

**Menslike Nedersettings, Beplanning en Ontwikkeling
Human Settlements, Planning and Development**

Collaborator No.: 2576689
Reference / Verwysing: Remainder of Portion 80 of farm Boven Lange Valley No. 189
Date / Datum: 22 September 2023
Enquiries / Navrae: Primrose Nako

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MARLIZE DE BRUYN
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GEORGE
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**APPLICATION FOR SUBDIVISION: REMAINDER 80 OF FARM BOVEN LANGE VALLEY NO. 189,
DIVISION GEORGE**

Your application in the above regard refers.

The Deputy Director: Planning (Authorised Official) has, under delegated authority, 4.16.18.1 of 30 June 2023 decided that the application for Subdivision, in terms of Section 15(2)(d) of the Land Use Planning By-law for George Municipality (2023), of Remainder Portion 80 of the Farm Boven Lange Valley No 189, Division George *in accordance with Drawing Number 189-80Subd dated January 2023* (attached as **Annexure A**), to create a Portion A ($\pm 4,6648$ ha) and a Remainder ($\pm 4,7277$ ha);

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

- (i). All relevant information pertinent to the development proposal / application was assessed including: the land use application documents submitted by the applicant, comments and objections received during the public participation process, the applicant's reply on the comments and objections received, relevant spatial planning documents, applicable planning law, and relevant considerations as contemplated by the Spatial Planning and Land Use Management Act, 2013 (SPLUMA), the WC: Land Use Planning Act, 2014 (LUPA), Section 65 of the Land Use Planning Bylaw for George Municipality, 2023 (LUPB) and the George Integrated Zoning Scheme Bylaw, 2017 (GIZSB).
- (ii). The proposal conflicts with the MSDF (2019 & 2023), LSDF (2015) and Rural Areas Guidelines, as the subdivision and fragmentation of agricultural land are not supported by these planning policies.
- (iii). These reasons presented by the applicant to justify the proposal are not agreed with. The subdivision cannot be considered in isolation and cognisance is taken of the fact that should the subdivision be successful on the basis of the applicant's motivation, such approval and reasons will encourage similar applications on surrounding properties, ultimately transforming the existing agricultural / rural context, with resultant significant cumulative negative impacts on the surrounding environment, and undermining the long term spatial vision for the rural areas of George as outlined in the George MSDF (2023).
- (iv). The applicant did not succeed in presenting site-specific circumstances to justify the deviation from the MSDF as required by Section 22(2) of SPLUMA. There is nothing exceptional and/or unique about the

- development proposal or the subject property as similar proposals can be replicated on other agricultural properties in close proximity.
- (v). Approving this application on the site-specific circumstances presented by the applicant could completely undermine the spatial planning objectives for the area and the George rural environment by presenting a catalyst for subdivision of agricultural land. It is essential that the expectations are managed, and consistency is maintained with regards to protection of rural areas to uphold confidence in the municipality's medium- and long-term development trajectory.
 - (vi). The applicant's motivation leaves no doubt that the intent of this subdivision does not serve to achieve an agricultural outcome but is focused on rural occupation. The zoning applied, being Agriculture Zone I, is not a suitable vessel through which to serve this intent as the objective on this zoning states the opposite of what the applicant proposes. The suitable vessel for rural occupation is Agriculture Zone II, yet the applicant purposefully did not apply this zoning and it raises the concern as whether it may be an attempt to circumvent the spatial development framework applicable to this area.
 - (vii). In terms of Section 42(2) of the Spatial Planning and Land Use Management Act the decision taken on an application must be informed by potential environmental impacts and conformance with environmental legislation. The concerns raised by the environmental authorities are shared as the applicant has not presented sufficient information to demonstrate what the impacts on environment will be as a result of the development. This relates not only to this site but to the area as a whole as support for this proposal on the grounds presented by the applicant will create untenable expectations.

You have the right to appeal to the Appeal Authority against the decision of the Authorised Employee in terms of Section 79(2) of the Land Use Planning By-Law for George Municipality, 2023.

A detailed motivated appeal with reasons should be directed to the Appeal Authority and received by the Director: Human Settlements, Planning and Development, P O Box 19, George, 6530 or Directorate: Human Settlements, Planning and Development, 5th floor, Civic Centre, York Street, George **on or before 13 OCTOBER 2023** and simultaneously submit a copy of the appeal on any person who commented, made representations or objected to the application in the above regard. Please also note that the appeal must be e-mailed to the administrative officer mentioned above.

An appeal that is not lodged within the applicable period mentioned above or that does not comply with Section 79 of the Land Use Planning By-Law for George Municipality, 2023, will be deemed invalid in terms of Section 80 of said By-Law.

Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.

Please also note that in terms of Section 80(14) of the Land Use Planning By-Law for George Municipality, 2023, the above decision is suspended until such time as the period for lodging an/appeal(s) has lapsed, any appeal(s) has been finalised and you have been advised accordingly.

Yours faithfully



N. C. PETERSEN

SENIOR MANAGER: TOWN PLANNING

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