Dearest Madam,

**PROPOSED AMENDMENT OF CONDITIONS OF APPROVAL (SITE DEVELOPMENT PLAN/ SDP): EMILY MOON RESORT**

The Manager: Town Planning made the following decision on 05 June 2018:

1. That the following be **approved** in terms of Section 60 of the Bitou By-law on Municipal Land Use Planning, 2015:

   1.1. The amendment of conditions of approval (approved SDP by Hennie Nel Architect titled “Site Plan” dated Dec 2009, drawing no. p/04), through the approval of a revised SDP by Andrew Mitchell Designs titled “SITE DEVELOPMENT PLAN: FARM 445 RIETVLEI”, to allow for six (6) additional units for guest accommodation sleeping no more than twelve (12) additional guests, including a reception area/room and a curio shop. The total number of approved guest accommodation units for the resort is therefore fourteen (14), sleeping a maximum of thirty-two (32) guests.

2. **Conditions in terms of Section 66 of the Bitou By-law on Municipal Land Use Planning, 2015**

   2.1. This approval applies only to the application under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;
   2.2. This approval does not constitute building plan approval in terms of the National Building Regulations and Building Standards Act 1977;
   2.3. This approval will lapse after a period of five (5) years from the date that this approval comes into operation, if building plans for the proposed additions have not been submitted, or if any of these conditions of approval have not been complied with.
2.4. The placement of units is to be in line with the approved SDP upon building plan submission;
2.5. All new buildings to be located above the 1:50 and 1:100 year flood lines;
2.6. All new guest units to be single storey, with a maximum height of 6.5m above natural ground level and a maximum floor area of 80m²;
2.7. All new guest units to make use of solar water heating, as well as rain and grey water harvesting;
2.8. Only existing access roads are to be used to access the newly approved units;
2.9. None of the units are to be alienated by means of subdivision, sectional title or any other means;
2.10. That the placement and design of the units be sensitive to the natural environment and aesthetic appeal of the area, in the opinion of the Municipality;
2.11. All new guest units to make use of low-glare glass on the northern facades;
2.12. All new guest units to make use of “earthy” colours, as to blend in with the natural environment;
2.13. That light pollution on the surrounding environment be minimised, through suitably shading/covering all outdoor lighting (directing light downwards);
2.14. That a Services Agreement be concluded with the Municipality within a period of six months from date that this approval comes into operation (or such extended period as may be agreed upon by the Municipal Manager), and that the payment of augmentation levies and capital contributions by the developer, in accordance with the policy of the Municipality, be stipulated in the Services Agreement;
2.15. That approval be obtained in terms of the Outeniqua Sensitive Coastal Area Regulations (OSCAR) before building plans will be approved.

3. Reasons for decision

3.1. According to the Bitou Integrated Development Plan (IDP) 2017-2022 (p. 25), a healthy tourism sector is seen to be the main economic driver in Bitou. Approving this application will strengthen the tourism character of Bitou, and have positive economic spinoffs for the Municipality as a whole. Furthermore, the Municipality’s most critical development and internal transformation needs include a “lack of resort and hotel environment” (Bitou IDP 2017-2022, p. 1).
3.2. The Western Cape Rural Land Use Planning Guidelines (draft – Jan 2018), compiled by the Western Cape Department of Environmental Affairs and Development Planning (DEADP), serve as guidance for resort developments in the Western Cape. The Guidelines (s. 19, p. 46) specify that resort applications outside urban areas can only be considered if linked to a unique resource, unless the area in question has already been demarcated for resort development in terms of an officially approved SDF or overlay zone. In this case, the property already has an approved resort zoning, which will merely be expanded upon. The resort is also situated directly adjacent to a unique natural feature/resource (the Bitou river/estuary), which offers a variety of leisure and recreation opportunities (e.g. hiking, canoeing, bird watching and other water-based activities), and is well connected to regional transport and tourism routes via the N2 and R340. It therefore complies with both requirements in terms of the guidelines.
3.3. According to the Resort Guidelines (s. 22, p. 47), in the event of the linear source being general as opposed to unique (i.e. where it can be associated to more than one property along it with an advantage to justify resort development thereon) (which is the case in this instance), a maximum of 10 units per cadastral unit will apply. It is hereby proposed that following principles in terms of the Spatial Planning and Land Use Management Act 2013 (SPLUMA) justify a departure from the guidelines:
3.3.1. The principle of Spatial Sustainability – expanding an existing resort (which has proven itself viable and a benefit to the tourism character of Bitou), instead of approving an entirely new resort, will have less impact on the natural environment and resources.

3.3.2. The principle of Efficiency – the units will make use of the existing on-site sewage treatment plant (which will be upgraded to accommodate the additional units), as well as the existing connection to the Municipal water reticulation network (better utilisation of existing infrastructure). Green energies, including rainwater harvesting and solar geysers will also be employed, thereby reducing the load on Municipal services.

3.3.3. Furthermore, the resort used to be constituted by two separate properties (the remainder and portion 1 of farm 445), which were subsequently consolidated to form one property in 2018. This means that the maximum allowed number of units for the two separate properties would have been 20, which is more than the 14 being applied for.

3.4. The approval is consistent with the Bitou Municipal Spatial Development Framework (SDF) 2017, in that the SDF refers to the above-mentioned Rural Guidelines for guidance concerning resort developments. The Guidelines allow resort developments outside the approved urban edge, as explained above. Furthermore, the Bitou SDF identifies tourism as the main economic contributor in Bitou. It emphasizes the importance of ensuring growth in this sector (which creates positive spin-offs which benefit the larger community and helps alleviate unemployment), whilst ensuring that such growth must not be at the expense of the natural environment.

3.5. The proposed expansion does not trigger any listed activities in terms of the National Environmental Management Act (NEMA) 1998. This has been confirmed by DEADP’s environmental section in their comments dated 2017-09-27. Environmental authorisation is only required when a resort is expanded with 15 or more guests.

3.6. A site visit was conducted by Mr Minne on 2018-05-15 from 11:00 – 12:00. The effects of the six additional units, curio shop and reception room on the natural environment/ vegetation are seen to be minimal, as much of the area is already disturbed. Approximately 4 of the 6 additional units will require the removal of a limited amount of indigenous vegetation (Fynbos). The reception room and curio shop will be located in previously disturbed areas.

3.7. The resort currently employs 30-40 persons in the off-peak season and 60-70 in peak season. The additional units will create even more employment opportunities for the local population.

3.8. The additional units will improve the financial viability of the resort, thereby reducing the likelihood that the units will be utilised as long-term accommodation/ permanent dwelling units in the future.

3.9. The expansion will not have a negative impact on value or privacy of surrounding properties or the appeal of the area.

4. Appeals

4.1. A person whose rights are affected by this decision may appeal to the Appeal Authority against it or any of the conditions of approval, within 21 days of the notification of this decision, in terms of Sections 79 & 80 of the Bitou By-law on Municipal Land Use Planning 2015. Such appeal must be submitted in writing to the Municipal Manager, Bitou Municipality, Private Bag X1002, Plettenberg Bay, 6600.

4.2. This approval will only come into operation after expiry of the 21-day appeal period, if no appeal is lodged.
4.3. If an appeal is lodged, the operation of the approval of an application is suspended pending the decision of the Appeal Authority, except if an appeal is lodged only against conditions of approval, in which case the authorised employee who imposed the conditions may determine that the approval of the application is not suspended.

5. Annexures

Annexure A: SITE DEVELOPMENT PLAN: FARM 445 RIETVLEI (by Andrew Mitchell Designs)

Yours faithfully,

[Signature]

Chris Schliemann
MANAGER: TOWN PLANNING

6/6/2018
Date