

AGENDA

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

Office of the Municipal Manager:
Civic Centre
GEORGE
6530

Kantoor van die Munisipale Bestuurder:
Burgersentrum
GEORGE
6530

TO: All members of the Eden Joint Municipal Planning Tribunal

AAN: Alle lede van die Eden Gemeenskaplike Munisipale Beplanningstribunaal

Presiding Officer / Voorsittende Beamppte Olga Le Roux

Panel Members / Paneellede Raimo Fernandez
Dalene Carstens

Alternative members / Alternatiewe lede Jaco Roux
Madie Coetzee

Notice is given that a meeting of the Eden Joint Municipal Planning Tribunal – George Municipality will be held in George via *Microsoft Teams* on **Tuesday, 31 January 2023 at 10h00.**

Kennis geskied dat 'n vergadering van die Eden Gemeenskaplike Munisipale Beplanningstribunaal – George Munisipaliteit in George gehou sal word via *Microsoft Teams* op **Dinsdag, 31 Januarie 2023 om 10h00.**

HENDRIK VISSER

Chairperson / Voorsitter

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6. ITEMS FOR DISCUSSION

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6.1. Rezoning, Subdivision, Consolidation and Registration of Servitudes : Erven 464, 6421, 6427 and 25314, Nelson Mandela Boulevard, George (M Botha)

LAND USE PLANNING REPORT
APPLICATION FOR REZONING, SUBDIVISION, CONSOLIDATION AND THE REGISTRATION OF SERVITUDES: ERVEN 464, 6421, 6427 & 25314, GEORGE

Reference number	2314243	Application submission date	27/06/2022	Date report finalized	27/10/2022
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PART A: AUTHOR DETAILS

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

PART B: APPLICANT DETAILS

First name(s)	Johannes George			
Surname	Vrolijk			
Company name	Jan Vrolijk Town Planner / Stadsbeplanner			
SACPLAN registration number	A/1386/2010	Is the applicant authorized to submit this application?	Y	N
Registered owner(s)	<ul style="list-style-type: none"> Erven 6421 & 25314, George: Vescom Twenty Seven (Proprietary) Limited Erven 6427 & 464, George: George Municipality 			

PART C: PROPERTY DETAILS

Property description (in accordance with Title Deed)	<ul style="list-style-type: none">• Erf 25314, George• Remainder Erf 6421, George• Remainder Erf 464, George• Erf 6427, George						
Physical address	Nelson Mandela Boulevard, George-Industria		Town/City		George		
Current zoning	<ul style="list-style-type: none">• Remainder Erf 6421, George: Industrial Zone II• Erf 25314, George: Industrial Zone II• Erf 6427, George: Utility Zone	Extent (m ² /ha)	<ul style="list-style-type: none">• Remainder Erf 6421, George: 2 252m²• Erf 25314, George: 6 107m²• Erf 6427, George: 1 502m²	Are there existing buildings on the property?	Y	N	

	<ul style="list-style-type: none"> A portion of Remainder Erf 464, George: Utility Zone 			<ul style="list-style-type: none"> A portion of Remainder Erf 464, George: 1 648m² 				
Applicable Zoning Scheme	George Integrated Zoning Scheme By – law (2017)							
Legislation	Land-use Planning By-Law for George Municipality (2015)							
Current Land Use	Industrial and parking	Title Deed number & date	<ul style="list-style-type: none"> Remainder Erf 6421, George: T64148/08 Erf 25314, George: T64147/08 Erf 6427, George: T39116/88 Remainder Erf 464, George: Unknown 					
Any restrictive title conditions applicable?		Y	N	If Yes, list condition number(s)			N/A	
Any third-party conditions applicable?		Y	N	If Yes, specify			N/A	
Any unauthorised land use/building work?		Y	N	If Yes, explain			N/A	
PART D: PRE-APPLICATION CONSULTATION (ATTACH MINUTES)								
Has pre-application consultation been undertaken?		Y	N	Refer Annexure G				
Reference Number	Erwe 6421, 6427, 25314 en 'n Gedeelte van die Restant van Erf 464 George		Date of consultation	25/11/2021	Official's name	Ilanè Huyser		
PART E: LIST OF APPLICATIONS (TICK APPLICABLE)								
a. Rezoning	x	b. Permanent departure		c. Temporary departure		d. Subdivision	x	
e. Consolidation	x	f. Amendment, suspension or deletion of restrictive conditions		g. Permissions required in terms of the zoning scheme		h. Amendment, deletion or additional conditions in respect of existing approval		
i. Extension of validity period		j. Approval of an overlay zone		k. Phasing, amendment or cancellation of subdivision plan		l. Permissions required in terms of conditions of approval		
m. Determination of zoning		n. Closure of public place		o. Consent use		p. Occasional use		
q. Establishment of a Home Owners Association		r. Rectify Beach of Home Owners Association		s. Reconstruct building of non-conforming use-		Other		
PART F: APPLICATION DESCRIPTION								
<p>Consideration of the following applications applicable to Remainder Erf 464, Remainder Erf 6421, Erf 25314, and Erf 6427, George:</p> <p>a) Rezoning, in terms of Section 15(2)(a) of the Land Use Planning By-law for George Municipality (2015), of Erf 6427, George, from Utility Zone to Industrial Zone II;</p> <p>b) Subdivision, in terms of Section 15(2)(d) of the Land Use Planning By-law for George Municipality (2015), of the Remainder of Erf 464, George, <i>in accordance with Plan No 6421/1 dated May 2022 (attached as Annexure A)</i>, to create the following:</p> <p>1. Portion A (±947m²); and</p>								

2. The Remainder of Erf 464, George;

- c) Rezoning, in terms of Section 15(2)(a) of the Land Use Planning By-law for George Municipality (2015), of Portion A (a portion of the Remainder of Erf 464, George), from Utility Zone to Industrial Zone II;
- d) Consolidation, in terms of Section 15(2)(e) of the Land Use Planning By-law for George Municipality (2015), of Portion A (a portion of the Remainder of Erf 464, George), the Remainder of Erf 6421, George, Erf 6427, George, and Erf 25314, George, *in accordance with Plan No 6421/1 dated May 2022 (attached as **Annexure A**)*, to create a land unit measuring $\pm 1,0014$ ha in extent;
- e) Registration of a servitude area, in terms of Section 15(2)(d) of the Land Use Planning By-law for George Municipality (2015), for high voltage electricity conduction over the consolidated land unit, *in accordance with the figure ABC on SG Diagram for Erf 29635, George (attached as **Annexure B**)*;
- f) Registration of a servitude area, in terms of Section 15(2)(d) of the Land Use Planning By-law for George Municipality (2015), for high voltage electricity conduction over the consolidated land unit, *in accordance with the figure ABCDE on SG Diagram for Erf 29635, George (attached as **Annexure C**)*;

PART G: LOCATION

The subject properties forming the application area (the application site) are located in George-Industria, approximately 3km to the south of the George CBD. The residential neighbourhoods of Borchards and Conville are located to the south and Rosemoor to the east. Industrial development is located to the west and north of the application site. **Figure 1** below indicates the local context of the application site.

Within its aerial cadastral context, the applications site's eastern boundary abuts Nelson Mandela Boulevard. Binne Street is located directly to the west. Industrial development is located to the immediate south and north. The Harry Comay Hospital and the Conville swimming pool are located to the east of the site. **Figure 2** represents the aerial cadastral context of the application site.

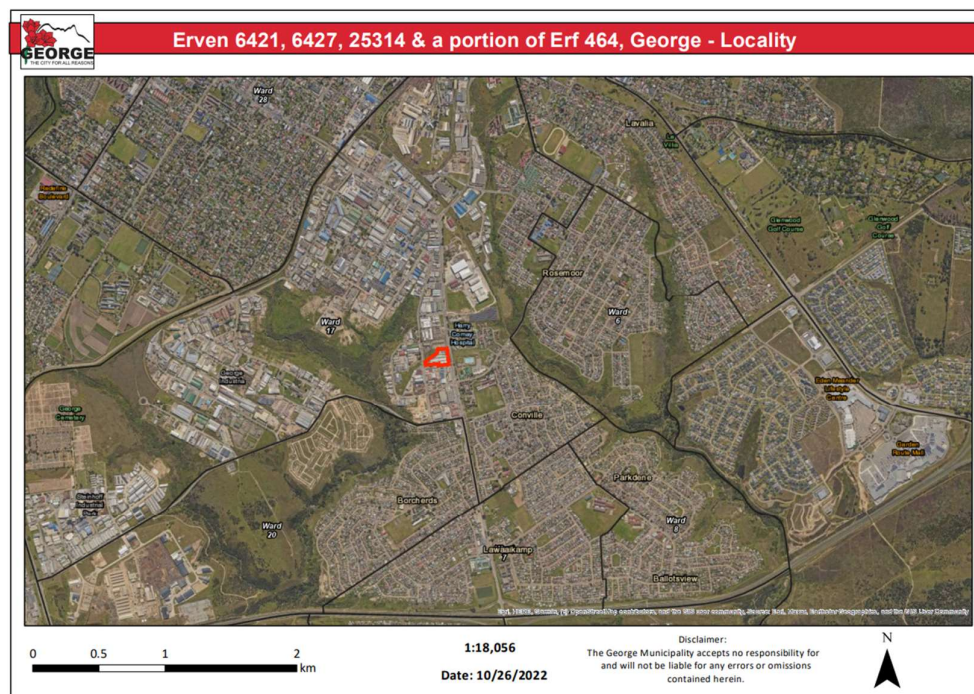


Figure 1: Locality Plan

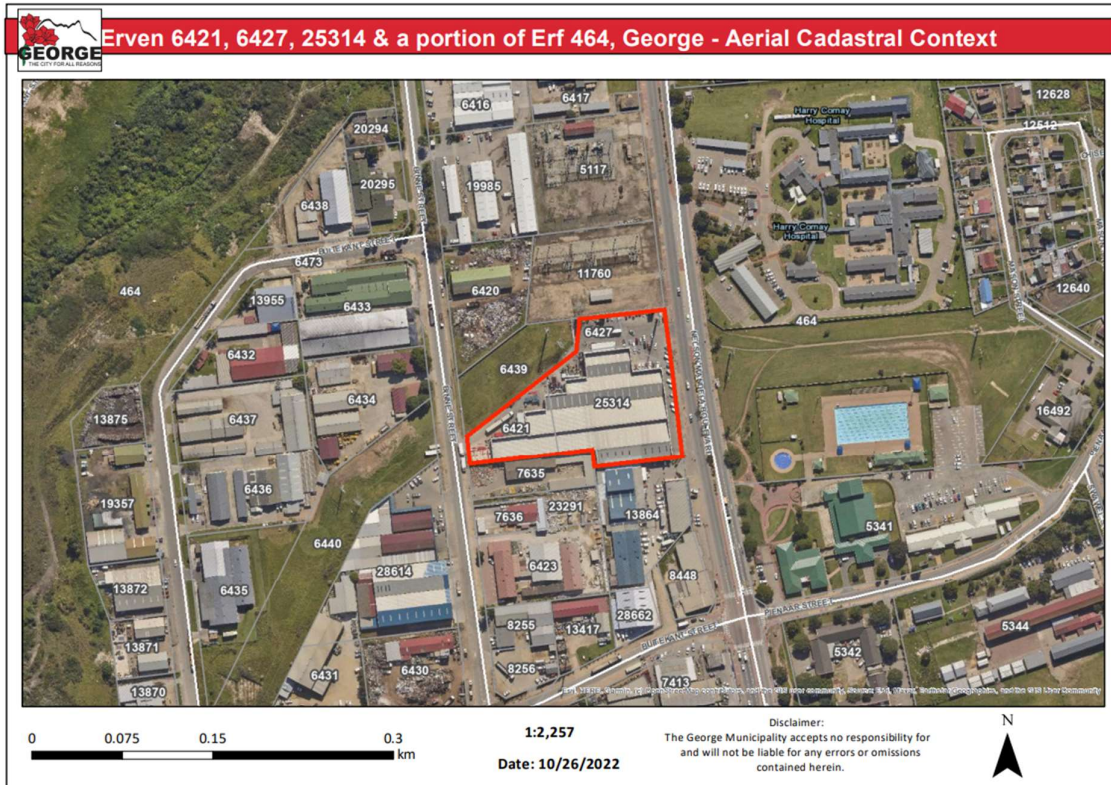


Figure 2: Aerial Cadastral

PART H: BACKGROUND AND HISTORY

The owners of the Remainder of Erf 6421, George, and Erf 25314, George, applied to the Municipality to purchase a portion of Erf 464, George, and Erf 6427, George (both being used for parking for Remainder Erf 6421, George, and Erf 25314, George). In this regard, a Council Resolution was taken on 25 August 2021, approving the sale of land subject to certain conditions (refer **Annexure D**). The application at hand is to comply with the conditions of the sale.

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

Note: The applicant's motivation report is very comprehensive. Only the relevant factors will be summarized below.

Locality

The application site is located adjacent to Nelson Mandela Boulevard and Binnekant Street, on the south-eastern side of George-Industria.

Zoning and land use

The subject properties forming the application site is used and zoned as follows, in terms of the George Integrated Zoning Scheme By-law (2017):

Property description	Zoning	Land use
Remainder Erf 6421, George:	Industrial Zone II	Industrial building
Erf 25314, George	Industrial Zone II	Industrial building
Erf 6427, George	Utility Zone	Parking, loading and overhead electrical line
Portion of Erf 464, George	Utility Zone	Parking, loading and overhead electrical line

Title deed

A Conveyancing Attorney confirmed that there are no restrictive title deed conditions that need to be removed to accommodate the proposal.

Development proposal

The status quo with regards to the uses on the site will remain as is. No new development is proposed. It is the intention to accommodate all the uses on one land unit (therefore the consolidation application) and to comply with the conditions of sale (therefore the application at hand). One of the conditions of sale was that Erf 6427, George, and a portion of Erf 464, George (i.e. Portion A), can solely be developed and utilized for parking purposes (as per the status quo).

Spatial Planning and Land Use Management Act (SPLUMA 2013) and Land Use Planning Act (LUPA 2014)

The application is considered to be consistent with SPLUMA (2013) and LUPA (2014), as the application is submitted and processed in accordance with the correct statutory requirements, does not negatively impact surrounding property values, existing engineering services are available, there will not be an impact on the environment, urban sprawl will not be promoted etc.

George Integrated Zoning Scheme By-law (2017)

The proposed rezoning of the sites, in accordance with the Council Resolution, is in line with the objectives and development parameters of the George Integrated Zoning Scheme By-law (2017).

Provision of services

Access to the existing services will be secured by the registration of servitude areas, which form part of this application. The rezoning and consolidation will therefore have no impact on services.

Desirability of the proposed consolidation and servitude areas

The consolidation can be regarded desirable as follows:

- All four erven will have the same zoning and be under the same ownership.
- The consolidated erf will be more accessible and have increased space for parking.
- Security will be promoted as access control can now be implemented.
- Servitudes are created for access to services.
- Access to electrical engineering services infrastructure will be secured.
- The servitude areas will be surveyed in accordance with the standard requirements of Eskom.

Conclusion

The application will not have a negative impact on the surrounding environment or facilities. The proposal accommodates existing engineering services and will not have a negative impact on traffic in the area. The application can therefore be considered as desirable.

PART J: SUMMARY OF PUBLIC PARTICIPATION

Methods of advertising				Date published	Closing date for objections
Press	Y	N	N/A	01/07/2022	01/08/2022
Gazette	Y	N	N/A		
Notices (per registered mail to surrounding property owners)	Y	N	N/A	01/07/2022	01/08/2022
Website & social media	Y	N	N/A	01/07/2022	01/08/2022
Ward councillor	Y	N	N/A	01/07/2022	01/08/2022
On-site display	Y	N	N/A	01/07/2022	01/08/2022
Community organisation(s)	Y	N	N/A		
Public meeting	Y	N	N/A		
Third parties	Y	N	N/A		

Other	Y	N	If yes, specify	Eskom	01/07/2022	01/09/2022	
Total valid objections				0	Total invalid objections and petitions		
Valid petition(s)				Y	N	N/A	
Community organisation(s) response				Y	N	N/A	
Total letters of support				0			
Was the minimum requirement for public participation undertaken in accordance with relevant By-Law on Municipal Land Use Planning and any applicable Council Policy						Y	
N							
PART K: SUMMARY OF COMMENTS DURING PUBLIC PARTICIPATION							
The following comments on the application were received (refer Annexure F):							
<p><u>ESKOM:</u></p> <p>Eskom has not responded to the notice, during the formal public participation process. However, Bailey & Le Roux Professional Land Surveyors confirmed the extent of the servitude areas with Eskom, prior to the public participation period. The correspondence between the parties is attached as Annexure F. Eskom confirmed via email on 7 June 2022 that the survey diagrams are in order.</p>							
PART L: SUMMARY OF APPLICANT'S REPLY TO OBJECTIONS							
N/A							
PART M: SUMMARY OF COMMENTS FROM INTERNAL DEPARTMENTS AND/OR ORGANS OF STATE COMMENTS							
Name of Department	Date	Summary of comments			Recommendation		
Civil Engineering Services	14/07/2022	Conditions as contained in the Council resolution are applicable.			Support		
Electrotechnical Services	18/07/2022	Conditions as contained in the Council resolution are applicable.			Support		
PART N: MUNICIPAL PLANNING EVALUATION (REFER TO RELEVANT CONSIDERATIONS GUIDELINE)							
Is the proposal consistent with the principles referred to in chapter 2 of SPLUMA? (can be elaborated further below)						Y	
N							
Is the proposal consistent with the principles referred to in chapter VI of LUPA? (can be elaborated further below)						Y	
N							
<p><u>(In)consistency with the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and with the principles referred to in Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014) (Section 65 of the Planning By-Law)</u></p> <p>The consistency of the application with the principles of SPLUMA and LUPA as read with Section 65 of the Planning By-Law was evaluated as follows:</p>							
No	Evaluation checklist (s. 65)				Yes	No	N/A
1(a)	Does the application submitted comply with the provisions of this by-Law?				x		
	Has the motivation submitted been considered?				x		
1(b)	Were the correct procedures followed in processing the application? (see land use application process checklist)				x		
	Was a condonation required and granted with regards to the process followed? (see land use application process checklist)						x

1(c)	Have the desirability guidelines as issued by the provincial minister to the utilise land for the proposed land uses been considered? <i>(not yet applicable)</i>			x
1(d)	Have the comments received from the respondents, any organs of state and the provincial minister been considered? <i>(s. 45 of LUPA)</i>	x		
1(e)	Have the comments received from the applicant been considered?			x
1(f)	Have investigations carried out in terms of other laws and that are relevant to the application being considered?			x
1(g)	Was the application assessed by a registered town planner? <i>(see land use application process checklist)</i>	x		
1(h)	Has the impact of the proposed development on municipal engineering services been considered?	x		
1(i)	Is the application in line, consistent and/or compatible with the IDP of the municipality?			x
	Is the application in line, consistent and/or compatible with the municipal SDF?			x
1(j)	Is the application in line, consistent and/or compatible with the IDP of the district municipality including its SDF?			x
1(k)	Is the application in line, consistent and/or compatible with the structure plan applicable to the area?			x
1(l)	Is the application in line, consistent and/or compatible with the local SDF applicable to the area?			x
1(m)	Is the application in line, consistent and/or compatible with any other municipal policy or By-Law applicable to the proposed land use?			x
1(n)	Is the application in line, consistent and/or compatible with the provincial SDF?			x
1(o)	Is the application in line, consistent and/or compatible with the regional SDF <i>(SPLUMA)</i> or provincial regional SDF <i>(LUPA)</i> ?			x
1(p)	Is the application in line, consistent and/or compatible with the applicable guidelines, standards, principles, norms or criteria set by national and/or provincial government?			x
1(r)	Is the application in line the consistent and/or compatible with the following principles as contained in section 7 of SPLUMA / 59 of LUPA:			
	1. The redress spatial and other development imbalances of the past through improved access to and use of land?			x
	2. Address the inclusion of persons and areas previously excluded in the past, specifically informal settlements and areas characterised by wide-spread poverty and deprivation?			x
	3. Enable the redress of access to land by disadvantaged communities and persons?			x
	4. Does the application support access to / facilitate the obtaining of security of tenure and/or incremental informal settlement upgrading?			x
	5. Has the potential impact of the development proposal on the value of the affected land /properties been considered?	x		
	6. The impact of the application on the existing rights of the surrounding owners been recognised?	x		
	7. Does the application promote spatially compact, resource frugal development form?			x
	8. Can the development be accommodated within the existing fiscal (budget), institutional and administrative means of the municipality? <i>(e.g. Infrastructure upgrades required – when,</i>			x

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

	29.	Does the development promote the availability of employment and residential opportunities near each other or the integration thereof?			x
	30.	Does the development promote the establishment of a diverse combination of land uses?			x
	31.	Does the development contribute towards the correction of distorted spatial patterns of settlements within the town/city/village?			x
	32.	Does the development contribute towards and /or promote the creation of a quality and functional open spatial environment?			x
	33.	Will the development allow the area or town to be more spatially resilient that can ensure a sustainable livelihood for the affected community most likely to be affected by economic and environmental shocks?			x
1(s)		Is the application in line with the applicable provisions contained in the applicable zoning scheme regulations (By-Law)? (e.g. Definitions, land use description and development parameters)	x		

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

The application is merely to comply with the conditions of sale, as imposed by the Council Resolution. The status quo / use of the application site will remain unchanged. The application will therefore have no impact on any spatial policies and/or legislation and is also not in conflict therewith.

(In)consistency with guidelines prepared by the Provincial Minister

N/A

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

N/A

Existing and proposed zoning comparisons and considerations

The existing and proposed zoning of each property is shown by the table below.

Property description	Existing Zoning	Proposed Zoning
Remainder Erf 6421, George:	Industrial Zone II	Industrial Zone II
Erf 25314, George	Industrial Zone II	Industrial Zone II
Erf 6427, George	Utility Zone	Industrial Zone II
Portion of Erf 464, George	Utility Zone	Industrial Zone II

A rezoning application is submitted to rezone Erf 6427, George, and a portion of Erf 464, George, from Utility Zone to Industrial Zone II.

The above-mentioned rezoning application is one of the conditions of sale, of the Council Resolution. It should however be noted that Erf 6427, George, and a portion of Erf 464, George (i.e. Portion A), can solely be developed and utilized for parking purposes (as per the status quo).

The need and desirability of the proposal

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

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

Comments

The status quo of the existing land uses will remain unchanged. The application is merely to comply with the conditions of sale, as imposed by the Council Resolution.

Assessment of objections/comments

N/A – [no objections received](#).

PART O: SUMMARY OF EVALUATION

The owners of the Remainder of Erf 6421, George, and Erf 25314, George, submitted an application to the Municipality to purchase a portion of Erf 464, George, and Erf 6427, George (both being used for parking for Remainder Erf 6421, George, and Erf 25314, George). In this regard, a Council Resolution was taken on 25 August 2021, approving the sale of land subject to certain conditions (refer **Annexure D**). These conditions included the following (amongst other):

- Erf 6427, George, be rezoned to Industrial Zone II and consolidated with Erven 6421 and 25314, George;
- The portion of the Remainder of Erf 464, George, be subdivided, rezoned to Industrial Zone II and subsequently be consolidated with Erven 6421 and 25314, George;
- A servitude must be registered for the existing 132kV and 66kV powerlines; and
- That it be a condition of sale that Erf 6427, George, and the portion of the Remainder of Erf 464, George, can solely be developed and utilised for parking purposes.

It should further be noted that the application was submitted and processed in accordance with the standard requirements of the Land Use Planning By-law for George Municipality (2015). No objections were received against the application.

The rezoning, subdivision, consolidation and registration of servitudes, are merely to comply with the conditions of sale as imposed by Council. The status quo with regards to the land uses on the application site will remain unchanged (no new development is proposed).

In consideration of the above, and on the balance of all considerations as contemplated in Section 65 of the Land Use Planning By-law for George Municipality (2015), the proposed application can be considered desirable and is therefore **SUPPORTED**.

PART P: RECOMMENDATION

That the following applications applicable to Remainder Erf 464, Remainder Erf 6421, Erf 25314, and Erf 6427, George:

- a) Rezoning, in terms of Section 15(2)(a) of the Land Use Planning By-law for George Municipality (2015), of Erf 6427, George, from Utility Zone to Industrial Zone II;
- b) Subdivision, in terms of Section 15(2)(d) of the Land Use Planning By-law for George Municipality (2015), of the Remainder of Erf 464, George, *in accordance with Plan No 6421/1 dated May 2022 (attached as Annexure A)*, to create the following:
 1. Portion A ($\pm 947\text{m}^2$); and
 2. The Remainder of Erf 464, George;
- c) Rezoning, in terms of Section 15(2)(a) of the Land Use Planning By-law for George Municipality (2015), of Portion A (a portion of the Remainder of Erf 464, George) from Utility Zone to Industrial Zone II;
- d) Consolidation, in terms of Section 15(2)(e) of the Land Use Planning By-law for George Municipality (2015), of Portion A (a portion of the Remainder of Erf 464, George), the Remainder of Erf 6421, George, Erf 6427, George, and Erf 25314, George, *in accordance with Plan No 6421/1 dated May 2022 (attached as Annexure A)*, to create a land unit measuring $\pm 1,0014\text{ha}$ in extent;
- e) Registration of a servitude area, in terms of Section 15(2)(d) of the Land Use Planning By-law for George Municipality (2015), for high voltage electricity conduction over the consolidated land unit, *in accordance with the figure ABC on SG Diagram for Erf 29635, George (attached as Annexure B)*;

- f) Registration of a servitude area, in terms of Section 15(2)(d) of the Land Use Planning By-law for George Municipality (2015), for high voltage electricity conduction over the consolidated land unit, *in accordance with the figure ABCDE on SG Diagram for Erf 29635, George (attached as **Annexure C**)*;

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

REASONS

- (i). The proposal will not have an adverse impact on the adjacent property owners' rights.
- (ii). There were no objections to the application, illustrating that public interest is not affected.
- (iii). Conditions of sale of a Council Resolution are being executed.
- (iv). The application will rectify the concerns of one building being erected over two properties as well as resolve the parking provision issues provided on site.

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

CONDITIONS OF THE DIRECTORATE: HUMAN SETTLEMENTS, PLANNING AND DEVELOPMENT

- 1. That in terms of the provisions of the Land Use Planning By-Law for the George Municipality (2015), the above-mentioned approvals shall simultaneously lapse if not implemented within a period of five (5) years from the date of approval and/or if the following conditions are not adhered to;
- 2. The Subdivision of a portion of the Remainder of Erf 464, George, shall be as approved and indicated on the Subdivision and Consolidation Plan drawn by Jan Vrolijk Town Planner plan no 6421/1 dated May 2022, attached as "**Annexure A**" which bears Council's stamp and shall not be construed as to depart from any other Council requirements or legal provision;
- 3. The Consolidation of Portion A (a portion of the Remainder of Erf 464, George), the Remainder of Erf 6421, George, Erf 6427, George, and Erf 25314, George, shall be as approved and indicated on the Subdivision and Consolidation Plan drawn by Jan Vrolijk Town Planner plan no 6421/1 dated May 2022, attached as "**Annexure A**" which bears Council's stamp and shall not be construed as to depart from any other Council requirements or legal provision;
- 4. The registration of a servitude area for high voltage electricity conduction over the consolidated land unit, shall be as approved and indicated in accordance with figure ABC on the SG Diagram for Erf 29635, George, drawn by Bailey & le Roux Professional Land Surveyors, attached as "**Annexure B**" which bears Council's stamp and shall not be construed as to depart from any other Council requirements or legal provision;
- 5. The registration of a servitude area, for high voltage electricity conduction over the consolidated land unit, shall be as approved and indicated in accordance with figure ABCDE on the SG Diagram for Erf 29635, George, drawn by Bailey & le Roux Professional Land Surveyors, attached as "**Annexure C**" which bears Council's stamp and shall not be construed as to depart from any other Council requirements or legal provision;
- 6. The applicant must submit the Surveyor General approved, subdivision, consolidation and servitude diagrams to the GIS Department of the Directorate for information purposes;
- 7. The rezoning, subdivision and consolidation approval will be considered implemented on the registration of the Certificate of Consolidated Title with the Registrar of Deeds;

*Note: The conditions of sale as per the Council Resolution dated 30 August 2021, attached as "**Annexure D**" remain applicable;*

PART Q: ANNEXURES

Annexure A	Subdivision & Consolidation Plan
Annexure B	SG diagram for servitude area ABC
Annexure C	SG diagram for servitude area ABCDE
Annexure D	Council Resolution dated 30 August 2021
Annexure E	Motivation Report

Annexure F	Email correspondence from Eskom
Annexure G	Pre-application consultation
Annexure H	Conveyancer's Certificate
Annexure I	Title Deeds
Annexure J	Locality Plan
Annexure K	SG diagrams
Annexure L	Bondholder's Consent
Annexure M	Power of Attorney
Annexure N	Company Resolution
Annexure O	Application Form
Annexure P	Consolidation Diagram



MARTIN BOTHA (PR.PLN. A/2518/2017)
TOWN PLANNER
DATE: 27/10/2022



J. MULLER A/1429/2011
SENIOR TOWN PLANNER
DATE: 31/10/2022

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




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

03/11/2022

DATE

**APPLICATION FOR REZONING, SUBDIVISION, CONSOLIDATION AND THE REGISTRATION OF SERVITUDES:
ERVEN 464, 6421, 6427 & 25314, GEORGE (M. BOTHA)**

PAJA

NO	PROCESS CHECK	YES	NO	N/A
1.	HAS THIS APPLICATION BEEN ASSESSED/ EVALUATED BY A REGISTERED TOWN PLANNER AS REQUIRED IN TERMS OF SECTION 64.1(G) OF THE BY-LAW?			X
2.	WAS THE REPORT SUBMITTED BY THE TOWN PLANNER A FAIR AND OBJECTIVE REFLECTION OF THE RELEVANT INFORMATION AVAILABLE AND HAVE ALL RELEVANT INFORMATION BEEN ATTACHED TO THE REPORT?	X		
3.	DID THE TOWN PLANNER EXERCISE DUE DILIGENCE IN EVALUATING THE APPLICATION, IS THE REPORT BALANCED (DOES NOT SHOW ANY UNFAIR PREDJUDICE) AND WERE THE CONCLUSIONS REACHED REASONABLE AND RATIONALLY LINKED TO THE RELEVANT INFORMATION AVAILABLE?	X		
4.	WAS THE TOWN PLANNER EMPOWERED IN TERMS OF THE MUNICIPALITY'S SYSTEM OF DELEGATIONS TO EVALUATE THE APPLICATION?	X		
5.	WAS THE DECISION MAKER EMPOWERED IN TERMS OF THE MUNICIPALITY'S SYSTEM OF DELEGATIONS TO DECIDE ON THE APPLICATION?	X		
6.	WAS ADEQUATE INFORMATION AVAILABLE FOR THE DECISION MAKER TO MAKE A FAIR, REASONABLE AND OBJECTIVE DECISION ON THE APPLICATION?	X		
7.	IF NOT, CAN IT BE DEMONSTRATED THAT THE NECESSARY ATTEMPTS WERE MADE TO OBTAIN THIS INFORMATION BEFORE THE DECISION WAS TAKEN?			X
8.	WAS ALL THE AVAILABLE INFORMATION WHICH IMPACTS ON THE APPLICATION MADE AVAILABLE TO THE DECISION MAKER?	X		
9.	WAS ALL RELEVANT INFORMATION TAKEN INTO ACCOUNT WHEN MAKING THE DECISION?	X		
10.	WAS ALL IRRELEVANT INFORMATION NOTED IN THE TOWN PLANNERS REPORT AND REASONS GIVEN AS TO WHY IT SHOULD BE DISREGARDED WHEN MAKING THE DECISION STATED IN THE REPORT?			X
11.	WAS THE TOWN PLANNERS EVALUATION, TO THE BEST OF THE DECISION MAKERS KNOWLEDGE, POTENTIALLY INFLUENCED BY AN ERROR OF LAW?		X	
12.	IS THE DECISION TAKEN LOGICAL, CLEAR, CONCISE AND FAIR?	X		
13.	CAN THE DECISION BE JUSTIFIED – I.E. RATIONALLY AND REASONABLY LINKED TO THE INFORMATION PROVIDED (CRITICAL INFORMATION AVAILABLE) AND RELEVANTS FACTS CONTAINED IN THE REPORT?	X		
14.	WERE WRITTEN REASONS GIVEN FOR THE DECISION TAKEN?	X		
15.	CAN THESE REASONS BE REASONABLY AND RATIONALLY LINKED TO THE RELEVANT FACTS AND THE DECISION TAKEN?	X		
16.	WERE CONDITIONS OF APPROVAL IMPOSED WITH THE DECISION?	X		
17.	CAN THESE CONDITIONS BE LAWFULLY IMPOSED AS CONTEMPLATED BY SECTIONS 44 AND 66 OF THE BY-LAW?	X		
18.	ARE THESE CONDITIONS FAIR AND CAN THEY BE REASONABLY AND RATIONALLY LINKED TO THE DEVELOPMENT PROPOSAL SUBMITTED, THE RELEVANT FACTS CONTAINED IN THE TOWN PLANNERS REPORT, THE DECISION TAKEN AND THE REASONS FOR SUCH DECISION?	X		
<p>APPROVED/ REFUSED/ REFER BACK TO APPLICANT/ REFER TO TRIBUNAL</p> <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="text-align: center;">  D. POWER (A/1073/2014) DEPUTY DIRECTOR: PLANNING/ AUTHORISED OFFICIAL </div> <div style="text-align: center;"> 11/11/2022 DATE </div> </div>				

Attachments : Annexures for Erven 464, 6421, 6427 and 25314, George



Erven
464_6421_6427_2531

6.2. Subdivision and Departure : Remainder Erf 87, 14 Myrtle Road, Heatherlands, George (A Lombard)

LAND USE PLANNING REPORT

APPLICATION FOR SUBDIVISION AND DEPARTURE: REMAINDER ERF 87, GEORGE:

Reference number	#2277444	Application submission date	18 May 2022	Date report finalized	25 November 2022
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PART A: AUTHOR DETAILS

First name(s)	Amelia
Surname	Lombard
Job title	Candidate Planner
SACPLAN registration number	C/9605/2022
Directorate/Department	Human Settlements, Planning and Development
Contact details	044 801 9303 alombard@george.gov.za

PART B: APPLICANT DETAILS

First name(s)	Delarey			
Surname	Viljoen			
Company name	DELPLAN			
SACPLAN registration number	A/1021/1998	Is the applicant authorized to submit this application?	Y	N
Registered owner(s)	Lenn Clark (ID 6510305003081)			

PART C: PROPERTY DETAILS

Property description (in accordance with Title Deed)	Restant Erf 87, George in die Munisipaliteit en Afdeling George Wes-Kaap Provinsie				
Physical address	14 Myrtle Road	Town/City	George		
Current zoning	Single Residential Zone I	Extent (m ² /ha)	1 903m ²	Are there existing buildings on the property?	Y N
Applicable Zoning Scheme	George Integrated Zoning Scheme By – Lay, 2017 (hereafter referred to as “Zoning Scheme”)				
Legislation	Land-use Planning By-Law for George Municipality, 2015 (hereafter referred to as “Planning By-Law”);				

George Municipal Spatial Development Framework, 2019 (hereafter referred to as "MSDF")							
Current Land Use	Residential			Title Deed number & date	T40570/97		
Any restrictive title conditions applicable?	Y	N	If Yes, list condition number(s)				
Any third-party conditions applicable?	Y	N	If Yes, specify	N/A			
Any unauthorised land use/building work?	Y	N	If Yes, explain	Several structures encroaches the property boundary, the application aims to legalise existing structures.			
PART D: PRE-APPLICATION CONSULTATION (ATTACH MINUTES)							
Has pre-application consultation been undertaken?	Y	N	Annexure A				
Reference Number	#1873896		Date of consultation	12 May 2021	Official's name	Ilané Huyser	
PART E: LIST OF APPLICATIONS (TICK APPLICABLE)							
b. Rezoning		b. Permanent departure	X	t. Temporary departure		u. Subdivision	X
v. Consolidation		w. Amendment, suspension or deletion of restrictive conditions		x. Permissions required in terms of the zoning scheme		y. Amendment, deletion or additional conditions in respect of existing approval	
z. Extension of validity period		aa. Approval of an overlay zone		bb. Phasing, amendment or cancellation of subdivision plan		cc. Permissions required in terms of conditions of approval	
dd. Determination of zoning		ee. Closure of public place		ff. Consent use		gg. Occasional use	
hh. Establishment of a Home Owners Association		ii. Rectify Beach of Home Owners Association		jj. Reconstruct building of non-conforming use		Other	
PART F: APPLICATION DESCRIPTION							
Consideration of the following applications applicable to Remainder Erf 87, George:							
(a) Subdivision in terms of Section 15(2) (d) of Land Use Planning By-Law for George Municipality, 2015 of Remainder Erf 87, George into a Portion A (±900.45m²) and a Remainder (±1001.34m²);							
(b) Departure in terms of Section 15(2) (b) of the Land Use Planning By-Law for George Municipality, 2015 for the following on the proposed Portion A:							
1. Relaxation of the western street building line from 4m to 3.09m & 3.08m for the existing dwelling, and from 4m to 0m for the existing roof over the entrance of the second dwelling;							
2. To increase the maximum carriageway crossing width of 8m to 10.64m in terms of section 45(4)(c) of the George Integrated Zoning Scheme 2017;							

(c) Departure in terms of Section 15(2) (b) of the Land Use Planning By-Law for George Municipality, 2015 for the following on the proposed Remainder:

1. Relaxation of the newly formed northern common boundary building line from 3m to 2.05m for the existing covered stoep;
2. Relaxation of the southern street building line from 5m to 2.71m for the chimney breast, and from 5m to 3.53m for the existing bathroom;
3. To reduce the minimum carriageway-to-intersection distance from 10m to 4.4m in terms of section 45(2) of the George Integrated Zoning Scheme 2017;
4. Reduce the minimum carriageway crossing width of 5m to 4.7m and 3.7m respectively in terms of section 45(4)(c) of the George Integrated Zoning Scheme 2017;

The applicant omitted to request building line relaxation for the existing chimney breast and bathroom developed within the south street boundary building line. A Section 52 application was submitted to amend this omission. Note that the plans remained unchanged, and the structures are existing.

PART G: LOCATION

Remainder Erf 87 is located in George in the suburb of Heatherlands, on the corner of Erica and Myrtle Road as illustrated in Figure 1 below.

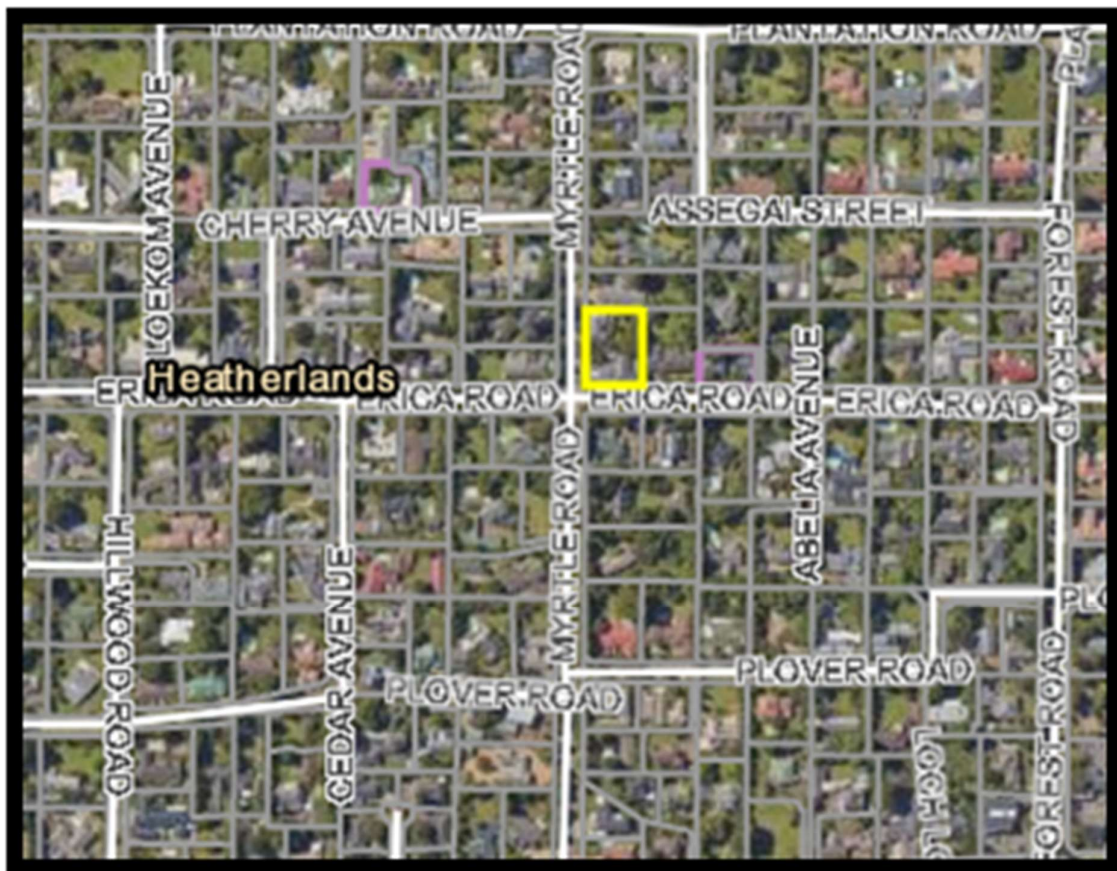


Figure 1: Locality map

PART H: BACKGROUND

The property is currently utilized as a single residential property and contains a main dwelling and a second dwelling. An application is submitted to subdivide the property into two portions - Portion A (900.45m²) and a Remainder (1001.34m²). Several building line relaxations are applied for to accommodate existing structures on the respective subdivided portions. Lastly, several departures are applied for to deviate from

the minimum and maximum width of the individual access points as well as a deviation from the distance an access point is permitted from an intersection.

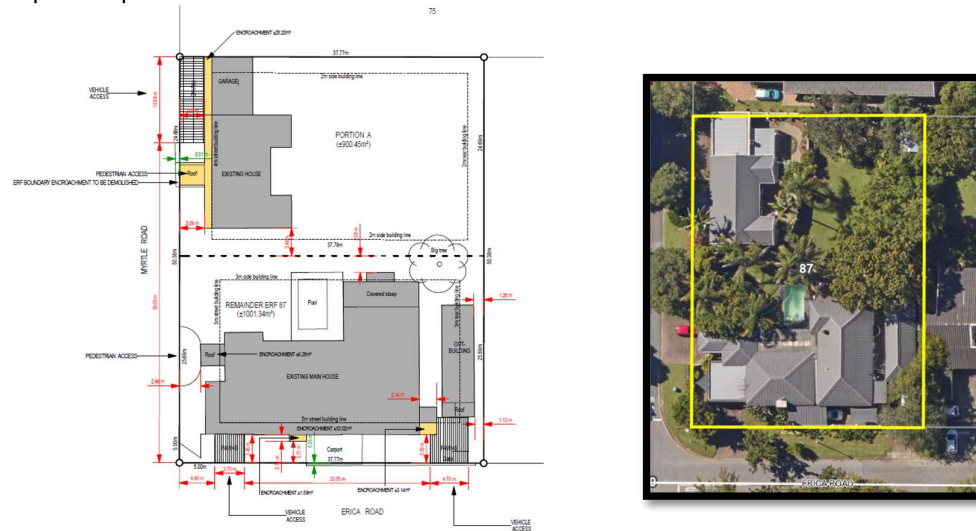


Figure 2: Subdivision and Locality Plan

PART I: SUMMARY OF APPLICANTS MOTIVATION

Introduction:

1. Current development includes a main and second dwelling;
2. Building plan for the second dwelling was approved in 1997;
3. Aim of the subdivision is to sell the second dwelling;
4. There are historical structures on both the proposed portions;

Title Deed:

5. Lenn Clark is the current owner and the property measures 1903m² in extent;
6. There are no restrictive conditions in the Title Deed and a Conveyancer Certificate is provided and consent from the bond holder was granted;

Existing Land Use and Character of the Area:

7. The main dwelling gains access from Erica Road while the second dwelling gains access from Myrtle Road via two access points;
8. The residential use will remain unchanged;
9. The minimum erf size for Heatherlands is 1000m² [for 1 dwelling unit and 1250m² to permit 2 dwelling units] but deviations are common in the area;
10. As the structures are existing the character of the area and appearance of the streetscape will not be altered;
11. The structures have been existing for decades and building line encroachments will not have any negative influence;
12. Part of the main dwelling encroaches on the south street building line;
13. The main and second dwelling encroaches the western building line and a stoep encroached the northern building line;
14. A departure is proposed to allow for two access points on RE/87 as well as a departure from the required distance from an intersection;
15. Portion A departs from the maximum width of a carriageway crossing and no additional developments are proposed;
16. The development is pre-existing and fenced, thus there will be no influence on neighbouring properties, pedestrians or other stakeholders;

Zoning:

17. Remainder Erf 87 is zoned as Single Residential Zone I;

Table 1: RE/87 Parameters

Parameter	Permitted	Proposed	Comply / Departure
Height	6.5m to wall plate	Less than 6.5m	Comply
Coverage	500m ² / 40%	-	Comply
Street building line (Myrtle Rd)	5m	2.66m	Departure
Street building line (Erica Rd)	5m	0m	Departure
Communal boundary / side building line	3m	2.05m	Departure
Rear building line	3m	1.12m - Contains allowable building	Comply
Carriageway crossing	1 (2 with permission)	2	Departure
Carriageway-to-intersection distance	Min 10m	4.4m	Departure
Carriageway crossing width	Max 4m	4.7m	Departure

Table 2: Portion A Parameters

Parameter	Permitted	Proposed	Comply / Departure
Height	6.5m to wall plate	Less than 6.5m	Comply
Coverage	325m ² / 50%	-	Comply
Street building line	4m	0m	Departure
Communal boundary/ side building line	2m	More than 2m	Comply
Side building line	2m	0m - Contains allowable building	Comply
Rear building line	2m	More than 2m	Comply
Carriageway crossing width	Max 4m	10.61m	Departure

**Note: Table 1&2 does not correspond with the applicant's motivation or initial application.*

Proposed Development:

18. The main dwelling house is identified as one dwelling unit;
19. Each dwelling is already independent;
20. There is no impact on the streetscape or character of the area;
21. The area is serviced by the municipality;
22. A new residential property will be created;
23. Densification is applied and therefore the engineering services are optimised;
24. Urban sprawl will be limited;

Access and Parking:

25. Access points will remain after subdivision;
26. Each dwelling house has a double garage and sufficient parking is thus provided;

Engineering Services:

27. Rem. Erf 87 is located in an already serviced area;
28. The property owners are accountable for capital contravention;
29. It is assumed that capital contravention for the second dwelling was paid in 1997;

GMSDF:

30. The application is not in conflict with the GMSDF and adheres to the notion of densification;

SPLUMA:

31. The nature of this land use application does not directly affect the five development principles of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA). Therefore, these principles are not discussed in detail in this motivation report. Only relevant aspects are addressed below;

Public Interest:

32. The applicant aims to subdivide the property into two portions;
 33. The property is well vegetated and will secure privacy;
 34. Rem. Erf 87 is a corner property and the units are independent and are perceived as individual erven.

Environmental Legislation:

35. No NEMA (1998) listed activities are triggered by this application.

LUPA:

36. Given the nature of this land use application and its location within George, this proposal is consistent with LUPA;

Desirability:

37. It is our view that the initial investigation into the desirability of the proposal reveals no obvious negative impacts;
 38. The proposed application will not have a negative impact on the surrounding neighbours or character of the area;
 39. It is not anticipated that the approval of the application will have a negative impact on the streetscape given that both dwelling houses are already constructed and fits the residential character of the area;
 40. The approval of the application will allow for the creation of a new residential property located within the urban edge and within an area that is already serviced with municipal engineering services;
 41. The proposed densification will optimise the use of municipal engineering services as initial approval was given for the two dwellings;
 42. The relevant departures also hold no additional risk to municipal services and existing operational factors;

Conclusion:

43. It is believed that the abovementioned principles, considerations, and guidelines for this land use application for the subdivision of Remainder Erf 87, George, satisfies the applicable legislation.

PART J: SUMMARY OF PUBLIC PARTICIPATION

Methods of advertising				Date published	Closing date for objections
Press	Y	N	N/A		
Gazette	Y	N	N/A		
Notices	Y	N	N/A	23 May 2022	22 July 2022
Website	Y	N	N/A	23 May 2022	22 July 2022
Ward councillor	Y	N	N/A	23 May 2022	22 July 2022
On-site display	Y	N	N/A	23 May 2022	22 July 2022
Community organisation(s)	Y	N	N/A		
Public meeting	Y	N	N/A		
Third parties	Y	N	N/A		
O t h e r	Y	N	If yes, specify		
Total	valid			Total	invalid

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

Condonation

The applicant omitted to apply for building line relaxation for an existing chimney breast and bathroom. He also omitted to apply for the building line relaxation of the entrance area to the second dwelling (see applications marked in bold below). The application was subsequently amended on 21 November 2022.

The proposed development was transparent in the plans presented during the initial public participation as the proposal of the subdivision and legalization of existing buildings did not change. The applicant was therefore not requested to advertise again for the amendment/departure applied for, as the intent of the development was clear from the start, and the public was therefore not misled in any way.

The amendments accrued with the discovery of previously approved building plans that illustrates the approval of several of the existing structures viz portions of the existing main house and second dwelling and carport linked to the main house.

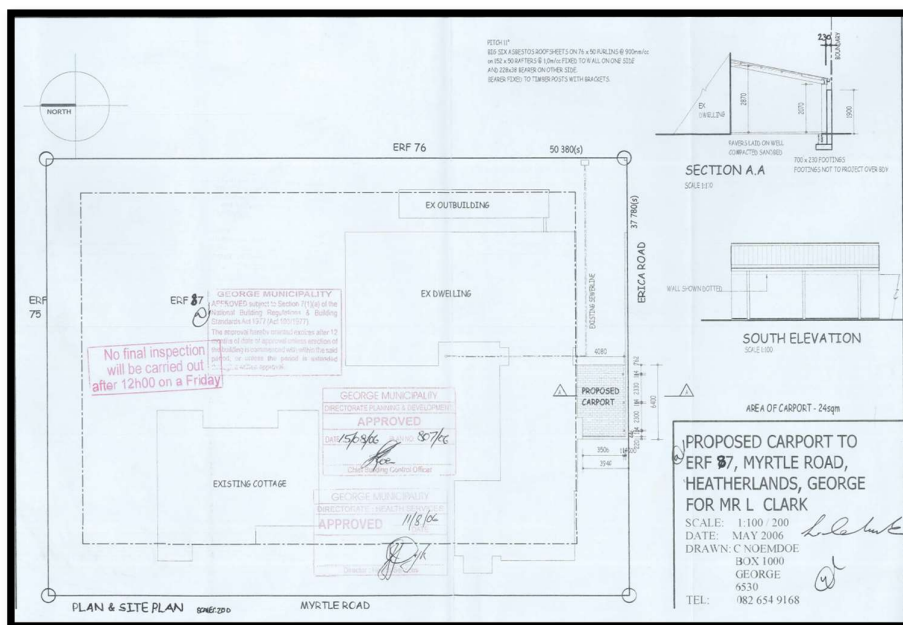


Figure 3: Approved Building Plans

Condonation under delegated authority 4.1.17.1.17 of 30 June 2022 in terms of Section 63 of the Land Use Planning By-law for George Municipality, 2015 for the advertisement of the application for subdivision of Remainder Erf 87 into Portion A ($\pm 900.45\text{m}^2$) and a Remainder ($\pm 1001.34\text{m}^2$) and the above-mentioned departures, is thus granted.

PART K: SUMMARY OF COMMENTS DURING PUBLIC PARTICIPATION

No objections or comments were received.

PART L: SUMMARY OF APPLICANT'S REPLY TO OBJECTIONS

N/A

PART M: SUMMARY OF COMMENTS FROM INTERNAL DEPARTMENTS AND/OR ORGANS OF STATE COMMENTS				
Name of Department	Date	Summary of comments	Recommendation	
Civil Engineering Services	18 May 2022	Conditionally supports the application.	See conditions below.	
Electrotechnical Services	18 May 2022	Conditionally supports the application.	See conditions below.	
PART N: MUNICIPAL PLANNING EVALUATION (REFER TO RELEVANT CONSIDERATIONS GUIDELINE)				
Is the proposal consistent with the principles referred to in chapter 2 of SPLUMA? (can be elaborated further below)			Y	N
Is the proposal consistent with the principles referred to in chapter VI of LUPA? (can be elaborated further below)			Y	N
<u>Application history</u> Apart from the 2 nd dwelling approved on building plan in 1997, there are no land use applications applicable to this property.				
<u>(In)consistency with the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and with the principles referred to in Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014) (Section 65 of the Planning By-Law)</u> The consistency of the application with the principles of SPLUMA and LUPA as read with Section 65 of the Planning By-Law was evaluated as follows:				
No	Evaluation checklist (s. 65)	Yes	No	N/A
1(a)	Does the application submitted comply with the provisions of this by-Law?	X		
	Has the motivation submitted been considered?	X		
1(b)	Were the correct procedures followed in processing the application? (see land use application process checklist)	X		
	Was a condonation required and granted with regards to the process followed? (see land use application process checklist)	X		
1(c)	Have the desirability guidelines as issued by the provincial minister to the utilise land for the proposed land uses been considered? (not yet applicable)			X
1(d)	Have the comments received from the respondents, any organs of state and the provincial minister been considered? (s. 45 of LUPA)	X		
1(e)	Have the comments received from the applicant been considered?	X		
1(f)	Have investigations carried out in terms of other laws and that are relevant to the application being considered?	X		
1(g)	Was the application assessed by a registered town planner? (see land use application process checklist)	X		
1(h)	Has the impact of the proposed development on municipal engineering services been considered?	X		
1(i)	Is the application in line, consistent and/or compatible with the IDP of	X		

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

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

applicable zoning scheme regulations (By-Law)? (e.g. Definitions, land use description and development parameters)			
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Comments:

George Integrated Zoning Scheme By-Law, 2017

The subject property is zoned "Single Residential Zone I" with a primary right for a main dwelling and a second dwelling of 60m² (which can be increase to 150m² with consent of the Municipality).

The subdivided portions will retain the "Single Residential Zone I" zoning. As mentioned before the property is already developed with a second dwelling, which will become the main dwelling on Portion A. It is not the owner's intention to develop the property further and thus, only one dwelling unit is proposed for each subdivided portion.

Council Resolution in terms of the minimum Erf sizes for certain areas in George:

In terms of the resolution, the minimum erf size that can be approved by delegation for Heatherlands is 1000m² to permit 1 dwelling unit and 1250m² to permit 2 dwelling units. The one proposed subdivision portion (with portion sizes of 900.45m² and 1001.34m²) deviates from the prescribed minimum erf sizes, but it is acceptable as each portion is still limited to 1 dwelling unit each.

For purpose of this application is it important to explore the history of this resolution. More than 20 years ago, the Planning Committee of the George Municipality set a minimum erf size for certain areas in George based on the subdivision applications (average size of subdivided erven) they received for the respective neighbourhoods. Subsequently, delegation was given to the Planning Department to approve subdivision applications which was in line with these minimum erf sizes.

Since the resolution was taken, significant changes occurred within the South African legislative milieu in the planning sector, including new planning bylaws, spatial planning frameworks and zoning scheme. In terms of these new laws, the Municipality was required to establish a Planning Tribunal to take decisions on applications not delegated to the Planning Department. Thus, the Council and/or their committees no longer hold that authority. Notwithstanding the latter, the minimum erf size delegation was never repealed.

As mentioned above, and as part of the legislation changes, national and provincial government has set an average density (25du/ha- which equates to 400m²) for all towns to secure a more sustainable city. From the above it is evident that the new proposed densification targets and the minimum erf size resolution is contradicting.

Thus, even though the subdivision is in line with all current policies and legislation the deviation from the minimum erf size resolution must be acknowledged and will be evaluated in terms the exiting urban and environmental context of the site and the area. *In this regard, it is acknowledged that as there are already 2 well-sized dwelling units on the property, the proposal will not lead to a change in development density or affect the existing land use patterns or the character of the area, and consequently, cannot undermine the intent of the minimum erf sizes for stated by Council.*

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

George Municipal Spatial Development Framework

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

by walking, non-motorised transport and public transport, enabling greater choice and a more productive economy.

Per the George MSDP (2019), more compact and diverse neighbourhoods (where people can live, work and recreate, all within proximity) with better housing choices, walkable streets and accessible (usable) open spaces should be pursued. The MSDP (2019) requires that developers make optimal use of strategically located vacant and underutilised land.

Policy C3 in the George Municipal Spatial Development Framework, 2019 states that settlement patterns need to be restructured through densification of the urban areas in the George city area to reduce land consumption, deliver services and facilities to households more effectively, and to establish the thresholds for viable public transport system. National and provincial government have set municipalities the target of increasing the density of urban areas to an average gross-based density of 25 dwelling units / hectare which equates to a property size of 400m².

(In)consistency with guidelines prepared by the Provincial Minister

N/A

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

N/A

Existing and proposed zoning comparisons and considerations

There is no change of zoning being considered. Applications for departure are primarily to regularise existing structures on site in accordance with the subdivision proposal and minor additions to the two houses.

The need and desirability of the proposal

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

NO.	Evaluation check list	Yes	No	N/A
1	Will the natural environment and/or open space systems be negatively affected?		X	
2	Will application result in trees/indigenous vegetation being removed on site or in the road reserve?		X	
3	Does the application have any negative impact on heritage resources?		X	
4	Will the character of the surrounding area be negatively affected?		X	
5	Will the architectural character of the streetscape be negatively affected?		X	
6	Will there be any negative impact on vehicle traffic and pedestrian safety?		X	
7	Will there be a negative impact on traffic movement?		X	
8	Will there be a negative impact on vehicle sight distances?		X	
9	Are there adequate on-site parking / loading facilities provided?	X		

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

Comments

See evaluation below.

Assessment of objections/comments

N/A

PART O: SUMMARY OF EVALUATION

Subdivision:

Remainder Erf 87, George is situated on the GoGeorge bus route which furthermore promotes residential development and housing opportunities in the George area. There is an entrance located across from a GoGeorge bus stop which might increase traffic in Myrtle Road; the second dwelling was approved and constructed in 1997 and it stands to reason that the entrance was existing before the bus stop was developed.

Remainder Erf 87 is furthermore identified in the George MSDF as a "Consolidation Area" and, as the municipal services can be accommodated and optimised through the subdivision, it is argued that the proposed subdivision is consistent with the GMSDF.

Portion A will measure 900.45m² which deviates from the suggested 1000m² erf size for Heatherlands. The smaller erf is similar in size to other subdivided portions in the area, for example, Erf 19954 located in Erica Road measures 920.99m². The deviation will not influence the overall character of the area, as both dwellings are existing, and the only additional structure will consist of a boundary wall that will not be visible from the street or neighbouring properties. There will not be a further impact on the traffic and pedestrian movement as the structures have been existing for several years.

Remainder Erf 87 is not located in an environmentally sensitive area and according to the subdivision plan the largest tree on the property will remain untouched. There are several palm trees along the proposed boundary line, but the applicant does not state if these trees will be relocated or removed.

Departure:

The building line relaxation is applied for to accommodate the existing structure on the Remainder portion as a result of the newly formed northern boundary line the existing main dwelling will encroach the 3m building line, and relaxation to 2.05m is proposed. The encroachment is limited to a stoep and as a result of the proposed boundary wall and existing vegetation the encroachment will not be visible from Portion A.

Two access points for the Remainder are located in Erica Road. The main dwelling unit also already encroaches the 5m southern building line and thus a 2.71m building line is proposed to accommodate the existing dwelling unit together with a 3.53m building line to accommodate an existing bathroom. The encroachment is visible from the street but as a result of the street setback the encroachment is not intrusive and is considered as in line with the character of the area.



Figure 2: Southern View Of RE/87

Lastly, the 5m street building line on Portion A is proposed to be relaxed to 0m, 3.09m and 3.08m. The relaxation will only consider the existing structures and as the structures are existing there is no negative impact on the streetscape or neighbouring properties.

Note: The existing structures that are over the erf boundary will be demolished.

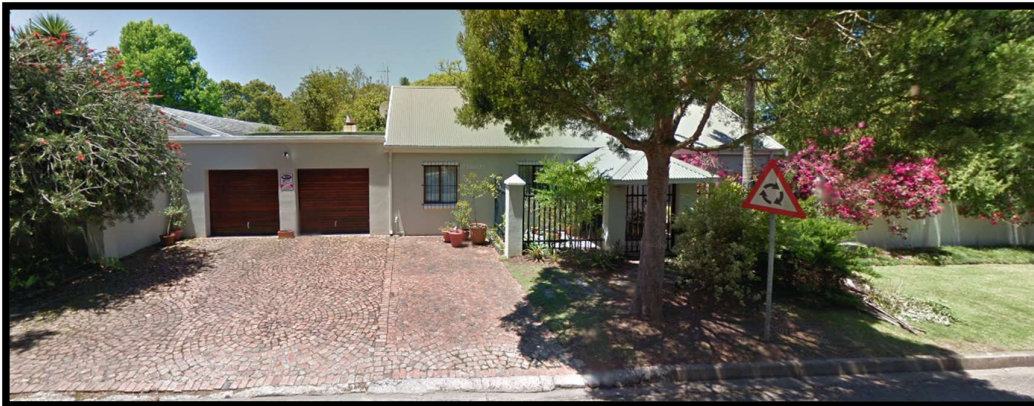


Figure 3: Western View of Portion A

Accesses:

The current distance from the nearest intersection is 4.4m, and the required distance from an intersection is 10m. As this access point is located in Erica Road and is set back further into the property, the deviation might not cause increased traffic congestion or decreased pedestrian safety as the nearest intersection is located in Myrtle Road.

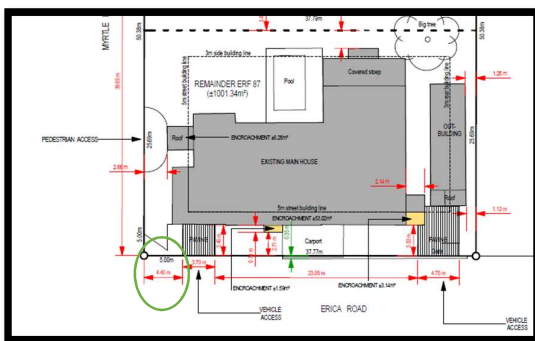


Figure 6: Existing Dwelling



Figure 7: Intersection from Erica Road

Access widths per Section 45 (4)(c) of the Zoning Scheme:

The minimum and maximum widths of motor vehicle carriageway crossings must be in accordance with the table titled "Width of Motor Vehicle Carriageway Crossings"

WIDTH OF MOTOR VEHICLE CARRIAGEWAY CROSSINGS

Type of carriageway crossing	Minimum width	Maximum width
Single entrance or exit way	2,7 metres	4,0 metres
Combined entrance and exit way	5,0 metres	8,0 metres

The two access points located in Erica Road are both under the minimum required width of a combined entrance and exit carriageway crossing. The deviation will be from 5m to 3.70m and 4.7m, the RE/87 will remain a Single Residential Zone I property and minimal traffic will be going in and out of the respective access points and as the access points are existing there is no impact on the traffic flow or streetscape. The proposed widths are large enough to accommodate a standard vehicle and meet the needs of a residential dwelling unit.

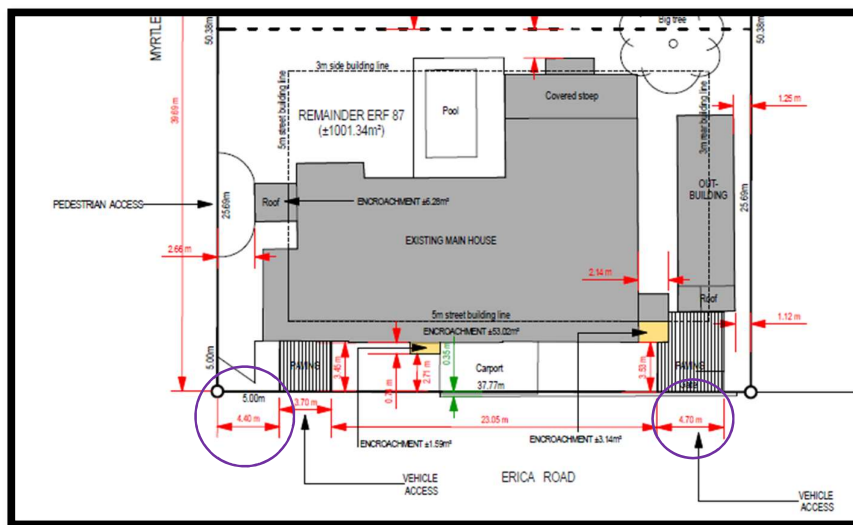


Figure 8: Carriageway Crossing Width

Lastly the deviation from the maximum 8m width of a combined entrance and exit carriageway crossing is suggested. The deviation will be from 8m to 10m to accommodate a double garage façade and guest parking. The access point was implemented in 1997 and there is therefore no negative impact on the streetscape of character of the area.

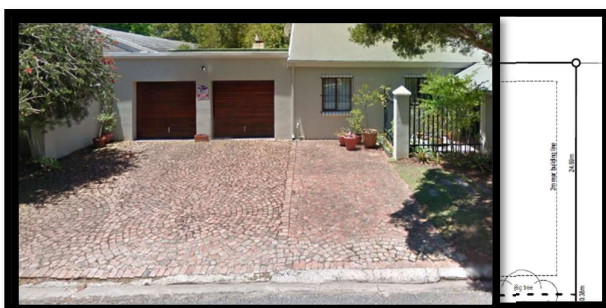


Figure 9: Access point of Portion A

Illegal Land-Use Calculation:

Some of the encroaching structures (as indicated in light orange on the site plan) do not have approved building plans. Consequently, a contravention levy is payable for these structures, which are calculated as follows:

Table 5: Contravention Levy Calculations

Factor	Calculation
Floor Area Directly Related	$28.20\text{m}^2 + 1.59\text{m}^2 + 3.14\text{m}^2 = \mathbf{32.93\text{m}^2}$
m ² Value of the property	$\frac{\text{Total Municipal Value of the Property}}{\text{Total Area of the Property}} \therefore \frac{\text{R3295000}}{1903\text{sqm}}$ $= \mathbf{R1731.48/\text{m}^2}$
Contravention Levy 10% (Directly)	$10\% \times \text{R1731.48}/\text{m}^2 \times 32.93\text{m}^2 = \mathbf{R5701.76}$ Plus VAT (15%) = R855.26 Total: R6557.02

CONCLUSION:

There are no new structures proposed on Remainder Erf 87 and thus, the application serves to only regularise the current structures. As the two dwelling units have existed for several years, approval of the application cannot result in a negative impact on the character of the area or streetscape, or surrounding neighbours rights and amenity. The proposal is in line with the GMSDF and is considered consistent with LUPA.

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

PART P: RECOMMENDATION

That the following applications are applicable to Remainder Erf 87, George:

- Subdivision in terms of Section 15(2) (d) of Land Use Planning By-Law for George Municipality, 2015 of Remainder Erf 87, George into a Portion A ($\pm 900.45\text{m}^2$) and a Remainder ($\pm 1001.34\text{m}^2$);
- Departure in terms of Section 15(2) (b) of the Land Use Planning By-Law for George Municipality, 2015 for the following on the proposed Portion A:
 - Relaxation of the western street building line from 4m to 3.09m & 3.08m for the existing dwelling, and from 4m to 0m for the existing roof over the entrance of the second dwelling;
 - To increase the maximum carriageway crossing width of 8m to 10.64m in terms of section 45(4)(c) of the George Integrated Zoning Scheme 2017;
- Departure in terms of Section 15(2) (b) of the Land Use Planning By-Law for George Municipality, 2015 for the following on the proposed Remainder:

1. Relaxation of the newly formed northern common boundary building line from 3m to 2.05m for the existing covered stoep;
2. Relaxation of the southern street building line from 5m to 2.71m for the chimney breast, and from 5m to 3.53m for the existing bathroom;
3. To reduce the minimum carriageway-to-intersection distance from 10m to 4.4m in terms of section 45(2) of the George Integrated Zoning Scheme 2017;
4. Reduce the minimum carriageway crossing width of 5m to 4.7m and 3.7m respectively in terms of section 45(4)(c) of the George Integrated Zoning Scheme 2017;

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

REASONS:

- (i). The subdivision and departures will not have a negative impact on the natural environment, residential character or surrounding built regime as both dwelling houses are existing.
- (ii). The respective portions will be limited to one dwelling house only.
- (iii). Adequate access and parking can be provided for both portions.
- (iv). The proposed density is consistent with the target densities as prescribed by Province (25 du/ha).

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

CONDITIONS OF THE DIRECTORATE: HUMAN SETTLEMENTS, PLANNING AND DEVELOPMENT:

1. That in terms of the Land Use Planning By-law for the George Municipality, 2015, the subdivision and departure approval shall lapse if not implemented within five (5) years from the date thereof.
2. This approval shall be taken to cover only the subdivision and departures as applied for and indicated on the subdivision plan, plan no.SUB3, March 2022 as drawn by Delplan attached as "Annexure B" which bears Council's stamp and shall not be construed as to depart from any other Council requirements or legal provision.
3. A condition must be registered against the title deed of the respective portions, limiting the property to the erection of 1 dwelling unit only.
4. As built building plans must be submitted for both portions prior to the transfer of the 1st portion.
5. An approved Surveyor General diagram be submitted to the Directorate: Human Settlements, Planning and Development for record purposes prior to transfer of a portion.
6. A contravention levy calculated as follows shall be payable on the submission of building plans for the unauthorised structures erected over the respective building lines:
 - (a) Encroachments = 32.93m^2 ;
 - Property value: $\text{R}3295000/1903\text{m}^2 = \text{R}1731.48/\text{m}^2$
 - Contravention = $10\% \times \text{R}1731.40/\text{m}^2 \times 32.93\text{m}^2 = \text{R}5701.76$
 - VAT @ 15% = $\text{R}855.26$
 - Total: R6557.02**
7. The approval will only be regarded as implemented on the registration of one of the subdivided portions in terms of the Deeds Registries Act.

CONDITIONS OF THE DIRECTORATE: CIVIL ENGINEERING SERVICES:

8. The amount of Development Charges (DCs) to be paid by the developer are calculated in terms of the George Municipality Land Use Planning By-Law (as amended) and the approved DC Guidelines. With reference to the clause above, with regards to the proposed development, the developer will be required to make a development contribution, as follows:
9. The amounts of the development contributions are reflected on the attached calculation sheet dated 18/05/2022 (attached as "Annexure E") are as follows:
 - Roads R 6 299.43
 - Sewer R 6 522.16
 - Water R 13 910.88
 - Total: R 26 732.47 (Vat excluded)**

10. The total amount of the development charges of **R26 732.47**(VAT excluding) shall be paid prior to the first transfer of a land unit pursuant to the application or upon the approval of building plans, whichever occurs first, unless otherwise provided in an engineering services agreement or, in the case of a phased development, in these or any other relevant conditions of approval.
11. Any amendments or additions to the proposed development which is not contained within the calculation sheet as dated in condition 9 above, which might lead to an increase in the proportional contribution to municipal public expenditure will result in the recalculation of the development charges and the amendment of these conditions of approval or the imposition of other relevant conditions of approval.
12. As provided in section 66(5B)(b) of the Planning By-Law (as amended), using the date of approval as the base month the amount of R26 732.47 (VAT excluded) shall be adjusted in line with the consumer price index published by Statistic South Africa up to the date when payment is made in terms of condition 10 above.
Note: The Development Charges indicated above are based on the information available to the respective engineering departments at the time of approval. It is advised that the owners consult with these departments prior to submission of building plans / transfer requests for a final calculation.
13. Development charges are to be paid to the Municipality in cash or by electronic funds transfer or such other method of payment as may be accepted by the Municipality at the time when payment is made.
14. All services -internal, link and relocation of or upgrades to existing - are to be designed by a registered consulting engineer in accordance with Council specifications. This may include bulk services outside the development area but that must be upgraded to specifically cater for the development. All drawings and plans are to be submitted to the applicable department, or any other relevant authority, (hard copy and electronically) for approval prior to any construction work taking place. All work is to be carried out by a suitable qualified/registered electrical contractor under the supervision of the consulting engineer who is to provide the relevant authority with a certificate of completion, and as-built plans in electronic format. All costs will be for the developer. No transfers will be approved before all the municipal services have been satisfactorily installed and as-builts submitted electronically as well as the surveyor's plan.
15. Any, and all, costs directly related to the development remain the developers' responsibility.
16. Only one connection is permitted per registered erf (Electrical, water and sewer connections). Condition 14 applies.
17. Any services from the development that must be accommodated across another erf must be negotiated between the developer and the owner of the relevant erf. Any costs resulting from the accommodation of such services or the incorporation of these services into the network of another development are to be determined by the developer and the owner of the other erf (condition 14 applicable).
18. Any service from another erf that must be accommodated across the development or incorporated into the services of the development: all negotiations will be between the owner/developer of the relevant erf and the developer. Costs for the accommodation of these services or the upgrade of the developments services to incorporate such services are to be determined by the developers/owners concerned. (condition 14 applicable).
19. Any existing municipal or private service damaged during the development will be repaired at the developers cost and to the satisfaction of the George Municipality. (condition 14 applicable).
20. Suitable servitudes must be registered for any municipal service not positioned within the normal building lines.
21. Provisions for the removal of solid waste is to be addressed in conjunction with the Dir: Environmental Services.
22. The developer is to adhere to the requirements of all relevant Acts, as well as all conditions stipulated by any other authority whose approval is required and obtained for this proposed development.
23. Transfers, building plan approvals and occupation certificates may be withheld if any sums of money owing to the George Municipality are not paid in full, or if any services have not been completed to the satisfaction of the Dir: CES & ETS, or any condition of any authority has not been satisfactorily complied with.
24. The Developer is responsible to obtain the necessary approval / way leaves from third parties which include, but is not limited to the George Municipality, Telkom & Fibre optic service provider.

25. No construction activity may take place until all approvals, including way leave approval, are in place, all drawings and material have been approved by the Technical Directorates.
26. Municipal water is provided for potable use only. No irrigation water will be provided.
27. A water meter must be installed by the developer prior to construction to monitor water usage during the construction phase. The Dir: CES (Water section) is to be consulted by the developer, prior to installation, regarding the required specifications. Failure to complying with the water meter application process, will result in the developer being responsible for payment of penalties and/or an estimated non-metered water consumption by this department at a rate as per the applicable annual Tariff List. In this regard, transfers, building plan approval and occupation certificates may be withheld if any sums of money owing to the George Municipality are not paid in full. The water meter is to be removed on completion of construction if so, required by the Dir: CES.
28. The developer / erf owner is to apply to the George Municipality for the installation of an individual erf water meter prior to any building work commencing on an erf.
29. The development, in its entirety or in phases, is subject to confirmation by the Dir. CES of the availability of Water and Sanitation bulk treatment capacity at the time of the development implementation, or if developed in phases before the commencement of each phase. A development/implementation program is to be provided by the Developer when requesting confirmation of this capacity from the Dir. CES. If the Developer does not adhere to the program the Dir. CES will be entitled to revise the availability of such bulk capacity.
30. The discharge of surface stormwater is to be addressed by the developer. Condition 14 applies. All related costs are for the developer. The developer is to consult with the Dir: CES to ensure that stormwater planning is done online with the available stormwater master plans.
31. Internal parking requirements (i.e. within the development area), position of accesses, provision for pedestrians and non-motorised transport, and other issues related to traffic must be addressed and all measures indicated on plans and drawings submitted for approval.
32. Adequate parking with a hardened surface must be provided on the premises of the proposed development.
33. No private parking will be allowed in the road reserve.
34. A dimensioned layout plan indicating the proposed accesses onto private / servitude roads, must be submitted to the relevant departments for approval. Condition 14 applies.
35. The approval of the layout of the development and accesses is subject to the George Roads Master Plan and approved by the Dir: CES. A site development plan is to be submitted to the Dir: CES, or any other relevant authority for approval prior to any construction work taking place.
36. Permission for access onto municipal, provincial or national roads must be obtained from the relevant authorities.

CONDITIONS OF THE DIRECTORATE: ELECTROTECHNICAL SERVICES:

37. of the George Municipality Land Use Planning By-Law (as amended) and the approved DC Guidelines. With reference to the clause above, with regards to the proposed development, the developer will be required to make a development contribution, as follows:
38. The amounts of the development contributions are reflected on the attached calculation sheet dated 18/05/2022 (attached as "Annexure E") are as follows:
 Electricity: R 9 581.21
Total: R 9 581.21 (VAT excluded)
39. The total amount of the development charges of **R9 581.21 (VAT excluded)** shall be paid prior to the first transfer of a land unit pursuant to the application or upon the approval of building plans, whichever occurs first, unless otherwise provided in an engineering services agreement or, in the case of a phased development, in these or any other relevant conditions of approval.
40. Any amendments or additions to the proposed development which is not contained within the calculation sheet as dated in condition 38 above, which might lead to an increase in the proportional contribution to municipal public expenditure will result in the recalculation of the development charges and the amendment of these conditions of approval or the imposition of other relevant conditions of approval.

41. As provided in section 66(5B)(b) of the Planning By-Law (as amended), using the date of approval as the base month the amount of R9 581.21 (VAT excluded) shall be adjusted in line with the consumer price index published by Statistic South Africa up to the date when payment is made in terms of condition 39 above.
- Note: The Development Charges indicated above are based on the information available to the respective engineering departments at the time of approval. It is advised that the owners consult with these departments prior to submission of building plans / transfer requests for a final calculation.*
42. Development charges are to be paid to the Municipality in cash or by electronic funds transfer or such other method of payment as may be accepted by the Municipality at the time when payment is made.
43. All services -internal, link and relocation of or upgrades to existing - are to be designed by a registered consulting engineer in accordance with Council specifications. This may include bulk services outside the development area but that must be upgraded to specifically cater for the development. All drawings and plans are to be submitted to the applicable department, or any other relevant authority, (hard copy and electronically) for approval prior to any construction work taking place. All work is to be carried out by a suitable qualified/registered electrical contractor under the supervision of the consulting engineer who is to provide the relevant authority with a certificate of completion, and as-built plans in electronic format. All costs will be for the developer. No transfers will be approved before all the municipal services have been satisfactorily installed and as-builts submitted electronically as well as the surveyor's plan.
44. Should more than two developments/properties be party to or share any service, the Dir: CES & ETS will in conjunction with the parties determine the pro-rata contributions payable.
45. Only one connection permitted per registered erf (Electrical, water and sewer connections). Condition 44 applies.
46. Any services from the development that must be accommodated across another erf must be negotiated between the developer and the owner of the relevant erf. Any costs resulting from the accommodation of such services or the incorporation of these services into the network of another development are to be determined by the developer and the owner of the other erf (condition 43 applicable).
47. Any service from another erf that must be accommodated across the development or incorporated into the services of the development: all negotiations will be between the owner/developer of the relevant erf and the developer. Costs for the accommodation of these services or the upgrade of the developments services to incorporate such services are to be determined by the developers/owners concerned. (condition 43 applicable).
48. Any existing municipal or private service damaged during the development will be repaired at the developer's cost and to the satisfaction of the George Municipality. (condition 43 applicable).
49. Should it be required, a services agreement is to be drawn up between the developer and the George Municipality, by an attorney acceptable to the Municipal Manager. All expenses will be for the developer.
50. Suitable servitudes must be registered for any municipal service not positioned within the normal building lines. Servitudes must be registered for all electrical services traversing erven.
51. Transfers, building plan approvals and occupation certificates may be withheld if any sums of money owing to the George Municipality are not paid in full, or if any services have not been completed to the satisfaction of the Dir: CES & ETS, or any condition of any authority has not been satisfactorily complied with.
52. The Developer is responsible to obtain the necessary approval / wayleaves from third parties which include, but is not limited to the George Municipality, Telkom & Fibre optic service provider.
53. No construction activity may take place until all approvals, including way leave approval, are in place, all drawings and material have been approved by the Technical Directorates.
54. Owner to ensure compliance with Regulation XA of SANS 10400 (building plans).
55. Owner to ensure compliance with Regulation XA of SANS 10142 (wiring) and any other applicable national standards.
56. The developer and/or an owner of an erf shall see to it that no Small-Scale Embedded Generation (SSEG) is installed on an erf, any portion of an erf or the development, without prior approval from the ETS. Should any SSEG be installed within any part of the development the Electrotechnical Services will within their discretion either implement applicable penalties and/or disconnect the relevant point of supply.
57. Installation of ripple relays is compulsory for all geysers with electrical elements

58. All LV work must be installed and be funded by the developer/customer
59. The Electricity DC charge excludes any MV/LV and LV network costs. The customer will be quoted separately for any upgrade work required.
60. The Developer is not allowed to distribute electricity across property boundaries.
61. A temporary municipal metered construction supply can be installed, at a cost to be determined, prior to construction to monitor electrical consumption during the construction phase. All costs, installation and consumption, will be for the cost of the developer. No electricity may be consumed without it being metered by a registered municipal electrical meter. The standard application process will apply. Temporary supplies will only be made available on full payment of the DCs for the whole development.

PART Q: ANNEXURES

Annexure A	Land Use Application and Supporting Documents
Annexure B	Subdivision Plan
Annexure C	Previously Approved Building Plans
Annexure D	Section 52 (revised application)
Annexure E	DC Calculations





Condonation (if applicable)_

The applicant omitted to apply for building line relaxation for an existing chimney breast and bathroom. He also omitted to apply for the building line relaxation of the entrance area to the second dwelling (see applications marked in bold below). The application was subsequently amended on 21 November 2022.

The proposed development was transparent in the plans presented during the initial public participation as the proposal of the subdivision and legalization of existing buildings did not change. The applicant was therefore not requested to advertise again for the amendment/departure applied for, as the intent of the development was clear from the start, and the public was therefore not misled in any way.

The amendments accrued with the discovery of previously approved building plans that illustrates the approval of several of the existing structures viz portions of the existing main house and second dwelling and carport linked to the main house.

Condonation under delegated authority 4.1.17.1.17 of 30 June 2022 in terms of Section 63 of the Land Use Planning By-law for George Municipality, 2015 to not advertise the omitted application for departure applicable to the proposed Remainder ($\pm 1001.34\text{m}^2$) and the above-mentioned departures, is thus granted.

 _____ D. POWER (A/1973/2014) DEPUTY DIRECTOR PLANNING/AUTHORISED OFFICIAL	<u>12 December 2022</u> Date
 _____ A. Lombard C/9605/2022 CANDIDATE PLANNER	<u>25 November 2022</u> Date
RECOMMENDED/ REFER BACK TO APPLICANT/ REFER TO TRIBUNAL	
 _____ C. PETERSEN (B/8336/2016) SENIOR MANAGER: TOWN PLANNING	<u>08/12/2022</u> Date
RECOMMENDED/ REFER BACK TO APPLICANT/ REFER TO TRIBUNAL	
 _____ D. POWER (A/1973/2014) DEPUTY DIRECTOR PLANNING/AUTHORISED OFFICIAL	<u>12 December 2022</u> Date

Attachments : Annexures for Remainder Erf 87, George



ErF 87 George
(annexures).pdf

6.3. Rezoning and Subdivision : Erf 8259, Knysna Road, George (F Vava)

LAND USE PLANNING REPORT
APPLICATION FOR REZONING AND SUBDIVISION ON ERF 8259, GEORGE

Reference number	2263894	Application submission date	6 May 2022	Date report finalized	12 December 2022
PART A: AUTHOR DETAILS					
First name(s)	Fakazile				
Surname	Vava				
Job title	Town Planner				
SACPLAN reg. no.	B/8439/2021				
Directorate/ Department	Human Settlements, Planning and Development				
Contact details	fvava@george.gov.za or 044 801 9555				
PART B: APPLICANT DETAILS					
First name(s)	Delarey				
Surname	Viljoen				
Company name	DELPLAN Consulting				
SACPLAN reg. no.	A/1021/1998	Is the applicant authorized to submit this application?		Y	N
Registered owner(s)	George Municipality				
PART C: PROPERTY DETAILS					
Property description (in accordance with Title Deed)	Erf 8259, George				
Physical address	Knysna Road	Town/City	George		
Current zoning	Open Space Zone II	Extent(m ² /ha)	27.22ha	Are there existing buildings on the property?	Y N
Applicable Zoning Scheme	George Integrated Zoning Scheme By-law, 2017				
Legislation	1. Land Use Planning By-Law for George Municipality, 2015 (hereafter referred to as " Planning By-Law "); 2. George Municipal Spatial Development Framework, 2019 (hereafter referred to as " GMSDF ").				
Current Land Use	Electrical sub-station and open space	Title Deed number & date	T37787/1902 Attached as Annexure E		
Any restrictive title	Y N	If Yes, list condition number(s)	N/A		

conditions applicable?				
Any third-party conditions applicable?	Y	N	If Yes, specify	N/A
Any unauthorised land use/building work?	Y	N	If Yes, explain	N/A
PART D: PRE-APPLICATION CONSULTATION (ATTACH MINUTES)				
Has pre-application consultation been undertaken?	Y	N		
Reference Number	Collab ref: 2229443	Date of consultation	16 March 2022	Official's name I Huyser; F. Vava
PART E: LIST OF APPLICATIONS (TICK APPLICABLE)				
c. Rezoning	x	b. Permanent departure	kk. Temporary departure	ll. Subdivision
mm. Consolidation		nn. Amendment, suspension or deletion of restrictive conditions	oo. Permissions required in terms of the zoning scheme	pp. Amendment, deletion or additional conditions in respect of existing approval
qq. Extension of validity period		rr. Approval of an overlay zone	ss. Phasing, amendment or cancellation of subdivision plan	tt. Permissions required in terms of conditions of approval
uu. Determination of zoning		vv. Closure of public place	ww. Consent use	xx. Occasional use
yy. Establishment of a Home Owners Association		zz. Rectify Beach of Home Owners Association	aaa. Reconstruct building of non-conforming use	Other
PART F: APPLICATION DESCRIPTION				
Consideration of the following applications applicable to Erf 8259, George:				
<ol style="list-style-type: none"> Rezoning in terms of Section 15(2)(a) of the Land Use Planning By-Law for George Municipality, 2015 of Erf 8259, George from Open Space Zone II to a Subdivisional Area comprising of 1x Utility Zone erf and 1x Open Space Zone II erf; Subdivision in terms of Section 15(2)(d) of the Land Use Planning By-Law for George Municipality, 2015 of the Subdivisional Area into a: <ol style="list-style-type: none"> Portion A (4 089.90m²) – Utility Zone; and Remainder (268 132.76m²) – Open Space Zone II; 				
<p><u>Note:</u> The application was advertised as follows:</p> <ol style="list-style-type: none"> Subdivision in terms of Section 15(2)(d) of the Land Use Planning By-Law for George Municipality, 2015 of Erf 8259, George into a Portion A (4 089.90m²) and a Remainder (268 132.76m²); 				

2. Rezoning in terms of Section 15(2)(a) of the Land Use Planning By-Law for George Municipality, 2015 of the above-mentioned Portion A from Open Space Zone II to Utility Zone;

The above conflicts with the provisions of Section 20(2) of said By-law which requires that a rezoning to a Subdivisional Area must be submitted with any application for subdivision involving a change of zoning. The error has no material impact as the intention of the application is quite clear and no person will be prejudiced if the wording of the application is corrected as per the above. A condonation will need to be granted in this regard.

PART G: LOCATION

Erf 8259, George is situated on Knysna Road in the Glenwood area. The site is found approximately 1km north-west of the Garden Route Mall. The subject property is known to host the Glenwood Golf Club as well as the George Riding Club all situated along Knysna Road. Refer to image below.



Figure 4: Locality Map, adapted from Cape farm mapper - WC Gov.

PART H: BACKGROUND AND HISTORY

Erf 8259, George was originally subdivided from Erf 464, George and registered in 1978 with a size of 41.9977ha under **SG No. 6371/78**. The property was again subdivided to accommodate portions for the George Riding Club and the Glenwood House School which were formally registered in 2003 with the subject property being the remainder portion.

A portion of the property is currently utilised as an electricity substation and needs to be expanded/upgraded. Previous legislation did not mandate the rezoning of land for such a use; thus, the existing substation is located on the property zoned as Open Space Zone II. The municipality therefore intends to subdivide and rezone the property to Utility Zone so as to further carry out the required upgrading for increased capacity.

As the property is part of the erf containing the golf course (original Erf 8259, George) the erf has to be subdivided into two sections, one being the golf course/riding club and the other being the substation.

PART I: SUMMARY OF APPLICANTS MOTIVATION

Character of the property and surrounding area

- Erf 8259 is currently utilised as a golf course and partially as a riding club. The proposed Portion A is already utilised as a substation, and remaining portion RE/8259 will also remain the same use.
- No change to the character of the area is foreseen.



Figure 5: Image showing substation from Knysna Road, adapted from applicant's report

Development Proposal

- Erf 8259, George ($\pm 272225.13 \text{ m}^2$) will be divided into two portions namely; Remainder Erf 8259 ($\pm 268133,0\text{m}^2$) and Portion A ($\pm 4090 \text{ m}^2$).
- George Municipality requires to upgrade the substation for much greater electricity capacity. To institute the upgrades, the site must be formally zoned (Utility Zone) and separate from the rest of the golf course site.
- No change is proposed to the land use or accessibility of the subdivided portions.
- The subdivision and rezoning application is the best mechanism as can be seen in the images below.
- The full subdivision plan is attached as Annexure A.

INSERT SCALE 1:2000

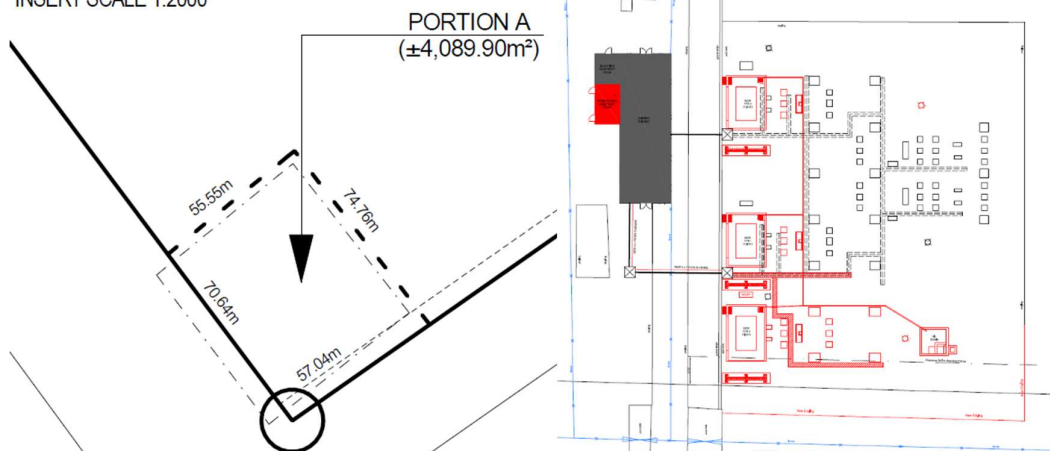


Figure 6: Subdivision Plan and Site Layout showing intended upgrades

Accessibility

- Access to the original Erf 8259, George is off Knysna Road. Access to the proposed Remainder Erf 8259 and Portion A will also remain off Knysna Road.
- No changed is proposed to the access is subject to the approval of the municipality as well as the Provincial Roads Authority.

Engineering Services

- Services regarding newly subdivided and expanded Portion A are formally planned for and maintained by the Municipality.

Compliance with the George Municipal Spatial Development Framework, 2019

- The MSDF identifies the location where the subject property is found as a Restructuring Zone.
- The subject property also falls within a priority investment area. The subdivision and rezoning of this erf and subsequent expansion of the substation on the newly subdivided Portion A align MSDF.
- The development also falls within the urban edge and is not proposed within a discouraged growth area or ecologically sensitive area.

Environmental considerations

- As the site falls within the urban edge, an already serviced area that is not utilised for any agricultural purposes and no relevant vegetation such as existing trees or critical biodiversity exists, no listed activities as contemplated by the National Environmental Management Act, 1998 (as amended) (NEMA) are triggered by this application.

Public interest

- There is no public interest currently vested on this site. The application has also been advertised to the general public and no concerns have been raised.
- The proposed rezoning has little to no impact on the public. The site already exists in is currently being used for the intended substation to be expanded.

Conclusion

The land use application for the rezoning and subdivision of Erf 8259, George is consistent with all relevant considerations as prescribed by the planning legislation. It does not create conflict with the overall spatial objectives for the area.

PART J: SUMMARY OF PUBLIC PARTICIPATION

Methods of advertising				Date published	Closing date for objections				
Press		Y	N	N/A	10 May 2022	10 June 2022			
Gazette		Y	N	N/A					
Notices		Y	N	N/A	10 May 2022	10 June 2022			
Website		Y	N	N/A	10 May 2022	10 June 2022			
Ward councillor		Y	N	N/A	10 May 2022	10 June2022			
On-site display		Y	N	N/A	10 May 2022	10 June2022			
Community organisation(s)		Y	N	N/A					
Public meeting		Y	N	N/A					
Third parties		Y	N	N/A					
Other	Y	N	If yes, specify						
Total valid objections		0				Total invalid objections and petitions		0	
Valid petition(s)		Y	N	If yes, number of signatures					
Community organisation(s) response		Y	N	N/A	Ward councillor response		Y	N	N/A
Total letters of support		None							
Was the minimum requirement for public participation undertaken in accordance with relevant By-Law on Municipal Land Use Planning and any applicable Council Policy.							Y	N	

PART K: SUMMARY OF COMMENTS DURING PUBLIC PARTICIPATION

The application was advertised to the abovementioned platforms and parties during public participation and no objections were received. Comments were received from **Department of Transport and Public Works** as summarised below.

1. George Municipality, being the Road Authority of Main Road 2 (MR00002; Knysna Road – N9), motivates that the:
 - Current access spacing, although not in accordance with the Provincial Access Management Guidelines, be supported for the “limited Municipal Utility use” on proposed Portion A until an alternative (“if feasible”) access via Remainder 8259, George when it is developed, can be brought into place.
 - Required parking be provided on site.
2. This Branch supports the Road Authority’s motivation and comments as follows:
 - The existing access off MR00002 at ±km4.63 LHS in favour of proposed Portion A may be retained as proposed by the Road Authority in the paragraphs above.
 - This Branch only supports the temporary approval of the access mentioned above. The existing access arrangement to Remainder 8259, George off MR00002 at ±km4.19 LHS (opposite Sweetpea Street) may continue until either the Road Authority motivates otherwise, or Remainder 8259 is developed.
 - It is accepted that the permanent, legal and unfettered access off Minor Road 6887 up to and in favour of Remainder 8259 is ensured (by the Road Authority) to be in place.
 - This Branch, the Controlling Authority in terms of Act 21 of 1940, approves the proposed subdivision.

PART L: SUMMARY OF APPLICANT’S REPLY TO OBJECTIONS

Applicant acknowledges the comments received and no reply was provided. The comments received relate to “access” which the roads authority (George Municipality) has provided. DRE supports George Municipality’s view on access. Refer to Part M below.

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

Name of Department	Date	Summary of comments	Recommendation
Civil Engineering Services	10 May 2022	1. Access from Knysna road: Deviation in terms of the Provincial Access Management Guidelines will be supported for the use of limited Municipal Utility use. Alternative access via Erf 8259, George, if feasible, should be re-routed via the internal road network on Erf 8259, George once the entire erf is developed. 2. All parking requirements, as required, to be provided on site. 3. No further DC are instituted.	In order
Electrotechnical Services	10 May 2022	Supported, no DC applicable and no conditions	In order

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

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

Y	N
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Is the proposal consistent with the principles referred to in chapter VI of LUPA? (can be elaborated further below)		Y	N	
(In)consistency with the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and with the principles referred to in Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014) (Section 65 of the Planning By-Law)				
The consistency of the application with the principles of SPLUMA and LUPA as read with Section 65 of the Planning By-Law was evaluated as follows:				
No	Evaluation checklist (s. 65)	Yes	No	N/A
1(a)	Does the application submitted comply with the provisions of this by-Law?	X		
	Has the motivation submitted been considered?	X		
1(b)	Were the correct procedures followed in processing the application? (see land use application process checklist)	X		
	Was a condonation required and granted with regards to the process followed? (see land use application process checklist)			X
1(c)	Have the desirability guidelines as issued by the provincial minister to the utilise land for the proposed land uses been considered? (not yet applicable)			X
1(d)	Have the comments received from the respondents, any organs of state and the provincial minister been considered? (s. 45 of LUPA)	X		
1(e)	Have the comments received from the applicant been considered?	X		
1(f)	Have investigations carried out in terms of other laws and that are relevant to the application being considered?			X
1(g)	Was the application assessed by a registered town planner? (see land use application process checklist)	X		
1(h)	Has the impact of the proposed development on municipal engineering services been considered?	X		
1(i)	Is the application in line, consistent and/or compatible with the IDP of the municipality?	X		
	Is the application in line, consistent and/or compatible with the municipal SDF?	X		
1(j)	Is the application in line, consistent and/or compatible with the IDP of the district municipality including its SDF?			X
1(k)	Is the application in line, consistent and/or compatible with the structure plan applicable to the area?			X
1(l)	Is the application in line, consistent and/or compatible with the local SDF applicable to the area?		X	
1(m)	Is the application in line, consistent and/or compatible with any other municipal policy or By-Law applicable to the proposed land use?			X
1(n)	Is the application in line, consistent and/or compatible with the provincial SDF?			X
1(o)	Is the application in line, consistent and/or compatible with the regional SDF (SPLUMA) or provincial regional SDF (LUPA)?			X
1(p)	Is the application in line, consistent and/or compatible with the applicable guidelines, standards, principles, norms or criteria set by national and/or provincial government?			X
1(r)	Is the application in line the consistent and/or compatible with the following principles as contained in section 7 of SPLUMA / 59 of LUPA:			
	1. The redress spatial and other development imbalances of the past through improved access to and use of land?			X

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

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

Comments:

1(a)- (p) – The proposal is in line with the applicable planning law (SPLUMA and LUPA). It complies with the spatial planning frameworks that are applicable to the area. The site is being used as an electrical substation and has been for many years. The proposal is merely a subdivision and rezoning (cadastral exercise) to permit the expansion/increase capacity for the substation as required by the current legislation.

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

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

The **George Municipal Spatial Development Framework, 2019** supports the allocation of land for infrastructure utility services. The rezoning and subdivision of the subject site aligns with policies of the MSDF as it is planned at providing improved services to the Greater George area.

As part of the strategies in the MSDF, it is stated that the municipality must ensure that infrastructure planning and development keeps pace with the growing city, and thus the proposal on Erf 8259, George is a step towards facilitating this strategy. The MSDF also acknowledges that this form of development aligns with Economic Development strategies which are highlighted in both the MSDF and the IDP for the municipal area. Further, the proposal is supported by engineering master plans which have been developed to align with the growth of the city.

Policy A of the George MSDF, specifically Policy A1 encourages the “*maintenance, improvement, and expansion of basic services*”. The policy requires that the municipality builds on existing work for better service provision in the municipal area. And delays in developing such infrastructure services must be avoided as the municipality may experience challenges.

Lastly, Policy G of the MSDF notes that place-making interventions through building economic infrastructure and upgrading the public environment to promote inclusivity and invite private sector response must be supported. This includes optimising existing infrastructure in well located nodes as stated above.

(In)consistency with guidelines prepared by the Provincial Minister

N/A

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

N/A

Existing and proposed zoning comparisons and considerations

Existing zoning considerations

- The subject property is zoned Open Space Zone II and is utilised for a golf course, a riding club and the subject electrical substation. Majority of the site is designated for public open space purposes and is used primarily for a private site for sports/recreational site.
- It must further be noted that the site was used for both recreational and utility services (substation) and there were very limited conflicts between these uses.
- From the existing situation on the ground, the site will not be increased in its area, the expansion is rather proposed in terms of transformer capability (only 20mva transformers are proposed)

Proposed zoning considerations

- The proposed zoning (Utility Zone) gives permission for the municipality to roll-out required basis services for the municipality. This is essential infrastructure that is required to provide engineering and associated services for the proper functioning of urban development.
- The proposed zoning consists of no development parameters and the scheme states that the municipality may determine these parameters should there be need.
- As detailed in the comments above, some of the major concerns are access and parking which have also been resolved by the CES department.
- In terms of setbacks, particularly Knysna Road, the municipality has also established that no further development will be permitted over the boundary of the electricity substation and a wayleave should be granted for the part that already encroaches.

The need and desirability of the proposal

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

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

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

Comments

The proposed rezoning and subdivision accommodating the existing electrical substation does not pose a visual impact to the area. The substation has been existing on the property for many years and no visual impact is expected as the site comprise of structures that can be easily fitted within the surrounding residential area.

It is also established that the existing character and streetscape will not change as the proposed expansion of the site is a matter of few resistors that will be added onto the substation.

Sufficient access is provided off Knysna Road as discussed in this report. Should Erf 8259, George be development further in the future, a new access point will be provided for the substation. Property also provides for sufficient parking space for service vehicles. The site is only expected to be accessed during routine service and there and is thus no influx of vehicles is expected.

Assessment of objections/comments

No objections were received for the application. The comment received from DRE relating to access and future access is well acknowledged and has been incorporated into the report.

PART O: ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

N/A

PART P: SUMMARY OF EVALUATION

Application

George Municipality, particularly the *Electro-Technical Services department* who is the rightful owner of the Glenwood electricity substation found on Erf 8259, George, plans to upgrade the said substation. In doing so,

it was established that the necessary upgrades could not be done as the site is found on a private open space property. Therefore, a rezoning and subdivision application was deemed necessary to permit the expansion of the substation as a Utility Services site.

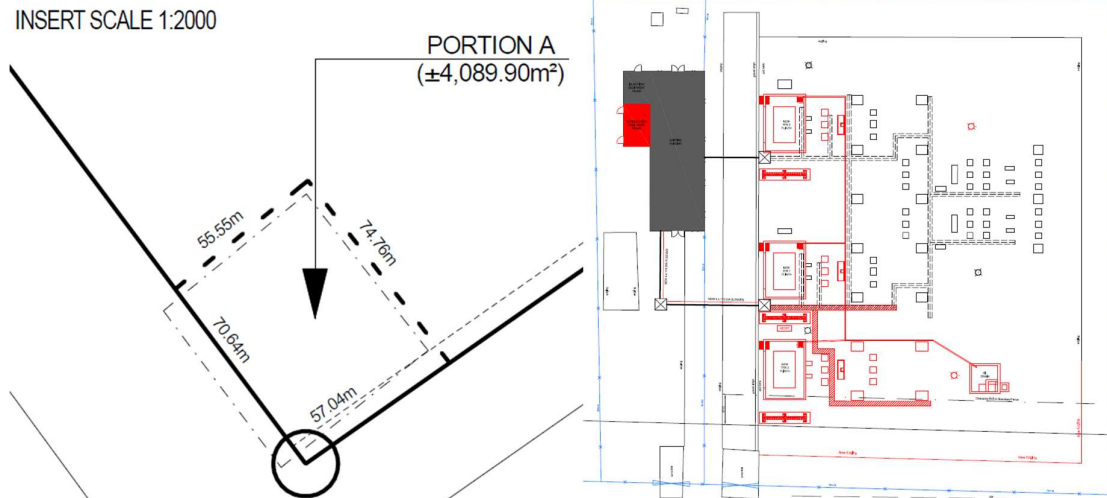


Figure 7 & 5: Subdivision Plan and Site Layout showing intended upgrades

Findings

George Municipality has acquired funds for civil engineering construction, mechanical refurbishment and upgrading of municipal services and as such many engineering projects as well as new developments are being carried out as per their specific budgets by the Municipality. One of these projects includes the upgrading of the Glenwood electricity substation.

On 6 September 2022 Council formally resolved that a portion of Erf 8259, George which currently consists of the 66/11kV Glenwood substation be rezoned and subdivided from the rest of Erf 8259, George which also consists of a golf course and riding school. The town planning application facilitates the required upgrading of the substation as a “utility site” creating an increased electrical capacity for the area.

It is noted that the project was approved for 3 financial years starting from the 2021/22 financial year up until 2023/24 financial year. The specified funds (refer to Council Resolution Attached as Annexure C) will enable the municipality to install new 20MVA transformers on to the site. The extent of the substation will not change as can be seen from the images included below. The additional transformers will be added on the existing/established substation yard with no additional area being used.



Figure 6 & 7: Extent of existing substation to be maintained, adapted from Google maps and GIS Viwer

As detailed in this report, the application permits use of the site for utility services which is regarded as *essential* for service provision, in this case the generation/transmission of electricity, for the surrounding area. The development proposal constitutes the expansion of an existing land use and not a new land use for this specific site – and is only necessary due to the requirements of current legislation.

The approval of the application will result in no new impacts for the area. The expansion of the substation will have no adverse visual impacts and the expansion is unlikely to have any adverse effect on adjoining neighbours' rights and amenities – with the closest neighbours being ±100m away from the electricity substation. The proposal will not impact negatively on the existing land use character of the area, the streetscape or traffic movement patterns as there are no material changes planned for the site.

Access

Sufficient access to the site is provided off Knysna Road as discussed in this report. The site is only expected to be accessed during routine service checks and there is thus no negative impact expected to vehicle movement along Knysna Road. Should Erf 8259, George be developed in the future, a new access point will be provided for the substation. The subject property also provides for sufficient parking space for service vehicles.

Conclusion

It is found that the proposed expansion of the existing Glenwood electricity substation on the subject property is necessary to permit the upgrading infrastructure services required by the municipality while also complying with the prevailing legislation. The proposal will enable the municipality to meet its growing demands for electricity capacity in the surrounding area.

Thus, on the balance of all considerations in terms of Section 65 of the Land-Use Planning By-Law for George Municipality, 2015, it is found that the applications for rezoning and subdivision of Erf 8259, George cannot be considered undesirable and is therefore **SUPPORTED**.

PART Q: RECOMMENDATION

That the following applications applicable to Erf 8259, George:

1. Rezoning in terms of Section 15(2)(a) of the Land Use Planning By-Law for George Municipality, 2015 of Erf 8259, George from Open Space Zone II to a Subdivisional Area comprising of 1x Utility Zone erf and 1x Open Space Zone II erf;
2. Subdivision in terms of Section 15(2)(d) of the Land Use Planning By-Law for George Municipality, 2015 of the Subdivisional Area into a:
 - (a) Portion A (4 089.90m²) – Utility Zone; and
 - (b) Remainder (268 132.76m²) – Open Space Zone II;

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

REASONS FOR DECISION

- (i). The proposal supports the allocation of land for infrastructure utility services;
- (ii). The proposal permits the upgrading of essential infrastructure that assists in the efficient functioning of the city;
- (iii). The proposal will not have a significant adverse impact on the surrounding built and street environment, adjoining urban landscape or on adjacent neighbours' rights and amenity;
- (iv). The proposal is compatible with strategies of the George MSDF and duly aligns with the SPLUMA principles

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

CONDITIONS OF THE DIRECTORATE: HUMAN SETTLEMENTS, PLANNING AND DEVELOPMENT

1. That in terms of the Land Use Planning By-law for the George Municipality, 2015, the approval shall lapse if not implemented within a period of five (5) years from the date thereof;

2. This approval shall be taken to cover only the Rezoning and Subdivision indicated on the subdivision plan (SUB1) prepared by Delplan Consulting and dated March 2022 attached hereto as "Annexure A" which bears Council's stamp and shall not be construed as to depart from any other Council requirements or legal provision;
3. The appointed land surveyor must submit the Surveyor General approved diagrams to the GIS Department of the Directorate for information purposes prior to transfer of Portion A;
4. The subdivision approval will only be regarded as implemented on the submission of the approved SG Diagrams by the Surveyor General as well as the registration of Portion A in terms of the Deeds Registries Act;

Note:

- (a) Wayleave application to be submitted to the relevant authority (CES) in relation to the part of the substation that encroaches over the road reserve (Knysna Road);
- (b) A building plan must be submitted for approval in accordance with the National Building Regulations (NBR).

CONDITIONS OF THE DIRECTORATE: CIVIL ENGINEERING SERVICES:

5. Access from Knysna road: Deviation in terms of the Provincial Access Management Guidelines will be supported for the use of limited Municipal Utility use. Alternative access via Erf 8259, George, if feasible, should be re-routed via the internal road network on Erf 8259, George once the entire erf is developed;
6. All parking requirements, as required, to be provided on site.

PART R: ANNEXURES

Annexure A	Subdivision Plan
Annexure B	Site Layout Plan
Annexure C	Pre-application minutes
Annexure D	Council Resolution
Annexure E	Motivation Report
Annexure F	Title Deed and Conveyancer Certificate
Annexure G	SG Diagram
Annexure H	Comments




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

20/12/2022

DATE

RECOMMENDED/ REFER BACK TO APPLICANT/ REFER TO TRIBUNAL



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

28/12/2022

DATE

CONDONATION

It is noted that the application was advertised as follows:

1. *Subdivision in terms of Section 15(2)(d) of the Land Use Planning By-Law for George Municipality, 2015 of Erf 8259, George into a Portion A (4 089.90m²) and a Remainder (268 132.76m²);*
2. *Rezoning in terms of Section 15(2)(a) of the Land Use Planning By-Law for George Municipality, 2015 of the above-mentioned Portion A from Open Space Zone II to Utility Zone;*

The above conflicts with the provisions of Section 20(2) of said By-law which requires that a rezoning to a Subdivisional Area must be submitted with any application for subdivision involving a change of zoning. The error has no material impact as the intention of the application is quite clear and no person will be prejudiced if the wording of the application is corrected as per the above. A condonation is therefore granted for this error in accordance with Section 63 (2) of said By-law.

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

pp. 

28/12/2022

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

DATE

Attachments : Annexures for Erf 8259, George



Erf 8259 George
(annexures).pdf

6.4. Removal of Restrictions, Rezoning, Subdivision, Consent Use and Departure : Erf 351, Silver River Street, Hoekwil (R Janse van Rensburg))

LAND USE PLANNING REPORT
APPLICATION FOR REMOVAL OF RESTRICTIVE CONDITIONS, REZONING, SUBDIVISION, CONSENT USE& DEPARTURE ON ERF 351, HOEKWIL

Reference number	2080153	Application submission date	11 November 2021	Date report finalized	28 December 2022
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PART A: AUTHOR DETAILS

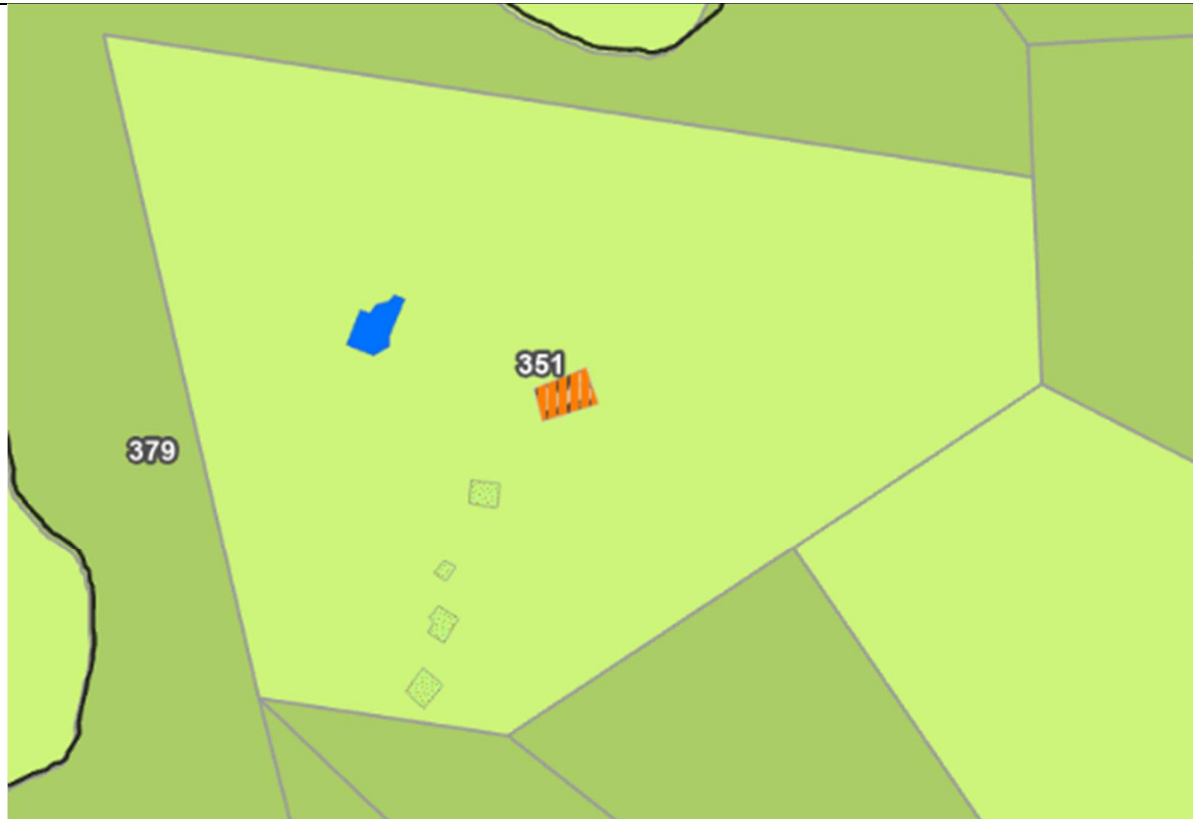
First name(s)	Robert Henk
Surname	Janse van Rensburg
Job title	Town Planner
SACPLAN registration number	A/2925/2020
Directorate/ Department	Planning and Development
Contact details	rhjansevanrensburg@george.gov.za or 044 801 9555

PART B: APPLICANT DETAILS

First name(s)	Marlize				
Surname	De Bruyn				
Company name	Marlize de Bruyn Planning				
SACPLAN registration number	A/1477/2011	Is the applicant authorized to submit this application?	Y	N	
Registered owner(s)	Erf 351, Hoekwil - Metanoia Rom12 2 CC (Reg no. 2005/102393/23				

PART C: PROPERTY DETAILS

Property description (in accordance with Title Deed)	Erf 351, Hoekwil					
Physical address	Silver River St, Wilderness Heights		Town/City	Hoekwil		
Current zoning	Main zoning of “Agricultural Zone I” with spot zoning for “Business Zone II” (Shop - Restaurant), “Resort Zone” (Chalets) & “General Zone V” (Guest Lodge). (see image below)	Extent:	15.7868 Ha	Are there existing buildings on the properties?	Y	N



Light Green: Agricultural Zone I; Blue: Business Zone II; Green with orange dots: Resort Zone; Orange stripes: General Residential Zone V (Guest lodge)

**Note: The darker green erven surrounding the subject property is zoned "Agricultural Zone II".*

Applicable Scheme	George Integrated Zoning Scheme By-law, 2017 (hereafter referred to as " Zoning Scheme ")			
Legislation	<u>George Municipality's Policies and Regulations:</u> 1. Land-use Planning By-Law for George Municipality, 2015 (hereafter referred to as " Planning By-Law "); 2. George Municipal Spatial Development Framework, 2019 (hereafter referred to as " GMSDF "). 3. Wilderness, Lakes and Hoekwil Local Spatial Development Framework, 2015 (hereafter referred to as " WLH LSDF ") <u>Western Cape Government Policies</u> 4. Western Cape Land Use Planning Guidelines: Rural Areas, 2019 (hereafter referred to as " Rural Guidelines ")			
Current Land Use	Agriculture, Restaurant, Chalets, Guest Lodge.	Title Deed number & date	Title Deed No. T9864/1974 Attached as Annexure E . SG Diagrams are attached as Annexure F .	
Any restrictive title conditions applicable?	Y	N	If Yes, list condition number(s)	According to the Conveyancer Certificate received from Anna Elizabeth Reynolds dated 17 August 2020, from AE Reynolds Attorneys the relevant Title Deed only contains a restrictive condition F(b) that needs to be removed. The conveyancer Certificate is Attached as Annexure G .
Any third-party conditions	Y	N	If Yes, specify	N/A

applicable?				
Any unauthorised land use/building work?	Y	N	If Yes, explain	N/A
PART D: PRE-APPLICATION CONSULTATION (ATTACH MINUTES)				
Has pre-application consultation been undertaken?	Y	N	Attached as Annexure D.	
Reference Number	2000282	Date of consultation	21 September 2021	Official's name I Huyser
PART E: LIST OF APPLICATIONS (TICK APPLICABLE)				
d. Rezoning	X	b. Permanent departure	X	bbb. Temporary departure
ddd. Consolidation		eee. Amendment, suspension or deletion of restrictive conditions	X	fff. Permissions required in terms of the zoning scheme
hhh. Extension of validity period		iii. Approval of an overlay zone		jjj. Phasing, amendment or cancellation of subdivision plan
lll. Determination of zoning		mmm. Closure of public place		nnn. Consent use
ppp. Establishment of a Homeowners Association		qqq. Rectify Beach of Homeowners Association		rrr. Reconstruct building of non-conforming use
				ooo. Occasional use
				Other
PART F: APPLICATION DESCRIPTION				
Consideration of the following applications applicable to Erf 351, Hoekwil:				
<ol style="list-style-type: none"> Removal in terms of Section 15(2)(f) of the Land Use Planning By-law for George Municipality, 2015 of Restrictive Condition F(b) from Title Deed T9864/1974 of Erf 351, Hoekwil; Rezoning in terms of Section 15(2)(a) of the Land Use Planning By-law for George Municipality, 2015 of Erf 351, Hoekwil from "Agriculture Zone I" (agriculture), "Business Zone II" (shop – restaurant), "General Residential Zone V" (guest lodge) & "Resort Zone" (tourist accommodation) to "Agriculture Zone II" (smallholding). Subdivision in terms of Section 15(2)(d) of the Land Use Planning By-law for George Municipality, 2015 of Erf 351, Hoekwil into the following portions: <ol style="list-style-type: none"> Portion A (±3.0001ha) (Agriculture Zone II – smallholding); Portion B (±3.0052ha) (Agriculture Zone II – smallholding); Portion C (±3.0061ha) (Agriculture Zone II – smallholding); Portion D (±3.6111ha) (Agriculture Zone II – smallholding); Remainder (±3.0610ha) (Agriculture Zone II – smallholding) Consent Use terms of Section 15(2)(o) of the Land Use Planning By-law for George Municipality, 2015 for a second dwelling unit on Portions A, B, C, D & Remainder of Erf 351, Hoekwil; 				

5. Departure in terms of Section 15(2)(b) of the Land Use Planning By-law for George Municipality, 2015 for the following:
- (a) Increase in size of the second dwelling units from 150m² to 175m²;
 - (b) Relaxation of the new eastern side boundary building line of the proposed Portion C from 20.0m to 14.6m for the existing guest lodge to become the primary dwelling;
 - (c) Relaxation of the new western side boundary building line of the proposed Portion C from 20.0m to 19.0m for the existing workers accommodation;
 - (d) Relaxation of the new eastern side boundary building line of the proposed Portion D from 20.0m to 15.6m for the existing restaurant to become the primary dwelling;
 - (e) Relaxation of the new southern side boundary building line of the proposed Portion D from 20.0m to 18.4m for the existing outbuilding;
 - (f) Relaxation of the new northern side boundary building line of the proposed Remainder from 20.0m to 19.4m and 15.4m for the existing chalet to become a second dwelling unit;

Note: The applicant amended the application on 05 January 2023 after it was discovered on the site visit conducted on 09 December 2022 that an existing workers accommodation unit is located on the proposed Portion C. The applicant has therefore amended the application to include a building line departure for the existing workers accommodation unit. The applicant also amended point 5 (b) & (d) to correct to the wording from western side boundary to eastern side boundary. Subsequently the Site Layout plan was also amended to include the subject workers accommodation.

PART G: LOCATION

Erf 351, Hoekwil is located in the north western corner of Wilderness Heights. Wilderness Heights is a smallholding area where people prefer a rural lifestyle with limited agricultural activities. The property overlooks the Outeniqua Mountains and Seven Passes Road to the north with the Silver River towards the West. Silver River Street ends at Erf 353, Hoekwil with a servitude providing access to Erf 351, Hoekwil.

An ESKOM servitude is registered on the northern boundary of the property. ESKOM upgraded the powerline a few years ago and created a route on the Erf 351 Hoekwil to obtain access to their servitude.

Figure 8:Regional Locality

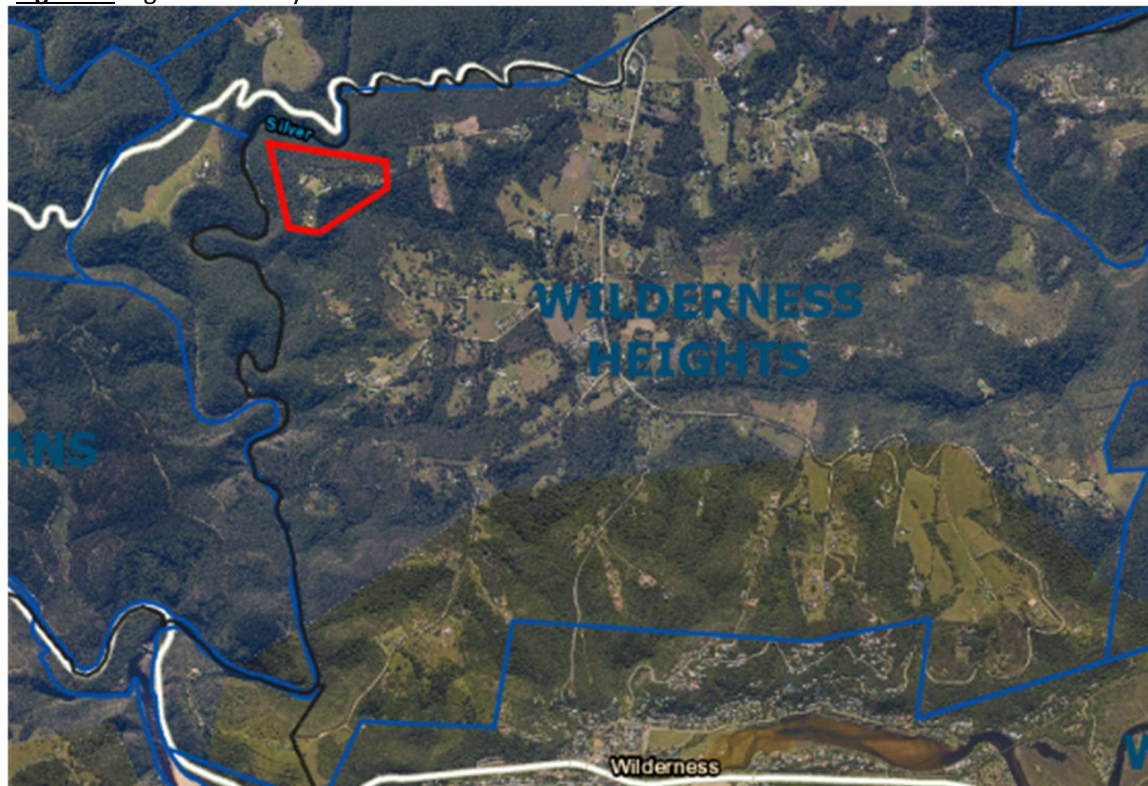


Figure 9: Applicants Locality Plan

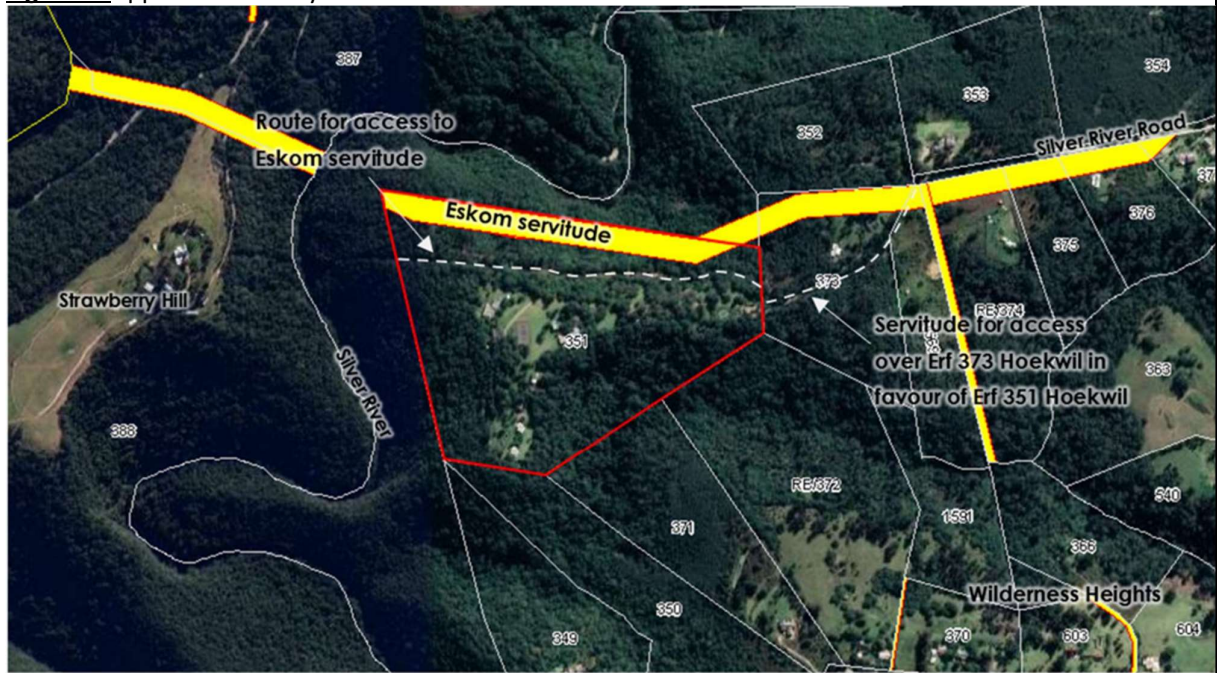
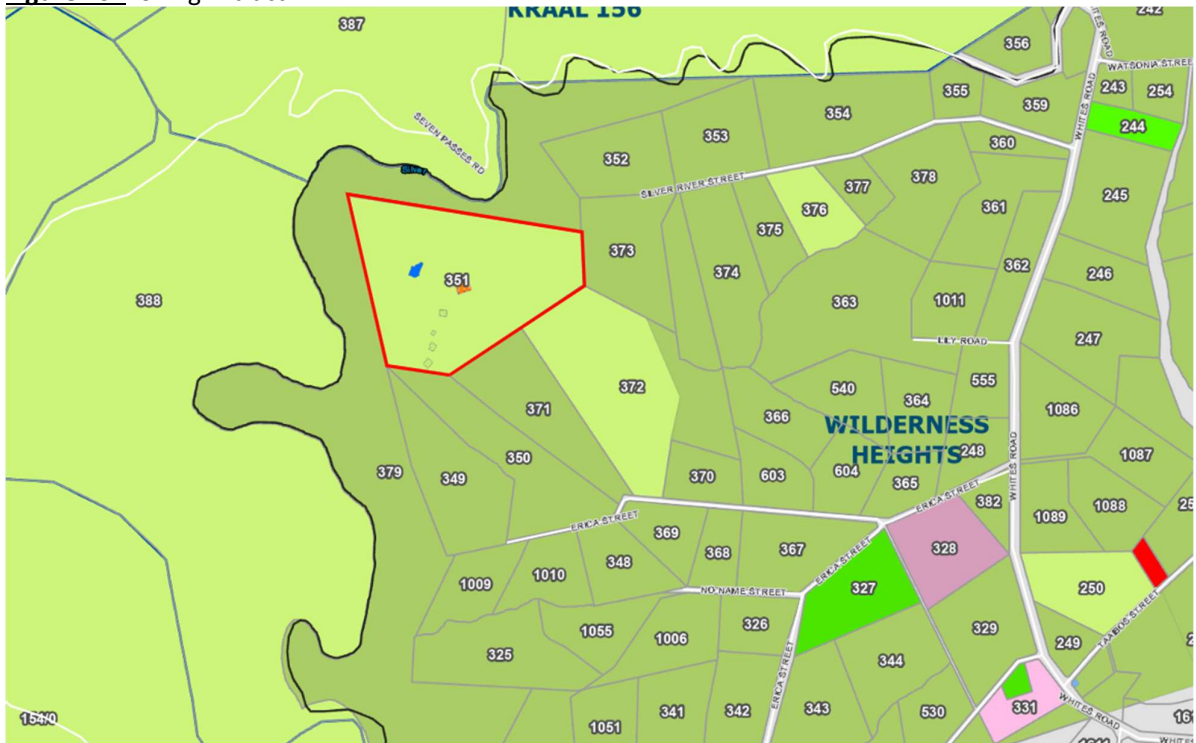


Figure 10: Zoning Extract



PART H: BACKGROUND AND HISTORY

Erf 351, Hoekwil is a developed property located in the north-western corner of Wilderness Heights. It was known for almost 5 decades as Clairewood Chalets. The name has now changed to Metanoia Wilderness.

The previous owner started the resort known as Clairwood Chalets on this property in the early 1970's. The original intention from 1974 included 4 private houses, 14 chalets, a restaurant, staff accommodation and recreation facilities which were never fully developed.

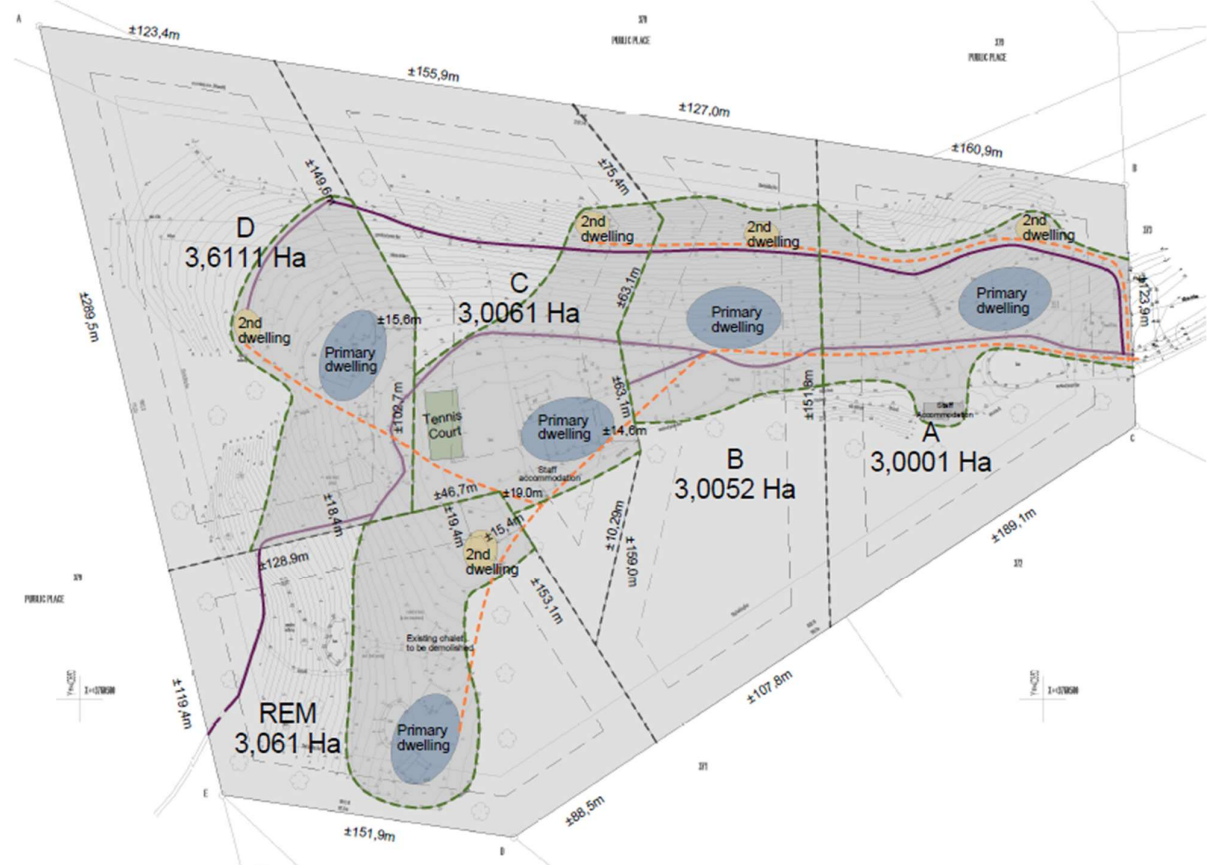
PART I: SUMMARY OF APPLICANTS MOTIVATION

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

The motivation report is attached as **Annexure C**.

Development Proposal

- The owner intends to rezone Erf 351, Hoekwil to "Agricultural Zone II" (Smallholding) and to subdivide the property into 5 portions.



- It is proposed that the 5 portion properties will be uniform with no more spot zonings similar to most properties in Wilderness Heights.
- The existing access routes on the property will provide access for each property.
- The required servitudes will be registered which will include services (water and electricity).
- It is also proposed that a second dwelling be accommodated on each portion consisting of 175m².
- The following is proposed on each portion:
 - Portion A: Existing workers accommodation to be retained. Primary and second dwelling is proposed.
 - Portion B: Currently vacant. Primary and second dwelling is proposed.
 - Portion C: The existing guest lodge to be converted to the primary dwelling. Existing workers accommodation, pool and Lapa to be retained. Proposed second dwelling to be located on the northern side of the Eskom-route. The tennis court is located on this portion which is proposed to be shared by all residents.
 - Portion D: The Restaurant is currently being used as a dwelling. This dwelling will be the primary dwelling house for this portion with a second dwelling unit proposed just west of the primary dwelling. The existing garage and outbuilding will be retained.

- Remainder: Consists of four existing chalets of which the smallest is to be demolished. The two chalets located closest to the southern boundary are to be joined to create the main dwelling. The chalet located closer to the northern boundary of this portion is to be retained and become the second dwelling unit.

A topographical survey was done for the property which forms the backdrop of the proposed site development plan. No slope, where a dwelling is proposed, is steeper than 1:4.

Character of the property and surrounding area

- The properties found in the area have large open areas, some are covered in alien vegetation, and some have indigenous vegetation.
- The subject properties are primarily covered in alien vegetation (black wattle trees, pine trees) with indigenous forest to the west and south and a centrally grassed area with ornamental trees and gardens surrounding the dwelling house,
- The existing indigenous vegetation will not be impacted on, and alien vegetation can be systematically removed. Indigenous vegetation is part of the character of the greater Wilderness area with the Outeniqua Mountains as backdrop.
- Creating five properties of a minimum of 3ha each is in keeping with the subdivision character of Wilderness Heights. The properties will remain residential smallholdings and not change from the dominant land use found in the area.
- The photo below is the inspiration for the character of all dwellings proposed for the proposed smallholdings.



Proposed Architectural Style

- Existing structures will be altered to reflect this style. The property owner wishes to create an area with no fences between the proposed portions where communal interests (such as access, services and architecture) will be addressed through a homeowners' association (HOA to be established in terms of Section 29 of the planning by-law)).
- A botanist, Mr Benjamin Walton visited the property and confirmed the infestation of alien vegetation and the presence of indigenous forest.
- Firescaping is proposed of a 30m radius around each unit. Considering the 30m radius around a dwelling or firescaping, approximately 3500m² is necessary for this purpose. Between ±5800m² and 8900m² is available on each property for firescaping.
- The second dwelling units proposed for Portion A, B, C & D are in areas of alien vegetation which will be cleared and the area around it rehabilitated.

Compliance with SPLUMA Principles

- Spatial justice as described in Section 7(a) of SPLUMA is not relevant to this land use application.
- Spatial sustainability as described in Section 7(b) of SPLUMA is relevant as far as the natural environment will benefit from the removal and control of alien vegetation. Prime and unique agricultural land is not affected by this land use application. The subject property is used as a resort within the smallholding area of Wilderness Heights.
- Efficiency as described in Section 7(c) of SPLUMA is supported. Existing smallholding properties are used to its potential considering the character of the area as well as the natural environment.
- Spatial resilience as described in Section 7(d) of SPLUMA is not fully relevant to this land use application.
- Good Administration as described in Section 7(e) of SPLUMA indicates the responsibilities of all involved in any land use matter.

Western Cape Land Use Planning Guidelines: Rural Areas (2019)

- The Rural Areas Guideline describes smallholdings as larger residential properties which can be used for limited agriculture but primarily serve as a place of residence for people who seek a rural lifestyle.
- The latter is the aim of this land use application for Erf 351 Hoekwil. We, therefore, found no conflict between this proposal and the Western Cape Land Use Planning Guidelines: Rural Areas.

Compliance with the George Municipal Spatial Development Framework, 2019

- Erven 351, Hoekwil is not addressed specifically in the GMSDF. The properties are located in a smallholding area, in Hoekwil. The GMSDF refers to the Wilderness – Lakes – Hoekwil Local Spatial Development Framework (WLH LSDF) (2015) in which the study area is located.
- The Western Cape Land Use Planning Guidelines: Rural Areas (2019) was also assessed with no conflict identified as the smallholding area will not expand and with second dwelling units being an associated land use.
- No negative impact pertaining to the GMSDF was found. Therefore, this land use application is found to be consistent with the GMSDF as required in terms of Section 19 of the Land Use Planning Act, 2014 (LUPA).

Wilderness, Lakes and Hoekwil LSDF, 2015

- Wilderness Heights is demarcated as a smallholding area in the WLH LSDF. This demarcation is not affected by this land use application for Erf 351 Hoekwil.
- Smallholdings are stated to play a major role in defining the character of the study area and are probably one of the main form-giving elements in the area together with the lakes, mountain backdrops and the ocean.
- The LSDF has guiding principles which must be taken into account during the evaluation of the desirability of a proposed subdivision. These are discussed below:

i. The proposed subdivided plot must have an existing developable area of 1 hectares, which area does not include:

- Areas with slopes steeper than 1:4;
- Areas within 32 metres of a bank of a river or water body;
- Areas within 10 metres of indigenous forest and conservation worthy fynbos areas (10m is the required firebreak around the dwelling);
- Areas within 100 metres from a scenic route and 100 metres of a nature reserve;

Proposal for Erf 351 Hoekwil:

- Developable area of 1ha available on each property but not advisable to clear such a large area;
- The area proposed for dwellings has a suitable slope not steeper than 1:4;
- The areas identified for a possible dwellings is not within 32m of a bank of a river or a water body;
- Indigenous forest is more than 10m away with ample firebreak considering firescaping;
- Erf 351 Hoekwil is at least 100m from a scenic route and a nature reserve.

ii. The proposed subdivision should not be allowed if the buildings cannot be constructed within the development parameters prescribed in terms of the applicable zoning scheme.	Development parameters for new structures will be complied with. Relaxation is only requested for existing structures.
iii. If the slope faces a tourism corridor which could have negative impacts on the view shed along such corridor, a biodiversity offset must be established by positioning dwelling units in such a way that it minimises this impact.	Not applicable.

- This land use application for Erven 351, Hoekwil cannot have a negative impact on the character of the greater Wilderness or its sense of place. It is secluded and located away from the view of tourism routes, the urban areas, the Touw River, and the Garden Route National Park.

Compliance with the George Integrated Zoning Scheme By-law, 2017

- Erf 351 Hoekwil is zoned Agriculture Zone I (agriculture) with spot zonings for Business Zone II (shop – restaurant), General Residential Zone V (guest lodge) & Resort Zone (tourist accommodation). It is proposed to rezone the property to Agriculture Zone II (smallholding) and then subdivide it into 5 portions with a minimum size of 3ha.
- The building line on all boundaries for a property zoned Agriculture Zone II between 2.0ha and 4.0ha in extent, is 20.0m. Some building line relaxations would be required for the existing structures.
- The boundaries between the properties and in relation to existing structures were determined by the physical characteristics of the property, existing features and to ensure compliance with the minimum property size in the smallholding area.
- This land use application includes consent use for a second dwelling unit for each portion. The principle of second dwelling units is generally accepted with the GIZS providing for second dwelling units up to 60m² as a primary land use right. All possible land use matters for Erf 351 Hoekwil are addressed simultaneously. An increase in the floor area of the second dwelling units from 150m² to 175m² is requested simultaneously as this aligns the proposal with the Western Cape Land Use Planning Guidelines: Rural Areas (2019).
- Considering the extent of each property, less than 5% of each will be covered by structures. All other relevant development parameters will be complied with.
- This land use application creating new properties within the smallholding area of Wilderness Heights and simultaneously addressing the title deed, does not create conflict with the objective for smallholdings as contained in the zoning by-law or the land use description for smallholding.

Public interest

- The building line relaxations requested are on new internal boundaries for existing structures and will therefore not negatively affect any abutting property owner.
- The greater area should benefit as black wattles will be removed and controlled. It reduces spreading to other properties in Wilderness Heights.
- The resort will no longer exist. Permanent residents will now be accommodated here as found in the remainder of Wilderness Heights.
- No negative impact regarding public interest is therefore expected.

Engineering services

- The municipal engineering services provided to the area will be expanded as necessary and services contributions paid. Access is existing from Silver River Street and servitude road.
- The property has access to municipal water as used by the existing structures found on the property. As necessary, upgrades will be done.
- The electricity provision to the property is also sufficient for the development proposal.

- Sewage disposal is at present addressed through septic tanks and soakaways. For the proposed dwellings, percolation tests will be done to determine if this practise can continue. If not, alternative measures will be put in place.

Environmental considerations

- Erven 351, Hoekwil is included in the Outeniqua Sensitive Coastal Area Extension (OSCAE). For the removal of any vegetation – also alien vegetation – a permit must be obtained from the Municipality. This will follow the successful completion of this land use application.
- Only the most western section of the property is indicated as a Critical Biodiversity Area (CBA) with the vegetation indicated to be 'Southern Afro-temperate Forest' which is least threatened. No development is proposed in the CBA-area.
- It is confirmed that the coastal forest is less disturbed along the western side of the property when compared to the coastal forest on the northern side which has more open space and fynbos elements.

Title Deed Restriction

- It is found necessary to remove Par. F(b) from Title deed T9864/1974 for Erf 351 Hoekwil. This restricts the number of dwelling units on each property to one.
- The subject property already has more than one dwelling unit due to the resort and guest lodge. Removing this paragraph will ensure that it is not transferred to the title deeds for the new properties.
- The removal will maximise the potential of each property in accordance with the zoning requested and what the zoning by-law makes possible.

PART J: SUMMARY OF PUBLIC PARTICIPATION

Methods of advertising				Date published	Closing date for objections			
Press		Y	N	N/A	15 November 2021	14 December 2021		
Gazette		Y	N	N/A				
Notices		Y	N	N/A	15 November 2021	14 December 2021		
Website		Y	N	N/A	15 November 2021	14 December 2021		
Ward councillor		Y	N	N/A	15 November 2021	14 December 2021		
On-site display		Y	N	N/A	15 November 2021	14 December 2021		
Community organisation(s)		Y	N	N/A	WRRRA, WALEAF, Sustainability Forum - 15 November 2021	14 December 2021		
Public meeting		Y	N	N/A				
Third parties		Y	N	N/A				
Other	Y	N	If yes, specify	SANParks ESKOM, DEFF, DEADP (Environmental & Planning), CapeNature	15 November 2021	27 January 2022		
Total valid objections		6				Total objections and petitions	invalid and	0
Valid petition(s)		Y	N	If yes, number of signatures				
Community organisation(s) response		Y	N	N/A	Ward councillor response	Y	N	N/A
Total letters of support		None						
Was the minimum requirement for public participation undertaken in accordance with relevant By-Law on Municipal Land Use Planning and any applicable Council Policy							Y	N

CONDONATION

The applicant amended the application to include the western building line relaxation for the existing workers accommodation on Portion C from 20m to 19m. The applicant also amended point 5 (b) & (d) to correct the wording from western side boundary to eastern side boundary as a typo was made. Subsequently the Site Layout plan was also amended to include the label for the workers accommodation on Portion C.

The Site layout plan did in fact indicate a structure where the existing workers accommodation is situated, however the structure was not labelled as workers accommodation nor indicating the distance from the proposed boundary of Portion C. Based on the fact that the application was advertised indicating the structure on the plan as discussed above and that the only affected party as a result of the application will be the existing owner, it can be concluded that the additional application is not seen as material and the public were not misled in any way.

Condonation under delegated authority 4.1.17.1.17 of 30 June 2022 in terms of Section 63 of the Land Use Planning By-law for George Municipality, 2015 to not re-advertise the application can be granted.

PART K: SUMMARY OF COMMENTS DURING PUBLIC PARTICIPATION

Five (5) comments and six (6) objections were received during the public participation period from the following owners and are summarized in **table 1** below:

Table 1: List of Objectors/Comments

T.J. Martin – Erf 377, Hoekwil - <i>Objection</i>	Sustainability Forum - <i>Comment</i>
R. Moretti – Erf 371, Hoekwil - <i>Objection</i>	CapeNature - <i>Comment</i>
M. Dalton – <i>Objection</i>	DEADP (Environmental Affairs) - <i>Comment</i>
M. Leggat – Erf 372, Hoekwil - <i>Objection</i>	DEADP (Development Planning) - <i>Comment</i>
Touw River Conservancy - <i>Objection</i>	
Wilderness Hoekwil Lakes Environmental Action Forum (WALEAF) – <i>Objection</i>	
Wilderness Ratepayers and Residents Association (WRRRA). - <i>Comment</i>	

The objections (refer to **Annexure K**) are summarised thematically (refer to **Table 2** below), due to the large number of objections received.

Table 2: Summary of comments/objections

	1. Rezoning, Subdivision, consent & ROR
M. Dalton; Touw River Conservancy; M. Leggat	<ul style="list-style-type: none">• There is no apparent motivation as to why the restrictive Resort Zoning conditions should be removed for the intended development being proposed.• There is no motivation put forward as to why the resort zoning as it stands with its approved 16 units should not be exercised as is.• There is no motivation from the owner as to the need to divide his property into smallholdings – it appears that the motivation is the perceived financial benefits that will come with the approval, sale and development of these smallholdings as part of an intended larger private residential Estate governed as a Homeowners Association.• There appears to be no apparent motivation as to why any of the dwellings, which were in impeccable condition and well maintained, should be upgraded and/or extended or altered.• It was stated in the WRRRA AGM meeting that due to the special character and function of Wilderness Heights that this area is not earmarked for substantial growth, densification or residential expansion.• Here is an opportunity to maintain the status quo of the property, particularly in light of GM's focus on developments for tourists and not residents.

	<ul style="list-style-type: none"> • The current rights are for developing tourism opportunities which is the focus of local government. • There is significant demand for smallholdings and second dwellings. • The proposed development will lead to undesirable densification in the Wilderness area. • The topography of the area only realistically lends itself to 3 or a maximum of 4 subdivisions.
Objectors	2. Proposed second dwellings
WALEAF; M. Dalton; Touw River Conservancy	<ul style="list-style-type: none"> • As the maximum size of second dwellings is legislated in the George Integrated Zoning Scheme By-law, and as no motivation has been submitted to increase the floor area, we see no reason why the floor area needs to be increased from 150m² to 175m².
	3. Environmental concerns
WALEAF; Touw River Conservancy; M. Dalton; M. Leggat	<ul style="list-style-type: none"> • The proposed position of the second dwelling on Portions A, B, C, and D is situated in a forested area, which has some invasive alien vegetation growing in amongst the natural vegetation. We feel that the invasive aliens can be removed, and the area rehabilitated. • The proposed second dwelling can be positioned elsewhere on Portions A, B, C, and D where no vegetation will be affected. • The continual relaxing of bylaws and zoning restrictions is becoming extremely detrimental to the environment of the area we call Wilderness. • The impact on the wildlife (fauna and flora) of more and more development is of great concern. • It is suspected that the current development on the property does not have an OSCAE in place.
	4. Character of the Area
Touw river Conservancy; T.J. Martin; R. Moretti; M. Dalton. M. Leggat	<ul style="list-style-type: none"> • Approval of applications like this may destroy the biodiversity of the area and the attraction to visitors. It will also disrupt the peace and tranquillity which Wilderness is known for. • The development will result in a loss of “sense of place” in the area. • The type of development does not align in any way with the existing social landscape. • The requirement for a heritage assessment is questioned. • What about staff/labour? Will they be sourced locally or brought into the area?
	5. Development of Erf 352,373, Hoekwil and Erf 351, Hoekwil.
M. Leggat	<ul style="list-style-type: none"> • Clarity is requested whether or not the applicant intends to link Erf 351 to Erf 352 using the proposed portion C from the proposed subdivision of Erf 373. (And create a new road from the existing gate of Erf 352, across portion C and into Erf 351.) • I submit that as the application for Erf 351 and 373 was submitted simultaneously and have a key role-player in common, they cannot be considered independently as this will lead to undesirable incremental decision-making. <p><i>*See images below for easy reference.</i></p>

	<p>6. Access and Traffic</p> <p>T.J. Martin; M. Dalton; M. Leggatt</p> <ul style="list-style-type: none"> • The clearing and subsequent building and occupation of those buildings will escalate the traffic on our narrow dirt road to an unacceptable degree. • The proposed development will result in the existing servitudes being redundant. • If upgrades to Silver River Road are necessary to accommodate this application, then at whose expense will it be and what will the scope of the upgrades be? The road is very narrow in portions and construction vehicles may struggle to pass each other.
	<p>7. Visual Impact and value of property</p> <p>T.J. Martin; R. Moretti; M. Dalton; M. Leggatt</p> <ul style="list-style-type: none"> • The proposed development will have a negative visual impact. • Mr Moretti's property looks directly onto Erf 351. His views of George Peak, the mountains and the forests are un-hindered by Erf 351, Hoekwil besides a small roof of one of the chalets, which is mostly surrounded by trees. It is the chalet that will be joined with the next chalet to form "one dwelling" the primary dwelling, which is his main objection due to the visual impact it will have on his views. • Mr Moretti states that currently, it is only 1 storey that fits in with the forest. The current roof of the chalet already sticks out above the treeline. • Mr Moretti states that on page 10 of the report a 3-storey dwelling is proposed which is unacceptable and would have a visual impact leading to devaluation of his property. • The proposed 3-storey dwelling is completely out of character with the houses in Wilderness . Keeping to single-story building and keeping the natural forest will mask any buildings from ruining my view and devaluing his property. • With new dwellings, more light pollution is a concern. Light from a single erf and 1 dwelling is not that bad, this application is asking for 10 dwellings.

	<ul style="list-style-type: none"> The property is visible from the Seven Passes Road and it should be noted that the proposed style of the dwelling unit as put forth in the application appears, in part, to be at least two (if not three) stories high.
	8. Setting a Precedent
T.J. Martin; M. Leggat	<ul style="list-style-type: none"> The proposed development will set a precedent. The proposal essentially denotes a new type of development paradigm in the area which should come under more intense scrutiny.
	9. Noise
R. Moretti; M. Dalton; M. Leggat	<ul style="list-style-type: none"> Currently, as things stand Erf 351 generates by far the most amount of noise in the area. The vast expanses of grass mean that lawnmowers are constantly in operation, whilst that is ongoing even worse is the leaf blower that operates 3 days a week, it destroys the serenity of the area, and is an annoyance to all the other neighbours, whilst currently the people of Wilderness heights are considerate, Erf 351 is not, they have been asked to reduce the noise and quite frankly don't care and continue as if they are the only ones living in the area. (Erf 371, Hoekwil) - Parties and large groups...this past Saturday 2021/11/27 at 1:26 am I was kept awake by party goers, and on Friday 19th November 2021, was another group of people who disrupted the area. We are each entitled to a little bit of noise, be it people's dogs or mowing the lawn, but subdividing Erf 351 into the absolute minimum size plots and building the greatest number of permitted dwellings will increase this noise by a factor of 5. With the ongoing load shedding, the number of generators would increase 5-fold and potentially more, if like the application of 351 mentions the sharing of services will they share 1 generator for all the subdivisions? If the land owner of Erf 351 were to have permanent residents and not casual party goers or Air-BnB customers every day, this may reduce the noise factor, and moving to electric/battery-operated leaf blowers would certainly help.
	10. Services
M. Dalton	<ul style="list-style-type: none"> There is no consideration of the installation of waste management practices with the expansion of this property. No water management considerations appear to be in place or planned into the designs to better motivate their application. No consideration of renewable energy around the property attempt to consider supply energy other than that supplied by Eskom.
	11. Homeowners Association
R. Moretti; M. Dalton; Touw river Conservancy; M. Leggat	<ul style="list-style-type: none"> I find it weird, that whilst there's a tennis court and swimming pool and a croquet court, the applicant then goes to request for a relaxation of building boundary lines. The application shows that this is no ordinary sub-division with the introduction of a Home owners association. If there was an intention to sell off a portion of the land to make a profit (to a non-connected individual) or to hand over a portion of the smallholding to a family member one could understand this, but to subdivide and then still ask for a relaxation of building lines, the intention is pretty clear. The proposed rezoning and development would effectively be run as a Homeowners Association and access restricted to a limited group of private residences.

12. Public Participation	
T.J. Martin	<ul style="list-style-type: none"> The residents of Silver River Street have not been notified of the proposed changes and development that may take place in our immediate vicinity that will impact all the owners in Silver River Street, negatively.
Objectors' Proposals	
<ul style="list-style-type: none"> It is recommended that if any security fencing is to be erected, it be limited within and adjacent to the development footprint, to allow for movement and passage of wildlife between neighbouring properties and the undeveloped areas of this property. In this way, connectivity is maintained for biodiversity. It is recommended that the properties to the east of Erf 351 which are also currently being subjected to a subdivision and consolidation process (Erven 352 and 373), be included in this proposed Homeowners Association on Erf 351. If the pockets of indigenous forest are to survive, the grass should be removed, and seeds need to germinate naturally amongst the forest litter. A management plan must be implemented to ensure that the invasive alien vegetation is systematically removed. Mr Moretti states that If the application was to be approved, the proposed merge of the two chalets on the "Remainder" Portion should be strictly limited to a single-storey building, and all other buildings should be single storey, as any taller than the chalet at the moment would impact his views. Mr Moretti states that the same conditions should apply to his neighbour as what was applied to him in his approval of 2015 for all structures on the property. <ol style="list-style-type: none"> Die hoogte van enige gedeelte van 'n gebou wat die 30m boulyn oorskry, word beperk tot 'n hoogte van 6m en alle ander geboue word beperk tot 'n hoogte van 8m. Hierdie hoogte sal loodreg gemeet word vanaf die laagste punt van die beboude grondvlak en /of die afgewerkte grondvlak, wat ookal meer beperkend is, tot die nok van die dak. Die primêre wooneenheid moet 'n natuurlike of "aardse" kleur geverf word, indien 'n "gepleisterde baksteen" of "handi-plank" struktuur oorweeg word. Die dakke van die primêre wooneenheid en buitegeboue moet in 'n kleur wees wat in harmonie met die natuurlike omgewing is, geverf word - donker groen, donker bruin, grys, swart, ens. Alle ekstreme beligting moet tot die minimum beperk word en georiënteer word om afwaarts te skyn. Geen sproei beligte moet aangebring word nie. Pale wat gebruik word vir die beligting van enige paadjies of paaie binne die ontwikkeling of enige oop ruimte area nie meer as 1m hoog sal wees nie. Town Planning recognised the value of the Resort Zoning many years ago, and that value has only increased. If any further development should occur in terms of this property, it should be a Resort Zone with strong green building principles in mind. It is proposed that renewable, green and environmentally conscious services should be considered in the proposed development. Visual impact Assessment must be done as well as a Traffic Impact Assessment. A height restriction will need to be implemented to ensure that visual impacts are mitigated through: <ul style="list-style-type: none"> All dwellings/buildings on the plateau should be restricted to a single story. All dwellings on slopes should be 'stepped' in order to avoid large vertical facades. Large expanses of glass should be recessed. Light pollution must be kept to a minimum and no spotlights should be allowed. 	
Sustainability Forum - Comment	
<ul style="list-style-type: none"> This subdivision could set a precedent for further subdivision and clearing of vegetation in the Wilderness area. As the adjacent property Erf 352 on the eastern boundary of Erf 351, Hoekwil is also subject to a proposed subdivision, the cumulative effects of multiple dwellings clustered on the top of these prominent properties need to be carefully considered to not create a negative development precedent in sensitive landscape locations especially views from the Seven Passes Road. The proposed subdivision could result in a significant local change to the Wilderness landscape character from the development of multiple large dwellings on a topographically prominent location. 	

- The multiple dwellings will increase vehicles accessing the property. This access road is very narrow. Does this meet traffic requirements, and can emergency vehicles (fire) access the site along this currently very narrow road?
- Light spillage from the multiple dwellings is also likely to result in a change to the local sense of place.
- This subdivision could also set a precedent for further subdivision and clearing of vegetation in the Wilderness area.
- As the adjacent property Erf 352 on the eastern boundary of Erf351, is also subject to a proposed subdivision, the cumulative effects of multiple dwellings clustered on the top of these prominent properties need to be carefully considered to not create a negative development precedent in sensitive landscape locations.
- Provide restrictions to the siting and heights of the proposed dwellings such that visual intrusion is limited such as:
 - 30m setbacks from steep slope areas.
 - Height restrictions are limited to 6.5m (stepped back with the terrain).
 - Strategic trees are placed near the dwellings such that 30% of the dwelling face is screened by suitable fire-resistant vegetation.
- Firescaping should include suitable fire-resistant trees such that the area immediately around the dwellings does not become another expanse of large lawns, resulting in a loss of Wilderness sense of place.
- Where more than 3 subdivisions are proposed per property per year, an EIA should be implemented to address the cumulative impacts, including a Visual Impact Assessment/ Statement to ensure that the collective landscape changes are adequately addressed.
- Compliance with all local municipal by-laws (including the removal of alien invasive vegetation/ firescape rehabilitation plan/ legal status for all dwellings on the property) before the submission of any further property amendments/ subdivisions. The proposal is that GM provides a Compliance Certificate which property owners must obtain before further development.
- We recommend that the combined development footprint be considered as a single entity and that an EIA is undertaken to fully understand the social, environmental, and cumulative impacts that could take place.
- Alien vegetation should be REPLACED with suitable indigenous trees.

Wilderness Ratepayers and Residents Association (WRRRA)- Comment

- A similar application is applied for on Erf 352 & 373, Hoekwil.
- These two applications move the three erven forward toward a single development of about 25 hectares. Erf 373 from one application shares a boundary of about 250 metres with Erf 351 of the other application, while Erf 352 from one application has the same owner as Erf 351 in the other application. Taken together, they are proposing major changes to the existing land use in all three erven.
- WRRRA further states that neither application makes any reference to the other and thus finds it impossible to analyse the entire project as a whole. WRRRA can only provide a comprehensive comment once this is cleared.

DEADP (development Planning)- Comment

- The Western Cape Land Use Planning Guidelines: Rural Areas (2019) states that the subdivision of rural land into smallholdings is not supported, however, it also states that existing smallholding areas will be managed in terms of the relevant Local Area Spatial Development Framework.
- The WLHLSDF, 2015 includes Erf 351 as being located within the Smallholdings area and it is managed by the local SDF.
- As this property falls within the demarcated smallholdings area the subdivision could be considered acceptable in this instance.
- Based on the available information, this Department has no objection to the proposal in terms of a Provincial Regulatory Land Use Planning point of view.

DEADP (Environmental Affairs)- Comment

- A Notice of Intent to submit an application for environmental authorisation for the proposed expansion of the existing Metanoia resort on Erf 351, Wilderness (Ref: 16/3/3/6/7/1/D2/55/0062/21) was submitted to this Department on 20 April 2021.
- In light of above, the application for the proposed removal of restrictions, rezoning, subdivision, consent use & departure on Erf 351, Hoekwil can therefore not be supported until such time environmental authorisation has been granted by this Department.
- Please note that the activity may not commence before an environmental authorisation is granted by this Department.
- The proponent must comply with any other statutory requirements that may be applicable to the undertaking of the proposed development.

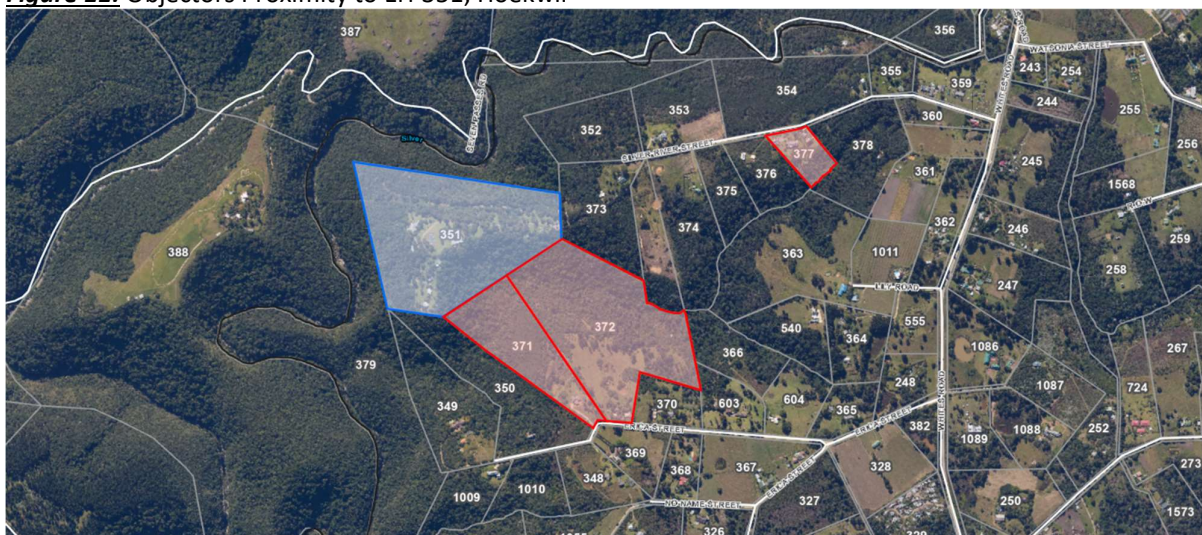
***Note:** A NID was previously submitted on 20 April 2021 for the extension of the existing resort. The comments from DEADP states that due to the NID submitted on 20 April 2021, the current proposal cannot be supported before the environmental authorisation is granted in terms of the submitted NID. The proposed development is different to that submitted with the NID. The applicant must withdraw the NID to conform to all relevant Environmental requirements.*

CapeNature- Comment

- Kindly note that any indigenous vegetation that requires removal should be rescued and used for rehabilitation purposes.
- A rehabilitation plan can be drafted by a qualified specialist to outline the ecological functioning of the rescued plants and their success, mitigation of plant species that will be removed and provide details regarding their location.
- The specialist should determine a suitable location before search-and-rescue is undertaken. The season should also be considered to give the plants an adequate chance to re-establish.
- Strictly adhere to stormwater management control measures to avoid any negative impacts such as erosion or flooding.
- The impact on the indigenous vegetation must be minimal and undisturbed areas should remain intact, especially the CBA to the west of the property. The impacts on sensitive habitats must be considered and suitable mitigation measures must be proposed and implemented.

The picture below indicates the location of the above-mentioned owners who objected to the development.

Figure 11: Objectors Proximity to Erf 351, Hoekwil



PART L: SUMMARY OF APPLICANT'S REPLY TO OBJECTIONS

The applicant provided their response to objections/comments on the 31st of January 2022. (Refer to Annexure L)

The applicant's response to objections is categorially depicted in **table 3** below:

Table 3: Applicants reply to objections/comments

	1. Rezoning, Subdivision, consent, departure & ROR
M. Dalton; Touw River Conservancy; M. Leggat	<ul style="list-style-type: none"> The history of the property dating back to 1974 has resulted in multiple dwellings which conflict with the title deed. When reading the motivation report and understanding what is found on the property and what is written in the title deed, the restriction must be removed. A resort has more negative impacts than permanent residents. Providing 10 dwellings (5 primary and 5 second dwelling units) is less than more resort units which should be beneficial to the environment and the landscape character of the greater Wilderness Heights. As Erf 351, Hoekwil is located within the boundaries of Wilderness Heights, a smallholding area, the zoning of Agriculture Zone II is the more appropriate zoning. The legislation provides for land use applications with the proposal submitted not creating conflict with the relevant spatial plans and guidelines as discussed in our motivation report. The slope has been taken into account with this development proposal.
Objectors	2. Proposed second dwellings
WALEAF; M. Dalton; Touw river Conservancy	<ul style="list-style-type: none"> As stated in our motivation report the increase in the floor area of the second dwelling units from 150m² to 175m² aligns the proposal with the Western Cape Land Use Planning Guidelines: Rural Areas (2019). Similar departures have been considered and approved.
	3. Environmental concerns
WALEAF; Touw river Conservancy; M. Dalton; M. Leggatt	<ul style="list-style-type: none"> The position of the second dwelling unit on Portion A-C was chosen for primarily 2 reasons: due to the presence of invasive alien vegetation to be removed and very importantly the presence of the access road created by ESKOM on the property. The proposed second dwelling unit will have easy access from the ESKOM-road. The reasons for the position chosen are based on site information and not feelings. This site (Portion D) was chosen due to its gentle topography, the presence of alien vegetation and easy access. No fencing between the newly created properties is proposed. Fencing only exists at the entrance to the property for obvious security reasons.
	4. Character of the Area
Touw river Conservancy; T.J. Martin; R. Moretti; M. Dalton. M. Leggat	<ul style="list-style-type: none"> The applicant cannot agree that this proposal will change the social landscape. As stated, similar development patterns already exist in Wilderness Heights. The applicant appreciates that the objector is not opposed to subdivision within legal norms as he himself has followed this route with more potential remaining. An application in terms of the National Heritage Resources Act (1999) is to be followed. The property has staff, some of which worked for the previous owner who lived on the property since 1974 and some staff have been living on the property for almost 20 years. There is no intention to remove the staff from the property.
	5. Development of Erf 352,373, Hoekwil and Erf 351, Hoekwil.
M. Leggat	<ul style="list-style-type: none"> If the subdivision of Erf 351, Hoekwil is to be 'linked' with abutting subdivisions, it can only be done with an HOA for which the constitution is approved by the Municipality.

	<ul style="list-style-type: none"> It can be stated that the land use application for Erf 351 is not considered in isolation. The land use application for Erven 352 & 373, Hoekwil is also now on the table. The application for the latter has a different background and different ownership than the one for Erf 351 Hoekwil. When considering land use applications, officials also look at the bigger area in any event. Every land use application should be considered with its own merit while keeping the bigger picture in mind.
	6. Access and Traffic
T.J. Martin; M. Dalton; M. Leggatt	<ul style="list-style-type: none"> Silver River Road does end at Erf 373, Hoekwil. Similar servitude roads are found in Wilderness Heights, some longer than the servitude road currently linking the subject property and Silver River Road. This servitude road is not the responsibility of the municipality but only those in terms of who's favour it is registered. If the status is to change, the relevant changes will have to be made in the title deeds and SG diagrams which will most likely have to be endorsed by the Municipality before registration. The trip generation for this proposal does not warrant a TIA. All streets in Wilderness Heights are dirt roads (except for Heights Road of course). Some streets provide access to more residences than Silver River Street does. The presence of the servitude road should also be kept in mind – which is not a municipal responsibility.
	7. Visual Impact and value of property
T.J. Martin; R. Moretti; M. Dalton; M. Leggatt	<ul style="list-style-type: none"> When travelling along the Seven Passes Road for as far as it is located north of Erf 351 Hoekwil, only the vegetation is visible. When visiting the property and the area, it is very clear that Erf 351 Hoekwil is not located in a visually prominent location. The proposed subdivision complies with the provisions of the Wilderness-Lakes-Hoekwil Local Spatial Development Framework (WLH LSDF) which includes that it is located more than 100m from a scenic route or a 100m from a nature reserve. The artist's impression indicates the inspiration for dwellings to follow. No 3 storey dwellings are possible in terms of the zoning by-law. Lighting problems should be taken up with the various environmental departments. With any land use application in a rural area, conditions relating to lighting are imposed.
	8. Setting a Precedent
T.J. Martin; M. Leggatt	<ul style="list-style-type: none"> This proposal cannot be described as a new development paradigm as a proposed HOA will not be the first for Wilderness Heights.
	9. Noise
R. Moretti; M. Dalton; M. Leggatt	<ul style="list-style-type: none"> Resorts lead to different impacts in an area. One objector proposes that this resort should expand, while another (Mr Moretti) finds it to be a nuisance. Through this land use application, the resort will disappear with future residents seeking a rural lifestyle as Mr Moretti found. If alien vegetation is to be removed and monitored, <i>(it is inevitable that)</i> there will be noise.
	10. Services
M. Dalton	<ul style="list-style-type: none"> The comments are noted.
	11. Homeowners Association
R. Moretti; M. Dalton; Touw river Conservancy; M. Leggatt	<ul style="list-style-type: none"> The relaxation is requested for existing structures. The proposed boundary lines are shown considering shape, space for new structures, and access. It is not sustainable to just remove existing structures. We should use what we have and not always demolish and rebuild.

	<ul style="list-style-type: none"> The 'control' will be through a homeowners' association to address common interests. A singular style will protect the character of the properties. This should be regarded as a benefit for the entire Wilderness Heights with no inappropriate structures often seen in smallholding areas. It should be noted that this is not the only HOA for properties in Wilderness Heights. An HOA is also in place for the subdivisions of Erf 277, Hoekwil located at the end of Taaibos Road. About 7 properties were created there also with common interests managed by an HOA.
	12. Public Participation
T.J. Martin	<ul style="list-style-type: none"> <i>This was not addressed by the applicant.</i>
Objectors' Proposals	
<ul style="list-style-type: none"> The objectors' recommendations are noted. The trip generation for this proposal does not warrant a TIA. We appreciate the objector's suggestions on how the structures should be designed. 	
Sustainability Forum- Comment	
<ul style="list-style-type: none"> The comments from the Sustainability Forum are noted. We discussed the landscape character in detail in the land use application. Due to distance, topography and vegetation, the proposed dwellings cannot be visible from Seven Passes Road. When travelling along the Seven Passes Road for as far as it is located north of Erf 351, Hoekwil, only the vegetation is visible. When visiting the property and the area, it is very clear that Erf 351, Hoekwil is not located in a visually prominent location. The proposed subdivision complies with the provisions of the Wilderness-Lakes-Hoekwil Local Spatial Development Framework (WLH LSDF) which includes that it is located more than 100m from a scenic route or a 100m from a nature reserve. Applying generic mitigation measures does not make sense after visiting the property and the area. No indigenous vegetation is to be removed. Only alien vegetation will be removed and replaced. As stated in our motivation report no fencing between the newly created properties is proposed. Fencing only exists at the entrance to the property for obvious security reasons. We fully agree with this statement in terms of firescaping. Firescaping requires minimum clearing. Light pollution will be controlled with suitable downward lighting. The trip generation is negligible for this proposal. Silver River Road is a standard ±13m wide reserve public road. 	
Wilderness Ratepayers and Residents Association (WRRRA) - Comment	
<ul style="list-style-type: none"> The comment is noted. The principles and considerations of the two land use applications are similar, but the ownership is different and therefore separated. 	
DEADP (development Planning)- Comment	
<ul style="list-style-type: none"> The comments from the Provincial Planning department is noted, and support is appreciated. 	
DEADP (Environmental Affairs)- Comment	
<ul style="list-style-type: none"> The Department refers to an environmental authorisation application which is not related to the land use application under consideration. The application for environmental authorisation was for a different proposal which is no longer pursued and is to be withdrawn. 	
CapeNature- Comment	
<ul style="list-style-type: none"> Comments from Cape Nature are noted. If a permit in terms of the Forest Act is required at any stage, it will be applied for from the Department of Forestry, Fisheries & Environment (DFFE) as it applies to any property owner requiring such a permit. 	

PART M: SUMMARY OF COMMENTS FROM INTERNAL DEPARTMENTS

Name of Department	Date	Summary of comments	Recommendation
Civil Engineering Services	21/12/2021	Application is supported with conditions	See the recommendation below.
Electrotechnical Services	28/10/2022	Application is supported with conditions	See the recommendation below.
Environmental Management	16/11/2021	<p>The consultant states "The existing indigenous vegetation will not be impacted on, and alien vegetation can be systematically removed."</p> <p>This is untrue as if two dwellings are going to be built on each of the subdivisions, this will obviously entail the removal of indigenous vegetation.</p> <p>The situation will be monitored going forward.</p>	N/A

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

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

Y N

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

Y N

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

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

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

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

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

Comments:

*1(s)The proposed development complies with the applicable provisions contained in the applicable zoning scheme regulations save for the building line relaxations and departure from a second dwelling size from 150 m² to 175m². The building line departures applied for are for the existing structures on the property to be accommodated with the new building lines created as a result of the subdivision. In terms of the rural guidelines, second dwellings of up to 175m² may be accommodated/considered.

Note that the application is found to fall within an OSCAE area, detailed environmental issues must and will be addressed when the permit application is submitted.

Site Visit dated 9 December 2022 with Priscilla Burgoyne & Benjamin Walton.

A site visit was conducted on 9 December 2022 to investigate the positioning of the proposed structures as

well as the impact on neighbouring properties. The following were concluded:

Portion A:

Portion A – Proposed Main dwelling



Portion A – Proposed Second dwelling



Portion A – Existing Workers Accommodation



Portion A: The proposed main dwelling on Portion A is located on already disturbed area. The proposed second dwelling unit is located in an area not yet disturbed north of the ESKOM road on the property. This location slopes downwards north overlooking the Seven Passes Road. Although the site overlooks the valley, the second dwelling unit will barely be visible from the Seven Passes Road. Moreover, the height of second dwelling units are limited to 6.5m in terms of the Zoning Scheme, which will blend in with the height of the vegetation surrounding the proposed dwelling unit. In addition, the necessary mitigations ought to be imposed to ensure that the design of the building fits in with the natural environment and character of the area. Historical worker accommodation of approximately 80m² is present on proposed portion A and will be retained as worker accommodation. In terms of previous discussion with Western Cape Agriculture, at least 1 accommodation unit for a labourer is reasonable on all smallholdings and/or agricultural land units regardless of bone fide agricultural activities on the property. More than one worker accommodation units will require confirmation of *bona fide* agricultural activities on the land unit.

Portion B:

Portion B – Proposed Main dwelling

Portion B – Proposed Second dwelling



Portion B: The proposed main dwelling on Portion B is located on already disturbed area similar to that of Portion A. The proposed main dwelling will be visible from the adjacent property to the North. However, the vegetation and distance between the properties mitigates the visual impact. The proposed second dwelling unit is in an area similar to the proposed second dwelling on Portion A being not yet disturbed north of the ESKOM road on the property. The same conditions ought to be imposed as mentioned in Portion A as the location also gains access from the ESKOM road and is sloping downwards north overlooking the Seven Passes road.

Portion C:

Portion C – Proposed Main dwelling



Portion C – Proposed Second dwelling



Portion C: The existing guest lodge on Portion C will be converted and used as the new Primary Dwelling. The proposed second dwelling also similar to that of the second dwellings on Portion A & B and located also in areas not yet disturbed opposite the Eskom road overlooking the Seven Passes Road. The same conditions ought to be imposed as mentioned in Portion A & B in respect of the Second dwelling proposed.

Portion C – Existing Workers Accommodation



Portion C: The site visit revealed an additional workers accommodation on the property, located on the proposed Portion C. It is understood that the workers accommodation will be retained. As mentioned before the plan showed the structure without a label or distance from the proposed subdivision lines. Subsequently, the applicant amended the application and site layout plan to include the structure and the applicable building line departure.

In terms of previous discussion with Western Cape Agriculture, at least 1 labourers accommodation unit is reconcilable/allowed on all smallholdings and/or agricultural land units regardless of *bona fide* agricultural activity. The Existing pool, Lapas and tennis court on this portion is also to be retained.

Portion D:

Portion D – Proposed Main dwelling



Portion D – Proposed Second dwelling



Portion D: The proposed Main dwelling on Portion D is the already existing main dwelling on the property and will be retained. The Proposed second dwelling is located west of the main dwelling in an area that is partly disturbed. The area is relatively flat and completely surrounded by vegetation. Access to the main dwelling will be obtained from the existing ESKOM road by extending the road approximately 10m towards the second dwelling, this is the main contributing factor in the decision to situate the proposed second dwelling in the proposed location due to the proximity to the ESKOM Road.

Remainder

Remainder – Proposed Main dwelling (the 2 chalets will be linked and redesigned as 1 house)



Remainder – Chalet to be demolished



Remainder – Proposed Second dwelling



Remainder Portion: Currently there are four existing chalets on the portion designated as the remainder. The proposed main dwelling on the Remainder is formed out of two existing chalets that will be joined and redesigned as 1 house. Another chalet north of the proposed main dwelling will function as the second dwelling (building line relaxation applied for) . The remaining chalet will be demolished.

Visual Impact of Remainder Portion: The main concern regarding the objectors is the visual impact from the proposed main dwelling of the proposed remainder property. The site visit concluded that the proposed main dwelling will not result in a negative visual impact. The photos below were taken on the southern boundary next to the proposed main dwelling on the proposed remainder portion in the direction of Erven 371 and 372, Hoekwil. No structures on Erven 371 and 372, Hoekwil were visible from this point. The existing units on erven 371 and 372 are positioned on a higher contour line than the proposed dwellings in the Remainder, hence the likelihood of these units to impede the views of the landscape beyond Erf 351 is negligible and it is anticipated that the views will still be enjoyed from select vantage points on the neighbouring properties.

Moreover, the existing natural vegetation surrounding the proposed location of the main dwelling (joining of the two chalets) serves as a screen that reduces the visibility of any structures on the proposed remainder portion. Additionally, the necessary mitigations will be imposed to ensure that the design of the building fits in with the natural environment. As mentioned before, second dwelling units are limited to a maximum height of 6.5m in terms of the Zoning Scheme which will also contribute to reduce possible visual impact.



Site visit Conclusion:

The second dwelling units proposed for Portion A, B, C & D are located in areas with alien vegetation which will be cleared and the area around it rehabilitated. It should also be noted that the proposed position of the second dwelling on Portion A,B, & C are in areas with a steep slopes overlooking the Seven Passes road which is a scenic route. It is not clear if the removal of all alien vegetation will affect the visual impact of the proposed second dwellings in its proposed positions. From an environmental point of view, the proposed positioning of the second dwelling on portion A, B, C & D should be located close to existing cleared areas or access roads, such as the Eskom road to limit the need for further clearance of vegetation, however can also not be located on slopes steeper than 1:4. Based on the latter, the applicant will be required to submit a Site Development Plan for approval of the positioning of the proposed second dwelling units on Portion A,B,C & D which will have to include the necessary environmental studies (which will also be required for the OSCAE). The municipality may demand a visual impact assessment prior to approval of the site development plan if the position and impact of any individual unit is questioned.

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

George Municipal Spatial Development Framework, 2019 (MSDF)

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

One of the key objectives of the Municipal Spatial Development Framework, 2019, is to manage and make use of land in the Municipal area in a manner which protects natural ecosystem functioning. It also stresses the value of ecosystem services, recognising that these underpin the economy and settlement resilience.

Policy D in the MSDF deals with the use of land in the Municipal area in a manner which protects the natural ecosystem functioning and values ecosystem services. Save for areas to be cleared from alien vegetation, the proposed development footprint is intended to be located in already disturbed areas which align with this policy in the MSDF. Furthermore, the development is subject to an OSCAE permit process that will ensure the environmental concerns are addressed and adhere to.

Policy E2 states that the subdivision of rural land into smallholdings is not supported outside of designated small holding areas. However, Policy E3 requires that rural land use should be managed in terms of the Western Cape Government's rural development guidelines and the Spatial Planning Categories (SPC) identified therein. As the subject subdivisions are located in a demarcated smallholding area, the proposed subdivisions are not considered in conflict with the rural guidelines or the MSDF.

The MSDF further provides guidelines for the management of the growth of the settlements surrounding the George city area including the Wilderness Heights Area. According to the MSDF, the Municipality must maintain the present environmental, rural and settlement character of the area. In terms of the proposed development, this is achieved as the development does not conflict with one of the broader guidelines for development for Wilderness Heights as referred to above.

Wilderness, Hoekwil, Lakes Local Spatial Development Framework, 2015(LSDF)

The main goal of the local spatial development framework as far as existing smallholding precincts are concerned is to ensure that the character and ambience of these areas are protected and to ensure that the overall landscape character of the area is retained and improved through appropriate measures. Furthermore, the LSDF aims to prevent further development of smallholdings or extensive residential lifestyle properties in the rural landscape.

The LSDF identifies the subject property as located in a smallholding area where rural residential development is supported. The subdivision proposes portions of more than 3.0ha as proposed in the LSDF.

Noting the above, the LSDF also states that, *"further subdivision of smallholdings should not be permitted, even if it complies with the minimum size of 3 ha. If for instance the subdivision of a property will result in new structures in the visually sensitive areas along any of the tourism routes, the application should be refused or mitigation measures should be considered to ensure that structures, including associated infrastructure such as roads and electricity lines, comply with the LSDF.*

- To institute the above, the proposal has delineated suitable locations for future development on the said portions.
- The proposed development will not be situated in visually intrusive locations. It should be noted that the proposed building relaxations are the result of existing buildings on the property. Any new structures will be limited/mitigated in terms of the OSCAE permit before building plans can be approved.

The LSDF states that in addition to the primary rights, the smallholding area should also cater for certain facilities such as second dwelling units, guest houses, bed and breakfast establishments, and tourist facilities subject to these activities not causing excessive water usage, undue noise, light pollution, effluent generation, or odours. A condition will be imposed to mitigate any potential light pollution that may have a negative impact on the views and character of the area. The concerns regarding noise from energy generators is regarded and further conditions will be stipulated to ensure softer energy generating mechanisms are followed. As the proposed development conforms to the provisions set out above, the application is considered consistent with the LSDF.

As stated above, the LSDF further assigns guidelines for development in smallholding areas. These include:

- a) smallholding outer boundary;
- b) new smallholding and subdivisions (sizes as discussed above);

- slope, 32m catchment area, proximity within indigenous forests and conservation worthy fynbos and distance from scenic routes.

The subject application complies with the above and is further detailed in the tables below. It seeks to convert the developed property in to five, 3ha smallholding properties within an established smallholding area.

In terms of the WLH LSDF, the site is found within the designated smallholding area, provided the size of the sites are not smaller than 3ha. The newly created smallholding will not pose a detrimental effect on the landscape character of the area. The subdivision also aligns with the provisions detailed in the table below:

LSDF requirements on subdivisions	Proposed subdivision of Erf 351, Hoekwil
<p><i>The proposed subdivided plot must have an existing developable area of 1ha, which area does not include:</i></p> <ul style="list-style-type: none"> - Areas with slopes steeper than 1:4. - Areas within 32m of a bank of a river or water body. - Areas within 10m of indigenous forest and conservation worthy fynbos areas (10m is the required firebreak around the dwelling). - Areas within 100m from a scenic route and 100m of a nature reserve. 	<ul style="list-style-type: none"> - The subdivision portions has an existing developable area of between 1 and 1.3Ha. The OSCAE application will and should inform the suitable development area for any new structures in future. - In terms of slopes, the proposed development areas on all portions are in line with the 1:4 slope requirements. - No development is proposed within 32m of a river bank or water body. - The OSCAE application will also ensure that 10m from indigenous vegetation is maintained, thus no need for condition. - In terms of scenic routes or nature reserves, Erf 351 Hoekwil is situated some ±100m south of the Seven Passes Road. The road is situated at a much lower (±15m - ±50m) elevation thus making it impossible for any future developments on the position to impede visually.
<p><i>The proposed subdivision should not be allowed if the buildings cannot be constructed within the development parameters prescribed in terms of the applicable zoning scheme.</i></p>	<ul style="list-style-type: none"> - The only departures included with the application are to increase the size of the second dwelling from 150m² to 175m² and also to relax building lines for the existing structures applicable to the newly subdivided erven. - The size of the proposed second dwelling is in line with the rural guidelines.
<p><i>If the slope faces a tourism corridor which could have negative impacts on the view shed along such corridor, a biodiversity offset must be established by positioning dwelling units in such a way that it minimises this impact.</i></p>	<ul style="list-style-type: none"> - As indicated on the findings on the site visit conducted on 9 December 2022, the proposed new structures will not result in a negative visual impact. However, it is not clear how the removal of alien vegetation will affect the visual impact. - The applicant will be required to submit a Site Development Plan for approval of, inter alia, the positioning of the proposed second dwelling units on Portion A,B,C & D. - The applicant will also be required to compile a environmental management plan to ensure the protection of the environmental and ongoing clearing of alien invasive species. - The necessary OSCAE permits should ensure that the biodiversity is not negatively impacted.

(In)consistency with guidelines prepared by the Provincial Minister

Western Cape Land Use Planning Guidelines: Rural Areas, 2019

Rural Guidelines state that existing smallholdings in CBAs and ESAs are encouraged to include measures to manage the biodiversity on site and minimize impacts and the introduction of mechanisms such as overlay zones or precinct plans to manage additional restrictions or controls should be considered.

It is noted that the subject property is located in a core (CBA) and ESA area. Activities that can be considered in these areas include low impact development with the view of restoring degraded habitats. Development should be located in already disturbed areas with the placement of buildings being informed by the environmental constraints on site. Noting the above, the development of the property is planned in demarcated development areas (as identified in the applicant's report) where fewer environmental constraints are anticipated.

The applicant states the intent of not permitting internal fences, but to keep the layout open which will allow for minimal disruption ecological functions and honour natural faunal movement.

The forest area and waterbodies are situated along the western boundary and some bits of the north and south of the properties. The guidelines ensure that the design of the structures is also planned in a way that considers the receiving natural environment. This speaks to retaining the character of smallholdings located in key CBA and Ecological Support areas. Further, it must be noted that the property falls within the boundaries of the OSCAE (discussed below). The necessary mitigations will be imposed to ensure that the design of the building fits in with the natural environment.

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

Outeniqua Sensitive Coastal Area Extension

The subject property is widely filled with natural forests as well as invasive plant species. A botanical study has been prepared by an environmental practitioner and should inform the OSCAE application when a permit for clearing and/or excavation is required.

Notwithstanding, the owners are in any event required to clear alien vegetation and rehabilitate their properties. A note informing the owner of the requirement to obtain an OSCAE permit in terms of Government Notice No. R1526 of September 1998 read with the Environment Conservation Act, 1989 (act 73 of 1989) before any clearing or earthworks may occur will be included in the recommendation below.

Terrestrial Biodiversity Environmental Sensitivity Report

A Terrestrial Biodiversity Environmental Sensitivity Report was conducted by Benjamin Walton dated September 2021. The report (**Annexure H**) concluded the following:

- The receiving environment is partially within sensitive areas and is a representation of the sensitivity of the property.
- The western extent within a Critical Biodiversity Area (CBA 1 & CBA 2) is the most sensitive part of the receiving environment based on more healthy and representative forest flora.
- The northern extent of the property is less sensitive and occurs within an Ecological Support Area (ESA 1), with partly degraded forest flora infested with Invasive Alien Species.
- Development within the ESA 1 will have a less environmental impact than development within the CBAs.
- With mitigation and careful placement of units the impacts can be minimized.

Note: The necessary mitigations will be imposed to ensure compliance.

Electrical Services Report

An Electrical Services Report was conducted by BDE Consulting Engineers dated 25 September 2021. The report (**Annexure I**) concluded the following:

- The existing farm has a 100kVA transformer supplied from a 16 mm²Cu 11kV municipal overhead powerline:
- The expected after diversity maximum demand for the envisaged 10 residential units will not exceed the existing 100kVA capacity available to Erf 351. This allows for ±10kVA maximum demand per residential unit without any diversity considered.
- The existing 16 mm² Cu 11kV power line crossing the properties and the position of the 100kVA transformer, enable the easy establishment of connections for each subdivision as required by the Municipality.

Heritage Western Cape

A Notice of Intent to Develop (NID) was submitted to Western Cape Heritage by Perception Planning dated March 2022. The report and response from Heritage Western Cape are attached as **Annexure J** and concluded the following:

- Since there is no reason to believe that the proposed rezoning and subdivision on Erf 351, Wilderness Heights, Hoekwil, will impact heritage resources, no further action under Section 38 of the National Heritage Resources Act (Act 25 of 1999) is required.

Existing and proposed zoning comparisons and considerations

Erf 351 Hoekwil is zoned Agricultural Zone I (Agriculture) with spot zonings for Business Zone II (shop – restaurant), General Residential Zone V (guest lodge) & Resort Zone (tourist accommodation). The existing development rights comprise of 4 chalets, guest lodge that may accommodate up to 40 guests, a restaurant & shop, main dwelling, a second dwelling(60m²), 10 tented camp sites, an Agricultural Industry and other agricultural buildings (10 tented camp sites, an agricultural Industry and other agricultural buildings primary right, but not implemented). The heights of the allowed land uses vary from to 6.5m (second dwelling) to 15m (agricultural industry) to the top of the roof.

Taken the above into consideration, it can be deduced that the present development rights is equivalent to 14 households which is calculated as follows: 4 chalets = 4 dwelling units, 20 bed guest lodge = 5 dwelling units (4xbedrooms per unit), 10 camp sites = 3 dwelling units, Main Dwelling and second dwelling = 2 dwelling units. *Note the latter calculation is approximate.* These estimations does not take account of farm workers or labourers cottages.

The owners intend to waive all existing land use rights and rezone to “Agricultural Zone II (Smallholding) and subdivide into 5 portions. The proposal includes consent for a second dwelling on each portion which will result in a total of 10 dwelling units / households (not including labourers cottages)– which is substantively less than what the existing development rights permit. A departure is requested for the increase in the second dwelling size from 150m² to 175m². In addition, the proposed subdivision will require building line departures for the existing structures to be accommodated with the new subdivision lines of the new proposed portions. The subdivision rezoning will result in the change of building lines from 30m of the “Agricultural Zone I” to 20m for the proposed “Agricultural Zone II” erven.

The new land uses on the respective subdivided properties will entail a main dwelling, second dwelling (175m²) and limited agricultural activities. The main dwelling will have a maximum height of 8.5m and the second dwelling 6.5m. As mentioned before, historical worker accommodation of approximately 80m² respectively is present on proposed portion A and C and will be retained as worker accommodation. In terms of previous discussions with Western Cape Agriculture, at least 1 worker accommodation unit is reconcilable/allowed on all smallholdings and/or agricultural land units regardless of *bona fide* agricultural activity. This serves the property in terms of the need to maintain the grounds.

As the subject properties are located within a smallholding area it is considered that the new 20m building lines will still provide sufficient buffering to protect privacy issues, noise and other possible impacts. The density anticipated as a result of the subdivision is regularised by the minimum size permissible for smallholdings viz. 3ha. The subject property measures 15.79ha which enables five portions measuring 3ha each, and by implication allowing for 10 dwelling units in total (2 on each portion, excluding worker accommodation). The size of the smallholdings and number of units on the respective portions are in line with the requirements for the smallholding area.

The proposed departure to increase the second dwelling size from the allowable size of 150m² as per the scheme to 175m² is supported in terms of the Western Cape Rural Guidelines which states that second dwellings of up to 175m² can be considered.

In comparison to family living on the respective portions to tourist accommodation, it is evident that the existing approved rights may have a larger impact on the character of the area and neighbouring properties in terms of views and noise than the proposed subdivision and second dwelling units.

In conclusion, considering the existing land use rights of Erf 351, Hoekwil compared to the proposed development, it is likely that the proposed development will have a reduced impact on the surrounding neighbours.

The need and desirability of the proposal

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

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

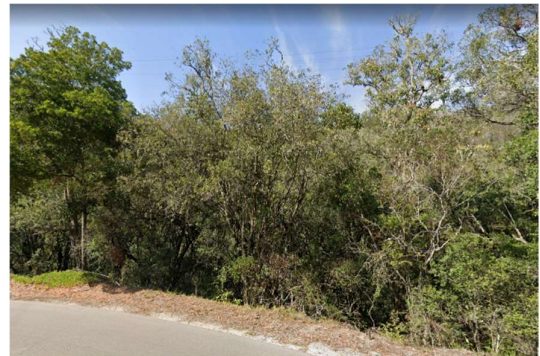
17	Will there be a negative impact on property values?		X	
18	Will the application result in a nuisance, noise nuisance, and disturbance to neighbours?		X	
19	Will adequate open space and/or recreational space be provided (for residential developments)?			X
20	Will approval of the application set a precedent?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

Comments

*1 & 2: The environment will not be negatively affected by the application. It is proposed to develop in areas that are already disturbed or areas to be cleared of alien vegetation. An OSCAE application will be required to mitigate any environmental issues in terms of the proposed development.

*3: A notification of intent to develop (NID) was submitted to Heritage Western Cape, Heritage Western Cape stated that since there is no reason to believe that the proposed rezoning and subdivision on Erf 351, Wilderness Heights, Hoekwil, will impact heritage resources, no further action under Section 38 of the National Heritage Resources Act (Act 25 of 1999) is required. Refer to the letter dated 31 March 2022 attached as **Annexure J**.

*4 & 15: The proposed development is located in an established smallholding area and will fit in with the character of the area. The proposed subdivision and rezoning will result in 3ha properties similar to those in the Wilderness Heights area. Given the size of the proposed subdivided properties, minimal negative impact in terms of noise is anticipated based on resident's response to load shedding. In addition, the current land use rights may create more noise than the proposed land uses taking into account the tourist component and influx of transient guests. Although the property is located on a "higher point" as seen from the Seven Passes tourist route the natural vegetation will mitigate any visual impact of the proposed development. It is essential that the future property owners maintain this natural screen and is therefore proposed that the property owners association be bound to appointing an Environmental Officer and managing the biodiversity in accordance with an approved environmental maintenance management plan. This will not necessarily be an EMMP approved in terms of NEMA, but based on the sensitivity of the site and surroundings, required as a consequence of this approval.



Street view from the seven passes road towards Erf 351, Hoekwil

*5, 6, 7, 8, 9, 10: Given the current land use rights on Erf 351, Hoekwil, the impact on traffic from the proposed development will not result in a significant impact on current traffic volumes, A condition of approval will be added to ensure a 5m right of way servitude be registered at the Chief Surveyor General's Office as well as the Office of the Registrar of Deeds in favour of Portions A, B, C, D & Remainder for access purposes.

Assessment of objections/comments

The assessment of objections is depicted in **table 4** below.

Table 4: Assessment of Objections/comments

	1. Rezoning, Subdivision, Consent & ROR
M. Dalton; Touw River Conservancy; M. Leggat	<ul style="list-style-type: none"> The objections are noted. The restrictive condition must be removed to allow the owner to exercise his primary right in terms of the zoning scheme. The conditions were historically endorsed as a mechanism to regulate development due to the absence of town planning schemes. The existing rights of the property have not been fully exercised. No reason was given why this is the case. The proposed development is a lower-intensity development than the existing rights. The LSDF for the area supports the creation of smallholding property which, inter alia, measures more than 3ha, in principle. The LSDF furthermore states that the property should have sufficient developable areas which are, inter alia, not on 1:4 slopes. It is agreed that the motivation is for the subdivided portions of smallholdings which is intended to be governed by a Homeowners Association. A Homeowners Association may be established, however it does not mean that a gated estate will be developed. The intention may be to manage the access road, design guidelines and EMP. The owner has a right to alter or upgrade structures on his property. The reason as to why does not seem relevant in terms of this application. Erf 351, Hoekwil is located in an established smallholding area. The proposed development is aligned with the LSDF and allowable densification in terms of the scheme. The LSDF states that in addition to the primary rights the smallholding area should also cater for certain facilities such as <u>second dwelling</u> units, guest houses, bed and breakfast establishments, and tourist facilities subject to these activities not causing excessive water usage, undue noise, light pollution, effluent generation, or odours. There is no proposal to develop tourist related facilities on the subdivided portions, though it is not to say that such development cannot be considered on these properties in future.
Objectors	2. Proposed second dwellings
WALEAF; M. Dalton; Touw River Conservancy	<ul style="list-style-type: none"> The objection is noted. The motivation refers to the rural guidelines which according to the LSDF must be considered in terms of development in rural areas. According to the rural guidelines, a second dwelling may be allowed up to 175m².
	3. Environmental concerns
WALEAF; Touw River Conservancy; M. Dalton; M. Leggat	<ul style="list-style-type: none"> The objectors' concerns are noted. It is proposed to develop in areas that are already disturbed or has to be cleared of alien vegetation. Notwithstanding, the property is located in an OSCAE area, and the necessary environmental approvals will have to be obtained prior to undertaking any clearing.
	4. Character of the Area
Touw river Conservancy; T.J. Martin; R. Moretti; M. Dalton. M. Leggat	<ul style="list-style-type: none"> The objectors' concerns are noted. As previously mentioned, an OSCAE application is required which will mitigate all environmental impacts which, inter alia, include light pollution, colours to be used on the proposed structures. The proposed development is aligned with the LSDF and will result in 5 smallholdings similar to the surrounding land units in the wilderness heights area. Therefore, the proposed development will fit in with the character of the area. Heritage Western cape confirmed that no heritage is impacted. Refer to Annexure J containing Heritage Report and Heritage comments.
	5. Development of Erf 352, 373, Hoekwil and Erf 351, Hoekwil.

M. Leggat	<ul style="list-style-type: none"> The objector's comment, that these 2 proposals (albeit separate) are to create an 'estate, is noted. However, it should be stressed that these properties are within an OSCAE area and next to/part of a natural forest which may not be fenced off. Thus, these properties cannot operate as an enclosed estate, but, a Homeowners Association may be established to manage the access road, design guidelines and EMP. The second dwellings on the properties can also not be alienated. The respective title deeds will be endorsed with the private right of way servitude and it will be the responsibility of the respective owners to maintain the internal road.
	6. Access and Traffic
T.J. Martin; M. Dalton; M. Leggat	<ul style="list-style-type: none"> The objectors' concerns are noted. The proposed development, in the context of the existing rights on Erf 351, Hoekwil, will not result in unforeseen traffic volumes. The expected trip generation does not require a traffic statement or impact assessment. The existing Silver River Road is considered adequate to accommodate the proposed development. The owner will be subject to development charges based on the requirements of the proposed development in terms of services. A servitude will have to be maintained by the owners of the respective portions as it will be endorsed in their title deeds.
	7. Visual Impact and value of property
T.J. Martin; R. Moretti; M. Dalton; M. Leggat	<ul style="list-style-type: none"> The objectors' concerns are noted. According to the GIS viewer, the dwelling on Erf 371, Hoekwil is approximately 20m higher than the highest point on Erf 351, Hoekwil. The dwelling is also located approximately 450m from the nearest structure on Erf 351, Hoekwil. Given the above, the potential visual impact on Erf 371, Hoekwil is deemed minimal. Note that the existing rights on the property allow for structures from 15m (farm store), 12m high(shop – restaurant), 8.5m (guest lodge), 6.5m wall plate & 8.5m to pitch of the roof (tourist accommodation). The proposed development for second dwelling is limited to 6.5m and main dwelling to 8.5m to the top of the roof. In terms of the allowed existing heights, it is considered that the proposed new heights will have less impact on the neighbouring properties and view sheds are adequately preserved from various vantage points on the neighbouring properties. The structure referred to on page 10 is only an architectural impression of the dwellings proposed. No 3 storey buildings are proposed in terms of the motivation. Height will be regulated in terms of the George Integrated Zoning Scheme, 2017. The concern regarding lighting is noted. Light pollution will be dealt with and mitigated as part of the OSCAE application which must be accompanied by an EMP for the development. An Environmental Control Officer will have to be appointed as per condition of approval and OSCAE requirements to ensure compliance with regards to all environmental requirements. An ECO will also ensure compliance with clearing and removal of alien vegetation as required. The Seven Passes Road is much lower (between 15 & 50m) than Erf 351, Hoekwil and approximately 100m away at the nearest point erf boundary. Due to the dense vegetation, no visual impact is foreseen.
	8. Setting a Precedent
T.J. Martin; M. Leggat	<ul style="list-style-type: none"> The objectors' concern is noted. The proposed development will not set a precedent as it complies with the spatial objectives for this area viz. 'Smallholdings'.
	9. Noise
R. Moretti; M. Dalton; M. Leggat	<ul style="list-style-type: none"> The objectors' concerns are noted. The objectors state that <i>"If the land owner of [Erf] 351 were to have permanent residents and not casual party goers or Air-BnB customers every day, this may reduce the noise factor"</i>.

	<ul style="list-style-type: none"> In terms of the motivation, it is the owner's intention to have permanent residents on the properties. The owner is waiving his existing rights of resort/tourist accommodation, guest lodge and restaurant which will decrease the noise emanating from the property. In addition, the objectors' house (Erf 371 and Erf 372, Hoekwil,) is approximately 375m and 450m from the nearest boundary of the proposed subdivisions. Considering the building lines, vegetation, and change of land use it is considered that noise pollution will be limited.
	10. Services
M. Dalton	<ul style="list-style-type: none"> The objection is noted. The applicant did provide information regarding the existing and proposed services in the motivation report. From the investigations, it was concluded that the necessary upgrades would be made in terms of the municipal requirements.
	11. Homeowners Association
R. Moretti; M. Dalton; Touw river Conservancy; M. Leggat	<ul style="list-style-type: none"> The objections are noted. It should be stressed that these properties are within an OSCAE area and next to/part of a natural forest which may not be fenced off. Thus, these properties cannot operate as an enclosed estate, but, a Homeowners Association may be established to manage the access road, design guidelines and EMP. The second dwellings on the properties can also not be alienated.
	12. Public Participation
T.J. Martin	<ul style="list-style-type: none"> The objection is noted. The public participation was conducted as per the requirements of the Land Use Planning By-Law for George Municipality. Thereby, informing all abutting neighbouring properties and advertising in multiple platforms.
Objectors' Proposals	
<ul style="list-style-type: none"> The proposals submitted are noted. Conditions will be imposed to mitigate applicable concerns regarding the application. A condition will be imposed restricting fencing in terms of development. As previously stated in the Report, the necessary conditions will be imposed to mitigate any environmental concerns. A visual impact assessment will not be required as the proposed development is not construed to have a negative visual impact on the surrounding neighbours. However, the applicant will have to submit a SDP to ensure the latter. Not enough trips are generated to require a Traffic Impact Statement or Traffic Impact Assessment. 	
Sustainability Forum - Comment	
<ul style="list-style-type: none"> The comments from The Sustainability Forum are appreciated. The necessary mitigation in terms of environmental issues will be addressed in terms of the OSCAE application. 	
Wilderness Ratepayers and Residents Association (WRRRA)- Comment	
<ul style="list-style-type: none"> The objector's comment, that these 2 proposals (albeit separate) are to create an 'estate', is noted. It should be stressed that these properties are within an OSCEA area and next to/part of a natural forest which may not be fenced off. Thus, despite the outcome of this application or the application(s) on Erf 352 & 373, Hoekwil, these properties cannot operate as an enclosed estate but, a Homeowners association may be established to manage the access road, design guidelines and EMP. The second dwellings on the properties can also not be alienated. 	
DEADP (development Planning)- Comment	
<ul style="list-style-type: none"> The comments are noted and agreed with. 	
DEADP (Environmental Affairs)- Comment	
<ul style="list-style-type: none"> The comments are noted. Environmental authorisation is not required as the application has changed in terms of the correspondence. Although no comments are obtained in terms of the proposed development and the influence on the environment, the application can still be considered as the OSCAE application will still be 	

required. As part of the OSCAE application the relevant compliance with environmental legislation will be enforced.

Note: A NID was previously submitted on 20 April 2021 for the extension of the existing resort. The comments from DEADP states that due to the NID, the current proposal cannot be supported before the environmental authorisation is granted in terms of the submitted NID. The applicant must withdraw the NID to conform to all relevant Environmental requirements.

CapeNature- Comment

- The comments from CapeNature are noted and agreed with.

PART O: ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

NO	CONSIDERATIONS (S. 33)	YES	NO	N/A
1	Has the financial or other value of the rights enjoyed by a person or entity in terms of the restrictive condition, irrespective of whether these rights are personal or vest in the person as the owner of the dominant tenement (<i>the neighbour or person in whose favour the condition is written</i>) been considered?	X		
2	Has the personal benefits which accrue to the holder of the rights (the dominant tenement) in terms of the restrictive condition been considered?	X		
3	Has the personal benefits which accrue to the person seeking the removal, suspension or amendment of the restrictive condition been considered?	X		
4	Has the social benefit of the restrictive condition remaining in place been considered?	X		
5	Has the social benefit of the restrictive condition being removed, suspended or amended been considered?	X		
6	Do all the restrictive conditions applied for need to be <u>removed</u> , suspended and/or amended, or do they only need to be partly removed, suspended and/or amended or not removed, suspended and/or amended to permit the proposed development?	X		

Section 39(5) of the Land Use Planning Act (LUPA 2014) states that a municipality must have regard to the principles, as listed below when considering removing a restrictive condition. The paragraph below indicates an assessment of how the proposal responds to the said principles.

- 39(5)(a): The financial or other value of the rights in terms of the restrictive condition enjoyed by a person or entity, irrespective of whether these rights are personal or vest in the person as the owner of a dominant tenement.*

Condition F(b) of T9864/1974 for Erf 351, Hoekwil restricts the development of the respective properties to 1 dwelling unit. The applicant is requesting the removal of these conditions to align the properties with the George Integrated Zoning Scheme By-law, 2017 and the spatial planning policies applicable to the Wilderness Heights area. The removal of the conditions will not result in the loss of any financial or other value. Removing the said conditions will also allow the owners to regularise the existing development rights as well as to implement the development proposal (2nd dwelling units).

The regulation of second dwelling units is detailed in the zoning scheme and thus no need to manage it in terms of the title deed. The removal of the said conditions will not cause a financial loss to any of the property owners in this area or the municipality.

- 39(5)(b): The personal benefits which accrue to the holder of rights in terms of the respective condition.* The restrictive title deed conditions were imposed in terms of Section 196 of Ordinance No.15/1952 in favour of the Administrator of the Cape Province. Historically, restrictive title deed conditions were applied to regulate development within township establishments, as zoning schemes did not exist. The George Integrated Zoning Scheme By-Law (2017) and spatial policies now regulate development within

the municipal area. There is therefore no personal benefit to the holder of the rights in terms of the said restrictive conditions.

- *39(5)(c): The personal benefits which will accrue to the person seeking the removal, suspension, or amendment of the restrictive condition if it is removed, suspended or amended.*

The property owner, as well as the possible future owners of the respective proposed subdivided portions, will achieve personal benefits from the removal of the title deed conditions as it will enable them to develop in terms of the parameters as prescribed in the zoning scheme. It should also be noted that the proposal is within reason and will not have a negative impact on the surrounding environment / or surrounding property rights.

- *39(5)(d): The social benefit of the restrictive condition remaining in place in its existing form.*
There is no social benefit gained or lost in retaining the restrictive title deed condition. The development will conform to the development parameters as prescribed in the zoning scheme.

- *39(5)(e): The social benefit of the removal, suspension or amendment of the restrictive condition.*
The said conditions are outdated and of archaic nature. As mentioned before all land uses are controlled and managed by the zoning scheme. Removing the title conditions will allow the property owners to exercise their rights in terms of the prevailing planning legislation.

No social benefits will accrue as a result of the removal, other than the potential of creating additional housing or tourism accommodation opportunities through the development of 2nd dwelling units on each subdivided portion, which incrementally benefits the local economy.

- *39(5)(f): Whether the removal, suspension or amendment of the restrictive condition will completely remove all rights enjoyed by the beneficiary or only some of those rights.*

The removal of restrictive title deed conditions will not remove all the rights of the property owners as the George Integrated Zoning Scheme By-Law (2017) and spatial policies now regulate development within the municipal area.

It must be noted that by removing the conditions, allowing the proposed properties to be developed in terms of the scheme is a lawful action, implying that the municipality may impose additional development Conditions for the supply of services for those future second dwelling units. Therefore, refusing the removal of the conditions would be a burden on the owner as it is clear that they intend to develop additional units in future.

PART P: SUMMARY OF EVALUATION

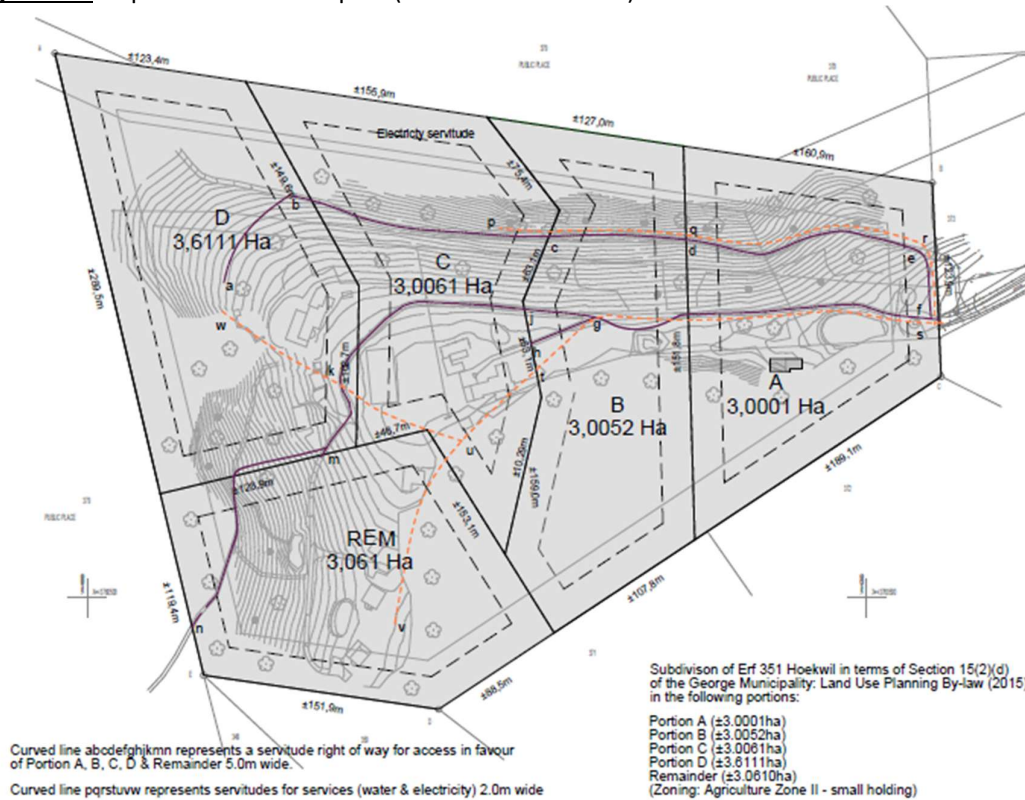
Application and overview.

The owner intends to waive all existing land use rights and rezone from “Agricultural Zone I”(Agriculture) with spot zonings for “Business Zone II” (shop – restaurant), “General Residential Zone V” (guest lodge) & “Resort Zone” (tourist accommodation) to “Agricultural Zone II (Smallholding) and subdivide the property into 5 portions. The proposal includes consent for a second dwelling on each portion. A departure is requested for the increase in the second dwelling size from 150m² to 175m². In addition, the proposed subdivision will require building line departures for the existing structures to be accommodated with the new subdivision lines of the proposed subdivided portions.

Locality:

Erf 351, Hoekwil is located in the north-western corner of Wilderness Heights, an established “smallholding” area. Wilderness Heights is a smallholding area where people live who prefer a rural lifestyle with limited agricultural activities. The property overlooks the Outeniqua Mountains and Seven Passes Road to the north with the Silver River towards the West.

Figure 12: Proposed Subdivision plan (refer to Annexure A)



Compliance with spatial policies and land use schemes.

The proposed subdivision complies with the minimum subdivision sizes of 3Ha for the area in terms of the LSDF. The proposed subdivision and rezoning will result in smallholdings of 3Ha similar to those in the Wilderness Heights Area and thus will fit in with the character of the area. It is therefore considered consistent with the spatial objective of the area.

The proposed departure to increase the second dwelling size from the allowable size of 150m² (as per the scheme) to 175m², is supported in terms of the rural guidelines. The proposed increase in the size of the second dwellings from 150m² to 175m² is considered to be negligible and should have no negative impact on the surrounding neighbours or the character of the area. The building line departures are required due to the existing structure's proximity to the proposed subdivision lines. Thus, the departures are deemed congruent with the character of the area and the George Integrated Zoning Scheme, 2019.

Environmental Concerns

It is the intention to only develop on already disturbed areas or areas to be cleared of alien vegetation. Furthermore, the development is subject to an OSCAE permit process that will ensure the environmental concerns are addressed.

Removal of Restrictive Title Deed Conditions

The applications to remove the restrictive title deed conditions are found to be desirable as these conditions are managed by George Integrated Zoning Scheme By-law, 2017. Certain aspects such as a right to a second dwelling unit are now regulated in terms of the zoning scheme.

Public Participation

Various objections, comments and recommendations were received which were noted and addressed accordingly. The necessary mitigation is imposed based on the evaluation of the application

Conclusion

Considering the above, it can be concluded that the proposed development is in line with the spatial planning objectives of the area. The proposed development will not have a negative impact on the environment or the character of the area. Furthermore, in consideration with the current rights, the proposed development do not foresee to pose any negative impacts on the surrounding neighbours' rights and amenities in terms of privacy, views, or sunlight.

Thus, on the balance of all considerations, the applications for rezoning, subdivision, consent use, departures and removal/ amendment of title deed restrictions, cannot be deemed undesirable as contemplated in Section 65 of the Land Use Planning Bylaw, 2015 and is therefore **SUPPORTED**.

PART Q: RECOMMENDATION

That, notwithstanding the comments and objections received, the following applications applicable to Erf 351, Hoekwil:

1. Removal of Restrictive Condition in terms of Section 15(2)(f) of the Land Use Planning By-law for George Municipality, 2015 of condition F(b) from Title Deed No. T9864/1974 of Erf 351, Hoekwil;
2. Rezoning in terms of Section 15(2)(a) of the Land Use Planning By-law for George Municipality, 2015 of Erf 351, Hoekwil from "Agriculture Zone I" (agriculture), "Business Zone II" (shop – restaurant), "General Residential Zone V" (guest lodge) & "Resort Zone" (tourist accommodation) to "Agriculture Zone II" (smallholding);
3. Subdivision in terms of Section 15(2)(d) of the Land Use Planning By-law for George Municipality, 2015 of Erf 351, Hoekwil into the following portions:
 - a) Portion A (±3.0001ha) (Agriculture Zone II – smallholding);
 - b) Portion B (±3.0052ha) (Agriculture Zone II – smallholding);
 - c) Portion C (±3.0061ha) (Agriculture Zone II – smallholding);
 - d) Portion D (±3.6111ha) (Agriculture Zone II – smallholding);
 - e) Remainder (±3.0610ha) (Agriculture Zone II – smallholding)
4. Consent Use terms of Section 15(2)(o) of the Land Use Planning By-law for George Municipality, 2015 for a second dwelling unit on Portions A, B, C, D & Remainder of Erf 351, Hoekwil;
5. Departure in terms of Section 15(2)(b) of the Land Use Planning By-law for George Municipality, 2015 for the following:
 - a) Increase in size of the second dwelling units from 150m² to 175m²;
 - b) Relaxation of the new eastern side boundary building line of the proposed Portion C from 20.0m to 14.6m for the existing guest lodge to become the primary dwelling;
 - c) Relaxation of the new western side boundary building line of the proposed Portion C from 20.0m to 19.0m for the existing workers accommodation;
 - d) Relaxation of the new eastern side boundary building line of the proposed Portion D from 20.0m to 15.6m for the existing restaurant to become the primary dwelling;
 - e) Relaxation of the new southern side boundary building line of the proposed Portion D from 20.0m to 18.4m for the existing outbuilding;
 - f) Relaxation of the new northern side boundary building line of the proposed Remainder from 20.0m to 19.4m and 15.4m for the existing chalet to become a second dwelling unit;

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

REASONS FOR DECISION

1. The proposed development does not detract from the surrounding rural land use character which is considered to be a Smallholding Area.
2. The proposed development is aligned with the spatial policies and objectives for the area.

3. The proposed development, in consideration to the previously approved rights, will not have an adverse impact on the neighbouring properties in terms of privacy, noise, views or sunlight.
4. The further development of the property is subject to the approval of an OSCAE permit which will enforce compliance with all environmental requirements. Notwithstanding, standard conditions mitigating potential environmental impacts have also been included in the conditions of approval below.
5. Required mitigation measures have also been imposed in the conditions of approval below to mitigate potential impact on the neighbouring properties, character of the area and environment.
6. The Title Deed condition to be removed seeks to rectify what has already been permitted on the site, contrary to the conditions. The use rights of the property will henceforth be managed in terms of the Zoning Scheme By-Law.

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

CONDITIONS OF THE DIRECTORATE: HUMAN SETTLEMENTS, PLANNING AND DEVELOPMENT

General conditions

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

Conditions applicable to the Rezoning, Subdivision, Consent and Departures

2. This approval shall be taken to cover only the rezoning and subdivision application with departures for the existing structures as applied for and as indicated on the subdivision and Site Layout plan attached hereto as “**Annexure A**” which bears Council’s stamp and shall not be construed as to depart from any other Council requirements or legal provision.
3. A site development plan (SDP) for the entire development, with special reference to the positioning of the second dwellings on Portion A,B,C,& D, must be submitted to the satisfaction of the Directorate: Human Settlements, Planning and Development for consideration and approval, in accordance with the provisions of Section 23 of the George Zoning Scheme By-Law, 2017 and the conditions of approval prior to submission of building plans.
4. An Environmental Maintenance Management Plan and rehabilitation plan be submitted with the SDP and OSCAE application for consideration and approval by the Municipality.
5. The second dwelling unit may not exceed a floor area of 175m², which include the floor space of all ancillary buildings.
6. A right of way servitude, 5 metres wide, must be registered at the Chief surveyor General’s Office as well as the Office of the Registrar of Deeds in favour of Portions A, B, C, D & Remainder for access purposes prior to building plan approval.
7. That all property owners within the development shall become members of a Home Owners’ Association. The Home Owners’ Association is to be constituted in terms of Section 29 of the Land Use Planning By-Law for George Municipality, 2015. The HOA constitution must comply with the provisions of sub-section 29(3) and is to be submitted to the Department: Planning and Development for approval. No individual erven will be transferred prior to the approval of the Constitution.

Title deed conditions

8. That in terms of Section 34(1) the owner/applicant must apply to the Registrar of Deeds to make the appropriate entries in, and endorsements on, any relevant register or title deeds to reflect the removal of the restrictive conditions, after the publication of a notice contemplated in Section 33(7) in the Provincial Gazette.
9. The beneficiaries to the servitude are jointly responsible for the surfacing (dust free) and maintenance of the servitude.
10. Proof of the endorsement(s) in the respective title deeds must be submitted with the building plans prior to approval.

11. The owner must apply to the Registrar of Deeds to make the appropriate entries in and/or endorsements on, the respective title deeds in respect of the HOA.

Implementation of rights

12. The rezoning and subdivision approval will only be regarded as implemented on the registration of at least one portion at the Deeds Office Deeds Registries Act.
13. The consent use and departures applicable to the existing buildings will be considered implemented on the issuing of an occupation certificate in terms of the approved building plans.
14. The consent use and departures applicable to the proposed buildings will be considered implemented on the commencement of building works in accordance with the approved building plans.

General Requirements

15. The applicant must make use of natural materials and dark paint tones that blend in with the surrounding environment in the design of all exterior elevations, walls and retaining structures. All roofs shall be dark tones, preferably dark greens, greys or black that blends with the surrounding environment.
16. The applicant must make all attempts to prevent light pollution on the property. The use of spray or spotlights are not permitted. Any outside lights may not exceed a maximum height of 1.2m from natural ground level.
17. The outside lighting must use energy saving bulbs and should be directed downwards to minimize light pollution.
18. Alternative energy solutions sought shall be through means that generate low or no noise.
19. The dwelling footprint shall be restricted to the living area required and associated yard, including fire mitigation buffers and shall not exceed 5000m².
20. Fencing will be restricted to this footprint, which fencing must be wildlife-friendly to maintain the conservation of biodiversity and ecological processes and functioning.
21. Wildlife-friendly fencing can only be erected around the dwelling footprint to keep their pets or livestock contained, the extent of which shall be evaluated over the course of the OSCAE application.

Notes:

- A. *The height of the main dwellings will be limited to 8.5m to roof top and 6.5m to wall plate. The second dwellings will be limited to a maximum height of 6.5m to roof top.*
- B. *The developer must submit the subdivision diagrams approved by the Chief Surveyor General to the GIS Department of the Directorate for information purposes.*
- C. *Building plans must be submitted for approval in accordance with the National Building Regulations (NBR) after the approval of the SDP and OSCAE application.*
- D. *As built Building plans of the respective subdivided portions be submitted for approval in accordance with the National Building Regulations (NBR) after the approval of the SDP.*
- E. *The necessary measures must be put in place for the provision of engineering services as per the requirements of the Engineering Services Departments.*
- F. *No site clearing or construction works may commence prior to the building plan or OSCAE permit being approved. The owner must inform the Building Control Section of its intent to commence with site clearing at least 1 week prior to commencement.*
- G. *The owner must appoint a structural engineer to take responsibility for all earthworks, slope stabilization and construction of the dwelling house(s).*

Environmental Notes:

- H. *The owner must submit an application to obtain a permit in terms of Outeniqua Sensitive Coastal Area Extension (OSCAE) Regulations to the Directorate for consideration and approval which must be accompanied by an Environmental Maintenance Management Plan. No clearing or ground works may commence prior to the issuing of the OSCAE permit.*
- I. *The SDP need to address and take into consideration any applicable conditions as set out in the OSCAE permit and thus, the OSCAE permit must be issued prior to the approval of the SDP.*

- J. *The owner must appoint an Environmental Control Officer (ECO) to manage the construction and post construction activities, clearing and rehabilitation on the property.*
- K. *The pruning or removal of protected indigenous trees or tree clumps must first carry the approval/granting of a permit by the Department of Environmental, Forestry and Fisheries (DEFF) (Knysna Office).*
- L. *The NID submitted to DEA&DP for the expansion of the resort must be withdrawn.*
- M. *No buildings may be developed within 32m from any water body or catchment area.*
- N. *No development is permitted on areas steeper than 1:4.*
- O. *Dwelling units must be built on areas of a disturbance where no pristine Critical Biodiversity areas are found. Development should not encroach into the indigenous vegetation and a 10m firebreak between the vegetation and the development area must be preserved unless the necessary environmental impact studies are provided advising that a reduced setback can be accepted.*
- P. *Dwellings should be clustered to minimise the need for building a network of roads over the properties.*
- Q. *The owner must ensure that appropriate measures are put in place to retain stormwater and prevent erosion of the property.*
- R. *That ongoing clearing of alien invasive vegetation takes place on the respective properties in terms of the Conservation of Agricultural of Agricultural Resources Act 43 of 1983 (CARA).*
- S. *Minimal disturbance of vegetation must be sought, and placement of buildings must be clustered to minimise the requirement for an internal network of roads.*

CONDITIONS OF THE DIRECTORATE: CIVIL ENGINEERING SERVICES:

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

The amounts of the development contributions are reflected on the attached calculation sheet (**Annexure B**) dated 21/12/2021 and are as follows:

Road:	R 59 531,44	Excluding VAT (Refer to attached DC calculation sheet)
Sewer:	-	
Water:	R 211 932,09	Excluding VAT (Refer to attached DC calculation sheet)

Total: R271 463,53 Excluding VAT (Refer to attached DC calculation sheet)

23. The total amount of the development charges of **R271 463,53 Excluding VAT** shall be paid prior to the first transfer of a land unit pursuant to the application or upon the approval of building plans, whichever occurs first, unless otherwise provided in an engineering services agreement or, in the case of a phased development, in these or any other relevant conditions of approval.
24. Any amendments or additions to the proposed development which is not contained within the calculation sheet as dated in condition **23** above, which might lead to an increase in the proportional contribution to municipal public expenditure, will result in the recalculation of the development charges and the amendment of these conditions of approval or the imposition of other relevant conditions of approval.

Note: The Development Charges indicated above are based on the information available to the respective engineering departments at the time of approval. It is advised that the owners consult with these departments prior to transfer of a portion for a final calculation.

25. As provided in section 66(5B)(b) of the Planning By-Law (as amended), using the date of approval as the base month the amount of **R271 463,53 Excluding VAT** shall be adjusted in line with the consumer price index published by Statistic South Africa up to the date when payment is made in terms of condition **23** above.
26. Development charges are to be paid to the Municipality in cash or by electronic funds transfer or such other method of payment as may be accepted by the Municipality at the time when payment is made.
27. All services -internal, link and relocation of or upgrades to existing - are to be designed by a registered consulting engineer in accordance with- Council specifications. This may include bulk services outside

- the development area but that must be upgraded to specifically cater for the development. All drawings and plans are to be submitted to the applicable department, or any other relevant authority, (hard copy and electronically) for approval prior to any construction work taking place. All work is to be carried out by a suitable qualified/registered electrical contractor under the supervision of the consulting engineer who is to provide the relevant authority with a certificate of completion, and as built plans in electronic format. All costs will be for the developer. No transfers will be approved before all the municipal services have been satisfactorily installed and as-builts submitted electronically as well as the surveyor's plan;
28. Should more than two developments/properties be party to or share any service, the Dir: CES & ETS will in conjunction with the parties determine the pro-rata contributions payable.
 29. Any, and all, costs directly related to the development remain the developers' responsibility.
 30. Only one connection permitted per registered erf (Electrical, water and sewer connections). Condition **27** applies.
 31. Any services from the development that must be accommodated across another erf must be negotiated between the developer and the owner of the relevant erf. Any costs resulting from the accommodation of such services or the incorporation of these services into the network of another development are to be determined by the developer and the owner of the other erf. (Condition **27** applicable)
 32. Any service from another erf that must be accommodated across the development or incorporated into the services of the development: all negotiations will be between the owner/developer of the relevant erf and the developer. Costs for the accommodation of these services or the upgrade of the developments services to incorporate such services are to be determined by the developers/owners concerned. (Condition **27** applicable)
 33. Any existing municipal or private service damaged during the development will be repaired at the developers cost and to the satisfaction of the George Municipality. (Condition 27 applicable)
 34. The developer is to adhere to the requirements of the Environmental Authorisation (EA). The onus is on the developer to provide the Dir: CES with the necessary proof of compliance with the EA.
 35. Suitable servitudes must be registered for any municipal service not positioned within the normal building lines.
 36. Provisions for the removal of solid waste is to be addressed in conjunction with the Dir: Environmental Services.
 37. The developer is to adhere to the requirements of all relevant Acts, as well as all conditions stipulated by any other authority whose approval is required and obtained for this proposed development.
 38. Transfers, building plan approvals and occupation certificates may be withheld if any sums of money owing to the George Municipality are not paid in full, or if any services have not been completed to the satisfaction of the Dir: CES & ETS, or any condition of any authority has not been satisfactorily complied with.
 39. The Developer is responsible to obtain the necessary approval / way leaves from third parties which include, but is not limited to the George Municipality, Telkom & Fibre optic service provider.
 40. No construction activity may take place until all approvals, including way leave approval, are in place, all drawings and material have been approved by the Technical Directorates.
 41. Municipal water is provided for potable use only. No irrigation water will be provided.
 42. A water meter must be installed by the developer prior to construction to monitor water usage during the construction phase. The Dir: CES (Water section) is to be consulted by the developer, prior to installation, regarding the required specifications. Failure to complying with the water meter application process, will result in the developer being responsible for payment of penalties and/or an estimated non-metered water consumption by this department at a rate as per the applicable annual Tariff List. In this regard, transfers, building plan approval and occupation certificates may be withheld if any sums of money owing to the George Municipality are not paid in full. The water meter is to be removed on completion of construction if so required by the Dir: CES.
 43. The developer / erf owner is to apply to the George Municipality for the installation of an individual erf water meter prior to any building work commencing on an erf.
 44. No municipal waterborne sewer service is available at present. Should a municipal network in future be extended to this area, the owner will be compelled, at own cost, to connect to the network. A

Development Charge for sewer will then become payable in accordance with the approved DC Guidelines at the time of connection.

45. A conservancy tank, or alternative approved sewer disposal method, must be installed at the Developer/owner's cost. The Developer/owner is to appoint a private contractor, at own expense, to service the tank, and the disposal of the content is to be via an approved disposal methods. The installation of a septic tank may be considered if the required percolation tests are within the accepted norms.
46. Public and private roads are to be clearly indicated on all layout plans submitted. The road reserves must be clearly indicated on all plans submitted for approval. The cadastral layout can only be approved if the road reserves have been included on plans and approved by CES.
47. If required, the developer is to have a Traffic Impact Assessment (TIA) conducted by a registered traffic engineer. The terms of reference of the TIA are to be finalised with the Dir. CES together with any other approving authority, and who must also approve the TIA. All recommendations stipulated in the TIA report and as approved by the Dir. CES and/or relevant authority are to be implemented by the developer. All costs involved will be for the developer.
48. Maintenance and/or upgrading of all private / servitude roads are the responsibility of all the owners who make use thereof.
49. The discharge of surface stormwater is to be addressed by the developer. Condition **27** applies. All related costs are for the developer. The developer is to consult with the Dir: CES to ensure that stormwater planning is done on line with the available stormwater master plans.
50. Internal parking requirements (i.e. within the development area), position of accesses, provision for pedestrians and non-motorised transport, and other issues related to traffic must be addressed and all measures indicated on plans and drawings submitted for approval.
51. Adequate parking with a hardened surface must be provided on the premises of the proposed development.
52. No private parking will be allowed in the road reserve.
53. A dimensioned layout plan indicating the proposed accesses onto private / servitude roads, must be submitted to the relevant departments for approval. Condition **27** applies.
54. The approval of the layout of the development and accesses is subject to the George Roads Master Plan and approved by the Dir: CES. A site development plan is to be submitted to the Dir: CES, or any other relevant authority for approval prior to any construction work taking place.
55. Permission for access onto municipal, provincial or national roads must be obtained from the relevant authorities.

CONDITIONS OF THE DIRECTORATE: ELECTROTECHNICAL SERVICES:

56. The amount of Development Charges (DCs) to be paid by the developer are calculated in terms of the George Municipality Land Use Planning By-Law (as amended) and the approved DC Guidelines. With reference to clause above, with regards to the proposed development, the developer will be required to make development contribution, as follows:
57. The amounts of the development contributions are reflected on the attached calculation sheet (**Annexure B**) dated 28/10/2022 and are as follows:

Electricity	R 47 064,79 Excluding VAT
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58. The total amount of the development charges of **R 47 064,79** Excluding VAT shall be paid prior to the first transfer of a land unit pursuant to the application or upon the approval of building plans, whichever occurs first, unless otherwise provided in an engineering services agreement or, in the case of a phased development, in these or any other relevant conditions of approval.
59. Any amendments or additions to the proposed development which is not contained within the calculation sheet as dated in clause **58** above, which might lead to an increase in the proportional contribution to municipal public expenditure, will result in the recalculation of the development charges and the amendment of these conditions of approval or the imposition of other relevant conditions of approval.

Note: The Development Charges indicated above are based on the information available to the respective engineering departments at the time of approval. It is advised that the owners consult with these departments prior to submission of the subdivision plan to ascertain what information they require to provide a final calculation



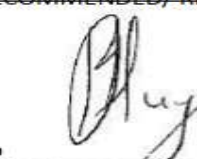

60. As provided in section 66(5B)(b) of the Planning By-Law (as amended), using the date of approval as the base month the amount of R 47 064,79 Excluding VAT shall be adjusted in line with the consumer price index published by Statistic South Africa up to the date when payment is made in terms of paragraph **58** above.
61. Development charges are to be paid to the Municipality in cash or by electronic funds transfer or such other method of payment as may be accepted by the Municipality at the time when payment is made.
62. All services -internal, link and relocation of or upgrades to existing - are to be designed by a registered consulting engineer in accordance with- Council specifications. This may include bulk services outside the development area but that must be upgraded to specifically cater for the development. All drawings and plans are to be submitted to the applicable department, or any other relevant authority, (hard copy and electronically) for approval prior to any construction work taking place. All work is to be carried out by a suitable qualified/registered electrical contractor under the supervision of the consulting engineer who is to provide the relevant authority with a certificate of completion, and as built plans in electronic format. All costs will be for the developer. No transfers will be approved before all the municipal services have been satisfactorily installed and as-builts submitted electronically as well as the surveyor's plan;
63. Consent use approval with regards to Guest houses, School or Hotels are subject to the submission and approval of building plans, which shall include a detailed Site Development Plan (SDP), indicating proposed land use changes to the erf/erven. The SDP should, but not limited to, address all internal parking requirements (i.e. within the development area) , position of accesses, provision for pedestrians and non-motorised transport, and other issues related to traffic.
64. Should more than two developments/properties be party to or share any service, the Dir: CES & ETS will in conjunction with the parties determine the pro-rata contributions payable.
65. Any, and all, costs directly related to the development remain the developers' responsibility.
66. Only one connection permitted per registered erf (Electrical, water and sewer connections). Condition **62** applies.
67. Any services from the development that must be accommodated across another erf must be negotiated between the developer and the owner of the relevant erf. Any costs resulting from the accommodation of such services or the incorporation of these services into the network of another development are to be determined by the developer and the owner of the other erf. (Condition **62** applicable)
68. Any service from another erf that must be accommodated across the development or incorporated into the services of the development: all negotiations will be between the owner/developer of the relevant erf and the developer. Costs for the accommodation of these services or the upgrade of the developments services to incorporate such services are to be determined by the developers/owners concerned. (Condition 62 applicable)
69. Any existing municipal or private service damaged during the development will be repaired at the developers cost and to the satisfaction of the George Municipality. (Condition **62** applicable)
70. No development may take place within the 1:100-year flood line or on slopes steeper than 1:4.
71. Should it be required, a services agreement is to be drawn up between the developer and the George Municipality, by an attorney acceptable to the Municipal Manager. All expenses will be for the developer.
72. The developer is to adhere to the requirements of the Environmental Authorisation (EA). The onus is on the developer to provide the Dir: CES with the necessary proof of compliance with the EA.
73. Suitable servitudes must be registered for any municipal service not positioned within the normal building lines. Servitudes must be registered for all electrical services traversing erven.
74. The applicant is to comply with the National Forestry Act, Act No 84 of 1998, should it be required.
75. Provisions for the removal of solid waste is to be addressed in conjunction with the Dir: Environmental Services.
76. The developer is to adhere to the requirements of all relevant Acts, as well as all conditions stipulated by any other authority whose approval is required and obtained for this proposed development.

77. A home owners' association/body corporate (as applicable) is/are to be established incorporating all erven within any security development / private and /or access-controlled developments. The private roads and the related stormwater and light poles infrastructure, and private open spaces within the development will be transferred by the developer to this / these home owners' association/s who will assume responsibility for the maintenance thereof.
78. The association shall see to it that the officials and contractors of the Municipality shall at all times have access to any portion of the development that may otherwise not be generally accessible to the general public due to security measures, including guarded entrances, electronic gates or booms. For the avoidance of doubt, it is agreed that this requirement relates to the Municipality's emergency services, entry for normal maintenance and replacement, meter reading and inspection and refuse removal. If access to the development is denied to the Municipality or a contractor appointed by the Municipality, the developer and the association will jointly and severally be liable for the full cost of the municipal infrastructure repairs and any damages the Municipality may suffer as a result thereof and will be billed for any water losses or loss in electrical sales from the system.
79. Transfers, building plan approvals and occupation certificates may be withheld if any sums of money owing to the George Municipality are not paid in full, or if any services have not been completed to the satisfaction of the Dir: CES & ETS, or any condition of any authority has not been satisfactorily complied with.
80. The Developer is responsible to obtain the necessary approval / way leaves from third parties which include, but is not limited to the George Municipality, Telkom & Fibre optic service provider.
81. No construction activity may take place until all approvals, including way leave approval, are in place, all drawings and material have been approved by the Technical Directorates.
82. In all cases, where individual customer apply for a supply capacity exceeding that provided for in the calculation of DCs and for the developer paid, will be subject to additional DCs based on the rates applicable at the time.
83. Owner to ensure compliance with Regulation XA of SANS 10400 (building plans).
84. Owner to ensure compliance with Regulation XA of SANS 10142 (wiring) and any other applicable national standards
85. 30. The developer and/or an owner of an erf shall see to it that no Small-Scale Embedded Generation (SSEG) are installed on an erf, any portion of an erf or the development, without prior approval from the ETS. Should any SSEG be installed within any part of the development the Electrotechnical Services will within their discretion either implement applicable penalties and/or disconnect the relevant point of supply.
86. Installation of ripple relays are compulsory for all geysers with electrical elements.
87. All municipal supply points must be subject to standard DC charges. These charges to be included in the project costs of the project.
88. A detailed energy efficiency and demand side management plan to be implemented in the development to provide to the municipality.
89. All MV/LV work must be installed and be funded by the developer/customer as no DCs are levied for this network.
90. The Electricity DC charge excludes any MV/LV and LV network costs. The customer will be quoted separately for any upgrade work required.
91. Rural connection: Capital contributions will be payable by the applicant as part of the electrical connection on application for an electrical connection. The Capital contribution will be determined by the department ETS, based on the size of the connection at the standard prevailing DCs calculation methodology for rural connections
92. Each new portion created must have separate electrical connection and it may not cross any other portion. Each consumer will have to enter into a separate supply agreement with the Municipality. For new consolidated erven it will be the responsibility of the owner/developer to make the necessary arrangements with the Electrotechnical Services Department to remove all the unused electrical services. All costs will be for the owner/developer.
93. Neither the Developer or the HOA or a property owner are allowed to distribute electricity across property boundaries.

94. All electrical infrastructure downstream of the electrical supply point, the LV breaker in the low-voltage kiosk, will remain the responsibility of the various owners/developer. The electrical network above the LV breaker will be deemed part of the George Municipality distribution network and will be transferred to the municipality at no cost, who will assume responsibility for the maintenance thereof. The developer will be responsible to submit an Electrical Services Report for the development for the approval by the ETS. All the required electrical upgrades required on the Municipal electrical distribution network must be listed within the Electrical Services Report and will be for the cost of the developer. The developer will have to adhere to the Electrical Services Report. However, the preliminary designs, followed by the detailed designs, will only be finalised once the site development plan is approved. Condition (62) applies.

PART R: ANNEXURES

Annexure A	Subdivision and Amended Site Layout Plan
Annexure B	CES & ETS Calculation Sheets
Annexure C	Amendment of Application & Motivation Report
Annexure D	Pre-application minutes
Annexure E	Title Deed
Annexure F	SG Diagrams
Annexure G	Conveyancer Certificate
Annexure H	Terrestrial Biodiversity Environmental Sensitivity Report
Annexure I	Electrical Services Report
Annexure J	Western Cape Heritage NID & Heritage Report
Annexure K	Objections/Comments
Annexure L	Applicants Response to Objections/Comments

 R.H. JANSE VAN RENSBURG (A/2925/2020) TOWN PLANNER	24/10/2022 Date
 ILANË HUYSER (A/1644/2013) SENIOR TOWN PLANNER	2022.10.31 Date
RECOMMENDED/ REFER BACK TO APPLICANT/ REFER TO TRIBUNAL	
 pp C. PETERSEN (B/8336/2016) SENIOR MANAGER: TOWN PLANNING	2022.01.09 Date
RECOMMENDED/ REFER BACK TO APPLICANT/ REFER TO TRIBUNAL	
 D. POWER (A/1973/2014) DEPUTY DIRECTOR PLANNING/AUTHORISED OFFICIAL	12 January 2023 Date

Attachments : Annexures for Erf 351, Hoekwil



Erf 351, Hoekwil
(annexures).pdf

6.5. Removal of Restrictions, Consent Use and Departure : Erf 1082, Bitou Road, Hoekwil (K Mukhovha)

LAND USE PLANNING REPORT
APPLICATION FOR REMOVAL OF RESTRICTIVE CONDITION, CONSENT USE AND DEPARTURE APPLICABLE TO ERF 1082, HOEKWIL (63 BITOU ROAD)

Reference number	2377984	Application submission date	05/09/2022	Date report finalized	28/12/2022
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PART A: AUTHOR DETAILS

First name(s)	Khuliso
Surname	Mukhovha
Job title	Town Planner
SACPLAN reg. no.	A/2119/2015
Directorate/ Department	Human Settlements, Planning and Development
Contact details	044 801 9447

PART B: APPLICANT DETAILS

First name(s)	Marlize			
Surname	De Bruyn			
Company name	Marlize De Bruyn Planning			
SACPLAN reg. no.	A/1477/2011	Is the applicant authorized to submit this application?	Y	N
Registered owner(s)	Louis Stander Jenkins			

PART C: PROPERTY DETAILS

Property description (in accordance with Title Deed)	Erf 1082, Hoekwil					
Physical address	63 Bitou Road		Town/City	Hoekwil		
Current zoning	Agricultural Zone II	Extent(m ² /ha)	2.3690 Ha	Are there existing buildings on the property?	Y	N
Applicable Zoning Scheme	George Integrated Zoning Scheme, 2017					
Legislation and Policies	<ul style="list-style-type: none">Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)Western Cape Land Use Planning Act, 2014 (Act 3 of 2014)George Municipal Spatial Development Framework, 2019Wilderness, Hoekwil and Lakes Local Spatial Development Framework, 2016					

Current Land Use	Dwelling house			Title Deed number & date	T16407/2007	
Any restrictive title conditions applicable?	Y	N	If Yes, list condition number(s)	Condition C.(b) of Title Deed T16407/2007		
Any third-party conditions applicable?	Y	N	If Yes, specify	N/A		
Any unauthorised land use/building work?	Y	N	If Yes, explain	N/A		
PART D: PRE-APPLICATION CONSULTATION (ATTACH MINUTES)						
Has pre-application consultation been undertaken?			Y	N		
Reference Number	Erf 1082, Hoekwil	Date of consultation	15 June 2022	Official's name	Khuliso Mukhovha/ Jeanne Fourie	
PART E: LIST OF APPLICATIONS (TICK APPLICABLE)						
e. Rezoning		b. Permanent departure		sss. Temporary departure		ttt.Subdivision
uuu. Consolidation		vvv. Amendment, suspension, or deletion of restrictive conditions		www. Permissions required in terms of the zoning scheme		xxx. Amendment, deletion, or additional conditions in respect of existing approval
yyy. Extension of validity period		zzz. Approval of an overlay zone		aaaa. Phasing, amendment, or cancellation of subdivision plan		bbbb. Permissions required in terms of conditions of approval
cccc. Determination of zoning		dddd. Closure of public place		eeee. Consent use		ffff. Occasional use
gggg. Establishment of a Home Owners Association		hhhh. Rectify Beach of Home Owners Association		iiii. Reconstruct building of non-conforming use		Other
PART F: APPLICATION DESCRIPTION						
Considering the following applications applicable to Erf 1082, Hoekwil:						
<ol style="list-style-type: none"> Removal in terms of Section 15(2)(f) of the Land Use Planning By-law for George Municipality, 2015 of restrictive title deed condition C.(b) from title deed number T16407/2007 applicable to Erf 1082, Hoekwil; Consent Use in terms of Section 15(2)(o) of Land Use Planning By-Law for George Municipality, 2015 for a second dwelling unit on Erf 1082, Hoekwil; Departure in terms of Section 15(2)(b) of Land Use Planning By-Law for George Municipality, 2015 for an increase in the floor space of the second dwelling unit on Erf 1082, Hoekwil from 150m² to 175m²; 						

PART G: LOCATION

Erf 1082, Hoekwil bounded by two roads (Hoekwil Road - west and Bitou Road – east). Access to the property is only allowed from Bitou Road. It is situated approximately 550m north of the Serpentine River and approximately 500m east of the Touw River. Erf 1082, Hoekwil has a spectacular view to the south, towards Wilderness and Kleinkrantz. (See figure 1 below).

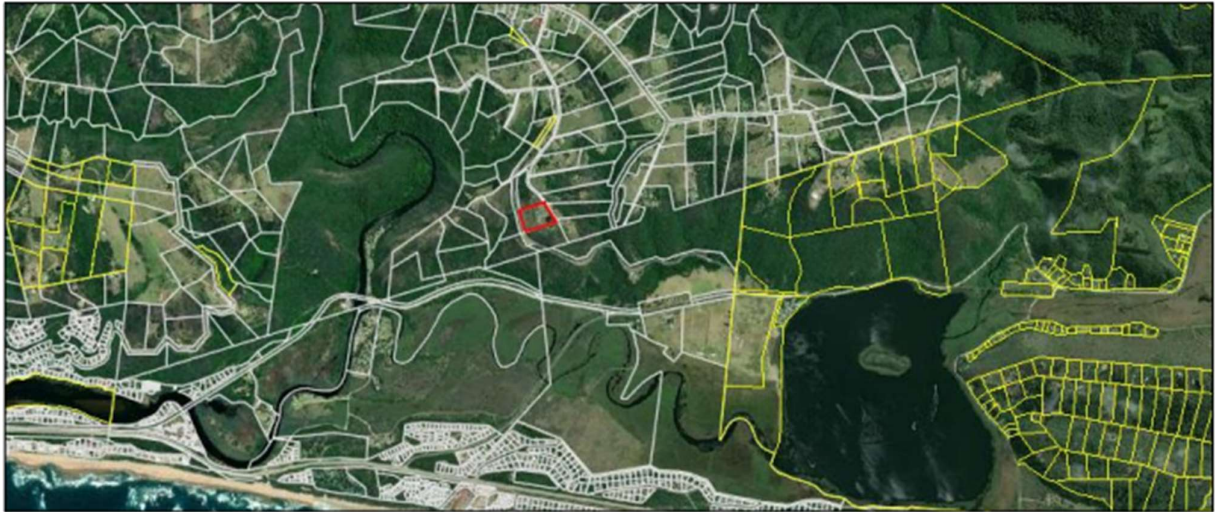


Figure 1: Illustrate location of Erf 1082, Hoekwil

PART H: BACKGROUND AND HISTORY

No record of any land use planning application could be found for this property.

PART I: SUMMARY OF APPLICANTS MOTIVATION

Pre-application

A pre -consultation meeting was held in June 2022. No red flags were identified. The applicant was notified that an application may be submitted for consideration.

Zoning and land use

The subject property is zoned Agricultural Zone II and is currently used for rural residential purposes.

Land Use Proposal

- It is the intention of the owner of the property to develop a second dwelling unit with a total floor space of 175m² instead of maximum floor total space of 150m².
- The second dwelling unit will consist of three bedrooms, kitchen, two bathrooms, a living area, a stoep and a courtyard.
- The proposed second dwelling will have its own access along Bitou Road and therefore a second motor vehicle carriageway crossing is proposed.
- The title deed for Erf 1082, Hoekwil contains a restrictive condition that prohibit the development of two dwelling units. It is the intention of the owner to remove condition C.(b) of the title deed to allow the development of a second dwelling unit.
- The application is therefore for removal of restrictive title deed condition, consent use for a second dwelling unit and departure in terms of floor space of a second dwelling unit (from 150m² to 175m²). Building plans of a proposed second dwelling unit is illustrated on figure 2 below.

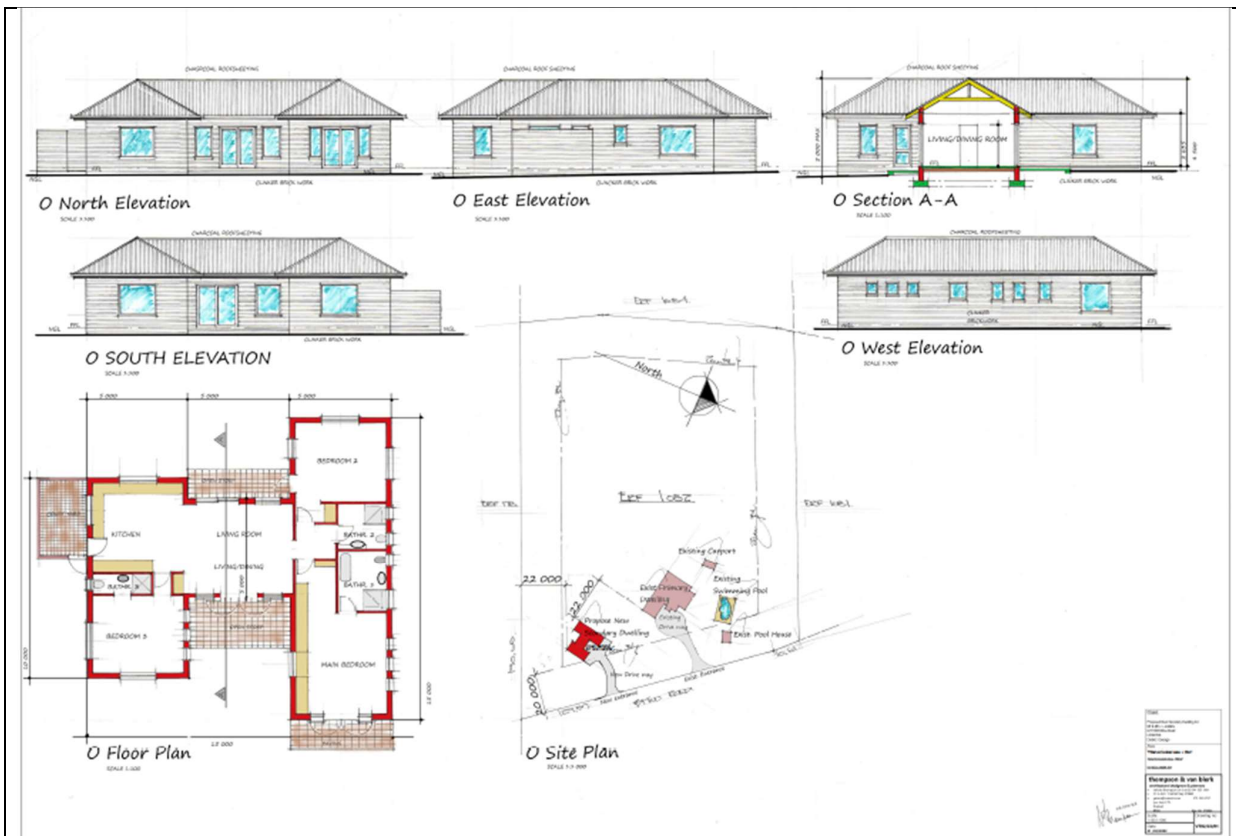


Figure 2: Proposed site and building plan

Legislations and policies

Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and Land Use Planning Act, 2014 (Act 3 of 2014)

The application is considered to be consistent with SPLUMA (2013) and LUPA (2014), as the application is submitted and processed in accordance with the correct statutory requirements, does not negatively impact surrounding property values, existing engineering services are available, there will be a contribution to the local economy, there will not be an impact on the environment.

National Environmental Management Act, 1998 (Act 8 of 1998)

- The property does not show any environmental barriers such as CBA's, rivers and wetlands.
- The property has a man-made water pond which was constructed as an aesthetic feature.
- The man-made retention pond is not located within a watercourse and 32m buffer will not be required.
- No negative impact is expected on the natural environment.

**DEA&DP commented that the EIA applicability should be confirmed with the Department of Environment, Forestry and Fisheries (DFFE). The applicant however did not solicit comments from the competent authority. Furthermore, Erf 1082, Hoekwil falls within the OSACE area and thus, an OSACE application will be required prior to commencement of any clearance and groundworks. It is therefore anticipated that the comments from DFFE will be addressed during OSACE process.*

Western Cape Land Use Planning Guidelines: Rural Area (2019)

- Guidelines support the development of additional or second dwelling unit on agricultural properties.
- The guidelines limit the floor area of additional dwelling unit/second dwelling unit to 175m².
- The proposed development will not detract from the functionality and integrity of farming practices, landscapes and it will be of appropriate scale.

- It is considered that the proposed land use is in line with Western Cape Rural Areas Guideline. George Municipal Spatial Development Framework, 2019 (GMSDF)
- The proposed application is in line with Policy D as biodiversity of Erf 1082, Hoekwil and the surrounding area is not negatively affected. The property does not have watercourses or wetlands.
- The application is not in conflict with Policy E as it is not located in an identified significant rural area which may affect the agricultural economy.
- The proposed development is in consistence with the GMSDF as required in terms of Section 19 of the Land Use Act, 2014.

Wilderness – Lakes – Hoekwil Local Spatial Development Framework, 2015 (LSDF)

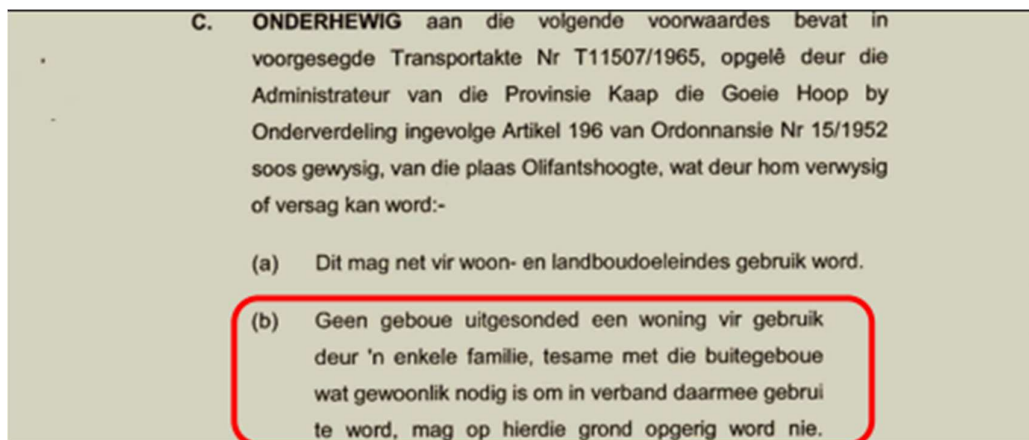
- The property is in an area demarcated as 'agriculture' in the LSDF.
- The character and the ambience of the area will not change as a result of this application.
- No conflict between the development proposal for Erf 1082, Hoekwil and the LSDF was found.

George Integrated Zoning Scheme, 2017 (Zoning Scheme)

- The property is zoned Agricultural Zone II in terms of the Zoning Scheme and the current zoning will not change.
- A second dwelling unit with over 60m² but limited to 150m² is permitted with a Consent Use from the municipality. Departure from 150m² to 175m² is applied for. Additional 25m² will be for open stoep and a courtyard.
- All building lines will be complied with.

Removal of restrictive condition.

- Erf 1082, Hoekwil is subject to restrictive title deed conditions that were imposed by the Administrator of the Cape Province in terms of Section 196 of the Ordinance 15 of 1952.
- Condition C.(b) of the title deed restrict the development of a dwelling unit to only one. See extract of the title deed below:



- The George Integrated Zoning Scheme Bylaw, 2017 allows a property zoned AZII to be developed with a second dwelling unit up to 60m² as a primary land use right and up to 150m² with a consent of the Municipality.
- Removal of the restrictive condition will not have negative impact on financial or other value of the rights for any person.
- Keeping the restrictive condition will not have social benefit to the property owner and the owners of the adjoining properties.

Need and desirability

Physical character of the property and character of the area

The proposal for removal of restrictive condition and a second dwelling unit will not have negative impact on the physical character of the property.

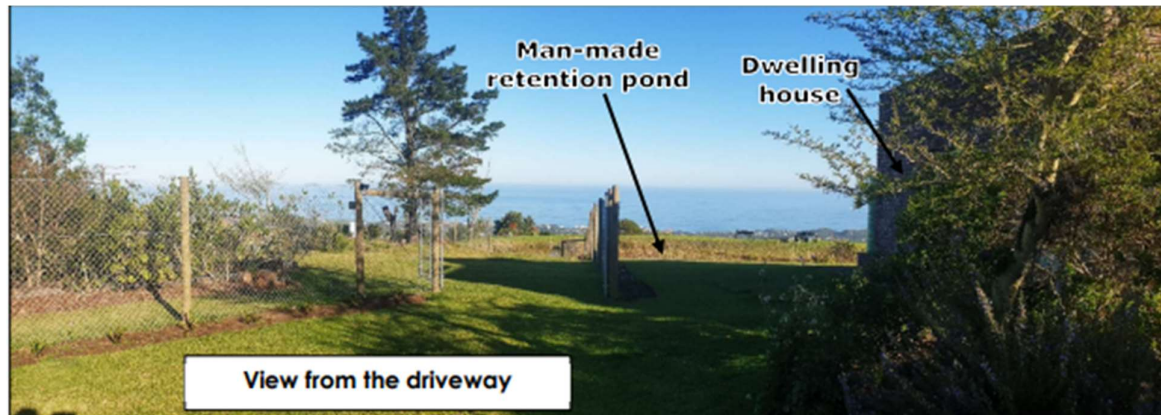


Figure 2: Area of a proposed second driveway

The proposed consent use for second dwelling, the removal of restrictive conditions and departure will not have negative impact on the character of the area.



Figure 4: Character of the surrounding area

Direct impact on surrounding properties

The development of a second dwelling house will not have a negative impact on the privacy, views and sunlight of the surrounding properties.

Provision of municipal engineering services

The property is in an area with existing municipal engineering services and the proposed second dwelling will be connected to exiting services. CES and ETS has calculated DCs, and the developer will pay prior to approval of building plans.

Existing planning in the area

The proposed development is in line with the spatial policies of the area.

PART J: SUMMARY OF PUBLIC PARTICIPATION									
Methods of advertising				Date published		Closing date for objections			
Press	Y	N	N/A	07 September 2022		07 October 2022			
Gazette	Y	N	N/A	N/A		N/A			
Notices	Y	N	N/A	07 September 2022		07 October 2022			
Website	Y	N	N/A	07 September 2022		07 October 2022			
Ward councillor	Y	N	N/A	07 September 2022		07 October 2022			
On-site display	Y	N	N/A	07 September 2022		07 October 2022			
Community organisation(s)	Y	N	N/A	07 September 2022		07 October 2022			
Public meeting	Y	N	N/A	N/A		N/A			
Third parties	Y	N	N/A	N/A		N/A			
Other	Y	N	If yes, specify	N/A					
Total valid objections	One objection was received from WALEAF.				Total invalid objections and petitions	0			
Valid petition(s)	Y	N	If yes, number of signatures						
Community organisation(s) response	Y	N	N/A	Ward councillor response		Y	N	N/A	
Total letters of support	None								
Was the minimum requirement for public participation undertaken in accordance with relevant By-Law on Municipal Land Use Planning By-Law and any applicable Council Policy						Y	N		
<u>Condonation (if applicable)</u>									
N/A									
PART K: SUMMARY OF COMMENTS DURING PUBLIC PARTICIPATION									
<u>Comments and/or objections received can be summarised as follows:</u>									
<p>Wilderness and Lakes Environmental Action Forum (WALEAF) WALEAF comments can be summarised as follows:</p> <ul style="list-style-type: none"> WALEAF objects to the proposed departure in terms of floor space of a second dwelling unit (from 150m² to 175m²) as the Zoning Scheme limit the maximum floor space to 150m². The provision of Rural Area Guidelines should not be considered for this application as they are not law. The proposed size of 175m² for second dwelling will set a precedent in the area. WALEAF does not object other applications being removal of restrictive condition and consent use for a second dwelling. <p>DEA&DP: Development Management</p> <ul style="list-style-type: none"> The Department does not have any objection, however advises that the applicant approach its Directorate Environmental Impact Managements Services (Region 3) to confirm the applicability of NEMA EIA Regulations 2014. 									

DEA&DP: Environmental Impact Management Services: Development Management (Region 3)

- The Department confirms that the existing off-spring dam will not be regarded as a watercourse as defined and as such Activity 12 of LN1 will not be applicable.
- They further indicated that the area falls within the Wilderness Lakes Area, thus National Department of Forestry, Fisheries and the Environment (DFFE) is the competent authority to consider an application in terms of NEMA EIA Regulations for Activity 12 of LN1 and/or to make a determination on the applicability of the listed activity.

**Note: The Municipal Environmental Officer visited the site in November 2022 and confirmed that the dam is an out-of-watercourse man-made detention pond to catch water from the roof etc. The same official will deal with the OSCAE application and determine the final position of the second dwelling as the proposed location can change if there are any environmental constraints identified during the OSCAE application. However, the second dwelling should be located within the 20m building lines.*

No further comments or objections were received during public participation process.

PART L: SUMMARY OF APPLICANT'S REPLY TO OBJECTIONS

The applicant's reply to objections and comments can be summarised as follows:

Floor space: The applicant's comments with regards to the municipality taking the final decision with regards to the floor space of the second dwelling is noted. The proposed second dwelling unit is 150m² with additional 25m² (applicant incorrectly stated 15m²) for the courtyard and open stoeps. In terms of the George Integrated Zoning Scheme, 2017, the size of the second dwelling unit must include all ancillary uses – thus all open stoep, courtyards, outbuildings, pergolas, decks, etc.

Note that the applicant did not respond to comments from Department of Environmental Affairs and Development Planning. It is assumed that the comments will be addressed during submission of OSCAE application.

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

Name of Department	Date	Summary of comments	Recommendation
Civil Engineering Services	19-09-2022	Conditions attached	N/A
Electrotechnical Services	21-09-2022	Condition attached.	N/A
Environmental Services	12-09-2022	Application supported. The detention pond is man-made - catching water from the roof and does not form part of the watercourse. The 32m buffer zone does not apply.	N/A

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

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

Application history

No record of any land use applications for this property.

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

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

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

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

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

Comments:

*1(l) – Policy guideline D6 of the George Municipal Spatial Development Framework, 2019 states that the impact of developments on visual landscapes and corridors should be minimised. Erf 1082, Hoekwil is located in an area that is visible from the N2 National Road. It further emphasises that the southern slopes of the hills north of the Wilderness Lakes areas, as viewed from the N2, should be safeguarded against development to maintain the green backdrop and ‘wilderness’ trademark. Emphasis is made on the prevention of developments higher than the 280m contour line or on slopes steeper than 1:4. The slope of Erf 1082, Hoekwil is relatively flat on the north-eastern side with a steep slope on the western side. The proposed position of a second dwelling unit is in an area where the slope is relatively flat. The subject property is not affected by 1:4 steep slopes as highlighted on figure 6 below.



Figure 4: Illustrate the slope analysis of Erf 1082, Hoekwil

Owing to its location and topography it is not predicted that the proposed development on Erf 1082, Hoekwil will be visible from the N2 as it is approximately 1km away. Therefore, the proposed second dwelling unit will not have an impact on the visual landscape and scenic vista of the area.

It is not foreseen that the proposed development will encourage urban sprawl in the area as Erf 1082, Hoekwil falls within the demarcated smallholding area, where a dwelling house and second dwelling unit are permitted as primary land uses (less than 60m² for a second dwelling unit).

The George Spatial Development Framework, 2019 further advocates for intensification of agricultural properties through allowing land uses that will complement the agricultural activities. Such land uses are listed as second and additional dwellings, bed and breakfast establishments, guesthouses, and tourist facilities. This is further embedded on the Local Spatial Development Framework of the area. In developing such properties, emphasis is made on taking cognisance of the ecological sensitivity of the Wilderness – Lakes - Hoekwil area. The proposed development on Erf 1082, Hoekwil take cognisance of the natural environment and put efforts to protect and avoid disturbance to the environment. The proposal is therefore not in conflict with the George Municipal Spatial Development Framework, 2019.

*1(m) – Wilderness, Lakes and Hoekwil Local Spatial Development Framework, 2015 (LSDF) introduced guidelines applicable to all development application for any change of land use, including rezoning, departure, special consent, subdivision and building plan approvals. Policy (a) of the LSDF states that land use changes including large infrastructure that may have an impact on the sensitive landscape and visual resources should be avoided as far as possible. It is important to note that there will be no change of land use as a result of the proposed second dwelling unit on Erf 1082, Hoekwil. The LSDF earmarks Erf 1082, Hoekwil as a property that falls within the demarcated smallholding area and provides that the proposed development of a second dwelling unit (see figure 11 below) may be considered on such properties.

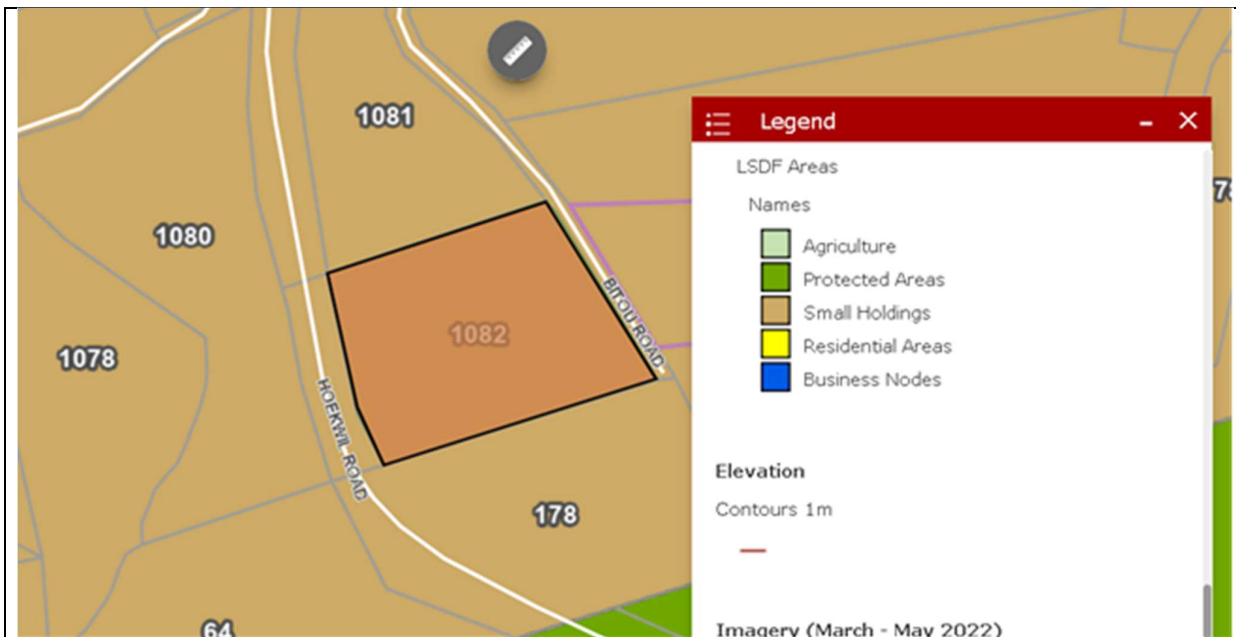


Figure 6: Illustrate Smallholding area – Erf 1082, Hoekwil

The Wilderness and the Lakes area, due to their special character and function as a tourism destination, are not earmarked for substantial growth or residential expansion. It is also not an area earmarked for significant densification. The LSDF acknowledges that there are limited opportunities available for additional residential erven and dwelling houses, but these opportunities should be developed with extreme care to not detract in any way from the character of the area and the natural environment. The proposed second dwelling unit will be constructed on already disturbed environment (disturbed during fire and clearing of pine trees) resulting in limited disturbance to the natural environment. The principle of developing a second dwelling unit to be used for residential purposes is encouraged from a town planning perspective.

*1(s) – The proposed second dwelling does not comply with the development parameter of the George Integrated Zoning Scheme, 2017 in terms of the required floor space. The Zoning Scheme limit the floor space of a second dwelling unit including all ancillary structures to 150m². It is indicated in the motivation report that the total floor space exceeds 150m² because of an open stoep and a courtyard that is associated with the second dwelling unit. Notwithstanding the objection, it is not foreseen that the proposed additional floor space of 25m² to accommodate the open stoep and courtyard (non-habitable space) will have a significant negative impact on the character of the area. The provision of 175m² second dwellings on smallholdings is also supported by the WC: Land Use Planning Guidelines – Rural Areas, 2019 and there are many examples where larger 2nd dwellings have been approved on smallholdings in the area, so the allowance of such a second dwelling is not unprecedented.

The applicant proposes to develop a second motor vehicle access along Bitou Road. The Zoning Scheme limit motor vehicle access along a public street to one. However, in terms of Section 45(4)(b) of the Zoning Scheme, access and exit carriageway may be permitted in instances where the length of the street boundary exceeds 30m. The street boundary length of Erf 1082, Hoekwil along Bitou Road is approximately 140m. This Section of the Zoning Scheme further require that the distance between the two-motor vehicle accesses should be 12m.

Apart from the floor space departure, the proposed second dwelling unit complies with the Zoning Scheme.

Removal of title deed restrictive condition

Section 33(5) of the Land Use Planning Bylaw for George Municipality, 2015 states that a municipality must have regard to the principles, as listed below, when considering removing a restrictive condition. The table

below indicates an assessment as to how the proposal responds to the said principles.

Principle	Evaluation Comment
<i>33(5)(a): The financial or other value of the rights in terms of the restrictive condition enjoyed by a person or entity, irrespective of whether these rights are personal or vest in the person as the owner of a dominant tenement.</i>	The title deed conditions were imposed to regulate development and create a particular development form within the Rural Township. However, the need to develop a second dwelling unit for residential purposes (for the owner and family) necessitate that the restrictive condition be removed. The removal of the said condition will not cause a financial loss to any of the property owners within the Township. The development of a second dwelling unit will in fact contribute to the value and benefit the surrounding property values.
<i>33(5)(b): The personal benefits which accrue to the holder of rights in terms of the respective condition</i>	The restrictive title deed conditions were imposed in terms of Section 196 of Ordinance No 15 of 1952 in favour of the Administrator, who is now the Municipality. Historically, restrictive title deed conditions were applied to regulate development within Townships, as Zoning Schemes did not exist. The George Integrated Zoning Scheme By-Law (2017) and spatial policies now regulate development within the municipal area. There is therefore no personal benefit to the holder of the rights in terms of the said restrictive conditions.
<i>33(5)(c): The personal benefits which will accrue to the person seeking the removal, suspension or amendment of the restrictive condition if it is removed, suspended or amended.</i>	The property owner, as well as possible future owners of the property, will achieve personal benefits from the removal of the title deed condition as it will enable them to develop the property in terms of the applicable Zoning Scheme. ¹¹⁶ It should also be noted that the proposal (to remove the restriction) is within reason and will not have a negative impact on the surrounding environment / or surrounding property rights.
<i>33(5)(d): The social benefit of the restrictive condition remaining in place in its existing form.</i>	There is no social benefit in retaining the restrictive title deed conditions, as the application is regarded as being fully consistent with the surrounding residential land uses and zoning rights, in terms of scale, massing, 'look' / design and coverage.
<i>33(5)(e): The social benefit of the removal, suspension or amendment of the restrictive condition.</i>	As stated above, the capital investment and the development of a second dwelling on the property will most likely contribute to the value and benefit the surrounding property values. By removing the title deed condition, will enable the property owner to build a second dwelling unit for residential purposes in line with applicable Zoning Scheme and spatial policies.
<i>33(5)(f): Whether the removal, suspension or amendment of the restrictive condition will completely remove all rights enjoyed by the beneficiary or only some of those rights.</i>	The removal of the restrictive title deed conditions will most definitely not remove all the rights of the property owners within the Township, as the George Integrated Zoning Scheme By-Law (2017) and spatial policies now regulate development within the municipal area. It should also be noted that the remaining restrictive conditions, will be upheld and therefore still allow for benefit of surrounding property owners. The condition must be removed to enable the further development of the property.

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

The application is consistent with George Municipal Spatial Development Framework, 2019 and Wilderness, Lakes and Hoekwil Local Spatial Development Framework, 2015 as discussed earlier in this report. It is also consistent with the Western Cape: Land Use Planning Guidelines – Rural Areas, 2019.

(In)consistency with guidelines prepared by the Provincial Minister

N/A

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

N/A

Existing and proposed zoning comparisons and considerations

	Current	Proposed
Zoning	Agricultural Zone II	Agricultural Zone II with Consent use for a second dwelling unit
Land use	Dwelling house and a second dwelling of 60m ²	Dwelling house and a second dwelling unit of 175m ²
Height of the building	6.5m to the wall plate and 8.5 to the ridge of the roof (for dwelling house) 6.5m to the top of the roof (for a second dwelling unit)	6.5m to the wall plate and 8.5 to the ridge of the roof (for a dwelling house) 6.5m to the top of the roof (for a second dwelling unit)
Coverage	As per site plan	As per site plan
Floor space	150m ² for second dwelling	175m ² for second dwelling (the additional 25m ² is to allow for an open stoep and courtyard)
Building line side (eastern side)	20.0m	20.0m
Building line front	20.0m	20.0m
Building line rear	20.0m	20.0m

The need and desirability of the proposal

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

NO	Evaluation check list	Yes	No	N/A
1	Will the natural environment and/or open space systems be negatively affected?		x	
*2	Will application result in trees/indigenous vegetation being removed on site or in the road reserve?	x		
3	Does the application have any negative impact on heritage resources?		x	
*4	Will the character of the surrounding area be negatively affected?		x	
5	Will the architectural character of the streetscape be negatively affected?		x	
*6	Will there be any negative impact on vehicle traffic and pedestrian safety?		x	
*7	Will there be a negative impact on traffic movement?		x	
*8	Will there be a negative impact on vehicle sight distances?		x	
*9	Are there adequate on-site parking / loading facilities provided?	x		
*10	Are there adequate vehicle access/ egress to the property?	x		
11	Will the neighbour's amenity to sunlight be negatively affected?		x	
12	Will the application result in overshadowing onto neighbours' properties?		x	
13	Will the neighbour's amenity to privacy / enjoyment of their property / views be negatively affected?		x	

14	Will the proposal have a negative impact on scenic vistas or intrude on the skyline		x	
*15	Will the intended land use have a negative impact on adjoining uses?		x	
16	Will the land use pose a potential danger to life or property in terms of fire risks, air pollution or smells or compromise a person's right to a safe and secure environment?		x	
17	Will there be a negative impact on property values?		x	
*18	Will the application result in a nuisance, noise nuisance, and disturbance to neighbours?		x	
19	Will adequate open space and/or recreational space be provided (for residential developments)?			x
*20	Will approval of the application set a precedent?		x	

Comments

*2 – The proposed second dwelling unit will be constructed in a position that was disturbed previously due to fire and clearing of alien plants (pine trees). Few trees will be removed from the property while making way for the new access. The impact and mitigation measures will be addressed during OSCAE application. It is not found that the proposed development will have significant impact on natural environment.

*4 – The area has a rural character including land uses ranging from agriculture, natural forest and dwelling houses. The property is bounded by Bitou and Hoekwil Roads. From a planning perspective, the proposed development will not have adverse impact on the character of the area.

*6, 7 & 8 – The property gain access directly from Bitou Road. It is the Directorate's opinion that the current existing and proposed access will not affect the streetscape of the area nor have negative impact on traffic and pedestrian movement. It is therefore not anticipated that the proposed development will negatively affect vehicle traffic, pedestrian safety, traffic movement, vehicle and sight distances.

*9 – Parking for the existing dwelling house is provided in a form of double garage. One open parking for the proposed second dwelling will be provided in front of the second dwelling on site in terms of Zoning Scheme.

*10 – As indicated, a second motor vehicle carriageway crossing will be provided along Bitou Road for access to- and egress from the property. It is not foreseen that the proposed motor vehicle carriageway crossing will have negative impact on traffic movement in the area.

*15 & 18 – The proposed second dwelling unit will be used for residential purposes and it is not foreseen that it will cause any nuisance to the surrounding property owners.

*20 - The zoning scheme limit the size of a second dwelling to 150m². The application proposes a second dwelling unit with the total floor area of 175m². The proposal cannot be considered undesirable as it is in line with the Western Cape Rural Areas Guidelines. The approval of this application cannot be deemed to set a presented as the municipality has previously approved similar applications in the area (e.g. Erven 302 and 314, Hoekwil).

Assessment of objections/comments

Wilderness and Lakes Environmental Action Forum (WALEAF)

WALEAF only objects to the application for Departure for the increase in floor space from 150m² to 175m². It is correct that the Zoning Scheme limit the total floor space of a second dwelling unit to 150m² – but the zoning scheme also provides that an owner may apply in terms of Section 15(2)(b) of the Land Use Planning By-law for George Municipality, 2015 to depart from a development parameter.

The applicant indicated that the habitable floor space of the proposed second dwelling is 150m² with additional 25m² for an open stoep and a kitchen yard (which are not habitable spaces). Though the Western Cape Rural Area Guidelines is not a law, it provides guidance on how rural areas should be developed taking cognisance of, amongst others, character of the area, high potential agricultural land, visual impact, natural environment and scenic vistas. It is therefore an important tool that the municipality must consider in making land use planning decisions – given that the Provincial Government is the custodian of rural areas. It must also be noted that the zoning scheme preceded these guidelines and thus, the discrepancy between guidelines and the scheme will need to be addressed when the zoning scheme is amended.

It is not foreseen that, given the extent of the property and that the additional 25m² is to accommodate open unroofed structures, the proposed development of a second dwelling unit with total floor space of 175m² will have any significant adverse impact on the streetscape, visual and bio-physical environment, neighbour's rights to amenity, rural character of the area or municipal engineering services.

The increase of floor space to 175m² will not set an unwarranted precedent as there are many examples of larger 2nd dwelling units that have been approved in the area.

The Directorate is therefore of opinion that WALEAFs objection should not be considered.

DEA&DP: Development Management

The Department does not have any objection, however advised that the applicant approach its Directorate Environmental Impact Managements Services (Region 3) to confirm the applicability of NEMA EIA Regulations 2014. The applicant approached the DEA&DP: Environmental Impact Management Services: Development Management (Region 3). They indicated that the existing off-stream dam will not be regarded as a watercourse as defined and as such Activity 12 of LN1 (32m buffer) will not be applicable. However, they indicated that the competent authority, Department of Fisheries, Forestry and the Environment should be consulted to confirm this.

The applicant did not provide comments from the DFFE. The Directorate's Environmental Officer was however on site and she confirmed that the dam is in fact a stormwater detention pond and that it was used to collect water coming of the roof of the main house. The final position of the 2nd dwelling will also be subject to an OSCAE process and as such, the applicability of NEMA can be confirmed at that stage. No application for departure from the building lines have been applied for and thus the 20m building will still need to be maintained irrespective of the structures final position (that is if it needs to be moved – which is unlikely).

PART O: SUMMARY OF EVALUATION

Erf 1082, Hoekwil is a smallholding property located outside the urban edge of Hoekwil Village. Access to the property is off Bitou Road. The property is zoned Agricultural Zone II and currently developed with a dwelling house and swimming pool. It is the intention of the property owner to develop a second dwelling unit with total floor space of 175m² comprising of a kitchen, living room, dining room, three bedrooms, open stoep and a courtyard. The total floor space of a second dwelling unit exceeds the maximum floor space of 150m² in terms of the Zoning Scheme. The applicant further proposes to develop a second carriageway crossing along Bitou Road aligned with the parameters of the zoning scheme.

It is found that the development of the proposed second dwelling unit is consistent with the spatial planning policies and guidelines applicable to the area. Due to the nature and position of the structure proposed, it is unlikely that the proposed second dwelling will have any significant adverse impact on the visual or natural environment, the land use character of the area, neighbours rights and amenities, traffic and the streetscape.

CONCLUSION

Thus, on the balance of all considerations, the proposed removal of restrictive title deed condition, consent use and departure for a second dwelling unit of 175m² on Erf 1082, Hoekwil cannot be considered undesirable as contemplated in Section 65 of the Land Use Planning Bylaw for George Municipality, 2015 and is therefore

SUPPORTED.

PART P: RECOMMENDATION

That, notwithstanding the objection and comments received, the following applications applicable to Erf 1082, Hoekwil:

1. **Removal** in terms of Section 15(2)(f) of the Land Use Planning By-law for George Municipality, 2015 of restrictive title deed condition C.(b) from title deed number T16407/2007 applicable to Erf 1082, Hoekwil;
2. **Consent Use** in terms of Section 15(2)(o) of Land Use Planning By-Law for George Municipality, 2015 for a second dwelling unit on Erf 1082, Hoekwil;
3. **Departure** in terms of Section 15(2)(b) of Land Use Planning By-Law for George Municipality, 2015 for an increase in the floor space of the second dwelling unit on Erf 1082, Hoekwil from 150m² to 175m²;

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

REASONS FOR DECISION

- a) The restrictive condition is archaic, and the George Integrated Zoning Scheme By-Law (2017) and spatial policies now regulate development within the municipal area.
- b) The proposed second dwelling is in principle in line with the George Municipal Spatial Development Framework, 2019 and Wilderness-Lakes-Hoekwil Local Spatial Development Framework, 2015.
- c) The increase in floor space of a second dwelling unit is not significant and aligns with the Rural Development Guidelines.
- d) The proposed development will not intrude on scenic and visual landscape of the area as the dense vegetation and steep slopes will hinder the visibility of the second dwelling unit from any scenic routes.
- e) The proposed development will have no significant adverse impact on the character of the area, the streetscape, the visual or bio-physical environment, or neighbours rights and amenities.

CONDITIONS OF THE DIRECTORATE: HUMAN SETTLEMENTS, PLANNING AND DEVELOPMENT

1. That in terms of the provisions of the Land Use Planning By-law for George Municipality, 2015, this approval shall lapse if not implemented within a period of five (5) years from the date of approval and/or if the following conditions are not adhered to;
2. This approval shall be taken to cover only the **2nd dwelling unit** as applied for and as indicated generally on the site and building plan number **VT02/22/01** drawn by **Valarie Thompson** dated **31 March 2022** attached as "**Annexure A**" which bears Council's stamp and shall not be construed as to depart from any other Council requirements or legal provision;
3. That in terms of Section 34(1) the owner must apply to the Registrar of Deeds to make the appropriate entries in, and endorsements on, any relevant register or title deed to reflect the removal of the restrictive condition, after the publication of a notice contemplated in Section 33(7) in the Provincial Gazette;
4. A copy of the endorsed Title Deed be sent to the Planning Department for record purposes on submission of building plans;
5. The above approval will be considered as implemented on the commencement of building works in accordance with the approved building plans.

Notes

- a) *The property is subject to the OSCAE regulations. Conditions relating to the construction and final placement of the 2nd dwelling unit will be determined through the OSCAE process.*
- b) *The owner will need to obtain comment from DFFE (Environment) on the applicability of NEMA.*
- c) *A building plan with a detailed site and floor plan with elevations for the proposed second dwelling unit must be submitted to the Directorate: Human Settlements, Planning and Development for approval;*
- d) *No construction or earthworks or site preparation can take place before the issuing of OSCAE permit and approval of building plans.*

- e) The owner to note that forestry license, from the competent authority (DFFE) will be required to remove any indigenous trees.
- f) Provisions for the removal of solid waste is to be addressed with the Directorate: Community Services.
- g) The developer is to adhere to the requirements of all relevant Acts, as well as all conditions stipulated by any other authority whose approval is required and obtained for this proposed development.

CONDITION OF THE DIRECTORATE: CIVIL ENGINEERING SERVICES

- 6. The amount of Development Charges (DCs) to be paid by the developer are calculated in terms of the George Municipality Land Use Planning By-Law (as amended) and the approved DC Guidelines. With reference to clause above, with regards to the proposed development, the developer will be required to make development contribution, as follows:
- 7. The amounts of the development contributions are reflected on the attached calculation sheet dated 19/09/2022 and are as follows:

Roads:	R	3 558,70	Excluding VAT (Refer to Annexure B)
Water:	R	14 261, 62	Excluding VAT (Refer to Annexure B)
Total	R	17 820,32	Excluding VAT

- 8. The total amount of the development charges of **R17 820,32** shall be paid prior to the first transfer of a land unit pursuant to the application or upon the approval of building plans, whichever occurs first, unless otherwise provided in an engineering services agreement or, in the case of a phased development, in these or any other relevant conditions of approval.
- 9. Any amendments or additions to the proposed development which is not contained within the calculation sheet as dated in condition 7 above, which might lead to an increase in the proportional contribution to municipal public expenditure, will result in the recalculation of the development charges and the amendment of these conditions of approval or the imposition of other relevant conditions of approval.
- 10. As provided in section 66(5B) (b) of the Planning By-Law (as amended), using the date of approval as the base month the amount of R17 820,32 shall be adjusted in line with the consumer price index published by Statistic South Africa up to the date when payment is made in terms of condition 8 above.

Note: The Development Charges indicated above are based on the information available to the respective engineering departments at the time of approval. It is advised that the owners consult with these departments prior to submission of building plans for a final calculation.

- 11. Development charges are to be paid to the Municipality in cash or by electronic funds transfer or such other method of payment as may be accepted by the Municipality at the time when payment is made.
- 12. All services -internal, link and relocation of or upgrades to existing - are to be designed by a registered consulting engineer in accordance with Council specifications. This may include bulk services outside the development area but that must be upgraded to specifically cater for the development. All drawings and plans are to be submitted to the applicable department, or any other relevant authority, (hard copy and electronically) for approval prior to any construction work taking place. All work is to be carried out by a suitable qualified/registered electrical contractor under the supervision of the consulting engineer who is to provide the relevant authority with a certificate of completion, and as-built plans in electronic format. All costs will be for the developer. No transfers will be approved before all the municipal services have been satisfactorily installed and as-builts submitted electronically as well as the surveyor's plan.
- 13. Any, and all, costs directly related to the development remain the developers' responsibility.
- 14. Only one connection permitted per registered erf (water and sewer connections). Condition 12 applies
- 15. Any services from the development that must be accommodated across another erf must be negotiated between the developer and the owner of the relevant erf. Any costs resulting from the accommodation of such services or the incorporation of these services into the network of another development are to be determined by the developer and the owner of the other erf. (Condition 12 applicable)
- 16. Any service from another erf that must be accommodated across the development or incorporated into the services of the development: all negotiations will be between the owner/developer of the relevant

erf and the developer. Costs for the accommodation of these services or the upgrade of the developments services to incorporate such services are to be determined by the developers/owners concerned. (Condition 12 applicable)

17. Any existing municipal or private service damaged during the development will be repaired at the developers cost and to the satisfaction of the George Municipality. (Condition 12 applicable)
18. Suitable servitudes must be registered for any municipal service not positioned within the normal building lines.
19. Transfers, building plan approvals and occupation certificates may be withheld if any sums of money owing to the George Municipality are not paid in full, or if any services have not been completed to the satisfaction of the Dir: CES & ETS, or any condition of any authority has not been satisfactorily complied with.
20. The Developer is responsible to obtain the necessary approval / way leaves from third parties which include, but is not limited to the George Municipality, Telkom & Fiber optic service provider.
21. No construction activity may take place until all approvals, including way leave approval, are in place, all drawings and material have been approved by the Technical Directorates.
22. Municipal water is provided for potable use only. No irrigation water will be provided.
23. A water meter must be installed by the developer prior to construction to monitor water usage during the construction phase. The Dir: CES (Water section) is to be consulted by the developer, prior to installation, regarding the required specifications. Failure to complying with the water meter application process, will result in the developer being responsible for payment of penalties and/or an estimated non-metered water consumption by this department at a rate as per the applicable annual Tariff List. In this regard, transfers, building plan approval and occupation certificates may be withheld if any sums of money owing to the George Municipality are not paid in full. The water meter is to be removed on completion of construction if so, required by the Dir: CES.
24. The developer / erf owner is to apply to the George Municipality for the installation of an individual erf water meter prior to any building work commencing on an erf.
25. The development, in its entirety or in phases, is subject to confirmation by the Dir. CES of the availability of Water and Sanitation bulk treatment capacity at the time of the development implementation, or if developed in phases before the commencement of each phase. A development/implementation program is to be provided by the Developer when requesting confirmation of this capacity from the Dir. CES. If the Developer does not adhere to the program the Dir. CES will be entitled to revise the availability of such bulk capacity.
26. The discharge of surface stormwater is to be addressed by the developer. Condition 12 applies. All related costs are for the developer. The developer is to consult with the Dir: CES to ensure that stormwater planning is done online with the available stormwater master plans.
27. Internal parking requirements (i.e. within the development area), position of accesses, provision for pedestrians and non-motorized transport, and other issues related to traffic must be addressed and all measures indicated on plans and drawings submitted for approval.
28. Adequate parking with a hardened surface must be provided on the premises of the proposed development.
29. No private parking will be allowed in the road reserve.
30. A dimensioned layout plan indicating the proposed accesses onto private / servitude roads, must be submitted to the relevant departments for approval. Condition 12 applies.
31. The approval of the layout of the development and accesses is subject to the George Roads Master Plan and approved by the Dir: CES. A site development plan is to be submitted to the Dir: CES, or any other relevant authority for approval prior to any construction work taking place.
32. Permission for access onto municipal, provincial or national roads must be obtained from the relevant authorities.
33. Minimum required off-street parking provided, must be provided in terms of the George Integrated Zoning Scheme 2017 parking requirements.

CONDITIONS OF THE DIRECTORATE: ELECTRO TECHNICAL SERVICES

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

35. The amounts of the development contributions are reflected on the attached calculation sheet dated 21/09/2022 and are as follows:

Electricity:	R	0,00	Excluding VAT (see Annexure B)
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36. The total amount of the development charges of **R0 ,00** Excluding VAT shall be paid prior to the first transfer of a land unit pursuant to the application or upon the approval of building plans, whichever occurs first, unless otherwise provided in an engineering services agreement or, in the case of a phased development, in these or any other relevant conditions of approval.

37. Any amendments or additions to the proposed development which is not contained within the calculation sheet as dated in condition 35 above, which might lead to an increase in the proportional contribution to municipal public expenditure, will result in the recalculation of the development charges and the amendment of these conditions of approval or the imposition of other relevant conditions of approval.

38. As provided in section 66(5B) (b) of the Planning By-Law (as amended), using the date of approval as the base month the amount of R0 ,00 Excluding VAT shall be adjusted in line with the consumer price index published by Statistic South Africa up to the date when payment is made in terms of condition 36 above.

Note: The Development Charges indicated above are based on the information available to the respective engineering departments at the time of approval. It is advised that the owners consult with these departments prior to submission of building plans for a final calculation.

39. Development charges are to be paid to the Municipality in cash or by electronic funds transfer or such other method of payment as may be accepted by the Municipality at the time when payment is made.

40. All services -internal, link and relocation of or upgrades to existing - are to be designed by a registered consulting engineer in accordance with Council specifications. This may include bulk services outside the development area but that must be upgraded to specifically cater for the development. All drawings and plans are to be submitted to the applicable department, or any other relevant authority, (hard copy and electronically) for approval prior to any construction work taking place. All work is to be carried out by a suitable qualified/registered electrical contractor under the supervision of the consulting engineer who is to provide the relevant authority with a certificate of completion, and as-built plans in electronic format. All costs will be for the developer. No transfers will be approved before all the municipal services have been satisfactorily installed and as-builts submitted electronically as well as the surveyor's plan.

41. Should more than two developments/properties be party to or share any service, the Dir: CES & ETS will in conjunction with the parties determine the pro-rata contributions payable.

42. Any, and all, costs directly related to the development remain the developers' responsibility.

43. Only one connection permitted per registered erf (Electrical, water and sewer connections). Condition 40 applies.

44. Any services from the development that must be accommodated across another erf must be negotiated between the developer and the owner of the relevant erf. Any costs resulting from the accommodation of such services or the incorporation of these services into the network of another development are to be determined by the developer and the owner of the other erf. (Condition 40 applicable)

45. Any service from another erf that must be accommodated across the development or incorporated into the services of the development: all negotiations will be between the owner/developer of the relevant erf and the developer. Costs for the accommodation of these services or the upgrade of the developments services to incorporate such services are to be determined by the developers/owners concerned. (Condition 40 applicable)

46. Any existing municipal or private service damaged during the development will be repaired at the developers cost and to the satisfaction of the George Municipality. (Condition 40 applicable)





47. Should it be required, a services agreement is to be drawn up between the developer and the George Municipality, by an attorney acceptable to the Municipal Manager. All expenses will be for the developer.
48. Suitable servitudes must be registered for any municipal service not positioned within the normal building lines. Servitudes must be registered for all electrical services traversing erven.
49. Transfers, building plan approvals and occupation certificates may be withheld if any sums of money owing to the George Municipality are not paid in full, or if any services have not been completed to the satisfaction of the Dir: CES & ETS, or any condition of any authority has not been satisfactorily complied with.
50. The Developer is responsible to obtain the necessary approval / way leaves from third parties which include, but is not limited to the George Municipality, Telkom & Fiber optic service provider.
51. No construction activity may take place until all approvals, including way leave approval, are in place, all drawings and material have been approved by the Technical Directorates.
52. In all cases, where individual customer applies for a supply capacity exceeding that provided for in the calculation of DCs and for the developer paid, will be subject to additional DCs based on the rates applicable at the time.
53. Owner to ensure compliance with Regulation XA of SANS 10400 (building plans).
54. Owner to ensure compliance with Regulation XA of SANS 10142 (wiring) and any other applicable national standards.
55. The developer and/or an owner of an erf shall see to it that no Small-Scale Embedded Generation (SSEG) are installed on an erf, any portion of an erf or the development, without prior approval from the ETS. Should any SSEG be installed within any part of the development the Electrotechnical Services will within their discretion either implement applicable penalties and/or disconnect the relevant point of supply.
56. Where DCs have been applied for a particular section of the network, but the developer is requested to install and fund a part of the section of network, such work will be credited against DCs calculated.
57. Installation of ripple relays are compulsory for all geysers with electrical elements.
58. The Electricity DC charge excludes any MV/LV and LV network costs. The customer will be quoted separately for any upgrade work required.
59. Rural connection: Capital contributions will be payable by the applicant as part of the electrical connection on application for an electrical connection. The Capital contribution will be determined by the department ETS, based on the size of the connection at the standard prevailing DCs calculation methodology for rural connections.

PART Q: ANNEXURES

Annexure A	Site Plan
Annexure B	DC calculation sheet
Annexure C	Locality map
Annexure D	SG diagram
Annexure E	Title deed
Annexure F	Conveyancer certificate
Annexure G	Motivation report
Annexure H	Comments and Objections
Annexure I	Response to comments and objections

Condonation (if applicable)_

Not Applicable.

		6 December 2022
K. MUKHOVHA TOWN PLANNER	(A/2119/2025)	DATE
RECOMMENDED/ REFER BACK TO APPLICANT/ REFER TO TRIBUNAL		
		22/12/2022
J. FOURIE SENIOR TOWN PLANNER	(A/1429/2011)	DATE
RECOMMENDED/ REFER BACK TO APPLICANT/ REFER TO TRIBUNAL		
		28/12/2022
C. PETERSEN SENIOR MANAGER: TOWN PLANNING	(B/8336/2016)	DATE
RECOMMENDED/ REFER BACK TO APPLICANT/ REFER TO TRIBUNAL		
		12/01/2023
D. POWER DEPUTY DIRECTOR PLANNING/AUTHORISED OFFICIAL	(A/1973/2014)	DATE

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Attachments : Annexures for Erf 1082, Hoekwil



Erf 1082 Hoekwil
(annexures).pdf