

This plan must be read in conjunction with SANS 10400 and NHBRC regulations

MUNICIPAL SUBMISSION

*The new building compiles to SANS 10400 XA & SANS 204.
The new fenestration area is less than 15% of the total new floor area*

Project / Client:	EXISTING CHICKEN RUNS REBUILD AS STORAGE GARAGES - PORTION 13 OF 202 HANSMOES KRAAL - GEORGE
Drawing Title:	SITE PLAN

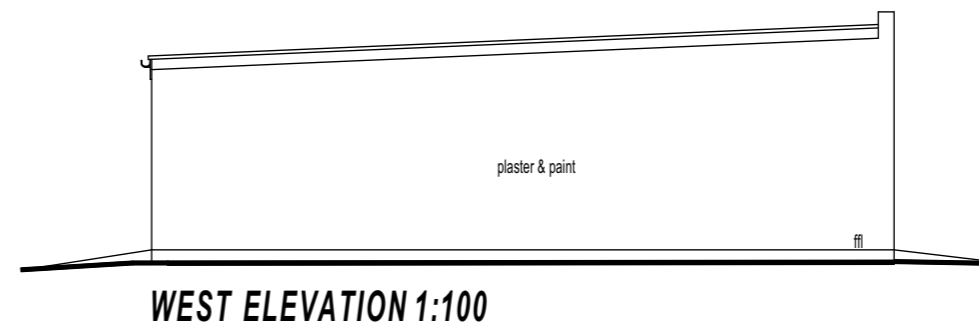
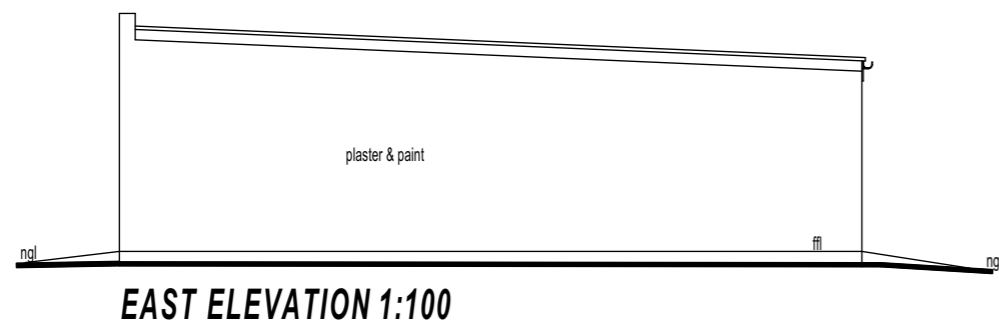
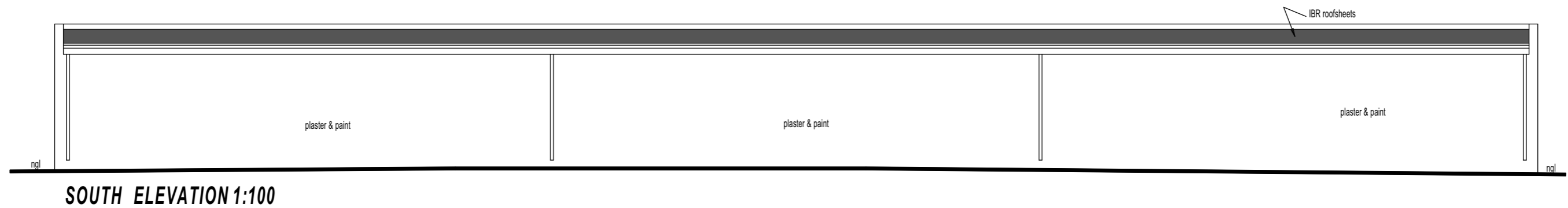
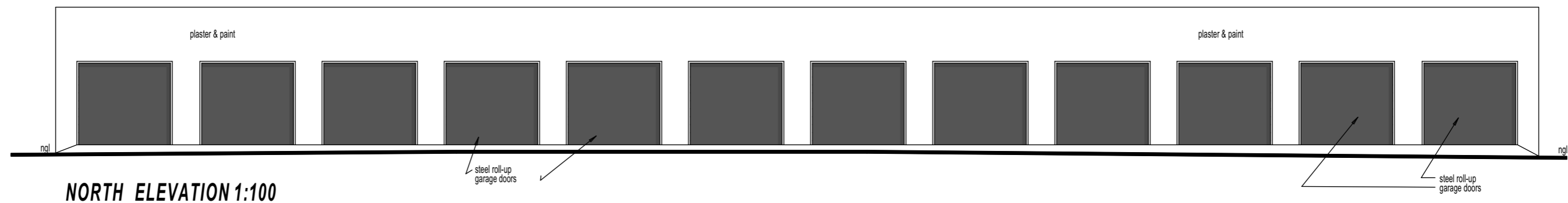
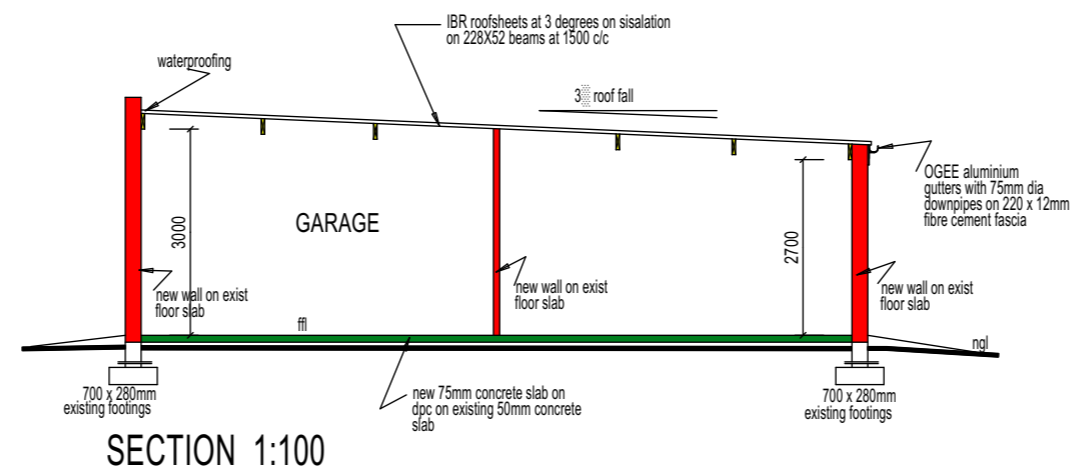
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as shown	JANUARY 2018
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Project Number:	Drawing Number:

BR WALTERS

PrArchD Reg.No. 0425

62 FICHAT STREET
George East
George, 6530

CELL: 071 560 3081



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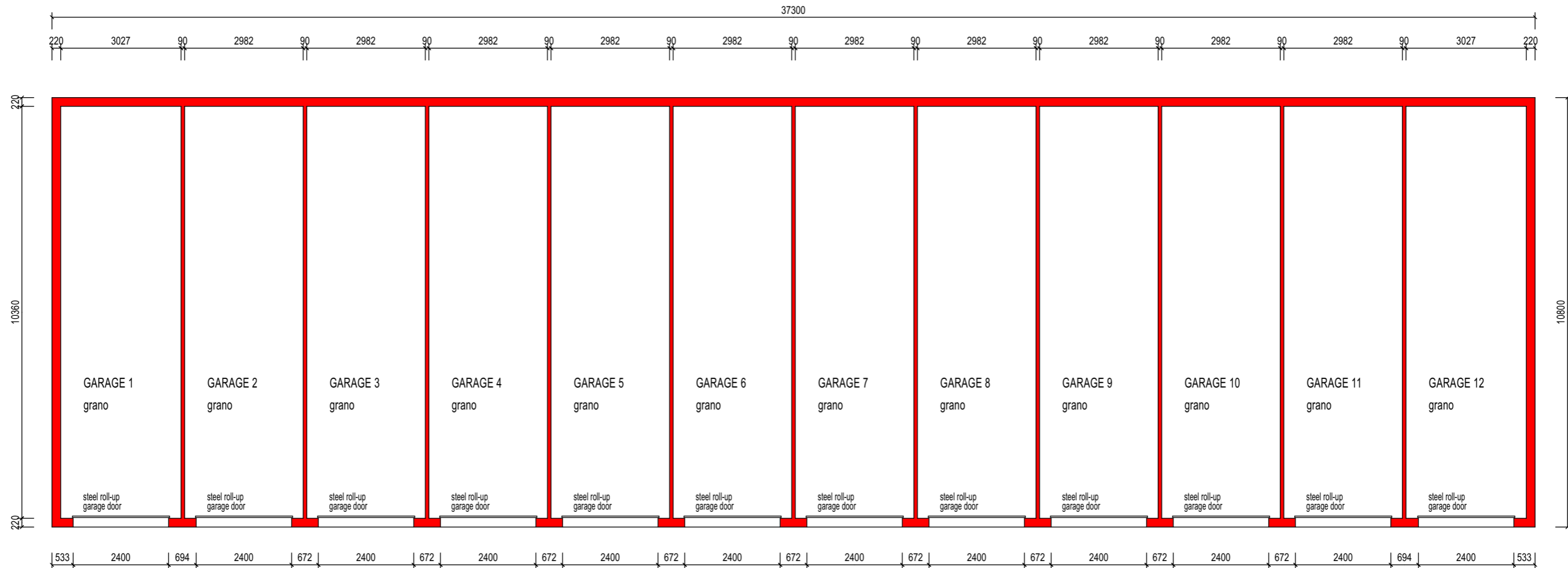
MUNICIPAL SUBMISSION

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Project / Client:	EXISTING CHICKEN RUNS REBUILD AS STORAGE GARAGES - PORTION 13 OF 202 HANSMOES KRAAL - GEORGE
Drawing Title:	ELEVATIONS & SECTION GARAGES - TYPE 1

Scale:	as shown	Date:	JANUARY 2018
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PLAN 1:100
GARAGES - TYPE 1

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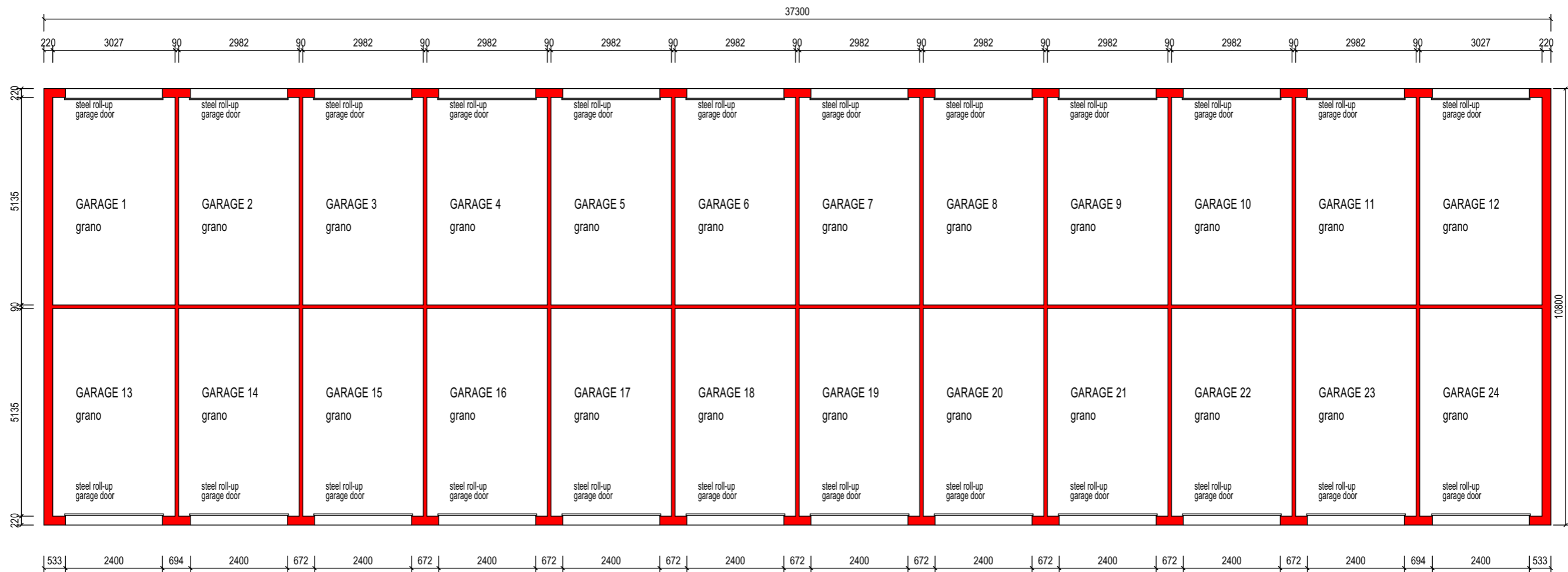
MUNICIPAL SUBMISSION

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Project / Client:	EXISTING CHICKEN RUNS REBUILD AS STORAGE GARAGES - PORTION 13 OF 202 HANSMOES KRAAL - GEORGE
Drawing Title:	PLAN GARAGES - TYPE 1

Scale:	Date:
as shown	JANUARY 2018
Drawn:	Checked:
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Project Number:	Drawing Number:

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PLAN 1:100
GARAGES - TYPE 2

This plan must be read in conjunction with SANS 10400 and NHBRC regulations

MUNICIPAL SUBMISSION

**The new building compiles to SANS 10400 XA & SANS 204.
The new fenestration area is less than 15% of the total new floor area**

Project / Client:	EXISTING CHICKEN RUNS REBUILD AS STORAGE GARAGES - PORTION 13 OF 202 HANSMOES KRAAL - GEORGE
Drawing Title:	PLAN GARAGES - TYPE 2

Scale:	Date:
as shown	JANUARY 2018
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Project Number:	Drawing Number:

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[illegible]

Documentation provided for discussion:

(Include document reference, document/plan dates and plan numbers where possible and attach to this form)

Copy of title deed, site plan_____

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

YES	NO
-----	----

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

Comprehensive overview of proposal:

The property is zoned Agriculture Zone 1 (AZ1) with a main farm house, 6 dwelling units/cottages and 18 old chicken broiler units. The latter and the dwelling units were rented out to more than 60 people by the previous owner that died a few years ago. The present owner is in the process of evicting the occupiers of the property and cleaning it. Approved building plans exist for this property – main house, 6 dwelling units for farming purposes.

The proposal is to convert the existing chicken houses to self-storage units. Following numerous discussions with the Town Planning Section since 2015, the owner now wishes to continue with an application for temporary departure as discussed, to create the self-storage units.

At the same time, he wishes to obtain approval for 2 of the 6 dwelling units as additional dwelling units through a consent use application.

For the remaining 4 dwelling units/cottages temporary departure is also requested to use it for accommodation purposes, other than related to agricultural activities.

No restrictive title conditions related to this proposed land use application were found in the title deed.

The land use application will therefore most likely read as follow:

- Temporary departure for self-storage units;
- Temporary departure to use 4 dwelling units for non-agricultural accommodation;
- Consent use for 2 additional dwelling units

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 subdivisinal 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;	R
	2(e)	a subdivision of land that is not exempted in terms of section 25, including the registration of a servitude or lease agreement;	R
	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)	an occasional use of land;	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*:			R

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?			X	
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)]		X		
Any other Municipal by-law that may be relevant to application? (If yes, specify)			X	
Zoning Scheme Regulation considerations: Which zoning scheme regulations apply to this site? <u> GIZS by-law </u> What is the current zoning of the property? <u> Agriculture Zone I </u> What is the proposed zoning of the property? <u> Agriculture Zone I with temporary departure & consent use </u> Does the proposal fall within the provisions/parameters of the zoning scheme? <u> No </u> Are additional applications required to deviate from the zoning scheme? (if yes, specify) <u> See discussion above </u>				

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?			X	
Are any regional/district spatial plans relevant? If yes, is the proposal in line with the document/plans?			X	

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?		X		Western Cape Provincial Department of Agriculture
Will the proposal require approval in terms of Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)?		X		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)?		X		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) (strikethrough irrelevant)		X		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)?		X		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)?		X		South African Heritage Resources Agency (SAHRA) & Heritage Western Cape (HWC)
Will the proposal have an impact on any National or Provincial roads?			X	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		X		National

QUESTIONS REGARDING CONSENT / COMMENT REQUIRED	YES	NO	TO BE DETERMINED	OBTAIN APPROVAL / CONSENT / COMMENT FROM:
the Occupational Health and Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations				Department of Labour (DL)
Will the proposal affect any Eskom owned land and/or servitudes?		X		Eskom
Will the proposal affect any Telkom owned land and/or servitudes?		X		Telkom
Will the proposal affect any Transnet owned land and/or servitudes?		X		Transnet
Is the property subject to a land / restitution claims?		X		National Department of Rural Development & Land Reform
Will the proposal require comments from SANParks and/or CapeNature?		X		SANParks / CapeNature
Is the property subject to any existing mineral rights?		X		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)		X		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: (list internal department)
Electricity supply:			X	Directorate: Electro-technical Services
Water supply:			X	Directorate: Civil Engineering Services
Sewerage and waste water:			X	Directorate: Civil Engineering Services
Storm water:			X	Directorate: Civil Engineering Services
Road network:			X	Directorate: Civil Engineering Services
Telecommunication services:			X	
Other services required? Please specify.			X	Refuse removal
Development charges:			X	

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	N	Full copy of the Title Deed
Y	N	Locality Plan	Y	N	Site Layout Plan
Y	N	Proof of payment of fees		N	Bondholder's consent

MINIMUM AND ADDITIONAL REQUIREMENTS:

	N	Site Development Plan	Y	N	Conveyancer's Certificate
	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
	N	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) (strikethrough irrelevant)	Y	N	1 : 50 / 1:100 Flood line determination (plan / report)
Y	N	Other (specify)	Y	N	Required number of documentation copies 2 copies

PART E: DISCUSSION

PART F: SUMMARY / WAY FORWARD

OFFICIAL:

Thys Zillitz

SIGNED:

DATE:

20/2/18

PRE-APPLICANT:

Marlize de Bruyn

SIGNED:

DATE:

20/2/18



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PROPOSED TEMPORARY DEPARTURE & CONSENT USE FOR *eTIME IT PTY LTD*
FARM HANSMOESKRAAL 202/13, GEORGE MUNICIPALITY & DIVISION



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Figures

Figure 1: Hansmoeskraal 202/13 in relation to its rural environment (Source: GM)

Annexures

1. Power of Attorney
2. Copy of Title Deed
3. Copy of SG Diagram
4. Locality Plan
5. Site Plan & draft building plans (self-storage units)
6. Pre-application consultation form
7. Application form

**FARM HANSMOESKRAAL 202/13, GEORGE MUNICIPALITY & DIVISION:
PROPOSED CONSENT USE & TEMPORARY DEPARTURE**

1. INTRODUCTION & BACKGROUND

The new owner of Hansmoeskraal 202/13 namely *eTime IT Pty Ltd* appointed *Marlize de Bruyn Planning* to submit and facilitate the land use application for temporary departure (self-storage & non-agriculture related accommodation) and also consent use for 2 additional dwelling units.

The property is zoned Agriculture Zone I (AZI) with a main farm house, 6 dwelling units/cottages and 18 old chicken broiler units. The latter and the dwelling units were rented out to more than 60 people by the previous owner that died a few years ago. The present owner is in the process of evicting the unauthorised occupiers of the property and cleaning it. Approved building plans exist for this property.

The proposal is to convert the 8 remaining chicken broiler structures and the 9 remaining floor slabs to self-storage units. One slab with a large storage structure constructed by the previous owner will be upgraded by the owner for his own storage needs. Following numerous discussions with the Town Planning Section since 2015, the owner now wishes to continue with an application for temporary departure, to create the self-storage units.

The power of attorney is attached as **Annexure 1** to this motivation report.

2. APPLICATION

This land use application for Hansmoeskraal 202/13 entails the following:

- Consent use in terms of Section 15(2)(o) of the George Municipality: Land Use Planning By-law for the change in use of two labourer's cottages/manager's dwellings to additional dwelling units;
- Temporary departure (5 years) in terms of Section 15(2)(c) of the George Municipality: Land Use Planning By-law for following:
 - To convert existing chicken broiler units and remaining floor slabs to self-storage units;
 - To use 4 existing labourer's cottages for non-agriculture related accommodation purposes.

3. PROPERTY DETAILS & LOCALITY

Hansmoeskraal 202/13 is registered in the name of the *eTime IT Pty Ltd* with a copy of the title deed (T67221/2016) attached hereto as **Annexure 2**. No bond is registered for the property.

According to the title deed as well as the Surveyor- General Diagram for the property (**Annexure 3**) the extent of the property is 17.9300ha.

Hansmoeskraal 202/13 is located south of Pacaltsdorp in the area known as Hansmoeskraal. It is located approximately 1.5km from where Beach Road ends with Divisional Road 1595 providing access. Approximately 1.1ha of the property is located on the northern side of Divisional Road 1595. The property stretches towards the south up to a valley that links with the Gwayang River towards the west. The southern half of the property is used for grazing by the owner.

Figure 1 below indicates Hansmoeskraal 202/13 within its rural environment with a locality plan attached as **Annexure 4**.

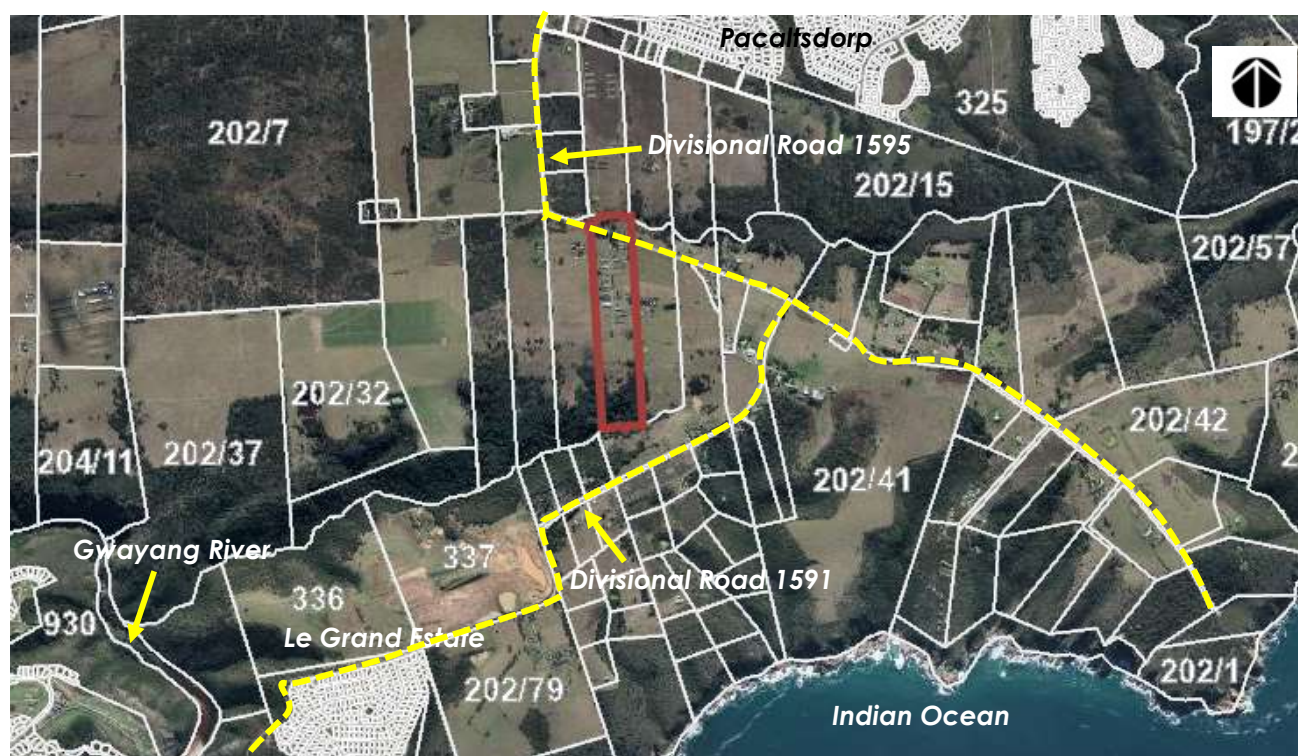


Figure 1: Hansmoeskraal 202/13 in relation to its rural environment (Source: GM)

4. LAND USE PROPOSAL

As indicated earlier in this report, this land use application is the result of discussions between the owner and the Town Planning Section of the Municipality. The property was a chicken farm many years ago. Therefore, together with the main farm house, 4 labourer's cottages exist and two farm manager's cottages. Eight of the original chicken broiler units still exist and for 10 only the floor slabs remain. On one of the 10 floor slabs, the previous owner constructed a large storage structure which will be upgraded for storage purposes for the owner's own needs.

The proposal is therefore to convert the existing chicken broiler units to self-storage units and also to construct self-storage units on the remaining floor slabs. The various dwelling units will be rented out and the owner will continue to use the remainder of the property for grazing purposes.

In accordance with the zoning of the property and the possible consent use for additional dwelling units, 2 of the 6 dwelling units (managers dwellings) is proposed to become additional dwelling units. For the remaining 4 dwelling units/cottages temporary departure is requested to use it for accommodation purposes, not related to bona fide agricultural activities.

The chicken broiler units were 350m² each. Of these units, 15 storage units will most likely consist of 24 units each (±16m² each) and 2 units to storage units consisting of 12 units each (±35m² each). As mentioned earlier one structure will be used by the owner for his own needs. Therefore, a total of 384 self-storage units is possible for the property.

The site plan is attached **Annexure 5** to this report. Draft building plans indicating the use as described in the preceding paragraph is attached with the site plan.

5. CONSIDERATION OF THE APPLICATION

The Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (SLPUMA) introduced legislative and procedural changes to the management of land use planning in South Africa. The Western Cape Province followed with the Land Use Planning Act (Act 3 of 2014) and thereafter George Municipality with the Land Use Planning By-law (2015).

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

Section 7 of this Act sets out the five development principles that are applicable to spatial planning, land development and land use management.

Section 42 of SPLUMA then refers to the factors that must be considered by a municipal tribunal when considering a land use planning application. This development proposal for Hansmoeskraal 202/13 does support the relevant development principles indicated by SPLUMA and also public interest. This is discussed in Section 5.1 and 5.2 below.

This land use application does not require approval in terms of the environmental legislation. It does however reflect duty of care and responsible use of a property as the owner is in the process of cleaning up the property following years of unauthorised occupation of the property. The latter has led to various negative impacts on the environment. The municipal officials are fully aware of the state the property was in and to a certain extent still is.

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

LUPA requires that local municipalities consider the following when deciding on land use applications:

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

Section 19(1) and (2) of LUPA refers to **consistency** and **compliance** of a land use proposal regarding spatial development frameworks or structure plans.

*(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.*

*(3) If the proposed utilisation or development of land in a land use application or a land development application does not comply with and is not consistent with the relevant designation for the utilisation of land in an applicable spatial development framework or structure plan, the proposed utilisation or development **deviates** from that spatial development framework or structure plan.*

As Hansmoeskraal 202/13 is located in a rural area outside the urban edge, the proposed use for self-storage units and the change in use of the labourer's cottages deviates from the George Spatial Development Framework (GSDF) and the Pacaltsdorp Local Spatial Development Framework (LSDF) although the area is indicated for future growth. Therefore, this land use application is for a temporary departure (5 years). The change in use of the 2 managers units to additional dwelling units is however consistent with the GSDF and the LSDF.

As stated earlier this application is the result of various discussion with the Town Planning Section since 2015.

The property is 17.93ha in extent and therefore in its present form not a commercial farming unit. To farm with chickens as in the past is not viable which is evident that the farming operations were stopped more than 2 decades ago. The two farm manager's units and 6 labourer's cottages were used for the purposes of the former chicken farm. The farm does not justify managers dwellings and labourer's dwellings and demolition will be financially irresponsible.

For the present the use of the dwellings for accommodation not related to bona-fide farming activities is a logical use in stead of having the structures remain vacant.

The unauthorised use of the property for many years for the living accommodation by approximately 60 people has been a deviation from the GSDF and the previous spatial plans.

George Municipality: Land Use Planning By-law (2015)

The general criteria for the consideration of applications in terms of this By-law are included in Section 65 which, inter alia, includes:

- Desirability of the proposed utilisation of land;
- Impact of the proposed land development on municipal engineering services;
- Integrated development plan, including the municipal spatial development framework, the applicable local spatial development framework and/or local structure plans;
- Relevant municipal policies;
- Western Cape Provincial Spatial Development Framework;
- Section 42 of SPLUMA (public interest, constitutionality);
- Land use planning principles transposed from LUPA; and
- Provisions of the applicable zoning scheme.

5.1 Five Development Principles

The five development principles of SPLUMA, namely spatial justice, spatial sustainability, spatial efficiency, spatial resilience is not all directly relevant to this land use application. The fifth principle namely good administration is relevant to all land use matters.

Spatial sustainability is supported as the re-use of existing structures are proposed. It will upgrade the area considering the state of the property in recent years. This proposal reflects *efficiency* as existing services will continue to be used by the dwelling units located on the property. The self-storage units require no services (only limited electricity provision). The unlawful use of the property in recent years has had a negative impact regarding especially sewage disposal. The property owner is in process to rectify this matter.

5.2 Public Interest

The public interest of this land use application varies depending on the perspective from which it is viewed. For the owner and the property owners in the area, the proposed use of the property will improve the quality of the natural and build environment.

The creation of self-storage units will improve the character of the property and fulfil a need in the economy of the Southern Cape. The continued use of the existing dwelling units as indicated earlier in this report, will assist in a dire need for accommodation in the George Municipal area and prevent the structures from being vacant which could have negative consequences.

We are therefore of the opinion that this land use application as proposed for Hansmoeskraal 202/13 will be to the benefit of the public in general.

5.3 Municipal Engineering Services & Access

Municipal water is available to the property as well as electricity.

The dwelling units on the property will continue to use municipal services as before. The self-storage units will use limit electricity.

It is expected that less electricity will be used by the property.

Access is from Divisional Road 1595 between km1 and km 2 which will not change. George Municipality is the roads authority for this road.

5.4 Environmental Legislation

According to our understanding no environmental legislation and regulations are applicable to this land use application.

5.5 George Spatial Development Framework (GSDF) (2013 & 2017)

The Hansmoeskraal – area is indicated as a future special investment area for future growth.

Regarding the five spatial development objectives of the GSDF the following can be stated:

Objective 1: Restructuring and integrating the Dysfunctional Urban fabric, together with a public transport system and Urban Renewal interventions.

This objective is not directly applicable to this land use application.

Objective 2: Strengthening the Economic Vitality by enhancing the Regional and Local Space Economy, Strategic Developments to Diversify and Strengthen the Economy, Consolidating and reinforcing nodes of economic activity, and Infrastructure Services Provision.

This land use application will support the storage needs of residents (permanent and temporary) of the greater George Municipal area. It will make a contribution to the local economy.

Objective 3: Creating Quality Living Environments through Sustainable Urban Growth Management, managing a hierarchy of City Activity Nodes, the use of Strategic vacant land to take up new development demand, the densification of Urban Areas, and the provision of Housing & Public Facilities.

This land use proposal aims to re-use existing infrastructure in a responsible manner as discussed with the Town Planning Section of the Municipality. The environmental quality of the property will be improved.

Objective 4: Safeguarding the Environmental Integrity and Assets by establishing a city-wide open space system and environmental corridors, maintaining the functionality of Critical Biodiversity Areas, applying the principles of the Spatial Planning Categories, mitigating against

impacts of Climate Change, managing Visual landscapes and corridors as well as Heritage resources.

This development proposal is for the re-use of existing structures on a property and will therefore not have a negative impact on this objective.

Objective 5: Enhance the Rural Character and Livelihood by protecting the Productive Landscape, managing the Subdivision of Land and by enhancing the Rural Livelihood and promoting integrated rural development.

The agricultural use of the property will not be affected by this land use application. Limited additional employment opportunities will be created.

5.6 Pacaltsdorp Local Spatial Development Framework (PLSDF, 2015)

Hansmoeskraal 202/13 is included in the study area of this spatial plan. Hansmoeskraal up to the Gwayang River is demarcated for future growth. A precinct level plan was completed indicating a possible development path for Hansmoeskraal. Due to recent comments by municipal officials, the future of development south of Pacaltsdorp is uncertain.

As stated in Section 5 above, this development proposal deviates from the relevant spatial plans. This is addressed through the temporary nature of this land use application.

5.7. George Integrated Zoning Scheme By-law (GIZS) (2017)

According to the GIZS, Hansmoeskraal 202/13 is zoned Agriculture Zone I with agriculture as the primary land use right. Storage as proposed with this land use application is not a use normally associated with agricultural properties. Therefore, it is addressed as a temporary departure with the use of existing structures.

The extent of the property makes two dwelling units as consent use possible. The former managers dwellings are proposed to become additional dwelling units. All relevant development parameters contained in the zoning scheme by-law will be adhered to.

A further 4 smaller dwelling units originally used as labourer's cottage are also found on the property. As the property is not used for agricultural activities that justify 4 labourer's cottages, a temporary departure is requested to use these 4 structures for accommodation purposes. This accommodation use will not be related to bona fide agricultural activities.

The property owner is fully aware of the impact and meaning of a temporary departure. He has been in discussion regarding this property with the Town Planning Section since 2015.

5.8 Desirability

Desirability from a planning perspective is defined as the degree of acceptability of a proposed development on a property. The relevant factors include the physical characteristics of the property, existing planning in the area, character of the area, the locality and accessibility of the property as well as the provision of services. Another important consideration is the economic or financial impact.

Physical characteristics of the property

Hansmoeskraal 202/13 is a property used for limited agricultural activities. Unauthorised occupation of the property has continued for many years. The chicken broiler units of which for some only the concrete floor slabs remain will be used for self-storage. The dwelling units as described in Section 5.7 above is also existing.

The physical characteristics of the property has no negative impact on the proposed use of the property.

Existing planning in the area

As indicated earlier in this motivation report, the consent use for two additional dwelling units is consistent with the two relevant spatial plans. The proposed temporary use for self-storage units and labourer's cottages for non-agricultural accommodation deviates from these spatial plans but is therefore addressed as a temporary departure. The unauthorised occupation of the property for residential purposes also deviates from the two spatial plans providing guidance for the Hansmoeskraal-area

Character of the area

Hansmoeskraal is a rural area with limited agricultural activities taking place. It is primarily a place for rural residential living. The proposed use for accommodation and self-storage purposed is limited in scale with no negative impact on the character of the area. It will rather lead to an improvement of the property for obvious reasons.

Provision of services

As mentioned earlier in this report municipal engineering services are available for the property.

Economic impact

This development proposal can only have a positive economic impact as limited employment opportunities will be created and the need for self-storage and accommodation will be possible.

This motivation report has shown that this land use application for consent use and temporary departure is not negative considering desirability.

6. CONCLUSION

This motivation report with the figures and annexures shows that this land use application for Hansmoeskraal 202/13 is not in conflict with the character for the area although it partly deviates from the relevant spatial plans.

Considering Section 42 of SPLUMA this development proposal does support the relevant development principles indicated by SPLUMA and also public interest. This is discussed in Section 5.1 and 5.2 above. The environmental integrity of the property is also being improved over time by the new owner as the unauthorised occupation had negative environmental impacts.

The consent use for two additional dwelling units is possible in terms of the zoning of the property and the proposed use that deviates from the spatial plans as discussed in this report is addressed as temporary departure. This is in accordance with various discussions between the new owner and the Town Planning Section of the Municipality.

The pre-application consultation form is attached as **Annexure 6** and the land use application form as **Annexure 7**.

It is therefore trusted that this land use application can therefore be considered without delay.


MARLIZE DE BRUYN Pr. Pln

MARCH 2018

1267

Lombard Kotze Inc
P.O.Box 9510
George
6530

Prepared by me



CONVEYANCER
Frederik Wilhelm Lombard

Purchase price/Value		1 200 000,00	990,00
Mortgage capital amount			
Reason for exemption		Exempt i.t.o	

T000067221 / 2016

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT LYNNE BOTHA

~~SUSANNA PETRONELLA VERMEULEN~~ ~~LYNNE BOTHA~~

appeared before me, REGISTRAR OF DEEDS at CAPE TOWN, the said appearer being duly authorised thereto by a Power of Attorney which said Power of Attorney was signed at George on 3 March 2016 granted to him by

MIRINDA-MARIA FARM CC
Registrarsienommer: 1997/003754/23



And the appearer declared that his said principal had, on 28 April 2016, truly and legally sold by Private Treaty, and that he, the said Appearer, in his capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

eTime IT (Pty) Ltd
Registrasienommer: 2014/017987/07

or its Successors in Title or assigns, in full and free property

PORTION 13 OF FARM HANS MOES KRAAL NO 202
In the Municipality and Division of George
PROVINCE OF WESTERN CAPE

IN EXTENT 17,9300 (SEVENTEEN COMMA NINE THREE ZERO ZERO)
Hectares

FIRST TRANSFERRED by Deed of Transfer No. T 3710/1926 with Diagram
No A 4854/1925 relating thereto and held by Deed of Transfer Number
T49968/1997

- A. SUBJECT TO OR ENTITLED to the benefit of, as the case may be to the conditions referred to in the Amended title Deed dated 19 November 1909 (George Quitrents Volume 15 No 4) and the following conditions therein contained:-

"That the land shall be subject to such duties and regulations as either are already or may in the future be established in respect of land granted on similar tenure."

- B. SUBJECT TO OR ENTITLED to the benefit of, as the case may be to the special condition or servitude (whereof an endorsement dated 16 October 1925 appears on the said Amended Title Deed) relating to a right of public road which extends up to Lot DC held by Deed of Transfer No T9966/1925 in favour of the Divisional Council of George.

- C. SUBJECT TO OR ENTITLED to the benefit of, as the case may be to the following condition contained in Deed of Transfer No T 3710/1926, namely:

"That no owner or occupier of the land hereby transferred shall at any time place any gate or obstruction across any road lawfully constructed by the Divisional Council of George for the purpose of giving access to the Public Outspan on the said farm "Hans Moes Kraal" without the consent of the said Council, it having been agreed between the London Missionary Society and the Divisional Council that in consideration of this prohibition the latter will bear half the cost of any fence not exceeding five strands of wire, that may be erected along any such road."

WHEREFORE the said Appearer, renouncing all right and title which the said

MIRINDA MARIA FARM CC
Registrasienommer: 1997/003754/23

heretofore had to the premises, did in consequence also acknowledge it to be entirely dispossessed of, and disentitled to the same, and that by virtue of these presents, the said

eTIME IT (PTY) LTD
Registrasienommer: 2014/017987/07

or its Successors in Title or assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of R1 200 000,00 (ONE MILLION TWO HUNDRED THOUSAND RAND) .

IN WITNESS WHEREOF, I the said Registrar, together with the Appearer, 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

2 November 2016

q.q.

In my presence



REGISTRAR OF DEEDS



Docket No. 4854, 1925

Approved By.

Surveyor-General

23. 2. 1921

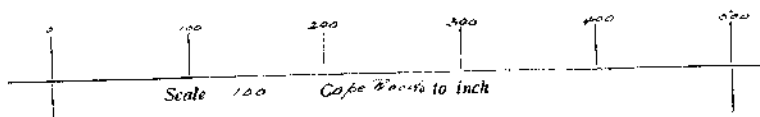
73. 2. 1926

Part on 13

(a portion of Portion) of the Rect. Area Fig. a b c d e

Hans-Moes-Krool

No. 2021



The above Figure, lettered a b middle of ground to be measured, represents 20 Morgen, 560 Square Roods, — Square feet of Ground, situated in Berlin Division, being Lot 24 portion of Hans-Moes-Kraal granted to the London Missionary Society on the 19th November, 1909 (Amended title).

Bounded: *As indicated above*

1958 Diagram belongs to the Transfer made
this _____ day of _____
on receipt of J. F. Kirsten
22.4.26. 3710.
(CHINA GLOBE)

Camp. (6486)

Surveyed and beaconed by me according to regulations.

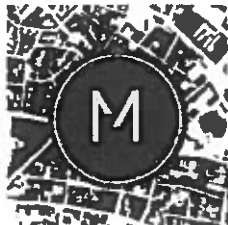
Government Surveyor.

April 1924.

T. MABREW MILLER,
STATIONER, CAPE TOWN

Pattern B.

202/13



MARLIZE DE BRUYN PLANNING
Consulting Town & Regional Planning

marlize@mdbplanning.co.za • 27 766 340 150 www.mdbplanning.co.za PO Box 2359, George, 6530
PO Box 540, Mossel Bay 6500

Ref.: 78/G18

Municipal Ref.: Hansmoeskraal 202/13

7 February 2019

The Municipal Manager
George Municipality
PO Box 19
GEORGE
6530

For attention: Mr Clinton Petersen

By Hand

**REPLY TO COMMENTS RECEIVED: PROPOSED TEMPORARY DEPARTURE & CONSENT USE:
HANSMOESKRAAL 202/13, GEORGE MUNICIPALITY & DIVISION**

1. The abovementioned matter refers.
2. The comments received during the public participation process is summarised and discussed in the paragraphs below with copies attached. No comments were received from the Department of Transport & Public Works Road Network Management.
3. In discussions with the Town Planning Section details pertaining to the legal matters of the unauthorised occupants of the property was requested. Information from *Lombard Kotzé Inc Attorneys* is attached hereto. It is stated that the property owner was the respondent with each case and the illegal occupants the applicants. Every time the applicant's cases were dismissed.
4. Since 2016 when the current owner purchased the property, he has been improving the property where the previous owner did nothing. There were 73 illegal occupants on the property in 2016 which has now been reduced to 29. It is an ongoing process.
5. **Department of Environmental Affairs & Development Planning – Development Management Region 3 (Development Planning)**
 - 5.1 *This type of use is not favourable in a rural environment. The Municipality must be satisfied that such storage units as proposed cannot be accommodated on vacant land inside the urban edge in a more appropriate location.*

As stated in our motivation report, this land use application follows numerous discussions the property owner had with the Town Planning Section since 2015. See copy of letter dated 10 March 2015 attached.

- 5.2 *A temporary departure can only be applied for in existing buildings or structures and new structures cannot be erected in order to accommodate such departure.*

Existing foundations will be used for the purpose as discussed with the Town Planning Section of George Municipality prior to submission of the land use application. As stated in the motivation report the proposal is to convert the 8 remaining chicken broiler structures and the 9 remaining floor slabs to self-storage units. One slab with a large storage structure constructed by the previous owner will be upgraded by the owner for his own storage needs.



Ref.: 78/G18

Municipal Ref.: Hansmoeskraal 202/13

7 February 2019

The Municipal Manager
George Municipality
PO Box 19
GEORGE
6530

For attention: Mr Clinton Petersen

By Hand

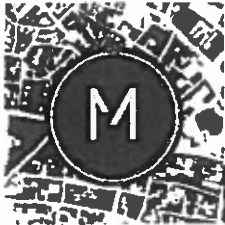
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Ref.: 78/G18

Municipal Ref.: Hansmoeskraal 202/13

7 February 2019

The Municipal Manager
George Municipality
PO Box 19
GEORGE
6530

For attention: Mr Clinton Petersen

By Hand

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Municipal Ref.: Hansmoeskraal 202/13

7 February 2019

The Municipal Manager
George Municipality
PO Box 19
GEORGE
6530

For attention: Mr Clinton Petersen

By Hand

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6. **Department of Environmental Affairs & Development Planning – Development Management Region 3 (Environmental Affairs)**

- 4.1 *Written authorisation is not required from the competent authority, prior to the undertaking of the said activity – construction of self- storage units.*

Noted

- 4.2 *This department reminds all of the general duty of care towards the environment in terms of Section 28(1) of NEMA which states: 'Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, minimise and rectify such pollution or degradation of the environment.*

The owner of Hansmoeskraal 202/13 did not pollute or degrade the property. He has however been doing everything he can to improve the state of the property. This land use application is part of the process.

7. **Akula Trading (S. Gericke) (Hansmoeskraal 202/26)**

- 7.1 *This property owner has no objection to the consent use for the change in use of two labourer's cottages/manager's dwellings to additional dwelling units. He also states that the conversion of labourer's cottages for non-agricultural accommodation is not a problem as it is allowed everywhere.*

Noted

- 7.2 *This property owner sees the change in use of chicken broiler units to storage units as something that should not be allowed as it is located outside the urban edge. He describes it as a light industrial complex which it will become in a future residential area.*

The location outside of the urban edge is acknowledged. That is why it is addressed as a temporary departure application and motivated accordingly.

8. **Earp Construction Pty Ltd (Hansmoeskraal 202/23)**

- 8.1 *Is this area planned for this type of use in the long term?*

According to the current, approved George Spatial Development Framework, the Hansmoeskraal – area is indicated as a future special investment area for future growth.

Storage units is not identified specifically as a use in a future special investment area, but any development will require storage.

As stated earlier in this letter and in our motivation report, this land use application follows discussions with the Town Planning Section and is seen only as a temporary use as applied for.

- 8.2 *Divisional Road 1595 is a dirt road which is already a problem with traffic causing excessive dust problems and accidents.*

Noted

- 8.3 *In our opinion this storage development should be done in the industrial area but if council approves the development then council must build the road up to the entrance of plot 202/13.*

Noted

- 8.4 *We are not against development in Hansmoeskraal but we object to this development of 202/13 if the road 1595 is not tarred before the development gives occupation to tenants.*

The use of Hansmoeskraal 202/13 for storage purposes is a low intensity use in a semi-rural area. To tar a road for about a kilometre for storage units is unproductive and will add to the maintenance burden of the Municipality.

9. Department of Agriculture: Western Cape

- 8.1 This Department does not object to this land use application for temporary departure.

Concluding

10. In conclusion as stated in the motivation report, this land use application follows discussions with the Town Planning Section of the Municipality. Existing structures will be upgraded and used for the purpose of self-storage for 5 years. The change in use of two labourer's cottages/manager's dwellings to additional dwelling units is a consent use application and the temporary use of former labourer's cottages for non-agricultural accommodation also for 5 years as temporary departure forms part of the proposal.
11. The proposed use of the property is a low intensity use in relation to the 60 people that used to occupy the property. The number of people occupying the property in conflict with the zoning has been greatly reduced. The owner has also greatly improved the state of the property.
12. The owner will be using the property for limited agricultural purposes (e.g. grazing) in accordance with the capacity of the property when the circumstances of the property will allow it.
13. It is trusted that this land use application will be finalised and approved as soon as possible so that the owner can continue to improve the property.

Yours Faithfully



MARLIZE DE BRUYN Pr. Pln.

E:\Mdb\Projects\2018\78_G18\b_GM_rebuttal_Hansmoeskraal 202/13.docx

DATUM
DATE : 21 December 2018ONS VERWYSING
OUR REFERENCE : FW LombardU VERWYSING
YOUR REFERENCE :

The Director: eTime IT (Pty) Ltd

By email: jan@etime.co.za

Dear sir

COURT CASES AGAINST ETIME IT (PTY) LTD BY ILLEGAL OCCUPANTS OF PORTION 13 OF FARM 202 HANSMOESKRAAL

As requested herewith a summary of the matters in which we acted for on behalf of eTime IT (Pty) Ltd against the illegal occupants since 2016. In each of these cases, the illegal occupants were the applicatns, and eTime the respondent who had to oppose frivolous litigation in order to protect its own interests.

<u>Case number & Court</u>	<u>Outcome</u>	<u>Your expenses</u>
<u>Applicants attorney</u>		
13441/2016 Nico Smit High Court (held at George)	Application dismissed with costs	97 252.58
LCC32/2017 I Sadien Land Claims Court (Randburg)	Application dismissed with costs	141 798.06
2120/2018 Regan Browne Magistrates Court (George)	Application dismissed with punitive costs (attorney client scale)	21 974.40

Direkteure: Frederik Wilhelm Lombard, B.Proc & Christiaan Kotzé, LLBMerrimanstraat 134, George, 6529
Posbus 9510, George, 6530
Tel: 044 874 2610
Faks: 044 873 5044
E-pos: freddie@lombardkotze.co.zawww.lombardkotze.co.za134 Merriman Street, George, 6529
PO Box 9510, George, 6530
Tel: 044 874 2610
Fax: 044 873 5044
E-mail: freddie@lombardkotze.co.za



2809/2018	Magistrates Court	Application	19 879.48
Regan Browne	(George)	dismissed with	
		punitive costs	
		(attorney client	
		scale)	
	Total costs		280 904.50

Regards

(not signed – electronically transmitted)

Lombard Kotzé Ing - Inc

Per: Freddie Lombard

Tel: 044 874 2610

Fax: 086 654 3092

Email: freddie@lombardkotze.co.za

Ba
Akula
Pos
Pacaltsdorp
6534
15 Jun 2018


Departement Stadsbeplanning
George Munusipaliteit.

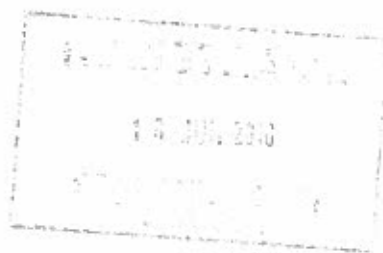
i/s Vergunningsaansoek: Hansmoeskraal 202/13

Goeiedag,

- i. Ek het geen beswaar teen die eerste aansoek rakende die omskakeling van wonings nie aangesien dit binne die wetlike bepalings is.
- ii. Kommentaar oor omskakeling van hoenderhokke na stooreenhede is wat my betref irrelevant aangesien dit buite die "urban edge" geleë is en landbou gesoneer is en dus nie toegelaat behoort te word nie. Die stigting van 'n amptelike ligte nywerheidskompleks – want dit is wat dit meestal in ontaard – asook stoorkapasiteit hoort in die nywerheidsgebied en nie in 'n toekomstige digter woonarea nie. 'n Onomkeerbare president sal geskep word.
- iii. Omskakeling na gebruik van arbeidswoning vir die landbou akkommodasie word oral toegelaat en is dus nie in hierdie area 'n probleem nie.

Vriendelike groete,


Stephan Gericke
Direkteur Akula Trading



1004
1301807
BC
202/13



REFERENCE: 16/3/3/6/6/D2/19/0077/18
ENQUIRIES: Shireen Pullen
DATE OF ISSUE: 2018-06-05

The Municipal Manager
George Municipality
PO Box 19
GEORGE
6530

SCAN NR.	1059
COLLAB	1301911
DEP.	50
FILE NR.	202/13

Attention: Mr. Clinton Pietersen

Tel: (044) 801 9111
Fax: (044) 801 9105
Email: clinton@george.org.za

Dear Sir

**RE: APPLICATION FOR CONCENT USE AND TEMPORARY DEPARTURE: FARM HANSMOESKRAAL
202/13, GEORGE MUNICIPALITY AND DIVISION**

1. The abovementioned application received by this Department on 16 May 2018 for comment refers.
2. It is understood that the proposal entails the following:
 - 2.1. Conversion of the eight existing chicken broiler houses to self-storage units;
 - 2.2. Construction of self-storage units on the existing remaining nine of the ten floor slabs;
 - 2.3. Upgrading of the large storage structure that was previously constructed on one of the floor slabs;
 - 2.4. The storage units will be 15 altogether, which will consist of 24 self-storage units each, which will yield 384 self-storage units in totality.
 - 2.5. Converting the two existing manager's cottages into additional units (proposed consent use);
 - 2.6. Converting the existing four labourers' cottages into accommodation units (proposed temporary departure);
3. Based on the above-mentioned, please note that the proposed development does **not** trigger any listed activities identified in terms of Government Notice 983, 984 or 985 of 4 December 2014 of the NEMA EIA Regulations, as amended.
4. Written authorisation is therefore **not** required from the competent authority, prior to the undertaking of the said activity.
5. This determination is based on the following:
 - 4.1 All structures are existing and no additional disturbance of vegetation is proposed;

- 4.2 Although the biodiversity maps show that the property is covered with critically endangered Great Brak Dune Strandveld vegetation; the site is largely transformed and covered with kikuyu grass, except for the most southern part that contains indigenous vegetation, however these will not be disturbed or removed;
 - 4.3 The proposed site is not located within 10km of a protected area;
 - 4.4 Existing access will be utilised to gain access to the proposed site; and
 - 4.5 The proposed site is not zoned open space or for conservation use.
6. Despite the above determination, the proponent must still comply with any other statutory requirements that may be applicable to the undertaking of the proposed activity.
 7. You are further reminded of your general duty of care towards the environment in terms of section 28(1) of NEMA which states: "Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment."
 8. The Department reserves the right to revise its initial comments and request further information from you based on any new or revised information received.

Yours Faithfully



HEAD OF DEPARTMENT

Copy
Ms. M. de Bruyn

Marlize de Bruyn Planning

Email: marlize@mdbplanning.co.za



**Western Cape
Government**
Environmental Affairs and
Development Planning

DEVELOPMENT MANAGEMENT: REGION 3

gavin.benjamin@westerncape.gov.za
tel: +27 44 805 8633 fax: +27 44 874 2423
York Park York Street, George 6530

REFERENCE: 15/3/2/12/BG1
ENQUIRIES: E Vreken

Marlize de Bruyn Planning
P O Box 2359
GEORGE
6530

Dear Madam

**PROPOSED APPLICATION FOR CONSENT USE & TEMPORARY DEPARTURE: PORTION 13 OF
FARM HANSMOESKRAAL 202, GEORGE**

1. We refer to the request for comment, dated 15 May 2018, for the proposed application for consent use and temporary departure on Portion 13 of the Farm Hansmoeskraal 202, George in terms of Section 15(2)(c) & 15(2)(o) of the George Municipality: Land Use Planning By Law (2015).
2. The application entails the following:
 - i) a consent use for the change in use of two existing labourer's cottages/manager's dwellings to additional dwelling units;
 - ii) a temporary departure (5 years) to convert existing chicken broiler units (8) and remaining floor slabs (9) to self-storage units; and to use 4 existing labourer's cottages for non-agriculture related accommodation purposes.
3. Based on the available information, the following comments can be made from a Provincial planning perspective:

3.1 This type of use is not favourable in a rural environment. The Municipality must be satisfied that such storage units as proposed cannot be accommodated on vacant land inside the Urban Edge in a more appropriate location.

3.2 It should be noted that a temporary departure can only be applied for in existing buildings or structures and new structures cannot be erected in order to accommodate such departure.

Yours faithfully


HEAD OF DEPARTMENT

DATE: 31/05/2018

13 June 2018

**Town Planning Section
George Municipality
Civic Centre
York Street
George
6530**

*Ref.: 78/G18
Municipal Ref.: Hansmoeskraal 202/13*

Dear Sirs,

1. Is this area planned for this type of use in the long term?
2. The divisional road number 1595 is a dirt road which is already a problem with traffic causing excessive dust problems and accidents.
3. In our opinion this storage development should be done in the industrial area but if council approves the development then council must build the road up to the entrance of plot 202/13.
4. We are not against development in Hansmoeskraal but we object to this development 202/13 if the road 1595 is not tared before the development gives occupation to tenants.

Yours Faithfully,

A handwritten signature in dark ink, appearing to read "P.W. Earle", with a long horizontal flourish extending to the right.

P.W. EARLE



**Western Cape
Government**

Agriculture

Cor Van Der Walt
LandUse Management
Email: LandUse.Elsenburg@elsenburg.com
tel: +27 21 808 5099 fax: +27 21 808 5092

OUR REFERENCE : 20/9/2/4/3/634
YOUR REFERENCE : 78/G18
ENQUIRIES : Cor van der Walt

Marlize De Bruyn Planning
PO Box 2359
GEORGE
6530

Att: Marlize De Bruyn

APPLICATION FOR CONSENT USE AND TEMPORARY DEPARTURE: DIVISION GEORGE
PORTION 13 OF THE FARM HANSMOESKRAAL NO 202

Your application of 15 May 2018 has reference.

The Western Cape Department of Agriculture is opposed to the change of land use as this proposal is a non-agricultural use and create competing rights. Residential use storage facilities are regarded as an urban use best located in a town.

Please note:

- Kindly quote the above-mentioned reference number in any future correspondence in respect of the application.
- The Department reserves the right to revise initial comments and request further information based on the information received.

Yours sincerely

Mr. CJ van der Walt

LANDUSE MANAGER: LANDUSE MANAGEMENT
2018-09-19

Copy:
George Municipality
PO Box 19
GEORGE
6530