

The Municipal Manager

P. O. Box 19

George

6530

27 November 2023

Reference: Erf 24845 George

Sir

APPLICATION FOR RECTIFICATION OF ZONING, SUBDIVISION AND AMENDMENT OF LAND USE PLAN, PERMANENT DEPARTURES (RELAXATION OF BUILDING LINES, PARKING AND OPEN SPACE REQUIREMENT), CANCELATION OF SERVITUDE AND REMOVAL OF RESTRICTIVE CONDITION OF TITLE: ERF 24845 GEORGE

Attached hereto, please find an application

- for the rectification of the land use of Erf 24845 George from Single Residential Zone
   II (Private Open Space) to Single Residential Zone II (Administrative offices of the HOA and facilities ancillary to the functioning of the estate).
- in terms of section 15(2)(f) of the Land Use Planning By-law for George Municipality,
   2023 for the removal of condition F. from Title Deed T76532/2012, the title deed of Erf 24845 George.
- in terms of section 15(2)(d) of the Land Use Planning By-law for George Municipality,
   2023 for the cancelation of the 13 metre right of way servitude registered over Erf
   28485 George.
- in terms of section 15(2)(d) of the Land Use Planning By-law for George Municipality, 2023 for the subdivision of Erf 24845 George into a Portion A (± 2 207m²), Portion B (± 1 775m²) and a Portion C (± 4 301m²).
- in terms of section 15(2)(d) of the By-law on Land Use Planning for George Municipality, 2015 for the registration of

- o stormwater and sewer line servitudes in general terms over Portion B and Portion C in favour of Portion A;
- stormwater and sewer line servitudes in general terms over Portion C in favour of Portion B; and
- a stormwater line servitude in general terms over Portion A in favour of Portion
   B.
- in terms of section 15(2)(h) of the Land Use Planning By-law for George Municipality, 2023 for amendment of the land use of
  - Portion B as per the "Land Use Plan for Blue Mountain Village" from Single Residential Zone II (Administrative offices of the HOA and facilities ancillary to the functioning of the estate) to Single Residential Zone II (Institutional use – Memory Care Facility).
  - Portion C as per the "Land Use for Blue Mountain Village" from Single Residential Zone II (Administrative offices of the HOA and facilities ancillary to the functioning of the estate) to Single Residential Zone II (Group housing -Retirement units).
- in terms of section 15(2)(b) of the Land Use Planning By-law for George Municipality, 2023 for the relaxation of the
  - Blue Mountain Boulevard street boundary building line on Portion C from 3.0 metres to 0.0 metres to allow for the construction of garages.
  - southeastern lateral boundary building line on Portion C from 1.5 metres to 1.0 metres to allow for the construction of units 1, 15 and 16.
- in terms of section 15(2)(b) of the Land Use Planning By-law for George Municipality, 2023 for a departure from land use parameter (d) applicable to "Group housing" to waive the requirement that 50m² functional open space be provided for every retirement unit.

• in terms of section 15(2)(b) of the Land Use Planning By-law for George Municipality, 2023 for the relaxation of the parking requirements applicable to the retirement units from 1.75 parking bays per retirement unit to 1.2 parking bays per retirement unit.

Your prompt consideration of the application will be appreciated.

Thanking you in anticipation.

Jan Vrolijk

# **MOTIVATION REPORT**

APPLICATION FOR RECTIFICATION OF ZONING, SUBDIVISION AND AMENDMENT OF LAND USE PLAN, PERMANENT DEPARTURES (RELAXATION OF BUILDING LINES, PARKING AND OPEN SPACE REQUIREMENT), CANCELATION OF SERVITUDE AND REMOVAL OF RESTRICTIVE CONDITION OF TITLE

ERF 24845 GEORGE

### 27 November 2023



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Erf 24845 George: Application for subdivision, amendment of land use plan, permanent departure (relaxation of building lines, parking and open space requirement), cancellation of servitude and removal of restrictive conditions of title.

# **ANNEXURES**

Annexure "A"	Municipal approval dated 25 April 2006
Annexure "B"	Amended municipal approval dated 6 June 2008
Annexure "C"	Title Deed of Erf 24845 George
Annexure "D"	Pre application
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Annexure "G"	Proposed site plan for Portions B and C
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Annexure "I"	Approved building plans for existing buildings on Portion A
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Annexure "O"	Company registration document
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Municipal approval dated 28 July 2023

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# **MOTIVATION REPORT:**

APPLICATION FOR RECTIFICATION OF ZONING, SUBDIVISION AND AMENDMENT
OF LAND USE PLAN, PERMANENT DEPARTURES (RELAXATION OF BUILDING
LINES, PARKING AND OPEN SPACE REQUIREMENT), CANCELATION OF
SERVITUDE AND REMOVAL OF RESTRICTIVE CONDITION OF TITLE
ERF 24845 GEORGE

#### 1. EXISTING SITUATION

Erf 24845 George was created in terms of an approval dated 25 April 2006 which was amended on 6 June 2008. A copy of the approval letter dated 25 April 2006 is attached hereto as **Annexure** "A" whilst a copy of the amended approval letter dated 6 June 2008 is attached hereto as **Annexure** "B". As no zoning existed at that stage which could accommodate the buildings and land uses associated with the homeowner's association, Portion 430 (now Erf 24845 George) was zoned Special (Utility use). The intention was that buildings be developed on the erf to be used for land uses associated and related to the Home Owners Association which had to be established for the management and administration of the Blue Mountain residential development. Erf 24845 George has since been developed as discussed and described in section 4 of this motivation report.

In terms of the Zoning Transition Table in the George Municipality Integrated Zoning Scheme By-law, 2017 the zoning of Erf 24845 George has on 1 September 2017, with the implementation of the George Municipality Integrated Zoning Scheme By-law, 2017, been changed to Single Residential Zone II (Private Open Space). This zoning was awarded to the erf because of a lack of another alternative zoning. This was obviously not the correct zoning which has since been admitted by the George Municipality.

The George Municipality has on 1 October 2023 promulgated revisions to the George Integrated Zoning Scheme By-law, 2017. In terms of the amended George Integrated Zoning Scheme By-law, 2023 provision has made for a zoning / land use to accommodate the facilities associated



with a Homeowners Association within an Estate Development, namely Single Residential Zone II (Administrative offices of the HOA and facilities ancillary to the functioning of the estate).

It has since been recommended by the George Municipality that an application for rectification of land use of Erf 24845 George form Single Residential Zone II (Private Open Space) to Single Residential Zone II (Administrative offices of the HOA and facilities ancillary to the functioning of the estate) be submitted for consideration.

Erf 24845 George is at present registered in terms of Deed of Transfer T76532/2012 in the name of Applewood Trading 128 (Pty) Ltd Registration number No 2008/002408/07. A copy of the Title Deed of the erf is attached hereto as **Annexure** "C".

It is the intention of the Applewood Trading 128 (Pty) Ltd Registration number No 2008/002408/07 to deal with Erf 24845 George as prescribed in section 3 and 4 of this motivation report.

## 2. PRE-APPLICATION

The pre-application consultation discussion of the proposal by the relevant officials of George Municipality took place on 22 November 2023. The completed pre-application consultation form with the municipal comments on the proposal is attached hereto as **Annexure "D"**. The signed pre-application consultation application form contains the following comments that need to be addressed in the application:

## "Town Planning

- The Section 40 letter dated 6 November 2023 refers.
- Need to address compliance with MSDF 2023, LSDF, SPLUMA, Zoning Scheme etc.
- Parking, manoeuvrability, stacking distance etc will have to be included in the layout plans.
- Need to show the functional open space for the retirement facility.
- A land use plan to be included in the application clearly showing the respective uses for the subdivided portions.



- HOA approval will be required for the proposed development (to submit the signed minutes
  of the AGM meeting that was held).
- Note that no 'private office' or offices/uses other than for the HOA will be allowed on this
  property.
- Building line relaxation for the proposed carports are not required. Garage door not facing the private street.
- The right of way servitude needs to be removed by means of an application for the "Removal of Restrictive Conditions".
- A land surveyor to confirm how the servitude will be removed from the approved Subdivision/SG plan.
- The condition was written in favour of the general public and full PPP will thus be required for this application.
- Publication in the Burger and not the George Herold is also recommended to target a larger public group.
- Notices should also be sent to Erven 29620, 29622, 26832 George and notices need to be placed on site.

# **CES**

- <u>Access:</u> Restricted to the internal road network. The closure of the section of road is supported.
- Water & Sewer: Available, subject to confirmation of capacity required.
- <u>Stormwater:</u> Development must conform to Stormwater bylaw.
- <u>Development Charges:</u> Normal DC's in terms of the DC policy will apply. Credit will only be taken in consideration if proof of DC payments are available."

No negative issues were thus mentioned, and permission was granted to proceed with the submission of the application. The issues raised above are addressed in various points throughout this motivation report.

# 3. APPLICATION



- Application is made for the rectification of the land use of Erf 24845 George from Single Residential Zone II (Private Open Space) to Single Residential Zone II (Administrative offices of the HOA and facilities ancillary to the functioning of the estate).
- Application is made in terms of section 15(2)(f) of the Land Use Planning By-law for George Municipality, 2023 for the removal of condition F. from Title Deed T76532/2012, the title deed of Erf 24845 George.
- Application is made in terms of section 15(2)(d) of the Land Use Planning By-law for George Municipality, 2023 for the cancelation of the 13 metre right of way servitude registered over Erf 28485 George.
- Application is made in terms of section 15(2)(d) of the Land Use Planning By-law for George Municipality, 2023 for the subdivision of Erf 24845 George into a Portion A (± 2 207m²), Portion B (± 1 775m²) and a Portion C (± 4 301m²) as indicated on the subdivision plan attached hereto as **Annexure** "E".
- Application is made in terms of section 15(2)(d) of the By-law on Land Use Planning for George Municipality, 2015 for the registration of
  - stormwater and sewer line servitudes in general terms over Portion B and Portion C in favour of Portion A as indicated on the subdivision plan attached hereto as Annexure "E";
  - stormwater and sewer line servitudes in general terms over Portion C in favour of Portion B as indicated on the subdivision plan attached hereto as Annexure "E"; and
  - a stormwater line servitude in general terms over Portion A in favour of Portion B as indicated on the subdivision plan attached hereto as Annexure "E".
- Application is made in terms of section 15(2)(h) of the Land Use Planning By-law for George Municipality, 2023 for amendment of the land use of



- Portion B as per the "Land Use Plan for Blue Mountain Village" from Single Residential Zone II (Administrative offices of the HOA and facilities ancillary to the functioning of the estate) to Single Residential Zone II (Institutional use Memory Care Facility) as indicated on the Land Use Plan attached hereto as Annexure "F".
- Portion C as per the "Land Use for Blue Mountain Village" from Single Residential Zone II (Administrative offices of the HOA and facilities ancillary to the functioning of the estate) to Single Residential Zone II (Group housing Retirement units) as indicated on the Land Use Plan attached hereto as **Annexure** "F".
- Application is made in terms of section 15(2)(b) of the Land Use Planning By-law for George Municipality, 2023 for the relaxation of the
  - ⇒ Blue Mountain Boulevard street boundary building line on Portion C from 3.0 metres to 0.0 metres to allow for the construction of garages in the position as indicated on the proposed site plan for Portion C attached hereto as **Annexure "G"**.
  - southeastern lateral boundary building line on Portion C from 1.5 metres to 1.0 metres to allow for the construction of units 1, 15 and 16 as indicated on the proposed site plan for Portion C attached hereto as **Annexure** "G".
- Application is made in terms of section 15(2)(b) of the Land Use Planning By-law for George Municipality, 2023 for a departure from land use parameter (d) applicable to "Group housing" to waive the requirement that 50m² functional open space be provided for every retirement unit.
- Application is made in terms of section 15(2)(b) of the Land Use Planning By-law for George Municipality, 2023 for the relaxation of the parking requirements applicable to the retirement units from 1.75 parking bays per retirement unit to 1.2 parking bays per retirement unit.

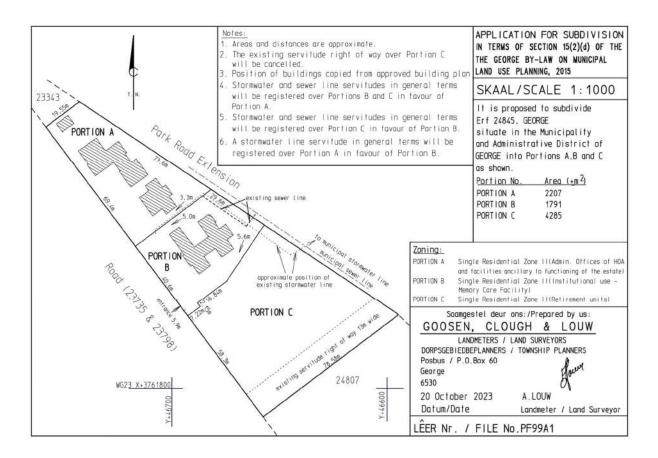
The completed municipal application form is attached hereto as **Annexure** "H".

## 4. DEVELOPMENT PROPOSAL



### 4.1 Introduction

As has been mentioned in section 2 above it is the intention to subdivide the erf into three portions as indicated on the subdivision plan below.



More detail with regards the existing use of the various building on each of the three portions are provided in section 4.2 of this motivation report. Approved building plans do however exist for all these buildings.

# 4.2 Existing development

#### 4.2.1 Portion A

As is visible from the subdivision plan in Section 4.1 above Portion A has been developed with three buildings.



The most northern building consists of a generator room where the generator is housed for the generation of electrical power for the offices located on Portion A during load shedding periods. This building has a floor area of approximately  $20m^2$ . A copy of the approved building plan for this building is attached hereto as **Annexure** "I".

The building located in the middle of Portion A accommodates the administrative offices, maintenance buildings and storerooms of the Blue Mountain Village Master Property Home Owners Association. The general management, administration and maintenance of Blue Mountain Village and Blue Mountain Gardens is undertaken from this building. Among other things, the building also accommodates all maintenance equipment and machinery used for the maintenance of the parks, sidewalks, etc., while a portion of the building is also used as storage space for the storage of material related to the daily maintenance of the residential area. This building has a floor area of approximately  $266m^2$ . A copy of the approved building plan for this building is attached hereto as **Annexure "l"**.

The most southeastern building on Portion A is used as a service centre from where the security network and internet facilities, thus facilities ancillary to the functioning of the estate, is administrated, monitored and controlled by the Blue Mountain Village Master Property Home Owners Association. This building has a floor area of approximately 152m². A copy of the approved building plan for this building is attached hereto as **Annexure "I"**.

The three buildings are at present thus used for Home Owners Association facilities as per the approved building plans and as per the proposed zoning rectification.

A stormwater line is located along the southeastern boundary of Portion A from where it extends over Portion B and Portion C before it connects to a municipal stormwater connection point in Park Road Extension. The position of this stormwater line is indicated on the subdivision plan attached hereto as **Annexure** "E".

### 4.2.2 Portion B



The building on Portion B used to accommodate the offices of the developer of the erven in the larger Blue Mountain development area as well as the consultants of the developer from where the development area was planned, managed and marketed. Some of the offices are at present still occupied by the consultants. The consultants have all been given notice and will in the next couple of months move to alternative premises. The committee room is however still occasionally used by the developer when development meetings are held with regards the larger Blue Mountain development area. This use will also terminate when the building is converted into the proposed memory care facility.

This existing double storey building has a floor area of approximately 607m<sup>2</sup>. Carports located in the street building line along Blue Mountain Boulevard with a floor area of approximately 139m<sup>2</sup> has also been developed on this portion. A copy of the approved building plan for this building and the carports is attached hereto as **Annexure "J"**.

A stormwater line is located along the northeastern boundary of Portion B from where it extends over Portion C before it connects to a municipal stormwater connection point in Park Road Extension. A sewer line is also located along the northeastern boundary of Portion B from where it connects to a municipal sewer connection point in Park Road Extension. The positions of the stormwater and sewer line is indicated on the subdivision plan attached hereto as **Annexure** "E".

### 4.2.3 Portion C

As is visible from the subdivision plan in Section 4.1 above a service road with an access control gate has been developed on Portion C. The service road has been developed in terms of a 13-metre right-of-way servitude which is registered over Erf 24845 George. The access control structure is located outside the right of way servitude on the vacant portion between the service road and the building on Portion B.

A stormwater line which originates on Portion A and extents over Portion B is also located along the northeastern boundary of Portion C. The position of this stormwater line is indicated on the subdivision plan attached hereto as **Annexure** "E".



# 4.3 Proposed development

## 4.3.1 Proposed subdivision

It is the intention of the developer to subdivide Erf 24845 George into a Portion A (± 2 207m²), Portion B (± 1 775m²) and a Portion C (± 4 301m²) as indicated on the subdivision plan attached hereto as **Annexure** "E".

Application is also made for amendment of the land use of

- Portion B as per the "Land Use Plan for Blue Mountain Village" from Single Residential Zone II (Administrative offices of the HOA and facilities ancillary to the functioning of the estate) to Single Residential Zone II (Institutional use Memory Care Facility).
- Portion C as per the "Land Use for Blue Mountain Village" from Single Residential Zone II (Administrative offices of the HOA and facilities ancillary to the functioning of the estate) to Single Residential Zone II (Group housing Retirement units).

Portion A will maintain its land use as per the rectification application, namely Single Residential Zone II (Administrative offices of the HOA and facilities ancillary to the functioning of the estate).

A Land Use Plan indicating the proposed Land Uses is attached hereto as Annexure "F".

It is intended of the owners to use and develop the three portions as discussed in sections 4.3.2 to 4.3.4.

# 4.3.2 Portion A

The buildings located on Portion A are occupied by the Blue Mountain Village Master Property Home Owners Association. It is the intention to subdivide this portion from Erf 24845 George and to transfer this portion to the Blue Mountain Village Master Property Home Owners Association in accordance with an agreement reached by the owners of Erf 24845 George and the Blue Mountain Village Master Property Home Owners Association.



Portion A will have an area of approximately 2 207m<sup>2</sup>. The portion will retain its present zoning namely Single Residential Zone II (Administrative offices of the HOA and facilities ancillary to the functioning of the estate). As mentioned in previous paragraphs of this motivation report there are approved building plans for the three buildings that are located on this portion. No changes or alterations are proposed to any of the buildings and the parking bays provided for these buildings. The current situation on the portion is thus not affected by the development proposal.

### 4.3.3 Portion B

It is the intention to convert the existing building on Portion B into a Memory Care Centre in accordance with the site plan and development plans attached hereto as **Annexure** "K".

Portion B will have a size of approximately 1 775m<sup>2</sup>. The existing double storey building located on this portion has a floor area of approximately 607m<sup>2</sup>. It is intended to extend the ground floor of this building with a further 38m<sup>2</sup>. The converted building, once completed, will have a total floor area of approximately 645m<sup>2</sup>. Carports with a floor area of approximately 139m<sup>2</sup> has also been developed on this portion. Approved building plans exists for these carports. The carports will be retained. The Memory Care Centre will on completion have a coverage of approximately 35%.

It is the intention to convert the ground floor of this building into a 15 bed memory care facility. A nurse's station, an entertainment area, linen rooms as well as a consulting room and a therapy room will also be provided on the ground floor level of the building.

The upper floor of the building will house a reception area, the office of the manager of the facility, a staff tearoom, ablution facilities for the staff, a kitchen and consulting rooms for a physiotherapist, a doctor and psychiatrist.

The layout of the two floors is also indicated on the floor plans attached as part of **Annexure** "K".



To allow for this development the existing land use of Portion B will have to be amended from Single Residential Zone II (Administrative offices of the HOA and facilities ancillary to the functioning of the estate) to Single Residential Zone II (Institutional use – Memory Care Facility).

A 5-metre street building line and 5-metre lateral building line are proposed for this land use as per "Institutional" as per the George Integrated Zoning Scheme By-law, 2023. Approved building plans do exist for the carports which encroaches the Blue Mountain Boulevard 5-metre street building line. No changes are proposed to these carports, and it is thus argued that no building line relaxation is required for the existing approved carports.

In terms of the minimum off-street parking requirements table in Section 42 of the George Integrated Land Use By-law, 2023 parking bays at a ratio of 0.75 parking bays need to be provided per bed for this facility. In terms of this requirement 11.25 parking bays need to be provided. In terms of the development proposal 14 parking bays are to be provided for the facility. The memory care facility will thus comply with the requirements applicable to this land use as per the mentioned by-law.

A motivation report from the General Manager Blue Mountain Village, Blue Mountain Gardens and Blue Mountain Retirement Community consisting of the Blue Mountain Retirement Estate, Blue Mountain Haven and Blue Mountain Gables explaining the need and desirability to develop a memory care facility within the boundaries of the Blue Mountain Village Estate is attached hereto as **Annexure** "L".

# 4.3.4 Portion C

A service road with an access control gate has been developed on Portion C. This service road act as access for contractors who are involved with the development of dwelling units on the various erven within the greater Blue Mountain residential estate. As the development is in the final stages of completion the need for this service road will cease to exist within the next couple of months. For security reasons it is the intention to close this contractors access once the building activities has ceased.



A 13-metre wide right of way is registered over this service road. It is proposed to cancel the servitude and to remove the entrance control facilities and tar surface and to include the cancelled servitude area into the development proposal for Portion C. Condition F in Title Deed T76532/2012, the title deed of Erf 24845 George, also refers to this right of way servitude. This condition will thus also have to be removed from the title deed.

The existing land use of Portion C will simultaneously with the cancellation of the servitude be amended from Single Residential Zone II (Administrative offices of the HOA and facilities ancillary to the functioning of the estate) to Single Residential Zone II (Group housing - Retirement units).

Portion C will have an area of approximately 4 301m<sup>2</sup>. It is the intention to develop 17 one bedroom and 6 two-bedroom retirement units on Portion C in accordance with the development plans and 3D presentation giving artist impression attached hereto as **Annexure "M"**.

The one-bedroom retirement units will have a floor area of approximately 64m<sup>2</sup> which includes a covered patio whilst the two-bedroom retirement units will have a floor area of approximately 78m<sup>2</sup> which also includes a covered patio.

The retirement units will be developed at a density of approximately 54 units per hectare.

The retirement units development has been planned to comply with the land use parameters applicable to townhousing as per the George Integrated Zoning Scheme, 2023. The proposed density of 54 retirement units per hectare will be within the 60 dwelling unit per hectare parameter applicable to townhousing. The total development will have a floor area of approximately 1 820m² with a coverage of approximately 42,32%. The proposal will thus also comply with the 60% coverage applicable to townhousing. The development will furthermore be subject to a 3-metre street building line and to 1.5 metre lateral building lines.

The retirement units will be similar in appearance to the retirements units which forms part of the Blue Mountain Carenet Haven development on Erf 24807 George directly to the southeast of Erf 24845 George. From the outside the proposed development will thus appear as an extension of the existing retirement village on Erf 24807 George. The retirement units will as far as frail care



facilities are concerned be linked to the Blue Mountain Carenet Haven development on Erf 24807.

Portions of retirement units 1, 15 and 16 will encroach into the southeastern lateral building line and an application for relaxation of these building lines will be necessary.

Fifteen lockup garages, eight carports, two disable parking spaces and 2 visitors parking spaces will be provided within the boundaries of Portion C. This calculate to 1.2 parking bays per retirement unit which is just below the parking requirement of 1,25 parking bay per retirement unit for a PT1 area. The 15 lock up garages will be located in the 3-metre street building line along the Blue Mountain Boulevard street boundary of the portion, thus in a similar position as the garages on Erf 24807 George which was recently approved by the George Municipality. An application for relaxation of the street building line along Blue Mountain Boulevard and an application for relaxation of the parking requirements will thus be necessary.

It is the intention to sell these 23 retirement units by way of section title. As there is already an existing sectional title development for the Blue Mountain Carenet Haven development on Erf 24807 George it is not possible to consolidate Portion C with Erf 24807 George. The 23 retirement units will therefore function as a separate entity who will enter into a service agreement as far as frail care facilities are concerned with the Blue Mountain Carenet Haven development on Erf 24807 George.

### 4.3.5 Proposed servitudes

A stormwater line is located along the southeastern boundary of Portion A from where it extends over Portion B and Portion C before it connects to a municipal stormwater connection point in Park Road Extension.

A stormwater line is located along the northeastern boundary of Portion B from where it extends over Portion C before it connects to a municipal stormwater connection point in Park Road Extension. A sewer line is also located along the northeastern boundary of Portion B from where it connects to a municipal sewer connection point in Park Road Extension.



A stormwater line which originates on Portion A and extents over Portion B is also located along the northeastern boundary of Portion C. There is currently a sewer line and a storm water pipe located on Portion B and Portion C in the position as indicated on the attached subdivision plan.

The position of the stormwater and sewer line is indicated on the subdivision plan attached hereto as **Annxure** "E". The stormwater and sewer lines will remain I place and will as such have to be protected by the following servitudes:

- a stormwater and sewer line servitude in general terms over Portion B and Portion C in favour of Portion A as indicated on the subdivision plan attached hereto as Annexure "E";
- a stormwater and sewer line servitude in general terms over Portion C in favour of Portion B as indicated on the subdivision plan attached hereto as Annexure "E", and
- a stormwater line servitude in general terms over Portion A in favour of Portion B as indicated on the subdivision plan attached hereto as Annexure "E".

The servitudes have no impact on the existing development on Portion A nor on the proposed development on Portion B and Portion C.

## 5. COMMENTS BLUE MOUNTAIN VILLAGE HOME OWNERS' ASSOCIATION

The development proposal was placed for discussion on the agenda of the 16<sup>th</sup> Annual General Meeting (AGM) of the Blue Mountain Village Home Owners' Association held at 17h30 on Wednesday, 17<sup>th</sup> May 2023, at Eden Gemeente, George. A copy of the signed minutes of the meeting of the meeting with references to the development proposal is attached hereto as **Annexure "N"**.

The proposal was well accepted by the majority of the residents that attended the meeting. The development proposal was after extensive discussion approved by the Blue Mountain Village Home Owners' Association.

### 6. OWNERSHIP

## 6.1 Registered owner



Erf 24845 George is at present registered in terms of Deed of Transfer T76532/2012 in the name of Applewood Trading 128 (Pty) Ltd Registration number No 2008/002408/07.

### 6.2 Title Deed

A copy of the Deed of Transfer T76532/2012 is attached hereto as Annexure "C".

## 6.3 Power of Attorney

A copy of the company registration document of Applewood Trading 128 (Pty) Ltd Registration Number No 2008/002408/07 confirming the names of the directors of the company is attached hereto as **Annexure** "O".

A Company Resolution authorizing Christiaan Johannes Theunis Roodt in his capacity as a Director of Applewood Trading 128 (Pty) Ltd Registration Number No 2008/002408/07 to appoint Jan Vrolijk Stadsbeplanner/Town Planner to prepare and submit the applications as set out in point 2 of this motivation report is attached hereto as **Annexure** "P".

A Power of Attorney whereby Jan Vrolijk Town Planner/Stadsbeplanner is appointed by Christiaan Johannes Theunis Roodt as the nominated Director of Applewood Trading 128 (Pty) Ltd Registration Number No 2008/002408/07 to prepare and submit the applications as set out in point 2 of this motivation report is attached hereto as **Annexure "Q"**.

#### 6.4 Bondholder's Consent

Erf 24845 George is encumbered by a bond. The permission of Investec, the bondholder, is attached hereto as **Annexure** "R".

# 6.5 Conveyancer Certificate

A Conveyancer Certificate in respect of Erf 24845 George is attached hereto as **Annexure "S"**. The Conveyancer Certificate refers to the 13 meter right of way servitude which needs to be



removed from the title deed. The Conveyancer Certificate furthermore confirms that there are no other conditions in the Title Deed of the erf which restrict the development of the erf as proposed in this application.

## 7. GENERAL INFORMATION REGARDING ERF 24845 GEORGE

# 7.1 Locality

Erf 24845 George is located to the south of Park Road Extension in the residential township known as Blue Mountain Village. The locality of the erf is indicated on the locality plan which is attached hereto as **Annexure** "T".

# 7.2 Existing land use

The existing development on Erf 24845 George is explained in detail in point 4.2 of this motivation report.

#### 7.3 Extent

Erf 24845 George is 8 283m<sup>2</sup> in extent.

## 7.4 Present zoning

In terms of this application, application is made for the rectification of the land use of Erf 24845 George from Single Residential Zone II (Private Open Space) to Single Residential Zone II (Administrative offices of the HOA and facilities ancillary to the functioning of the estate).

## 7.5 Surveyor General Diagram

The Surveyor General Diagram of Erf 24845 George is attached hereto as Annexure "U".



8. DESIRABILITY OF THE APPLICATION FOR THE SUBDIVISION, AMENDMENT OF LAND USE AND REMOVAL OF RETRICTIVE CONDITION OF TITLE IN RESPECT OF ERF 24845 GEORGE

### 8.1 Introduction

The application erf is currently zoned to Single Residential Zone II (Administrative offices of the HOA and facilities ancillary to the functioning of the estate).

It is the intention to subdivide Erf 24845 George into a Portion A (± 2 207m²), Portion B (± 1 775m²) and a Portion C (± 4 301m²) as indicated on the subdivision plan attached hereto as **Annexure** "E". It is further the intention to amend the land use of the subdivided portions as indicated in the following paragraphs and as indicated on the Land Use Plan attached hereto as **Annexure** "F".

- Portion A will maintain its land use as per the rectification application, namely Single Residential Zone II (Administrative offices of the HOA and facilities ancillary to the functioning of the estate).
- Portion B as per the "Land Use Plan for Blue Mountain Village" from Single Residential Zone II (Administrative offices of the HOA and facilities ancillary to the functioning of the estate) to Single Residential Zone II (Institutional use Memory Care Facility).
- Portion C as per the "Land Use for Blue Mountain Village" from Single Residential Zone II (Administrative offices of the HOA and facilities ancillary to the functioning of the estate) to Single Residential Zone II (Group housing Retirement units).

No change of zoning of Erf 24845 George is thus proposed by means of this application. The land use will however change. Section 20(2) of the Land Use Planning By-Law for the George Municipality, 2023 is thus not applicable to this application.

The desirability of the application for subdivision, the amendment of the Land Use Plan for Erf 24845 George and the removal of the restrictive condition of title will subsequently be discussed with reference to the aspects listed below.



- Physical characteristics of the erf.
- The proposed land uses.
- The compatibility of the proposal with existing planning documentation, spatial frameworks, legislation and policies.
- The compatibility of the proposal with the character of the surrounding area.
- Potential of the erf.
- Accessibility of erf.
- Availability of parking.
- Provision of services.

It will be indicated in the following paragraphs that the proposed subdivision of the erf, the amendment of the Land Use Plan for Erf 24845 George and the removal of the restrictive condition of title to allow for a Memory Care Facility and 23 retirement units to be developed on the Portions B and C can be regarded as being desirable as far as the mentioned aspects are concerned.

## 8.2 Physical characteristics of the erf

# 8.2.1 Topography

Erf 24845 George is absolutely level and there are no topographic features that could place a restriction on the proposed subdivision of the erf into the three portions as proposed, nor on the or the development which is proposed for Portions B and C. The topography of the erf therefore plays no role in the desirability of the application.

# 8.2.2 Surface conditions

Little information concerning the soil conditions in the area is available. The soil condition of the erf seems stable. The existing structures on the erf do not appear to have construction anomalies relating to unstable soil conditions. It can, therefore, be accepted that the soil condition is suitable to accommodate the development as proposed.

There is therefore also no reason from this point of view why the application cannot be supported.



## 8.2.3 Vegetation

The existing garden surrounding the buildings on Portion A will not be affected by the development proposal.

The garden surrounding the building on Portion B consists of a lawn which is mowed on a regular basis. Once the building on this portion has been converted into the Memory Care Centre, the outside area will be landscaped to provide a private secure outdoor landscaped area for patients of the Memory Care Centre.

Portion C consists of a tar surface and an area overgrown with veld grass and weeds which is mowed on a regular basis. The tar surface and veld grass and weeds will be removed to make way for the development of this portion with 23 retirement units which will be located within a landscaped area.

No indigenous or conservation worthy vegetation will thus be affected by the development proposal.

### 8.2.4 Other characteristics

The development proposal is not affected by flood lines, fountains or other unique ecological habitats.

### 8.2.5 Conclusion

From the contents of the above-mentioned paragraphs, there is no reason from a physical characteristics point of view why the application for rezoning and subdivision cannot be supported.

## 8.3 Proposed land uses



It is the intention of the developer to subdivide Erf 24845 George into a Portion A ( $\pm$  2 207m<sup>2</sup>), Portion B ( $\pm$  1 775m<sup>2</sup>) and a Portion C ( $\pm$  4 301m<sup>2</sup>) as indicated on the subdivision plan attached hereto as **Annexure** "**D**".

Portion A - The buildings located on Portion A are occupied by the Blue Mountain Village Master Property Home Owners Association. The existing land use is to remain intact. No changes or alterations are also proposed to any of the buildings and the parking bays provided for these buildings. The current situation on Portion A is thus not affected by the development proposal.

Portion B - It is the intention to convert the existing building on Portion B into a Memory Care Centre in accordance with the details indicated in point 3.3.3 above.

Portion C – It is the intention to develop Portion C with 23 retirement units and garaging in accordance with the details indicated in point 3.3.4 above.

# 8.4 Density of the proposed development

Density is not applicable to Portion A and portion B.

Portion C will have an area of approximately 4 301m<sup>2</sup>. It is the intention to develop 17 one bedroom and 6 two-bedroom retirement units on Portion C. The retirement units will be developed at a density of approximately 54 units per hectare.

The retirement units development has been planned to comply with the land use parameters applicable to townhousing as per the George Integrated Zoning Scheme, 2023. The proposed density of 54 retirement units per hectare will be within the 60 dwelling unit per hectare parameter applicable to townhousing. The total development will have a floor area of approximately 1 820m² with a coverage of approximately 42,32%. The proposal will thus also comply with the 60% coverage applicable to townhousing.

# 8.5 Compatibility of the development proposal with existing planning documentation and policies



## 8.5.1 Introduction

Different planning documents apply to the application and the desirability and compatibility of the application regarding each of these documents will subsequently be discussed.

# 8.5.2 "Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA)"

Section 7 of the "Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)" lists 5 development principles which must be applied when any development application is to be evaluated. The principles referred to are as follows:

- "Spatial justice"
- "Spatial sustainability"
- "Spatial efficiency"
- "Spatial resilience"
- "Good administration"

Different development principles are identified under each of the 5 abovementioned principles which must be applied when a land use application is to be evaluated.

The proposed application for subdivision of the erf and the amendment of the Land Use Plan for Erf 24845 George to allow for a Memory Care Facility and 23 retirement units will subsequently be evaluated based on each of the principles.

Spatial justice		
Criteria	Compliance	Planning Implication
Past spatial and other development imbalances must be redressed through improved access to and use of land.	Complies with.	This application will result in the undeveloped portion of Erf 24845 George being developed with retirement units whilst the existing office building on the erf will be



		converted into a Memory Caree Facility. This portion of the development proposal will target the retiree and will result in housing and care facilities being made available to this specific group. The proposal will also make it possible to transfer the portion on which the homeowner's buildings and facilities are located to the Blue Mountain Village Master Property Home Owners Association The proposal will thus lead to more efficient use of this erf. Due to the high infrastructure costs, the specialized nature of the care facility and the high market value of Erf 24845 George it is inevitable that the development is aimed at the middle to high income groups.
Spatial development frameworks and policies at all spheres of government must address the inclusion of persons and areas that were previously excluded, with an emphasis on informal settlements, former homeland areas and areas characterised by widespread poverty and deprivation.	Complies with.	George Municipality approved a Spatial Development Plan for George, 2023 which contains development proposals which are aimed at improving the quality of life of all the inhabitants of George, thus creating the opportunity for approval of applications of this nature.
Spatial planning mechanisms, including land use schemes, must incorporate provisions that enable redress in access to land by disadvantaged communities and persons.	Complies with.	George Municipality approved the George Integrated Zoning Scheme By-Law, 2023, which contains zoning and development parameters which guide the development of all erven in respect of type of structure allowed, land uses and land use parameters. The required provisions have been incorporated in the George Integrated Zoning Scheme By-Law, 2023. This By-law does however also allow for the development of retirement units and care facilities for the retiree as proposed in this application.
Land use management systems must include all areas of a municipality and especially include provisions that are flexible and appropriate for the	Complies with.	George Municipality approved the George Integrated Zoning Scheme By- Law, 2023 which contains zoning- and development parameters which guide



management of disadvantaged areas, informal settlements and former homelands areas.		the development of all erven in respect of type of structure allowed, land uses and land use parameters. This By-law includes provisions that are flexible and appropriate for the management of disadvantaged areas, informal settlements and former homelands areas. The parameters enable the development of erven in disadvantaged areas and informal settlements. Unfortunately, due to the high infrastructure costs, the specialized nature of the care facility and the high market value of Erf 24845 George it is inevitable that the development as proposed in this application is aimed at the middle to high income groups.
Land development procedures must include provisions that accommodate access to secure tenure and incremental upgrading of informal areas.	Not applicable.	This provision does not apply to this application, as no informal residential development is involved.
A Municipal Planning Tribunal, considering an application before it, may not be impeded or restricted in the exercise of its discretion solely on the ground that the value of land or property is affected by the outcome of this application.	Not applicable.	As far as is known, the Eden Joint Planning Tribunal - George Municipality's discretion when considering applications is not affected by the value of land or property. Decision making is, as far as is known, based on the principles, as stated in Section 7 of the Spatial Planning and Land Use Act, 2013 (Act 16 of 2013).

Spatial sustainability		
Criteria	Compliance	Planning Implication
Promote land development that is within the fiscal, institutional and administrative means of the Republic.	Complies with.	The proposed development will have no impact on the fiscal, institutional or administrative capabilities of the George Municipality. The George



		Municipality's income base will in fact be broadened through this development proposal. The development proposal that forms the subject of the application is furthermore located within the urban edge of George in an area that is terms of the George Spatial Development Framework, 2023 earmarked for urban development.
Ensure that special consideration is given to the protection of prime and unique agricultural land.	Not applicable.	Erf 24845 George is zoned as indicated in point 6.4 of this Motivation Report. The provisions of the Act on the Subdivision of Agricultural Land, 1970 (Act 70 of 1970) is therefore not applicable to this application.
Uphold consistency of land use measures in accordance with environmental management instruments.	Not applicable.	The proposed development does not trigger any listed activities in terms of the National Environmental Management Act, 1998 (Act 107 of 1998). This Act is therefore not applicable to this application.
Promote and stimulate the effective and equitable functioning of land markets.	Complies with.	The residential component and density proposed in this application is considered appropriate for this specific location. A similar development is situated directly to the southeast of the proposed retirement units. The Memory Care Facility will be housed in an exciting office building which will be upgraded. The development proposed will be of a high standard and will be complimentary to the development in the area. The proposed development will not have a negative impact on surrounding property values and will contribute to the upgrading of the undeveloped area on Erf 24845 George. The buildings housing the HOA offices and facilities will not be affected by the development proposal.
Consider all current and future costs to all parties for the provision of infrastructure and	Complies with.	All infrastructure required for the development will be provided by the developer at his cost in accordance with municipal requirements. Civil and



social services in land developments.		electrical services report for the proposed development have been prepared and is discussed in more detail in point 7.12 of this Motivation Report.
Promote land development in locations that are sustainable and limit urban sprawl.	Complies with.	Erf 24845 George is in terms of the George Spatial Development Framework. 2023 located within the urban edge of the George Municipal area as well as in an area earmarked for urban development. The proposal will thus not result in urban sprawl.
Result in communities that are viable.	Complies with.	The development as proposed will further enhance the viability of the Blue Mountain residential estate, which will have a positive effect on property values and eventually the economy of George. This will furthermore result in additional income for the Municipality, income which could be used for the improvement of quality of services to all the citizens of George.

# Spatial efficiency

Criteria	Compliance	Planning Implication
Land development optimises the use of existing resources and infrastructure.	Complies with.	The required infrastructure for the proposed development will be provided by the developer at his costs. The proposal will thus not result in infrastructure costs to any external parties. The proposal will thus not place any burden on municipal budget for the provision services infrastructure.
Decision-making procedures are designed to minimise negative financial, social, economic or environmental impacts.	Complies with.	In terms of the contents of this Motivation Report the proposed development will have no negative financial, social, economic or environmental impacts. It will thus be



		possible to comply with any procedures which the George Municipality has designed to minimise negative financial, social, economic or environmental impacts.
Development application procedures are efficient and streamlined and timeframes are adhered to by all parties.	Complies with.	George Municipality has adopted the George Municipality: Land Use Planning By-law, 2023 which prescribes procedures and timeframes developers must comply with when submitting land use applications, and which officials must consider when considering applications. This application has been prepared in accordance with the stipulations of the George Municipality: Land Use Planning By-law, 2023 and the application will therefore be handled and considered in accordance with the timeframes as prescribed.

Spatial resilience		
Criteria	Compliance	Planning Implication
Flexibility in spatial plans, policies and land use management systems are accommodated to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks.	Complies with.	The application erven are situated within the urban Edge of George, in an area indicated for further development in the George Spatial Development Framework, 2023.

Good administration		
Criteria	Compliance	Planning Implication



All spheres of government ensure an integrated approach to land use and land development that is guided by the spatial planning and land use management systems as embodied in this Act.

This is general principle that municipalities need to comply with.

Input was received from all spheres of government when the George Spatial Development Framework, 2023 was drafted. An integrated approach, guided by the spatial planning and land use management svstems embodied in this Act, was thus followed in the preparation of the George Spatial Development Framework, 2023. As the development proposal can be deemed to comply with the contents of the George Spatial Development Framework, 2023, it can be stated that the proposal complies with the specific criteria.

All government departments must provide their sector inputs and comply with any other prescribed requirements during the preparation or amendment of spatial development frameworks.

This is general principle that municipalities need to comply with.

received Input was from all government departments and sectors when the George Spatial Development Framework, 2023 was drafted. An integrated approach, guided by the spatial planning and land use management systems as embodied in this Act, was thus followed in the preparation of the George Spatial Development Framework, 2023. As it can be deemed that the development proposal complies with the contents of the George Spatial Development Framework, 2023, it can be stated that the proposal complies with this specific criterion.

The requirements of any law relating to land development and land use are met timeously.

This is general principle that municipalities need to comply with.

The George Municipality has adopted the George Municipality: By-law on Land Use Planning, 2023 which prescribes procedures and timeframes which developers must adhere to when submitting land use applications and which officials needs to take into consideration when considering applications. This application has been prepared in keeping with requirements as per the George Municipality: By-law on Land Use Planning, 2023 and the application will from date of submission be dealt with



The preparation and amendment of spatial plans, policies, land use schemes as well as procedures for development applications, include transparent processes of public participation that afford all parties the opportunity to provide inputs	This is general principle that municipalities need to comply with.	and be considered within the timeframes prescribed in the by-law.  This application will be advertised in accordance with the stipulations as contained in the George Municipality: By-law on Land Use Planning, 2023. All parties will be given the opportunity to participate in the public participation process and will be afforded the opportunity to provide input on the application.
on matters affecting them.  Policies, legislation and procedures must be clearly set in order to inform and empower members of the public.	This is general principle that municipalities need to comply with.	The George Municipality: By-law on Land Use Planning, 2023 contains clear procedures set to inform and empower members of the public. This application will be subjected to these procedures.

As can be seen from the table above, it can be argued that the proposal can be regarded as being compatible with the 5 development principles of SPLUMA.

#### 8.5.3 "Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA)"

In terms of the above Act, it is expected of a municipality to consider the compatibility of any development proposal with existing provincial and municipal spatial development frameworks and as well as more detailed local spatial frameworks.

Section 19(1) and 19(2) of the Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA) which is relevant to this application reads as follows:

- 19(1) If a spatial development framework or structure plan specifically provides for the utilization or development of land as proposed in a land use application or a land development application, the proposed utilization or development is regarded as **complying** with that spatial development framework or structure plan.
- 19(2) If a spatial development framework or structure plan does not specifically provide for the utilization or development of land as proposed in a land use application or a land development application, but the proposed utilization does not conflict with the purpose



of the relevant designation in the spatial development framework or structure plan, the utilization or development is regarded as being **consistent** with that spatial development framework or structure plan."

The compatibility of the development proposal with existing spatial development frameworks is addressed in points 8.5.5 and 8.5.6 of this report.

The development principles referred to in Section 59 of LUPA, which should also be considered when motivating an application, are directly in line with the principles of SPLUMA which have been discussed in detail in section 8.5.2 above. The comments in paragraph 8.5.2 are thus also relevant as far as Section 59 of LUPA is concerned.

#### 8.5.4 Western Cape Provincial Spatial Development Framework (WC-PSDF)

#### 8.5.4.1 Introduction

The Western Cape Provincial Spatial Development Framework (WC-PSDF) not only provides for a new spatial development pattern for the Province but also clearly points out where development may and may not take place. The provisions of the development framework must therefore be considered with any development proposal.

In terms of the framework, mention is made of several principles namely spatial justice, spatial sustainability, spatial resilience, spatial efficiency, accessibility and quality of life and good administration to which spatial planning must comply. The impact of the application on spatial justice, spatial sustainability, spatial resilience, spatial efficiency, has already been fully discussed in point 7.5.2 above and it has been shown that the proposed development complies with the mentioned principles.

Several policy statements are also highlighted in terms of the WC-PSDF which must specifically correlate with the mentioned principles. Some of the policy statements that are relevant to this town planning application will be addressed in the following points.

#### 8.5.4.2 Protection of agricultural land



In terms of the WC-PSDF it is indicated that agricultural land must be protected. Erf 24845 George is zoned Single Residential Zone II (Administrative offices of the HOA and facilities ancillary to the functioning of the estate) and is not used for agricultural purposes. The relevant objective of the WC-PSDF is therefore not relevant to this application.

#### 8.5.4.3 Urban edge

The WC-PSDF provides for a guideline which determines that towns should identify an urban edge and that development should be restricted to areas inside the urban edge. The George Municipality identified an urban edge, and Erf 24845 George falls within the identified urban edge. As such, the proposed development will not result in "urban sprawl". The proposal therefore meets the requirement of this guideline set out in the WC-PSDF.

#### 8.5.4.4 Densification

In terms of the WC-PSDF, higher densities and more compact cities must be created. According to the framework, it is recommended that towns should densify to an average density of 25 units per hectare with development densities of 3 to 6 units per hectare on the edge of a town and densities of between 40 to 60 units per hectare in the core of the urban area.

In the framework, it is highlighted that the density was decided upon following studies that were undertaken and which showed "that this is the minimum density at which urban settlements begin to significantly improve their urban performance."

According to the framework, the proposed density creates the following benefits:

- The ability to walk to several different destinations on foot.
- Improve surveillance and security.
- Employment and retail opportunities within easy distance.
- Vibrant and active streetscape.



The framework further states that "the figure of an average gross density of 25 du/ha should be seen as a hurdle below which urban settlements will not perform adequately, and above which a number of positive opportunities begin to be achievable."

According to the framework, increased densities are best applied in towns that are under development pressure and, according to the framework, increased densities is an important tool to counter urban sprawl. Although George is not subject to high development pressure and urban sprawl is not a problem at this stage, an application of this nature may contribute to limiting urban sprawl in the future.

According to the framework, the increased density and the combating of urban sprawl can be achieved through various development possibilities. Subdivisions of properties, the development of additional residential units as well as sectional title developments, demolition and redevelopment, high density residential areas, apartment blocks and infill are presented as ways by which higher densities can be achieved.

The option to develop vacant land that is located within the urban edge of a town and that is targeted for residential development and densification in terms of an approved spatial development framework, is thus the recommended way whereby densities can be increased, and urban sprawl can be counteracted. This specific proposal inter alia involves the development of a vacant portion of land which is located in an area earmarked for densification in terms of the George Spatial Development Framework, 2023 with 23 retirement units at an average density of approximately 54 units per hectare. This portion of the development proposal will thus contribute to the fact that the density prescribed by the framework will eventually be achieved and that urban sprawl will be limited.

The residential density proposed in this application is considered appropriate, as the portion to be developed with the 23 retirement units is situated adjacent to other, similarly zoned erven, as well as directly to the south of an extensive business node. The densification objective as prescribed in the development framework will therefore be achieved with this application.

#### 8.5.4.5 Summary



From the content of point 8.5.4 it seems clear that the application can indeed be considered compatible with the WC-PSDF.

#### 8.5.5 George Spatial Development Framework, 2023 (GSDF)

Erf 24845 George is located within the study area of the George Spatial Development Framework, 2023 (GSDF). The framework therefore applies to this application.

In terms of the George Spatial Development Framework, 2023 (GSDF) several business nodes have been identified. Erf 24845 George, which forms part of the Blue Mountain residential development node, is located directly adjacent to the area that is covered by the Eastern Commercial Node.

In terms of the GSDF the Eastern Commercial Node is described as follows:

"Sub-regional mixed-use node, focused presently on the commercial potential of the N2, but also containing a mix of residential and work opportunities, comprising the Garden Route Mall, the Eden Meander, surrounding zoned business and commercial zoned land adjacent to the N2. In time this node will include the future development of the 'Kraaibosch South Extension' site. (South and west of the N2)."

In terms of paragraph "4.4 Spatial Elements – Strategy 1b" the following extract provides more details as to the extent of the "mix of residential" promoted in the Eastern Commercial Node:

- "Commercial precincts act as areas of mixed use commercial and retail nodes. These sites
  include business opportunities, shopping centres and residential densification.
- These zones are located along mobility routes with public transport transfer location to promote access to facilities and services. Transport Orientated Development (TOD) envisioned for commercial precincts.
- Residential densification promoted in areas surrounding commercial precincts.
- Offices not to be included in these areas, should only be located in the CBD.
- Commercial precincts may include tourism related activities or facilities to increase viability.



 Residential Densification – measured as walking distance from public transport route, directly adjacent to the node boundary (80u/ha (or more to be motivated) for 150m, 60u/ha in 151-350m and 45u/ha for 351-500m. Residential in node only above ground floor."

Erf 24845 George is located directly to the south of this commercial node and is only separated from the commercial node by Park Road Extension. To the southeast the erf borders on the Blue Mountain Carenet Haven with its high-density retirement units. The Blue Mountain Retirement Village, a high-density retirement village, is located to the southeast of the Blue Mountain Carenet Haven development. The last mentioned two developments also borders on Park Road Extension. The proposed retirement units on Erf 24845 George forms a natural extension of the existing already approved high-density development located to the south of the Eastern Commercial Node. The proposed retirement units are thus in keeping with the proposals that densification adjacent to this commercial node should be encouraged.

Park Road Extension forms an important link in the Go-George public transport netwerk. As the proposed retirement units are located adjacent to Park Road Extension the development is clearly also within walking distance from a public transport route. The proposed retirement unit component of the development thus also complies with the public transport requirements stipulated for high-density residential development adjacent to the Eastern Commercial Node as per the GSDF.

In terms of paragraph "4.5.3 Theme C: Growth Management – Strategy C2.3" graded densification is supported in the Eastern Commercial Node with densities ranging from 45 units per hectare to 80 units per hectare depending on the distance from the node. The proposed retirement units will be located directly adjacent to the node and the proposal to develop 23 retirement units at a density 54 units per hectare is thus in keeping with this principle.

It is thus argued that the proposal to develop 23 retirement units on a portion of Erf 24845 George can be regarded as being compatible and in keeping with the densification requirements as proposed and contained in the GSDF.



The Memory Care facility can be regarded as a facility which is ancillary to and supportive of the existing retirement unit developments in the Blue Mountain residential area and the retirement units proposed in terms of this application. This facility will be housed in an existing building which forms an integral part of the higher density development strip located directly to the south of Park Road Extension.

In terms of paragraph "4.5.3 Theme C: Growth Management – Strategy C2.1" the GSDF furthermore provides for the following principle with regards urban sprawl:

"Urban sprawl relates mostly to residential - and associated urban (socioeconomic) uses and the management of urban sprawl must firstly aim to prevent development beyond the outer limits of urban expansion through giving strategic direction."

The George Municipality identified an urban edge, and Erf 24845 George falls within the identified urban edge. As such, the proposed development will not result in "urban sprawl". The proposal therefore meets the requirement of this principle set out in the SDF.

It is thus argued that the proposal can be regarded to be compatible with the principles of the GSDF.

#### 8.5.6 George Integrated Zoning Scheme By-Law, 2023

Erf 24845 George was created in terms of an approval dated 25 April 2006 which was amended on 6 June 2008. A copy of the approval letter dated 25 April 2006 is attached hereto as **Annexure** "A" whilst a copy of the amended approval letter dated 6 June 2008 is attached hereto as **Annexure** "B". As no zoning existed at that stage which could accommodate the buildings and land uses associated with the homeowner's association, Portion 430 (now Erf 24845 George) was zoned Special (Utility use). The intention was that buildings be developed on the erf to be used for land uses associated and related to the Home Owners Association which had to be established for the management and administration of the Blue Mountain residential development.



In terms of the Zoning Transition Table in the George Integrated Zoning Scheme By-law, 2023 the zoning of Erf 24845 George has on 1 September 2017, with the implementation of the George Municipality Integrated Zoning Scheme By-law, 2017, been changed to Single Residential Zone II (Private Open Space). This zoning was awarded to the erf because of a lack of another alternative zoning. This was obviously not the correct zoning which has since been admitted by the George Municipality.

The George Municipality has on 6 October 2023 promulgated revisions to the George Integrated Zoning Scheme By-law, 2017. In terms of the amended George Integrated Zoning Scheme By-law, 2023 provision has made for a zoning / land use to accommodate the facilities associated with a Homeowners Association within an Estate Development, namely Single Residential Zone II (Administrative offices of the HOA and facilities ancillary to the functioning of the estate).

It has since been recommended by the George Municipality that an application for rectification of land use of Erf 24845 George form Single Residential Zone II (Private Open Space) to Single Residential Zone II (Administrative offices of the HOA and facilities ancillary to the functioning of the estate) be submitted for consideration.

This rectification application forms an integral part of this application.

It is the intention of the developer to subdivide Erf 24845 George into a Portion A ( $\pm$  2 207m<sup>2</sup>), Portion B ( $\pm$  1 775m<sup>2</sup>) and a Portion C ( $\pm$  4 301m<sup>2</sup>).

Application is also made for amendment of the land use of

- Portion B as per the "Land Use Plan for Blue Mountain Village" from Single Residential Zone II (Administrative offices of the HOA and facilities ancillary to the functioning of the estate) to Single Residential Zone II (Institutional use Memory Care Facility).
- Portion C as per the "Land Use for Blue Mountain Village" from Single Residential Zone II (Administrative offices of the HOA and facilities ancillary to the functioning of the estate) to Single Residential Zone II (Group housing Retirement units).



Portion A will maintain its land use as per the rectification application, namely Single Residential Zone II (Administrative offices of the HOA and facilities ancillary to the functioning of the estate).

The zoning and proposed land use of the three portions can thus be accommodated within the George Municipality Integrated Zoning Scheme By-law, 2023.

The existing development on Portion A and the proposed development on Portion B will comply with all the land use parameters applicable to the two portions.

As far as the proposed development on Portion C is concerned relaxation of certain building lines as set out in detail in point 2 of this Motivation Report will be required to accommodate the development. The application for relaxation of the building lines is motivated in point 8 of this Motivation Report.

Fifteen lockup garages, eight carports, two disable parking spaces and 2 visitors parking spaces will be provided for the 23 retirement units within the boundaries of Portion C. This calculate to 1.2 parking bays per retirement unit which is just below the parking requirement of 1,25 parking bay per retirement unit for a PT1 area as per the George Integrated Zoning Scheme By-law, 2023. An application for relaxation of the parking requirements will thus be necessary. The application for relaxation of the parking requirements is motivated in point 9 of this Motivation Report.

#### 8.5.7 Title Deed

Although the title deed of a property is not a planning document, it sometimes still contains conditions which may have an essential impact on the development potential of a property.

The title deed of Erf 24845 George was scrutinised, and it was found that it contains a condition that refers to the 13 metre right of way servitude over Erf 24845 George which will be cancelled in terms of this development proposal.

The condition referred to reads as follows:



"2. F. SUBECT FURTHER as contained in Certificate of Consolidated Title No. T 1662/2009 to a servitude right of way 13 metres wide in favour of the General Public a is depicted by the figure F B C D G on Diagram SG No. 2570/2008."

As has been mentioned in point 4.3.4 a service road with an access control gate has been developed on Portion C. This service road act as access for contractors who are involved with the development of dwelling units on the various erven within the greater Blue Mountain residential estate. As the development is in the final stages of completion the need for this service road will cease to exist within the next couple of months. For security reasons it is the intention to close this contractors access once the building activities has ceased.

A 13-metre wide right of way is registered over this service road. It is proposed to cancel the servitude and to remove the entrance control facilities and tar surface and to include the cancelled servitude area into the development proposal for Portion C. Condition F in Title Deed T76532/2012, the title deed of Erf 24845 George, also refers to this right of way servitude. This condition will thus also have to be removed from the title deed to allow for the actions as mentioned above.

The specific servitude was registered for a specific purpose, a purpose for which no need will in a couple of months exist. This servitude will become redundant. This servitude was never used by any resident in the larger Blue Mountain as an access point. It was merely used as an access point for building and related contractors. The cancellation of the servitude and removal of the condition from the title deed of Erf 24845 George will thus have no effect on any resident residing within the larger Blue Mountain Estate. The land sterilized by the servitude can, as has been indicated in this motivation report, be put to better use.

#### 8.5.8 Conclusion

From the above information it is obvious that the application for the subdivision of Erf 24845 George, the amendment of the Land Use Plan for Erf 24845 George and the removal of the restrictive condition of title to allow for a Memory Care Facility and 23 retirement units to be developed as proposed, comply with the mentioned Planning Polices and Planning Guidelines



and can be considered desirable.

#### 8.6 Compatibility of the proposal with the character of the area

George is one of the fastest growing towns in South Africa and the eastern portions of George were identified by developers as the logical extension area for future development.

Kraaibosch, Kraaibosch Estate, Welgelegen, Blue Mountain Village, Blue Mountain Gardens and Groenkloof are but a few of the residential areas already approved and in the process being developed. Several other applications for residential developments on farm portions directly northeast of Kraaibosch Estate are currently being processed by the George Municipality.

The Garden Route Mall and the Eden Meander development were also developed in the area over the period, in line with the proposals contained in the GSDF. Vast changes/upgrades have been made to the road network to accommodate these expansions/developments.

The Municipality of George itself is also in the process of obtaining approval for a residential/commercial development that will be located around the Garden Route Dam.

The Municipality of George is also the owner of a 29 hectare portion of land, directly adjacent to the Kraaibosch development area, which is known as the George Riding Club land. The Municipality of George has already attempted on two occasions to make the land available for a mixed land use development by tender. The land has therefore also been identified by the municipality for development purposes and is therefore also targeted for development.

As can be gathered from the above, the character of the area has over the last decade changed from a forestry area to an area having a modern urban character with all the facilities associated with it. The proposal put forward in this motivation report will further address the needs of the population to be housed in the direct vicinity and will contribute further to the modern residential/working/retail/office area that is at present being created in this part of George.

It is evident that the development as proposed in this application will be compatible with the existing, as well as the future character of the surrounding area.



#### 8.7 Compatibility of the proposal with the natural environment

The application erf is situated within the Urban Edge of George and as indicated in point 7.2.3 of this motivation report the areas surrounding the buildings consist of lawns which are mowed on a regular basis. The vacant southeastern portion of the erf is overgrown with veld grass and weeds which is moved on a regular basis.

There is as such no conservation worthy natural environmental elements situated on the application erf. No indigenous or conservation worthy vegetation will thus be affected by the development proposal. The proposed development will thus not have a negative impact on the natural environment.

#### 8.8 Potential of the property

The buildings located on Portion A are occupied by the Blue Mountain Village Master Property Home Owners Association. It is the intention to subdivide this portion from Erf 24845 George and to transfer this portion to the Blue Mountain Village Master Property Home Owners Association in accordance with an agreement reached by the owners of Erf 24845 George and the Blue Mountain Village Master Property Home Owners Association.

The building on Portion B used to accommodate the offices of the developer of the erven in the larger Blue Mountain development area as well as the consultants of the developer from where the development area was planned, managed and marketed. Some of the offices are at present still occupied by the consultants. The consultants have all been given notice and will in the next couple of months move to alternative premises. The committee room is however still occasionally used by the developer when development meetings are held with regards the larger Blue Mountain development area. This use will also terminate when the building is converted into the proposed memory care facility. The building will thus be converted in a facility which can be regarded to be compatible with the Blue Mountain Carenet Haven facility. The building will thus be used to its fullest potential within the zoning restrictions applicable to this portion.



A service road with an access control gate has been developed on Portion C. The remainder of this portion is vacant. The proposal to remove the service road with an access control gate and to develop this portion with 23 retirement units represent the optimal use of this portion.

#### 8.9 Accessibility of proposed development

Erf 24845 George forms part of the larger George Garden Route Mall development precinct. With the original application for the rezoning of the portion of land on which the Garden Route Mall is located, it was demonstrated that the George Garden Route Mall/Eden Meander Mall developments have excellent accessibility to the N2 National Road, the George Airport, other neighboring towns and holiday destinations. Erf 24845 George forms an integral part of this "precinct" and will therefore also benefit from the excellent accessibility of the area.

Several bus stops for the Go-George public transport service have been developed within the surrounding street reserves and at the George Garden Route Mall / Eden Meander Mall.

Easy and quick accessibility, not only for consumers but also for workers, therefore, characterizes the area in which Erf 24845 George is located.

#### 8.10 Access to the three portions

Portion A has existing access from Blue Mountain Boulevard. The access is not affected by this application.

Portion B has existing access from Blue Mountain Boulevard. The access is not affected by this application.

A service road with an access control gate has been developed on Portion C. This service road act as access for contractors who are involved with the development of dwelling units on the various erven within the greater Blue Mountain residential estate. As the development is in the final stages of completion the need for this service road will cease to exist within the next couple of months. For security reasons it is the intention to close this contractors access once the building activities has ceased.



A 13-metre wide right of way is registered over this service road. It is proposed to cancel the servitude and to remove the entrance control facilities and tar surface and to include the cancelled servitude area into the development proposal for Portion C. The existing servitude access from Park Road Extention will be closed.

After closure of the access a new access point will be provided to Portion C form Blue Mountain Boulevard.

No access to Portions A, B and C is proposed from Park Road Extension.

The access points to the three portions are indicated on the site plans attached hereto as **Annexure "K"** and **Annexure "M"**. This aspect therefore places no restriction on the application as proposed.

#### 8.11 Provision of parking

The parking requirements applicable to different land uses are set out in a table in Section 42 of the George Integrated Zoning Scheme By-Law, 2023.

The existing development on Portion A has been developed according to approved building plans. No changes are proposed to any of the existing buildings and the parking facilities that have been provided for the buildings as per the approved building plans.

The Memory Care Facility to be developed on Portion B will comply with the parking requirements applicable to this land use.

In terms of the development proposal fifteen lockup garages, eight carports, two disable parking spaces and 2 visitors parking spaces will be provided for the 23 retirement units within the boundaries of Portion C. This calculate to 1.2 parking bays per retirement unit which is just below the parking requirement of 1,25 parking bay per retirement unit for a PT1 area as per the George Integrated Zoning Scheme By-law, 2023. An application for relaxation of the parking



requirements will thus be necessary. The application for relaxation of the parking requirements is motivated in point 9 of this Motivation Report.

#### 8.12 Provision of services

#### 8.12.1 Introduction

The owners appointed VGC Raadgewende Ingenieurs Kaap as consulting engineers to attend to the civil services requirements of the development proposal whilst Lyners & Associates (RF) (Pty) Ltd was appointed as consulting engineers to attend to the electrical services requirements of the development proposal.

#### 8.12.2 Civil Services Report

A Civil Services Engineering Report as prepared by VGC Raadgewende Ingenieurs Kaap dated 28 September 2023 for the proposed development is attached hereto as **Annexure "V"**.

In terms of the services report the existing bulk water network and the existing bulk sewer reticulation network can accommodate the development proposal.

From the contents of the report its clear that there is no reason from a civil engineering point of view why the application as submitted cannot be approved.

#### 8.12.3 Electrical Engineering Services Report

An Electrical Engineering Services Report as prepared by Lyners & Associates (RF) (Pty) Ltd dated October 2023 for the proposed development is attached hereto as **Annexure "W"**.

From the contents of the report its clear that there is no reason from an electro technical engineering point of view why the application as submitted cannot be approved.

#### 8.12.4 Conclusion



The proposed will, therefore, not have a negative impact on the provision of services to the surrounding area. The proposal will in fact result in more effective utilization of existing municipal services, which is one of the objectives of the Western Cape Provincial Spatial Development Framework.

# 9. DESIRABILITY OF THE APPLICATION FOR PERMANENT DEPARTURE (RELAXATION OF BUILDING LINES) IN RESPECT OF PORTION C

#### 9.1 Introduction

Specific issues which must be addressed in the motivation of applications are highlighted in the Land Use Planning By-Law for George Municipality, 2023. These issues are, however, aimed at more complex applications and are not applicable to lesser applications, such as permanent departures in respect of the relaxation of building lines and parking requirements.

This application will therefore be motivated with reference to the following aspects:

- Compatibility of the proposal with the existing planning and land uses of the surrounding area.
- The impact that the proposal will have on the environment.
- The impact that the proposal will have on traffic and parking in the surrounding area.
- The impact that the proposal will have on surrounding facilities such as schools, open spaces and other community facilities, should the application result in an increase in the population of the area concerned.
- The impact that the proposal will have on the existing character of the surrounding area and the right of the inhabitants of the area in respect of property values, privacy, view, sunlight, et cetera.
- Provision of essential services.

It will be indicated in the following paragraphs that the proposed relaxation of the lateral building lines on Portion C to allow for the development of the retirement units on Portion C

can be regarded as being desirable as far as the mentioned aspects are concerned.



#### 9.2 Existing planning in the area

#### 9.2.1 Proposed garages on Portion C

Erf 24845 George is located directly south of a business node consisting of the Garden Route Mall, the Eden Meander Mall and various other business land uses. The area that is located directly to the north of Erf 24845 George therefore has a commercial character with large, extensive structures that has been developed on these erven. The Blue Mountain Carenet Haven development with its carports and garages which have been developed on the 0.0 metre street building line along Blue Mountain Boulevard is located to the southeast of Erf 24845 George. The immediate area thus consists of a high intensity extensively developed mixed use area.

The proposed development on Portion C of Erf 24845 George can be regarded as being complimentary to the business character north of Park Road and the Blue Mountain Carenet Haven development to the southeast there off. The retirement units will in fact form a natural extension of the existing retirement units on the Blue Mountain Carenet Haven development site. The high-density retirement units and the garaging proposed can indeed thus be regarded as being compatible with the abovementioned area.

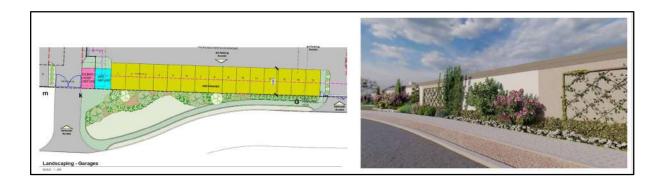
As the garages proposed are minute in relation to these business complexes and the Blue Mountain Carenet Haven development, the existing planning which is located north of the Portion C will in no way be negatively affected by the proposed building line relaxation to allow for the 15 garages as proposed in this application.

Although street building line relaxations are not common within the Blue Mountain residential estate several building line relaxations along Blue Mountain Boulevard to allow for carports and garages on Erf 24807 George were approved by virtue of approvals dated 6 March 2020 (Annexure "X") and as recently on 28 July 2023 (Annexure "Y"). These structures have since been erected and forms an integral part of the aesthetic and visual appearance of the Blue Mountain Boulevard streetscape. It should also be mentioned that approved building plans exists for the carports on Portion B which are also located within the Blue Mountain Boulevard street



building line. The building line relaxation proposed in terms of the current application is in keeping with these approvals.

Blue Mountain Boulevard has a 25-meter street reserve with an 8-meter carriageway that meanders within the street reserve which therefore means that wide sidewalks are found along the street which greatly negates the impact of the building line relaxations. The road service of Blue Mountain Boulevard is at this point located within the southern extent of the road reserve. The sidewalk along the boundary of Portion C where the 15 garages is to be developed is thus very wide. To soften the impact of the garages on the residential area to the south, extensive landscaping is proposed on the sidewalk along Portion C. The walls of the garages facing south will furthermore be treated and finished in such a way that it will have an expensive aesthetically pleasing appearance as is indicated on the plan below. The impact of the garages on the streetscape will as such be mitigated by the landscaping and aesthetic proposals.



The present structures which are located within the street building line has no negative affect on the character of this portion of Blue Mountain Village and form part and parcel of the character of the development located to the north of Blue Mountain Boulevard. The additional garages which are proposed to be located in the street building line are not going to have any changing or negative impact on the residential area located south of Blue Mountain Boulevard. It is therefore argued that the proposal can indeed be accommodated within the planning of the area.

#### 9.2.2 Proposed retirement units

In terms of the development proposal, a 1.0 metre building line is proposed for certain portions of the retirement units which are to be constructed along the common boundary of Portion C and



Erf 24807 George – the southeastern lateral boundary. The only development which can be affected by this proposed building line relaxation along this southeastern lateral boundary line is the retirement units on Erf 24807 George. From the plan below it is clear that

- the distance between the proposed and existing retirement units will still be in excess of 5 metres; and
- the orientation of the existing retirement units on Erf 24807 George and the proposed retirement units on Portion C is such that the proposed building line relaxation along this boundary will have no effect on the privacy, view or sunlight of the existing retirement units on Erf 2407 George. A busy street will in fact be replaced with attractive retirement units. The ambiance of the area will improve by virtue of this development proposal.



It is as such argued that the building line relaxation along the common boundary of Portion C and Erf 24807 George will not detract from the character of the area.

#### 9.3 Impact on schools, open spaces and other community facilities



In terms of the development 15 additional garages are proposed, thus a land use that will not result in an increase in population and will as such have no impact on schools, open spaces and community facilities.

The retirement units will be occupied by retirees and will as such place no additional burden on schools.

Blue Mountain Village is a security area with well-developed parks and walking areas developed throughout the neighborhood. Open spaces are therefore available in the immediate vicinity of the proposed retirement unit.

The retirement units will be located directly adjacent to the Blue Mountain Carenet Haven development. The facilities at the Blue Mountain Carenet Haven development will be available for the retirees residing in the 23 retirement units.

As such, the proposal will have no impact on schools, open spaces and other community facilities. The aspect is therefore not relevant.

#### 9.4 Impact on streetscape

#### 9.4.1 Proposed garages on Portion C and existing carports on Portion B

Blue Mountain Boulevard has a street reserve width of 25 meters with an 8-meter carriageway developed within the street reserve width. The carriageway meanders in the street reserve, which gives the street a special character. The street also has wide sidewalks. Several buildings which include retirement units, the entrance structure, carports and garages are already located within the 3.0 metre street building line without negatively detracting from the appearance of the streetscape of the specific section of Blue Mountain Boulevard.

The road service of Blue Mountain Boulevard is at this point located within the southern extent of the road reserve. The sidewalk along the boundary of Portion C where the 15 garages is to be developed is thus very wide. To soften the impact of the garages on the residential area to the south extensive landscaping is proposed on the sidewalk along Portion C. The walls of the



garages facing south will furthermore be treated and finished in such a way that it will have an expensive aesthetically pleasing appearance as is indicated on the plan attached hereto as **Annexure "P"**. The impact of the garages on the streetscape will as such be mitigated by the landscaping and aesthetic proposals.

#### 9.4.2 Proposed retirement units

The retirement units that will encroach the southeastern lateral boundary building line will be located at such a position on Portion C that it cannot and will not have any impact on the streetscape. From the plans attached as **Annexure "P"** it is clear that an attractive aesthetically pleasing development which will be compatible with the Blue Mountain Carenet Haven development is proposed.

#### 9.5 Impact on sunlight, view and privacy

#### 9.5.1 Proposed garages on Portion C and existing carports on Portion B

The section of Blue Mountain Boulevard along which the building line relaxation for the 15 garages are required has a street reserve width of 25 meters with an 8-meter carriageway developed within the street reserve width. The residential erven located to the south of Blue Mountain Boulevard are subject to a 5-meter street building line and on the dwelling units on these erven have already been developed in compliance with the 5.0-meter street building line. This means that the dwelling units are located approximately 30 meters from the proposed garages which will encroach the 3-meter building line. There is no way that the privacy, sunlight and view of the dwelling units on the erven south of Blue Mountain Boulevard will be negatively affected by the proposed building line relaxation.

#### 9.5.2 Proposed retirement units

The retirement units that will encroach the southeastern lateral boundary building line are located at such a distance from the residential erven to the south of Blue Mountain Boulevard that it can in no way have a detrimental effect on the privacy, sunlight or view of these residential erven.



The retirement units which will encroach into the lateral building lines will furthermore be screened off from these residential erven by the proposed 15 garages. There is as such no way that the building line relaxation can influence the privacy, sunlight or view of these residential erven.

The orientation of the existing retirement units on Erf 24807 George and the proposed retirement units on Portion C is such that the proposed building line relaxation along this boundary will have no effect on the privacy, view or sunlight of the existing retirement units on Erf 24807 George.

#### 9.6 Impact on property values

As indicated in the development brochure attached hereto as **Annexure** "P" the proposed development will be of a high quality and will be designed in accordance with the architectural guidelines for Blue Mountain. It is furthermore proposed to extensively landscape the sidewalk adjacent to Portion C whilst special attention will also be given to the design and appearance of the walls of the garages facing towards Blue Mountain Boulevard. The aesthetic appearance of the proposed retirement units and garages will thus be in keeping with the character of the existing Blue Mountain residential area. There is therefore no reason to suspect that the development proposal will negatively affect the property values of any structure within Blue Mountain.

#### 9.7 Impact of proposal on the provision of parking spaces

No parking spaces will be lost as a result of this proposal. The 15 garages will be developed as an integral part of the development proposal. The parking situation on Portion C will therefore not be negatively affected by the proposed building line relaxations.

#### 9.8 Impact of proposal on traffic movement patterns

#### 9.8.1 Proposed garages on Portion C and existing carports on Portion B

The proposed building line relaxation is located along Blue Mountain Boulevard, a private street located within a security complex. No through traffic occurs on the street and the only traffic that



moves on Blue Mountain Boulevard is internal traffic that must comply with low imposed speed limits. Traffic moves as such at a low speed on Blue Mountain Boulevard. Blue Mountain Boulevard also has a 25-meter street reserve width with wide sidewalks found on either side of the street. Several buildings on Erf 24807 George, including carports, retirements units, entrance structures and garages are already located within the 3-metre street building line without having any negative affect on traffic movement patterns.

The 15 proposed garages will be located in a similar position and at such a distance from the Blue Mountain Boulevard roadway that it cannot exert any impact on any sight lines or traffic movement along the section of Blue Mountain Boulevard.

It is therefore argued that the proposed building line relaxation for the proposed garages will have no impact on traffic movement within the Blue Mountain development area.

#### 9.8.2 Proposed retirement units

The retirement units for which building line relaxation is requested are located on such a position on Portion C that it can have no impact on traffic movement within the Blue Mountain development area.

#### 9.9 Provision of services

The services for the proposed development on Portion C will be designed and positioned in such a way that it will take cognizance of the building line relaxations applied for. The building line relaxation will therefore have no impact on the provision of services for the proposed development.

#### 9.10 Firefighting

The building line relaxation has no effect on the fire fighting requirements as Portion C will be fully accessible for firefighting purposes.



#### DESIRABILITY OF THE APPLICATION PERMANENT **FOR** (RELAXATION OF PARKING REQUIREMENTS) IN RESPECT OF PORTION C

The parking requirements applicable to different land uses are set out in a table in Section 42 of the George Integrated Zoning Scheme By-Law, 2023.

In terms of the development proposal for Portion C, fifteen lockup garages, eight carports, two disable parking bays and 2 visitors parking bays will be provided for the 23 retirement units to be developed on Portion C. This calculate to 1.2 parking bay per retirement unit which is just below the parking requirement of 1,25 parking bay per retirement unit for a PT1 area as per the George Integrated Zoning Scheme By-law, 2023. In terms of the PT1 requirements this amounts to a shortfall of 1.15 parking bays.

The following motivation is provided in support of the application to relax the parking requirements from 1.75 parking bays to 1.2 parking bays per retirement housing unit:

The 23 retirement units that will be developed on Portion C are similar in size and layout as the retirement units that have been developed on Erf 24807 George, the erf to the southeast on which the the Blue Mountain Carenet Haven development is located. In terms of the municipal approval dated 6 March 2020 which is attached hereto as Annexure "W" an application for relaxation of the parking requirements for the retirement units, which have since been developed on Erf 24807 George, has been relaxed from 2.25 parking bays per retirement unit to 1 parking bays per retirement unit. This application could not have been approved if the municipality was not convinced that a retirement units would have had a higher parking ratio requirement. A parking requirement of 1 parking bay per unit was at that stage regarded as sufficient per retirement unit. Nothing has since changed. Because of the similarity of the new retirement units with the existing retirement units, it is argued there is as such no reason why the parking requirements for the new retirement units can also not be relaxed to 1 parking bay per retirement unit. Application is however not made for relaxation to 1 parking bay per retirement unit but to 1.2 parking bay per retirement unit, thus 0.2 parking bays per retirement unit more that has been provided for the retirement unit on the Blue Mountain Carenet Haven development site. The parking



situation on Potion C will thus be more favorable than the parking situation on the adjacent erf.

- No shortages of parking bays or parking problems or issues have been experienced on the Blue Mountain Carenet Haven erf. An inspection of the erf will in fact point out that there is always parking spaces available on the erf. It is as such obvious that the retiree's requirement with regards parking requirements is considerably lower than that of a normal dwelling unit. The proposed 23 retirement units will be sold to retirees with the same type of needs. There is thus no reason to believe that a parking ratio of 1.2 parking bays per retirement unit will not be sufficient.
- One of the aspects that will be highlighted to prospective buyers (the retiree) during the acquisition of the retirement housing units is the fact that there is only 1 parking bay available per retirement housing unit. The prospective buyers (the retiree) will therefore be well aware of the fact that there is only 1 parking bay available per retirement unit. If the retiree however requires more parking bays he will unfortunately not be able to acquire a retirement unit in this development.
- It must be kept in mind that this specific development cannot be compared to a retirement village which is being developed at 25 to 35 units per hectare with complete two to three bedroom houses with a double garage on a 300m² erf. The latter type of development is usually inhabited by persons who will soon reach retirement age or have recently retired. The type of elderly person usually moves at this stage from his normal home into a retirement home where the elderly person can still maintain his low density lifestyle to a large extent and can keep his two cars. The proposed 23 retirement units cannot be compared to the type of development. The proposed 23 retirement units is aimed more at the elderly who are entering the last phase of their life and are no longer able to maintain the large retirement home with its double garage and garden. The needs of the elderly in this type of development have been significantly scaled down and the motor vehicle no longer plays an important role in the life of the elderly.
- In terms of the George Integrated Zoning Scheme By-law, 2023, the parking requirements that apply to different land uses are set out in table format in section 42 of the relevant by-



law. In terms of the Table - "Minimum Off-street parking requirements" different parking requirements for the same type of land use are proposed depending on the area within which the erf is located. In terms of the by-law, "Normal areas, PT1 Areas and PT2 Areas" are referred to with "PT" referring to "Public Transport". In terms of the table, it appears that, the greater the availability of public transport, the lower the parking requirement. However, the by-law states that the "PT1 Areas and PT2 Areas" must be shown on the zoning map that accompanies the by-law. At this stage, the areas have not yet been shown and the parking requirements for the various areas cannot yet be applied without a specific application for relaxation of the parking requirements. However, it appears from discussions with officials who are directly involved in the determination of parking requirements that it is generally accepted that the parking requirements as per "PT1 Areas" apply along and in the direct vicinity of bus routes. In terms of the parking requirements applicable to a "PT 1 Area", there must be 1.25 parking bays per retirement unit and 0.25 parking bays per retirement unit for visitors. In terms of the requirements applicable to a "PT 1 Area", there must therefore be a total of 1.25 parking bays per retirement unit in a "PT 1 Area".

Erf 24845 George is located on Park Road Extention in the Garden Route Mall precinct. There are several Go-George bus stops within a 500 meter to a 1km radius of Erf 24845 George providing access to the majority of the wider Go-George bus route network. The opinion is therefore held that the plot very clearly meets the requirements of a "PT1 Area". There is therefore no doubt that the erf is located within a "PT1 Area" and that the 1.25 parking bay requirement can be applied to this development.

Application is made to lower the parking requirements further from 1.25 parking bays to 1.2 parking bays per retirement unit. In terms of the PT1 requirements this amounts to a shortfall of 1.15 parking bays. This shortfall is regarded as negligible bearing in mind that a parking requirement of 1 parking bay per retirement unit has previously been approved for the retirement units on the Blue Mountain Carenet Haven erf as indicated in the earlier paragraph of the point.

The purpose of a public transport service is to limit the use of the private motor vehicle so that the public transport service can be used optimally. By relaxing parking requirements,



the public is forced to make more use of the public transport service. The relaxation of parking requirements therefore has a direct impact on the successful operation of the public transport service. In this particular case, the erf is situated in such a way that any tenant/owner/visitor can make use of the public transport service without difficulty and problems.

- The fact that the erf is located within easy reach of a public transport service route will ensure that the proposed development will also be extremely accessible to uses that cannot be reached on foot, for example the George Central Business area. The fact therefore also creates the opportunity to lower the parking requirements.
- The fact that the development is also located within easy reach of a public transport service route also means that the development will be extremely accessible to any workers (caretaker, cleaners, etc.) who will be working in the development.

# 11. DESIRABILITY OF THE APPLICATION FOR PERMANENT DEPARTURE (OPEN SPACE REQUIREMENTS) IN RESPECT OF PORTION C

In terms of land use parameter (d) applicable to "Group housing" functional open space of at least 50m² per dwelling unit must be provided, which may include private or communal open spaces or any outdoor space which is inaccessible to motor vehicles, but excludes roads, service yards and parking areas.

In terms of this requirement 1 150m<sup>2</sup> open space must be provided within the development area. Although ample open space is provided within the development area, it can be argued that it is not regarded to be functional in nature.

The following motivation is provided in support of the application for a waiver of the requirement that functional open space of at least 50m<sup>2</sup> per dwelling unit must be provided within the development area.



- The 23 retirement units will be occupied by retirees who have no demand for function open space. The needs of the retired person are more directed to a passive open space or areas for walking.
- The open space which is to be provided in the development area will be landscaped and developed with benches and seating areas where the retiree can enjoy the landscaped open space within a safe and secure area. The open space areas that is available within the development area will thus be developed in accordance with the needs of the retiree.
- Footpaths will furthermore be developed through out the development area where the retire can walk in a landscaped area.
- If the retiree has the need for functional open space ample open space is available within the larger Blue Mountain Residential Estate. These open spaces are available to the retiree residing within the proposed development area.
- The private streets with their wide sidewalks and the low speed of vehicles within the Blue Mountain Residential Estate also provide safe pedestrian movement for the retiree who wishes to walk.

It is thus argued that the open space needs of a retire is very limited and that the open space that will be developed within the development area and that is available in the remainder if the estate will more than service in the needs of the retiree.

#### 12. CONCLUSION

As indicated in this report the proposed applications are compatible with all existing planning documents, spatial plans, legislation and policy documents applicable to the applications.

The proposal will not have a negative impact on the environment, development, public facilities, traffic circulation or Municipal services in the surrounding area.

The applications can therefore be considered desirable and are submitted for consideration in terms of the relevant stipulations of the Land Use Planning By-Law for the George Municipality, 2023.



November 2023

## **ANNEXURE "A" - MUNICIPAL APPROVAL DATED 25 APRIL 2006**

Ontray 11:3. 26/4/2006 On FOWN, 8000

Copies:

Director: Financial Services

Director: Civil and Technical Services
Director: Electrotechnical Services
Director: Planning and Development

Surveyor-General, Private Bag X9028, CAPE TOWN, 8000

E-mail: stadsbeplanning@george.org.za Kraaibosch 195/2, 22 & 77

Mr. JG Vrolijk

044 - 801 9191

25 April 2006

Delplan PO Box 9956 GEORGE 6530 REGISTERED MAIL

PROPOSED APPLICATION FOR SUBDIVISION AND REZONING: KRAAIBOSCH 195/REMAINDER PORTION 2 AND PORTION 71, DIVISION GEORGE

The abovementioned application refers.

The final approval is hereby granted:

- (a) in terms of Section 17 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) for the rezoning of the consolidated Kraaibosch 195/Remainder and Portion 71 from Agricultural Zone I to a Subdivisional Area.
- (b) in terms of Section 25 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) for the subdivision of the Subdivisional Area as indicated on the attached plan (marked annexure "A") which bears Council's stamp, subject to the following conditions, as well as the conditions contained in Annexure "B", imposed in terms of Section 42(1) of Ordinance 15 of 1985:
  - That the approval will lapse in accordance with the Ordinance if the conditions are not complied with to the satisfaction of the Municipality;

# 2. **ZONING**

The zoning of the erven will be as follows:

ZONING	PORTION NUMBER	
Residential I	Portions:	
	1 - 425	
Residential III	Portion:	
	437	
Residential III	Portion:	
(Retirement Village)	436	
Residential IV	Portions:	
	433 – 435	
Residential IV and	Portion:	
Open Space II	429	
	(zoning as indicated on plan)	
Business II	Portion:	
	426	

1 in

Open Space II	Portions: 438 – 444, 458	
Private Road	Portions: 446 – 457	
Transport Zone II	Remainder Road: (Municipal Portions B & D) Remainder Road: (Provincial Portions C & E)	
Institutional II	Portion: 427	
Special Zone	Portion: 430	
Authority Zone	Portion: 432	

The land use restrictions applicable to the abovementioned zonings will be as stipulated in the Scheme Regulations made in terms of Section 8 of the Ordinance and promulgated under Provincial Notice 353 dated 20 June 1986 as amended.

## 3. CAPITAL CONTRIBUTIONS

The following pro rata contributions must be paid for the provision of services in terms of the regulations of Section 42 of the abovementioned Ordinance:

Water network:

R6 450 + VAT per equivalent portion (for portions 1 - 425)

Sewerage network: R6 450 + VAT per equivalent portion (for portions 1 – 425)

Electricity network: R 3 250 + VAT per equivalent portion (for portions 1 – 425)

With regard to Portions 437, 436, 426, 429, 433, 434, 435, 427 and 430 water, sewerage and electrical contributions will be payable for every equivalent unit.

These capital contributions and the payment thereof to the George Municipality will be fully addressed in a Service Agreement between the developer and the For commercial/business erven, capital contributions George Municipality. payable by the developer, will be based on the development proposal submitted. Contributions payable may be adjusted should the actual water usage exceed the accepted normal daily usage based on the Guidelines for Human Settlement Planning and Design or the Municipal standards/specifications.

The abovementioned contributions shall be payable by the owners (developer) prior to transfer of any erf or portion (any individual erf and/or any subdivided erf), and prior to the registration of a Certificate of Registered Title ("CRT") being approved by the relevant directorate, or against approval of a building plan, whichever occurs first.

The abovementioned contributions are further subject to a yearly escalation as determined by the Council in it's absolute discretion, and shall be so adjusted at the time when such contributions become due and payable.

# DEPARTMENT OF WATER AFFAIRS AND FORESTRY (WESTERN CAPE)

That the conditions imposed by the Department of Water Affairs and Forestry (Western Cape) be adhered to, namely:

- All relevant sections and regulations of the National Water Act, 1998 (Act 36 of 1998) regarding water use must be adhered to.
- (ii) No pollution of surface water or ground water resources may occur.
- (iii) Storm water management must be addressed both in terms of flooding and pollution potential.
- (iv) The 1:100 year flood line must be indicated on a plan which is acceptable to the local authority, as stipulated by section 144 of the National Water Act, 1998 (Act 36 of 1998).
- (v) The water provided for domestic use must comply with the SABS 241 Ed.5 guidelines for drinking water. Regular monitoring must be done to ensure compliance. If the quality of the water is of such a nature that it is a threat to human health, then this Department and the Provincial Department of Health must be informed, of the procedures to rectify the problem.
- (vi) The development needs to be part of the Water Services Development Plans for George Municipality and needs to be adjusted accordingly.
- (vii) The disposal of sewerage must at all times comply with the requirements of Section 22 and 40 of the National Water Act, 1998 (Act 36 of 1998).
- (viii) The sewerage from the development must be linked to the George Regional sewerage treatment works. If sewerage pump stations have to be built for connection to George Regional sewerage treatment works, a precautionary approach must be applied with the design and positioning of such structures so that no pollution to the water resources may occur during emergency situations. It is important that emergency overflows are designed not to have their flow into water resources, but that the design allows for the re-diversion from water resources.
- (ix) All relevant sections and regulations of the Environmental Conservation Act, 1989 (Act 73 of 1989) regarding the disposal of solid waste must be adhered to.

# 5. DEPARTMENT OF TRANSPORT AND PUBLIC WORKS: (WESTERN CAPE)

All conditions/requirements laid down in a letter dated 15 September 2005 received from the Department of Transport and Public Works: Western Cape must be adhered to.

# 6. EDEN DISTRICT MUNICIPALITY (DIRECTOR: HEALTH)

If foodstuffs are to be provided to the general public from any premises the following conditions imposed by the Director: Health (Eden District Municipality) must be adhered to;

- that the owner obtains a business license for the preparation of meals as required in terms of the Business Act, 1991 (Act 71 of 1991);
- that the premises comply with the general hygiene requirements for food premises and the transport of food Regulation 918 of 1999 as promulgated under the Health Act, 1977 (Act 63 of 1977);
- that a certificate of acceptability be obtained as required by the Health Act, 1977 (Act 63 of 1977);
- (iv) that the premises comply with government notice R975 of 2000 relating to the smoking of tobacco products in public places as promulgated in terms of Section 2 of the Tobacco Products Control Act, 1993 (Act 83 of 1993) as amended.

# 7. SERVICE AGREEMENT

A Service Agreement shall be drawn up to regulate the construction and installation of internal and external services and other related aspects, and such Services Agreement shall be drawn up by the attorneys appointed by the

developer and as approved by the relevant directorate. All costs incurred in the preparation, negotiation and finalization of such a Service Agreement, shall be payable by the developer upon request by the applicable attorney.

## 8. INTERNAL SERVICES

- 8.1 Roads (including control access points) and associated storm water drainage:
  - Roads and storm water drainage for the full development, must be designed and constructed by the developer at the cost of the developer;
  - (ii) The roads and storm water drainage must be designed by a registered consulting engineer, whose design must be in accordance with the specifications of the Council;
  - (iii) The design of all plans and drawings, of the roads and storm water drainage must be submitted to the Director: Civil and Technical Services (in electronic format and hard copy) for approval before any construction work is commenced;
  - (iv) The roads and storm water drainage must be constructed under the supervision of the registered engineer, and a completion certificate must be issued upon completion of the work by the registered consulting engineer to the Director: Civil and Technical Services;
  - As built plans in electronic format must be provided by the developer to the Director; Civil and Technical Services;
  - (vi) Road Remainders A to E must be registered as public streets whilst portions 446 to 457 must be registered as private streets;
    (vii) Upon completion and acceptance by the streets.
  - (vii) Upon completion and acceptance by the relevant directorates/authorities the roads and storm water drainage (Road Remainder A, B, C and D) shall revert to Council, in terms of Section 28 of Ordinance 15 of 1985, who will accept responsibility for the maintenance and operation thereof as from date of take-over, subject thereto that the developer shall be responsible to rectify all defects for a period of 12 months from the date of take-over in accordance with the General Conditions of Contract, 2004 or as amended;
  - (viii) Upon completion and approval of the roads and storm water drainage, Portions 446 to 457, must be transferred to the Home Owners Association whom shall accept responsibility for the maintenance and upkeep thereof from date of transfer, subject thereto that the developer shall be responsible to rectify all defects for a period of 12 months from the date of take-over in accordance with the General Conditions of Contract, 2004 or as amended;
  - (ix) Upon completion and approval by the Provincial Roads Department (DRE) the roads and storm water drainage, (Road Remainder E), shall revert to the Provincial Administration whom shall accept responsibility for the maintenance and upkeep thereof from date of transfer, subject thereto that the developer shall be responsible to rectify all defects for a period of 12 months from the date of take-over in accordance with the General Conditions of Contract, 2004 or as amended;
  - All street markings, street signs and street names shall be provided by the developer at his cost;
- (xi) The developer is to take note that all road reserve widths are to be in accordance with the Guidelines for Human Settlement Planning and Design standards. The width of road reserves is to be approved by the Director: Civil and Technical Services prior to the finalisation of the final layout;

(xii) A storm water management plan must be submitted and approved by the Director: Civil and Technical Services and the District Roads Engineer. All measures are to be implemented by the developer.

#### 8.2 Water:

Water reticulation for the full development, link services and/or the (i) upgrading of existing services must be designed and constructed by the developer at the cost of the developer;

The water reticulation, link services and/or upgrades of existing services must be designed by a registered consulting engineer, whose design must be in accordance with the specifications of the Council:

All plans and drawings, of the water reticulation must be submitted in electronic format and hard copy to the Director: Civil and Technical Services for approval, before any construction work is commenced;

The water reticulation must be constructed under the supervision of the registered consulting engineer, and upon completion the registered consulting engineer must issue a completion certificate to the Director: Civil and Technical Services;

The registered consulting engineer must determine the average daily water requirements of the development, and must submit a report to

the Director: Civil and Technical Services for approval;

(vi) The developer must comply with the National Water Act, 1998 (Act 36 of 1998) with regard to the use of surface as well as sub-surface

(vii) Upon completion and acceptance by the George Municipality the water reticulation shall revert to Council, in terms of Section 28 of Ordinance 15 of 1985, who will accept responsibility for the maintenance and operation thereof as from date of take-over, subject thereto that the developer shall be responsible to rectify all defects for a period of 12 months from the date of take-over in accordance with the General Conditions of Contract, 2004 or as amended;

(viii) As built plans in electronic format must be provided by the developer to the Director: Civil and Technical Services on completion of construction work and before the municipality will accept the service;

(ix) A bulk water meter must be installed by the developer at commencement of construction to monitor water usage during the construction phase. The Directorate: Civil and Technical Services (Water section) is to be consulted by the developer, prior to installation, regarding the required specifications;

Water availability provided for in the present updated water master plan for George is based on the development proposal presently available. If there is a substantial deviation from the development proposals that result in a deviation from the information provided the costs related to the required revisions will be for the developer. The availability of water for new development is restricted. The Director: Civil And Technical Services has assumed that the development of the proposed Kraaibosch Estate, and the extension of the George Municipal raw water sources, will occur simultaneously;

(xi) A water demand management plan must be submitted and approved by the Director: Civil and Technical Services. All measures are to be

implemented by the developer;

(xii) An additional amount of R 750-00 (excl VAT) is payable, per incident, should any road surface need to be repaired during the provision of a municipal connection. This amount is subject to annual escalation.

#### 8.3 Sewerage:

 Sewerage reticulation for the full development, any link service required and/or an upgrade of existing service required as a result of the development must be designed and constructed by the developer at the cost of the developer;

(ii) The sewerage reticulation, any link service required and/or an upgrade of existing service required as a result of the development must be designed by a required consulting engineer, whose design

must be in accordance with the specifications of the Council;

(iii) All plans and drawings of the sewerage reticulation, any link service required and/or an upgrade of existing service required as a result of the development must be submitted to the Director: Civil and Technical Services for approval before any construction work may be commenced;

- (iv) The sewerage reticulation, any link service required and/or an upgrade of existing service required as a result of the development must be constructed under the supervision of a registered consulting engineer and a completion certificate must be issued upon completion of the work by the registered consulting engineer to the Director: Civil and Technical Services;
- (v) Upon completion and the acceptance by the George Municipality, the sewerage reticulation shall revert to Council, in terms of Section 28 of Ordinance 15 of 1985, who will accept responsibility for the maintenance and operation thereof as from date of take-over, subject thereto that the developer shall be responsible to rectify all defects for a period of 12 months from the date of take-over in accordance with the General Conditions of Contract, 2004 or as amended;

(vi) As built plans in electronic format must be provided by the developer to the Director: Civil and Technical Services on completion of construction work and before the municipality will accept the services;

(vii) An additional amount of R 750-00 (excl VAT) is payable, per incident, should any road surface need to be repaired during the provision of a municipal connection. This amount is subject to annual escalation.

### 8.4 Electricity:

 Electricity for the full development must be designed and constructed by the developer at the cost of the developer;

(viii) The electricity reticulation must be designed by a registered consulting engineer, whose design must be in accordance with the specifications of the Council:

(ix) The design of the electrical reticulation, with the inclusion of all sketches and drawings, must be submitted to the Director: Electrotechnical Services for approval before any construction work may be commenced;

(x) The electrical reticulation must be constructed under the supervision of a registered consulting engineer and a completion certificate, with inclusion of all applicable documents such as, but not limited to, test certificates, building drawings, hand books and the such must be handed to the Director: Electrotechnical Services upon completion by the registered consulting engineer:

(xi) Upon completion and approval, the electrical reticulation shall revert to Council, in terms of Section 28 of Ordinance 15 of 1985, who will accept responsibility for the maintenance and operation thereof as from date of take-over, subject thereto that the developer shall be responsible to rectify all defects for a period of 12 months from the

date of take-over in accordance with the General Conditions of Contract, 2004 edition as amended:

(ii) As built plans in electronic format must be provided by the developer to the Director: Civil and Technical Services.

# 9. EXTERNAL SERVICES

## 9.1 Electricity

- (i) The developer must make a contribution towards street lighting in Knysna Road.
- (ii) The developer must make a contribution towards the replacement of the overhead 11Kv bundle conductor with underground cable along Knysna Road.
- (iii) The developer must make a contribution towards the extension of the Glenwood substation building to accommodate additional 11Kv switching panels.
- (iv) The developer must take cognisance of the 44 meter Eskom servitude on the northeast boundary of the development.

# 10. SERVITUDES

10.1 The following storm water servitudes must be registered as indicated on the subdivision plan:

SERVITUDE NR.	PORTION NR.	SERVITUDE SIZE
1	433	10m
1	435	4m
2	423	2m
3	102	3m
4	251	3m
5	244	3m
6	239	3m
7	217	3m
8	200	3m
9	182	3m
10	104	3m
11	233	3m
12	234	3m
13	430	10m
14	433	13m

- 10.2 A right of way servitude must be registered over Portion 446 in favour of Portion 436;
- 10.3 A right of way servitude must be registered over Portions 446 and 450 in favour of Portion 437;
- 10.4 The right of way in favour of Portion 71 of the Farm Kraaibosch 195 must be cancelled.

# 11. GENERAL

(i) The developer shall be responsible and liable for the linking and connection of all internal services with the bulk services at its own cost, after the registered consultant engineer has made the necessary arrangements with the applicable Director of the George Municipality;

- (ii) The installation of all services must be co-ordinated by the registered consulting engineer with the Director: Civil and Technical Services / Director: Electrotechnical Services;
- (iii) All services must be installed prior to permission being granted for the transfer of any erf resulting from the subdivision or prior to the registration of a Certificate of Registered Title being permitted, or against approval of building plans, whichever occurs first;
- (iv) If required, the developer shall submit to the Council the necessary Environment Impact Study prior to the installation of any services, which Environmental Impact Study shall be to the satisfaction of the Council;
- (v) The applicant is to comply with the National Forests Act, 1998 (Act 84 of 1998), should it be required. Should it be necessary to remove a tree, a permit is to be obtained from Department Water Affairs and Forestry (indigenous trees) or Chief: Parks and Gardens George Municipality (other planted trees). For every tree that is removed two trees of similar sort are to be planted on the property;
- (vi) All trees on the perimeter of the development that might pose a threat to future or existing dwellings must be removed by the developer, after obtaining the necessary approvals / permits;
- (vii) No storm water may be discharged towards Knysna Road or towards the railway line without the approval of the relevant authorities;

- (viii) No development may take place within the 1:50 year flood line or on slopes steeper than 1:4;
- (ix) Any, and all, costs directly related to the development remain the developers' responsibility;
- (x) The approval of the above development is subject to the Arterial Management Plan as required and approved by the Department of Transport and Provincial Roads Administration and co-ordinated by the Director: Civil and Technical Services. The financial arrangements regarding the provision of roads must be finalised and will be based on a financial model as determined by the Director: Civil and Technical Services.
- (xi) The arterial management plan as accepted by the District Roads Engineer must be adhered to:
- (xii) The developer is to adhere to the requirements of the Occupational Health and Safety Act at all times;
- (xiii) 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/owner of the other erf and the developer of Remainder Portion 2 and Portion 71 of the Farm Kraaibosch 195;
- (xiv) Any services from another erf 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 of Remainder Portion 2 and Portion 71 of the Farm Kraaibosch 195. 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;
- (xv) Should more than two developments/properties be party to or share any service, the Director: Civil and Technical Services will in conjunction with the parties determine pro-rata contributions payable.
- (xvi) Any existing municipal or private services damaged during the development will be repaired at the developers cost and to the satisfaction of the George Municipality;
- (xvii) The Residential III and IV. Institutional and other non-residential erven must be provided with connections to all services and are to form part of/be

incorporated into the internal networks planning. All erven must be

incorporated into the Service Agreement;

(xviii) Park Road forms a direct link between the road from the Garden Route Mall, through the development to Wolhuter Street. If Park Road needs to be upgraded the conditions mentioned under condition 8.1 will be applicable. Pro rata contributions payable by the various developments will be calculated by the Director: Civil and Technical Services;

(xix) Permission for access to/from Knysna Road during the construction period

must be obtained from the relevant authorities.

# **OPEN SPACES**

10

- Portions 438 to 444 and 458 must be registered as private open spaces;
- The private open spaces must be transferred to the Home Owners Association:
- The private open spaces must be developed to the satisfaction of the Chief: Parks and Recreation, Municipality of George before it may be transferred to the Home Owners Association:
- (iv) The sidewalk between the development and the Knysna Road road surface must be landscaped to the satisfaction of the Chief: Parks and Recreation, Municipality of George:
- The open space situated on Portion 429 must be developed in accordance with the requirements of the Department of Environmental Affairs and Development Planning (Western Cape).

# DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING (WESTERN CAPE)

- That the record of decision issued by the Department of Environmental (i) Affairs and Development Planning (Provincial Government: Western Cape) dated 6 December 2005 be adhered to:
- That the conditions imposed by the Department of Environmental Affairs and Development Planning (Provincial Government: Western Cape) with the approval of the amendment of the George and Environs Structure Plan be adhered to.

#### HOME OWNERS ASSOCIATION: 14.

- A Home Owners Association must be established in terms of Section 29 of (i) Ordinance 15 of 1985 with regard to the Residential I development;
- A Home Owners Association must be established for the development on Portions 436 and 437. This Home Owners Association must be a member of the Home Owners Association established for the Residential Lerven;
- The Constitution of the said Home Owners Association must be submitted to Council for its approval prior to registration of any subdivided erf, or registration of a CRT, will be permitted;
- (iv) Should the Home Owners Associations wish to amend the said Constitution, such proposed amendments must be submitted to the Council for its approval:
- The developer shall be liable for any disbursement incurred by Council in relation to the perusal of the proposed Constitution of the said Home Owners Association:
- (vi) The following conditions must be incorporated in the Home Owners Associations Constitutions, namely:
  - (a) That no building plan be approved on any erf without the prior written approval of the Home Owners Association, and further subject to the

- Standard and/or Municipal Building Regulations that may be applicable from time to time:
- (b) No additions and or alterations to units shall be permitted without the prior written approval of the Home Owners Association, and further subject to the standard and/or Municipal Building Regulations enforced from time to time;
- (c) No demolition or removal of any feature which constituted an original portion of the scheme shall be permitted without prior written approval of the Home Owners Association, and further subject to the standard and/or Municipal Building Regulations that may be enforced from time to time;
- (d) Should it be necessary to rebuild any unit in its entirety such rebuilding shall be in accordance with the building plan of the unit originally approved;
- (e) Any communal portion of a supporting wall, roof, pipe, gutter, fencing or other structure or object on such unit shall be maintained by the owner of the unit;
- (f) Each portion of such supporting wall, roof, pipe, gutter, fencing or other structure or object on such unit shall likewise be maintained by the owner of the unit;
- (g) Access to such unit shall be allowed for the purpose of maintenance, cleaning, renovations, repair, renewal, alterations of and in addition to such wall, roof, pipe, gutter, fencing or other structure or object and nothing shall be done which may prevent access to or hinder such access;
- (h) Should the Home Owners Association resolve to approve any such alterations and or additions, they shall be of such a nature as to be applicable to all unit owners and all unit owners shall be permitted without exception to affect similar alterations and additions;
- (i) A plan shall be provided showing the proposed location of the alterations and/or additions in relation to all units within the direct vicinity of the unit. (This does not imply that all unit owners should necessarily also affect such additions and alterations. The said plan is required only to enable an evaluation to be made of the total effect of a proposal on the aesthetic appearance of the scheme);
- (j) Should it be proposed to alter the colour scheme of the complex an indication must be given of the period in which the scheme in its totality of colour scheme will be altered and such period shall not be later than one year from the date of commencement of the alteration of the colour scheme.

# 15. FIRE CONTROL

The developer must, in case where:

- (i) Municipal water is not available and the development is dependent upon its own water resources, fully comply with the National Building Regulations (SABS 0400) with regard to fire control; or
- (ii) Where municipal water is available, ensure that the registered consulting engineer determine the water pressure available to the development and that the necessary fire control measurements are implemented in accordance with SANS 10400.

# 16. ARCHITECTURAL DESIGNED MANUAL

(i) The developer must provide the Council with a detailed architectural design manual, which shall take all design parameters into account, and the said

- manual must be submitted to the Council's Aesthetical Committee for approval prior to the commencement of any building activities;
- The wall referred to under condition 6 (ii) must be approved by Council's Aesthetical Committee prior to the erection thereof;
- (iii) Any boundary wall to be erected along Knysna Road and any other public road must be approved by Council's Aesthetical Committee prior to the

#### 17. REFUSE REMOVAL

- The necessary arrangements for the removal of refuse, must be made with the Director: Health Services;
- The developer shall insure that the development's layout is of such a nature that a refuse vehicle is able to collect refuse from individual property, and shall provide the necessary turning circle in each cul de sac to the satisfaction of the Director: Civil and Technical Services;
- (iii) If the development is a private development and/or security development and the developer does not provide 24 hour access control, the developer shall ensure that a separate refuse containment area is designed and constructed, in consultation with the Director: Civil and Technical Services, in order for the Council to have 24 hour access to such refuse containment
- (iv) Only refuse that may be received in terms of the permit of the relevant refuse transfer station, shall be collected by the Council. Refuse such as poisonous refuse, dangerous refuse and medical refuse will be delivered by the owner at its own cost to the suitable facility and to the satisfaction of the Director: Health Services;
- In the instance where a business complex is developed, the developer shall provide a refuse stall at own cost, which will be accessible to a refuse removal vehicle. The said refuse removal stall will be constructed in consultation with the Director: Civil and Technical Services;
- (vi) The Council reserves the right to require of the developer to sort refuse in three categories and to place it in difference containers, namely:
  - (a) Re-usable such as glass, paper, plastic and metals;
  - (b) Garden refuse;
  - (c) Household refuse.

#### 18. SITE DEVELOPMENT PLANS

- A site development plan to a scale determined by the Municipality (i) indicating the information as below shall be submitted for approval by the Municipality before any construction commences on any Residential III, Residential IV, Institutional Zone II, Business Zone II or Special Zone erf; (ii)
- The following must be indicated on the site development plan:
  - a) An annexure in which the zoning of the land units is indicated as well as any restrictions with regard to coverage, height, floor area as well as the parking requirement applicable to the land unit. This annexure shall also indicate the proposed land use restriction for the planned development:
  - b) Erf boundaries and dimensions;
  - c) All servitudes applicable to the erf;
  - d) Building restriction areas;
  - e) Service connection points;
  - Contours at 1 (one) m interval; f)
  - g) All existing land unit features such as trees, existing buildings, etc.;
  - h) All the development and features on adjoining land units;

Height and layout of all proposed buildings;

- Commercial open spaces, landscaping patterns and private open spaces:
- k) Entrances to and from the land unit, internal roads and parking areas;
- Elevation treatment of all buildings and structures;

m) Provision made for refuse removal;

- n) Elevation, section diagrams or perspective drawings of the proposed land unit layout:
- o) Proposals regarding site boundaries (i.e. fences)

p) Proposed subdivision lines;

q) On evaluation the site development plans the Municipality may lay down such town planning requirements as it may deem fit, i.e. parking requirements.

#### **PHASING** 19.

The development may be phased as indicated on the subdivision plan; (i)

No transfer of any erf within a phase will be allowed unless all conditions (ii) relevant to the phase have been adhered to.

Notwithstanding Council's decision you have the right of appeal against the conditions of approval in terms of Section 44 of Ordinance 15 of 1985, which right must be exercised and submitted in writing within 21 days from date of registration (date stamp on envelope) of this letter. The appeal must be directed to Chief Directorate: Planning, Private Bag X9083. Cape Town, 8000 within the aforementioned time period with a copy endorsed and submitted in writing to the George Municipality.

Your attention is further directed to the provision of Section 16(2)(a)(i) and Section 27(1) of Ordinance 15 of 1985 in terms of which this approval will lapse if it is not exercised within 2 years from date hereof, or should the subdivision not be implemented within a period of 5 years from date hereof.

Yours faithfully

CM AFRICA DIRECTOR: PLANNING AND DEVELOPMENT

# **ANNEXURE "B" - MUNICIPAL APPROVAL DATED 6 JUNE 2008**

E-mail: michellei@george.org.za Kraaibosch 195/2, 22 & 77, division George

Ms M Joseph

044 - 801 9171

Fax: 086 645 6296

6 June 2008

Jan Vrolijk Town Planner PO Box 710 GEORGE 6530

# PROPOSED AMENDMENT OF CONDITIONS: KRAAIBOSCH 195/2 & 71 (BLUE MOUNTAIN)

The abovementioned application refers.

The Department Planning and Housing has under delegated authority decided to approve the abovementioned application in terms of Section 44 of the Land Use Planning Ordinance, 1985 subject to the conditions stipulated in Council's letter (attached) dated 25 April 2006 with the exception of condition 2 which shall read as follows:

The zoning of the erven will be as follows:

ZONING	PORTION NUMBER				
Residential I	Portions: 1 – 425				
Residential III	Portion: 437				
Residential III (Retirement Village)	Portion: 436				
Residential IV	Portions: 433 – 435				
Residential IV and Open Space II	Portion: 429 (zoning as indicated on plan)				
Business II	Portion: 427				
Open Space II	Portions: 438 – 444, 458				
Private Road	Portions: 446 – 457				

Transport Zone II	Remainder Road: (Municipal Portions B & D) Remainder Road: (Provincial Portions C & E)
Institutional II	Portion: 426
Special Zone	Portion: 430
Authority Zone	Portion: 432

The above approval is subject to the conditions stipulated as follows by the Departments: Civil Engineering Services and Electrotechnical Services:

# Department: Civil Engineering Services

- Capital Contributions are payable by the developer, based on the development proposal submitted, applicable on approval of building plans, but also subject to annual adjustments should development of the site not commence immediately after approval of building plans. Contributions payable may be adjusted should the actual water usage exceed the accepted normal daily usage based on 400l/100m² area of building.
- An additional amount of R850,00 (excl. VAT) is payable, per incident, should any road surface need to be repaired during the provision of a municipal connection. This amount is subject to annual escalation.
- Any, and all, costs directly related to the development remain the developer's responsibility.
- Any existing service damaged during the development of the erf is to be repaired at the developer's expense, and in accordance with municipal standards.
- 5. All civil services, -internal, link and relocation of or upgrades to existing- are to be designed by a registered consulting engineer in accordance with Council and the "Guidelines for Human Settlement Planning and Design" specifications. All drawings and plans are to be submitted to the Department: Civil Engineering Services (hard copy and electronically) for approval prior to any construction work taking place. All work is to be carried out under the supervision of the consulting engineer who is to provide the Department: Civil Engineering Services with a certificate on completion, and as-built plans in electronic format. All costs will be for the developer.
- 6. No parking will be allowed in the road reserve. Adequate parking with a hardened surface must be provided on the premises of the proposed development. A minimum of 6 bays/100m² GLA for shops (retail) or 1 bay/30m² for business (offices) is required. Provision must also be made for loading zones on the premises. Refer to the Kraaibosch/Blue Mountain Road Master Plan.
- A dimensioned layout indicating the proposed access onto the development and internal parking must be submitted to the Department: Civil Engineering Services for approval. Condition (5) applies.
- A layout indicating the proposed internal stormwater system must be submitted to the Department: Civil Engineering Services for approval. Condition (6) applies.
- 9. A bulk meter must be installed by the developer at commencement of construction to monitor water usage during the construction phase. The Department: Civil Engineering Services (Water section) is to be consulted by the developer, prior to installation, regarding the required specifications.

10. The applicant is to comply with the National Forest Act, 1998 (Act 84 of 1998), should it be required. Entrances to properties are to be positioned so that no street trees need to be removed. Should it be necessary to remove a street tree, a permit is to be obtained from Department: Water Affairs and Forestry (indigenous trees) or Parks and Gardens (other planted trees).

# Department: Electrotechnical Services

 Capital Contributions are payable for electricity for each equivalent portion created as per standard tariffs for George by the applicant, based on the development proposal submitted applicable on approval of building plans but also subject to annual adjustments should development not commence immediately after approval of building plans.

2. Any, and all, costs directly related to the development remain the developer's

responsibility.

3. All electrical services, -internal, link and relocation of or upgrades to existing- are to be designed by a registered consulting engineer in accordance with Council and the "Guidelines for Human Settlement Planning and Design" specifications. All drawings and plans are to be submitted to the Department: Electrotechnical Services (hard copy and electronically) for approval prior to any construction work taking place. All work is to be carried out under the supervision of the consulting engineer who is to provide the Department: Electrotechnical Services with a certificate on completion, and as-built plans in electronic format. All costs will be for the developer.

Notwithstanding Council's decision you have the right of appeal against the conditions of approval in terms of Section 44 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) which right must be exercised and submitted in writing within 21 days from date of registration (date stamp on envelope) of this letter. The appeal must be directed to <a href="Chief Directorate: Planning, Private Bag X9083">Chief Directorate: Planning, Private Bag X9083</a>, <a href="Cape">Cape Town, 8000</a> within the aforementioned time period <a href="with: with: a copy endorsed and submitted in writing to the George Municipality">With a copy endorsed and submitted in writing to the George Municipality</a>.

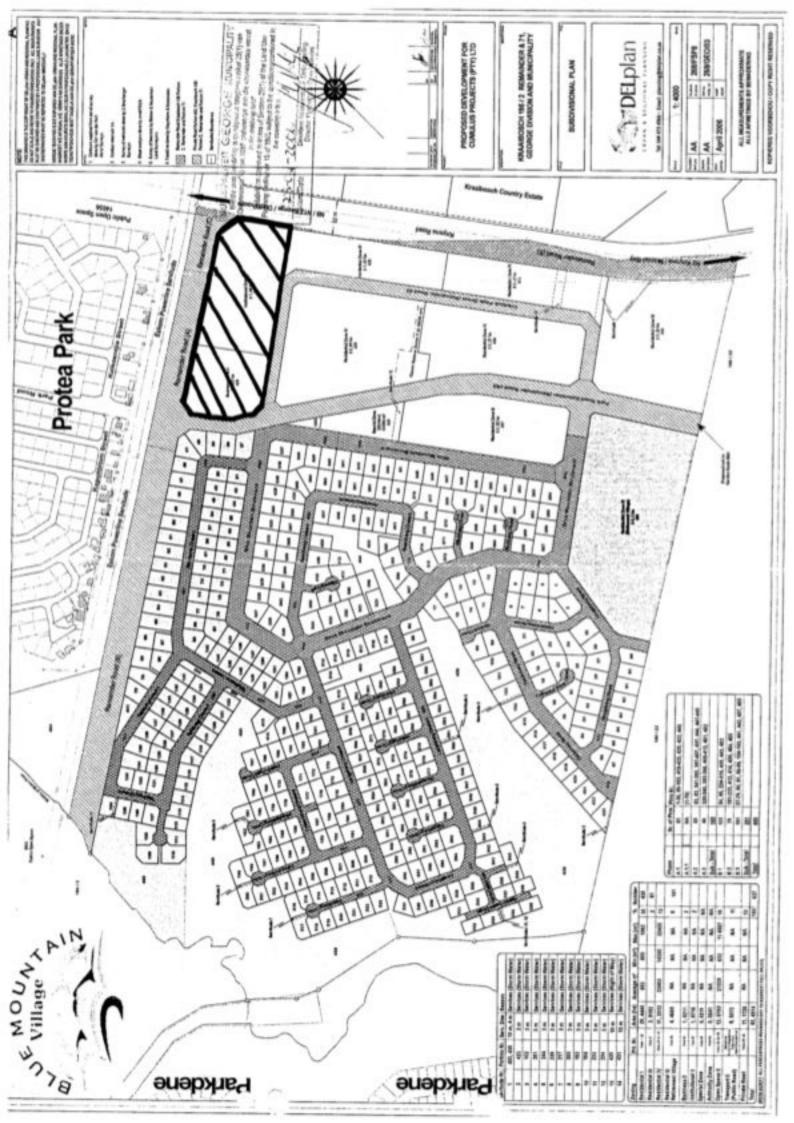
An appeal fee of R1140.00 + VAT is payable to George Municipality and will be refunded if your appeal is successful.

Your attention is further directed to the provision of Section 14(5) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) in terms of which approval will lapse if it is not exercised within two (2) years from date thereof.

durs faithfully

SB ERASMUS

SENIOR MANAGER: PLANNING AND HOUSING



# **ANNEXURE "C" - TITLE DEED OF ERF 24845 GEORGE**

1:50

Raubenheimers Inc

Prepared by me

PO Box 21

60 Cathedral Street

George

6530

CONVEYANCER Fee endorsement **LUTTIG WM** Purcha / price/Value Mortgage capital R Amount MORTGAGED VERBIND Exempt it o Reason for exemption Act in a section 660000 000034436/2012 2012 -12- 06 REGISTRATEUR 000076532/2012

BE IT HEREBY MADE KNOWN THAT

Willom Munro Luttig JANINE FOUCHE

appeared before me, REGISTRAR OF DEEDS at Cape Town, the said appearer being duly authorised thereto by a Power of Attorney which said Power of Attorney was signed at GEORGE on 23 July 2012 granted to him by

DEED OF TRANSFER

CUMULUS PROJECTS PROPRIETARY LIMITED Registration Number 1999/001857/07



And the appearer declared that his said principal had, on 11 May 2012, truly and legally sold by Private Treaty, and that he, the said Appearer, in his capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of

# APPLEWOOD TRADING 128 PROPRIETARY LIMITED Registration Number 2008/002408/07

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

ERF 24845 GEORGE, IN THE MUNICIPALITY AND DIVISION OF GEORGE, WESTERN CAPE PROVINCE

IN EXTENT 8283 (EIGHT THOUSAND TWO HUNDRED AND EIGHTY THREE) Square Metres

# FIRST REGISTERED AND STILL HELD BY CERTIFICATE OF CONSOLIDATED TITLE NUMBER T1662/2009 WITH DIAGRAM SG2570/2008 ANNEXED THERETO

- A SUBJECT to the conditions referred to in the said Deed of Transfer No T10120/1919
- B FURTHER SUBJECT to the special conditions contained in Amended Grant dated 23<sup>rd</sup> April 1913 (George Quitrents Vol. 15 No. 11), which condition reads as follows
  - "That the said land (Kraai Bosch) shall be subject to all such duties and regulations as either are already or shall in future be established respecting lands held on similar tenure."
- C SUBJECT FURTHER to the terms of the servitude referred to in the endorsement dated 16<sup>th</sup> November 1944 on Deed of Transfer No T6136/1941, which endorsement reads as follows



"By Notarial Deed No 348 dated 30 October 1944, the owner and his successors in title of the land held under paragraphs 3 to 6 hereof has given and signified his consent to the construction of certain waterworks over the said properties by the Municipality of George affecting the riparian rights of the land held under the said paragraphs of this deed subject to conditions as will more fully appear on reference to the said Notarial Deed vide copy annexed hereto."

- D By Servitude No K493/77S the within described land is subject to a servitude with regard to apportionment of water in terms of an Order of the Water Court (Water Court District No ) dated 3 6 77 as will more fully appear on reference to the copy of said Order annexed to Servitude No K493/77S
- By Servitude No. 15/72 the within described land is subject to a servitude with regard to apportionment of water in terms of an Order of the Water Court (Water Court District Cape) dated 26.5.71 as will more fully appear on reference to the copy of said Order annexed to Servitude No. 15/72
- F SUBJECT FURTHER as contained in Certificate of Consolidated Title No T1662/2009 to a servitude right of way 13 metres wide in favour of the General Public as is depicted by the figure F B C D G on Diagram SG No 2570/2008, attached thereto

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

# CUMULUS PROJECTS PROPRIETARY LIMITED Registration Number 1999/001857/07

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

# APPLEWOOD TRADING 128 PROPRIETARY LIMITED Registration Number 2008/002408/07

or its Successors in Title or assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of R5 500 000,00 (FIVE MILLION FIVE HUNDRED THOUSAND RAND)

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

THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS at Cape
Town on 2012 2012

In my presence

REGISTRAR OF DEEDS

1

qq

# **ANNEXURE "D" - PRE-APPLICATION**



#### LAND USE PLANNING PRE-APPLICATION CONSULTATION FORM

#### **PLEASE NOTE:**

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

#### **PART A: PARTICULARS**

Reference number: Collab no. 2940689

Purpose of consultation: Proposal to rectify zoning of Erf 24845, cancellation of servitude, subdivision, registration of servitudes, amendment of land use plan and departures.

Brief proposal: See page 2.

Property(ies) description: Erf 24845 George

Date: 10 November 2023

#### Attendees:

	Name & Surname	Organisation	Contact Number	E-mail
Official	Ilané Huyser	George	044 801 9477	ihuyser@george.gov.za
Official		Municipality		
Official	Robert Janse van	George	044 801 9555	rhjansevanrensburg@george.
Official	Rensburg	Municipality		gov.za
	Jan Vrolijk	Jan Vrolijk Town	044 873 3011	janvrolijk@jvtownplanner.co.
Pre-applicant		Planner /	082 464 7871	<u>za</u>
		Stadsbeplanner		

#### **Documentation provided for discussion:**

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

Title Deed of Erf 24845 George

Locality plan

S G Diagram of erf

Subdivision plan

**Land Use Plan** 

**Development plans** 

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

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



#### **DEVELOPMENT PROPOSAL**

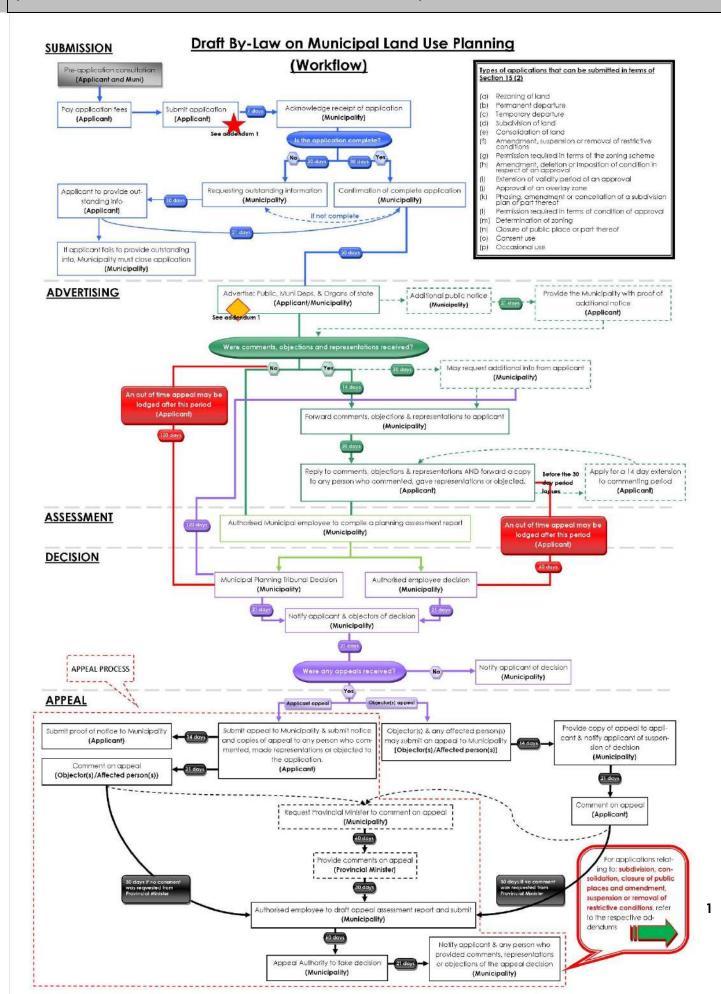
- Rectification of zoning of Erf 24845 George from Single Residential Zone II (Private Open Space) to Single Residential Zone II (Administrative offices of the HOA and facilities ancillary to the functioning of the estate).
- 2. Closure of service entrance to estate cancellation of right of way servitude.
- 3. Subdivision of Erf 24845 George into three portions Portion A (± 2 207m²), Portion B (± 1 775m²) and a Portion C (± 4 301m²) (see attached subdivision plan).
- 4. Registration of certain servitudes over portions to protect existing services as indicated on subdivision plan.
- 5. Amendment of land use for Portion B from Single Residential Zone II (Administrative offices of the HOA and facilities ancillary to the functioning of the estate) to Single Residential Zone II (Institutional use Memory Care Facility) to convert the existing office building on this portion into a Memory Care Facility. (See attached plans).
- 6. Amendment of land use for Portion C from Single Residential Zone II (Administrative offices of the HOA and facilities ancillary to the functioning of the estate) to Single Residential Zone II (Group housing Retirement units) to allow for the portion to be developed with 23 retirement units. (See attached plan).
- 7. Departure from parking requirements and building lines in respect of the retirement units.

#### PROPOSED APPLICATIONS

 An application will have to be submitted for the rectification of the land use of Erf 24845 George from Single Residential Zone II (Private Open Space) to Single Residential Zone II (Administrative offices of the HOA and facilities ancillary to the functioning of the estate).

- An application will have to be submitted in terms of section 15(2)(d) of the Land Use Planning By-law for George Municipality, 2023 for the cancellation of the 13 metre right of way servitude registered over Erf 28485 George.
- An application will have to be submitted in terms of section 15(2)(d) of the Land Use Planning By-law for George Municipality, 2023 for the subdivision of Erf 24845 George into a Portion A (± 2 207m²), Portion B (± 1 775m²) and a Portion C (± 4 301m²) as indicated on the subdivision plan attached hereto.
- An application will have to be submitted in terms of section 15(2)(d) of the By-law on Land Use Planning for George Municipality, 2015 for the registration of
  - o stormwater and sewer line servitudes in general terms over Portion B and Portion C in favour of Portion A as indicated on the subdivision plan attached hereto;
  - o stormwater and sewer line servitudes in general terms over Portion C in favour of Portion B as indicated on the subdivision plan attached hereto; and
  - o a stormwater line servitude in general terms over Portion A in favour of Portion B as indicated on the subdivision plan attached hereto.
- An application will have to be submitted in terms of section 15(2)(h) of the Land Use Planning By-law for George Municipality, 2023 for amendment of the land use of
  - O Portion B as per the "Land Use Plan for Blue Mountain Village" from Single Residential Zone II (Administrative offices of the HOA and facilities ancillary to the functioning of the estate) to Single Residential Zone II (Institutional use Memory Care Facility) as indicated on the Land Use Plan attached hereto.
  - Portion C as per the "Land Use for Blue Mountain Village" from Single Residential Zone II (Administrative offices of the HOA and facilities ancillary to the functioning of the estate) to Single Residential Zone II (Group housing Retirement units) as indicated on the Land Use Plan attached hereto.
- An application will have to be submitted in terms of section 15(2)(b) of the Land Use Planning By-law for George Municipality, 2023 for the relaxation of the
  - Blue Mountain Boulevard street boundary building line on Portion C from 3.0 metres to 0.0 metres to allow for the construction of garages in the position as indicated on the proposed site plan for Portion C attached hereto.
  - o southeastern lateral boundary building line on Portion C from 1.5 metres to 1.0 metres to allow for the construction of units 1, 15 and 16 as indicated on the proposed site plan for Portion C attached hereto.
- Application is made in terms of section 15(2)(b) of the Land Use Planning By-law for George Municipality,
   2023 for the relaxation of the parking requirements applicable to the retirement units from 1.75 parking bays per retirement unit to 1.2 parking bays per retirement unit.

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



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

Tick if		What land use planning applications are required?	Application
rele	evant	what faild use planning applications are required:	fees payable
	2(a)	a rezoning of land;	R
х	2(b)	a permanent departure from the development parameters of the zoning scheme;	R
	2(c)	a departure granted on a temporary basis to utilise land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land;	R
х	2(d)	a subdivision of land that is not exempted in terms of section 24, including the registration of a servitude or lease agreement;	R
	2(e)	a consolidation of land that is not exempted in terms of section 24;	R
	2(f)	a removal, suspension or amendment of restrictive conditions in respect of a land unit;	R
	2(g)	a permission required in terms of the zoning scheme;	R
x	2(h)	an amendment, deletion or imposition of conditions in respect of an existing approval;	R
	2(i)	an extension of the validity period of an approval;	R
	2(j)	an approval of an overlay zone as contemplated in the zoning scheme;	R
	2(k)	an amendment or cancellation of an approved subdivision plan or part thereof, including a general plan or diagram;	R
	2(I)	a permission required in terms of a condition of approval;	R
	2(m)	A determination of a zoning;	R
	2(n)	A closure of a public place or part thereof;	R
	2(o)	a consent use contemplated in the zoning scheme;	R
	2(p)	an occasional use of land;	R
	2(q)	to disestablish a home owner's association;	R
	2(r)	to rectify a failure by a home owner's association to meet its obligations in respect of the control over or maintenance of services;	R
	2(s)	a permission required for the reconstruction of an existing building that constitutes a non-conforming use that is destroyed or damaged to the extent that it is necessary to demolish a substantial part of the building	R
Tick	c if		Advertising
rele	evant	What prescribed notice and advertisement procedures will be required?	fees payable
Υ	N	Serving of notices (i.e. registered letters etc.)	R
Υ	N	Publication of notices (i.e. Provincial Gazette, Local Newspaper(s) etc.)	R

		To be determined	
Υ	N	R	
Y	N	letters of consent etc.)	R
	Additional publication of notices (i.e. Site notice, public meeting, local radio, website,		

**PLEASE NOTE:** \* Application fees are estimated on the information discussed and are subject to change with submission of the formal application and/or yearly application fee increase.

# SECTION B: PROVISIONS IN TERMS OF THE RELEVANT PLANNING LEGISLATION / POLICIES / GUIDELINES

QUESTIONS REGARDING PLANNING POLICY CONTEXT	YES	NO	TO BE DETERMINED	COMMENT	
Is any Municipal Integrated Development Plan (IDP)/Spatial Development Framework (SDF) and/or any other Municipal policies/guidelines applicable? If yes, is the proposal in line with the aforementioned documentation/plans?	х		George Spatial  Development  Framework, 2023	To be determined	
Any applicable restrictive condition(s) prohibiting the proposal? If yes, is/are the condition(s) in favour of a third party(ies)? [List condition numbers and third party(ies)]			х	Conveyance Attorney to confirm	
Any other Municipal by-law that may be relevant to application? (If yes, specify)			х		
Zoning Scheme Regulation considerations:  Which zoning scheme regulations apply to this site?  George Integrated Zoning Scheme By-law, 2023  What is the current zoning of the property?					
Single Residential Zone II (Private open space)  What is the proposed zoning of the property?  Single Residential Zone II with three different land uses  Does the proposal fall within the provisions/parameters of the zoning scheme?					
Yes  Are additional applications required to deviate from the zoning scheme? (if yes, specify)  Yes, parking and building lines					

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

# **SECTION C**:

# CONSENT / COMMENT REQUIRED FROM OTHER ORGANS OF STATE

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

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

# SECTION D:

# SERVICE REQUIREMENTS

				OBTAIN COMMENT
DOES THE PROPOSAL REQUIRE THE FOLLOWING	YES	NO	ТО ВЕ	FROM:
ADDITIONAL INFRASTRUCTURE / SERVICES?		113	NO	DETERMINED
				department)

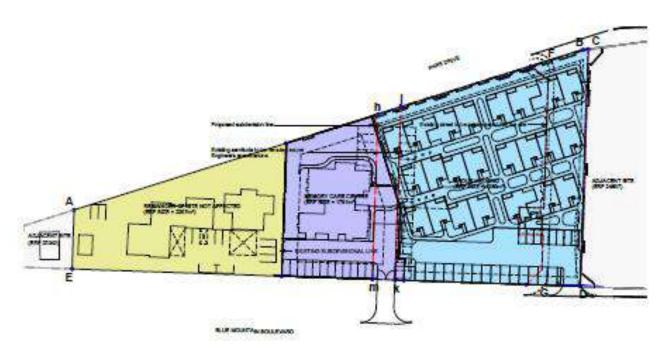
X	Directorate: Electro-
	technical Services
X	Directorate: Civil
	Engineering Services
X	Directorate: Civil
	Engineering Services
X	Directorate: Civil
	Engineering Services
X	Directorate: Civil
	Engineering Services
X	
x	
x	
	x x x x x x x

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

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

### **PART E: DISCUSSION**

The pre application meeting dated 15 November 2023 refers. The layout plan presented is illustrated below.



#### **Town Planning**

- The Section 40 letter dated 6 November 2023 refers.
- Need to address compliance with MSDF 2023, LSDF, SPLUMA, Zoning Scheme etc.
- Parking, manoeuvrability, stacking distance etc will have to be included in the layout plans.
- Need to show the functional open space for the retirement facility.
- A land use plan to be included in the application clearly showing the respective uses for the subdivided portions.
- HOA approval will be required for the proposed development (to submit the signed minutes of the AGM meeting that was held) .
- Note that no 'private office' or offices/uses other than for the HOA will be allowed on this property.
- Building line relaxation for the proposed carports are not required. Garage door not facing the private street.
- The right of way servitude needs to be removed by means of an application for the "Removal of Restrictive Conditions".
- A land surveyor to confirm how the servitude will be removed from the approved Subdivision/SG plan.
- The condition was written in favour of the general public and full PPP will thus be required for this application. Publication in the Burger and not the George Herold is also recommended to target a larger public group.
- Notices should also be sent to Erven 29620, 29622, 26832 George and notices need to be placed on site.

#### <u>CES</u>

- Access: Restricted to the internal road network. The closure of the section of road is supported.
- <u>Water & Sewer</u>: Available, subject to confirmation of capacity required.
- <u>Stormwater</u>: Development must conform to Stormwater bylaw.
- <u>Development Charges:</u> Normal DC's in terms of the DC policy will apply. Credit will only be taken in consideration if proof of DC payments are available.

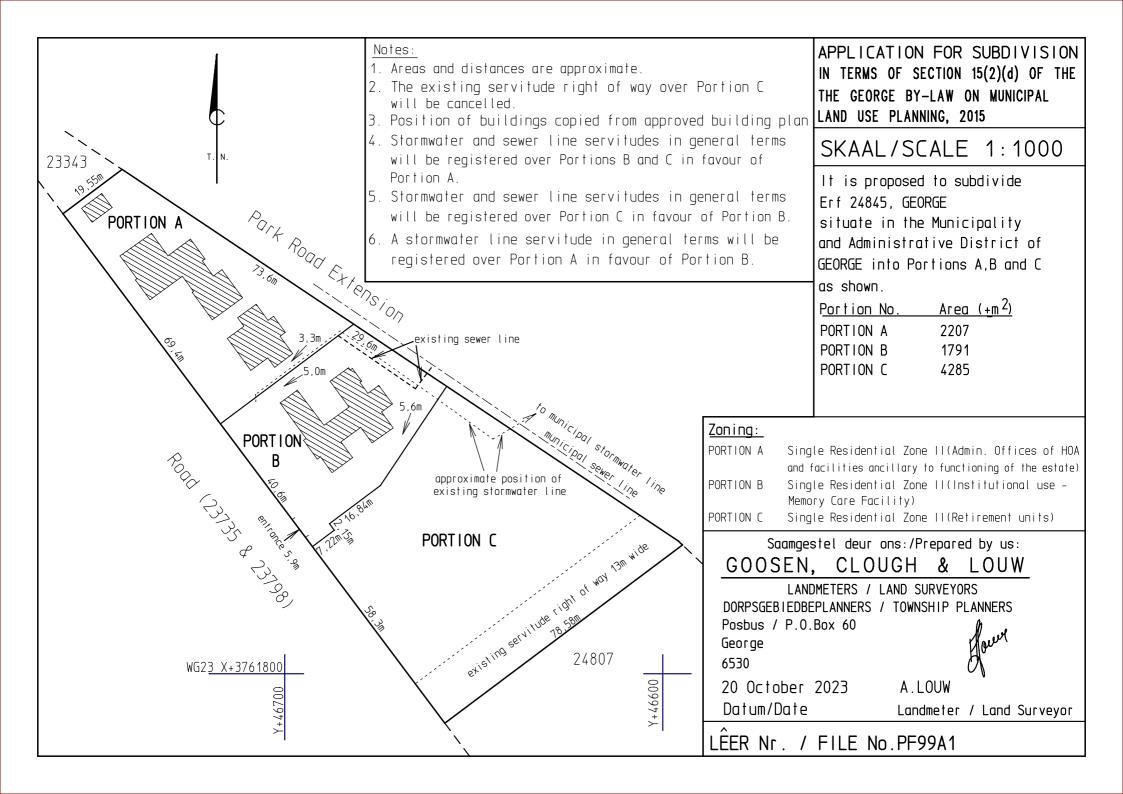
#### **PART F: SUMMARY / WAY FORWARD**

• Refer to the comments in part E.

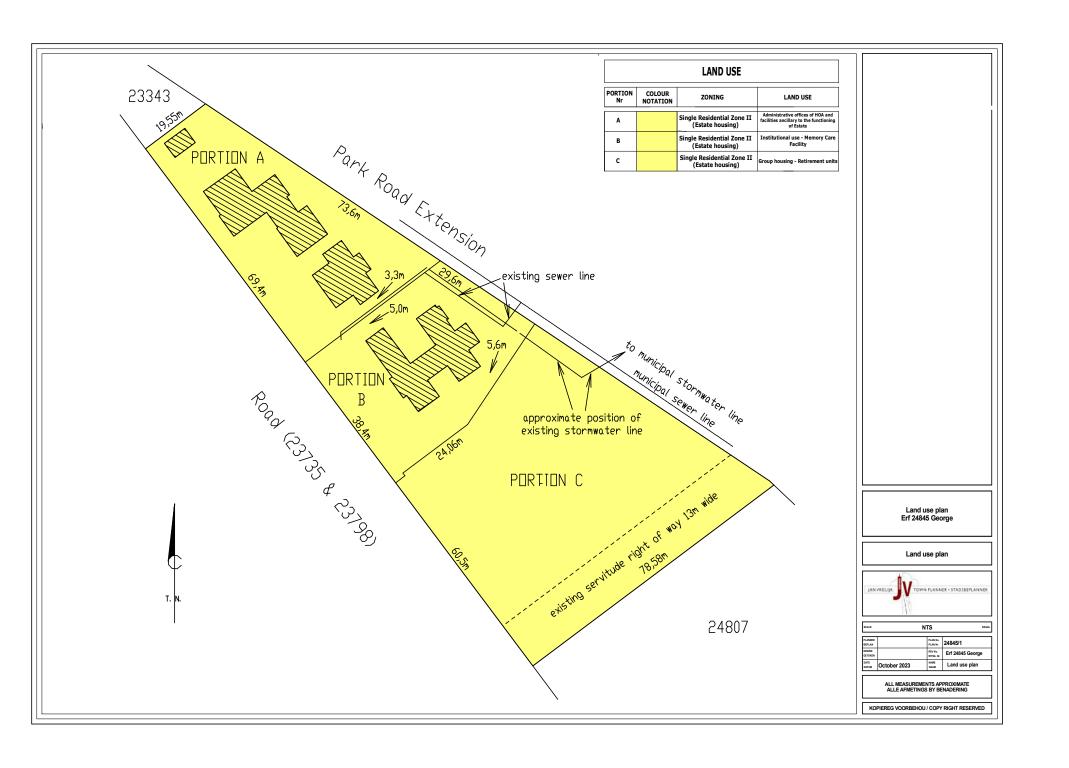
OFFICIAL:	Robert Janse van Rensburg	PRE-APPLICAN	Γ: Johannes George Vrolijk
Town Plan	nner	(FULL NAME)	
	Janes .		J & thotajk
SIGNED:		SIGNED:	W.7
DATE:	22/11/2023	DATE:	10 November 2023
OFFICIAL:	llané Huyser		
(Senior To	own Planner)		
	Muy .		
SIGNED:	_		
DATE:	23.11.2023		

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

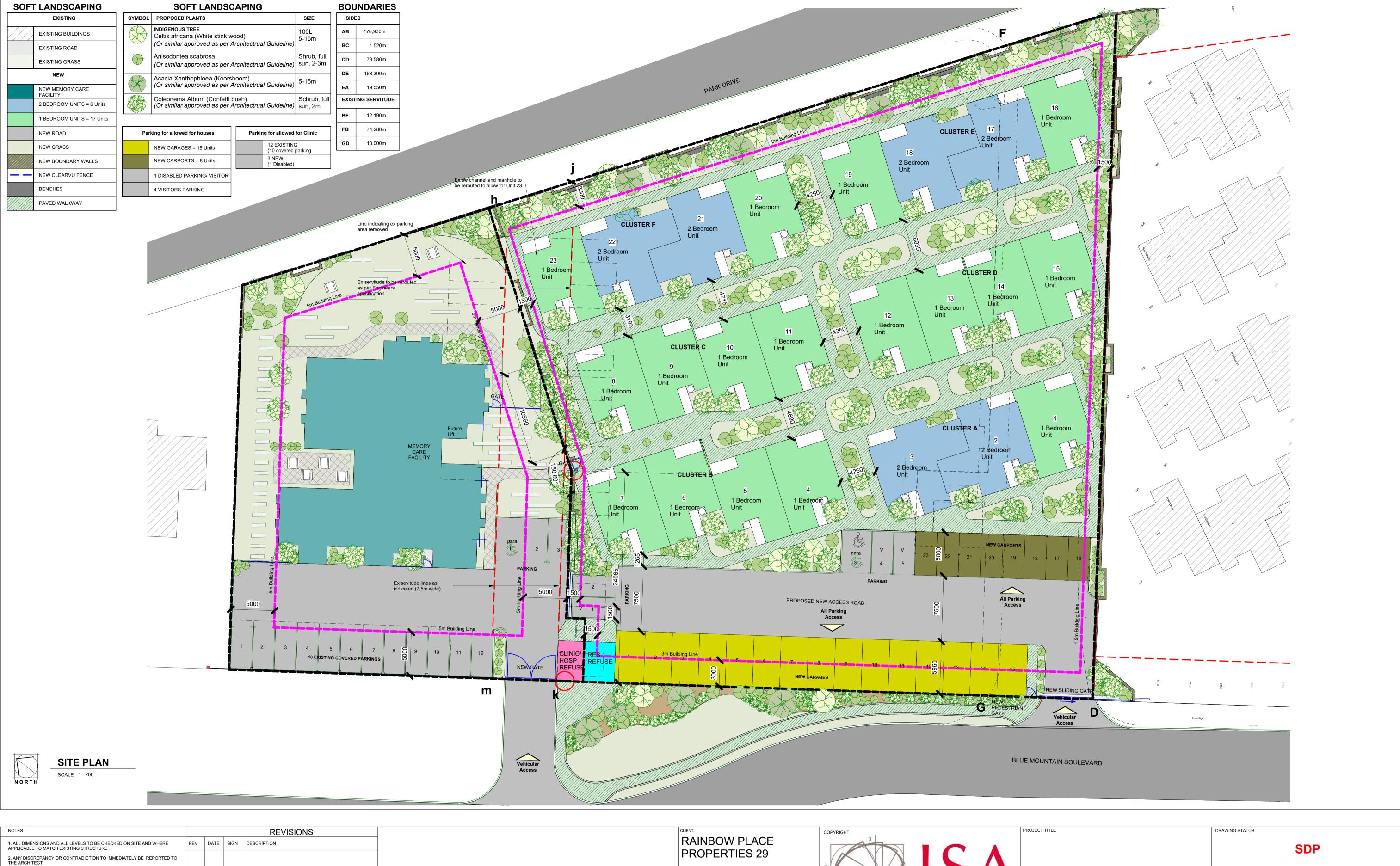
# **ANNEXURE "E" - PROPOSED SUBDIVISION PLAN**



# **ANNEXURE "F" - LAND USE PLAN**



# ANNEXURE "G" - PROPOSED SITE PLAN FOR PORTIONS B AND C



3. DRAWINGS N 4. USE PROFILE WHERE SPECIFI 5. A COMPLETE 6. ALL DIMENSIO HORIZONTAL LE 7. THE CONTRAI BUILDINGS ON S 8. ALL DRAWING DETAIL AND DRA 10. ALL STEEL TO BE HOT DIPPED GALVANIZED

NOTES:				REVISIONS
1. ALL DIMENSIONS AND ALL LEVELS TO BE CHECKED ON SITE AND WHERE APPLICABLE TO MATCH EXISTING STRUCTURE.	REV	DATE	SIGN	DESCRIPTION
2. ANY DISCREPANCY OR CONTRADICTION TO IMMEDIATELY BE REPORTED TO THE ARCHITECT.				
3. DRAWINGS NOT TO BE SCALED.				
4. USE PROFILE COLUMNS AT 85mm. CENTRES FOR BRICKWORK EXCEPT WHERE SPECIFIED DIFFERENTLY.				
5. A COMPLETE SET OF DRAWINGS TO BE AVAILABLE ON SITE AT ALL TIMES.				
6. ALL DIMENSIONS AS SHOWN ON PLAN TO BE PLOTTED ON SITE AT THE HORIZONTAL LEVEL.				
7. THE CONTRACTOR IS RESPONSIBLE FOR THE CORRECT LAYOUT OF BUILDINGS ON SITE IN RELATION TO SITE BOUNDARIES AND BUILDING LINES.				
8. ALL DRAWINGS TO BE READ IN CONJUNCTION WITH STRUCTURAL ENGINEERS DETAIL AND DRAWINGS.				
9. FINISHED STRUCTURE TO COMPLY WITH LATEST AMENDMENTS OF SABS 0400				

RAINBOW PLACE PROPERTIES 29
APPROVED BY CLIENT:
APPROVED BY:
APPROVED BY:
APPROVED BY:



	SDP			
	SCALE	As indicated		
ubdivision and rezoning of Erf 24845	DATE	08/03/23		
George	RECOMMENDED	Paul van Gass		
3001g0	ISSUED	JdV		
AWING DESCRIPTION	DRAWN	ВВ		
OITE DI ANI	PROJECT NO:	DRAWING/SHEET NO :		
SITE PLAN	F044	001		

	SCALE As indicated									
45	DATE	08/03/23								
10	RECOMMENDED	Paul van Gass								
ISSUED JdV										
	DRAWN	ВВ								
	PROJECT NO :	DRAWING/SHEET NO :	REVISION NO :							
	5011	001	•							

# **ANNEXURE "H" - APPLICATION FORM**



# Application Form for Application(s) Submitted in terms of the Land Use Planning By-Law for George Municipality

_													
<b>NOTE:</b> Please complete this form by using: Font: Calibri; Size: 11													
PART	A: APPLICANT	DETAILS											
First n	ame(s)	Johannes Geo	orge										
Surna	те	Vrolijk	rolijk										
SACPL	SACPLAN Reg No. A/1386/2010												
(if app	olicable)	A) 1300/2010											
Comp	any name	Ian Vroliik To	own Blanner / Stadshonlanner										
(if app	olicable)	Juli Violijk io	Jan Vrolijk Town Planner / Stadsbeplanner										
		P O Box 710											
Posta	Address	George			Postal Code		6530						
George													
Email		janvrolijk@jv	<u>townplanne</u>	er.co.za									
Tel	O44 873 3011	1	Fax	086 510 4383	Cel	1	082 464 7871						
PART	B: REGISTERED	OWNER(S) DET	TAILS (if diff	erent from applicant)									
Regist	ered owner	Applewood Ti	rading 128 (	Pty) Ltd Registration Number N	lo 2008/0	024	08/07						
		Park Road 14	9										
Addre	SS	George			Postal	65	6529						
				code									
E-mai	<u> </u>	<u>cjroodt@gma</u>	<u>il.com</u>										
Tel	N/a		Fax	N/a Cell			082 821 9449						
PART	C: PROPERTY L	DETAILS (in acco	rdance with	n Title Deed)									
Prope	rty												
Description		Erf 24845 George											
	Erven /												
Portio	n(s) and												

Farm number(s),													
allotment area.]	Erf	2484	15 George	e is located	on the	sou	therr	n side of	Park Road extensio	n within th	e se	curity	
Physical Address	-		_	nown as Blu				-	T			-	
GPS Coordinates							Town	/City	George	George			
Current Zoning Single Residential Zone I (Private Open Space)					Extent		8 283	Sm²	Are there e. buildings?	here existing y N			
Current Land Use						1			,				
Title Deed number & date	T76	532/	/2012										
Any restrictive conditions prohibiting application?	Υ	Y N If Yes, list condition number(s).											
Are the restrictive conditions in favour of a third party(ies)?	Υ	Y N If Yes, list the party(ies).											
Is the property encumbered by a bond?	Y	Y N If Yes, list Bondholder(s)?				ес							
Has the Municipality already decided on the application(s)?	ipality ly decided on  Y  N  If yes, list reference number(s)?												
Any existing unauth the subject property			ldings and	l/or land use	on	Υ	N		s this application to le g / land use?	egalize the	Υ	N	
	Are there any pending court case / order relating to the subject property(ies)?								re any land claim(s) r subject property(ies)?	_	Υ	N	
PART D: PRE-APPLIC	CATIC	ON CO	ONSULTA	TION	•		•	•			'		
Has there been any consultation?	pre-a	pplic	ation	<b>Y</b>   N   '	f Yes, ple ninutes.	ease	e com	plete the	information below a	and attach ti	he		
Otticial's name   <b>Rohert lanse van</b>   **			Reference number	29	940	689		Date of consultation	22 Novem	ber 2	2023		
PART E: LAND USE A MUNICIPALITY & AI					CTION 15	5 OF	THE	LAND US	SE PLANNING BY-LAV	N FOR GEO	RGE		

\*Application fees that are paid to the Municipality are non-refundable and proof of payment of the application fees must accompany the application.

## **BANKING DETAILS**

Name: George Municipality
Bank: First National Bank (FNB)

*Branch no.:* **210554** 

*Account no.:* **62869623150** 

Type: Public Sector Cheque Account

Swift Code: FIRNZAJJ
VAT Registration Nr: 4630193664

E-MAIL: msbrits@george.gov.za

\*Payment reference: Erven \_\_\_\_\_, George/Wilderness/Hoekwil...

## PART F: DETAILS OF PROPOSAL

Brief description of proposed development / intent of application:

- Application is made for the rectification of the land use of Erf 24845 George from Single Residential Zone II
  (Private Open Space) to Single Residential Zone II (Administrative offices of the HOA and facilities ancillary to
  the functioning of the estate).
- Application is made in terms of section 15(2)(f) of the Land Use Planning By-law for George Municipality, 2023
   for the removal of condition F. from Title Deed T76532/2012, the title deed of Erf 24845 George.
- Application is made in terms of section 15(2)(d) of the Land Use Planning By-law for George Municipality, 2023
   for the cancelation of the 13 metre right of way servitude registered over Erf 28485 George.
- Application is made in terms of section 15(2)(d) of the Land Use Planning By-law for George Municipality, 2023 for the subdivision of Erf 24845 George into a Portion A ( $\pm$  2 207m<sup>2</sup>), Portion B ( $\pm$  1 775m<sup>2</sup>) and a Portion C ( $\pm$  4 301m<sup>2</sup>).
- Application is made in terms of section 15(2)(d) of the By-law on Land Use Planning for George Municipality,
   2015 for the registration of
  - stormwater and sewer line servitudes in general terms over Portion B and Portion C in favour of Portion
     A;
  - stormwater and sewer line servitudes in general terms over Portion C in favour of Portion B; and
  - a stormwater line servitude in general terms over Portion A in favour of Portion B.
- Application is made in terms of section 15(2)(h) of the Land Use Planning By-law for George Municipality, 2023 for amendment of the land use of

- Portion B as per the "Land Use Plan for Blue Mountain Village" from Single Residential Zone II (Administrative offices of the HOA and facilities ancillary to the functioning of the estate) to Single Residential Zone II (Institutional use – Memory Care Facility).
- Portion C as per the "Land Use for Blue Mountain Village" from Single Residential Zone II (Administrative offices of the HOA and facilities ancillary to the functioning of the estate) to Single Residential Zone II (Group housing - Retirement units).
- Application is made in terms of section 15(2)(b) of the Land Use Planning By-law for George Municipality, 2023
   for the relaxation of the
  - Blue Mountain Boulevard street boundary building line on Portion C from 3.0 metres to 0.0 metres to allow for the construction of garages in the position as indicated on the proposed site plan for Portion C.
  - o southeastern lateral boundary building line on Portion C from 1.5 metres to 1.0 metres to allow for the construction of units 1, 15 and 16 as indicated on the proposed site plan for Portion C.
- Application is made in terms of section 15(2)(b) of the Land Use Planning By-law for George Municipality, 2023
  for a departure from land use parameter (d) applicable to "Group housing" to waive the requirement that 50m²
  functional open space be provided for every retirement unit.
- Application is made in terms of section 15(2)(b) of the Land Use Planning By-law for George Municipality, 2023 for the relaxation of the parking requirements applicable to the retirement units from 1.75 parking bays per retirement unit to 1.2 parking bays per retirement unit.

## PART G: ATTACHMENTS & SUPPORTING INFORMATION FOR LAND USE PLANNING APPLICATIONS

Please complete the following checklist and attach all the information relevant to the proposal. Failure to submit all information required will result in the application being deemed incomplete.

Is the	e follow	ving con	npulsory information attached?					
Y	N	Сотр	leted application form	Y	N		e-application Checklist (where policable)	
Y	N	Power of Attorney / Owner's consent if applicant is not owner		Y	N	Bondholder's consent		
Y	N	Motivation report / letter		Y	Ν	Proof of payment of fees		
Y	N	Full copy of the Title Deed		Y	N	S.G. noting sheet extract / Erf diagram / General Plan		
Υ	N	Local	Y	Ν	Site layout plan			
Mini	mum ai	nd addit	tional requirements:	'	•	<b>'</b>		
Y	N	N/A	Conveyancer's Certificate	Y	Ν	N/A	Land Use Plan / Zoning plan	
Y	N	N/A	Proposed Subdivision Plan (including street names and numbers)	Υ	N	N/A	Phasing Plan	
Υ	N	N/A	Consolidation Plan	Υ	Ν	N/A	Copy of original approval letter (if applicable)	
Υ	Ν	N/A	Site Development Plan	Υ	Ν	N/A	Landscaping / Tree Plan	

Υ	N	N/A	Abutting owner's consent		Υ	Ν	N/A	Home Owners' Association consent	
Υ	N	N/A	Copy of Environmental Impact Assessment (EIA) / Heritage Impact Assessment (HIA) / Traffic Impact Assessment (TIA) / Traffic Impact Statement (TIS) / Major Hazard Impact Assessment (MHIA) / Environmental Authorisation (EA) / Record of Decision (ROD) (strikethrough irrelevant)		Υ	N	N/A	1:50/1:100 Flood line determination (plan / report)	
Y	N	N/A	Services Report or indication of all municipal services / registered servitudes		Υ	N	N/A	Required number of documentation copies	
Υ	N	N/A	Any additional documents or information required as listed in the pre-application consultation form / minutes		Υ	N	N/A	Other (specify)	
PART	H: AU1	THORIS	SATION(S) IN TERMS OF OTHER LEGISI	LATIC	)N				
Υ	N/A	National Heritage Resources Act, 1999 (Act 25 of 1999)					Specific Environmental Management Act(s) (SEMA)		
Υ	N/A	National Environmental Management Act, 1998 (Act 107 of 1998)		-	Y	N/A	(e.g. Environmental Conservation Act, 1989 (Act 73 of 1989), National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004),		
Υ	N/A	Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)							
Υ	N/A	Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)(SPLUMA)					National Environmental Integrated Coastal Management Act, 2008 (Act 24 of 2008), National Environmental Management:		
Υ	N/A	Occupational Health and Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations					Waste Act, 2008 (Act 59 of 2008), National Water Act, 1998 (Act 36 of 1998) (strike through irrelevant)		
Υ	N/A		Use Planning Act, 2014 (Act 3 of ) (LUPA)		Υ	N/A	Othe	Other (specify)	
Y	N	If required, has application for EIA / HIA / TIA / TIS / MHIA approval been made? If yes, attach documents / plans / proof of submission etc. <b>N/A</b>							
Υ	N	If required, do you want to follow an integrated application procedure in terms of section 44(1)of the Land-Use Planning By-law for George Municipality?							

## **SECTION I: DECLARATION**

I hereby wish to confirm the following:

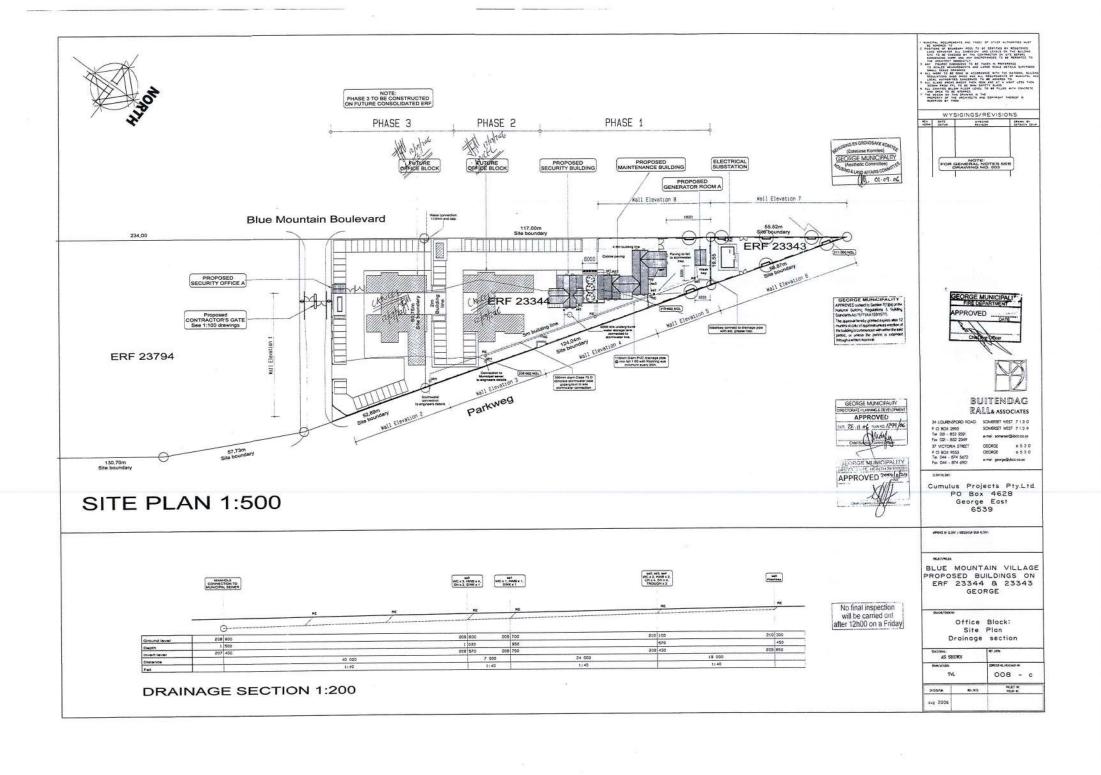
- 1. That the information contained in this application form and accompanying documentation is complete and correct.
- 2. The Municipality has not already decided on the application.
- 3. I'm aware that it is an offense in terms of section 86(1)(d) to supply particulars, information or answers in an application, knowing it to be false, incorrect or misleading or not believing them to be correct.
- 4. I am properly authorized to make this application on behalf of the owner and (where applicable) copies of such full relevant Powers of Attorney/Consent are attached hereto.
- 5. I have been appointed to submit this application on behalf of the owner and it is accepted that correspondence from and notifications by the Municipality in terms of the by-law will be sent only to me as the authorised agent and the owner will regularly consult with the agent in this regard (where applicable).
- 6. That this submission includes all necessary land use planning applications required to enable the development proposed herein.
- 7. I confirm that the relevant title deed(s) have been read and that there are no restrictive title deed restrictions, which impact on this application, or alternatively an application for removal/amendment/suspension forms part of this submission.
- 8. I am aware of the status of the existing bulk services and infrastructure in the subject area and that I am liable for any possible development charges which may be payable as a result of the proposed development.
- 9. I acknowledge that in terms of the Protection of Personal Information Act (POPIA) all correspondence will be communicated directly and only to myself (the applicant). No information will be given to any third party and/or landowner (if the landowner is not the applicant). I herewith take responsibility to convey all correspondence to the relevant parties.

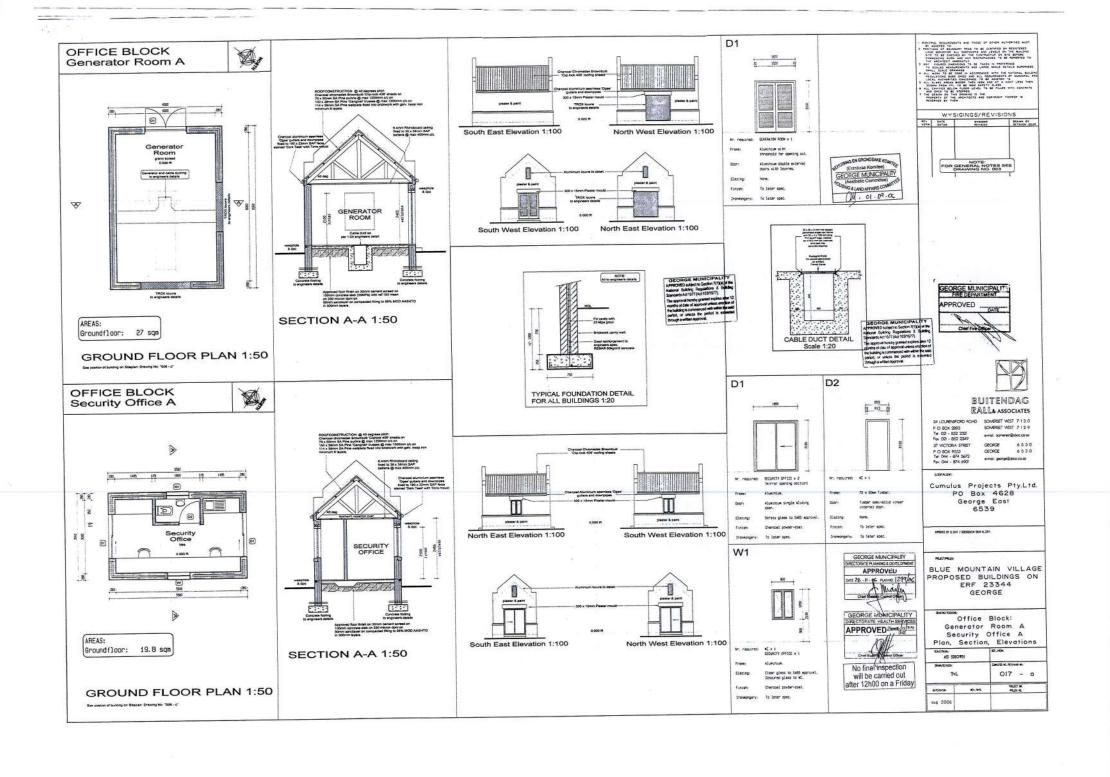
Applicant's signature:	I G Vidiĝk	Date:	27 November 2023
Full name:	Johannes George Vrolijk		
Professional capacity:	Professional Town Planner		
SACPLAN Reg. Nr:	A/1386/2010		

Erf 24845 George: Application for subdivision, amendment of land use plan, permanent departure (relaxation of building lines, parking and open space requirement), cancellation of servitude and removal of restrictive condition of title

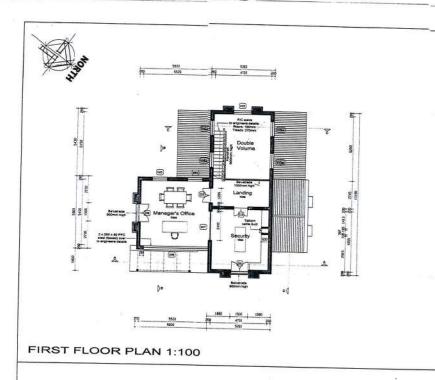
November 2023

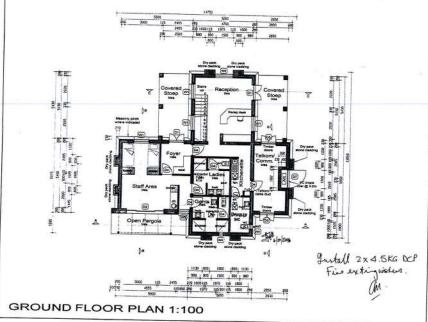
ANNEXURE "I" - APPROVED BUILDING PLAN FOR BUILDINGS ON PORTION A

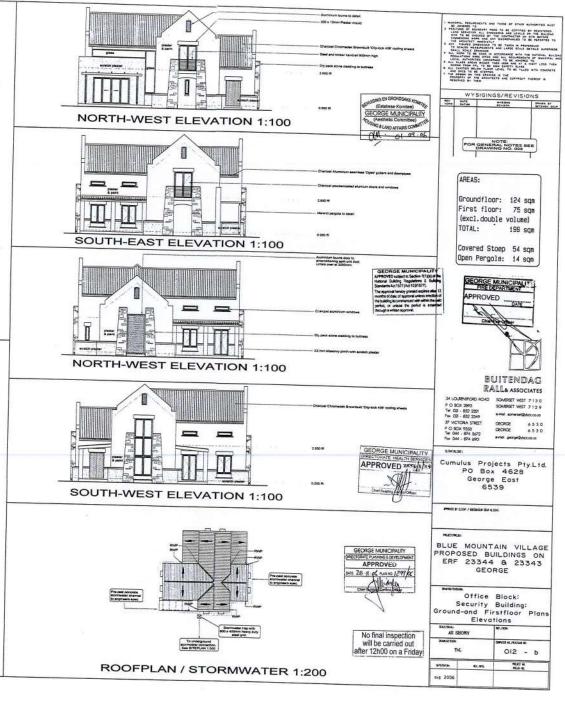


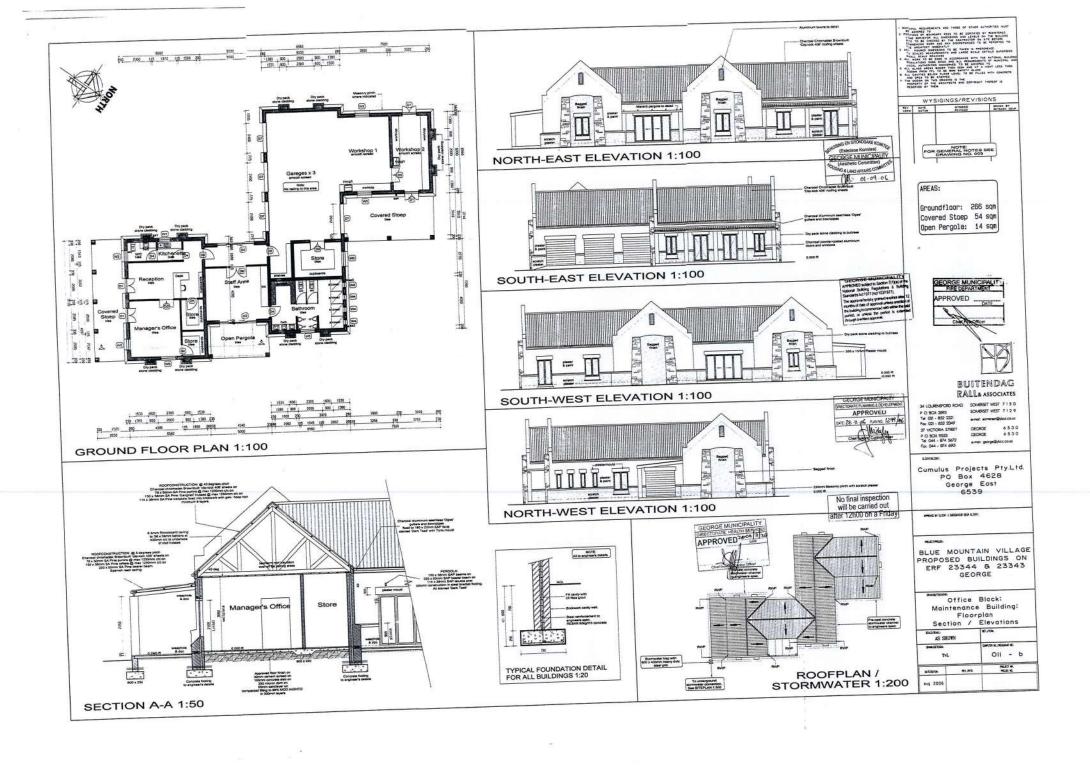












Erf 24845 George: Application for subdivision, amendment of land use plan, permanent departure (relaxation of building lines, parking and open space requirement), cancellation of servitude and removal of restrictive condition of title

November 2023

ANNEXURE "J" - APPROVED BUILDING PLAN FOR BUILDINGS ON PORTION B

