

# 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 Beampte      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, 30 January 2024 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, 30 Januarie 2024 om 10h00.**

**DELIA POWER**

**Chairperson / Voorsitter**

[https://georgemun-my.sharepoint.com/personal/kbmeyer\\_george\\_gov\\_za/Documents/Keith Meyer/Tribunal agenda/Agenda \(30 January 2024\).docx](https://georgemun-my.sharepoint.com/personal/kbmeyer_george_gov_za/Documents/Keith Meyer/Tribunal agenda/Agenda (30 January 2024).docx)

ITEM	AGENDA	
1.	OPENING OF MEETING	
2.	CONFIRMATION OF REQUIREMENTS	
3.	DETERMINATION OF VESTED RIGHTS	
4.	DECLARATION OF CONSTITUTED MEETING	
5.	APPLICATION FOR CONVENER/ORAL HEARING/ADDITIONAL ITEMS	
6.	ITEMS FOR DISCUSSION	

#### **6. ITEMS FOR DISCUSSION**

ITEM	AGENDA	PAGES
6.1	Subdivision, Closure of Public Place, Rezoning and Consolidation : Remainder Erf 674 and Erven 29919 and 3363, 36 CJ Langenhoven Road, George (K Mukhovha)	3 - 24
6.2	Subdivision, Closure of Public Place and Consolidation : Remainder Erf 3497 and Remainder Erf 4828, 29 Plane Road, Heatherlands, George (K Mukhovha)	25 - 40

**6.1. Subdivision, Closure of Public Place, Rezoning and Consolidation : Remainder Erf 674 and Erven 29919 and 3363, 36 CJ Langenhoven Road, George (K Mukhovha)**

LAND USE PLANNING REPORT						
APPLICATION FOR SUBDIVISION, CLOSURE OF A PUBLIC PLACE, REZONING AND CONSOLIDATION APPLICABLE TO REMAINDER ERF 674, GEORGE AS WELL AS ERVEN 29919 AND ERF 3363, GEORGE						
Reference number	2704842	Application submission date	2023-07-24	Date report finalized	2023-11-17	
<b>PART A: AUTHOR DETAILS</b>						
First name(s)	Khuliso					
Surname	Mukhovha					
Job title	Town Planner					
SACPLAN registration number	A/2119/2015					
Directorate/ Department	Human Settlements, Planning and Development					
Contact details	044 801 9447					
<b>PART B: APPLICANT DETAILS</b>						
First name(s)	Andries Gideon					
Surname	Nel					
Company name	Nel & de Kock Town and Regional Planners					
SACPLAN registration number	A/520/1987	Is the applicant authorized to submit this application?			Y	N
Registered owner(s)	<ul style="list-style-type: none"> <li>Remainder Erf 674, George: NH Trust (Title Deed No. T10631/2020)</li> <li>Erf 29919, George: George Municipality (unregistered)</li> <li>Erf 3363, George: George Municipality (Title deed No. T17024/1958)</li> </ul>					
<b>PART C: PROPERTY DETAILS</b>						
Property description (in accordance with Title Deed)	<ul style="list-style-type: none"> <li>Remainder Erf 674, George in the Municipality and Division of George Western Cape;</li> <li>Erf 29919, George (unregistered land)</li> <li>Erf 3363, George</li> </ul>					
Physical address	36 CJ Langenhoven Road		Town/City	George		
Current zoning	<ul style="list-style-type: none"> <li>Remainder Erf 674, George: Business Zone I</li> <li>Erven 29919 and 3363 George: Transport Zone II</li> </ul>	Extent (m <sup>2</sup> /ha)	<ul style="list-style-type: none"> <li>Remainder Erf 674, George : 930m<sup>2</sup></li> <li>Erf 29919, George: 4 474.4m<sup>2</sup></li> <li>Erf 3363, George: 69.1m<sup>2</sup></li> </ul>	Are there existing buildings on the property?	Y	N

Applicable Zoning Scheme	George Integrated Zoning Scheme, 2023						
Legislation and Spatial Plans	1. Spatial Planning and Land Use Management Act, 2013 ( <b>"SPLUMA"</b> ) 2. Land-use Planning By-Law for George Municipality, 2023 ( <i>hereafter referred to as "Planning By-Law"</i> ); 3. George Municipal Spatial Development Framework, 2023 ( <i>hereafter referred to as "GMSDF"</i> ) 4. George CBD Local Spatial Development Framework, 2023 ( <i>hereafter referred to as "LSDF"</i> ) 5. George Integrated Zoning Scheme By-Law, 2023 ( <b>"Zoning Scheme"</b> )						
Current Land Use	<ul style="list-style-type: none"> <li>Remainder Erf 674: Business premises and flats</li> <li>Erf 29919, George: Public Street and a boundary wall/fence</li> <li>Erf 3363, George: Public Street</li> </ul>	Title Deed number & date	<ul style="list-style-type: none"> <li>Remainder Erf 674: <b>T10631/2020</b></li> <li>Erf 3363, George: <b>T17024/1958</b></li> <li>Erf 29919, George: Unregistered land - no title deed information (ownership vest with the Municipality).</li> </ul>				
Any restrictive title conditions applicable?	Y	N	If Yes, list condition number(s)	A conveyancer certificate prepared by Gerrit Petrus Fourie dated 21 July 2023 confirm that there are no conditions that prohibit the proposed applications. According to GIS Viewer, Erf 29919, George is not registered. The property is a public street, thus its ownership vest with the Municipality.			
Any third-party conditions applicable?	Y	N	If Yes, specify	N/A			
Any unauthorised land use/building work?	Y	N	If Yes, explain	A boundary wall/fence was developed unlawfully on Erf 29919, George – the application will address the encroachment onto a public street.			
<b>PART D: PRE-APPLICATION CONSULTATION (ATTACH MINUTES)</b>							
Has pre-application consultation been undertaken?	Y	N					
Reference Number	2550737	Date of consultation	2023-02-02	Official's name	Martin Botha Jeanne Muller		
<b>PART E: LIST OF APPLICATIONS (TICK APPLICABLE)</b>							
a. Rezoning	x	b. Permanent departure	x	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	x	o. Consent use		p. Disestablish an owner's association	

q. Rectify breach of Home Owner's Association		r.Reconstruct building of non-conforming use		Other		
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<p><b>PART F: APPLICATION DESCRIPTION</b></p> <p>Consideration of the following applications applicable to Remainder Erf 674, George as well as unregistered Erf 29919 and Erf 3363, George:</p> <ul style="list-style-type: none"> <li>(a) Subdivision in terms of Section 15(2)(d) of the Land Use Planning By-Law for George Municipality, 2023 of unregistered State Land (known as Gloucester Lane) into Portion A (<math>\pm 67m^2</math>) and Remainder (<math>\pm 4\,407,4m^2</math>);</li> <li>(b) Closure in terms of Section 15(2)(n) of the Land Use Planning By-law for George Municipality, 2023 of a Public Road adjoining Erven 674, 5040 and 9441 George (Portion A – also known as unregistered Erf 29919, George);</li> <li>(c) Rezoning in terms of Section 15(2)(a) of the Land Use Planning By-Law for George Municipality, 2023 of Portion A (unregistered Erf 29919, George) and Erf 3363, George from Transport Zone II to Business Zone I;</li> <li>(d) Consolidation in terms of Section 15(2)(e) of the Land Use Planning By-Law for George Municipality, 2023 of Portion A (unregistered Erf 29919, George) and Erf 3363 with Remainder Erf 674, George;</li> <li>(e) Departure in terms of Section 15(2)(b) of the Land Use Planning By-Law for George Municipality, 2023 for relaxation of minimum width of a combined carriageway crossing from 5.0m to 4.7m applicable to the consolidated property;</li> <li>(f) Departure in terms of Section 15(2)(b) of the Land Use Planning By-Law for George Municipality, 2023 to reduce the minimum parking requirements for the consolidated property from the “normal area” parking ratio to the PT1 parking ratio;</li> </ul> <p><u>Notes:</u></p> <ol style="list-style-type: none"> <li>1. The description of the above applications differs from that stated in the applicant's motivation report. The wording was improved to comply with the instruction of the Surveyor General and to read easier. The applicant also refers to Portion A as being a portion of unregistered Erf 29919, but according to the SG Diagram provided, Portion A is in fact unregistered Erf 29919, George.</li> <li>2. Portion A (unregistered Erf 29919, George) forms part of a Public Place (unregistered public street). The consolidation of a closed public place with an adjoining erf is exempted in terms of Section 24(1)(d) of the Land Use Planning By-law for George Municipality, 2023. The application for the consolidation of Portion A (unregistered Erf 29919, George) with Erf 674, George is therefore not required.</li> <li>3. Portion A will also automatically take the zoning of Remainder Erf 674, George, namely Business Zone I on consolidation in terms of Section 14(1) of the George Integrated Zoning Scheme, 2023. As a result, the application for the rezoning of Portion A to Business Zone I is also not required.</li> <li>4. Erf 3363, George is a portion of closed public place that was obtained by the previous owner of Erf 674, George by way of prescription. The consolidation that arises by prescription is also exempted in terms of Section 24(1)(i) of the Land Use Planning By-law for George Municipality, 2023;</li> <li>5. Notwithstanding, the applications will be finalised as per description above to negate additional red-tape.</li> </ol> <p><b>PART G: LOCATION</b></p> <p>The subject properties are situated in the northern part of George CBD, along CJ Langenhoven Street and Gloucester Lane. Figure 1 below indicates the location of the subject properties. The properties are situated <math>\pm 450m</math> from the George Hospital which is located to the north-western side of the properties.</p>
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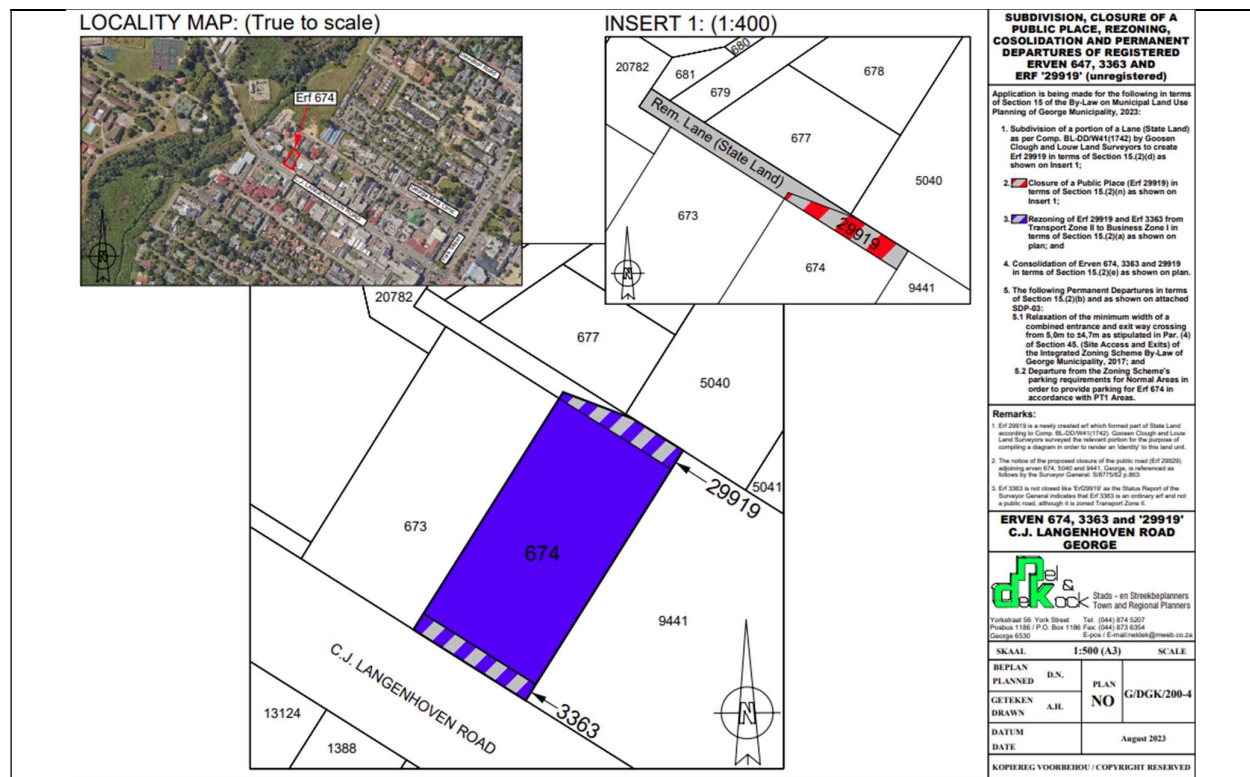


Figure 1: Illustrate location of Erven 674, 3363 and unregistered Erf 29919 George

## PART H: BACKGROUND AND HISTORY

The background and history of the subject properties can be summarised as follows:

Goosen Clough and Louw Surveyors, surveyed a portion of state land known as Gloucester Lane to be known as Erf 29919, George, a newly created erf which form part of an unused public street. The aerial imagery indicates that there are building structures on part of this street. The property status report from the Surveyor General has confirmed that the subject property is a public place (street). The owner of Remainder Erf 674, George intends to acquire this property, close the public place and consolidate it with Remainder of Erf 674, George.

Erf 3363, George was previously created from the road reserve. Through previous applications, a small portion of the road reserve (±3m wide) were consolidated with the properties along CJ Langenhoven Road. This was done through a prescriptive claim process of which the claim was granted to the previous owner of Remainder Erf 674, George. The applicant contends that there was an oversight from the previous owner not to rezone and consolidate Erf 3363, George with Remainder Erf 674, George. As a result, the property is still zoned Transport Zone II (Public Street), however it is not recorded as such at the Surveyor General Office. According to the property status, the property is not a public place, and it cannot be exempted from rezoning and consolidation. It is now the intention of the owner of Remainder Erf 674, George to acquire Erf 3363, George in order to rezone and consolidate with Remainder Erf 674, George.

Remainder Erf 674, George is currently zoned Business Zone I and developed with a business premises (salon) and two flats above ground floor. It is the intension of the property owner of Remainder Erf 674, George to acquire a portion of state land known as Gloucester Lane (unregistered Erf 29919, George) and Erf 3363, George and consolidate with Remainder Erf 674, George.

The application to acquire a portion of the state land adjoining Erven 674, 5040 and 9441, George (Portion A or unregistered Erf 29919) and Erf 3363, George was approved by the George Municipality Council on 25 September 2022. It is noted that the Council Resolution erroneously referred to Portion A (unregistered erf 29919) as a "Portion of Remainder of Erf 9077, George". This was rectified on the letter dated 01 June 2023 (see Annexure D).

## PART I: SUMMARY OF APPLICANT'S MOTIVATION

*Note: The text in italic did not form part of the applicant's memorandum and is merely for explanation purposes by the author.*

The applicant's motivation report can be summarised as follows:

### Development Proposal

- It is the intension of the landowner of Remainder Erf 674, George to acquire a portion of Gloucester Street (unregistered Erf 29919, George) and Erf 3363, George from the George Municipality, to rezone the 2 properties to Business Zone I and consolidate them with Remainder Erf 674, George.
- The Municipality has already resolved to alienate said properties, confirming neither property is required for the provision of minimum level of basic municipal services in terms of Section 14(2) of the Municipal Finance Management Act 2003 (Act 56 of 2003).
- The respective applications have thus been submitted to enable the above.
- The portion of State Land comprising the public street is a vacant property that is overgrown with weeds. The said vacant portion of land is seen as a security threat to the owner of Remainder Erf 674, George as the owner cannot control access over the public street.
- The applicant requested a status report of Erf 3363, George from the Surveyor General, which confirmed that the property is an ordinary erf (*it was a closed public street portion*). Thus, there is no need for an application to close a public place (*it has already been done*).
- The existing building on the Remainder Erf 674, George makes it difficult to achieve the minimum 5m width required for a combined entrance and exit way crossing as required by Zoning Scheme. The available space between the existing building and the eastern lateral cadastral boundary is  $\pm 4,7\text{m}$ . An application for Departure has thus been applied for in this regard.
- An application for Departure is also submitted to provide parking in accordance with the PT1 ratio. Currently the parking is provided on and along CJ Langenhoven Road. The Directorate: CES advised that the existing parking layout will not be supported and additional parking should be provided in terms of the Zoning Scheme – possibly at the back of the property.
- The property is located along a principal Go-George bus route (CJ Langenhoven Road) (*where PT1 parking ratios can be applied*). In line with PT1 ratio, 11 parking bays will be provided on site as indicated on site plan below.

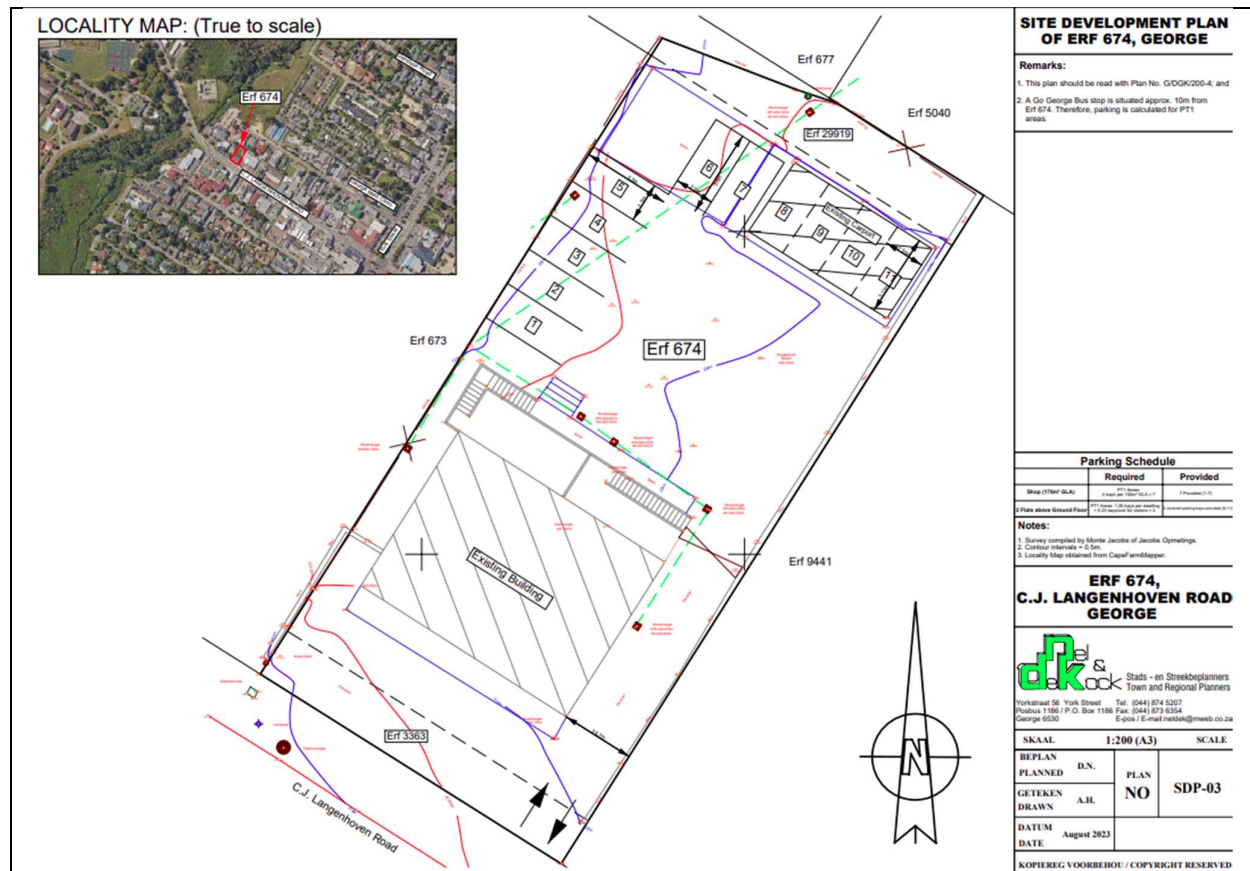


Figure 2: Site plan – Remainder Erf 674, George

## LEGISLATIVE FRAMEWORK

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

- The application is considered to be consistent with SPLUMA (2013) and LUPA (2014), as the application is in line with five development principles of SPLUMA.
- It does not negatively impact on the character of the surrounding area, property values and there will not be an impact on the environment.
- The proposal is also consistent with the George Municipal Spatial Development Framework, 2023.
- The proposed development will optimize existing resources related to the subject property and will not have a financial, social, economic or environmental impact on the subject property and the surrounding properties.
- The development will make use of existing local resources and contribute to specialised skills development.

## SPATIAL POLICES

### George Municipal Spatial Development Framework, 2023

- The George Municipal Spatial Development Framework, 2023 sets out policies through which development should take into consideration. The application is in line with Policy A1 and C2.4 in that the proposal will result in optimal utilisation of unutilised state land within the urban edge.

### George Integrated Zoning Scheme, 2023

- With exception of parking and minimum width of the combined entrance and exit, the proposed development is in line with the provision of the Zoning Scheme, 2023. As discussed above, a departure application to allow a minimum width of entrance and exit way crossing to be 4.7m instead of 5.0m is



also submitted. Further it is proposed that the parking be provided in accordance with PT 1, thus only 11 parking bays will be provided.

- No physical development is proposed.

#### Desirability

- Topography: The topography of the subject properties is relatively flat with gradual fall roughly 1m over a distance of 15m. No new physical development is proposed; thus 'topography' is not relevant to this application. Nonetheless, the gradual slope of the property does not pose any construction challenges.
- Geological conditions: The soil condition of Remainder Erf 674, George is stable, and the current owners has not experienced any challenges regarding geological conditions.
- Vegetation: As indicated, Remainder Erf 674, George is developed with a building structure that is used as a salon and two flats. The approval of this application will not result in any physical development, thus no natural environmental impact is anticipated.
- Character of the area: The subject properties are located within the sub-node of George. The proposed application will not change the character of the area because no physical development is proposed.
- Accessibility: The property currently gain access off CJ Langenhoven Road and will continue to gain access from it.
- Municipal engineering services: The property is connected to municipal engineering services (water, sewerage, electricity and stormwater); thus no additional services are required.

#### **PART J: SUMMARY OF PUBLIC PARTICIPATION**

Methods of advertising				Date published	Closing date for objections					
Press				Y	N	N/A	2023-08-24	2023-09-23		
Gazette				Y	N	N/A	N/A	N/A		
Notices				Y	N	N/A	2023-08-24	2023-09-23		
Website				Y	N	N/A	2023-08-24	2023-09-23		
Ward councillor				Y	N	N/A	2023-08-24	2023-09-23		
On-site display				Y	N	N/A	2023-08-24	2023-09-23		
Community organisation(s)				Y	N	N/A	N/A	N/A		
Public meeting				Y	N	N/A	N/A	N/A		
Third parties				Y	N	N/A	N/A	N/A		
O t h e r	Y	N	If yes, specify	N/A						
Total valid objections				N/A				Total invalid objections and petitions	N/A	
Valid petition(s)				Y	N	If yes, number of signatures				
Community organisation(s) response				Y	N	N/A	Ward councillor response	Y	N	N/A
Total letters of support				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
No condonation was required.										

**PART K: SUMMARY OF COMMENTS DURING PUBLIC PARTICIPATION**

No comments or objections received.

**PART L: SUMMARY OF APPLICANT'S REPLY TO OBJECTIONS**

Not applicable.

**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 (Services)	2023-08-25	In order, see development conditions under Recommendation Section of this report.	N/A
Civil Engineering Services (Traffic)	2023-08-31	In order.	N/A
Electrotechnical Services	2023-10-09	Comments attached, see Recommendation Section of this report.	N/A
GIPTN	2023-08-25	<p>The GIPTN has no objection to proposed rezoning of Remainder Erf 674 on CJ Langenhoven Road. There is a GIPTN bus stop located approximately 20 m north-west of the property, but the proposed amendments to Remainder Erf 674 will have no impact on this bus stop or on the bus route that passes the front of the property. Parking for the proposed 2 residential units is provided inside the property boundary.</p> <p><i>Note the GIPIN erroneously refer to rezoning of Remainder Erf 674, George. It is not the intention of the application to rezone Remainder Erf 674, George but to rezone unregistered Erf 29919 and Erf 3363 George.</i></p>	N/A
Waste Management	2023-08-23	Existing services in the area.	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 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? (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
1(j)	Is the application in line, consistent and/or compatible with the municipal SDF?	X		
1(k)	Is the application in line, consistent and/or compatible with the IDP of the district Municipality including its SDF?			X
1(l)	Is the application in line, consistent and/or compatible with the structure plan applicable to the area?			X
1(m)	Is the application in line, consistent and/or compatible with the local SDF applicable to the area?	X		
1(n)	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(o)	Is the application in line, consistent and/or compatible with the provincial SDF?	X		
1(p)	Is the application in line, consistent and/or compatible with the regional SDF (SPLUMA) or provincial regional SDF (LUPA)?			X
1(q)	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 or 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:

*Note: The above closure, subdivision, rezoning and consolidation applications are effectively a cadastral exercise, with the subdivision and consolidation applications actually being exempted in terms of Section 24 of the Planning By-law while the rezoning application is exempted in terms of Section 14 of the zoning scheme. In effect, consideration only needs to be given to the closure and departure applications.*

1(r)5 - Though there is no study conducted to ascertain the impact of the proposed development on land value, it is understood that the proposal will enhance the value of the property because the extent of Remainder Erf 674, George will increase from 930m<sup>2</sup> to ±1066m<sup>2</sup> – adding more developable space.

1(r)6 – The proposed subdivision, closure of public place, rezoning and consolidation will not have a significant impact on the rights of the surrounding owners as the portion of the public street is currently not utilised. The Municipality's Directorate: CES also confirmed that Erf 3363, George will not be required for future road expansion. From a town planning perspective, this may be perceived as a boundary adjustment to address the existing encroachment onto the road reserve (unregistered Erf 29919, George). This will further allow Remainder Erf 674, George to have enough space to accommodate the required on-site parking.

According to the applicant, a prescriptive claim was granted to a number of properties on this section of CJ Langenhoven Road. Each property owner was allocated a portion of road reserve to consolidate with their properties. It is evident on the aerial image and cadastral information that the street boundary of other properties is not aligned to that of Remainder Erf 674, George and thus, these prescriptive claims did occur. (see below aerial image – green indicate the properties that included a portion of road through prescriptive claim and purple represent properties where rezoning and consolidation has not been done).



1(s) – As indicated on this report, the proposal does not include any new physical development of the property. However, the property has parking on the road reserve which the Directorate: CES does not support. To comply with the Zoning Scheme, application is submitted to allow the provision of parking in accordance with PT1 ratio at the back of the property. Parking for the flats have been provided at a ratio of 1.5 parking bays per dwelling unit and 0.25 bays per unit for visitors while a ratio of 3 bays per 100m<sup>2</sup> GLA has been applied for the shop (salon). The existing shop has 175m<sup>2</sup> floor space and thus, 6 parking bays will be required for the shop. The property has two flats and thus, 4 parking will be required for the flats. In total, 11 parking bays are proposed on the property. CES supports the application indicating that the property is located in an area where the PT1 parking ratio may be applied.

Further, due to the position of the existing building, being 4.7m away from the eastern boundary, application was also submitted to reduce the minimum width of the combined entrance and exit way crossing from 5m to 4.7m. This is not a problem as, had the access been provided to this property via a panhandle, in terms of the zoning scheme, such panhandle would have only needed to be 4m wide panhandle – based on the distance between the parking area will be provided at the back of the property and the street. It is not anticipated that the proposed 4.7m combined entrance and exit will have negative impact on the surrounding area nor on the flow of traffic within the property. It is found that the application is not in conflict with the provisions of George Integrated Zoning Scheme, 2023.

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

Policy C of the George Municipal Spatial Development Framework, 2023 states that to improve the viability of existing businesses and optimise the use of available infrastructure, suitable forms of densification should be promoted in built-up areas, and target strategically located vacant land for infill urban development. The proposed subdivision, closure of public place, rezoning and consolidation will not result on physical development of the property, and thus, it is not anticipated that the proposal will have significant impact on the surrounding area in this regard. At present, Remainder Erf 674, George is developed with a shop and two flats. With the current land use rights, the property may be developed with various businesses, provided that such businesses comply with all development parameters. The consolidation of the subject property will increase the size of the property and allow the intensification of the property in the future. Though the MSDF does not specifically make reference to the subdivision of public street and consolidation, it does emphasise the optimal use of land in the CBD for mixed-use development. It is found that the proposed application does not conflict with the spatial policies and objectives of the area. The proposal is therefore consistent with the George Municipal Spatial Development Framework, 2023.

The subject properties are located within the George CBD where business opportunities and residential densification is encouraged in terms of the George CBD Local Spatial Development Framework, 2012 (LSDF). The LSDF identifies this area along CJ Langenhoven Street for high density mixed development that can sustain the public transport system and promote walking. The LSDF recommends that an access management and traffic plan be drawn up by the Municipality before densification can take place. The approval of this application will not result in the change of land use or zoning, thus the proposal is in line with the LSDF.

(In)consistency with guidelines prepared by the Provincial Minister

Not applicable.

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

Not applicable.

**George Integrated Zoning Scheme, 2023**

As indicated above, Remainder Erf 674, George is zoned Business Zone I and developed with a shop (salon) and two flats above ground floor. Unregistered Erf 29919 and Erf 3363 George are zoned Transport Zone II in terms of the George Integrated Zoning Scheme, 2023 and it is proposed to rezone these properties to Business Zone I before all 3 are consolidated.

No new physical development is proposed on the property; however the applicant proposes to have a new access with a minimum width of 4.7m and provide parking in accordance with PT1. As indicated above, the proposal is consistent with the development parameters of business premises.

The proposed application includes the closure of a public street (Portion A / unregistered Erf 29919, George). In terms of Section 14 of the George Integrated Zoning Scheme (2023), the zoning of the land that was previously a public street or public open space, vested in or owned by the Municipality and that is closed, is determined as follows:

- “(1) the land is transferred to an abutting land owner, that portion of the land falls in the same zone as that of the abutting land belonging to the abutting owner, or  
(2) the Municipality must determine which zoning applies to the land if—  
(a) the land is transferred to an abutting land owner and that owner owns abutting properties falling into more than one zone; or  
(b) in any other case not provided for in this section”.

Section (14)(1) is applicable to this application as the closed public street will be transferred to the abutting landowner, thus the portion of the land will fall in the same zoning as that of Remainder Erf 674, George which is Business Zone I. Erf 3363, George is also a closed street portion which by implication means that the application for rezoning is not actually required. Considering the above, the proposed development is found to be in line with the provision of the Zoning Scheme, 2023.

**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

\*4: The area is characterised by land uses ranging from business premises, institutions, dwelling houses, offices, and flats. As indicated, the application does not include new physical development but a cadastral adjustment. The consolidation of Erf 3363, George will ensure that the street boundary of Remainder Erf 674, George (along CJ Langenhoven Road) is in line with that of Erven 673, 9441 and 1398, George among others. Thus, it is not foreseen that the proposed application will have a negative impact on the character of the area.

Unregistered Erf 29919, George is unused portion of road that is located at the back(north) of Remainder Erf 674, George. The boundary wall/fence of Remainder Erf 674, George already encroaches onto the unregistered Erf 29919, George as it can be seen below. It should be noted that the Municipality does not encourage the unlawful erection of boundary walls on public places. Notwithstanding, the Municipal Council has resolved to dispose of the subject property as it is no longer required for provision of basic service delivery. The boundary adjustment will not have any negative impact on the surrounding properties as the public street cannot be used by anyone else.



\*6, 7 & 8: This Directorate does not anticipate that the proposed application will have significant impact on traffic and pedestrian movement as no additional development is proposed, no additional traffic will be generated, and the parking and access configuration on the property will improve.

\*20 – As mentioned above on this report, the proposed development is in line with the George Integrated Zoning Scheme, 2023 and will not set unwarranted precedent in the area. Further, similar applications were previously considered positively in this area.



#### Assessment of objections/comments

No objection/comments received.

#### **PART O: SUMMARY OF EVALUATION**

It is found that the applications for subdivision, closure, rezoning and consolidation applicable to Remainder Erf 674, George, Erf 3363, George and unregistered Erf 29919, George is merely a cadastral exercise, with most of these applications actually being exempted in terms of either Section 24 of the Planning Bylaw or Section 14 of the Zoning Scheme. As no new development is intended, it is not foreseen that approval of these applications will have any significant negative impact on the character of the area, the streetscape or surrounding neighbours' rights or amenity.

The property is also located along a principal bus route and close to the core of the George CBD, and thus an area where PT1 parking ratios may be applied. It is also found that the proposed 4.7m wide access to the parking area at the back of the property is sufficient in relation to distance between the parking area and the street.

Thus, 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 (2023), the proposal cannot be deemed undesirable and is therefore **SUPPORTED**.

#### **PART P: RECOMMENDATION**

That the following applications applicable to Remainder Erf 674, George as well as unregistered Erf 29919 and Erf 3363, George:

- (a) Subdivision in terms of Section 15(2)(d) of the Land Use Planning By-Law for George Municipality, 2023 of unregistered State Land (known as Gloucester Lane) into Portion A ( $\pm 67\text{m}^2$ ) and Remainder ( $\pm 4\,407,4\text{m}^2$ );
- (b) Closure in terms of Section 15(2)(n) of the Land Use Planning By-law for George Municipality, 2023 of a Public Road adjoining Erven 674, 5040 and 9441 George (Portion A – also known as unregistered Erf 29919, George);
- (c) Rezoning in terms of Section 15(2)(a) of the Land Use Planning By-Law for George Municipality, 2023 of Portion A (unregistered Erf 29919, George) and Erf 3363, George from Transport Zone II to Business Zone I;
- (d) Consolidation in terms of Section 15(2)(e) of the Land Use Planning By-Law for George Municipality, 2023 of Portion A (unregistered Erf 29919, George) and Erf 3363 with Remainder Erf 674, George;
- (e) Departure in terms of Section 15(2)(b) of the Land Use Planning By-Law for George Municipality, 2023 for relaxation of minimum width of a combined carriageway crossing from 5.0m to 4.7m applicable to the consolidated property;
- (f) Departure in terms of Section 15(2)(b) of the Land Use Planning By-Law for George Municipality, 2023 to reduce the minimum parking requirements for the consolidated property from the "normal area" parking ratio to the PT1 parking ratio;

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

#### REASONS FOR DECISION

- (i) The applications for subdivision, closure, rezoning and consolidation applicable to Remainder Erf 674, George, Erf 3363, George and unregistered Erf 29919, George is merely a cadastral exercise, with most of these applications actually being exempted in terms of either Section 24 of the Planning Bylaw or Section 14 of the Zoning Scheme.
- (ii) No new development is intended and thus, it is not foreseen that the approval of these applications will have any significant negative impact on the character of the area, the streetscape or surrounding neighbours' rights or amenity.

- (iii) The property is also located along a principal bus route and close to the core of the George CBD, and thus an area where PT1 parking ratios may be applied.
- (iv) The proposed 4.7m wide access to the parking area at the back of the property is sufficient in relation to distance between the parking area and the street.
- (v) The application complies with the spatial planning objectives for the area.

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

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

##### **General**

1. That in terms of the provisions of the Land Use Planning By-law for George Municipality (2023) this approval shall lapse if not implemented within a period of five (5) years from the date it comes into effect;

##### **Conditions applicable to the subdivision, closure, rezoning and consolidation approvals**

2. This approval shall be taken to cover only the subdivision, closure of a public place, rezoning and consolidation applied for as indicated on Subdivision plan drawn by **A Louw** dated **September 2022** and subdivision, closure of public place, rezoning, consolidation Plan no. **G/DGK/200-4** drawn by **A.H.** and dated **August 2023** 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 SG approved subdivision diagram and consolidation diagram must be submitted to the Directorate's GIS Department for record purposes;
4. The above approval shall be regarded as implemented on the registration of the consolidated property at the Deeds Office.

##### **Conditions applicable to the departure approvals**

5. The Departure approval shall be taken to cover only the parking reduction and combined motor carriage way crossing of 4.7m as indicated on Site Plan No. SDP 03 date July 2023 attached as "**Annexure B**" which bears Council's stamp and shall not be construed as to depart from any other Council requirements or legal provision .
6. This approval shall be regarded as implemented on the approval of as-built building plans.

##### **Notes**

- (i) *As-built building plans must be submitted for approval and record purposes in accordance with the current Zoning Scheme as well as National Building Regulations.*
- (ii) *Any future development will require the approval of a Site Development Plan prior to submission of any future building plans.*
- (iii) *The applicant is to comply with the National Forestry Act, Act No 84 of 1998, should it be required.*
- (iv) *Provisions for the removal of solid waste are to be addressed in conjunction with the Dir: Community Services.*
- (v) *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.*
- (vi) *The developer is to adhere to the requirements of the Environmental Authorization (EA). The onus is on the developer to provide the Dir: CES with the necessary proof of compliance with the EA.*

#### **CONDITIONS OF THE DIRECTORATE: CIVIL ENGINEERING SERVICES**

7. 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:
8. The amounts of the development charges are reflected on the attached calculation sheet dated 25/08/2023 and are as follows:

Roads:	R – Excluding VAT
Sewer:	R – Excluding VAT

Water: R – Excluding VAT

Total R – Excluding VAT

9. The total amount of the development charges of **R0 000,00** 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.
10. Any amendments or additions to the proposed development which is not contained within the calculation sheet as dated in condition 8 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 the consolidated property for a final calculation.*

11. As provided in section 66(5B) (b) of the Planning By-Law (as amended), using the date of approval as the base month the amount of **R0 000,00** shall be adjusted in line with the consumer price index published by Statistics South Africa up to the date when payment is made in terms of condition 9 above.
12. 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.
13. 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.
14. Any, and all, costs directly related to the development remain the developers' responsibility.
15. Only one connection permitted per registered erf (water and sewer connections). Condition 13 applies.
16. 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 13 applies.
17. 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 applies.
18. 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 13 applies.
19. Suitable servitudes must be registered for any municipal service not positioned within the normal building lines.
20. Transfers, building plan approvals and occupation certificates may be withheld if any sums of money owing to the George Municipality are not paid in full, or if any services have not been completed to the satisfaction of the Dir: CES & ETS, or any condition of any authority has not been satisfactorily complied with.
21. The Developer is responsible to obtain the necessary approval / way leaves from third parties which include, but is not limited to the George Municipality, Telkom & Fibre optic service provider.
22. No construction activity may take place until all approvals, including way leave approval, are in place, all drawings and material have been approved by the Technical Directorates.

23. Municipal water is provided for potable use only. No irrigation water will be provided.
24. A water meter must be installed by the developer prior to construction to monitor water usage during the construction phase. The Dir: CES (Water section) is to be consulted by the developer, prior to installation, regarding the required specifications. Failure to complying with the water meter application process, will result in the developer being responsible for payment of penalties and/or an estimated non-metered water consumption by this department at a rate as per the applicable annual Tariff List. In this regard, transfers, building plan approval and occupation certificates may be withheld if any sums of money owing to the George Municipality are not paid in full. The water meter is to be removed on completion of construction if so, required by the Dir: CES.
25. The 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.
26. 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.
27. 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 finalized with the Dir. CES together with any other approving authority, who must also approve the TIA. All recommendations stipulated in the TIA report and as approved by the relevant authority, are to be implemented by the developer and prior to any transfer being approved or an occupation certificate being issued. All costs involved will be for the developer.
28. The maintenance and/or upgrading of all private / servitude roads are the responsibility of all the owners who make use thereof.
29. The discharge of surface stormwater is to be addressed by the developer. Condition 13 applies. All related costs are for the developer. The developer is to consult with the Directorate: CES to ensure that stormwater planning is done online with the available stormwater master plans.
30. A layout plan indicating the proposed storm water drainage must be submitted to the Directorate: CES for prior approval. Condition 13 applies.
31. 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.
32. Adequate parking with a hardened surface must be provided on the premises of the proposed development.
33. No private parking will be allowed on the road reserve. The developer will be required at own cost to install preventative measures to ensure compliance.
34. A dimensioned layout plan indicating the proposed accesses onto private / servitude roads, must be submitted to the relevant departments for approval. Condition 13 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.
37. The minimum required off-street parking provided, must be provided in terms of the George Integrated Zoning Scheme 2023 parking requirements and vehicles must, in terms of Clause 46(1)(b) readily leave the site without reversing across the sidewalk. Alternative Parking may be supplied in terms Clause 43(1 & 2).
38. Site access to conform to the George Integrated Zoning Scheme 2023 Clause 45 (3).

#### **CONDITIONS OF THE DIRECTORATE: ELECTROTECHNICAL SERVICES**

##### General conditions

39. The amount of Development Charges (DCs) to be paid by the developer are calculated in terms of the George Municipality Land Use Planning By-Law (as amended) and the approved DC Guidelines. With

regards to the proposed development, the developer will be required to make development contribution, as follows:

40. The amounts of the development contributions are reflected on the attached calculation sheet dated 25/08/2023 and are as follows:

Electricity: R - Excluding VAT

41. The total amount of the development charges of **R0 000, 00 Excluding VAT** shall be paid prior to the first transfer of a land unit pursuant to the application or upon the approval of building plans, whichever occurs first, unless otherwise provided in an engineering services agreement or, in the case of a phased development, in these or any other relevant conditions of approval.
42. Any amendments or additions to the proposed development which is not contained within the calculation sheet as dated in condition 40 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 the consolidated property for a final calculation.*

43. As provided in Section 66(5B) (b) of the Planning By-Law (as amended), using the date of approval as the base month the amount of R0 000, Excluding VAT shall be adjusted in line with the consumer price index published by Statistics South Africa up to the date when payment is made in terms of condition 41 above.
44. Development charges are to be paid to the Municipality in cash or by electronic funds transfer or such other method of payment as may be accepted by the Municipality at the time when payment is made.
45. All services -internal, link and relocation of or upgrades to existing - are to be designed by a registered consulting engineer in accordance with Council specifications. This may include bulk services outside the development area but that must be upgraded to specifically cater for the development. All drawings and plans are to be submitted to the applicable department, or any other relevant authority, (hard copy and electronically) for approval prior to any construction work taking place. All work is to be carried out by a suitable qualified/registered electrical contractor under the supervision of the consulting engineer who is to provide the relevant authority with a certificate of completion, and as-built plans in electronic format. All costs will be for the developer. No transfers will be approved before all the municipal services have been satisfactorily installed and as-builts submitted electronically as well as the surveyor's plan.
46. Should more than two developments/properties be party to or share any service, the Directorate: CES & ETS will in conjunction with the parties determine the pro-rata contributions payable.
47. Any, and all, costs directly related to the development remain the developers' responsibility.
48. Only one connection permitted per registered erf (Electrical, water and sewer connections). Condition 45 applies.
49. Any services from the development that must be accommodated across another erf must be negotiated between the developer and the owner of the relevant erf. Any costs resulting from the accommodation of such services or the incorporation of these services into the network of another development are to be determined by the developer and the owner of the other erf. Condition 45 applies.
50. Any service from another erf that must be accommodated across the development or incorporated into the services of the development: all negotiations will be between the owner/developer of the relevant erf and the developer. Costs for the accommodation of these services or the upgrade of the developments services to incorporate such services are to be determined by the developers/owners concerned. Condition 45 applies.
51. Any existing municipal or private service damaged during the development will be repaired at the developers cost and to the satisfaction of the George Municipality. Condition 48 applies.
52. 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.
53. 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.

54. 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.
55. 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.
56. No construction activity may take place until all approvals, including way leave approval, are in place, and all drawings and material have been approved by the Technical Directorates.

#### Electro Technical

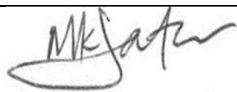
57. In all cases, where an individual customer applies for a supply capacity exceeding that provided for in the calculation of DCs and for the developer paid, will be subject to additional DCs based on the rates applicable at the time.
58. Owner to ensure compliance with Regulation XA of SANS 10400 (building plans).
59. Owner to ensure compliance with Regulation XA of SANS 10142 (wiring) and any other applicable national standards.
60. 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.
61. 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.
62. Installation of ripple relays are compulsory for all geysers with electrical elements.
63. All municipal supply points must be subject to standard DC charges. These charges are to be included in the project costs of the project.
64. A detailed energy efficiency and demand side management plan to be implemented in the development to provide to the Municipality.

#### **PART Q: ANNEXURES**

<b>Annexure A</b>	Subdivision and Consolidation Plan
<b>Annexure B</b>	Site Plan
<b>Annexure C</b>	Motivation Report
<b>Annexure D</b>	Council Resolution
<b>Annexure E</b>	Power of Attorney, Trust Resolution
<b>Annexure F</b>	Title deed
<b>Annexure G</b>	Conveyancer certificate
<b>Annexure H</b>	SG Diagram and SG Status Report

Condonation (if applicable)\_

Not Applicable.



**17 November 2023**

**K. MUKHOVHA** (A/2119/2015)  
**TOWN PLANNER**

**DATE**

**RECOMMENDED /NOT RECOMMENDED**



**8 December 2023**

**J. MULLER (A/1429/2011)**  
**SENIOR TOWN PLANNER**

**DATE**

**RECOMMENDED /NOT RECOMMENDED**



**19/12/2023**


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

**DATE**

**APPLICATION FOR SUBDIVISION, CLOSURE OF PUBLIC PLACE, REZONING AND CONSOLIDATION  
APPLICABLE TO REMAINDER ERF 674, GEORGE AND ERVEN 29919 AND 3363, GEORGE (K.  
MUKHOVHA)**

**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 prejudice) 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 planner's 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 relevant 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> <p>  </p> <p>pp. <span style="float: right;">19/12/2023</span></p> <p> <u>DELIA POWER (A/1973/2014)</u> <span style="float: right;"><u>DATE</u></span>  DEPUTY DIRECTOR: PLANNING/ AUTHORISED OFFICIAL </p>				

**Attachments : Annexures for Remainder Erf 674 and Erven 29919 and 3363, George**



Erf 674 George  
(annexures).pdf



**6.2. Subdivision, Closure of Public Place and Consolidation : Remainder Erf 3497 and Remainder Erf 4828, 29 Plane Road, Heatherlands, George (K Mukhovha)**

LAND USE PLANNING REPORT							
APPLICATION FOR SUBDIVISION, CLOSURE OF A PUBLIC PLACE AND CONSOLIDATION APPLICABLE TO REMAINDER ERF 3497, GEORGE AND REMAINDER ERF 4828 GEORGE							
Reference number	2715653	Application submission date	2023-08-01	Date report finalized	2023-11-29		
<b>PART A: AUTHOR DETAILS</b>							
First name(s)	Khuliso						
Surname	Mukhovha						
Job title	Town Planner						
SACPLAN registration number	A/2119/2015						
Directorate/ Department	Human Settlements, Planning and Development						
Contact details	044 801 9447						
<b>PART B: APPLICANT DETAILS</b>							
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)	<ul style="list-style-type: none"> <li>Remainder Erf 3497, George: James Graham (per title deed) but vests with the George Municipality as a public street in terms of Section 25(1) of the Planning By-law.</li> <li>Remainder Erf 4828, George: The Fouche Adventure Trust</li> </ul>						
<b>PART C: PROPERTY DETAILS</b>							
Property description (in accordance with Title Deed)	Remainder Erf 3497, George and Remainder Erf 4828, George						
Physical address	29 Plane Road, Heatherlands	Town/City	George				
Current zoning	<ul style="list-style-type: none"> <li>Remainder Erf 3497, George: Transport Zone II</li> <li>Remainder Erf 4828, George: Single Residential Zone I</li> </ul>	Extent (m <sup>2</sup> /ha)	<ul style="list-style-type: none"> <li>3153m<sup>2</sup></li> <li>1000m<sup>2</sup></li> </ul>	Are there existing buildings on the property?			Y N
Applicable Zoning Scheme	George Integrated Zoning Scheme, 2023 (" <b>Zoning Scheme</b> ")						

Legislation and Spatial Plans	6. Spatial Planning and Land Use Management Act, 2013 ( <b>"SPLUMA"</b> ) 7. Land-use Planning By-Law for George Municipality, 2023 ( <i>hereafter referred to as "Planning By-Law"</i> ); 8. George Municipal Spatial Development Framework, 2023 ( <i>hereafter referred to as "GMSDF"</i> )						
Current Land Use	<ul style="list-style-type: none"> <li>Public street and boundary fence.</li> <li>Dwelling house and a swimming pool.</li> </ul>		Title Deed number & date	T9074/1968 & T48560/2014			
Any restrictive title conditions applicable?	Y	N	If Yes, list condition number(s)	A conveyancer certificate prepared by Ann Marjory Coetzee dated 06 July 2023 confirm that there are no conditions that prohibit the proposed development.			
Any third-party conditions applicable?	Y	N	If Yes, specify	N/A			
Any unauthorised land use/building work?	Y	N	If Yes, explain	A boundary fence is built on Remainder Erf 3497, George (public street) without municipal approval. It encroaches on the road reserve.			
<b>PART D: PRE-APPLICATION CONSULTATION (ATTACH MINUTES)</b>							
Has pre-application consultation been undertaken?	Y	N					
Reference Number	N/A		Date of consultation	N/A	Official's name	N/A	
<b>PART E: LIST OF APPLICATIONS (TICK APPLICABLE)</b>							
b. Rezoning		s. Permanent departure		t. Temporary departure		u. Subdivision	X
v. Consolidation	X	w. Amendment, suspension, deletion or 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	X	ff. Consent use		gg. Disestablish an owner's association	
hh. Rectify breach of Home Owner's Association		ii. Reconstruct building of non-conforming use		Other			
<b>PART F: APPLICATION DESCRIPTION</b>							
Consideration of the following applications applicable to Remainder Erf 3497, George and Remainder Erf 4828, George:  (a) Subdivision in terms of Section 15(2)(d) of the Land Use Planning By-Law for George Municipality, 2023 of Remainder Erf 3497, George (zoned "Transport Zone II" - public street) into a Portion A (±154m <sup>2</sup> ) and a Remainder portion;							

- (b) Closure of a  $\pm 154\text{m}^2$  portion of Public Place (Portion A) in terms of Section 15(2)(n) of the Land Use Planning By-law for George Municipality, 2023;
- (c) Consolidation in terms of Section 15(2)(e) of the Land Use Planning By-Law for George Municipality, 2023 of Portion A with Remainder Erf 4828, George;

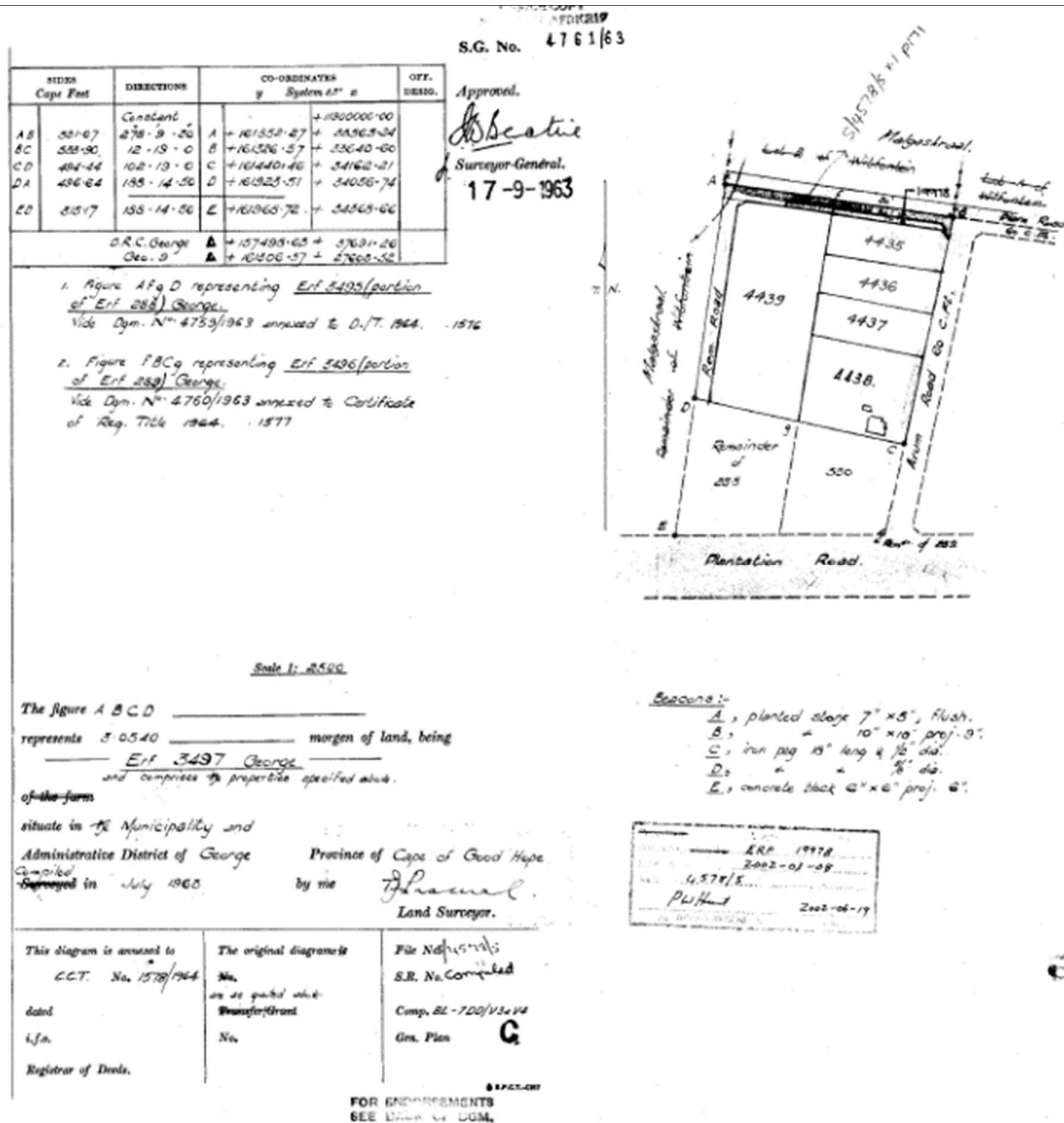
**Notes:**

- (a) Remainder Erf 3497, George is currently a public place (street). Thus consolidation of Portion A and Remainder Erf 4828, George could have been addressed in terms of Section 24(1)(d) of the Land Use Planning By-law for George Municipality, 2023.
- (b) The zoning of Portion A will automatically take the zoning of Remainder Erf 4828, George, namely Single Residential Zone I – in accordance with Section 14(1) of the George Integrated Zoning Scheme, 2023. As a result, an application for rezoning is not required.

**PART G: LOCATION**

The subject properties are situated in the northern parts of Heatherlands at 29 Plane Road. Figure 1 below indicates the location of the subject properties, in relation to George.





Remainder Erf 3497, George is currently still registered in the name of James Graham in terms of title deed no. T9074/1968. The property is however registered as a public place and currently zoned Transport Zone II (public street). The ownership of all public places vest with the Municipality and thus the George Municipality is the owner of the property. The applicant's attorney's will address the transfer of this property after the approval of this application through a vesting transfer.

## PART I: SUMMARY OF APPLICANT'S MOTIVATION

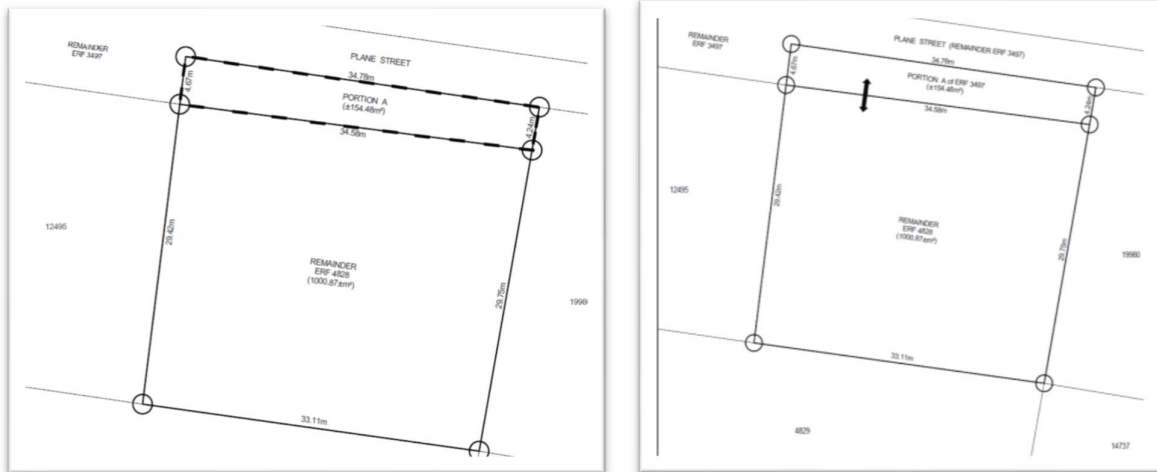
*Note: The text in italic did not form part of the applicant's memorandum and is merely for explanation purposes by the author.*

The applicant's motivation report can be summarised as follows:

### Development Proposal

- It is the intension of the property owner of Remainder Erf 4828, George to purchase portion of Remainder Erf 3497, George and consolidate said portion with Remainder Erf 4828, George.
- Remainder Erf 4828, George measures 1000m<sup>2</sup> and Portion A will measure ±154m<sup>2</sup>. In total, the consolidated erf will be ±1154m<sup>2</sup> in extent.

- Remainder Erf 3497, George was originally intended for the widening of Plane Road. The Municipality however, decided to abandon the upgrade / expansion of the road, as was confirmed by the Municipality's Directorate: Civil Engineering Services.
- The Council resolution to dispose Portion A to the owner of Remainder Erf 4828, George (council resolution attached as Annexure D) also confirms that the property is no longer required for the provision of basic services.



*Figure 2: Proposed Subdivision & Consolidation plan*

- Portion A is part of the public street, thus an application for closure of a public place was submitted.
- No rezoning application is required as Portion A will automatically be allocated the zoning of Remainder Erf 4828, George namely Single Residential Zone I on consolidation.
- A similar consolidation took place on the adjoining property, Erf 19980, George.
- Parking and access to the subject property will remain unchanged. Access to the dwelling is currently obtained from two different points on Plane Road and this will remain the same.
- The property is located in an already developed and serviced residential area. The property owner will be held financially responsible for the capital contributions.

*Note: The approval of this application will not trigger a DC payment – see CES and ETS comments.*

#### **Title deed**

- Remainder Erf 3497, George is still registered in the ownership of James Graham by virtue of title deed number T9074/1968. The property however vests in the name of George Municipality as it is a public street.
- Remainder Erf 4828, George is registered under the ownership of Fouche Adventure Trust under title deed number T48560/2014. The property is subject to a bond, a bondholder's consent is submitted with this application.
- A conveyancer certificate confirms that both title deeds does not contain any restrictive conditions that prohibit subdivision, closure of public place and consolidation of the subject properties.

#### **Zoning and Land Use**

- As indicated Remainder Erf 4828, George is zoned Single Residential Zone I and developed with a dwelling house.
- Remainder Erf 3497, George is zoned Transport Zone II and is used as a public street. A portion of Remainder Erf 3497, George is developed with a boundary fence (extended from Remainder Erf 4828, George).
- This portion of land will be subdivided and consolidated with Remainder Erf 4828, George and automatically take the zoning of Remainder Erf 4828, George.

- The consolidation will not alter the present development parameters applicable to Remainder Erf 4828, George.

#### **Character of the area**

- The property is situated in Heatherlands which is mostly a homogeneous residential area. The sizes of the surrounding erven are all slightly bigger than the subject property.
- The consolidation will increase the extent of Remainder Erf 4828, George from 1000m<sup>2</sup> to ±1154m<sup>2</sup>. This will fit in more with the erf sizes of the surrounding properties.
- Further, it will not change the character of the area because adjoining properties on the eastern side of the subject property have already been consolidated with portions of road reserve.

#### **LEGISLATIVE FRAMEWORK**

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

- The application is considered to be consistent with SPLUMA (2013) and LUPA (2014), as the application is in line with five development principles of SPLUMA
- It does not negatively impact on the character of the surrounding area, property values and there will not be an impact on the environment.
- The proposal is also consistent with the George Municipal Spatial Development Framework, 2023.
- The proposed development will optimize existing resources related to the subject property and will not have a financial, social, economic or environmental impact on the subject property and the surrounding properties.
- The development will make use of existing local resources and contribute to specialised skills development within the municipality.

#### **SPATIAL POLICES**

##### **George Municipal Spatial Development Framework, 2023**

- The GMSDF does not refer to the subject property specifically.
- The GMSDF (2023) created policies that will promote the objectives of the GMSDF.
- This development is not in conflict with any of these policies.

#### **DESIRABILITY**

- The concept “*desirability*” in the land use planning context may be defined as the degree of acceptability of a proposed development on land units concerned or the proposed consolidation of the property.
- The initial investigation into the desirability of the proposal reveals no obvious negative impacts.
- Thus, the proposed development is considered desirable according to the GMSDF (2023) and the George Municipality’s Integrated Zoning Scheme (2023).
- The proposed application will not have a negative impact on the surrounding neighbours or the character of the area.
- Remainder Erf 3497, George is not a usable and erf and is not intended for road purposes. These unusable portions should be incorporated with abutting erven.
- Physically nothing will change as the portion is already fenced in as part of the erf.

#### **PART J: SUMMARY OF PUBLIC PARTICIPATION**

Methods of advertising				Date published	Closing date for objections
Press	<b>Y</b>	N	N/A	2023-10-25	2023-11-24
Gazette	Y	<b>N</b>	N/A	N/A	N/A
Notices	<b>Y</b>	N	N/A	2023-08-25	2023-09-24
Website	<b>Y</b>	N	N/A	2023-08-25	2023-09-24
Ward councillor	<b>Y</b>	N	N/A	2023-08-25	2023-09-24
On-site display	<b>Y</b>	N	N/A	2023-08-25	2023-09-24



Community organisation(s)	Y	N	N/A	N/A	N/A		
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	No objections received.				Total invalid objections and petitions	N/A	
Valid petition(s)	Y	N	If yes, number of signatures				
Community organisation(s) response	Y	N	N/A	Ward councillor response	Y	N	N/A
Total letters of support	No letter of support received.						
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
No condonation was requested.							
<p><i>Note that the applicant did not advertise the application in the newspaper during public participation process. It was only found that the application was not advertised during evaluation stage. The applicant was informed of the error and the notice was placed in the newspaper on 25 October 2023 allowing 30 days for comment.</i></p>							
<b>PART K: SUMMARY OF COMMENTS DURING PUBLIC PARTICIPATION</b>							
No comments or objections received during public participation period.							
<b>PART L: SUMMARY OF APPLICANT'S REPLY TO OBJECTIONS</b>							
Not applicable.							
<b>PART M: SUMMARY OF COMMENTS FROM INTERNAL DEPARTMENTS AND/OR ORGANS OF STATE COMMENTS</b>							
Name of Department	Date	Summary of comments			Recommendation		
Civil Engineering Services (Services)	2023-09-05	In order, subject to the consolidation with Remainder Erf 4828, George.			N/A		
Civil Engineering Services (Traffic)	2023-09-05	In order.			N/A		
Electrotechnical Services	2023-10-16	DC conditions attached.			The conditions stated by the Directorate is noted but not relevant to the application submitted as no additional land use rights are being requested.		

**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
---	---	---

Application history

As stated earlier in the report, during the evaluation of a Departure application on Remainder Erf 4828, George in 2020, it became apparent that the architect / applicant had erroneously included a portion of the road reserve as part of said erf, basing the property's street boundary line on the position of the existing fence.



The applicant agreed that they would acquire the road reserve portion from the Council. It was later found that Council had already resolved to sell said portion of road reserve to the previous owner of Remainder Erf 4828, George, but as that owner never executed the decision, Council had to take a new decision.

At the meeting of 27 October 2022, Council resolved that a portion of Remainder Erf 3497, George ( $\pm 155\text{m}^2$ ) may be sold to the present owner of Remainder Erf 4828, George. It is against this background that the owner of Remainder Erf 4828, George submitted the abovementioned land use applications.

(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 utilise land for the proposed land uses been considered? (not yet applicable)			x



1(d)	Have the comments received from the respondents, any organs of state and the provincial minister been considered? ( <i>S. 45 of LUPA</i> )			x
1(e)	Have the comments received from the applicant been considered?			x
1(f)	Have investigations carried out in terms of other laws and that are relevant to the application being considered?			x
1(g)	Was the application assessed by a registered town planner? ( <i>see land use application process checklist</i> )	x		
1(h)	Has the impact of the proposed development on municipal engineering services been considered?	x		
1(i)	Is the application in line, consistent and/or compatible with the IDP of the municipality?			x
1(j)	Is the application in line, consistent and/or compatible with the municipal SDF?	x		
1(k)	Is the application in line, consistent and/or compatible with the IDP of the district municipality including its SDF?			x
1(l)	Is the application in line, consistent and/or compatible with the structure plan applicable to the area?			x
1(m)	Is the application in line, consistent and/or compatible with the local SDF applicable to the area?			x
1(n)	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(o)	Is the application in line, consistent and/or compatible with the provincial SDF?			x
1(p)	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(q)	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 or 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			x

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

Comments:

1(r)5 - Though there is no study conducted to ascertain the impact of the proposed development on land value, it is understood that the proposal will enhance the value of the property because the extent of Remainder Erf 4828, George will increase from 1000m<sup>2</sup> to ±1154m<sup>2</sup> – adding value to the property and generating additional revenue for the Municipality.

1(r)6 – The proposed subdivision, closure of public place and consolidation will not have a significant impact on the rights of the surrounding owners as the portion of public street is currently not utilised. Further, the Directorate: CES has confirmed that the portion of land in question will not be required for future road expansion. From a town planning perspective, this may be perceived as a boundary adjustment to address the existing encroachment on road reserve. It is not anticipated that subdivision, closure of a public place and consolidation will have significant impact on the existing rights of surrounding property owners.

1(s) – As indicated on this report, the proposal does not include physical development of the property, thus the application is consistent with the provision of George Integrated Zoning Scheme, 2023.

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

The applications submitted is only to regularise an existing historical street boundary line encroachment. No new development rights are being sort and the approval will not result in any enhancement of Remainder Erf 4828, George's development potential i.e., the development density, building line, height, coverage, parking and access requirements, etc will remain the same. As the status quo remains, the proposal submitted is found not to conflict with the George Municipal Spatial Development Framework, 2023.

(In)consistency with guidelines prepared by the Provincial Minister

Not applicable.

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

Not applicable.

**George Integrated Zoning Scheme, 2023**

In terms of Section 14(1) of the George Integrated Zoning Scheme By-law (2023), the zoning of land that was previously a public street or public open space, vested in or owned by the Municipality, and that is closed, is determined as follows :

- (1) (where) the land is transferred to an abutting land owner, that portion of the land (will) fall in the same zone as that of the abutting land belonging to the abutting owner , or

The above subsection means that when a closed public street is transferred to the abutting land owner, said portion will fall in the same zoning as that of the abutting property it will be consolidated with.

As indicated above, Remainder Erf 4828, George is zoned Single Residential Zone I and developed with a dwelling house. A previous owner of the property extended the boundary fence of the property into the road reserve (Remainder Erf 3497, George). Thus, as provided for in Section 14, Portion A will automatically receive a zoning of Single Residential Zone I when it is consolidated with Remainder Erf 4828, George.

Further, as already stated, the development density, building line, height, coverage, parking and access requirements, etc applicable to Remainder Erf 4828, George will also apply to the consolidated property and no additional development rights will accrue as a result of thereof.

Based on the above, the proposed development is found to be in line with the provision of the Zoning Scheme, 2023.

#### 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

\*4: The area is characterised by land uses ranging from dwelling houses, group housing, public open space, utility services and a place of worship. As indicated, the application does not include any physical development, only a boundary adjustment. The adjustment of the proposed boundary will ensure that the boundary of Remainder Erf 4828, George is in line with that of Erven 19980 and 19979 George – where a similar exercise was undertaken. Thus it not foreseen that the proposed application will have negative impact on the character of the area.

\*5: The architectural character of the streetscape will not change as a result of these applications being approved. The street boundary will be realigned with the existing fence line which also follows the street boundary line of Erven 19979 and 19980, George.

\*6, 7 & 8: This Directorate cannot anticipate that the proposed application will have significant impact on traffic and pedestrian movement because no additional development rights are being granted.

\*20 – As mentioned above, similar applications were previously approved on Erven 19979 and 19980, and therefore no unwarranted precedent will be set.

#### Assessment of objections/comments

No objection/comments received.

#### **PART O: SUMMARY OF EVALUATION**

It is the intention of landowner of Remainder Erf 4828, George to subdivide Remainder Erf 3497, George into 2 portions (Portion A and Remainder), close the public street (Portion A) and consolidate this portion with Remainder Erf 4828, George. The size of Portion A will be  $\pm 154\text{m}^2$  and the consolidated erf will have an extent of  $\pm 1154\text{m}^2$ .

As stated earlier in the report, there are several properties in the area which acquired a public street from the Municipality for consolidation with their respective properties, the closest being Erven 19980 and 19979, George. It is therefore not foreseen that the proposed application will have a negative impact on the character of the area nor set an unwarranted precedent.

The proposal will not result in any new or enhanced development rights on the consolidated property. The development density, building lines, coverage, building height, access and parking parameters will remain the same. The proposal will also have no impact on existing municipal services.

As the proposal will not result in any additional development rights or change in development parameters for the owners of Remainder Erf 4828, George, the applications submitted is deemed to be consistent with the MSDF, 2023.

Lastly, as indicated earlier in the report, the application for consolidation is not required/ necessary as it is exempted in terms of Section 24(1)(d) of the Land Use Planning By-Law for George Municipality, 2023. Notwithstanding, it has been decided that the application is finalised as proposed to avoid further red-tape/ additional administrative processes. The rezoning of Portion A to Single Residential Zone I is also not required considering the provisions of Section 14(1) of the George Integrated Zoning Scheme By-law (2023).

Thus, on the balance of all considerations as contemplated in Section 65 of the Land Use Planning By-Law for George Municipality (2023), the proposal submitted cannot be deemed undesirable and is therefore **SUPPORTED**.

## **PART P: RECOMMENDATION**

That the following applications applicable to Remainder Erf 3497, George and Remainder Erf 4828, George:

1. Subdivision in terms of Section 15(2)(d) of the Land Use Planning By-Law for George Municipality, 2023 of Remainder Erf 3497, George (zoned "Transport Zone II" - public street) into a Portion A ( $\pm 154\text{m}^2$ ) and a Remainder portion;
2. Closure of a  $\pm 154\text{m}^2$  portion of Public Place (Portion A) in terms of Section 15(2)(n) of the Land Use Planning By-law for George Municipality, 2023;
3. Consolidation in terms of Section 15(2)(e) of the Land Use Planning By-Law for George Municipality, 2023 of Portion A with Remainder Erf 4828, George;

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

### REASONS FOR DECISION

- (a) George Municipal Council has taken a resolution to sell Portion A of Remainder Erf 3497, George to the owner of Remainder Erf 4828, George. The said portion is not required for municipal minimum level of basic services in terms of Section 14(2) of the MFMA.
- (b) The approval of this application is deemed to be a boundary adjustment to address a historical encroachment in the road reserve.
- (c) The approval of the application will not lead to an enhancement of development rights and the development parameters also remain the same.
- (d) The proposal will not have a negative impact on the character of the surrounding residential area or the streetscape environment.
- (e) The proposal will have no impact on surrounding neighbours' rights and amenity to the use- and enjoyment of their properties.
- (f) Similar applications were approved on Erven 19979 and 19980, George and thus, the approval of these applications will not set an undesirable precedent.

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 provisions of the Land Use Planning By-law for George Municipality (2023) this approval shall lapse if not implemented within a period of five (5) years from the date it comes into operation;
2. This approval shall be taken to cover only the Subdivision and Closure of a Public Place applied for as indicated on Subdivision plan no. **SUBCON1** drawn by **DV** and dated **December 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 approved SG and consolidation diagrams must be submitted to the Directorate's GIS Department for record purposes prior to the transfer of Portion A;
4. The above approval shall be regarded as implemented on the registration of the certificate of consolidated title at the Deeds Office.

### **Notes**

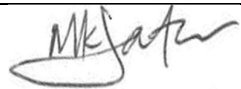
- (i) *As-built building plans for the consolidated property must be submitted to the Building Control Department record purposes in accordance with the National Building Regulations.*

**PART Q: ANNEXURES**

<b>Annexure A</b>	Subdivision plan
<b>Annexure B</b>	Consolidation plan
<b>Annexure C</b>	Motivation report
<b>Annexure D</b>	Council Resolution
<b>Annexure E</b>	Power of Attorney
<b>Annexure F</b>	Title deeds
<b>Annexure G</b>	Conveyancer certificate

**Condonation** (if applicable).

Not Applicable.



29 November 2023

K. MUKHOVHA (A/2119/2015)  
TOWN PLANNER

DATE

**RECOMMENDED /NOT RECOMMENDED**


21 December 2023

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

DATE

**RECOMMENDED /NOT RECOMMENDED**


21/12/2023


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

DATE

**APPLICATION FOR SUBDIVISION, CLOSURE OF PUBLIC PLACE AND CONSOLIDATION  
APPLICABLE TO REMAINDER ERF 3497, GEORGE AND REMAINDER ERF 4828, GEORGE (K.  
MUKHOVHA)**

**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 prejudice) 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	X		

	delegations to decide on the application?			
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 planner's 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 relevant 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 Planning 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: left;">   pp.  _____  <b>DELIA POWER (A1973/2014)</b>  <b>DEPUTY DIRECTOR: PLANNING/ AUTHORISED OFFICIAL</b> </div> <div style="text-align: right;"> <b>21/12/2023</b>  _____  <b>DATE</b> </div> </div>				

**Attachments : Annexures for Remainder Erven 3497 and 4828, George**



Erven 4828 & 3497  
George (annexures).