



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

**NOTE:** Please complete this form by using: Font: Calibri; Size: 11

### PART A: APPLICANT DETAILS

First name(s)	Willem				
Surname	de Kock				
SACPLAN Reg No. (if applicable)	A111/1985				
Company name (if applicable)	WM de Kock Associates				
Postal Address	P O Box 9934				
	George	Postal Code	6530		
Email	willemdekock47@gmail.com				
Tel	044-8736603	Fax	-	Cell	082 337 0285

### PART B: REGISTERED OWNER(S) DETAILS (if different from applicant)

Registered owner	Y F Havenga and G Havenga				
Address	22 Stander street George				
		Postal code	6530		
E-mail	<a href="mailto:francoishavenga777@gmail.com">francoishavenga777@gmail.com</a> , <a href="mailto:prelife@gmail.com">prelife@gmail.com</a>				

Tel	-	Fax	-	Cell	084 627 6602 084 432 3819
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**PART C: PROPERTY DETAILS (in accordance with Title Deed)**

Property Description [Erf / Erven / Portion(s) and Farm number(s), allotment area.]	<b>Erf 1212, George plus a road portion of 360m<sup>2</sup></b>									
Physical Address	<b>22 Stander street Bergsig, George</b>									
GPS Coordinates	<b>33°57'23.59"S 22°28'26.24"E</b>				Town/City		<b>George</b>			
Current Zoning	<b>Single Residential</b>			Extent	<b>1028m<sup>2</sup></b>		Are there existing buildings?		<b>Y</b>	<del>N</del>
Current Land Use	<b>Frail care centre</b>									
Title Deed number & date	<b>T21897/1991</b>									
Any restrictive conditions prohibiting application?	<del>Y</del>	<b>N</b>	If Yes, list condition number(s).							
Are the restrictive conditions in favour of a third party(ies)?	<del>Y</del>	<b>N</b>	If Yes, list the party(ies).							
Is the property encumbered by a bond?	<b>Y</b>	<del>N</del>	If Yes, list Bondholder(s)?							
Has the Municipality already decided on the application(s)?	<del>Y</del>	<b>N</b>	If yes, list reference number(s)?							
Any existing unauthorized buildings and/or land use on the subject property(ies)?	<del>Y</del>	<b>N</b>	If yes, is this application to legalize the building / land use?				<del>Y</del>	<b>N</b>		
Are there any pending court case / order relating to the subject property(ies)?	<del>Y</del>	<b>N</b>	Are there any land claim(s) registered on the subject property(ies)?				<del>Y</del>	<b>N</b>		

**PART D: PRE-APPLICATION CONSULTATION**

Has there been any pre-application consultation?	<b>Y</b>	<del>N</del>	If Yes, please complete the information below and attach the minutes.							
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Official's name	J Muller	Reference number	2612022	Date of consultation	20-04-2023
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**PART E: LAND USE APPLICATIONS IN TERMS OF SECTION 15 OF THE LAND USE PLANNING BY-LAW FOR GEORGE MUNICIPALITY & APPLICATION FEES PAYABLE**

**\*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:**

The application for the rezoning of erf 1212 to Community Zone III, the consolidation of the road portion and rezoning to the same zoning. In addition, application for certain building line relaxations and the parking requirements are made.

**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 following compulsory information attached?*

Y	<del>N</del>	Completed application form			Y	<del>N</del>	Pre-application Checklist (where applicable)	
Y	<del>N</del>	Power of Attorney / Owner's consent if applicant is not owner			Y	<del>N</del>	Bondholder's consent	
Y	<del>N</del>	Motivation report			Y	<del>N</del>	Proof of payment of fees	
Y	<del>N</del>	Full copy of the Title Deed			Y	<del>N</del>	S.G. noting sheet extract / Erf diagram / General Plan	
Y	<del>N</del>	Locality Plan			Y	<del>N</del>	Site layout plan	
Minimum and additional requirements:								
Y	<del>N</del>		Conveyancer's Certificate		Y	<del>N</del>	N/A	Land Use Plan / Zoning plan
Y	N	N/A	Proposed Subdivision Plan (including street names and numbers)		Y	<del>N</del>	N/A	Phasing Plan

Y	N		Consolidation Plan		Y	N	N/A	Copy of original approval letter (if applicable)
Y	N	N/A	Site Development Plan		Y	N	N/A	Landscaping / Tree Plan
Y	N		Abutting owner's consent		Y	N	N/A	Home Owners' Association consent
Y	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)		Y	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		Y	N	N/A	Required number of documentation copies <b>2 copies</b>
Y	N	N/A	Any additional documents or information required as listed in the pre-application consultation form / minutes		Y	N	N/A	Other (specify)

#### PART H: AUTHORISATION(S) IN TERMS OF OTHER LEGISLATION

Y	N/A	National Heritage Resources Act, 1999 (Act 25 of 1999)		Y	N/A	Specific Environmental Management Act(s) (SEMA)  (e.g. Environmental Conservation Act, 1989 (Act 73 of 1989), National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004), National Environmental Integrated Coastal Management Act, 2008 (Act 24 of 2008), National Environmental Management: Waste Act, 2008 (Act 59 of 2008), National Water Act, 1998 (Act 36 of 1998) (strikethrough irrelevant)
Y	N/A	National Environmental Management Act, 1998 (Act 107 of 1998)				
Y	N/A	Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)				
Y	N/A	Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)(SPLUMA)				
Y	N/A	Occupational Health and Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations				
Y	N/A	Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA)		Y	N/A	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>				
Y	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:



Date:

**18-01-2024**

Full name:

**Willem Morkel de Kock**

Professional capacity:

**Professional Planner**

SACPLAN Reg. Nr:

**A111/1985**

# PROPOSED REZONING AND DEPARTURES - ERF 1212 GEORGE

For Y F Havenga

Report 1.2  
Revised February 2024



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**PROPOSED REZONING AND PERMANENT DEPARTURES:  
ERF 1212, 22 STANDER STREET, BERGSIG,  
GEORGE MUNICIPALITY & DIVISION**

**1. BACKGROUND INFORMATION**

Erf 1212 George is a residential property of 1028m<sup>2</sup> zoned Single Residential Zone I (dwelling house). It has been used as a home care facility for more than 10 years. To date, this land use was addressed as a temporary departure which lapsed. Following discussions with the Municipality, it was concluded that the property could be rezoned to Community Zone III (institution) to make provision for a capacity of 15 beds in the facility.

A portion of the abutting of the road reserve is used by Erf 1212 George. This has been the case for more than 30 years. A status report was requested for this portion of road from the Surveyor – General which is attached with the SG diagram discussed later in this motivation report. Approval has been granted by the municipality for this acquisition - see latter dated 15 November 2023.

**2. APPLICATION**

Application is made for the following:

- a) Closure of a portion of street (a portion of erf 1126, George) in terms of Section 15(2)(n) of the Land Use Planning Bylaw (2023) for the George Municipality,
- b) Exemption from subdivision of the closed portion of street in terms of Section 24(1)(i) of the Land Use Planning Bylaw (2023) for the George Municipality,
- c) Exemption from consolidation of the street portion with erf 1212 George in terms of Section 24(1)(i) of the Land Use Planning Bylaw (2023) for the George Municipality,
- d) Rezoning of the consolidated portion from single residential and public road to Community Zone III in terms of Section 15(2)(a) of the Land Use Planning Bylaw (2023) for the George Municipality,
- e) Permanent departures on the consolidated erf in terms of Section 15(2)(b) of the Land Use Planning By-law (2023) for the George Municipality, for the following:
  - Relaxation of the western side boundary building line from 5.0m to 0.0m and 3.5m respectively for the existing structure;
  - Relaxation of the southern street boundary building line from 5.0m to 3.0m for the existing structure;
  - Relaxation of the eastern street boundary building line from 5.0m to 0.0m for an existing carport, storage and kitchen area;
  - Relaxation of the northern side boundary building line from 5.0m to 3.0m for existing staff accommodation.
- (f) A permanent departure in terms of Section 15(2)(b) of the Land Use Planning Bylaw, 2023 from the required number of parking bays from 15 to 9.

The Land Surveyor is currently preparing diagrams for subdivision and consolidation of the road portion. This is a lengthy process because of the very old cadastre which must be verified with field surveys and research. The diagrams will be submitted when ready.



### 3. PROPERTY DETAILS

Property description	Erf 1212 in the Municipality and Division of George
Registered owner	Y F Havenga
Size	1028m <sup>2</sup>
Title Deed no	T21897/1991

The following supporting documentation is submitted that has a bearing on the property:

- Title Deed no T21897/1991
- Conveyancer's Certificate
- Bond Holders consent
- Power of Attorney
- Surveyor-General (SG) diagram with historical original plans. (note that the street names have changed since this SG diagram was drawn in 1858).
- Letter from the Manager: Investment Properties dated 15 November 2023.

Paragraph B(2) of the title deed states the following: *the erf shall be used for residential purposes only*. The use of the property remains residential even though it is to be rezoned for the particular type of residential use. The conveyancer's certificate confirms this.

About a quarter of what is perceived to be Erf 1212 George, is part of the road reserve of Stander Street. This ±360m<sup>2</sup> has been used as part of Erf 1212 George since before the property was purchased in 1991. The SG's status report confirms that this ±360m<sup>2</sup> portion is 'public street' and is attached hereto with the SG diagram.

Following a successful prescription claim, the Council has decided that the said road portion can be subdivided, consolidated with (or noterially tied to) erf 1212 – see letter from Manager: Investment Services dated 3 October 2023.

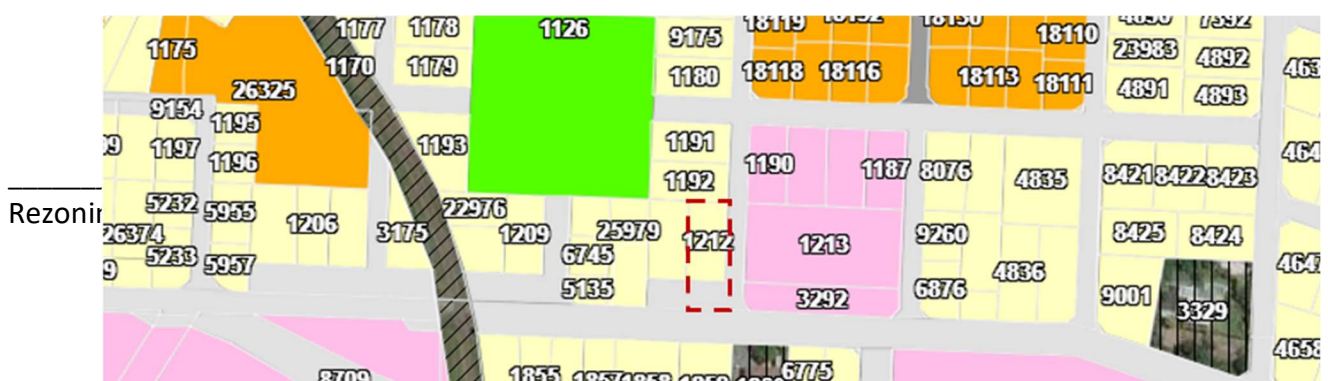
### 4. LOCALITY

Erf 1212 George is located in a greater residential area with schools, guest houses and higher density housing. Stander Street and Meyer Street are important streets linking the western and eastern neighbourhoods of George.

### 5. ZONING AND LAND USE

Erf 1212 George is zoned Single Residential Zone I (dwelling house) in terms of the George Integrated Zoning Scheme By-law and used as a home care facility. The latter however only allows up to 6 people in such a facility. As at least 12 elderly people receive care, it is proposed through this land use application to rezone the property as indicated.

The image below (extract from the Municipality's Public GIS) shows the zonings in the area surrounding Erf 1212 George.



	General Residential Zone IV - flats		Community Zone I – place of instruction
	General Residential Zone II – group housing		Open Space Zone I – public open space
	General Residential Zone V – guest lodge		Transport Zone II – public street
	Single Residential Zone I – dwelling house		

The image above also shows that a portion of road reserve is used by Erf 1212 George. This has been the case for more than 30 years as stated earlier. When the property was purchased in 1991, it was already fenced in. The nature of the fence changed over time.

The aerial image below shows the land uses surrounding Erf 1212 George.



## 6. CHARACTER OF THE PROPERTY AND THE AREA

Erf 1212 George looks like any other residential property in this section of Bergsig. It is a corner property with a palisade fence and access from Stander Street. A second entrance is from Loerie Street. The aerial photos indicate that some properties use a part of the road reserve, and some have claimed it through prescription in the past.

Following this land use application, the character and use of the property will remain as at present. This section of the neighbourhood has been characterised by a mix of land uses due to its proximity to Stander and Meyer Street and especially Outeniqua High School. A hostel of Outeniqua High School is located opposite Erf 1212 George.

The photos below show Erf 1212 George as viewed from Stander Street from a southeastern direction and then from the north in Loerie Street.



## 7. PROPOSAL

As mentioned, the property has been used as a home care facility for more than 10 years. The use of the property will not change from what it is at present. No changes to the structure are required. The property provides care for about 12 elderly people but accommodates 15 beds. This is a much-needed service for the community of George. A homely environment is provided with the garden used by



residents as far as possible. The garden on the southern side of the structure is a road reserve as indicated earlier with an established garden and large trees.

In essence, it remains a home care facility as the scale what is perceived in the neighbourhood remains that of a dwelling house. The rezoning is necessary as more than 6 elderly people receive care, and the owner/operator does not live at the property. There are however always staff on duty. Therefore, accommodation is provided for staff in the outbuilding that was approved as a second dwelling unit.

The original garage was converted to provide for a kitchen and storage area. The structure at the rear of the property was approved as a second dwelling unit approximately 20 years ago. It now used as accommodation for staff.

A site development plan (SDP) are submitted which indicate the present and proposed site development.

As all structures are existing, the relaxation of building lines is addressed as well. The proposed zoning requires a 5m building line on all boundaries. The relaxations as described is in accordance with the position of existing structures.

The portion of Stander Street which has always been used as part of Erf 1212 George adds to the character of the area and space to the property. It would serve no purpose to make it a sidewalk of more than 16m wide which will have a detrimental impact on the neighbourhood and the property. The street portion will be splayed and the present gate which will then encroach on the street, will be relocated inside the property.

## **8. LEGAL FRAMEWORK FOR THE CONSIDERATION OF THE APPLICATION**

From the national to local level the relevant legal framework is as follows (only what is relevant to the application is discussed):

### **8.1 SPATIAL PLANNING & LAND USE MANAGEMENT ACT, 2013 (SPLUMA)**

Section 7 of this Act sets out the five development principles that are applicable to spatial planning, land development and land use management and section 42 of SPLUMA then refers to the factors that must be considered by a municipal tribunal when considering a land use planning application, which include but are not limited to:

- Five SPLUMA development principles;
- Public interest;
- Constitutional transformation;
- Respective rights and obligations of all those affected;
- State and impact of engineering services, social infrastructure and open space requirements;
- Compliance with environmental legislation.

#### **8.1.1 Five development principles**

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

Spatial justice as described in Section 7(a) of SPLUMA is not applicable in this case.

Spatial sustainability as described in Section 7(b) of SPLUMA is relevant as this proposed rezoning will not have any impact on the fiscal, institutional and administrative means of the Republic.

Prime and unique agricultural land is not affected by this land use application. Environmental matters are not relevant as this is an existing urban property already developed.

The effective and equitable functioning of land markets is not negatively affected by this land use application. This is an important community service located within the urban edge.

Efficiency as described in Section 7(c) of SPLUMA is supported. Land development should optimise the use of existing resources and infrastructure. This is possible as Erf 1212 George is an existing urban property.

Spatial resilience as described in Section 7(d) of SPLUMA is not fully relevant to this land use application.

Good Administration as described in Section 7(e) of SPLUMA indicates the responsibilities of all involved in any land use matter.

The land use application for Erf 1212 George supports the relevant development principles of SPLUMA as set out above.

### **8.1.2 Public Interest**

The public interest of this land use application is important as it provides a service to the community of George. Regarding public interest of the area, this facility has been in existence for more than 10 years with no negative impact on the surrounding community as it is a passive land use with no disturbing activities. A high school girls' hostel is located just east of the property and a guest lodge is directly to the south.

The land use appears like a residential property and is used as the residence for 12 elderly people. Therefore, no negative impacts on the neighbourhood are experienced. No complaints were received during the years that the facility was operated as a departure.

### **8.1.3 Municipal Engineering Services and access**

Existing services provided to the property are used with no changes needed. Access has been as at present for more than 30 years. The road reserve area of  $\pm 360\text{m}^2$  is used for parking at present. The present gate at the corner will be moved to a safer position on the property after the road portion with its spay is consolidated with erf 1212.

When the second dwelling unit was approved in the past, services contributions were paid.

### **8.1.4 Parking**

For a Frail Care facility parking must be provided at 1 bay per bed. As 15 beds are accommodated, 15 on-site bays are required. See par 8.6 for the motivation to relax the number of parking bays.

## **8.2 WESTERN CAPE LAND USE PLANNING ACT, 2014 (LUPA)**

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

- *Applicable spatial development frameworks;*
- *Applicable structure plans;*

- *Land use planning principles referred to in Chapter VI (Section 59) which is an expansion of the five development principles of SPLUMA;*

Erf 1212 George is located in an existing urban area with mitigation measures implemented such as water tanks.

Creating new opportunities within the urban area should be regarded as a long-term social and economic benefit. As the development is within the urban edge and does not reflect urban sprawl, it has environmental benefits as well.

### **Consistency & Compliance**

Section 19 of LUPA refers to the principles of consistency and compliance.

Considering the aim of this land use application for Erf 1212 George and how it relates to the goals, objectives and principles of the relevant legislation, spatial frameworks and guidelines, the proposal is consistent with the provisions of the legislative documents discussed.

## **8.3 WESTERN CAPE PROVINCIAL SPATIAL DEVELOPMENT FRAMEWORK (PSDF) (2014)**

The PSDF aims to restructure the urban and rural landscape of the Western Cape to offer socio-economic opportunities for all. The guiding principles for the PSDF is spatial justice, sustainability, resilience, spatial efficiency, accessibility, quality and liveability in accordance with SPLUMA as discussed earlier in this motivation report.

We therefore found no conflict between the subject of this land use application and the PSDF.

## **8.4 GEORGE MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK (GMSDF) (2023)**

The GMSDF, among many other guiding principles such as densification and the urban edge, contains guidelines for the establishment of social infrastructure (Theme A, par 4.5.1). Community services must be adequately provided at nodes and main transport routes, especially public transport.

This use of Erf 1212 George represents an important community service needed in any urban area and provides a mix of residential opportunities in an area characterised as such due to its specific location as described earlier. Developing the potential of this existing urban property in accordance with the applicable principles assists in containing urban sprawl, promoting densification and providing a social service that is very accessible. Public transport is close by in Stander Street.

This proposal for Erf 1212 George is found to be consistent with the GMSDF as referred to in Section 19(2) of LUPA.

## **8.5 GEORGE MUNICIPALITY: LAND USE PLANNING BY-LAW, 2015**

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

- Desirability of the proposed utilisation of land;
- Impact of the proposed land development on municipal engineering services;
- Integrated development plan, including the municipal spatial development framework, the applicable local spatial development framework and/or local structure plans;
- Relevant municipal policies;
- Western Cape Provincial Spatial Development Framework;

- Section 42 of SPLUMA (public interest, constitutionality);
- Land use planning principles transposed from LUPA; and
- Provisions of the applicable zoning scheme.

The above criteria is addressed in the paragraphs of this motivation report where relevant.

## 8.6 GEORGE INTEGRATED ZONING SCHEME BY-LAW, 2023 (GIZS)

Erf 1212 George is zoned Single Residential Zone I (dwelling house) in terms of the George Integrated Zoning Scheme By-law (GIZS) (2017) at present but used as a home care facility for 12 elderly people. Therefore, the rezoning of the property to Community Zone III (institution) is proposed.

Institution is described as follows in the zoning by-law:

**Land use description:** “*institution*” means a property used as a facility that renders services to the community—

(a) including—

- (i) hospital;
- (ii) clinic;
- (iii) home for the aged, retired, indigent or handicapped, frail care facility;
- (iv) a social facility such as a counselling centre, orphanage and rehabilitation centre; and includes:
- (v) ancillary accommodation, administrative, health care, training and support services and facilities; and

(b) does not include a correctional facility.

### **Development parameters:**

Development parameters applicable to “place of instruction” apply.

Regarding development parameters, the most important would be the 5m building line prescribed on all boundaries. As the structures exist and cannot be moved, the relaxations are therefore in accordance with the position of the existing structures.

Parking at present is also functioning well even though the road portion is used as there is a very low frequency of visitors when parking is needed in full. It has never been experienced that the requirement of 1 bay per 1 bed is utilized on the site. In fact, it seldom or never happens that all the patients receive visitors all at once. Although the required number of bays could be ‘squeezed’ in on the site, it would be impractical and they would never be used simultaneously. It should also be mentioned that the road area that will become part of the property has ample space for parking but it also has shrubs and tall trees which makes a pleasant space for patients to sit and walk in. It is essential to preserve these trees as part of the tranquil atmosphere of the premises. A relaxation for 9 bays instead of 15, is therefore justified.

All other relevant development parameters will be complied with.

## 9. NEED & DESIRABILITY

Need and desirability is the balancing of various factors. **Need** depends on the nature of a development proposal and is based on the principle of sustainability. It has been shown in this report that the proposed rezoning of Erf 1212 George will change the zoning of the property but not the use and character of the area. This home care facility provides care for at least 12 elderly people – a critical service for any urban community. If there was no need, the facility would not have been a great success for more than 10 years.

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

This property has been used as a community service for elderly people for more than 10 years. It had a temporary approval before. It is located in an area characterised by a mix of residential land uses which includes single residential properties, high school hostel and a guest lodge. The property is easily accessible from important routes linking parts of George, namely Stander Street, Meyer Street and First Street which links with Knysna Road.

The location of the property therefore made it ideal to create a homely environment for the care of elderly people.

#### ***Physical characteristics of the properties***

Erf 1212 George is a developed property with no impact from physical characteristics.

#### ***Existing planning in the area***

As indicated earlier in this motivation report, this land use application was found to be consistent with the land use pattern and the intent of the zoning scheme and GMSDF for the area.

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

As explained earlier in this motivation report, the use of Erf 1212 George to care for elderly people does not impact negatively on the character of the area.

#### ***Provision of services***

Existing municipal engineering services are used with no changes needed.

#### ***Economic impact***

This proposed rezoning of the property will not have a negative economic impact and will provide continued support for the community.

#### ***Direct impact on surrounding properties***

No neighbour is overshadowed or overlooked. The relaxation of the building lines as described cannot have a negative impact as it is needed for the position of the existing structures.

The need and desirability of the proposed rezoning of Erf 1212 George with the required permanent departure shows no negative impacts.

## **10. PRE-APPLICATION CONSULTATION**

There have been several discussions with a number of officials and even a councilor who visited the site in connection with the acquisition of the road portion. Two formal pre-application meetings were held over time as the approach to the process to follow became more clear.

The first pre-application consultation minutes contain the following aspects:

- *The proposal remains residential use although the zoning is Institution. Therefore, the removal of Condition B(2) of T21897/91 is not required.*

Noted.



- *Proposed parking is not in line with CES requirements or George Integrated Zoning Scheme By-law.*

See site layout and discussion above.

- *The existing gate to parking 1 & 2 is not allowed as this is located on municipal land.*

See discussion regarding the inclusion of a portion of road reserve in the report above.

- *Consideration should be given to obtain the road reserve to comply with parking provision.*

Noted and addressed.

- *All the buildings and usages must be indicated on the site plan and motivated. The second dwelling may not be utilized for a second dwelling under the proposed zoning.*

Noted and addressed in the report above.

The second pre-application meeting minutes and contain the following minutes:

- *It was confirmed by the applicant that 14 beds are provided within the frail care facility. In this regard, a parking ratio of 1 bay per bed applies. Parking relaxation might be required in the interim.*

Noted and departure applied for as such – 15 beds are applied for.

- *The applicant confirmed that the owner is in process of obtaining a portion of the Stander Street road reserve to the south, from the municipality. However, this application (i.e. the rezoning and building line relaxation) is submitted for Erf 1212, George, only, and therefore, the site plan should be based on the subject property (i.e. the portion to the south to be obtained should not be shown as part of the site).*

The process has been concluded.

- *Following discussion, it was advised that subsequent to the acquisition of the portion of Stander Street, same should be consolidated or notarial tied with Erf 1212, George.*

Will be done after this application.

- *Should the application for rezoning be approved, there may be condition of approval which states that a Site Development Plan (in terms of Section 23 of the George Integrated Zoning Scheme By-law, 2017), will have to be submitted for consideration.*

Noted – the SDP submitted with the application is the interim SDP at this stage.

#### **CES:**

- *Normal development conditions will apply.*

Noted

- *Erf 1126, George, must be consolidated or notorially tied to accommodate required parking.*

Noted

- *All parking must be provided in terms of the clause 42.*

Noted

## **11. CONCLUDING**

It has been shown that the proposed rezoning of Erf 1212 George and the abutting road portion, from Single Residential Zone I to Community Zone III (Institution) for the use as a care facility for elderly people in a home environment, is consistent with all relevant considerations as prescribed by the planning legislation, spatial frameworks and guidelines.

The proposal can therefore be approved with confidence.

### **Co-authors:**

**W M de Kock**  
**Professional Planner A111/1985**

**M de Bruyn**  
**Professional Planner A1477/2011**



**DIRECTORATE: HUMAN SETTLEMENTS, PLANNING & DEVELOPMENT**  
**DIREKTORAAT: MENSLIKE NEDERSETTINGS, BEPLANNING & ONTWIKKELING**

**Reference Number:** 2567992  
**Enquiries:** DM Gelderbloem  
**Erf no:** Remainder of Erf 1126 George  
**Date:** 3 October 2023

**YAACOV FRANCOIS HAVENGA**  
22 Stander Street  
Bersig  
**GEORGE**  
6530

[francoishavenga777@gmail.com](mailto:francoishavenga777@gmail.com)

Dear Mr. Havenga

**RE: PRESCRIPTIVE CLAIM APPLICATION FOR A PORTION OF THE ROAD  
RESERVE SITUATED ON THE CORNER OF STANDER- AND LOERIE STREET  
ADJACENT TO 1212 GEORGE**

The abovementioned matter refers.

Your application was discussed at a Council Meeting held on the 28 September 2023.  
Please find attached a copy of the signed Council Resolution for you record purposes.

The alienation of the land will be advertised in the newspaper for public input in terms of the Municipal Asset Transfer regulations and if no input is received the approval will be considered final.

Trust, you find the above in order.

Yours faithfully



**DM GELDERBLOEM**  
**MANAGER: INVESTMENT PROPERTIES**

[https://georgemun-my.sharepoint.com/personal/rehendricks\\_george\\_gov\\_za/Documents/P drive/DONNIE/LETTERS/ERF 1212 GEORGE.docx](https://georgemun-my.sharepoint.com/personal/rehendricks_george_gov_za/Documents/P drive/DONNIE/LETTERS/ERF 1212 GEORGE.docx)



**CONFIDENTIAL – NOT FOR PUBLICATION**

**EXTRACT MINUTES: ORDINARY COUNCIL MEETING HELD ON 28 SEPTEMBER 2023**

**19.6 PRESCRIPTIVE CLAIM APPLICATION FOR A PORTION OF THE ROAD RESERVE SITUATED ON THE CORNER OF STANDER AND LOERIE STREETS ADJACENT TO ERF 1212 GEORGE [13.3.1]** (continue on the next page)

Proposed by Councillor Von Brandis and seconded by Councillor Gultig, it was

**RESOLVED**

- (a) that Council **TAKE NOTE** of Section 7 of the Asset Transfer Regulations listed in the report;
- (b) that it **BE DECIDED** in principle that the portion of the Stander Street Road reserve (Remainder Erf 1126 George) situated adjacent to Erf 1212 George ( $\pm 360\text{m}^2$  in extent) is not required for the minimum level of basic Municipal service delivery in terms of Section 14(2) of the Municipal Finance Act 2003, (Act 56 of 2003);
- (c) that the circumstantial evidence provided by the Applicant that confirms that the portion of Stander Street Road reserve (Remainder Erf 1126 George) situated adjacent to Erf 1212 George ( $\pm 360\text{m}^2$  in extent), was indeed possessed openly and uninterruptedly by the current owner of Erf 1212 George and his predecessors in title for a period of 30 (thirty) years prior to 1974, **BE ACCEPTED** as proof of the Applicants' claim for acquisitive prescription, subject to paragraph (d) hereunder.
- (d) that the acquisitive prescription claim in respect of a portion of the Stander Street Road reserve George situated adjacent to Erf 1212 George ( $\pm 360\text{m}^2$  in extent) **BE ACKNOWLEDGED** on condition that:
  - (i) the relevant portion be closed and subdivided and either notarial tied or consolidated with Erf 1212 George;
  - (ii) that the intention of Council to alienate the portion of the Stander Street Road reserve situated adjacent to Erf 1212 George ( $\pm 360\text{m}^2$  in extent) for the purpose of developing parking, to the owner of Erf 1212 George, be advertised for public comments and representations;
  - (iii) that the alienation of the land be subject thereto that no valid comments and representations are received to the proposed alienation of the land for this purpose;

*Handwritten signature and date: 28/09/2023*



**CONFIDENTIAL – NOT FOR PUBLICATION**

**EXTRACT MINUTES: ORDINARY COUNCIL MEETING HELD ON 28 SEPTEMBER 2023**

**19.6 PRESCRIPTIVE CLAIM APPLICATION FOR A PORTION OF THE ROAD RESERVE SITUATED ON THE CORNER OF STANDER AND LOERIE STREETS ADJACENT TO ERF 1212 GEORGE [13.3.1]** (continue from the previous page)

- (iv) that this approval be considered as final approval should no counter proposals be received; and
- (v) that the portion acquired through acquisitive prescription only be used for parking and that this condition be registered against the title deed of the property.
- (e) that this approval is **SUBJECT THERETO**, that all administrative, technical and legal requirements are adhered to; and
- (f) that the owner of Erf 1212 George be responsible for **ALL COSTS** resulting from the claim.

  
\_\_\_\_\_

Date: 28/09/2023

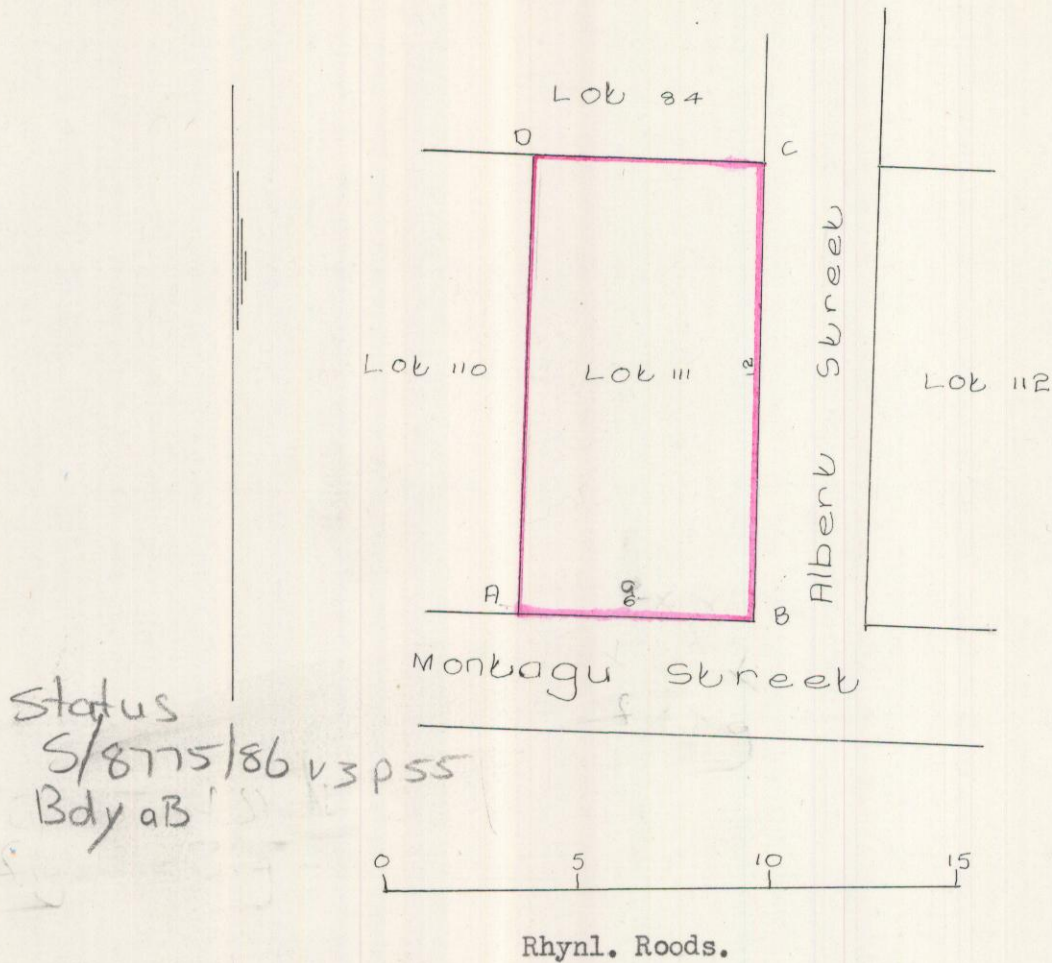
**Manager: Committee Support (Miss R Bredenkamp)**

  
\_\_\_\_\_

Date: 28/9/2023

**Acting Director: Corporate Services (Mr E Ganza)**





\*NOW ERF NO. 1212 GEORGE.

The above Diagram A B C D represents\* Lot No.111 containing 72 Square Roods of Ground, being part of the divided property belonging to G. W. Dutton, situated adjacent to the Dutch Church Ground, George Town.

Bounded N by Lot 84.  
S " Montagu Street.  
E " Albert Street, and  
W " Lot 110.

Surveyed by me,  
(Sgd) Sam. Melvill.  
Sw. Surveyor.

CHECKED  
DATA CHECKED *B 14/60*

NTG. BL - 7 DD  
W.42

Copied from the diagram relating to  
Transfer ~~---~~ Deed No. 323  
dated 22/10/1858. in favour of  
J. Widdoms.  
*J. Widdoms*  
for SURVEYOR-GENERAL,  
CAPE TOWN.  
19/6/1957.

Vol. 42 - 1858

*B S C*



5016

GEORGE ALLOTMENT AREA.

**\*NIEPOTHS DALE-N12<sup>S</sup>**

SG 3120/1860

Village in the Wm. of George

Vide Grant on Prop. Luitbert  
into A. W. d. L. H. 15. 1. 1819.  
George Outline (L). Vol. 1. fol. 28

GEO. Q. 3.1

- ① Road lettered abcd' closed Erf 3292
- ② Road lettered ghijklmn Erf 3233
- ③ Road lettered opqr Erf 3327
- ④ Road lettered Lati closed.
- ⑤ Road lettered vwyza' closed
- ⑥ Road lettered c'd'e' closed Erf 4341
- ⑦ Road lettered s't'd'c' closed Erf 4589
- ⑧ Street names added
- ⑨ Ptn. of road closed. Erf 4921
- ⑩ Ptn. of Rd. closed
- ⑪ Ptn. of Rds. closed Erf 8069

Vide Adm. Cert. dd. 28.5.57  
on file 8775/86 p. 110  
Dgn. 8073/1957

Vide Adm. Cert. dd. 28.5.57  
on file 8775/86 p. 109  
Dgn. No. 11524/1957

Vide letter on p. 140  
of File 8775/86

Vide Town Clerks Cert.  
dd. 23. 2. 1968. 8775/86 p. 201

Vide Town Clerks Cert.  
dd. 14. 3. 1968. 8775/86 p. 203

T/c Cert. dd. 20. 9. 68. 8775/86 p. 215  
Dgn. 6439/68

T/c Cert. dd. 24. 6. 69  
8775/86 p. 227

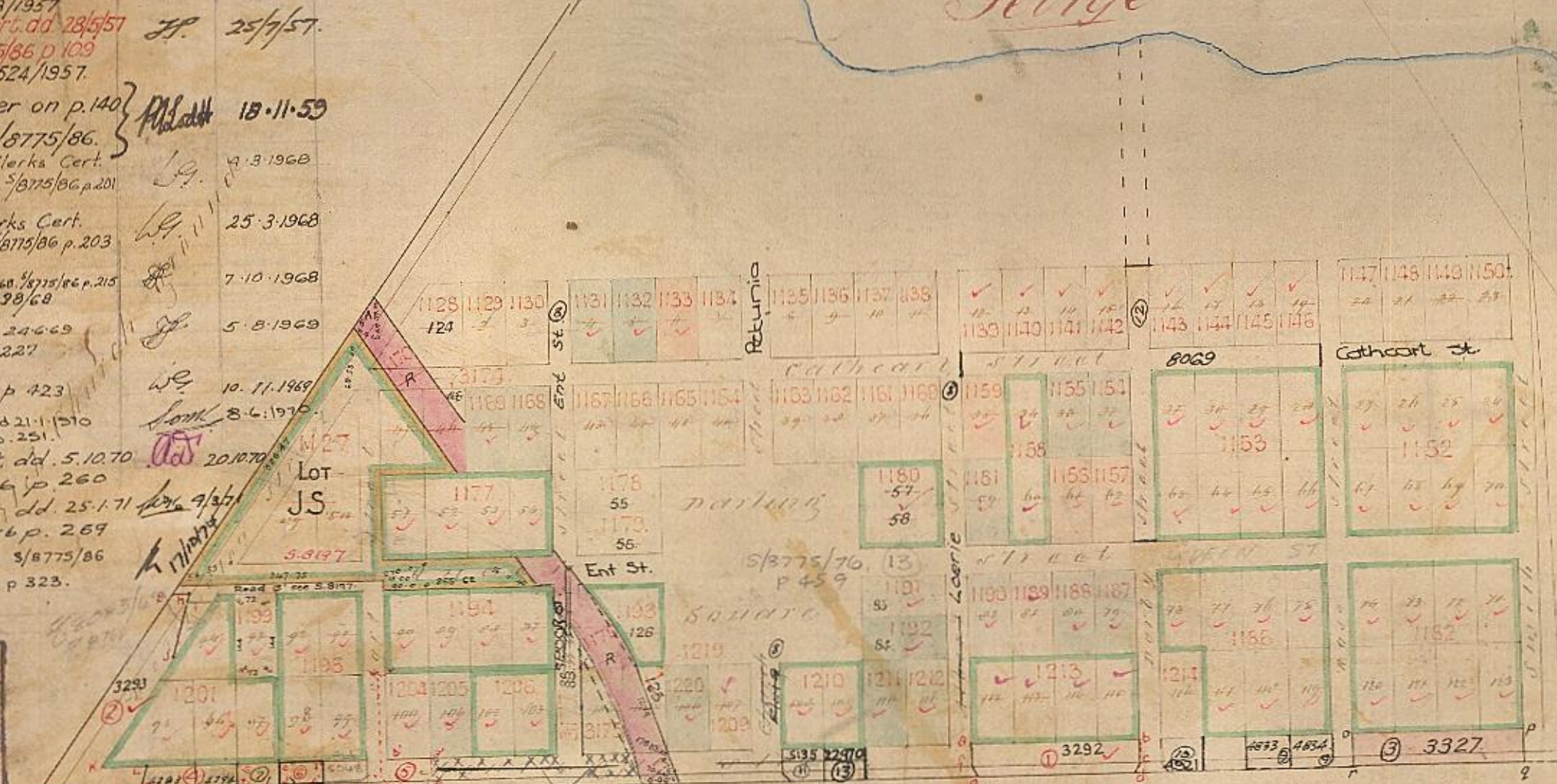
8775/74 p. 423

T/c's Cert. dd. 21. 1. 1970  
8775/86 p. 251

T/c's Cert. dd. 5. 10. 70  
8775/86 p. 260

T/c's Cert. dd. 25. 1. 71  
8775/86 p. 269

T/c's Notice 8775/86  
dd. 20. 9. 74 p. 323.



These parts of Wellington, Stuart, and Queen Streets now  
inclosed in Lot JS have been closed under the  
provisions of Ord. No. 10 of 1912.  
See File 8775/86  
17.2.1925  
Range Erf 1975. 90. 216

DOSSEMENTE -- ENDORSEMENT

NO.	DESCRIPTION	REMARKS	DATE
13	Portion of closed.	Road Erf 22970	T/c Cert dd. 2006-03-31 S/8775/86 v2. p 486A
14	closure of ptn of Rd Erf 1126		

NOTE: For suggestions from this Plan, refer to Portfolio 1988

Last C.R.E. N<sup>o</sup> 64/59 Plan of Allotments  
of the Property belonging to S. W. Quattrone Esq. situated adjacent to the Dutch Church Ground

This plan is to S. W. Quattrone's Plan for the  
use of the Board Office. Date 11/11/59

Noting Plan BL-7DD, Shets W-42 and W-51.

*[Signature]*  
for Surveyor-General  
29. 11. 1955

8775/86

BARCO NEGATIVE  
FILED  
1-12-65  
INTD. DATE

5016A

5016

B



(RSA)

Tel: (021) 467 4800

Fax: (021) 465 3008

SURVEYOR GENERAL-WESTERN CAPE  
PRIVATE BAG X9028  
CAPE TOWN  
8000

2022-06-23

C DE JAGER  
PROFESSIONAL LAND SURVEYOR  
PO BOX 10128  
DANA BAY  
651

**MY REF: S/8775/86 v3 p55**

Your ref: email

Dated: 2022-06-12

**Note:** THIS STATUS REPORT IS  
VALID FOR 3 YEARS.

**STATUS REPORT: CLOSURE OF PORTION OF MONTAGU STREET ADJOINING  
ERF 1212 GEORGE.**

1. The proposed closure of land as shown on your attached plan **HATCHED RED**  
**represents: A PORTION OF ERF 1126 AS SHOWN ON GENERAL PLAN NO: N12<sup>S</sup>**  
**(5016A) NIEPOTHS DALE VILLAGE, GEORGE**  
It is shown as **PUBLIC STREET** in my records.
2. **FOR OFFICE USE** The following properties will be endorsed: **ERF 1212 GEORGE AND**  
**GENERAL PLAN N12<sup>S</sup> (516A)**
3. Endorsement fees amount to: **R 445 (Received) p54**
4. I require a copy of a diagram suitable for registration purposes, surveyed by a land  
surveyor, of the following: **PORTION OF MONTAGU STREET TO BE CLOSED.**
5. A written consent/notification (accompanied by a sketch) is required in **terms of Section**  
**23(1) of the George's Municipal Planning By-Law 2015** for the amendment of:  
**GENERAL PLAN NO: N12<sup>S</sup> (5016A)**

**SEE REVERSE SIDE, EXAMPLE A**

Yours faithfully



**T HEATH**  
**For SURVEYOR-GENERAL: WESTERN CAPE**

**FOR OFFICE USE**

Certificate:  
Gazette No.:  
Date:

p

(R S A)

**TYPICAL EXAMPLES OF WRITTEN CONSENTS REQUIRED BY LOCAL AUTHORITIES.**

The following must be used.

**A    WHERE A PORTION OF ROAD IS CLOSED.**

Consent is hereby given in terms of Section 23(1) of the George's Municipality By-law 2015 for the amendment of **General Plan No N12<sup>s</sup> (5016A)** by the addition of the portion of road to be closed, shown **Hatched Red** on your attached sketch, as one additional erf [with/without] conditions.

[with/without] **Please specify conditios**

