

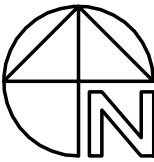
Description: SUBDIVISION PLAN
ERF 4245 (9 CYPRESS AVENUE, HEATHER PARK),
GEORGE"

Notes:
Proposed Subdivision of Erf 4245, George in
terms of Section 15(2)(d) of the George
Municipality: Land Use Planning By-Law,
2015, in two newly-created portions,
namely:

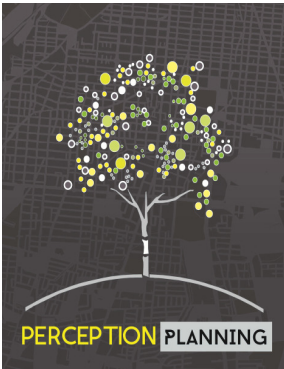
Portion A (± 919m² in extent); and
Remainder (± 1200m² in extent)

SK/GEO/4245Cypress/DWG/SKF/SUB1

A3 Scale:



1:250

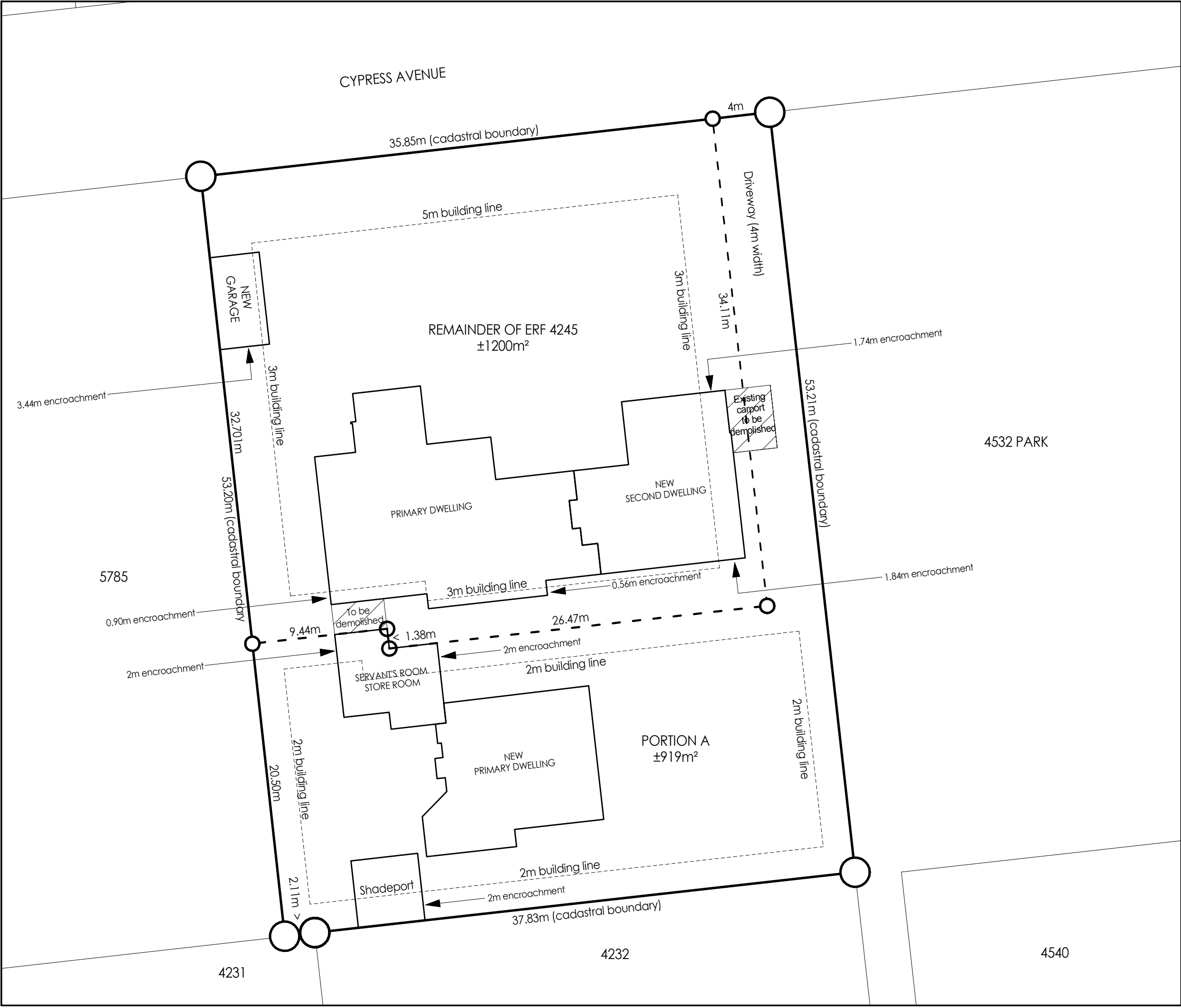



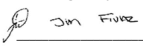
URBAN PLANNING
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HERITAGE IMPACT ASSESSMENT

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DRAWN BY: PERCEPTION PLANNING



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CES Development Charges Calculator				Version 3.00		June 2020	
				Erf Number	4245		
				Allotment area	George		
				Water & Sewer System	George System		
				Road network	George		
				Developer/Owner	K.K.Mackay		
				Erf Size (ha)	0,21		
				Date (YYYY/MM/DD)	2022-05-10		
				Current Financial Year	2021/2022		
Collaborator Application Reference				2081805			
Code	Land Use		Unit	Total Existing Right		Total New Right	
RESIDENTIAL				Units		Units	
	Single Res > 1000m² Erf (Upmarket)		unit			1	1
	Single Res > 650m² Erf (Normal)		unit				1
Is the development located within Public Transport (PT1) zone?				Please select No			
Calculation of bulk engineering services component of Development Charge							
Service	Units	Additional Demand	Unit Cost	Amount	VAT	Total	
Roads	trips/day	4,00	R 2 574,62	R 10 298,48	R 1 544,77	R 11 843,26	
Sewerage	kl/day	0,50	R 43 481,05	R 21 740,53	R 3 261,08	R 25 001,60	
Water	kl/day	0,75	R 36 320,84	R 27 240,63	R 4 086,09	R 31 326,72	
Total bulk engineering services component of Development Charge payable				R 59 279,64	R 15 763,63	R 68 171,58	
Link engineering services component of Development Charge							
Total Development Charge Payable							
City of George				Developer/Owner			
Calculated (CES): JM Fivaz				Calculated (ETS): C Spies			
Signature : 				Signature : _____			
Date : May 10, 2022				Date: May 10, 2022			
NOTE : In relation to the increase pursuant to section 66(5B)(b) of the Planning By-Law (as amended) in line with the consumer price index published by Statistic South Africa) using the date of approval as the base month							
Notes:							
Departmental Notes:							

For the internal use of Finance only

Service	Financial codeUKey number	Total
Roads	20160623 020158	R 11 843,26
Sewerage	20160623 018776	R 25 001,60
Water	20160623 021593	R 31 326,72
Electricity	20160623 021336	R 52 682,91
Transfers	20160623 019267	R 0,00
		R 120 854,49

Development Charges Calculator				Version 1.00		2021/12/03	
				Erf Number	4245		
				Allotment area	George		
				Elec DCs Area/Region	George Network		
				Elec Link Network	LV		
				Elec Development Type	Normal		
				Developer/Owner	K.K.Macky		
				Erf Size (ha)	2104		
				Date (YYYY/MM/DD)	2022-05-10		
				Current Financial Year	2021/2022		
				Collaborator Application Reference	2081805		
Code	Land Use		Unit	Total Existing Right		Total New Right	
RESIDENTIAL							
	Single Res > 1000m² Erf (Upmarket)		unit		1		1
	Single Res > 650m² Erf (Normal)		unit				1
OTHERS							
					kVA		kVA
Is the development located within Public Transport (PT1) zone?				Please select			
				No			
Calculation of bulk engineering services component of Development Charge							
Service	Units	Existing demand (ADMD)	New demand (ADMD)	Unit Cost	Amount	VAT	Total
Electricity	kVA	5,78	10,11	R 6 631,06	R 28 743,64	R 4 311,55	R 33 055,18
Total bulk engineering services component of Development Charge payable					R 28 743,64	R 4 311,55	R 33 055,18
Link engineering services component of Development Charge							
Total Development Charge Payable							
City of George							
Calculated (ETS):							
Signature :							
Date :		May 10, 2022					
NOTE : In relation to the increase pursuant to section 66(5B)(b) of the Planning By-Law (as amended) in line with the consumer price index published by Statistic South Africa) using the date of approval as the base month							
Notes:							
Departmental Notes:							

For the internal use of Finance only

Service	Financial codeUKey number	Total
Electricity	20160623 021336	R 33 055,18
		R 33 055,18

**PROPOSED SUBDIVISION, CONSENT USE AND DEPARTURES IN TERMS OF SECTIONS 15(2)(d),
15(2)(o) and 15(2)(b) OF THE GEORGE MUNICIPALITY LAND USE PLANNING BYLAW, 2015**

ERF 4245 (9 CYPRESS AVENUE, HEATHER PARK), GEORGE DISTRICT AND MUNICIPALITY



On behalf of: Kathleen Margaret Mackay

October 2021

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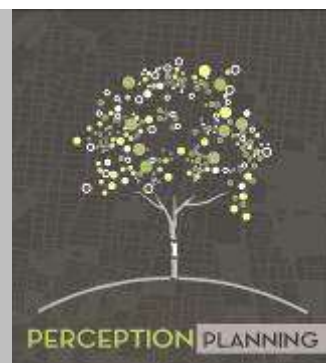
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PERCEPTION Planning

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

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REFERENCES and ACKNOWLEDGEMENTS

1. Cape Town Archives
2. Cape Town Deeds Office
3. Department of Rural Development and Land Reform, Mowbray (NGSI)
4. Guideline on Need and Desirability, Department of Environmental Affairs, 2017

ABBREVIATIONS

CFM – Cape Farm Mapper, Western Cape Government
 DEADP – Department of Environmental Affairs & Development Planning (Western Cape Government)
 DEFF – Department of Environment, Forestry and Fisheries (National)
 EA – Environmental Authorisation
 GEP – Google Earth Pro ©
 GIZS – George Integrated Zoning Scheme Bylaw, 2017
 GMSDF – George Municipality Spatial Development Framework
 HWC – Heritage Western Cape
 LUPA - Western Cape Land Use Planning Act, 2014 (Act 3 of 2014)
 NEM:BA – National Environmental Management: Biodiversity Act, 2004 (Act 10 of 2004)
 NEMA – National Environmental Management Act
 NEMA – National Environmental Management Act, 1998 (Act 107 of 1998), as amended
 NHRA – National Heritage Resources Act, 1999 (Act 25 of 1999)
 PPP – Public Participation Process
 SPLUMA - Spatial Planning and Land Use Management Act, 2013 (Act 3 of 2013)

COVER: Collage of imagery pertaining to the property (Author, 2021)

PROJECT SUMMARY	
Objective	Subdivision into Portion A and Remainder, Consent Use (Second Dwelling) and Departures (Building lines)
Property	Erf 4245 (Heather Park), George District and Municipality
Surveyor General Diagram	5583/1968
Registered Owner	Kathleen Margaret Mackay
Title Deed	T 10769/2017
Extent	2,119m ²
Restrictive Title Deed Condition(s)	None
Bond Holder	None
Servitudes	No
Zoning Scheme	George Integrated Zoning Bylaw, 2017
Legislation	George Municipality: Land Use Planning Bylaw, 2015
Current Zoning	Single Residential Zone I
Current Land Use	Residential
Proposed Development	Subdivision, Consent Use, Departure
Proposed Land Use	Single Residential Zone I
NEMA Required	No
NHRA Required	No
Act 70 of 1970	No

1. INTRODUCTION

PERCEPTION Planning was appointed by the registered property owner, Kathleen Margaret Mackay, to compile and submit to George Municipality a land use planning application for subdivision, consent use and departure pertaining to Erf 4245 (Heather Park), George District and Municipality, in terms of Sections 15(2)(d), 15(2)(o) and 15(2)(b) of the George Municipality Land Use Planning Bylaw (P.N. 227/2015). A copy of the Power of Attorney, duly signed by the registered property owner, appointing the *Perception Planning* to lodge this application, is attached as part of **Annexure 1** hereto, together with copies of the relevant SD Diagram and current title deed. A conveyancer's certificate confirming that the title deed contains no restrictive title conditions is attached as **Annexure 2**. There is no bond registered over the property – see Annexure 1.

The cadastral land unit subject to this application is:

- Erf 4245 (Heather Park), George District and Municipality, measuring 2,119m², registered to Kathleen Margaret Mackay and held under title deed T 10769/2017.

1.1 The Application

This land use application pertaining to Erf 4245, George District and Municipality submitted in terms of Sections 15(2)(d), 15(2)(o) and 15(2)(b) of the George Municipality Land Use Planning Bylaw (P.N. 227/2015) incorporate the components outlined below:

- **Subdivision** in terms of Section 15(2)(d) of the George Municipality: Land Use Planning By-Law, 2015, for the creation of two new portions, namely a Portion A (± 919m² in extent) and Remainder of Erf 4245 (± 1,200m² in extent).
- **Consent use**, in terms of Section 15(2)(o) of the George Municipality: Land Use Planning By-Law, 2015, for a Second Dwelling (± 113m²) on the proposed Remainder of Erf 4245, George;
- **Departures** in terms of Section 15(2)(b) of the George Municipality: Land Use Planning By-Law, 2015 for relaxation of building lines to accommodate existing structures as follow:
 - Northern building line of proposed Portion A from 2m to 0m to accommodate the existing existing servant's and store rooms;
 - Southern building line of proposed Remainder from 3m to 2.1m and 2.44m to accommodate the existing dwelling house;
 - Eastern building line of proposed Remainder from 3m to 1.74m to accommodate the existing building/proposed second dwelling.

The Land Use Planning Application form, duly completed and signed, is attached as **Annexure 3** while the locality plan and proposed subdivision plan are attached as part of **Annexure 4** to this report. A Site Development Plan is attached as **Annexure 5**.

1.2 Description of Property

Erf 4245 (2,119m² in extent) is situated within the predominantly residential suburb of Heather Park, about ±3 km west of the George Central Business District (CBD), as shown in **Figure 1** as well as the aforementioned locality plan (Annexure 4). The property is located along the southern side of Cypress Avenue and holds a roughly midblock location between Wattle and Airway Roads (**Figures 2,3**). The property is flat and contains a building complex comprising a dwelling house and (perceived) second dwelling (see Section 1.4 below) connected by an existing structure containing a servant's room and store room as illustrated in **Figure 4**. The dwelling house

was constructed roughly in the centre of the property with later extensions made to the rear. None of the structures are older than 60 years.



Figure 1: Study area location within a broader context (GEP, 2021, as edited)

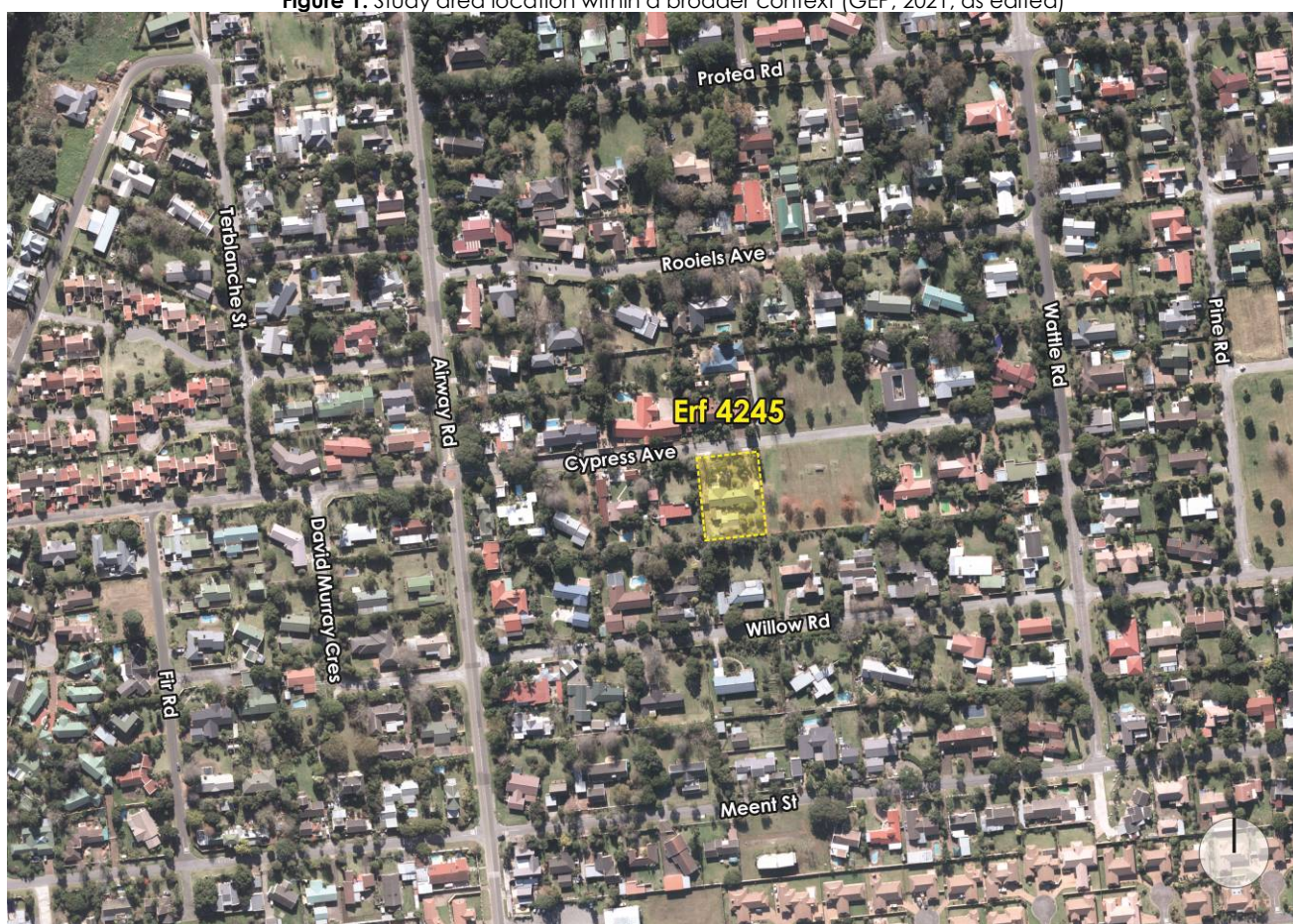


Figure 2: Property shown within closer urban context (CFM, 2021 as edited)

The existing building complex is surrounded by an established garden, two driveways and paving. Except for a single indigenous coral tree (*Erythrina lysistemon*) along the pavement directly north of the property boundary, no other indigenous trees are located on the property. Several fruit trees occur to the rear and will be retained.

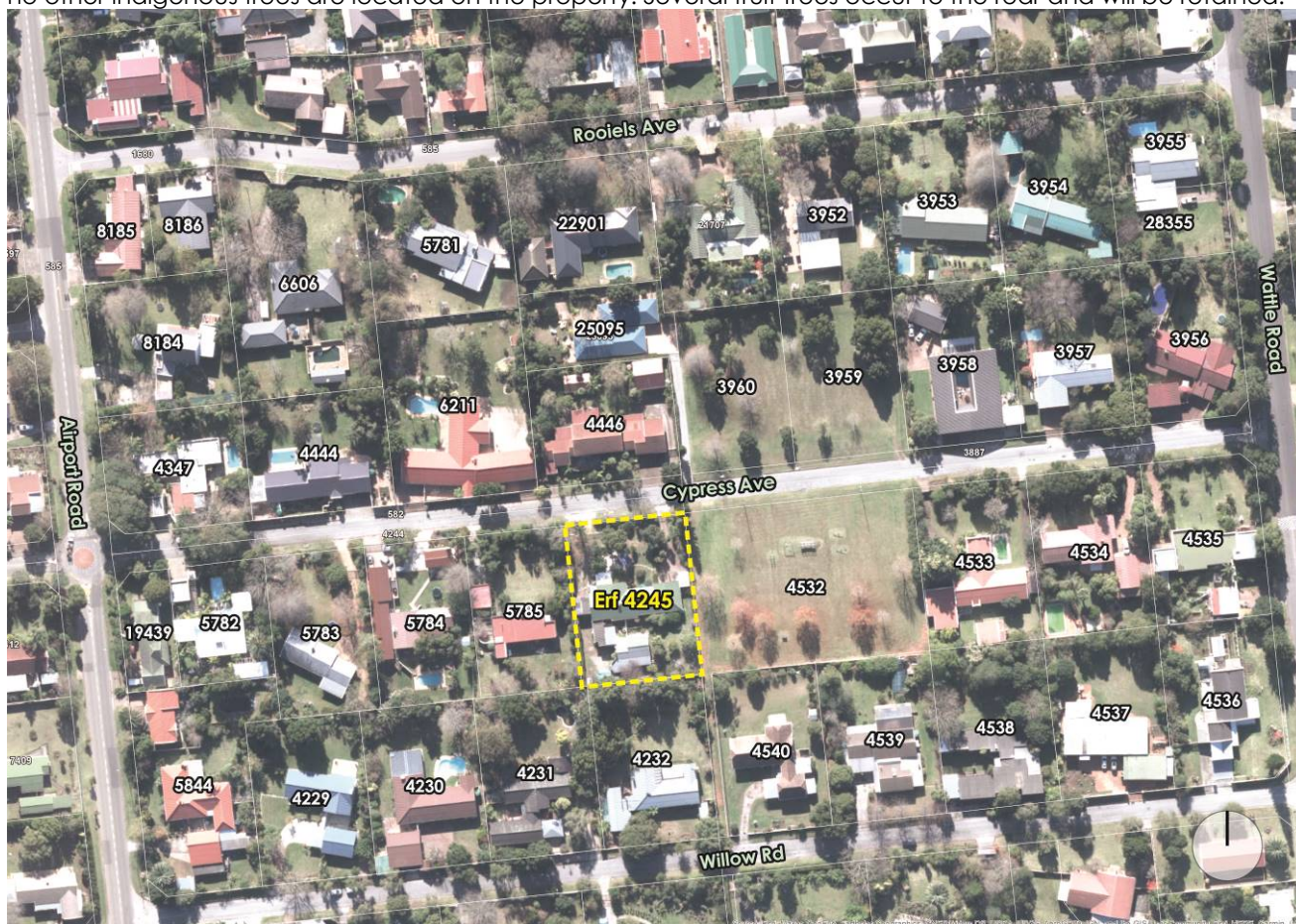


Figure 3: Registered even within proximity of Erf 4245, George as reference (CFM, 2021 as edited)



Figure 4: Annotated aerial image describing site-specific context (CFM, 2021 as edited)

Existing fencing along the cadastral boundaries to Erf 4245 include 1.8m high palisade fencing along the northern (street) boundary as well as the eastern boundary onto the adjoining public open space (i.e. Erf 4532). The northern (street) boundary fence is visually screened by a densely vegetated (± 1.8 m high) hedge (cape honeysuckle). The rear (southern) boundary is defined by 1.8m high vibacrete fencing whilst the eastern (side) boundary is defined by a densely vegetated ± 2.1 m high hedge. Photographs of the property and its environs are attached as part of **Annexure 6** hereto.

1.3 Zoning and Land Use

As evident from an extract from the GIZS Erf 4245 is situated with an area characterised predominantly by single residential land use (**Figure 5**). The property is however bound to the east and northeast by a public open space comprised of three abutting erven (Erven 4532, 3959 & 3960) zoned Open Space Zone I (refer to Figure 5). Several group housing complexes have been approved by the municipality along the periphery of Heather Park in the past. Two properties zoned Community Zone II occur along periphery of the suburb, ± 300 m southwest and ± 700 m northeast of Erf 4245, respectively.

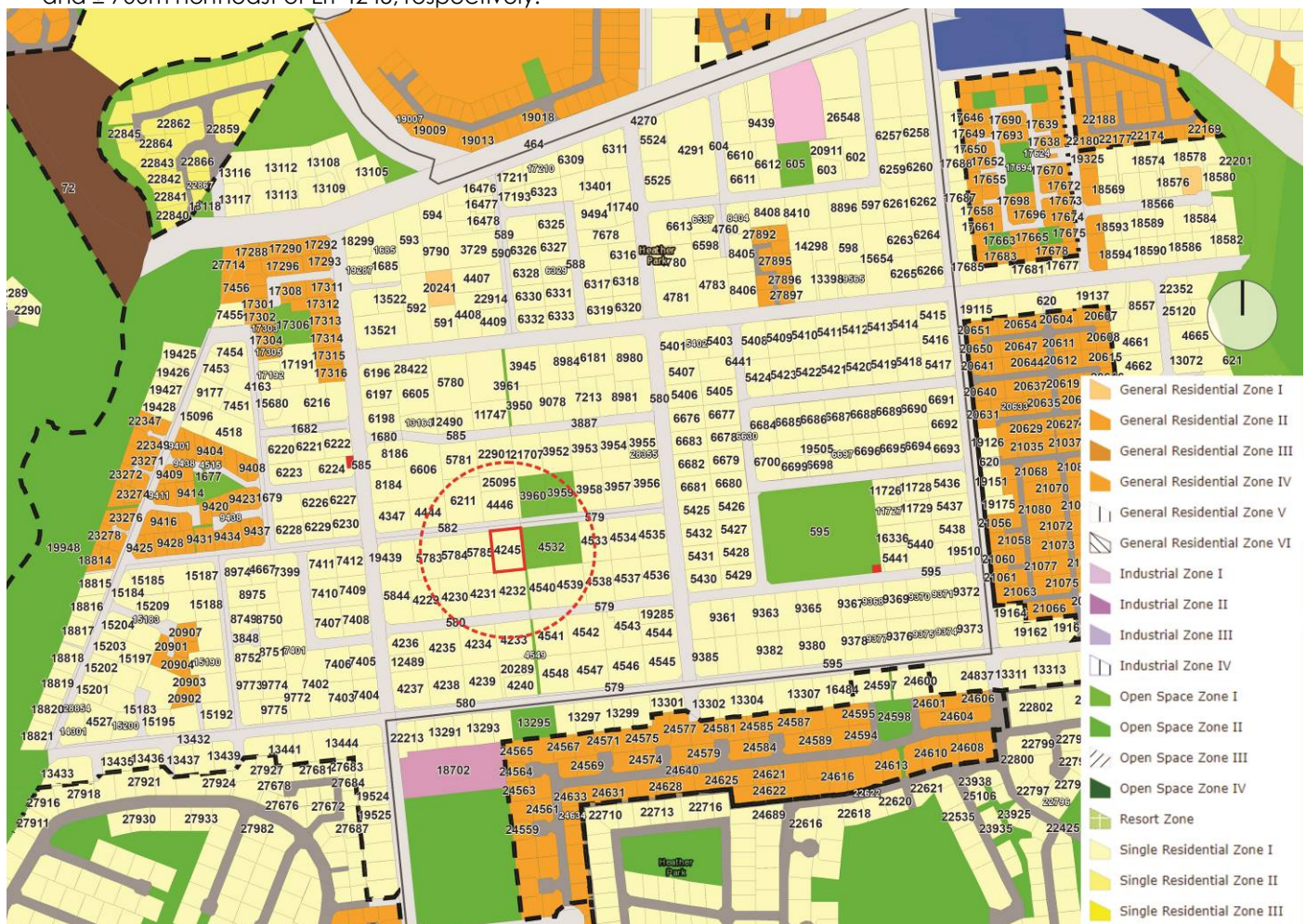


Figure 5: Erf 4245, George shown within context of extract from GIZS, 2017 (GM, 2021 as edited)

The property is zoned *Single Residential Zone I* in terms of the George Integrated Zoning Scheme By-law (GIZS, 2017). According to the landowner permission for a second dwelling was granted prior to 2017 (i.e. before implementation of the GIZS, 2017) though this could not be confirmed through a search of the relevant municipal planning file.

1.4 Planning history and context

A land use planning application lodged by GS Savage & Associates on behalf of the landowner for subdivision of Erf 4245, George into two portions (Portion A – 951m² and Remainder – 1,618m², respectively) was approved on 10th December 2008. These rights were however never implemented and subsequently lapsed. Copies of said approval is attached as part of **Annexure 7**. The approved subdivision plan clearly denotes the position of a “Flat” to the rear of the primary building (denoted as “House”). This part of the building complex had therefore been used as a second dwelling in accordance with this perceived right in good faith for many years.

According to the landowner approved building plans of all existing structures on the property, the original copies of which were archived with Building Control, George Municipality. Following numerous interactions with Building Control staff during May 2019 it transpired that these approved building plans were lost. Subsequent searches by Planning and Development staff during 2020 also proved unsuccessful. The landowner has no copies of approved building plans and so have had to have new building plans drawn up at her expense.

It should be noted that, during a site visit dated 13th November 2020, it was found that at least three second dwellings occur within the building complex. We have however been informed by the landowner that only one second dwelling remain at this stage.

1.5 Access

Vehicular access to the property is via two entrances directly off Cypress Avenue as highlighted in Figure 4. The length of the cadastral boundary onto Cypress Avenue is $\pm 39.8\text{m}$ and the separation distance between said entrances is $\pm 22.8\text{m}$. The western (primary) entrance and driveway provides access to the dwelling house and rear of the property is via a driveway adjoining the western cadastral boundary whilst the eastern (secondary) entrance and driveway provides access to the eastern portion of the dwelling house. Access control to said entrances is maintained via sliding gates.

1.6 Physical characteristics

Comprehensive details regarding existing soil conditions prevalent to the property is not known though broadly defined as being part of the Kaaimans Group and consisting of feldspathic quartzite, conglomerate, gritstone, phyllite, quartz-sericite and calc-silicate rocks¹. The property is level, stable and do not contain any landfills. Existing vegetation consists of lawned areas interspersed by shrubs and trees as described in Section 1.2 above. In addition to existing fencing, established, densely vegetated hedging along the northern and western boundaries while mature trees occurring on adjoining properties along the southern cadastral boundary of Erf 4245 are of such a nature that overlooking to/from adjoining properties to the west and south are not possible. No natural streams or drainage lines occur on or within the direct proximity of the property.

2. PROPOSED DEVELOPMENT

2.1 Development description

The proposal comprises three components, the most significant of which is for subdivision of the property into two portions, namely a Portion A (essentially the southern portion of the property, $\pm 919\text{m}^2$ in extent) and the Remainder of Erf 4245 (northern portion of the property, $\pm 1200\text{m}^2$ in extent). Access to proposed Portion A would be via a 4m wide panhandle following the eastern cadastral boundary of the property.

To implement the above, two portions of the existing building complex would be demolished as follows (refer to Subdivision Plan and Site Development Plan, Annexures 4, 5):

- An existing single carport ($\pm 14\text{m}^2$) to the eastern elevation of the dwelling house;
- Portion of the existing outbuilding (comprising a store room and servant's room, measuring $\pm 7.5\text{m}^2$) presently connecting the dwelling house and (perceived) second dwelling to the rear.

As a consequence of the proposed subdivision, permission for encroachment of existing buildings onto resultant building lines are sought as follows (Subdivision Plan and Site Development Plan, Annexures 4, 5):

- Proposed Portion A: Relaxation of the northern building lines from 2m to 0m to accommodate the existing outbuilding (store and servant's rooms);
- Proposed Remainder: Relaxation of the southern building line from 3m to 2.1m and 2.44m to accommodate the existing dwelling house;
- Proposed Remainder: Relaxation of the eastern building line from 3m to 1.74m to accommodate the existing building/ proposed second dwelling.

Thirdly, permission is sought for a Second Dwelling ($\pm 113\text{m}^2$) on the proposed Remainder of Erf 4245, to be accommodated within the existing dwelling house. The stated surface area includes the existing covered stoep. Sufficient space for parking existing directly in front of the proposed second dwelling exists. The existing (perceived) second dwelling situated to the rear of the existing dwelling house would thus become the primary dwelling to proposed Portion A as illustrated through the Site Development Plan (Annexure 5). Detailed building plans comprising floor plans, sections and elevations of the existing building complex and construction works required as part of the proposal is attached as part of **Annexure 8** to this report.

2.2 Pre-Application Consultation

The proposal was discussed with municipal officials through a Pre-Application Consultation on 29th June 2021 as required in terms of Section 37(1) of the George Municipality Land Use Planning Bylaw (P.N. 227/2015). Preliminary feedback provided by officials in relation to the proposal included the aspects below (sic):

“ETS:

- *Standard subdivision conditions will apply;*
- *The owner will be responsible to provide a new separate electrical supply to each of the erven at his cost.*

CES:

- *Access: All access must be inline with the GIZS 2017, no additional access will be permitted;*
- *All parking provision must be provided on site, no parking will be allowed within the road reserve;*

¹ Cape Farm Mapper, WCDoA, 2021

- Other normal development conditions will apply.

Town Planning:

- Please confirm access arrangement to Portion A and the Remainder;
- To indicate parking on Portion A and Remainder (for Main dwelling and Second dwelling);
- To clearly indicate the areas to be demolished;
- To clearly indicate the building line encroachments on the site layout plan with measurements;
- Please confirm the type of trees located in the proposed panhandle. Please note that if indigenous, comments from DEFF will be required;
- Kindly submit a Conveyancer's Certificate with the application."

The Pre-Application Form, completed and signed is attached to this report as **Annexure 9**. Aspects highlighted as part of the Pre-Application Consultation are addressed throughout this report.

2.3 Municipal Services and Infrastructure

Existing municipal services and infrastructure afforded to Erf 4245, George is proposed to be utilised to service proposed Portion A. Limited expansion of existing engineering services would therefore be needed. Relevant engineering service contributions will be made as required.

Vehicular access to proposed Portion A would be via a new 4m wide panhandle running concurrently with the current eastern cadastral boundary with access off Cypress Avenue. Minor shrubs currently occurring along the eastern cadastral boundary would need to be removed for this purpose.

Existing entrances to Erf 4245, separated by $\pm 22.8\text{m}$, are proposed to be retained as shown with the Site Development Plan (Annexure 5). Existing kerbs are proposed to be adjusted to remove an existing on-site parking area, maintain existing entrances, and accommodate the proposed entrance to proposed Portion A. More than sufficient on-site parking will be provided as shown with the Site Development Plan.

3. REGULATORY CONTEXT

3.1 George Integrated Zoning Scheme Bylaw, 2017 (GIZS)

In terms of the GIZS the property is presently zoned as "Single Residential Zone I" (SRZI) the primary use of which is for a Dwelling House, which in turn is defined as "a building containing only one dwelling unit, together with such outbuildings as are ordinarily used with a dwelling house" and may include, *inter alia*, a storeroom and garaging, a second dwelling with floor area not exceeding 60m^2 , home occupation, letting to lodgers, etc.

Table 1 below provides a summary of the proposal's compliance to development parameters applicable to SRZI in terms of the GIZS.

Development parameter	Proposed Portion A (*)	Proposed Remainder (**)	Proposed	Departure Required
Coverage	$325\text{m}^2 / 50\%$	$500\text{m}^2 / 40\%$	$14\% / 24\%$	No
Street Building line	4m	5m	5m	No
Side/ Rear Building line	2m/ 2m	3m/ 3m	See Section 2.1	Yes
Parking	Dwelling House – 2	Dwelling House – 2 Second Dwelling – 1	Complies, see SDP	No

Table 1: Summary outlining compliance with applicable development parameters, GIZS

(*) Erf size 501m^2 - $1,000\text{m}^2$

(**) Erf size greater than $1,000\text{m}^2$

Further applicable development parameters:

- For land units exceeding 650m^2 , a garage or carport may not be closer than 5 metres from the street boundary, notwithstanding the street building line - The single garage proposed along the western boundary of the Proposed Remainder would be setback 5,7m from the Cypress Street boundary and will not exceed 2.5m in height;
- Minimum width of a panhandle access may not be less than 4 metres wide – The width of the proposed panhandle access is 4m, which complies to the requirements of the GIZS;
- Where the total length of any street boundary of a site exceeds 30 metres in length, one additional carriageway crossing may be permitted, provided that no two carriageway crossings are closer than 12 metres to each other – A separation distance of $\pm 22.8\text{m}$ between the two existing driveways to the property (to become the Proposed Remainder) will be maintained.

3.1.1 Consent Use: Second Dwelling

The GIZS defines a "Second Dwelling" as, "another dwelling unit which may, in terms of this By-law, be erected on a land unit where a dwelling house is also permitted; and such second dwelling may be a separate structure or attached to an outbuilding or may be contained in the same structure as the dwelling house."

Development parameters applicable:

- The total floor space of a second dwelling unit may not exceed 150 m², which includes the floor space of all ancillary buildings – The total floor area of the proposed second dwelling, including a covered stoep would be ± 113m²;
- A second dwelling must be constructed in a style that is similar to the architecture of the main dwelling house – The proposed second dwelling forms part of the existing dwelling house and therefore complies to this parameter;
- A second dwelling that is contained within the same building as a dwelling house must be designed so that the building appears to be a single dwelling house – See above.

4. OTHER LEGISLATION**4.1 National Heritage Resources Act, 1999 (Act 25 of 1999)**

This land use application does not trigger any development activities listed in terms of the National Heritage Resources Act, 1999 (Act 25 of 1999).

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

This land use application does not trigger any development activities listed in terms of the NEMA EIA Regulations.

5. SPATIAL PLANNING POLICY AND FRAMEWORKS

The following broader spatial planning frameworks and policies are considered pertinent to this particular land use application:

5.1 Western Cape Provincial Spatial Development Framework, 2014

The WC PSDF *inter alia* outlines the intended provincial approach towards addressing key spatial challenges experienced in the province. The province's policy responses to these challenges are categorised in accordance with three spatial themes, namely Resources (Sustainable use of spatial assets and resources), Space economy (Opening up of opportunities within the space economy) and Settlement (Developing integrated and sustainable settlements). A summary of important transitions promoted through the WC PSDF are described in **Figure 6**.

PSDF THEME	FROM	TO
RESOURCES	Mainly curative interventions	More preventative interventions
	Resource consumptive living	Sustainable living technologies
	Reactive protection of natural, scenic and agricultural resources	Proactive management of resources as social, economic and environmental assets
SPACE-ECONOMY	Fragmented planning and management of economic infrastructure	Spatially aligned infrastructure planning, prioritisation and investment
	Limited economic opportunities	Variety of livelihood and income opportunities
	Unbalanced rural and urban space economies	Balanced urban and rural space economies built around green and information technologies
SETTLEMENT	Suburban approaches to settlement	Urban approaches to settlement
	Emphasis on 'greenfields' development and low density sprawl	Emphasis on 'brownfields' development
	Low density sprawl	Increased densities in appropriate locations aligned with resources and space-economy
	Segregated land use activities	Integration of complementary land uses
	Car dependent neighbourhoods and private mobility focus	Public transport orientation and walkable neighbourhoods
	Poor quality public spaces	High quality public spaces
	Fragmented, isolated and inefficient community facilities	Integrated, clustered and well located community facilities
	Focus on private property rights and developer led growth	Balancing private and public property rights and increased public direction on growth
	Exclusionary land markets and top-down delivery	Inclusionary land markets and partnerships with beneficiaries in delivery
	Limited tenure options and standardised housing types	Diverse tenure options and wider range of housing typologies
	Delivering finished houses through large contracts and public finance and with standard levels of service	Progressive housing improvements and incremental development through public, private and community finance with differentiated levels of service

Figure 6: Summary of key spatial transitions envisaged through the WC PSDF, 2014 (WCG, DEADP, 2014:32)

While changes to the assigned roles and responsibilities of provincial and municipal spatial planning, as brought about by case law and consequent statutory and policy frameworks are clear, these roles should collectively focus on the creation and preservation of the province's resources through the promotion of creating sustainable urban environments. Although provincial inputs with relation to spatial planning are largely limited to provincial planning, it is considered that the development aligns with at least the following provincial spatial policies, which relate to the three themes mentioned above:

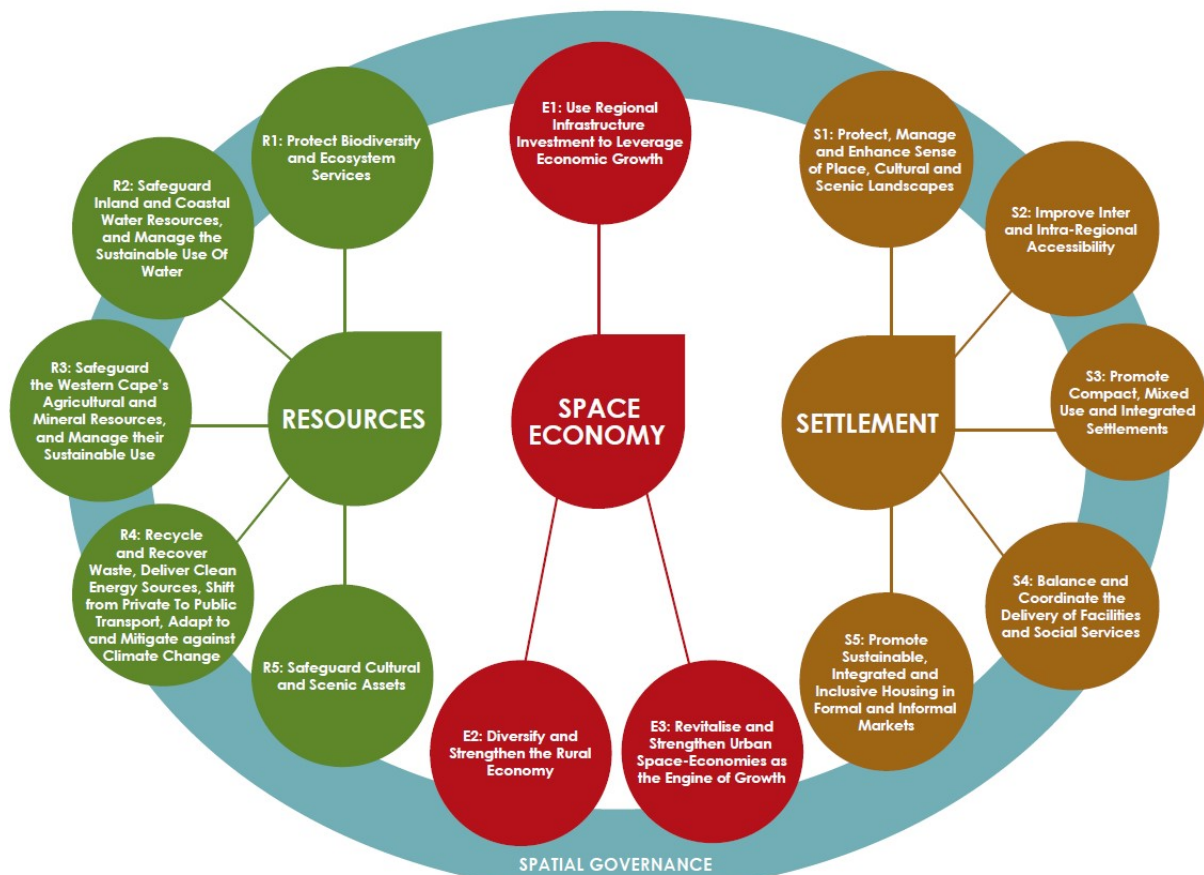


Figure 7: Summary of Provincial spatial policies, WC PSDF, 2014 (WCG, DEADP, 2014:36)

5.2 George Municipal Spatial Development Framework, 2019 (GMSDF)

The GMSDF shows Erf 4245, George as a residential property situated within the urban edge but does not make further specific reference to the area. However, spatial policies and objectives contained in the GMSDF emphasises the importance of appropriate forms of densification within in the current urban edge and contributing to a more efficient use of urban land, municipal infrastructure, facilities and amenities. Some of these policies considered pertinent to this land use application are as follow:

Policy C

"Maintain a compact settlement form to achieve better efficiency in service delivery and resource use, and to facilitate inclusion and integration."
(GM 2019:62)

Policy C3

"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."
(GM 2019:66)

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."
(GM 2019:97)

Policy F1

"Maintain the urban edge as the development boundary where identified for settlements in the Greater George Area including the George City Area."
(GM 2019:97)

Planning statement:

The proposal implies an appropriate form of densification through the creation an additional residential land unit within the urban edge as well as more efficient use of existing built form without negatively impacting on the residential character of the area, surrounding streetscape setting and without requiring significant expansion of existing engineering services and infrastructure. Development contributions that will be required will assist in ensuring that existing reticulation networks are maintained and ensure ongoing maintenance, upgrading may continue to be done to enhance capacity.

As further expanded upon elsewhere in this report the proposal is therefore consistent with the relevant spatial policies and objectives contained in the GMSDF and thus in accordance with the requirements outlined in Section 19 of the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014).

6. PLANNING MOTIVATION

6.1 Statutory Context

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

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

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

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

Planning statement:

While from a broader perspective this proposal would not necessarily readdress past spatial and development imbalances the creation of an additional land unit is likely to create additional work opportunities within the local economy and be consistent with the requirements of relevant spatial planning policy and frameworks as discussed in Section 5 of this report.

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

Planning statement:

Implementation of the proposal would imply intensified use of an existing residential property situated within the urban edge within an urban area characterised by residential-orientated land use. The property is established and has been altered through built form, lawned and paved areas and therefore the proposal would not have a negative impact from an environmental perspective. The proposal would create an additional land unit within a popular residential area of high demand and not negatively affect the effective and equitable functioning of the local land market.

Possible future costs with relation to the provision of engineering infrastructure and social services to serve the proposal are not considered significant but will nevertheless effectively be addressed through payment by the developer of the relevant development contributions as may be required by George Municipality. SPLUMA promotes land development in locations, which such as in this case, are sustainable and would limit urban sprawl.

The proposal would not negatively impact on the community of George and/or the suburb of Heather Park as further addressed elsewhere in this report (also refer to Sections 6.6 & 6.7).

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

Planning statement:

The proposal as outlined in this report will tie into existing engineering services and infrastructure with available capacity (see Section 2.3 of this report) and furthermore make use of existing built form thus efficiently and sustainably making use of available resources. It is therefore submitted that the proposal

would not have negative impacts from economic, social or environmental perspectives but that it would in fact be consistent with the proper planning and sustainable development of the area,

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

Planning statement:

The proposal complies to the relevant principles (notably the WC PSDF and GMSDF) as Erf 4245, George is situated within an established suburb the overall development density of which is of such a nature that it allows for appropriate forms of densification.

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

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

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

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

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

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

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

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

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

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

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

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

Planning statement:

*Again, it is our contention that, given the location of Erf 4245, George within an established residential suburb the overall density of which allows for appropriate forms of densification and furthermore, given the nature of the proposal that would repurpose existing built form and tying into existing engineering infrastructure and services thus efficiently and sustainably making use of available resources, the proposed development would be **consistent** with the spatial objectives outlined in the GMSDF, 2019.*

6.1.3 **George Municipality Land Use Planning Bylaw, 2015**

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

- Desirability of the proposed utilisation of land and any guidelines issued by the Provincial Minister regarding the desirability of proposed land uses;
- Impact of the proposed land development on municipal engineering services;
- The relevant integrated development plan, including the municipal spatial development framework;
- The integrated development plan and spatial development framework of the district municipality, where applicable;

- Applicable local spatial development frameworks adopted by the Municipality;
- The provincial spatial development framework;
- Policies, principles and the planning and development norms and criteria set by the national and provincial government;
- Aspects referred to in section 42 of the Spatial Planning and Land Use Management Act;
- Principles referred to in Chapter VI of the Land Use Planning Act;
- Provisions of the relevant zoning scheme.

Planning statement:

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

6.2 Character of the surrounding area

Erf 4245, George is situated within the predominantly residential suburb of Heather Park which was traditionally characterised by low density single residential development. However, over the last c. two decades various forms of densification have been permitted within Heather Park and its direct environs, all of which have a bearing on this application. Generally, the sizes of single residential properties within the direct proximity of Erf 4245, George vary between $\pm 1,900\text{m}^2$ - $2,000\text{m}^2$ though several subdivision applications have either been approved or are currently under consideration, some of which are highlighted red in Figure 7. Furthermore, a substantial number of town housing complexes (Residential Zone II) have been permitted within Heather Park and surrounding areas, most of which are highlighted orange in **Figure 8**.

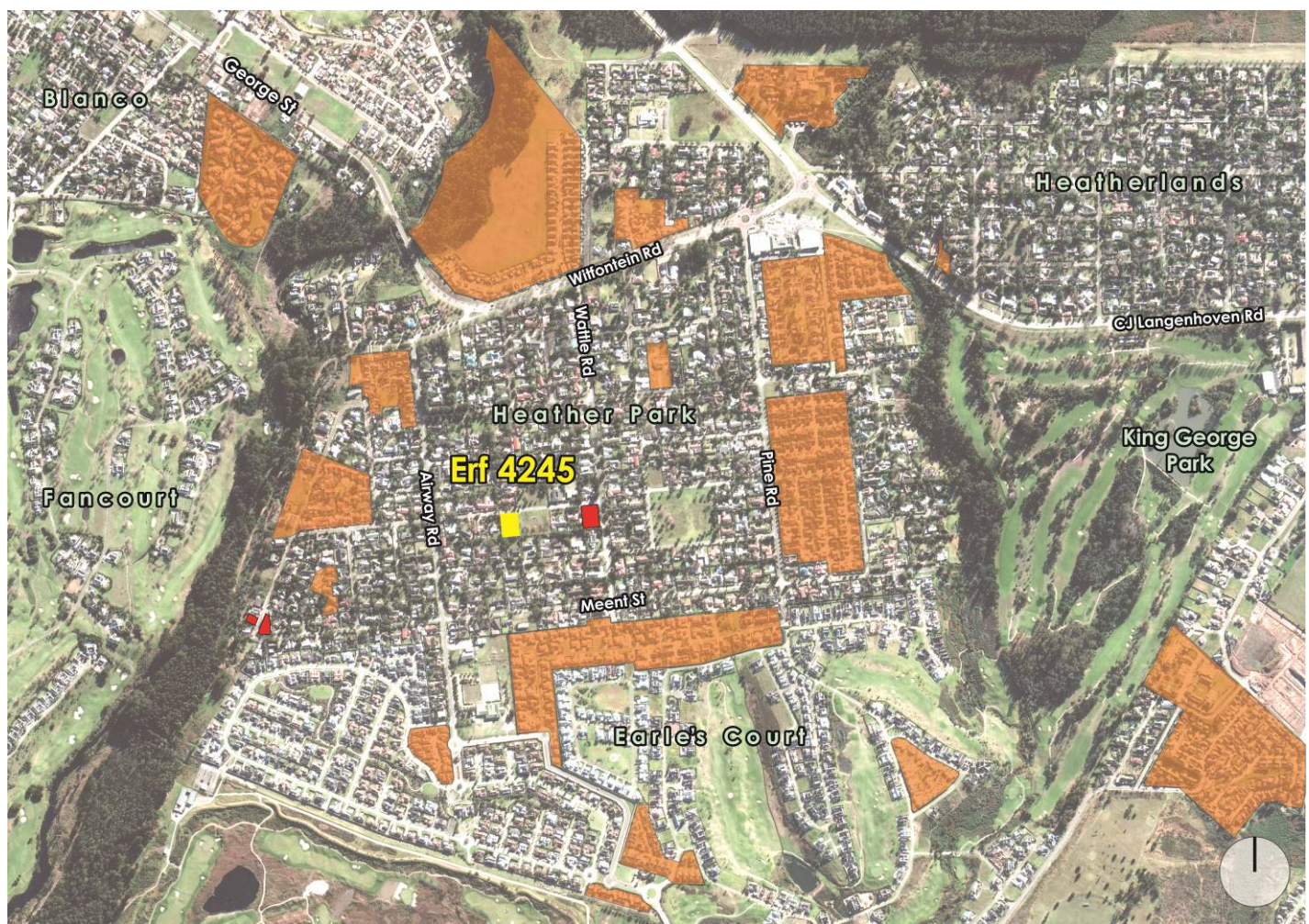


Figure 8: Location of Erf 4245, George (yellow) shown in relation to existing town housing complexes (orange) and some approved and ongoing subdivisions (red) within its direct proximity (GM, 2021 as edited)

Current Council policy dictates the minimum permissible erf size in Heather Park to be 800m^2 . The proposal would create two new land units measuring $\pm 1,200\text{m}^2$ (Remainder) and $\pm 919\text{m}^2$ in extent, thus complying to said established policy requirement. It is reiterated that a similar land use application for subdivision of Erf 4245, George into two portions, measuring $1,618\text{m}^2$ and 951m^2 , respectively, was approved by Council during the course of 2008 (Annexure 7). This approval would have predated the subsequent approval of several forms of densification within Heather Park.

² These sizes do not correlate with the current extent of Erf 4245, George as denoted on the relevant SG Diagram and/or title deed and thus appear to have been an error.

6.3 Potential direct impacts

Physical impacts associated with implementation of the proposed development is likely to include the removal of minor shrubs as part of the establishment of a new 4m wide panhandle access along the eastern property boundary of Erf 4245. The existing street kerb will be opened to create a new entrance. Existing densely vegetated hedging along the northern (street) boundary will be retained. Considering the above it is anticipated that the proposal would have a limited visual impact from Cypress Avenue as well as from Erf 4532, the public open space direct to the east.

The existing dwelling house on which is proposed to become the Remainder, together with its north-facing garden onto Cypress Road will be retained. As the proposed second dwelling will be contained within the existing building/ dwelling house, no associated visual encroachment onto Cypress Avenue or said public open space adjoining to the east would occur. Access to the new second dwelling would be through the existing secondary driveway.

Minor construction works associated with implementing the proposal would include demolition of an existing carport and small section of existing dwelling house to physically separate the existing building complex. The existing structure which will become the dwelling house on proposed Portion A will be retained. No construction works are envisaged at this time. It is however acknowledged that a new owner of Portion A may choose to construct a new dwelling, which may require submission of building plans for approval in future.

As mentioned in Section 1.6, the northern (street), southern (rear) and western (side) boundaries of the property are defined by dense vegetation which preclude overlooking onto adjoining properties. Densely vegetated ($\pm 2.1\text{m}$ high) hedging along the western boundary is proposed to be retained. Dense vegetation consisting of mature trees and shrubs defining the southern boundary of Erf 4245 are mostly situated on adjoining properties. The nature of this vegetation is therefore such that overlooking from Erf 4245, George would be minimal.

It is therefore submitted that the impact of the proposal on the streetscape along Cypress Avenue would be negligible. The proposal would not give rise to overlooking, overshadowing or invasion of privacy of adjoining residential properties.

6.4 Access and Parking

Vehicular access to proposed Portion A would be via a new 4m wide panhandle parallel to the eastern cadastral boundary with access off Cypress Avenue. The two existing driveways to Erf 4245 would remain as is and serve the dwelling house and second dwelling to the proposed Remainder, respectively. Sufficient on-site parking will be provided for the two dwelling houses as well as the second dwelling in accordance with the requirements of the GLZS.

Additional traffic movements likely to be generated as part of the proposal would be for a single family and would not result in a traffic hazard or compromise traffic safety along Cypress Avenue.

6.5 Provision of services

Existing municipal services and infrastructure afforded to Erf 4245, George is proposed to be utilised to service the proposed Portion A. Limited expansion of existing engineering services would therefore be needed. Relevant engineering service contributions will be made when required.

6.6 Need and Desirability

From a planning perspective the statutory context for the concept of "need and desirability" may be found within legislation such as the former Land Use Planning Ordinance, 1985 (Ord 15 of 1985) though it is also entrenched with for example the more recent Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000) as well as the National Environmental Management Act, 1998 (Act 107 of 1998).

"Need and Desirability" refer to, inter alia, the nature, scale and location of a development being proposed as well as the sensible use of land. Essentially "need" refers to "time" whereas "desirability" to "place" (i.e. is this the opportune time and right place for locating the type of land use/ activity being proposed?)(DoE, 2017: 9).

Desirability therefore relates to the degree to which a proposal may be considered acceptable on a specific property having regard to factors such as physical characteristics, surrounding planning character and context, economic considerations, sense of place, streetscape, potential impacts on adjoining residents and property, accessibility, and provision of engineering services.

Need:

The proposal (subdivision and consent use, second dwelling) would make provision for appropriate densification within a residential suburb traditionally characterised by low density urban development but which has seen various forms of appropriate densification during recent years. The proposal would effectively create an additional land unit within the urban edge within an area where there is a high demand (i.e. need) for residential properties.

Physical characteristics:

Erf 4245, George is level, known to be geologically stable and not considered sensitive from an environmental perspective. The proposal would not require removal of any significant trees nor would permission in terms of the National Forests Act, 1998 (Act 80 of 1998) be required. All existing vegetation, including trees, shrubs as well as hedging along the northern and western cadastral boundaries would be retained.

Existing planning context:

As outlined elsewhere in this report the proposal is consistent with spatial policies and objectives in relation to densification pertinent within existing urban areas of George (i.e. inside the urban edge). Erf 4245, George forms part of an established residential suburb of Heather Park, the overall density of which allows for appropriate forms of densification and furthermore. The proposal is well above the minimum permissible subdivision size of 800m² which applies to Heather Park.

Economic perspective:

The proposal would create a new residential opportunity within a residential area characterised by high demand and low supply. The new property is likely to attract further investment and therefore contribute positively to the sustained long term development of the area. The overall (physical) impact associated with the proposal is considered negligible and would tend to uplift rather than detract from the residential amenities of the area and/or properties within its direct proximity.

6.7 Public Interest

The principle of public interest refers to the welfare or well-being of the general public and society and has a statutory basis within, inter alia, the Constitution and SPLUMA. The impact of this proposal within this context is limited in that anticipated impacts are mostly confined to existing built form – for example the new second dwelling will be confined within an existing building requiring no external changes. Similarly, the dwelling house to the proposed Portion A is an existing structure and construction works required to give effect to the proposal as outlined in this application would be minimal – i.e. demolition of two small sections of the existing building complex. While it is acknowledged that the new owner of proposed Portion A may want to construct a new dwelling house, impacts associated with such (possible) future works are considered reasonable and would need to be dealt with through a future building plan application.

Potential visual impacts associated with the proposal as may be perceived from the streetscape along Cypress Avenue and the adjoining public open space (Erf 4532) would be minimal and not detract from the overall residential character of the area. As such it is our contention that the proposal would not militate against public interest.

6.8 Statutory compliance

With the exception of the need to depart from building lines which result as a consequence of the proposed subdivision (i.e. southern building line of proposed Remainder and northern building line of proposed Portion A), the proposed development complies to the development parameters outlined in the GZS. The proposal is consistent with spatial planning policy and objections contained in the GMSDF and complies to Council policy with relation to minimum permissible erf sizes in Heather Park (i.e. min 800m²).

We have been informed that land use compliance issues noted during a site visit dated 13th November 2020 (refer to Section 1.4) has been rectified and the landowner awaits the favourable outcome of this application. It is therefore submitted that the proposal would comply from this perspective.

7. CONCLUSION

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

- a.) **Subdivision** in terms of Section 15(2)(d) of the George Municipality: Land Use Planning By-Law, 2015, for the creation of two new portions, namely a Portion A (± 919m² in extent) and Remainder of Erf 4245 (± 1,200m² in extent);
- b.) **Consent use**, in terms of Section 15(2)(o) of the George Municipality: Land Use Planning By-Law, 2015, for a Second Dwelling (± 113m²) on the proposed Remainder of Erf 4245, George;
- c.) **Departures** in terms of Section 15(2)(b) of the George Municipality: Land Use Planning By-Law, 2015 for relaxation of building lines to accommodate existing structures as follow:
 - Northern building line of proposed Portion A from 2m to 0m to accommodate the existing servant's and store rooms;
 - Southern building line of proposed Remainder from 3m to 2.1m and 2.44m to accommodate the existing dwelling house;

- Eastern building line of proposed Remainder from 3m to 1.74m to accommodate the existing building/ proposed second dwelling.

PERCEPTION Planning

26th October 2021 (updated 10th November 2021)



STEFAN DE KOCK

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

GEORGE MUNICIPALITY



LAND USE PLANNING PRE-APPLICATION CONSULTATION FORM

PLEASE NOTE:

Pre-application consultation is an advisory session and is required prior to submission of an application for rezoning, consent use, temporary departure and subdivision. It does not in any way pre-empt the outcome of any future application which may be submitted to the Municipality.

PART A: PARTICULARS

Reference number: **#1905983**

Purpose of consultation: **To obtain clarification regarding a proposal to subdivide Erf 4245 (9 Cypress Road, Heather Park), George.**

Brief proposal: **Proposed subdivision of Erf 4245, Heather Park into 2 portions; obtain permission for a second dwelling on the proposed Remainder; address encroachment of building lines as a consequence of the above.**

Property(ies) description: **Erf 4245 (Heather Park), George, measuring 2,119m²**

Date: **11th June 2021**

Attendees:

	Name & Surname	Organisation	Contact Number	E-mail
Official	Ilane Huyser	George Municipality	044 801 9550	IHUYSER@GEORGE.GOV.ZA
Pre-applicant				

Documentation provided for discussion:

Annexure 1 – Power of Attorney

Annexure 2 – Title Deed (T 51208/96)

Annexure 3 – SG Diagram No. 5583/68

Annexure 4 – Proposed Locality Plan

Annexure 5 – Conceptual Subdivision Plan

Annexure 6 – Previously approved subdivision plan approved/ stamped 10th December 2008 (lapsed)

Annexure 7 – E-mail request for additional information following previous Pre-App

Annexure 8 – Conceptual building/ site plan

Has pre-application been undertaken for a Land Development application with the Department of Environmental Affairs & Development Planning (DEA&DP)?

(If so, please provide a copy of the minutes)

YES NO

1.) Background:

Kindly consider the following as part of this Pre-Application Consultation:

- A previous approval dated 10th December 2008, for subdivision of the property into two portions were never implemented and subsequently lapsed (See **Annexure 6**);
- According to the land owner permission for a second dwelling was granted prior to 2017. Kindly note annotation "Flat" on former approved/ stamped (now lapsed) subdivision plan (Annexure 6). Notwithstanding, given the new position/ extent of the aforementioned within the existing building complex on the site, its rectification has been included in **Section 5** below;
- During a site visit dated 13th November 2020 it was found that at number of unauthorised second dwellings occur on this property;
- According to the land owner approved building plans of existing structures on the property were archived with Building Control, George Municipality. Following numerous interactions with Building Control staff during May 2019 it transpired that these approved building plans were lost. Numerous attempts by the land owner as well as staff from the Department of Planning & Building Control to retrieve said plans have been unsuccessful and therefore new building plans were drawn up at the cost of the land owner.

2.) Previous Pre-Application Consultation dated 3rd March 2021:

The following additional information was requested by the Department (**Annexure 7**):

- *"Areas to be demolished;*
- *Internal layout of houses;*
- *Proposed second dwellings on the respective portions;*
- *Location of the proposed second dwelling on portion A, and how it will be accessed. Parking of second dwelling on portion A."*

3.) Response to additional information requested:

Please refer to **Figure 1** below.

- Area proposed to be demolished is shown in black;

4.) Aspects to be addressed in the land use planning application:

- Revise, finalize the conceptual building plan/ site development plan
- Departures (e.g. building line relaxations) required as a consequence of the alignment of the proposed subdivision line and resultant building lines;
- Portion of the structure straddling the proposed subdivision line would be demolished (Figure 1);
- According to information available the new Second Dwelling would comprise $\pm 104\text{m}^2$, thus requiring a consent use application:
 - Main structure – 80m^2
 - Covered stoep – 10m^2
 - Carport – 14m^2
 - Total – 104m^2
- Current unauthorised second dwellings to be ceased;
- Position of parking on proposed Portion A as well as new parking for proposed Remainder of Erf 4245 to be confirmed.

5.) The land use planning application relating to Erf 4245, George Should therefore entail the following:

- Subdivision in terms of Section 15(2)(d) of the George Municipality: Land Use Planning By-Law, 2015, for the creation of 2 erven, namely a Portion A ($\pm 960\text{m}^2$ in extent) and Remainder of Erf 4245 ($\pm 1159\text{m}^2$ in extent).
- Consent use in terms of Section 15(2)(o) of the George Municipality: Land Use Planning By-Law, 2015, to allow for a Second Dwelling ($\pm 104\text{m}^2$) on the Remainder of Erf 4245 only.
- Departures in terms of Section 15(2)(b) of the George Municipality: Land Use Planning By-Law, 2015 for relaxation of relevant building lines so as to accommodate existing structures (Exact encroachments to be determined on site together with finalization of conceptual site development plan);
- Any other aspects the Department deem necessary.

PART B: APPLICATION PROCESS

(WILL FULLY APPLY ONLY ONCE LUPA REGULATIONS ARE IN FORCE)

PART C: QUESTIONNAIRES

SECTION A:
DETERMINATION OF APPLICATION TYPES, PRESCRIBED NOTICE AND ADVERTISEMENT PROCEDURES

Tick if relevant		What land use planning applications are required?	Application fees payable
	2(a)	a rezoning of land;	R
	2(b)	A rezoning to subdivisional area;	R
	2(c)	a temporary departure to use land for a purpose not provided for in the zoning scheme granted on a temporary basis;	R
	2(d)	a permanent departure from the development parameters of the zoning scheme;	
	2(e)	a subdivision of land that is not exempted in terms of section 25, including the registration of a servitude or lease agreement;	
	2(f)	an amendment, suspension or removal of restrictive conditions in respect of a land unit;	R
	2(g)	an amendment, deletion or imposition of conditions in respect of an existing approval;	R
	2(h)	an extension of the validity period of an approval;	R
	2(i)	a consent use in terms of the relevant zoning scheme regulations;	R
	2(j)	Amendment / cancellation of a general plan;	R
	2(k)	a phasing, amendment or cancellation of a plan of subdivision or a part thereof;	R
	2(l)	a contravention levy;	R
	2(m)	A determination of a zoning;	R
	2(n)	A closure of a public place or part thereof;	R
	2(o)	A consent use contemplated in the zoning scheme;	R
Tick if relevant		What prescribed notice and advertisement procedures will be required?	Advertising fees payable
Y	N	Serving of notices (i.e. registered letters etc.)	R
Y	N	Publication of notices (i.e. Provincial Gazette, Local Newspaper(s) etc.)	R
Y	N	Additional publication of notices (i.e. Site notice, public meeting, local radio, website, letters of consent etc.)	R
Y	N	Placing of final notice (i.e. Provincial Gazette etc.)	R
TOTAL APPLICATION FEE*:			To be determined

PLEASE NOTE: * Application fees are estimated on the information discussed and are subject to change with submission of the formal application.

SECTION B:

PROVISIONS IN TERMS OF THE RELEVANT PLANNING LEGISLATION / POLICIES / GUIDELINES

QUESTIONS REGARDING PLANNING POLICY CONTEXT	YES	NO	TO BE DETERMINED	COMMENT
Is any Municipal Integrated Development Plan (IDP)/Spatial Development Framework (SDF) and/or any other Municipal policies/guidelines applicable? If yes, is the proposal in line with the aforementioned documentation/plans?	✓			George Municipal Spatial Development Framework (2019)
Any applicable restrictive condition(s) prohibiting the proposal? If yes, is/are the condition(s) in favour of a third party(ies)? [List condition numbers and third party(ies)]		✓		N/A
Any other Municipal by-law that may be relevant to application? (If yes, specify)			✓	If so, to be discussed motivation report to be submitted as part of the land use application
Zoning Scheme Regulation considerations: Which zoning scheme regulations apply to this site? George Integrated Zoning Scheme By-Law, 2017 What is the current zoning of the property? Single Residential Zone What is the proposed zoning of the property? Single Residential Zone Does the proposal fall within the provisions/parameters of the zoning scheme? Yes Are additional applications required to deviate from the zoning scheme? (if yes, specify) No, deviation from zoning scheme dealt with as departures (building line relaxations) as described herein. Complies to minimum subdivision size requirement for the suburb of Heather Park (i.e. minimum 800m²).				

QUESTIONS REGARDING OTHER PLANNING CONSIDERATIONS	YES	NO	TO BE DETERMINED	COMMENT
Is the proposal in line with the Provincial Spatial Development Framework (PSDF) and/or any other Provincial bylaws/policies/guidelines/documents?	✓			
Are any regional/district spatial plans relevant? If yes, is the proposal in line with the document/plans?		✓		

SECTION C:

CONSENT / COMMENT REQUIRED FROM OTHER ORGANS OF STATE

QUESTIONS REGARDING CONSENT / COMMENT REQUIRED	YES	NO	TO BE DETERMINED	OBTAIN APPROVAL / CONSENT / COMMENT FROM:
Is/was the property(ies) utilised for agricultural purposes?		✓		Western Cape Provincial Department of Agriculture
Will the proposal require approval in terms of Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)?		✓		National Department of Agriculture, Forestry and Fisheries (DAFF)
Will the proposal trigger a listed activity in terms of National Environmental Management Act, 1998 (Act 107 of 1998) (NEMA)?		✓		Western Cape Provincial Department of Environmental Affairs & Development Planning (DEA&DP)
Will the proposal require authorisation in terms of Specific Environmental Management Act(s) (SEMA)? (National Environmental Management: Protected Areas Act, 2003 (Act 57 of 2003) (NEM:PAA) / National Environmental Management: Biodiversity Act, 2004 (Act 10 of 2004) (NEM:BA) / National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004) (NEM:AQA) / National Environmental Management: Integrated Coastal Management Act, 2008 (Act 24 of 2008) (NEM:ICM) / National Environmental Management: Waste Act, 2008 (Act 59 of 2008) (NEM:WA)		✓		National Department of Environmental Affairs (DEA) & DEA&DP
Will the proposal require authorisation in terms of the National Water Act, 1998 (Act 36 of 1998)?		✓		National Department of Water & Sanitation (DWS)
Will the proposal trigger a listed activity in terms of the National Heritage Resources Act, 1999 (Act 25 of 1999)?		✓		South African Heritage Resources Agency (SAHRA) & Heritage Western Cape (HWC)

QUESTIONS REGARDING CONSENT / COMMENT REQUIRED	YES	NO	TO BE DETERMINED	OBTAIN APPROVAL / CONSENT / COMMENT FROM:
Will the proposal have an impact on any National or Provincial roads?		✓		National Department of Transport / South Africa National Roads Agency Ltd. (SANRAL) & Western Cape Provincial Department of Transport and Public Works (DTPW)
Will the proposal trigger a listed activity in terms of the Occupational Health and Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations		✓		National Department of Labour (DL)
Will the proposal affect any Eskom owned land and/or servitudes?		✓		Eskom
Will the proposal affect any Telkom owned land and/or servitudes?		✓		Telkom
Will the proposal affect any Transnet owned land and/or servitudes?		✓		Transnet
Is the property subject to a land / restitution claims?		✓		National Department of Rural Development & Land Reform
Will the proposal require comments from SANParks and/or CapeNature?		✓		SANParks / CapeNature
Is the property subject to any existing mineral rights?		✓		National Department of Mineral Resources
Does the proposal lead to densification to such an extent that the number of schools, healthcare facilities, libraries, safety services, etc. in the area may be impacted on? (strikethrough irrelevant)		✓		Western Cape Provincial Departments of Cultural Affairs & Sport (DCAS), Education, Social Development, Health and Community Safety

SECTION D:
SERVICE REQUIREMENTS

DOES THE PROPOSAL REQUIRE THE FOLLOWING ADDITIONAL INFRASTRUCTURE / SERVICES?	YES	NO	TO BE DETERMINED	OBTAIN COMMENT FROM
Electricity supply:	✓			Directorate: Civil Engineering Services & Directorate: Electro- Technical Services
Water supply:	✓			
Sewerage and waste water:	✓			
Stormwater:	✓			
Road network:	✓			
Telecommunication services:	✓			
Development charges: Development charges:	✓			
Other services required? Please specify.				

PART D: COPIES OF PLANS / DOCUMENTS TO BE SUBMITTED AS PART OF THE APPLICATION

COMPULSORY INFORMATION REQUIRED:					
Y	N	Power of Attorney / Owner's consent if applicant is not owner (if applicable)	Y	N	S.G. noting sheet extract / Erf diagram / General Plan
Y	N	Motivation report / letter	Y		Full copy of the Title Deed
Y	N	Locality Plan	Y	N	Site Layout Plan
Y	N	Proof of payment of fees	Y	N	Bondholder's consent
MINIMUM AND ADDITIONAL REQUIREMENTS:					
Y	N	Site Development Plan	Y	N	Conveyancer's Certificate
Y	N	Land Use Plan	Y	N	Proposed Zoning plan
Y	N	Phasing Plan	Y	N	Consolidation Plan
Y	N	Abutting owner's consent	Y	N	Landscaping / Tree Plan
Y		Proposed Subdivision Plan (including street names and numbers)	Y	N	Copy of original approval letter
Y	N	Services Report or indication of all municipal services / registered servitudes	Y	N	Home Owners' Association consent
Y	N	Copy of Environmental Impact Assessment (EIA) / Heritage Impact Assessment (HIA) / Traffic Impact Assessment (TIA) / Traffic Impact Statement (TIS) / Major Hazard Impact Assessment (MHIA) / Environmental Authorisation (EA) / Record of Decision (ROD)	Y	N	1 : 50 / 1:100 Flood line determination (plan / report)
Y	N	Other (specify)	Y	N	Required number of documentation copies

ETS:

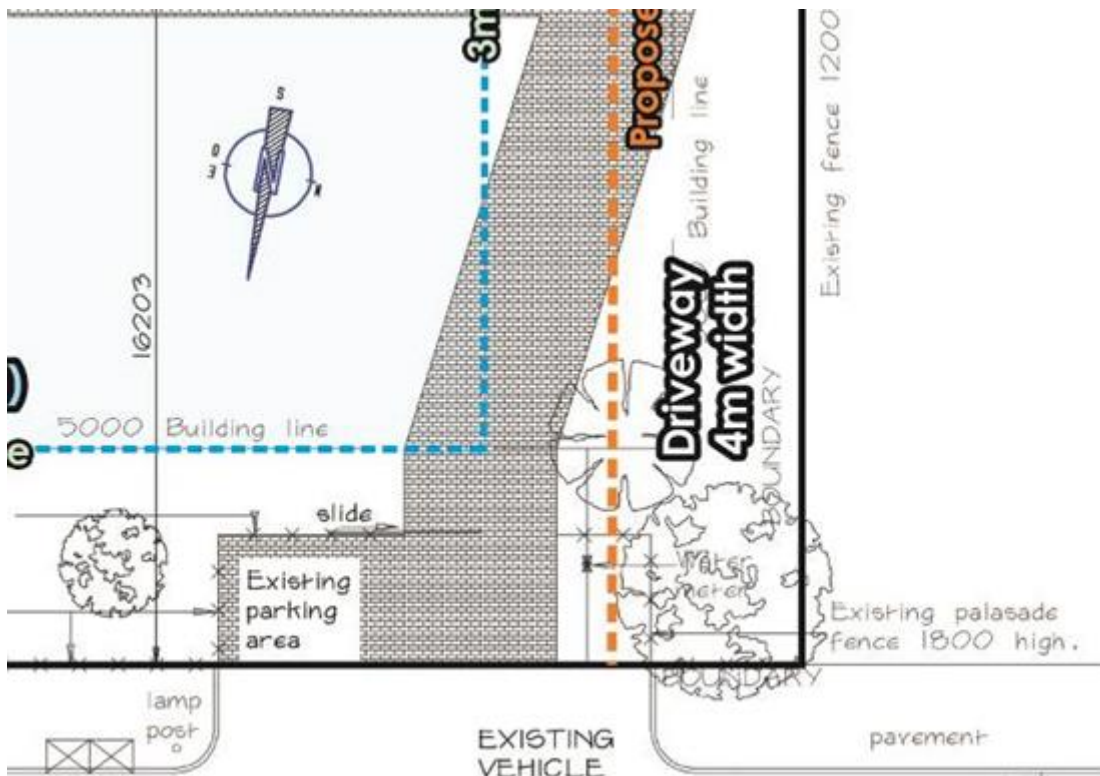
- Standard subdivision conditions will apply.
- The owner will be responsible to provide a new separate electrical supply to each of the erven at his cost.

CES:

- Access: All access is must be inline withe GIZS 2017, no additional access will be permitted.
- All parking provision must be provided on site, no parking will be allowed within the road reserve.
- Other normal development conditions will apply.

Town Planning:

- Please confirm access arrangement to Portion A and the Remainder;



- To indicate parking on Portion A and Remainder (for Main dwelling and Second dwelling);
- To clearly indicate the areas to be demolished;
- To clearly indicate the building line encroachments on the site layout plan with measurements;
- Please confirm the type of trees located in the proposed panhandle. Please note that if indigenous, comments from DEFF will be required.

PART F: SUMMARY / WAY FORWARD

Please refer to comments above. Application may be submitted for consideration.

**Please note that the above comments are subject to the documents and information available to us at the time of the pre-application meeting and we reserve our rights to elaborate on this matter further and/or request more information/documents should it deemed necessary.*

OFFICIAL: ___Ilane Huyser___ PRE-APPLICANT: **Stéfan Ethan de Kock (SACPLAN A/1599/2012)**

(Perception Planning)

SIGNED: _____ SIGNED: _____

DATE: ___29.06.2021___ DATE: **11th June 2021**

Prepared by me

Conveyancer
LUTHEG W M

**GEKANSELLEER
CANCELLED**

BC 000010766-1201

01 MAR 2017

REGISTRATEUR/REGISTRAR

DOCUMENT NO
CASTLEDEX
D0009132139SEELREG
DSTY

260,50

FOOI
FEE

75,50

REKENAAR-DATAWAL INVOER/COMPUTER DATA CAPTURE

OPERATEUR/ENTERED

16/2

OPERATEUR/OPERATOR

18-1 L WURIE

RAUBENHEIMERS INC.
60 CATHEDRAL STREET
GEORGE
6530
P O BOX 21, GEORGE, 6530

B 46387196

MORTGAGE BOND No. B**KNOW ALL MEN WHOM IT MAY CONCERN THAT:****MICHELLE VAN WYK**

a Conveyancer, appeared before me the REGISTRAR OF DEEDS at CAPE TOWN he being authorised thereto by a Power of Attorney duly attested and this day exhibited to me and filed in this office and granted to him at GEORGE
on 14 May 1996
by

GRAHAM IAN FORREST MACKAY

Identity Number 471023 5012 08 5

Married out of community of property

(hereinafter referred to as "the Mortgagor")

AND the Appearer declared that whereas a loan of R130 000,00 (ONE HUNDRED AND THIRTY THOUSAND RAND)
("the initial sum")

has been granted to the Mortgagor by

FIRST NATIONAL BANK OF SOUTHERN AFRICA LIMITED
(No. 05/01225/06)

("the Bank")

provided, inter alia, that this Mortgage Bond is registered.

84 OK Friedlander, Shandling
and Volks

DOCUMENT NO CASTLEDEX
D0009132138

VERBIND		MORTGAGED	
VIR FOR R 130 000,80			
SEELREG DUTY R.....	B	46387196	<i>[Signature]</i>
FOOI FEE R.....	75,80	10 07 96	
REKLEAAR: DATAAAR		REGISTRATEUR/REGISTRAR	
GPOEHEER: ENTERED		16/7	
BESTAATFIER: NIE		18-7 L MURIE	
		T 51208196	

DEED OF TRANSFER.

(By virtue of a Power of Attorney).

JANKLOWITZ, KERBEL & SCHÄRGES
CONVEYANCERS
PORT ELIZABETH

Prepared by me:

[Signature]
Conveyancer

JANKLOWITZ, C.R.

BE IT HEREBY MADE KNOWN:

THAT AARON SHANDLING

conveyancer, appeared before me, REGISTRAR OF DEEDS, at CAPE TOWN, he being duly authorised thereto by a Power of Attorney executed at PORT ELIZABETH on the 11 day of MAY 1996 granted to him by:

THE EXECUTOR IN THE ESTATE OF THE LATE
DOREEN MARGUERITE STREETER
Estate Number 1256/95

AND the appearer q.q. declared that:

WHEREAS in terms of the Will dated 24 December 1992 of the late DOREEN MARGUERITE STREETER who died on the 24th January 1995 the land hereinafter described was bequeathed to the transferee subject to Clause 6 of the will more fully set out hereunder;

NOW, THEREFORE, he the said appearer, in his aforesaid capacity did by these presents cede and transfer in full and free property to and on behalf of:

GRAHAM IAN FORREST MACKAY

Identity Number 471023 5012 08 5

Married out of community of property

His heirs, executors, trustees or assigns;

ERF 4245 GEORGE, in the Municipality and Division of George, Province of the Western Cape;

IN EXTENT 2 119 (Two Thousand One Hundred and Nineteen) square metres

FIRST REGISTERED by Certificate of Consolidated Title T.25930/1969 with Diagram No. 5583/1968 relating thereto and held by Deed of Transfer T.4177/1989

- A. **SUBJECT** to the conditions contained in Deed of Transfer No. T 6015/1932;
- B. **SUBJECT FURTHER** to the special conditions contained in Deed of Grant issued in favour of the Council of the Municipality of George on 15 June 1922 (George Quitrents volume 15 No. 15) under Division 10 of Act 15 of 1887, namely:

That all rights to minerals, mineral products, mineral oils and precious stones, precious or base metals on or under the land hereby granted are expressly reserved to the State, together with the right of access to any mines or works undertaken for mining or prospecting purposes by any person duly authorised in that behalf.

2./The...

The land is subject to such further rights as the public or the Government now may or may hereafter have or be entitled to obtain under or by virtue of any law relating to the prospecting, digging, mining or exploitation of minerals, mineral stones, precious or base metals on or under the land hereby granted, which rights shall not be impaired or in any way affected by the Title Deed.

- C. **SUBJECT FURTHER** to the following special conditions contained in Deed of Transfer No. T 6015/1932 which reads as follows:

The Transferor reserves the right to construct, use and maintain across the above property any pipe line for water leading, sewerage, drainage and poles or structures for the conduct of any electric or other light or power.

The "Transferor" being the Council of the Municipality of George.

- C. **SUBJECT FURTHER** to the conditions contained in clause 6 of the Will of the Deceased reading as follows:-

"All bequests in terms of this Will shall be excluded from community of property"

4./WHEREFORE



3 **WHEREFORE** the appearer q q renouncing all the right, title and interest the Estate heretofore had to the premises, did in consequence also acknowledge it to be entirely dispossessed of and disentitled thereto and that by virtue of these presents the said **TRANSFEE**

His heirs, executors, trustees or assigns;

now is and henceforth shall be entitled thereto, conformably to local custom the State, however, reserving its rights;

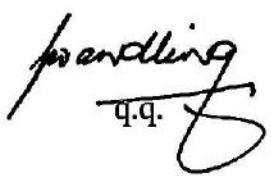
AND FINALLY acknowledging the property to be valued for Estate purposes at R210 000,00.

IN WITNESS WHEREOF I, the said Registrar of Deeds together with the appearer q q have subscribed to these presents and have caused the Seal of Office to be affixed thereto.

THUS DONE and EXECUTED at the Office of the **REGISTRAR OF DEEDS** at **CAPE TOWN** on the 10th July 1996.

In my presence:


REGISTRAR OF DEEDS


q.q.

SIDES Cape Feet		ANGLES OF DIRECTION	CO-ORDINATES Y System X		S.G. No. 5583/68
AB	169.00	353.42.40			Approved <i>D. R. [Signature]</i> Surveyor General 27.9.68
BC	126.50	83.42.40			
CD	169.00	173.42.40			
DA	126.50	263.42.40			
AE	20.00	173.42.40			

Beacons
A. B. C. D. Round Iron Pegs $\frac{1}{2}$ " diameter
E. Planted Stone

1. Figure A. x. y. D representing ERF 4243 (portion of Erf 581)
George. vide Diagram No. 5581/68 D/T. 1963. 15977

2. Figure x. B. C. y. representing ERF 4242 (portion of Erf 580)
George. vide Diagram No. 5580/68 D/T. 1963. 15929

Scale: 1 : 1200

The figure A. B. C. D. - E.
represents 21378 Square feet
Erf 4245 GEORGE
and comprises the properties specified above
situate in the Municipality and Administrative District
of George Province of Cape of Good Hope.
Compiled Surveyed in July, 1968.
by me, *Ronald Ross*
Land Surveyor

This diagram is annexed to No. <u>CCT 25930/69</u> dated i.f.o.	The original diagram is as are quoted above. No. _____ annexed to Transfer/Grant No. _____	File No. <u>S/8775/56/5</u> S.R. No. <u>Compiled</u> Comp. BL-7DD/W2 & W3
--	--	---

Registrar of Deeds

CONVEYANCER'S CERTIFICATE

I, the undersigned

ZENARIAH MARTIN (LPCM 96698)

a duly qualified and admitted Conveyancer, practicing at:

STADLER & SWART INCORPORATED

Office 2, 1st Floor, Heritage Square, Cnr. Gladstone & Vrede Streets, Durbanville, Cape Town

do hereby certify as follows:

1. I have perused the following Title Deed/s and conducted a search behind the pivot of the said title deed/s at the Deeds Office, Cape Town:

T 10769/2017 [Current Title Deed];

T 6015/1932;

Deed of Grant dated 15 June 1922 (George Qutrants Volume 15 No. 15);*

In respect of:

ERF 4245 GEORGE

IN THE MUNICIPALITY AND DIVISION OF GEORGE

WESTERN CAPE PROVINCE

IN EXTENT: 2119 (TWO THOUSAND ONE HUNDRED AND NINETEEN) SQUARE METERS

HELD BY DEED OF TRANSFER NUMBER T10769/2017

REGISTERED in the name of

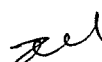
KATHLEEN MARGARET MACKAY

Identity Number 380815 0041 08 8

Unmarried

2. I hereby record that the pivot search was "incomplete" owing to the following circumstances:

2.1 Deed of Grant dated 15 June 1922 (George Qutrants Volume 15 No. 15) is an unserviceable deed as pages within the deed have been damaged/destroyed;



3. Notwithstanding the disclosure of clause 2, the abovementioned Title Deed/s contain the following restrictive conditions:

T10769/2017

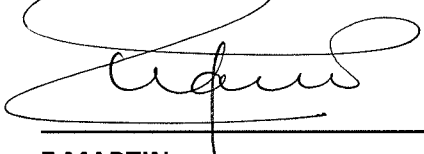
- 3.1 **"C. SUBJECT FURTHER** to the following special conditions contained in Deed of Transfer No. T6015/1932 which reads as follows:

The Transferor reserves the right to construct, use and maintain across the above property any pipe line for water leading, sewerage, drainage and poles or structures for the conduct of any electric or other light or power.

The "Transferor" being the Council of the Municipality of George".

4. I confirm that, to my knowledge, the restrictive condition referred to above places no direct restriction on the following:
- Subdivision in terms of Section 15(2)(d) of the George Municipality: Land Use Planning By-Law, 2015, for the creation of 2 erven, namely a Portion A ($\pm 960\text{m}^2$ in extent) and Remainder of Erf 4245 ($\pm 1159\text{m}^2$ in extent);
 - Consent use in terms of Section 15(2)(o) of the George Municipality: Land Use Planning By-Law, 2015, to allow for a Second Dwelling on the Remainder of Erf 4245;
 - Departures in terms of Section 15(2)(b) of the George Municipality: Land Use Planning By-Law, 2015 for relaxation of relevant building lines so as to accommodate existing structures.
5. The abovementioned Title Deed/s contain no further restrictive conditions.

SIGNED at CAPE TOWN on this 23rd day of AUGUST 2021

A handwritten signature in black ink, appearing to read 'Z Martin', is written over a horizontal line.

Z MARTIN
CONVEYANCER

**Re: PROPOSED SUBDIVISION OF ERF 4245 (9 CYPRESS AVENUE, HEATHER PARK),
RESPONSE FROM OWNER OF 11 CYPRESS AVENUE, ERF 5785. REFERENCE NUMBER
2081805.**

Marina Welman <Mhwelman@george.gov.za>

Thu 2021/12/09 15:49

To: mark greeff <mark@orchman.com>

Cc: Salome Van Wyk <salome@millers.co.za>; perceptionplanning <perceptionplanning@gmail.com>

Dear Mr Greeff

The Department acknowledge your objection/comments and it will be placed on file.

Kind Regards

Marina Welman

Administrator

Planning and Development

George Municipality

Landline: 044 801 9171

Email: mhwelman@george.gov.za



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From: mark greeff <mark@orchman.com>

Sent: Wednesday, 08 December 2021 21:06

To: Marina Welman <Mhwelman@george.gov.za>

Cc: Salome Van Wyk <salome@millers.co.za>; perceptionplanning <perceptionplanning@gmail.com>

Subject: PROPOSED SUBDIVISION OF ERF 4245 (9 CYPRESS AVENUE, HEATHER PARK), RESPONSE FROM OWNER OF 11 CYPRESS AVENUE, ERF 5785. REFERENCE NUMBER 2081805.

Mark P. Greeff
11 Cypress Avenue
Heather Park
George
6529
E-mail: mark@orchman.com
Tel. +1-831-234-5130

M. Welman and D. Power
George Municipality, Planning

54 York Street,
George
6530

cc. Salome van Wyk, Millers Attorneys, Inc.
Stefan de Kock, Perception Planning

December 7th, 2021

To whom it may concern,

PROPOSED SUBDIVISION, CONSENT USE AND DEPARTURES IN TERMS OF SECTIONS 15(2)(d), 15(2)(o) AND 15(2)(b) OF THE GEORGE MUNICIPALITY LAND USE PLANNING BYLAW, 2015: ERF 4245 (9 CYPRESS AVENUE, HEATHER PARK), GEORGE DISTRICT AND MUNICIPALITY – RESPONSE FROM OWNER OF 11 CYPRESS AVENUE, ERF 5785. REFERENCE NUMBER 2081805.

I am the sole owner of the neighbouring property, 11 CYPRESS AVENUE, ERF 5785. My property borders the western property line of 9 CYPRESS AVENUE, ERF 4245. I recently received written notice regarding the proposed subdivision and development of ERF 4245 (9 Cypress Avenue) and have had subsequent discussions with relevant parties.

I am conceptually not opposed to the actual subdivision of the property into 2 parcels. I do however feel that the current property owner should agree to, and participate in, the construction of a proper fence / wall between ERF 4245 and 5785 in order to mitigate potential security, containment and noise impacts due to the subdivision and resultant increase in traffic and activity anticipated on that property.

I am significantly opposed to the 'NEW GARAGE' shown on the diagram included in the packet, which shows it to be built against the property line between ERF 4245 and ERF 5785. This is the eastern property border of my property. I am opposed to any construction within the three metre building line of our common property border. If a garage or other building is to be erected against or near the property line, I am concerned that:

1. It will require access and impact to my property in order to construct
2. It will result in a building wall that is the responsibility of the owner of ERF 4245 for upkeep and maintenance, but they will not have physical access to it.
3. It will directly shade my property
4. It will impede the view of the mountain from my property
5. It will negatively impact the value of my property due to the view impacts and the proximity to my master bedroom
6. It may cause rain runoff onto my property

I trust that my response and commentary shall be reviewed and considered seriously. Any further correspondence by registered mail should also be sent to the following address:

MARK GREEFF

5347 98TH AVENUE EAST

PARRISH, FL 34219

UNITED STATES OF AMERICA

Please consider delivery times if a deadline is to be set for a response.

Please provide a written confirmation of receipt promptly.

Sincerely,

(SIGNED AND NOTARIZED / WITNESSED PDF VERSION OF LETTER IS ATTACHED TO THIS EMAIL)

Mark P. Greeff

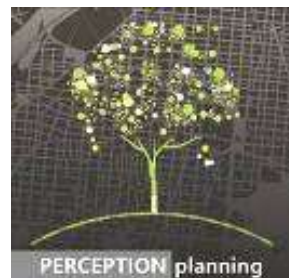
CONFIDENTIALITY & DISCLAIMER NOTICE The information contained in this message is confidential and is intended for the addressee(s) only. If you have received this message in error or there are any problems please notify the originator immediately. The unauthorized use, disclosure, copying or alteration of this message is strictly forbidden. George Municipality will not be liable for direct, special, indirect or consequential damages arising from alteration of this message by a third party or as a result of any malicious code or virus being passed on. If you have received this message in error, please notify the sender immediately by email, facsimile or telephone and return and/or destroy the original message. ***** Privacy policy George Municipality implements a privacy policy aimed at protecting visitors to our social media sites. POPIA We

respect the privacy rights of everyone who uses or enquires about our services. Protecting your personal information, as defined in the Protection of Personal Information Act, Act 4 of 2013, will be respected. Personal information will only be shared for purposes of resolving customer enquiries, providing customer services or for any other legitimate purpose relating to George Municipal functions. For your reference, the POPI and PAIA Acts are available at www.gov.za/documents/acts with amendments listed on www.acts.co.za

Southern Cape Office:
7 Imelda Court, 103 Meade Street/
PO Box 9995 George, 6530

Fax: 086 510 8357
Cell: 082 568 4719/ 078 078 4659
E-mail: perceptionplanning@gmail.com
www.behance.net/perceptionplanningSA
CC Reg. No. 2003/102950/23

Our ref: GEO/Erf 4245 Heather Park/ 2021
Your ref: 2081805



VIA E-MAIL
20th January 2022

Directorate: Planning & Development
George Municipality
PO Box 19
GEORGE
6530

Attention: Ilanè Huyser/ Marina Welman,

RESPONSE TO COMMENT/ OBJECTION RECEIVED DURING PUBLIC PARTICIPATION PROCESS: PROPOSED SUBDIVISION, CONSENT USE AND DEPARTURES IN TERMS OF SECTIONS 15(2)(d), 15(2)(o) and 15(2)(b) OF THE GEORGE MUNICIPALITY LAND USE PLANNING BYLAW, 2015: ERF 4245 (9 CYPRESS AVENUE, HEATHER PARK), GEORGE DISTRICT AND MUNICIPALITY

INTRODUCTION

1. Your communication dated 14th January 2022 in relation to the above refers.
2. We herein act on behalf of the registered property owner in response to the following comment/ objection submitted to George Municipality in relation to the above land use planning application:
 - Mark P Greeff in correspondence (e-mail and letter) dated 7th December 2021 (Owner Erf 5785) (See Figure 1).

RESPONSE TO ISSUES RAISED

3. Our responses to the points raised in the objection submitted by Mr. MP Greeff, who from the correspondence provided, appears to be a resident in the United States of America, are outlined in the table below:

	Issues raised by MP Greeff (sic):	Response:
1.	"conceptually not opposed to the actual subdivision"	The objector's in principle agreement to the proposed subdivision is acknowledged with thanks.
2.	Of opinion that "property owner should agree to, and participate in, the construction of a proper wall/ fence between Erf 4245 and 5785..."	The landowner would be amenable to share in the installation of a boundary fence along the shared boundary, subject to confirmation of said alignment by a registered land surveyor.
3.	"....to mitigate potential security, containment and noise impacts due to the subdivision..." "...and resultant increase in traffic and activity anticipated"	Further to (2) above the landowner acknowledges the suggestion for "security" and "containment" between adjoining Erven 4245 and 5785. Taken in conjunction with the appellant's in principle agreement to the proposed subdivision (1), the proposal would, from the landowner's perspective, retain the current (single residential) zoning and furthermore orientated the panhandle to proposed Portion A along the eastern boundary of Erf 4245. With the exception of demolition of a portion of the existing main building, as outlined in the application, we therefore respectfully submit that implementation of the subject proposal would not result in undue increase of traffic or disturbance that would detract from the residential amenity of adjoining properties.
4.	"opposed to the new garage....any construction within three metre building line of our common property border....concerned that:"	According to the George Integrated Zoning Scheme, 2017 (GIZS), garages, carports and outbuildings to dwelling houses are permitted within common boundary building lines (and do not require land use approval) provided that: <ul style="list-style-type: none"> • Said structure do not exceed 4m in height, • contain more than a double garage façade or, • exceed a length of 12m and width of 6,5m. Despite the fact that the proposed garage fully complies to the development parameters outlined in the GIZS and therefore does not require land use planning permission, the landowner is willing to relocate the garage to another position in future, in accordance with the parameters outlined in the GIZS (building plans of said structure will be submitted to George Municipality in

		future as and when required).
5.	"will require access and impact to my property in order to construct"	<p>Notwithstanding the point raised in (4), the landowner of Erf 4245 reiterates that:</p> <ul style="list-style-type: none"> The proposed garage complies to development parameters for garages to dwelling houses as per the GlZS, Given its height, dimensions, location and orientation of the proposed garage would clearly not result in undue overshadowing or detract from views. There is an existing densely vegetated hedge as well as other vegetation along the shared cadastral boundary between Erven 4245 and 5785 (see Figure 1). Several mature trees and dense vegetation occur along the street boundary of Erf 5785, which already impedes north-facing view from that property (see Figure 1). Rainwater gutters would be fitted to face towards Erf 4245, so as not to project run off onto adjoining properties.
6.	"will require maintenance and upkeep, no access	
7.	Shade my property	
8.	Impede view of the mountain from my property	
9.	Negatively impact value of my property due to impacts on view from master bedroom	
10.	Cause rain runoff onto my property	



Figure 1: Location of Erf 4245 in relation to neighbouring Erf 5785, George (GM GIS, 2016, as edited)

CONCLUSION

4. It is trusted that the above sufficiently addresses comments/ objections received. It remains our contention that the subject LUM application meets and complies with statutory policies and requirements outlined in the Spatial Planning Land Use Management Act, 2013, Western Cape Land Use Planning Act, 2014, Bitou Municipality Land Use Planning Bylaw, 2015 as well as other regulatory requirements discussed, and that the proposal may therefore be supported by George Municipality.
5. Please do not hesitate to contact the writer, should any additional information be required.

Yours faithfully,
PERCEPTION Planning

STEFAN DE KOCK
Hons: TRP(SA) EIA Mgmt(IRL) Pr. Pln PHP

Copies:

Senior Manager: Financial Services
Senior Manager: Civil and Technical Services
Senior Manager: Electrotechnical Services
Senior Manager: Planning and Development
Surveyor-General, Private Bag X9028, CAPE TOWN, 8000

E-mail: michellej@george.org.za
Erf 4245, George

Ms. M Joseph

044 - 801 9171

10 December 2008

GS Savage & Ass
PO Box 752
GEORGE
6530

REGISTERED MAIL

SUBDIVISION: ERF 4245, GEORGE

The abovementioned application refers.

Approval, under delegation, is hereby granted for the subdivision of Erf 4245, George into two portions (Portion A = 951m² and Remainder = 1618m²) in terms of Section 25(1) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), as indicated on the attached plan which bears Council's stamp.

The abovementioned approval is subject to the following conditions, as well as the conditions contained in Annexure "A", imposed in terms of Section 42(1) of Ordinance 15 of 1985:

- (i) that the approval will lapse in accordance with the Ordinance if the conditions are not complied with to the satisfaction of this Municipality;
 - (ii) that the conditions imposed by the Department: Civil Engineering Services (George Municipality) be adhered to;
1. Capital contributions are payable by the developer for each new equivalent portion created as per standard tariffs for George, applicable on transfer of a portion or the approval of building plans, whichever occurs first.
 2. Any, and all, costs directly related to the development remain the developers' responsibility.
 3. An additional amount of R 850-00 (excl VAT) is payable, per incident, should any road surface need to be repaired during the provision of a municipal connection. This amount is subject to annual escalation.
 4. Any existing service damaged during the development of the erf is to be repaired at the developers' expense, and in accordance with municipal standards.

- 2
5. Portion A and remainder must be provided with separate water and sewer connections.
 6. The internal water reticulation of Portion a may not cross the remainder. The internal water reticulation of the Remainder may not cross portion A.
 7. Alternatively for sewer, a services agreement between the relevant owners must be drawn for the maintenance of a shared sewer system.
 8. Stormwater drainage from the Remainder must be accommodated over Portion A.
 9. All civil services -internal, link and relocation of or upgrades to existing - are to be designed by a registered consulting engineer in accordance with Council specifications. All drawings and plans are to be submitted to the Department Civil Engineering Services (hard copy and electronically) for approval prior to any construction work taking place. All work is to be carried out under the supervision of the consulting engineer who is to provide the Department Civil Engineering Services with a certificate on completion, and as-built plans in electronic format. All costs will be for the developer.
 10. The applicant is to comply with the National Forests Act No 84 of 1998, should it be required. Entrances to properties are to be positioned so that no street trees need to be removed. Should it be necessary to remove a street tree, a permit is to be obtained from Department Water Affairs and Forestry (indigenous trees) or Parks and Gardens (other planted trees).

(iii) that the conditions imposed by the Department: Electrotechnical Services (George Municipality) be adhered to;

1. Capital contributions are payable by the developer for each new equivalent portion created as per standard tariffs for George, applicable on transfer of a portion or the approval of building plans, whichever occurs first.
2. Any, and all, costs directly related to the development remain the
3. Portion A and remainder must be provided with separate electricity connections.
4. The internal electrical reticulation of Portion a may not cross the remainder. The internal electrical reticulation of the Remainder may not cross portion A.

Notwithstanding Council's decision you have the right of appeal against the conditions of approval in terms of Section 44 of Ordinance 15 of 1985, which right must be exercised and submitted in writing within 21 days from date of registration (date stamp on envelope) of this letter. The appeal must be directed to The Director: Land Development Planning, Private Bag X9086, Cape Town, 8000 with a copy endorsed and submitted in writing to the George Municipality within the aforementioned time.

Yours faithfully

SB ERASMUS