban structure. This can be done by:

- Providing connectivity between open spaces;
- Establishing linkages between open spaces;
- Aligning the open space system with public buildings; and
- Ensuring an improved quality of linkages through the continuation of special activities or functions along major routes.

UD10 – Space buildings from each other to provide adequate solar access to buildings. In this regard the roof pitch of buildings should be orientated so that roof solar panels have a maximum continuous direct access to the sun.

UD11 – Any proposals for the redevelopment of existing buildings should consider their heritage value, elements of the vernacular architecture and, where possible, retain these important elements. Similarly, the historical characteristics of existing buildings should be considered to draw from their elements that could be integrated into the design and construction of new buildings close by.

UD12 – The use of local materials should be encouraged in the construction of new buildings.

UD14 – Ensure that the main streets of the urban areas are appropriately landscaped to encourage a pleasant gateway treatment into the settlements.

8.4.2. Bitou SDF on Cemetery Developments

The municipality currently have 8 cemeteries located throughout the municipal area, 5 of which are located outside the urban edge of Plettenberg bay. The majority of the cemeteries have no capacity with the Craggs and Kranshoek the only cemeteries with surplus capacity available.

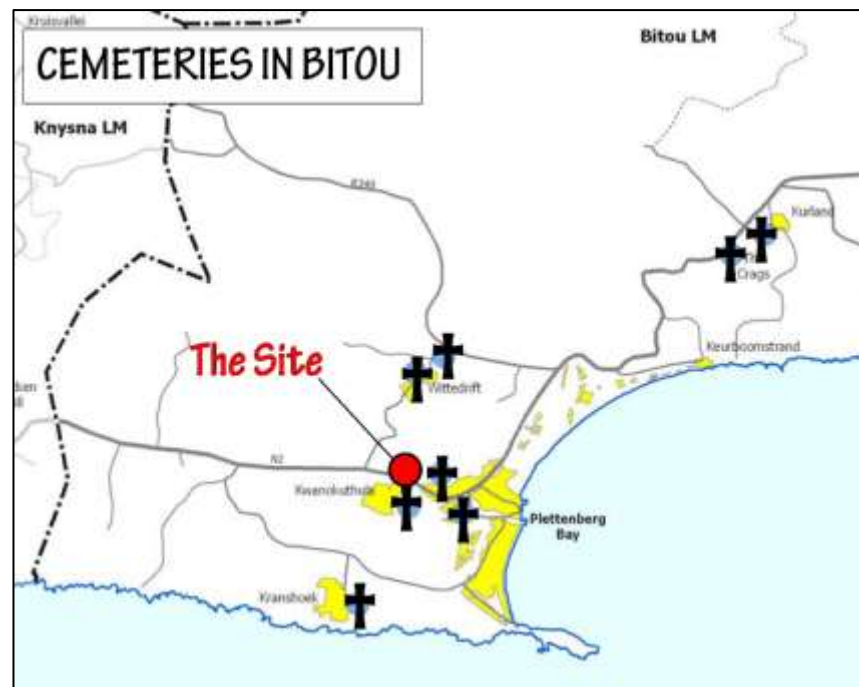


FIGURE 19: CEMETERIES IN BITOU MUNICIPALITY

Should a potential site be considered for cemetery purposes the following criteria would be important to assess prior to a site being used for cemetery purposes:

- (i) Vandalism of graveyards should be curbed through adequate security measures and fencing.
- (ii) Suitable land should be sought that is not susceptible to flooding and waterlogging. The following guidelines are suggested:
 - the water table should be at least 2.5 metres below ground level, or 0.7 metres below the base of the grave for medium sandy and clay soils;
 - where possible; in sandy soil conditions the water table should be at least 8 metres below ground level in order to provide a suitable attenuation zone;
 - burial in very permeable soil, such as gravel and sand, or very clayey ground should be avoided;
 - serious contamination may occur in rocky ground and such sites should be avoided.
 - Sandy unstable soils should be avoided which cause difficulties in terms of side wall collapse.
 - Graves should preferably be excavatable by hand or machine without too much difficulty to a depth of between 1.8 – 2.8 metres;

Planning Implication

Bitou Municipality is in urgent need for areas to be used for cemetery purposes as the existing cemeteries are full to capacity. The aim of the cemetery is to provide burial space of approximately 9.317ha (Approx. 10,000 graves) and will alleviate the need to find suitable location for cemetery purposes in the foreseeable future. The cemetery will promote conservation of sensitive vegetation through implementing an environmental management plan to curtail the degradation of the natural environment and promoting a sustainable environment management framework to promote natural conservation of the surrounding area.

Furthermore, the geotechnical assessment of the site has been concluded which indicated that the site is marginally suitable for cemetery purposes in line with the geotechnical constraints criteria. Therefore, the soil conditions are favourable for the proposed cemetery use.

8.5. Garden Route Biodiversity Sector Plan

A Biodiversity Sector Plan provides a synthesis of prioritised information to planners and land-use managers, enabling the integration of biodiversity into land-use planning and decision making. It identifies those sites that are critical for conserving biodiversity, and, in this way, facilitates the integration of biodiversity into decision making, in order to facilitate sustainable development (National Biodiversity Framework, 2007).

SANParks, together with Cape Nature prepared the biodiversity sector plan to accompany and further explain the Garden Route Critical Biodiversity Areas (CBA) Map for the George, Knysna and Bitou municipalities. The CBA map divides the landscape into five categories, namely; Protected Areas, Critical Biodiversity Areas (CBAs), Ecological Support Areas (ESAs), Other Natural Areas and No Natural Areas Remaining. The first three mentioned categories represent the biodiversity priority areas which should be maintained in a natural to near-natural state. The last two categories are not considered biodiversity priority areas, and can be targeted for sustainable development.

CBA mapping, however, has been compiled largely as the result of desktop study, and has yet to be ground proofed.

The mapping is also only useful at a moderate (max of 1:50000) scale. It is therefore clear that more detailed study has to be undertaken on specific properties in order to deduce bona fide sensitive areas.

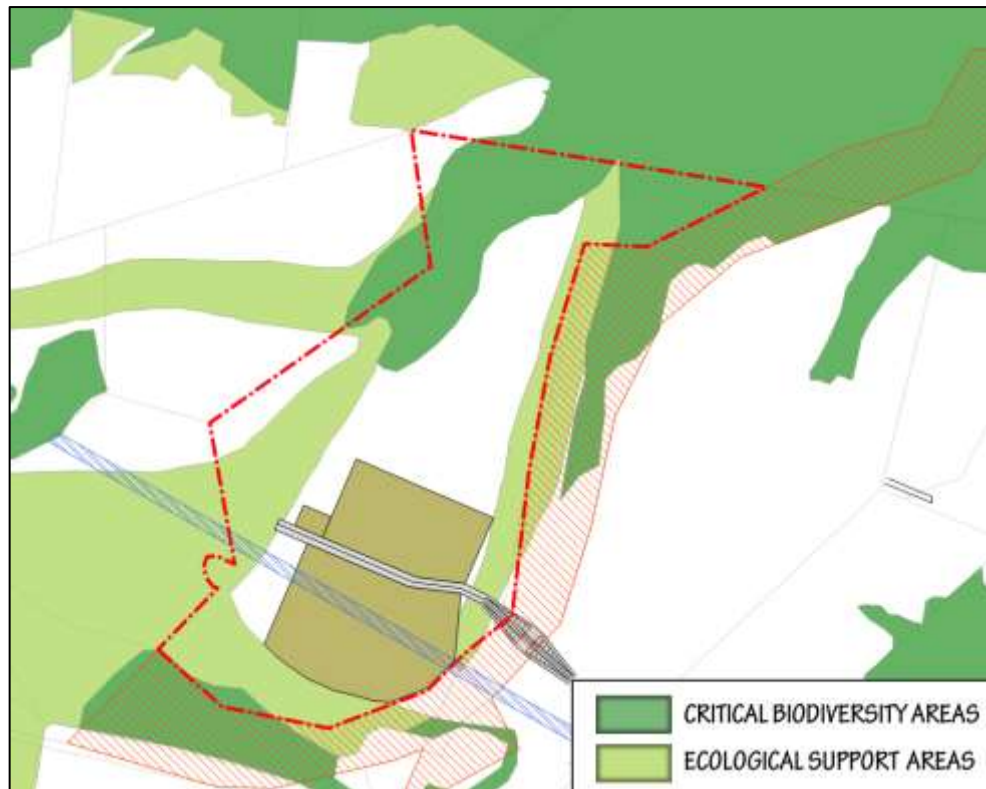


FIGURE 20: CBA AND ESA AREAS OVER THE SITE

As can be seen in **Error! Reference source not found.** above, there is an area identified as a CBA skirting the northern and western portion of the property roughly correlating with the steeply sloping vegetated portion of the site. The CBA extends between the two properties and abuts an area identified as an ESA. The ESA runs along the remainder of the south-western portion of the property to the western property boundary.

The majority of the central plateau area of the site is not recognised as a CBA or ESA and therefore and development in this area will not impact on the identified critical biodiversity areas.

The Environmental Impact Assessment process will necessitate the ground-proofing of the Critical Biodiversity Areas on the property, however no significant development (besides access roads) is proposed within and identified CBA or ESA areas.

The proposal can therefore be considered consistent with the Garden Route Biodiversity Sector Plan.

SECTION E :**STATUTORY REQUIREMENTS****9. BITOU MUNICIPAL LAND USE PLANNING BYLAW, 2015**

Bitou Municipality adopted its new Land Use Planning By-law and it came into effect on 1 December 2015. All land use applications are now being processed and assessed in terms of this by-law. This by-law states that the following aspects will be considered when the decision are made:

- desirability of the proposed utilisation of land
- the impact of the proposed land development on municipal engineering services
- the integrated development plan, including the municipal spatial development framework
- provincial spatial development framework
- policies, principles and the planning and development norms and criteria set by the national and provincial government
- the matters 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
- applicable provisions of the zoning scheme

9.1. Land use Applications Required in terms of Draft Zoning Scheme By-law

Subject to section 24(1) of the Spatial Land Use Management Act a municipality must, after public consultation adopt and approve a single land use scheme for its entire area within 5years from the commencement of this act.

Proposed Standard Draft Zoning Scheme By-Law was gazetted in GN 7391 on 18 May 2014. The purpose of this scheme is to

- a. give effect to the municipal spatial development framework;
- b. make provision for orderly development and the welfare of the community; and
- c. determine use rights and development parameters, with due consideration of the principles referred to in the Land Use Planning Act.

Taking into consideration the above the Bitou municipality must adopt the Standard Draft Zoning Scheme By-Law or an amended the zoning bylaw to conform to the requirement of Land use applications applicable to the Bitou Municipality SDF. The following Land use applications in terms of the Bitou Municipality Land Use Planning By Law will be required.

Rezoning Portion 33 of the Farm Hill View No 437 in terms of Section 15(2)(a) from Agricultural Zone I to Subdivisional Area.

Subdivision in terms of section 15(2)(d) into 5 erven to allow for:

- 1 Industrial Zone II
- 4 Open Space Zone II zoned erven (3 with consent use for cemetery)
- 1 Transport zone II zoned erf

These erven will correlate with the proposed layout as per the table below:

# of Erven	Daft Zoning Scheme By-Law 2015		Use According to Layout
	Zoning Category	Primary Use	
1	Industrial Zone II (Consent Use for Crematorium)	Industrial (consent for Crematorium)	Private Open Space
4	Open Space Zone II (Consent Use for Cemetery)	Private open Space (consent for Cemetery)	Private Open Space (Cemetery)
1	Transport Zone II	Public Street	Road

TABLE 4: ZONING INFORMATION IF LUPA/ZONING BY-LAW IS IN PLACE

9.2. Land use applications in terms of Section 8 Zoning Scheme Regulations

In the event that Draft Zoning Scheme By-law has not been adopted by the Bitou Municipality at the time of submission. The following Land use applications in terms of the Bitou Municipality Land Use Planning By Law will be required.

Rezoning Portion 33 of the Farm Hill View No 437 in terms of Section 15(2)(a) from Agricultural Zone I to Subdivisional Area in terms of the Section 8 Zoning Scheme regulations

Subdivision in terms of section 15(2)(d) into 5 erven to allow for:

- 4 Open Space Zone II zoned erven
- 1 Transport zone II zoned erf

These erven will correlate with the proposed layout as per the table below:

# of Erven	Section 8 Zoning Scheme		Use According to Layout
	Zoning Category	Primary Use	
4	Open Space Zone II	Private Open Space	Private open Space Private Open Space (Cemetery)
1	Transport Zone II	Public Road	Road

TABLE 5: ZONING INFORMATION DRAFT ZONING BY LAW IS NOT ADOPTED BY COUNCIL

10. SPATIAL PLANNING AND LAND USE MANAGEMENT ACT (16 OF 2013)

The Spatial Planning and Land Use Management Act (SPLUMA) came into effect on 1 July 2015. The main objectives of this act is to provide a framework for spatial planning and land use management to address past spatial and regulatory imbalances.

10.1. Principles for Assessment of Planning Applications as a result of SPLUMA

Section 42 of SPLUMA prescribes certain aspects that have to be taken into consideration when deciding on an application. These are:

- development principles set out in Chapter 2 of SPLUMA
- protect and promote the sustainable use of agricultural land
- 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.

One of the main objectives of SPLUMA is to provide a framework for spatial planning and land use management to address past spatial and regulatory imbalances. This section illustrates how the application is consistent with the 5 main development principles applicable to spatial planning, land use management as set out in Section 42 of SPLUMA.

1. Spatial sustainability:

- past spatial and other development imbalances must be redressed through improved access to and use of land;
- spatial development frameworks and policies at all spheres of government must address the inclusion of persons and areas that were previously excluded;
- spatial planning mechanisms, including land use schemes, must incorporate provisions that enable redress in access to land;

Planning Implication on Spatial Sustainability
<ul style="list-style-type: none"> • <i>The development complies with Western Cape Provincial Spatial development framework (2014) the proposed development is an approved development and contributes to Policy E3 Revitalise and Strengthen Urban Space Economies as the Engine of Growth and S3 promoting integrated settlements and mixed uses.</i> • <i>There is a sincere need for additional cemetery space in Bitou and the proposal will assist the addressing this need.</i> • <i>The proposed regional cemetery will strengthen functional linkages between the proposed township development and existing township developments.</i> • <i>The regional cemetery will conform to the parameters of the Standard Draft Zoning Scheme By-Law.</i>

2. Spatial justice:

- promote land development that is within the fiscal, institutional and administrative means of the Republic;
- ensure that special consideration is given to the protection of prime and unique agricultural land;
- uphold consistency of land use measures in accordance with environmental management instruments;
- promote and stimulate the effective and equitable functioning of land markets;
- consider all current and future costs to all parties for the provision of infrastructure and social services in land developments.
- promote land development in locations that are sustainable and limit urban sprawl; and
- result in communities that are viable.

Planning Implication on Spatial Justice
<ul style="list-style-type: none"> • <i>The proposal can be easily accessed of the N2 national road and abuts an existing settlement to the north (Kwanokuthula) and west (New Horizons).</i> • <i>The application area is not prime agricultural land, therefore the proposal cemetery will not impact on the agricultural potential of the area.</i> • <i>Development risk areas which include steep slopes, critical biodiversity areas, ecological sensitive areas and soil suitability informed the final location and layout of the regional cemetery</i> • <i>The proposed development will contribute to the functional land pattern in the surrounding area.</i> • <i>The area identified for the proposed cemetery is identified by the Bitou municipal SDF as an area demarcated as grass and shrub and is not suitable for productive agriculture purposes.</i> • <i>Urban sprawl will be mitigated as the proposed cemetery on the edge of town will confirm the edge of town and it will prevent further urban sprawl.</i> • <i>Social Facilities in close proximity to residential dwellings will assist principles of urban integration limiting the need for private transportation.</i>

3. Efficiency (optimising the use of existing resources and infrastructure)

- land development optimises the use of existing resources and infrastructure
- decision-making procedures are designed to minimise negative financial, social, economic or environmental impacts; and

- development application procedures are efficient and streamlined and timeframes are adhered to by all parties.

Planning Implication on Spatial Efficiency
<ul style="list-style-type: none"> • <i>Development will make use of existing local resources and contribute to specialised skills development within the local municipality.</i> • <i>The cemetery is in the final process of planning phase and the final layout is subject to the professional inputs from a consortium of professional consultants.</i> • <i>Visual impact study was conducted to illustrate the cumulative effect of the integrated housing development on the surrounding environment. Should the regional cemetery be developed, the visual impact on the surrounding environment will be insignificant, since the proposed cemetery will be surrounded by existing vegetation and visibility from the N2 will be impossible.</i>

4. Spatial resilience (allow for flexibility in spatial plans)

- 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.

Planning Implication on Spatial Resilience
<ul style="list-style-type: none"> • <i>The development is consistent with the spatial development policies of the Western Cape Provincial SDF and the Bitou SDF.</i> • <i>The Bitou IDP acknowledges that the existing cemeteries needs upgrading. No mention is made for the development of a new Cemetery in ward 7 because no details of the proposal was available during the drafting of the IDP in 2012.</i> • <i>The Bitou SDF was adopted by the Bitou Municipality during 2013 and it acknowledges the need for a new regional cemetery, given the current capacity problems. This development proposal is consistent with the implications as identified by the SDF in providing a suitable location for cemetery purposes.</i> • <i>The proposed application complies with the requirements of the Bitou By-law on Municipal Land Use Planning</i>

5. Good administration:

- all spheres of government ensure an integrated approach to land use and land development that is guided by the spatial planning and land use management systems as embodied in this Act
- all government departments must provide their sector inputs and comply with any other prescribed requirements during the preparation or amendment of spatial development frameworks

- the requirements of any law relating to land development and land use are met timeously;
- the preparation and amendment of spatial plans, policies, land use schemes as well as procedures for development applications, include transparent processes of public participation that afford all parties the opportunity to provide inputs on matters affecting them
- policies, legislation and procedures must be clearly set in order to inform and empower members of the public

Planning Implication on Good Administration
<ul style="list-style-type: none"> • <i>This principle has no direct bearing on the application, however, the Bitou municipality is obligated to consider the application fairly and within the timeframes provided in terms of the Bitou By-law on Municipal Land Use Planning.</i>

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

The application area is zoned Agricultural, thus the primary allowed land use of the property is "agriculture". The property is not a productive farm and neither has it been farmed productively for the past 10 years, hence no land use application in terms of LUPA is required to obtain the anticipated land use rights.

However, Section 59 of the Western Cape Land Use Planning Act, 2014 (3 of 2014) – LUPA – certain development principles that have to be considered when a land use application is considered. These include:

LUPA Principle	Description	Consistency of Proposal
(i) Spatial Justice:	past spatial and other development imbalances should be redressed	<i>Regional cemetery will be provided in the urban Edge of Plettenberg Bay integrating a necessary social land use in close proximity to residential communities.</i>
	Planning policy should address the inclusion of persons and areas that were previously excluded, with an emphasis on informal settlements and areas characterised by widespread poverty and deprivation	<i>Not applicable to this application this is not a new policy document</i>
	a competent authority, in 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	<i>The regional cemetery is located on portion 33 of the farm Hill View No 437 and will be surrounded by existing trees and shrubs and will not be visible to surrounding township establishments it will rather result in</i>

LUPA Principle	Description	Consistency of Proposal
	be affected by the outcome of the application.	<i>safer common property boundaries with surrounding neighbourhoods.</i>
(ii) spatial sustainability	promote land development that is spatially compact	<i>Cemeteries in Bitou municipality have little to no capacity available. There is a serious need to allocate space for cemetery uses. Suitable land for cemetery purposes have been identified and the development footprint of the cemetery confine to the footprints identified through the geotechnical study. Therefore, the development of the cemetery is spatially compact to the findings of the geotechnical study</i>
	protection of prime, unique and high potential agricultural land	<i>The application area does not have any high potential agricultural land as identified by the Bitou SDF.</i>
	uphold consistency of land use measures in accordance with environmental management instruments	<i>The steep undevelopable slopes on portions 33 is earmarked as a critically biodiversity areas. The layout of the proposed cemetery accommodates the sensitive areas as identified and will be protected from urban development.</i>
	promote and stimulate the effective and equitable functioning of land markets	<i>The development of the cemetery has no direct bearing on this development principle</i>
	consider all current and future costs to all parties for the provision of infrastructure and social services in land developments	<i>The cemetery will provide a much-needed social service in the Bitou municipality. The development of this land parcel will result in additional infrastructure promoting access to the cemetery and ancillary cemetery land uses</i>
	promote land development in locations that are sustainable and limit urban sprawl	<i>The cemetery will be located on the urban edge limiting any future urban development to the west and north of the application area.</i>
	result in communities that are viable	<i>The cemetery is regarded as a social service and provides families in the Bitou Municipality a much-needed service to lay rest their loved ones. Graveyards are considered an integral part of society and contributes the functioning of a viable community.</i>

LUPA Principle	Description	Consistency of Proposal
	strive to ensure that the basic needs of all citizens are met in an affordable way	<i>The cemetery will contribute to social and cultural needs of the residents within Bitou municipality providing a resident with a suitable place for burial purposes This alternative layout proposed development will result in the basic need of a cemetery, housing, social facilities and economic opportunities can be met in a more affordable manner.</i>
(iii) sustained protection of the environment	Having regard to natural habitat, ecological corridors and areas with high biodiversity importance	<i>Development risk areas which include steep slopes, critical biodiversity areas, ecological sensitive areas and soil suitability informed the final location and layout of the regional cemetery.</i>
	Having regard to the provincial heritage and tourism resources	<i>The heritage department of the western cape requested that a Heritage Impact Assessment be conducted on the application area. This study will commence when required.</i>
	Having regard to areas unsuitable for development	<i>This was indeed done – the steep undevelopable slopes, CBA and ESA’ were excluded from the proposed layout.</i>
	Having regard to the economic potential of the relevant area	<i>The area north of the cemetery has tourism potential, hence the private open space can be used for Hiking and mountain biking trails.</i>
(iv) Spatial Efficiency	optimise the use of existing resources, infrastructure, agriculture, land, minerals and facilities	<i>Application area has existing services connections linked into municipal infrastructure networks.</i>
	social, economic, institutional and physical aspects of land development should be integrated	<i>Proposed cemetery supports the principle of urban integration as a social municipal service is provided in close proximity to urban associated land uses.</i>
	Promote land development in rural and urban areas that are in support of each other.	<i>Proposal will not compete with the surrounding rural area.</i>
	Promote the availability of residential and employment opportunities in close proximity to, or integrated with, each other.	<i>The proposed cemetery will provide permanent jobs to ensure maintenance and upkeep of the cemetery</i>
	Promote a diverse combination of land uses	<i>The proposed cemetery will be surrounded by private open space. The remainder of Portion 3 is</i>

LUPA Principle	Description	Consistency of Proposal
		<i>identified by the municipal SDF for housing programmes. Should this become a reality in the future the cemetery will be surrounded by a mixture of land uses</i>
	Discourage urban sprawl in urban areas	<i>The cemetery is located in the urban edge.</i>
(v) good administration	all spheres of government should ensure an integrated approach to land use planning	<i>This will be achieved where the land use application and the environmental authorisation application will be run in parallel.</i>
(vi) spatial resilience	flexibility in spatial plans, policy and land use management systems is accommodated to ensure sustainable livelihoods in communities most likely to suffer the impact of economic and environmental shocks.	<i>The development is consistent with the spatial development policies of the Western cape SDF and Bitou SDF</i>

It can be concluded that the proposal will in general be consistent with the planning principles as set out in Section 59 of LUPA.

12. 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 in Terms of the Environmental Impact Assessment (EIA) Regulations, 2010, and the Guideline on Need and Desirability published by the Department of Environmental Affairs and Development Planning (DEADP) 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.

12.1. Need

The need for the project has largely been dealt with elsewhere in this document, however for ease of reference these considerations will be highlighted here. Need can be summed up by 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 is important in the consideration of need – refer to Section 8 of this report.

Further considerations of need include the need of the community/area of the activity & land use – is the development “a societal priority”? The SDF highlight the need for suitable land for cemetery purposes as well suitable land for housing and community facilities that will allow for the provision of much-needed services to the Plettenberg Bay community. The proposed and alternative layout can definitely be regarded as a societal priority.

Need for a project also relates to the services capacity and consistency with infrastructure planning – this issue will be dealt with by the various engineers involved with this project including the civil, electrical and traffic engineering specialists.

There is a severe need for additional cemetery space in Bitou. No other land is available or suitable for new additional cemetery space.

12.2. Desirability

The desirability of a proposed development also relies heavily on the consistency with policy documentation, but has a distinctly spatial focus. This issue has also been dealt with in Section 8 above. 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?*” can be posed to assist with the understanding of desirability. The information provided in section 9 clearly demonstrates that the proposal is in line with the planning policy applicable to the area.

NEMA also links the desirability of a 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 as a whole, 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 – realistic options for the development of the property have been discussed in section 7 of this report.

Specific locational factors that favour the proposed land-use are also important when desirability is assessed. Very close attention was paid to the selection of the site, which took into account the wider situation. These factors include:

- The proximity of the property to the Plettenberg Bay CBD – the property is approximately 3.5km from central Plett
- The property is easily accessible from the N2 national road through Portion 3 of the Farm Hill View No 437

Potential impacts to the character of the area, people’s rights, and health and wellbeing are also important considerations of desirability. The proposed development can be viewed as normal urban extension in the area, the surrounding property owners will therefore not be impacted negatively by the proposed development. There will likely be positive impacts for surrounding property owners stemming from the increased social services with enhanced safety and security provided by the functional use of what have been comparatively open deserted areas.

Since the proposal is largely in line with the spatial planning for the area. The additional social service will mitigate the pressure of local council to provide suitable land for cemetery purposes in the foreseeable future as a result of urban growth. The proposed cemetery would have little detrimental impact on existing environment, surrounding residents or visitors. It can be concluded that the proposal is desirable for the selected site.

13. SUBDIVISION OF AGRICULTURAL LAND ACT, 1970 (ACT 70 OF 1970)

Given the fact that the application area outside the pre-amalgamation municipal boundary of Plettenberg Bay it will be necessary to make an application for the proposed development to the National Department of Agriculture in terms of the Subdivision of Agricultural Land Act, 70 of 1970.

14. NATIONAL HERITAGE RESOURCES ACT, 1999 (ACT 25 OF 1999)

Perception Heritage Consultants, with inputs from Peter Nilsen Archaeological Specialist were appointed to submit the required documentation, it was and found during the course of their investigation that a full Heritage Impact Assessment (HIA) would be warranted on the property (see ANNEXURE D and ANNEXURE E, as well as 6.6 and 6.7 in this report).

A Notice of Intent to Develop (NID) was submitted to Heritage Western Cape for Consideration. Heritage Western Cape confirmed that no HIA is required for the application area on condition that a suitably qualified Archaeologist undertakes the monitoring, should construction commence (Refer to ANNEXURE F).

15. NATIONAL HEALTH ACT, 2003 (ACT 61 OF 2003)

In terms of the National Health Act, 2003 the follow Regulations were published – Relating to the management of human remains. In terms of section 15(2)-

All burial sites must comply with the following environmental requirements.

Section 15(2)	Parameter	<i>Compliance with preferred Layout Plan</i>
a	Be located outside the 100 year floodplain	<i>Comply- No floodplains located on the property</i>
b	Be located at least 350m from ground water sources used for drinking purposes and at least 500m from the nearest habitable building;	<i>Comply-The proposed location is located 140 from the nearest water source (reservoir) and 170m form a Dam that is not being used for human consumption. <u>The reservoir is not a ground water source and the dam is not for human consumption therefore, this parameter is not applicable.</u></i>

		<i>The cemetery is located approximately 247m from nearest habitable building therefore a departure from this regulation will be required</i>
c	For a preferred burial site with a soil sand-clay mix of low porosity and a small and fine grain texture, the water table should be at least 2.5m deep in order to allow for traditional grave depth of 6 feet (1.8m)	<i>The geotechnical study concluded confirmed The preferred site is marginally suitable, although this is not unusual in cemetery sites. Only a portion of Site D (Portion 33 of Farm 437) is suitable because of the presence of shallow rock in the remaining area.</i>
d	For areas with higher water tables, the local government may determine a reasonable depth with additional waiving recommendations to protect underground water	Noted this depth can be confirmed by the department of Health.
e	The covering soil shall not be less than 1m, should two bodies be buried in the same grave, 300mm soil shall be maintained between the coffins	Noted this restriction is applicable to the undertaker services and is not applicable to the location of the proposed cemetery

The proposed cemetery contravenes section 15(2)(b) of the regulations of National Health Act, 2003 as the current buffer between cemetery and proposed housing developments vary between 100m-170m in both the preferred alternative layout. It was confirmed through correspondence that The National Department of Health can approve a deviation from the 500m buffer regulation.

An application for a deviation from these Regulations was submitted to the Department of Health during 2016, the amended cemetery layout plans were forwarded to the national department for consideration. The application is still in process. Refer to ANNEXURE G for a copy of this application.

The Department of Health has, in e-mail correspondence of 24 April 2017, confirmed that there is no objection to a deviation from this regulation to allow a cemetery within a 500m radius from the nearest habitable building. Refer to **ANNEXURE H** for a copy of this correspondence.



FIGURE 21: CEMETERY FROM NEAREST INHABITABLE BUILDING

16. 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 is generally consistent with the various policy guidelines of this 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.

Marika Vreken Urban and Environmental Planners
February 2018

ANNEXURE A.

Title Deed

ANNEXURE B.

SG Diagram

ANNEXURE C.

Geo Technical Report

ANNEXURE D.

Heritage Background Information Document

ANNEXURE E.

Archaeological Report

ANNEXURE F.

Heritage Western Cape: No HIA required

ANNEXURE G.

Application to National Dept. of Health

ANNEXURE H.

*Comments from Department of Health, dated
24 April 2017*

PLAN 1.

Locality Plan

PLAN 2.

Layout Plan Option 1: Preferred Layout

PLAN 3.

Layout Plan Option 2: Alternative Layout