

AGENDA

EDEN JOINT MUNICIPAL PLANNING TRIBUNAL – GEORGE MUNICIPALITY EDEN GEMEENSKAPLIKE MUNISIPALE BEPLANNINGSTRIBUNAAL – GEORGE MUNISIPALITEIT

Office of the Municipal Manager:

Civic Centre
GEORGE
6530

7 April 2022

Kantoor van die Munisipale Bestuurder:

Burgersentrum
GEORGE
6530

7 April 2022

TO: All members of the Eden Joint Municipal Planning Tribunal

AAN: Alle lede van die Eden Gemeenskaplike Munisipale Beplanningstribunaal

Presiding Officer / Voorsittende Beamppte

Paul Louw

Panel Members / Paneellede

Ruan Le Roux
Elma Vreken

Alternative members / Alternatiewe lede

Olga Le Roux
Madie Coetzee

Notice is given that a meeting of the Eden Joint Municipal Planning Tribunal – George Municipality will be held in George via *Microsoft Teams* on **Tuesday, 26 April 2022 at 10h00.**

Kennis geskied dat 'n vergadering van die Eden Gemeenskaplike Munisipale Beplanningstribunaal – George Munisipaliteit in George gehou sal word via *Microsoft Teams* op **Dinsdag, 26 April 2022 om 10h00.**

HENDRIK VISSER

Chairperson / Voorsitter

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1.	OPENING OF MEETING	
2.	CONFIRMATION OF REQUIREMENTS	
3.	DETERMINATION OF VESTED RIGHTS	
4.	DECLARATION OF CONSTITUTED MEETING	
5.	APPLICATION FOR CONVENER/ORAL HEARING/ADDITIONAL ITEMS	
6.	ITEMS FOR DISCUSSION	

6. ITEMS FOR DISCUSSION

ITEM	AGENDA	PAGES
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6.1. Rezoning, Subdivision, Consolidation, Consent Use and Departure : Kraaibosch 195/51 and 230, Division George (M Botha)

LAND USE PLANNING REPORT
APPLICATION FOR REZONING, SUBDIVISION, CONSOLIDATION, CONSENT USE AND DEPARTURE: PORTIONS 51 AND 230 OF THE FARM KRAAIBOSCH NO. 195, DIVISION GEORGE

Reference number	1806062	Application submission date	05/02/2021	Date report finalized	28/03/2022
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PART A: AUTHOR DETAILS

First name(s)	Martin
Surname	Botha
Job title	Town Planner
SACPLAN registration number	Pr Pln A/2518/2017
Directorate/Department	Planning and Development
Contact details	pmbbotha@george.gov.za

PART B: APPLICANT DETAILS

First name(s)	John			
Surname	Bailey			
Company name	BAILEY & LE ROUX, PROFESSIONAL LAND SURVEYORS			
SACPLAN registration number	n/a	Is the applicant authorized to submit this application?	Y	N
Registered owner(s)	<ul style="list-style-type: none">• Portion 51 of the Farm Kraai Bosch No 195, Division George (Eden Gemeente)• Portion 230 of the Farm Kraai Bosch No 195, Division George (Kraaibosch Nurseries)			

PART C: PROPERTY DETAILS

Property description (in accordance with Title Deed)	<ul style="list-style-type: none">• Portion 51 of the Farm Kraai Bosch No 195, Division George• Portion 230 of the Farm Kraai Bosch No 195, Division George					
Physical address	On the N2 between George and Wilderness		Town/City	George		
Current zoning	<ul style="list-style-type: none">• Portion 51 of the Farm Kraai Bosch No 195, Division George (Community Zone II)• Portion 230 of the Farm Kraai Bosch No 195, Division George (Agricultural Zone I	Extent (m ² /ha)	<ul style="list-style-type: none">• Portion 51 of the Farm Kraai Bosch No 195, Division George (4.03ha)• Portion 230 of the Farm Kraai Bosch No 195,	Are there existing buildings on the property?	Y	N

	with Consent for a Plant Nursery)			Division George (3.01ha)			
Applicable Zoning Scheme	George Integrated Zoning Scheme By – Law (2017) (hereafter referred to as “ Zoning Scheme 2017 ”);						
Legislation	Land-use Planning By-Law for George Municipality (2015) (hereafter referred to as “ Planning By-Law 2015 ”); George Municipal Spatial Development Framework (2019) (hereafter referred to as “ MSDF 2019 ”).						
Current Land Use	<ul style="list-style-type: none"> Portion 51 of the Farm Kraai Bosch No 195, Division George (Place of Assembly) Portion 230 of the Farm Kraai Bosch No 195, Division George (Plant nursery) 		Title Deed number & date	<ul style="list-style-type: none"> Portion 51 of the Farm Kraai Bosch No 195, Division George (T65479/2011) Portion 230 of the Farm Kraai Bosch No 195, Division George (T44105/2017) 			
Any restrictive title conditions applicable?	Y	N	If Yes, list condition number(s)	Portion 51 of the Farm Kraai Bosch No 195, Division George: Conditions E.(b) and E.(c) restrict the development of the property to one dwelling house and outbuildings and the use of the land for residential and agricultural purposes only, unless written approval is obtained from the controlling authority.			
Any third-party conditions applicable?	Y	N	If Yes, specify	N/A			
Any unauthorised land use/building work?	Y	N	If Yes, explain	N/A			
PART D: PRE-APPLICATION CONSULTATION (ATTACH MINUTES)							
Has pre-application consultation been undertaken?			Y	N	Refer Annexure J		
Reference Number	N/A		Date of consultation	11/03/2020 (minutes signed by municipality on 18/03/2020)	Official's name	I. Huyser	
PART E: LIST OF APPLICATIONS (TICK APPLICABLE)							
a. Rezoning	x	b. Permanent departure	x	c. Temporary departure		d. Subdivision	x
e. Consolidation	x	f. Amendment, suspension or deletion of restrictive conditions		g. Permissions required in terms of the zoning scheme		h. Amendment, deletion or additional conditions in respect of existing approval	
i. Extension of validity period		j. Approval of an overlay zone		k. Phasing, amendment or cancellation of subdivision plan		l. Permissions required in terms of conditions of approval	
m. Determination of zoning		n. Closure of public place		o. Consent use	x	p. Occasional use	

q. Establishment of a Home Owners Association		r. Rectify Beach of Home Owners Association		s. Reconstruct building of non-conforming use		Other	
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PART F: APPLICATION DESCRIPTION

Consideration of the following applications applicable to Portions 51 & 230 of the Farm Kraai Bosch No 195, Division George:

- (a) Rezoning in terms of Section 15(2)(a) of the Land Use Planning By-Law for George Municipality (2015), of Portion 51 of the Farm Kraai Bosch No 195, Division George, from Community Zone II to a Subdivisional Area;
- (b) Subdivision in terms of Section 15(2)(d) of the Land Use Planning By-Law for George Municipality (2015), of the Subdivisional Area to create the following: (refer **Annexure A**):
 1. Portion A (measuring ± 1.515 ha in extent) - Agricultural Zone I;
 2. Remainder of Portion 51 of the Farm Kraai Bosch No 195, Division George (measuring ± 2.38 ha in extent) - Community Zone II;
- (c) Consolidation in terms of Section 15(2)(e) of the Land Use Planning By-Law for George Municipality (2015), of Portion A and Portion 230 of the Farm Kraai Bosch No 195, Division George, to create a land unit measuring ± 4.63 ha in extent (refer **Annexure B**);
- (d) Consent use in terms of Section 15(2)(o) of the Land Use Planning By-Law for George Municipality (2015), to extend the existing plant nursery on the consolidated property; and
- (e) Departure in terms of Section 15(2)(b) of the Land Use Planning By-Law for George Municipality (2015), to relax the north-eastern and south-eastern boundary building lines of the consolidated property from 30m to 5m to accommodate existing built structures;

PART G: LOCATION

The subject properties are located directly to the south of the N2 Freeway, in the smallholding area of Kraaibosch South/ Victoria Heights.



Localit



Aerial cadastral

There are a variety of land uses in the area, including smallholdings, agricultural land, business uses, resort and residential uses. The N2 Freeway, situated directly to the north, makes the application area highly accessible to the surrounds.

PART H: BACKGROUND AND HISTORY

Two previous applications were submitted and approved for Portion 51 of the Farm Kraai Bosch No 195, Division George as follows:

Approval dated 20 September 2012

An application was approved for the rezoning of Portion 51 of the Farm Kraai Bosch No 195, Division George from Agricultural Zone I and Business Zone II to Institutional Zone II for a Place of Worship. Approval was also granted for a building line departure, to allow for building lines of 4m (north-western common boundary) and 6m (south-eastern common boundary) in lieu of 10m.

Approval dated 23 July 2014

An application was approved for consent to accommodate a Place of Assembly within the Institutional Zone II.

Portion 230 of the Farm Kraai Bosch No. 195, Division George forms of what remains of the old Rademacher Nurseries which occupied several adjoining and nearby properties in the area.

PART I: SUMMARY OF APPLICANTS MOTIVATION

**The notes in italic did not form part of the applicant's motivation report and is merely for explanation purposes.*

Title deed conditions:

- Remainder of Portion 51 of the Farm Kraai Bosch No 195, Division George:
 - In terms of conditions E.(b), (c) and (d) appearing on Page 3 of deed T65479/2011, the property is restricted to the development of 1 dwelling and such outbuildings as ordinary required, it is restricted to the use for residential and agricultural purposes only, and no building or structure may be erected within 37,78m from the centre line of the road. George Municipality (as Controlling Authority) approved a Consent Use on the property for assembly purposes. Given this Consent Use approval, a removal of title deed restrictions is not required [i.e. the removal of Conditions E.(b) and (c) is not required as the relevant authorization has been obtained from the controlling authority].
- Portion 230 of the Farm Kraai Bosch No 195, Division George:
 - There are no restrictive conditions that prevent this property from being consolidated with the proposed Portion A of Portion 51. Portion 230 is entitled to a servitude access 10m wide over Portions 226 and 228 of the Farm Kraai Bosch No 195, Division George.

Locality:

- The property is located within a smallholding area.
- The Kraaibosch South area is predominantly occupied by smallholdings used for a variety of purposes.
- While the predominant use is residential, this node in particular has a mixed land use pattern, including Business (Portions 238, 282 and 328), General Residential (Portions 328, 237 and 271), Resort (Portion 328) and Agriculture.
- The N2 National Road is a dominating feature that controls access to these portions of land.

Proposed development:

- Portions 51 and 230 formed part of the former Radermacher Nurseries .
- The Radermacher homestead is now utilized by the Eden Gemeente administration. The commercial outlet of the Radermacher Nurseries has been converted into the Eden Gemeente premises in 2011.
- Portion 230 and the proposed Portion A of Portion 51 have historically been used for the cultivation and promulgation of trees and shrubs.
- Radermacher Nurseries discontinued its operation in approximately 2008. Since then, Kraaibosch Nursery conducts their nursery enterprise on Portion 230.
- Portion 51, which was also partially used for nursery purposes, was rezoned for Institutional Zone II purposes on 20 September 2012. A consent use was granted in 2014 for assembly purposes on the site.

- The proposed Portion A is currently being leased from the Eden Gemeente by Kraaibosch Nurseries.
- The purpose of this application is to rezone Portion 51 to Subdivisional Area, whereafter the site will be subdivided to create the remainder (retaining its existing Community Zone II) and that of Portion A with an Agricultural Zone I zoning designation (plant nursery). Portion A will be consolidated with Portion 230, to create a single land unit upon which the plant nursery will continue to conduct its activity.
- The application area is subject to the regulations of the George Municipality Integrated Zoning Scheme (2017).

Access:

- Access to the parking area of the Eden Gemeente and to Kraaibosch Nurseries is via Portion 392, which is a portion expropriated by SANRAL for the purposes of access to Portions 51, 230 and 239.
- Portion 230 has a registered servitude access over Portions 226, 228 and 229 (this access is inconvenient to use).
- Consolidated Portion A and Portion 230 will continue to use the access along the south-eastern boundary of Portion 51 for which purpose a servitude 4m in width will be surveyed and registered. The servitude will accommodate an existing surfaced road along which the security gate is located. The servitude cannot be made wider than 4m.

Necessity and desirability:

- Prior to being rezoned to Community Zone II in 2012, Portion 51 was zoned partially Business Zone II and Agriculture Zone I.
- Portions 51 and 230 were focused and dedicated to nursery plant production for distribution country wide and for selling from the outlet on the premises. The rezoning of this property now to Subdivisional Area for the purposes of zoning Portion A to Agriculture Zone I (plant nursery) is thus re-instating the former zoning of the land for which purpose it is also currently being utilised.
- There will be no negative impact on any of the surrounding properties.
- The necessity to subdivide Portion 51 into Portion A for consolidation with Portion 230 is to maintain the plant nursery footprint that has historically always been there.
- Furthermore, the Remainder of Portion 51 has a very unusual pan-handle portion that extends in a south-western direction towards Portion 7 of the Farm Kraai Bosch No 195, Division George. This narrow-extended portion cannot be used by Portion 51, it serves no purpose and is superfluous land that can be better utilized if consolidated with Portion 230.

Legislation:

- The application is also subject to the Advertising on Roads and Ribbon Development Act 1940 (Act 21 of 1940). In terms of section 11 of this act approval is required for the subdivision of any land located within 95m of a building restriction road (*George Municipality is the Controlling Authority in this regard*).
- The application is exempted in terms of Government notice 2565/1982 from the Subdivision of Agricultural Land Act (Act 70 of 1970).

Departure application:

- Application is made for the permanent relaxation of the standard building line for agricultural land from 30m to 5m along the north-eastern and south-eastern boundaries of the proposed Portion A. The building line relaxation is to accommodate existing buildings that are currently being utilised for plant nursery purposes.

Consent Use application:

- Application is made for a Consent Use on Portion A, to accommodate a plant nursery. In motivation for this use, the property has historically been utilised for this purpose and is equipped with infrastructure to sustainably continue to be used as such.

George Municipal Spatial Development Framework (2019):

- The application area is located outside the urban edge.
- This proposal will not have any impact on the policy proposals of the MSDP (2019). The disturbed footprint will remain unchanged, and no change of the visual impression gained upon entry to George from the east will occur.
- The proposal will “make a net contribution to the economy and ensure that land is used productively from a revenue generation perspective”.

National Environmental Management Act 1998 (Act 107 of 1998):

- No listed NEMA activities are triggered by the application. Environmental Authorisation is therefore not required (confirmed by Cape EAprac Environmental Consultants).

Principles of Spatial Justice, Sustainability, Efficiency and Spatial Resistance:

- The principal of Spatial Justice is not applicable as this principal applies primarily to the provision of residential land to previously disadvantaged citizens.
- The principal of Sustainability is applicable to the extent that the land is located in a rural small holding area, that has existing infrastructure focused on its use for plant nursery purposes. Such use has proved to be sustainable for an extended period of 30 years.
- With regards to the principal of Efficiency, the application serves the purpose of optimizing the use of the land for nursery purposes. The consolidation of Portion A with Portion 230 will create an economically sustainable unit that optimizes the use of the infrastructure that exists on the property. Employment opportunities will also be created.
- The sustainability of the Kraaibosch node is evident from the use of the land for residential small holding and a variety of other purposes. Spatial development plans have historically accommodated this variety of use as it has promoted economic activity in a variety of commercial activities.

Conclusion:

- The proposed rezoning of Portion 51 to Subdivisional Area for the purposes of subdividing the property into Portion A will restore Portion A to its historical use of agriculture for plant nursery purposes. No detrimental impact is anticipated on either the social or physical environment.

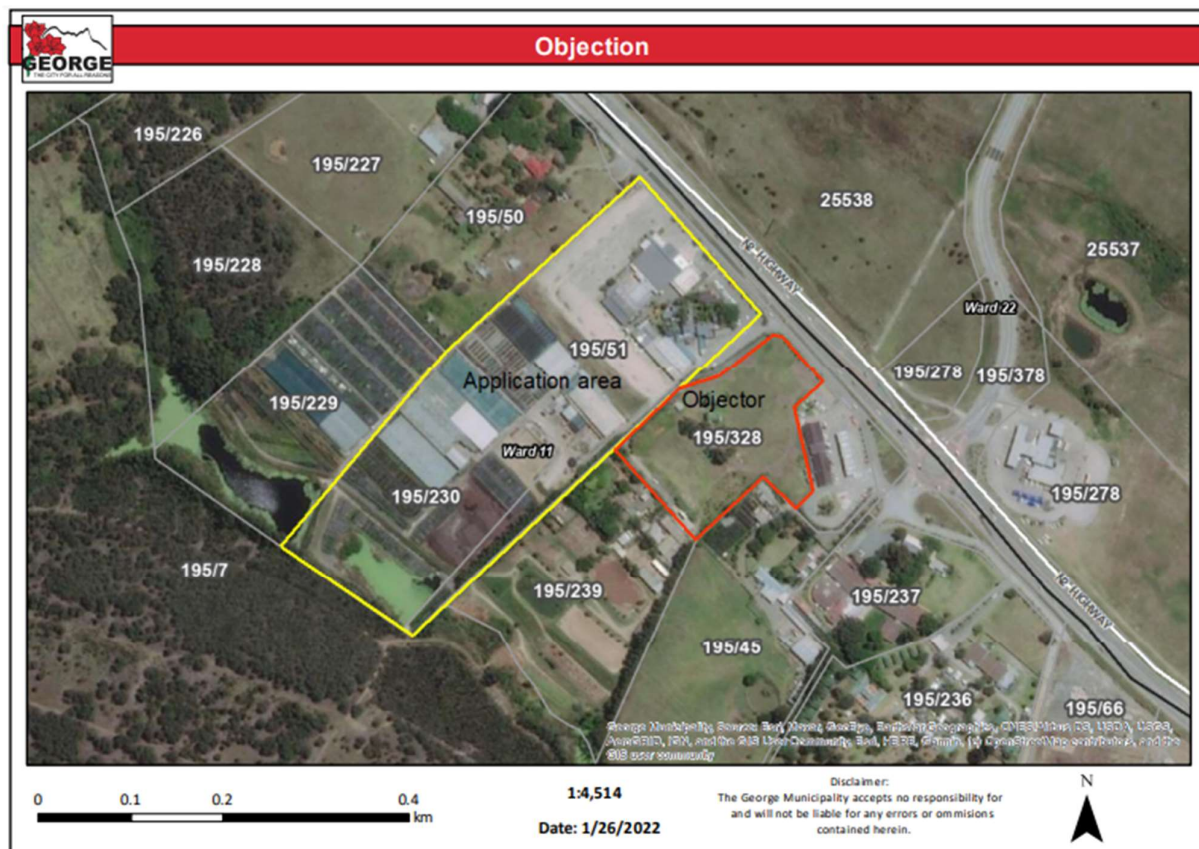
PART J: SUMMARY OF PUBLIC PARTICIPATION (*comment period were extended)

Methods of advertising				Date published	Closing date for objections
Press	Y	N	N/A	11 March 2021	10 April 2021
Gazette	Y	N	N/A		
Notices	Y	N	N/A	11 March 2021(6x surrounding property owners)	10 April 2021
Website & social media	Y	N	N/A	12 April 2021	10 May 2021
Ward councillor	Y	N	N/A	23 February 2021	22 March 2021
On-site display	Y	N	N/A	11 March 2021	12 April 2021
Community organisation(s)	Y	N	N/A		
Public meeting	Y	N	N/A		
Third parties	Y	N	N/A		
Other	Y	N	If yes, specify	The notice was also sent to: • Western Cape Department of Environmental Affairs and	23 February 2021 23 April 2021

				Development Planning; • Department of Human Settlements				
Total valid objections			1			Total objections and petitions		N/A
Valid petition(s)	Y	N		If yes, number of signatures	N/A			
Community organisation(s) response	Y	N	N/A	Ward councillor response		Y	N	N/A
Total letters of support			0					
Was the minimum requirement for public participation undertaken in accordance with relevant By-Law on Municipal Land Use Planning and any applicable Council Policy							Y	N

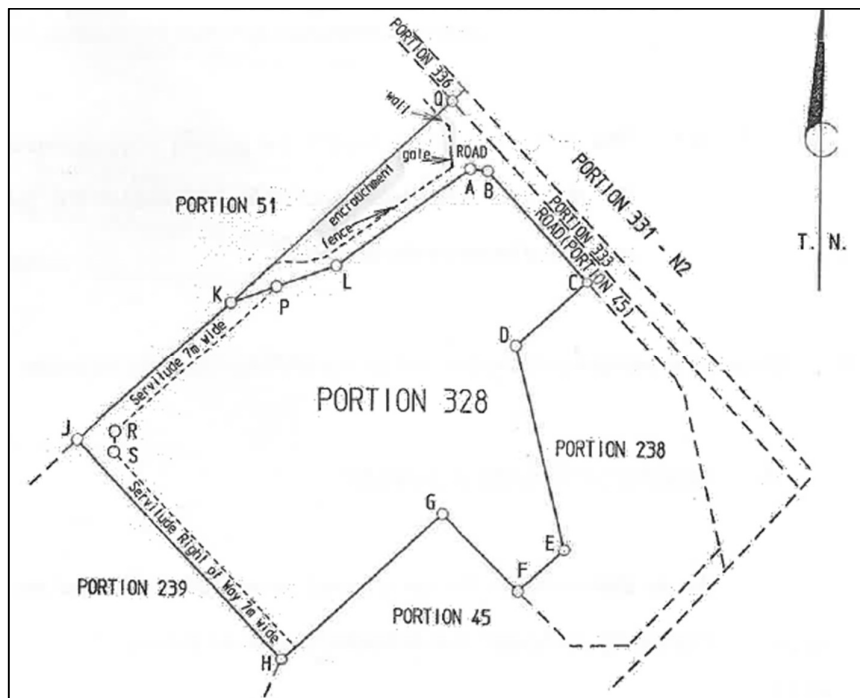
PART K: SUMMARY OF COMMENTS DURING PUBLIC PARTICIPATION

One objection from the public was received (from Mr Victor Orooji Heravi, as co-director of Fountain View Properties). Fountain View Properties own a business on Portion 328 of the Farm Kraai Bosch No 195, Division George, located directly to the east of the application area (refer locality plan for ease of reference).



Objection (refer **Annexure F**):

- The objector states that the Eden Church has been encroaching their land and service road for some time and has failed to reset its fence along their service road. The applicant's wall, gate and fence encroach onto the service road (refer diagram below). Point K on the diagram is currently on the applicant's driveway.



- The professional land surveyor (A. Louw, surveyor of the above diagram) certified that the fence and the wall of Portion 51 of the Farm Kraai Bosch No 195, Division George, encroach over the south-eastern boundary onto the access road.
- The objector requests that the applicant be compelled to realign the fence, thereby correcting this encroachment before the application is considered or approved.

Western Cape Department of Environmental Affairs & Development Planning:

The Department of Environmental Affairs and Development Planning (DEA&DP) has no objection to the application, subject to the municipality imposing appropriate conditions of approval, including the 4m servitude right of way (refer **Annexure E**)

PART L: SUMMARY OF APPLICANT'S REPLY TO OBJECTIONS

Response to objection (refer **Annexure G**):

**The notes in italic did not form part of the applicant's response to comment report and is merely for explanation purposes.*

- Portion 328 of the Farm Kraai Bosch No 195, Division George, was formerly Portion 238 and became a separate portion of land in 2007, upon transfer to Fountain View Properties by deed T1873 / 2007.

It is understood from the afore-mentioned that Portion 238 was subdivided to create Portion 328 of the Farm Kraai Bosch No 195, Division George.

- The access road that the objector is referring to has been utilised as early as from 2000 when Portion 51 was owned by Radermachers Nurseries. The existing fence and the parking used by the Eden Gemeente have been there since at least this date. Upon purchasing Portion 328 the objector would have been aware of the access road fence and parking, and if not content at that time with its position, should not have considered purchasing Portion 328.

- The objection being raised now is opportunistic in nature and serves merely as a convenient forum to submit an objection on the encroachment of the boundary fence and parking area of the Eden Gemeente.
- Access to the chalets on Portion 328 is located along the said property's northern boundary. An access point is also located opposite Portion 51, but clearly the existing paving on Portion 328 does not extend up to the tarred driveway in dispute and thus was not intended to be an access point to the development on Portion 328.
- Point K / this beacon has been located by a survey and is clearly visible in its location approximately 0,2m from a low retaining wall alongside the fence line, between Portions 328 and 51 (see below figure). This encroachment is minor in nature and does not in any way inhibit the access to Portion 328.



Photo evidence of

- During the reconstruction of the N2 Freeway, Mr Danie Erasmus was the resident engineer. Mr Erasmus has confirmed that SANRAL and the previous owner of Portion 51 (Radermachers Nurseries) agreed that the parking lost by Radermachers Nurseries for the construction of the service road on Portion 382, would be accommodated on Portion 392 (*Portion 392 is the access/service road on which the encroachment exists*). SANRAL then, at their expense, built the fence and paved the area for parking purposes to be used by Radermachers Nurseries.
- It is concluded that the objection should not be regarded as relevant to the purpose of the application for subdivision and consolidation.

PART M: SUMMARY OF COMMENTS FROM INTERNAL DEPARTMENTS AND/OR ORGANS OF STATE COMMENTS

Name of Department	Date	Summary of comments	Recommendation
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Civil Engineering Services	18/08/2021	In order.	Support
Electrotechnical Services	18/08/2021	In order.	See comments below
Department of Environmental Affairs and Development Planning	9 March 2021	The Department of Environmental Affairs and Development Planning (DEA&DP) has no objection to the application, subject to the municipality imposing appropriate conditions of approval, including the 4m servitude right of way.	Support

PART N: MUNICIPAL PLANNING EVALUATION (REFER TO RELEVANT CONSIDERATIONS GUIDELINE)

Is the proposal consistent with the principles referred to in chapter 2 of SPLUMA? (can be elaborated further below)

Y N

Is the proposal consistent with the principles referred to in chapter VI of LUPA? (can be elaborated further below)

Y N

(4a) consistency with the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and with the principles referred to in Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014) (Section 65 of the Planning By-Law)

The consistency of the application with the principles of SPLUMA and LUPA as read with Section 65 of the Planning By-Law was evaluated as follows:

No	Evaluation checklist (s. 65)	Yes	No	N/A
1(a)	Does the application submitted comply with the provisions of this by-Law?	x		
	Has the motivation submitted been considered?	x		
1(b)	Were the correct procedures followed in processing the application? (see land use application process checklist)	x		
	Was a condonation required and granted with regards to the process followed? (see land use application process checklist)			x
1(c)	Have the desirability guidelines as issued by the provincial minister to the utilise land for the proposed land uses been considered? (not yet applicable)			x
1(d)	Have the comments received from the respondents, any organs of state and the provincial minister been considered? (s. 45 of LUPA)	x		
1(e)	Have the comments received from the applicant been considered?	x		
1(f)	Have investigations carried out in terms of other laws and that are relevant to the application being considered?			x
1(g)	Was the application assessed by a registered town planner? (see land use application process checklist)	x		
1(h)	Has the impact of the proposed development on municipal engineering services been considered?	x		
1(i)	Is the application in line, consistent and/or compatible with the IDP of the municipality?			x

	Is the application in line, consistent and/or compatible with the municipal SDF?	x		
1(j)	Is the application in line, consistent and/or compatible with the IDP of the district municipality including its SDF?			x
1(k)	Is the application in line, consistent and/or compatible with the structure plan applicable to the area?			x
1(l)	Is the application in line, consistent and/or compatible with the local SDF applicable to the area?			x
1(m)	Is the application in line, consistent and/or compatible with any other municipal policy or By-Law applicable to the proposed land use?			x
1(n)	Is the application in line, consistent and/or compatible with the provincial SDF?			x
1(o)	Is the application in line, consistent and/or compatible with the regional SDF (<i>SPLUMA</i>) or provincial regional SDF (<i>LUPA</i>)?			x
1(p)	Is the application in line, consistent and/or compatible with the applicable guidelines, standards, principles, norms or criteria set by national and/or provincial government?			x
1(r)	Is the application in line the consistent and/or compatible with the following principles as contained in section 7 of <i>SPLUMA</i> / 59 of <i>LUPA</i> :			
	1. The redress spatial and other development imbalances of the past through improved access to and use of land?			x
	2. Address the inclusion of persons and areas previously excluded in the past, specifically informal settlements and areas characterised by wide-spread poverty and deprivation?			x
	3. Enable the redress of access to land by disadvantaged communities and persons?			x
	4. Does the application support access to / facilitate the obtaining of security of tenure and/or incremental informal settlement upgrading?			x
	5. Has the potential impact of the development proposal on the value of the affected land /properties been considered?	x		
	6. The impact of the application on the existing rights of the surrounding owners been recognised?	x		
	7. Does the application promote spatially compact, resource frugal development form?			x
	8. Can the development be accommodated within the existing fiscal (budget), institutional and administrative means of the municipality? (<i>e.g. Infrastructure upgrades required – when, budgeted for, etc.</i>)	x		
	9. Has the protection of prime, unique and/or high potential agricultural land been considered?			x
	10. Is the application consistent with the land use measures applicable to / contained in environmental management instruments?	x		
	11. Does the application promote and stimulate the equitable and effective functioning of land markets?			x
	12. Have all current and future costs to all parties for the provision of infrastructure and social services been considered?	x		
	13. Does the application promote development that is sustainable, discourages urban sprawl, encourages residential densification and promotes a more compact urban form?			x
	14. Will the development result in / promote the establishment of			x

		viable communities?			
	15.	Does the development strive to ensure that the basic needs of all the citizens are met in an affordable way?			x
	16.	Will the development sustain and/or protect natural habitats, ecological corridors and areas of high bio-diversity importance?	x		
	17.	Will the development sustain and/or protect provincial heritage and tourism resources?			x
	18.	Will the development sustain and/or protect areas unsuitable for development including floodplains, steep slopes, wetlands, areas with a high-water table, and landscapes and features of cultural significance?	x		
	19.	Will the development sustain and/or protect the economic potential of the relevant area or region?			x
	20.	Has provision been made in the development to mitigate against the potential impacts of climate change?			x
	21.	Does the development include measures to reduce consumption / conserve water and energy resources? (<i>renewable energy, energy saving, water saving, etc.</i>)			x
	22.	Does the development consider sea-level rise, flooding, storm surges, fire hazards?			x
	23.	Does the development consider geological formations and topographical (soil and slope) conditions?			x
	24.	Will the development discourage illegal land occupation – w.r.t. Informal land development practices?			x
	25.	Does the development benefit the long term social, economic and environmental priorities for the area (<i>sustained job opportunities, sustained income, integrated open space network, etc.</i>) over any short-term benefits (<i>job creation during construction, short term economic injection, etc.</i>)?	x		
	26.	Does the development contribute towards the optimal use of existing resources, infrastructure, agriculture, land, minerals and/or facilities?	x		
	27.	Does the development contribute towards social, economic, institutional and physical integration aspects of land use planning?	x		
	28.	Promotes and supports the inter-relationships between rural and urban development?	x		
	29.	Does the development promote the availability of employment and residential opportunities near each other or the integration thereof?			x
	30.	Does the development promote the establishment of a diverse combination of land uses?	x		
	31.	Does the development contribute towards the correction of distorted spatial patterns of settlements within the town/city/village?			x
	32.	Does the development contribute towards and /or promote the creation of a quality and functional open spatial environment?			x
	33.	Will the development allow the area or town to be more spatially resilient that can ensure a sustainable livelihood for the affected community most likely to be affected by economic and environmental shocks?			x

1(s)	Is the application in line with the applicable provisions contained in the applicable zoning scheme regulations (By-Law)? (e.g. Definitions, land use description and development parameters)	x		
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In consideration of the above, the application is found to be consistent with the principles and guidelines of SPLUMA and LUPA.

(In)consistency with the IDP/Various levels of SDF's/Applicable policies

George Municipal Spatial Development Framework, 2019 (MSDF)

The intention of the George MSDF (2019) is to provide guidelines aimed at among others, promoting sustainability and affordability, providing for the needs of the community, strengthening the economy, finding a balance between urban development and the natural environment, responding to climate change and disaster management, the equitable and more efficient functioning of the city, providing a diversity of housing typologies and respond to broader housing needs, restructuring and densify the existing urban form, access to employment opportunities, social services, open spaces and recreation opportunities, connectivity by walking, non-motorised transport and public transport, enabling greater choice and a more productive urban and rural economy.

The application area is located in the Victoria Heights / Kraaibosch South smallholding area, identified as the Eastern Gateway to George. Careful management of land use within the urban-rural interface at the gateways to the George city area is important, according to the MSDF (2019). Passing George, heading east past Kraaibosch and moving on towards the Victoria Bay area, gives one the feeling of leaving the built-up area as the vistas are generally of farm fields in the foreground, with trees, pine plantations and rolling hills in the mid ground, and then the Outeniqua Mountains in the background. No significant densification should be promoted in Kraaibosch South given the specific rural character of the area, according to the MSDF (2019). This is a significant gateway between Wilderness and George and its green character is part of what weaves George into the Garden Route identity and appeal.

The following policies are considered directly relevant to the application:

- **Policy D6:** Minimise the impact of developments on visual landscapes and corridors.
- **Policy D7:** Manage the Municipal area in a manner that supports sustainable resource demand and use.

The proposed development is regarded consistent with the MSDF (2019), as:

- The proposal will not have a detrimental impact on the environment or the character of the area.
- Resources will be utilised sustainably, as the status quo will remain as is (following subdivision and consolidation).
- Sustainability will be promoted by increasing agricultural land.
- There will be no negative impact on the gateway between Wilderness and George.

(In)consistency with guidelines prepared by the Provincial Minister

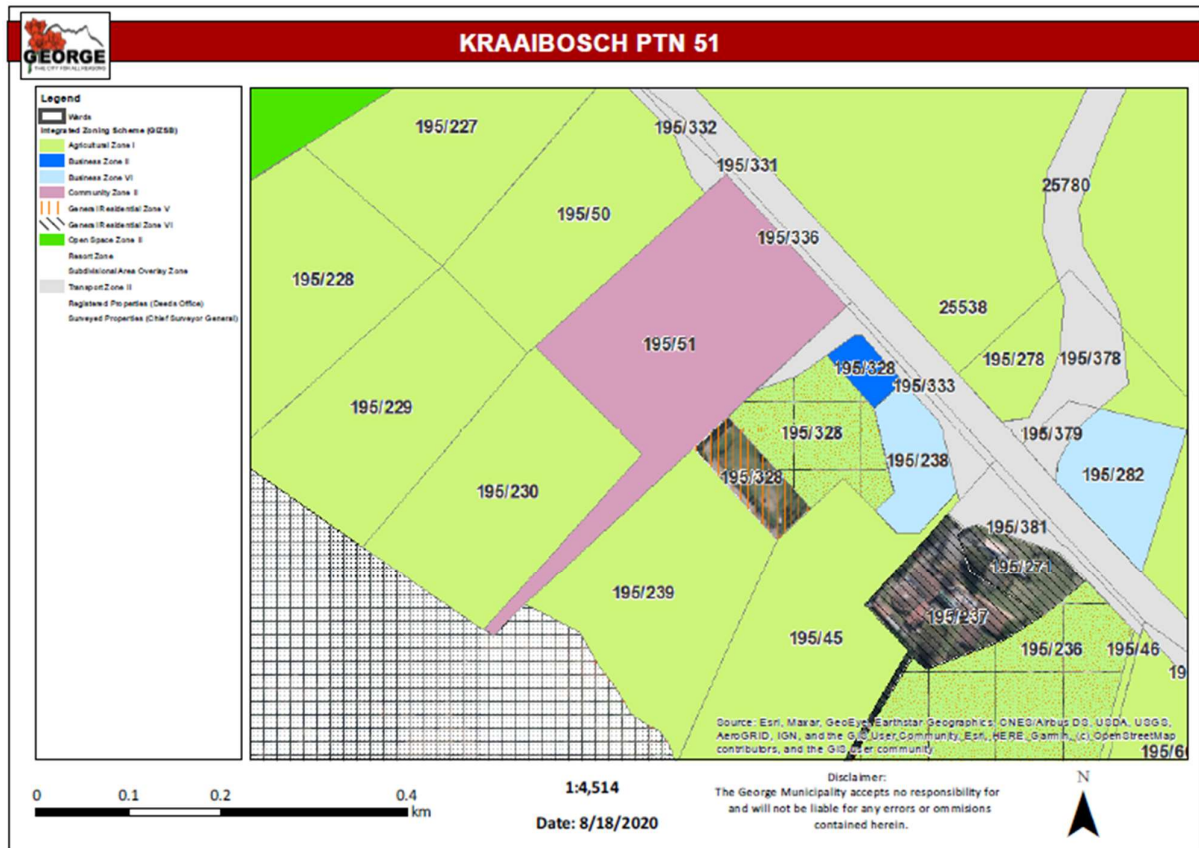
N/A

Outcomes of investigations/applications i.t.o other laws

N/A

Existing and proposed zoning comparisons and considerations

The figure below indicates the existing zoning of the area.



Zoning plan

The subject properties forming the application area are zoned as follows:

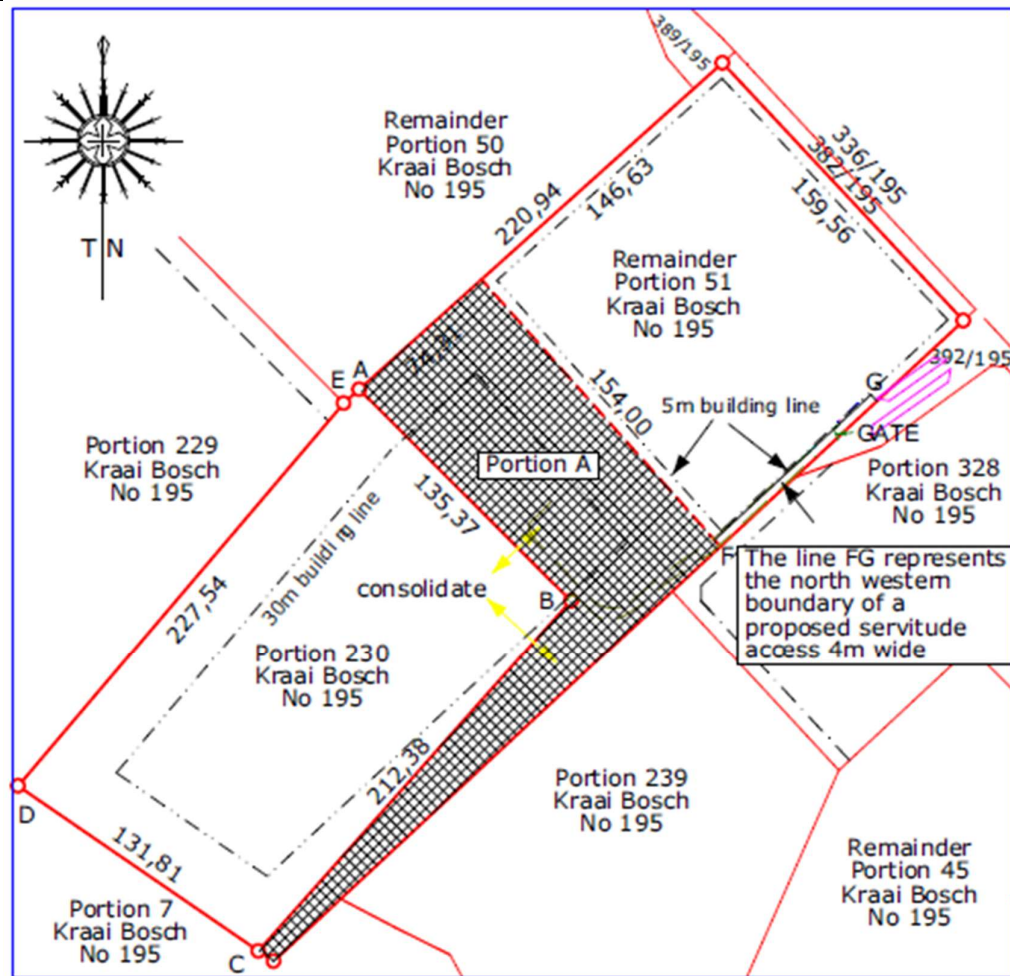
- Portion 51 of the Farm Kraai Bosch No 195, Division George: Community Zone II
- Portion 230 of the Farm Kraai Bosch No 195, Division George: Agricultural Zone I

The properties surrounding the application area are predominantly zoned for smallholding purposes. There are also residential (General Residential Zones 5 & 6), business (Business Zones 2 & 5), and resort (Resort Zone) uses within close proximity of these sites.

An application is submitted for the rezoning of Portion 51 of the Farm Kraai Bosch No 195, Division George, from Community Zone II to a Subdivisional Area. The rezoned land unit is then subdivided to create the following land uses:

- Community Zone II (Remainder of Portion 51 of the Farm Kraai Bosch No 195, Division George, measuring ± 2.38 ha)
- Agricultural Zone I (Portion A measuring ± 1.515 ha)

Following the above rezoning and subdivision, it is proposed that Portion A (zoned Agricultural Zone I) be consolidated with Portion 230 of the Farm Kraai Bosch No 195, Division George, (refer below figure).



Subdivision and

It can be concluded from the above that the proposal will enable more land being made available for agriculture (expansion of the nursery). The proposed agricultural zoning for Portion A is fully consistent with the surrounding land uses and will have no negative impact on surrounding property rights, whatsoever. It should also be noted that the Consent Use application to accommodate a plant nursery on the newly consolidated land unit, is regarded as complementary to the existing surrounding land uses and zoning of the area.

The need and desirability of the proposal

The need and desirability for the proposed development has been considered in terms of the following factors:

NO.	Evaluation check list	Yes	No	N/A
1	Will the natural environment and/or open space systems be negatively affected?		X	
2	Will application result in trees/indigenous vegetation being removed on site or in the road reserve?		X	
3	Does the application have any negative impact on heritage resources?		X	
4	Will the character of the surrounding area be negatively affected?		X	

5	Will the architectural character of the streetscape be negatively affected?		X	
6	Will there be any negative impact on vehicle traffic and pedestrian safety?		X	
7	Will there be a negative impact on traffic movement?		X	
8	Will there be a negative impact on vehicle sight distances?		X	
9	Are there adequate on-site parking / loading facilities provided?	X		
10	Are there adequate vehicle access/ egress to the property?	X		
11	Will the neighbour's amenity to sunlight be negatively affected?		X	
12	Will the application result in overshadowing onto neighbours' properties?		X	
13	Will the neighbour's amenity to privacy / enjoyment of their property / views be negatively affected?		X	
14	Will the proposal have a negative impact on scenic vistas or intrude on the skyline		X	
15	Will the intended land use have a negative impact on adjoining uses?		X	
16	Will the land use pose a potential danger to life or property in terms of fire risks, air pollution or smells or compromise a person's right to a safe and secure environment?		X	
17	Will there be a negative impact on property values?		X	
18	Will the application result in a nuisance, noise nuisance, and disturbance to neighbours?		X	
19	Will adequate open space and/or recreational space be provided (for residential developments)?			x
20	Will approval of the application set a precedent?		x	

Comments

Section 42 of the Spatial Planning and Land Use Management Act (SPLUMA), stipulates that applications must be refused if the development proposal is inconsistent with the municipal spatial development framework, and if not inconsistent with the MSDF, it may only be refused if it lacks desirability. As stated in the previous sections above, the application was found to be consistent with the principles and guidelines of SPLUMA and the MSDF.

The application, as indicated in the table above, presents no substantive negative impacts. The following considerations (as stated in Section 42 of SPLUMA) are relevant to this application:

- **Socio-Economic Impact:** The proposal will have no negative social or economic impact. The existing land use pattern will remain unaltered and existing employment opportunities will be sustained.
- **Compatibility with surrounding uses:** The application is deemed to be consistent with and complementary to the surrounding land uses. There will be no negative impact on surrounding property rights.
- **External engineering services:** No negative impact on engineering services is foreseen. The status quo on the sites will remain unchanged, as Portion A is currently being leased from the Eden Gemeente (situated on Portion 51 of the Farm Kraai Bosch No 195, Division George) by Kraaibosch Nurseries.

- **Impact on Safety, Health and Wellbeing of the Surrounding Community:** The proposal does not have any negative impact on the safety, health and wellbeing of the surrounding community. The building line departure along Portion A will be to accommodate existing buildings.
- **Impact on Heritage:** The proposal will have no negative impact on heritage resources in the area.
- **Impact on the Biophysical Environment:** No negative impact on the natural or built environment is foreseen. In fact, agricultural land is being increased.
- **Traffic Impact, Parking, Access and other Transport Related Considerations:** The consolidated site can be accessed through the existing road network via a servitude right of way (registered over Portions 226, 230 & 239). A 4m servitude right of way is proposed over Remainder of Portion 51 of the Farm Kraai Bosch No 195, Division George, in favour of the newly consolidated land unit. The proposal will have no negative impact on traffic in the area, as the status quo will remain unchanged.

Assessment of objections/comments

The objection received and the response by the applicant were carefully considered. Following assessment of the documentation, the following can be concluded:

It is clear from the submitted land surveyor diagram that the wall, fence and gate (including the parking area) of Remainder Portion 51 of the Farm Kraai Bosch No 195, Division George, encroach onto Portion 392 of the Farm Kraai Bosch No 195, Division George (zoned Transport Zone II – public street). The encroachment was also acknowledged by the applicant. The encroachment is noted as historic in nature, on the basis of the construction of a service road by SANRAL in 1995 (refer letters from SANRAL as part of the applicant's response to comments document, confirming same).

Notwithstanding the above, the existing encroachment has no impact on the proposed rezoning, subdivision and consolidation, and therefore is not relevant to the matter at hand. The existing access arrangements to and from Portion 328 of the Farm Kraai Bosch No 195, Division George, will remain unchanged. The application has no impact on access to the objector's property, whatsoever.

In conclusion, it is recommended that the objection should not be upheld.

PART O: SUMMARY OF EVALUATION

Portion A (a portion of Portion 51 of the Farm Kraai Bosch No 195, Division George) is currently being leased by the owners of Portion 230 of the Farm Kraai Bosch No 195, Division George. A plant nursery is being operated on the leased area. It is the objective of the owners of Portion 230 of the Farm Kraai Bosch No 195, Division George, to obtain the said land (Portion A) to permanently establish a plant nursery on the site.

The proposed land use does not only require the rezoning of Portion A from Community Zone II to Agricultural Zone I, but also approval to extend the existing Consent Use on the site. The applicant further applied for a building line relaxation to allow for a building line of 5m in lieu of 30m along the north-eastern and south-eastern boundaries of the newly consolidated land unit.

The proposal, as evaluated in this report, provides an excellent opportunity to the owner of Portion 230 of the Farm Kraai Bosch No 195, Division George, to formally expand the existing operations on the site. Portions 51 and 230 of the Farm Kraai Bosch No 195, Division George, formed part of the former Radermacher Nurseries. The sites have historically been used for the cultivation and promulgation of trees and shrubs. The proposed Consent Use (plant nursery) on the newly created agricultural unit is therefore fully consistent with the historic uses. The status quo on the site will remain unchanged, as Kraaibosch

Nurseries will continue to conduct their plant nursery following rezoning, subdivision and consolidation.

Further to the above, the proposal is considered desirable for the following reasons:

- The application is consistent with the George Municipal Spatial Development Framework (2019);
- The application is in line with the principles of the Spatial Planning and Land Use Management Act (SPLUMA 2013) and the Land Use Planning Act (LUPA 2014);
- The proposal will not have a negative visual impact on the N2 Freeway (visual corridor), as the status quo will remain unchanged;
- No negative impacts on engineering services are foreseen. The existing engineering services are to be utilized;
- There will not be a negative impact on the surrounding property rights;
- There will not be a loss in agricultural land. In fact, the agricultural land will increase;
- The building line relaxation is to accommodate existing buildings, to be utilized as part of the plan nursery;
- The long-term operation of the nursery will contribute to the local economy, by creating much needed employment opportunities; and
- The proposal will not have a detrimental impact on the environment or character of the area.

Thus, on the balance of all considerations as contemplated by Section 65 of the Land-Use Planning By-Law for George Municipality (2015), the proposed application cannot be found undesirable and is therefore **SUPPORTED**.

PART P: RECOMMENDATION

That, notwithstanding the objection received, the following applications applicable to Portions 51 & 230 of the Farm Kraai Bosch No 195, Division George:

- (a) Rezoning in terms of Section 15(2)(a) of the Land Use Planning By-Law for George Municipality (2015), of Portion 51 of the Farm Kraai Bosch No 195, Division George, from Community Zone II to a Subdivisional Area;
- (b) Subdivision in terms of Section 15(2)(d) of the Land Use Planning By-Law for George Municipality (2015), of the Subdivisional Area to create the following: (refer **Annexure A**):
 - 1. Portion A (measuring ± 1.515 ha in extent) - Agricultural Zone I;
 - 2. Remainder of Portion 51 of the Farm Kraai Bosch No 195, Division George (measuring ± 2.38 ha in extent) - Community Zone II;
- (c) Consolidation in terms of Section 15(2)(e) of the Land Use Planning By-Law for George Municipality (2015), of Portion A and Portion 230 of the Farm Kraai Bosch No 195, Division George, to create a land unit measuring ± 4.63 ha in extent (refer **Annexure B**);
- (d) Consent use in terms of Section 15(2)(o) of the Land Use Planning By-Law for George Municipality (2015), to extend the existing plant nursery on the consolidated property; and
- (e) Departure in terms of Section 15(2)(b) of the Land Use Planning By-Law for George Municipality (2015), to relax the north-eastern and south-eastern boundary building lines of the consolidated property from 30m to 5m to accommodate existing built structures;

BE APPROVED in terms of Section 60 of said By-law for the following reasons:

- (i). The proposal will not have an adverse impact on the character of the area or the environment, as the status quo will remain unchanged.
- (ii). The proposal will sustain much need employment opportunities in the long term, contributing to economic development.
- (iii). The proposal has no negative impact on surrounding property rights.

- (iv). The proposal is in line with the spatial planning principles, objectives and guidelines applicable to the surrounding area.

Subject to the following conditions imposed in terms of Section 66 of the said Planning By-Law:

CONDITIONS OF THE DIRECTORATE: PLANNING AND DEVELOPMENT:

General Conditions

1. That in terms of Section 43 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) read with the applicable provisions of the Land Use Planning By-law for the George Municipality, 2015, the approval shall lapse if not implemented within a period of five (5) years from the date thereof;

Conditions applicable to the implementation of the approval

2. The Subdivision of Portion 51 of the Farm Kraai Bosch No 195, Division George, shall be as approved and indicated on the Subdivision diagram drawn by Bailey & Le Roux, Drawing Number: 195G23B Rev B dated February 2020 attached as “**Annexure A**” which bears Council’s stamp and shall not be construed as to depart from any other Council requirements or legal provision;
3. The consolidation of Portion A (a portion of Portion 51 of the Farm Kraai Bosch No 195, Division George) and Portion 230 of the Farm Kraai Bosch No 195, Division George, to form a land unit measuring ±4.63ha in extent, shall be as approved and indicated on the consolidation diagram drawn by Bailey & Le Roux dated August 2020 attached as “**Annexure B**” which bears Council’s stamp and shall not be construed as to depart from any other Council requirements or legal provision;
4. A 4m public right of way servitude be registered over Portion 51 of the Farm Kraai Bosch No 195, Division George, in favour of Portion 230 of the Farm Kraai Bosch No 195, Division George.
5. The applicant must submit the Surveyor General approved, subdivision and consolidation diagrams to the GIS Department of the Directorate for information purposes;
6. The rezoning, subdivision and consolidation approval will be considered implemented on the registration of the Certificate of Consolidated Title by the Registrar of Deeds;

CONDITIONS OF THE DIRECTORATE: ELECTROTECHNICAL SERVICES

7. The Developer is to ensure that there is only one electrical connection per erf.
8. No electricity may be consumed within, or by any part of the development, without the consumption of the supply being metered and billed by a municipal meter (prepaid or credit).
9. All cost, installation and consumption, will be for the cost of the developer. The standard application process will apply.
10. Neither the Developer or a property owner are allowed to distribute electricity across property boundaries.

PART Q: ANNEXURES

Annexure A	Subdivision Diagram
Annexure B	Consolidation Diagram
Annexure C	Locality Plan
Annexure D	Motivating Memorandum
Annexure E	Comments from the Department of Environmental Affairs and Development Planning
Annexure F	Objection Letter
Annexure G	Response to Objection Report
Annexure H	Title Deeds
Annexure I	Conveyancer’s Certificates
Annexure J	Pre-application meeting minutes

 _____ MARTIN BOTHA (Pr.Pl.n. A/2518/2017) TOWN PLANNER	_____ 28/03/2022 DATE
RECOMMENDED/ REFER BACK TO APPLICANT/ REFER TO TRIBUNAL	
 _____ J FOURIE (A/1429/2011) SENIOR TOWN PLANNER	_____ 28/03/2022 DATE
RECOMMENDED/ REFER TO APPLICANT/ REFER TO TRIBUNAL	
 _____ C. PETERSEN (B/8336/2016) SENIOR MANAGER: TOWN PLANNING	_____ 28/03/2022 Date
APPROVED / REFUSED/ REFER BACK TO APPLICANT/ REFER TO TRIBUNAL	
 _____ D. POWER (A/1973/2014) DEPUTY DIRECTOR PLANNING/AUTHORISED OFFICIAL	_____ 30 March 2022 Date

Attachments : Annexures for Kraaibosch 195/51 and 230



Kraaibosch
195_51&230 (Tribun

6.2. Departure : Erf 2110, Fynbos Close, Wilderness (K Mukhovha)

LAND USE PLANNING REPORT						
APPLICATION FOR PERMANENT DEPARTURE FOR HEIGHT RELAXATION OF THE BOUNDARY WALL, CLEARVIEW FENCE AND RETAINING WALL: ERF 2110, WILDERNESS						
Reference number	1993177	Application submission date	2021-09-07	Date report finalized	14/03/2022	
PART A: AUTHOR DETAILS						
First name(s)	Khuliso					
Surname	Mukhovha					
Job title	Town Planner					
SACPLAN registration number	A/2119/2015					
Directorate/Department	Planning and Development					
Contact details	044 801 9476					
PART B: APPLICANT DETAILS						
First name(s)	Philip					
Surname	Theron					
Company name	Formaplan					
SACPLAN registration number	A/025/1985	Is the applicant authorized to submit this application?			Y	N
Registered owner(s)	Zillion 69 Pty Ltd					
PART C: PROPERTY DETAILS						
Property description (in accordance with Title Deed)	Erf 2110, Wilderness					
Physical address	Fynbos Close	Town/City	Wilderness			
Current zoning	Single Residential Zone I	Extent (m ² /ha)	763.87m ²	Are there existing buildings on the property?	Y	N
Applicable Zoning Scheme	George Integrated Zoning Scheme, 2017					
Legislation	Spatial Planning and Land Use Management Act (Act 16 of 2013), Land Use Planning Act, 2014					
Current Land Use	Dwelling House	Title Deed number &	T8913/2019			

			date	
Any restrictive title conditions applicable?	Y	N	If Yes, list condition number(s)	<i>Title deed and Conveyancer Certificate attached as Annexure E</i>
Any third-party conditions applicable?	Y	N	If Yes, specify	Contantia Kloof Conditions: Condition 4.3 states that “No boundary wall or fence exceed 1.2m in height”.
Any unauthorised land use/building work?	Y	N	If Yes, explain	The property is developed with a boundary wall and Clearview fence with the maximum height of 5.8m and 2.8m(retaining wall, boundary wall and Clearview fence) on the eastern and western side boundary respectively without approved building plans.

PART D: PRE-APPLICATION CONSULTATION (ATTACH MINUTES)

Has pre-application consultation been undertaken?		Y	N	N/A		
Reference Number	N/A	Date of consultation		N/A	Official's name	N/A

PART E: LIST OF APPLICATIONS (TICK APPLICABLE)

b. Rezoning		b. Permanent departure	X	t. Temporary departure		u. Subdivision	
v. Consolidation		w. Amendment, suspension or deletion of restrictive conditions		x. Permissions required in terms of the zoning scheme		y. Amendment, deletion or additional conditions in respect of existing approval	
z. Extension of validity period		aa. Approval of an overlay zone		bb. Phasing, amendment or cancellation of subdivision plan		cc. Permissions required in terms of conditions of approval	
dd. Determination of zoning		ee. Closure of public place		ff. Consent use		gg. Occasional use	
hh. Establishment of a Home Owners Association		ii. Rectify Beach of Home Owners Association		jj. Reconstruct building of non-conforming use		Other	

PART F: APPLICATION DESCRIPTION

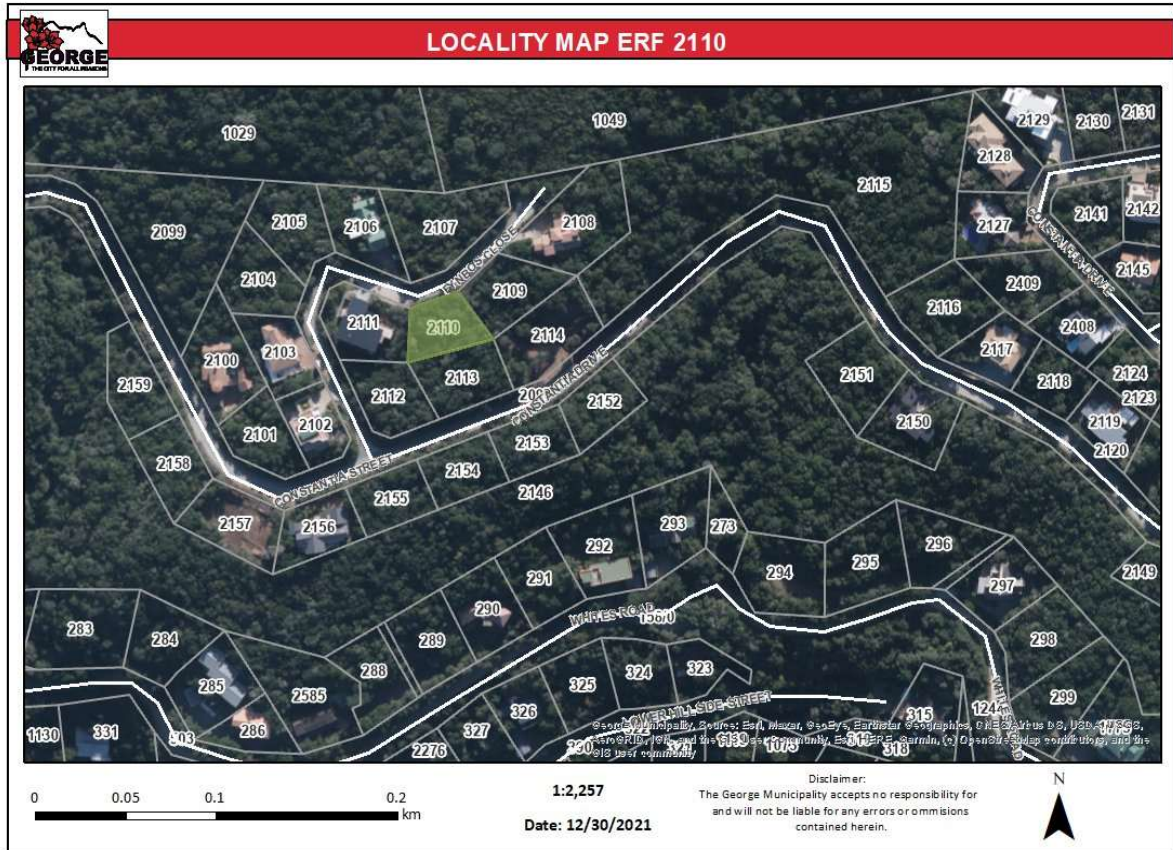
Considering an application for Departure in terms of Section 15 (2)(b) of Land Use Planning By-Law for George Municipality, 2015 for the relaxation of height of the boundary wall, Clearview fence and retaining wall on Erf 2110, Wilderness, as follows:

(a) Deviation from 1,2m to 5.8m of height of retaining wall, boundary wall and Clearview fence on the eastern side boundary i.t.o Conditions of Approval of the Development of Farm 158 (Constantia Kloof).

- (b) Deviation from 1,2m to 2.8m of height of the boundary wall and Clearview fence on the western side boundary i.t.o Conditions of Approval of the Development of Farm 158 (Constantia Kloof).
- (c) Deviation from 2.1m (screen walls and boundary walls) and 2.1m (retaining wall, boundary wall and Clearview fence) to 5.8m of height on the eastern side boundary i.to George Integrated Zoning Scheme By-Law, 2017.
- (d) Deviation from 2.1m (boundary wall) and 2m (retaining wall) to 2.8m of height on the western side boundary i.t.o George Integrated Zoning Scheme By-Law, 2017.

PART G: LOCATION

Erf 2110 is located in Fynbos Street, Wilderness. The area is known as Constantia Kloof (previously Farm 158). It is approximately 1.5 km from Wilderness Business node. See the locality map below and Annexure C.



Mr Richard Shaw registered a complaint with the municipality in November 2020 raising issues ranging from deviations with regard to height of the building and boundary walls on the western side and the clearing of trees. During inspection municipal officials concluded that the boundary wall (western boundary) was as high as 2.8m (at one point) which is in contravention of both the Zoning Scheme and Conditions of Approval for the Constantia Kloof development. During the same site visit the officials further realised that the retaining wall and boundary wall (the Clearview fence was erected after the inspection) on the eastern side also exceeds the height and is at some point 5.8m high. This led to the municipality issuing a contravention notice to the owner. Mr Shaw and the subject property owner came to an agreement with regards to the wall along the western boundary and subsequently withdrew his objection/complaint. The agreement was that the wall may be 2.8m provided that the owner of Erf 2110, Wilderness commit to do landscaping on Erf 2111, Wilderness (Mr. Shaw's property) and submit a departure application to the municipality. Mr. Shaw also gave his written consent in this regard.

The owner was advised to rectify all the deviation and contravention by applying for permanent departure for relaxation of height of the boundary, screen and retaining walls together with fence on the eastern and western side boundaries (Annexure A: As built building plans). The owner appointed FORMAPLAN to lodge an application with the municipality to address the contraventions.

During the public participation process (see details later in the report), Dr. Ross and the Constantia Kloof Conservancy registered objections regarding the height of the walls and fences, the path for wild animals, and clearing of vegetation amongst others. The reason for the deviations, as outlined under Part I of this report, was the fact that the slopes measured by the land surveyor were miscalculated by approximately 1m and by implication the entire house raised by 1m and subsequently the retaining walls, boundary wall and Clearview fence (on the western side boundary) as well. Notwithstanding the latter, the owner also erected a higher screen (higher as approved on the building plan) on the eastern side for privacy and to screen off the courtyard/washing line. The approved building show a 1m balustrade while the owner erected a 1.8m screen on top of the wall. – i.e. the total height of the approved outbuilding with glass balustrade on the eastern side increased from 4m in height (the zoning scheme allows for outbuildings of up to 4m in height over the side boundary building line) to 5,8m (increase due to house raised by 1m and screen wall by 0,8m).

Taking the above into consideration the eastern wall are staggered and range in height from 0.7m (with 1.2m clear fence on top) to 4.0m (with 1.8m steel privacy screen on top). Note that the steel privacy screen erected is permeable. See image below.



Figure 3: Picture illustrating the retaining wall and screening on the Eastern side boundary as seen from Dr. Ross's property.

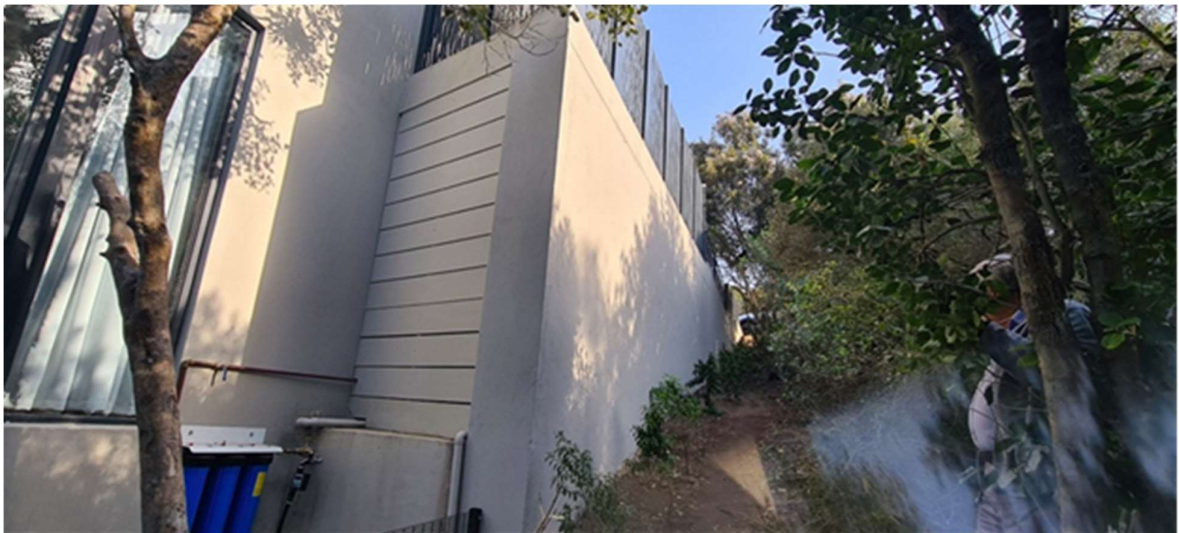


Figure 2: Picture illustrating the eastern side boundary wall and fence

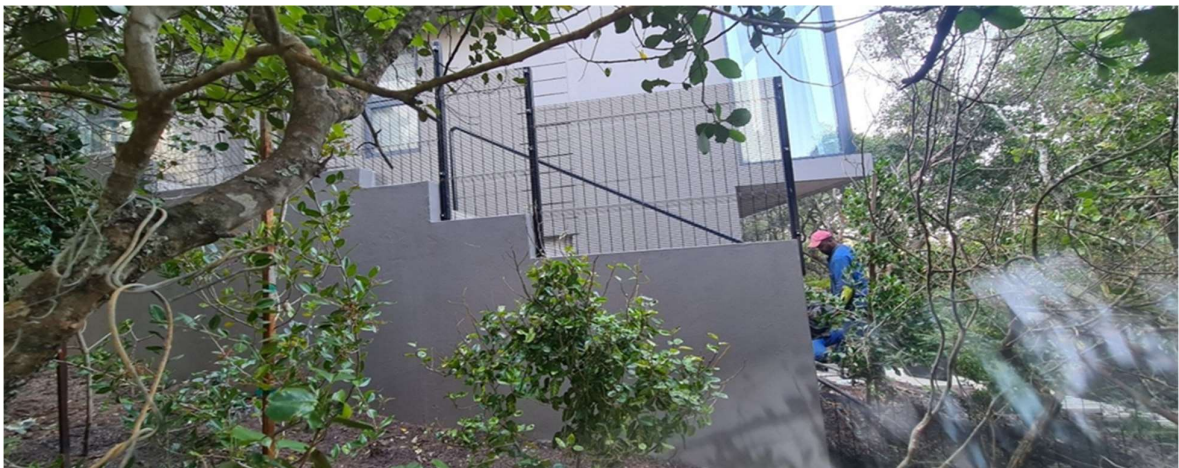
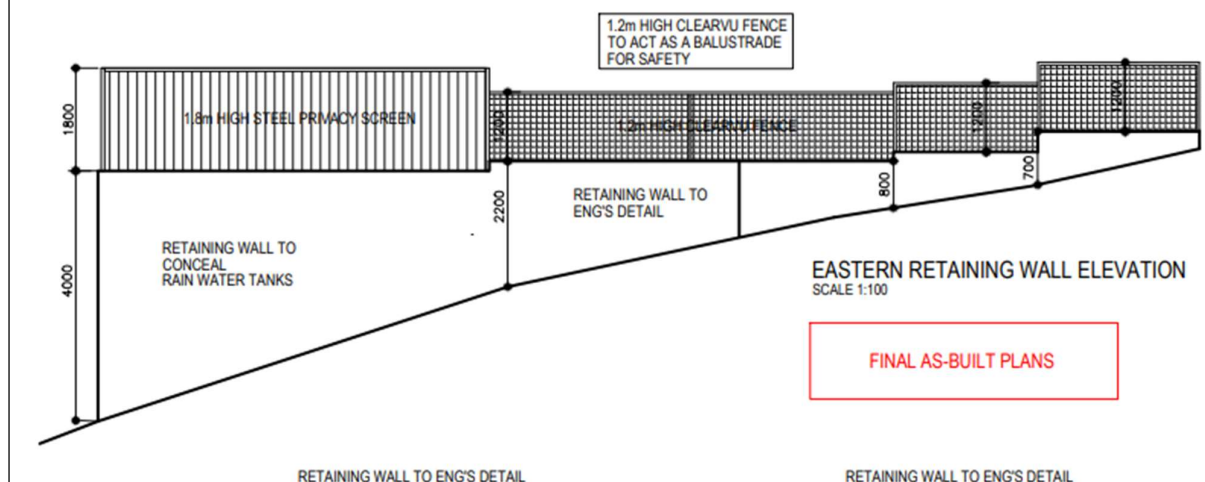


Figure 4: Picture illustrating a boundary wall and Clearview fence on the western side boundary as seen from Mr. Shaws property



As Built plan plan _ eastern boundary (on the side of Dr. Ross)

Objections are attached as Annexure F of this report and details of the objections will be addressed under Part K of this document.

PART I: SUMMARY OF APPLICANTS MOTIVATION

The applicant's motivation (attached as Annexure D of this report) can be summarised as follows:

1. The application is for relaxation of the height of boundary, screen and retaining walls that are already constructed in accordance with the structural engineers' designs.
2. It was realised during construction that the retaining walls as per the approved building plans would not be safe due to slope of the property and the required excavations took place without prior approval or amended building plans. This has necessitated the erection of Clearview fence on top of the retaining walls to prevent people from falling.
3. The height of fence was not indicated on the approved building plans.
4. The owner further realised that additional wall needs to be erected on the western side boundary to extend the steps southwards to enable the owner to access the southern lower part of the property as there is no other access to that part of the property.
5. The proposed relaxation of height restriction of the boundary, screen and retaining walls as well as fence has no negative influence on the residential character of the surrounding area.

**This however is against the development parameters of the George Zoning Scheme and Condition imposed for Constantia Kloof area (Farm 158).*

6. The erection of Clearview fence will not have any negative impact to the existing buildings on the surrounding area.
7. No influencing of views or interference with sunlight will be applicable.
8. The slope is the main reason why the walls and fences on the erf boundary exceed the height restrictions.
9. There are no conditions on the Deed of Transfer that restrict the proposed relaxation of the height of the side boundary walls and fences.
10. None of the existing buildings on any of the surrounding properties could be affected negatively by the fact that the owner erected Clearview fencing on the already approved and erected retaining walls. No influencing of views or interference with sunlight will be applicable. Though the total maximum height applied for is 5.8m, cognisance needs to be taken with regard to the fact that 5.8m is for the retaining wall and Clearview fence on a portion of the boundary. The retaining wall in that portion is 4m and the Clearview fence is 1.8m in height. In this portion of the boundary, there is a water tank on the basement and service room on the ground floor (See attached as built plans attached as Annexure A).
11. The relaxation will not have any negative influence on the neighbouring properties or the environment and will not have a negative influence on the special character of Wilderness and consequently the applicant is of opinion that this application can be approved.

PART J: SUMMARY OF PUBLIC PARTICIPATION

Methods of advertising				Date published	Closing date for objections
Press	Y	N	N/A		
Gazette	Y	N	N/A		
Notices	Y	N	N/A	14 September 2021	15 October 2021
Website	Y	N	N/A	14 September 2021	15 October 2021
Ward councillor	Y	N	N/A		
On-site display	Y	N	N/A	14 September 2021	15 October 2021

Community organisation(s)		Y	N	N/A		
Public meeting		Y	N	N/A		
Third parties		Y	N	N/A	14 September 2021	14 September 2021
Other	Y	N	If yes, specify			
Total valid objections		0			Total invalid objections and petitions	2
Valid petition(s)		Y	N	If yes, number of signatures		
Community organisation(s) response		Y	N	N/A	Ward councillor response	Y N / A
Total letters of support		1				
Was the minimum requirement for public participation undertaken in accordance with relevant By-Law on Municipal Land Use Planning and any applicable Council Policy						Y N
<u>Condonation (if applicable)</u>						
Not applicable.						
PART K: SUMMARY OF COMMENTS DURING PUBLIC PARTICIPATION						
<u>Comments received during public participation</u>						
<p>During public participation process, two objections and one comment received from Dr Victor Ross, Constantia Kloof Conservancy (Annexure F: Objections) and Mr Richard Shaw.</p> <p>Mr Shaw, the owner of Erf 2111, Wilderness indicated that the owner of Erf 2110, Wilderness has complied with the condition of OSCAE permit regarding planting of indigenous trees and as a result he supports the application.</p> <p>The objections from the land-owner of Erven 2108 and 2109, Wilderness (Dr. Ross) and the Constantia Kloof Conservancy can be summarised as follows:</p> <ul style="list-style-type: none"> • Dr Ross (owner of Erf 2108 and 2109, Wilderness) has registered objection, raising concerns that the application is submitted after the deviation which will lead to precedent of people doing wrong and only rectify at a later stage. • Dr Ross claim that the applicant did not inform him of the application as a neighbour. He claims that he saw the site notice by chance and that's when he registered his objections. • The applicant mentioned on the application that the owner of Erf 2009, Wilderness (<i>*Erf number was incorrectly captured, it is Erf 2109, Wilderness</i>), has verbally indicated that he has no objection to the proposed relaxation of the walls and fences (Page 16 of the motivation). Dr Ross has objected to indicate that the statement is not correct. • As built plans are not the same as plans submitted with OSCAE permit application in the sense that the boundary wall and fence heights exceed the restrictions Imposed by clauses 26 and 27 of the GM Integrated Zoning Scheme Bylaw and Special Conditions applicable to Constantia Kloof. • Elevation drawings show retaining walls built on the boundary, 4m high on the eastern boundary and 2m high on the western boundary. • The corner beacons of the boundary between erven 2109 and 2110, Wilderness were removed during the construction on Erf 2110, Wilderness. He indicates that an independent new positioning of the beacons was done by an independent Land Surveyor which indicated that the building on Erf 2110, Wilderness extends marginally across Erf 2109, Wilderness. 						

- The construction of the house has contravened condition number 4.1 of Constantia Kloof (Farm 158) condition of approval.
- The dwelling house on Erf 2110, Wilderness has encroached on Erf 2109, Wilderness property and is not in line with the approved building plans.
- Water tank has encroached the building line and does not comply with the Zoning Scheme.
- CKC allege that the total coverage is more than 60% of the site. This is of major concern to the CKC, as it contributes to the destruction of the natural vegetation in the conservation area and result in destroying the special character of Wilderness as envisaged by the Wilderness Local Spatial Development Framework (2015).
- Lights used on the house create light pollution which is in contradiction to what was agreed during OSCA application.
- Storm water management: The retaining wall right on the boundary between Erven 2109 and 2110 will prevent the normal disposal of storm water from Erf 2109, Wilderness to the lower Erf 2110, Wilderness.
- Although not part of the specifics of the application for relaxation, namely the height of the boundary wall and fencing, the silhouette of the house is extremely visible from the N2 and from Constantia Drive. The attempt in the application to downplay this aspect is flimsy, not to mention the light pollution caused by this property in an environmentally sensitive area.
- The removal of trees on the property has resulted on destroying the visual and sound barrier between houses. This will affect his options regarding position of the new house on erf 2109.
- Proposed boundary walls not complying with conditions stipulated on OSCAE permit.
- Transgressions negatively affect the special character of the conservation area.
- Development of a boundary, screen and retaining walls as well as Clearview fence will negatively affect property/land value.
- The erection of a wall up to 5.8m high right on the boundary, having destroyed all trees that would act as some visual and sound barrier between houses on the adjacent properties, significantly limits the options that the owner has for positioning a new house on Erf 2109, Wilderness. It also has destroyed, contrary to all the principles of responsible development in Constantia Kloof, and any corridor for the movement of wildlife.
- Erection of a 5.8m high wall on the boundary will permanently affect the movement of wildlife.

PART L: SUMMARY OF APPLICANT'S REPLY TO OBJECTIONS

The applicant responded to the objections as follows:

- **Application after deviations:** FORMAPLAN was approached to apply to the municipality for departure in terms of the Land Use Planning Bylaw, 2015. This is regarding deviation from approved building plan number 1785/19 in terms of height of the boundary wall on the western side and screen wall on the eastern side. This was in response to the Contravention letter dated 30 June 2021 which advised the owner to apply for permanent departure.
- **OSCAE permit:** The applicant stated that issues pertaining to OSCA permit should not form the basis of the objection to this application. The Objector should not raise issues pertaining to OSCA, rather register a complaint with the Municipality according to relevant legislation.
- **SDP:** The applicant indicated that the municipality did not request a SDP and as such the objector cannot request same.
- **Height of the boundary wall:** The applicant is aware that the boundary walls and fence do not comply with the Zoning Scheme and Condition of Approval for Constantia Kloof, hence the application. The municipality approved walls except a portion of the wall on the western boundary and the Objector should not blame the owner.
- **Encroachment of a dwelling house:** The dwelling house was erected in accordance with approved building plans except for the boundary wall and fence on the eastern and western boundaries. With reference to the height of the garage floor and dwelling house, the applicant chose not to comment. However, the Land Surveyor certified that the dwelling house does not exceed the heights indicated on the plans.

- **Width of the walls should be 350mm:** The applicant indicated that the submitted plans are incorrect in that the constructed wall is 350mm and not 220mm.
- **Land Value:** The value of other properties in the vicinity is not affected by departure of the height of walls and fences as applied for. Walls and fences can only influence on the properties to the west and east of erf 2110, namely erven 2109 and 2111. Both boundary walls do not affect the view towards the sea.
- **Character of the area – tourist route:** The departure of the restrictions for the walls and fence does not destroy or even slightly affect the character of the area and tourist routes through the area.
- **Public participation:** On page 16, the Applicant indicated that the owner of Erf 2109 verbally provided support to the application. The objector disputed this statement. The applicant agreed that there was a misunderstanding between the owner of Erf 2109, Wilderness and him and such statement was withdrawn. Dr Ross indicated that he only managed to see the placard and never received an email regarding the application. The Applicant responded by indicating that the public participation process followed was in line with Land Use Planning Bylaw for George Municipality, 2015. As such it is not a requirement to send application via an email, as registered mail was sent out.
- **Storm water management:** No comment
- **Request of approved building plans:** All approved building plans were included on the complete application that was displayed on the municipal website and was available to Dr Ross.

PART M: SUMMARY OF COMMENTS FROM INTERNAL DEPARTMENTS AND/OR ORGANS OF STATE COMMENTS

Name of Department	Date	Summary of comments	Recommendation
Civil Engineering Services		In order. No comments	N/A
Electrotechnical Services		No DC charges for the proposed development	N/A

PART N: MUNICIPAL PLANNING EVALUATION (REFER TO RELEVANT CONSIDERATIONS GUIDELINE)

Is the proposal consistent with the principles referred to in chapter 2 of SPLUMA? (can be elaborated further below)	Y	N
Is the proposal consistent with the principles referred to in chapter VI of LUPA? (can be elaborated further below)	Y	N

Application history

1. The property forms part of the Constantia Kloof development. The conditions of approval contains development parameters which are different from the GIZS Bylaw, such as height restrictions.
2. The property was vacant until 2019 when the owner applied for OSCAE and building plans which was respectively approved on 06 and 17 January 2020.
3. House was constructed with deviations from the approved building plans regarding the boundary wall and fence.
4. In 2020, Mr Richard Shaw lodged a complaint to the municipality with regard to the height of the walls and fence on the western side boundary that does not conform to the Condition of Approval for Constantia Kloof.
5. Agreement was reached between Mr Shaw and owner of Erf 2110, Wilderness that the owner should submit departure application and do landscaping on Erf 2111, Wilderness.
6. Application was submitted to the municipality and objection were registered from Dr Ross and Constantia Kloof Conversancy raising issues from height of the retaining wall, boundary wall and Clearview fence.

(In)consistency with the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and with the principles referred to in Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014) (Section 65 of the Planning By-Law)

The consistency of the application with the principles of SPLUMA and LUPA as read with Section 65 of the Planning By-Law was evaluated as follows:

No	Evaluation checklist (s. 65)	Yes	No	N/A
1(a)	Does the application submitted comply with the provisions of this by-Law?	X		
	Has the motivation submitted been considered?	X		
1(b)	Were the correct procedures followed in processing the application? (see land use application process checklist)	X		
	Was a condonation required and granted with regards to the process followed? (<i>see land use application process checklist</i>)		X	
1(c)	Have the desirability guidelines as issued by the provincial minister to the utilise land for the proposed land uses been considered? (<i>not yet applicable</i>)			X
1(d)	Have the comments received from the respondents, any organs of state and the provincial minister been considered? (<i>s. 45 of LUPA</i>)			X
1(e)	Have the comments received from the applicant been considered?	X		
1(f)	Have investigations carried out in terms of other laws and that are relevant to the application being considered?	X		
1(g)	Was the application assessed by a registered town planner? (<i>see land use application process checklist</i>)	X		
1(h)	Has the impact of the proposed development on municipal engineering services been considered?			X
1(i)	Is the application in line, consistent and/or compatible with the IDP of the municipality?			X
	Is the application in line, consistent and/or compatible with the municipal SDF?			X
1(j)	Is the application in line, consistent and/or compatible with the IDP of the district municipality including its SDF?			X
1(k)	Is the application in line, consistent and/or compatible with the structure plan applicable to the area?			X
*1(l)	Is the application in line, consistent and/or compatible with the local SDF applicable to the area?	X		
1(m)	Is the application in line, consistent and/or compatible with any other municipal policy or By-Law applicable to the proposed land use?			X
1(n)	Is the application in line, consistent and/or compatible with the provincial SDF?			X
1(o)	Is the application in line, consistent and/or compatible with the regional SDF (<i>SPLUMA</i>) or provincial regional SDF (<i>LUPA</i>)?			X
1(p)	Is the application in line, consistent and/or compatible with the applicable guidelines, standards, principles, norms or criteria set by national and/or provincial government?			X
1(r)	Is the application in line or consistent and/or compatible with the following principles as contained in section 7 of SPLUMA / 59 of LUPA:			
	1. The redress spatial and other development imbalances of the past through improved access to and use of land?			X

	2.	Address the inclusion of persons and areas previously excluded in the past, specifically informal settlements and areas characterised by wide-spread poverty and deprivation?			X
	3.	Enable the redress of access to land by disadvantaged communities and persons?			X
	4.	Does the application support access to / facilitate the obtaining of security of tenure and/or incremental informal settlement upgrading?			X
	5.	Has the potential impact of the development proposal on the value of the affected land /properties been considered?	X		
	6.	The impact of the application on the existing rights of the surrounding owners been recognised?	X		
	7.	Does the application promote spatially compact, resource frugal development form?			X
	8.	Can the development be accommodated within the existing fiscal (budget), institutional and administrative means of the municipality? (e.g. Infrastructure upgrades required – when, budgeted for, etc.)	X		
	9.	Has the protection of prime, unique and/or high potential agricultural land been considered?			X
	*10.	Is the application consistent with the land use measures applicable to / contained in environmental management instruments?	X		
	11.	Does the application promote and stimulate the equitable and effective functioning of land markets?			X
	12.	Have all current and future costs to all parties for the provision of infrastructure and social services been considered?			X
	13.	Does the application promote development that is sustainable, discourages urban sprawl, encourages residential densification and promotes a more compact urban form?			X
	14.	Will the development result in / promote the establishment of viable communities?	X		
	15.	Does the development strive to ensure that the basic needs of all the citizens are met in an affordable way?			X
	16.	Will the development sustain and/or protect natural habitats, ecological corridors and areas of high bio-diversity importance?			X
	17.	Will the development sustain and/or protect provincial heritage and tourism resources?			X
	18.	Will the development sustain and/or protect areas unsuitable for development including floodplains, steep slopes, wetlands, areas with a high-water table, and landscapes and features of cultural significance?			X
	19.	Will the development sustain and/or protect the economic potential of the relevant area or region?			X
	20.	Has provision been made in the development to mitigate against the potential impacts of climate change?			X
	21.	Does the development include measures to reduce consumption / conserve water and energy resources? (renewable energy, energy saving, water saving, etc.)	X		
	22.	Does the development take into account sea-level rise, flooding, storm surges, fire hazards?	X		
	23.	Does the development take into account geological formations and topographical (soil and slope) conditions?	X		

	24.	Will the development discourage illegal land occupation – w.r.t. Informal land development practices?			X
	25.	Does the development benefit the long term social, economic and environmental priorities for the area (<i>sustained job opportunities, sustained income, integrated open space network, etc.</i>) over any short-term benefits (<i>job creation during construction, short term economic injection, etc.</i>)?			X
	26.	Does the development contribute towards the optimal use of existing resources, infrastructure, agriculture, land, minerals and/or facilities?			X
	27.	Does the development contribute towards social, economic, institutional, and physical integration aspects of land use planning?			X
	28.	Promotes and supports the inter-relationships between rural and urban development?			X
	29.	Does the development promote the availability of employment and residential opportunities in close proximity to each other or the integration thereof?			X
	30.	Does the development promote the establishment of a diverse combination of land uses?			X
	31.	Does the development contribute towards the correction of distorted spatial patterns of settlements within the town/city/village?			X
	32.	Does the development contribute towards and /or promote the creation of a quality and functional open spatial environment?			X
	33.	Will the development allow the area or town to be more spatially resilient that can ensure a sustainable livelihood for the affected community most likely to be affected by economic and environmental shocks?			X
*1(s)		Is the application in line with the applicable provisions contained in the applicable zoning scheme regulations (By-Law)? (e.g. Definitions, land use description and development parameters)		X	

Comments:

*1(l) – Although the property is in the area of Municipal and Local Spatial Development Frameworks, there is no mention in these documents relating to the height of a boundary wall on an urban residential property. Therefore, this application cannot be regarded as inconsistent.

*1(r)(10) – The OSCAE permit was issued on 06 January 2020 for the construction of a single residential dwelling unit with a ground floor area of 332m² which the activities were to trigger the disturbance of vegetation by cutting and removal of vegetation and earth works through excavation, moving of soil, sand, or rock. The application for OSCAE included the development of a wall of which is not on the issued permit as the permit does not explicitly mention the development of a wall. Condition 2 of the permit however state that “*the permit is only applicable to the proposed activities as per the OSCAE application and site development plan drawn by Sergio Chinelli Architects*”. The site development plan submitted along with the OSCAE application has boundary walls on two sides. As a result, there is no need for further OSCAE application.

*1(s) – Although the dwelling house complies with the development parameters of the GIZS, the application is for the deviation of the maximum height of the boundary and retaining walls. This is exceptional circumstances as the slope of the area has necessitated the owner of the property to construct a retaining wall. Upon completion, the height of the retaining wall poses a safety risk which then led the owner to erect

a Clearview fences. The fences were also required to ensure privacy from the neighbouring properties

(In)consistency with the IDP/Various levels of SDF's/Applicable policies

The application does not affect either the Municipal IDP nor the SDF.

(In)consistency with guidelines prepared by the Provincial Minister

Not applicable.

Outcomes of investigations/applications i.t.o other laws

OSCAE application was submitted and subsequently the permit was issued. There is no further investigation undertaken to support this application.

Existing and proposed zoning comparisons and considerations

	Current	Proposed
Zoning	Single Residential Zone 1	Single Residential Zone 1
Land use	Residential	Residential
Height of the building	8.5m	8.5m
Height of the boundary walls	1.2m (CK Conditions) plus 0,5m for retaining wall (Zoning scheme) = 1.7m	5.8m Eastern & 2.8m Western
Coverage	50%	50%
Building line side	2m	2m
Building line street	4m	4m
Building line rear	2m	2m

Even though the division is for the maximum height of 5.8m (eastern boundary) and 2.8m (western boundary) respectively, the wall is staggered and not solid the entire length.

In order to ensure that the entire wall is not built to a height of 5.8m and 2.8m solid wall along the eastern and western boundary, conditions will be imposed to mitigate the height of the wall to ensure it remain staggered and to ensure the use of permeable fences. The latter will also be imposed for the wall along the western boundary.

The need and desirability of the proposal

The need and desirability for the proposed development has been considered in terms of the following factors:

NO.	Evaluation check list	Yes	No	N/A
1	Will the natural environment and/or open space systems be negatively affected?		X	
*2	Will application result in trees/indigenous vegetation being removed on site or in the road reserve?		X	
3	Does the application have any negative impact on heritage resources?		X	
4	Will the character of the surrounding area be negatively affected?		X	
5	Will the architectural character of the streetscape be negatively affected?		X	

6	Will there be any negative impact on vehicle traffic and pedestrian safety?		X	
7	Will there be a negative impact on traffic movement?		X	
8	Will there be a negative impact on vehicle sight distances?		X	
9	Are there adequate on-site parking / loading facilities provided?	X		
10	Are there adequate vehicle access/ egress to the property?	X		
11	Will the neighbour's amenity to sunlight be negatively affected?		X	
12	Will the application result in overshadowing onto neighbours' properties?		X	
13	Will the neighbour's amenity to privacy / enjoyment of their property / views be negatively affected?		X	
*14	Will the proposal have a negative impact on scenic vistas or intrude on the skyline		X	
15	Will the intended land use have a negative impact on adjoining uses?		X	
16	Will the land use pose a potential danger to life or property in terms of fire risks, air pollution or smells or compromise a person's right to a safe and secure environment?		X	
*17	Will there be a negative impact on property values?		X	
18	Will the application result in a nuisance, noise nuisance, and disturbance to neighbours?		X	
19	Will adequate open space and/or recreational space be provided (for residential developments)?			X
20	Will approval of the application set a precedent?		X	

Comments

*2 – As indicated above, the approval of this application will not result in further clearance of vegetation because the boundary wall, Clearview fence and retaining wall were constructed during the construction of the house. It is important to note that the clearance of vegetation occurred after the issuing of the OSCAE permit.

*14 – The location of the entire Constantia Kloof neighbourhood is visible from the N2. However, the fences are camouflaged by the surrounding forest canopy and designed to minimise visual impact. As a result, the proposal will not have a negative impact on scenic vistas or intrude on the skyline.

*–7 - Regarding the value of properties, there is no factual evidence provided from the professional property valuer that the height of the boundary wall as constructed will affect the value of the surrounding properties. As a result, this cannot be a factor to refuse this application because it is not based on factual evidence. In general, improvements of properties are usually associated with the positive influence on the value of the surrounding properties.

Approval of this application will not have negative impact on the surrounding area.

Assessment of objections/comments

Dr. Ross

1. The objections raised are not based on the application, but on other issues pertaining to contraventions regarding OSCAE permit and encroachment of the water tank on building line, a house that is encroaching on the boundary of Erf 2109, Wilderness, storm water management, possible development of Erf 2109, Wilderness and visual impact of the house.

Dr Ross is correct in mentioning that the application was submitted after contraventions took place. After receiving complaints from neighbour (Mr Richard Shaw), the municipality acted by conducting investigations and issuing a contravention notice which advised the owner of Erf 2110, Wilderness to rectify the contraventions by submitting a departure application.

One of the objections was that the development of the boundary wall will negatively affect the value of the property in the surrounding area. This claim was not based on any factual evidence. Generally, improvements of properties affect the value in a positive way, and it is believed that the same principle will apply to this development.

Dr Ross indicate that the boundary wall on the eastern boundary will affect his plan to develop a house on Erf 2109, Wilderness regarding the positioning of the house. This argument is unjustified as all developments are guided by the Zoning Scheme and applicable policies. The position of the house is determined firstly, by the building lines, coverage, size of the development and natural features. The retaining wall and fence on the western side is 2.8m (1.2m is a Clearview fence) and it is unlikely that this will have negative impact on Dr Ross. The boundary wall and screening on the eastern side boundary range from 1.9m (0.7m wall and 1.2 clearview fence) to a small portion that progress to a height of 5.8m (4m wall and 1.8m permeable screening) The latter is required as a retaining wall and screening for the privacy.

2. Dr Ross indicated that he appointed a land surveyor to ascertain if the house has encroached on Erf 2109, Wilderness. He emphasises that the outcome of the land surveyor proved that indeed the house has encroached on his property – according to Dr Ross this encroachment is about 100mm onto his property (1 brick width). As this is a shared boundary, where $\frac{1}{2}$ of a boundary wall can be erected on Erf 2110 and the other $\frac{1}{2}$ can be on Erf 2110 - the encroachment is legally permissible .
3. Dr Ross make claims that public participation process was not followed correctly as he only realised of the project after seeing the site notice. This however contradict the submitted proof of registered mails as his name appear on the list. This claim therefore is baseless and cannot be used to object this application as minimum requirements for public participation were adhered to.
4. Dr Ross further state that there is a water tank on the property that encroaches the building line. This is irrelevant to this application. However, water tanks can be erected within the building line provided that their height does not exceed the height of a boundary wall. Clause 21(1) of George Integrated Zoning Scheme, 2017 states that portions of structures may be erected within the prescribed building lines, provided they do not extend beyond the boundaries of a land unit. Water storage tanks can be erected within the prescribed building line provided that the water storage tank does not exceed the height of the boundary wall. The height of the water storage tank on Erf 2110, Wilderness was erected under the basement (retaining wall) and does not exceed the height of the retaining wall. As a result, the erection of water tank does not contravene the Zoning Scheme.

Mr. Shaw (Owner of Erf 2111)

1. Owner of Erf 2111, Wilderness registered support for the application, however he made an error in referring to the wrong erf on his comment. He referred to Erf 2001, Wilderness instead of Erf 2110, Wilderness. This was communicated to the applicant, and he indicated that this was an error and the

Subject on the email refer to the right erf number (Erf 2110, Wilderness). The comment is therefore acceptable. Important to note is that the height of a boundary wall, fence and retaining wall on the eastern boundary is higher than the one on the western side.

Constantia Kloof Conservancy

1. Constantia Kloof Conservancy indicate that the house on Erf 2110, Wilderness has changed the character of the area as one could see the house from the N2. This is not correct, there are several houses that were built before the house on Erf 2110, Wilderness and as such the house does not change the character of the area. Furthermore, this application is not about the dwelling house but the boundary wall, Clearview fence and a retaining wall. It is noted that the owner of the house used natural colours to mitigate its visual impact.

PART O: SUMMARY OF EVALUATION

It is the intention of the owner of Erf 2110, Wilderness to rectify the constructed development of the boundary wall, Clearview fence and retaining walls. The height of the boundary wall, Clearview fence and retaining wall does not comply with the zoning scheme and conditions of approval of Constantia Kloof. The height of the boundary wall, Clearview fence and retaining wall on the eastern and western boundaries is 5.8m and 2.8m high respectively. It should be emphasized that this It is not the norm for the area to have a boundary wall with a height of 5.8m.

The owner of Erf 2109, that abuts onto the western side of the subject property (max height of wall 2.8m) gave his written consent for the wall and Clearview fence as erected on site.

However as mentioned before, the wall along the eastern side is not a solid 5.8m wall and range from 1.8 (0.7m wall and 4m Clearview fence) to 5.8m (4m wall and 1.8 permeable screen). Only a small portion of the wall is 5.8m high. The said wall functions as a retaining wall as well as a boundary wall. The wall also serves as the boundary for the service yard. Due to the slope of the property the basement level accommodates the water tanks, and the ground floor (above the tanks) accommodates the service yard (washing lines etc.). See image below.



The entire wall is staggered and at the end point the wall is 4m high with a 1.8m permeable screen on top. The permeable fence serves as a screen between Erf 2110 and 2109 in terms of privacy (screening off the courtyard and washing lines etc.). In order to ensure that the entire wall is not built to a height of 5.8m along the eastern boundary, conditions will be imposed to mitigate the height of the wall to ensure it remain staggered and permeable. The latter will also be imposed for the wall along the western boundary.

According to the Constantia Kloof conditions of approval a 1.2m boundary wall is allowed. It is thus apparent that any type of wall, regardless of its height, may influence/hinder the movement of animals.

Even though these heights are not the norm and should not be construed to set a precedent, it progressed due to site specific circumstances. Notwithstanding the necessary conditions will have to be imposed in this regard so safeguard the neighbouring properties and environment.

Taking the above and the site-specific circumstances into consideration, it is considered that the proposal will not have an adverse effect on the character of the area and with the necessary mitigating conditions do not have an adverse effect on the neighbouring properties' view or use of their property.

PART P: RECOMMENDATION

That, notwithstanding the objections received, the application for Departure in terms of Section 15 (2)(b) of Land Use Planning By-Law for George Municipality, 2015 on Erf 2110, Wilderness for the following:

- (a) Deviation from 1,2m to 5.8m of height of retaining wall, boundary wall and Clearview fence on the eastern side boundary i.t.o Conditions of Approval of the Development of Farm 158 (Constantia Kloof);
- (b) Deviation from 1,2m to 2.8m of height of the boundary wall and Clearview fence on the western side boundary i.t.o Conditions of Approval of the Development of Farm 158 (Constantia Kloof);
- (c) Deviation from 2.1m (screen walls and boundary walls) and 2.1m (retaining wall, boundary wall and Clearview fence) to 5.8m of height on the eastern side boundary i.to George Integrated Zoning Scheme By-Law, 2017;
- (d) Deviation from 2.1m (boundary wall) and 2m (retaining wall) to 2.8m of height on the western side boundary i.t.o George Integrated Zoning Scheme By-Law, 2017;

BE APPROVED in terms of Section 60 of said Planning By-Law for the following reasons:

- (i). The height of these wall and fences do not influence the movement of animals. Whether the walls and fences were 1,7m high (1,2m as per the conditions for Constantia Kloof plus 0,5m for retaining wall as allowed by the zoning scheme) or as proposed, any wall or fence erected would have hindered the movement of animals.
- (ii). The slope of the erf and the miscalculation of the contours by the land surveyor, caused the house to be erected 1m higher than originally proposed, which also influenced the final height of the walls and fences erected along the western and eastern boundaries of the property.
- (iii). Although the maximum boundary wall height of 5.8m has been applied for on the eastern side boundary, it only applies to a very small section of the wall (the 4m high solid wall of the outbuilding and 1.8m permeable screen wall above). The wall/screen and fences are not unsightly and only visible to the adjoining owners.
- (iv). The permeable screen wall erected next to the courtyard (above the water tanks) were increased from 1m (as approved on building plan) to 1.8m to provide privacy to the owner of Erf 2110, Wilderness and to the owner of Erf 2109, Wilderness. Otherwise, he will have to look directly onto the neighbour's courtyard and washing line.
- (v). Conditions will be imposed to ensure that the wall remain staggered and that portions of the wall be permeable (i.e. Clearview fence etc). The owner will not be allowed to, at a later stage, build a solid wall along the entire boundary.
- (vi). The permeable fences along the western and eastern boundaries are unobtrusive and contribute to the aesthetics of the wall to the benefit of the respective adjoining western and eastern neighbours.

Subject to the following conditions imposed in terms of Section 66 of the said Planning By-Law:

CONDITIONS OF THE DIRECTORATE: PLANNING AND DEVELOPMENT:

1. That in terms of the provisions of the Land Use Planning By-law for the George Municipality, 2015, this approval shall lapse if not implemented within a period of one (1) year from the date of approval and/or if the following conditions are not adhered to.
2. This approval shall be taken to cover only departures as applied for as indicated on the "As Built" building plans attached as "**Annexure A**" which bears Council's stamp and shall not be construed as to depart from any other Council requirements or legal provision.
3. No changes or alterations to the approved boundary walls and fences in terms of their height, permeability and staggering may occur without the Municipality's approval;
4. As- built building plans must be submitted for approval in accordance with the National Building Regulations (NBR).
5. A structural engineer must sign off on the building plan before submission and confirm that the walls and fences are structurally correct and safe.
6. The management of stormwater into the surrounding forest / onto adjoining properties must be addressed and indicated on the building plans.
7. The above approval will be considered as implemented on the approval of the building plans.

PART Q: ANNEXURES

Annexure A	As built Building Plans _ of retaining and boundary walls on western and eastern side
Annexure B	Approved Building Plans
Annexure C	Locality Plan
Annexure D	Motivation
Annexure E	Title deed and Conveyancer Certificate
Annexure F	Objections and Applicant Response
Annexure G	OSCAE Permit

 KHULISO MUKHOVHA (A/2119/2015) TOWN PLANNER	14 March 2022 DATE
RECOMMENDED/ REFER BACK TO APPLICANT/ REFER TO TRIBUNAL	
 J FOURIE (A/1429/2011) SENIOR TOWN PLANNER	14 March 2022 DATE
RECOMMENDED/ REFER BACK TO APPLICANT/ REFER TO TRIBUNAL	
 C. PETERSEN (B/8336/2016) SENIOR MANAGER: TOWN PLANNING	26/03/2022 Date
RECOMMENDED/ REFER BACK TO APPLICANT/ REFER TO TRIBUNAL	
 D. POWER (A/1973/2014) DEPUTY DIRECTOR PLANNING/AUTHORISED OFFICIAL	06 April 2022 Date

Attachments : Annexures for Erf 2110, Wilderness



Erf 2110 Wilderness
(Tribunal Annexures)

6.3. Rezoning and Departure : Erf 3989, c/o Myrtle- and CJ Langenhoven Roads, George (F Vava)

LAND USE PLANNING REPORT
APPLICATION FOR REZONING AND DEPARTURES: ERF 3989, GEORGE

Reference number	1806365	Application submission date	8 February 2021	Date report finalized	4 April 2022
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PART A: AUTHOR DETAILS					
First name(s)	Fakazile				
Surname	Vava				
Job title	Town Planner				
SACPLAN registration number	B/8439/2021				
Directorate/Department	Planning and Development				
Contact details	fvava@george.gov.za or 044 801 9303				
PART B: APPLICANT DETAILS					
First name(s)	Gideon Andries				
Surname	Nel				
Company name	Nel & de Kock Town Planners				
SACPLAN registration number	A/520/1987	Is the applicant authorized to submit this application?			Y N
Registered owner(s)	Uitenhage Vet Shop CC (2002/021216/23)				
PART C: PROPERTY DETAILS					
Property description (in accordance with Title Deed)	Erf 3989, George				
Physical address	No. 1 Myrtle Road (c/o Myrtle and CJ Langenhoven Road)		Town/City	George	
Current zoning	Single Residential Zone I	Extent (m ² /ha)	2 035m ²	Are there existing buildings on the property?	Y N
Applicable Zoning Scheme	George Integrated Zoning Scheme By – Law, 2017 (hereafter referred to as “ Zoning Scheme ”)				
Legislation	1. Land-use Planning By-Law for George Municipality, 2015 (hereafter referred to as “ Planning By-Law ”);				

	2. George Municipal Spatial Development Framework, 2019 (hereafter referred to as "GMSDF").				
Current Land Use	Animal Hospital (Veterinary Hospital)		Title Deed number & date	T29889/2012 Attached as Annexure E	
Any restrictive title conditions applicable?	Y	N	If Yes, list condition number(s)	Refer to Conveyance Certificate as Annexure E .	
Any third-party conditions applicable?	Y	N	If Yes, specify	N/A	
Any unauthorised land use/building work?	Y	N	If Yes, explain	N/A	
PART D: PRE-APPLICATION CONSULTATION (ATTACH MINUTES)					
Has pre-application consultation been undertaken?		Y	N	Pre application attached as Annexure C	
Reference Number	Erf 3989, George		Date of consultation	18 March 2020	Official's name J. Fourie
PART E: LIST OF APPLICATIONS (TICK APPLICABLE)					
c. Rezoning	x	b. Permanent departure	x	kk. Temporary departure	ll. Subdivision
mm. Consolidation		nn. Amendment, suspension or deletion of restrictive conditions		oo. Permissions required in terms of the zoning scheme	pp. Amendment, deletion or additional conditions in respect of existing approval
qq. Extension of validity period		rr. Approval of an overlay zone		ss. Phasing, amendment or cancellation of subdivision plan	tt. Permissions required in terms of conditions of approval
uu. Determination of zoning		vv. Closure of public place		ww. Consent use	xx. Occasional use
yy. Establishment of a Home Owners Association		zz. Rectify Beach of Home Owners Association		aaa. Reconstruct building of non-conforming use	Other
PART F: APPLICATION DESCRIPTION					
To consider the following applications applicable to Erf 3989, George:					
<ol style="list-style-type: none"> Rezoning in terms of Section 15(2)(a) of the Land Use Planning By-Law for George Municipality, 2015 of Erf 3989, George from Single Residential Zone I to Community Zone III to accommodate an animal hospital. Departure in terms of Section 15(2)(b) of the Land Use Planning By-Law for George Municipality, 2015 of Erf 3989, George for the following building line relaxations: <ol style="list-style-type: none"> Street (CJ Langenhoven Road) and western side building line from 5m to 4.5m and 4.5m respectively to accommodate an existing garage. 					

- b) Western side building line from 5m to 3.011m to accommodate a portion of the ancillary accommodation structure and 5m to 4.065m, 2.380m and 4.294m respectively to accommodate an outside toilet and a portion of the animal hospital.
- c) Street (Myrtle Road) from 5m to 3.688m to accommodate a portion of the animal hospital.

**It should be noted that applicant omitted to apply for building line relaxation. The existing structure was built in terms of the development parameters ascribed to a 'dwelling house' at that time and thus do not comply with the new building lines ascribed to community zone III properties viz. 5m. The application for building line relaxation is thus included as a condonation considering that it was not advertised during public participation.*

PART G: LOCATION

Erf 3989, George is situated in Heatherlands, along CJ Langenhoven which is a distributor road for the local area extending as the N12 from the Outeniqua Pass and Courtney Street towards the George city centre. The street is known to house variety of uses ranging from residential, the George State hospital, doctor's practices, and a sport field. These uses are harmoniously combined.

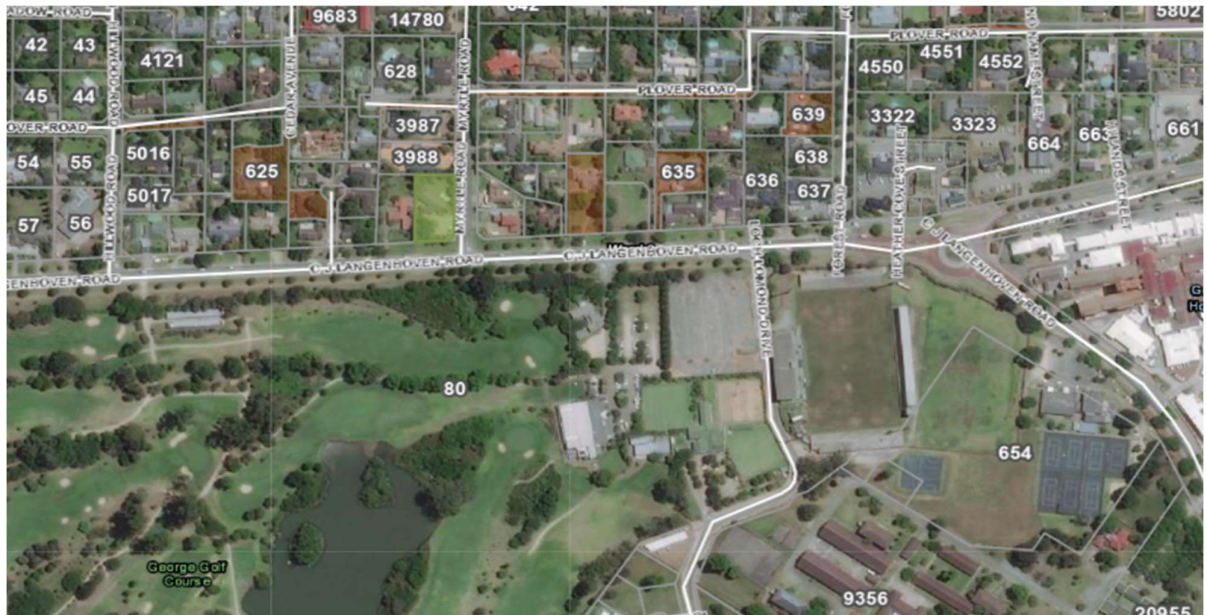


Figure 1: Locality Map, adapted from GIS viewer - George Muni.

PART H: BACKGROUND AND HISTORY

Erf 3989, George is presently being used as a veterinary clinic (in contravention with the applicable zoning requirements). According to the applicant, the property has been utilized for this purpose since 2012 with some temporary departure approvals being granted in the past. The latter approvals have since lapsed and applicant wishes to permanently utilize the property for the purpose of an animal hospital.

There are no restrictive title deed conditions on Title Deed (T29889/2012) or on previous deeds that prohibit the proposed development as confirmed by the conveyancer, Madeleine Goldie on the attached certificate.

PART I: SUMMARY OF APPLICANTS MOTIVATION

The application was originally submitted in Afrikaans and is summarised as follows:

Doel

Die doel van hierdie aansoek is om weg te doen met 'n uitgediende stelsel van Tydelike Afwykings vir gebruike waarvoor daar in die Geïntegreerde Soneringskema spesifiek voorsiening gemaak word vir 'n toegewysde sonering, nl. Gemeenskapsone III. 'n Soneringskema moet duidelik interpreteerbaar wees sonder grys areas om sinvolle ruimtelike ordening van grondgebruike in belang van die inwoners se behoeftes en welsyn te beheer. Dit voldoen dus slegs aan die primêre doel van sinvolle stadsbeplanning indien sodanige ordening van grondgebruike botsende belange uitkakel ter bevordering van 'n grondgebruikspatroon wat inwoners se behoeftes respekteer en dien.

Omdat die voorgestelde hersonering volgens die Munisipaliteit nie met die beleidsriglyne van die M.R.O.R versoenbaar is nie, word hierdie aansoek aan die hand van Spesifieke Terreinbesonderhede ('Site Specifics') gemotiveer.

Motivering

Dit is egter nie duidelik met watter doelstelings van die M.R.O.R die aansoek nie versoenbaar is nie, omdat daar nie by die Munisipaliteit uitsluitel daarvoor verkry kon word nie, derhalwe sal gepoog word om beleidsdoelwitte te identifiseer was bes moontlik as relevant beskou sou kan word.

Die faktore en beleidsriglyne wat egter ter motivering van die aansoek bespreek word, oorvleuel in sommige gevalle. Derhalwe het dit soms 'n herhaling van inligting tot gevolg ten einde perspektief aan die onderskeie besprekingspunte te verleen:

Behoeftes

Nadat Dr. Deacon sy veeartspraktyk op die hoek van Davidsonweg en Barrieweg (Restant 261122) weens aftree-oorwegings gesluit het, was die inwoners van alle woonbuurtes in die westelike helfte van George, wat insluit

Heatherlands, Blanco, Heather Park, Earls Court en Glenbarrie ontnem van hierdie noodsaaklike diens - die naaste ander veeartse is langs Wellingtonstraat en Nelson Mandela Boulevard gevestig. Dit het noodwendig 'n leemte gelaat wat op aandrang van inwoners van Heatherlands deur Dr. Hartman gevul is toe hy sy praktyk in 2012 op Erf 3989 gevestig het. Aanvanklik was daar net een veearts wat op die perseel gewoon en gepraktiseer het, betrokke. Weens die groot vraag na hierdie diens wat tot gevolg gehad het dat twintig afsprake per dag, uitgesonder diegene wat sonder 'n afspraak opgedaag het, 'n algemene verskynsel geraak het. Derhalwe het 'n tweede veearts by die kliniek aangesluit om in die groeiende behoefte van die gemeenskap te voorsien.

Troeteldiereienaars se behoefte aan 'n veearts is gebaseer op:

- Maklike toeganklikheid sodat dit ook te voet bereik kan word sou dit nodig wees, weens probleme om bv. 'n groot hond te vervoer;
- Kort as moontlik reistyd weens die uitdaging wat sommige troeteldiere bied om per motor vervoer te word;
- 'n Veilige omgewing waarheen veral vroulike troeteldiereienaars snags met veiligheid kan gaan - na-uurse behandeling van sulke noodgevalle is trouens 'n algemene verskynsel;

Die perseel voldoen aan al hierdie vereistes om in die inwoners van veral Heatherlands se behoeftes te voorsien. Die geforseerde sluiting van hierdie noodsaaklike gemeenskapsfasiliteit op Erf 3989 waarvoor daar in twaalf jaar nog geen klagte vanuit die woonbuurt of selfs van die bure ontvang is nie sal dus nie in belang van die gemeenskap se behoeftes wees nie.

Wenslikheid

Fisiese Terreingesteldheid

Die terrein is reeds as 'n dierekliniek ingerig en word die afgelope agt jaar daarvoor aangewend. Derhalwe het fisiese terreingesteldhede en verwante faktore geen invloed op hierdie aansoek nie.

Opsommend: spesifieke terreinomstandighede ter motivering van die aansoek

- Die voorgestelde grondgebruik voldoen aan die primer doel van stadsbeplanning, nl. om 'n gemeenskap se behoeftes te bevredig sonder om inbraak te maak op die funksionering van ander grondgebruike in die omgewing in welke geval dit 'n komplimenterende gebruik is;
- Danksy die gunstige ligging van Erf 3989 is dit maklik om hierdie fasiliteit in veiligheid per motor of te voet te bereik;
- Al is daar binne die Stedelike Rand in 'n Intensiefiseringsone alternatiewe persele FISIES beskikbaar, dien dit geen doel as dit nie geleë is by die mark wat dit moet bedien nie. Vergelyk hier 'n buurtwinkel wat in die Sentrale Sakekern gevestig is;
- Die bestaande dierehospitaal is, soos reeds bespreek, in 2012 teen groot onkoste volgens die Suid-Afrikaanse Veeartseny Raad se streng vereistes ingerig om 'n professionele diens te kan lewer en kan dus nie sondermeer verskuif word nie. Dit sluit in die behandeling van na-uurse noodgevalle.
- Die voorgestelde hersonering is in geen opsig strydig met die beleidsriglyne van die M.R.O.R nie. Dit voldoen trouens aan hierdie riglyne, aangesien dit primêr daarop gemik is om 'n gemeenskap se belange te dien sonder dat dit ten koste van ander gebruike is. Daarvolgens word funksionele beslag gegee aan die etos van beplanning waarvolgens 'n balans nagestreef moet word om die behoeftes van 'n gemeenskap en die omgewing te oorweeg en balanseer.

Samevatting

Op sterkte van die rasionalisasie wat in hierdie verslag gevolg word, blyk dit dat daar nie alleen 'n behoefte aan 'n dierekliniek op Erf 3989 is nie, maar dat dit ook in alle opsigte wenslik is. Daar kan geen beleidsriglyne geïdentifiseer word waarmee die voorgestelde hersonering van Erf 3989 vir die gebruik daarvan as 'n dierehospitaal nie versoenbaar is nie. Derhalwe sal dit geen doelstelling in hierdie vooruitbeplanningsdokument verydel nie.

PART J: SUMMARY OF PUBLIC PARTICIPATION

Methods of advertising				Date published	Closing date for objections		
Press	Y	N	N/A	17 February 2021	19 March 2021		
Gazette	Y	N	N/A				
Notices	Y	N	N/A	17 February 2021	19 March 2021		
Website	Y	N	N/A	17 February 2021	19 March 2021		
Ward councillor	Y	N	N/A	17 February 2021	19 March 2021		
On-site display	Y	N	N/A	17 February 2021	19 March 2021		
Community organisation(s)	Y	N	N/A				
Public meeting	Y	N	N/A				
Third parties	Y	N	N/A				
Other	Y	N	If yes, specify				
Total valid objections	0				Total objections	invalid and	0
Valid petition(s)	Y	N	If yes, number of signatures				
Community organisation(s) response	Y	N	N/A	Ward councillor response	Y	N	N/A
Total letters of support	1						

Was the minimum requirement for public participation undertaken in accordance with relevant By-Law on Municipal Land Use Planning and any applicable Council Policy	Y	N
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PART K: SUMMARY OF COMMENTS DURING PUBLIC PARTICIPATION

Only a single comment was received on the application during the public participation process from the ward councilor, Cllr E. Brown, confirming in an email dated 18 February 2021 that she has no objection against the said application.

Condonation

The animal hospital has been operating from the existing structure/dwelling house on Erf 3989, George for many years. The structure was thus built in accordance with the building lines ascribed to a house.

In terms of the Zoning Scheme, the building lines for Community Zone III is 5m. Some portions of the existing building thus encroach the 5m building line. The applicant thus had to apply for building line relaxation to allow for the existing structures on site. The applicant omitted to apply for the latter prior to the public participation process and only applied after. The building line relaxations as applied for were not advertised.

However, at the time of the public participation process the site layout indicating the location of the existing structures on site were available and sent to all the adjacent property owners for comments.

Taking the above into consideration a condonation can be granted for the advertisement process for the departure applications, as it is considered that the intent of the development was transparent, the location of the structures duly indicated, and no neighbour objected to the application. The application and advertisement error are not seen as material and the public were not misled in any way.

Condonation under delegated authority WW.1.88 in terms of Section 63 of the Land Use Planning By-law for George Municipality, 2015 is granted for the advertisement and application process for the Permanent Departure of the following building lines relaxations:

- Street (CJ Langenhoven Road) and western side building line from 5m to 4.5m and 4.5m respectively to accommodate an existing garage.
- Western side building line from 5m to 3.011m to accommodate a portion of the ancillary accommodation structure and 5m to 4.065m, 2.380m and 4.294m respectively to accommodate an outside toilet and a portion of the animal hospital.
- Street (Myrtle Road) from 5m to 3.688m to accommodate a portion of the animal hospital.

PART L: SUMMARY OF APPLICANT'S REPLY TO OBJECTIONS

No further reply was requested from applicant.

PART M: SUMMARY OF COMMENTS FROM INTERNAL DEPARTMENTS AND/OR ORGANS OF STATE COMMENTS

Name of Department	Date	Summary of comments	Recommendation
Planning and Development: Spatial Planning	4 08 2021	An Institution "means a property used as a facility that renders services to the community". A veterinary clinic may be deemed an urban community support facility. (myanimals.com notes that a veterinary clinic is a private service,	The recommendation, from a spatial perspective, is based on the following principles: <ul style="list-style-type: none"> The main use is deemed a local (neighbourhood reach) community service;

		<p>whilst a veterinary hospital is usually a public facility). The subject property is within the urban edge, adjacent to a main access road, linking various neighbourhoods and nodes.</p> <p>Structuring policies in the George Municipal Spatial Development Framework (GMSDF), 2019 advocate compact, integrated urban form. Urban densification and economic activity are targeted towards defined nodes and zones of intensification. In general, intensification implies a greater residential density and a higher commercial yield potential, to be allowed on a mixed-use basis. Uses within such intensification zones, along public transport corridors, linking various nodal areas, are, nonetheless, evaluated in terms of site-specific conditions (including technical parameters, land use compatibility, etc.) and there is no blanket land use approval applicable.</p> <p>Erf 3989 George is located along a main public transport corridor, between the CBD and the Blanco node. Although the area is not designated as an Intensification zone, the MSDF does not preclude the provision of urban supportive uses serving neighbourhood areas, based on merit and site-specific conditions.</p> <p>The conundrum in this instance is that a veterinary clinic is not defined per se in the George Zoning Bylaw, 2015. This poses various challenges in awarding a "Community Zone III" use in this locality, including: the future use of the site for the provision of facilities noted in the definition of such zoning category, which may be best located in nodal positions (such as hospitals/clinics). The MSDF, 2019 does not support higher order community facility uses, as relates to the Community Zone III, in this locality. Given the size of the property, the expansion of the use to a larger (higher order) facility is</p>	<ul style="list-style-type: none"> • The property is not located within a homogeneous, quiet neighbourhood, but at the edge of such neighbourhood, along a main transport corridor, with acceptable (to be confirmed by CES) access, which does not hinder access planning along such main road; • Future risks, which could be associated with the allocation of the "Community Zone III" in this locality (outside the node), may be mitigated in the specification of rights (land use parameters). <p>Although the allocation of zoning rights will not change the current use of the property, as allowed per previous departures, it will reduce the risk of investment (upgrading) into the property.</p>
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		<p>deemed a risk; as higher order facilities (serving the larger George population) should be located within defined mixed-use nodal areas. In the instance of the existing Heatherlands Animal Hospital, a possible solution may be to be specific in the description of zoning parameters in the zoning approval, to align with the historic consents/departures and to restrict the extension of use. For instance: "Community Zone III, for a local veterinary clinic only (to be defined), accommodated within the footprint of the existing, approved buildings, excluding boarding kennels". The aforementioned proposal is made in light of the historically approved rights, with implied community support and preceding technical support (access, services, traffic impact). The intent is not to increase the land use rights previously awarded, but to acknowledge the use, as a defined, site-specific, local order, supportive land use within the intent of the current strategic framework (MSDF 2019).</p> <p>The principle that commercial businesses should, preferably, be located within nodal areas is still binding. Consequently the 'shop' component of the veterinary clinic must be limited.</p>	
Civil Engineering Services	15 02 2022	Application is supported with conditions	In order
Electrotechnical Services	2 03 2022	Application is supported with conditions	In order
PART N: MUNICIPAL PLANNING EVALUATION (REFER TO RELEVANT CONSIDERATIONS GUIDELINE)			
Is the proposal consistent with the principles referred to in chapter 2 of SPLUMA? (can be elaborated further below)			Y N
Is the proposal consistent with the principles referred to in chapter VI of LUPA? (can be elaborated further below)			Y N

(In)consistency with the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and with the principles referred to in Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014) (Section 65 of the Planning By-Law)

The consistency of the application with the principles of SPLUMA and LUPA as read with Section 65 of the Planning By-Law was evaluated as follows:

No	Evaluation checklist (s. 65)	Yes	No	N/A
1(a)	Does the application submitted comply with the provisions of this by-Law?	X		
	Has the motivation submitted been considered?	X		
1(b)	Were the correct procedures followed in processing the application? (see land use application process checklist)	X		
	Was a condonation required and granted with regards to the process followed? (see land use application process checklist)	X		
1(c)	Have the desirability guidelines as issued by the provincial minister to the utilise land for the proposed land uses been considered? (not yet applicable)			X
1(d)	Have the comments received from the respondents, any organs of state and the provincial minister been considered? (s. 45 of LUPA)	X		
1(e)	Have the comments received from the applicant been considered?			X
1(f)	Have investigations carried out in terms of other laws and that are relevant to the application being considered?			X
1(g)	Was the application assessed by a registered town planner? (see land use application process checklist)	X		
1(h)	Has the impact of the proposed development on municipal engineering services been considered?	X		
1(i)	Is the application in line, consistent and/or compatible with the IDP of the municipality?			X
	Is the application in line, consistent and/or compatible with the municipal SDF?		X	
1(j)	Is the application in line, consistent and/or compatible with the IDP of the district municipality including its SDF?			X
1(k)	Is the application in line, consistent and/or compatible with the structure plan applicable to the area?			X
1(l)	Is the application in line, consistent and/or compatible with the local SDF applicable to the area?			X
1(m)	Is the application in line, consistent and/or compatible with any other municipal policy or By-Law applicable to the proposed land use?			X
1(n)	Is the application in line, consistent and/or compatible with the provincial SDF?	X		
1(o)	Is the application in line, consistent and/or compatible with the regional SDF (SPLUMA) or provincial regional SDF (LUPA)?	X		
1(p)	Is the application in line, consistent and/or compatible with the applicable guidelines, standards, principles, norms or criteria set by national and/or provincial government?	X		
1(r)	Is the application in line the consistent and/or compatible with the following principles as contained in section 7 of SPLUMA / 59 of LUPA:			
	1. The redress spatial and other development imbalances of the past through improved access to and use of land?			X

	2.	Address the inclusion of persons and areas previously excluded in the past, specifically informal settlements and areas characterised by wide-spread poverty and deprivation?			X
	3.	Enable the redress of access to land by disadvantaged communities and persons?			X
	4.	Does the application support access to / facilitate the obtaining of security of tenure and/or incremental informal settlement upgrading?			X
	5.	Has the potential impact of the development proposal on the value of the affected land /properties been considered?	X		
	6.	The impact of the application on the existing rights of the surrounding owners been recognised?	X		
	7.	Does the application promote spatially compact, resource frugal development form?	X		
	8.	Can the development be accommodated within the existing fiscal (budget), institutional and administrative means of the municipality? (<i>e.g. Infrastructure upgrades required – when, budgeted for, etc.</i>)	X		
	9.	Has the protection of prime, unique and/or high potential agricultural land been considered?			X
	10.	Is the application consistent with the land use measures applicable to / contained in environmental management instruments?			X
	11.	Does the application promote and stimulate the equitable and effective functioning of land markets?	X		
	12.	Have all current and future costs to all parties for the provision of infrastructure and social services been considered?	X		
	13.	Does the application promote development that is sustainable, discourages urban sprawl, encourages residential densification and promotes a more compact urban form?	X		
	14.	Will the development result in / promote the establishment of viable communities?	X		
	15.	Does the development strive to ensure that the basic needs of all the citizens are met in an affordable way?			X
	16.	Will the development sustain and/or protect natural habitats, ecological corridors and areas of high bio-diversity importance?			X
	17.	Will the development sustain and/or protect provincial heritage and tourism resources?			X
	18.	Will the development sustain and/or protect areas unsuitable for development including floodplains, steep slopes, wetlands, areas with a high-water table, and landscapes and features of cultural significance?			X
	19.	Will the development sustain and/or protect the economic potential of the relevant area or region?	X		
	20.	Has provision been made in the development to mitigate against the potential impacts of climate change?			X
	21.	Does the development include measures to reduce consumption / conserve water and energy resources? (<i>renewable energy, energy saving, water saving, etc.</i>)			X
	22.	Does the development take into account sea-level rise, flooding, storm surges, fire hazards?			X
	23.	Does the development take into account geological formations and topographical (soil and slope) conditions?			X

24.	Will the development discourage illegal land occupation – w.r.t. Informal land development practices?			X
25.	Does the development benefit the long term social, economic and environmental priorities for the area (<i>sustained job opportunities, sustained income, integrated open space network, etc.</i>) over any short-term benefits (<i>job creation during construction, short term economic injection, etc.</i>)?	X		
26.	Does the development contribute towards the optimal use of existing resources, infrastructure, agriculture, land, minerals and/or facilities?	X		
27.	Does the development contribute towards social, economic, institutional and physical integration aspects of land use planning?	X		
28.	Promotes and supports the inter-relationships between rural and urban development?			X
29.	Does the development promote the availability of employment and residential opportunities in close proximity to each other or the integration thereof?	X		
30.	Does the development promote the establishment of a diverse combination of land uses?	X		
31.	Does the development contribute towards the correction of distorted spatial patterns of settlements within the town/city/village?			X
32.	Does the development contribute towards and /or promote the creation of a quality and functional open spatial environment?			X
33.	Will the development allow the area or town to be more spatially resilient that can ensure a sustainable livelihood for the affected community most likely to be affected by economic and environmental shocks?	X		
*1(s)	Is the application in line with the applicable provisions contained in the applicable zoning scheme regulations (By-Law)? (e.g. Definitions, land use description and development parameters)	X		

Comments:

Further explanation on the following point:

1(i) The application is found not to be in with the George Municipal SDF. The property is demarcated for residential activities. However, this deviation is accounted for as application is motivated on a site-specific consideration, and further support has been received from the affected department (Spatial Planning)

The proposal is consistent with the basic development principles, norms, and standards of SPLUMA.

~~(In)~~consistency with the IDP/Various levels of SDF's/Applicable policies

George Municipal Spatial Development Framework, 2019 (GMSDF)

As gathered from the Spatial planning comments above, the proposal does not conform to the definition of public facility in terms of the MSDF, but rather it exists as a *private business*. This therefore renders the proposal to be in conflict with the general spatial planning objectives, especially when considering the proposals for this specific area of Heatherlands. The area is demarcated for residential activities, far off from intensification zones where private businesses are supported.

Considering the above, it should further be noted that areas which are demarcated for residential activities do include among other community/public facilities that can be easily fitted within residential environs.

Furthermore, on a land use management perspective, some minor extent of business activities within residential areas has potential to stabilise sense of community, improve the neighbourhood form while making optimal use of the existing infrastructure services.

Nonetheless, MSDP Policy C still requires that compact settlement form, to help achieve better efficiency in service delivery and resource use, and to facilitate inclusion and integration “should be maintained”. The activity has been existing on the site for ±10 years, not that this is justification, but to improve the viability of existing businesses and optimisation of available infrastructure, land use intensification must be prioritised.

Lastly, since it is noted that the proposal is in conflict with the overarching spatial planning policies for the area, hence site-specific considerations have been considered below.

(In)consistency with guidelines prepared by the Provincial Minister

N/A

Outcomes of investigations/applications i.t.o other laws

N/A

Existing and proposed zoning comparisons and considerations

Existing zoning considerations

- At present, the subject property is zoned as Single Residential Zone I for dwelling house. The current zoning of the property limits business activities to a scale of Home Occupation as primary right. However, it must be noted that upon approval of previous temporary departures the owners of the property altered and converted the property to permanently provide services of the animal hospital, and thus, this business activity became the most dominant use.
- The animal hospital makes up 198m² and the residential use is 118m². Therefore, it is safe to conclude that the previous land use approvals (temporary departures) were miscarried as they left void for an illegal land use. It is further noted that the use is also in conflict with the George MSDP.

Proposed zoning considerations

- The intended zoning for the property is Community Zone III with primary rights for an animal hospital.
- It must be noted that the zoning scheme does not have provide for a specific land use description for a veterinary centre or animal hospital and it is thus fitted under the description of Institution considering its scale and intensity. The zoning scheme parameters are as detailed below.

Zoning parameter comparison table

Development Parameters	Existing – Single Residential Zone I (dwelling house)	Proposed – Community Zone III (animal hospital)
Density	N/A	N/A
Height	8.5m	12m maximum height
Floor Factor	1	1,2
Coverage	40%	60%
Building Lines		Note that condonation is granted for building line relaxation in accordance with Community Zone III
Street	5.0m	5.0m to 4.5m & 4.5m (CJ Langenhoven) 5.0m to 3.688m (Myrtle Road)

Side	3.0m	5.0m to 3.011m, 4.065m, 2.380m and 4.294m
Rear	3.0m	N/A
Parking	2 parking bays dwelling unit	1.5 per office

Considering that the proposed zoning is somehow an upscale development to the existing land use, it is expected that the restrictions will be slightly more relaxed to accommodate an animal hospital (except for the building lines) and the change in zoning is thus justified.

The need and desirability of the proposal

The need and desirability for the proposed development has been considered in terms of the following factors:

NO.	Evaluation check list	Yes	No	N/A
1	Will the natural environment and/or open space systems be negatively affected?		X	
*2	Will application result in trees/indigenous vegetation being removed on site or in the road reserve?		X	
*3	Does the application have any negative impact on heritage resources?		X	
*4	Will the character of the surrounding area be negatively affected?		X	
*5	Will the architectural character of the streetscape be negatively affected?		X	
*6	Will there be any negative impact on vehicle traffic and pedestrian safety?		X	
*7	Will there be a negative impact on traffic movement?		X	
*8	Will there be a negative impact on vehicle sight distances?		X	
*9	Are there adequate on-site parking / loading facilities provided?	X		
10	Are there adequate vehicle access/ egress to the property?	X		
*11	Will the neighbour's amenity to sunlight be negatively affected?		X	
*12	Will the application result in overshadowing onto neighbours' properties?		X	
*13	Will the neighbour's amenity to privacy / enjoyment of their property / views be negatively affected?		X	
*14	Will the proposal have a negative impact on scenic vistas or intrude on the skyline		X	
15	Will the intended land use have a negative impact on adjoining uses?		X	
16	Will the land use pose a potential danger to life or property in terms of fire risks, air pollution or smells or compromise a person's right to a safe and secure environment?		X	
17	Will there be a negative impact on property values?		X	
18	Will the application result in a nuisance, noise nuisance, and disturbance to neighbours?		X	
19	Will adequate open space and/or recreational space be provided (for residential developments)?			X

20

Will approval of the application set a precedent?

X

Further explanation on the following points:

- No. 4,5: It is evident that the existing character and streetscape may change due to the expected number of vehicle/visitors to the animal hospital. It must however be noted that this property is located adjacent to a main public transport corridor, and vehicle movement to the site might be limited.
- No.6, 7, 8: Sufficient access and stacking distance are provided on site.
- No.9: Sufficient parking can be provided on site in terms of the Zoning Scheme.

Assessment of objections/comments

No objections were received.

PART O: ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

N/A

PART P: SUMMARY OF EVALUATION

Location

Erf 3989, George is situated on corner of CJ Langenhoven and Myrtle Road in Heatherlands. The area in which the site is found is characterized by a calm urban setting with large residential erven, group housing, medical facilities, restaurants, and the George State Hospital.

Proposed Use:

The proposal entails the rezoning of the subject property from Single Residential Zone I to Community Zone III to allow for the legalization of an animal hospital in operation for many years. A portion of the property will also be used for ancillary accommodation purposes (to always have someone on site). Refer to the snippet of the site layout plan below (area indicated in yellow).

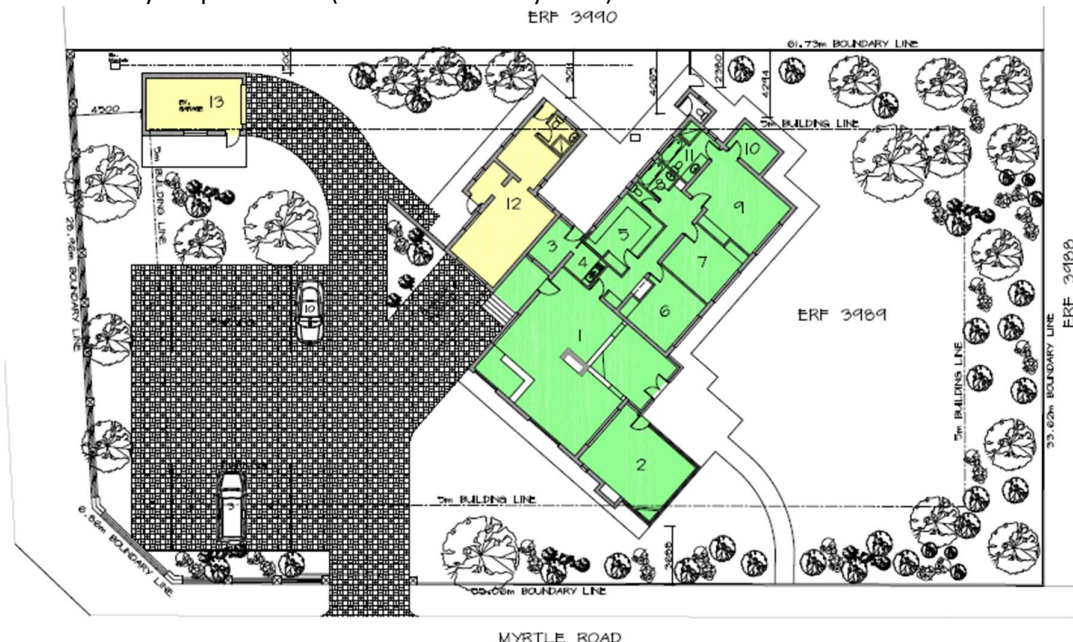


Figure 2: Site Layout Plan

Building line Departures

The house (in which the animal hospital operates) was build based on the development parameter prescribed to a single residential zone I property at that time. Due to the proposed change in zoning to "Community Zone III", portions of the exiting building encroach over the new 5m building lines. The building line

relaxations are thus for the existing building and no new structures are proposed over the prescribed 5m building lines.

Compliance with the MSDF and Site-Specific Considerations

The MSDF, 2019 does not support higher order community facility uses, such as the uses related to the 'Community Zone III' zonings, at this location. Given the size of the property, the expansion of the use to a larger (higher order) facility is deemed a risk as higher order facilities (serving the larger George) should be located within defined mixed use nodal areas/intensification zones.

However, it should be noted that the subject property is located along a main transport corridor which links the east of George with the western suburbs. Taking the location and use into consideration, the proposal use must thus be evaluated in terms of site-specific circumstances.

The subject property is of sufficient size to accommodate the proposed development and provide sufficient parking and maneuvering space. The property is a corner erf, with very easy access that does not hinder traffic movement in the local area. The subject property is in also near the George State Hospital and other medical related facilities which complements the proposed use. The subject property is located on the edge of a residential area which will limit potential nuisance the use may cause.



Figure 3: Local context and site-specific consideration image

Notwithstanding the site-specific considerations mentioned above, the proposed land use (animal hospital) is found to be compatible and will contribute positively to the local community as well as the economy. The property is easily accessible by public transport, and it is situated in a safe walkable area.

In terms of a spatial perspective the following must be noted:

- *The main use is deemed a local (neighbourhood reach) community service.*
- *The property is not located within a homogeneous, quiet neighbourhood, but at the edge of such neighbourhood, along a main transport corridor, with acceptable access, which does not hinder access planning along such main road.*
- *Future risks, which could be associated with the allocation of the "Community Zone III" in this locality (outside the node), may be mitigated in the specification of rights (land use parameters).*

The existing Heatherlands Animal Hospital (which serves the neighbouring community) is thus, with the

necessary mitigating measures to be imposed, considered to be a deviation from, but still consistent with, the MSDF.

Zoning Scheme By-Law:

There is no definition or land use description for an animal hospital/veterinary hospital in the current George Integrated Zoning Scheme By-law, 2017. It will therefore be defined / described, as part of the recommendation below, to ensure compliance with the intended development:

Veterinary Hospital “means land and buildings used for the treatment, care and operations on animals and may include the sale of veterinary medicines and specialized animal food and ancillary animal products with a care takers flat and overnight facilities for animals but does not include animal boarding (kennels and cattery) facilities”

In terms to the Zoning Scheme the development parameters for “Community Zone III” properties include, *inter alia*, 12m height, 60% coverage and 1.2 FAR. In order to retain the residential character of the area and not create a higher order development at this location the scale of the development need to be restricted in terms of use, height and coverage.

Taking the above into consideration mitigating measures must be imposed as part of the conditions, to restrict the extension of the use (veterinary hospital only) and scale within footprint of exiting building) of the development.

Contravention Levy:

As mentioned, the application is for the legalization of the existing animal hospital on a “Single Residential Zone I” property. In terms of the municipality’s tariff list, a contravention levy must be paid by the property owner and is calculated as follows:

22	Administrative penalty for the rectification of a Contravention / Contravention Levy	Structures or activities directly related to the contravention	No fee payable if owner can prove that contravention was committed by previous owner. Rebates subject to Council policy	Maximum of 10% of the per m ² municipal property value x floor area of illegal structure and footprint of activity	Section 86(4)
		Structures or activities indirectly related to the contravention	No fee payable if owner can prove that contravention was committed by previous owner. Rebates subject to Council policy	Maximum of 5% of the per m ² municipal property value x floor area of illegal structure and footprint of activity	Section 86(4)

Factor	Calculations
Floor area (directly related)	198m ² is used for purposes of the veterinary clinic.
Floor Area (Indirectly related)	246.6m ² is indirectly used for the veterinary clinic (additional parking)

Per m ² value of the Property	$\frac{\text{Total Municipal Value of property (R 1 871 000)}}{\text{Total area of property (2035m}^2\text{)}} = \text{R 919.41/m}^2$
Contravention levy 10% (directly)	10% x R919.41 = R91.94 x 198m ² = R18 204.12 Plus VAT (15%) = R 20 934.74
Contravention levy 5% (indirectly related)	5% x R919.41 = R45.97 x 246.6m ² = R11 336.33 Plus VAT (15%) = R 13 036.78

Grand total = R 33 971.52 VAT Included

Conclusion:

Taking the above into consideration and with the necessary mitigating measures it is considered that the proposed land use will not have a negative impact on the surrounding neighbours' rights and amenity in terms of privacy, views or sunlight and no negative impact on the natural environment, residential character, streetscape, or the surrounding built regime.

Thus, on the balance of all considerations, the proposal submitted cannot be considered undesirable as contemplated in Section 65 of the Land Use Planning Bylaw, 2015 and is therefore **SUPPORTED**.

PART Q: RECOMMENDATION

That the following applications applicable to Erf 3989, George:

1. Rezoning in terms of Section15(2)(a) of the Land Use Planning By-Law for George Municipality, 2015 of Erf 3989, George from Single Residential Zone I to Community Zone III to accommodate a veterinary (animal) hospital.
2. Departure in terms of Section15(2)(b) of the Land Use Planning By-Law for George Municipality, 2015 of Erf 3989, George for the following building lines relaxations:
 - a) Street (CJ Langenhoven Road) and western side building line from 5m to 4.5m and 4.5m respectively to accommodate an existing garage.
 - b) Western side building line from 5m to 3.011m to accommodate a portion of the ancillary accommodation structure and 5m to 4.065m, 2.380m and 4.294m respectively to accommodate an outside toilet and a portion of the veterinary hospital.
 - c) Street (Myrtle Road) from 5m to 3.688m to accommodate a portion of the veterinary hospital.

BE APPROVED in terms of Section 60 of said By-law for the following reasons:

REASONS FOR DECISION

- (i). The subject property is located along a main connector road (CJ Langenhoven) and has easy and safe access via Myrtle Road.
- (ii). Sufficient parking and maneuvering space can be provided on the property.
- (iii). The MSDF,2019 does not support higher order community facility uses, such as the uses related to the 'Community Zone III' zonings, at this location. However, limiting the property to a veterinary clinic and a specific scale can, with the necessary mitigations, be reconcilable with surrounding area.
- (iv). The proposal will not have a negative impact on the adjacent neighbours' amenity and rights to privacy, sunlight and views and given the exiting access point is unlikely to cause traffic problems.
- (v). The proposed building line relaxations are for the existing structures and is not considered to have a negative impact on the neighbouring properties or character of the area.
- (vi). Considering the necessary mitigations to be imposed, the land use for a veterinary hospital at this location is consistent with the objectives ascribed in the MSDF.

Subject to the following conditions imposed in terms of Sections 66 of the said By-law, namely:

CONDITIONS OF THE DIRECTORATE: PLANNING AND DEVELOPMENT

1. That in terms of the Land Use Planning By-law for the George Municipality, 2015, the rezoning and departure approval shall lapse if not implemented within a period of five (5) years from the date thereof.
2. This approval shall be taken to cover only the Rezoning and Departure applications as applied for and as indicated on the site layout plan named Heatherlands Proposed Animal Hospital – House Hartman Erf 3989 drawn by JVH Architecture dated 27 January 2021 attached hereto as “**Annexure A**” which bears Council’s stamp and shall not be construed as to depart from any other Council requirements or legal provision.
3. The land use be limited to a Veterinary Hospital only.
4. A Veterinary Hospital means land and buildings used for the treatment, care and operations on animals and may include the sale of veterinary medicines and specialised animal food and ancillary animal products with a care takers flat and overnight facilities for animals but does not include animal boarding (kennels and cattery) facilities.
5. The development will be restricted to an 8.5m height and maximum floor are of 500m² or 40% coverage (whichever is greater).
6. The care takers flat may not be larger than 120m² (all areas inclusive).
7. A site development plan for the Veterinary Hospital must be submitted to the satisfaction of the Directorate: Planning and Development in terms of Section 23 of the George Integrated Zoning Scheme Bylaw, 2017 for consideration and decision prior to the submission of building plans.
8. The room/area catering for the overnight facilities for the animals must be soundproofed to ensure that noise levels are kept at residential standards and not cause noise disturbances.
9. A building plan must be submitted for approval in accordance with the National Building Regulations (NBR) for the abovementioned development following compliance with Condition 7 above;
10. In accordance with Section 66(2)(z) of the Land Use Planning Bylaw for George Municipality, 2015 a contravention levy calculated as follows shall be payable on submission of building plans:
 - (i) 198m² of the floor area of the property is used directly for an unlawful veterinary hospital and 246.6 is used indirectly for additional parking space on a single residential zone I property.
 - (ii) The present municipal value of the property is R1 871 000; and
 - (iii) The property area is 2 035m².
 - (iv) The m² value of the property is thus, R919.41/m².
 - (v) The contravention levy payable by the owner in accordance with the municipality’s tariff list is thus,
 - 10% x R919.41/m² x 198m² = R18 204.12 plus 15% VAT = R 20 934.74 (direct use); and
 - 5% x R919.41 = R45.97 x 246.6m² = R11 336.33 Plus VAT (15%) = R 13 036.78 (indirect use)
 - Total: **R 33 971.52** VAT Included
11. The application will only be regarded as implemented on issuing of occupation certificate for the above-mentioned.

CONDITIONS OF THE DIRECTORATES: CIVIL ENGINEERING SERVICES

12. The amount of Development Charges (DCs) to be paid by the developer are calculated in terms of the George Municipality Land Use Planning By-Law (as amended) and the approved DC Guidelines. With reference to clause above, with regards to the proposed development, the developer will be required to make development contribution, as follows:

The amounts of the development contributions are reflected on the attached calculation sheet dated 15/02/2022 attached as “Annexure B” and are as follows:

Roads	R 53 304.19;	Excluding VAT
Sewer	R 101 023.87;	Excluding VAT
Water	R 60 873.72;	Excluding VAT
Total:	R 215 201.78	(Excluding VAT)

13. The total amount of the development charges of **R215 201.78** Excluding VAT shall be paid prior to the first transfer of a land unit pursuant to the application or upon the approval of building plans, whichever occurs first, unless otherwise provided in an engineering services agreement or, in the case of a phased development, in these or any other relevant conditions of approval.
14. Any amendments or additions to the proposed development which is not contained within the calculation sheet as dated in Condition 13 above, which may lead to an increase in the proportional contribution to municipal public expenditure, will result in the recalculation of the development charges and the amendment of these conditions of approval or the imposition of other relevant conditions of approval.
15. As provided in section 66(5B)(b) of the Planning By-Law (as amended), using the date of approval as the base month the amount of **R215 201.78** Excluding VAT shall be adjusted in line with the consumer price index published by Statistic South Africa up to the date when payment is made in terms of Condition 14 above.
16. Development charges are to be paid to the Municipality in cash or by electronic funds transfer or such other method of payment as may be accepted by the Municipality at the time when payment is made.
17. All services -internal, link and relocation of or upgrades to existing - are to be designed by a registered consulting engineer in accordance with Council specifications. This may include bulk services outside the development area but that must be upgraded to specifically cater for the development. All drawings and plans are to be submitted to the applicable department, or any other relevant authority, (hard copy and electronically) for approval prior to any construction work taking place. All work is to be carried out by a suitable qualified/registered electrical contractor under the supervision of the consulting engineer who is to provide the relevant authority with a certificate of completion, and as-built plans in electronic format. All costs will be for the developer. No transfers will be approved before all the municipal services have been satisfactorily installed and as-builts submitted electronically as well as the surveyor's plan.
18. Any, and all, costs directly related to the development remain the developers' responsibility.
19. Only one connection permitted per registered erf (water and sewer connections). Condition 17 applies.
20. Any services from the development that must be accommodated across another erf must be negotiated between the developer and the owner of the relevant erf. Any costs resulting from the accommodation of such services or the incorporation of these services into the network of another development are to be determined by the developer and the owner of the other erf. (Condition 17 applicable).
21. Any service from another erf that must be accommodated across the development or incorporated into the services of the development: all negotiations will be between the owner/developer of the relevant erf and the developer. Costs for the accommodation of these services or the upgrade of the developments services to incorporate such services are to be determined by the developers/owners concerned. (Condition 17 applicable).
22. Any existing municipal or private service damaged during the development will be repaired at the developers cost and to the satisfaction of the George Municipality. (Condition 17 applicable).
23. Provisions for the removal of solid waste is to be addressed in conjunction with the Dir: Environmental Services.
24. The developer is to adhere to the requirements of all relevant Acts, as well as all conditions stipulated by any other authority whose approval is required and obtained for this proposed development.
25. Transfers, building plan approvals and occupation certificates may be withheld if any sums of money owing to the George Municipality are not paid in full, or if any services have not been completed to the satisfaction of the Dir: CES, or any condition of any authority has not been satisfactorily complied with.
26. The Developer is responsible to obtain the necessary approval / way leaves from third parties which include, but is not limited to the George Municipality, Telkom & Fibre optic service provider.
27. No construction activity may take place until all approvals, including way leave approval, are in place, all drawings and material have been approved by the Technical Directorates.
28. Municipal water is provided for potable use only. No irrigation water will be provided.
29. A water meter must be installed by the developer prior to construction to monitor water usage during the construction phase. The Dir: CES (Water section) is to be consulted by the developer, prior to installation, regarding the required specifications. Failure to complying with the water meter application process, will result in the developer being responsible for payment of penalties and/or an estimated

non-metered water consumption by this department at a rate as per the applicable annual Tariff List. In this regard, transfers, building plan approval and occupation certificates may be withheld if any sums of money owing to the George Municipality are not paid in full. The water meter is to be removed on completion of construction if so, required by the Dir: CES.

30. The developer / erf owner is to apply to the George Municipality for the installation of an individual erf water meter prior to any building work commencing on an erf.
31. The development, in its entirety or in phases, is subject to confirmation by the Dir. CES of the availability of Water and Sanitation bulk treatment capacity at the time of the development implementation, or if developed in phases before the commencement of each phase. A development/implementation program is to be provided by the Developer when requesting confirmation of this capacity from the Dir. CES. If the Developer does not adhere to the program the Dir. CES will be entitled to revise the availability of such bulk capacity.
32. If required, the developer is to have a Traffic Impact Assessment (TIA) conducted by a registered traffic engineer. The terms of reference of the TIA are to be finalised with the Dir. CES together with any other approving authority, and who must also approve the TIA. All recommendations stipulated in the TIA report and as approved by the Dir. CES and/or relevant authority are to be implemented by the developer. All costs involved will be for the developer.
33. The discharge of surface stormwater is to be addressed by the developer. Condition 18 applies. All related costs are for the developer. The developer is to consult with the Dir: CES to ensure that stormwater planning is done online with the available stormwater master plans.
34. Internal parking requirements (ie within the development area), position of accesses, provision for pedestrians and non-motorised transport, and other issues related to traffic must be addressed and all measures indicated on plans and drawings submitted for approval.
35. Adequate parking with a hardened surface must be provided on the premises of the proposed development.
36. No private parking will be allowed in the road reserve.
37. A dimensioned layout plan indicating the proposed accesses onto private / servitude roads, must be submitted to the relevant departments for approval. Condition 18 applies.
38. As only a general layout has been provided, with no dimensions indicated, the developer is to take note that all road reserve widths are to be in accordance the Red Book: The Neighbourhood Planning and Design Guide (Red Book): Creating Sustainable Human Settlements, 2019 standards. The width of road reserves is to be approved by the Dir: CES before the final layout can be approved. Minimum width of Municipal Road reserve is 10 m and for panhandle erven access is 4 m.
39. The approval of the layout of the development and accesses is subject to the George Roads Master Plan and approved by the Dir: CES. A site development plan is to be submitted to the Dir: CES, or any other relevant authority for approval prior to any construction work taking place.
40. Permission for access onto municipal, provincial, or national roads must be obtained from the relevant authorities.




CONDITIONS OF THE DIRECTORATE: ELECTROTECHNICAL SERVICES

41. The amount of Development Charges (DCs) to be paid by the developer are calculated in terms of the George Municipality Land Use Planning By-Law (as amended) and the approved DC Guidelines. With reference to clause above, with regards to the proposed development, the developer will be required to make development contribution, as follows:
42. The amounts of the development contributions are reflected on the attached calculation sheet dated 02/03/2022 and are as follows:
Electricity R 37 967,55; Excluding VAT
43. The total amount of the development charges of **R37 967,55** Excluding VAT shall be paid prior to the first transfer of a land unit pursuant to the application or upon the approval of building plans, whichever occurs first, unless otherwise provided in an engineering services agreement or, in the case of a phased development, in these or any other relevant conditions of approval.

44. Any amendments or additions to the proposed development which is not contained within the calculation sheet as dated in Condition 42 above, which may lead to an increase in the proportional contribution to municipal public expenditure will result in the recalculation of the development charges and the amendment of these conditions of approval or the imposition of other relevant conditions of approval.
45. As provided in section 66(5B)(b) of the Planning By-Law (as amended), using the date of approval as the base month the amount of R37 967,55 Excluding VAT shall be adjusted in line with the consumer price index published by Statistic South Africa up to the date when payment is made in terms of Condition 43 above.
46. Development charges are to be paid to the Municipality in cash or by electronic funds transfer or such other method of payment as may be accepted by the Municipality at the time when payment is made;
47. All services -internal, link and relocation of or upgrades to existing - are to be designed by a registered consulting engineer in accordance with Council specifications. This may include bulk services outside the development area but that must be upgraded to specifically cater for the development. All drawings and plans are to be submitted to the applicable department, or any other relevant authority, (hard copy and electronically) for approval prior to any construction work taking place. All work is to be carried out by a suitable qualified/registered electrical contractor under the supervision of the consulting engineer who is to provide the relevant authority with a certificate of completion, and as-built plans in electronic format. All costs will be for the developer. No transfers will be approved before all the municipal services have been satisfactorily installed and as-builts submitted electronically as well as the surveyor's plan.
48. Any, and all, costs directly related to the development remain the developers' responsibility.
49. Only one connection permitted per registered erf (Electrical, water and sewer connections). Condition 47 applies.
50. The developer is to adhere to the requirements of all relevant Acts, as well as all conditions stipulated by any other authority whose approval is required and obtained for this proposed development.
51. Transfers, building plan approvals and occupation certificates may be withheld if any sums of money owing to the George Municipality are not paid in full, or if any services have not been completed to the satisfaction of the Dir: CES & ETS, or any condition of any authority has not been satisfactorily complied with.
52. In all cases, where individual customer applies for a supply capacity exceeding that provided for in the calculation of DCs and for the developer paid, will be subject to additional DCs based on the rates applicable at the time.
53. Owner to ensure compliance with Regulation XA of SANS 10400 (building plans).
54. Owner to ensure compliance with Regulation XA of SANS 10142 (wiring) and any other applicable national standards
55. The developer and/or an owner of an erf shall see to it that no Small-Scale Embedded Generation (SSEG) are installed on an erf, any portion of an erf or the development, without prior approval from the ETS. Should any SSEG be installed within any part of the development the Electrotechnical Services will within their discretion either implement applicable penalties and/or disconnect the relevant point of supply.
56. Where DCs have been applied for a particular section of the network, but the developer is requested to install and fund a part of the section of network, such work will be credited against DCs calculated.
57. Installation of ripple relays are compulsory for all geysers with electrical elements

PART R: ANNEXURES

Annexure A	Site Layout Plan
Annexure B	CES & ETS DC Charges
Annexure C	Pre-application minutes
Annexure D	Motivation Report
Annexure E	Title Deed and Conveyancer Certificate
Annexure F	SG Diagram
Annexure G	Comments

 <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> F. Vava (B/8439/2021) TOWN PLANNER	5/04/2022 <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> Date
<hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> ILANÈ HUYSER (A/1644/2013) SENIOR TOWN PLANNER	<hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> Date
RECOMMENDED/ REFER BACK TO APPLICANT/ REFER TO TRIBUNAL	
 <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> C. PETERSEN (B/8336/2016) SENIOR MANAGER: TOWN PLANNING	04/04/2022 <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> Date
RECOMMENDED/ REFER BACK TO APPLICANT/ REFER TO TRIBUNAL	
 PP <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> D. POWER (A/1973/2014) DEPUTY DIRECTOR PLANNING/AUTHORISED OFFICIAL	04/04/2022 <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> Date

Attachments : Annexures for Erf 3989, George



Erf 3989 George -
(Tribunal annexures)

6.4. Rezoning and Subdivision : Gwayang 208/4, Division George (M Botha)

LAND USE PLANNING REPORT					
APPLICATION FOR REZONING AND SUBDIVISION: REMAINDER OF PORTION 4 OF THE FARM GWAYANG NO 208, DIVISION GEORGE					

Reference number	2198935	Application submission date	19/05/2021	Date report finalized	28/03/2022
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PART A: AUTHOR DETAILS

First name(s)	Martin
Surname	Botha
Job title	Town Planner
SACPLAN registration number	Pr Pln A/2518/2017
Directorate/ Department	Planning and Development
Contact details	pmbbotha@george.gov.za

PART B: APPLICANT DETAILS

First name(s)	Hendrika Maria				
Surname	Vreken				
Company name	Marike Vreken Town Planners CC				
SACPLAN registration number	1101	Is the applicant authorized to submit this application?	Y	N	
Registered owner(s)	8 Mile Investments 236 (Pty) Ltd				

PART C: PROPERTY DETAILS

Property description (in accordance with Title Deed)	Remainder of Portion 4 of the Farm Gwayang No 208, in the Municipality and Division of George, Western Cape Province.					
Physical address	The application area is located opposite the entrance to the George Airport. The application area is located on the eastern side of Main Road 347, between the Old National Road to George and the N2 National Road.		Town/City	George Farms		
Current zoning	Agricultural Zone I	Extent(m ² /ha)	11,0433ha	Are there existing buildings on the property?	Y	N

Applicable Zoning Scheme	George Integrated Zoning Scheme By – Law (2017) (hereafter referred to as “ Zoning Scheme 2017 ”);					
Legislation	Land-use Planning By-Law for George Municipality (2015) (hereafter referred to as “ Planning By-Law 2015 ”); George Municipal Spatial Development Framework (2019) Gwayang Local Spatial Development Framework (2015)					
Current Land Use	Vacant		Title Deed number & date	T10434/2010 The title deed is attached as Annexure C .		
Any restrictive title conditions applicable?	Y	N	If Yes, list condition number(s)	N/A The Conveyancer’s Certificate is attached as Annexure D .		
Any third-party conditions applicable?	Y	N	If Yes, specify	N/A		
Any unauthorised land use/building work?	Y	N	If Yes, explain	N/A		
PART D: PRE-APPLICATION CONSULTATION (ATTACH MINUTES)						
Has pre-application consultation been undertaken?		Y	N			
Reference Number	N/A		Date of consultation	08/09/2016 and 29/01/2018	Official’s name	Refer Annexure E
PART E: LIST OF APPLICATIONS (TICK APPLICABLE)						
d. Rezoning	x	b. Permanent departure		bbb. Temporary departure		ccc. Subdivision x
ddd. Consolidation		eee. Amendment, suspension or deletion of restrictive conditions		fff. Permissions required in terms of the zoning scheme		ggg. Amendment, deletion or additional conditions in respect of existing approval
hhh. Extension of validity period		iii. Approval of an overlay zone		jjj. Phasing, amendment or cancellation of subdivision plan		kkk. Permissions required in terms of conditions of approval
lll. Determination of zoning		mmm. Closure of public place		nnn. Consent use		ooo. Occasional use
ppp. Establishment of a Home Owners Association		qqq. Rectify Beach of Home Owners Association		rrr. Reconstruct building of non-conforming use		Other
PART F: APPLICATION DESCRIPTION						
Consideration of the following applications applicable to Remainder Portion 4 of the Farm Gwayang No 208, Division George:						
(a) Rezoning in terms of Section 15(2)(a) of the Land Use Planning By-Law for George Municipality (2015), of Remainder Portion 4 of the Farm Gwayang No 208, Division George from Agricultural Zone I to a Subdivisional Area; and						

(b) Subdivision in terms of Section 15(2)(d) of the Land Use Planning By-Law for the George Municipality (2015), of Portion 4 of the Farm Gwayang No 208 the Subdivisional Area in accordance with Plan No 5 dated 2 August 2021 (attached as **Annexure A**), to create the following phases and land uses:

(1) **PHASE 1:**

- (i) Open Space Zone II: 1 erf (±0.34ha)
- (ii) Business Zone VI: 1 erf (±0.99ha)
- (iii) Transport Zone II: 1 erf (±0.30ha)

(2) **PHASE 2:**

- (i) Industrial Zone I: 3 erven (±2.54ha)
- (ii) Transport Zone II: 1 erf (±0.15ha)

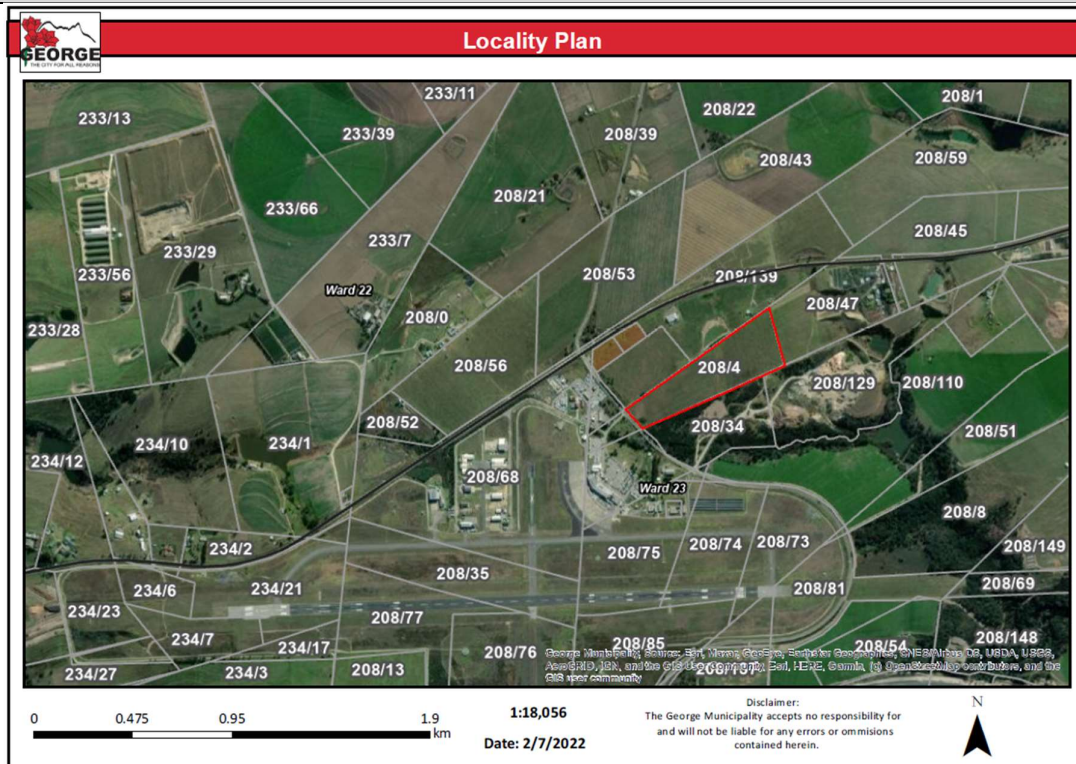
(3) **PHASE 3:**

- (i) Industrial Zone I: 2 erven (±2.07ha)
- (ii) Open Space Zone II: 2 erven (±0.59ha)
- (iii) Transport Zone II: 2 erven (±0.36ha)

(4) **PHASE 4:**

- (i) Agricultural Zone I: 1 erf (±3.6ha)

PART G: LOCATION



The application area is located approximately 8km to the west of George (refer red polygon above). The site is directly to the east of Main Road 347 (the R404), between the Old National Road (the R102 which is located to the north) to George and the N2 Freeway which is located to the south.

Within its local context the application area is situated ±350m south of the R102 and directly opposite the existing main entrance to the George Airport. The property is surrounded by predominantly agricultural land with a hotel and petrol site (no longer going ahead) on its northern border, the George Airport to the west, a quarry to the south and the future western Bypass road to the east. The application area is highly accessible

via the existing road network.

PART H: BACKGROUND AND HISTORY

An application was submitted in August 2018 for the development of subject property. The application and layout plan were amended following a protracted legal battle between the developers and the adjoining neighbours to the north, which led to an out of court settlement being reached, and further discussions with the George Municipality, specialist input and comments from the Department of Environmental Affairs and Development Planning (during the NEMA application process).

The revised subdivision layout was submitted in May 2021 and a final motivation report and subdivision plan were submitted in September 2021. Given the amendments to the proposal and the time delay from the previous public participation process, a second public participation process was conducted. The comments from both public participation processes were considered during the evaluation process.

PART I: SUMMARY OF APPLICANTS MOTIVATION

**The notes in red italic did not form part of the applicant's motivation report and is merely for explanation purposes.*

The applicant's Motivation Report (dated August 2018) including subsequent memorandums (dated May & September 2021) in support of the application, are attached as **Annexure B**.

Background:

- Portion 4 of the Farm Gwayang No 208 is deemed to be zoned "Agriculture Zone I" in terms of the George Integrated Zoning Scheme Bylaw (2017). The subject property is approximately 11.0433ha in extent.
- The application area is located between the Old National Road (R102) to George and the N2 National Road. The application area is located approximately 350m south of the Old National Road and opposite the current entrance to the George Airport. The proposed and authorised new western bypass road is aligned along the eastern boundary of the application area.
- The property is currently vacant and used as grazing for cattle.
- Application is submitted to obtain development rights to develop Portion 4 of the Farm Gwayang No 208 for a new service station, warehousing, and Airport Support Services (Industrial Zone I).
- Two pre-application consultation meetings were held with George Municipality. These were on 8 September 2016 and 29 January 2018.
- The original proposal was to subdivide the application area into three (3) Portions: [Portion A (service station)]; Portion B = Business site and the Remainder. During the September 2016 pre-application consultation meeting, officials from the George Municipality indicated that the business site is not supported in this area, and that the owner should rather focus on the development of airport related services, as recommended in the applicable precinct plan. Hence the reason to rather replace the commercial use with warehousing facilities.

The Application:

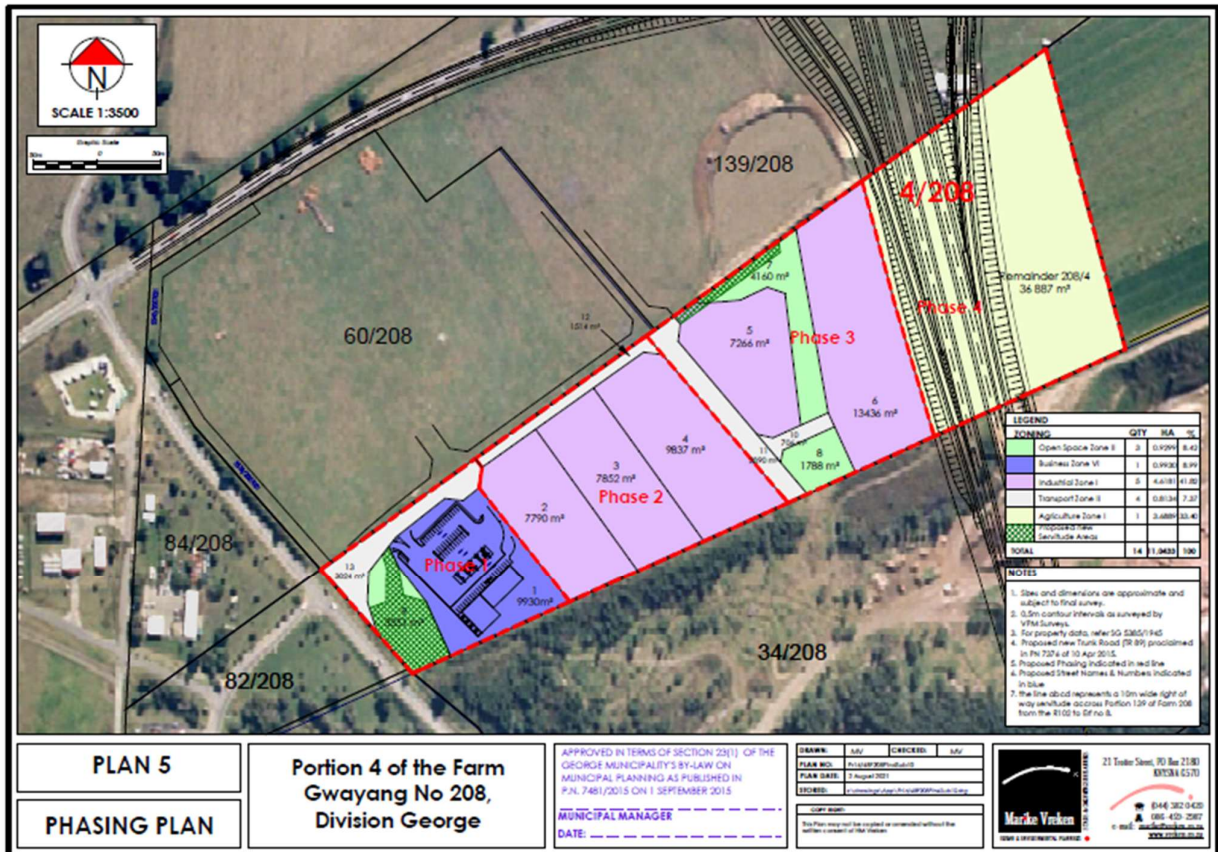
- The development entails a new filling station with associated uses such as a service station shop and parking.
- An application is submitted for:
 - The rezoning of Portion 4 of the Farm Gwayang No 208 from "Agriculture Zone I" to "Subdivisional Area" in terms of Section 15(2)(a) from the Land-Use Planning By- Law for George Municipality, 2015.
 - The subdivision of Portion 4 of the Farm Gwayang No 208 into 14 Portions (7 x Industrial Zone I portions; 1 x Business Zone VI portion; 1 x Transport Zone II portion; 4 x Open Space Zone II portions & 1 x Agriculture Zone I portion (the Remainder)) in terms of Section 15(2)(d) from the Land-Use Planning By-Law for George Municipality, 2015.

Note: The abovementioned application was submitted to the George Municipality in August 2018. The

application has undergone amendments and two revised applications were submitted subsequent to the initial application. The final application was submitted on 8 September 2021 and entails the following:

The new proposal includes 4x phases as shown in the figure below:

- Phase 1: proposed filling station.
- Phase 2: consist of the 3x industrial erven between the filling station and Gwayang Avenue.
- Phase 3: includes 2x industrial erven west of the proposed "Western Bypass".
- Phase 4: includes the remainder of the farm and the approved "Western Bypass".



- An application is also submitted to obtain Environmental Authorisation and approval in terms of the Subdivision of Agricultural Land Act (Act 70 of 1970).

Property description, size and ownership:

- The property is registered vide title deed T10434/2010 (8 MILE INVESTMENTS 236 PTY LTD).
- There are no title deed restrictions that prevent the proposed development.
- There is no bond registered over the property.
- The site is 11,0433ha in extent.
- There are no servitudes registered on the property.

Proposed development:

- The property owner wishes to obtain development rights for a new service station, warehousing, and Airport Support Services (Industrial Zone I).
- The development proposal is to rezone the application area to "Subdivisional Area" and to subdivide the application area into:
 - Phase 1: proposed filling station.
 - Phase 2: consist of the 3x industrial erven between the filling station and Gwayang Avenue.

- Phase 3: includes 2x industrial erven west of the proposed “Western Bypass”.
- Phase 4: includes the remainder of the farm and the approved “Western Bypass”.
- The following development principles were taken into consideration during the formulation of the layout plan (Site Development Plan):
 - No development on slopes steeper than 1:4;
 - Support the expansion of airport related land uses that is consistent with the George SDF and Gwayang Local SDF;
 - Promoting development within the sub-regional industrial node which is in close proximity to the N2 and airport;
 - Promoting development in an “Airport Support Zone” as identified in George Airport Corridor Study;
 - To provide a necessary service to the community;
 - To be as environmentally sensitive as possible; and
 - To strengthen and support the Airport Node.
- A phased development is proposed.
- The proposed service station (Business Zone VI) will include a convenience shop with a quick service restaurant / take-away with limited seating, toilets and an information centre.
- The “Industrial Zone I” erven will be used for warehousing and airport support services (light industrial).
- The “Agriculture Zone I” erf (the Remainder) will allow for the proposed by-pass road.
- The “Open Space Zone II” erven will allow for the natural water courses to be undisturbed (private open space).
- The area where a dam is currently situated will be rezoned to ‘Open Space Zone II’.
- Landscaped areas and drainage areas will be appropriately landscaped and will also have an ‘Open Space Zone II’ zoning.
- The public roads will be zoned Transport Zone II.
- A detailed Site Development Plan will be submitted for the development of each land unit.

Access:

- Access to the property is obtained via Main Road 404. The current and proposed access to the property is opposite the existing entrance to the George Airport. The development also entails a proposed traffic circle.

Access arrangements have changed following the amendment to the proposed layout. The proposed access, as described in the motivation report (dated August 2018) is not described in detail in this report.

Traffic Assessment (refer Annexure J):

- A Traffic Impact Assessment (TIA) was conducted by Roodt Transport Safety (Pty) Ltd.
- The properties to the immediate north and south of the proposed development will also receive access via the proposed development.
- There is currently no formal access to the property.
- Warehousing and Distribution land-use rights were used to calculate trip generation for the proposed development and neighbouring properties. A service station is not a primary trip generator since the majority of the total trips generated are passer-by trips that are intercepted from the adjacent road network.
- The results of the capacity and operational analyses show that the proposed intersection can easily accommodate the expected additional vehicular trips.
- Following a feasibility study (when compared to possible service stations in close proximity of the site – on Portions 131 & 84 of Farm 208) it was concluded that the proposed facility on Portion 4 will meet all the road access requirements and will optimally serve the local market, including the residential, farming and commercial land uses. The proposed location for the development of a service station on Portion 131 is not acceptable due to poor and inconvenient access. The proposed ACSA facility on Portion 84 is flawed due to the non-compliance of the proposed access mini-circle with national and provincial road design guidelines.

Civil Services (refer Annexure K):

- Fritz van Zyl (Pr. Eng. [Civil] - ECSA 960570) was appointed to investigate and evaluate the provision for essential civil engineering services for the proposed development.
- Potable water will be supplied (via a new 160mm uPVC pipe) from the existing reticulation system feeding from the existing municipal water supply line along the R404 near the entrance to the George Airport.
- Initial discussions with George Municipality indicated that the existing water network should have the capacity to accommodate the proposed development.
- The wastewater generated for Phase 1 will be conveyed via a gravity sewer collector system (110mm uPVC @ min 1:60 gradient) into a 160mm uPVC gravity line (@min 1:60 gradient) which in turn will traverse the R404 Provincial Road towards the existing municipal sewer pump station, located near the entrance of the George Airport.
- Initial discussions with George Municipality indicated that the existing municipal network should have the capacity to accommodate the proposed development and no upgrade of the existing pump station or sewer line will be required.
- The removal of all solid general waste by Municipal contractors will be from the mandatory enclosed waste service yards at each of the erven and will be accessible from the access road.

Electrical Services (refer Annexure L):

- Clinkscapes Maughan-Brown (CMB) were appointed to compile an Electrical Services Report for the proposed development.
- Based on the information currently available, the peak kVA demand of the Development has been calculated as follows:
 - Phase 1 199kVA
 - Phase 2 382kVA
 - Phase 3 311kVA
 - Phase 4 21kVA
 - Total estimated after diversity demand is 912kVA.
- Based on the existing zoning of the property, it is assumed that the existing capacity is 10kVA. The new capacity is estimated at 912kVA. Thus, the additional capacity required is estimated at 902kVA. Additional capacity will have to be transferred to the site by the link services to be provided.

The above-mentioned electrical engineering services information was extracted directly from the updated electrical engineering services report (dated 1 September 2021).

Storm water management (refer Annexure M):

- Infrastructure Consulting Engineers (ICE) were appointed to do provisional planning of roads and services for the proposed development, which includes the necessary infrastructure to collect and control storm water runoff.
- The proposed storm water drainage system associated with the development of Portion 4 must integrate into the surrounding area.
- In order to counter the expected increase in peak runoff resulting from the urbanisation, storm water attenuation structures are proposed to be developed on each property.
- Attenuation structures are proposed to adjust the post-development runoff hydrograph to show a peak runoff rate equal to or less than the pre-development hydrograph.
- The Stormwater Management Plan sets out clear mitigation measurements as to prevent and minimise these associated risks.

Zoning and Land Use:

- The property is currently vacant land, with no improvements. The property is used for grazing of cattle. An existing dam is located in the south-western corner of the property.
- The application area is currently zoned as "Agriculture Zone I" in terms of the George Integrated Zoning Scheme By-law (2017).

Topography & Drainage (Freshwater Impact Assessment):

- The topography is very flat and a slope of 0-5 degrees cover the proposed development area. The flat topography of the site is ideally suited for a service station and warehouse purposes.
- Blue Science (Aquatic Scientists) were appointed to conduct a Freshwater Impact Assessment (refer ***Annexure N***) for the development.
- No FEPA wetland features are mapped on the site.
- Both the watercourses and the valley bottom wetland area on the site are considered to be in a seriously modified ecological condition with extensive loss of ecological functionality.
- The smaller watercourses on the site are considered to be of a low ecological importance and sensitivity, while the larger tributary and valley bottom wetland are of a moderate ecological importance and sensitivity.
- Given the fact that the watercourses on the site are highly modified and of a relatively low ecological importance and sensitivity, they do not pose a significant constraint to the proposed development of the site. They do however act as conduits for the movement of water through the landscape with the larger watercourse to the east occurring within a relatively wide and deep valley. These corridors and the associated functionality should thus preferably be maintained within the development proposal as far as possible.
- A corridor of approximately 20m for the larger watercourse and 10m for the smaller watercourse is recommended to accommodate storm water flow on the site.
- Also of significance are the more ecologically important tributary of the Gwayang River and the valley bottom wetland area that are downstream of the site. Any potential impacts of the proposed development should be mitigated on site to prevent any further degradation of these aquatic ecosystems. It is recommended that the two existing dams on the site, should be utilised to mitigate any storm water impacts from the developed site.
- The need for sewerage pipelines to cross the two watercourses on the site, as well as the proposed pump station near the larger watercourse and wetland area, will however imply that the proposed works will be excluded from the General Authorisations and that a Water Use Licence will need to be applied for, for Section 21(c) and (i) water uses.

Geo-Hydrological Conditions (refer *Annexure O*):

- Parsons & Associates Specialist Groundwater Consultants were appointed to undertake a Geo-hydrological assessment of the site and the potential impacts of the proposed new service station on the geo-hydrological conditions of the area.
- Portion 4 of Farm 208 Gwayang is located on a weathered and fractured granitic aquifer that yields poor groundwater quality and is not used within 1km of the facility.
- The aquifer has little potential to be developed. The risk of groundwater contamination occurring due to the proposed development is considered very low, with the consequences thereto insignificant.
- The site is considered suitable for development.

Geotechnical Conditions (refer *Annexure P*):

- Outeniqua Geotechnical Services were appointed to conduct a Geotechnical Investigation of the site to establish the suitability of the application area for the proposed development.
- The geotechnical study concluded that the site is generally suitable for the proposed development in terms of the geology and soil conditions, but there are some important constraints, such as natural drainage lines and potentially compressible/collapsible soils.
- The geotechnical conditions are unlikely to be severely problematic, and conventional shallow reinforced foundations are anticipated.
- Some precautionary measures are recommended for the design of earthworks and foundations, in order to cater for the expected soil conditions and potential soil movements.

Vegetation & Agricultural Potential:

- The Crop Census (2013) illustrate that property consists of planted pastures (Lucerne).

- The application area is not located within any CBA Areas.
- There are no sensitive, conservation worthy vegetation on the application area.
- According to <https://gis.elsenburg.com/apps/cfm/> the application area has a low to moderate potential for grazing. The proposed development will therefore not result in the loss of high potential agricultural land.

Character of the area:

- The area is characterised by various agricultural, tourism and airport related land uses.
- Apart from the George Airport, which is situated south of the application area, the immediate area surrounding the property is characterised by agricultural activities (refer below figure).



Land use

- The locality of the proposed development is ideal to use for the expansion of airport related uses. The property is located adjacent to the airport and falls within the area that is earmarked for expansion of airport related facilities.
- The proposed development will contribute to the character of the airport area, and it will also support the development of airport related uses adjacent to the George Airport.
- George Municipality has approved two (2) land development applications for service stations in the past. The one service station is located on Portion 131 of the Farm No 208; and the other service station is located on the ACSA Airport site (Portions 82 & 84 of the Farm No 208). The locality of these service stations is shown by the figure below.



Approved service stations

On 29 April 2021, a Memorandum of Settlement was signed by the respective landowners, agreeing to the following (this agreement is appended to the application documentation):

- *No part of Portions 130, 131 and 132 of Portion 60 of the Farm Gwayang No 208, in the Municipality and District of George, Western Cape Province (hereafter “Portions 130, 131 and 132”) shall be rezoned by them or their successors in title for a service station;*
 - *Any purported existing rights for a service station on Portions 130, 131 and 132 are forfeited by them;*
 - *No service station shall be erected on Portions 130, 131 and 132; and*
 - *This undertaking (paragraph 2) shall be registered against the respective title deeds as a restrictive condition, by way of notarial agreement between the parties providing for restriction of use.*
- The service station on the current ACSA Airport site (Portions 82 & 84 of Farm Gwayang No 208) was approved by George Municipality during 2013. This approval was valid for a period of two (2) years. If the applicant applied for the extension of the validity period, the applicant was likely to obtain approval for the extension for 2 more years (i.e. lapsing date of June 2015). It is unknown whether a further extension was granted after 2015 or whether these rights have lapsed. ACSA is under the impression that these rights are still valid. George Municipality also confirmed that the owner of Portion 84 did apply for extension of the rights for the service station. The approval lapsed on 20 June 2018.

In this regard, it should be noted that an approval for the development of a service station on a portion of Portion 84 of the Farm Gwayang, Division George, was granted on 11 August 2020 by the Appeal Authority (the rights are therefore valid).

- Even though the application area is located outside the demarcated urban edge, the development falls within the area that is earmarked for airport related land uses.
- The application is consistent with the character of the area as it contains airport related facilities.
- The proposed development can be regarded as “infill” development that is consistent with the character of the surrounding area. The proposal supports development adjacent to the airport, to help contain airport related land uses in the designated area.
- There will be a safe and suitable access to the proposed service station, within close proximity to the airport.

Heritage:

- A Notification of Intent to Develop was submitted to Heritage Western Cape during 2017 for the proposed development.

- Heritage Western Cape has notified that there is no reason to believe that the proposed establishment of a service station located on the site, will impact on heritage resources. No further action under Section 38 of the National Heritage Resources Act (Act 25 of 1999) is required.

Social Impact Assessment (refer Annexure Q):

- Dr AH de Wit was appointed to conduct a Social Impact Assessment of the proposed development.
- This area has witnessed a depressed economic outlook in recent times, with zero employment growth.
- The construction phase of the proposed service station will see the creation of temporary (short-term) employment opportunities.
- The operational phase of the proposed development will result in the creation of long-term permanent employment opportunities.
- The construction and operational phases of the proposal could see the development and transfer of skills in order to meet the necessary labour requirements.
- The proposed development, during both the construction as well as the operational phases, will make a positive contribution to the Gross Geographic Product (GGP) of the George Municipality. The demand for goods and services during both phases will also have a positive impact on the local economy.
- The feasibility of the proposed service station was investigated via three important elements, i.e. the need and desirability for the proposed development; its financial feasibility; and potential service station developments on alternative sites. It was subsequently concluded that:
 - There is a positive need and desirability for the proposed service station;
 - Its financial feasibility is confirmed; and
 - The proposed site for this development is the only viable site.

National Development Plan:

- The National Development Plan (NDP) aims to eliminate poverty and reduce inequality by 2030.
- The National Development Plan recognises that education, training and innovation are central to South Africa's long-term development. These are core elements in eliminating poverty and reducing inequality, and the foundations of an equal society.
- The following National Development Plan policies have been identified to have a bearing on the proposed development:
 - NDP Chapter 3: Promote private investment; improve spatial dynamics and rural employment; establish economic and growth clusters; and establish tourism clusters.
 - NDP Chapter 5: Strategic Planning; transformative approach; manage transition; opportunity focus; full cost accounting; and effective participation of social partners.
 - NDP Chapter 8: 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 (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: Spatial Justice; Spatial Sustainability; Spatial Resilience; Spatial Quality; and Spatial Efficiency.

Western Cape Provincial Spatial Development Framework (2014):

- The PSDF emphasises the enhancement of the emerging regional industrial centre in George and Mossel Bay, as well as the Garden Route coastal belt as a leisure and tourism region.
- The proposed development compliments the MSDF spatial goals that aim to take the Western Cape on a path towards:
 - Greater productivity, competitiveness and opportunities within the spatial economy;
 - More inclusive development in the urban areas; and
 - Strengthening resilience and sustainable development.
- The PSDF has a strong emphasis on revitalising urban spaces creating an urban living environment which is more convenient, efficient and aesthetically pleasing to residents. The proposed development aims to

contribute to the regional economic infrastructure by developing airport related uses in close proximity of the regional airport. Thus, supporting the economic growth in the regional airport area.

- The proposed development supports the regeneration and revitalisation of urban economies specifically focusing on the areas adjacent the airport, which is earmarked for airport related development. Smart growth is promoted by ensuring efficient use of land and infrastructure by adhering to the structural plans for the area, ensuring development that is in line with the planning principles of the area.

Eden District Municipality Spatial Development Framework (2017):

- According to the Eden SDF, George is identified as the major economic / services / education hub along the N2. George is envisaged as the primary regional ACSA commercial airport with recent accreditation as an international airport.
- The Eden SDF acknowledges that the George Airport is serviced by most of the operating airlines in the country and receives domestically operated flights. It is also used to export locally produced goods e.g. fresh cut flowers, oysters, herbs and ferns.
- The proposed development for a service station and warehousing at the George Airport, will strengthen the identified regional node, and therefore the proposed development is regarded as being consistent with the Eden SDF.

George Spatial Development Framework (2013):

It should be noted that this application was submitted prior to the approval of the George Municipal Spatial Development Framework (2019). The below paragraph is a summary from the motivation report and discusses the principles of the George Spatial Development Framework (2013). However, this application will be evaluated in terms of the George Spatial Development Framework (2019).

- The application area is located outside the demarcated urban edge of George. The SDF currently shows the application area is within an Intensive Agriculture area. Thus, it is necessary to establish what the Gwayang Local Spatial Development Framework envisions for the area, because it entails a more detailed development guideline for the specific area, which includes the subject property.

The application site is located within an area designated as an Airport Support Area, in terms of the George MSDF (2019). Development of the George Airport precinct is supported in so far as it relates to the development of uses ancillary to the airport's operations and should not include activities already well catered for in the built footprint of the George urban area, according to the MSDF (2019).

Gwayang Local Spatial Development Framework (2015):

- Currently the airport functions in isolation of the town and any complimentary commercial uses such as freight and logistics. Fuelling facilities are absent and there is no public transport to and from town for employees.
- The Gwayang Local Spatial Development Framework earmarks the land between the Western Bypass and the airport for Airport Support Zone.
- The Airport Support Zone are the properties opposite the airport with the alignment of the future bypass road as the boundary thereof. Land uses will be strictly limited to those uses that will support tourists and airport facilities that cannot be located in the town with the same practical function.
- The development proposal is located within the desired area for airport related land uses. The Gwayang Local Spatial Development Framework states that fuelling facilities are absent in the area, thus the development will contribute to the demand of fuelling facilities.
- The Gwayang Local Spatial Development Framework identifies a new sub-regional industrial node in proximity to the N2 and airport, targeted at Southern Cape manufacturing, freight and logistics, and service industries. The development will support the establishment of the proposed node in the area.
- The proposal is consistent with the Gwayang Local Spatial Development Framework for the following reasons:
 - The proposed development is located within the Airport Support Zone.

- Land uses will be strictly limited to those uses that will support tourists and airport facilities that cannot be located in the town with the same practical function.
- This area is envisaged as a small node at the intersection to the airport.
- It is aimed at providing opportunities for land uses that are reconcilable with the airport such as freight and logistics companies, and tourist facilities.
- A further transport related problem is the absence of fuelling facilities at or near the airport for both employees and tourists.
- A tourist and service centre on the corridor linked with the entrance of the airport could provide tourists with basic services.

George Integrated Development Plan (2012 – 2017):

- There is no relevant legislation in the IDP applicable to the specific location of the proposed development.

For record purposes, it should be noted that the IDP will be readopted for 2022/2023 and will be reviewed in 2022/2023.

Consistency with Spatial Policy Directives:

- This development application is consistent with the approved statutory spatial policy framework for the area.
- The proposal is consistent with the strategic objectives as set out by the Western Cape Spatial Development Framework.
- The proposal is consistent with the Eden District SDF.
- Even though the site is located outside the urban edge and designated as an Intensive Agriculture area, one has to consider the Gwayang Local Spatial Development Framework, which focuses on the area specifically around the George Airport, where the subject property is located. The proposal is consistent with the Gwayang Local Spatial Development Framework.

Consistency with the Character of the Surrounding Area:

- The proposed development will contribute to the character of the airport area, and it will also support the development of airport related uses adjacent to the George Airport.

Need and Desirability:

- The proposed development is aimed at the need of airport related uses in close proximity of the existing airport, to help contribute to the industrial/commercial node which the structure plans envisage for the area. The Gwayang Local Spatial Development Framework clearly states that there is an absence of fuelling facilities at or near the airport, thus it will provide the much-needed facility.
- There is a need for expanding the airport and airport facilities. Thus, the area surrounding the George Airport is limited to those uses that will support tourists and airport facilities that cannot be located in the town with the same practical function.
- The economic development for the area is more likely to fulfil the societal need for additional employment opportunities within George.
- There is a strong need for the economic development around the George Airport to establish a new sub-regional industrial node in proximity to the N2 and airport, targeted at Southern Cape manufacturing, freight and logistics, and service industries.
- The proximity of the property to the existing George Airport – the property is opposite the airport; the entrances are across from each other. The proposed development is located within the Airport Support Zone.
- The property is easily accessible.
- This area is envisaged as a small node at the intersection to the airport. The development contributes to the establishment of the node.
- The site of the proposed development is vacant, and the area is located outside any environmental protected areas.

- The architectural design of the proposed development will be built according to the topography of the land, specifically to maintain harmony with the landscape and limit visual impact.
- Since the proposal is largely in line with the spatial planning for the area, allows for several positive impacts on the wider economy and it can be concluded that the proposal is desirable for the selected site.

Impact on Infrastructure:

- George Municipality indicated that the existing network should have the capacity to accommodate the proposed development and no upgrade of the existing main water supply line will be required.
- The electrical supply authority will be George Municipality.
- George Municipality indicated that the existing municipal network should have the capacity to accommodate the proposed development and no upgrade of the existing pump station or sewer line will be required.
- The Professional Traffic Engineer confirmed that the proposed intersection can easily accommodate the expected additional vehicular trips.
- The removal of all solid general waste by Municipal contractors will be from the mandatory enclosed waste service yards at each of the service station / light industrial erven and will be accessible from the access road.
- In order to counter the expected increase in peak runoff resulting from the urbanisation, storm water attenuation structures are proposed to be developed on each of the development portions.

Impact on the Community:

- Employment opportunities will be created.
- The proposed development, during both the construction as well as the operational phases, will make a positive contribution to the Gross Geographic Product (GGP) of the George Municipality. The demand for goods and services during both phases will also have a positive impact on the local economy.
- The proposed service station will represent a contribution to Local Economic Development, particularly around the George Airport. Here it would be strategically well situated to provide an essential supporting service to the tourism sector as well as a future industrial node in proximity to the N2 National Road and the George Airport.

Spatial Planning and Land Use Management Act (2013):

- Spatial Sustainability
 - The development complies with the Gwayang Local Spatial Development Framework (2015).
 - The proposed development is located within the Airport Support Zone as per the Gwayang Local Spatial Development Framework (2015).
 - Land uses will be strictly limited to those uses that will support tourists and airport facilities that cannot be located in the town with the same practical function.
 - The proposal aims to be as environmentally sensitive as possible.
 - The proposal aims to promote land development.
 - The proposed development will contribute to the character of the surrounding area.
 - The proposal will make use of existing service infrastructure capacity, as confirmed by the George Municipality.
- Spatial Efficiency
 - The development will make use of existing local resources and contribute to specialised skills development within the local municipality.
 - The proposed development is aimed at providing opportunities for land uses that are reconcilable with the airport such as freight and logistics companies, and tourist facilities.
- Spatial Resilience
 - The proposal is in line with the various spatial plans, zoning scheme and policies.
 - The proposal will assist in addressing the needs for fuelling facilities in the area.
- Good Administration

- This principle has no direct bearing on the application, however, the Knysna (*sic George*) Municipality is obligated to consider the application fairly and within the timeframes provided in terms of the municipal planning bylaw.

Conclusion:

- The proposed development as envisaged is 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 built environment and the socio-economic environment, that is imperative to ensure sustainable development.
- It is clear from the foregoing report that the application meets the criteria as set out in the Spatial Planning and Land Use Management Act (SPLUMA) and the Oudtshoorn (*sic George*) Land Use Planning Bylaw, is desirable and it is therefore recommended that the application be supported by the relevant authorities and approved by Oudtshoorn (*sic George*) Municipality.

PART J: SUMMARY OF PUBLIC PARTICIPATION (*comment period were extended)

Methods of advertising				Date published	Closing date for objections
Press	Y	N	N/A	07/09/2018	08/10/2018
Gazette	Y	N	N/A		
Notices (x8 surrounding property owners)	Y	N	N/A	07/09/2018 04/06/2021 (According to the applicant's affidavit. The postage stamp is dated 20 May 2021)	08/10/2018 04/07/2021
Website & social media	Y	N	N/A	07/09/2018 (Marika Vreken Town Planners website) 04/06/2021 (George Municipality Facebook) 07/06/2021 (George Municipality website)	08/10/2018 03/07/2021 06/07/2021
Ward councillor	Y	N	N/A	07/09/2018 04/06/2021	08/10/2018 03/08/2021
On-site display	Y	N	N/A	07/06/2021	08/07/2021
Community organisation(s)	Y	N	N/A		
Public meeting	Y	N	N/A		
Third parties	Y	N	N/A		
O t h e r	Y	N	If yes, specify	The notice was also sent to: a) Department of Agriculture (Western Cape Government) b) District Roads Engineer c) Department of Environmental Affairs and Development Planning d) South African Civil Aviation Authority a) 07/09/2018 & 04/06/2021 b) 13/09/2018 c) 04/06/2021 d) 04/06/2021	a) 08/11/2018 & 03/08/2021 b) 13/11/2018 c) 03/08/2021 d) 03/08/2021

Total valid objections	1 (please take note that this objection was withdrawn following a signed Memorandum of Settlement by the relevant landowners)				Total invalid objections and petitions	N/A	
Valid petition(s)	Y	N	If yes, number of signatures		N/A		
Community organisation(s) response	Y	N	N/A	Ward councillor response	Y	N	N/A
Total letters of support	N/A						
Was the minimum requirement for public participation undertaken in accordance with relevant By-Law on Municipal Land Use Planning and any applicable Council Policy						Y	N
PART K: SUMMARY OF COMMENTS DURING PUBLIC PARTICIPATION							
<p>One objection was submitted to the application by Dynarc Capital (Pty) Ltd (the objector). Following a comprehensive response to comments/objections document, the objector and 8 Mile Investments 236 (Pty) Ltd (landowner of Portion 4 of Farm 208) signed a Memorandum of Settlement (dated 29 April 2021) confirming the following (refer Annexure R):</p> <p><i>The First and Seventh Respondents shall, subject to the Applicant's acceptance of the Municipality's proposed Road Master Plan:</i></p> <ul style="list-style-type: none"> • <i>Unreservedly support any rezoning or other land use application, including a service station, submitted by the Applicant or its successors in title in respect of Portion 4/208;</i> • <i>Provide support for the Applicant's application for a fuel supply licence as far as possible; and</i> • <i>All objections lodged by the First and Seventh Respondents against the Applicant's application for subdivision and rezoning of Portion 4/208 shall be retracted and withdrawn.</i> <p>Following the above, it can be concluded that all comments/objections submitted by Dynarc Capital (Pty) Ltd are withdrawn.</p>							
PART L: SUMMARY OF APPLICANT'S REPLY TO OBJECTIONS							
<u>Response to objection</u>							
See above signed Memorandum of Settlement agreement.							
PART M: SUMMARY OF COMMENTS FROM INTERNAL DEPARTMENTS AND/OR ORGANS OF STATE COMMENTS							
Name of Department	Date	Summary of comments				Recommendation	
Civil Engineering Services	04/10/2021	See conditions of approval.				Supported	
Electrotechnical Services	16/09/2021	See conditions of approval.				Supported	
Department of Environmental Affairs and Development Planning	31/01/2022	<ul style="list-style-type: none"> • According to the Basic Assessment Report, the Environmental Assessment Practitioner submits that with the current Covid-19 pandemic the entire world is struggling financially, and the town of George is no different. This Department is in agreement 				Grants Environmental Authorisation (Site Development Plan 2, dated 2 August 2021)	

		<p>and therefore supports that it is necessary that economic development is unlocked in some way or another.</p> <ul style="list-style-type: none"> • The proposed development supports the regeneration and revitalisation of urban economies. • The proposed development is consistent with the George Municipal Spatial Development Framework and Gwayang Local Spatial Development Framework. • The vegetation on site has however been modified significantly due to grazing and this has been confirmed during the site inspection that was conducted by officials from this Department. A search exercise will be undertaken for conservation-worthy and indigenous species. These harvested plants will be used for landscaping during rehabilitation post construction. • The watercourses and the valley bottom wetland area within the site are considered to be in a seriously modified ecological condition with extensive loss of ecological functionality and as a result of cultivation of the area. The watercourses will be shaped as open swales that are planted with wetland vegetation. • This Department is of the opinion that the traffic impacts that may result from the proposed development can be adequately mitigated and will not result in unacceptable negative impacts on the receiving environment. • It is clear that the environment as defined by the Guideline for Involving Visual and Aesthetic Specialists in EIA Processes is an area or route of low scenic, cultural, and historical significance and is disturbed. Therefore, based on a Category 4 development, a moderate visual impact can be expected. • The water use license in terms of Section 21 (c) and (i) of the National Water Act was issued on 4 October 2021. The water uses were authorized at the stage of the submission of the amended SDP and the license contains no reason why the proposed development cannot be authorized in terms of the NEMA EIA Regulations. • The procedure followed for the impact assessment is adequate for the decision-making process. 	
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Department of Agriculture (Western Cape Government)	12/11/2018	<ul style="list-style-type: none"> This Department has no objection to the application. 	Supported (Annexure H)
Department of Transport and Public Roads (Western Cape Government)	17/08/2021	<ul style="list-style-type: none"> Access to all the subdivided erven west of the future George Western Bypass must be taken off the (internal GANEP) street network, with no access less than the minimum accepted access spacing. Access to the subdivided erf east of the future George Western Bypass must be ensured of an acceptable access off the public road / street network via a servitude right of way. No individual erf access immediately off MR00347 may be applied for. No external services may be located within any Proclaimed Provincial Road Reserve. This Branch, the Controlling Authority in terms of Act 21 of 1940, approves the application. 	Supported (Annexure I)

PART N: MUNICIPAL PLANNING EVALUATION (REFER TO RELEVANT CONSIDERATIONS GUIDELINE)

Is the proposal consistent with the principles referred to in chapter 2 of SPLUMA? (can be elaborated further below)	Y	N
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Is the proposal consistent with the principles referred to in chapter VI of LUPA? (can be elaborated further below)	Y	N
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(In)consistency with the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and with the principles referred to in Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014) (Section 65 of the Planning By-Law)

The consistency of the application with the principles of SPLUMA and LUPA as read with Section 65 of the Planning By-Law was evaluated as follows:

No	Evaluation checklist (s. 65)	Yes	No	N/A
1(a)	Does the application submitted comply with the provisions of this by-Law?	x		
	Has the motivation submitted been considered?	x		
1(b)	Were the correct procedures followed in processing the application? (see land use application process checklist)	x		
	Was a condonation required and granted with regards to the process followed? (see land use application process checklist)		x	
1(c)	Have the desirability guidelines as issued by the provincial minister to the utilise land for the proposed land uses been considered? (not yet applicable)			x
1(d)	Have the comments received from the respondents, any organs of state and the provincial minister been considered? (s. 45 of LUPA)	x		
1(e)	Have the comments received from the applicant been considered?	x		
1(f)	Have investigations carried out in terms of other laws and that are relevant to the application being considered?	x		

1(g)	Was the application assessed by a registered town planner? (<i>see land use application process checklist</i>)	x		
1(h)	Has the impact of the proposed development on municipal engineering services been considered?	x		
1(i)	Is the application in line, consistent and/or compatible with the IDP of the municipality?	x		
	Is the application in line, consistent and/or compatible with the municipal SDF?	x		
1(j)	Is the application in line, consistent and/or compatible with the IDP of the district municipality including its SDF?			x
1(k)	Is the application in line, consistent and/or compatible with the structure plan applicable to the area?			x
1(l)	Is the application in line, consistent and/or compatible with the local SDF applicable to the area?	x		
1(m)	Is the application in line, consistent and/or compatible with any other municipal policy or By-Law applicable to the proposed land use?			x
1(n)	Is the application in line, consistent and/or compatible with the provincial SDF?	x		
1(o)	Is the application in line, consistent and/or compatible with the regional SDF (<i>SPLUMA</i>) or provincial regional SDF (<i>LUPA</i>)?			x
1(p)	Is the application in line, consistent and/or compatible with the applicable guidelines, standards, principles, norms or criteria set by national and/or provincial government?	x		
1(r)	Is the application in line the consistent and/or compatible with the following principles as contained in section 7 of <i>SPLUMA</i> / 59 of <i>LUPA</i> :			
	1. The redress spatial and other development imbalances of the past through improved access to and use of land?			x
	2. Address the inclusion of persons and areas previously excluded in the past, specifically informal settlements and areas characterised by wide-spread poverty and deprivation?			x
	3. Enable the redress of access to land by disadvantaged communities and persons?			x
	4. Does the application support access to / facilitate the obtaining of security of tenure and/or incremental informal settlement upgrading?			x
	5. Has the potential impact of the development proposal on the value of the affected land /properties been considered?	x		
	6. The impact of the application on the existing rights of the surrounding owners been recognised?	x		
	7. Does the application promote spatially compact, resource frugal development form?	x		
	8. Can the development be accommodated within the existing fiscal (budget), institutional and administrative means of the municipality? (<i>e.g. Infrastructure upgrades required – when, budgeted for, etc.</i>)	x		
	9. Has the protection of prime, unique and/or high potential agricultural land been considered?	x		
	10. Is the application consistent with the land use measures applicable to / contained in environmental management instruments?	x		
	11. Does the application promote and stimulate the equitable and effective functioning of land markets?			x

12.	Have all current and future costs to all parties for the provision of infrastructure and social services been considered?	x		
13.	Does the application promote development that is sustainable, discourages urban sprawl, encourages residential densification and promotes a more compact urban form?	x		
14.	Will the development result in / promote the establishment of viable communities?	x		
15.	Does the development strive to ensure that the basic needs of all the citizens are met in an affordable way?			x
16.	Will the development sustain and/or protect natural habitats, ecological corridors and areas of high bio-diversity importance?	x		
17.	Will the development sustain and/or protect provincial heritage and tourism resources?	x		
18.	Will the development sustain and/or protect areas unsuitable for development including floodplains, steep slopes, wetlands, areas with a high-water table, and landscapes and features of cultural significance?	x		
19.	Will the development sustain and/or protect the economic potential of the relevant area or region?	x		
20.	Has provision been made in the development to mitigate against the potential impacts of climate change?	x		
21.	Does the development include measures to reduce consumption / conserve water and energy resources? (<i>renewable energy, energy saving, water saving, etc.</i>)	x		
22.	Does the development consider sea-level rise, flooding, storm surges, fire hazards?			x
23.	Does the development consider geological formations and topographical (soil and slope) conditions?	x		
24.	Will the development discourage illegal land occupation – w.r.t. Informal land development practices?			x
25.	Does the development benefit the long term social, economic and environmental priorities for the area (<i>sustained job opportunities, sustained income, integrated open space network, etc.</i>) over any short-term benefits (<i>job creation during construction, short term economic injection, etc.</i>)?	x		
26.	Does the development contribute towards the optimal use of existing resources, infrastructure, agriculture, land, minerals and/or facilities?	x		
27.	Does the development contribute towards social, economic, institutional and physical integration aspects of land use planning?	x		
28.	Promotes and supports the inter-relationships between rural and urban development?	x		
29.	Does the development promote the availability of employment and residential opportunities near each other or the integration thereof?		x	
30.	Does the development promote the establishment of a diverse combination of land uses?	x		
31.	Does the development contribute towards the correction of distorted spatial patterns of settlements within the town/city/village?			x
32.	Does the development contribute towards and /or promote the	x		

		creation of a quality and functional open spatial environment?			
	33.	Will the development allow the area or town to be more spatially resilient that can ensure a sustainable livelihood for the affected community most likely to be affected by economic and environmental shocks?	x		
1(s)		Is the application in line with the applicable provisions contained in the applicable zoning scheme regulations (By-Law)? (e.g. Definitions, land use description and development parameters)	x		

(h)consistency with the IDP/Various levels of SDF's/Applicable policies

National Development Plan (NDP)

In summation, the NDP, with its starting point of creating a virtuous cycle of growth and development, entails a focus on the broadening of socio-economic opportunities through economic growth and the increased availability of jobs. The plan is furthermore aimed at reducing poverty and inequality. This is foreseen to take place through directing government to shift the balance of spending towards programmes that help people improve their own lives and those of their children and the communities they live in.

The strategies proposed by the plan, which have particular bearing on this development are:

- Planning for employment creation;
- The expansion of infrastructure; and
- The transformation of urban and rural spaces.

The development of the site will contribute towards the creation of employment opportunities. The construction of external infrastructure will furthermore not only serve the proposed development, but also the greater area, leading to increased accessibility of the area and unlocking of future development potential. The development proposal is therefore considered to be consistent with the provisions of the NDP.

Western Cape Provincial Spatial Development Framework (PSDF)

The Provincial Spatial Development Framework (PSDF), adopted in 2014, provides broad overarching development principles and guidelines for the Western Cape Province. The PSDF has been informed by the need to adapt to an ever-changing economic climate as well as the imperative to best interpret land use planning law reform.

The PSDF contains a plethora of spatial related policies. The following policies are considered directly relevant to the application:

- **Policy R1:** Protect biodiversity and ecosystem services.
- **Policy E2:** Diversify and strengthen the rural economy. Compatible and sustainable rural activities (i.e. activities that are appropriate in a rural context, generate positive socio-economic returns, and do not compromise the environment or ability of the municipality to deliver on its mandate) and of an appropriate scale and form can be accommodated outside the urban edge.
- **Policy S3:** Promote compact, mixed use and integrated settlements.
- **Policy S4:** Balance and coordinate the delivery of facilities and social services.

The proposed development is considered fully consistent with the principles of the PSDF (2014), as follows:

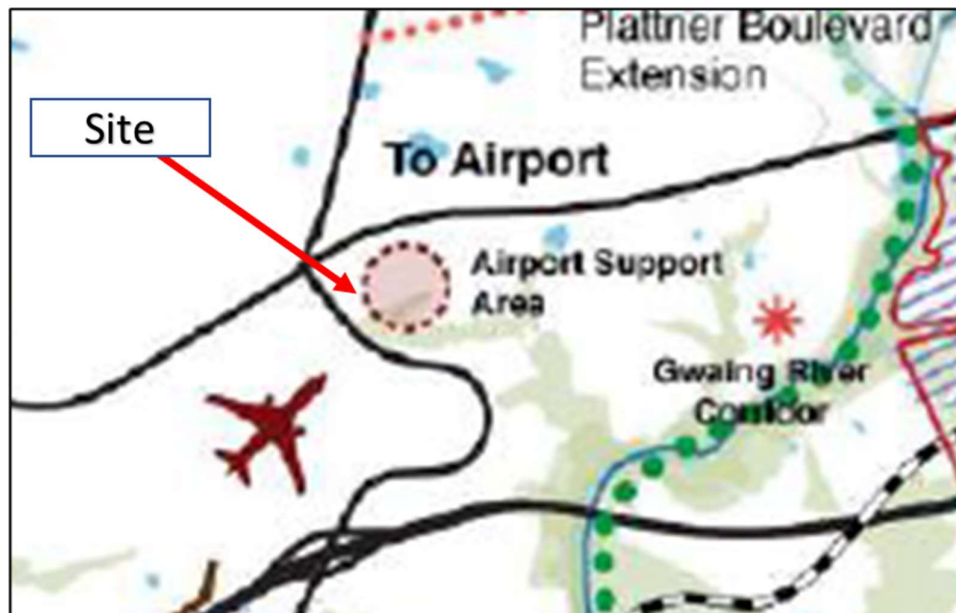
- The proposed layout is based on environmentally sensitive planning.
- The development is located outside the urban edge. However, socio-economic returns will be generated as employment opportunities will be created.
- A mix of supplementary uses are promoted at the George Airport.
- The proposed development will facilitate economic growth at a highly accessible location.

George Municipal Spatial Development Framework, 2019 (MSDF)

Although the application was initially submitted in 2018, the current George MSDF (2019) will be considered relevant to the application.

The intention of the George MSDF (2019) is to provide guidelines aimed at among others, promoting sustainability and affordability, providing for the needs of the community, strengthening the economy, finding a balance between urban development and the natural environment, responding to climate change and disaster management, the equitable and more efficient functioning of the city, providing a diversity of housing typologies and respond to broader housing needs, restructuring and densify the existing urban form, access to employment opportunities, social services, open spaces and recreation opportunities, connectivity by walking, non-motorised transport and public transport, enabling greater choice and a more productive economy.

The application site is located within an area designated as an Airport Support Area, in terms of the George MSDF (2019) (refer figure below). Apart from the existing airport this precinct is currently undeveloped.



Extract from George MSDF

Development of the George Airport precinct is supported in so far as it relates to the development of uses ancillary to the airport's operations and should not include activities already well catered for in the built footprint of the George urban area. Despite the urban nature of the land uses and the fact that the proposal is not within the urban edge, land use which support the airport's functionality and the convenience of users of the airport are supported.

The following MSDF (2019) policies are considered directly relevant to the application:

- **Policy D1:** Support and maintain the functionality of biodiversity areas.
- **Policy D4:** Manage watercourses so that they remain in a natural state or their present ecological status is improved or at least does not deteriorate.
- **Policy D6:** Minimise the impact of developments on visual landscapes and corridors.
- **Policy D7:** Manage the Municipal area in a manner that supports sustainable resource demand and use.

The proposed development is considered consistent with the principles of the George MSDF (2019), as follows:

- The proposed uses will complement airport functions.
- Sustainable development is promoted.
- Employment opportunities will be created.

Gwayang Local Spatial Development Framework, 2015 (GLSDF)

The objective of the GLSDF (2015) is to compile a Local Spatial Development Framework with development guidelines for the orderly utilization of land and management of land uses along the airport corridor, with due regard to the current spatial development policies. It is further the objective of the GLSDF (2015) and its urban edge to manage growth over the short to medium term and does not designate land for longer periods. The aim is to monitor the growth of the town over time and adjust the urban edge to accommodate more land for future needs. It may be speculated that the corridor (the R102) will become urbanised over time.

George Airport plays a significant role in the Southern Cape's tourism industry and whether directly or indirectly, creates and supports jobs and economic growth for the George area, according to the GLSDF (2015). The airport is likely to play an increasingly important role in the stimulation of economic development around the airport. Currently the airport functions in isolation of the town and any complimentary commercial uses such as freight and logistics. Fuelling facilities are absent and there is no public transport to and from town for employees. It is stated by the GLSDF (2015) that land around the airport needs to be retained for commercial purposes with its key functions being freight and logistics, which will create additional employment and economic benefits. Sustainable urban design principles need to be a key requirement of all new commercial developments.

It is further stated by the GLSDF (2015) that consultation between the municipality and the airport owners regarding land use zoning close to airports is necessary. Adequate opportunity should be granted to give input and comment on any zoning or rezoning application close to the airport. The airport owner is responsible for informing the municipality concerned of the obstacle-free zone as determined in accordance with the regulations under the Aviation Act, 1962. The municipality should control this area and ensure that no contravening buildings or obstructions are erected. The airport owner, in consultation with the local government, should ensure that the obstacles are surveyed in accordance with the International Civil Aviation Organization standards and in accordance with the requirements of the Chief Directorate: Civil Aviation Authority, within the Department of Transport.

The protection of the immediate airspace around airports is essential in ensuring and maintaining a safe operating environment and to provide for future growth. For this reason, it is necessary to restrict some types of development and land uses in the vicinity of airports. This is to guarantee that designated airspace segments remain obstacle-free, thereby contributing to the safety, efficiency and regularity of aircraft

operations.

The proposed development is considered fully consistent with the GLSDF (2015), as:

- A service station / fuelling facility will be provided.
- Employment opportunities with economic benefits will be created.
- The proposed light industrial uses will contribute to freight and logistics around the airport.

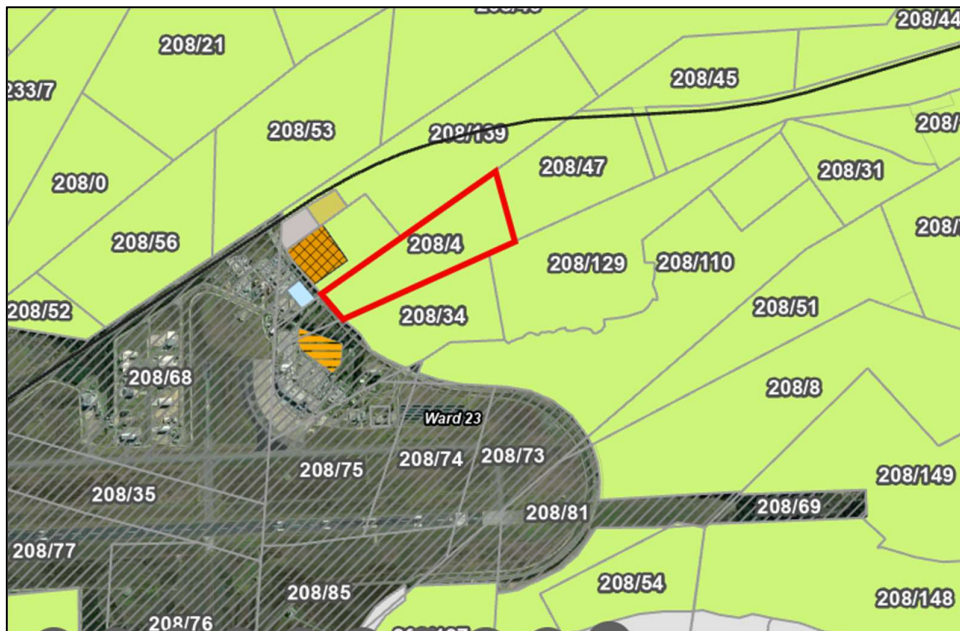
Note: it will be critical to obtain specialist input from ACSA and the CAA prior to the approval of any architectural guidelines and/or Site Development Plans.

(In)consistency with guidelines prepared by the Provincial Minister
N/A

Outcomes of investigations/applications i.t.o. other laws

- An Environmental Authorisation for the proposed development was issued by the DEA&DP on 31/01/2022 (refer **Annexure F**).
- A Water Use Licence for the proposed development was issued by the Department of Water Affairs on 04/10/2021 (refer paragraph 3.11 of the Environmental Authorisation).
- The National Department of Agriculture, Forestry and Fisheries has no objection to the proposed rezoning. However, the subdivision shall be considered upon receipt of the rezoning approval [in terms of the Subdivision of Agricultural Land Act (Act 70 of 1970)]. Refer **Annexure G**.

Existing and proposed zoning comparisons and considerations



The figure above indicates the existing zoning of the area. The application area and its immediate surrounds are predominantly zoned for agricultural purposes. There were also previously rights granted for residential and business uses.

The application is to allow for the following zonings:

(1) **PHASE 1:**

- (i) Open Space Zone II: 1 erf (±0.34ha)

- (ii) Business Zone VI: 1 erf (±0.99ha)
 (iii) Transport Zone II: 1 erf (±0.30ha)

(2) PHASE 2:

- (i) Industrial Zone I: 3 erven (±2.54ha)
 (ii) Transport Zone II: 1 erf (±0.15ha)

(3) PHASE 3:

- (i) Industrial Zone I: 2 erven (±2.07ha)
 (ii) Open Space Zone II: 2 erven (±0.59ha)
 (iii) Transport Zone II: 2 erven (±0.36ha)

(4) PHASE 4:

- (i) Agricultural Zone I: 1 erf (±3.6ha)

The proposed zonings will complement the airport use to the south-west of the site.

The need and desirability of the proposal

The need and desirability for the proposed development has been considered in terms of the following factors:

NO.	Evaluation check list	Yes	No	N/A
1*	Will the natural environment and/or open space systems be negatively affected?		x	
2*	Will application result in trees/indigenous vegetation being removed on site or in the road reserve?		x	
3*	Does the application have any negative impact on heritage resources?		x	
4*	Will the character of the surrounding area be negatively affected?		x	
5*	Will the architectural character of the streetscape be negatively affected?		x	
6*	Will there be any negative impact on vehicle traffic and pedestrian safety?		x	
7*	Will there be a negative impact on traffic movement?		x	
8*	Will there be a negative impact on vehicle sight distances?		x	
9*	Are there adequate on-site parking / loading facilities provided?			x
10*	Are there adequate vehicle access/ egress to the property?	x		
11	Will the neighbour's amenity to sunlight be negatively affected?			x
12	Will the application result in overshadowing onto neighbours' properties?			x
13	Will the neighbour's amenity to privacy / enjoyment of their property / views be negatively affected?			x
14	Will the proposal have a negative impact on scenic vistas or intrude on the skyline			x
15*	Will the intended land use have a negative impact on adjoining uses?		x	
16	Will the land use pose a potential danger to life or property in terms of fire risks, air pollution or smells or compromise a person's right to a safe		x	

	and secure environment?			
17	Will there be a negative impact on property values?		x	
18	Will the application result in a nuisance, noise nuisance, and disturbance to neighbours?		x	
19	Will adequate open space and/or recreational space be provided (for residential developments)?			x
20	Will approval of the application set a precedent?		x	

Comments

*1 & 2: The relevant environmental applications in terms of NEMA (1998) and the NWA (1998) were submitted. An Environmental Authorisation and a Water Use Licence were issued for the development of the site. The site layout was sensitively / carefully planned to mitigate any potential negative impacts on the environment. Buffer areas / corridors are proposed along the watercourses on the site.

*3: A Notification of Intent to Develop (NID) was submitted to Heritage Western Cape (HWC). HWC confirmed that there is no reason to believe that the proposed development will impact on heritage resources. No further action under Section 38 of the National Heritage Resources Act (Act 25 of 1999) is therefore required.

*4 & 5: The application is regarded as being fully consistent with and complementary to the surrounding land uses. There will therefore not be a negative impact on the character of the surrounding area. However, a condition of approval needs to be imposed for Architectural Guidelines to be compiled (**for the precinct, not just this site**), for the appropriate development of each land unit. It is also recommended that a Site Development Plan (SDP) be submitted for approval, prior to any building plan submission.

*6, 7, 8, 9 & 10: The proposed development will have no negative impact on traffic in the area. A Traffic Impact Assessment (TIA) was conducted to determine the traffic impact. The traffic engineer confirmed that the intersection providing access will function at an acceptable level. It is however recommended that a Traffic Impact Statement (TIS) be submitted with each SDP submission. The SDP's will also indicate the detailed access and parking arrangements.

15*: The proposed development will complement the land uses to the south-west (the George Airport). The surrounding agricultural land will not be negatively impacted upon. However, ACSA should provide comment on development proposal, specifically related to airspace protection.

Further to the afore-mentioned, there is a need for filling stations in the vicinity of the airport. The previously approved rights for a filling station on Portion 131, shows that the need for an additional filling station (additional to the approved filling station on Portion 84) has been considered.

Assessment of objections/comments

N/A

PART O: SUMMARY OF EVALUATION

Portion 4 of the Farm Gwayang No 208 is located directly to the east of Main Road 347 (the R404), between the Old National Road (the R102) and the N2 Freeway. Within its local context the application area is situated ±350m south of the R102 and directly opposite the existing main entrance to the George Airport. The site is highly accessible via the existing road network. The proposed road network is also designed to ensure future access to surrounding properties, unlocking the development potential of the immediate surrounds.

An application is submitted for the rezoning of the site from Agricultural Zone I to Subdivisional Area, to accommodate a phased development with the following land uses:

- Business Zone VI: 1 erf (service / filling station)
- Industrial Zone I: 5 erven (light industrial)
- Open Space Zone II: 3 erven (private open space)
- Agricultural Zone I: 1 erf (agriculture)
- Transport Zone II: 4 erven (public roads)

The proposal provides an excellent opportunity for the establishment of an industrial node with a much-needed service / filling station within the area. The filling station will service mostly the existing employees and commuters, using the George Airport. The proposed industrial uses will promote freight and logistic operations associated with the airport, while simultaneously unlocking the development potential of the immediate surrounds. Urban efficiency will be maximized by creating a socio-economic benefit in terms of economic opportunity for the surrounding communities. The proposed layout embodies the most efficient and sustainable proposal for the site. The rural spatial integrity of the site is also protected.

Further to the above, the proposal is considered desirable in its context as follows:

- Although the development does not fall within the urban edge the objective of support services in the airport precinct is expressed in the MSDf and the application is regarded as consistent with the George Municipal Spatial Development Framework (2019), as land uses which support the airport's functionality and the convenience of users of the airport are supported.
- The proposal is fully consistent with the Gwayang Local Spatial Development Framework (2015) as a filling station will be provided and the proposed development will have a significant positive socio-economic impact;
- The application is consistent with the principles of the NDP and PSDf (2014);
- The application is in line with the principles of the Spatial Planning and Land Use Management Act (SPLUMA 2013) and the Land Use Planning Act (LUPA 2014);
- The proposal will not have a negative visual impact on the "Airport Corridor" if managed through an appropriate set of architectural guidelines;
- No negative impacts on engineering services are foreseen. The appropriate electrical, civil and traffic engineering investigations were conducted, all in support of the proposed development;
- The future Western-bypass road is accommodated by the proposal. The development potential of surrounding land units will be unlocked by infrastructure provision and a variety of land uses;
- There will not be a negative impact on the surrounding property rights. The development proposal will complement the surrounding land uses. The existing approved development rights for the development of a service station and hotel on Portions 82 & 84 of the Farm Gwayang (to the immediate west of the application area), have been considered. It is common practice for service / filling stations to be located in close proximity of each other. The applicant has undertaken the necessary feasibility studies, in support of the development proposal;
- There will not be a loss of high quality productive agricultural land;
- The proposed development will have a significant positive socio-economic impact as sustainable development of much needed job creation and capital investment will be promoted (during the construction and operational phases; and
- The proposal will not have a detrimental impact on the environment or character of the area.

Given the above evaluation and on the balance of all considerations in terms of Section 65 of the Land-Use Planning Bylaw for George Municipality (2015), the proposed application cannot be found undesirable and is therefore **SUPPORTED**.

It is noted that the MSDf and LSDf states that the activities / land uses that should be permitted on the

property should not complete with the industrial areas in George. It should only focus on activities and uses which is subservient to airport functions. This is addressed in the recommendation below.

PART P: RECOMMENDATION

That the following applications applicable to Remainder Portion 4 of the Farm Gwayang No 208, Division George; namely:

- (a) Rezoning in terms of Section 15(2)(a) of the Land Use Planning By-Law for George Municipality (2015), of Remainder Portion 4 of the Farm Gwayang No 208, Division George from Agricultural Zone I to a Subdivisional Area; and
- (b) Subdivision in terms of Section 15(2)(d) of the Land Use Planning By-Law for the George Municipality (2015), of Portion 4 of the Farm Gwayang No 208 the Subdivisional Area in accordance with Plan No 5 dated 2 August 2021 (attached as **Annexure A**), to create the following phases and land uses:
 - (1) **PHASE 1:**
 - (i) Open Space Zone II: 1 erf (±0.34ha)
 - (ii) Business Zone VI: 1 erf (±0.99ha)
 - (iii) Transport Zone II: 1 erf (±0.30ha)
 - (2) **PHASE 2:**
 - (i) Industrial Zone I: 3 erven (±2.54ha)
 - (ii) Transport Zone II: 1 erf (±0.15ha)
 - (3) **PHASE 3:**
 - (i) Industrial Zone I: 2 erven (±2.07ha)
 - (ii) Open Space Zone II: 2 erven (±0.59ha)
 - (iii) Transport Zone II: 2 erven (±0.36ha)
 - (4) **PHASE 4:**
 - (i) Agricultural Zone I: 1 erf (±3.6ha)

BE APPROVED in terms of Section 60 of said By-law for the following reasons:

- (i). The proposal will not detract from the surrounding character of the area or the built environment.
- (ii). The properties to be developed will complement the land uses which form part of the George Airport precinct.
- (iii). The proposal aligns with the development principles of SPLUMA and LUPA.
- (iv). The proposal is consistent with the objectives of the spatial planning policies (Provincial Spatial Development Framework, George Municipal Spatial Development Framework and Gwayang Local Spatial Development Framework).
- (v). The proposed development is in line with the Environmental Authorisation.
- (vi). Bulk engineering infrastructure is available to accommodate the proposed development.
- (vii). The proposed development will render positive socio-economic impact for the community and enable much needed support facilities for the local agricultural import and export market.

Subject to the following conditions imposed in terms of Section 66 of the said Planning By-Law:

CONDITIONS OF THE DIRECTORATE: PLANNING AND DEVELOPMENT:

General Conditions

1. That in terms of Section 43 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) read with Sections 17(5) and 22(1) of the Land Use Planning By-law for the George Municipality, 2015, the approval shall lapse if not implemented within a period of five (5) years from the date thereof.

Conditions applicable to the Subdivision

2. The subdivision of Remainder Portion 4 of the Farm Gwayang No 208 shall be as approved as indicated on the Phasing diagram drawn by Marike Vreken Urban and Environmental Planners, Drawing Number: Pr16/48F208Ptn4Sub10 dated 2 August 2021 attached as “**Annexure A**” which bears Council’s stamp and shall not be construed as to depart from any other Council requirements or legal provision.
3. The developer must submit the Surveyor General approved, subdivision diagram to the GIS Department of the Directorate of information purposes.
4. That all public roads be transferred to the municipality at the developers cost to the satisfaction of the Department: Civil Engineering Services.
5. That the necessary environmental servitudes be registered, in accordance with Phasing diagram drawn by Marike Vreken Urban and Environmental Planners, Drawing Number: Pr16/48F208Ptn4Sub10 dated 2 August 2021.
6. A Property Owners’ Association (POA), including its Constitution, is to be established and approved by the Directorate. The private roads, infrastructure and private open spaces within the development will be transferred by the developer to the POA who will assume responsibility for the maintenance thereof. The POA will also be responsible for the enforcement of a set of Architectural Guidelines (condition 8 applicable).
7. The subdivision approval will be considered implemented on the submission of proof that one of the respective portions have been registered at the Deeds Office.

Conditions applicable to the implementation of the development (Rezoning)

8. That an overarching set of Architectural Design Guidelines and visual impact assessment document(s) be compiled and submitted for the implementation of the proposed development, to the satisfaction of the Directorate for consideration and approval. The Guideline must be compatible with that of the adjoining development on Portions 130 to 132 of Gwayang No.208, Division George;
9. A Site Development Plan (SDP) in accordance with Section 23 of the George Integrated Zoning Scheme Bylaw, 2017 must be submitted for the development of each newly created land unit, to the satisfaction of the Directorate for consideration and approval, prior to the submission of building plans. The recommended setbacks from all water courses and stormwater runoff mitigation must be illustrated in the site development plans.
10. A Landscaping Plan for the development must be submitted to the satisfaction of the Directorate for consideration and approval. The list of acceptable plants, shrubs and trees that may be used in the development shall be obtained from the Directorate’s Environmental Officer.
11. The developer must provide the Directorate with the necessary proof of compliance with the Environmental Authorisation (EA). The owner must provide proof of the appointment of the Environmental Control Officer (ECO) who will manage the implementation of the EA as well as the mitigations and recommendations made in the Freshwater Impact Assessment dated May 2018 during construction and operational phase. The latter will be for the owner’s cost. The ECO must confirm in writing that the SDPs for the sites (condition 8) comply with all environmental requirements.
12. The Industrial Zone I erven shall be limited to airport support services or uses and may not include an industrial hive, service trade, service station and open-air motor vehicle display. This condition must be imposed against the title deed of the respective portions.
13. The following development parameters shall apply to the Industrial Zone I erven:
 - a. Floor Factor: 0.75
 - b. Coverage: 75%
 - c. Height: 8m above Natural Ground Level
 - d. Street Building line: 5m
 - e. Side and Rear Building Lines: 3m
 - f. Parking: 2 Parking Bays per 100m² GLA

14. Building plans for the development may only be submitted for approval in accordance with the National Building Regulations (NBR) after approval of the SDP.

CONDITIONS OF THE DIRECTORATE: CIVIL ENGINEERING SERVICES:

15. The amount of Development Charges (DCs) to be paid by the developer are calculated in terms of the George Municipality Land Use Planning By-Law (as amended) and the approved DC Guidelines. With reference to clause above, with regards to the proposed development, the developer will be required to make development contribution, as follows:
16. The amounts of the development contributions are reflected on the attached calculation sheet (refer **Annexure T**) dated 04/10/2021 and are as follows:

Roads:	R 4 467 507,60	Excluding VAT (Refer to attached DC calculation sheet)
Sewer:	R 6 116 989,11	Excluding VAT (Refer to attached DC calculation sheet)
Water:	R 6 387 097,56	Excluding VAT (Refer to attached DC calculation sheet)
Total:	R16 971 594,27	Excluding VAT

17. The total amount of the development charges of **R16 971 594,27** (excluding VAT) shall be paid prior to the first transfer of a land unit pursuant to the application or upon the approval of building plans, whichever occurs first, unless otherwise provided in an engineering services agreement or, in the case of a phased development, in these or any other relevant conditions of approval.
18. Any amendments or additions to the proposed development which is not contained within the calculation sheet as dated in condition 16 above, which may lead to an increase in the proportional contribution to municipal public expenditure will result in the recalculation of the development charges and the amendment of these conditions of approval or the imposition of other relevant conditions of approval.
19. As provided in section 66(5B) (b) of the Planning By-Law (as amended), using the date of approval as the base month the amount of R16 971 594,27 (excluding VAT) shall be adjusted in line with the consumer price index published by Statistic South Africa up to the date when payment is made in terms of condition 17 above.
20. Development charges are to be paid to the Municipality in cash or by electronic funds transfer or such other method of payment as may be accepted by the Municipality at the time when payment is made.
21. All services -internal, link and relocation of or upgrades to existing - are to be designed by a registered consulting engineer in accordance with Council specifications. This may include bulk services outside the development area but that must be upgraded to specifically cater for the development. All drawings and plans are to be submitted to the applicable department, or any other relevant authority, (hard copy and electronically) for approval prior to any construction work taking place. All work is to be carried out by a suitable qualified/registered civil contractor under the supervision of the consulting engineer who is to provide the relevant authority with a certificate of completion, and as-built plans in electronic format. All costs will be for the developer. No transfers will be approved before all the municipal services have been satisfactorily installed and as-builts submitted electronically, as well as the surveyor's plan, geotechnical and other reports, and a full close-out report.
22. Should more than two developments/properties be party to or share any service, the Dir: CES will in conjunction with the parties determine the pro-rata contributions payable.
23. Any, and all, costs directly related to the development remain the developers' responsibility.
24. Only one connection is permitted per registered erf (Water and sewer connections), should municipal service be available (condition 21 applicable).
25. Any services from the development that must be accommodated across another erf must be negotiated between the developer and the owner of the relevant erf. Any costs resulting from the accommodation of such services or the incorporation of these services into the network of another development are to be determined by the developer and the owner of the other erf (condition 21 applicable).
26. Any service from another erf that must be accommodated across the development or incorporated into the services of the development: all negotiations will be between the owner/developer of the relevant

- erf and the developer. Costs for the accommodation of these services or the upgrade of the developments services to incorporate such services are to be determined by the developers/owners concerned (condition 21 applicable).
27. Any existing municipal or private service damaged during the development will be repaired at the developers cost and to the satisfaction of the George Municipality (condition 21 applicable).
 28. No development may take place within the 1:100-year flood line or on slopes steeper than 1:4.
 29. Should it be required, a services agreement is to be drawn up between the developer and the George Municipality, by an attorney acceptable to the Municipal Manager. All expenses will be for the developer.
 30. The developer is to adhere to the requirements of the Environmental Authorisation (EA). The onus is on the developer to provide the Dir: CES with the necessary proof of compliance with the EA.
 31. Appropriate servitudes must be registered for any municipal service not positioned within the standard building lines.
 32. The applicant is to comply with the National Forestry Act, Act No 84 of 1998, should it be required.
 33. Provisions for the removal of solid waste is to be addressed in conjunction with the Dir: Environmental Services.
 34. The developer is to adhere to the requirements of all relevant Acts, as well as all conditions stipulated by any other authority whose approval is required and obtained for this proposed development.
 35. The POA shall see to it that the officials and contractors of the Municipality shall always have access to any portion of the development that may otherwise not be generally accessible to the general public due to security measures, including guarded entrances, electronic gates or booms. For the avoidance of doubt, it is agreed that this requirement relates to the Municipality's emergency services, entry for normal maintenance and replacement, meter reading and inspection and refuse removal. If access to the development is denied to the Municipality or a contractor appointed by the Municipality, the developer and the POA will jointly and severally be liable for the full cost of the municipal infrastructure repairs and any damages the Municipality may suffer as a result thereof and will be billed for any water losses or loss in electrical sales from the system.
 36. Transfers, building plan approvals and occupation certificates may be withheld if any sums of money owing to the George Municipality are not paid in full, or if any services have not been completed to the satisfaction of the Dir: CES & ETS, or any condition of any authority has not been satisfactorily complied with.
 37. The Developer is responsible to obtain the necessary approval / way leaves from third parties which include, but is not limited to the George Municipality, Telkom & Fibre optic service provider, the Department Transport and Public Works.
 38. No construction activity may take place until all approvals, including way leave approval, are in place, all drawings and material have been approved by the Technical Directorates.
 39. Municipal water is provided for potable use only. No irrigation water will be provided.
 40. A water meter must be installed by the developer prior to construction to monitor water usage during the construction phase. The Dir: CES (Water section) is to be consulted by the developer, prior to installation, regarding the required specifications. Failure to complying with the water meter application process, will result in the developer being responsible for payment of penalties and/or an estimated non-metered water consumption at a rate as per the applicable annual Tariff List. In this regard, transfers, building plan approval and occupation certificates may be withheld if any sums of money owing to the George Municipality are not paid in full. The water meter is to be removed on completion of construction if required by the Dir: CES.
 41. The developer / erf owner is to apply to the George Municipality for the installation of an individual erf water meter prior to any building work commencing on an erf.
 42. The development, in its entirety or in phases, is subject to confirmation by the Dir. CES of the availability of Water and Sanitation bulk treatment capacity at the time of the development implementation, or if developed in phases before the commencement of each phase. A development/implementation program is to be provided by the Developer when requesting confirmation of this capacity from the Dir. CES. If the Developer does not adhere to the program the Dir. CES will be entitled to revise the availability of such bulk capacity.

43. No municipal road network is currently available. Should a municipal network in future be extended to this area, the owner will be compelled, at own cost, to link to the road network. A Development Charge for roads will then become payable in accordance with the approved DC Guidelines at the time of connection.
44. Public and private roads are to be clearly indicated on all layout plans submitted. The road reserves must be clearly indicated on all plans submitted for approval. The cadastral layout can only be approved if the road reserves have been included on plans and approved by the Dir: CES.
45. The private roads and the associated stormwater and private open spaces are to be registered as private and transferred to the POA/BC, or other relevant governing or controlling body. Public roads must be transferred to the George Municipality.
46. The developer is to have a Traffic Impact Assessment (TIA) conducted by a registered traffic engineer. The terms of reference of the TIA are to be finalised with the Dir: CES together with any other approving authority, who must also approve the TIA. All recommendations stipulated in the TIA report and as approved by the relevant authority, are to be implemented by the developer and prior to any transfer being approved or an occupation certificate being issued. All costs involved will be for the developer.
47. The developer is to provide the Dir: CES with a DRE approval of the TIA. The comments and conditions in the approved TIA must be implemented by the developer. The Dir: CES reserve the right to enforce additional conditions and requirements to be implemented by the developer.
48. Maintenance and/or upgrading of all private / servitude roads are the responsibility of all the owners who make use thereof.
49. A Stormwater Management Plan is to be submitted and approved by the relevant departments/authority. All approved measures are to be implemented by the developer. The approved management plans must be incorporated into the constitution and rules of all homeowner's constitutions/body corporate/any such governing or controlling body.
50. The discharge of surface stormwater is to be addressed by the developer. Condition 21 applies. All related costs are for the developer. The developer is to consult with the Dir: CES to ensure that stormwater planning is done in line with the stormwater management plan for the GANEP area.
51. A layout plan indicating the proposed storm water drainage must be submitted to the Dir: CES for prior approval. Condition 21 applies.
52. Internal parking requirements (i.e. within the development area), position of accesses, provision for pedestrians and non-motorised transport, and other issues related to traffic must be addressed and all measures indicated on plans and drawings submitted for approval.
53. Adequate parking with a hardened surface must be provided on the premises of the proposed development.
54. No private parking will be allowed in the road reserve.
55. A dimensioned layout plan indicating the proposed accesses onto private / servitude roads, must be submitted to the relevant departments for approval (condition 21 applicable).
56. The approval of the layout of the development and accesses is subject to the final Roads Master Plan for the GANEP area and approved by the Dir: CES. A site development plan is to be submitted to the Dir: CES, or any other relevant authority for approval prior to any construction work taking place.
57. The developer may be required to construct certain roads in lieu of a financial contribution towards the GANEP Roads Master Plan. All roads required for access to the development will have to be fully completed prior to the approval of any transfers/rates clearances. The developer's financial contribution towards the roads in the GANEP Roads Master Plan will be determined in accordance with the applicable financial cost sharing model.
58. The District Roads Engineer (DRE) is to comment on the development application and/or approve any external TIA.
59. Should it be required, the developer is to cede any portion of property required for public road reserve, free of charge, to the relevant authority where such road reserve is not included in the cost sharing model for the GANEP Roads Master Plan.
60. Permission for access onto municipal, provincial or national roads must be obtained from the relevant authorities.

61. The municipality, or contractors representing George Municipality to have unrestricted access to all new or existing municipal infrastructure. This includes suitable access to any pump stations which access must be in accordance with municipal standards. Developer to indicated proposed access on the development's Site Development Plan (SPD) for approval

CONDITIONS OF THE DIRECTORATE: ELECTROTECHNICAL SERVICES

62. The amount of Development Charges (DCs) to be paid by the developer are calculated in terms of the George Municipality Land Use Planning By-Law (as amended) and the approved DC Guidelines. With reference to clause above, with regards to the proposed development, the developer will be required to make development contribution, as follows:
63. The amounts of the development contributions are reflected on the attached calculation sheet (refer **Annexure T**) dated 06/10/2021 and are as follows:
- | | | |
|--------------|----------------|---------------|
| Electricity: | R 5 844 033,49 | Excluding VAT |
|--------------|----------------|---------------|
64. The total amount of the development charges of **R5 844 033,49** Excluding VAT shall be paid prior to the first transfer of a land unit pursuant to the application or upon the approval of building plans, whichever occurs first, unless otherwise provided in an engineering services agreement or, in the case of a phased development, in these or any other relevant conditions of approval.
65. Any amendments or additions to the proposed development which is not contained within the calculation sheet as dated in condition 63 above, which may lead to an increase in the proportional contribution to municipal public expenditure will result in the recalculation of the development charges and the amendment of these conditions of approval or the imposition of other relevant conditions of approval.
66. As provided in section 66(5B)(b) of the Planning By-Law (as amended), using the date of approval as the base month the amount of R5 844 033,49 Excluding VAT shall be adjusted in line with the consumer price index published by Statistic South Africa up to the date when payment is made in terms of condition 64 above.
67. Development charges are to be paid to the Municipality in cash or by electronic funds transfer or such other method of payment as may be accepted by the Municipality at the time when payment is made.
68. All services -internal, link and relocation of or upgrades to existing - are to be designed by a registered consulting engineer in accordance with Council specifications. This may include bulk services outside the development area but that must be upgraded to specifically cater for the development. All drawings and plans are to be submitted to the applicable department, or any other relevant authority, (hard copy and electronically) for approval prior to any construction work taking place. All work is to be carried out by a suitable qualified/registered electrical contractor under the supervision of the consulting engineer who is to provide the relevant authority with a certificate of completion, and as-built plans in electronic format. All costs will be for the developer. No transfers will be approved before all the municipal services have been satisfactorily installed and as-builts submitted electronically as well as the surveyor's plan.
69. Consent use approval with regards to Guest houses, School or Hotels are subject to the submission and approval of building plans, which shall include a detailed Site Development Plan (SDP), indicating proposed land use changes to the erf/erven. The SDP should, but not limited to, address all internal parking requirements (i.e. within the development area), position of accesses, provision for pedestrians and non-motorised transport, and other issues related to traffic.
70. Any, and all, costs directly related to the development remain the developers' responsibility.
71. Only one connection permitted per registered erf (Electrical, water and sewer connections). Condition 68 applies.
72. Any services from the development that must be accommodated across another erf must be negotiated between the developer and the owner of the relevant erf. Any costs resulting from the accommodation of such services or the incorporation of these services into the network of another development are to be determined by the developer and the owner of the other erf. Condition 68 applies.
73. Any service from another erf that must be accommodated across the development or incorporated into the services of the development: all negotiations will be between the owner/developer of the relevant erf and the developer. Costs for the accommodation of these services or the upgrade of the developments

services to incorporate such services are to be determined by the developers/owners concerned. Condition 68 applies.

74. Any existing municipal or private service damaged during the development will be repaired at the developers cost and to the satisfaction of the George Municipality. Condition 68 applies.
75. Suitable servitudes must be registered for any municipal service not positioned within the normal building lines.
76. The applicant is to comply with the National Forestry Act, Act No 84 of 1998, should it be required.
77. Provisions for the removal of solid waste is to be addressed in conjunction with the Dir: Environmental Services.
78. The developer is to adhere to the requirements of all relevant Acts, as well as all conditions stipulated by any other authority whose approval is required and obtained for this proposed development.
79. Transfers, building plan approvals and occupation certificates may be withheld if any sums of money owing to the George Municipality are not paid in full, or if any services have not been completed to the satisfaction of the Dir: CES & ETS, or any condition of any authority has not been satisfactorily complied with.
80. The Developer is responsible to obtain the necessary approval / way leaves from third parties which include, but is not limited to the George Municipality, Telkom & Fibre optic service provider.
81. No construction activity may take place until all approvals, including way leave approval, are in place, all drawings and material have been approved by the Technical Directorates.
82. The developer will be responsible to submit an Electrical Services Report for the development for the approval by the ETS. All the required electrical upgrades required on the Municipal electrical distribution network must be listed within the Electrical Services Report and will be for the cost of the developer. The developer will have to adhere to the Electrical Services Report. However, the preliminary designs, followed by the detailed designs, will only be finalised once the site development plan is approved. Condition 68 applies.
83. No electricity may be consumed within, or by any part of the development, without the consumption of the supply being metered and billed by a municipal meter (prepaid or credit). All cost, installation and consumption, will be for the cost of the developer. Standard application process will apply.
84. A temporary municipal metered construction supply can be installed, at a cost to be determined, prior to construction to monitor electrical consumption during the construction phase. All cost, installation and consumption, will be for the cost of the developer. No electricity may be consumed without it being metered by a registered municipal electrical meter. Standard application process will apply. Temporary supplies will only be made available on full payment of the DCs for the whole development.
85. All pump stations constructed as part of this development and associated works, must be equipped with an approved and registered electrical meter. All cost, installation and consumption, will be for the cost of the developer. No electricity may be consumed without it being metered by a registered municipal electrical meter. Standard application process will apply. It will be the responsibility of the developer to install the relevant electrical meters.
86. Rural connection: Capital contributions will be payable by the applicant as part of the electrical connection on application for an electrical connection. The Capital contribution will be determined by the department ETS, based on the size of the connection at the standard prevailing DCs calculation methodology for rural connections.
87. Each new portion created must have separate electrical connection and it may not cross any other portion. Each consumer will have to enter into a separate supply agreement with the Municipality. For new consolidated erven it will be the responsibility of the owner/developer to make the necessary arrangements with the Electrotechnical Services Department to remove all the unused electrical services. All costs will be for the owner/developer.
88. The Electrotechnical Services will not be responsible for the installation, maintenance, energy consumption or any other costs related to streetlights, or other lighting, within the development or along any other private road.
89. All streetlights along municipal public roads are to be designed by a registered consulting engineer in accordance with Council specifications. All drawings and plans are to be submitted to the applicable department, or any other relevant authority, (hard copy and electronically) for approval prior to any





- construction work taking place. All work is to be carried out by a suitable qualified/registered electrical contractor under the supervision of the consulting engineer who is to provide the relevant authority with a certificate of completion, and as-built plans in electronic format. All costs will be for the developer.
90. Owner to ensure compliance with Regulation XA of SANS 10400 (building plans).
 91. Owner to ensure compliance with Regulation XA of SANS 10142 (wiring) and any other applicable national standards.
 92. A detailed energy efficiency and demand side management plan to be implemented in the development to provide to the municipality.
 93. A dimensioned layout plan indicating the proposed accesses to the municipal substations and other electrical infrastructure must be submitted to and approved by the Dir. ETS and Dir. CES to allow the municipality access with their LUVs and/or Crane Truck to their infrastructure for the purposes of maintenance and/or upgrading. The access should allow for internal link roads in the development to enable the ETS unhindered access to their internal infrastructure.
 94. The developer the POA, and/or an owner of an erf shall see to it that no Small-Scale Embedded Generation (SSEG) are installed on an erf, any portion of an erf or the development, without prior approval from the ETS. Should any SSEG be installed within any part of the development the Electrotechnical Services will within their discretion either implement applicable penalties and/or disconnect the relevant point of supply.
 95. Neither the Developer or the POA or a property owner are allowed to distribute electricity across property boundaries.
 96. It will not be the responsibility of the Municipality to maintain and protect any service cables installed by the developer, but not used, i.e. not being metered and not consuming electricity. Should a future owner purchase an erf within the development, the installation and connection of the service cable will be for the cost of the developer or new owner. The connection fee paid to the municipality will be solely for provision of the electrical meter and the cost associated with opening the customer account.
 97. The installed bulk supply for each erf will have to adhere to the minimum load requirements for light industrial ADMD kVA values as per NRS 069.
 98. All the MV/LV work must be installed and be funded by the developer as no DCs are levied for this network.
 99. Where DCs have been applied for a particular section of the network, but the developer is requested to install and fund a part of the section of network, such work will be credited against DCs calculated.
 100. Developer indicated that no grid electricity will be required for the development as renewable energy supplies will be provided for the whole development. It must be clear that no electricity will be provided by the municipality and if later required the developer will be responsible for any costs incurred including standard DCs applicable at the time.

PART Q: ANNEXURES

Annexure A	Subdivision Plan
Annexure B	Motivation Report / Memorandums
Annexure C	Title Deed
Annexure D	Conveyancer's Certificate
Annexure E	Application form & Pre-application meeting minutes
Annexure F	Environmental Authorisation
Annexure G	Letter from the National Department of Agriculture, Forestry and Fisheries
Annexure H	Letter from Department of Agriculture, WCG
Annexure I	Letter from Department of Transport and Public Works
Annexure J	Traffic Impact Assessment
Annexure K	Civil Services Report
Annexure L	Electrical Services Report
Annexure M	Stormwater Management Report
Annexure N	Freshwater Impact Assessment
Annexure O	Geohydrological Report

Annexure P	Geotechnical Report
Annexure Q	Social Impact Assessment
Annexure R	Memorandum of Settlement
Annexure S	Feasibility Study
Annexure T	Development Contribution Calculations

Rezoning and Subdivision: Remainder of Portion 4 of the Farm Gwayang No 208, Division George

 <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> MARTIN BOTHA (Pr.Pl. A/2518/2017) TOWN PLANNER	<u>28/03/2022</u> DATE
 <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> J. Fourie A/1429/2011 SENIOR TOWN PLANNER	<u>30/03/2022</u> DATE
RECOMMENDED/ REFER TO APPLICANT/ REFER TO TRIBUNAL	
 <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> C. PETERSEN (B/8336/2016) SENIOR MANAGER: TOWN PLANNING	<u>01/04/2022</u> Date
APPROVED / REFUSED/ REFER BACK TO APPLICANT/ REFER TO TRIBUNAL	
 <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> D. POWER (A/1973/2014) DEPUTY DIRECTOR PLANNING/AUTHORISED OFFICIAL	<u>07 April 2022</u> Date

Attachments : Annexures for Gwayang 208/4



Gwayang 208_4 -
(Tribunal Annexures)

6.5. Permission : Erf 18149, Market Street, George (R Janse van Rensburg)

LAND USE PLANNING REPORT
APPLICATION FOR PERMISSION TO REGULATE PARKING ON SITE: ERF 18149, GEORGE

Reference number	1661666	Application submission date	28 February 2020	Date report finalized	27 March 2022
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PART A: AUTHOR DETAILS

First name(s)	Robert Henk
Surname	Janse van Rensburg
Job title	Town Planner
SACPLAN registration number	A/2925/2020
Directorate/Department	Planning and Development
Contact details	rhjansevanrensburg@george.gov.za

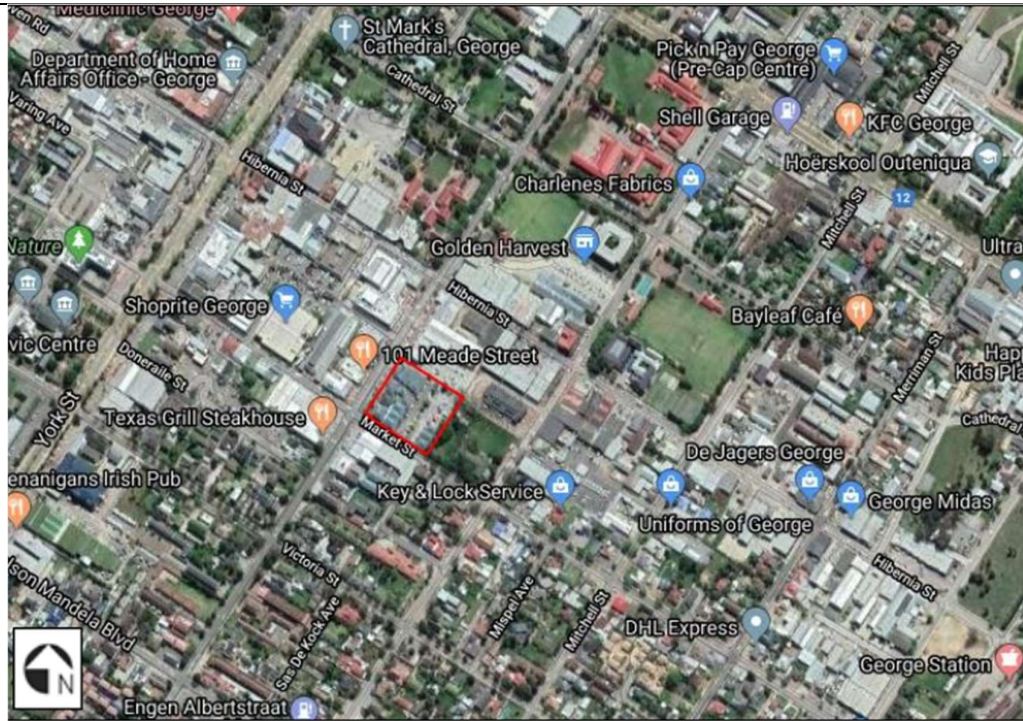
PART B: APPLICANT DETAILS

First name(s)	Delarey				
Surname	Viljoen				
Company name	Delplan Urban & Regional Planning				
SACPLAN registration number	A/1021/1998	Is the applicant authorized to submit this application?	Y	N	
Registered owner(s)	Mascodor 159 (Edms) Bpk				

PART C: PROPERTY DETAILS

Property description (in accordance with Title Deed)	Erf 18149, George					
Physical address	Market Street		Town/City	George		
Current zoning	Business Zone I	Extent (m²/ha)	9698m²	Are there existing buildings on the property?	Y	N
Applicable Zoning Scheme	George Integrated Zoning Scheme By-Law, 2017 (hereafter referred to as “ Zoning Scheme ”);					
Legislation	Land-use Planning By-Law for George Municipality, 2015 (hereafter referred to as “ Planning By-Law ”); George Municipal Spatial Development Framework, 2019 (hereafter referred to as					

		"GMSDF"). George Central Area Local Structure Plan, 2012 (hereafter referred to as "LSDF")			
Current Land Use	Shops, Restaurants, and other businesses		Title Deed number & date	Title Deed T18453/2006 attached as Annexure C.	
Any restrictive title conditions applicable?	Y	N	If Yes, list condition number(s)	According to the Conveyancer Certificate received from Raubenheimers Incorporated (15 January 2020), the relevant Title Deed does not contain any conditions that prohibit the proposed permission required in terms of the scheme. See attached as Annexure E.	
Any third-party conditions applicable?	Y	N	If Yes, specify	N/A	
Any unauthorised land use/building work?	Y	N	If Yes, explain	N/A	
PART D: PRE-APPLICATION CONSULTATION (ATTACH MINUTES)					
Has pre-application consultation been undertaken?			Y	N	Not Required in terms of the By-Law.
Reference Number			Date of consultation		Official's name
PART E: LIST OF APPLICATIONS (TICK APPLICABLE)					
e. Rezoning		b. Permanent departure		sss. Temporary departure	ttt.Subdivision
uuu. Consolidation		vvv. Amendment, suspension or deletion of restrictive conditions		www. Permissions required in terms of the zoning scheme	xxx. Amendment, deletion or additional conditions in respect of existing approval
yyy. Extension of validity period		zzz. Approval of an overlay zone		aaaa. Phasing, amendment or cancellation of subdivision plan	bbbb. Permissions required in terms of conditions of approval
cccc. Determination of zoning		dddd. Closure of public place		eeee. Consent use	ffff. Occasional use
gggg. Establishment of a Home Owners Association		hhhh. Rectify Beach of Home Owners Association		iiii. Reconstruct building of non-conforming use	Other
PART F: APPLICATION DESCRIPTION					
Consideration of an application for Permission in terms of Section 15(2)(g) of the Land Use Planning By-law for George Municipality, 2015 to allow the owners to regulate the parking area of Erf 18149, George;					
PART G: LOCATION					
The subject property is situated within the central business district of George, located on the corner of Meade and Market Street. The images below illustrate the locality of the property.					
<u>Aerial Plan indicating locality within the CBD area:</u>					



Aerial Plan indicating the proximity of Erf 18149, George with immediate surrounding land uses.



Applicants Locality Plan:

PART H: BACKGROUND AND HISTORY	
<ul style="list-style-type: none"> • Erf 18149, George is developed as Multi Centre, comprises of a variety retail shops, offices and coffee shops. • The shops are situated on the western boundary of the property, close to Meade Street with the parking provisions located on the eastern portion of the Property. • The Multi Centre owners are applying to regulate the parking within their property to ensure that parking is readily available to their customers. 	

PART I: SUMMARY OF APPLICANTS MOTIVATION

The applicant's motivation can be summarised as follows:

Proposed Development

- The parking on Erf 18149, George is currently being used by people working in close proximity to the property as well as customers of surrounding businesses.
- This results in a parking shortage for customers and employees of the Multi Centre.
- The Multi Centre is applying to regulate the parking within their property to ensure availability of parking for their customers by restricting the maximum parking time.
- A portion of the parking area will be designated and restricted for employees of the Multi Centre.
- The implementation of the regulation will be enforced and managed by the owners of Multi Centre.
- Implementation of the regulations will include the use of signs that restricts the allowable time for a car to be parked. Violation of these regulations will result in a fine.

Access

- The parking area gains access via both Market Street as well as Meade Street and will remain unchanged. Access to parking is illustrated below.
- CES requested the closure of the entrance from Market Street, and amendment of the existing access to accommodate both access and entrance into one. (Configuration due to new road upgrades for Market Street).
- An amended site plan was submitted with the changes made in accordance with the above.
- The picture below illustrates the closure of one of the entrances from Market Street.



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

Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA) & the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA)

- The application adheres to the development principles in terms of Section 59 of LUPA (principles for land use planning) and is consistent with the principles listed in the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013).

George Municipal Spatial Development Framework (GMSDF) (2019)

- The MSDF states parking facilities in the CBD should be upgraded so that the area functions as a vibrant living, working, shopping and entertainment hub during the day and in the evenings.
- The proposal will cause a continuous movement of cars and will provide sufficient parking for customers & employees of Multi Centre.
- Therefore, the proposal to regulate parking by means of establishing a maximum parking time is not considered to be in conflict with the GMSDF.

The George Central Area Local Structure Plan (2012)

- The Local Structure Plan (2012) acknowledges the lack of parking provision with the CBD.
- The Local Structure Plan (2012) however proposes the use of parking meters in the CBD as it would increase the turnover of vehicles parked in a specific area.
- The proposal to regulate parking by means of establishing a maximum parking time is considered in line with the George Central Area Local Structure Plan (2012).

Public Interest

- The approval will ensure that employees and customers of the surrounding properties cannot park on the property for long periods of time.
- The employees of customers of Multi Centre will benefit from the parking regulation and will address the shortage of parking that is currently experienced on the property.

Desirability

- The proposed parking regulation will not have a negative impact on the character of the area or the surrounding neighbours.

Other

- The proposal does not require any additional engineering services.
- No listed activities as contemplated by the National Environmental Management Act, 1998 (as amended) (NEMA) are triggered by this application.

Conclusion

From this motivation report, it is the applicant's opinion that the proposed land use application for Erf 18149, George is consistent with all relevant considerations as prescribed in the town planning policies.

PART J: SUMMARY OF PUBLIC PARTICIPATION (*comment period was extended)

Methods of advertising				Date published		Closing date for objections			
Press		Y	N	N/A					
Gazette		Y	N	N/A					
Notices		Y	N	N/A					
Website		Y	N	N/A		25 June 2020		26 July 2020	
Ward councillor		Y	N	N/A		25 June 2020 (Cllr: S. Snyman)		26 July 2020	
On-site display		Y	N	N/A		25 June 2020		26 July 2020	
Community organisation(s)		Y	N	N/A					
Public meeting		Y	N	N/A					
Third parties		Y	N	N/A					
O t h e r	Y	N	If yes, specify	The notice was also sent to:					
Total valid objections		1				Total invalid objections and petitions		N/A	
Valid petition(s)		Y	N	If yes, number of signatures					
Community organisation(s) response		Y	N	N/A	Ward councillor response		Y	N	N/A
Total letters of support		0							
Was the minimum requirement for public participation undertaken in accordance with relevant By-Law on Municipal Land Use Planning and any applicable Council Policy							Y	N	

PART K: SUMMARY OF COMMENTS DURING PUBLIC PARTICIPATION

An objection was received from Propors (Pty) Ltd. (Mr L. Rossol) on 16 July 2020 and later withdrawn on 3 August 2020.

Objection: Caloroso Roaster & Eatery (Erf 6596, George), situated at 103 Meade Street across the road west of Erf 18419, George:

In a letter dated 17 July 2020 the owner of Caloroso Roaster & Eatery, Mr K.J. Appelgren objected on the

following grounds:

1. The proposal limits the ability of drivers to find convenient parking in an area with an already limited number of parking bays required.
2. The proposal impedes the freedom of drivers to patronise the business of their choice by creating the inherent inconvenience of controlled parking.
3. Controlled parking may potentially cause disharmony with neighbouring businesses as it may deter patrons to shop elsewhere creating a loss of revenue.
4. It prejudices shops on either side of the road that could create unnecessary tension between businesses on both sides of the road.
5. The proposal goes against the principle of neighbourly relations and imposes with a prejudice a limitation to the benefit of only a small segment of businesses that trade on Meade Street who seek to regulate and control public parking in a traditionally communal area of the CBD.
6. The objector does not see any reasonable cause to enable justification to enable regulation of the designated area, nor does he see any reasonable or relevant justification to inconvenience the public who engage with the parking space. The application does not specifically preclude the parking on Meade Street frontage and as such by extension this may cause future unseen problems that do not appear to have been contemplated in the application.
7. The application may create additional hardships in addition to the lockdown regulations and general economic downturn.

PART L: SUMMARY OF APPLICANT'S REPLY TO OBJECTIONS

The applicant's reply to objections are summarized (numbered in conjunction with the objections made) as follows:

1. The application only constitutes the regulation of the parking area behind the Multi Centre building between the Woolworths parking area and Market Street. The parking on either side of Meade Street is public parking and will remain public. Their respective clients will still be allowed to park there.
2. The regulation of the parking area behind the Multi Centre will not limit the freedom of their clients, they will still be able to park on either side of the street. Parking inside the dedicated private parking area will be regulated instead, as currently office workers from all over the CBD park there all day. If the parking area is regulated it will benefit the retail outlets in the vicinity including Caloroso and other close by restaurants.
3. See point 1 above.
4. Noted. See Point 1 above.
5. See Point 1 above. The parking area that the property owner wishes to regulate is a private parking area on the property owner's property.
6. See Point 1 above. The street parking is public and will not be regulated.
7. See Point 1 above.

The applicant states that the objector is under the impression that the public street parking on Meade Street will also be subject to the regulation of parking. However, this is not the case.

PART M: SUMMARY OF COMMENTS FROM INTERNAL DEPARTMENTS AND/OR ORGANS OF STATE COMMENTS

Name of Department	Date	Summary of comments	Recommendation
Civil Engineering Services	13/07/2021	CES support the application, subject to the closure of the entrance from Market Street, and amendment of the existing access to accommodate both access and entrance into one.	N/A

Electrotechnical Services	17/03/2021	Take Note.	N/A
GIPTN	27/11/2021	Based on a review of the proposals submitted for comment, the GIPTN Unit confirmed that there is no negative impact foreseen on the GIPTN Service. However, it is important to note that the property falls within the proposed CBD Pedestrian Network.	N/A

PART N: MUNICIPAL PLANNING EVALUATION (REFER TO RELEVANT CONSIDERATIONS GUIDELINE)

Is the proposal consistent with the principles referred to in chapter 2 of SPLUMA? (can be elaborated further below)

Y N

Is the proposal consistent with the principles referred to in chapter VI of LUPA? (can be elaborated further below)

Y N

(In)consistency with the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and with the principles referred to in Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014) (Section 65 of the Planning By-Law)

The consistency of the application with the principles of SPLUMA and LUPA as read with Section 65 of the Planning By-Law was evaluated as follows:

No	Evaluation checklist (s. 65)	Yes	No	N/A
1(a)	Does the application submitted comply with the provisions of this by-Law?	x		
	Has the motivation submitted been considered?	x		
1(b)	Were the correct procedures followed in processing the application? (see land use application process checklist)	x		
	Was a condonation required and granted with regards to the process followed? (see land use application process checklist)		x	
1(c)	Have the desirability guidelines as issued by the provincial minister to the utilise land for the proposed land uses been considered? (not yet applicable)			x
1(d)	Have the comments received from the respondents, any organs of state and the provincial minister been considered? (s. 45 of LUPA)			x
1(e)	Have the comments received from the applicant been considered?	x		
1(f)	Have investigations carried out in terms of other laws and that are relevant to the application being considered?			x
1(g)	Was the application assessed by a registered town planner? (see land use application process checklist)	x		
1(h)	Has the impact of the proposed development on municipal engineering services been considered?	x		
1(i)	Is the application in line, consistent and/or compatible with the IDP of the municipality?			x
	Is the application in line, consistent and/or compatible with the municipal SDF?	x		
1(j)	Is the application in line, consistent and/or compatible with the IDP of the district municipality including its SDF?			x
1(k)	Is the application in line, consistent and/or compatible with the structure plan applicable to the area?			x

1(l)	Is the application in line, consistent and/or compatible with the local SDF applicable to the area?	x		
1(m)	Is the application in line, consistent and/or compatible with any other municipal policy or By-Law applicable to the proposed land use?			x
1(n)	Is the application in line, consistent and/or compatible with the provincial SDF?			x
1(o)	Is the application in line, consistent and/or compatible with the regional SDF (<i>SPLUMA</i>) or provincial regional SDF (<i>LUPA</i>)?			x
1(p)	Is the application in line, consistent and/or compatible with the applicable guidelines, standards, principles, norms or criteria set by national and/or provincial government?			x
1(r)	Is the application in line the consistent and/or compatible with the following principles as contained in section 7 of <i>SPLUMA</i> / 59 of <i>LUPA</i> :			
	1. The redress spatial and other development imbalances of the past through improved access to and use of land?			x
	2. Address the inclusion of persons and areas previously excluded in the past, specifically informal settlements and areas characterised by wide-spread poverty and deprivation?			x
	3. Enable the redress of access to land by disadvantaged communities and persons?			x
	4. Does the application support access to / facilitate the obtaining of security of tenure and/or incremental informal settlement upgrading?			x
	5. Has the potential impact of the development proposal on the value of the affected land /properties been considered?	x		
	6. The impact of the application on the existing rights of the surrounding owners been recognised?	x		
	7. Does the application promote spatially compact, resource frugal development form?			x
	8. Can the development be accommodated within the existing fiscal (budget), institutional and administrative means of the municipality? (<i>e.g. Infrastructure upgrades required – when, budgeted for, etc.</i>)			x
	9. Has the protection of prime, unique and/or high potential agricultural land been considered?			x
	10. Is the application consistent with the land use measures applicable to / contained in environmental management instruments?			x
	11. Does the application promote and stimulate the equitable and effective functioning of land markets?			x
	12. Have all current and future costs to all parties for the provision of infrastructure and social services been considered?	x		
	13. Does the application promote development that is sustainable, discourages urban sprawl, encourages residential densification and promotes a more compact urban form?			x
	14. Will the development result in / promote the establishment of viable communities?			x
	15. Does the development strive to ensure that the basic needs of all the citizens are met in an affordable way?			x
	16. Will the development sustain and/or protect natural habitats, ecological corridors and areas of high bio-diversity importance?			x
	17. Will the development sustain and/or protect provincial heritage			x

		and tourism resources?			
	18.	Will the development sustain and/or protect areas unsuitable for development including floodplains, steep slopes, wetlands, areas with a high-water table, and landscapes and features of cultural significance?			x
	*19.	Will the development sustain and/or protect the economic potential of the relevant area or region?	x		
	20.	Has provision been made in the development to mitigate against the potential impacts of climate change?			x
	21.	Does the development include measures to reduce consumption / conserve water and energy resources? (<i>renewable energy, energy saving, water saving, etc.</i>)			x
	22.	Does the development consider sea-level rise, flooding, storm surges, fire hazards?			x
	23.	Does the development consider geological formations and topographical (soil and slope) conditions?			x
	24.	Will the development discourage illegal land occupation – w.r.t. Informal land development practices?			x
	25.	Does the development benefit the long term social, economic and environmental priorities for the area (<i>sustained job opportunities, sustained income, integrated open space network, etc.</i>) over any short-term benefits (<i>job creation during construction, short term economic injection, etc.</i>)?			x
	26.	Does the development contribute towards the optimal use of existing resources, infrastructure, agriculture, land, minerals and/or facilities?			x
	27.	Does the development contribute towards social, economic, institutional and physical integration aspects of land use planning?			x
	28.	Promotes and supports the inter-relationships between rural and urban development?			x
	29.	Does the development promote the availability of employment and residential opportunities near each other or the integration thereof?			x
	30.	Does the development promote the establishment of a diverse combination of land uses?			x
	31.	Does the development contribute towards the correction of distorted spatial patterns of settlements within the town/city/village?			x
	32.	Does the development contribute towards and /or promote the creation of a quality and functional open spatial environment?			x
	33.	Will the development allow the area or town to be more spatially resilient that can ensure a sustainable livelihood for the affected community most likely to be affected by economic and environmental shocks?			x
1(s)		Is the application in line with the applicable provisions contained in the applicable zoning scheme regulations (By-Law)? (e.g. Definitions, land use description and development parameters)	x		

Comments:

*19: The proposal will ensure efficient use of parking areas and ensure that parking spaces are readily available parking for customers of the Multi Centre as well as the surrounding area that will boost economic

resilience within the CBD area.

(In)consistency with the IDP/Various levels of SDF's/Applicable policies

George Municipal Spatial Development Framework, 2019 (MSDF)

The intention of the George MSDF, 2019 is to provide guidelines aimed at among others, promoting sustainability and affordability, providing for the needs of the community, and among others, strengthening the economy. The MSDF does not address regulating parking for private use directly. It however does address the provision of parking in the CBD and intensification areas. It is accepted that parking in the CBD is problematic and the MSDF states that parking management plans be developed. Especially for the CBD. It is considered that the proposal is consistent with the MSDF.

George CBD Pedestrian Network (2015)

The George CBD Pedestrian Network outlines a high-level strategy for the open space pedestrian network as a whole as well as for the individual areas identified. Erf 18149, George forms part of the Bus Terminus Precinct indicated below. This space is considered vital in that it represents a direct connection between the public transport hub and the major retail hub.



It is not the applications intention to control access to the site or to close it off. The area will remain open to the public, thus pedestrian movement will not be hindered in terms of the proposal.

The George Central Area Local Spatial Development Framework

The LSDF promotes the regulation of parking. It states that metered parking increases the turnover of vehicles in a specific space. Consequently, there will be more space available for short periods over any given period of time. Available parking will minimize the negative experience of seeking parking in vain. Metered parking should be introduced in a phased manner in the critical areas of perceived parking shortage. The parking needs of workers should also be kept in mind when allocating the meters. Space should be provided where

the workers could park for the day, but it would have to be further from the workplace than before, in the interest of easier access to their place of work by visitors.

Thus it is evident that the application is in line with the provisions as stated in the LSDF.

Taking the above into consideration, it can be concluded that the proposed development is consistent with the spatial planning development objectives for the area.

(In)consistency with guidelines prepared by the Provincial Minister

N/A

Outcomes of investigations/applications i.t.o. other laws

At the Executive Mayor-in-Committee meeting held on 12 April 2018, it was resolved in terms of Item 6.5.3 of the agenda "that the proposals for the management of public parking in the CBD as outlined in the report **BE APPROVED**".

The proposals provide a framework for future actions relating to resolving public parking problems in the George CBD. The following management provisions apply to the development proposal:

Reservation of public parking for clients

In this instance the public parking is casually reserved for the clients to a specific business or shopping precinct. Signage is erected that states that any other casual parking by the general public is prohibited, and in some instances private parking guards are appointed to enforce these rules.

Although this practice to exercise control over the use of public parking areas is rarely practiced, it is becoming more prevalent in certain parts of the CBD, due to business owners becoming frustrated as the parking provided for his business premises is unduly occupied for extensive periods by employees or other members of the public.

It would be in the general interest of the CBD, its businesses and the general public that time control on the occupancy of the parking bays is exercised. The proposed by-law, which introduces a time management enforcement system for the occupancy of the public parking bays, can assist in curbing this practice effectively. The fact that such parking areas are on private owned land, notwithstanding the fact that it constitutes public parking, will require the municipality to negotiate and enter into an agreement with these owners with regards to enforcing these parking areas without cost to them.

Management proposal for the privatization of public parking:

- a) **Scenario:** The private enforcement by land / business owners of time limits on the occupancy of public parking, but the parking is reserved for specific clients related to on-site businesses.
- b) **Approach:** Agreement with the land/ business owners which would allow for the private/ public enforcement of time limits on the occupancy of public parking so as to ensure that the parking bays are not occupied for unduly periods and can be occupied by the general public.
- c) **Rationale:** Co-operation agreements to ensure a comprehensive and consistent approach to the management of parking areas.
- d) **Principle:** Private/ public law enforcement in accordance with the overall management strategy of parking in the CBD.
- e) **Counter Performance:** Public/ Private Cooperation
- f) **Method:** Cooperation agreement in terms of the Municipality's Management Strategy on public parking in the CBD.
- g) **Non-Compliance:** No management provisions outside of a cooperative agreement.

The above scenario was premised by another resolution taken to enable the development of a parking bylaw which would allow the municipality to introduce pay parking in the CBD as well as to manage and enforce public parking located on private land by entering into agreements with the property owners. Notwithstanding, the above resolution gives the Directorate the mandate to allow owners to implement a time management enforcement system on their property.

Existing and proposed zoning comparisons and considerations

The application only entails permission to regulate parking within a private property. No zoning alterations or departures are required or form part of the application. The property will remain Business Zone 1.

The need and desirability of the proposal

The need and desirability for the proposed development have been considered in terms of the following factors:

No.	Evaluation checklist	Yes	No	N/A
1	Will the natural environment and/or open space systems be negatively affected?		x	
2	Will application result in trees/indigenous vegetation being removed on site or in the road reserve?		x	
3	Does the application have any negative impact on heritage resources?		x	
4	Will the character of the surrounding area be negatively affected?		x	
5	Will the architectural character of the streetscape be negatively affected?		x	
6	Will there be any negative impact on vehicle traffic and pedestrian safety?		x	
7	Will there be a negative impact on traffic movement?		x	
8	Will there be a negative impact on vehicle sight distances?		x	
*9	Are there adequate on-site parking / loading facilities provided?	x		
10	Are there adequate vehicle access/ egress to the property?	x		
11	Will the neighbour's amenity to sunlight be negatively affected?		x	
12	Will the application result in overshadowing onto neighbours' properties?		x	
13	Will the neighbour's amenity to privacy / enjoyment of their property / views be negatively affected?		x	
14	Will the proposal have a negative impact on scenic vistas or intrude on the skyline		x	
15	Will the intended land use have a negative impact on adjoining uses?		x	
16	Will the land use pose a potential danger to life or property in terms of fire risks, air pollution or smells or compromise a person's right to a safe and secure environment?		x	
17	Will there be a negative impact on property values?		x	
18	Will the application result in a nuisance, noise nuisance, and disturbance to neighbours?		x	
19	Will adequate open space and/or recreational space be provided (for			x

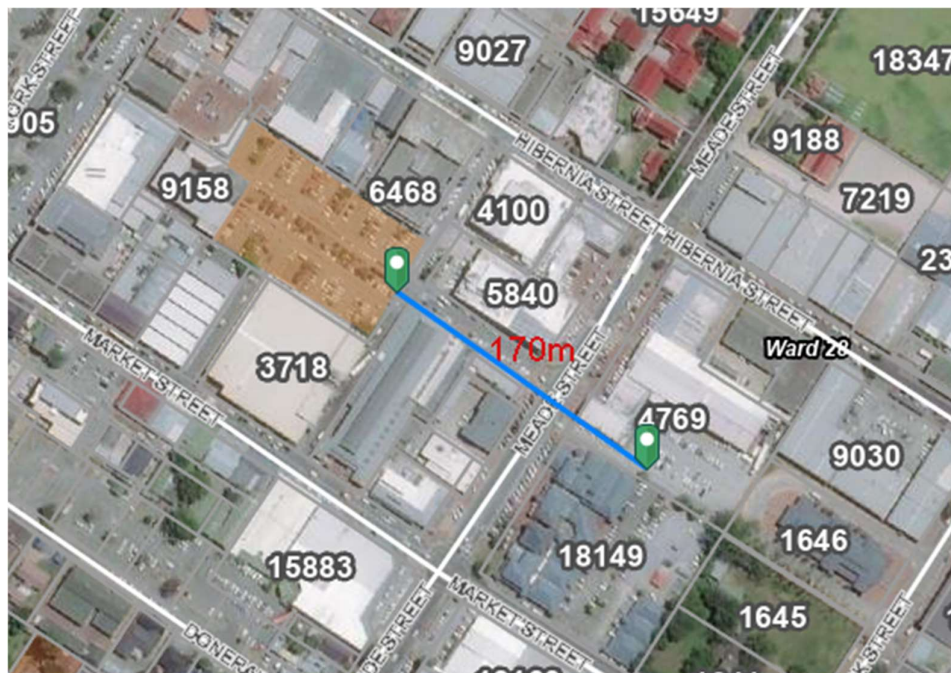
	residential developments)?			
20	Will approval of the application set a precedent?		x	

Comments

*9: No parking is being removed or added as part of this application. The current parking provision on the property remains unchanged.

Assessment of objections/comments

- No Parking space will be removed, only the regulation of parking times is applied for, which will on the contrary, provide more parking to be readily available for customers of Multi Centre and the surrounding businesses.
- Although the parking area is open to the general public, the parking spaces of Multi Centre are in private ownership and is not public parking, which gives the property owner the right to reserve parking for employees that work on his property and also regulate the parking times to ensure parking availability for the clients.
- Parking on the Meade Street frontage is not subject to the application because it is public parking.
- Access to the property will not be restricted, only parking time regulation is applied for.
- Employees of other businesses in the surrounding areas must either use parking provided on their own premises, or public parking provided by council as they take up parking designated for customers of Multi Centre and its employees. Refer to image below which illustrates a public parking area in the near vicinity.



PART O: SUMMARY OF EVALUATION

The owners of Erf 18149, George intend to regulate their parking area due to surrounding businesses using their parking for employee relating purposes (not for customer parking), subsequently leaving little to no parking for customers of the Multi Centre (and other businesses in the area) that is located on the property. No parking bays are set to be removed or reserved as part of the application. The owners also do not intend to restrict access to the property – it remain open to the public. The public parking area on the property will however be regulated by restricting parking times. The owners will set time limits for use of the parking bays and the property owners will enforce contraventions through fines.

The CBD of George is currently experiencing parking problems in certain areas. Contributing to this is the “abuse” of approved public parking facilities by property and business owners for private purposes and/or by reserving such parking for the exclusive use by clients or employees. As a result, the parking is no longer available to the broader public – which in the context of the CBD – has a negative impact on its ability to function optimally and compete effectively as a preferential shopping destination in the city and administrative centre in the region.

Historically, when a business development was approved in the CBD (when the George Zoning Scheme Regulations of 1977 were applicable), minimum requirements for public parking may be set in accordance with conditions of approval, or alternatively by a traffic impact assessment. If no conditions are laid down, then the minimum requirements of the zoning scheme are applied. There are also instances where parking for the development was provided for on public land and/ or where public land was acquired for this purpose. There are also incidents where the parking requirements were only indicated on a site development plan submitted with a building plan and implemented as such.

The public parking issue was referred to Council’s attorney in 2017 and the following was brought to the Directorate’s attention, as contained in a report to the Executive Mayor-in-Committee of 12 April 2018, as follows:

- (a) The public parking clause in the George Zoning Scheme Regulations, 1977 (repealed and replaced by the George Integrated Zoning By-law, 2017) only applies to Business Zone properties and thus do not apply to properties zoned for Authority or Government Uses (such as municipal offices, the courts, police stations and road camps) as well as for institutional purposes (such as schools, churches, public hospitals and clinics);
- (b) Since the adoption of the George Zoning Scheme in 1977, the Constitution of the Republic of South Africa, 1996 (supreme law of the country) was adopted. In terms of the Constitution, the State (including the municipality) may not take away a person’s right over property without compensating that person – including the right to control access to or to secure his/her property - unless such action is required to give direct effect to the obtaining / implementation of further development rights of such property. For example, the municipality may require a portion of land to be given off for road reserve or an open space linkage to give access to the development (or a portion of the property to be set aside for parking for the general public).
- (c) In terms of Planning Law, when a municipality approves a development it may lay down conditions relating to among others the provision of public parking which they deem necessary to implement the development. If no such conditions are laid down or if the parking layout on an approved building plan or site development plan does not show explicitly the number of public parking bays being provided, then the requirements of the zoning scheme shall apply.
- (d) In terms of the previous George Zoning Scheme, owners were required to provide public parking at a ratio of 1 parking bay for every 60m² of floor area and that this parking must be made available to the general public at all times. Parking provided in addition to this minimum requirement, can thus be considered to be private parking.
- (e) The abovementioned provisions must however, also now be read against the provisions of the Constitution, in terms of which the municipality may not take away any intrinsic rights of ownership – such as the owner’s rights to secure his/her property as well as the owner’s right to deny access to (reserve right of access over) his/her property without compensating said owner.
- (f) Thus, if no specific conditions are laid down by the municipality with regards to the provision of parking with the rezoning of a property, and/or if such parking is not indicated on an approved building plan or on a site development plan as public parking, the owner may control access to his/her site and reserve said parking for the clients of his/her tenants.
- (g) The implication of the above is that, if no conditions (relating to the public’s access to parking) were imposed, the owners of the properties ... are in fact lawfully allowed to erect signage and control parking on their respective properties and limit the use of the parking bays to their tenants’ customers. The parking spaces must however always be available during normal trading hours.

- (h) The owner may still not lease or reserve public parking for his tenants – as this parking must be available to the tenant's clients. Only the additional parking may be reserved for this purpose.
- (i) The above does not apply to land that was specifically demarcated or reserved for public parking purposes, parking provided on public land, public places or public roads.

Council's attorney concluded that the municipality has the authority in terms of the Constitution of RSA to control public parking and that planning laws allows them to impose conditions in this regard. The zoning scheme cannot however, give the municipality the power to force owners to make public parking available to the general public at all times. The attorney therefore advises that the provision of public parking and the management thereof is captured in a parking by-law.

The George Integrated Zoning Scheme, 2017 provides the necessary vehicle to address public parking provision on private property in the CBD. To avoid any ambiguity with regards to what constitutes public parking and what constitutes private parking, it is now explicitly required that new developments provide for and demarcate private parking for employees and tenants. The conditions relating to the provision of public parking is also more clearly defined in the conditions of approval in order to avoid uncertainties or misinterpretations.

The Directorate: Civil Engineering Services conducted a comprehensive parking study 2015/2016 which will assist in the future management of the existing public parking facilities within the CBD. The Traffic department is also preparing a By-Law for the implementation of pay parking meters in the CBD. The by-law will focus primarily on public parking located on municipality owned land, but it is proposed that it also makes provision for private owners to participate in the scheme, whereby they give written permission to the municipality to enforce the by-law on their respective properties.

Five (5) development scenarios were approved by the MAYCO to address the challenges with regards to resolving the provision of public parking on private land within the CBD. Scenario 3 (see "investigations in terms of other laws" above) relating to the management of public parking through the introduction of time restrictions applies to this application.

It is therefore found that the development proposal submitted complies with the spatial planning objectives and parking policies for the CBD area. The proposal also aligns with the owners' constitutional right to secure and derive an income from the property, as well as the provisions contained in the George Integrated Zoning Scheme Bylaw. The proposal will not affect customers of adjoining business properties, assist in higher rates of parking bay turnover (boosting economic resilience within the CBD area), force workers in the area to use the public parking squares or public transport services nearby. The proposal will not have a negative impact on the character of the area, vehicle traffic movement or pedestrian movement.

Thus, on the balance of all considerations in terms of Section 65 of the Land-Use Planning Bylaw for George Municipality, 2015, the application cannot be found undesirable and is therefore **SUPPORTED**.

PART P: RECOMMENDATION

That, notwithstanding the objection received, the application for Permission in terms of Section 15(2)(g) of the Land Use Planning By-law for George Municipality, 2015 to allow the owners to regulate the parking area of Erf 18149, George;

BE APPROVED in terms of Section 60 of said By-law for the following reasons:

1. The parking bays to be regulated is located on private property.
2. The proposal is in line with the spatial planning objectives and guidelines of the George Municipality.

3. The regulation of the parking area will ensure parking to be readily available to customers of the Multi Centre and surrounding businesses (by forcing workers to park elsewhere or use public transport services) boosting economic resilience within the CBD area.
4. The regulation of the parking area will address the shortage of parking in the area through a higher rate of vehicle turnover, making it easier for patrons of surrounding businesses in the area to find parking.
5. The regulating of the parking area will provide better security for the customers that park on the property due to the monitoring of vehicles.

Subject to the following conditions imposed in terms of Section 66 of the said Planning By-Law:

CONDITIONS OF THE DIRECTORATE: PLANNING AND DEVELOPMENT:

General Conditions

1. That in terms of Section 43 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) read with the applicable provisions of the Land Use Planning By-law for the George Municipality, 2015, the approval shall lapse if not implemented within a period of five (5) years from the date thereof.
2. This approval shall be taken to cover only application for permission as applied for and as indicated on the plans, Plan no. 2101-000, drawn by SDK Architects dated 8 March 2021, attached as “**Annexure A**” which bears Council’s stamp and shall not be construed as to depart from any other Council requirements or legal provision.
3. The approval is limited to the enforcement of parking through the erection of sign boards and the enforcement of parking times for customers and workers. It shall not be used to prevent the public from parking their vehicles on the property.
4. No fences or barricades may be erected on the property which may prohibit pedestrian movement across the property.
5. An as-built site layout plan be submitted for approval in accordance with the National Building Regulations (NBR) illustrating the parking layout, position of the sign boards and new access arrangement as imposed by the Civil Engineering Department.
6. The above approval will be considered as implemented on the erection of the signboards.

PART Q: ANNEXURES

Annexure A	Site Plan
Annexure B	Application Memorandum
Annexure C	Title Deeds
Annexure D	SG Diagrams
Annexure E	Conveyancer Certificate
Annexure F	Objections/ Comments
Annexure G	Reply on Objections

	2022/03/17 DATE
R.H. Janse van Rensburg (A/2925/2020) TOWN PLANNER	
RECOMMENDED/ REFER TO APPLICANT/ REFER TO TRIBUNAL	
	2022/03/18 Date
I Huyser (A/1664/2013) SENIOR TOWN PLANNER	
RECOMMENDED/ REFER TO APPLICANT/ REFER TO TRIBUNAL	
	27/03/2022 Date
C. PETERSEN (B/8336/2016) SENIOR MANAGER: TOWN PLANNING	
RECOMMENDED/ REFER BACK TO APPLICANT/ REFER TO TRIBUNAL	
	08 April 2022 Date
D. POWER (A/1973/2014) DEPUTY DIRECTOR: PLANNING/AUTHORISED OFFICIAL	

Attachments : Annexures for Erf 18149, George



Erf 18149, George -
(Tribunal Annexures)