

AGENDA

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

Office of the Municipal Manager:
Civic Centre
GEORGE
6530

Kantoor van die Munisipale Bestuurder:
Burgersentrum
GEORGE
6530

TO: All members of the Eden Joint Municipal Planning Tribunal

AAN: Alle lede van die Eden Gemeenskaplike Munisipale Beplanningstribunaal

Presiding Officer / Voorsittende Beamppte Eddie Kruger

Panel Members / Paneellede Raimo Fernandez
Dalene Carstens

Alternative members / Alternatiewe lede Ruan Le Roux
Madie Coetzee

Notice is given that a meeting of the Eden Joint Municipal Planning Tribunal – George Municipality will be held via *Microsoft Teams* on **Tuesday, 31 May 2022 at 10h00.**

Kennis geskied dat 'n vergadering van die Eden Gemeenskaplike Munisipale Beplanningstribunaal – George Munisipaliteit gehou sal word via *Microsoft Teams* op **Dinsdag, 31 Mei 2022 om 10h00.**

HENDRIK VISSER

Chairperson / Voorsitter

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ITEM	AGENDA	
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
6.1	Subdivision and Departure : Kraaibosch 195/19, Division George (F Vava)	3 - 26
6.2	Rezoning : Erf 8478, 15 Glenwood Avenue, George (R Janse van Rensburg)	27 - 50
6.3	Rezoning : Erf 22276, c/o First Avenue and Knysna Road, George (F Vava)	51 - 82
6.4	Rezoning and Departure : Erf 6628, 11 5 th Street, George (F Vava)	83 - 106
6.5	Amendment of Conditions of Approval : Erf 1068, Whites Road, Hoekwil (M Botha)	107- 136
6.6	Consolidation, Amendment of Conditions of Approval and Site Development Approval : Erven 25396 to 25402, Patrysbos Street, Blue Mountain Gardens, George (M Botha)	137 - 181
6.7	Consolidation, Rezoning and Consent Use : Erven 22494 & 22495, PW Botha Boulevard, George (M Botha)	182 - 202
6.8	Rezoning, Subdivision and Consent Use : Portion of Remainder Erf 464, PW Botha Boulevard, George	203 - 226

6.1. Subdivision and Departure : Kraaibosch 195/19, Division George (F Vava)

LAND USE PLANNING REPORT
APPLICATION FOR SUBDIVISION AND DEPARTURE PORTION 19 OF FARM KRAAIBOSCH 195, DIVISION GEORGE

Reference number	1820387	Application submission date	12 March 2020	Date report finalized	28 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)	Phillipus Cornelius Johannes				
Surname	Theron				
Company name	Formaplan				
SACPLAN registration number	A/025/1985	Is the applicant authorized to submit this application?	Y	N	
Registered owner(s)	Akela Kraaibosch Estates (PTY) LTD				

PART C: PROPERTY DETAILS

Property description (in accordance with Title Deed)	Portion 19 of the Farm Kraaibosch 195, Division George					
Physical address	Kraaibosch South		Town/ City	George		
Current zoning	Agricultural Zone II	Extent (m ² /ha)	8.5585ha	Are there existing buildings on the property?	Y	N
Applicable Zoning Scheme	George Integrated Zoning Scheme By-law, 2017					
Legislation	1. Land-Use Planning By-law for George Municipality, 2015 2. George Municipal Spatial Development Framework, 2019 3. Draft Victoria Bay/Kraaibosch South Spatial Development Framework, 2013					

Current Land Use	Residential		Title Deed number & date	T10825/1976 and conveyancer certificate are Attached as Annexure E	
Any restrictive title conditions applicable?	Y	N	If Yes, list condition number(s)	N/A	
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	195/19	Date of consultation	2 December 2019	Official's name	I Huyser
PART E: LIST OF APPLICATIONS (TICK APPLICABLE)					
a. Rezoning		b. Permanent departure		c. Temporary departure	d. Subdivision
e. Consolidation		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 Homeowners Association ^a		r. Rectify Beach of Homeowners Association		s. Reconstruct building of non-conforming use	Other
PART F: APPLICATION DESCRIPTION					
Consideration of the following applications applicable to Portion 19 of Farm Kraaibosch 195, Division George:					
<ol style="list-style-type: none"> Subdivision in terms of Section 15(2)(d) of the Land Use Planning By-law for George Municipality, 2015 of Portion 19 of the Farm Kraaibosch 195, Division George into two portions as follows: <ol style="list-style-type: none"> Portion 1 – 3.0ha; and Remainder – 5.5585ha; Departure in terms of Section 15(2)(d) of the Land Use Planning By-law for George Municipality, 2015 for the relaxation of the north-western boundary building line from 20m to 19m on the newly formed Portion 1 to accommodate an existing shed (building 6). 					
<i>The subdivision and site plan is attached as Annexure A.</i>					
PART G: LOCATION					
The property is situated in the south-eastern part of Kraaibosch, on a section of coastline between Victoria					

PART H: BACKGROUND AND HISTORY

In order to comply with an initial agreement that was drawn up between the parties, in the past, the property had to be subdivided into two portions. Original agreement is attached **Annexure F**. Elizabeth Catherina Daniels (Van der Merwe Family Trust) did not agree to the proposed subdivision of the property and refused to give consent in that regard. The matter was referred to the high court and a court order (order 12437/2018) was issued, *inter alia*, stating that: “...(the property) is subdivided in accordance with the subdivision as prepared by PCJ Theron or Formaplan...”. The order also stated that Ms Cope and/or Ms Spence may sign all documents to take the necessary steps to give effect to the said subdivision and complete all formalities in connection thereof. The court order is attached as **Annexure C**.

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

Current Land use

Proposed Land Use

5 | Page

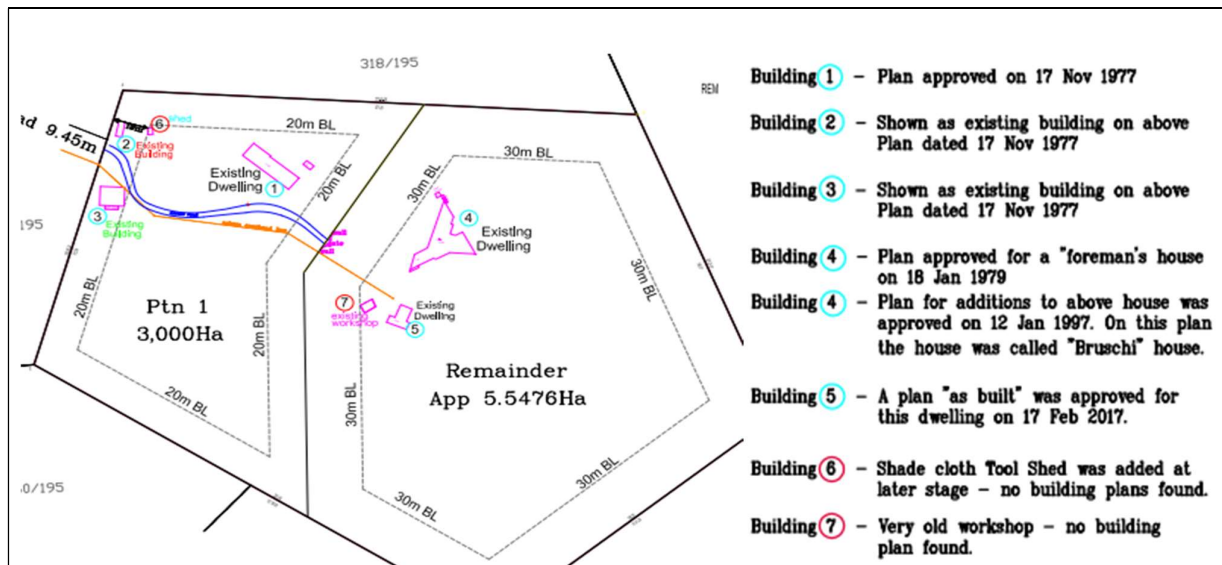


Figure 2 and 3: Subdivision Plan

The property is currently zoned Agricultural Zone II for smallholding purposes (rural residential). The activities taking place on the property are limited to residential due to the topography and vegetation (overgrown with fynbos).

George Municipal Spatial Development Framework (MSDF), 2019

One of the important principles of the MSDF is that development should take place inside the Urban Edge of George. This property is not inside the Urban Edge, but then, no development is proposed. It is mentioned in the document that there are 3 drivers that give form to the George MSDF.

One of these drivers which is relevant to this property, is the natural and rural environment which must be protected. To support the spatial planning approach and to direct and manage development in the Greater George, a number of strategies and supporting policies were identified. Most of these are not relevant to this application.

Draft Victoria Bay/Kraaibosch South LSDF, 2013

Spatial Development Objective 3, creating quality living environments is relevant to the application specifically where it is mentioned that the present environmental and rural character of the Victoria Bay/Kraaibosch South area must be maintained. It is specifically mentioned in the document that the municipality will manage applications and land use in the surrounding area ("of Victoria Bay") in a manner that maintains the rural and scenic character of the area and do not place an additional burden on service infrastructure. Later in this Objective it is mentioned that no densification for the Kraaibosch South area is proposed. Again, it must be emphasized that no development is proposed in this application.

In the case of this application, subdivision will not lead to further development of any of the proposed subdivided portions. Both portions have already been developed and can only be developed further if new building plans are approved by the municipality

Conclusion

The present owners of the farm consist of two separate shareholders. They each now wish to take transfer of their share in the property which can only be done if the property is subdivided in two portions.

Refer to attached motivation report for detail (See Annexure E)

PART J: SUMMARY OF PUBLIC PARTICIPATION

Methods of advertising				Date published	Closing date for objections
Press	Y	N	N/A	17 March 2021	19 April 2021

Gazette	Y	N	N/A		
Notices	Y	N	N/A	17 March 2021	19 April 2021
Website	Y	N	N/A	17 March 2021	19 April 2021
Ward councillor	Y	N	N/A	18 March 2021	19 April 2021
On-site display	Y	N	N/A	17 March 2021	19 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		
Total valid objections	2			Total invalid objections and petitions	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	None				
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>During the public participation process, 2 comments (from Cape Nature and Western Cape Agriculture) and 2 objections (from Delplan Consulting on behalf of Van der Merwe Family Trust - Elizabeth Catherine Daniel and the Western Cape Department of Environmental Affairs and Development Planning) were received.</p> <p>It should be noted that during the public participation process the applicant realized he had attached an incorrect subdivision plan with the Public Participation documents (a minor change in the location of the subdivision line). The correct plans were sent to the 2 objectors and an additional 14 days was given for comment. The said plan would not have affected the comments received from Cape Nature or WC: Agriculture.</p> <p>The 2 comments can be summarised as follows:</p> <ol style="list-style-type: none"> <u>Cape Nature (18 May 2021):</u> <ol style="list-style-type: none"> The site is in a Critical Biodiversity- and National Strategic Water Source Area (however the site does not have any aquatic ecosystems). The vegetation on the property is classified as vulnerable Garden Route Shale Fynbos. No development should be allowed in the CBA areas. Indigenous Forest vegetation are present. DEFF to be contacted in this regard. The property can be fenced which will not limit faunal movement. It is recommended that the owners become members, if not already, of the South Cape Fire Protection Association. <u>Western Cape Department of Agriculture (14 June 2021):</u> <ol style="list-style-type: none"> No objection to the proposed subdivision on condition that the Remainder not be subdivided further. That this is comment to the relevant deciding authorities in terms of the Subdivision of Agricultural Land Act 70 of 1970. 					

The 2 objections are summarised as follows:

3. Delplan Consulting on behalf of Van der Merwe Family Trust (14 April 2021)

- a) The application was not served to the other shareholder (Van der Merwe Family Trust) for comment during public participation.
- b) The High Court forced the Trust to waive the right to co-sign a trust agreement giving the applicant power of attorney.
- c) The Court order stated, inter alia, subdivision to comply with the Subdivision of Agricultural Land Act 70 of 1970.
- d) Concerns with regards to safety and maintenance of the proposed right of way servitude which should give access to the proposed Remainder.
- e) The proposed access road is currently close to the main house on proposed Portion 1 which is problematic, especially if rights of the Remainder are enhanced in the future.
- f) An alternative road is proposed (not so close to the main house on proposed Portion 1).
- g) The proposed subdivision line is questioned. It is recommended that the new northern SG beacon is moved more east.
- h) The necessity to subdivide is not clear.
- i) The applicant states that the proposed subdivision will not lead to more development which is unjustifiable, and the owners may apply to enhance their rights.
- j) The LSDF mentions that no fences can be erected. If no fence may be erected, it will compromise the property's security.

4. Western Cape Government: Environmental Affairs and Development Planning (DEA&DP) (6 May 2021)

- a) The proposal does not constitute an activity listed in terms of NEMA.
- b) On the contrary to what is stated by the applicant, it is accepted that a fence will be erected on the property for security, access control etc. This will lead to physical fragmentation of the biodiversity and ecological process.
- c) The property should be managed as a single unit.
- d) The proposal does not provide clear benefit to promote the biodiversity of the area.
- e) No legally binding mechanism has been proposed to ensure that the property (proposed property) will be managed as a place of residence for a rural lifestyle with a clear conservation purpose.
- f) The applicant failed to confirm if the necessary OSCAE permits were obtained for the activities on site.
- g) the applicant's report fails to state that the property abuts the Kleinbaai Private Nature Reserve to the east and southern property and that the property and surrounds form part of the Outeniqua Sensitive Coastal Area Extension and a critical biodiversity area (CBA).
- h) The tool shed, requiring building line relaxation is not supported and not on approved building plans and for over the 30m building line. The tool shed should be removed as ample space is available on the property for this structure.

Note: The amended subdivision plan was submitted to DEA&DP by the applicant. DEA&DP acknowledged that it does not materially change the outcome and their comments remain unchanged.

PART L: SUMMARY OF APPLICANT'S REPLY TO OBJECTIONS

Applicant's response (Attached as **Annexure I**) to the comments received is summarised as follows:

1. Cape Nature:

- a) It is noted that Cape Nature has no objection.
- b) The recommendations from Cape Nature will be taken into consideration by the owners.

2. Western Cape Department of Agriculture:

- a) It is noted that the Western Cape Agriculture has no objection.

3. Delplan Consulting on behalf of Van der Merwe Family Trust

- a) The objection should not be considered as a High Court order was issued which give Ms Cope and/or Ms Spence permission to sign all documents to take the necessary steps to give effect to the said subdivision and complete all formalities in connection thereof without the Power of Attorney from Ms. Daniels (Van Der Merwe Family Trust).
- b) Ms Daniels were not forced by the High Court; she willingly submitted the notice to withdraw the opposition of the motion by the applicants.
- c) The application was referred to the Dept of Agriculture-Western Cape. The Department confirmed that in terms of the Subdivision of Agricultural Land Act 70 of 1970, there is no objection to the subdivision of the property.
- d) The National Department of Agriculture will be approached for a formal approval in terms of Act 70 of 1970.
- e) There is an existing agreement between the owners with regard to the maintenance of the road. It is proposed that the status quo remain.
- f) Should the objector wish to re-route that right of way servitude, the moving should be for the objector's account.
- g) Any enhanced rights would require an application process which includes a public participation process at which point the objector can give comments and/or object.
- h) At this point there is no intention to enhance the rights.
- i) The northern beacon was already moved. Corrected subdivision plan was sent to Delplan on 13 May 2021.
- j) The subdivision is found to be necessary for each shareholder to take possession of the portions that was inherent from their parents. The parents on both signed an agreement that the property be subdivided.

4. Western Cape Government: Environmental Affairs and Development Planning (DEA&DP)

- a) It is acknowledged that the proposal does not trigger any NEMA activities.
- b) A fence already exists between the two sections for many years. It is shown that with or without subdivision a property can be divided.
- c) The subdivision is for no further development and merely for 2 parties to take transfer of their respective portions.
- d) For any further development, an application will have to be submitted which will imply a public participation process to be followed and all parties will again have opportunity to comment.
- e) The building plan for the toolshed cannot be considered prior to the approval of the building line relaxation.
- f) The relaxation is merely by 1m (from 20m to 19m).
- g) The area surrounding the shed is grassed lawn, and it is unreasonable to expect that the area is rehabilitated (as there are only lawn).

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	8/10/2021	Supports application with conditions	In order
Electrotechnical Services	23/3/2021	Supports application 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? (<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 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:

1(b) – 1(l) The application submitted is considered to be compliant with Section 65 of the Land use Planning by-law. The correct procedures were followed in the submission of the application as the desirability of the application was discussed by the applicant as well as in this report, the comments received during public participation were considered. It must be noted that even though it is mentioned in the applicants motivation, there is no adopted LSDF applicable to the area.

1(h) The engineering departments considered the proposed subdivision and imposed the necessary conditions.

1(r)(1-33) The proposal, from a planning perspective is consistent with basic development principles, norms, and standards of SPLUMA

Other aspects that apply are discussed in more detail below.

~~1(n)~~consistency with the IDP/Various levels of SDF's/Applicable policies

George Municipal Spatial Development Framework, 2019

The subject property is identified as a smallholding site with sensitive natural vegetation in the Victoria Bay area. This property is demarcated for conservation activities with a strict mandate from the municipality to maintain the present environmental, rural and settlement character of the area. The MSDF states that:

- Development must be restricted in Victoria Bay to existing building footprints and height;

- Manage applications for subdivision and land use in the surrounding area in a manner that maintains the rural and scenic character of the area and do not place an additional burden on service infrastructure.

Policy D of the MSDF requires the municipality to “manage the use of land in the Municipal area in a manner which protects natural ecosystem functioning and values ecosystem services, respecting that these are assets that underpin the economy and settlement and their resilience”.

In terms of Policy D1 (support and maintain the functionality of biodiversity areas), the municipality should:

- support the consolidation, extension, and linkage of the Garden Route’s network of formally protected areas such as the Garden Route National Park, critical biodiversity areas and associated buffer zones;
- ensure that development abutting these corridors must be sensitive and have minimum impact;
- ensure that landscapes linking critical biodiversity areas can function as ecological corridors and that areas of conservation worth are preserved;
- encourage and support reasonable, manageable public access to nature areas for all citizens and visitors and manage land use to avoid further loss of critical biodiversity and promote the rehabilitation of degraded areas;
- manage land uses within sensitive ecological areas in terms of the Spatial Planning Categories presented in the WCG’s Rural Land Use Development Guidelines (see comments in next section below).

It can be concluded that the subdivision is not inconsistent with the MSDF as it is merely the formalising of an existing situation where no new development rights will be created. The two portions which are being proposed have already been developed (each with a dwelling house and second dwelling) thus implying that no further development footprint will be incurred without the necessary land use applications and/or OSCAE approvals.

As stated earlier in the report, the Draft LSDF for Victoria Bay has not been adopted by Council and thus, there is no LSDF applicable to the area.

(In)consistency with guidelines prepared by the Provincial Minister

Western Cape Land Use Planning Guidelines for Rural Areas, 2019:

According to the Western Cape Biodiversity Spatial Plan the subject property falls within a Core SPC area. Core 1 Areas are those parts of the rural landscape required to meet targets/ thresholds for biodiversity patterns or ecological processes (i.e. Protected Areas and Critical Biodiversity Areas). These include habitats classified as highly irreplaceable, critically endangered, or endangered terrestrial (land), aquatic (rivers, wetlands and estuaries) and marine habitats. The objective for the area the property falls in viz. CBA 1: Terrestrial is to maintain a natural or near natural state with no further habitat loss.

Essentially Core areas are ‘no-go’ areas from a development perspective. Accordingly, human impact must be restricted to ensure that there is no further loss of natural habitat. Conservation management activities, such as alien clearing, research and environmental education should be encouraged. As stated earlier in the report, the subdivision will not lead to any new development rights being created. There is historically 4 units (subdivision will result in 2 units on each portion) and a dividing fence (erected on the subdivision line) on the property and thus, no additional loss of biodiversity will be caused as a result of the subdivision being approved.



Figure 4: Critical Biodiversity Area

As mentioned before the subject property also falls within an OSCA area. However, the main structures were built prior to the OSCA regulations and were thus not bound to any of the relevant conditions/prohibitions that usually forms part of OSCA approvals. Thus, the necessary conditions can be imposed to ensure the protection and management of the natural environment. It should also be noted that any further development will trigger an OSCA application.

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

N/A

Existing and proposed zoning comparisons and considerations

Portion 19 of Farm Kraaibosch 195, Division George is zoned as Agricultural Zone II (Smallholding) and no changes to this zoning will be made. It is acknowledged however, that the property has been historically developed with 4 dwelling units (on approved building plans). This non-conforming land use can only be rectified through subdivision.

In terms of the Zoning Scheme By- Law, 2017 an "Agricultural Zone II" property may develop a Main House and a second dwelling of 60m². You may also apply to increase the size of the said second dwelling to 150m².

The following building lines apply to "Agricultural Zone II" properties:

Development parameters:

Development parameters applicable to "agriculture" apply, except for building lines which are-

- (a) 10 metres from any boundary in respect of properties smaller than 2 hectares, provided that a street building line of 5 metres applies to properties smaller than 5000m²;
- (b) 20 metres from any boundary in respect of properties smaller than 4 hectares; and
- (c) 30 metres from any boundary in respect of properties larger than 4 hectares.

From a land use management perspective, it is well acknowledged that the creation of 2 separate titles (specifically in a rural setting) may pose an increase in the residential density of the area which is not in line

with the development goals. As mentioned before, the subdivision application will not unlock any new development rights as the 2 proposed portions will have been built up to their full extent (dwelling house and a second dwelling on each portion).

In terms of the property's primary right there is no possibility to increase the density (no more dwellings can be built. The current development status will thus remain unchanged if the property is subdivided or not. The proposed subdivision is merely to resolve a historic agreement and subsequently implement the court order served between the property owners.

It is also acknowledged that the 2 sheds were historically erected on the property without any building plans or OSCA permits. The exact dates of the development of these sheds are also not clear.

That one shed was developed within the building line of the property and requires building line relaxation from 20m to 19m. From the photo evidence it is clear that these structures are very small and developed in already disturbed area. Taking the sensitivity of the area into consideration it is also clear that it will be more detrimental to the environment to remove this structure (within the building line) and erect it elsewhere.

Image 1: Shed on proposed Portion 1 – 1m inside building line. (Building no6)



Image 2: Shed/workshop on proposed Remainder (Building no 7)



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

In terms of No. 4 and 10: The subdivision and departure for building line relaxation will not result in change to the character of the area nor will it change the current access arrangement. The development footprint will be limited to the existing situation and any future applications will need to be evaluated by the department.

In terms of No. 1, 2, 12; 13; 15; and 17: The status quo of the properties will remain unchanged (as developed in the 1970s). Any further development will trigger an OSCA and land development application which also include public participation and the necessary environmental studies.

In terms of No. 20: Although the subdivision of properties in ecological sensitive areas are not the norm and not usually encouraged, it is also accepted that the application at hand has a unique situation, notwithstanding the court order it is also acknowledged that the subdivision will not unlock any further development of the respective portions (already historically developed with 4 units). As the previous structures were erected prior to the OSCA regulations, the application at hand creates an opportunity to impose the necessary condition to ensure the protection and management of the environmental area.

The proposal is found to be in line with the above-mentioned development criteria and does not compromise the receiving natural environment and the rural character of the area.

Assessment of objections/comments

1. Cape Nature:

- a) The recommendations from Cape Nature are acknowledged and the necessary conditions will be imposed as part of the conditions of approval.

2. Western Cape Department of Agriculture:

- a) It is noted that the Western Cape Agriculture has no objection.
- b) It is also acknowledged that the application at hand is not an exemption from the Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970).

3. Delplan Consulting on behalf of Van der Merwe Family Trust

- a) The comments from Deplan on behalf of the Van der Merwe Family Trust (Me. Daniels) is acknowledged.
- b) As mentioned before, due to historic contracts and estate resolutions, it was agreed that the subject property be subdivided to give each shareholder given their share. Ms. Daniels, one of the shareholders, did not agree with this and refused to sign the mandates for subdivision. The case was referred to the high court who ruled that the property be subdivide and that Ms Cope and/or Ms Spence may sign all documents to take the necessary steps to give effect to the said subdivision and complete al formalities in connection thereof.
- c) The objection of Ms Daniels is considered to be in direct conflict of the Court order and should in all respect not be entertained.
- d) However, some of the statements made should be acknowledged and addressed i.e., the access road, subdivision line and fence, enhanced land use rights.
 - Access road/ Right of Way servitude:
A condition will be imposed for the registration of a right of way servitude over Portion 1 in favour of the Remainder. The maintenance of servitudes is an internal agreement in which the Municipality is not party to.
 - Subdivision line:
As mentioned before, the applicant submitted the wrong subdivision plan as part of the public participation documents. The correct plan with the excepted subdivision line was send to the objector and relevant interested parties. The correct subdivision plan was submitted to Council and thus available for screening during the public participation process.
 - Fence:
As mentioned in all the policies and by Cape Nature, fencing of properties in biodiversity areas should be sensitive to the fauna and flora of the area. To safeguard your house is also acknowledged. A condition will thus be imposed that the perimeter of the property may only be secured with particular fencing and that fencing be situated closely around the dwellings in order to keep dogs/domestic animals from wandering. Any perimeter fencing is limited to 1.2 meter in height, constructed with wooden poles and green plastic-coated diamond mesh and must be confined to an area of 1000m² around each house to provide for the movement of the wildlife to and between adjacent areas.

- Enhanced Land use Rights:

Any other development will trigger an OSCA and land use application which will require public participation process and the necessary environmental investigations.

4. Western Cape Government: Environmental Affairs and Development Planning (DEA&DP)

- a) It is acknowledged that the proposal does not trigger any NEMA activities.
- b) Refer to the comments above which address several of the comments from DEA&DP.
- c) There is no building plan for the toolshed which requires a building line relaxation, and it is also not clear when it was erected. However, it was found that it is a small shed, which can easily be removed, but which will have a more detrimental impact on the environment if demolished and relocated elsewhere on the site. It was also found that, due to the extent and nature of the sheds, it does not have a negative impact on the neighboring properties or the character of the area. Notwithstanding, a condition will be imposed that as built plans be submitted for the said sheds.
- d) It should also be noted that 3 of the 4 dwelling houses was erected prior to the OSCA regulations and the 4th house was approved on building plans during the amnesty period (submission of as -built plans to rectify all illegal structures on site). As part of this application the necessary conditions will be imposed ensure the protection and management of the environmental area.

It is therefore found, given the unique circumstance and necessary conditions, that the development proposal is unlikely to have any significant adverse impacts on surrounding existing natural environment or the character of the area.

PART O: ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

N/A

PART P: SUMMARY OF EVALUATION

The property is registered in the name of Akela Kraaibosch Estates Pty Ltd. One block of shares is owned by the Van der Merwe family Trust represented by Me. Daniels and the other share belongs to the two daughters of the late Dr Bruchi viz. Ms Spence and Ms Cope. In order to comply with an initial agreement that was drawn up between the parties, in the past, the property had to be subdivided into two portions (each shareholder to receive a portion).

Ms. Daniels did not agree with the proposed subdivision and refused to give consent in that regard. The matter was referred to the high court and the court ruled that the property be subdivided and that Ms Cope and/or Ms Spence may sign all documents to take the necessary steps to give effect to the said subdivision and complete all formalities in connection thereof.

Four (4) dwelling houses (which appears on approved building plans) are already developed on the property. It is thus proposed to divide the property into two portions, each portion having a dwelling house and second dwelling. 2 sheds are also developed on the property (each portion will have a shed). The one shed however was developed in the building line. A building line relaxation is thus required from 20m to 19m for a shed on proposed Portion 1.

The MSDF, LSDF and Rural Guidelines acknowledge that the subject property is located within a Critical Biodiversity Area (CBA), which implies that development be restricted in favour of the natural environment and subdivisions should not be allowed as they will lead to densification, change the character of the area and by implication have a detrimental impact on the environment. However, this is a unique situation/application due to historic agreements between the shareholders and the court order that was issued. No further development can take place without a land development application and OSCA approval as both portions will be fully developed with dwelling houses and second dwelling units.

The proposed subdivision will thus not constitute any new development rights or potential development

opportunity. The proposed subdivision will thus not have a detrimental impact on the rural residential character of the area or natural environment as the status quo of the site will remain unchanged. The proposal is found to be not inconsistent with the spatial planning principles, objectives, and guidelines applicable to the area.

There is no building plan for the toolshed which requires a building line relaxation, and it is also not clear when it was erected. However, it was found that it is a small shed, which can easily be removed, but which will have a more detrimental impact on the environment if demolished and relocated elsewhere on the site. It was also found that, due to the extent and nature of the sheds, it does not have a negative impact on the neighboring properties or the character of the area. However, a condition will be imposed that as built plans be submitted for the said shed(s).

As mentioned in all the policies and in comments from Cape Nature, fencing of properties in biodiversity areas should be sensitive to the fauna and flora of the area. A condition will thus be imposed that the perimeter of the property may only be secured with particular fencing and that fencing closely around dwellings is permitted in order to keep dogs/domestic animals from wandering. Any new perimeter fencing is limited to 1.2m in height, constructed with wooden poles and green plastic-coated diamond mesh and must be confined to an area of 1000m² around each house to provide for the movement of the wildlife to and between adjacent areas.

A right of way access is proposed over Portion 1 in favour of the remainder (the existing access road will be used as delineation). The necessary condition will be imposed to secure access to the remainder portion. Any other aspects in terms of the access road will and need to be resolved between the relevant owners/parties as the is not responsible in this regard.

This application is not an exemption from the Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970) or any other application required in terms of another Act to finalise this subdivision process.

Conclusion

The department notes that the application followed the correct procedures in terms of the applicable town planning legislation. The subdivision and departure application will not pose a negative impact on the existing natural environment, surrounding neighbours' rights and amenity and no negative impact on the rural residential character will be posed.

Thus, on the balance of all considerations and the unique circumstances of this application, in terms of Section 65 of the Land Use Planning By-law for George Municipality, 2015, the land use applications submitted cannot be considered undesirable and is therefore **SUPPORTED**.

PART Q: RECOMMENDATION

That, notwithstanding the objections received, the following applications applicable to Portion 19 of Farm Kraaibosch 195, Division George:

1. Subdivision in terms of Section 15(2)(d) of the Land Use Planning By-law for George Municipality, 2015 Portion 19 of the Farm Kraaibosch 195, Division George into two portions as follows:
 - a) Portion 1 – 3.0ha; and
 - b) Remainder – 5.5585ha;
2. Departure in terms of Section 15(2)(d) of the Land Use Planning By-law for George Municipality, 2015 on Portion 19 of the Farm Kraaibosch 195, Division George for the relaxation of the north-western boundary building line from 20m to 19m on the newly formed Portion 1 to accommodate an existing shed;

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

REASONS FOR DECISION

- a) The proposed subdivision will not result in the establishment of any new development rights or new potential development opportunities. There is already four (4) dwelling houses, access roads and fences developed on the property and approved (building plans) on the property. Each portion will be developed with a dwelling house and second dwelling on each portion and with accesses and fencing already in place.
- b) The environmental concerns raised by the objectors are mitigated in the conditions of approval.
- c) Access to the Remainder portion will be secured by means of a right of way servitude.
- d) The relaxation of the building line (1m over the building line) will not have an adverse impact on the natural environment or the neighbouring properties.
- e) No further structures can be erected on site without an approved OSCA and building plan.
- f) Due to the unique circumstances of the property, a deviation from the land use categories of the MSDF can be justified, acknowledging that the resultant development is not in conflict with the overarching development objectives and principles of the MSDF.

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

CONDITIONS OF THE DIRECTORATE: PLANNING AND DEVELOPMENT

Compliance

1. That in terms 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 the Subdivision and Departure as applied for and indicated on the subdivision plan (ptn 19 of Kraaibosch 195) drawn by Formaplan and 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. That a right of way servitude, of not more than 4m wide, by registered over Portion 1 in favour of the Remainder. The said servitude should be indicated on the relevant SG diagram and the necessary endorsement to be made in the respective Title Deeds.
4. That an approved Surveyor General diagram be submitted to the Directorate: Planning and Development for record purposes.
5. That the approval will only be regarded as implemented on the registration of the subdivided portion and right of way servitude at the Deeds Office.

Environmental

6. The pruning or removal of protected indigenous trees or tree clumps must first carry the approval/granting of a permit by the Department of Environmental, Forestry and Fisheries (DEFF) (Knysna Office).
7. That on-going clearing of alien invasive vegetation take place in terms of the Conservation of Agricultural Resources Act 43 of 1983 (CARA).
8. The respective owners are encouraged to join the South cape Fire Protection Association Management Unit for the area.
9. The applicant must make all attempts to prevent light pollution on the property. The use of spray or spotlights are not permitted. Any outside lights may not exceed a maximum height of 1.2m from natural ground level.
10. The outside lighting must use energy saving bulbs and should be directed downwards to minimize light pollution.
11. The stormwater of roofs and paved areas should be managed, diverted, and dispersed onto stable structures to ensure that erosion problems are not transferred onto adjacent properties. Stormwater must be controlled either by ensuring it is dissipated into vegetation or rainwater tanks.
12. That all attempts be made not the harm indigenous plants or wild animals (including reptiles, birds etc.).

13. Any perimeter fences should be faunal permeable and limited to 1.2m in height. Fences should be visible to wildlife, including birds, by fitting reflective or colourful weather-resistant flags (e.g., aluminium or plastic strips) to the wire.
14. Fencing around structures must be permeable and confined to an area of 1000m² around each house to provide for the movement of the wildlife to and between adjacent areas.
15. An OSCAE application will be required should re/development be proposed on any of the portions in the future.
16. A Management Plan for the vegetation on the proposed portions must be submitted to the George Municipality following registration of the subdivision.
17. Only locally indigenous vegetation is used for landscaping and the rehabilitation of the disturbed areas. Rescued indigenous/ protected seedlings must be used for landscaping and rehabilitation of the property.

General

18. As built plans for the respective portions be submitted for all structures in accordance with the National Building Regulations (NBR).

CONDITIONS OF THE DIRECTORATE: CIVIL ENGINEERING SERVICES

19. 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:
20. The amounts of the development contributions are reflected on the attached calculation sheet dated 21/12/2021 (**Annexure B**) and are as follows:
 - Road – R 9 783,56 Excluding VAT (Refer to attached DC calculation sheet)
 - Sewer – R 26 523,44 Excluding VAT (Refer to attached DC calculation sheet)
 - Water – R 36 320,84 Excluding VAT (Refer to attached DC calculation sheet)
 - Total – R 72 627,84 Excluding VAT**
21. The total amount of the development charges of **R 72 627,84** 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.
22. Any amendments or additions to the proposed development which is not contained within the calculation sheet as dated in condition 21. 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.
23. 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 R 72 627,84 , 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 paragraph 21 above.
24. 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.
25. 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.

26. 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.
27. Any, and all, costs directly related to the development remain the developers' responsibility.
28. Only one connection permitted per registered erf (Electrical, water and sewer connections). Condition 25 applies.
29. 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 25 applicable)
30. 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 25 applicable)
31. 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 25 applicable)
32. No development may take place within the 1:100-year flood line or on slopes steeper than 1:4.
33. 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.
34. Suitable servitudes must be registered for any municipal service not positioned within the normal building lines.
35. The applicant is to comply with the National Forestry Act, Act No 84 of 1998, should it be required.
36. Provisions for the removal of solid waste is to be addressed in conjunction with the Dir: Environmental Services.
37. 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.
38. 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.
39. The Developer is responsible with obtaining necessary approval / way leaves from third parties which include, but is not limited to the George Municipality, Telkom & Fibre optic service provider.
40. 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.
41. Municipal water is provided for potable use only. No irrigation water will be provided.
42. 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.
43. 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.
44. No municipal waterborne sewer service is available at present. Should a municipal network in future be extended to this area, the owner will be compelled, at own cost, to connect to the network. A Development Charge for sewer will then become payable in accordance with the approved DC Guidelines at the time of connection.
45. A conservancy tank, or alternative approved sewer disposal method, must be installed at the Developer/owner's cost. The Developer/owner is to appoint a private contractor, at own expense, to service the tank, and the disposal of the content is to be via an approved disposal method. The

installation of a septic tank may be considered if the required percolation tests are within the accepted norms.

46. Suitable right of way servitude be register over proposed Portion1 of Portion 19 of 195, in favour of the Remainder of Portion 19 of 195.
47. Maintenance and/or upgrading of all private / servitude roads are the responsibility of all the owners who make use thereof.
48. The discharge of surface stormwater is to be addressed by the developer. Condition 25 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 available stormwater master plans.
49. 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.
50. Adequate parking with a hardened surface must be provided on the premises of the proposed development.
51. No private parking will be allowed in the road reserve.
52. A dimensioned layout plan indicating the proposed accesses onto private / servitude roads, must be submitted to the relevant departments for approval. (Condition 25 applies)
53. Permission for access onto municipal, provincial, or national roads must be obtained from the relevant authorities.

CONDITIONS OF THE DIRECTORATE: ELECTROTECHNICAL SERVICES

54. 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:
55. The amounts of the development contributions are reflected on the attached calculation sheet dated 23/03/2022 and are as follows:

Electricity – R 0.0 Excluding VAT (Refer to attached DC calculation sheet)

56. The total amount of the development charges of R0 000,00 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.
57. Any amendments or additions to the proposed development which is not contained within the calculation sheet as dated in condition 56. 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.
58. 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 R0 000,00 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 paragraph 56 above.
59. 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.
60. 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.

61. 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 (ie within the development area), position of accesses, provision for pedestrians and non-motorized transport, and other issues related to traffic.
62. Should more than two developments/properties be party to or share any service, the Dir: CES & ETS will in conjunction with the parties determine the pro-rata contributions payable.
63. Any, and all, costs directly related to the development remain the developers' responsibility.
64. Only one connection permitted per registered erf (Electrical, water and sewer connections). Condition 60 applies.
65. 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 60 applicable)
66. 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 60 applicable)
67. No development may take place within the 1:100-year flood line or on slopes steeper than 1:4.
68. 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.
69. The developer is to adhere to the requirements of the Environmental Authorization (EA). The onus is on the developer to provide the Dir: CES with the necessary proof of compliance with the EA.
70. Suitable servitudes must be registered for any municipal service not positioned within the normal building lines. Servitudes must be registered for all electrical services traversing erven.
71. The applicant is to comply with the National Forestry Act, Act No 84 of 1998, should it be required.
72. Provisions for the removal of solid waste is to be addressed in conjunction with the Dir: Environmental Services.
73. 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.
74. 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.
75. 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.
76. 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.
77. 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.
78. Owner to ensure compliance with Regulation XA of SANS 10400 (building plans).
79. Owner to ensure compliance with Regulation XA of SANS 10142 (wiring) and any other applicable national standards.
80. 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.
81. 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.
82. Installation of ripple relays are compulsory for all geysers with electrical elements.

83. All MV/LV work must be installed and be funded by the developer/customer as no DCs are levied for this network.
84. The Electricity DC charge excludes any MV/LV and LV network costs. The customer will be quoted separately for any upgrade work required.
85. 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.
86. A temporary municipal metered construction supply can be installed, at a cost to be determine, 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.

PART R: ANNEXURES

Annexure A	Subdivision Plan and Site Layout Plan
Annexure B	DC Charges
Annexure C	Court order authorising applicant to execute the subdivision
Annexure D	Pre-application minutes
Annexure E	Motivation Report
Annexure F	Title Deed and contractual agreement
Annexure G	SG Diagram
Annexure H	Comments & Objection
Annexure I	Applicants Response



F. Vava (B/8439/2021)
TOWN PLANNER

5/04/2022

Date

Not available

ILANÈ HUYSER (A/1644/2013)
SENIOR TOWN PLANNER

Date

~~RECOMMENDED/ REFER TO APPLICANT/ REFER TO TRIBUNAL~~



C. PETERSEN (B/8336/2016)
SENIOR MANAGER: TOWN PLANNING

08/05/2022

Date

APPROVED / REFUSED/ REFER BACK TO APPLICANT/ REFER TO TRIBUNAL-



pp.

09/05/2022

D. POWER (A/1973/2014)

Date

DEPUTY DIRECTOR PLANNING/AUTHORISED OFFICIAL

Attachments : Annexures for Kraaibosch 195/19



Kraaibosch 195_19
(Tribunal Annexures)

6.2. Rezoning : Erf 8478, 15 Glenwood Avenue, George (R Janse Van Rensburg)

LAND USE PLANNING REPORT					
APPLICATION FOR REZONING: ERF 8478, GEORGE					

Reference number	1701747	Application submission date	7 July 2020	Date report finalized	18 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	044 801 9475 / rhjansevanrensburg@george.gov.za

PART B: APPLICANT DETAILS

First name(s)	Jan				
Surname	Vrolijk				
Company name	Jan Vrolijk Town Planners				
SACPLAN registration number	A/1386/2010	Is the applicant authorized to submit this application?	Y	N	
Registered owner(s)	The Trustees for The Time Being of A Joubert Familietrust No. It1965/2007				

PART C: PROPERTY DETAILS

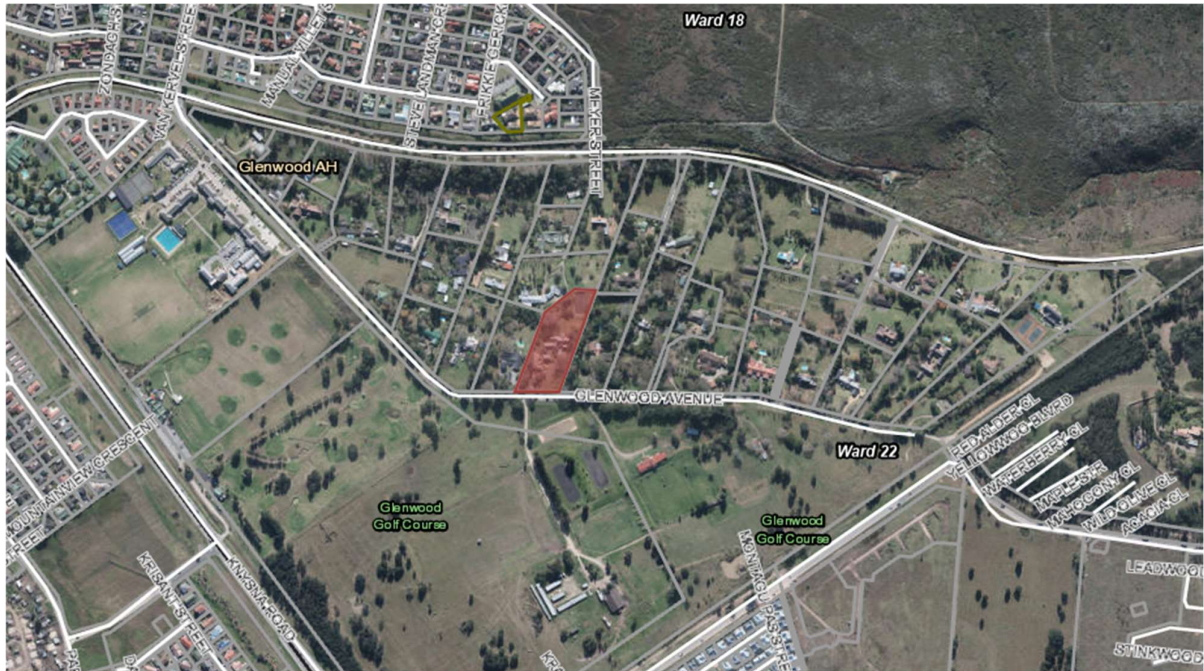
Property description (in accordance with Title Deed)	Erf 8478, George					
Physical address	15 Glenwood Avenue		Town/City	George		
Current zoning	Agricultural Zone II	Extent(m²/ha)	9 815 m²	Are there existing buildings on the property?	Y	N
Applicable Zoning Scheme	George Integrated Zoning Scheme By-Law, 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").						
Current Land Use	Dwelling House with a second dwelling as Guest House		Title Deed number & date	T97799/2007 Title Deed is attached as Annexure E.			
Any restrictive title conditions applicable?	Y	N	If Yes, list condition number(s)	According to the Conveyancer Certificate received from Bruwer & Kolele Attorneys (13 December 2019), the relevant Title Deeds do not contain any conditions that restrict the proposed development. The Conveyancer Certificate is attached as Annexure G.			
Any third-party conditions applicable?	Y	N	If Yes, specify	N/A			
Any unauthorised land use/building work?	Y	N	If Yes, explain	Existing Land Use as Guest House. Approval for temporary departure in terms of Section 15(1)(a)(ii) of the Land Use Planning Ordinance (Ord 15 of 1985) dated 23 June 2015 has lapsed on 22 Junie 2020. Approval attached as Annexure B.			
PART D: PRE-APPLICATION CONSULTATION (ATTACH MINUTES)							
Has pre-application consultation been undertaken?			Y	N			
Reference Number	Erf 8478, George		Date of consultation	20 January 2020	Official's name J. Fourie		
PART E: LIST OF APPLICATIONS (TICK APPLICABLE)							
b. Rezoning	x	b. Permanent departure		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							
Consideration of an application of spot rezoning in terms of Section 15(2)(a) of the Land Use Planning By-law for George Municipality, 2015 of a portion of Erf 8478, George from "Agriculture Zone II" to "General Residential Zone V" (Guest Lodge limited to 9 bedrooms).							

**Note: Only a Spot zoning of Erf 8478 will be rezoned for General Residential Zone V purposes.*

PART G: LOCATION

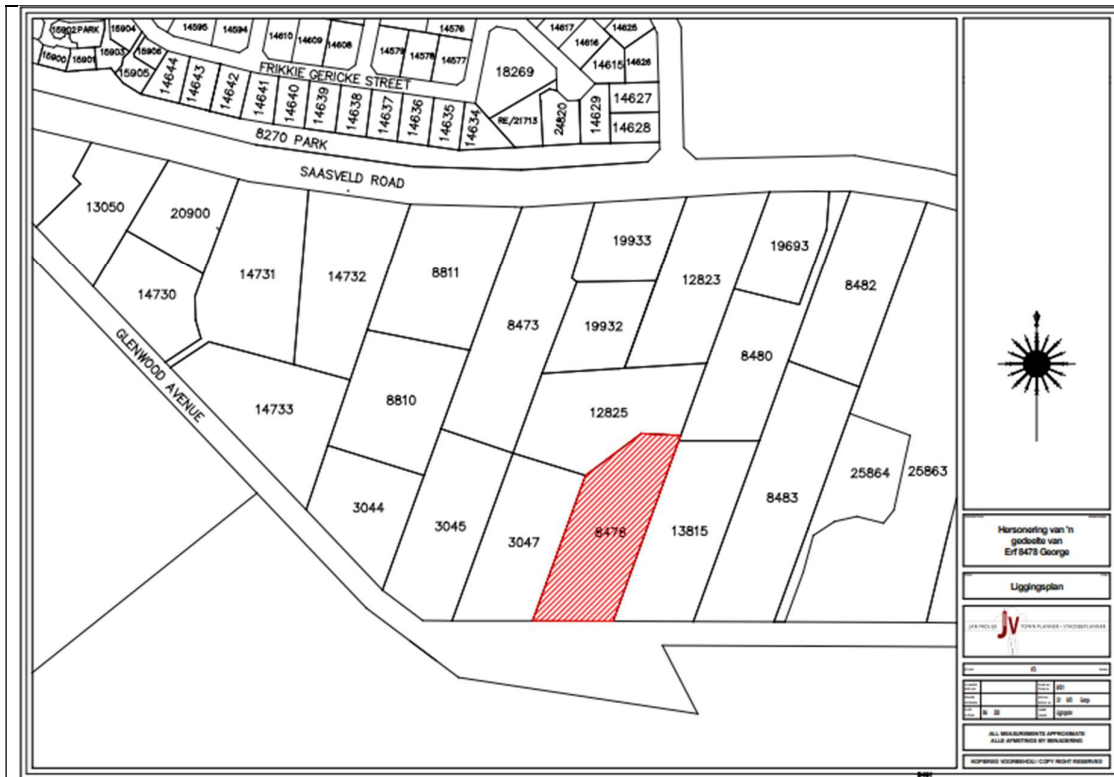
Erf 8478, George is located on the northern side of Glenwood Avenue in the Eastern part of George. The suburb is known as Glenwood, located within the urban edge. Refer to the images below which illustrates the location of the subject property.



Zoning Extract (Property is zoned as “Agricultural Zone II” same as surrounding):



Applicant Locality Plan:



PART H: BACKGROUND AND HISTORY

An application for Temporary Departure to operate a Guest House from the existing main dwelling on Erf 8478, George was approved by the George Municipality on 19 January 2000. However, although the approval lapsed in 2005 the existing dwelling house was still being partially operated as a guest house until 2015.

Since the existing guest rooms in the main dwelling did not conform to the modern standards and needs of the guests, and that renovations in the main dwelling would result in massive changes that were not economically feasible, the owners decided to no longer operate the guest house out of the main dwelling but to seek alternative options. In addition to the existing main dwelling that operated as a guest house until 2015, another three-bedroom dwelling and an outbuilding exists on the property. A photo of the main dwelling, additional dwelling, and outbuilding that existed during that time (2015) is illustrated below.





In 2015 the owner applied to connect the three-bedroom dwelling and outbuilding to create a second dwelling consisting of 12 bedrooms with 10 bedrooms reserved to guests and the remaining two bedrooms to form part of the manager's dwelling unit.

The approval dated 23 June 2015 from the George Municipality (attached in **Annexure B** to the report) was for the following:

- (i) Departure in terms of Section 15 (1)(a)(i) of the Ordinance on Land Use Planning, 1985 (Ord 15 of 1985) to legalise an existing Second Dwelling on Erf 8478, George, as well as proposed alterations.
- (ii) Departure in terms of Section 15 (1)(a)(i) of the Ordinance on Land use planning, 1985 (Ord 15 of 1985) for the relaxation of the western side boundary building line from 33m to 5.46m for the existing second dwelling unit.
- (iii) Temporary Departure in terms of Section (1)(a)(ii) of the Land Use Planning Ordinance, 1985 (Ord 15 of 1985), in order to use the second dwelling unit for the purposes of a guest house, with a maximum of 10 guest rooms.

Building plans were submitted for the proposed Second Dwelling with 12 bedrooms (9 being reserved for guests and 3 for the manager's unit). These building plans were approved on the 18th of December 2015 under building plan No. 1591/15 by the George Municipality (attached as **Annexure H** to the report). Below is a photo of the building after building works were completed.



Currently, the building is being utilised as a 9-bedroom guest house with three bedrooms being used for a manager's unit (3 bedrooms, a bathroom, a living room, and kitchen). One of the rooms in the guesthouse is being used as a conference room that provides seating for approximately 20 people. There is no kitchen within the guest house section of the building. The kitchen in the manager's unit are used for the preparation of food for the guests in the Guest House.

The existing main dwelling remains residential and is still being occupied by the owner.

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. The original motivating memorandum was initially Afrikaans but translated to English for purposes of this report.*

Topography

The property has an even slope, with a slight fall in a northern direction. The existing "Guest Lodge" is built with the slope in mind. The slope is so minimal it does not restrict the existing "guest lodge" in any way.

Soil Conditions

The soil conditions of the Erf at this stage are not relevant due to the "guest Lodge" being already developed and that no further extensions or alterations are being proposed.

Vegetation

The "Guest Lodge" is already an existing structure located within a well-developed garden. As stated above no further extensions or alterations are being proposed. Thus, vegetation is not affected by this application. Other considerations include that the erf is not impacted by any floodlines, fountains or unique ecological areas.

Main Proposed Land Use

Erf 8478, George consists of an existing dwelling house with 3 carports, a tennis court, swimming pool and a second dwelling being used as a guest house. The existing main dwelling house is being occupied by A. Joubert, one of the Trustees of the trust. The second dwelling is being utilised as a departure in terms of the approval dated 23 June 2015 as a 9-bedroom guest house. The guest house is managed by a manager that lives in a section of the structure (3 bedrooms, a bathroom, a living room, and a kitchen). The approval lapsed on 22 June 2020. It is the goal of the owner in terms of this application to get approval for the 9 bedroom "guest Lodge" that is being operated from the second dwelling.

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

- This application meets the requirements set out in terms of the development principle of Spatial Justice.
- This application meets the requirements set out in terms of the development principle of Spatial Sustainability.
- This application meets the requirements set out in terms of the development principle of Efficiency.
- This application meets the requirements set out in terms of the development principle of Spatial Resilience.
- This application meets the requirements set out in terms of the development principle of Good Administration.

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

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).

Western Cape Provincial Spatial Development Framework

The Western Cape Provincial Spatial Development Framework is one of the Most important planning policies in the province. The framework makes provision not only for new spatial patterns in the province but also where development may and may not take place. The main goal of the framework is to create a more effective urban environment and to protect the provincial resources for future generations.

In the framework, there is referred to the tourism industry in the Western Cape. Despite the decline in global tourism recently, the general industry was growing in the past couple of years which can be attributed to various aspects.

Furthermore, the document identifies several "Tourism Development Areas" where George is identified as one. According to the documents, the identification of this area will lead to tourism being developed in such areas that will ultimately lead to investment and job opportunities within the identified areas. According to the document, tourism plays an important role in the development of the province. The Southern Cape that includes George is one of the most favoured holiday destinations in South Africa with tourists visiting the Southern Cape throughout the year.

The "Guest Lodge" applied for in terms of this application will contribute positively to the strengthening, expansion, and development of the tourism base in George. The "Guest Lodge" provides facilities that are in line with the broad principles in the Western Cape Provincial Spatial Development Framework.

A further very important guideline that is laid down is that any development must be self-sustaining. This implicates that *"the development needs of the present generations should be met without the ability of future generations to meet their own needs, being compromised."* The development that is proposed with this application will be self-sustaining and will not be a burden to future inhabitants of George. The proposal has in fact, no impact on any resident in George. The only people that are influenced by the application is the Trust that are the registered owners of the property.

The development will have a positive contribution to the standard of living of some residents in George because of the increase in contributions towards the property tax structure of the George Municipality and provide a few permanent jobs. The proposal falls within the broad context of the Western Cape Spatial Development Framework.

George Integrated Zoning Scheme By-Law, 2017

Erf 8478, George is Zoned Agriculture Zone II In terms of the George Integrated Zoning Scheme By-law, 2017. Agriculture Zone II makes provision for a six-bedroom guesthouse as a Consent Use. The existing Guest House that was approved in terms of the historic George Town Planning Scheme and the Land Use Planning Ordinance, 1985 (Ord 15 of 1985) and lapsed on 22 June 2020 consisted of 9 guest bedrooms. That is 3 bedrooms more than allowed in terms of the George Integrated Zoning Scheme By-Law, 2017.

As per the approved pre-application, the existing "guest house" cannot be considered for a further consent/temporary departure due to the current extent and is advised that a partial rezoning be considered for the area where the "Guest House" is located to General Residential V ("Guest Lodge").

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

Methods of advertising				Date published	Closing date for objections
Press (Die Burger)	Y	N	N/A	16 July 2020	17 August 2020
Gazette	Y	N	N/A		
Notices	Y	N	N/A		
Website	Y	N	N/A	16 July 2020	17 August 2020
Ward councillor	Y	N	N/A	16 July 2020 (email)	17 August 2020

On-site display	Y	N	N/A	16 July 2020	17 August 2020
Community organisation(s)	Y	N	N/A	The applicant was requested to acquire comment from the Glenwood Conservancy as per the Section 38 letter. However, the applicant stated that the public participation period was during Covid restrictions and that the Post office was closed as a result. As a result, the applicant did not ask for comment but acknowledges that from the objections received, the Glenwood conservancy would have been notified of the application.	
Public meeting	Y	N	N/A		
Third parties	Y	N	N/A		
Other	Y	N	If yes, specify	The notice was also sent to:	The applicant was requested to acquire comment from the Department of Transport & Public Works. However, the road is in the process of being transferred to the Municipality. As a result, the municipal CES comments will apply. It should also be noted that no new accesses are proposed.
Total valid objections	2			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	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><i>*The notes in italic did not form part of the objection and is merely for explanation purposes.</i></p> <p><u>Owner of Erf 13815, George (Adjacent property - East):</u></p> <p>In a letter dated 12 August 2020, Mr ADP van der Merwe objected to the proposed application in terms of the following grounds:</p> <ol style="list-style-type: none"> <u>Privacy</u> <ul style="list-style-type: none"> Initially, the use of a guest house was not a problem because it was not very busy. As time went by and the guest house became more popular, especially during the holiday season and long weekends, it caused a visual impact in terms of more people and vehicles. Due to the long drought, the vegetation that served as a visual screen decreased dramatically. Currently, only a wired fence is separating the two properties The frequent movement is becoming more visually intrusive and irritating. <u>Security</u> <ul style="list-style-type: none"> Due to the big extent of the property and the number of security incidents in the past the objector was forced to install electric fencing with an electric gate on their street front. Due to the objector having no control over the access to the guest house and the fence between the guest house and the property is only wired it provides no sense of security and makes the objector feel vulnerable to crime. <u>Property Valuation</u> <ul style="list-style-type: none"> The objector feels that nobody wants to live in such a peaceful neighbourhood would want a neighbour being a busy "lodge". 					

- Therefore, the objector feels the “lodge” has a negative effect on the value of their property.

4. Nuisance

- The objector states that holidaymakers and groups are in high spirits in the holiday season that causes noise pollution and is a nuisance to the surrounding neighbourhood and property owners.

5. Conclusion & Recommendations

- It started as a small business and developed into a full-scale enterprise that has a negative effect on the character of Glenwood.
- The objector is scared that the existing or future owners will use the property under the proposed zoning to further expand and the business to be more profitable that will provide a further negative impact on the area.
- The objector acknowledges that the guest house is existing and that it will probably continue operating and recommends that the owner build an opaque fence of at least 1.8m between the properties at his own cost.

Various owners in the Glenwood Neighborhood (Erven 14732, 3044, 13815, 3047 and 20900, George)

In a letter dated 8 August 2020, an objection on behalf of the five residents within the Glenwood neighbourhood was submitted based on the following grounds:

Note: Erf 13815, George (Mr ADP van der Merwe- Adjacent property east that objected individually as stated above) also signed as part of this objection. Erf 3047, George (adjacent property west) did sign as part of this objection. See the map below in terms of who signed from the community. The other properties are further away.



Background as part of the objection

The community of Glenwood is in the process of applying for an overlay zone in terms of Schedule 3 of the George Integrated Zoning Scheme. The process is at a stage where a document is being drafted to present to the community of Glenwood before the formal application is submitted.

**Note: To date no application for the overlay zone was received.*

Objections:

1. Objectors accept that the required rights for departures for the development of the existing guesthouse are allowed. That the current facility does not comply with the maximum restriction of 6 rooms according to the new definition of Guest House as per the Scheme. That the temporary departure for the extended development has lapsed.
2. The objectors request clarity regarding the motivation for the decision for the application being for General Residential Zone V regarding historical rights of all properties in Glenwood with reference to the Schedule 4 transition table in the Scheme.
3. The 1977 Zoning Scheme permitted basic single residential rights in Glenwood and this right is confirmed in the 2017 Zoning Scheme with some consent uses. The General Residential Zone V (Guest Lodge) in the 2017 Zoning Scheme is the transition from General Residential zoning in the 1977 scheme that has never been approved on any Glenwood properties.
4. The objectors question the recommendation made to rezone the property to General Residential Zone V just to legalise the zoning and therefore set a precedent for any similar future applications for similar rights in the Glenwood area.
5. The objectors request clarity why the owner of Erf 8478 is apparently obligated to apply for rezoning and not stay within the new regulations to apply for only consent for the operation of a guest house. The objector questions if there are no other mechanism to legalise the zoning now that the owner in the past had approval for something that is conflicting with the new zoning scheme. The objectors reflect that this obligation in their opinion is affecting all the resident's established rights because it can lead to unwanted consequences as referred to in point 4.
6. Regarding point 5 the objectors want to know if there are no other innovative solutions such as applying for the 12-bedroom building being classified as a double dwelling with 6 bedrooms each and then giving guest house rights to both units.
7. The objectors further request that if there are no alternative acceptable solutions other than the application for General Residential Zone V, that the owner of Erf 8478's "obligation to rezone to legalise" be reviewed and grant the necessary extension so that they can take up the matter with the owner within the proposed Overlay Zone application to present a solution to the problem. The purpose of the Overlay Zone application will be based on the principles in schedule 3 of the zoning scheme being:

General purpose of special planning area overlay zone

The general purpose of a package of plans is to provide for a mechanism to plan and manage the development of large or strategic urban development areas which also provides for a greater degree of flexibility.

PART L: SUMMARY OF APPLICANT'S REPLY TO OBJECTIONS

The applicant has not replied to the objections and requested that the application be evaluated without the objections being addressed. A copy of the correspondence is attached as **Annexure J**.

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	21/12/2021	In order.	See comments below.
Electrotechnical Services	15/12/2021	DC 's to be charged if they need to increase electrical capacity.	

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? (e.g. <i>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 biodiversity 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	x		

		topographical (soil and slope) conditions?			
	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:

1(s): Save for the already approved building line relaxation, the development will comply with all the development parameters as prescribed in the Zoning Scheme.

The application under consideration is for a “spot” zoning to accommodate an existing guest lodge and not the rezoning of the entire property - to protect the integrity of the spatial character of Glenwood. The proposed “spot” zoning is for General Residential Zone V (Guest Lodge) within Agricultural Zone II area and will comply with all the development parameters as per the scheme. No further building alterations are proposed, and a condition will be imposed restricting any further expansion of the Guest Lodge and to limit the number of rooms allowed.

(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 economy.

The proposed guest lodge is located within the urban edge and conforms to policy F1 by maintaining development within the George Urban edge area. The portion of the property proposed for spot zoning falls within the Intensification zone buffer in the SDF. Glenwood is not discussed within the MSDF specifically. However, the Glenwood area is regarded as a smallholding area and the MSDF promotes tourism in such areas.

It should be stressed that the proposed application due to a lapsed Temporary Departure for a guest lodge that has been operating from the subject property for more than 20 years. A guest house only allows for 6 bedrooms. Due to the 2 previous temporary departures being granted on these properties, a further application for temporary departure cannot be considered. A spot zoning is thus the only mechanism available to regularise the existing Guest Lodge operation in this property.

Taking the above into consideration the proposal is deemed to be in line with the MSDF.

(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 existing zoning of Erf 8478, George is Agricultural Zone II with a smallholding as a primary right. Agricultural Zone II provides for a Guest House as a Consent Use for no more than 6 rooms and no more than 12 paying guests may be supplied with lodging or meals at any time. The zoning does not allow for a guest lodge (7 to 20 rooms).

The existing 9-room guest lodge is operating as per the now lapsed temporary departure approval A condition will be placed to restrict the guest lodge to only 9 rooms.

According to the Scheme, the development parameters for Guest Lodge is as follows:

Coverage: 60% (Erven smaller than 250m²).

Floor Factor: The floor Factor may not exceed 1.

Height: The highest point of a building may not exceed 8,5 metres from natural ground level to the top of the roof.

Parking and Access: 1 Parking Bay must be provided per bedroom, 2 parking bays for the owner's home/manager's flat and 1 bay for visitors/employees.

Open Space:

(i) Every guest lodge must have access to an outdoor living area on the land unit, which may include private or communal open space, but excludes roads, service yards and parking areas.

(ii) An outdoor living area of at least 10% of the total erf area must be provided; such outdoor living area(s) must be of reasonable proportions and location to allow for leisure or recreational use by guests and lodgers and may include open courtyards within the complex.

Building Lines: 5 metre street building line

4.5 metres on all other sides

4,5 metres rear building line

General:

- (aa) The manager of the guest lodge must live on the property.
- (bb) A register of guests and lodgers must be kept and completed when rooms are let.
- (cc) No more than 20 rooms per land unit may be used for bedroom accommodation for paying guests or lodgers, and no more than 40 paying guests or lodgers may be supplied with lodging or meals at any time.
- (dd) No alcoholic beverages may be served except to resident guests for consumption on the premises.
- (ee) Guest rooms may not be converted to, or used as, separate self-catering dwelling units.
- (ff) Meals may only be supplied to guests or lodgers who have lodging on the property, employees, and the family residing in the guest lodge.
- (gg) in the absence of a Municipal policy or by-law on outdoor advertising and signage, no advertising sign may be displayed other than a single un-illuminated sign or notice not projecting over a public street and not exceeding 1 m² in area.

The Guest Lodge will be limited to the current existing building footprint and usage. The present "Guest lodge" complies with all the development parameters: as per the George Integrated Zoning Scheme, 2017. Sufficient parking and recreational space are provided on site.

Note: The main dwelling has 3 non-interleading rooms. The 3rd non-Interleading room of the main dwelling is considered a non-conforming use as it is approved on a building plan.

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

Comments

*1 & 2: No trees or any other environmental systems will be negatively affected by this proposal as no new buildings or alterations are proposed.

*4: The property falls within the Glenwood Smallholding area and has been operating as a guest house/lodge for the past 20 years. The application is for a "spot rezoning" restricting the existing guest lodge footprint within Erf 8478, George. The proposal will not have a negative effect on the character of the area due to its position within the large property being shaded with vegetation and the fact that it has been part of the character of the area for the past 20 years.

*5, 6, 7, 8, 9, 10: No additional access is proposed, and existing parking on site will be used. Adequate parking & access provisions are provided that conforms to the parking requirements and manoeuvrability parameters in terms of the Scheme.

*11, 12, 13, 18: The neighbour's amenity to sunlight and privacy will not be negatively affected by the guest lodge. Although objections were received in terms of privacy, nuisance and visual intrusiveness, a site visit conducted on 24 March 2022 resulted in the claims being unjustified. *Please refer to the assessment of objections received below.*

*15, 17: The property has provided guest accommodation for more than 20 years. There will not be a negative effect on any property value in the vicinity or adjacent land uses due to the use of the Guest Lodge. Please refer to the assessment of objections received below.

*20: As mentioned before, the property had historical rights in terms of a temporary departure whereafter building plans were approved for the current structures on the property. The approval lapsed and due to the change in terms of the scheme, a consent use application will not be possible. Due to the size of the guest lodge premises, a spot zoning is proposed to accommodate the existing use on the property.

Assessment of objections/comments

As mentioned above, the applicant did not respond to the objections received. As a measure to ensure the objections are dealt with thoroughly, a site visit was conducted on 24 February 2022 by the report writer to evaluate the objections received. The objections received are categorized and addressed as follows:

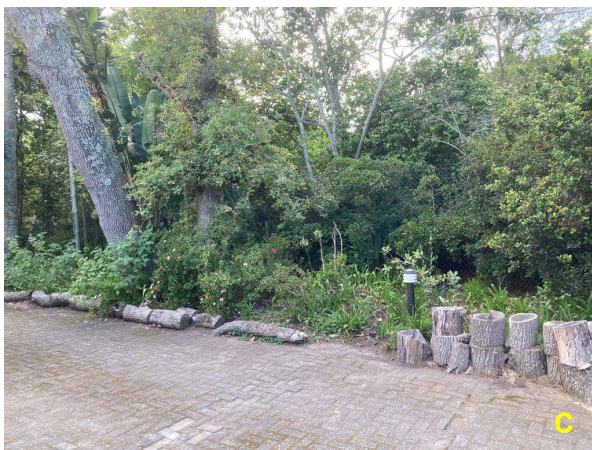
Privacy

The claims of Mr van der Merwe cannot be justified in terms of the visual intrusiveness of the guest house. From the site visit conducted, Mr van der Merwe's home cannot be seen from the driveway, parking lot, or the guest house. Furthermore, Mr van der Merwe claims that recent droughts have dramatically decreased the visual screen created by the vegetation between the two properties. However, it was found that notwithstanding the cause of vegetation decreasing through drought, vegetation removal, or any other

reason, the visual screen is adequate and would not impede the privacy of Mr van der Merwe. The picture below indicates the distance from the guest house to Mr. van der Merwe's home is approximately 60m. Also, notice the dense vegetation created by trees in terms of the line of sight to the guest house. More pictures are attached concerning the location and direction of view below.



Further pictures below indicate the line of sight from the ground and are indicated on the map above.



From the pictures above it is evident that the vegetation is sufficient to serve as a screen between the properties and that Mr van der Merwe's privacy is not impeded.

Security:

Mr van der Merwe states that he feels vulnerable to crime due to the guest lodge and the associated access control thereof. He does not provide any evidence that proves that the proposed land use has a negative effect on security or result in the increase of crime in the area. Therefore, this is not regarded as a land use dispute and is not relevant to the application.

Nuisance:

Mr van Der Merwe objects in terms of the noise the guest lodge creates or may create over the holiday season and long weekends that are a nuisance to the neighbours and surrounding properties. He is the only neighbour to object to this application in terms of noise even though he is 60m from the guest lodge. The adjacent owner to the west on Erf 3047, George, which is approximately 20m from the existing guest lodge did not object in terms of noise pollution. Therefore, considering the distance being approximately 60m to the home of Mr. van der Merwe, the vegetation screen that reduces sound, and the neighbour of Erf 3047, George, not complaining in terms of noise, it is concluded that Mr van der Merwe's claim in terms of nuisance is unfounded and unjustified.

Property Valuation:

Mr van der Merwe uses his statement in terms of security, nuisance, and privacy as a reason for the potential decrease in property value. No evidence was provided to substantiate this statement.

The character of the Area

The character of the area will not be negatively affected as the proposed guest lodge is situated well inside the property and is shaded with vegetation and cannot be observed from the street. The architectural design of the Guest lodge blends with the existing dwelling on the property creating a homogenous entity within the property.

Future expansion

The spot zoning will restrict the operation of the guest lodge to the current footprint and number of rooms. This will ensure that no future expansion of the guest lodge is possible. The necessary condition will also be imposed.

Proposed Zoning

The community questions the proposed zoning of General Residential Zone V for Guest lodge on the property. It should be noted that the application is for a partial rezoning and not a full rezoning of the property. The spot zoning will provide a restrictive measure to the guest lodge to prevent any future expansion of the use. The objector's recommendation that the 12-bedroom building be classified as a double dwelling consisting of 6 bedrooms each with consent for a guest house on both would also result in a rezoning application. This would also not fit the description of a double dwelling. Moreover, this would provide more bedrooms being utilised for guest accommodation. The main use/zoning will remain smallholding.

Precedent

The proposal for a guest lodge as a spot zoning will not set a precedent in Glenwood. As the property had historical rights to operate a guest house and with the change of the scheme the application could be considered for such a spot zoning. The current structures on the property are approved in terms of building plans. It should also be noted that these "smallholding" properties are within the Urban edge and a guest house & guest lodge is reconcilable within the residential/smallholding area.

Request for extension to establish an overlay zone

No "overlay zone" application has been received as an application since the statement has been made in August of 2020. Thus, there are no grounds for requesting an extension.

PART O: SUMMARY OF EVALUATION

Locality:

Erf 8478, George is located within the urban edge on the northern side of Glenwood Avenue in the Eastern part of George overlooking the Glenwood Golf Course. The suburb is known as Glenwood, an area consisting of "Smallholdings" under "Agricultural Zone II".

Application:

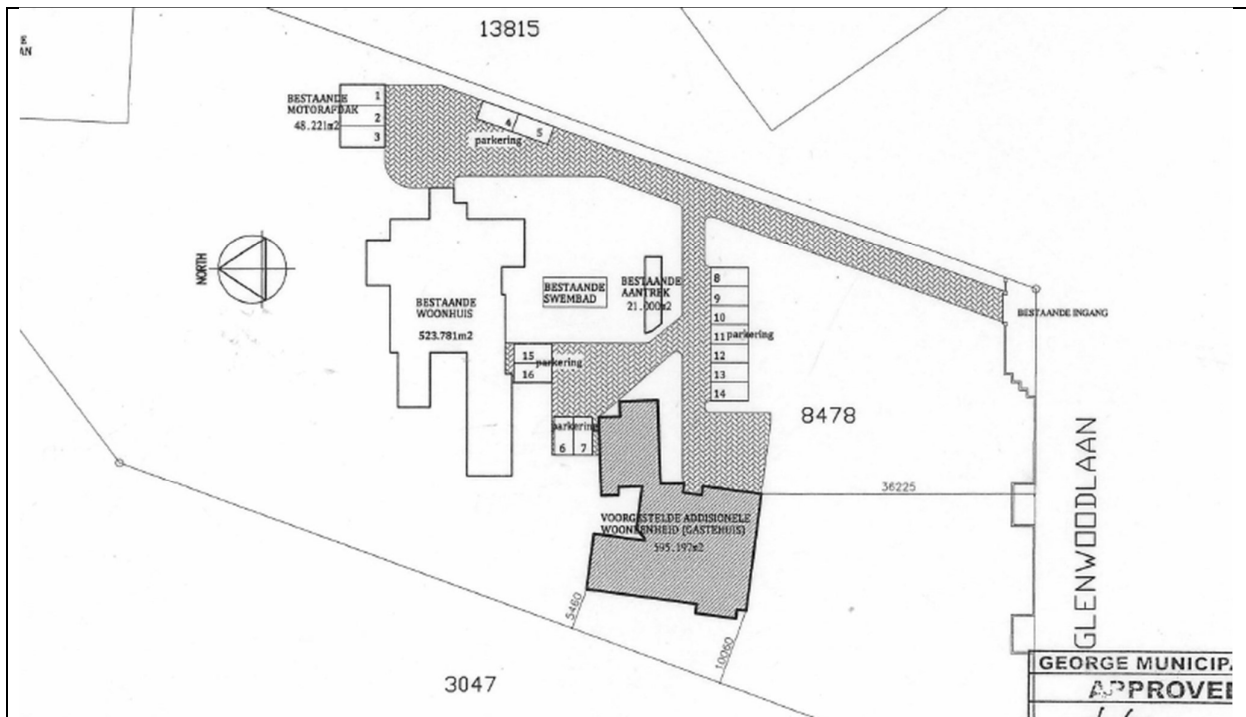
The property was subject to a temporary approval to operate a Guesthouse from the main existing dwelling on 19 January 2000. The approval lapsed in 2005 whereafter the guest house continued operating until 2015. In 2015, the owner lodged an application to move the guest house from the main dwelling to the second dwelling by connecting an existing 3-bedroom dwelling and outbuilding to create a 12-bedroom second dwelling. The guest house operating from the second dwelling consisted of 10 bedrooms for guest accommodation and 2 bedrooms as a manager's unit. The approval from 23 June 2015 consisted of permanent approval for building line relaxation and second dwelling, but temporary approval for the use of the second dwelling as a guest house consisting of a maximum of 10 guest rooms. The associated building plans were approved on 18 December 2015.

The temporary approval lapsed on 23 June 2020 and as a result, the owner applied for the permanent rights to utilise the second dwelling as a guest house. Due to the new scheme that came into effect in 2017, the land use activity on the property is classified as a "guest Lodge" and not a guest house, as a guest house only allows for 6 bedrooms. The existing use entails a 9-bedroom guest accommodation, 3 bedroom manager's unit, a main house and 3 non-interleading rooms. All structures on site are on approved building plans. The 3rd non-interleading room is a non-conforming use.

The development proposal submitted entails the partial rezoning of Erf 8478, George from "Agriculture Zone II" to "General Residential Zone V" for the purpose to legalise the existing "Guest House" limited to 9 guest rooms on site. No departures were applied for as part of this application.

Rezoning:

According to the Zoning Scheme, guest lodges can accommodate up to 20 guest bedrooms. The proposed application is limited to the existing extent of the current guest establishment being operated on the property as a "spot zone". Therefore, a condition will be imposed to limit the number of guest rooms to 9. No additional building or alterations are proposed, and the application is in line with the building plan approved on 18 December 2015. The Building Plan is illustrated below.

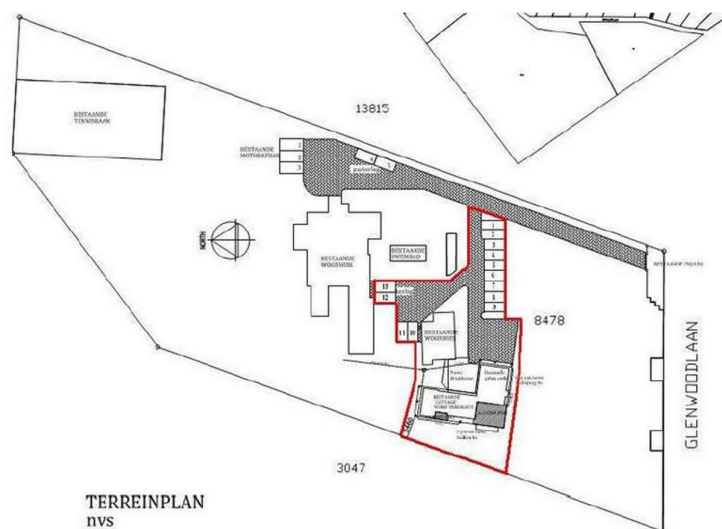


Parking and Manoeuvrability

No new roads/servitudes are proposed for the development as existing roads and parking will be used. No new access is proposed. The current access point will be utilised. According to the approved building plan sixteen (16) parking bays are provided on the property. Eleven (11) parking bays are designated within the “spot zone” of General Residential Zone V that is in line with the parking requirements for Guest lodge in terms of the Scheme. Parking Requirements in accordance with the Zoning Scheme are:

- 1 per bedroom, (6 rooms)
- 2 for the manager,
- 2 for the owner, and
- 1 for visitors.

The image below illustrates the location of the spot zoning and parking. Manoeuvrability on site is sufficient.



Conclusion

Notwithstanding the fact that Glenwood is considered a smallholding area, the neighbourhood of Glenwood is situated within the urban edge with the portion of Erf 8478, George proposed for “guest lodge” being located in the intensification zone. Therefore, the proposal is deemed in line with the MSDF.

A site visit was conducted to analyse the objections received from the adjoining neighbour to the east being Erf 13815, George. (Mr ADP van der Merwe). The site visit concluded that the proposed guest lodge will not result in a negative effect in terms of privacy, nuisance, security, or visual intrusiveness. The structures on site are set back more than 36m from the road and not visible. The proposal will thus not have a negative impact on the street scape. There is also no other mechanism available other than spot rezoning to accommodate this guest lodge.

Thus, on the balance of all considerations, the proposed spot rezoning to accommodate an existing 9-bedroom Guest Lodge on the subject property cannot be found to be undesirable in terms of Section 65 of the Land-Use Planning Bylaw for George Municipality, 2015, and is therefore **SUPPORTED**.

Note: The Directorate confirmed 3 times with CES and ETS that no DCs are payable for this Guest Lodge.

PART P: RECOMMENDATION

That, notwithstanding the objections received, the application of spot rezoning in terms of Section 15(2)(a) of the Land Use Planning By-law for George Municipality, 2015 of a portion of Erf 8478, George from “Agriculture Zone II” to “General Residential Zone V” to accommodate a Guest Lodge limited to 9 bedrooms;

BE APPROVED in terms of Section 60 of the Land Use Planning Bylaw for George Municipality, 2015 for the following reasons:

REASONS FOR DECISION:

- (i). The proposed spot zoning is the only mechanism available to regularise the existing guest lodge facility which has been operating from this property for more than 20 years;
- (ii). As the facility has existed without any complaints for such a long time and as the facility is not visible to the surrounding environs, it is unlikely to detract from the character of the surrounding area or streetscape.
- (iii). The proposal will not have a significant negative impact on the natural or built environment, given that no additional buildings or alterations are proposed within the existing building footprint and the buildings have been on site for many years.
- (iv). The application will not have a significant negative impact on the surrounding neighbours' rights and amenities, or their views based on a site visit conducted on 24 February 2022.
- (v). The building plans are approved for all current existing structures on the property.
- (vi). The approval is consistent with the spatial planning objectives for the 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:

1. That in terms of Section 43 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) read with 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 the spot rezoning applied for and as indicated on Zoning Plan 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 use of guest lodge be restricted to the area designated as General Residential Zone V as a “Spot Zone” as indicated on the Zoning Plan in condition 2.

4. The Guest lodge be limited to 9 guest bedroom accommodation for paying guests or lodgers, and no more than 18 paying guests or lodgers may be supplied with lodging or meals at any time.
5. The managers unit be restricted to 3 bedrooms as per the plan and may not be extended.
6. The applicant must submit a surveyor's plan of the "spot zone" to the GIS Department of the Directorate for information purposes.
7. The above approval will be considered as implemented on submission of the surveyor's plan and as built building plans for approval.
8. The spot rezoning shall not enable to owner of Erf 8478, George to apply to erect another dwelling unit on the property;

CONDITIONS OF THE DIRECTORATE: CIVIL ENGINEERING SERVICES

9. 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.
10. 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 (ie within the development area) , position of accesses, provision for pedestrians and non-motorised transport, and other issues related to traffic.
11. Any, and all, costs directly related to the development remain the developers' responsibility.
12. Only one connection permitted per registered erf (Electrical, water and sewer connections). Condition 8 applies.
13. 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 8 applicable)
14. 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 8 applicable)
15. 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 8 applicable)
16. Suitable servitudes must be registered for any municipal service not positioned within the normal building lines.
17. The applicant is to comply with the National Forestry Act, Act No 84 of 1998, should it be required.
18. Provisions for the removal of solid waste is to be addressed in conjunction with the Dir: Environmental Services.
19. 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.
20. 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.
21. 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.

22. 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.
23. Municipal water is provided for potable use only. No irrigation water will be provided.
24. 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.
25. 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.
26. The discharge of surface stormwater is to be addressed by the developer. Condition 8 applies. All related costs are for the developer. The developer is to consult with the Dir: CES to ensure that stormwater planning is done on line with the available stormwater master plans.
27. 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.
28. Adequate parking with a hardened surface must be provided on the premises of the proposed development.
29. No private parking will be allowed in the road reserve.
30. A dimensioned layout plan indicating the proposed accesses onto private / servitude roads, must be submitted to the relevant departments for approval. Condition 8 applies.
31. 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.
32. The District Roads Engineer (DRE) is to comment on the development application and/or approve the external TIA.
33. Permission for access onto municipal, provincial, or national roads must be obtained from the relevant authorities.

PART Q: ANNEXURES

Annexure A	Zoning Plan
Annexure B	Previous Approval 23_June_2015
Annexure C	Application Memorandum
Annexure D	Pre-Application
Annexure E	Title Deed
Annexure F	SG Diagram
Annexure G	Conveyancer Certificate
Annexure H	Approved Building Plans
Annexure I	Objections
Annexure J	Response to Objections



R.H. Janse van Rensburg (A/2925/2020)

TOWN PLANNER

14/03/2022
Date

~~RECOMMENDED/ REFER TO APPLICANT/~~ REFER TO TRIBUNAL



I Huyser (A/1664/2013)

SENIOR TOWN PLANNER

18/03/2022

Date

~~RECOMMENDED/ REFER BACK TO APPLICANT/~~ REFER TO TRIBUNAL



C. PETERSEN (B/8336/2016)

SENIOR MANAGER: TOWN PLANNING

31/03/2022

Date

APPROVED / REFUSED/ REFER BACK TO APPLICANT/ REFER TO TRIBUNAL



pp.

D. POWER (A/1973/2014)

DEPUTY DIRECTOR PLANNING/AUTHORISED OFFICIAL

09/05/2022

Date

Attachments : Annexures for Erf 8478, George



Erf 8478, George
(Tribunal Annexures)

6.3. Rezoning : Erf 22276, c/o First Avenue and Knysna Road, George (F Vava)

LAND USE PLANNING REPORT
APPLICATION FOR REZONING ON ERF 22276, GEORGE

Reference number	1905780	Application submission date	23 August 2019	Date report finalized	03 May 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)	Johannes George				
Surname	Vrolijk				
Company name	Jan Vrolijk Town Planner				
SACPLAN registration number	A/1386/2010	Is the applicant authorized to submit this application?		Y	N
Registered owner(s)	Lomina Agtien (Pty) Ltd (Reg No. 1997/00930/07)				
PART C: PROPERTY DETAILS					
Property description (in accordance with Title Deed)	Erf 22276, George				
Physical address	Corner of First- Avenue and Knysna Road	Town/City	George		
Current zoning	Business Zone IV	Extent (m ² /ha)	2999m 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	Incomplete basement area		Title Deed number & date	T45663/2018 Attached as Annexure B	
Any restrictive title conditions applicable?	Y	N	If Yes, list condition number(s)	N/A	
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 B	
Reference Number	Erf 22276, George		Date of consultation	4 March 2019	Official's name J. Fourie
PART E: LIST OF APPLICATIONS (TICK APPLICABLE)					
c. Rezoning	x	b. Permanent departure		kk. Temporary departure	
mm. Consolidation		nn. Amendment, suspension or deletion of restrictive conditions		oo. Permissions required in terms of the zoning scheme	
qq. Extension of validity period		rr. Approval of an overlay zone		ss. Phasing, amendment or cancellation of subdivision plan	
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					
Consideration of an application for Rezoning in terms of Section 15(2)(a) of the Land Use Planning By-law for George Municipality, 2015 of Erf 22276, George from Business Zone IV to Business Zone VI.					
PART G: LOCATION					
Erf 22276, George is situated on corner of First Avenue and Knysna Road. The subject property is situated in the Eastern Extension of the George, along a main activity corridor that is Knysna Road. See locality map below.					

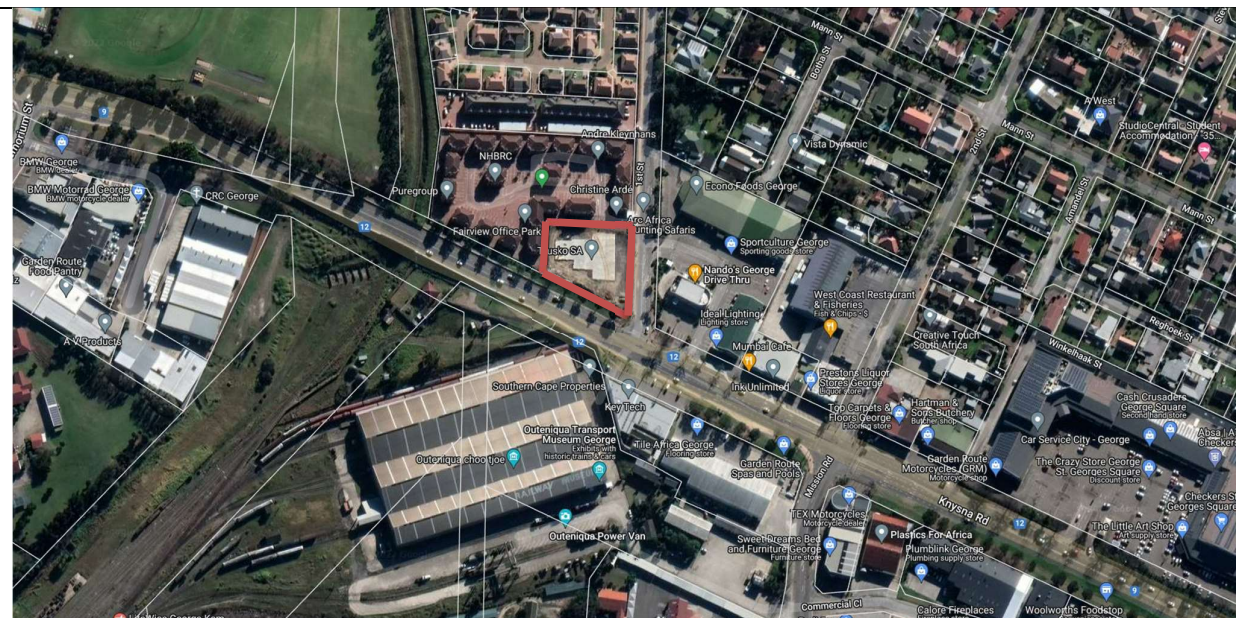


Figure 2: Locality Map, CapeFarmMapper, 2022

PART H: BACKGROUND AND HISTORY

Erf 22276, George was created in 2006 and registered under SG No. 4740/2006. The property formed part of a larger residential and office park development known as Fairview. The property was earmarked for a larger office building considering its location and accessibility traits. In 2006, a building plan for an office building was approved on the property with construction commencing in 2007. Only the foundation and basement area of the office building was completed. The structure has since been left unfinished for the past 15 years.

It is now proposed to develop a service station on the property. The current land use application was originally submitted in 2019. The application was not complete, with the department only receiving the outstanding information (complete set of documentation) in September 2021.

There are no restrictive title deed conditions in the title deed (T45663/2018) that prohibit the proposed filling station on the property as confirmed in by the conveyancer certificate prepared.

PART I: SUMMARY OF APPLICANTS MOTIVATION

The applicant's motivation, which was originally submitted in Afrikaans (attached as Annexure C), can be summarised as follows:

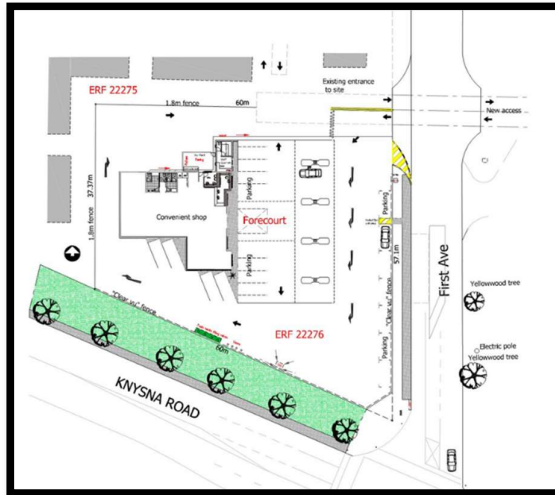
Ontwikkelingsvoorstel

Erf 22276, George is op hierdie stadium met 'n half voltooië kelderverdieping ontwikkel. Bouplanne en Ingenieursplanne vir die kelderverdieping is onder Plan No 904/04 op 23 November 2006 deur die George Munisipaliteit goedgekeur. Dit is die eienaar se voorneme om die kelderverdieping te behou en die voorgestelde gebruik bo op die kelderverdieping te ontwikkel.

Die diensstasie sal uit 'n voorhofafdak met 'n oppervlakte van ongeveer 658m² bestaan waaronder vier eilande en 8 pompe ontwikkel staan te word. 'n Vier en twintig uur geriefswinkel met 'n oppervlakte van ongeveer 252m² gaan as deel van die diensstasie ontwikkel word. Die eienaar beoog verder om 'n koffiewinkel met 'n oppervlakte van 111m² as deel van die diensstasie te ontwikkel. Die gebruik sal moontlik in die toekoms met 'n motorwas wat oor 'n oppervlakte van ongeveer 70m² sal beskik afgerond word. Verder sal daar ongeveer 20 parkeerplekke op die oopruimtes rondom die gebouekompleks voorsien word. Drie brandstofopgaartenks met 'n gesamentlike kapasiteit van 79 000 liters sal onder die inrit gedeelte van die voorhofafdak in die kelderverdieping geïnstalleer word. Die brandstof tenks sal met die nodige brandmure vanaf die oorblywende

gedeelte van die kelderverdieping afgeskerm word.

Die onderstaande terreinplan toon voorgestelde gebou wat die verskillende grondgebruike gaan huisves sowel as die voorhofafdak .



Erf 22276, George verkry tans toegang via 'n 6m reg van weg serwituut vanuit Eerstelaan waarvan 3m oor Erf 22276, George en 3m oor Erf 22275 George geregistreer is. Die reg van weg serwituut word op die Landmeter Generaal Diagramme, aangetoon. Die reg van weg serwituut word tans deur 'n sekuriteitshek na ure gesluit wat beteken dat Erf 22276, George na ure nie toeganklik is nie. In terme van die voorstel sal die sekuriteitshek verskuif word na 'n posisie soos aangetoon op die terreinplan. Die sekuriteitshek sal na so 'n posisie geskuif word dat die sekuriteit van die Fairview Kantoorkompleks nie beïnvloed word nie. Erf 22276, George sal na die verskuiwing van die sekuriteitshek ten volle gebruik maak van die 6m wye reg van weg serwituut.

Erf 22276, George is op hierdie stadium Sakesone IV gesoneer, 'n sonering wat slegs kantore toelaat. Die erf sal dus na Sakesone VI gehersoneer moet word om die diensstasie ontwikkeling moontlik te maak.

George Ruimtelike Ontwikkelingsraamwerk (ROR), 2019

Erf 22276, George is in terme van die George Ruimtelike Ontwikkelingsraamwerk, 2019 binne die Knysnaweg aktiwiteitsas geleë, 'n aktiwiteitsas wat vir sakedoeleindes en hoë digtheid ontwikkeling geoogmerk word. 'n Diensstasie kan as 'n gebruik beskou word wat ondersteunend en aanvullend tot 'n aktiwiteitsas beskou kan word.

Daar bestaan dus na mening geen rede waarom 'n aansoek vir die hersonering van 'Erf 22276, George na Sakesone VI vir die ontwikkeling van 'n diensstasie op die eiendom nie as versoenbaar met die ROR beskou kan word nie.

Wet op Nasionale Omgewingsbestuur, 1998 (Wet 107 van 1998)

Aangesien die diensstasie se brandstof stoorkapasiteit nie 80 000 liter gaan oorskry nie is, is die ontwikkeling vrygestel van die bepalings van die Wet op Nasionale Omgewingsbestuur, 1998 (Wet 107 van 1998).

Ligging van voorgestelde diensstasie perseel

In enige aktiwiteitsas is dit belangrik dat kontinuiteit tussen sakegeboue behoue bly en dat voetgangers van een sakegebou na die ander kan beweeg sonder dat 'n gebruik wat op die motorvoertuig gerig is, die sakefront of voetganger beweging onderbreek. Dit is dus wenslik dat diensstasies nie tussen bestaande sakepersele gevestig word nie maar eerder op die rand van 'n sakegebied of aktiwiteitsas gevestig word. Hierdie tipe liggings verseker dat die diensstasie nie inbreuk maak op die karakter en werking van 'n sakegebied of aktiwiteitsas nie. 'n Randgebied ligging word dus as die ideaal beskou.

Erf 22276, George is op die rand van die George Sentrale Sakegebied geleë. Die gedeelte is inderwaarheid

sodanig geleë dat dit 'n entiteit op sy eie op vorm en geen impak op die bestaande sake aktiwiteite in die Sentrale Sakegebied van George sal uitoefen nie. Verder is die erf ook op die rand van die Knysnaweg aktiwiteitsas geleë en sal die diensstasie as sulks ook geen negatiewe impak op die kontinuïteit van sakegebruik en voetgangerbeweging in die gedeelte van die Knysnaweg aktiwiteitsas uitoefen nie. Die diensstasie voldoen dus geheel en al aan bogenoemde vereistes en vanuit 'n liggingsoogpunt is die ligging dus uiters geskik vir die ontwikkeling van 'n diensstasie.

Dit moet verder ingedagte gehou word dat die diensstasie die motorvoertuig bedien en daarom moet dit sodanig geleë wees dat dit gerieflik deur die motorvoertuie gebruik kan word. Sigbaarheid en toeganklikheid vanaf hoofroetes is dus 'n kritiese vereiste vir enige diensstasie om suksesvol te wees. Dit moet dus so vër as moontlik op hoofverkeersroetes geleë wees. Hierdie spesifieke ligging voldoen volkome aan die vereiste. Die diensstasie sal op die hoofroete wat toegang tot en uitgang vanaf die sentrale sakegebied van George in 'n oostelike rigting verleen, geleë wees, terwyl Knysnaweg die hooftoevoerrote vanuit die noorde na die oostelike dedeelte van die Suid-Kaap vorm.

Die diensstasie sal verder die enigste diensstasie aan die noordekant van Knysnaweg, buite die sentrale sakegebied van George, wees en alhoewel dit ook op deurverkeer gerig sal wees, sal dit hoofsaaklik gerig wees op verkeer na en vanuit die ou gevestigde oostelike woongebiede van George. Die diensstasie is dus op 'n spesifieke bedieningsgebied gerig met die geriefswinkel wat verder ook aan die na-uurse behoeftes van die gemeenskap woonagtig in die oostelike woongebiede van George sal voldoen.

Daar word dus aangevoer dat die ligging van Erf 22276, George uiters geskik is om met 'n diensstasie ontwikkel te word.

Karakter van omgewing

Erf 22276, George vorm deel van die aktiwiteitsas wat langs Knysnaweg vanaf die spooroorweg tot en met Pick n Pay voorkom. Die ontwikkelingsas beskik oor 'n sterk kommersiële karakter met die die Paddagat Sakesentrum en die Pick n Pay ontwikkeling wat die kern van hierdie aktiwiteitsas vorm.

Soos reeds uitgewys word 'n diensstasie as 'n sakegebruik geïdentifiseer en is die diensstasie versoenbaar met die karakter wat langs die gedeelte van Knysnaweg aangetref word.

Verkeersverslag

SMEC Verkeersingenieurs is aangestel om 'n verkeersverslag insake die ontwikkeling voor te lê. Die verslag is hierby as **Bylaag "L"** aangeheg. In terme van die verslag word die volgende aanbevelings voorgelê wat deur die eienaar aanvaar word:

"Based on the findings of this report, it is recommended that the following conditions be coupled to the approval of the rezoning, to ensure safe access to and from the development:

Geometric Design

- *The entrances to Fairview Office Park and 74 On Knysna should be aligned to form a four-legged intersection.*
- *While not necessarily a requirement, it is recommended that the length of the right turn lane on First Street at the signalised intersection be lengthened. This will be made possible by implementing the above recommendation.*
- *The layout of the proposed four-legged intersection should be designed by a qualified civil engineer, taking cognisance of the George Municipality's design standards, as well as the minimum curve radii of the fuel delivery vehicle.*
- *A detailed geometric constraints analysis of the intersection of First Street and Knysna Road should be undertaken, to determine conclusively whether are able to safely make a left turn into First Street. Any improvements which might be identified during this analysis should be implemented as a condition of the development.*

- Prior to the approval of the building plans, the developer should submit a detailed geometric design constraints analysis for the final design of the development proving that a single unit with trailer is able to safely manoeuvre on site.

Pedestrians

- The roads surrounding the site makes provision for pedestrians by means of surfaced walkways. The proposed development should tie in with the existing surrounding walkways, to allow pedestrians to access the filling station without conflicting with vehicles. All walkways should be paved and have a 1.8m minimum width. All new bell mouths at the access should have pedestrian ramps to allow pedestrians to transition from the elevated walkway to the lower road surface, and should be in line with George Municipality's Universal Access guidelines.

Public Transport

- The existing bus stop must be retained at its original position.

Parking

- As the developer is yet to finalise the SDP, the amount of parking spaces required is unknown. It is recommended that parking bays be provided as required for various land use in the "Parking Standards" and/or the local Zoning Scheme of George. For a filling station, this would typically be a shop/business area, and could include office space. According to George Integrated Zoning Scheme By-Law, 2017 the following is recommended:
 - 8 bays plus 4 bays per 100m² GLA – General parking
 - 1 bay per total of 1-50 parking bays provided – Physically Disabled parking
- Vehicles that visit the filling station for filling up, generally do not make use of the on-site parking.

Road Signage

- Access by heavy vehicles (interlink trucks, 22m long) must be restricted to turn into First Street. This will ensure that traffic congestion onsite as well as in the surrounding residential area to occur.
- The following signage must be provided along Knysna Road,
 - Advance warning sign – W321 (Length Restriction), 900mm.
 - Mandatory Regulation Sign – R209 (No Left Turn Ahead) and R210 (No Right Turn Ahead), 600mm Dia.
 - Both these signs above need to be placed on a White High Visibility Background board in an advance position along Knysna Road from the East and West approach to First Street.

Die verslag sluit af met die volgende gevolgtrekking:

"Based on the findings of this report, the rezoning of Erf 22276 to allow for the construction of a proposed filling station, will not have a negative impact on the existing infrastructure. Furthermore, there are no major hazards to the safety of road users. It is therefore recommended that, should all the recommendations outlined in this report be adhered to, that the rezoning of the development be approved from a transport engineering point of view."

PART J: SUMMARY OF PUBLIC PARTICIPATION

Methods of advertising				Date published	Closing date for objections
Press	Y	N	N/A	21 September 2021	21 October 2021
Gazette	Y	N	N/A		
Notices	Y	N	N/A	19 September 2021	19 October 2021
Website	Y	N	N/A	19 September 2021	19 October 2021
Ward councillor	Y	N	N/A	19 September 2021	19 October 2021

On-site display	Y	N	N/A	19 September 2021	19 October 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	4				Total objections petitions	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	None						
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>A total of 4 objections were received during the public participation process of the rezoning application on Erf 22276, George. The comments received (<i>see Annexure F for full details</i>) are summarised as follows:</p> <p><u>Delplan Consulting on behalf of 3 sectional title office units of Erf 22275, George [Zeus Ondernemings Trust, Stümke Familie Trust and Kovacs Investments 791 (PTY) LTD]</u></p> <ul style="list-style-type: none"> • The construction of a filling station and ancillary facilities will be detrimental to the owners and tenants of the Fairview Office Park as they will share only a 6m wide entrance road servitude (3m on each) across the two properties. When the development was originally approved in 2006 the whole site was to be developed as an office park. The office park and this site would have developed their access and parking together and now this new land use will have a far greater impact on the users of the office park. • More pedestrians and vehicles will visit the site and could potentially end up inside the office park or use it if they cannot find sufficient parking on site. It is commonly known that the convenience stores at the service stations are very well used and that parking at most service stations in town where there are convenience stores there is never enough parking. Although the applicant will provide parking according to the GIZS by-law, it would still not be enough. • If approved, the convenience store would draw clients from the eastern suburbs and the passing traffic on Knysna Road. No convenience store currently exists on the northern side of Knysna Road. 							

- Stacking distance for cars exiting the erf towards First Street is already a problem as the original developer did not make sufficient stacking space in the layout for it. With the proposed increase in traffic, the service station and its other land uses will create far more traffic which now will include large trucks for deliveries and re-fuelling.

- Cars and trucks entering and exiting the service station will be in constant conflict with cars exiting the office park. Vehicles coming from the eastern side of the site will be hidden behind the existing office buildings and fence and will not be seen by users of the office park exiting to First Street. They will also, according to the SDP submitted, be driving straight into oncoming traffic as they exit the forecourt. There is currently an electrical kiosk which is right in the way as can be seen below.



- One of the objectors were told by officials that the applicant was supposed to first meet with the Body Corporate and owners of the office blocks inside the Fairview Office Park. According to them this was not done. Especially in a case where the two properties make use of servitudes over each other's properties, it would have been the best to sort out these access and egress problems. The property is controlled by a body corporate and their input as well as the individual owners of building should have been consulted beforehand.
- The intersection of First Street and Knysna Road is a very busy intersection. It is also part of the GoGeorge bus route with a bus stop right where new upgraded entrance will be. When the GoGeorge bus stop at the bus stop, it will block traffic coming from Knysna Road. This will mean traffic will back up into the latter road. Although this is already the situation, the service station's traffic generation will increase this.
- It has also been learnt that the slipway into the 74-on-Knysna property (Erf 1925) from Knysna Road will be closed in future and that will mean that all the traffic entering their site will also now have to use First Street to enter the service station and the business sites on 74-on-Knysna.
- There are currently also two entrances across the road to the site opposite First Street. The applicant's proposal is to align their entrance with 74-on-Knysna's property. This will mean the entrance will shift to right opposite the subject site's upgraded access.
- According to the Section 38 letter issued by the municipality only the ward councillor must get a copy of the application and not the Provincial Department: Transport & Public Works (DRE). The property is firstly adjacent to a Provincial Road (Knysna Road) and secondly the traffic generation and access upgrades will have an impact on the intersection. Why has the DRE not been requested for comments then? This is commonplace for other similar applications along Knysna Road and Courtenay and York Streets.
- The re-alignment of the access to Erf 1925, will mean the removal of another large Yellowwood tree which will be in the way. See photo below. The western side of First Street used to be lined with similar Yellowwood trees in the early 2000's until the previous owner and developer of the two properties notoriously removed them without and replanting done.
- Because of the existing fence and buildings sight distances are also a concern. Cars exiting the site must almost move into the driveway of First Street to see past the existing fence for



oncoming cars, pedestrians, and cyclists. The sidewalk is very narrow and is another concern for the safety of pedestrians which will now increase as the convenience shop will draw more people to the area.

- Based on the site development plan (SDP) submitted there are concerns if large fuel trucks with a trailer as well as large delivery vehicles will be able to turn into First Street as well into the site and then manoeuvre out again. Currently the large GoGeorge buses struggle to turn into First Street coming from the CBD. Large fuel trucks and deliveries to the convenience store must also turn here. The exit onto First Street from the site will also be problematic as it is very close to the intersection with Knysna Road.
- The TIA states that this information must be provided. It is important that it be submitted now as part of the evaluation of the rezoning and not afterwards as part of the conditions of the approval. All information must therefore be considered when making a decision.
- The SDP further lack some important other information like the size and measurements of the parking bays, contours, services, landscaping, pedestrian flow etc. No mention of the handling of storm water. Delplan be reconsidered by applicant or that it be refused by tribunal

Marlize de Bruyn Planning on behalf of owner/operator service stations on Erf 25831 and Erf 23011 George (Strain Trust and Martin van Jaarsveld)

- Relevant matters assessed during the EA-process for a filling station in terms of NEMA have not been included. This assists in determining the true impact of the development proposal for Erf 22276, George from an environmental, economic and traffic perspective.
- The proposal for Erf 22276, George is in conflict with the principle of sustainability as discussed in the PSDF.
- The proposed filling station will accommodate 4 islands and 8 pumps according to the land use application which is what is regarded as a benchmark filling station pumping 320 000 litres of fuel per month. According to the trip generation figures, the proposed filling station will in all probability pump half of the standard, making the proposed filling station unviable.
- As the amount of fuel pumped in George has been declining for the past at least 3 years, there is not an undersupply of fuel in the market.
- No new development is proposed for the greater area surrounding Erf 22276 George which could warrant a new filling station.
- The existing fuel retailers are of the opinion that considering the state of this industry in George and the slowing of the economy, another filling station will be negative towards this market.
- New employment opportunities are not expected to be created.
- The required fuel & retail licences to be issued by the Department of Minerals & Energy will in all probability be refused.
- Erf 22276 George could generate more revenue for the Municipality, but current retailers generating an income for the Municipality may be lost.
- The proposed filling station for Erf 22276, George is found to be in conflict with the relevant development principles of SPLUMA.
- The traffic engineer for the project is concerned about the impact of the proposal from a traffic perspective. The TIA includes various fatal flaws, such as old data, loss of shoulder site distance, sweep paths determined

with too small fuel delivery trucks, obstacles in traffic movement from intersection to the site and also in the access area on the site, Knysna Road / First Street intersection 'appears to be approaching capacity', design horizon of at least 5 years not used, intersection analysis should include associated land uses of the proposed filling station.

Eden Filling Station (Pty) Ltd

- Objector refers applicant to difficult economic times with fuel sales dropping by 4% during the time of the land use application.
- It is mentioned that the loss in litres due to the competition will result to loss in employment opportunities.
- The number and clustering of filling station in such a small town such as George spells oversaturation on the market, which negatively aspects the existing filling stations.

Fourway Motors and Truck Stop.

- There are 5 existing filling station on the same stretch of road within a ± 3 km radius, and this may pose a negative impact to existing ones.
- The growth of the George CBD does not warrant an additional filling station but will take away litres from existing filling stations.

PART L: SUMMARY OF APPLICANT'S REPLY TO OBJECTIONS

The applicant's reply to the comments and objections received (see Annexure G for details) are summarised as follows (some sections are included as they were originally submitted in Afrikaans):

Delplan Consulting on behalf of 3 sectional title office units of Erf 22275, George [Zeus Ondernemings Trust, Stümke Familie Trust and Kovacs Investments 791 (PTY) LTD]

- *Impak van vulstasie op toegang*

Soos duidelik uit die Verkeersimpakstudie blyk gaan die vulstasie slegs 16% nuwe verkeer opwek terwyl die res van die verkeer bestaande verkeer is wat ondervang word. In terme van die studie word daar aangedui dat:

"Based on the information available, it is expected that the new development will attract a total of 87 existing traffic trips, and generate 14 new trips in the AM Peak. It is expected that a total of 74 existing traffic trips will be attracted, and 12 new trips will be generated in the PM Peak. As outlined in the "South African Trip Generation Rates, 2nd Edition", it is clear that very little new traffic will be generated by the development. This is further evident in the new traffic generated of 14 and 12 trips in the AM and PM peak hour traffic respectively. Therefore, the only intersection which will be impacted by the development is Knysna/Courtenay/First Street. The impact on the Mann/First Street intersection is considered to be negligible and will not be investigated as part of this report."

Dieselfde kan egter nie van 'n kantoorblok van ongeveer 2 750m² met 113 parkeerplekke gesê word nie. 'n Kantoorblok van die omvang is 'n groot opwekker van verkeer veral tydens oggend en middag spitsure. Die mening word gehuldig dat die ontwikkeling van die erf met kantore baie meer verkeersdruk tydens spitsure op die toegangspad gaan plaas as wat die vulstasie op die toegangspad gaan plaas. Die vulstasie wat 'n opwekker van verkeer is gaan dus eerder die situasie op die toegangspad verbeter as verslag.

Dit moet verder uitgewys word dat die eienaar die nodige reëlins met brandstof verskaffer sal tref dat brandstof slegs buite spitsure afgelewer word om sodoende te verseker dat die brandstof afleweringsoortuig minimum impak op verkeersbeweging in toegangspad uitoefen.

Die mening word dus gehuldig dat die voorstel 'n laer impak op die toegangspad gaan uitoefen as 'n kantoorblok wat in terme van die bestaande regte van die erf op die erf operig word.

Die beswaar beskik na mening oor geen meriete nie en behoort tersyde gestel te word.

- Parkering gaan 'n probleem skep

Die beswaarmaker maak 'n breë algemene stelling dat daar by feitlik alle vulstasies in George, waar daar geriefswinkels voorkom, parkeer probleme ondervind word en maak dan om die breë stelling ook op hierdie aansoek van toepassing. Die bewering beteken nie dat die eienaar van Erf 22276 George een van die vulstasies sal wees waar sodanige probleme ondervind sal word nie. Erf 22276 George beskik oor 'n oppervlakte van 2 999m² waarop die vereistes aantal parkeerplekke en indien nodig, meer parkeerplekke, met gemak voorsien kan word. 'n Bestaande parkeerkelder kom ook op die erf voor wat 'n verdere 27 voertuie kan huisves. Die veralgemening van die parkeersituasie soos deur die beswaarmaker gemaak kan dus nie op hierdie erf van toepassing gemaak word nie.

Die beswaarmakers se bekommernis dat voertuie wat die vulstasie perseel sal besoek binne die kantoorpark sal parkeer is heeltemal ongegrond gesien die aantal parkeerplekke en ruimte vir parkering wat op Erf 22276 George beskikbaar is.

Die beswaarmakers is dus onnodig bekommerd oor die parkeersituasie en die beswaar kan ook tersyde gestel word.

- "Stacking distance" vir voertuie by die uitgang

Die beswaarmaker stel dit dat die "stacking distance" vir voertuie in die Fairview Kantoorpark reeds 'n probleem is.

Die aspek word in die verkeersverslag aangespreek en die volgende kommentaar uit die verslag is relevant tot die punt:

"Access throat length is an important factor and could have a significant effect on the efficiency and safety of a development's access. Different requirements are provided for egress and ingress throat lengths, as follows:

Egress Throat Lengths

The egress throat length from a development must be of sufficient length to allow the access to operate safely and efficiently. The egress throat length for this type of development is recommended to be between 6 – 25m. The current egress throat length for the Fairview Office Park is more than 25m, which is deemed acceptable.

Ingress Throat Length

The ingress throat length to the current office park is not restricted because of the open free flow into the development. The access throat length should be designed, where possible, to provide right of way to the ingress traffic without any form of control access. For this, the ingress length should not be less than 15m onto a class 4 road from a filling station."

Vanuit bogenoemde aanhalings blyk dit duidelik dat die "stacking distances" aan die vereistes voldoen. Die beswaar van die beswaarmaker kan dus ook tersyde gestel word.

- Kommentaar van die Distrikspadingenieur

Die vraag word in die beswaarskrif gevra waarom die kommentaar van die Distrikspadingenieur nie aangevra is nie. Die kommentaar vanaf die Wes Kaapse Regering: Departement Vervoer en Publieke Werke: Paaie is wel aangevra en is as 'n bylaag tot die aansoek aangeheg. In terme van die skrywe wat vanaf die 61epartment ontvang is word die volgende kommentaar verleen-

"This Branch offers no objection to this development affecting Provincial Main Road 2 (MR00002; Knysna

Road), for which George Municipality is the Road Authority, provided that the changes within MRO0002 are designed by a reputable civil engineering professional and submitted via the Road Authority to this Branch's Chief Design Directorate for approval before construction may commence."

Soos vanuit bogenoemde blyk is die aansoek aan Wes Kaapse Regering: Departement Vervoer en Publieke Werke: Paaie voorgelê en is die nodige voorwaardelike goedkeuring vanaf die departement ontvang. Die gedeelte van die beswaarskrif wat oor hierdie aspek handel kan dus geignoreer word.

- Die posisie van die bestaande heining en wydte van sypaadjie skep 'n verkeersgevaar vir beide voetgangers en verkeer.

Dit moet eerstens daarop gewys word dat die bestaande muur en heinings wat langs die Knysnaweg en die Eerstestraat straatgrens van die erf voorkom verwyder sal word en met "clear vu fencing" vervang gaan word. Sigbaarheid gaan dus aansienlik hierdeur verbeter word.

Tweedens moet dit uitgewys word dat die "Clear vu fencing" by die ingang tot die erf vanuit Eerstestraat op Erf 22276 George teruggeskuif staan te word om die draaibeweging van die brandstof aflewering voertuig te akkommodeer. 'n Wyer klokmond ingang gaan dus voorsien word wat dus ook positief sal bydra tot die verbetering van die uitsig by hierdie in/uitgang.

Alhoewel die sypaadjie in Eerstestraat volgens die beswaarmaker nou is en dus 'n gevaar vir voetgangers in hou moet dit uitgewys word dat die sypaadjie oor 'n breedte van ongeveer 3.75m beskik met 'n geplaveide gedeelte wat binne die sypaadjie ontwikkel is. Die sypaadjie dra op hierdie stadium nie hoë volume voetgangers nie en daar word ook nie voorsien dat dit in die toekoms veel sal verander nie. Die mening word gehuldig dat die bestaande wydte voldoende is om veilige voetgangerbeweging langs die straat te verseker.

Dit moet uitgewys word dat die sypaadjie aan die westekant van Eerstestraat in elk geval nie noord van Erf 22276 George verbreed kan word nie as gevolg van die bestaande ontwikkeling en straat grensmure wat langs die gedeelte van Eerstestraat voorkom.

Die gedeelte van die beswaarskrif is na mening nie relevant nie en kan dus tersyde gestel word.

- Geelhoutboom wat verwyder sal moet word

Die eienaar het kennis geneem van die punt. Ongelukkig sal die geelhoutboom verwyder moet word om te verseker dat, nie net die toegang tot Erf 1925 George, maar ook die toegang tot Erwe 22276 en 22275 George aan die nodige toegangsvereistes voldoen.

Die beswaarmaker verwys in elk geval ook is sy beswaarskrif daarna dat daar verwag word dat sekere toegange langs die gedeelte van Eerstestraat aangepas en verskuif sal moet word, en sinspeel dus daarop dat die boom wel in die toekoms in die slag mag bly. Die munisipaliteit sal heelwaarskynlik self in die toekoms die geelhoutboom moet verwyder by implementering van die veranderings wat rondom die Eerstestraat aansluiting met Knysnaweg gevisualiseer word.

Die eienaar sal die nodige aansoek vir die uitreik van 'n permit vir die verwydering van die geelhoutboom by die Departement van Landbou, Bosbou en Visserye vir oorweging indien. As 'n kompromie is die eienaar bereik om 10 geelhoutbome in Eerstestraat, in posisies soos deur die George Munisipaliteit se Parke Afdeling goedgekeur, aan te plant.

Die eienaar het geen beswaar indien goedkeuringsvoorwaardes tot die effek by goedkeuring neergelê word nie. Die beswaar kan dus deur neerlegging van voorwaardes aangespreek word.

- Elektriese kiosk

Volgens die beswaarmaker is die posisie van die elektriese kiosk problematies en skep dit 'n verkeersgevaar

Die eienaar is bewus van die feit dat die kiosk nie in sy huidige posisie gelaat kan word nie. Die elektriese kiosk sal deur die eienaar op sy koste tot 'n posisie verskuif word waar dit geen impak sal uitoefen op verkeersbeweging nie. Die finale posisie van die elektriese kiosk sal op die terreinontwikkelingsplan wat vir goedkeuring ingedien moet word aangetoon word.

Die beswaar sal dus ook aangespreek word en kan dus geignoreer word.

- Samesprekings met Bestuursliggaam van Fairview Kantoorpark

Daar word in die beswaarskrif uitgewys dat die dat die beswaarmakers deur munisipale amptenare in kennis gestel is dat die ontwikkelaar veronderstel was om samesprekings met die Bestuursliggaam en eienaar van die kantore te Fairview Kantoorpark te voer insake die ontwikkeling. Volgens die beswaarmaker is geen samesprekings gevoer nie.

Die stelling wat gemaak word dat geen samesprekings gevoer is nie, is nie korrek nie. Hierby aangeheg vind 'n beëdigde verklaring van die eienaar waarin daar bevestig word dat samesprekings tussen die eienaar en Mnr van Coller, wat homself as 'n afgevaardigde en lid van die Trusteese, Office Park (Erf 22275) voorgestel het, insake die voorgestelde ontwikkeling op 10 Februarie 2021 plaasgevind het. 'n Terrein inspeksie is ook onderneem. Samesprekings het dus wel plaasgevind. Daar is op daardie stadium geen beswaar vanaf die Bestuursliggaam of enige en eienaar van 'n kantoorblok binne Fairview Kantoorpark ingedien nie.

Die punt wat deur die beswaarmaker gemaak word skep dus 'n wanvoorstelling en behoort geignoreer te word.

Verder moet dit uitgewys word dat die Fairview Kantoorpark uit 19 kantoorblokke wat aan verskillende eienaars behoort, bestaan. Die kennisgewing waarby die aansoek geadverteer is, is net suid van die ingang op 'n baie prominente posisie geplaas sodat elke persoon wat in die kantoorpark inbeweeg die kennisgewing kon waarneem. Ten spyte hiervan is daar slegs kommentaar vanaf drie eienaars van die kantoorblokke binne Fairview Kantoorpark ontvang. Die drie beswaarmakers is verder op die westelike kant van die kantoorpark geleë, op dus die vërste punt vanaf die vulstasie perseel. Die posies van die drie kantoorblokke is sodanig dat kantoorblokke glad nie direk deur die vulstasie geaffekteer sal word nie.

Geen ander eienaar in die kantoorpark het beswaar teen die aansoek aangeteken nie wat duidelik daarop wys dat sentiment wat deur die drie beswaarmakers gehuldig word nie deur die ander eienaars van kantoorblokke binne die Kantoorpark gedeel word nie.

- Draaibeweging van voertuie

Eksterne draaibewegings

Kommer word uitgespreek rakende die draaibewegings van swaarvoertuie en afleweringsvoertuie vanuit Eerstestraat in die vulstasie perseel in.

Dit moet eerstens uitgewys word dat daar geen dienspunt vir 'n swaarvoertuig binne die vulstasie perseel voorsien staan te word nie. Swaarvoertuie wat brandstof benodig sal dus nie op die perseel van brandstof bedien word nie.

As gevolg van die maksimum brandstof kapasiteit van die brandstoftenks wat op die erf geïnstalleer sal word, sal die hervulling van die brandstoftenks verder slegs by wyse van 'n 12,5m brandstof afleweringsvoertuig geskied.

Die verkeersverslag maak die volgende stelling rakende die eksterne draaibewegings van die brandstof afleweringsvoertuig:

"that the minimum turning radii for a single unit plus trailer which is the largest vehicle used for fuel delivery is 14.5m. It is important to note that this is the same as for a single unit bus. It was observed on site that the

Go-George bus service is able to safely navigate the turn from Knysna Road into First Street, and therefore it can be assumed that a fuel delivery vehicle with a similar minimum turning radius would be able to make the same manoeuvre safely. For the purpose of a rezoning application, this is considered to be acceptable."

Vanuit bogenoemde blyk dit dus dat die Verkeersingenieur wel van oordeel is dat 'n brandstof afleweringervoertuig sonder probleme die draaibeweging vanuit Knysnaweg in Eerstestraat sal kan bemeester.

Ten einde egter te verseker dat dit wel die geval is word die volgende aanbeveling in die verkeersverslag gemaak:

"However, from a geometric design standpoint, it is a concern that the current curve radius is substantially less than the minimum turning radius for a single unit plus trailer, as well as for a single unit bus.

It is therefore recommended that, as a condition of the final approval for the development's detailed design of the project, a detailed geometric investigation of the constraints of the intersection of First Street and Knysna Road should be undertaken, to identify whether any further geometric improvements are required. Any changes required to the intersection, should then be undertaken by the developer."

Die eienaar is bewus van die voorwaarde en sou die aansoek goedgekeur word sal die nodige ondersoek soos vereis onderneem word.

In terme van bogenoemde is dit duidelik dat die beswaarmakers onnodig bekommerd is oor die eksterne draaibeweging van die brandstof afleweringervoertuig

Interne draaibewegings

In terme van die verkeersverslag word die volgende kommentaar ten opsigte van die interne draaibeweging van die brandstof afleweringervoertuig gemaak:

"Based on the proposed SDP, a 12.5m fuel tanker would be able to safely enter and exit the site, and have sufficient space to manoeuvre. It should be noted that the proposed SDP as provided by the Developer is a concept design proposed for the rezoning process and is subject to change. We therefore recommend that upon submission of building plans for approval, the developer provide the necessary drawings demonstrating that a fuel delivery vehicle is able to successfully navigate the final design."

Vanuit bogenoemde blyk dit dus dat die Verkeersingenieur wel van oordeel is dat 'n brandstof afleweringervoertuig sonder probleme die draaibeweging vanuit Eerstestraat in die perseel in sal kan bemeester.

Die eienaar is ook bewus van die genoemde voorwaarde in die aanhaling en sou die aansoek goedgekeur word sal die nodige draaibewegings op die finale terreinontwikkelingsplan wat vir goedkeuring ingedien sal moet word aangetoon word.

Opsomming insake draaibewegings

Die verkeersverslag som die situasie rondom die draaibewegings as volg op:

"Based on the investigations into the traffic movements, it is theoretically possible for a 12.5m fuel tanker to successfully manoeuvre from Knysna Street into First Street, enter the proposed development, deliver fuel and exit the proposed development, and therefore, for the purpose of a rezoning application, SMEC is satisfied that the development is feasible.

However, it is recommended that, prior to the approval of the building plans, the developer should submit a detailed geometric design constraints analysis of the Knysna Road and First Street intersection, as well as

for the final design of the development.”

Vanuit bogenoemde blyk dit dus duidelik die voorgestelde draaibewegings van die brandstof afleweringvoertuig geen beperking op die ontwikkelingsvoorstel plaas nie en dat die beswaar wat in die verband voorgelê word dus ongegrond is.

- Onvolledige terreinontwikkelingsplan

Dit is munisipale beleid dat 'n terreinontwikkelingsplan nie as deel van 'n aansoek om hersonering ingedien en goedgekeur kan word nie. 'n Terreinontwikkelingsplan word normaalweg as 'n goedkeuringsvoorwaarde vereis. Die ontwikkelaar is deeglik bewus van die proses en die terreinplan wat ingedien is, is bloot 'n konsep uitleg wat die voorgestelde ontwikkeling aantoon. Dit dien geen doel om op hierdie stadium 'n detail terreinontwikkelingsplan in te dien nie. Die konsep uitleg sal, sou die aansoek goedgekeur word, ooreenkomstig die bepalinge van artikel 23(2) van die George Munisipaliteit Geïntegreerde Soneringskema Verordening, 2017 verfyn word en vir oorweging en goedkeuring ingedien word. Alle detail wat in terme van die betrokke artikel vereis word sal op daardie stadium op die terreinontwikkelingsplan aangetoon word.

Die punt wat deur die beswaarmaker gemaak word sal dus wel ooreenkomstig munisipale vereistes aangespreek word.

Marlize de Bruyn Planning on behalf of owner/operator service stations on Erf 25831 and Erf 23011 George (Strain Trust and Martin van Jaarsveld)

Even though the proposed filling station development seemingly falls outside the listed requirements of the National Environmental Management Act (NEMA), the final decision whether the developer will either be exempted from or obliged to undertake a Basic Assessment Report (BAR), rests with the WC: Department of Environmental Affairs and Development Planning (DEA&DP), which means that there is no talk of “automatic” environmental clearance, and inter alia ignoring or sidestepping any environmental responsibilities. In all cases where exemption from a BAR is allowed, the establishment of an Environmental Management Plan (EMP) which must be audited at regular intervals is standard requirement to address all conduct on the site.

The application for a site and retail license with the Department of Energy will also be subject to amongst other proven environmental authorization.

All the necessary studies and authorizations will be obtained before commencing any application for a site and retail license for a filling station and before any construction thereof.

of spillage or ground contamination by any petroleum products or other chemicals is a function of, and will be addressed by, the provisions of the EMP, which will be strictly adhered to and regularly audited as required by law. No Environment Management Plan is required for zoning applications.

The Developer is fully aware of the NEMA requirements, implications and responsibilities, and prepared to follow those to the letter.

The requirement for a Traffic Impact Assessment (TIA), if any, is a function and prerogative of the Authority in charge of the particular affected road/s, be it SANRAL, Provincial or Municipal, and is not governed by the NEMA. The application has been referred to the District Roads Engineer for comment. The comments received from the District Roads Engineer will be addressed in point 4 of this letter.

All the required studies for the application of a site and retail filling station as required by the department of Minerals and Energy will be concluded before such application is considered.

The refusal of 3 licenses in recent years should not affect this land use application. Every land use application should be evaluated on the desirability and location, but not on the basis of whether a license will be issued by the Department of Energy. The refusal of any license by the Department of Energy is not based on land use principles or purely due to the economic viability or oversupply in the market but rather based on a range of reasons. It is thus safe to state that all license applications are considered on own merit.

Further, the objection submitted is contradicting itself. Objector states, “79 000 liters (which is the proposed storage capacity) do not allow this filling station to be viable”, while it is again mentioned that “economic viability is not determined by capacity”.

The storage capacity of any filling station and the number of installed pumps does not affect its viability. The comparison of the proposed storage capacity and number of dispensing pumps; to that of old existing filling station is meaningless. In the past, filling stations’ storage capacity was designed to accommodate up to 5 petroleum products, while there is a move (especially in coastal areas) to reduce the number of petroleum products to only 2, one petrol and one diesel. This trend, together with improved logistics and supply capacity reduces the required storage capacity of new filling stations, leading to cost savings, and less risk of impact on the environment.

While comparing old existing filling stations with the proposed new one, it must be noted that older filling stations with old storage facilities and old technology, often pose a much higher risk of leaking tanks and contamination of the environment, than what is the case with new filling stations with new storage facilities and modern leak detection technology. The envisaged number of pumps at the new filling station has nothing to do with environmental impact, or land use zoning.

The objector’s claim that no new job opportunities will be created and that employees from other filling stations will simply move to the new one is not only ridiculously unfounded, but also seem to hint that working conditions at the existing filling stations of the objectors may be of such nature, that it may prompt employees to move away as soon as the opportunity arrives.

It further seems to deny the urgent need for new job opportunities to be created in the George area.

It is further claimed that Erf 22276, George cannot be regarded to form part of the activity axis along Knysna Road as the erf has no access from Knysna Road. According to this point of view of the objector the Pick n Pay complex as well as various other developments which is located along Knysna Road which does not have direct access from Knysna Road does thus also fall outside the activity corridor which is proposed along Knysna Road.

It is clear that the objector does not understand what is meant by an activity axis and what the requirements are for an axis to be classified as an activity axis. The availability of access to a development/site is definitely not a determining factor in defining an activity access.

The principles regarding a 3km radius from existing filling stations are set as a guideline by the department of Energy. All new applications are considered individually and all key points such as the location of the site on the North - or South bound traffic are considered. At present there is only one filling station situated on the same side in Courtenay Street/Knysna Road from the York Street turning circle to the Pine Lodge/Saasveld Road turn off. Because of the proximity of this filling station to the Courtenay/York Street turning circle is problematic and dangerous and not easy to access. There is as such no filling station along the northern side of Courtenay Street/Knysna Road with easy access. All other filling stations along Courtenay Street/Knysna Road are located on the southern side of Courtenay Street/Knysna Road and out bound vehicles who wishes to enter these stations have to cross the very busy Courtenay Street/Knysna Road to enter these filling stations. Unacceptable turning movements into and from these filling stations thus takes place along Courtenay Street/Knysna Road.

It is thus argued that there is merit in the location of a second filling station on the northern side of Courtenay Street/Knysna Road from the York Street turning circle to the Pine Lodge/Saasveld Road turn off.

The filling station at the George Garden Route Mall which is also located on the northern side of Courtenay Street/Knysna Road is however more than 3km from Erf 22276, George.

Although the whole of South Africa is affected by slower than normal economic growth, a 6% -10% decline in Petroleum volumes from neighboring sites does not mean that a new filling station will not be viable.

The current existing sites were designed and constructed years ago and these designs can only service a certain number of vehicles (as per paragraph 8 of this objection). Consumers tend not to access filling stations where a line of vehicles are currently waiting to be served.

Other impacts can also cause a decline in volumes such as:

- Convenience offerings on the premises
- Management of the premises
- The cleanliness of the facilities
- Safety of motorists on the premises
- The price of diesel that is offered by the filling station
- The reputation of the specific Petroleum Brand in the market

The slowing of economic growth does not mean that no economic growth is taking place or should be encouraged. Even when growth slows down there is still growth. Numerous other successful businesses are opening in George who offers employment opportunities. New buildings and specifically new residential dwelling units are constantly being erected in George. Various applications for new township applications, some of which are being dealt by the objector, are being planned and have been submitted to the George Municipality for consideration. Available building statistics will indicate, although at a slower rate, George is still growing and can be regarded as a growth point. It is maintained that George can be regarded as an area where growth is still taking place.

The reason as to why fuel volumes at some filling stations are dropping can, according to the applicant, not be blamed on a lack of growth in George. The owners of existing filling stations whose fuel numbers are dropping should rather do an in-house investigation as to why their fuel volumes are dropping.

The owner of Erf 22276, George has decided not to pursue the proposed left-in entrance from First Street into the site and an amended site plan without the proposed left in is attached herewith. All reference in the letter of objection to the left-in from First Street should as such be ignored. SMEC who were responsible for the preparation of the TIA was requested to provide comments on all objections that were raised by the objector with regards the TIA. A letter from SMEC dated 19 November 2019 addressing all issues raised is attached hereto.

The objector summarizes the objection by stating that the filling station is not viable and that it will adversely affect the fuel volumes of existing filling stations. All arguments are mostly based on the viability of the filling station and the fact that it will affect the fuel volumes of other filling stations negatively.

No town planning objections have been raised indicating that the locality of the erf is not regarded as being suitable for the development of a filling station. With this in mind, the municipality is requested to set the objections aside and is requested to evaluate the application purely on town planning principles. The Department of Energy will eventually take the viability issues into consideration and decide if a fuel license will be issued for this filling station or not.

Eden Filling Station (Pty) Ltd and Fourway Motors and Truck Stop.

The objections contained in both of these letters are basically based on the fact that no need for a further filling station exists, that the market is already saturated, that a further filling station will affect the litres of existing filling station negatively, that it will lead to job losses and it is furthermore stated that the present growth experienced in George does not warrant a further filling station.

These objections have already been adequately addressed above as they are similar to objection received from Marlize de Bruyn Planning and does not merit the refusal of the land use application.

Conclusion

No town planning objections have been raised indicating that the locality of the erf is not regarded as being suitable for the development of a filling station. With this in mind, the municipality is requested to set the objections aside.

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	21/09/2021	There are no DC charges that are applicable to the development. Application is supported with conditions.	In order
Electrotechnical Services	21/09/2021	There are no DC charges that are applicable to the development. 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? (<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 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	X		

		distorted spatial patterns of settlements within the town/city/village?			
	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(a)- (p) – The proposal is in line with the applicable planning legislation (SPLUMA and LUPA). It complies with the spatial planning frameworks that are applicable to the area. The site is located along an activity corridor where a mix of business activities are supported.

1 (r)(1 - 33) – The properties that are in close range to the subject site will not be negatively impacted in terms of property values, as a diverse combination of land uses is supported along intensification areas. It is also anticipated that the neighbouring properties can tolerate the proposed land filling station in terms of noise and privacy concerns. The proposal also falls within the fiscal budget of the municipality – within a well services and accessible location. Lastly, the proposal supports economic growth and variety of opportunities as it is partly a mixed-use proposal.

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)

The intension of the George MSDF, 2019 is to provide guidelines aimed at among others, promoting sustainability and affordability, providing for the needs of communities, 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, 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.

According the MSDF, a compact urban form needs to be archived. The MSDF advocates for a *500m walkable land use intensification zone* along the principal public transport corridors (which will also perform the role of the Municipality's Restructuring Zones as well small Transit Orientated Developments such as a filling station) where a diversity of land uses must be prioritised. The proposed development supports the utilization of well-located land for purposes that benefit the greater municipal area. When vehicles are fully serviced with fuel, an important goal of mobility is archived. The proposal also aligns with the economic objectives for George as it will render more employment opportunities within the city centre.

The MSDF has prioritised the Municipality's development goals, which among others, requires aligning investment into its priority areas/intensifications zones. It is clear that Erf 22276, George is situated on an activity corridor (corner of Courtenay Street and First Street), where a diversity of higher intensity business use and high-density residential developments are supported. It is therefore conceivable that an increase in activity and densities in the area (and along the corridor) over time, will require the supporting land uses such service stations, convenience shops, atms, etc will need to be provided on well-located properties.

Policy A of the MSDF which speaks to the prioritisation of infrastructure that invests in people and their socio-

economic mobility and resilience is pivotal for this specific application.

- A1 – The proposed development makes use of an existing serviced property with existing business rights (offices). The proposed development upscales the rights to render services (fuel and convenient shop) that are required for efficient functioning of the city. It ensures asset management, and that investment is retained within the urban edge where economic vitality is supported.

Policy G of the MSDF notes that place-making interventions through building economic infrastructure and upgrading the public environment to promote inclusivity and invite private sector response must be supported.

- It is stated that priority must be given to the CBD and areas that are easily accessible;
- That existing infrastructure must be optimised with incentives in order to attract a variety of economic opportunities in these areas.
- The MSDF also notes that it is important to apply urban design approaches, especially when it comes to public spaces so as to align with national and international practices. Thus, making these activities easily accessible and economically sustainable.

Considering the above, it can thus be deemed that the proposal is not in conflict with the objectives of the MSDF.

George South East Local Spatial Development Framework, 2016

One of the strategies highlighted in the Local Spatial Development framework for the area is restructuring and integrating dysfunctional urban fabric, together with public transport system and urban renewal interventions. The subject site falls right in the centre of this strategy and aligns with the following policy objectives:

- Emphasises use of underutilised land in proximity to the intersections off N2 and along linking routes to the CBD for more intensive mixed-use development;
- Supports intense economic activities and social facilities along continuous routes which integrate different parts of George; and
- Ensures social equality with access to opportunities and social infrastructure;

Considering the above, the proposed land use developed can be considered to be in line with the local spatial development framework for the area.

(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 Business Zone IV for offices. The zoning scheme by-law notes that this specific zone was designed to provide an intermediate zone, which can if required, act as a buffer or interface between high and medium intensity business zones and residential developments. With this in mind, it is important to also realise that the subject property has been left undeveloped for the past 14 years considering its land use rights as well as its location. This means that there are key factors that could have resulted in this, such as lack of investment. It can therefore be concluded that the current land use rights of the property have not benefitted the owner, thus a different form of business is explored.

Proposed zoning considerations

- The intended zoning for the property is Business Zone VI with primary rights for a service station. The proposed land use provides opportunity/service for the immediate urban area and the great George. The zoning scheme notes that this activity may be accompanied by a carwash, convenience shop, and restaurant/associated facilities which would require some form of limitation or mitigation against their

negative impacts. From the applicant's motivation, the location of the site as well as the MSDP considerations notes that this land use transition from offices to services station is a task that can be swiftly applied, with very limited negative impacts to surrounding properties. Refer to the land use comparison table below

Zoning parameter comparison table

Development Parameters	Existing – Business Zone IV (Offices)	Proposed – Business Zone IV (Service Station)	Proposed use (Service Station)
Density	N/A	N/A	N/A
Height	11m	12m maximum height	±3m (only a single storey is proposed)
Floor Factor	1	1	1
Coverage	60%	75%	31.14% (make use of existing basement area)
Building Lines			
Street	5.0m	0m	Structure is 12.5m from First Street (note this is only canopy) and; 12.5 from Knysna Road (canopy)
Side	3.0m	0m	Structure is 5.39m from western side boundary; and 6.0m from northern side boundary(canopy)
Rear	3.0m	0m	N/A
Parking	4 bays per 100m ² GLA	6 bays per 100m ² GLA	8 Parking bays are provided and 1 loading zone

Considering that the proposed zoning is an upscale development to the existing land use, it is expected that the restrictions will be slightly more relaxed to accommodate a services station and associated facilities. The type of activity which is proposed expects a much higher volume of users as compared to the existing zoning of the property. The increased volume of vehicles and the change in trade of the property can be supported since it is taking place in the intensification area. Furthermore, it must be noted that in terms of the structure that will be built on the property – which conforms to the requirements of the current zoning, would limit any further negative impacts in terms of visual intrusion and sense of place (refer to the 3rd column above).

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 will change due to the expected vehicle movement on this property that was vacant for many years, but it is considered that, with the necessary mitigations introduced in the TIA, it will not be detrimental to the area.
- No. 8: From a construction point of view, there is no structure that will disturb the appearance and use of First Street. The TIA submitted with the application confirms that the existing road layout will be able to accommodate the anticipated increase on vehicles entering the subject property.
- 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. The amount of traffic generated, and number of parking bays needed for this development is much lower than that of the property's existing rights.

Assessment of objections/comments

The number of objections received from the affected and interested parties are similar in nature and will be categorized and not evaluated separately. Assessment of these comment is detailed below:

- Access Problems and anticipated increase vehicle movement:
The TIA submitted with the application provides a guide on how access related problems for the site will need to be prevented. It is further noted that the TIA has been submitted to the Directorate Civil Engineering Services and that a recommendation will be made to the WC Department of Transport and Public works. The approval of this application will therefore be subject to the TIA being accepted and approved by the WC Department of Transport and Public Works.

According to the TIA, access to the proposed service station will be gained by combining the access to Fairview Office Park. First Street is a municipal road, and the geometric standards contained in "UTG5 –

Geometric Design of Urban Collector Roads” will apply.

In terms of the anticipated increase in volumes of vehicles accessing the site, it must be noted that the site is situated on an activity corridor, an area that is demarcated for mixed use development. The spatial planning policies for the area demarcate the subject site for high intensity development, which is expected to generate a high number of users, which naturally results in an increase in traffic volumes. Lastly, vehicle stacking distances will also be subject to consideration of the TIA which is prepared. From a land use management point of view, site can handle the expected number of vehicles.

- *Environmental concerns:*

Many of the objectors argue that the development must incorporate an environmental impact assessment in terms of NEMA as it may lead to serious environment constraints. Comments were obtained from WC: DEA&DP in this regard, who concluded that no NEMA listed activities are triggered by the application due to the following:

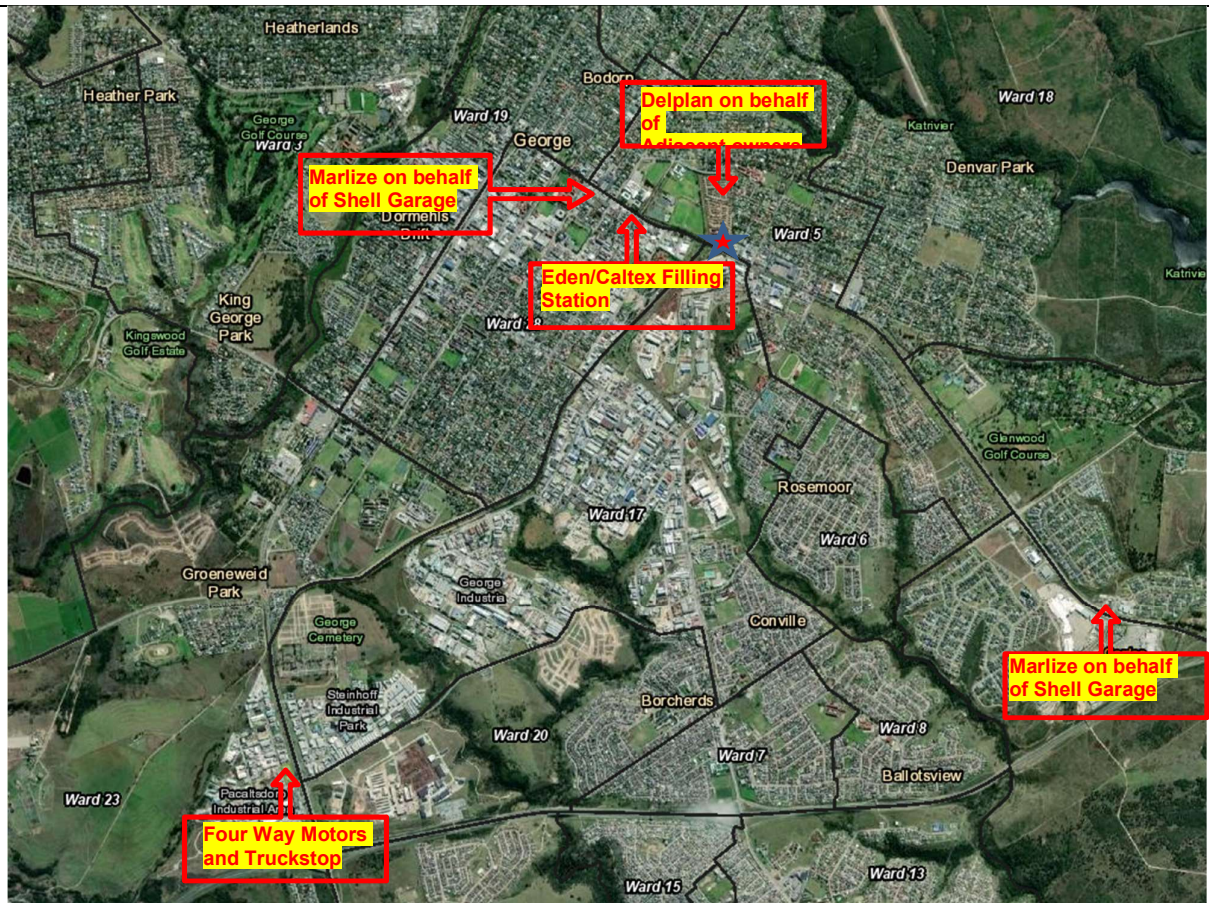
- The proposed development takes place on a property that has already been disturbed;
- The property is located in an (urban) area demarcated for high intensity development;
- The fuel storage capacity does not exceed 80m³;
- No indigenous/critical biodiversity will be impacted as the property is already transformed;
- No watercourses will be affected;

It must further be noted that the development is still subject to requirements of the National Department of Minerals and Energy, which is the competent authority for storing and sale of fuel/related substances in urban areas. This application process will determine whether there is room for another service station in the area.

- *Economic concerns and competition with other services station in the George area:*

In terms of the applicable town planning legislation such as SPLUMA, it is noted that the proposed land use caters towards a supply of a basic service that is crucial for the functioning of the city. The provision of fuel is an important contributor to the economy and resilience of the country in general. It is an important contributor to employment opportunities and general functioning of land markets.

Most of the objections center around the viability of allowing an additional filling station at this location, claiming that its allowance may lead to devastation on existing businesses. From a spatial and land use management point of view, land use intensification strategies should be employed in well-located areas. Access to basic services and important infrastructure must be readily available for the well-being of a city. It is also noted that “variety” is an important design tool that ensures economic sustainability for a growing city such as George. Lastly, the proposed land use is well supported in terms of the George Municipal SDF. According to the map below, there is very small impacts that the proposed filling station would cause. Refer to map below



Further to this, the location of the competing service stations must be noted. The closest service stations are the Engen garage located 620m south-east of the property on Knysna Road and the Eden Filling station/Caltex garage located 600m north west of the property on Courtney Street. These garages are located on the opposite side of the road and therefore serve mostly traffic entering the city centre, whereas the proposed service station serves traffic exiting the city centre. The closest service station on the same side of the road is a Caltex garage located 1.48km north-west of the property on Courtney Street and a Shell garage located 2.5km south-east of the property (at Garden Route Mall). The objector's service stations are located 600m and 2.5km of the property respectively. It is therefore not foreseen that the applicant's development proposal will have any significant direct impact on other service stations in the area.

It is recognized that the price of fuel is heavily regulated and the profit margins from the sale of fuel is capped. This creates a unique business activity where customers are not drawn to the facility due to differences in pricing of the commodity, rather in planning terms, the success of the facility will be determined by its accessibility, convenience of use, levels of services and customer preference – which in turn establishes a health competitive environment that forces fuel providers to improve their product offering.

Further, the determination of whether there is room for another service station in the area is not a determination to be made by the Tribunal, this is determined through other legislative processes falling with the jurisdiction and competence of the National Department of Minerals and Energy.

PART O: ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

N/A

PART P: SUMMARY OF EVALUATION

Location and proposal

The subject property is located on No. 51 First Street, George East. The property is bounded by the (Courtenay/Knysna Road) activity corridor on its south-western boundary, an office park on its north-western and north-eastern boundaries, and mixed-use business activities (restaurants, shops, big box retail, train museum, car dealership, etc) on the opposite side of First Street and Knysna Road. (See figure 1 earlier in the report).

The property is partially developed with a basement level of an office building that has been sitting incomplete since 2007. It is now the developer's intention to construct a service station consisting of 4 fuel pumps, a convenient shop and a car wash in the future on the property, which are all primary activities under the proposed zoning of Business Zone IV.

It is found that the locality of the service station poses no direct trade competition to the service stations nearby. These service stations serve traffic flowing into the city centre, whereas this facility will serve traffic flowing out of the city centre. The closest service station of the same side of Knysna Road or Courtney Street is located 1.48km away. The service station proposed will provide good competition to the existing ones and, should a fuelling licence be approved by the relevant authority, perhaps force some of them to up their game and improve their product offering, which in turn is good for the citizens of George.

The development proposal is consistent with the proposals, objectives and guidelines of the MSDF and the LSDF for the area. The type of activities proposed is considered essential to the functioning of a city, especially one that is growing. It will create new employment opportunities in the semi-skilled and skilled market – where unemployment rates are quite high and will support the future functioning of the activity corridor and within the development intensification zones. The proposal will not pose a significant negative impact on the surrounding built or natural environment nor, in the context of existing development rights and the future planning of the surrounding area, the movement of traffic. There are no anticipated negative impacts on surrounding neighbours' rights and amenity (all business uses), while the proposal will not derogate the existing development character or land use pattern of the area.

In consideration of the above and on the balance of all considerations contemplated in terms of Section 65 of the Land-Use Planning By-Law for George Municipality, 2015, including the comments and objections received, the development proposal submitted on Erf 22276, George cannot be considered undesirable and is therefore **SUPPORTED**.

PART Q: RECOMMENDATION

That, notwithstanding the comments and objections received, the application for Rezoning in terms of Section 15(2)(a) of the Land Use Planning By-law for George Municipality, 2015 of Erf 22276, George from Business Zone IV to Business Zone VI;

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 activity corridor for the George central area;
- (ii). Access, parking, and sufficient manoeuvring space can be provided on the property;
- (iii). The proposal is in line with the objectives of the MSDF and makes use of undeveloped serviced land that is found within the urban edge;
- (iv). The proposal will not have a negative impact on the adjacent neighbours' amenity and given the exiting access point is unlikely to cause traffic problems;
- (v). Considering the necessary mitigations to be imposed, the land use for a service station at this location is consistent with the objectives as prescribed in the MSDF.

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

1. That in terms of the Land Use Planning By-law for the George Municipality, 2015, the Rezoning 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 application as approved and shall be implemented generally in accordance with the undated site layout plan (Erf 22276 George/Lomia 18) drawn by unknown architect 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;

Implementation of Rights

3. A site development plan for the service station 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 approval prior to the submission of building plans.
4. A building plan be submitted for approval in accordance with the National Building Regulations (NBR) for the above-mentioned development after the approval of the SDP.

CONDITIONS OF THE DIRECTORATES: CIVIL ENGINEERING & ELECTROTECHNICAL SERVICES

5. 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:
6. The amounts of the development contributions are reflected on the attached (**Annexure D**) calculation sheet dated 21/09/2021 and are as follows:

Roads	R 0 Excluding VAT, (Refer to DC calculation sheet)
Sewer	R 0 Excluding VAT, (Refer to DC calculation sheet)
Water	R 0 Excluding VAT, (Refer to DC calculation sheet)
Electricity	R 0 Excluding VAT, (Refer to DC calculation sheet)
7. The total amount of the development charges of R0.0 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.
8. Any amendments or additions to the proposed development which is not contained within the calculation sheet as dated in condition 6 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.
9. 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 R0 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 7 above.
10. 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.
11. 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.
12. Any, and all, costs directly related to the development remain the developers' responsibility.
 13. Only one connection permitted per registered erf (Electrical, water and sewer connections). Condition 11 applies.
 14. 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 11 applicable).
 15. 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 11 applicable).
 16. 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 11 applicable).
 17. Suitable servitudes must be registered for any municipal service not positioned within the normal building lines.
 18. The applicant is to comply with the National Forestry Act, Act No 84 of 1998, should it be required.
 19. Provisions for the removal of solid waste is to be addressed in conjunction with the Dir: Environmental Services.
 20. 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.
 21. 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.
 22. 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.
 23. 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.
 24. Municipal water is provided for potable use only. No irrigation water will be provided.
 25. 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.
 26. 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.
 27. 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.
 28. 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 CES.
 29. 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.
30. The discharge of surface stormwater is to be addressed by the developer (Condition 11 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 available stormwater master plans.
 31. 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.
 32. Adequate parking with a hardened surface must be provided on the premises of the proposed development.
 33. No private parking will be allowed in the road reserve.
 34. A dimensioned layout plan indicating the proposed accesses onto private / servitude roads, must be submitted to the relevant departments for approval. The owner is responsible for the registration of all access servitudes required to implement the development. Condition 11 applies.
 35. 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.
 36. 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.
 37. Permission for access onto municipal, provincial, or national roads must be obtained from the relevant authorities.
 38. 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 11 applies.
 39. 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.
 40. A temporary municipal metered construction supply can be installed, at a cost to be determine, 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.
 41. All municipal supply points must be subject to standard DC charges. These charges to be included in the project costs of the municipal project.
 42. Owner to ensure compliance with Regulation XA of SANS 10400 (building plans).
 43. Owner to ensure compliance with Regulation XA of SANS 10142 (wiring) and any other applicable national standards.
 44. 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.
 45. The developer the association, 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.
 46. All electrical infrastructure downstream of the electrical supply point, the LV breaker in the low-voltage kiosk, will remain the responsibility of the various owners/developer. The electrical network above the LV

breaker will be deemed part of the George Municipality distribution network and will be transferred to the municipality at no cost, who will assume responsibility for the maintenance thereof.

47. 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.
48. 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.
49. All the LV work must be installed and be funded by the developer.

PART R: ANNEXURES

Annexure A	Site Layout Plan
Annexure B	Pre-application minutes
Annexure C	Motivation Report
Annexure D	Title Deed and Conveyancer Certificate
Annexure E	SG Diagram
Annexure F	Comments & Objection
Annexure G	Applicants Response
Annexure H	Traffic Impact Assessment



06/05/2022

F. Vava (B/8439/2021)
TOWN PLANNER

Date




06/05/2022

J. Fourie (A/1429/2011)
SENIOR TOWN PLANNER

Date

~~RECOMMENDED/ REFER BACK TO APPLICANT/ REFER TO TRIBUNAL~~




09/05/2022

C. PETERSEN (B/8336/2016)
SENIOR MANAGER

Date

~~RECOMMENDED/ REFER BACK TO APPLICANT/ REFER TO TRIBUNAL~~



09/05/2022

pp. _____
D. POWER (A/1973/2014)
DEPUTY DIRECTOR PLANNING/AUTHORISED OFFICIAL

Date

Attachments : Annexures for Erf 22276, George



Erf 22276 George
(Tribunal Annexures)

6.4. Rezoning and Departure : Erf 6628, 11 5th Street, George (F Vava)

LAND USE PLANNING REPORT

APPLICATION FOR REZONING AND DEPARTURE: ERF 6628, GEORGE

Reference number	1834309	Application submission date	26 February 2021	Date report finalized	20 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)	Marlize				
Surname	De Bruyn				
Company name	Marlize de Bruyn Planning				
SACPLAN registration number	A/1477/2011	Is the applicant authorized to submit this application?	Y	N	
Registered owner(s)	RP Swartz (ID No. 8508265106082) & S Swartz (ID No. 8601230051085)				

PART C: PROPERTY DETAILS

Property description (in accordance with Title Deed)	Erf 6628, George					
Physical address	No. 11 5TH Street		Town/City	George		
Current zoning	Single Residential Zone I	Extent(m²/ha)	656m²	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	3. Land-use Planning By-Law for George Municipality, 2015 (hereafter referred to as “ Planning By-Law ”); 4. George Municipal Spatial Development Framework, 2019 (hereafter referred to as “ GMSDF ”).					
Current Land Use	Veterinary clinic with staff accommodation		Title Deed number & date	T37973/2014 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 6628, George	Date consultation	of	9 September 2020	Official's name	J. Fourie

PART E: LIST OF APPLICATIONS (TICK APPLICABLE)

d. Rezoning	x	b. Permanent departure	x	bbb. Temporary departure		ccc. Subdivision	
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

To consider the following applications applicable to Erf 6628, George:

- Rezoning in terms of Section 15(2)(a) of the Land Use Planning By-Law for George Municipality, 2015 from Single Residential Zone I (Dwelling House) to Community Zone III (Institution) for a veterinary clinic;
- Departure in terms of Section 15(2)(a) of the Land Use Planning By-Law for George Municipality, 2015 for the following:
 - Relaxation of the southern corner street building line from 5.0m to 4.434m for the existing structure;
 - Relaxation of the northern side boundary building line from 5.0m to 3.0m for the existing structure;
 - Relaxation of the western side boundary building line from 5.0m to 0.0m for the existing garage and carport and 3.0m for the existing structure;
 - Reduction in parking requirement from 10 parking bays to 9 parking bays;
 - To reverse across the Mann Street sidewalk (Section 46(1)(b)).

PART G: LOCATION

Erf 6628, George is located in George East on the border with Loerie Park, at the corner of 5th Avenue and Mann Street. 5th Avenue is a local distributor connecting the eastern suburbs with Knysna Road which is ±300m to the south. The Geneva Fontein Retirement Village and also the Geneva neighbourhood shop are located less than 500m to the north.

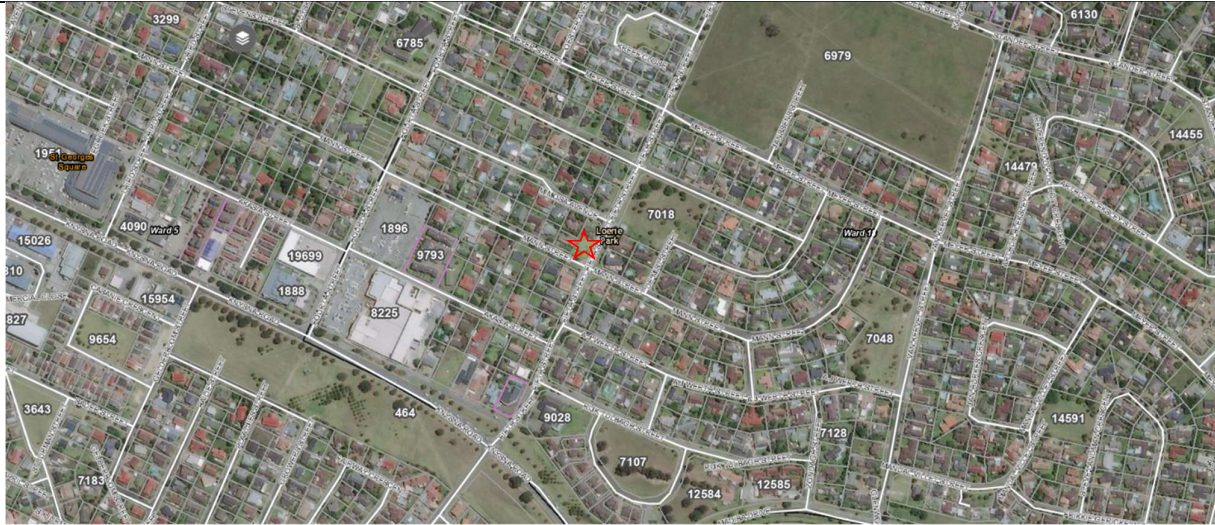


Figure 3: Locality Map, adapted from GIS viewer - George Muni.

PART H: BACKGROUND AND HISTORY

Erf 6628, George is currently being used as a veterinary clinic and some part of the property is being used for residential purposes/staff accommodation. According to the applicant, the property has been utilized as a veterinary clinic for the past 20 years. According to the municipality's records, between 2001 and 2007, several building plans were approved for a veterinary clinic on the subject property (*see section of zoning comparisons later in the report*). The building plans may have been approved based on an incorrect interpretation of Section 7.5 of the old George Zoning Scheme Regulations 1977 which reads as follows:

7.3 the use by any resident of a dwelling-house, flat or residential building or of any portion thereof as a medical doctor's surgery, consulting and waiting rooms, as well as a veterinary's consulting room for the purpose of treating only domestic animals (household pets)

The above provision only allows for a veterinary consulting room (i.e. singular) on a single residential property and not a veterinary clinic. The uses on the property therefore constitute a non-conforming land use. In terms of Section 13 of the George Integrated Zoning Scheme Bylaw, 2017, a non-conforming land use remains a lawful use of the property but may not be extended or added to. In terms of Section 14 (2) of the Land Use Planning Bylaw for George Municipality, 2015, a land use application in terms of Section 15(2) – in this instance an application for rezoning and departure – must be submitted if the owner wishes to alter or extend the buildings or structures comprising the non-conforming use.

It is also noted that the property had an approval for temporary departure for a veterinary clinic that was approved in June 2014 and lapsed 5 years later in June 2019.

The conveyancer's certificate drafted by Anna Elizabeth Reynolds Attorneys confirm that there are no restrictive conditions in the Title Deed (T37973/2014) or in any previous pivot deeds that prohibit the proposed development.

PART I: SUMMARY OF APPLICANTS MOTIVATION

The applicant's motivation (Annexure D) is summarised as follows:

**Note: The applicant refers throughout the application to the facility as a veterinary clinic. There is presently no definition for a veterinary clinic in the zoning scheme. The common description is that it is facility for the treatment of domestic animals, including surgery, but that does not have over-night accommodation facilities for the animals.*

Character of the site and greater area

Erf 6628, George accommodates a double storey structure in a single residential area. This veterinary clinic is regarded as part of the character of the area, as it has been providing a service to the surrounding community for the past two decades. The site falls on border of George East and Loerie Park.

When considering the greater area from Outeniqua High School from the west to the Garden Route Dam in the east and also between Knysna Road from the south to the Kat River in the north, a land use pattern or character emerges. The eastern extensions are characterised by single residential properties with group housing found throughout the area in pockets and commercial activities are focused along Knysna Road.

North of Stander Street up to the Kat River, land uses are all residential (including a retirement village) except for a neighbourhood shop. Between Stander Street and Knysna Road, a mix of land uses are found, and commercial activities closer to and abutting Knysna Road. This mix of land use activities are churches, schools, a gym, doctors, pharmacy and two veterinary clinics. Community facilities are therefore located in a specific area to provide the surrounding residential neighbourhoods with services. It can be concluded that this area comprises of many of these facilities as can be seen on the image below thus implying that the proposal is not out of character.



Figure 2: Character of the area (Public Facilities in the area), adapted from applicant's report

Development Proposal

The ground floor of the structure found on Erf 6628, George is a veterinary clinic with two consultation rooms for the two veterinary surgeons practicing from this facility. Building plans for the change in use was approved in 2001 and 2003. There are two consultation rooms, and the surgeons share an office. A pharmacy, an x-ray room, treatment and kennels rooms, a theatre and a washroom complete the facility with the reception area. The reception area accommodates the waiting area and the retail area where pet food, treats, etc. are provided.

Alterations were done over the years to improve the facility and ensure compliance with the relevant legislation. The South African Veterinary Council (SAVC) does regular inspections, and the Garden Route District Municipality does inspections in terms of the National Health Act, 2003 as well as the relevant municipal health by-laws. *Envirologic* is responsible for medical waste disposal and local undertaker removes dead animals for cremation.

On the ground floor a dwelling unit is also provided. The first veterinary surgeon that practised from this location did the additions in 2003. The current veterinary surgeons lived here for some time. It was then let for a few years.

It is now used for the accommodation of one of the 6 employees working at this clinic. It is necessary to have an employee on site at all times.

Parking for visitors is provided on the eastern side of the building with access from 5th Avenue. Access is also provided from Mann Street which is primarily used by the employees of which not all come to work by car. The veterinary surgeons working from Erf 6628, George have never experienced parking problems in the past 7 years. The area of the existing structures found on Erf 6628, George is as follows:

Ground floor = $\pm 206\text{m}^2$

Garage & Carport = $\pm 40\text{m}^2$

First floor = $\pm 158\text{m}^2$

Spatial Development Frameworks

In the preparation of application, all relevant legislation and the George Municipal Spatial Development Framework (GMSDF) were considered. Considering the history of the property, the character of the area, SPLUMA and the GMSDF, no conflicts have been found. The proposed rezoning of Erf 6628, George to Community Zone III (with departures) is consistent with the legislation and applicable spatial framework.

Section 22(2) of SPLUMA provides for a Municipal Planning Tribunal (or any other authority that makes land development decisions) to depart from the provision of a municipal spatial development framework if site specific considerations justify such departure.

The following is a list of factors that can be regarded as site-specific considerations for this land use application:

- (a) The veterinary clinic has been operating from this property for the past 20 years.
- (b) Building plans have been approved in 2001 and 2003 showing the change in use to that of a veterinary clinic.
- (c) With the previous George Zoning Scheme Regulations, a veterinary clinic was a possible land use for a residential property.
- (d) A temporary departure as well as a site development plan was previously approved for the use of this property as veterinary clinic.
- (e) The veterinary clinic provides service to the eastern extensions of George and has been doing so for the past 20 years;
- (f) There are many community facilities found in the area between Stander Street and Knysna Road.
- (g) The veterinary clinic is of a residential scale and is not out of character within this neighbourhood;
- (h) The veterinary clinic complies with the relevant legislative requirements of the SAVC and the Garden Route District Municipality. To lose the facility will be a substantial economic loss considering the investment that has been made to the structure over 20 years to comply with the applicable health requirements;
- (i) The use of the existing structure and therefore the property as a veterinary surgery reflects sustainability and efficiency as contemplated in Section 7 of SPLUMA;
- (j) The veterinary clinic serves the community, and it is in the best interest of the public/clear social benefit;
- (k) For the daily activity at this veterinary clinic ample parking is available.
- (l) The property is located along a spine linking the surrounding area with Knysna Road.

Municipal Services and Access

Vehicles do not have to reverse out of the property. As discussed with the Department: Civil Engineering Services there is ample manoeuvring space even if a part of the 5.0m side sidewalk space is used for this purpose. Parking provision has operated in this manner for 20 years. It provides 7 parking bays facing 5th Avenue which is more than enough for the clients of the two veterinary surgeons. Depending on appointments and if people are prepared to wait, 4 cars at most is parked on average here at any time during working hours.

The parking provided on the Mann Street side accommodates employees and the staff accommodation on the first floor. With only two veterinary surgeons, the veterinary clinic is not a high trip generator.

Need and Desirability of the proposal

The proposed rezoning with departures for Erf 6628, George will not change the use of the property or character of the area. The veterinary surgeons practicing from Erf 6628, George need to obtain approval for this land use application to safeguard a large financial investment. The property was purchased in 2014 as a 'going concern'. It was already for 14 years used as a veterinary clinic with many upgrades done over the years. Medical equipment etc. is also upgraded when needed which is always a substantial expense. Already 20 years ago this location was identified as a position for a veterinary clinic by a previous veterinary surgeon to provide a service to the community of the eastern extensions of George. If there was no need for such a community service in this area, it would not have existed anymore.

Conclusion

Erf 6628, George has been used as a veterinary clinic for 20 years, serving the eastern extensions of the George Urban area. It complies with the legislation enforced by the SAVC and the Garden Route District Municipality and has seen substantial investment over two decades. Applicant therefore finds proposal to be consistent with the GMSDF and not in conflict with the development principles of SLUMA.

PART J: SUMMARY OF PUBLIC PARTICIPATION

Methods of advertising				Date published	Closing date for objections		
Press	Y	N	N/A	26 March 2021	26 April 2021		
Gazette	Y	N	N/A				
Notices	Y	N	N/A	26 March 2021	26 April 2021		
Website	Y	N	N/A	26 March 2021	26 April 2021		
Ward councillor	Y	N	N/A	26 March 2021	26 April 2021		
On-site display	Y	N	N/A	26 March 2021	26 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				
Total valid objections	0				Total objections and petitions	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

PART K: SUMMARY OF COMMENTS DURING PUBLIC PARTICIPATION

No objections have been received against the application. A comment, advising on some mitigating measures for the veterinary clinic (hospital), was received on 20 April 2021 from Mrs MC Rossouw of Erf 6627, an adjacent property owner.

The comment suggested the following measures:

1. No animals should stay overnight at the surgery.
2. Noise from the barking dogs must be controlled and doors must not be left open;
3. The owner must ensure that new tenants take neighbours into consideration and that no loud music or parties will take place after 10:00pm;

A follow up letter was received, confirming that the initial comment was not an objection to the application but

merely a suggestion.

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	06 08 2021	<p>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, whilst a veterinary hospital is usually a public facility).</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, continuity of urban fabric ("Leap-frogging", etc.) and there is no blanket land use approval applicable.</p> <p>Erf 6628 George is located within the urban edge, within homogeneous, residential (neighborhood) development fabric. The property is not adjacent to existing nodal (urban/supportive /mixed use, be it social/community/commercial) nor is it adjacent to the existing public transport corridors.</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).</p>	<p>The recommendation, from a spatial perspective, is based on the following principles:</p> <ul style="list-style-type: none">• The main use is deemed a local (neighbourhood reach) community service;• The property is located within a homogeneous, quiet neighborhood, and not at the edge (activity seam) of such neighborhood;• The property is not located along a main transport corridor, with access to such corridor through neighborhood cells. <p>Policy G in the George Municipal Spatial Development Framework, (GMSDF), 2019 supports place-making interventions through building economic infrastructure and upgrading the public environment in priority investment locations to promote inclusivity and invite private sector response. Such development focus is encouraged along corridors and nodes (main/secondary/TOD and local). The use of Erf 6628 as a Veterinary Clinic does not align with the spatial structuring intent of the George MSDF2019.</p>

		<p>The MSDF2019 does not support higher order community facility uses, as relates to the Community Zone III, in this locality. It is clear, however, from the application motivation, and based on the size of the property, that the use may be defined to relate only to a limited use footprint and only to the use of the building for veterinary clinic purposes. <u>The MSDF does not, per se preclude the provision of community supportive ('softer"/smaller scale, non-commercial uses) serving neighborhood areas</u>, based on merit and site-specific conditions.</p> <p>In this instance, the clear definition of the use is not the issue, but the locality within the current and envisaged urban structure is a point of contention.</p>	
Civil Engineering Services	24/02/2022	Application is supported with conditions	In order
Electrotechnical Services	07/03 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? (<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? (<i>see clarification in internal comments – Part M above</i>)	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 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 deviates from but is not in conflict with the George Municipal SDF. The property is demarcated for residential activities. However, this deviation is accounted for as application is motivated on site-specific considerations, the general acceptance that it is not unusual to find community services within neighbourhoods and historic building plan approvals.

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. The area in which the site is found is demarcated for residential development is 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, whilst making optimal use of the existing infrastructure services.

Nonetheless, MSDF 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 existed on the site for ±20 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 and historic considerations have been considered below.

(In)consistency with guidelines prepared by the Provincial Minister

N/A

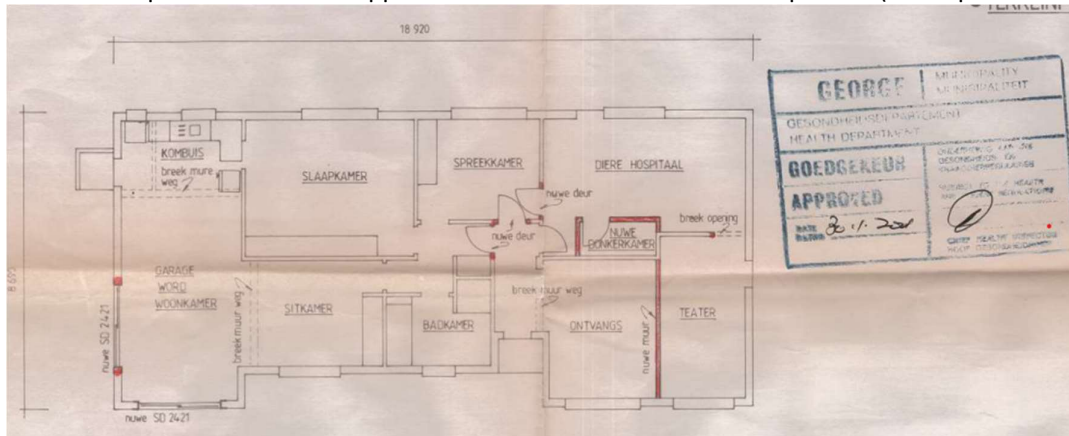
Outcomes of investigations/applications i.t.o other laws

N/A

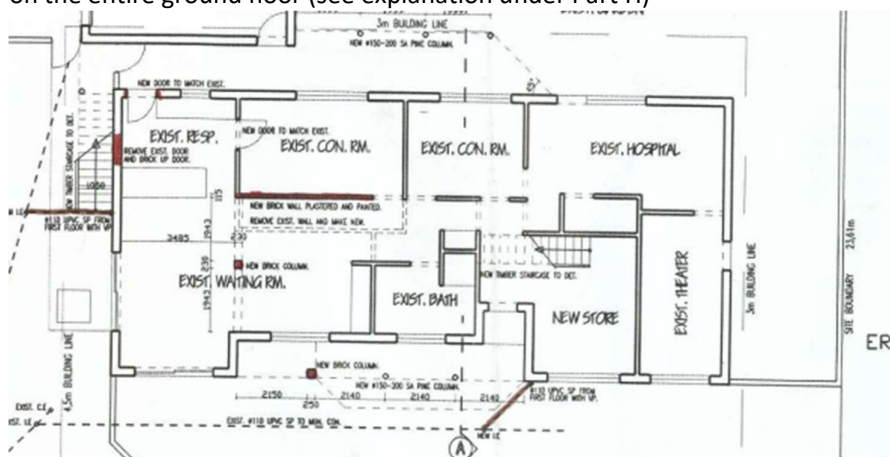
Existing and proposed zoning comparisons and considerations

Existing zoning and land use considerations

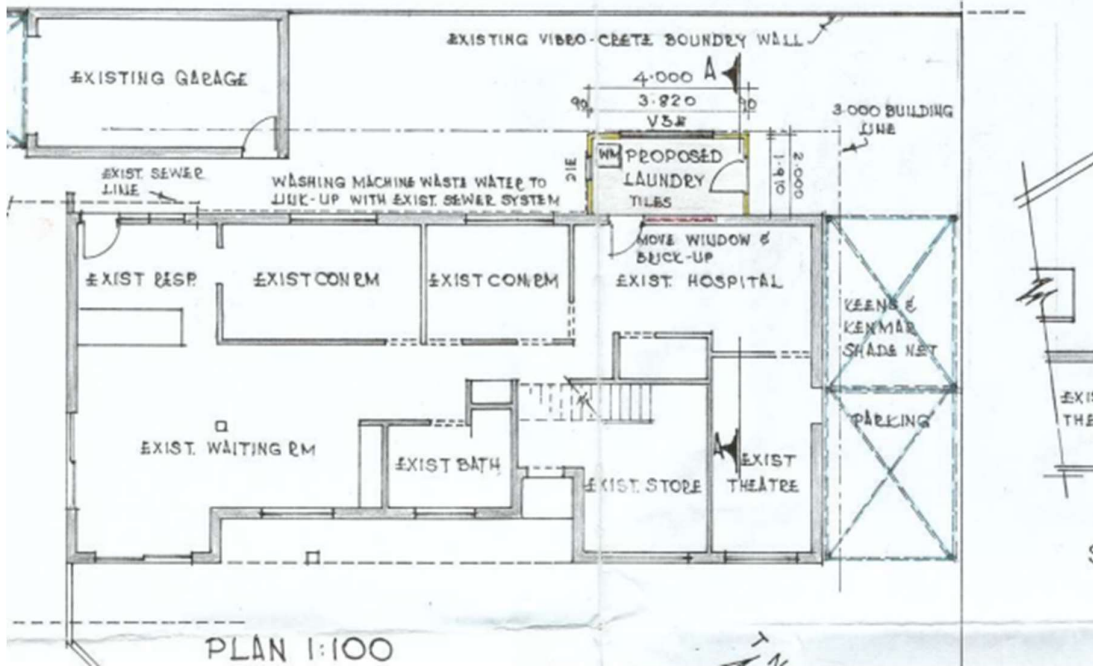
- At present, the subject property is zoned as Single Residential Zone I for dwelling house. The current zoning of the property limits business activities to a scale of Home Occupation as primary right.
- The building plans for the dwelling house was approved in 1983 (single storey).
- In 2001 a building plan was approved for a “Diere Hospitaal” (Animal Hospital) in a portion of the house. It is accepted that this was approved at the time as a “Home Occupation” (see explanation under Part H).



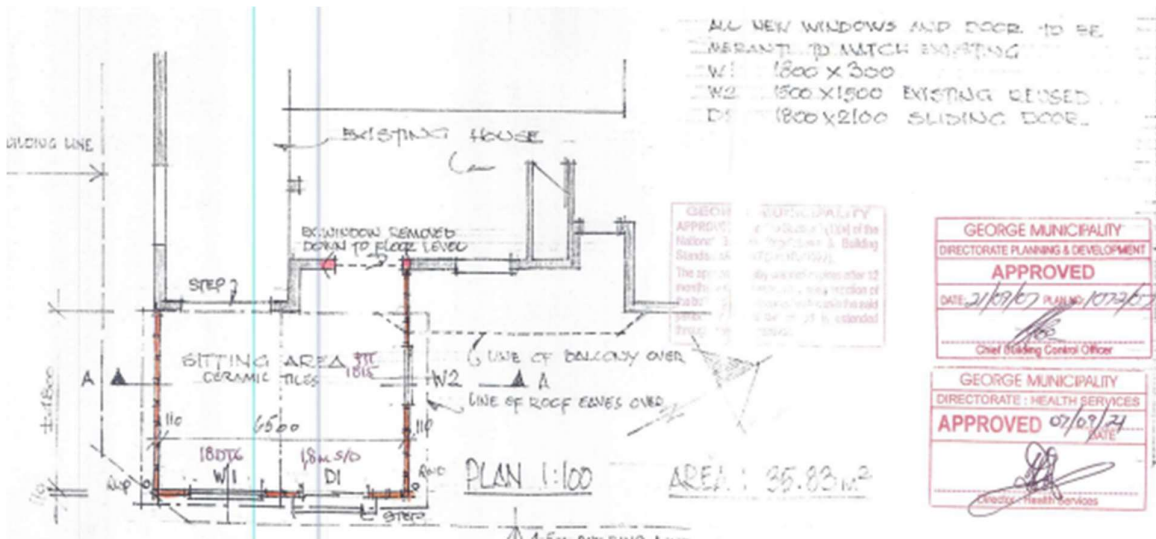
- In 2003 a building plan was approved for the expansion of the house to a second floor and the Animal hospital on the entire ground floor (see explanation under Part H)



- In 2006 a building plan was approved for a Laundry to be added to the Animal Hospital. At this stage the entire ground floor was approved for the animal hospital and the first floor a one-bedroom residence.



- In 2007 a building plan was approved for the expansion of the waiting area.



- Thereafter the business operated as per the previously approved building plans (within the approved footprints).
- In 2014 an approval was granted for the temporary departure to enable the owner to utilize the ground floor of the building as a veterinary clinic. The said departure lapsed in 2019.
- From the above it is evident that the current business operated in terms of the approved building plans but in contradiction with its zoning rights – i.e. a non-conforming land use.
- The animal hospital makes up $\pm 206\text{m}^2$ and the residential component used for staff is 158m^2 with a 40m^2 for under cover parking (all structures on approved building plan).

Proposed zoning considerations

- The intended zoning for the property is Community Zone III with primary rights for an Institution to accommodating a veterinary clinic/veterinary hospital.

It must be noted that a veterinary clinic/hospital is not defined or provided for in the current zoning scheme and is thus best fitted under the description of 'Institution' which allows for clinic and/or hospital. The zoning scheme parameters are as detailed below.

Zoning parameter comparison table

Development Parameters	Existing – Single Residential Zone I (dwelling house)	Community Zone III	Current land use on site (veterinary hospital)
Density	N/A	N/A	N/A
Height	8.5m	12m maximum height	2 storeys (+/- 8m)
Floor Factor	N/A	1.2	0.57
Coverage	40%	60%	34%
Building Lines			
Street	5.0m		4.434m (Corner of 5 th Avenue & Mann Str.) 5.252m (5 th Avenue) 6m (Mann str) 5m(Mann Str) for the Garage
Side	3.0m	5.0m to 3.0m, 0.0m and to 3.0m	0m (for garage and carport) 3m (building)
Rear	3.0m	N/A	N/A
Parking	2 parking bays dwelling unit	4 per consulting room (medical consulting rooms)	2 bays are provided for the staff accommodation upstairs (in fact 3 – one is tandem) and 7 bays for the 2 consulting rooms. (one less as required)

From the above it is evident that the current use does not detract from the overall development parameters for a dwelling house and can fit within the character of a residential area. However, the development parameters for a 'Institution' exceed that of a dwelling house and may have a detrimental effect on the character of the area. The necessary mitigation will need to be imposed to ensure that the development remains to the scale and aesthetics of a residential neighbourhood.

A reduction in parking is requested from 10 to 9 parking bays. Given the existing buildings on site, approved building plans and the (extra tandem parking bay for staff members), which by implication implies 10 bays provided, it is deemed that the departure will not have a negative impact on the area or operation of the business on site.

The parking configuration (reversing across the sidewalk) is in contradiction with Section 46(1)(b) of the Zoning Scheme. The latter Section states that: *"the layout of any parking area, except for parking in Single Residential Zone I, Single Residential Zone III and General Residential Zone I, must ensure that vehicles can readily leave the site without reversing across the sidewalk, unless otherwise approved by the Municipality"*.

Given the historic and existing use of the property and approved building plans, the parking configuration was discussed and accepted by the Civil Engineering Services department.

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, 6, 7, 8: It is not expected that the character or streetscape will change as the land use (veterinary hospital) with the current parking configuration has been operating from this site for more than 20 years. The streets are not major arterials and bound by limited traffic. The necessary mitigations will be imposed to ensure that the character and use remains unchanged and in contents with the surrounding residential character.
- No.9: Sufficient parking can be provided on site in terms of the Zoning Scheme (even though the one parking bay is a tandem bay). The tandem bay will be used by the staff member(s) residing on the premises.

Assessment of objections/comments

No objections were received.

A comment was received from the adjacent property owner. Her suggestions are noted but the Municipality must also recognise the existing development rights of the property. The 'animal hospital' has been operating (as per approved building plans) for more than 20 years. Nonetheless, mitigation measures are proposed in the recommendation below to ensure that the rights of surrounding neighbours are protected.

PART O: ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

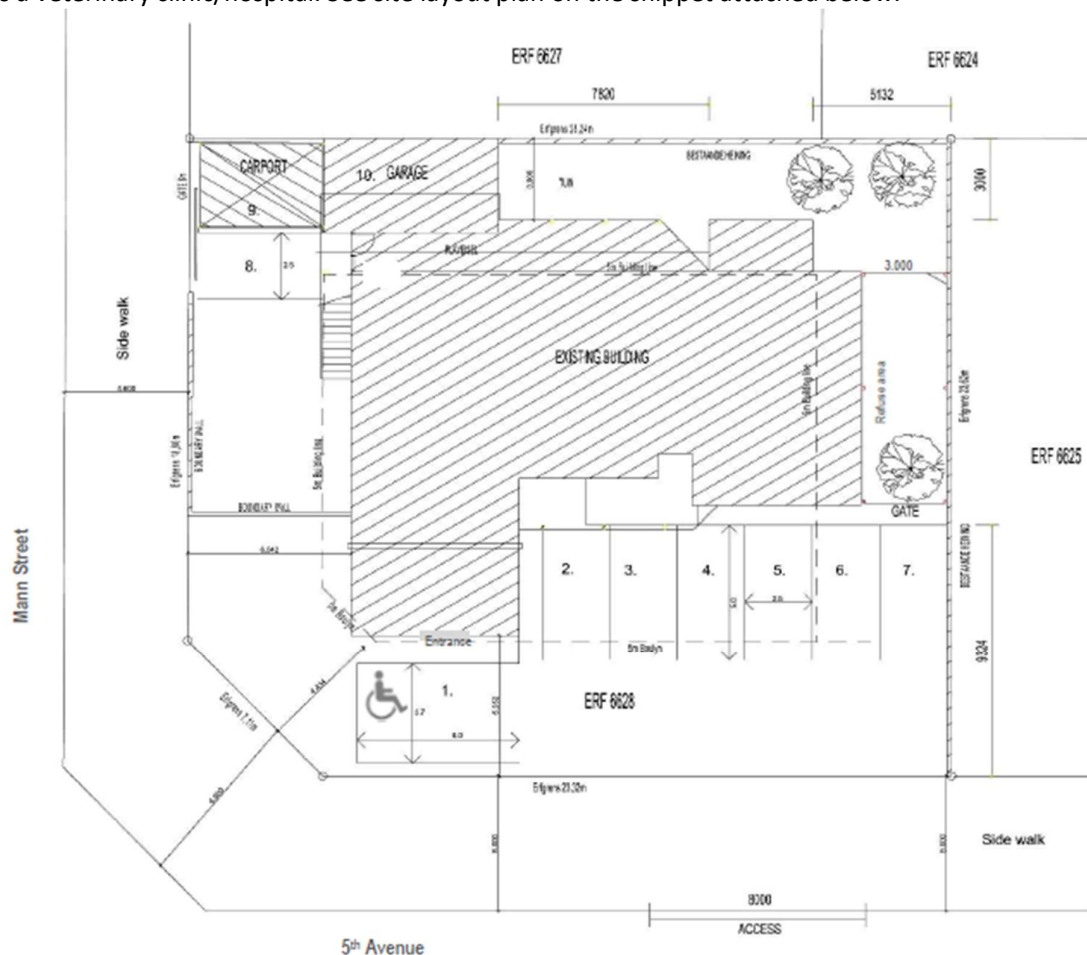
N/A

PART P: SUMMARY OF EVALUATION

Overview

The subject property is located in a residential neighbourhood of George East. The site borders Loerie Park – another established residential neighbourhood. The area is encumbered by large residential properties (Single Residential Zone I) to which some are used as boarding houses for the NMU campus situated in Saasveld. The area also houses a few group housing properties as well as flats towards the north and the southern side (along Knysna Road) of Erf 6628, George.

The proposal entails rezoning from Single Residential Zone I to Community Zone III to allow for the use of the property as a veterinary clinic/hospital. See site layout plan on the snippet attached below.



The proposal does not contain any physical alterations at present since all extensions to the main house were overtly made in the past and approved by the George Municipality Building Control division.

The application entails legalisation of a use that has been in existence for more than 20 years. From a land use management perspective, it is understood that the proposal will have no additional impact in this residential neighbourhood which can be considered positive for the receiving environment. However, care must be taken to ensure that the approval of the application leads to harmful ribbon development and land use leap-frogging along this route.

Zoning Scheme By-Law:

There is no definition or land use description for an animal hospital(clinic)/veterinary (clinic)hospital in the current George Integrated Zoning Scheme By-law, 2017. It is however the Municipality's intention to include the latter in the revision of the Scheme and to also distinguish between a Veterinary Hospital and a Veterinary Clinic. It is thus proposed to define a Veterinary Clinic and Hospital as follows:

"Veterinary Clinic means a building or part of a building providing the services of a veterinarian, and facilities for the medical treatment, examination, surgery, diagnosis, grooming, general health care, and observation of domestic animals and birds and may include the sale of veterinary medicines and specialized animal food and ancillary animal products and a caretaker flat but does not include animal boarding (kennels and cattery) facilities or overnight facilities."

"Veterinary Hospital means a veterinary clinic with overnight facilities for the animals but does not include animal boarding (kennels and cattery)"

As the abovementioned definitions has not been approved the necessary conditions will have to be imposed as part of the recommendation below, to ensure compliance with the intended business/existing business.

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. Side, rear and street building lines are 5m and parking must be provided at a ratio of 4 bays per medical consulting room and 2 bays for the staff accommodation.

The house (in which the animal hospital operates) was built based on the development parameter prescribed to a Single Residential Zone I property at that time. Due to the proposed changes 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.

In terms of the parking requirements, 10 parking bays must be provided on site (8 for the veterinary hospital and 2 for the staff accommodation). Only 9 parking bays can be provided on site in terms of the provisions in the Zoning Scheme. a Tandem parking bay is provided, which by implication, increase the number of bays to 10. However, in terms of the Zoning Scheme, a tandem bay is considered as 1 bay and a departure application is thus required in terms of the parking provisions to consider them as 2 bays. The tandem bay will be used by the staff member(s) residing on the property and can thus, be considered.

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 should be restricted in terms of use, height and coverage as stated in the recommendation below.

Compliance with the MSDF and Site-Specific Considerations

It is noted that the application is not in line with the MSDF as a result of the area being identified for residential development as per the comment from the Spatial Planning Department detailed above.

Taking the above into account, it implies that the proposal can only be expressed and evaluated on a site-specific consideration. It is noted that property has been used for this purpose and serving the surrounding community for more than 20 years. The prolong existance of this veterinary clinic/hospital at this location, by implication, justify its fitting to this neighbourhood. The property is a corner erf, with very easy access that does not hinder traffic

movement to the surrounding area. The structures on site are reconcilable with a 'dwelling house' and will therefore not detract from the residential character of the area.

Notwithstanding the site-specific considerations mentioned above, some of the few lands uses that are compatible with residential environments are medical facilities and veterinary clinics as they contribute positively to the local community as well as the economy. The subject property is not situated along a public transport street or main arterial road, but at the same time it must be realistically noted that clients that make use of this animal clinic do not make use of Public Transport facilities. Notwithstanding, the closest Go-George bus stop is approximately 508m walking distance from the site, which is considered to be a reasonable distance should any employee or client be required to make use of public transport.

As mentioned above it is considered that uses such as veterinary clinics and medical consulting rooms be reconcilable with residential areas (on merit) as it is a public facility/urban community support facility more than being a core business activity. However, it is also accepted that uses such as hospitals with overnight facilities do not suite in such areas. It would thus be sensible to, taking this property's location into consideration, limit the property to a Veterinary Clinic only with no overnight facilities.

Notwithstanding this ideal, the Directorate recognises that the present facility does have overnight facilities and that the approved building plans describes the facility as a 'Diere Hospitaal'/'Animal Hospital' since 2001. The Municipality must acknowledge these historical rights and therefore it will be incumbent on it to approve the facility as a Veterinary Hospital and not a Veterinary Clinic.

Contravention Levy:

As mentioned, the application is for the legalization of the existing veterinary hospital on a "Single Residential Zone I" property. As the facility constitutes a non-conforming land use on approved building plans, it does not constitute a contravention and thus, a contravention levy is not payable.

Conclusion

It is therefore found that that even though the development proposal deviates from the MSDF, it is not in conflict with it. Further, site specific circumstances exist (namely the historical development rights of the property) to consider the deviation from the MSDF. The development proposal presented will not have any additional significant negative impacts on the surrounding neighbours' rights and amenity in terms of privacy, views or sunlight – especially in consideration of the mitigation measures proposed in the recommendation below. There will also be no additional negative impacts on the natural environment, residential character, streetscape, the surrounding built form or traffic movement.

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

PART Q: RECOMMENDATION

That, the following applications applicable to Erf 6628, George:

1. Rezoning in terms of Section 15(2)(a) of the Land Use Planning By-Law for George Municipality, 2015 from Single Residential Zone I (dwelling house) to Community Zone III (institution) for a veterinary hospital on Erf 6628, George;
2. Departure in terms of Section 15(2)(a) of the Land Use Planning By-Law for George Municipality, 2015 for the following:
 - (a) Relaxation of the southern corner street building line from 5.0m to 4.434m for the existing structure;
 - (b) Relaxation of the northern side boundary building line from 5.0m to 3.0m for the existing structure;
 - (c) Relaxation of the western side boundary building line from 5.0m to 0.0m for the existing garage and carport and 3.0m for the existing structure;
 - (d) Reduction in parking requirement from 10 parking bays to 9 parking bays;
 - (e) To reverse across the Mann Street sidewalk (Section 46(1)(b));

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

REASONS FOR DECISION

- (i). Even though 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, the following site-specific circumstances exist to consider a deviation from the MSDF:
 - The subject property has historical land use rights (approved building plans) for a "Animal Hospital" that dates back to 2001.
 - The facility has been operating lawfully as a non-conforming land use for more than 20 years.
 - Allowing such a community use to operate at a neighbourhood scale is not irreconcilable with a residential neighbourhood considering that other uses such as doctor's practices, neighbourhood shops, house shops, occupational practices, etc are typically found in such environments.
 - The facility adds to the diverse mix of neighbourhood scale land uses already found in the area and supports other MSDF objectives and concepts such as consolidation, compaction, sustainability, efficiency and walkability.
- (ii). The subject property is situated on a corner erf (Mann and Fifth Street which easily joins with Knysna Road) for easy access and connectivity;
- (iii). The property is large enough to accommodate the proposed activity as well as associated requirements on site.
- (iv). The development is designed and built in a way that complements the area and harmoniously blends in with the surrounding buildings and thus not detract from the surrounding residential and aesthetical character.
- (v). The proposal will not have a negative impact on the adjacent neighbors' amenity and rights to privacy, sunlight and views.
- (vi). Sufficient parking and maneuvering space can be provided on the property.
- (vii). Conditions have been imposed below to mitigate against future negative impacts and to ensure that size and scale of the facility remains reconcilable with the character of the surrounding residential area.

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 (Annexure 6) drawn by Marlize de Bruyn dated 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 use be limited to a Veterinary Hospital Only.
4. A veterinary hospital means a building or part of a building providing the services of a veterinarian, and facilities for the medical treatment, examination, surgery, diagnosis, grooming, general health care, and observation of domestic animals and birds and may include the sale of veterinary medicines and specialized animal food and ancillary animal products and a caretaker flat but does not include animal boarding (kennels and cattery) facilities.
5. The development will be restricted to an 8.5m height and maximum floor area of 375m² or 40% coverage (whichever is greater).
6. The caretaker flat may not be larger than 158m² (all areas inclusive).
7. A site development plan for the clinic must be submitted to Planning and Development in terms of Section 23 of the George Integrated Zoning Scheme Bylaw, 2017 for consideration 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 be submitted for approval in accordance with the National Building Regulations (NBR) for the above-mentioned development following compliance with Condition 7 above;

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:
13. 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 115 316,04; | Excluding VAT |
| Sewer | R 220 153,25; | Excluding VAT |
| Water | R 150 658,83; | Excluding VAT |
| Total: | R 486 128,12 | (Excluding VAT) |
14. The total amount of the development charges of **R 486 128,12** 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.
15. 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.
16. 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 **R 486 128,12** 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.
17. 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.
18. 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.
19. Any, and all, costs directly related to the development remain the developers' responsibility.
20. Only one connection permitted per registered erf (water and sewer connections). Condition 18 applies.
21. 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 18 applicable).
22. 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 18 applicable).
23. 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 18 applicable).
24. Provisions for the removal of solid waste is to be addressed in conjunction with the Dir: Environmental Services.
25. 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.

26. 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.
27. 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.
28. 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.
29. Municipal water is provided for potable use only. No irrigation water will be provided.
30. 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.
31. 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.
32. 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.
33. 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.
34. 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.
35. 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.
36. Adequate parking with a hardened surface must be provided on the premises of the proposed development.
37. No private parking will be allowed in the road reserve.
38. A dimensioned layout plan indicating the proposed accesses onto private / servitude roads, must be submitted to the relevant departments for approval. Condition 18 applies.
39. 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 10m and for panhandle erven access is 4m.
40. 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.
41. Permission for access onto municipal, provincial or national roads must be obtained from the relevant authorities.

CONDITIONS OF THE DIRECTORATE: ELECTROTECHNICAL SERVICES

42. 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:

43. The amounts of the development contributions are reflected on the attached calculation sheet dated 07/03/2022 and are as follows:

Electricity R 116 913,35 ; Excluding VAT_

44. The total amount of the development charges of **R116 913,35** 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.
45. 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.
46. 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 R116 913,35 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.
47. 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.
48. 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.
49. 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.
50. Should more than two developments/properties be party to or share any service, the Dir: CES & ETS will in conjunction with the parties determine the pro-rata contributions payable.
51. Any, and all, costs directly related to the development remain the developers' responsibility.
52. Only one connection permitted per registered erf (Electrical, water and sewer connections). Condition 48 applies.
53. 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 48 applicable)
54. 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 48 applicable)
55. 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 48 applicable)
56. 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.
57. Suitable servitudes must be registered for any municipal service not positioned within the normal building lines. Servitudes must be registered for all electrical services traversing erven.
58. The applicant is to comply with the National Forestry Act, Act No 84 of 1998, should it be required.
59. Provisions for the removal of solid waste is to be addressed in conjunction with the Dir: Environmental Services.

60. 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.
61. A homeowners' association/body corporate (as applicable) is/are to be established incorporating all erven within any security development / private and /or access-controlled developments. The private roads and the related stormwater and light poles infrastructure, and private open spaces within the development will be transferred by the developer to this / these homeowners' association/s who will assume responsibility for the maintenance thereof.
62. The association shall see to it that the officials and contractors of the Municipality shall at all times 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 association 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.
63. 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.
64. 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.
65. 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.
66. 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.
67. Owner to ensure compliance with Regulation XA of SANS 10400 (building plans).
68. Owner to ensure compliance with Regulation XA of SANS 10142 (wiring) and any other applicable national standards.
69. 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.
70. 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.
71. Installation of ripple relays are compulsory for all geysers with electrical elements.
72. A temporary municipal metered construction supply can be installed, at a cost to be determine, 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.

CONDITIONS OF THE DIRECTORATE: COMMUNITY SERVICES

73. A dedicated enclosed waste collection area must be provided or kerbside door-to-door collection.

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



20/04/2022

F. Vava (B/8439/2021)
TOWN PLANNER

Date



ILANÈ HUYSER (A/1644/2013)
SENIOR TOWN PLANNER

2022.04.29

Date

RECOMMENDED/ REFER BACK TO APPLICANT/ REFER TO TRIBUNAL



05/05/2022

C. PETERSEN (B/8336/2016)
SENIOR MANAGER

Date

RECOMMENDED/ REFER BACK TO APPLICANT/ REFER TO TRIBUNAL



pp.

09/05/2022

D. POWER (A/1973/2014)
DEPUTY DIRECTOR PLANNING/AUTHORISED OFFICIAL

Date

Attachments : Annexures for Erf 6628, George



Erf 6628 George
(Tribunal Annexures)

6.5. Amendment of Conditions of Approval : Erf 1068, Whites Road, Hoekwil (M Botha)

LAND USE PLANNING REPORT
APPLICATION FOR THE AMENDMENT OF CONDITIONS OF APPROVAL

Reference number	2009255	Application submission date	16/09/2021	Date report finalized	13/04/2022
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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)	Phillipus Cornelius Johannes				
Surname	Theron				
Company name	FORMAPLAN				
SACPLAN registration number	A/025/1985	Is the applicant authorized to submit this application?	Y	N	
Registered owner(s)	BIZ AFRIKA 679 (PTY) LTD				

PART C: PROPERTY DETAILS

Property description (in accordance with Title Deed)	Erf 1068 Hoekwil					
Physical address	Whites Road Servitude, Wilderness Heights		Town/City	Hoekwil		
Current zoning	Agricultural Zone II (AZII)	Extent (m²/ha)	3.2452ha	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) Wilderness, Lakes and Hoekwil Local Spatial Development Framework (2015)					

Current Land Use	Rural Residential		Title Deed number & date	T44361/2016		
Any restrictive title conditions applicable?	Y	N	If Yes, list condition number(s)	N/A		
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	N/A	Official's name	N/A
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						
<p>Consideration of an application for Amendment in terms of Section 15(2)(h) of the Land Use Planning By-Law for George Municipality (2015), of a condition 2 of the approval dated 26 April 2019 which reads as follows:</p> <p><i>This approval shall be taken to cover only the application applied for as indicated on the Site Development Plan with the drawing number "Hoekw 1068 1.3" attached as "Annexure A", that bears Council's stamp shall not be construed as to depart from any other Council requirements of legal provision.</i></p> <p>To read as follows:</p> <p><i>The approval shall be taken to cover only the application applied for as indicated on the Site Development Plan with drawing number Hoekw 1068 1.5 dated August 2021 attached as Annexure A,</i></p>						

that bears Council's stamp and shall not be construed as to depart from any other Council requirements or legal provision;

to reposition a second dwelling unit on Erf 1068 Hoekwil.

PART G: LOCATION

The subject property is located to the north of Wilderness, in an area known as Wilderness Heights. George is located approximately 14km to the west of the site. Access to the site is obtained via the existing road network of Wilderness. A right of way servitude bisects the site. **Figure 1** below represents the application area within its regional context.

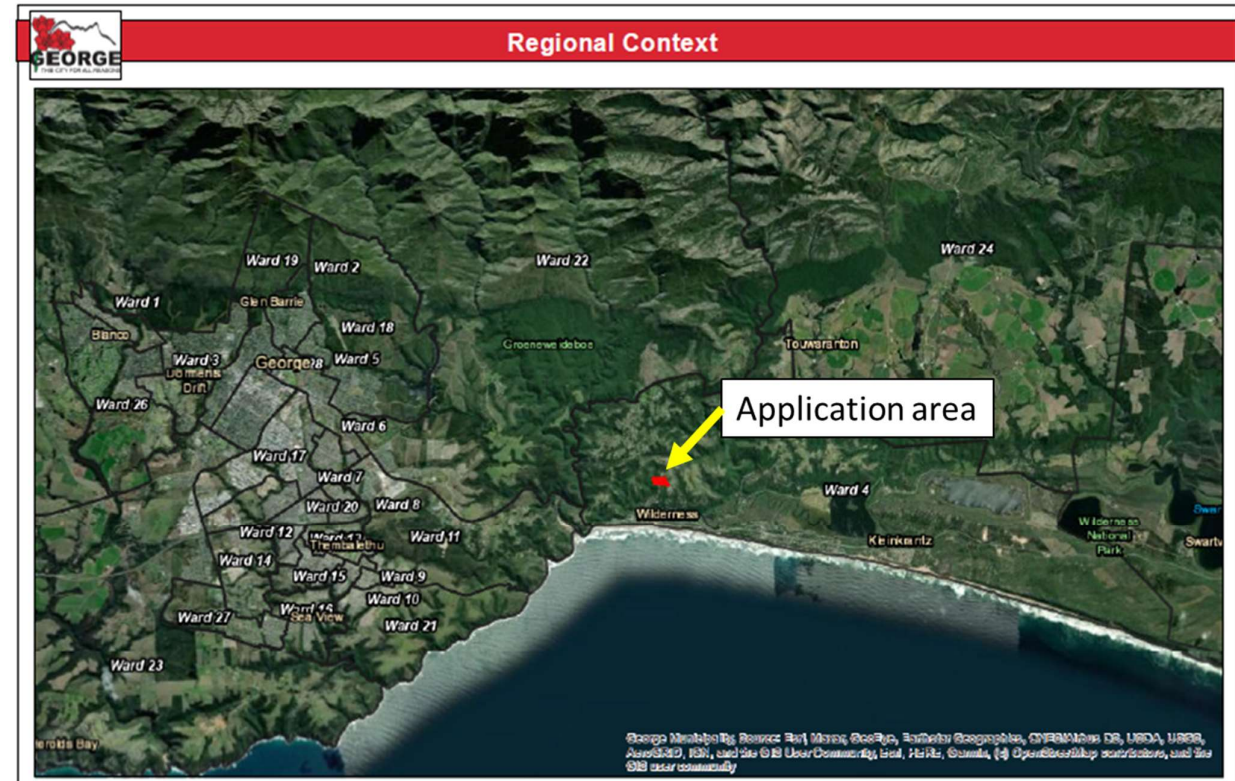


Figure 1: Regional

Within its local context, the application area is located in a smallholding area. The properties surrounding the site are zoned for Agricultural Zone II purposes. Access onto the site is obtained via an existing right of way servitude (gravel road), bisecting the site in a north-south direction. **Figure 2** below represents the site within its aerial cadastral / local context.



Figure 2: Local Context

PART H: BACKGROUND AND HISTORY

Two previous applications were submitted and approved for Erf 1068 Hoekwil, as follows:

Approval dated 21 July 2017:

An application was approved for the following in July 2017:

- Removal of restrictive title deed conditions, to allow for an additional dwelling unit on the property;
- Amendment of a condition of a previous approval (approval of the subdivision of Erf 304 Hoekwil), to allow for the erection of two dwelling units and to increase the total coverage on the site from 250m² to 495m²;
- Consent to allow for an additional dwelling on the site; and
- Building line departures relating to the primary dwelling, storeroom and work room.

A Site Development Plan (SDP) was approved for the above-mentioned application (refer **Figure 3** below).

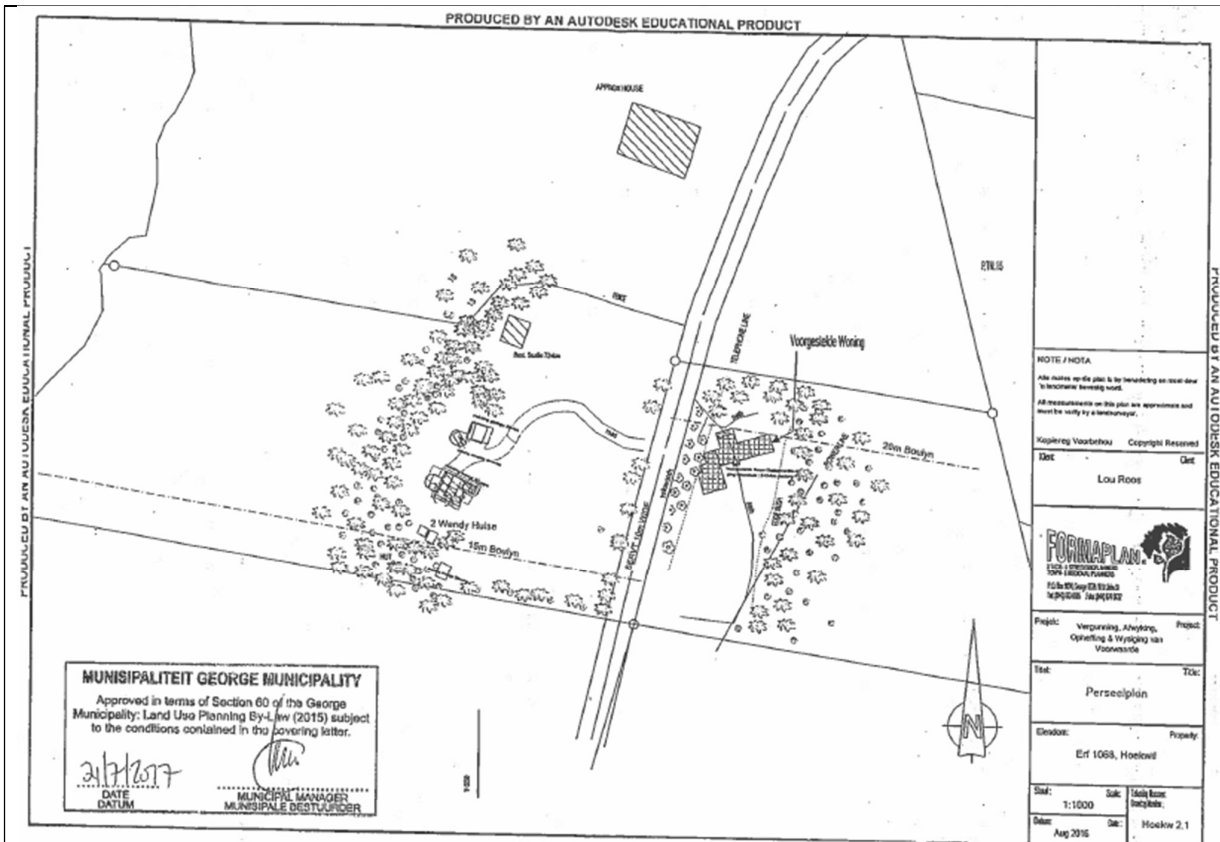


Figure 3: Approved SDP (July)

Approval dated 26 April 2019:

Following the above-mentioned approval dated 21 July 2017, an application was submitted and approved for the amendment of the said approval. More specifically, an application was approved on 26 April 2019 for the following:

- Amendment of a condition of approval to allow for the development of the additional dwelling unit in a different location (amendment of the approved 2017 approved SDP); and
- Building line departures (to legalize existing structures and to accommodate proposed additions to the existing dwelling unit on the site).

It was a condition of approval that the development of the site must be in accordance with the approved SDP (refer **Figure 4** below).

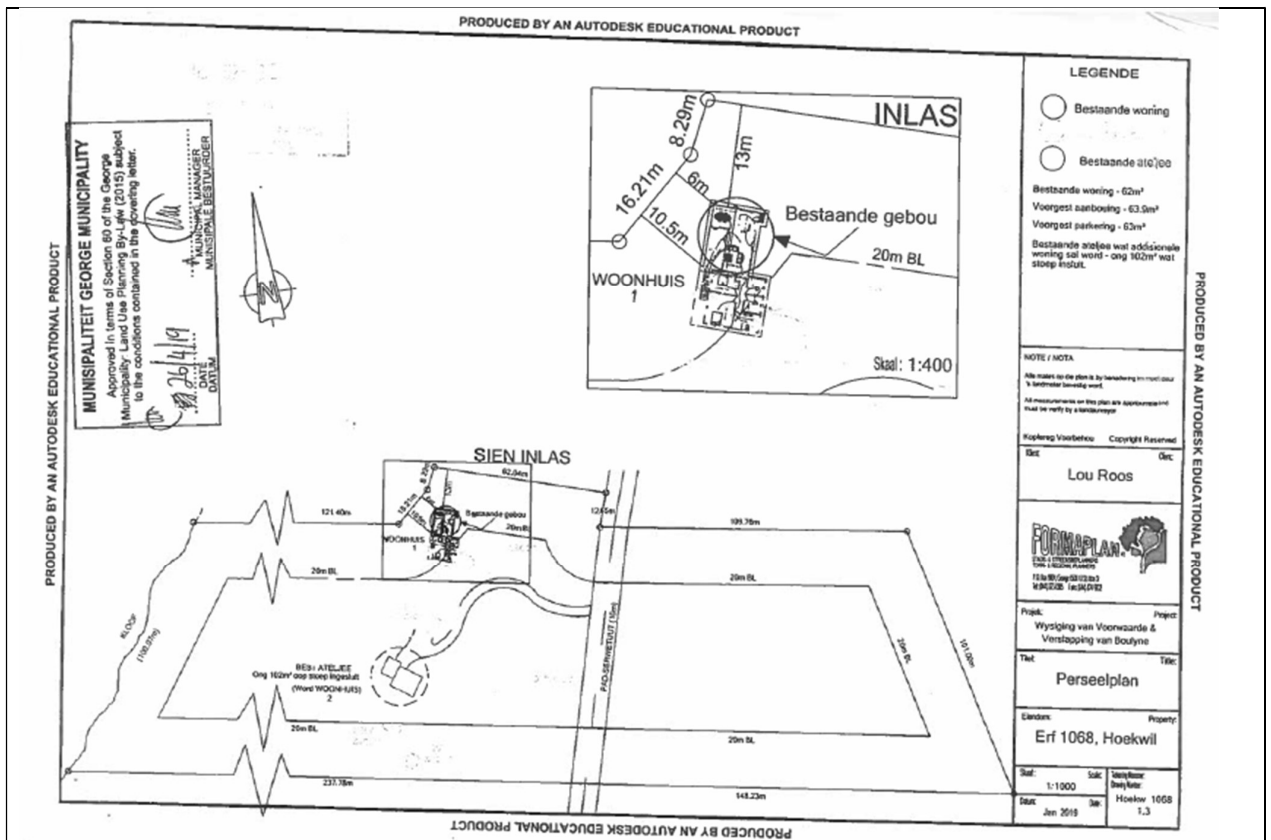


Figure 4: Approved SDP (April)

It is now the intention of the landowner to submit an application for the amendment of a condition of approval, to allow for the additional / second dwelling unit to be relocated / developed in a different location, as to what was approved on 26 April 2019.

Note: A site visit was conducted on 9 March 2022. The studio consists of a living room, bedroom and toilet with shower (the bathroom is not defined as a room, as per previous discussions). No departure is required for the conversion of the second dwelling to a studio. All pipes, etc in the kitchenette were removed (See Figure 11). The studio is located in view of and in close proximity of the main dwelling. The studio is currently not occupied, and the owner mentioned that his children stay there when they visit over holidays.

PART I: SUMMARY OF APPLICANTS MOTIVATION

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

Introduction and Background:

- The owners of Erf 1068 Hoekwil obtained an approval from Council on 21 July 2017 to erect a second dwelling unit on the site. The approval also included a relaxation of the northern boundary building line for the second dwelling unit from 30m to 20m.
- An application was then lodged and same was approved by Council on 26 April 2019 for an amendment of the previous approval, to allow for the existing studio on the northern side of the property to be converted and enlarged as a residence (second dwelling). **The locality of the approved second dwelling on the site has therefore been changed.*
- Very recently, friends of the owners (*i.e. owners of Erf 1068 Hoekwil*) were forced to vacate the rented house they lived in and after discussions, the owners of the property agreed that a dwelling could be

erected in approximately the same position as the dwelling that was approved in July 2017, where the friends could stay.

- As a result of their desperate need for accommodation, building activities commenced prior to obtaining the necessary approvals. All activities have however ceased following a notice that was served by Council's Building Control Department.

Property details:

- The property is described in the title deed as Erf 1068, Hoekwil and is 3,2452ha in extent.
- The property is registered in the name of BIZ AFRIKA 679 (Pty) Ltd.

Existing land use:

- There is an existing dwelling house and outbuildings on the property, used for residential purposes.
- There is also a studio that was on the property when the current owners bought the property. This building was equipped with a kitchen. The municipality regards this building as a second dwelling and that the kitchen must be removed from the building, before the current application can be proceeded with. The owners have decided to remove the kitchen from this building and plan to finish this action by 1 September 2021.



Figure 5: Main dwelling unit



Figure 6: Outbuildings



Figure 7: Studio

Surrounding land use:

- The erf is situated in a smallholding area. All the surrounding plots are used for residential purposes.

Topography:

- Erf 1068, Hoekwil is located on a north-south ridge. The access road is on the highest portion of the ridge and from here the property slopes downwards towards two valleys on its western and eastern boundaries.

Vegetation:

- The vegetation on site, in the area where minimal clearing will be required to accommodate the proposed structure, consists mainly of pioneer coastal fynbos and invasive alien plants, with scattered coastal scrub forest located further down-slope, towards the southeast, where no development will occur.

outbuildings will be out of site from the afore-mentioned properties. The proposed development (the second dwelling) will therefore appear as if this is the only building on Erf 1068 Hoekwil.

- The topography and vegetation serve as screens to mitigate any negative visual impacts.

- Access

- The existing access arrangements will remain unchanged.

Conclusion

- The owners of Erf 1068, Hoekwil already obtained an approval in 2017 and 2019 for the development of a second dwelling unit on the property.
- The owners now wish to erect the second dwelling in a different location on the site, consistent with the first approval of 2017.
- The proposed change of the position of the second dwelling will not be harmful to the surrounding properties or the environment and will not detract from the sensitive landscape character of the area and the tourist attraction thereof.

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

Methods of advertising				Date published	Closing date for objections		
Press		Y	N	N/A			
Gazette		Y	N	N/A			
Notices (per registered mail to surrounding property owners)		Y	N	N/A	27/09/2021	29/10/2021	
Website & social media		Y	N	N/A	27/09/2021	29/10/2021	
Ward councillor		Y	N	N/A	27/09/2021	29/10/2021	
On-site display		Y	N	N/A	27/09/2021	01/11/2021	
Community organisation(s)		Y	N	N/A	27/09/2021	29/10/2021	
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: <ul style="list-style-type: none">• Western Cape Department of Environmental Affairs and Development Planning;• Department of Agriculture, Western Cape Government• Cape Nature• Department of Environment, Forestry and Fisheries	27/09/2021	29/11/2021	
Total valid objections		3 (initially 4 objections were submitted, of which 1 was withdrawn)				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	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

**The notes in italic did not form part of the objections and are merely for explanation purposes.*

The following objections to the application were received (refer **Annexure G**):

Dr P. Acquisto (Erf 310 Hoekwil)

- In principle, there is no objection to the development of a second dwelling, as same will not be in the objector's line of sight.
- The concern, however, is that all other existing structures directly in view of the objector's property, with some being really unsightly and disturbing the tranquil environment (see **Figure 10** below).

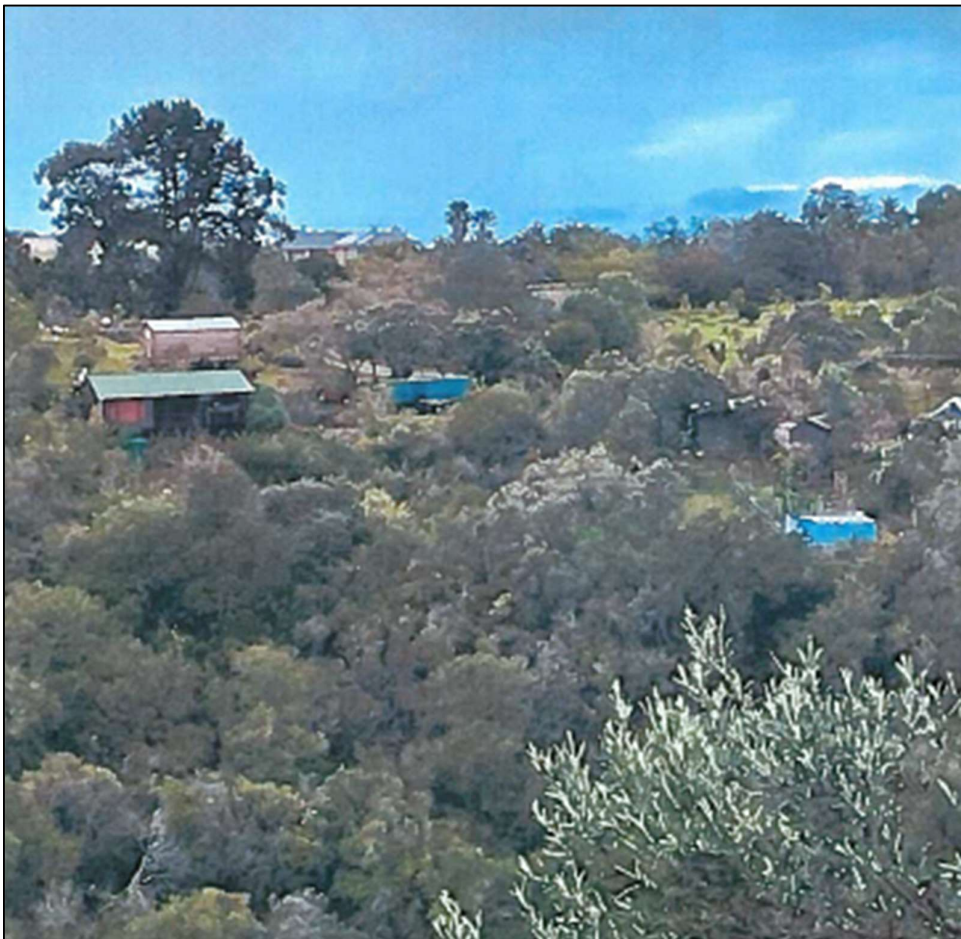


Figure 10: View towards Erf 1068

- Should more structures be erected, the essence of the tranquillity of the environment and sensitive landscape character, will be disturbed.
- The objector states that if the second dwelling is allowed, some of the other structures should be removed.

**The above-mentioned objection by Dr P. Acquisto was withdrawn vide email dated 17 March 2022.*

Wilderness Ratepayers and Residents Association

- The objector confirmed that several of his questions were answered during a site visit dated 21 October 2021, but still find the application difficult to understand in its entirety, particularly based on the previous applications.
- The objector is pleased that the Building Control Department has confirmed that building works have been halted pending the outcome of the OSCAE application.
- The subject application and the OSCAE application to be submitted cannot be separated from each other.
- The objector withholds his comments on this application until an OSCAE application has been submitted.

Wilderness & Lakes Environmental Action Forum

- The objector states that the size of the already partially completed second dwelling is unclear. In terms of the George Integrated Zoning Scheme By-law (2017), this dwelling may not exceed 150m², including all ancillary buildings. The size of the building needs to be verified.
- The objector requests a certificate confirming that the kitchen in the studio/second dwelling has been removed and that same will not be rebuilt.

Jan Heyneke (2018 Koobooberry Close, Wilderness)

- There will be increased traffic on Koobooberry Close.
- Illegal building works have commenced since January 2021 and not “very recently” as stated by the applicant’s motivation report.
- The objector is of the opinion that building works have not ceased and by observation since June 2021, this new ‘development’ has been occupied and further building works have been ongoing.
- This application is for the development of a third dwelling unit on the site.
- The objector questions if an OSCAE permit was issued and if so, in whose name.
- The objector states that the applicant creates the impression that a dwelling identical to the earlier plans will now be erected, however, the outlines on the 2017, 2019 and 2021 Site Plans differ substantially, and the areas indicated differ substantially. It is thus impossible to assess the impact, whether financial, visual or environmental.
- The George Municipal Spatial Development Framework (MSDF 2019), with reference to Wilderness/Hoekwil (29 May 2019) provides guidelines to ensure that the landscape character of the area is protected from inappropriate developments that could harm its special character.
- The objector is of the opinion that the site plan for Erf 1068 Hoekwil, approved in 2017, will not currently have been approved, based on his interpretation of the guidelines in the Spatial Development Framework. To now approve the clearing of more indigenous vegetation, erection of a number of buildings (as can be established by a site inspection), an increase in population density and traffic by allowing multiple dwelling units on Erf 1068 Hoekwil, will be a step against the visions recorded in the MSDF (2019).
- When the objector purchased his property, the street was referred to as Koobooberry Close, indicating a cul-de-sac, and this impression was confirmed by the turning circle constructed at the end of the road. Access via the servitude road to Koobooberry Close as indicated in the application, is not a given. The reader may be aware of various issues/incidents in the past, including court cases, regarding the access from the Heights servitude onto Koobooberry Close. An increase in traffic from the servitude, as already experienced due to additional residents on Erf 1068, Hoekwil, may just re-open this sensitive issue. An increase in through traffic is highly undesirable.

PART L: SUMMARY OF APPLICANT’S REPLY TO OBJECTIONS

Response to objections (refer Annexure H):

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

Dr P. Acquisto (Erf 310 Hoekwil)

- The objector lodged a complaint in respect of the number of existing structures on the property, as it is in his line of sight from his property ($\pm 320\text{m}$ away). Although this complaint is not relevant to the application at hand, the owner of Erf 1068 Hoekwil undertakes to clear up the property and remove some of the structures which are all temporary in nature.

**Please take note that the objection was withdrawn on 17 March 2022 (i.e. following action by the landowner).*

Wilderness Ratepayers and Residents Association

- The applicant fails to see any point of the objection.
- There is no objection if this application is dealt with simultaneously with the OSCAE permit application.

Wilderness & Lakes Environmental Action Forum

- The objector has two concerns, namely that the dwelling could be larger than 150m^2 and that there is a kitchen in the existing studio.
- As indicated on the site plan, the size of the dwelling will be 131m^2 .
- The kitchenette was removed from the studio. There is therefore not a second dwelling unit on the site.

Jan Heyneke (2018 Koobooberry Close, Wilderness)

- There is an existing approval for a second dwelling unit on the property. The objector's comments w.r.t traffic impact is therefore not applicable.
- The objector's remarks in respect of statements in the application such as "*very recently*" and "*building activities prior to the necessary approval*" have no relevance to the application. The fact is that the municipality served a notice on the owner to cease building activities, which he did.
- The kitchenette was removed from the studio. There is therefore not a second dwelling unit on the site.
- An OSCAE permit application has been submitted for approval. *It should be noted that the OSCAE permit was only submitted on 11 April 2022 and not at the time of the applicant's response to objections report.*
- The applicant states that it is uncertain what the objector's interest is in respect of whether the proposed dwelling is identical to the one previously approved. The proposed second dwelling is not even closely visible from the objector's house. Whether the house is identical to or in the exact same position as the one previously approved, should not be any of the objector's concern.
- It should be noted that at the time of the approval of the site plan in 2017, the current Wilderness / Lakes / Hoekwil Local Spatial Development Framework (LSDF) for the area was already in place and was addressed in the application dated 4 November 2016. In fact, it should be noted that the size of the proposed dwelling on the site plan, was considerably larger than the current proposed dwelling and location thereof in approximately the same position. The proposed dwelling as approved in 2017, was for a double storey dwelling with a coverage of 242m^2 while the current application is for a single storey dwelling of 131m^2 .
- The objector uses this application to open a debate in respect of the access to the property from Koobooberry Close. This application is not for access to the property and we are not going to comment to this "objection" from the writer of the comment.

Conclusion

- The applicant is of the opinion that none of the objections raised has any merit.
- The applicant also stated that, it should be noted that not one of the neighbours that could be affected by the proposal, objected against the application.

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	29/09/2021	Development Contributions of R16 533,62 (ex VAT) payable (CES confirmed at the Pre-App that no DC's were paid for a 2 nd dwelling)	Support
Electrotechnical Services	11/10/2021	See comments below	Support
Environmental	28/09/2021	See comments below	Support
Department of Environmental Affairs and Development Planning	08/10/2021	No objection	Support
Department of Agriculture, WCG	13/12/2021	No objection	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

(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	x		

	<i>application process checklist)</i>			
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		

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

It should be noted that policy compliance for the development of the second dwelling on Erf 1068, Hoekwil was assessed/considered during the 2017 approval process. Notwithstanding the afore-mentioned, the following can be confirmed w.r.t the application's consistency with the local spatial planning 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 economy.

The following policy is considered directly relevant to the application:

- **Policy G2:** Implement a more articulated approach to the development of human settlement opportunities that support the spatial development vision of the MSDF (2019) and stimulates economic development. In this regard, the consolidation of backyard housing / second dwellings should be supported as a legitimate form of housing supply and household income.

It is further stated by the George MSDF (2019) that threats to the Hoekwil area include the subdivision of smallholdings, expansion of poorly located and serviced informal areas, and insensitive building development. The Municipality will maintain the present environmental, rural and settlement character of the area. To this end it will:

- Not permit expansion of residential areas beyond the urban edge, with the exception of Hoekwil (where a node has been identified).
- Prohibit significant densification of existing residential areas (except through group / town housing and resort development on land available within the urban edge).
- Discourage further growth of the Kleinkrantz and Wilderness Heights settlements.
- No development should impact negatively on the lakes area, crest skyline and green boundaries.

It should further be noted that detailed directives for the development and management of Wilderness and related settlements are contained in the Wilderness-Lakes-Hoekwil Local Spatial Development Framework

(2016).

The proposed development is regarded consistent with the George MSDF (2019) as appropriate residential densification will be promoted, having no material impact on the rural character of Hoekwil. It should also be noted that the applicant is not requesting additional rights, as the development of a second dwelling unit on the site has already been approved.

Local Spatial Development Framework: Wilderness / Lakes / Hoekwil 2015 (LSDF)

The Wilderness and The Lakes areas, including Hoekwil and the agricultural areas to the north have a specific and unique character that defines the area, attracts vast numbers of tourists and contain very sensitive and valuable landscapes. To assist decision makers and developers to manage the future development of this area, Council approved guidelines to ensure the sustainable use and protection of the positive landscape characteristics of this area. The LSDF (2015) states that applications should be refused, or mitigation measures should be imposed, should new structures be located in the visually sensitive areas along any of the tourism routes. If development has to occur in these sensitive landscapes or along scenic routes due to existing rights or other circumstances, it must be sensitive to the landscape and natural visual resources. The layout, buildings, density, landscape treatment and infrastructure should:

- Be visually unobtrusive;
- Utilise materials and colours that originate from or blend into the surrounding landscape;
- Be grouped in clusters with open spaces between clusters;
- Not interfere with the skyline, landmarks, major views and vistas;
- Not result in light, noise or effluent pollution;
- Not result in excessive water consumption, and should incorporate a requirement for rainwater collection as part of the building;
- Respond to the historical, architectural and landscape style of surrounding layout and buildings;
- Incorporate existing man-made or natural landmarks and movement patterns; and
- Keep and protect a visual buffer along the N2 National Road as far as possible.

The main goal of the LSDF (2015) as far as existing smallholding precincts are concerned is to ensure that the character and ambience of these areas are protected and to ensure that the overall landscape character of the study area is retained and improved through appropriate measures. Secondly, the approach is to prevent further development of smallholdings or extensive residential lifestyle properties in the rural landscape. No further extensions to the demarcated smallholding areas should be considered and no land outside of the smallholding outer boundaries may be subdivided to form new smallholdings or agricultural portions that are smaller than the minimum viable agricultural units prescribed by Department of Agriculture, Western Cape Government. Subdivision of small holdings inside the demarcated smallholding areas should not be granted automatically, it is also subject to the overarching guidelines that protect the special landscape character of Wilderness and should be refused if it does not comply with these guidelines.

In addition to the primary rights, the smallholding area should also cater for certain tourist facilities such as **second dwelling units**, *guest houses, bed and breakfast establishment, tourist facilities*, also subject to these activities not causing excessive water usage, undue noise, light pollution, effluent generation or odours, according to the LSDF (2015).

Following the above, and notwithstanding the fact that there are already approved rights for a second dwelling

on the site, it can be concluded that the proposed development / application is consistent with the planning principles of the LSDF (2015), as follows:

- The proposed second dwelling is not visually obtrusive. The structure is not only screened by vegetation, same is also proposed on the eastern descending slopes of the north-south ridgeline.
- The structure will not interfere with the skyline, vistas, scenic landscapes or major view corridors.
- The natural environment is being protected, as the second dwelling is proposed outside the critical biodiversity area.
- The structure is not located along a major tourism route.
- There will not be a negative impact on the character or ambience of the surrounding environs, whatsoever.

(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

Figure 10 below indicates the existing zoning of the area.

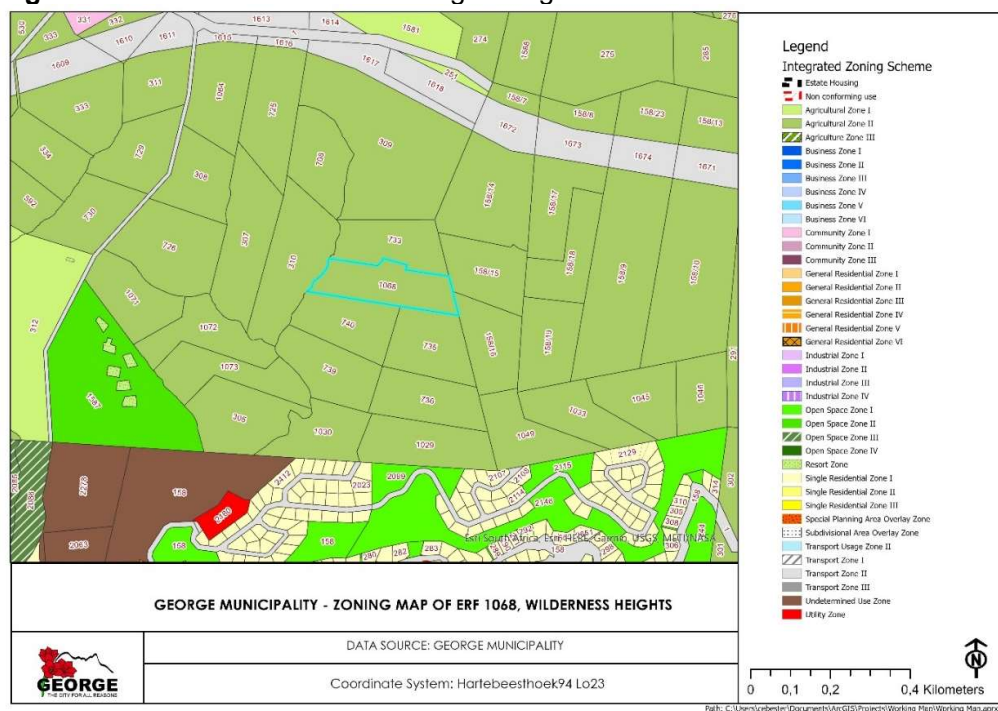


Figure 10: Zoning

The subject property is zoned for Agricultural Zone II (Smallholding) purposes, in terms of the George Integrated Zoning Scheme (2017) with Consent for a 131m² second dwelling. The proposal is to build a 2nd dwelling of 131m² in a new position on the property. No new development rights are being requested.

The properties surrounding the application site are also zoned Agricultural Zone II (Smallholding), many with consent uses for a 2nd dwelling. No departure from existing development parameters are being requested. The

application will have no impact on the existing zoning of the immediate surrounds, whatsoever.

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

*1 & 2: The subject property is located within an OSCAE area. An application for an OSCAE permit has been submitted for approval (on 11 April 2022). The proposed location of the unit is outside of the Critical Biodiversity Area (CBA).

*3: There is no reason to believe that the proposed development will impact on any heritage resources.

*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.

*6, 7, 8, 9 & 10: The proposed development will have no negative impact on traffic in the area. There will not be additional vehicular trips generated, as no additional rights are being applied for, as to what is already approved.

*11, 12, 13 & 14: The second dwelling, in its proposed location, will not have a negative impact on scenic vistas or views from surrounding properties. The ridgeline effectively mitigates views, creating the impression of only one dwelling unit on the site (when viewed from an eastern or western direction).

*15: There will not be a negative impact on surrounding property rights, whatsoever (refer 11 to 14 above).

Assessment of objections/comments

The objections from Interested and Affected Parties, and the response by the applicant thereto, were carefully assessed and considered. Following assessment of the documentation, the following can be concluded:

Wilderness Ratepayers and Residents Association

The objector states that they fail to understand the application in its entirety, particularly based on the previous applications. In this regard, it should be noted that the correct application process was followed by the applicant. The latest approval, dated 26 April 2019, allows for the second dwelling unit to be developed in a different location. Any amendments to the approved site layout plan, requires an application in terms of Section 15 of the Land Use Planning By-law for George Municipality (2015). It should further be noted that an application for an OSCAE permit has been submitted (on 11 April 2022). Building plans will only be approved following the issuing of an OSCAE permit.

Wilderness & Lakes Environmental Action Forum

The objector states that the size of the already partially completed second dwelling is unclear and requests that the size be verified. In this regard, it should be noted that the size of the proposed second dwelling is indicated as 131m² on the site plan (dated August 2021), consistent with the development parameters for a second dwelling in terms of the George Integrated Zoning Scheme By-law (2017).

The objector further requests a certificate confirming that the kitchen in the studio/second dwelling has been removed and that same will not be rebuilt. The applicant confirmed that the kitchenette was removed from the studio in his response to comments document. The afore-mentioned was verified by a site visit on 9 March 2022 by the writer of this report. See **Figure 11** below, as evidence of the removal of the sink (waterpoints). Further to the afore-mentioned, the studio is not regarded as a second dwelling, given the facts that the kitchenette and all waterpoints were removed, and that the studio consists of only two non-interleading rooms.

The objection has been sufficiently addressed by the applicant and same should be disregarded.



Figure 11: Position of sink (removed)

Jan Heyneke (2018 Koobooberry Close, Wilderness)

The following main concerns raised by the objector are increased traffic; illegal building works and environmental concerns (OSCAE); potential 3rd dwelling unit; design; spatial planning policy; and access. Each of the above objections / concerns will be assessed individually as follows:

- **Increased Traffic**

The objector is concerned about increased traffic on Koobooberry Close (i.e. the access road extending from Wilderness, to the south of the subject property, as shown by the red dotted line on **Figure 12** below). As stated previously in this report, the rights for the second dwelling on the site have been approved in July 2017. No additional rights are being applied for in this application. Given the afore-mentioned, no additional vehicular trips will be generated due to this application.

Notwithstanding the above-mentioned, the development of a second dwelling on the site will not have a negative impact on the traffic in the immediate surrounds. The objection w.r.t increased traffic on Koobooberry Close, lacks merit and should not be upheld.



Figure 12: Koobooberry

- Illegal building works and environmental concerns (OSCAE)
The objector is of the opinion that building works have not ceased and are ongoing. From a site visit on 9 March 2022, it was verified and concluded that there are no ongoing building works on the site. The objector further requests if an OSCAE permit was issued. In this regard, it should be noted that building plans will only be approved following the issuing of an OSCAE permit.
- Third dwelling unit
The objector states that the application is for a third dwelling unit on the site. As stated above, the kitchen was removed from the existing studio on the site. There is therefore not currently a second dwelling unit on the site. The objection has been sufficiently addressed by the applicant.
- Design
The objector questions the design of the second dwelling, stating that the impression is created by the applicant that the design will be identical to the previous approval (July 2017 approval). In this regard, it should be noted that the proposed second dwelling's size decreased from 242m² and two storeys (approved in 2017) to 131m² and one storey (newly proposed). The footprint and massing of the proposed second dwelling will therefore be less when compared to the previous approval. Further to the aforementioned, the proposed second dwelling is not visible from the objector's property, therefore having no visual impact whatsoever.
- Spatial planning policy
The objector argues that the 2017 application would not have currently / presently been approved, as same is not consistent with the guidelines of the MSDF (2019) and the Wilderness, Lakes and Hoekwil LSDF (2015). In this regard, it can be concluded that the objection should be disregarded, given the following:
 - The MSDF (2019) and the LSDF (2015), are both in support of the development of second dwelling units within the area.

- Policy consistency was assessed during the 2017 application and approval processes. No additional rights are being applied for.

- Access

The objector is concerned about access via Koobooberry Close, and states that access via the servitude road connecting to Koobooberry Close is not a given. The existing lawful access arrangements to Erf 1068, Hoekwil will remain unchanged. The objection is therefore not relevant.

Conclusion

Following the assessment and consideration of all objections to the application, including the response by the applicant thereto, it can be concluded that all objections were sufficiently addressed. The objections should therefore not be upheld.

PART O: SUMMARY OF EVALUATION

The rights for the development of a second dwelling unit on Erf 1068 Hoekwil, have been approved in July 2017. The aforementioned approval was amended to allow for the relocation of the second dwelling (this application was approved on 26 April 2019). It is now the intention of the landowners to again relocate the second dwelling, within a similar location as per the July 2017 approval. Most importantly, it should be noted that no additional rights are being applied for. In fact, the proposed 2nd dwelling is significantly smaller and much lower than that originally approved by the municipality in 2017.

The proposal has been assessed and the following is found:

- The application is consistent with the George Municipal Spatial Development Framework (2019) and the Wilderness, Lakes and Hoekwil LSDF (2015), notwithstanding the fact that the policy compliance was assessed during the 2017 application process;
- 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 to convert the studio to an outbuilding and the erection of the new second dwelling complies with the requirements of the George Integrated Zoning Scheme.
- The proposal will not have a substantive negative visual impact on the immediate surrounds as the proposed structure will be screened by vegetation and same is also proposed on the eastern descending slopes of the north-south ridgeline. The impression is being created that there is only one dwelling unit on the site, given the downward sloping ridgeline;
- No negative impacts on engineering services are foreseen. The existing engineering services are to be utilised;
- There will not be a negative impact on the surrounding property rights whatsoever (views, privacy & sunlight), given the fact that the properties potentially affected are located ± 250 from the development site and the dense vegetation in the immediate surrounds;
- There will not be a negative impact on traffic, given the fact that no additional rights are being applied for; and
- The proposal will not have a significant detrimental impact on heritage resources or character of the area, as same is proposed outside of the critical biodiversity area. There is no reason to believe that there are any heritage resources on the site.

Thus, 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**.

PART P: RECOMMENDATION

That, the application for Amendment in terms of Section 15(2)(h) of the Land Use Planning By-Law for George Municipality (2015), of condition 2 of the approval dated 26 April 2019 which reads as follows:

This approval shall be taken to cover only the application applied for as indicated on the Site Development Plan with the drawing number "Hoekw 1068 1.3" attached as "Annexure A", that bears Council's stamp shall not be construed as to depart from any other Council requirements of legal provision.

To read as follows:

*The approval shall be taken to cover only the application applied for as indicated on the Site Plan with drawing number Hoekw 1068 1.5 dated August 2021 attached as **Annexure A**, that bears Council's stamp and shall not be construed as to depart from any other Council requirements or legal provision;*

to reposition a second dwelling unit on Erf 1068 Hoekwil;

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

- (i). The proposed structures do not detract from the surrounding land use character, streetscape nor will it have a substantive negative impact on the adjacent neighbours' amenity to privacy, sunlight and views, as the proposed structure will be screened by vegetation and the slopes of the north-south ridgeline;
- (ii). The proposal is not in conflict with the spatial development objectives for the area (George MSDF 2019 & Wilderness-Lakes-Hoekwil LSDF 2015), notwithstanding the fact that policy compliance was assessed during the previous (2017) application process;
- (iii). No negative impacts on bulk engineering services are foreseen;
- (iv). There will be no additional traffic impact (trip generation), given the fact that no additional rights are being applied for;
- (v). The development proposal will not result in any significant negative changes to the bio-physical characteristics of the property; and
- (vi). No additional rights are being applied for and the amendment of the Site Plan is to change the position of the approved second dwelling unit on Erf 1068, Hoekwil.

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 provisions of the Land Use Planning By-law for the George Municipality, 2015, the approval shall lapse if not implemented within a period of two (2) years from the date thereof;
2. The above approval is subject to the remaining conditions as stipulated in Council's approval letters of 21 July 2017 and 26 April 2019.
3. No development should occur within the CBA area adjacent to the development site.
4. All areas of natural vegetation to be left undisturbed.

CONDITIONS OF THE DIRECTORATE: CIVIL ENGINEERING SERVICES

5. 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:

6. The amounts of the development contributions are reflected on the attached calculation sheet dated 29/09/2021 (attached as **Annexure B**) are as follows:

Roads R 3 203.88;

Water R 13 329.75;

Total: R 16 533.63 (Vat excluded)

7. The total amount of the development charges of R16 533.63 (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.
8. Any amendments or additions to the proposed development which is not contained within the calculation sheet as dated in condition 6 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.
9. 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 533.63 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 7 above.
10. 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.

CONDITIONS OF THE DIRECTORATE: ELECTROTECHNICAL SERVICES

11. 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:
12. The amounts of the development contributions are reflected on the attached calculation sheet dated 11/10/2021 (attached as **Annexure B**) are as follows:
- Electricity R 16 634.27 (Vat excluded)**
13. The total amount of the development charges of R16 634.27 (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.
14. Any amendments or additions to the proposed development which is not contained within the calculation sheet as dated in condition 12 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 R16 634.27 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 10 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 (electrical, 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 applies).
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 applies).
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 applies).
23. Suitable servitudes must be registered for any municipal service not positioned within the normal building lines.
24. The applicant is to comply with the National Forestry Act, Act No 84 of 1998, should it be required.
25. Provisions for the removal of solid waste is to be addressed in conjunction with the Dir: Environmental Services.
26. 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.
27. 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.
28. 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.
29. 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.
30. 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.
31. 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.

32. 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.
33. Owner to ensure compliance with Regulation XA of SANS 10400 (building plans).
34. Owner to ensure compliance with Regulation XA of SANS 10142 (wiring) and any other applicable national standards.
35. A detailed energy efficiency and demand side management plan to be implemented in the development to provide to the municipality.
36. Neither the Developer or the HOA or a property owner are allowed to distribute electricity across property boundaries.
37. 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.
38. 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.
39. All the MV/LV work must be installed and be funded by the developer as no DCs are levied for this network.
40. The developer / customer has requested a kVA/unit less than the standard kVA/unit. This has been accepted based on the condition that details relating to the proposed DSM / energy savings measured and capacity limits be supplied and that proof of implementation be provided.

PART Q: ANNEXURES

Annexure A	Site Plan
Annexure B	CES and ETS calculation sheet
Annexure C	Motivation Report
Annexure D	Locality Plan
Annexure E	Previous approval documents
Annexure F	Title Deed
Annexure G	Objections
Annexure H	Response to Objections Report
Annexure I	Comment from Department of Environmental Affairs and Development Planning
Annexure J	Comment from Department of Agriculture
Annexure K	Power of Attorney



MARTIN BOTHA (Pr.Pl.n. A/2518/2017)
TOWN PLANNER

13/04/2022
DATE



J. Fourie A/1429/2011
SENIOR TOWN PLANNER

DATE

RECOMMENDED/ REFER TO APPLICANT/ REFER TO TRIBUNAL



28/04/2022

C. PETERSEN (B/8336/2016)
SENIOR MANAGER: TOWN PLANNING

Date

APPROVED / REFUSED/ REFER BACK TO APPLICANT/ REFER TO TRIBUNAL



pp.

09/05/2022

D. POWER (A/1973/2014)
DEPUTY DIRECTOR PLANNING/AUTHORISED OFFICIAL

Date

Attachments : Annexures for Erf 1068, Hoekwil



Erf 1068 Hoekwil
(Tribunal Annexures)

6.6. Consolidation, Amendment of Conditions of Approval and Site Development Approval : Erven 25396 to 25402, Patrysbos Street, Blue Mountain Gardens, George (M Botha)

LAND USE PLANNING REPORT					
APPLICATION FOR CONSOLIDATION, AMENDMENT OF CONDITIONS OF APPROVAL AND SITE DEVELOPMENT PLAN APPROVAL: ERVEN 25396 TO 25402, GEORGE					

Reference number	1800777	Application submission date	25/01/2021	Date report finalized	09/05/2022
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PART A: AUTHOR DETAILS

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

PART B: APPLICANT DETAILS

First name(s)	Johannes George				
Surname	Vrolijk				
Company name	Jan Vrolijk Town Planner / Stadsbeplanner				
SACPLAN registration number	A/1386/2010	Is the applicant authorized to submit this application?	Y	N	
Registered owner(s)	<ul style="list-style-type: none"> Erven 25396, 25397 & 25399 to 25402, George [Rainbow Place Properties 29 (Pty) Ltd Registration number 2004/027560/07] Erf 25398 George [CSHELL 172 (Pty) Ltd Registration number 2005/035900/07] 				

PART C: PROPERTY DETAILS

Property description (in accordance with Title Deed)	Erven 25396 to 25402, George					
Physical address	Blue Mountain Gardens, Patrysbos Street		Town/City	George		
Current zoning	Single Residential Zone II (Estate Housing)	Extent(m ² /ha)	Erf 25396: 803m ² Erf 25397: 799m ² Erf 25398: 828m ² Erf 25399: 708m ² Erf 25400: 730m ²	Are there existing buildings on the property?	Y	N

			Erf 25401: 736m ² Erf 25402: 708m ²			
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	Vacant		Title Deed number & date	<ul style="list-style-type: none"> Erven 25396, 25397 & 25399 to 25402, George: T35683/2008 Erf 25398 George: T76701/2021 		
Any restrictive title conditions applicable?	Y	N	If Yes, list condition number(s)	N/A		
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 F			
Reference Number	Erven 25396 to 25402 George		Date of consultation	27 May 2019	Official's name	C. Petersen
PART E: LIST OF APPLICATIONS (TICK APPLICABLE)						
f. Rezoning		b. Permanent departure		jjjj. Temporary departure		kkkk. Subdivision
IIII. Consolidation	x	mmmm. Amendment, suspension or deletion of restrictive conditions		nnnn. Permissions required in terms of the zoning scheme	x	oooo. Amendment, deletion or additional conditions in respect of existing approval
pppp. Extension of validity period		qqqq. Approval of an overlay zone		rrrr. Phasing, amendment or cancellation of subdivision plan		ssss. Permissions required in terms of conditions of approval
tttt. Determination of zoning		uuuu. Closure of public place		vvvv. Consent use		www. Occasional use
xxxx. Establishment of a Home Owners Association		yyyy. Rectify Beach of Home Owners Association		zzzz. Reconstruct building of non-conforming use		Other
PART F: APPLICATION DESCRIPTION						
Consideration of the following applications applicable to Erven 25396 to 25402, George:						

1. Consolidation in terms of Section 15(2)(e) of the Land Use Planning By-law for George Municipality (2015), of Erven 25396 to 25402 George, to create a development area measuring $\pm 5\,312\text{m}^2$ in extent (refer “**Annexure A**”);
2. Amendment in terms of Section 15(2)(h) of the Land Use Planning By-law for George Municipality (2015), of the existing approved Single Residential Zone II (“Estate Housing”) zoning of the consolidated erf from Single Residential Zone II (Dwellings) to Single Residential Zone II (Flats) (refer “**Annexure B**”); and
3. Approval of a Site Development Plan for the consolidated erf, in terms of Section 15(2)(g) of the Land Use Planning By-Law for George Municipality (2015) (refer “**Annexure D**”).

PART G: LOCATION

Erven 25396 to 25402 George (the application area), are located within the south-eastern part of the Blue Mountain Gardens Residential Estate, in George. The Garden Route Mall is located approximately 500m to the east and the N2 Freeway to the south. Within its local context, Patrysbos Street abuts the southern and eastern boundaries of the application area. Cederberg Street abuts the northern boundary and existing residential development is located along the western boundary of the application area. The figures below represent the locality of the application area.

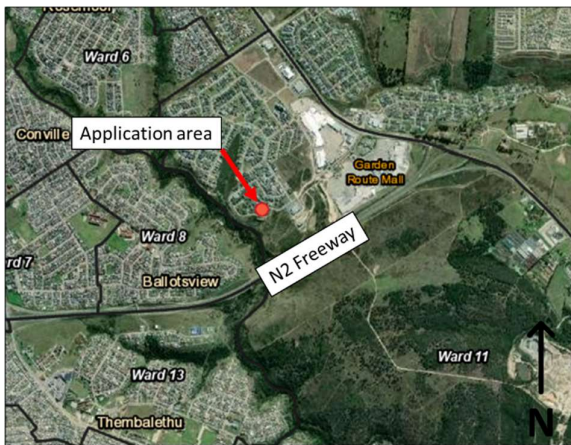


Figure 1:



Figure 2: Aerial cadastral

PART H: BACKGROUND AND HISTORY

On 26 November 2007, an application was approved for the rezoning of the Remainder of Portion 22 of the Farm Kraaibosch No 195, Division George, from Agricultural Zone I to a Subdivisional Area, in terms of the Land Use Planning Ordinance (Ordinance 15 of 1985). The rezoned land unit was subdivided to create four phases consisting of residential uses, private open space, private roads etc (refer **Figure 3** below for approved plan). The table below indicates the November 2007 approved land uses.

	142- 144	erwe
	Erf 130	1 Oopruimte Sone II (Privaat Oopruimte) erf
	Erf 131	1 Pad (Privaat pad)
Fase II	Erf 132	1 Residensiële Sone II (Groepsbehuising) erf met vergunning vir 'n aftree-oord
Fase III	Erf 133-135	3 Residensiële Sone IV (Woonstelle) erwe
		1 Pad (Publieke pad)
Fase IV	Erf 136 en 137	2 Residensiële Sone III (Dorps huis) erwe
	Erf 139	1 Residensiële Sone IV (Woonstelle) erf
	Erf 140	1 Oopruimte Sone II (Privaat Oopruimte) erf
	Erf 141	1 Owerheidsone (Substasie) erf
	-	1 Pad (Publieke pad)
Fase sal bepaal word	Erf 138	1 Residensiële Sone III (Dorps huis) erf



140 | Page

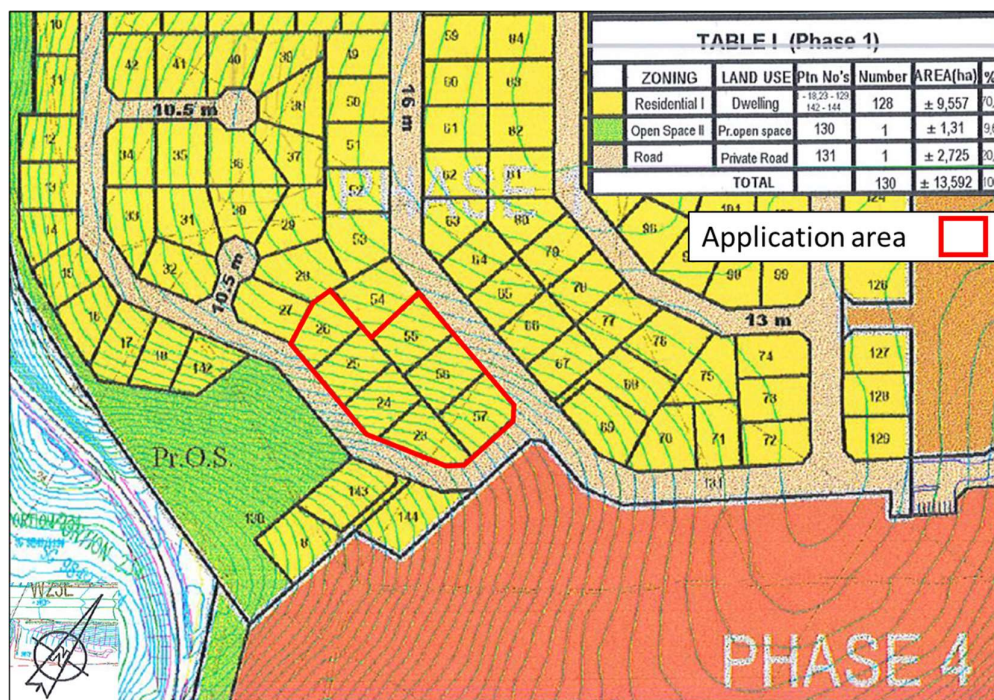


Figure 4: Application area relative to approved layout – 26

Further to the above, it should be noted that Erven 25396 and 25397 George, have recently/previously been subdivided to create two additional land units. The said land units have however not been registered in the Deeds Office. It is assumed that the landowner will instruct his land surveyor to cancel the said diagrams at the Surveyor General's office.

The previous approval documents are attached as **Annexure P**.

PART I: SUMMARY OF APPLICANTS MOTIVATION (refer Annexure H)

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

Application is made for the following:

- Consolidation in terms of Section 15(2)(e) of the Land Use Planning By-Law for George Municipality (2015), of Erven 25396 to 25402, George.
- Amendment in terms of Section 15(2)(h) of the Land Use Planning By-Law for George Municipality (2015), of the existing approved Single Residential Zone II ("Estate Housing") zoning of the consolidated erf from Single Residential Zone II (Dwellings) to Single Residential Zone II (Flats).
- Approval of a Site Development Plan in terms of Section 15(2)(g) of the Land Use Planning By-Law for George Municipality (2015), for the consolidated erf.

Development Proposal

- It is the intention to develop 28 flats on the consolidated area, in accordance with the submitted Site Development Plan (SDP). The 28 flats will be accommodated within seven double storey blocks, each block consisting of four flats (i.e. two flats on ground floor and two flats on first floor) (refer **Figure 5**).
- Each flat will measure between 62m² and 63m², having two bedrooms, an open plan living / kitchen area and one bathroom. Ground floor units will have an open patio and two private outdoor spaces. First floor units will have balconies.
- Four garages will be accommodated in each development block (one garage per flat). Each flat will also have one open parking bay. In total, 56 parking bays (two bays per unit) will be provided within the development. Three visitors parking bays will be accommodated on the site.



Figure 5: Proposed Site Plan

- A refuse area and washing line area will also be accommodated within the development.
- The figure below shows the floor plans and section drawings of the proposal.



Figure 6: Section drawings and floor

- The proposed development will have a floor area of approximately 2 670m² (1 773m² on ground floor).
- Coverage will be approximately 33% and there will be a floor factor of approximately 0.5.
- Approximately 17% or 600m² of open space will be provided.

Pre-application

- A pre-application was considered by the George Municipality on 3 June 2019. The availability of bulk services (civil and electrical) was questioned at the pre-application meeting, and it was also stated that the application area is not located within a densification area – flats developments are therefore not encouraged in the said area.
- Following the comments at the pre-application meeting, an application was submitted on 14 May 2020 to the George Municipality.
- The following was stated by the George Municipality via email on 21 May 2020:

“Neem asseblief kennis dat Blue Mountain Gardens deel vorm van Estate Housing en dus is die sonering Estate Housing en is ‘n aansoek vir hersonering nie nodig nie.

Die aansoek proses is soos volg:

- 1. Konsolidasie aansoek itv Artikel 15(2)(e)*
 - 2. Aansoek itv Artikel 15(2)(h) vir die wysiging van die goedgekeurde ‘soneringsplan’ – die plan wat die erwe en onderskeie sonerings aandui.*
 - 3. En aansoek itv Artikel 15(2)(g) vir die nuwe Terrein ontwikkelingsplan.*
- Ons stel voor dat jy ‘n nuwe vooraf aansoek indien gebaseer op die korrekte sonering as Estate Housing.*

Let wel: die vorige vooraf-konsultasie het aangetoon dat daar nie riool kapasiteit is vir die voorgestelde verdigting nie, maar daar word in die motivering genoem dat daar addisionele kapasiteit is agv die duet huise. Stel voor dat kapasiteit met die siviele afdeling bespreek word.”

- Following the above, a revised pre-application was submitted on 28 May 2020. It was concluded by the pre-application consultation that the zoning remains ‘estate housing’ with flats as land use and that the existing Environmental Authorisation must be assessed to determine if flats may be accommodated. It was further confirmed that a consolidation plan, zoning plan, SDP for Blue Mountain and for the new consolidated land unit, need to be submitted. It was further stated that an electrical engineering services report must be submitted, confirming bulk capacities. In terms of civil services, it was confirmed that the original condition remains applicable, and the developer needs to provide an updated services engineering report, addressing the additional capacity required.
- The application was amended based on the pre-application outcome.

Ownership and title deeds

- The owners of the properties are Rainbow Place Properties 29 (Erven 25396, 25397 & 25399 to 25402, George) and CShell 172 (Pty) Ltd (Erf 25398 George).
- No bond is registered over the properties.
- Conveyancer’s Certificates are appended to the application. *In this regard, it should be noted that no restrictive title deed conditions were identified which prohibit the proposed development of the site.*

Locality and land use

- Erven 25396 to 25402, George are located within the south-eastern portion of Blue Mountain Gardens.
- The properties are currently vacant land.

Area

- Erf 25396: 803m²
- Erf 25397: 799m²
- Erf 25398: 828m²
- Erf 25399: 708m²
- Erf 25400: 730m²

- Erf 25401: 736m²
- Erf 25402: 708m²
- The consolidated land unit will have an area of 5 312m².

Zoning, General Plan and Servitudes

- Erven 25396 to 25402, George are zoned in terms of the George Integrated Zoning Scheme By-Law (2017) for Single Residential Zone II (dwelling units) purposes.

*Please take note that there is no Single Residential Zone II (dwelling units) designation in the George Integrated Zoning Scheme By-Law (2017). The Single Residential Zone II allows for '**Estate Housing**' in terms of the Zoning Scheme (2017). Estate Housing allows for dwelling units as a land use. It is assumed that the applicant refers to 'dwelling units', as per the previous approval (2007).*

- The subject properties form part of General Plan No 45/2008.
- There are no registered servitudes on the subject properties.

Blue Mountain Homeowners Association Consent

- The development proposal has been considered and approved by the Blue Mountain Homeowners Association on 2 September 2019.

Existing Environmental Authorisation

- The existing Environmental Authorisation (EA) makes provision for flats within the estate.

Approved land use application for Blue Mountain Gardens

- When the approved layout (dated 26 November 2007) is compared to the status quo of the estate, clear differences are noticed to what is shown on the approved plan, without any amendments to the EA. It is therefore argued that no amendment to the EA is required as part of this application.

Desirability of the consolidation application

- The existing sewer line is located along the rear boundaries of Erven 25396 to 25398, George. The sewer line will be accommodated by the proposed development layout. No existing services restrict the proposed development.
- Should duet units be developed on Erven 25399 to 25402 George, excavations and retaining walls will be required to provide access to the said erven (the erven are located approximately 4m higher than Patrysbos Street – a 4m elevation exists). The proposed development will only have one access point level to the street, therefore having a reduced visual impact (on view lines and the streetscape). Should excavations and retaining walls be required for the duet units, there may be a negative impact on pedestrian movement along Patrysbos Street.
- The proposed consolidation will create the opportunity for a 'meaningful' development. The consolidation will enable the erven to be developed to their full potential.
- The highest point of the consolidated erf is located within the north-western corner (204m contour line) and the lowest point is located within the south-eastern corner (188m contour line). The height between the highest and lowest points on the application area is therefore approximately 16m. The consolidation of the 7 erven has the following advantages:
 - The side and rear boundaries of the 7 erven will not have to be considered.
 - The height difference over the 7 erven can be accommodated.
 - A single, well-planned development platform with one central access can therefore be created for the consolidated erf.
 - The development of the 7 erven on an individual basis will result in the creation of 7 different platforms with different heights and various retaining walls. Each of the plots will also have to be provided with its own access, with the necessary excavations that accompany same. Should proper planning of these different levels and retaining walls not take place between the 7 property owners,

- it will lead to a situation where stability of ground levels between properties can become problematic. The consolidation of the erven prevents this potentially problematic situation.
- From an aesthetic point of view, the height difference will also lead to a development that will have a more positive impact on the environment, than if the erven were each developed individually with their own excavations and retaining walls.
 - In terms of the development proposal, a harmoniously planned architectural design development can be set against the development of 7 duet dwellings, each with their own design, appearance, excavations and retaining walls.
 - By creating one platform only (and not 7 individual platforms) is more cost effective and creates the opportunity to develop more affordable dwelling units.
- The market value of the subject properties is low due to the fact that the erven have a steep south-facing slope which entails certain construction problems and additional development costs; the erven overlooks Parkdene (a low income neighbourhood); noise from Parkdene; views to and noise from the N2 freeway; and the 7 erven will in future only be separated by a street from Erven 26680 and 26681 George, on which business uses can be established. The developers will not recover their development costs from the alienation of the 7 erven. It will further give the developers the opportunity to create a developed product rather than several plots that have various problems from a development perspective.
 - Dwelling units will be affordable to the public (development costs are allocated over 28 units).
 - The consolidation of the erven will constitute a development that can serve as a buffer between the Blue Mountain Gardens and the adjacent business uses, N2 National Road and the low-income residential area, to the benefit of the larger Blue Mountain Gardens residential area.
 - Erven 26680 and 26681, George are zoned Business Zone I and will therefore be developed with business uses in the future. As the business sites will not be accessible from Blue Mountain Gardens, the 7 erven will face the “backs” of the business buildings and will therefore be directly exposed to negative elements such as loading zones, air conditioners, parking areas, service yards, refuse areas etc. The negative impact can be mitigated to a large extent by the consolidation of the erven and their development in accordance with the development proposal.
 - The property value of the 7 erven will increase, should the erven be consolidated and developed in accordance with the proposal.
 - There will be no negative impact on the views or sunlight of surrounding properties.
 - The layout and placement of the proposed flats is such that the flats on the consolidated erf will in no way infringe on the privacy, tranquility, or attractiveness of any adjacent dwelling unit.
 - Given the above-mentioned points, the proposed consolidation of the erven has several advantages and it is argued that there is no reason why the application for consolidation of the erven cannot be regarded as meaningful from a town planning point of view.

Desirability of the application for the amendment of the zoning of the consolidated erf to flats

- The contours have a definite negative impact on the development of the erven on an individual basis, while the impact of the slope is much more mitigated and architecturally easier to accommodate in the development proposal.
- The soil conditions of the erven that form the subject of this application consist of deposits of clayey silt and silty sands that cover underlying residual clay soil. The soil material has revealed varying degrees of plasticity across the site indicating that its clay and silt content varies from place to place. The clay has swelling properties that can cause problems with foundations and structures. However, this aspect can be addressed through proper structural design and therefore places no obstacle on the development of the erven. Soil conditions are regarded as natural and stable. Excavations will have to be undertaken in order to form a development platform for the development proposal (in consultation with structural engineers).
- Vegetation does not place a restriction on the developability of the erven.
- The erven are not impacted by flood lines, fountains or unique ecological habitats.

- From the site's physical characteristics, there is no reason why the application for rezoning cannot be supported.

Please take note that an application for rezoning is not submitted. It is merely for the amendment of the zoning plan.

Density of the development proposal

- A density of 53 du/ha is proposed on the application area. The existing density within the estate is approximately 26 du/ha.
- The proposed development will have a total coverage of $\pm 33\%$ and a floor factor of ± 0.5 . The existing duet units in the estate has a coverage of 35% to 45%. In terms of the development proposal, 4 dwelling units will be developed on an erf, i.e. double the number of dwelling units allowed on the existing erven within the estate. *It is assumed that the applicant refers to duet units (following subdivision of erven).* However, the total area of the 4 units proposed on each erf, including garages, will only be approximately 320m², while an overall coverage of 33% is proposed. The area and coverage are in close correlation with the area and coverage of the two dwelling units currently allowed on a plot in Blue Mountain Gardens. *It is assumed that the applicant refers to duet units (following subdivision of erven).* Although the density is significantly increased, the proposed development area and coverage are in line with the character and "massing" appearance of the existing dwelling units currently being developed on a residential site in Blue Mountain Gardens.
- The proposed flats at street level will have a single-level appearance that is in line with the character of the existing duets that prevail in the area. The character of the development will therefore not be negatively affected by the higher density development.



Figure 7: Street level views

- The high-density appearance of the development will be experienced from the internal access to the development and not from the outside.

Phasing

- It is the intention to develop the site as one entity. There will therefore not be any phasing of the proposed development.

Compliance of the proposal with existing legislation, planning documents and policy

- **Spatial Planning and Land Use Management Act (SPLUMA 2013)**
 - Spatial Justice (complies): Undeveloped land will be developed to a higher potential through this application. The apartments to be developed are going to be sold or rented at a market-related price. The middle-income market is targeted by the proposed development. The George Integrated Zoning Scheme By-Law (2017), contains provisions that enable and facilitate the development of land belonging to disadvantaged people. However, due to high infrastructure costs, the middle-income group will be targeted by the proposed development.

- Spatial Sustainability (complies): The application area is located within the urban edge and is designated for urban development by the George Municipal Spatial Development Framework (2019) (urban sprawl is not promoted). The development costs will be the responsibility of the developer. Bulk engineering services are available.
- Spatial Efficiency (complies): The erven are located within a serviced area. The proposed development will therefore connect to existing engineering services.
- Spatial Resilience (complies): The subject properties are located within the urban edge and is designated for residential development by the George Municipal Spatial Development Framework (2019).
- Good Administration (complies): The George Municipal Spatial Development Framework (2019) was compiled on the basis of an integrated process (input was received from all spheres of government). The application was submitted in terms of the Land Use Planning By-Law for George Municipality (2015) and will be processed accordingly. The application will undergo a public participation process, as prescribed by the Land Use Planning By-Law for George Municipality (2015).

The proposed development complies with the principles of SPLUMA (2013).

- **Land Use Planning Act (LUPA 2014)**

- The application complies with the LUPA (2014), as same is consistent with the structure plans / spatial development frameworks of the municipality.

- **Provincial Spatial Development Framework (WCG)**

- The development proposal will restrict urban sprawl and increase the residential density, and therefore complies with the Provincial Spatial Development Framework. The proposed development will further create a variety of residential options (flats are proposed in an area consisting of single dwellings).

- **George Municipal Spatial Development Framework (2019)**

- Policy Guideline C (specifically guidelines C1 to C3) is relevant to the application. In terms of Policy Guideline C, the objective is to promote densification in suitable built-up areas, and target strategically located vacant land for infill urban development. In terms of the afore-mentioned compaction in suitable built-up areas should be encouraged and specific reference is made to areas located within a 500m radius from activity axes, main bus routes and nodes. From the afore-mentioned statement, it can be concluded that higher density development should be promoted close to the Garden Route Mall and the Eden Meander Life Style Mall development node.
- Although little vacant land is available for densification within the 500m radius surrounding the Garden Route Mall and the Eden Meander Life Style Mall, meaningful densification occurs through duet developments within Blue Mountain Gardens, as approved by the Directorate of Planning and Development (George Municipality). Blue Mountain Gardens are therefore appropriate for densification.
- Spare capacity for engineering services (sewer and water) is available in Blue Mountain Gardens. Engineering services will be utilized to their full potential.
- The fact that the flats will be marketed at a more affordable price will mean that the larger Blue Mountain area will become more accessible to a larger part of the population of George and can therefore positively lead to greater integration of communities.
- The opinion is held that the proposal does meet the broad requirement highlighted in Policy Guideline C.

- **George Integrated Zoning Scheme By-Law (2017)**

- Erven 25396 to 25402, George are zoned Single Residential Zone II, in terms of the George Integrated Zoning Scheme By-Law (2017). The afore-mentioned zoning allows for flats (amongst

other uses). The original EA for Blue Mountain makes provision for flats and it is therefore argued that flats may be accommodated within the Estate.

- In terms of the George Integrated Zoning Scheme By-Law (2017), flats are subject to a 5m street building line and a 4.5m side boundary building line.

Character of the environment

- The greater Blue Mountain development area is characterized by a variety of housing types that give the development area a special character. The type of dwelling units that occur in the development area include, among others, the Haven retirement village / care resort development that is being developed at a density of approximately 120 units per hectare, an existing retirement village that has been developed at a density of approximately 25 units per hectare, a duet development at approximately 26 units per hectare, and single dwelling erven developed at a density of approximately 13 units per hectare.
- The development of 28 flats on a portion of the greater Blue Mountain development area, that is not really suitable for single dwelling or duet development, and proposed at a position that holds general benefits for the specific area surrounding the flats, would mean that the spectrum of housing units available within the estate is further expanded.
- The flats will promote a 'living character' (and not have the 'traditional flats appearance').
- The proposed development area and coverage of the 4 units per erf / development block are in line with the character and "massing" appearance of the existing dwelling units currently being developed on a residential site in Blue Mountain Gardens (see "*Density of the development proposal*" above).
- The proposed development will not have a negative impact on the surrounding streetscape / character of the surrounding environment (see "*Density of the development proposal*" above, including street level views).
- The higher density 'look' will only be experienced from the internal access of the development.
- It is argued that the development proposal can be accommodated within the greater Blue Mountain development area and that it will not adversely affect the overall character, appearance, functioning or property values within the greater Blue Mountain development area.

Potential of the consolidated property

- In terms of the general development trend in Blue Mountain Gardens, all erven in the residential estate have the potential to be subdivided into two erven, after which the subdivided portion may be developed with a duet dwelling. The application area therefore already has the development potential to be developed with 14 dwelling units.
- The topography of the application area is favorable to the development of a consolidated site.
- The proposed high density development will also serve as a buffer between the existing duet developments at Blue Mountain Gardens and the various negative elements that occur in the area.
- The massing of the proposal is consistent with the surrounding duets.

Accessibility

- The security entrance to the greater Blue Mountain development area is accessed from Park Road extension. Park Road forms one of the main bus routes in the eastern part of George with bus stops occurring in the immediate vicinity of the Blue Mountain security entrance. The application area is considered highly accessible.
- The Garden Route Mall and the Eden Meander Life Style Mall are developments with high employment figures in George, with dozens of workers in positions that will be able to afford the type of residential accommodation as proposed. The proposed flats will meet the needs of these workers i.e. affordable housing available in the immediate vicinity of employment.

Parking provision

- Parking will be provided in accordance with the George Integrated Zoning Scheme By-Law (2017). A total of 56 parking bays must be provided on the site. A total of 59 bays will be provided. The proposed development complies with the required parking parameters.

Provision of services

- Civil services: Civil services capacity is available (water and sewer) for the proposed development.
- Electrical services: A new low voltage conductor/feeder must be installed by the developer to ensure that the necessary electrical capacity is available for the development.
- Refuse collection: A central refuse area will be accommodated adjacent to Patrysbos Street. The George Municipality refuse services will collect refuse.

Desirability / impact of proposed building lines

- Terrain topography: It is not desirable from an aesthetic and practical point of view to develop parking platforms directly along the street fronts, due to the slope. In order to optimally utilize the consolidated erf, to mitigate and minimize the impact of the development on the street, parking must be provided internally to the development. Due to design guidelines, it is necessary to develop the flats slightly closer to the street in order to meet the parking requirements. The street building line encroachment is to enable an aesthetically acceptable development.
- Existing surrounding development: The duet units within the estate has a 0m side boundary building line on one of the side boundaries and a 1.5m building line on the other side. A street building line of 1.5m applies for residential erven in the estate. In terms of this development proposal, street and side building line relaxations are requested. No flat will be erected closer than 3.7m to a street boundary or closer to 2,118m to a side boundary. The normal street building lines and side boundary building lines that apply to 90% of Blue Mountain Gardens are therefore respected and complied with. This 3m street boundary building line and 1.5m side boundary building line form part of the character Blue Mountain Gardens.

The applicant mentions that street and side building line relaxations are requested. Building line relaxations / departures are required when the proposed development is assessed and processed in terms of the George Integrated Zoning Scheme By-law (2017). A departure application (from the Zoning Scheme 2017) is not required in this regard, as the Blue Mountain Lifestyle Estate Duet Architectural Guidelines (2019) regulate development within the estate. The Blue Mountain Lifestyle Estate Duet Architectural Guidelines (2019) will have to be amended and approved (i.e. to stipulate development parameters, including building lines, for flats).

There will be open spaces between the blocks of flats. The fact that no street access is provided to the 7 erven creates the opportunity of a continuous garden along Cederberg Street and Patrysbos Street which correspond with the front gardens of the duet houses. The side building line encroachment is minor, having no impact on the surrounding development. The proposal will be consistent with the existing character and no unwanted precedent will therefore be set.

- Impact on open space: 600m² of open space will be provided on the consolidated erf, while the Blue Mountain Gardens Homeowners Association is currently also converting a portion of Erf 25381 George, which is located directly southwest of the application area, into a usable open space.
- Impact on streetscape: The fact that no street access is provided to the 7 erven creates the opportunity of a continuous garden along Cederberg Street and Patrysbos Street which correspond with the front gardens of the duet houses. The streetscape along the two street edges will therefore directly correspond to the general streetscape that occurs along streets in Blue Mountain Gardens. The general streetscape of Blue Mountain Gardens will therefore not be negatively affected by the proposed development.
- Impact on sunlight, views and privacy: The street building line relaxation will not have an impact on sunlight, views and privacy, due to the wide road reserves. The western common boundary building line departure (along Erf 25403 George) is only for a 3m² portion, having no impact on sunlight, views or privacy. The western common boundary building line departure along Erf 26146 George, will have no impact on the sunlight, views or privacy of the existing duet unit on the said erf. It should also be noted that a duet unit may be developed at a distance of 1.5m from the common boundary. *As stated above, building line departure applications cannot be considered for this application as the Blue Mountain Lifestyle Estate Duet Architectural Guidelines (2019) will have to be amended.*

- Impact on property values: The development will be of high quality and will be completed with landscaped gardens and parking spaces. There is therefore no reason to suspect that the proposed development will adversely affect the property value of the existing surrounding development in Blue Mountain Gardens.
- Impact on parking provision: The building line relaxation is requested for parking to be provided internally on the site, having a positive impact on the streetscape (*see comments above regarding building line relaxation*).
- Impact on traffic circulation: The proposed building lines will have no impact on traffic movement and circulation.
- Provision of services: The proposed building lines will have no impact on the provision of services.
- Firefighting: The proposed building lines will have no impact on firefighting services.

Conclusion

- The proposed consolidation and amendment of the right of use is consistent with existing planning documentation, structure plans, legislation and policy documents applicable to the application area. There is therefore no reason to not approve the application and SDP.
- The proposal will not adversely affect the development of the environment, will not adversely affect surrounding facilities, nor will it adversely affect the traffic movement in the area, and it will connect to existing municipal services.
- Given the content of the motivation report, the application can be considered desirable and in opinion there exists no reason not to approve the application.
- The application complies with the provisions and are considered for approval, in terms of the Land Use Planning By-Law for George Municipality (2015).

PART J: SUMMARY OF PUBLIC PARTICIPATION (*comment period were 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	29 January 2021	1 March 2021
Website & social media	Y	N	N/A	Unknown	1 March 2021
Ward councillor	Y	N	N/A	1 February 2021	1 March 2021
On-site display	Y	N	N/A	28 January 2021	1 March 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: • Western Cape Department of Environmental Affairs and Development Planning;	28 January 2021 29 March 2021
Total valid objections	39				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	0				

support		
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>The objections (refer Annexure I) are summarised thematically (refer Table 2 below), as there was a collective effort between the objectors, given the repetitive similarities of their focus points and the semantics used.</p>		
Table 2: Summary of comments/objections		
Objector	Comment	
1	Traffic & noise	
S. Brand; B. Coates; C. Ayliffe; RT. & R. Jacobs; C. Knoetze; G. & FJ. Cronje; D. Fouche; F. du Toit; S. Enslin; EJ. Walker; H. Becker; B. Walker; MJ. Coetzee; JJ. Fouche; C. Kershaw; D. Dehning; L. Forrester; S. de Kock; S. Pretorius; H. Stutz; VE. Vos; AW van der Westhuizen; L. & T. van Heerden; WJ. & M. van Wyk; WA. Morkel; F. Wepener; L. Pretorius; L. du Preez; A. van Loggerenberg; M. & A. Thompson; PG. & A. Macpherson; J. Mooney; P. & A. Rautenbach; N. Preston; P. Frisby; K. Basson; H. Botha	<ul style="list-style-type: none"> The proposed development will cause increased traffic and noise in the immediate area, which will have negative impacts on property values and retirement lifestyle living. Barking dogs and cats digging up gardens will be an issue. 	
2	Previous application (AGM decision)	
S. Brand; B. Coates; C Ayliffe; RT. & R. Jacobs D. Fouche; F. du Toit; S. Enslin; EJ. Walker; B. Walker; MJ. Coetzee; JJ. Fouche; C. Kershaw; D. Dehning; L. Forrester; S. de Kock; S. Pretorius; H. Stutz; VE. Vos; AW van der Westhuizen; L. & T. van Heerden; WJ. & M. van Wyk; WA. Morkel; L. Pretorius; L. du Preez; M. & A. Thompson; PG. & A. Macpherson; J. Mooney; P. Frisby; H. Botha; K. Basson	<ul style="list-style-type: none"> A previous subdivision application to increase the density was unanimously opposed and turned down, at an AGM on 12 May 2017. It was also stated at the AGM that municipal engineering service delivery is insufficient to accommodate development. 	
3	Increased density	
S. Brand; F. Wepener; PG. & A. Macpherson; K. Basson	<ul style="list-style-type: none"> The density calculations in the report only took the duet stands into consideration and excluded the single dwellings. Relaxation of building lines indicate that the density is too high within the estate (overcrowding and decrease of open space will occur). 	
4	Parking	
S. Brand; B. Coates; RT. & R. Jacobs; D. Fouche F. du Toit; S. Enslin; EJ. Walker; B. Walker; MJ. Coetzee; JJ. Fouche; D. Dehning; L. Forrester; S. de Kock; S. Pretorius; VE. Vos; AW van der Westhuizen; L. & T. van Heerden; WJ. & M. van Wyk; WA. Morkel; F. Wepener; L. Pretorius; L. du Preez; A. van Loggerenberg; M. & A. Thompson; J. Mooney; P. Frisby; H. Botha	<ul style="list-style-type: none"> Garages will not be used for parking, but as storage space. Cars will therefore occupy 'outside' bays, making the report inaccurate. There will not be enough visitors parking bays. 	
5	Management, Rules & Levies	
S. Brand; B. Coates; RT. & R. Jacobs; D. Fouche; F. du Toit; S. Enslin; EJ. Walker; B. Walker; MJ. Coetzee; JJ. Fouche; D. Dehning; L. Forrester; S. de Kock; S. Pretorius; VE. Vos; AW van der Westhuizen; L. & T. van Heerden; WJ. & M. van Wyk; WA. Morkel; F. Wepener; L. Pretorius; L. du Preez; M. & A. Thompson; PG. & A. Macpherson; J. Mooney; P. Frisby; H. Botha	<ul style="list-style-type: none"> Currently the management is not capable of enforcing all rules in the estate. Additional pressure will be put on the management of the estate. Levies in the estate will increase (maintenance costs). Tenants are less likely to comply with estate rules. Tenants' speeding cars failing to stop at stop signs are already being noticed in the estate. 	
6	Affordable housing	
S. Brand; F. Wepener; PG. & A. Macpherson; K. Basson	<ul style="list-style-type: none"> The estate already allows for affordable housing with the duet units. The proposed development will attract 	

	mostly investors for rentals and not offer “more affordable housing for purchase” purposes/opportunities.
7	Miscellaneous
E. Keuler; N. Dahl; PJ. & AN. Kroucamp; F. Wepener	<ul style="list-style-type: none"> The objector states his dislike against any further flats developments in the estate.
8	Transparency
B. Coates; RT. & R. Jacobs; D. Fouche; F. du Toit; S. Enslin; EJ. Walker; B. Walker; MJ. Coetzee; JJ. Fouche; D. Dehning; L. Forrester; S. de Kock; S. Pretorius; VE. Vos; AW van der Westhuizen; L. & T. van Heerden; WJ. & M. van Wyk; WA. Morkel; L. Pretorius; L. du Preez; M. & A. Thompson; J. Mooney; P. Frisby; H. Botha; K. Basson	<ul style="list-style-type: none"> The application lacks transparency. The intent of the developer was not put forward to existing owners and shareholders in the form of a formal notice on the owners’ platform.
9	Property values
C. Ayliffe; RT. & R. Jacobs; C. Knoetze; G. & FJ. Cronje; D. Fouche; F. du Toit; S. Enslin; EJ. Walker; H. Becker; MJ. Coetzee; JJ. Fouche; C. Kershaw; D. Dehning; L. Forrester; S. de Kock; S. Pretorius; H. Stutz; VE. Vos; AW van der Westhuizen; L. & T. van Heerden; WJ. & M. van Wyk; WA. Morkel; L. du Preez; A. van Loggerenberg; M. & A. Thompson; PG. & A. Macpherson; J. Mooney; P. & A. Rautenbach; N. Preston; P. Frisby	<ul style="list-style-type: none"> Surrounding property values will decrease (the application is for affordable / low-cost housing).
10	Engineering services
C. Ayliffe; C. Knoetze; G. & FJ. Cronje; F. Wepener; A. van Loggerenberg; N. Preston; H. Botha; K. Basson	<ul style="list-style-type: none"> There is no capacity in the sewerage system. The aforementioned was also mentioned at the pre-application meeting.
11	Safety & Security
C. Ayliffe; C. Knoetze; G. & FJ. Cronje; G. & FJ. Cronje; H. Becker; F. Wepener; A. van Loggerenberg; P. & A. Rautenbach; N. Preston	<ul style="list-style-type: none"> Children will cause trouble in the estate. More people in the estate will increase the crime. The traffic circle outside the development is unsafe and more vehicles using same is problematic.
12	Visual impact
C. Ayliffe; C. Knoetze; G. & FJ. Cronje; A. van Loggerenberg; K. Basson	<ul style="list-style-type: none"> The proposed development will have a negative visual impact on the adjacent properties.
13	Road network infrastructure
H. Becker; F. Wepener; P. & A. Rautenbach	<ul style="list-style-type: none"> The proposed development will have a negative impact on road infrastructure and will result in the deterioration of roads.
14	Voting rights
C. Kershaw; H. Stutz; F. Wepener	<ul style="list-style-type: none"> The developer has used his 51% voting rights to ensure that members of Blue Mountain Estate have not been informed nor given the opportunity to vote on the proposed application. The developer has chosen to mislead existing and future owners by deliberately abusing his 51% voting rights to get the application approved. The residents’ interests are not being put first.
15	Pending CSOS court cases and validity of decision
C. Kershaw; H. Stutz; K. Basson	<ul style="list-style-type: none"> The question in Section C in the Amended Pre-application form dated 4 June 2020 (Annexure H), has been answered inaccurately. <p>Amended Pre-application form dated 4 June 2020 (Annexure H)</p>

	<p>“Question in Section C: Are there any pending court cases. Answer No.”</p> <p>There are currently two CSOS cases brought by Members against Chris Roodt and the BMV HOA. For case no CSOS 426/WC/20, there was a Conciliation Meeting dated 10 December 2020 where no consensus could be reached. The case has been forwarded for Adjudication. The date for Adjudication still needs to be determined. Please note Chris Roodt was aware of this CSOS case before he instructed Jan Vrolijk the Town Planner to make this application, proof that he is not being transparent in this application. The second CSOS case is at an earlier stage, the Reference Number is CSOS 565/WC/20.</p> <ul style="list-style-type: none"> Objectors question the validity of the decision by the HOA to support the proposed development.
16	Pedestrian safety
F. Wepener	<ul style="list-style-type: none"> Increased traffic will impact on pedestrian safety.
17	Conservation area and open space
F. Wepener	<ul style="list-style-type: none"> The wildlife will be impacted upon. The open space philosophy is already compromised by the high rise buildings (double storey) and it is further compromised by the shifting of border lines – this is also a privilege that only the developer enjoy for the sake of money.
18	Refuse removal
F. Wepener; PG. & A. Macpherson	<ul style="list-style-type: none"> Refuse removal will be compromised (as currently is), which will result in a health issue.
19	Proposed development
F. Wepener; PG. & A. Macpherson	<ul style="list-style-type: none"> The development was previously turned down. <i>It is assumed that the objector refers to another application.</i> Flats are not allowed in the estate.
20	Environmental Authorisation
K. Basson	<ul style="list-style-type: none"> The ROD is ignored.

Western Cape Department of Environmental Affairs & Development Planning:

No comments received.

PART L: SUMMARY OF APPLICANT’S REPLY TO OBJECTIONS (refer Annexure J)

Table 3: Response to objections report

Group	Objector	Area of residence	Summary of objection	Comment on objection
A	1. M. Coetzee 2. WJ. & M. van Wyk 3. F. du Toit 4. SA. Pretorius 5. L. & T. van Heerden 6. J. Mooney 7. S. Enslin 8. RT. & A. Jacobs 9. P. & A. Rautenbach	Blue Mountain Village	Lack of transparency	<ul style="list-style-type: none"> This group of objectors are all residing in Blue Mountain Village. The proposed development is in Blue Mountain Gardens. There is a distance of $\pm 400\text{m}$ to $\pm 1\text{km}$ from the application area to the objectors’ properties. There will therefore not be a negative impact on their properties. There will be no negative impact on property values. There will be no traffic or noise impact, as the proposed development is too far from the objectors’ properties.

	10. G. Dehning & L. Forrester 11. BE. Coates 12. WA. Morkel 13. L. Pretorius 14. EJ. Walker 15. S. de Kock 16. I. Bernadette Walker		<ul style="list-style-type: none"> The rules in the estate are designed to protect the lifestyle of the members and occupiers, who have chosen to live in this area, by ensuring that all members or occupiers are aware of the conditions established to ensure a harmonious, safe and quality environment. <p><i>The following points are extracts from the applicant's Response to Comments Document: Annexure B (statement/report from Petrus Jacobus Schoeman – Chairperson of the Blue Mountain Village Master Property Homeowners Association)</i></p> <ul style="list-style-type: none"> Previous land use applications were approved at meetings, where members of Blue Mountain Village were not present or entitled to participate in the decision-making process. The objectors refer to the AGM of 12 May 2017. The context in which they refer to this AGM is factually incorrect. The motion that was considered, discussed and voted on concerned the Blue Mountain Village, and not Blue Mountain Gardens. The approval for the duets was already given on 15 September 2013 by Blue Mountain Gardens at a properly constituted Special General Meeting of the Blue Mountain Gardens members, and by George Municipality. By stating that the levies will increase is economically and factually incorrect. If there are more units, there will be a greater levy contribution. More members mean more income to apply to the non-profit responsibilities, which are for the benefit of Blue Mountain Gardens and its members. The objector (Stutz) make reference to pending Community Schemes Service Ombud Act No 9 of 2011 (CSOS) cases concerning the proposed development. In this regard, please note that the issues that have been referred to in the CSOS applications have already been answered and fall outside the ambit and scope of the present subject matter. CSOS provides for a cost-effective alternative dispute resolution platform and the service for community schemes. They also promote and monitor good governance of community schemes. They are not legally empowered in terms of CSOS to take or make administrative decisions concerning approvals that can only be given by the relevant administrative divisions of Local Government. In fact, the approval by Blue Mountain Gardens for the consolidation and proposed development was submitted as a required supporting document with the application by the developer to George Municipality. George Municipality does not have the jurisdiction or authority to decide over the validity of the decisions that were lawfully taken by the members of Blue
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				<p>Mountain Gardens, or any of the other HOA's, at a properly constituted meeting.</p> <ul style="list-style-type: none"> • George Municipality derives its power to make an administrative decision over the proposed consolidation and application (in terms of SPLUMA, LUPA & the Planning By-law). • Nothing prevents George Municipality from approving the development pending the successful finalisation of the CSOS matters.
			Civil services and sewerage issues	<ul style="list-style-type: none"> • It was confirmed by Lyners & Associates Consulting Engineers and the municipality that civil services are available to accommodate the proposed development. The objection can therefore be ignored.
			Insufficient parking	<ul style="list-style-type: none"> • In terms of the George Integrated Zoning Scheme By-Law (2017), a total of 2 parking bays must be provided per flat (1.75 bays per unit and 0.25 bays for visitors per unit). The proposed development has a parking requirement of 56 bays. Each unit will have a garage and open parking space. A total of 59 bays will be provided. • The proposed development will be fenced. No cars will be allowed outside the parking area. • The objections regarding parking are unfounded and must be ignored.
			Noise by traffic, construction and future residents	<ul style="list-style-type: none"> • The additional traffic will have no impact on the objectors, as their properties are located far from the proposed development. • Noise generated from construction is inevitable, but it is also only temporary. • By stating that noise will increase because of flats development, is subjective and not based on facts. It should be noted that few activities will be external to the flats, as there is no private outdoor space for the flats. • Estate rules will manage potential noise. • The concerns raised by the objectors w.r.t noise will be sufficiently addressed.
			Increased traffic will negatively impact property values	<ul style="list-style-type: none"> • The additional traffic that will be generated is of such a nature that the George Municipality did not request a traffic study. The municipality therefore considers the infrastructure within the estate suitable to accommodate the additional traffic. • There is no reason to believe that the additional traffic will have a negative impact on the property values.
			Low-income group renters will negatively impact property values	<ul style="list-style-type: none"> • The flats are targeted at the middle-income group. No situation exists where lower-income groups can have a negative impact on the property values.
			Increased number of residents will have a	<ul style="list-style-type: none"> • This matter is addressed above (see statements from Petrus Jacobus Schoeman). • This matter is a management issue and not town planning issue.

			negative impact on levies	
B	1. DN. Fouche 2. JJ. Fouche 3. M & A Thompson 4. VE. Vos 5. L. du Preez 6. AW van der Westhuizen	Blue Mountain Gardens	Lack of transparency	• Addressed above in Group A.
			Civil services and sewerage issues	• Addressed above in Group A.
			Insufficient parking	• Addressed above in Group A.
			Noise by traffic, construction and future residents	• Addressed above in Group A.
			Increased traffic	• Addressed above in Group A.
			Low-income group renters will negatively impact property values	• Addressed above in Group A.
			Increased number of residents will have a negative impact on levies	• Addressed above in Group A.
C	1. P. Frisby 2. A. Ellis 3. H. & M. Botha	Unknown	Lack of transparency	• Addressed above in Group A.
			Civil services and sewerage issues	• Addressed above in Group A.
			Insufficient parking	• Addressed above in Group A.
			Noise by traffic, construction and future residents	• Addressed above in Group A.
			Increased traffic	• Addressed above in Group A.
			Low-income group renters will negatively impact property values	• Addressed above in Group A.
			Increased number of residents will have a negative impact on levies	• Addressed above in Group A.

D	1. G. & FJ. Cronje 2. C. Knoetze 3. A. van Loggerenberg 4. C. Ayliffe	Blue Mountain Gardens	Property values will be negatively impacted on	<ul style="list-style-type: none"> The proposed development is directed at the middle-income group (flats will cost ±R1.2 million). The total development will have an approximate cost of R33 million. An aesthetically pleasing development is proposed, consistent with the character of the surrounding environment. Parking will be located internally, therefore mitigating potential negative visual impacts (from screening). The proposed development will be consistent / in accordance with the character of the surrounding development. The proposed development will have its own management body. The afore-mentioned body will maintain the buildings, impose rules etc. There is no reason for the proposed development to impact on the surrounding property values.
			Increased traffic	<ul style="list-style-type: none"> Addressed above in Group A.
			Noise increases due to pets	<ul style="list-style-type: none"> Pets may only be kept inside a flat. Noise from pets will therefore not be a problem.
			Sewerage	<ul style="list-style-type: none"> Addressed above in Group A.
			Safety will be an issue due to an increase in children	<ul style="list-style-type: none"> The development targets young married couples and the elderly, whom do not have any children (the two-bedroom units are too small to accommodate large families). The concern by the objectors is unjustified.
			Unsightly development	<ul style="list-style-type: none"> The proposed development will form a harmoniously architectural unit, consisting of a certain character and look. The proposal will be presented to the George Aesthetical Committee for approval. It is in the interest of the developer to create a high-quality development, from a marketing perspective.
			Increased crime	<ul style="list-style-type: none"> The proposed units are also located within the security complex (there are cameras in the estate). The allegation is made that a criminal element will move into the development. The proposed development is directed at the middle-income group. The assumption that security problems will be created within the complex due to the proposed development, is unjustified.
E	C. Kershaw	Blue Mountain Village	Lack of transparency	<ul style="list-style-type: none"> Addressed above in Group A.
			Civil services and sewerage problems	<ul style="list-style-type: none"> Addressed above in Group A.
			Increased traffic	<ul style="list-style-type: none"> Addressed above in Group A.
			Property values will be	<ul style="list-style-type: none"> Addressed above in Group D.

			negatively impacted on	
F	1. N. Dahl 2. PJ. & AN. Kroucamp 3. B. Keuler	Unknown BMG BMV	No reasons are provided with the objection	<ul style="list-style-type: none"> No comment can be provided on the objections, as no detailed reasons are provided with the objections.
G	1. P. Rautenbach	Unknown	The availability of engineering services was questioned	<ul style="list-style-type: none"> Addressed above in Group A.
			Property values will be negatively impacted on	<ul style="list-style-type: none"> Addressed above in Group D.
H	N. Preston	Blue Mountain Gardens	Traffic congestion	<ul style="list-style-type: none"> Addressed above in Group A.
			Security problems	<ul style="list-style-type: none"> The proposed units are also located within the security complex (there are cameras in the estate). The middle-income group is targeted by the proposed development. The assumption that security problems will be created within the complex due to the proposed development, is unjustified.
			Sewerage / infrastructure problems	<ul style="list-style-type: none"> Addressed above in Group A.
			Property values will be negatively impacted on	<ul style="list-style-type: none"> Addressed above in Group D.
I	H. Becker	Blue Mountain Village	Property values will be negatively impacted on	<ul style="list-style-type: none"> Addressed above in Group D.
			Increased traffic	<ul style="list-style-type: none"> Addressed above in Group A.
			Noise pollution	<ul style="list-style-type: none"> Addressed above in Group A.
			Increased security risk	<ul style="list-style-type: none"> Addressed above in Group A.
J	FF du Toit	Blue Mountain Village	Property values will be negatively impacted on	<ul style="list-style-type: none"> Addressed above in Group H.
			Flats are low-cost housing	<ul style="list-style-type: none"> The middle-income group is targeted by the proposed development. Flats will cost on average R1.2 million. Rental costs will also be for the middle-income group. The proposed development can therefore not be classified as low-cost housing.

			Flats will be rented out and become dilapidated	<ul style="list-style-type: none"> The proposed development will be managed and maintained by an appointed management body. There will be rules and maintenance. For the flats to become dilapidated is highly unlikely.
K	PG. & A. Macpherson	Blue Mountain Village	Lack of transparency	<ul style="list-style-type: none"> Addressed above in Group A.
			Increased traffic will increase noise	<ul style="list-style-type: none"> Addressed above in Group A.
			Low-cost housing group will have a negative impact on property values	<ul style="list-style-type: none"> Addressed above in Group A.
			Refuse removal will become a problem (increased levies)	<ul style="list-style-type: none"> The proposed development will have its own refuse removal area. The refuse will be removed by the George Municipality. The proposed development will have its own management body. Refuse removal will have no impact on levies.
			Lack of open space will put pressure on the existing open space provision	<ul style="list-style-type: none"> A total of 600m² open space is proposed on the application area. A portion of Erf 25381 George (directly south-west of the site) is in process of being converted to an open space area. There is not a lack of open space in the area.
L	S. Brand	Blue Mountain Village	Lack of transparency	<ul style="list-style-type: none"> Addressed above in Group A.
			Increased density has an impact of the greater Blue Mountain area.	<ul style="list-style-type: none"> The proposed development will not have a negative impact on the greater Blue Mountain area. The increase in density is minor, when assessed relative to the greater Blue Mountain area. An additional 14 units will not have a negative impact on the character of the area. The objection has no merit.
			Insufficient parking	<ul style="list-style-type: none"> Addressed above in Group A.
			Pressure on management will increase	<ul style="list-style-type: none"> The proposed development will have its own management. The existing management team will therefore not be influenced.
			The development will attract investors. The investors will buy properties to rent out. The properties will not be available for purchase to	<ul style="list-style-type: none"> The properties are probably going to be sold to the middle-income group.

			the affordable market	
M	H. Stutz	Blue Mountain Village	Lack of transparency	<ul style="list-style-type: none"> The objector is located ±850m from the proposed development. The objector will therefore not be affected by the proposal. The objector is not located along a main access route. The traffic will have no impact on the objector. The comment from Petrus Jacobus Schoeman (Manager of Blue Mountain Village Master Property Homeowners Association) sufficiently addresses the comments from the objector.
			Civil services and sewerage problems	<ul style="list-style-type: none"> Addressed above in Group A.
			Increased traffic	<ul style="list-style-type: none"> Addressed above in Group A.
			Property values will be negatively impacted on	<ul style="list-style-type: none"> Addressed above in Group D.
N	F. Wepener	Unknown	Lack of transparency	<ul style="list-style-type: none"> The objector is located ±870m from the proposed development. The objector will therefore not be affected by the proposal. The objector is not located along a main access route. The traffic will have no impact on the objector. The comment from Petrus Jacobus Schoeman (Manager of Blue Mountain Village Master Property Homeowners Association) sufficiently addresses the comments from the objector.
			Increased traffic and noise will be negative	<ul style="list-style-type: none"> Addressed above in Group A.
			Blue Mountain is a conservancy area	<ul style="list-style-type: none"> The statement by the objector is factually incorrect. The estate has a residential character with no conservancy elements. The objection is not relevant.
			Issue with management of roads, services, refuse and sewerage	<ul style="list-style-type: none"> Addressed above in Group A.
			Security will be negatively impacted on	<ul style="list-style-type: none"> Addressed above in Groups A and H.
O	K. Basson	Blue Mountain Village	Availability of services	<ul style="list-style-type: none"> Addressed above in Group A.
			Will there be additional flats in the future?	<ul style="list-style-type: none"> No further flats developments are planned in Blue Mountain Village.
			Lack of transparency	<ul style="list-style-type: none"> Addressed above in Group A.

			Should the original ROD/EA not be amended?	<ul style="list-style-type: none"> Previous amendments to Blue Mountain Gardens were without the amendment of the ROD/EA. It is therefore argued that no amendment to the ROD is required.
			Negative impact of the increased traffic	<ul style="list-style-type: none"> Addressed above in Group A.
			Property values will be negatively impacted on	<ul style="list-style-type: none"> Addressed above in Group D.

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	13/01/2022	In order.	See comments below
Electrotechnical Services	10/04/2022	In order.	See comments below
Department of Environmental Affairs and Development Planning	N/A	No comments received.	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? (<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, 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			x

		combination of land uses?			
	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(s) –Development within the Blue Mountain Village Estate is regulated by the following two architectural guideline documents:

- Blue Mountain Village Architectural Guidelines
- Blue Mountain Lifestyle Estate Duet Architectural Guidelines

As the proposed development is not for duet units but for flats, the development parameters of the Blue Mountain Village Architectural Guidelines will be applicable to the application. The following is stated by the Blue Mountain Village Architectural Guidelines document:

“Only one dwelling per property is permitted.” However, second dwellings may also be permitted subject to certain conditions.

The current proposal is to accommodate 28 flats on one cadastral unit. The development proposal therefore does not comply with the Blue Mountain Village Architectural Guidelines, as the said document does not make provision for guidelines relevant to flats. In this regard, the existing approved architectural guidelines document needs to be amended, to prescribe development parameters for flats.

Alternatively, the submitted Site Development Plan should be in accordance with the development parameters for flats, in terms of the George Integrated Zoning Scheme By-law (2017). In this regard, the development proposal does not comply with the said parameters (building line encroachments currently exist).

As the SDP submitted with the application does not comply with either the HOA’s architectural guidelines or the zoning scheme, it cannot be approved.

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

Western Cape Provincial Spatial Development Framework (PSDF 2014)

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 E1: Prioritize developing the required bulk infrastructure capacity to serve the connection and compaction of existing human settlements, over developing bulk infrastructure to serve the outward growth of settlements. Also limit new urban transport investment to spatial developments that reduce average travel times, as opposed to extending them.
- Policy S1: Promote smart growth ensuring the efficient use of land and infrastructure by containing urban sprawl and prioritising infill, intensification and redevelopment within settlements.
- Policy S2: New settlement formation that increases average travel times should be avoided.
- Policy S4: Apply the principles of space utilisation efficiency, multi-functionality and clustering to all facility provision projects.
- Policy S5: Provide households with the residential environments, mobility and access to opportunities that support productive activities and reduce levels of exclusion from opportunities. Increase densities of settlements and dwelling units in new housing projects.

The proposed development is regarded consistent with the PSDF as:

- Increased densification is proposed.
- Smart growth is promoted as urban sprawl is discouraged.
- The proposed development is located within close proximity / walking distance of economic opportunities, urban activities, employment opportunities and community facilities.

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 economy.

According to the MSDF (2019), more compact and diverse neighbourhoods (where people can live, work and recreate) with better housing choice, walkable streets and accessible (usable) open spaces should be pursued. The MSDF (2019) requires that developers make optimal use of strategically located vacant and under-utilised land. The following MSDF (2019) policies are considered directly relevant to the application:

- Policy A: Prioritise infrastructure that invests in people and their socio-economic mobility and resilience.
- Policy C: Maintain a compact settlement form to achieve better efficiency in service delivery and resource use, and to facilitate inclusion and integration.
- Policy D: Manage the use of land in the Municipal area in a manner which protects natural ecosystem functioning and values ecosystem services, respecting that these are assets that underpin the economy and settlement and their resilience.
- Policy F: Manage the growth of urban settlement in George to ensure the optimum and efficient use of existing infrastructure and resources and in turn, secure the Municipality's fiscal sustainability and resilience, while preventing further loss of natural and agricultural assets.

The Blue Mountain Gardens development is located on the boundary of the development intensification zone along the Knysna Road corridor, as well as on the edge of the eastern commercial node identified in the George MSDF, 2019. The subject properties are thus located outside of the areas where high density residential development is being promoted.

Notwithstanding, the Blue Mountain Gardens development is still very well located. It bounds the Eden Meander Business Park development to the south and east, with the Eden Meander Shopping Centre being some 650m to the north east. The nearest bus route is Park Road - a 950m walk from the flats site and 400m as the crow flies, with the back entrance of the development (presently closed off due to construction) being about 300m and the Garden Route Mall bus terminus being about 850m from the site.

Most of the erven in Blue Mountain Gardens have already been subdivided into two portions with a semi-detached dwelling unit erected each subdivided erf – establishing a density in the region of 30du/ha, with the overall density of the development being much lower (around 15/ha). Cognisance also must be taken of the fact that the south-western side of the Knysna Road Corridor intensification zone only comprises commercial land with a very low uptake and that no residential development rights presently exist on this side of the corridor – which means that the average residential densities in the area are extremely low and nowhere near the thresholds needed to support the eastern commercial node or facilitate a more sustainable urban form.

The proposal constitutes a compatible form of residential densification adjacent to existing economic and employment nodes. It supports the surrounding commercial precincts – as they require substantially higher residential densities to enable greater economic sustainability and more opportunities within the eastern node. It optimises existing serviced land resources, providing for a broader spectrum of housing opportunities, while facilitating the development of more affordable housing close to economic nodes and corridors. It promotes a more compact urban form through densification and infill development and captures maximum value from the state's investment into the GIPTN and Go-George bus service. The proposal is thus in line with the spatial planning goals and objectives stated in the George MSDF.

(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

An application is submitted for the amendment, in terms of Section 15(2)(h) of the Land Use Planning By-Law for George Municipality (2015), of the existing approved Single Residential Zone II ("Estate Housing") zoning of the application area from Single Residential Zone II (Estate Housing: dwellings) to Single Residential Zone II (Estate Housing: flats). This application to amend the Zoning Plan, is to accommodate the use of flats on the site. The properties surrounding the application site are predominantly zoned for Single Residential Zone II (Estate Housing) uses to accommodate private open space, duet dwellings and private roads (see **Figure 8** below).

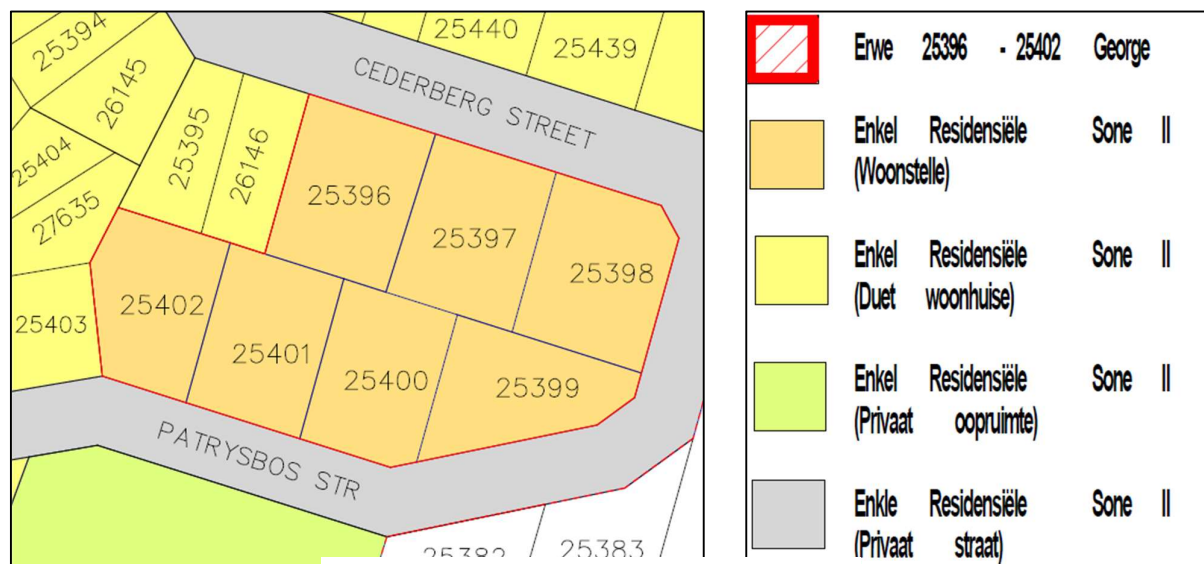


Figure 8: Zoning Plan

The following table indicates a comparison between the existing rights for duet units within the estate, the proposed development and General Residential Zone IV (flats) (George Integrated Zoning Scheme 2017), to assess the impacts of the afore-mentioned.

Table 4: Zoning comparison table

Parameter	Existing rights (for duet units within the estate)	General Residential Zone IV (flats) (George Integrated Zoning Scheme)	Proposed development	Impact / Conclusion
Coverage	50% (first floor area may be 100% of ground floor area)	60%	33%	The proposed development will have no impact in terms of coverage. In fact, the coverage of the development proposal is less than what is currently permitted in the estate.
Height	8.5m (2 storeys)	15m	2 storeys	No impact. The proposed height is in accordance with the existing rights within the estate. The George Integrated Zoning Scheme (2017), allows for flats to be developed up to 15m. The proposed height of 2 storeys is therefore considered sufficient.
Building lines	Street: 4m	Street: 5m	Street: <ul style="list-style-type: none"> 3.7m (southern boundary); 	The street building lines for duet units within the estate and for flats developments in

			<ul style="list-style-type: none"> • 3.8m (south eastern boundary; • 4.5m (eastern boundary) • 3.7m (northern boundary) <p>Please take note the above-mentioned building lines are at the most restrictive areas.</p>	terms of the George Integrated Zoning Scheme (2017), are more restrictive than what is proposed by the development. However, it should be acknowledged that the building is fragmented to avoid a tunnel effect. No relaxation of the street building lines were applied for.
	Side: 1.5m (double storey & 1m single storey	Side: 4.5m	<p>Side:</p> <ul style="list-style-type: none"> • 3.1m (north western boundary) • 6.2m (western boundary) • 2.1m south western boundary) <p>Please take note the above-mentioned building lines are at the most restrictive areas.</p>	No impact, when assessed relative to what is accepted within the estate. Note that no application for relaxation of side and rear boundary building lines were applied for.
	Rear: 1.5m	Rear: 4.5m	Rear: 11.2m	No impact, whatsoever.

As can be seen from the table above, even though the proposal will result in higher densities and higher traffic, it will have very limited impact on the surrounding built form, allowing for human scale – 8.5m high buildings, with no massing of structures (allowing for view and light corridors between the blocks), and substantively lower coverage. The proposed flats will be complementary to the existing surrounding residential zoning / uses and character of the immediate surrounds. The development parameters for flats also determines that 4,5m side and rear boundary building lines apply, as opposed to the 1,5m building line allowed had the property been developed for semi-detached units. This will be discussed in more detail in the “need and desirability” section below.

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

*1 & 2: There is an existing Environmental Authorisation (refer **Annexure O**), allowing for flats within the estate. No negative impact on the natural environment is foreseen.

*3: The development of the application site will have no negative impact on heritage resources in the area, whatsoever.

*4 & 5: The application is regarded as being mostly consistent with the surrounding land uses. The architecture of the proposed flats is of similar design when assessed relative to the existing semi-detached units in the immediate area. It should also be noted that one can develop fewer units (i.e. 14 duet units on subdivided erven) within the same development envelope / footprint as the proposed development. The proposed development has therefore no additional massing / visual impact from the street, as same is similar to the single residential / duet character of the surrounds (refer **Figure 9**). The visual impact is only internal to the development i.e. from the parking area.



Figure 9: Street views

*6, 7, 8, 9 & 10: The site can be accessed through the existing road network. Sufficient on-site parking is provided. The development of the site will have no negative impact on traffic in the area.

*11, 12, 13 & 14: The height of the buildings is consistent with the allowable double storey units in the estate. The scale and massing of the proposal 'fits' within the context of the surrounds and do not dominate the area. It is noted that the applicant did not apply to relax the side boundary building line applicable to a flats site, even though the site development plan submitted clearly shows the block near Erf 25403, George being over the building line. The Directorate is of opinion that the western side boundary building line of the site should not be relaxed, as this as well as the height, scale and massing proposed, is likely sufficient to mitigate against potential impacts of the proposed development on the surrounding property owners' rights (privacy, views, nuisance etc.) and amenity.

*15: The proposed development will complement the immediate surrounding land uses, as a variety of dwelling unit types will be provided.

*16: The proposal does not have any negative impact on the safety, health and wellbeing of the surrounding community, whatsoever. The proposed development is consistent with the surrounding residential uses.

*17 & 18: The proposed development will not have a negative impact on surrounding property values, as market related development is proposed. The proposed development of the site will be a positive investment in the area.

Assessment of objections/comments

The public objections have been assessed and it became clear that there were certain common issues and concerns that have been raised repeatedly by the objectors. The response by the applicant was carefully considered. Following assessment of the documentation, the following can be concluded:

- **Traffic & Noise**

The objectors are concerned about increased traffic and noise, which will have a negative impact on property values and retirement lifestyle living. Additional traffic is a natural consequence of densification. The residential densities in this development is very low and densification is desirable within this development given its proximity to the eastern commercial node (Garden Route Mall and Eden Meander), the Knysna Road intensification area and public transport routes. Access to the units is centralised with vehicles travelling on a direct route, affecting only a small percentage of the properties. The additional trips generated, in the context of other spatial planning objectives, will not have a significant negative impact

on the surrounding road network. The concern by the objectors has been appropriately addressed by the applicant.

It should further be noted that objectors feel that noise levels will increase. Noise levels within an estate is a management aspect. Rules and regulations can be implemented in this regard. The objection has been sufficiently addressed by the applicant.

- **Previously refused application at the AGM**

The objectors mentioned that an application for subdivision was previously refused at an AGM dated 12 May 2017. It was also stated at the AGM that insufficient engineering services (sewerage) were available to accommodate development. It should be noted that each application must be considered and assessed on its own merits. The circumstances, specifically with regard to engineering services provision, have changed (services are currently available to accommodate the development though internal upgrades may be needed).

- **Increased density & visual impact**

The objectors are of the opinion that the density is too high. The architecture of the proposed flats is of similar design when assessed relative to the existing residential units in the immediate area. It should also be noted that one can develop fewer units (i.e. 14 duet units on subdivided erven) within the same development envelope/footprint as the proposed development. The increased density will therefore only have an additional impact on traffic and bulk engineering services. As stated earlier in the report, bulk engineering services are available, though internal services connections may need to be upgraded. Further, as also stated earlier in the report, it is anticipated that, considering the natural consequences of densification, there will not be a substantive negative impact on traffic in the development. Lastly, the design of the units are consistent with the character of the immediate surrounds (i.e. architecture, scale & massing) and considers impacts on views, sunlight, overshadowing, privacy, etc.

- **Parking**

The objector is of the opinion that the garages will be used for storage purposes and there will not be enough parking for the units. The objection is not justified and invalid given the fact that parking is provided in accordance with the minimum off-street parking requirements of the George Integrated Zoning Scheme By-Law (2017).

- **Management, Rules & Levies**

The management, rules and increase in levies are not relevant to the matter at hand. A land use decision cannot be made on the basis of the afore-mentioned.

- **Affordable housing**

The objectors are concerned about low-cost housing development within the estate. From the applicant's motivation, it is clear that the architecture of the proposed flats is of similar design/nature when assessed relative to the existing duet units in the immediate area. A high-quality development consistent with the surrounding character is therefore proposed. The applicant has sufficiently addressed the concerns of the objectors in his response to comments report.

- **Transparency and voting rights**

According to the objectors, there was a lack of transparency by the developer/applicant. In this regard, it should be noted that the application was advertised in terms of the Land Use Planning By-Law for George Municipality (2015) and same is also processed accordingly. The internal issues in the HOA needs to be resolved in terms of their internal systems and dispute mechanisms. The HOA is an autonomous body and the municipality has no authority to intervene in their disputes.

- **Negative impact on property values**

The objectors' concern that there may be a negative impact on surrounding property values is noted. The

proposed development of the site will be a positive investment in the area, as a market related development is proposed. It is therefore highly unlikely that surrounding property values will be negatively affected by the proposal. The proposed development is focussed on promoting a qualitative environment and will therefore have a positive impact on the estate and property values in general.

- **Engineering services**

The objectors state that there is no capacity in the sewerage system. In this regard, Lyners & Associates Consulting Engineers provided an engineering services report, confirming the availability of bulk engineering services. The developer will be responsible for any upgrades required. The objection has been sufficiently addressed by the civil engineering services report.

- **Safety & Security**

Crime will increase in the estate (more people and children), according to objectors. The objectors unfairly assume that criminals will move onto the site. The proposed development can in no way be associated with an increase in crime in the estate. In fact, positive surveillance by the future residents will most likely contribute to reduced crime.

- **Pending CSOS court cases and validity of HOA decision**

The comment by the objector that there is existing Community Schemes Service Ombud Act No 9 of 2011 (CSOS) cases in the estate, is noted. The afore-mentioned is a legal matter between the members of the HOA and is not relevant to this application.

Further to the above, a legal opinion was obtained by the Municipality w.r.t the validity/legality of the Special General Meeting dated 2 September 2019 (where the application was supported). In this regard, Stadler & Swart Inc Attorneys confirmed that members of the HOA have internal dispute procedures as well as the CSOS dispute mechanism to avail themselves or if they want to contest the validity of a decision made by the HOA (refer **Annexure T**).

- **Pedestrian safety**

The objectors state that increased traffic will impact on pedestrian safety. Sufficient sidewalks exist within the estate for safe pedestrian movement.

- **Conservation area and open space and Environmental Authorisation**

One of the objectors feel that Blue Mountain Village is a conservation area and should not be further developed, and that there is already a lack of open space. In this regard, it should be noted that there is an existing Environmental Authorisation (refer **Annexure O**) for the proposed development. The application area is also located within an existing built up area / urban environment and not within a conservation area. The objection is invalid.

- **Refuse removal**

The objectors state that refuse removal will be compromised (as currently is), which will result in a health issue. In this regard, it should be noted that the proposed development does consist of a refuse area. The objection has been sufficiently addressed by the applicant.

- **Proposed development history**

The proposed development was previously turned down and flats are not permitted in the estate, according to the objectors. The objection is invalid, as there are no records of the same application being refused previously.

PART O: SUMMARY OF EVALUATION

Considering the above, it is found that the proposed development is consistent with the spatial planning principles of SPLUMA and LUPA as well as the spatial planning policies and principles applicable to the area (i.e. George Municipal Spatial Development Framework 2019 and Provincial Spatial Development Framework 2014), and the desirability criteria contemplated by Section 42 of SPLUMA.

The application is well-motivated and presented a development proposal that considers the character of the surrounding area, existing approved development rights within the estate, existing spatial policies, the safety and welfare of the community concerned, and the surrounding neighbours rights and amenity. The proposed development is based on a thorough understanding of the topographical and bio-physical conditions of the site and surrounding local context in terms of the design, scale, massing and visual impact of the units, responding positively to current development trends.

The proposal provides an excellent opportunity for a more affordable high-density residential development within an existing built up residential area. Smart growth is therefore promoted and urban sprawl is discouraged. The proposed development is located within close proximity / walking distance of economic opportunities, urban activities, employment opportunities and community facilities.

The proposed development will likely have a positive socio-economic impact and, should mitigation measures as proposed in the recommendation below be implemented, is unlikely to impact negatively on the rights, amenity and property values of neighbouring property owners, or the surrounding natural environment. No negative impacts on engineering services are foreseen. The appropriate engineering investigations were conducted, all in support of the proposed development.

Thus, on the balance of all considerations as contemplated in terms of Section 65 of the Land-Use Planning Bylaw for George Municipality (2015), the proposed development, if appropriately mitigated, cannot be undesirable and is therefore **SUPPORTED**.

PART P: RECOMMENDATION

A. That the following application applicable to Erven 25396 to 25402 George; namely:

1. Approval of a Site Development Plan for the consolidated erf, in terms of Section 15(2)(g) of the Land Use Planning By-Law for George Municipality (2015);

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

- (i.) The development of flats is not recognised in the architectural guidelines of Blue Mountain Gardens. The architectural guidelines must first be amended before the SDP can be considered;
- (ii.) The position of the block of flats as indicated on the proposed SDP does not comply with the development parameters of flats, in terms of the George Integrated Zoning Scheme By-law (2017);
- (iii.) The SDP indicates at least one block of flats over the western side boundary building line of the consolidated property. The applicant did not apply for the relaxation of this building line. Notwithstanding, this building line should not be relaxed to minimise intrusion on the adjoining neighbours rights and amenity;
- (iv.) The approval of the SDP can therefore not be considered at this stage and an amended SDP will need to be submitted after an amendment of the architectural guidelines have been approved.

B. That, notwithstanding the objections received, the following applications on Erven 25396 to 25402 George:

1. Consolidation in terms of Section 15(2)(e) of the Land Use Planning By-law for George Municipality (2015), of Erven 25396 to 25402 George, to create a development area measuring $\pm 5\,312\text{m}^2$ in extent (refer “**Annexure A**”); and

2. Amendment in terms of Section 15(2)(h) of the Land Use Planning By-law for George Municipality (2015), of the existing approved Single Residential Zone II ("Estate Housing") zoning of the consolidated erf from Single Residential Zone II (Dwellings) to Single Residential Zone II (Flats) (refer "**Annexure B**");

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

- (i). The proposed development is not regarded to be out of scale of character with its surroundings and is compatible with the surrounding land uses and built environment.
- (ii). The proposal aligns with the development principles of SPLUMA and LUPA.
- (iii). The proposal is consistent with the objectives of the spatial planning policies (Provincial Spatial Development Framework and George Municipal Spatial Development Framework).
- (iv). The proposed development is in line with the Environmental Authorisation.
- (v). Bulk engineering infrastructure is available to accommodate the proposed development.
- (vi). The proposed development will have a positive socio-economic impact (employment opportunities will be created).
- (vii). Increased residential densification will promote smart growth (urban sprawl is discouraged by creating more infill opportunities).
- (viii). The Municipality investigated the internal disputes stated in the objections. These are deemed internal matters and, based on the legal advice received, the objectors must use the HOA's internal dispute mechanisms available to resolve them. These matters fall outside the municipality's jurisdiction.

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 above approval shall lapse if not acted upon within a period of five (5) years from the date thereof;

Conditions applicable to the consolidation

2. The consolidation of Erven 25396 to 25402 George, to create the development site measuring $\pm 5\,312\text{m}^2$ in extent, shall be as approved and indicated on the consolidation diagram drawn by Jan Vrolijk Town Planner, Drawing Number: 25396/2 dated November 2020 attached "**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 needs to ensure that his land surveyor withdraws the SG Diagrams related to the subdivisions of Erven 25396 and 25397, George, if applicable;
4. The developer must submit the Surveyor General approved, consolidation diagram to the GIS Department of the Directorate of information purposes;
5. The consolidation approval will be considered implemented on the registration of the Certificate of Consolidated Title by the Registrar of Deeds.

Conditions applicable to the implementation of the development

6. The existing approved overarching set of Architectural Design Guidelines for Blue Mountain Village must be amended to incorporate the development of flats. The amended guidelines must be submitted, to the satisfaction of the Directorate: Planning and Development for consideration and approval;

7. The following development restrictions shall be incorporated into the architectural guidelines for the flats:
 - (a) Height: The highest point of the buildings may not exceed 8.5m (2 storeys) to top of roof.
 - (b) Coverage: The maximum coverage is 33%
 - (c) Open Parking bays: Trees to be planted between parking bays.
8. A Site Development Plan must be compiled in accordance with the Architectural Guidelines (refer condition 6), for submission, for the implementation of the proposed development, to the satisfaction of the Directorate for consideration and approval.
9. All property owners within the flats development, including body corporate, shall become members of a Homeowners' Association (HOA). If necessary, the HOA constitution must be amended to incorporate this development and the amended Constitution must be submitted to the satisfaction of the Directorate: Planning and Development for approval;
10. Building plans for the development may only be submitted for approval in accordance with an approved Site Development Plan and the National Building Regulations (NBR). Proof of compliance with compliance with Condition 9. must be submitted with the building plans;
11. That no building plans or amendments to building plans be approved by the municipality unless first approved by the HOA;
12. The amendment approval will be considered implemented on the commencement of building works in accordance with the approved building plans for the first block of flats;

CONDITIONS OF THE DIRECTORATE: CIVIL ENGINEERING SERVICES

13. 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:
14. The amounts of the development contributions are reflected on the attached calculation sheet dated 13/01/2022 and are as follows (refer "**Annexure C**"):

Roads:	R29 070,85	Excluding VAT (Refer to attached DC calculation sheet)
Sewer:	R103 484,90	Excluding VAT(Refer to attached DC calculation sheet)
Water:	R12 712,29	Excluding VAT (Refer to attached DC calculation sheet)
Total:	R145 268,04	Excluding VAT
15. The total amount of the development charges of R145 268,04 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.
16. Any amendments or additions to the proposed development which is not contained within the calculation sheet as dated 13/01/2022 in condition 14 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.
17. 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 R145 268,04 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 15 above.
18. 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.
19. 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.
20. Should more than two developments/properties be party to or share any service, the Dir: CES & ETS will in conjunction with the parties determine the pro-rata contributions payable.
 21. Any, and all, costs directly related to the development remain the developers' responsibility.
 22. Only one connection permitted per registered erf (water and sewer connections). Condition 19 applies.
 23. 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 19 applies).
 24. 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 19 applies).
 25. 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 19 applies).
 26. Suitable servitudes must be registered for any municipal service not positioned within the normal building lines.
 27. The applicant is to comply with the National Forestry Act, Act No 84 of 1998, should it be required.
 28. Provisions for the removal of solid waste is to be addressed in conjunction with the Dir: Environmental Services.
 29. 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.
 30. A homeowners' association/body corporate (as applicable) is/are to be established incorporating all erven within any security development / private and /or access-controlled developments. The private roads and the related stormwater and light poles infrastructure, and private open spaces within the development will be transferred by the developer to this / these homeowners' association/s who will assume responsibility for the maintenance thereof.
 31. The association shall see to it that the officials and contractors of the Municipality shall at all times 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 association 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.
 32. 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.
 33. 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.
 34. 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.
 35. Municipal water is provided for potable use only. No irrigation water will be provided.
 36. 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 comply 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.

37. 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.
38. 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.
39. The private roads and the associated stormwater and private open spaces are to be registered as private and transferred to the HOA/BC, or other relevant governing or controlling body. Public roads must be transferred to the George Municipality.
40. 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.
41. All proposed Public Open Spaces are to be landscaped and finished to the satisfaction of the Dir: Environmental Services and the Dir. CES where this falls within a road reserve.
42. 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.
43. Adequate parking with a hardened surface must be provided on the premises of the proposed development.
44. No private parking will be allowed in the road reserve.
45. A dimensioned layout plan indicating the proposed accesses onto private / servitude roads, must be submitted to the relevant departments for approval (condition 19 applies).
46. 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 10m and for panhandle erven access is 4 m.
47. 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.
48. Permission for access onto municipal, provincial or national roads must be obtained from the relevant authorities.
49. Minimum required off-street parking ratio to be provided, must be terms of the George Integrated Zoning Scheme 2017 parking requirements, as PT1 and must be provided on site or subject to council approval, in public parking facilities available in the vicinity.

CONDITIONS OF THE DIRECTORATE: ELECTROTECHNICAL SERVICES

50. 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:
51. The amounts of the development contributions are reflected on the attached calculation sheet dated 10/04/2022 and are as follows (refer "**Annexure C**"):

Electricity: R120 538,96 Excluding VAT (Refer to attached DC calculation sheet)

52. The total amount of the development charges of R120 538,96 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.
53. Any amendments or additions to the proposed development which is not contained within the calculation sheet as dated 10/04/2022 in condition 51 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.
54. 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 R120 538,96 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 52 above.
55. 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.
56. 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.
57. Should more than two developments/properties be party to or share any service, the Dir: CES & ETS will in conjunction with the parties determine the pro-rata contributions payable.
58. Any, and all, costs directly related to the development remain the developers' responsibility.
59. Only one connection permitted per registered erf (Electrical, water and sewer connections). Condition 53 applies.
60. 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 56 applies.
61. 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 56 applies.
62. 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 56 applies.
63. No development may take place on slopes steeper than 1:4.
64. 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.
65. 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.
66. Suitable servitudes must be registered for any municipal service not positioned within the normal building lines. Servitudes must be registered for all electrical services traversing erven.
67. The applicant is to comply with the National Forestry Act, Act No 84 of 1998, should it be required.
68. Provisions for the removal of solid waste is to be addressed in conjunction with the Dir: Environmental Services.

69. 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.
70. A homeowners' association/body corporate (as applicable) is/are to be established incorporating all erven within any security development / private and /or access-controlled developments. The private roads and the related stormwater and light poles infrastructure, and private open spaces within the development will be transferred by the developer to this / these home owners' association/s who will assume responsibility for the maintenance thereof.
71. The association shall see to it that the officials and contractors of the Municipality shall at all times 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 association 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.
72. 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.
73. 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.
74. 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.
75. In all cases, where individual customer apply 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.
76. Owner to ensure compliance with Regulation XA of SANS 10400 (building plans).
77. Owner to ensure compliance with Regulation XA of SANS 10142 (wiring) and any other applicable national standards.
78. 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.
79. 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.
80. Installation of ripple relays are compulsory for all geysers with electrical elements.
81. All municipal supply points must be subject to standard DC charges. These charges to be included in the project costs of the project.
82. A detailed energy efficiency and demand side management plan to be implemented in the development to provide to the municipality.
83. All LV work must be installed and be funded by the developer / customer.
84. All MV/LV work must be installed and be funded by the developer/customer as no DCs are levied for this network.
85. In all cases, the circuit breaker capacity (pre-payment meter limit) must match the ADMD figures used for each of the various types of customers. For example an ADMD of 2.17kVA equates to a 30 Amp circuit breaker. $240V \times 30A / (3 \text{diversity}) / 1000 = \text{kVA (ADMD)}$.
86. 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.
87. 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.

88. 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.
89. 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.
90. 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.
91. The developer will be responsible to arrange with a professional land surveyor to indicate those services traversing erven on the relevant erf's SG diagram. The ETS can insist that an electrical servitude be registered if services traverse other properties. All cost related to the above will be for the developer.
92. Neither the Developer or the HOA or a property owner are allowed to distribute electricity across property boundaries.
93. All electrical infrastructure downstream of the electrical supply point, the LV breaker in the low-voltage kiosk, will remain the responsibility of the various owners/developer. The electrical network above the LV breaker will be deemed part of the George Municipality distribution network and will be transferred to the municipality at no cost, who will assume responsibility for the maintenance thereof.
94. 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.
95. 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 48 applies.
96. 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.

PART Q: ANNEXURES

Annexure A	Consolidation Diagram
Annexure B	Zoning Plan
Annexure C	CES and ETS calculation sheet
Annexure D	Site Development Plan
Annexure E	Application Form
Annexure F	Pre-application meeting minutes
Annexure G	Locality Plan
Annexure H	Motivation Report
Annexure I	Objections
Annexure J	Response to objections

Annexure K	Title Deeds
Annexure L	Conveyancer's Certificate
Annexure M	Topographical survey
Annexure N	HOA consent
Annexure O	Environmental Authorisation
Annexure P	Previous approval documents
Annexure Q	Civil services report
Annexure R	Electrical services report
Annexure S	Power of Attorney
Annexure T	Letter from Stadler & Swart Attorneys



MARTIN BOTHA (Pr.Pln. A/2518/2017)
TOWN PLANNER

 09/05/2022
DATE



J. Fourie A/1429/2011
SENIOR TOWN PLANNER

09/05/2022

DATE

RECOMMENDED/ REFER TO APPLICANT/ REFER TO TRIBUNAL



C. PETERSEN (B/8336/2016)
SENIOR MANAGER: TOWN PLANNING

09/05/2022

Date

APPROVED / REFUSED/ REFER BACK TO APPLICANT/ REFER TO TRIBUNAL-



pp

D. POWER (A/1973/2014)
DEPUTY DIRECTOR PLANNING/AUTHORISED OFFICIAL

09/05/2022

Date

Attachments : Annexures for Erven 25396 to 25402, George



Erven 25396 to
 25402 George (Tribu

6.7. Consolidation, Rezoning and Consent Use : Erven 22494 and 22495, PW Botha Boulevard, George (M Botha)

LAND USE PLANNING REPORT

APPLICATION FOR CONSOLIDATION, REZONING AND CONSENT USE FOR ERVEN 22494 & 22495 GEORGE

Reference number	2201844	Application submission date	24/02/2022	Date report finalized	04/05/2022
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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)	Garden Route District Municipality				
Surname	Garden Route District Municipality				
Company name	N/A				
SACPLAN registration number	N/A	Is the applicant authorized to submit this application?	Y	N	
Registered owner(s)	George Municipality				

PART C: PROPERTY DETAILS

Property description (in accordance with Title Deed)	<ul style="list-style-type: none">Erf 22494 GeorgeErf 22495 George					
Physical address	PW Botha Boulevard, George Industria		Town/City	George		
Current zoning	Both properties are zoned Industrial Zone II	Extent (m ² /ha)	<ul style="list-style-type: none">Erf 22494 George = 3262m²Erf 22495 George = 2613m²	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) (hereafter referred to as "MSDF 2019").				
Current Land Use	Vacant land		Title Deed number & date	T056489/09	
Any restrictive title conditions applicable?	Y	N	If Yes, list condition number(s)	N/A	
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 E
Reference Number	N/A		Date of consultation	22/02/2022	Official's name J. Fourie
PART E: LIST OF APPLICATIONS (TICK APPLICABLE)					
g. Rezoning	x	b. Permanent departure		aaaaa. Temporary departure	bbbbb. Subdivision
cccc. Consolidation	x	ddddd. Amendment, suspension or deletion of restrictive conditions		eeeee. Permissions required in terms of the zoning scheme	fffff. Amendment, deletion or additional conditions in respect of existing approval
ggggg. Extension of validity period		hhhhh. Approval of an overlay zone		iiii. Phasing, amendment or cancellation of subdivision plan	jjjjj. Permissions required in terms of conditions of approval
kkkkk. Determination of zoning		lllll. Closure of public place		mmmmm. Consent use	nnnnn. Occasional use
ooooo. Establishment of a Home Owners Association		ppppp. Rectify Beach of Home Owners Association		qqqqq. Reconstruct building of non-conforming use	Other
PART F: APPLICATION DESCRIPTION					
Consideration of the following applications applicable to Erven 22494 & 22495 George:					
(a) Consolidation, in terms of Section 15(2)(e) of the Land Use Planning By-Law for George Municipality (2015), of Erven 22494 & 22495 George, to create a land unit measuring 5 875m ² in extent (refer Annexure A);					

- (b) Rezoning, in terms of Section 15(2)(a) of the Land Use Planning By-Law for George Municipality (2015), of the consolidated site from Industrial Zone II to Utility Zone; and
- (c) Consent use, in terms of Section 15(2)(o) of the Land Use Planning By-Law for George Municipality (2015), to allow for an Authority Use (fire station) on the site.

PART G: LOCATION

The subject properties are located in the western portion of George. Dellville Park and Pacaltsdorp are located $\pm 600\text{m}$ to the south of the application area. Pacaltsdorp Industrial Area is located to the west and Steinhoff Industrial to the north and east of the sites. **Figure 1** below, represents the application area within its regional context.

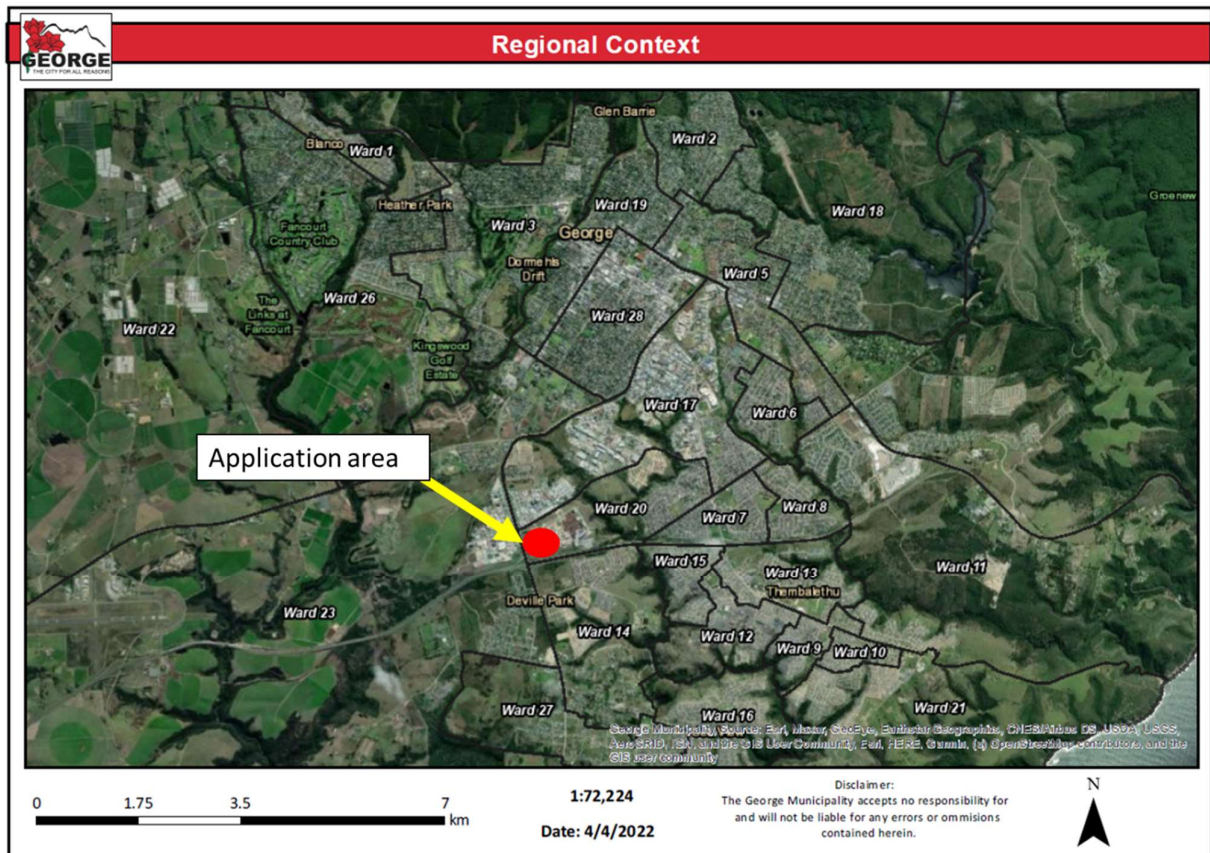


Figure 1: Regional

Within a local context, the subject properties are located within an existing industrial area. The application area is highly accessible via the existing road network. The N2 Freeway is located directly to the south and PW Botha Boulevard to the north. York Street is located to the west. **Figure 2** below indicates the application area within a local / aerial cadastral context.

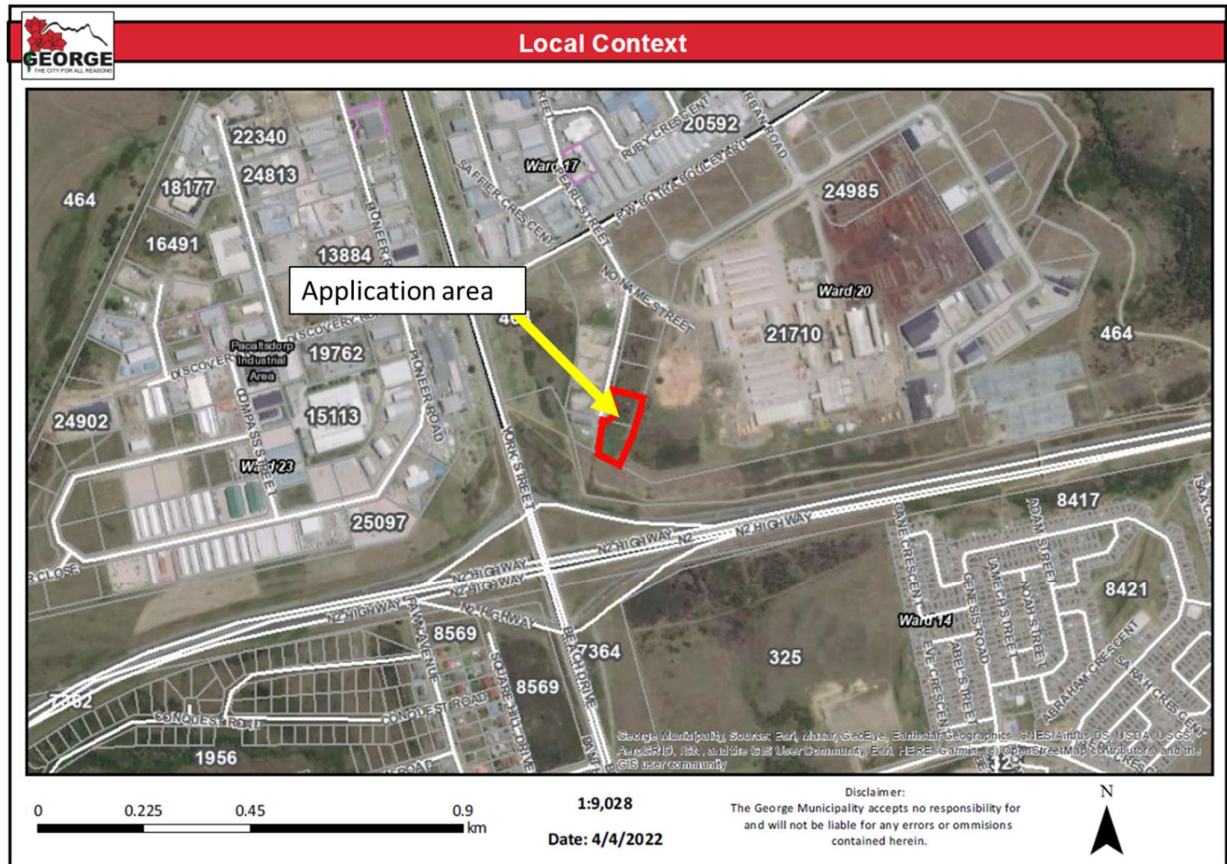


Figure 2: Local Context

From the above, it can be concluded that the application area is highly accessible and well located within an existing industrial area, in George.

PART H: BACKGROUND AND HISTORY

A Memorandum of Agreement was recently undertaken and signed (dated 31 August 2021) between the George Municipality (the Seller) and the Garden Route District Municipality (the Purchaser), agreeing to the following conditions (refer **Annexure G**):

- that a revisionary clause be registered against the title deeds of the properties that it may only be utilised for the purpose of erecting a fire station;
- that it is a condition of sale that the properties must be consolidated; and
- that the consolidated properties be rezoned to Utility Zone with consent for Authority usage.

An application is submitted by the Garden Route District Municipality on the basis of the above-mentioned conditions.

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.*

Objective of the application:

- The consolidation, rezoning and consent use application is submitted to allow for the development of a fire station and offices, on Erven 22494 & 22495 George.
- The total area of the consolidated land unit measures approximately 5 875m² in extent.

Locality and access:

- The properties are located on PW Botha Boulevard, George Industria (under jurisdiction of the George Municipality).

Ownership and property details:

- Erven 22494 & 22495 George, are registered under the ownership of Garden Route District Municipality.
- The properties are not encumbered with a bond.

It should be noted that the properties are still owned by the George Municipality, vide title deed T056489/09 (also see Part H: Background and History, as discussed above).

Servitudes and title deed restrictions:

- There are no servitudes registered on the properties.
- There are no title deed restrictions registered against the properties that may impede the development of the proposed fire station on the site.

Zoning and land use:

- The properties are zoned for Industrial Zone II purposes, in terms of the George Integrated Zoning Scheme By-Law (2017).
- The sites are currently vacant land. Surrounding land uses include business and open space uses.

Existing engineering services & access:

- Water, sewer, stormwater and electricity are available for the application area.
- Access to the application area is currently obtained from Pearl Street (PW Botha Boulevard). The access road to the proposed development is paved.

Development Proposal:

- Reception and waiting area.
- Offices.
- Kitchen and toilet facilities for staff.
- Storerooms and boardroom.
- Resting area and lounge.
- Parking for staff and visitors.

Motivation for consolidation and rezoning (for the development of a fire station):

- George Municipality took a council resolution and approved the use to be restricted to a fire station and related services only.
- The sites are underutilised vacant land.
- A public facility will be provided.
- The proposed development will not negatively impact on the community.
- The proposed development will be aligned to municipal use.

Spatial Planning and Land Use Management Act:

- Spatial Justice: The development of the fire station will redress past apartheid spatial development imbalances by means of facilitating access to emergency services in case of unforeseen circumstances (veld fires, arson etc.).

- **Spatial Sustainability:** The development of the fire station that is within the fiscal, institutional and administrative means of the municipality. It substantially results in the effective provision of social services that protects communities and the environment in the event of fires.
- **Efficiency:** Erven 22494 & 22495 George, are situated in prime location in which the development optimises the use of existing resources and infrastructure.
- **Spatial resilience:** Whereby flexibility in spatial plans, policies and land use management systems are accommodated to ensure sustainable livelihoods in communities which are most likely to suffer the devastating impacts of social, economic and environmental shocks if hazard conditions manifest and there is no quick response from the fire department.

Garden Route Municipality Spatial Development Framework:

- The Garden Route SDF has highlighted the need to increase equitable access to quality social facilities and services as one of its spatial development objectives. This means that the GRDM has an obligation to provide economic and social functions to its surrounding areas.
- The SDF further highlights the need to establish the best practice fire wise planning. Fire stations are designed and intended for the sole purpose of housing Fire Department Field Personnel (fire fighters) and their applicable equipment to allow the fastest response possible to the residents within their specific response area of the GRDM.

Conclusion:

- It is recommended that Council supports and approves the application based on the following:
 - The consolidation and rezoning are in compliance with the Spatial Planning and Land Use Management Act, 16 of 2013;
 - The properties are ideally located, providing easy access; and
 - The proposed development is aligned to the Garden Route District Municipality Spatial Development Framework proposals/objectives.

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

Methods of advertising				Date published	Closing date for objections
Press	Y	N	N/A	03/03/2022	02/04/2022
Gazette	Y	N	N/A		
Notices (hand delivered)	Y	N	N/A	03/03/2022	02/04/2022
Website & social media (on the Garden Route District Municipality website)	Y	N	N/A	03/03/2022	02/04/2022
Ward councillor	Y	N	N/A		
On-site display	Y	N	N/A	04/03/2022	03/04/2022
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 invalid objections and N/A

					petitions		
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							
N/A							
PART L: SUMMARY OF APPLICANT'S REPLY TO OBJECTIONS							
N/A							
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		DC's will be applicable at the building plan approval process.			Support		
Electrotechnical Services		<ul style="list-style-type: none"> DC's will be payable at building plan approval process. The electrical infrastructure will have to be upgraded to accommodate the load requirements - if required. There are HV overhead power lines running next to the development - No work shall be allowed under the lines and no vehicles shall be operated under the lines. Safety clearances shall be adhered to. An OHS ACT officer shall be appointed during the construction of the buildings. 			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
<u>(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)</u>							
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 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</i>	x		

		<i>opportunities, sustained income, integrated open space network, etc.) over any short-term benefits (job creation during construction, short term economic injection, etc.)?</i>			
	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		

In consideration if 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 application area is located within an industrial node, in terms of the George MSDF (2019), as shown by **Figure 3** below.

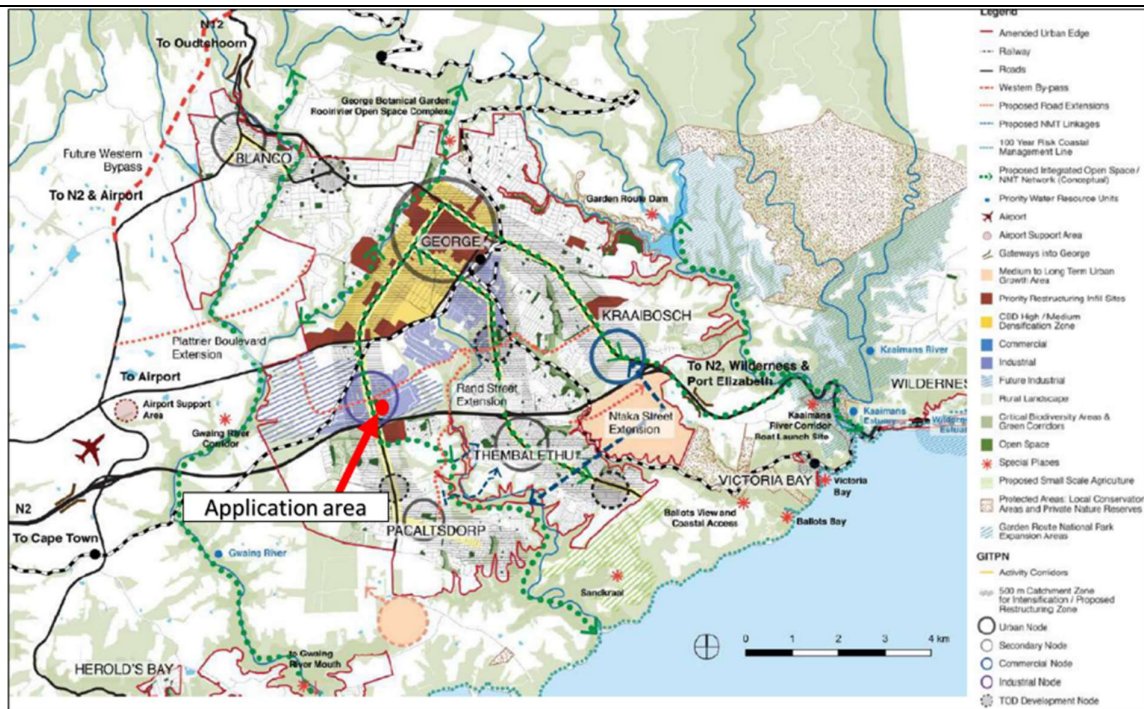


Figure 3: George MSDF (2019)

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

- **Policy A:** Prioritise infrastructure that invests in people and their socio-economic mobility and resilience.
 - Ensure asset management best practice is followed to retain existing investment and prevent greater replacement costs in future.
 - Reinforce basic service delivery with good quality urban management to support household and economic asset building.
- **Policy C:** Maintain a compact settlement form to achieve better efficiency in service delivery and resource use, and to facilitate inclusion and integration.
 - Development in priority nodes should be prompted in accordance with the function of the node and its potential role to create a balance in the land uses within the node and a balance between origins and destinations in the public transport network.
 - Support the use of underutilised land in proximity to the intersections off the N2 and along the routes linking Pacaltsdorp and Thembaletu to the existing CBD for more intensive mixed-use development.

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

- Basic / essential service delivery will be improved for the communities of George.
- Underutilised vacant land forms the development area.
- The development of a fire station within the industrial node will contribute to a variety / mix of land uses.

land unit, is regarded as complementary to the existing surrounding land uses and zoning of the area, as industrial uses / operations may increase fire risks in general.

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

The application, as indicated in the table above, presents no substantive negative impacts. The following considerations are relevant to this application:

*1 & 2: No negative impact on the natural or built environment is foreseen.

*3: There is no reason to believe that the proposed development will impact on any heritage resources.

*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.

*6, 7, 8, 9 & 10: The proposed development will have no negative impact on traffic in the area. The proposed development will obtain access via the existing road network and on-site parking will be provided.

*11, 12, 13 & 14: The proposed development is located within an industrial node and will have no negative impact on scenic vistas, sunlight, privacy etc., whatsoever.

*15: There will not be a negative impact on surrounding property rights, whatsoever (refer 11 to 14 above).

*16: The proposal does not have any negative impact on the safety, health and wellbeing of the surrounding community.

Assessment of objections/comments

N/A

PART O: SUMMARY OF EVALUATION

Erven 22494 & 22495, George are currently underutilised vacant land units within an excellent location. It is now the objective of the Garden Route District Municipality to permanently obtain the said land for the development of a fire station thereon.

The proposed land use requires the consolidation and subsequent rezoning of Erven 22494 & 22495 George, from Industrial Zone II to Utility Zone, and an approval for a Consent Use to allow for Authority Use (fire station) on the site.

The proposal, as evaluated in this report, provides an excellent opportunity for the development of a fire station on the site. 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 immediate surrounds;
- No negative impacts on engineering services are foreseen. The existing bulk engineering services are to be utilised;
- There will not be a negative impact on the surrounding property rights whatsoever (view, privacy & sunlight etc.);
- There will not be a negative impact on traffic in the area; and
- The proposal will not have a detrimental impact on heritage resources, 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 the following applications applicable to Erven 22494 and 22495, George:

- (a) Consolidation in terms of Section 15(2)(e) of the Land Use Planning By-Law for George Municipality (2015), of Erven 22494 and 22495, George to create a land unit measuring 5 875m² in extent (refer **Annexure A**);
- (b) Rezoning in terms of Section 15(2)(a) of the Land Use Planning By-Law for George Municipality (2015), of the consolidated site from Industrial Zone II to Utility Zone; and
- (c) Consent use in terms of Section 15(2)(o) of the Land Use Planning By-Law for George Municipality (2015), to allow for an Authority Use (fire station) on the site;

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

- (i). The development of a fire station will contribute to the provision of essential services within George.
- (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.
- (v). The development proposal will not result in any negative changes to the physical characteristics of the properties.

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 consolidation of Erven 22494 & 22495 George to form a land unit measuring 5 875m² in extent, shall be as approved and indicated on the consolidation diagram drawn by VPM Surveys dated December 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 applicant must submit the Surveyor General approved consolidation diagram to the GIS Department of the Directorate for information purposes.
- 4. The consolidation approval will be considered implemented on the registration of the Certificate of Consolidated Title by the Registrar of Deeds.
- 5. Building plans for the development must be submitted for approval in accordance with the National Building Regulations (NBR).
- 6. No building plans will be approved prior to the registration of the Certificate of Consolidated Title by the Registrar of Deeds or the registration of a temporary notarial tie agreement;
- 7. The rezoning and Consent use will be considered implemented on the commencement of building works in accordance with the approved building plans;

CONDITIONS OF THE DIRECTORATE: CIVIL ENGINEERING SERVICES

- 8. 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:

9. The amounts of the development contributions are reflected on the attached calculation sheet dated 11/05/2022 and are as follows (refer “Annexure H”):

Roads:	R193 755,59	Excluding VAT (Refer to attached DC calculation sheet)
Sewer:	R229 854,09	Excluding VAT(Refer to attached DC calculation sheet)
Water:	R216 341,44	Excluding VAT (Refer to attached DC calculation sheet)
Total:	R639 951 ,12	Excluding VAT

10. The total amount of the development charges of R639 951,12 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.
11. Any amendments or additions to the approved development parameters which might 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.
12. 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 R639 951,12 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 paragraph 10 above.
13. 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.
14. 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.
15. Any, and all, costs directly related to the development remain the developers' responsibility.
16. Only one connection permitted per registered erf (water and sewer connections). Condition 14 applies.
17. 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 14 applicable).
18. 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 14 applicable).
19. 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 14 applicable).
20. Suitable servitudes must be registered for any municipal service not positioned within the normal building lines.
21. The applicant is to comply with the National Forestry Act, Act No 84 of 1998, should it be required.
22. Provisions for the removal of solid waste is to be addressed in conjunction with the Dir: Environmental Services.
23. 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.

24. 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.
25. 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.
26. 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.
27. Municipal water is provided for potable use only. No irrigation water will be provided.
28. 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.
29. 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.
30. 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.
31. The private roads and the associated stormwater and private open spaces are to be registered as private and transferred to the HOA/BC, or other relevant governing or controlling body. Public roads must be transferred to the George Municipality.
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. All proposed Public Open Spaces are to be landscaped and finished to the satisfaction of the Dir: Environmental Services and the Dir.CES where this falls within a road reserve.
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 14 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 11/05/2022 and are as follows (refer “Annexure H”):

Electricity: R394 972,65 Excluding VAT (Refer to attached DC calculation sheet)

43. The total amount of the development charges of R394 972,65 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 approved development parameters which might 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 R394 972,65 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 paragraph 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. 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.

49. Should more than two developments/properties be party to or share any service, the Dir: CES & ETS will in conjunction with the parties determine the pro-rata contributions payable.

50. Any, and all, costs directly related to the development remain the developers' responsibility.

51. Only one connection permitted per registered erf (Electrical, water and sewer connections). Condition 47 applies.

52. 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 47 applies).

53. 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 47 applies).

54. 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 47 applies).
55. No development may take place within the 1:100 year flood line or on slopes steeper than 1:4.
56. 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.
57. 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.
58. Suitable servitudes must be registered for any municipal service not positioned within the normal building lines. Servitudes must be registered for all electrical services traversing erven.
59. The applicant is to comply with the National Forestry Act, Act No 84 of 1998, should it be required.
60. Provisions for the removal of solid waste is to be addressed in conjunction with the Dir: Environmental Services.
61. 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.
62. 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.
63. 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.
64. 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.
65. In all cases, where individual customer apply 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.
66. Owner to ensure compliance with Regulation XA of SANS 10400 (building plans).
67. Owner to ensure compliance with Regulation XA of SANS 10142 (wiring) and any other applicable national standards.
68. 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.
69. 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.
70. Installation of ripple relays are compulsory for all geysers with electrical elements.
71. A temporary municipal metered construction supply can be installed, at a cost to be determine, 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.

PART Q: ANNEXURES

Annexure A	Consolidation Diagram
Annexure B	Locality Plan
Annexure C	Motivating Memorandum
Annexure D	Draft Building Plans
Annexure E	Pre-application meeting minutes
Annexure F	Title Deeds
Annexure G	Deeds of Sale
Annexure H	DC Calculation Sheet

Condonation

The applicant failed to advertise the application on the George Municipality website and social media page. In this regard, the application was advertised on the Garden Route District Municipality's website.

Further to the above, the applicant failed to send a notice to the Ward Councilor. However, a Council decision was made to sell the properties to the Garden Route District Municipality for the development of a fire station on the site (refer Part H: Background and History).

No objections were received against the application.

It is considered that the application was sufficiently advertised. A condonation can thus be granted for the advertisement process.

pp. 

09/05/2022

D. POWER (A/1973/2014)

Date

DEPUTY DIRECTOR PLANNING/AUTHORISED OFFICIAL



20/04/2022

MARTIN BOTHA (Pr.Pl. A/2518/2017)
TOWN PLANNER

DATE

RECOMMENDED/ REFER BACK TO APPLICANT/ REFER TO TRIBUNAL



08/05/2022

J FOURIE (A/1429/2011)
SENIOR TOWN PLANNER

DATE

RECOMMENDED/ REFER TO APPLICANT/ REFER TO TRIBUNAL




08/05/2022

C. PETERSEN (B/8336/2016)
SENIOR MANAGER: TOWN PLANNING

Date

APPROVED / REFUSED/ REFER BACK TO APPLICANT/ REFER TO TRIBUNAL

pp. 

12/05/2022

D. POWER (A/1973/2014)

Date

DEPUTY DIRECTOR PLANNING/AUTHORISED OFFICIAL

Attachments : Annexures for Erven 22494 and 22495, George



Erven 22494 &
22495 George (Tribu

6.8. Rezoning, Subdivision and Consent Use : Portion of Remainder Erf 464, PW Botha Boulevard, George (M Botha)

LAND USE PLANNING REPORT
APPLICATION FOR REZONING, SUBDIVISION AND CONSENT USE: PORTION OF REMAINDER ERF 464 GEORGE

Reference number	2222431	Application submission date	23/03/2022	Date report finalized	09/05/2022
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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)	Delarey				
Surname	Viljoen				
Company name	Delplan Consulting				
SACPLAN registration number	A/1021/1998	Is the applicant authorized to submit this application?	Y	N	
Registered owner(s)	George Municipality				

PART C: PROPERTY DETAILS

Property description (in accordance with Title Deed)	Remainder Erf 464 George					
Physical address	PW Botha Boulevard		Town/City	George		
Current zoning	Undetermined Zone	Extent (m²/ha)	± 15.96ha (Portion A)	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) National Development Plan (2011) Provincial Spatial Development Framework (2014)					

George Integrated Development Plan (2017 – 2022) George Municipal Spatial Development Framework (2019)						
Current Land Use	Vacant land (installation of engineering services has commenced)			Title Deed number & date	GEQ15-15/1922	
Any restrictive title conditions applicable?	Y	N	If Yes, list condition number(s)	N/A		
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	N/A	
Reference Number	N/A		Date of consultation	N/A		Official's name
PART E: LIST OF APPLICATIONS (TICK APPLICABLE)						
h. Rezoning	x	b. Permanent departure		rrrrr. Temporary departure		sssss. Subdivision
ttttt. Consolidation		uuuuu. Amendment, suspension or deletion of restrictive conditions		vvvvv. Permissions required in terms of the zoning scheme		wwwww. Amendment, deletion or additional conditions in respect of existing approval
xxxxx. Extension of validity period		yyyyy. Approval of an overlay zone		zzzzz. Phasing, amendment or cancellation of subdivision plan		aaaaa. Permissions required in terms of conditions of approval
bbbbbb. De termination of zoning		ccccc. Closure of public place		dddddd. Cons ent use	x	eeeeee. Occa sional use
ffffff. Establishm ent of a Home Owners Association		ggggg. Rectify Beach of Home Owners Association		hhhhh. Reco nstruct building of non-conforming use		Other
PART F: APPLICATION DESCRIPTION						
Consideration of the following applications applicable to Erf 464 George:						
(a) Subdivision, in terms of Section 15(2)(d) of the Land Use Planning By-Law for George Municipality (2015), of Erf 464 George, to create Portion A (±15.96 ha) and the Remainder (refer Annexure A dated April 2022);						
(b) Rezoning, in terms of Section 15(2)(a) of the Land Use Planning By-Law for George Municipality (2015), of Portion A from Undetermined Zone to a Subdivisional Area comprising:						
1. 631 x Single Residential Zone I (dwelling house) (gross density of __40__du/ha);						

2. 1 x Business Zone I (shop);
3. 1 x Utility Zone (substation);
4. 1 x Community Zone I (community hall);
5. 2 x Community Zone I (crèche);
6. 5 x Open Space Zone I (public open space);
7. 3 x Transport Zone II (public roads);

(c) Subdivision, in terms of Section 15(2)(d) of the Land Use Planning By-Law for George Municipality (2015), of the Subdivisional Area, in accordance with Plan No ANNEXURE 4 dated April 2022 (attached as **Annexure B**), to create the following land uses:

1. 631 x Single Residential Zone I (dwelling house);
2. 1 x Business Zone I (shop);
3. 1 x Utility Zone (substation);
4. 1 x Community Zone I (with Consent for Place of Assembly - Community Hall);
5. 2 x Community Zone I (crèche)
6. 5 x Open Space Zone I (public open space)
7. 3 x Transport Zone II (public roads)

(d) Consent, in terms of Section 15(2)(o) of the Land Use Planning By-Law for George Municipality (2015), to allow for a Place of Assembly (Community Hall) on one of the Community Zone I erven.

**Note: The original application indicated as the erf accommodating the proposed community hall as a Consent Use under Utility Zone. The correct zoning should be Community Zone I as the description of Utility Service and Authority Use (the only uses permitted under Utility Zone) do not allow for a community hall.*

PART G: LOCATION

The application area is located directly to the east of George Industria. Borchers, a well-established neighbourhood, is located approximately 350m to the south of the site. Conville, is located approximately 600m to the east of the site. **Figure 1** below, represents the application area within its regional context.

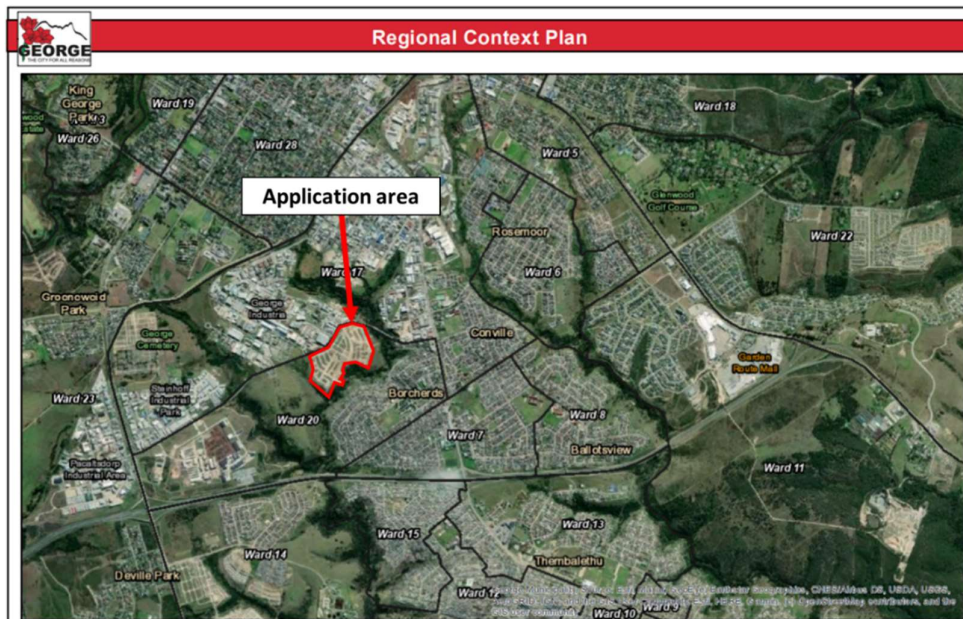


Figure 1: Regional Context

Within a local context, the site is located directly to the south of PW Botha Boulevard. Drainage lines and vacant land abuts the western, southern and eastern boundaries of the site. The site is highly accessible from the

surrounding neighbourhoods, via PW Botha Boulevard. **Figure 2** below indicates the application area within a local / aerial cadastral context.

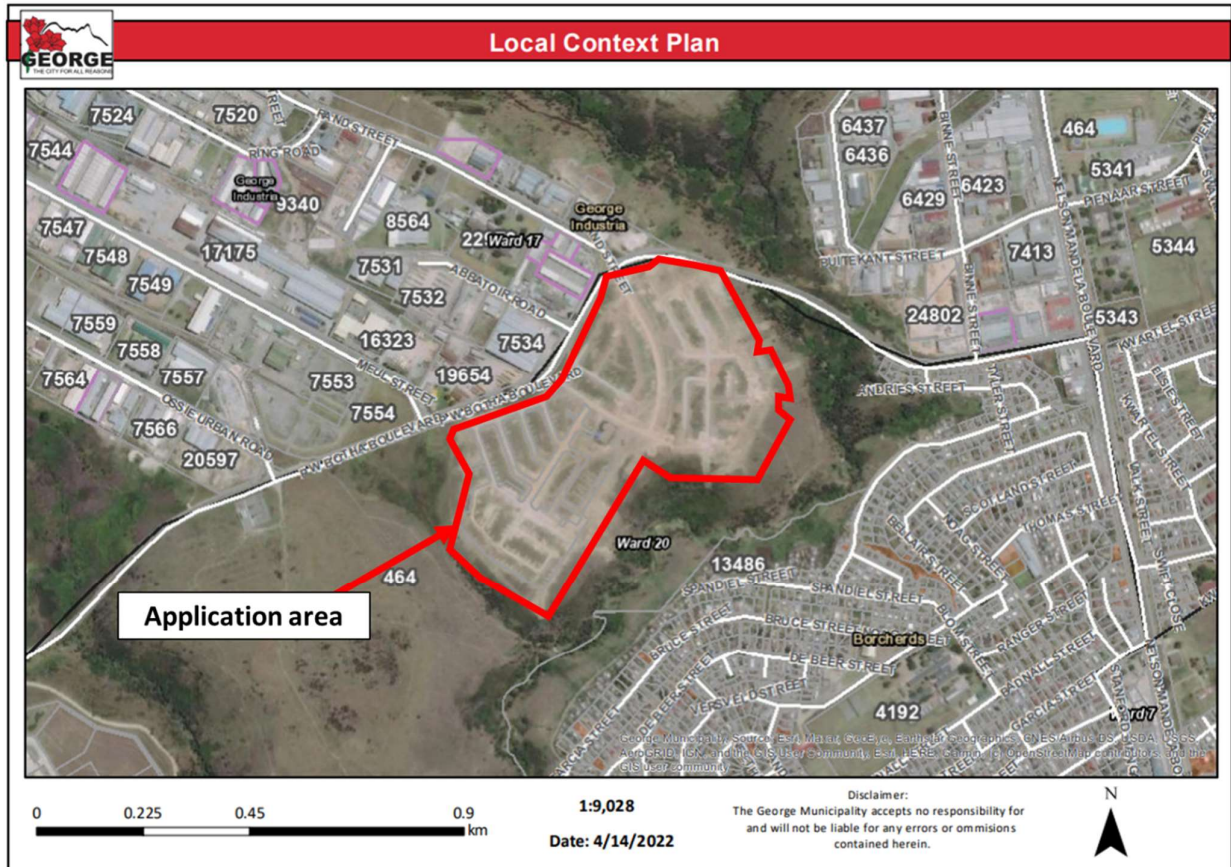


Figure 2: Local Context

From the above, it can be concluded that the application area is:

- Highly accessible via the existing road network (PW Botha Boulevard);
- Located in close proximity to employment opportunities, as same abuts George Industria; and
- Located in close proximity to public amenities and community facilities, as the site is surrounded by well-established urban areas.

PART H: BACKGROUND AND HISTORY

An application for rezoning and subdivision was approved in terms of the Land Use Planning Ordinance (Ordinance 15 of 1985) by the George Municipality: Department of Human Settlements, Land Affairs and Planning on 1 December 2014 for a subsidised housing development on the application area. Following this approval, an application was submitted for the amendment of the approved layout (i.e. the layout dated 1 December 2014), to accommodate 1 'Local Authority' erf for a community hall, reduce the number of single residential erven from 661 to 631 erven and reduce the number of public open space erven from 6 to 5 erven, respectively. The amended subdivision plan was approved on 1 April 2015 (refer **Figure 3** for the approved layout).

One of the conditions of the 2014 approval letter stated: *"That in terms of Section 27 of the Land Use Planning Ordinance (15 of 1985), the subdivision application shall lapse if not acted upon within a period of five years from the date of approval."* It was further stated in the conditions of approval that *"the approval will only be regarded as implemented on the transfer of at least one subdivided portion."*

The service providers for the development commenced with the installation of engineering services while the

application approval period was still valid, but never registered the General Plan at the Deeds Office or transferred one of the land portions prior to the lapsing date. The subdivision and zoning rights therefore lapsed even though the erven are surveyed, and services are installed. The development is now standing idle awaiting the outcome of this application.

This application was submitted to re-instate the lapsed development rights of 2015 and enable the service provider to register the General Plan, complete the subsidy housing project, and transfer the houses to the project's beneficiaries.

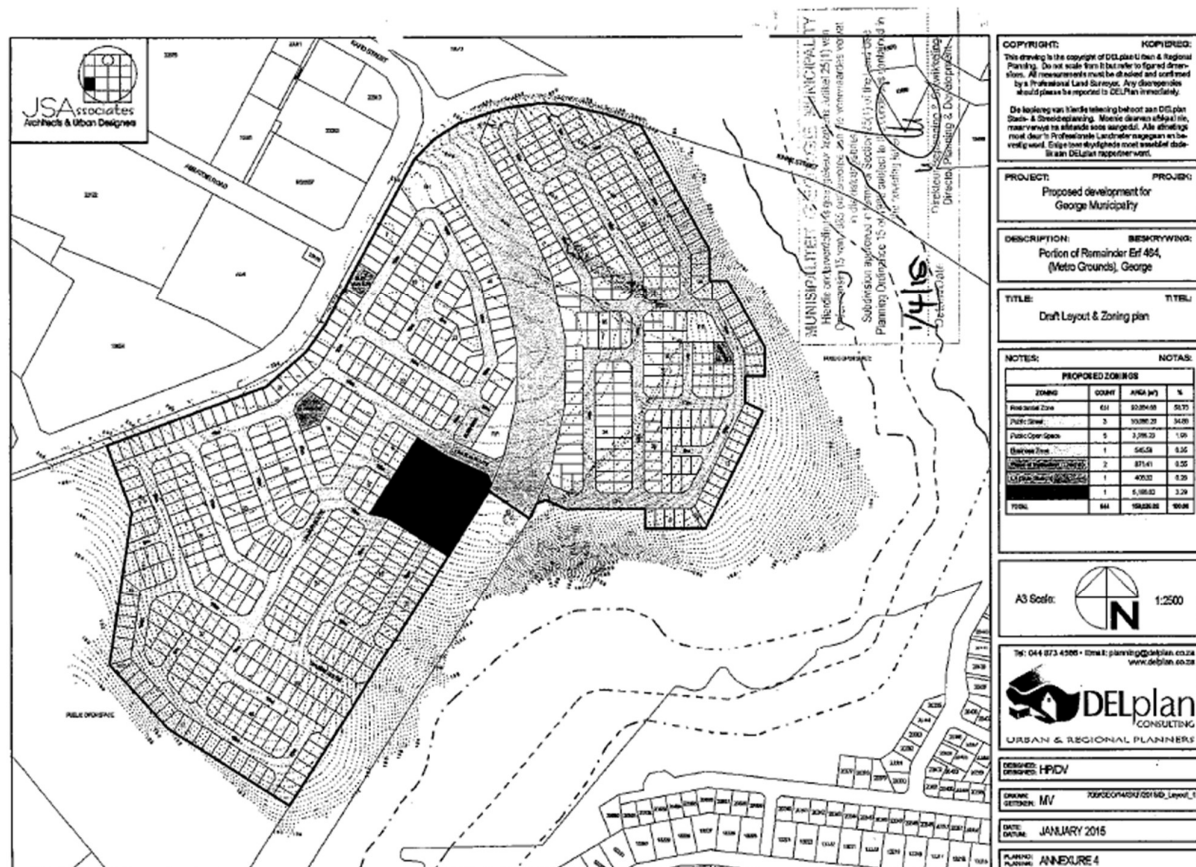


Figure 3: Approved layout

PART I: SUMMARY OF APPLICANTS MOTIVATION

The applicant's motivation can be summarised as follows:

Application:

An application is submitted for Subdivision to create the development area – Portion A; Rezoning to a Subdivisional Area for the development rights approved in April 2015; Subdivision into the respective single residential, business, community, public open space, public street and utility use zoned erven; and Consent use to allow for a community hall on one of the community zoned erven.

Locality

The portion of Erf 464, George, generally known as the Metro-Grounds, is located south of George Industria. Steinhoff Industrial Park is located to the west, Tamsui Industria to the north-west and the Schaapkop River and Borchards to the east.

Ownership

The subject property is owned by the George Municipality and held under Title deed GEQ15-15/1922.

Proposed development (refer Figure 4):

- The proposed development area will provide 631 subsidy housing opportunities, two crèches, a business property, open space, community hall and an erf for a substation.
- Sufficient public open space is available in the surrounding area and other public facilities are located close by, in Borchersds.
- In conclusion, it should be noted that the proposed development is exactly in accordance with the previously approved and lapsed zoning rights.

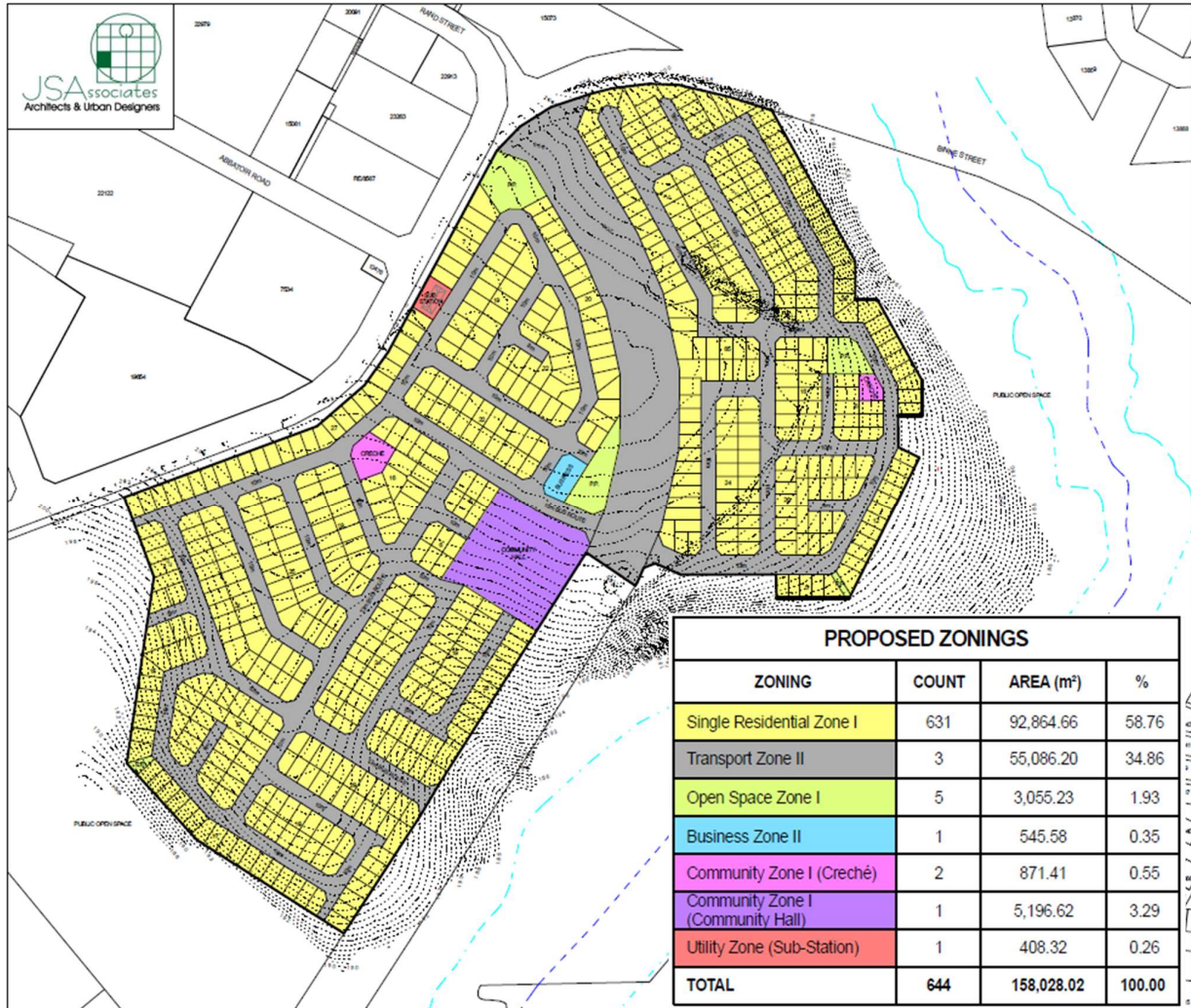


Figure 4: Proposed layout

Environmental

Authorisation was obtained from the Department of Environmental Affairs & Development Planning (Provincial Government: Western Cape) in terms of the National Environmental Management Act, 1998 (NEMA), on 13 October 2014 (refer **Annexure E**).

Traffic Impact Assessment

The following recommendations were made in terms of the traffic counts, development proposal, the traffic analysis results and assumptions (refer **Annexure F**):

- That the PW Botha Boulevard/Binne Street/Rand Street/Rand Street extension 4-legged junction will be provided with 30m right turning lanes on the main road approaches (PW Botha Blvd and Binne Street).

- That the PW Botha/Binne Street/Rand Street/Rand Street extension 4-legged junction will be signalised on the completion of the development. Since the signal set is isolated, the approaches must be fitted with the appropriate warning signs. The implementation of traffic signals will also overcome the shoulder sight distance problems from the Rand Street extension approach.
- That a pedestrian walkway and streetlights will be constructed alongside both sides of the Rand Street extension of 1.8m wide.
- Where Class 5 routes are being used as bus routes, the minimum road reserve width is 13m with the minimum road width to be 6.4m.
- The bus routes must be surfaced prior to the building of dwelling units as to allow early occupants and construction workers to make use of the bus service.
- All bus routes should have a walkway of at least 1.5m on one side of the road.

Desirability

- The topography and physical characteristics of the site are suitable for development.
- The development of subsidised housing opportunities will not be in conflict with the character of the area (the surrounding residential and industrial uses).
- Considering the character of the area and major transport routes located here, the proposed development to create 631 residential opportunities is seen as the most ideal utilization of the land.
- The existing road network will be upgraded to provide access to the proposed development.
- Capacity exists within the bulk engineering services of the municipality, to accommodate the development. Existing municipal infrastructure will be extended to provide water, sewerage and electricity onto the site.
- The proposed development is not in conflict with the National Development Plan, as more people will live closer to their places of work and densification is promoted.
- The application is considered consistent with the Eden District Spatial Development Framework (2017), as residential densification is promoted.
- The proposed development complies with the George Integrated Development Plan (2012), as the said document makes specific reference to the Metro Grounds as part of various housing projects that are underway to address the housing backlog in George.
- The proposed development is consistent with the George Municipal Spatial Development Framework (2019), as infill development opportunities are promoted.
- Spatial Justice: The proposal addresses spatial justice as same provides new housing opportunities to a previously disadvantaged community as well as it is aligned with the relevant SDF's and relevant planning policies, spatial planning mechanisms, land use management systems and land development procedures.
- Spatial Sustainability: This development proposal respects the environmental characteristics of the property. It proposes to utilize the current area to its maximum potential by developing a housing development which is an acceptable form of densification to create a viable community.
- Efficiency: The optimal use of existing resources and infrastructure is reflected in this application.
- Spatial Resilience: This development will ensure that services are provided in an area where there is a shortage. Improving the livelihoods of the community and improving the community's response to environmental and economic impacts.
- This said development will not affect the interest of the public negatively.
- The proposed development will benefit the public as it will supply housing and services in an area that is currently in need for the provision of these necessities.

Conclusion:

The development proposal for the portion of Erf 464 George, reflects the principles of the George Municipal Spatial Development Framework (2019). The physical characteristics of the identified area and the location thereof are ideal for the proposed development.

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

Methods of advertising				Date published	Closing date for objections
Press	Y	N	N/A		

Gazette	Y	N	N/A		
Notices (hand delivered)	Y	N	N/A		
Website & social media	Y	N	N/A		
Ward councillor	Y	N	N/A		
On-site display	Y	N	N/A		
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	It should be noted that an application was submitted to the Department of Environmental Affairs & Development Planning (DEA&DP) for exemption of advertising in terms of Section 60 of the Land Use Planning Act, 2014 (Act 3 of 2014). The application was approved by the DEA&DP on 10 March 2022 (refer Annexure G).	
Total valid objections	N/A			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					
No public participation was deemed necessary as the application was required to re-instate the lapsed rights of a subsidy housing development where said rights were physically implemented but the General Plan was not registered prior to the subdivision approval lapsing.					
PART L: SUMMARY OF APPLICANT'S REPLY TO OBJECTIONS					
N/A					
PART M: SUMMARY OF COMMENTS FROM INTERNAL DEPARTMENTS AND/OR ORGANS OF STATE COMMENTS					
Name	of	Date	Summary of comments		Recommendation

Department			
Civil Engineering Services	04/05/2022	In order.	See comments below
Electrotechnical Services	03/05/2022	In order.	See comments below

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		

In consideration if 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

It should be noted that policy compliance for the development of subsidised housing opportunities on the site was assessed/considered during the 2014 approval process. Notwithstanding the afore-mentioned, the following can be confirmed w.r.t the application's consistency with the national, provincial and local spatial planning policies:

National Development Plan (2011)

The main objective of the National Development Plan (NDP 2011) is to eliminate poverty and reduce inequality by 2030. This plan envisions a South Africa where everyone feels free yet bounded to others, where everyone embraces their full potential, a country where opportunity is determined not by birth, but by ability, education and hard work. Realising such a society will require transformation of the economy and focused efforts to build the country's capabilities. To eliminate poverty and reduce inequality, the economy must grow faster and in ways that benefit all South Africans.

According to the NDP (2011), urban areas vary enormously in relation to factors such as spatial form, economic base and institutional strength. The government and the private sector should understand the distinct challenges and potential of different areas and respond with a location specific approach. The NDP (2011) also states the critical role of transportation networks with regard to the spatial transformation of urban areas. No major shift from supporting private cars to incentivising public transports is yet to happen. Future development depends on the ability of towns and cities to become less resource intensive. The concentration of people, industries and infrastructure in urban areas, presents opportunities to use resources more productively, according to the NDP (2011).

As per the NDP (2011), there is a critical lack of trust between different interest groups which reduces the willingness of economic players to commit to the kind of long-term investments which are needed to generate jobs and the economic returns that would support sustainable urban growth.

The following directives, as per the NDP, are applicable to the proposed development:

- Towns and cities are highly differentiated, and solutions and strategies should strategically be applied to their unique circumstances.
- Enable job creation linked to sustainable livelihoods and establish well located settlements.
- Social diversity should be accommodated in the way that investments are directed and enhanced in the built environment.
- All new developments should enhance the ideal of creating vibrant, diverse, safe and valued places.
- Urban sprawl should be contained and possibly reversed, as denser forms of development are more efficient in terms of land usage, infrastructure cost and environmental protection.
- More attention should be given to the design and quality of urban public space.

The proposed development will most definitely enhance and contribute to the economy of George (during the construction as well as operational components). The proposed development will create a compact environment due to high density development, thereby assisting in addressing urban sprawl and creating a viable public transport system. This development will also most definitely be a long-term sustainable investment within George, creating not only economic opportunities (operational components of residential units as well as business uses), but also a high-quality urban space (safe and active environment). From the above, it can be concluded that the development is consistent with the NDP (2011).

Provincial Spatial Development Framework (2014)

The Provincial Spatial Development Framework (PSDF 2014) provides broad overarching development principles and guidelines for the Western Cape Province. The PSDF (2014) contains a plethora of spatial related policies. The following policies are considered directly relevant to this application:

- Policy S1: Protect, manage and enhance sense of place, cultural and scenic landscapes.

- Prevent settlement encroachment into agricultural areas, scenic landscapes and biodiversity priority areas.
- Promote smart growth ensuring the efficient use of land and infrastructure by containing urban sprawl and prioritising infill, intensification and redevelopment within settlements.
- Policy S3: Promote compact, mixed use and integrated settlements.
 - Promote functional integration and mixed use as key components of achieving improved levels of settlement livability and counter apartheid spatial patterns and decentralization through densification and infill development.
 - Respond to the logic of formal and informal markets in such a way as to retain the flexibility required by the poor and enable settlement and land use patterns that support informal livelihood opportunities rather than undermine them.
 - Continue to deliver public investment to meet basic needs in all settlements, with ward level priorities informed by the Department of Social Development's human development indices.
- Policy S5: Promote sustainable, integrated and inclusive housing in formal and informal markets.
 - Provide a wide choice of housing typologies and tenure options, based on economic, fiscal, and social affordability. Incremental housing development to be pursued, with phased service provision to accelerate housing provision.
 - Ensure that all housing delivery projects are founded on principles of sustainability and based on integrated development planning.
 - Provide households with the residential environments, mobility and access to opportunities that support productive activities and reduce levels of exclusion from opportunity.
 - Increase densities of settlements and dwelling units in new housing projects.
 - Prioritize investment in community facilities, public infrastructure and public space, rather than an exclusive focus on housing or top structures.

The proposed human settlement development is consistent with the PSDF (2014) as:

- The application area is vacant and underutilised land;
- The areas surrounding the development area are already developed, ensuring opportunity for the upgrade of and connection to the available bulk engineering infrastructure;
- A variety of land uses is proposed on the development site;
- Compact / high density residential development is proposed;
- Sustainable development will be promoted, as no impact on biodiversity is foreseen;
- The recommended density of 25 dwelling units per hectare is achieved; and
- The application area is within walking distance of community facilities and employment opportunities.

George Municipal Reviewed Integrated Development Plan (2021/2022)

Integrated Development Plans (IDPs) are the most important mechanisms available to local government to transform the structural differences within our society. Municipalities focus on providing the core services of water, sewerage, electricity, refuse collection, provision of streets and stormwater, planning, community safety and facilitation of economic activity, etc. The George Municipal IDP brings together the various economic, social, environmental, legal, infrastructural and spatial aspects in one central document. The George Municipality continues to use the IDP as the principal strategic planning instrument that guides all planning and development and all decisions regarding planning, management and development in the George municipal area, with the ultimate intention to help meet community needs while ensuring continued growth, equality and empowerment of the poor.

The Constitution stipulates that every citizen has the right to access to adequate housing and that the state must take reasonable legislative and other measures within its available resources to achieve the progressive realisation of this right. Access to housing also includes access to services such as potable water, basic sanitation, safe energy sources and refuse removal services, to ensure that households enjoy a decent standard

of living.

With a total of 56 474 households in the George municipal area, 82.7 per cent had access to formal housing, according to the IDP. Considering the high level of households living in informal dwellings (17.3 per cent), access to formal housing is a challenge in the George municipal area.

The following key housing challenges were identified by the IDP:

- Ongoing land invasions on land identified for housing development.
- Financial challenges to address the provision of basic services due to land invasions.
- Lack of bulk infrastructure for new housing developments.
- The delay in the roll-out of the future phases of the UISP due to land invasions causing various statutory applications to lapse.

Further to the above, it should be noted that the IDP identified the site (referred to as the Metro Grounds) for human settlement development. Following the above, it can be concluded that the application is consistent with the George Municipal IDP as:

- The formal development of the site will prevent illegal land invasions.
- Bulk engineering services are available to accommodate the proposed development.
- The site has been identified by the IDP as a priority site for housing development.

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.

According the MSDF (2019), more compact and diverse neighbourhoods (where people can live, work and recreate) with better housing choice, walkable streets and accessible (usable) open spaces should be pursued. The MSDF (2019) requires that developers make optimal use of strategically located vacant and under-utilised land.

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

- Policy A: Prioritise infrastructure that invests in people and their socio-economic mobility and resilience.
 - Prioritise basic residential services for poor households.
 - Reinforce basic service delivery with good quality urban management to support household and economic asset building.
 - Ensure human settlements planning and implementation is integrated with social facilities planning and public transport services.
 - Social facilities design should support the MSDF's (2019) intent to achieve the efficient use of land, densities that support public transport and walkability.
- Policy C: Maintain a compact settlement form to achieve better efficiency in service delivery and resource use, and to facilitate inclusion and integration.
 - Restructure settlement patterns through infill development of vacant and underutilised land in the settlements in the George Municipal Area.
 - Infill development opportunities should be prioritised for release and development within the human settlement development and private sector pipelines.

- Promote and direct new affordable residential development to well-located infill and/or vacant or underutilised land in the intensification zone and priority nodes.
 - Actively support the reservation and protection of municipally owned land as an asset to assist in achieving social integration and living opportunities closer to existing facilities, employment opportunities, services and /or amenity sites.
 - Support the use of underutilised land in proximity to the intersections off the N2 and along the routes linking Pacaltsdorp and Thembaletu to the existing CBD for more intensive mixed-use development.
 - Restructure settlement patterns through densification of the urban areas in the George city area in order to reduce land consumption, deliver services and facilities to households more cost effectively, and to establish the thresholds for viable public transport systems.
- Policy D: Manage the use of land in the Municipal area in a manner which protects natural ecosystem functioning and values ecosystem services, respecting that these are assets that underpin the economy and settlement and their resilience.
 - Support and maintain the functionality of biodiversity areas.
 - New land use developments will be subject to ecological setbacks along the coast and around freshwater systems in order to maintain the economic and ecological functioning of marine and other aquatic ecosystems.
 - Manage watercourses so that they remain in a natural state or their present ecological status is improved or at least does not deteriorate.
 - Protect rivers, estuaries, wetlands and their catchments.
 - Minimise the impact of developments on visual landscapes and corridors.
 - Manage the Municipal area in a manner that supports sustainable resource demand and use.
 - Policy F: Manage the growth of urban settlement in George to ensure the optimum and efficient use of existing infrastructure and resources and in turn, secure the Municipality's fiscal sustainability and resilience, while preventing further loss of natural and agricultural assets.
 - Maintain the urban edge as the development boundary where identified for settlements in George.
 - Direct the medium to long term growth of the George city area, when necessary, contiguous to the existing urban footprint in a manner that reinforces existing accessibility and infrastructure networks and minimises impact on natural landscapes and agricultural resources.

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

- Increased residential density is proposed within an existing urban area. The use of existing resources and infrastructure will therefore be optimised.
- Basic service delivery is promoted for poor households.
- Integration is promoted, as the proposed development is located within close proximity / walking distance of surrounding neighbourhoods, community facilities and economic opportunities.
- Underutilised vacant land is being developed within the urban edge. Infill development is therefore promoted while simultaneously preventing urban sprawl.
- The proposed development will not have a detrimental impact on the environment or the character of the area. The drainage line / river corridor to the south and east is being protected.
- The proposed development will not have an impact on view corridors, whatsoever.

(In)consistency with guidelines prepared by the Provincial Minister

N/A

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

The Environmental Authorization for the development has already been implemented and thus cannot lapse. The development was implemented too date in accordance with the EA.

Existing and proposed zoning comparisons and considerations

The proposed development site is zoned Undetermined Zone, following the lapse of the previous zoning rights (refer Part H: Background and History). This zoning does not allow for any land uses.

The following zonings and land uses are proposed, exactly in accordance with the previously approved layout (refer **Figure 4**):

- Single Residential Zone I (dwelling house) - 631 erven
- Business Zone I (shop) - 1 erf
- Utility Zone (substation) - 1 erf
- Community Zone I (community hall) - 1 erf
- Community Zone I (crèche) - 2 erven
- Open Space Zone I (public open space) - 5 erven
- Transport Zone II (public roads) - 3 erven

It can be concluded from the above that the proposal will contribute to the provision of a variety of land uses, while simultaneously providing essential and basic services. The proposed zonings are fully consistent with the surrounding land uses and will have no negative impact on surrounding property rights, whatsoever.

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

The application, as indicated in the table above, presents no substantive negative impacts. The following considerations are relevant to this application:

*1 & 2: No negative impact on the natural or built environment is foreseen. An Environmental Authorisation (EA) was granted for the proposed development on 13 October 2014, which was amended and approved on 15 January 2015. Cape Environmental Assessment Practitioners (Pty) Ltd confirmed that there was acted on the EA, as groundworks and installation of civil services have commenced on the site (the EA is therefore still valid).

*3: There is no reason to believe that the proposed development will impact on any heritage resources, whatsoever.

*4 & 5: The application is regarded as being fully consistent with and complementary to the surrounding land uses, as the integration of a variety of uses is promoted. There will therefore not be a negative impact on the character of the surrounding area.

*6, 7, 8, 9 & 10: The proposed development will have no negative impact on traffic in the area. A Traffic Impact Assessment (TIA) was compiled by reputable traffic engineers, which is in support of the proposed development. The TIA needs to be updated as it lapses after 5 years.

*11, 12, 13 & 14: The proposed development is located close to an industrial node and will have no negative impact on scenic vistas, sunlight, privacy etc., whatsoever.

*15: There will not be a negative impact on surrounding property rights, whatsoever. The proposed development will in fact complement the surrounding areas, as integration and a variety of land uses are proposed on the site.

*16: The proposal does not have any negative impact on the safety, health and wellbeing of the surrounding community, whatsoever. The proposed development will ensure the provision of essential and basic services.

*17 & 18: The proposed development will not have a negative impact on surrounding property values (also see no 15 above).

*19: Adequate public open space has been provided in strategic areas. There is also public open space within close proximity / walking distance of the proposed development.

Assessment of objections/comments

N/A

PART O: SUMMARY OF EVALUATION

When taking the above-mentioned evaluation, planning principles and desirability criteria into account, it can be concluded that the proposed development is consistent with these criteria and can therefore be motivated and recommended as a desirable proposal consistent with the character of the surrounding area, previously approved development rights, existing spatial policies and safety and welfare of the community.

Furthermore, the proposed development of the site is based on a thorough understanding of the site conditions and surrounding local context, responding most positively to current development trends, while also complying fully with policy directives and objectives of the George Municipality. The development proposal as motivated, provides an excellent opportunity for a well-located, subsidy housing development.

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 the following applications applicable to Remainder Erf 464, George:

- (a) Subdivision, in terms of Section 15(2)(d) of the Land Use Planning By-Law for George Municipality (2015), of Remainder Erf 464, George, to create Portion A (± 15.96 ha) and the Remainder;
- (b) Rezoning, in terms of Section 15(2)(a) of the Land Use Planning By-Law for George Municipality (2015), of Portion A from Undetermined Zone to a Subdivisional Area comprising:
 - 1. 631 x Single Residential Zone I (dwelling house) (gross density of 40du/ha);
 - 2. 1 x Business Zone I (shop);
 - 3. 1 x Utility Zone (substation);
 - 4. 1 x Community Zone I (community hall);
 - 5. 2 x Community Zone I (crèche);
 - 6. 5 x Open Space Zone I (public open space);
 - 7. 3 x Transport Zone II (public roads);
- (c) 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 land uses:
 - 1. 631 x Single Residential Zone I (dwelling house);
 - 2. 1 x Business Zone I (shop);
 - 3. 1 x Utility Zone (substation);
 - 4. 1 x Community Zone I (with Consent for Place of Assembly - Community Hall);
 - 5. 2 x Community Zone I (crèche)
 - 6. 5 x Open Space Zone I (public open space)
 - 7. 3 x Transport Zone II (public roads)
- (d) Consent, in terms of Section 15(2)(o) of the Land Use Planning By-Law for George Municipality (2015), to allow for a Place of Assembly (Community Hall) on one of the Community Zone I erven.

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

- (i). The proposal will substantially contribute to the optimal utilisation of vacant land within the surrounding urban context, resulting in better use of and improved services infrastructure, as well as the provision of much needed housing opportunities and social services for a lower income group.
- (ii). Spatial principles, as prescribed in SPLUMA (2013) and LUPA (2014) are complied with i.e. spatial justice, sustainability, efficiency, good administration and spatial resilience.

- (iii). The required bulk engineering services infrastructure is available to accommodate the proposed development.
- (iv). The proposal will sustain much need employment opportunities in the long term, contributing to economic development.
- (v). The proposal has no negative impact on surrounding property rights.
- (vi). The proposal is in line with the spatial planning principles, objectives and guidelines applicable to the surrounding area.
- (vii). The development proposal will not result in any negative changes to the physical characteristics of the property.

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 creation of Portion A

2. This approval shall be taken to cover only the subdivision as applied for as indicated on the Subdivision Diagram drawn by DELPLAN CONSULTING Plan No ANNEXURE 4 dated April 2022, 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. An approved SG Diagram must be submitted to the Directorate: Planning and Development for record purposes.
4. The approval will be regarded as implemented on the registration of Portion A with the Registrar of Deeds, at the Deeds Office.

Conditions applicable to the implementation of the approval

5. This approval shall be taken to cover only the rezoning and subdivision as applied for as indicated on the Subdivision Diagram drawn by DELPLAN CONSULTING Plan No ANNEXURE 4 dated April 2022, 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.
6. An approved General Plan must be submitted to the Directorate: Planning and Development for record purposes.
7. The approval will be regarded as implemented on the registration of at least one subdivided portion by the Registrar of Deeds, at the Deeds Office.
8. No building plans will be approved prior to the registration of the applicable subdivided portions.

CONDITIONS OF THE DIRECTORATE: CIVIL ENGINEERING SERVICES

9. 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:
10. The amounts of the development contributions are reflected on the attached calculation sheet (refer **Annexure N**) dated 04/10/2021 and are as follows:

Roads:	R 4 863 735,68	Excluding VAT (Refer to attached DC calculation sheet)
Sewer:	R 11 771 189,93	Excluding VAT (Refer to attached DC calculation sheet)
Water:	R 12 568 825,85	Excluding VAT (Refer to attached DC calculation sheet)
Total:	R 29 203 751,46	Excluding VAT

11. The total amount of the development charges of R 29 203 751,46 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.
12. Any amendments or additions to the proposed development which is not contained within the calculation sheet as dated in Condition 10. 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.
13. 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 R 29 203 751,46 Excluding VAT shall be adjusted in line with the consumer price index published by Statistics South Africa up to the date when payment is made in terms of Condition 11. above.
14. 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.
15. 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.
16. Any, and all, costs directly related to the development remain the developers' responsibility.
17. Only one connection permitted per registered erf (Electrical, water and sewer connections). Condition 15 applies.
18. 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 15 applies.
19. 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 15 applicable.
20. 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 15 applies.
21. No development may take place within the 1:100-year flood line or on slopes steeper than 1:4.
22. 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.
23. Suitable servitudes must be registered for any municipal service not positioned within the normal building lines.
24. Provisions for the removal of solid waste is to be addressed in conjunction with the Dir: Environmental Services.
25. 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.
26. 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.
27. 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.

28. 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.
29. Municipal water is provided for potable use only. No irrigation water will be provided.
30. 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.
31. 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.
32. The private roads and the associated stormwater and private open spaces are to be registered as private and transferred to the HOA/BC, or other relevant governing or controlling body. Public roads must be transferred to the George Municipality.
33. A Traffic Impact Assessment (TIA) was previously conducted for the development on Erf 464 George (Metro Grounds). The development has already been constructed, and a revision of the TIA is unlikely to produce amended recommendations based on the development's trip generation. It, however, remains a requirement that the recommendations of the existing TIA be implemented by the Developer. Agreement was reached that a temporary solution (funded through the Special Operating Account) be implemented at the PW Botha / Rand Street intersection, and currently under construction. If there have been amendments to the original site development plan (as opposed to the actual site developed) on which the initial TIA was based, an updated TIA may be required.
34. The discharge of surface stormwater is to be addressed by the developer. Condition 15 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.
35. All proposed Public Open Spaces are to be landscaped and finished to the satisfaction of the Dir: Environmental Services and the Dir:CES where this falls within a road reserve.
36. 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.
37. Adequate parking with a hardened surface must be provided on the premises of the proposed development.
38. No private parking will be allowed in the road reserve.
39. A dimensioned layout plan indicating the proposed accesses onto private / servitude roads, must be submitted to the relevant departments for approval. Condition 15 applies.
40. 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.
41. Permission for access onto municipal, provincial or national roads must be obtained from the relevant authorities.

CONDITIONS OF THE DIRECTORATE: ELECTROTECHNICAL SERVICES

39. 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:
40. The amounts of the development contributions are reflected on the attached calculation sheet (refer **Annexure N**) dated 03/05/2022 and are as follows:

41. The total amount of the development charges of **R 5 409 903,47** 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.
42. Any amendments or additions to the proposed development which is not contained within the calculation sheet as dated in Condition 40. 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.
43. 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 R 5 409 903,47 Excluding VAT shall be adjusted in line with the consumer price index published by Statistics South Africa up to the date when payment is made in terms of condition 41 above.
44. 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.
45. 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.
46. 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.
47. Should more than two developments/properties be party to or share any service, the Dir: CES & ETS will in conjunction with the parties determine the pro-rata contributions payable.
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 45 applies.
50. 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 45 applies.
51. 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 45 applies.
52. 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 45 applies.
53. 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.
54. Suitable servitudes must be registered for any municipal service not positioned within the normal building lines. Servitudes must be registered for all electrical services traversing erven.
55. The applicant is to comply with the National Forestry Act, Act No 84 of 1998, should it be required.

56. Provisions for the removal of solid waste is to be addressed in conjunction with the Dir: Environmental Services.
57. 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.
58. 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.
59. 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.
60. 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.
61. In all cases, where individual customer apply 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.
62. Owner to ensure compliance with Regulation XA of SANS 10400 (building plans).
63. Owner to ensure compliance with Regulation XA of SANS 10142 (wiring) and any other applicable national standards.
64. 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.
65. 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.
66. Installation of ripple relays are compulsory for all geysers with electrical elements.
67. All municipal supply points must be subject to standard DC charges. These charges to be included in the project costs of the project.
68. A detailed energy efficiency and demand side management plan to be implemented in the development to provide to the municipality.
69. All MV/LV work must be installed and be funded by the developer/customer as no DCs are levied for this network.
70. 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 40 applies.
71. A temporary municipal metered construction supply can be installed, at a cost to be determine, 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.

PART Q: ANNEXURES

Annexure A	Subdivision Plan (Portion A)
Annexure B	Rezoning and Subdivision Plan (Proposed Layout)
Annexure C	Locality Plan
Annexure D	Motivating Memorandum
Annexure E	Environmental Authorisation
Annexure F	Environmental Authorisation Implementation Confirmation
Annexure G	Traffic Impact Assessment
Annexure H	Civil Services Report
Annexure I	Civil Services Confirmation

Annexure J	Electrical Services Report
Annexure K	Basic Assessment Report
Annexure L	Previous approval
Annexure M	Power of Attorney
Annexure N	Development Contributions Calculations
Annexure O	Application Form



MARTIN BOTHA (Pr.Pln. A/2518/2017)
TOWN PLANNER

 09/05/2022

DATE

RECOMMENDED/ REFER BACK TO APPLICANT/ REFER TO TRIBUNAL



J FOURIE (A/1429/2011)
SENIOR TOWN PLANNER

 09/05/2022

DATE

RECOMMENDED/ REFER TO APPLICANT/ REFER TO TRIBUNAL



C. PETERSEN (B/8336/2016)
SENIOR MANAGER: TOWN PLANNING

 09/05/2022

Date

APPROVED / REFUSED/ REFER BACK TO APPLICANT/ REFER TO TRIBUNAL-



pp.

D. POWER (A/1973/2014)
DEPUTY DIRECTOR PLANNING/AUTHORISED OFFICIAL

 12/05/2022

Date

Attachments : Annexures for Erf 464, George



Erf 464 George
 (Tribunal Annexures)