



The Municipal Manager  
P. O. Box 19  
George  
6530

Reference: Erf 440 George

19 February 2024

Sir

**APPLICATION FOR REZONING AND SUBDIVISION: REMAINDER OF ERF 440 GEORGE**

Attached hereto, please find an application in terms of

- Section 15(2)(a) of the Land Use Planning By-Law for the George Municipality, 2023 for the rezoning of the Remainder of Erf 440 George from Single Residential Zone I to Subdivisional Area to allow for a development comprising of the following:
  - 2 Single Residential Zone I erven (Portions A and B); and
  - 1 Transport Zone II erf (Road Remainder).
- Section 15(2)(d) of the Land Use Planning By-Law for the George Municipality, 2023 for the subdivision of the Subdivisional Area into a Portion A ( $\pm 602\text{m}^2$ ), a Portion B ( $\pm 357\text{m}^2$ ) and a Road Remainder ( $\pm 112\text{m}^2$ ).

Your prompt consideration of the application will be appreciated.

Thanking you in anticipation.

**Jan Vrolijk**

**MOTIVATION REPORT**  
**APPLICATION FOR REZONING AND SUBDIVISION**  
**REMAINDER OF ERF 440 GEORGE**

19 February 2024



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**MOTIVATION REPORT:**  
**APPLICATION FOR REZONING AND SUBDIVISION:**  
**REMAINDER OF ERF 440 GEORGE**

## 1. APPLICATION

- Application is made in terms of Section 15(2)(a) of the Land Use Planning By-Law for the George Municipality, 2023 for the rezoning of the Remainder of Erf 440 George from Single Residential Zone I to Subdivisional Area to allow for a development comprising of the following:
  - ⇒ 2 Single Residential Zone I erven (Portions A and B); and
  - ⇒ 1 Transport Zone II erf (Road Remainder).
- Application is made in terms of Section 15(2)(d) of the Land Use Planning By-Law for the George Municipality, 2023 for the subdivision of the Subdivisional Area into a Portion A ( $\pm 602\text{m}^2$ ), a Portion B ( $\pm 357\text{m}^2$ ) and a Road Remainder ( $\pm 112\text{m}^2$ ) as indicated on the subdivision plan attached hereto as **Annexure "A"**.

The completed application form for the rezoning and subdivision application is attached hereto as **Annexure "B"**.

## 2. DEVELOPMENT PROPOSAL

The existing dwelling house on the application erf has been built on the western portion of the erf. Access to the dwelling house is obtained from Church Street to the west of the erf.

The eastern portion of the erf, which has been developed as a garden, fronts onto Gannabos Avenue. The following photo shows the current road reserve of Gannabos Avenue, opposite Erf 16514 George, as well as the portion of the road opposite the application erf, which is situated to the right of the wooden entrance gate to the application erf.



As the current road reserve of Gannabos Avenue is very narrow, the Directorate: Technical Services has indicated that a portion of the eastern side of the application erf is required to round off the road reserve of Gannabos Avenue. The road widening will include the wooden gate in the photo, as well as a small portion of the wall to the left thereof.

The undeveloped eastern portion of the application erf is large enough to accommodate the mentioned road portion as well as separate Single Residential Zone I erf, of similar extent to other single residential erven in the vicinity. The owners, therefore, intend subdividing the application erf into two separate Single Residential Zone I erven and the road portion. The existing dwelling house will be situated on the proposed portion A, the proposed Portion B and the proposed road portion are currently vacant.

The following plan indicates the proposed subdivision, as well as the position of the existing dwelling house on the proposed Portion A.



A copy of the proposed subdivision plan is attached hereto as **Annexure “A”**. The purpose of this application is to obtain approval for the proposed subdivision of the application erf as indicated in point 1 of this motivation report.

### 3. PRE-APPLICATION CONSULTATION

The pre-application consultation discussion of the proposal by the relevant officials of George Municipality took place on 13 February 2024. The signed pre-application consultation form with

the municipal comments on the proposal is attached hereto as **Annexure “C”**. The signed pre-application consultation application form contains the following comments that need to be addressed in the application:

**“TOWN PLANNING:**

- *The application must be motivated in terms of the relevant statutory legislation (MSDF, SPLUMA, LUPA etc.).*
- *Motivate the increased density, size of the subdivided portions and the desirability thereof.*
- *Following discussion, it was agreed that the proposed configuration of the subdivision must be amended to align with the existing road configuration and provide access to Erf 442, George. The afore-mentioned (alignment of the cadastral boundaries) should further be discussed with CES.*



**CES:**

- **Access:** *A portion of erf to be given off as road reserve. Area must align with the future road portion required from Erf 441, George.*

- **Water & Sewer:** Available, subject to confirmation of capacity required.
- **DCs:** Normal applicable DC charges will apply.
- **Stormwater:** Development to conform to the applicable Stormwater by-law.

The proposed required street layout was discussed with Ricus Fivaz from the Directorate Civil Engineering Services on 16 February 2024. It was agreed that the above proposal can be amended to allow for a street widening as indicated on the subdivision plan attached hereto as **Annexure “A”**.

## **4. GENERAL INFORMATION REGARDING REMAINING EXTENT OF ERF 440 GEORGE**

### **4.1 Locality**

The Remainder of Erf 440 George is situated at 82 Church Street, on the western side of Denneoord. The locality of the erf is indicated on the locality plan which is attached hereto as **Annexure “D”**.

### **4.2 Existing land use**

The Remainder of Erf 440 George is currently used for residential purposes.

### **4.3 Extent**

The Remainder of Erf 440 George is 1 071m<sup>2</sup> in extent.

### **4.4 Present zoning**

In terms of the George Integrated Zoning Scheme By-Law, 2023 the zoning of the Remainder of Erf 440 George is Single Residential Zone I.

### **4.5 Land Surveyor General Diagram**



The Surveyor General Diagram of the Remainder of Erf 440 George is attached hereto as **Annexure “E”**.

#### **4.6 Title Deed**

The Remainder of Erf 440 George is registered in the name of Jurgens Philip Hanekom (ID number 640510 5050 08 7), Zanmarie Hanekom (ID number 710426 0207 08 2) and Shawn Frederick Hanekom (ID number 6701145222 08 6). A copy of the registered Title Deed is attached hereto as **Annexure “F”**.

#### **4.7 Power of Attorney**

A Power of Attorney whereby Jan Vrolijk Town Planner / Stadsbeplanner is appointed by Jurgens Philip Hanekom, Zanmarie Hanekom and Shawn Frederick Hanekom, the registered owners of the Remainder of Erf 440 George, to prepare the application referred to in point 1 of this motivation report and to sign all relevant documents is attached hereto as **Annexure “G”**.

#### **4.8 Bondholder's Consent**

The Remainder of Erf 440 George is not encumbered by a bond.

#### **4.9 Conveyancer Certificate**

A Conveyancer Certificate in respect of Remaining Extent of Erf 440 George is attached hereto as **Annexure “H”**. The Conveyancer Certificate confirms that there are no conditions in the Title Deed of the erf which restrict the development of the erf as proposed in this application.

### **5. DESIRABILITY OF THE APPLICATION FOR THE REZONING AND SUBDIVISION IN RESPECT OF REMAINING EXTENT OF ERF 440 GEORGE**

#### **5.1 Introduction**

The application erf is currently zoned Single Residential Zone I. The owners intend subdividing the application erf into 3 portions. Portions A and B will still be zoned and used for Single Residential Zone I purposes and the proposed Remainder, which will be rezoned to Transport Zone II will vest with the Municipality and will be used to round off the road reserve of Gannabos Avenue.

The following stipulation appears in Section 20 of the Land Use Planning By-Law for the George Municipality, 2023:

*“20(2) No application for subdivision involving a change of zoning may be considered by the Municipality unless the land concerned is zoned as a subdivisional area.*

*(3) An applicant may submit a subdivision application simultaneously with an application for rezoning.”*

The proposed rezoning of the erf to a Subdivisional Area and simultaneous subdivision of the erf into the 3 separate portions will, therefore, comply with the mentioned stipulations.

The desirability of both the proposed rezoning and subdivision will, therefore, be dealt with simultaneously in this report.

The term "desirability" in the land use planning context, may be defined as the degree of acceptability of the land uses on the land unit concerned. The desirability of the intended rezoning and subdivision shall be discussed with reference to the aspects listed below:

- Physical characteristics of the site.
- 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 site.
- Accessibility of site.
- Availability of parking.
- Provision of services.

It will be indicated in the following paragraphs that the proposal can be regarded as being desirable as far as the mentioned aspects are concerned.

## **5.2 Physical characteristics of the property**

### **5.2.1 Topography**

The application erf has a slight slope from the north-west to the south-east. The topography is of such a nature that it will not have a negative impact on the proposed development and therefore, does not restrict the proposed rezoning and subdivision as applied for in this application.

### **5.2.2 Surface conditions**

Little information concerning the soil conditions in the area is available. The soil condition of the application erf seems stable. The existing structures on the application erf and in the vicinity 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 proposed development.

There is as such, no reason why this application cannot be supported.

### **5.2.3 Vegetation**

The following photo, which was taken from west to east (from the dwelling house towards Gannabos Avenue) across the application erf, indicates that the portion of the erf to be subdivided is used as a neatly kept garden and covered with lawn, with a few trees and shrubs situated on the erf.



The proposed subdivision boundary between Portions A and B can be accommodated without disturbing any vegetation. As indicated on the following photo, which was taken from south to north across the proposed road portion, the trees and shrubs within the eastern boundary will fall within the new road reserve of Gannabos Avenue.



Vegetation will therefore have no influence on the proposed development.



#### 5.2.4 Other characteristics

The development as proposed in this application is not affected by flood lines, fountains or other unique ecological habitats.

#### 5.2.5 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.

### 5.3 Proposed land use

The owners intend to subdivide the application erf into two separate Single Residential Zone I erven and the Directorate: Technical Services has indicated that a portion of the eastern side of the erf is required to round off the road reserve of Gannabos Avenue.

The existing dwelling house will be situated on the proposed portion A, the proposed Portion B and the proposed road portion are currently vacant. Proposed Portion A will still be accessed from Church Street and Proposed Portion B will be accessed from Gannabos Avenue.

### 5.4 Density of the proposed development

The total area of the erf is 1 071m<sup>2</sup>. It is proposed to subdivide the erf into 2 Single Residential Zone I portions of 602m<sup>2</sup> and 357m<sup>2</sup> respectively. Only the proposed Portion A will be larger than 600m<sup>2</sup>, which is the minimum erf size to accommodate a dwelling house and a second dwelling unit, as per the Council Policy in this regard. The proposed subdivision could, therefore, possibly result in only 3 dwelling units being developed on the application erf. This relates to a gross density of 28 dwelling units per hectare, which is in line with the norm of 25 dwelling units per hectare, aimed at by the Department of Environmental Affairs and Development Planning.

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

### 5.5.1 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.

### 5.5.2 “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 rezoning and subdivision will subsequently be evaluated 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 an underdeveloped residential erf situated within the Urban Edge being developed to its full potential. The proposed development targets the middle income group and will result in affordable housing being made



		available. It will also lead to more efficient use of land.
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 this application which will result in affordable housing being made available.
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 building lines. These parameters enable the development of smaller erven, as proposed in this application, aimed at the need for affordable housing.
Land use management systems must include all areas of a municipality and especially include provisions that are flexible and appropriate for the management of disadvantaged areas, informal settlements and former homelands areas.	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 building lines. These parameters enable the development of smaller erven, as proposed in this application, aimed at the need for affordable housing.
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	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,

this application.		based on the principles, as stated in Section 7 of the Spatial Planning and Land Use Act, 2013 (Act 16 of 2013).
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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 located within the urban edge of George in terms of the George Spatial Development Framework, 2023.
Ensure that special consideration is given to the protection of prime and unique agricultural land.	Not applicable.	The Remainder of Erf 440 George is zoned as indicated in point 4.4 of this Motivation Report. The provisions of the Act on the Subdivision of Agricultural Land, 1970 (Act 70 of 1970) therefore do not apply to the 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 environmental legislation.
Promote and stimulate the effective and equitable functioning of land markets.	Complies with.	The application erf is currently developed with a dwelling house and is situated in an area currently characterized by Single Residential development. There are 4 residential erven situated to the south of the application erf with similar erf sizes than proposed in this application. The proposed development will thus not

		have a negative impact on surrounding property values.
Consider all current and future costs to all parties for the provision of infrastructure and social services in land developments.	Complies with.	All infrastructure required for the development will be provided by the developer at his cost in accordance with municipal requirements. Civil and electrical services reports for the proposed development will be submitted to the Technical Departments.
Promote land development in locations that are sustainable and limit urban sprawl.	Complies with.	The property is in terms of the George Spatial Development Framework. 2023 located within the urban edge of the George Municipal area and is in terms of the framework targeted for urban development. The proposal will thus not result in urban sprawl.
Result in communities that are viable.	Complies with.	Due to the high maintenance cost (labour, water and plants), as well as security risk associated with large properties, the development of large residential erven is increasingly considered not viable. This could lead to neglect, which could result in reducing property values in an area. The development of smaller erven, as is proposed in this application, can result in a vibrant and viable neighbourhood, which will have a positive effect on property values and the economy of George. This will result in additional income for the Municipality, 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 time frames 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 time frames as prescribed.

Spatial resilience		
Criteria	Compliance	Planning Implication
Flexibility in spatial plans, policies and land use management systems are	Complies with.	The application erf is situated within the urban Edge of George.

accommodated to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks.

### 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 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. 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.	Input was received from all government departments and sectors when the George Spatial Development Framework 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. 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 the requirements as per the George Municipality: By-law on Land Use Planning, 2023 and the application will from date of submission be dealt with and be considered within the timeframes prescribed in the by-law.
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 on matters affecting them.	This is general principle that municipalities need to comply with.	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.
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.

### 5.5.3 “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 5.5.4 and 5.5.5 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 5.5.2 above. The comments in paragraph 5.5.2 are thus also relevant as far as Section 59 of LUPA is concerned.

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

##### 5.5.4.1 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 5.5.2 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.

#### 5.5.4.2 Protection of agricultural land

In terms of the WC-PSDF it is indicated that agricultural land must be protected. The Remainder of Erf 440 George is zoned Single Residential Zone I and is not used for agricultural purposes. The mentioned objective of the WC-PSDF is therefore not relevant to this application.

#### 5.5.4.3 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 the Remainder of Erf 440 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.

#### 5.5.4.4 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 possible means by which higher densities can be achieved.

This application will result in an underdeveloped erf which is located within the urban edge of a town being developed to its full potential. The development as proposed in this application will result in a slight increase in the residential density of the area concerned, as the proposed rezoning to Subdivisional area, coupled with the proposed subdivision of the application erf will only result in 1 new residential erf being created.

The mentioned objective of the WC-PSDF is therefore met with this application.

#### 5.5.4.5 Summary

From the content of point 5.5.4 it seems clear that the application can indeed be considered compatible with the WC-PSDF.

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

The Remainder of Erf 440 George is located within the study area of the George Spatial Development Framework, 2023 (GSDF) and the framework therefore applies to this application.

Except for the indication that the application erf falls within the Urban Edge of George, the George Spatial Development Framework, 2023, contains no specific future development proposals for this area which could be used to evaluate the compatibility of the current land use application with the Spatial Development Framework. There is also no Local Spatial Development Framework in the area concerned.

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

The Remainder of Erf 440 George is zoned Single Residential Zone I in terms of the George Integrated Zoning Scheme By-Law, 2023. In terms of this zoning, the erf may primarily be used for the development of a dwelling house. The objective of the “Single Residential Zone I” use zone is described as follows in the Land Use Table in Schedule 1 of the George Integrated Zoning Scheme By-Law, 2023:

*“The objective of this zone is to provide for residential development where the predominant type of accommodation is a dwelling house for a single family, where each dwelling has its own land unit, and adequate outdoor space. Limited employment and additional accommodation opportunities are possible as primary, or consent uses, provided that the dominant use of the property remains residential and impacts of such uses do not adversely affect the quality and character of the surrounding residential development.”*

The owners intend developing the application erf further by creating 1 new Single Residential Zone I erf, which relates to a gross density of 28 dwelling units per hectare in respect of the

application erf. A further portion of the erf will be used by the Municipality for the widening of the road reserve of Gannabos Avenue.

To enable the erf to be developed in accordance with the development proposal, the application erf will have to be rezoned to Subdivisional Area and the Subdivisional Area will then have to be subdivided into the following erven:

- Portion A: 602m<sup>2</sup>: Single Residential Zone I;
- Portion B: 357m<sup>2</sup>: Single Residential Zone I; and
- Remainder: 112m<sup>2</sup>: Transport Zone II.

As indicated on the proposed subdivision plan, the subdivision line between the proposed Portions A and B will be situated more than 2 metres to the east of the existing dwelling house, which is in line with the prescribed rear boundary building line on a residential erf greater than 500m<sup>2</sup>, but not exceeding 1 000m<sup>2</sup>. The existing development on the Proposed Portion A, as well as the future development on the Proposed Portion B will conform with the development parameters in respect of a “dwelling house” as stipulated in terms of Schedule II of the George Integrated Zoning Scheme By-Law, 2023.

#### 5.5.7 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 Remaining Extent of Erf 440 George was scrutinised, and it was found that it contains no conditions prohibiting the rezoning and subdivision as proposed.

A Conveyancer Certificate confirming the abovementioned is attached hereto as **Annexure “H”**.

#### 5.5.8 Existing Council Policy

There are existing Council Policies which are indicative of minimum erf sizes in respect of the various suburbs in George. The application erf is situated in Denneoord, where the proposed

minimum erf size (including a second dwelling unit) is indicated as 600m<sup>2</sup>. It is proposed to subdivide the erf into 2 Single Residential Zone I portions of 602m<sup>2</sup> and 357m<sup>2</sup> respectively. Only the proposed Portion A will be larger than 600m<sup>2</sup>, which is the minimum erf size to accommodate a dwelling house and a second dwelling unit, as per the Council Policy in this regard. There are 4 residential erven (Erf 8590 George, Erf 16514 George, Erf 13033 George and Erf 16515 George) situated to the south of the application erf with similar erf sizes than proposed in this application. The proposed development will thus fit in with the surrounding development and will not have a negative impact on surrounding properties.

### 5.5.9 Conclusion

From the above information it is obvious that the application for rezoning and subdivision complies with the mentioned Planning Policies and Planning Guidelines and can be considered desirable.

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

The area surrounding the application erf is currently characterized by low residential densities, with Group Housing development to the north-east and Single Residential development to the north and west of the application erf. Erf 16512 George, which is situated directly opposite Gannabos Avenue, to the east of the application erf, is zoned as Public Open space.

The 4 residential erven (Erf 8590 George, Erf 16514 George, Erf 13033 George and Erf 16515 George), which are situated to the south of the application erf, have similar erf sizes than proposed in this application.

The proposed development will thus fit in with the surrounding development and will not have a negative impact on surrounding properties.

The following aerial photo indicates the application erf and surrounding development.





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

### 5.7 Compatibility of the proposal with the natural environment of the property

The application erf is situated within the Urban Edge of George and as indicated on the photo in point 5.2.3 of this motivation report, is overgrown with neatly kept lawn, with indigenous and exotic trees.

There are no conservation worthy natural environmental elements situated on the portions of the application erf to be subdivided. The proposed development will thus not have a negative impact on the natural environment and can be considered compatible with the surrounding natural environment.

### 5.8 Potential of the property

The application erf is zoned Single Residential Zone I in terms of the George Integrated Zoning Scheme By-Law, 2023. In terms of this zoning, the erf may be used for the purposes of a dwelling house and a second dwelling unit. The minimum erf size required for the development of a dwelling house and a second dwelling unit in Denneoord is 600m<sup>2</sup>. The proposed subdivision will result in the application erf being subdivided into 2 separate title single residential erven, of which only the proposed Portion will be larger than 600m<sup>2</sup>. The proposal therefore has the potential of 3 dwelling units being developed, which is only slightly more than the present number of dwelling units (2), which could presently be developed on the application erf. The proposed subdivision will therefore not result in substantially increasing the future development potential of the application erf. The only change will be in ownership, as both subdivided portions could be alienated separately. The rezoning and subdivision of the application erf, as proposed in this application, will therefore result in the erf being utilized at its maximum potential.

### 5.9 Access to the property

The application erf is situated between Church Street and Gannabos Avenue. As indicated on the proposed subdivision plan, attached hereto as **Annexure "A"**, the proposed Portion A will be accessed from Church Street and the Proposed Portion B will be accessed from proposed widened reserve of Gannabos Street.

The following photo indicates the current street elevations of the application erf from Church Street and Gannabos Avenue.







### 5.10 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. Two parking bays must be provided on each Single Residential Zone I erf.

The existing dwelling house which will be situated on the proposed Portion A, contains a single garage and carport. The aerial photo in point 5.6 of this report indicates that there is on-site parking available for visitors. It is clear from the proposed subdivision plan that the proposed Portion B will be large enough to accommodate the required on-site parking.

### 5.11 Provision of services

Existing municipal services are available to the application erf. Should any upgrade or extension of services be required as a result of this application, this will be at the cost of the developer and to the satisfaction of the municipality. 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.

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

## **6. CONCLUSION**

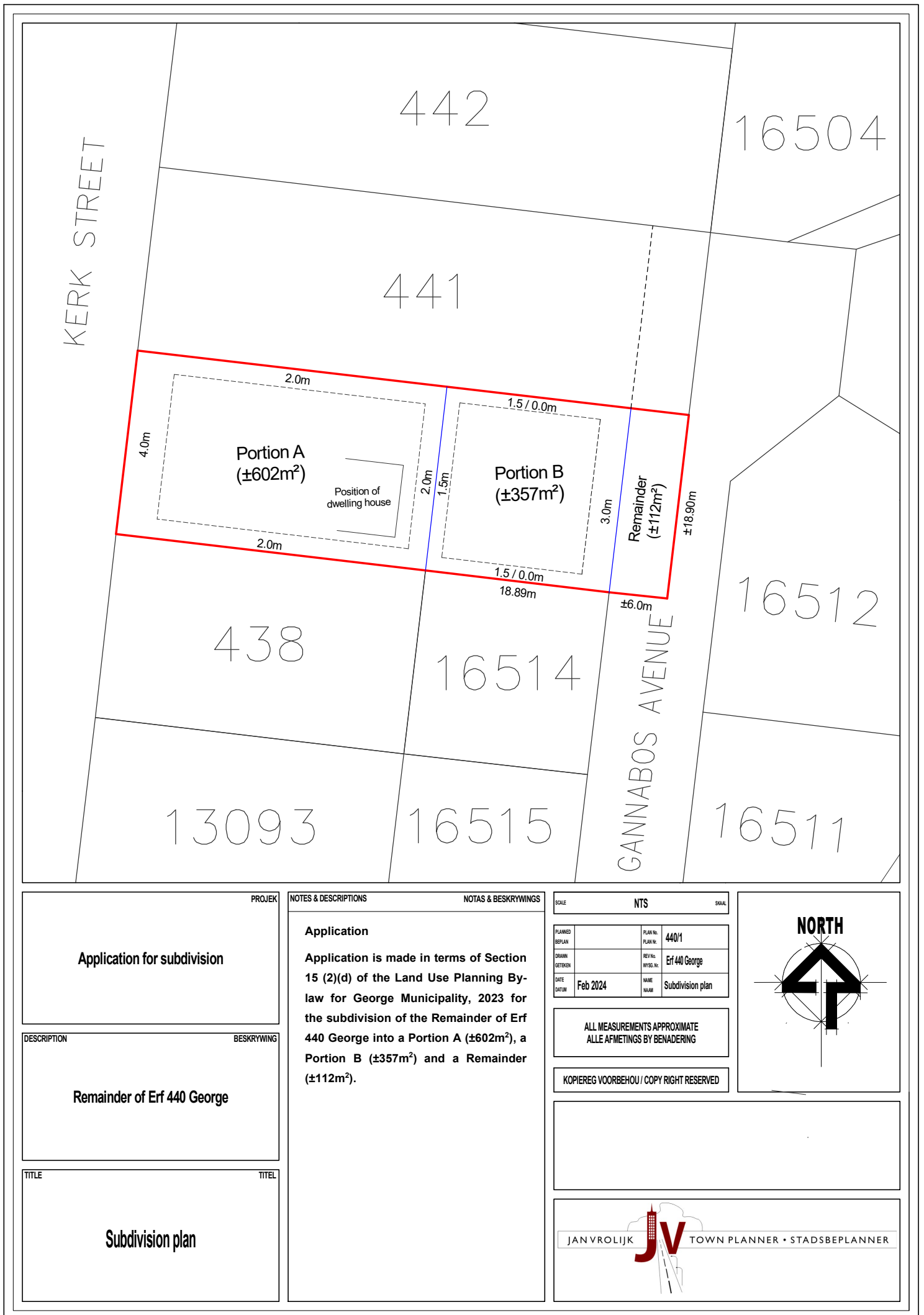
Application is made in terms of Section 15(2)(a) of the Land Use Planning By-Law for the George Municipality, 2023 for the rezoning of the Remainder of of Erf 440 George from Single Residential Zone I to Subdivisional Area and in terms of Section 15(2)(d) of the Land Use Planning By-Law for the George Municipality, 2023 for the subdivision of the Subdivisional Area into 2 Single Residential Zone I erven and 1 Transport Zone II erf.

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.

## ANNEXURE "A" - PROPOSED SUBDIVISION PLAN





ANNEXURE “B” – APPLICATION FORM



## 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)	Johannes George		
Surname	Vrolijk		
SACPLAN Reg No. (if applicable)	A/1386/2010		
Company name (if applicable)	Jan Vrolijk Town Planner / Stadsbeplanner		
Postal Address	P O Box 710		
	George	Postal Code	6530
Email	<a href="mailto:janvrolijk@jvtownplanner.co.za">janvrolijk@jvtownplanner.co.za</a>		
Tel	044 873 3011	Fax	086 510 4383
		Cell	082 464 7871

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

Registered owner	Jurgens Philip Hanekom, Zanmarie Hanekom and Shawn Frederick Hanekom		
Address	P O Box 2558		
	Somerset West	Postal code	7129
E-mail	<a href="mailto:jplaw@netactive.co.za">jplaw@netactive.co.za</a>		
Tel	N/a	Fax	N/a
		Cell	083 280 2723

### PART C: PROPERTY DETAILS (in accordance with Title Deed)

Property Description [Erf / Erven / Portion(s) and	Remainder of Erf 440 George
---	-----------------------------

Farm number(s), allotment area.]										
Physical Address	<b>82 Church Street, Denneoord</b>									
GPS Coordinates					Town/City		George			
Current Zoning	<b>Single Residential Zone I</b>		Extent	<b>1 071m<sup>2</sup></b>			Are there existing buildings?		<b>Y</b>	<b>N</b>
Current Land Use	<b>Residential</b>									
Title Deed number & date	<b>T45108/22</b>									
Any restrictive conditions prohibiting application?	<b>Y</b>	<b>N</b>	If Yes, list condition number(s).							
Are the restrictive conditions in favour of a third party(ies)?	<b>Y</b>	<b>N</b>	If Yes, list the party(ies).							
Is the property encumbered by a bond?	<b>Y</b>	<b>N</b>	If Yes, list Bondholder(s)?							
Has the Municipality already decided on the application(s)?	<b>Y</b>	<b>N</b>	If yes, list reference number(s)?							
Any existing unauthorized buildings and/or land use on the subject property(ies)?	<b>Y</b>	<b>N</b>	If yes, is this application to legalize the building / land use?				<b>Y</b>	<b>N</b>		
Are there any pending court case / order relating to the subject property(ies)?	<b>Y</b>	<b>N</b>	Are there any land claim(s) registered on the subject property(ies)?				<b>Y</b>	<b>N</b>		
<b>PART D: PRE-APPLICATION CONSULTATION</b>										
Has there been any pre-application consultation?	<b>Y</b>	<b>N</b>	If Yes, please complete the information below and attach the minutes.							
Official's name	<b>Martin Botha &amp; Jeanne Muller</b>		Reference number	<b>3033110</b>		Date of consultation	<b>13 February 2024</b>			

**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:**

- **Application is made in terms of Section 15(2)(a) of the Land Use Planning By-Law for the George Municipality, 2023 for the rezoning of the Remainder of Erf 440 George from Single Residential Zone I to Subdivisional Area to allow for a development comprising of the following:**
  - ⊖ **2 Single Residential Zone I erven (Portions A and B); and**
  - **1 Transport Zone II erf (Road Remainder).**
- **Application is made in terms of Section 15(2)(d) of the Land Use Planning By-Law for the George Municipality, 2023 for the subdivision of the Subdivisional Area into a Portion A (±602m<sup>2</sup>), a Portion B (±357m<sup>2</sup>) and a Road Remainder (±112m<sup>2</sup>).**

**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?*

<b>Y</b>	<b>N</b>	Completed application form	<b>Y</b>	<b>N</b>	Pre-application Checklist (where applicable)
<b>Y</b>	<b>N</b>	Power of Attorney / Owner's consent if applicant is not owner	<b>Y</b>	<b>N</b>	Bondholder's consent
<b>Y</b>	<b>N</b>	Motivation report / letter	<b>Y</b>	<b>N</b>	Proof of payment of fees
<b>Y</b>	<b>N</b>	Full copy of the Title Deed	<b>Y</b>	<b>N</b>	S.G. noting sheet extract / Erf diagram / General Plan
<b>Y</b>	<b>N</b>	Locality Plan	<b>Y</b>	<b>N</b>	Site layout plan

Minimum and additional requirements:									
Y	N	N/A	Conveyancer's Certificate		Y	N	N/A	Land Use Plan / Zoning plan	
Y	N	N/A	Proposed Subdivision Plan (including street names and numbers)		Y	N	N/A	Phasing Plan	
Y	N	N/A	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	N/A	Abutting owner's consent		Y	N	N/A	Home Owners' Association consent	
Y	N	N/A	<del>Copy of Environmental Impact Assessment (EIA) /</del> <del>Heritage Impact Assessment (HIA) /</del> <del>Traffic Impact Assessment (TIA) /</del> <del>Traffic Impact Statement (TIS) /</del> <del>Major Hazard Impact Assessment (MHIA) /</del> <del>Environmental Authorisation (EA) /</del> <del>Record of Decision (ROD)</del> (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	
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)
Y	N/A	National Environmental Management Act, 1998 (Act 107 of 1998)				(e.g. Environmental Conservation Act, 1989 (Act 73 of 1989), National Environmental—
Y	N/A	Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)				Management: Air Quality Act, 2004 (Act 39 of 2004),
Y	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),
Y	N/A	Occupational Health and Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations				National Environmental Management: Waste Act, 2008 (Act 59 of 2008),
Y	N/A	Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA)		Y	N/A	National Water Act, 1998 (Act 36 of 1998) (strikethrough irrelevant) Other (specify)

Y	<b>N</b>	<i>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></i>
Y	<b>N</b>	<i>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?</i>

## 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:

**19 February 2024**

Full name:

**Johannes George Vrolijk**

Professional capacity:

**Professional Town Planner**

SACPLAN Reg. Nr:

**A/1386/2010**



**ANNEXURE "C" – SIGNED 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: **3033110**

Purpose of consultation: To obtain municipal comments with regards an application for the subdivision of Erf 440 George.

Brief proposal: **Application will be made for the rezoning of Erf 440 George from Single Residential Zone I to a Subdivisional Area to subdivide the erf into 2 Single Residential Zone I erven and 1 Transport Zone II erf.**

Property(ies) description: **Erf 440 George**

Date: **31 January 2024**

Attendees:

	Name & Surname	Organisation	Contact Number	E-mail
Official	Jeanne Muller	George Mun.	044 801 9138	jmuller@george.gov.za
	Martin Botha	George Mun.	044 801 9191	pmbbotha@george.gov.za
Pre-applicant	Jan Vrolijk	Jan Vrolijk Town Planner		janvrolijk@jvtownplanner.co.za

**Documentation provided for discussion:**

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

**Locality plan**

**Subdivision plan**

**Title Deed**

**SG Diagram**

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)*

YES	NO
-----	----

**Development proposal**

The existing dwelling house on the application erf has been built on the western portion of the erf. Access to the dwelling house is obtained from Church Street to the west of the erf.

The eastern portion of the erf, which has been developed as a garden, fronts onto Gannabos Avenue. The following photo shows the current road reserve of Gannabos Avenue, opposite Erf 16514 George, as well as the portion of the road opposite the application erf, which is situated to the right of the wooden entrance gate to the application erf.



As the current road reserve of Gannabos Avenue is very narrow, the Directorate: Technical Services has indicated that a portion of the eastern side of the application erf is required to round off the road reserve of Gannabos Avenue. The road widening will include the wooden gate in the photo, as well as a small portion of the wall to the left thereof.

The undeveloped eastern portion of the application erf is large enough to accommodate the mentioned road portion as well as separate Single Residential Zone I erf, of similar extent to other single residential erven in the vicinity. The owners, therefore, intend subdividing the application erf into two separate Single Residential Zone I erven and the road portion. The existing dwelling house will be situated on the proposed portion A, the proposed Portion B and the proposed road portion are currently vacant.

A copy of the proposed subdivision plan is attached hereto. The purpose of this application is to obtain approval for the proposed subdivision of the application erf as indicated on the subdivision plan.

#### **Proposed application**

- An application will have to be submitted in terms of Section 15(2)(a) of the Land Use Planning By-Law for the George Municipality, 2023 for the rezoning of the Remainder of Erf 440 George from Single Residential Zone I to Subdivisional Area to allow for a development comprising of the following:
  - 2 Single Residential Zone I erven (Portions A and B); and
  - 1 Transport Zone II erf (Road Remainder).
- An application will have to be submitted in terms of Section 15(2)(d) of the Land Use Planning By-Law for the George Municipality, 2023 for the subdivision of the Subdivisional Area into a Portion A ( $\pm 602\text{m}^2$ ), a Portion B ( $\pm 405\text{m}^2$ ) and a Road Remainder ( $\pm 64\text{m}^2$ ) as indicated on the attached subdivision.

## PART B: APPLICATION PROCESS

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

### SUBMISSION

### Draft By-Law on Municipal Land Use Planning (Workflow)

Types of applications that can be submitted in terms of Section 15 (2)

- (a) Rezoning of land
- (b) Permanent departure
- (c) Temporary departure
- (d) Subdivision of land
- (e) Consolidation of land
- (f) Amendment, suspension or removal of restrictive conditions
- (g) Permission required in terms of the zoning scheme
- (h) Amendment, deletion or imposition of condition in respect of an approval
- (i) Extension of validity period of an approval
- (j) Approval of an overlay zone
- (k) Phasing, amendment or cancellation of a subdivision plan or part thereof
- (l) Permission required in terms of condition of approval
- (m) Determination of zoning
- (n) Closure of public place or part thereof
- (o) Consent use
- (p) Occasional use

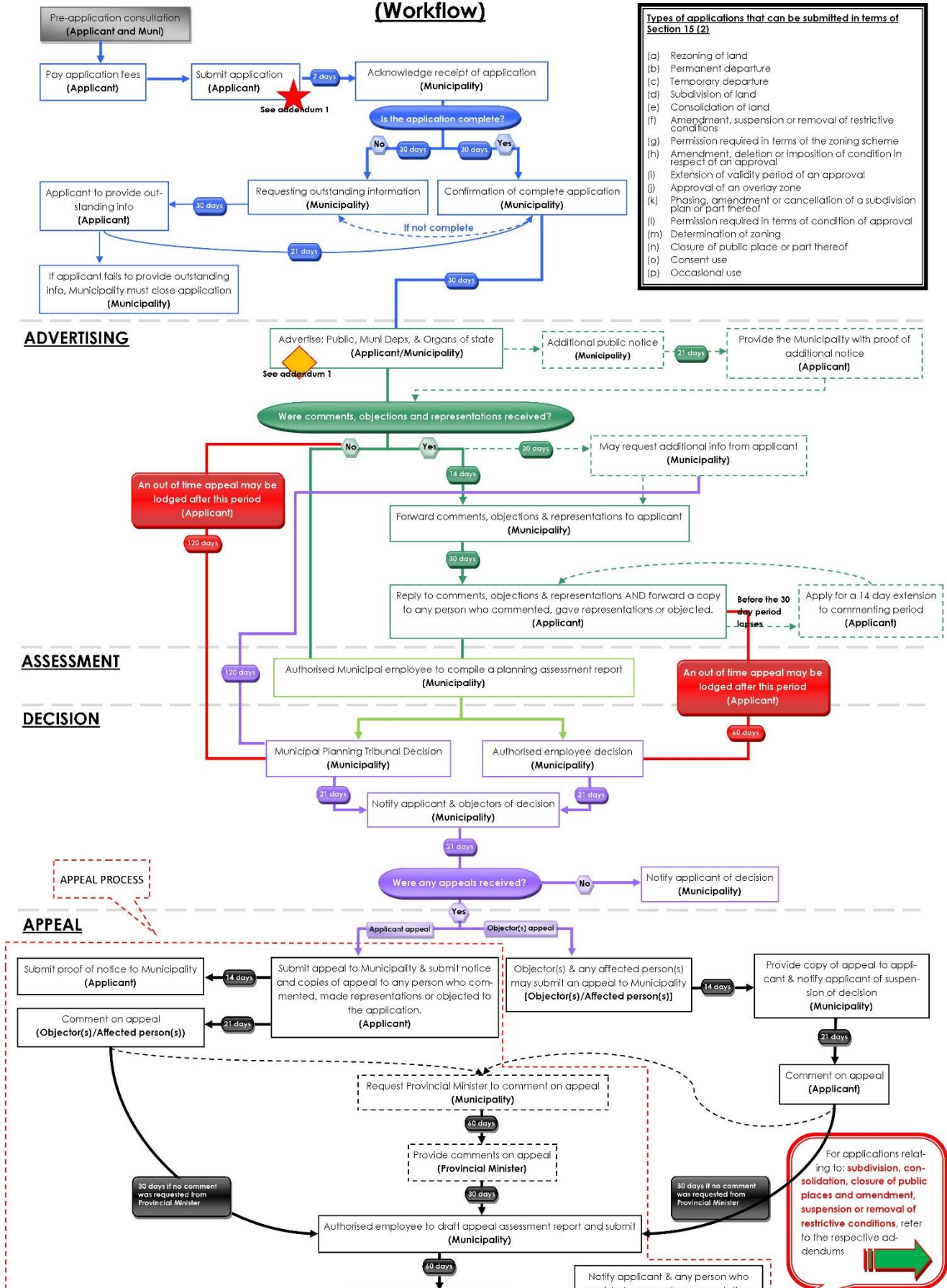
### ADVERTISING

### ASSESSMENT

### DECISION

### APPEAL PROCESS

### APPEAL



## PART C: QUESTIONNAIRES

### SECTION A:

#### DETERMINATION OF APPLICATION TYPES, PRESCRIBED NOTICE AND ADVERTISEMENT PROCEDURES

Tick if relevant		What land use planning applications are required?	Application fees payable
x	2(a)	a rezoning of land;	R10 200
	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
x	2(d)	a subdivision of land that is not exempted in terms of section 24, including the registration of a servitude or lease agreement;	R9 750
	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
	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(l)	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 if relevant		What prescribed notice and advertisement procedures will be required?	Advertising fees payable
Y	N	Serving of notices (i.e. registered letters etc.)	R
Y	N	Publication of notices (i.e. Provincial Gazette, Local Newspaper(s) etc.)	R

Y	N	Additional publication of notices (i.e. Site notice, public meeting, local radio, website, letters of consent etc.)	R
Y	N	Placing of final notice (i.e. Provincial Gazette etc.)	R
<b>TOTAL APPLICATION FEE* (VAT excluded):</b>			<b>TBC following submission of application</b>

**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**

<b>QUESTIONS REGARDING PLANNING POLICY CONTEXT</b>	<b>YES</b>	<b>NO</b>	<b>TO BE DETERMINED</b>	<b>COMMENT</b>
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?	<b>X</b>		<b>George Spatial Development Framework, 2023</b>	<b>To be determined</b>
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)]			<b>To be determined</b>	<b>Submit Conveyancer's Certificate</b>
Any other Municipal by-law that may be relevant to application? (If yes, specify)		<b>X</b>		
<b>Zoning Scheme Regulation considerations:</b> Which zoning scheme regulations apply to this site? <b>George Integrated Zoning Scheme By-law, 2023</b> What is the current zoning of the property? <b>Single Residential Zone I</b> What is the proposed zoning of the property? <b>Single Residential Zone I and Transport Zone II</b> Does the proposal fall within the provisions/parameters of the zoning scheme? <b>Yes</b> Are additional applications required to deviate from the zoning scheme? (if yes, specify) <b>No</b>				



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 Provincial bylaws/policies/guidelines/documents?			N/a	N/a
Are any regional/district spatial plans relevant? If yes, is the proposal in line with the document/plans?			N/a	N/a

**SECTION C:**

**CONSENT / COMMENT REQUIRED FROM OTHER ORGANS OF STATE**

QUESTIONS 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)?		X		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)

QUESTIONS 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?		X		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?		X		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? ( <del>strikethrough irrelevant</del> )		X		Western Cape Provincial Departments of Cultural Affairs & Sport (DCAS), Education, Social Development, Health and Community Safety

#### SECTION D:

#### SERVICE REQUIREMENTS

DOES THE PROPOSAL REQUIRE THE FOLLOWING ADDITIONAL INFRASTRUCTURE / SERVICES?	YES	NO	TO BE DETERMINED	OBTAIN COMMENT FROM: (list internal department)
---	-----	----	------------------	--

Electricity supply:			X	Directorate: Electro-technical Services
Water supply:			X	Directorate: Civil Engineering Services
Sewerage and waste water:			X	Directorate: Civil Engineering Services
Stormwater:			X	Directorate: Civil Engineering Services
Road network:			X	Directorate: Civil Engineering Services
Telecommunication services:			X	
Other services required? Please specify.			X	
Development charges:			X	

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

**COMPULSORY INFORMATION REQUIRED:**

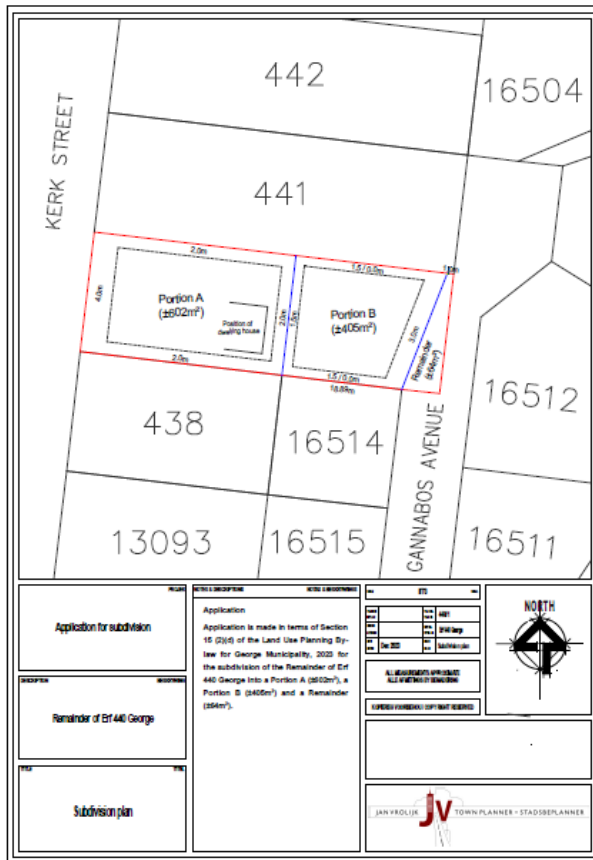
Y	N	Power of Attorney / Owner's consent if applicant is not owner (if applicable)	Y	N	S.G. noting sheet extract / Erf diagram / General Plan
Y	N	Motivation report / letter	Y	N	Full copy of the Title Deed
Y	N	Locality Plan	Y	N	Site Layout Plan
Y	N	Proof of payment of fees	Y	N	Bondholder's consent

**MINIMUM AND ADDITIONAL REQUIREMENTS:**

Y	N	Site Development Plan	Y	N	Conveyancer's Certificate
Y	N	Land Use Plan	Y	N	Proposed Zoning plan
Y	N	Phasing Plan	Y	N	Consolidation Plan
Y	N	Abutting owner's consent	Y	N	Landscaping / Tree Plan
Y	N	Proposed Subdivision Plan (including street names and numbers)	Y	N	Copy of original approval letter
Y	N	Services Report or indication of all municipal services / registered servitudes	Y	N	Home Owners' Association consent
Y	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)
Y	N	Other (specify)	Y	N	Required number of documentation copies

### Town & Spatial Planning:

The plan below and attached documents were discussed on 7 February 2024.



- The application must be motivated in terms of the relevant statutory legislation (MSDF, SPLUMA, LUPA etc.).
- Motivate the increased density, size of the subdivided portions and the desirability thereof.
- Following discussion, it was agreed that the proposed configuration of the subdivision must be amended to align with the existing road configuration and provide access to Erf 442, George. The afore-mentioned (alignment of the cadastral boundaries) should further be discussed with CES.

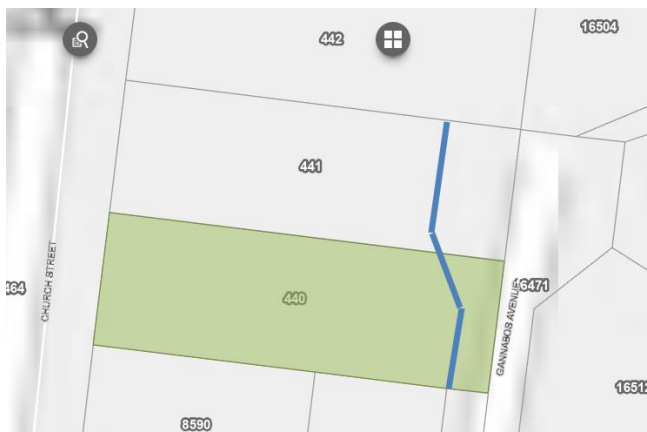


Figure 1: proposed road alignment

**CES:**

- **Access:** A portion of erf to be given off as road reserve. Area must align with the future road portion required from Erf 441, George.
- **Water & Sewer:** Available, subject to confirmation of capacity required.
- **DCs:** Normal applicable DC charges will apply.
- **Stormwater:** Development to conform to the applicable Stormwater by-law.

**ETS:**

The electrical services connection to the existing building or future Portion A will need to be relocated to Kerk Street side. The existing service connection on the eastern boundary of the property could be re-used for Portion B.


**PART F: SUMMARY / WAY FORWARD**

See Part E above.

OFFICIAL: \_\_\_\_\_  
(FULL NAME)

PRE-APPLICANT: **Johannes George Vrolijk**  
(FULL NAME)

SIGNED: \_\_\_\_\_  


SIGNED: \_\_\_\_\_  


DATE: \_\_\_\_\_13/02/2024\_\_\_\_\_

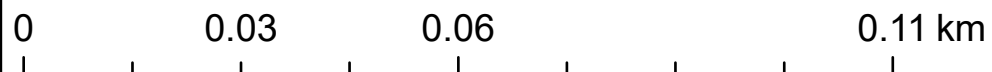
DATE: **31 January 2024**

SIGNED: \_\_\_\_\_  
  
DATE: 13/02/2024

*\*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 “D” – LOCALITY PLAN**





George Municipality will not be liable for any claims whatsoever, whether for damages or otherwise, which may arise as a result of inaccuracies in the information supplied.



**ANNEXURE “E” – SURVEYOR GENERAL DIAGRAM**

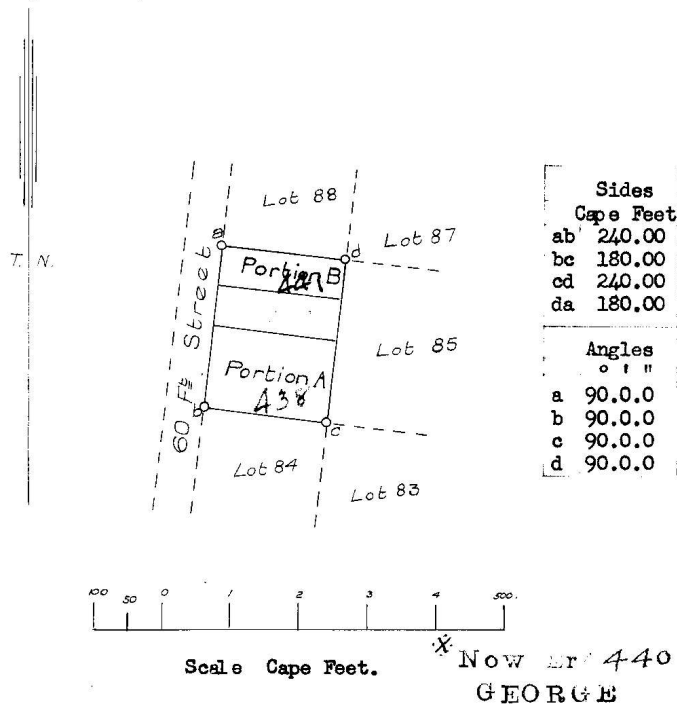
GENERAL PLAN I.4.

The numerical data of this diagram are mutually consistent.

(Sgd) Max Jurisch.

S.G. Dgm. No. 70/1888.

Examiner.



The above diagram a.b.c.d. coloured yellow, represents 300 Square Rods of Ground, being Lot No. 86 of the subdivided property called the Island, situate in the Municipality of the Town of George, granted to Peter Parry Fogg on quitrent on the 23rd July, 1881.

Bounded N by Lot No. 88.  
S " Lot No. 84.  
E " Lot No. 85.  
W " a 60 Feet Street.

Framed from actual Survey, by us,

(Sgd) D.W. Ballot.

" D. Moore Mc Bean.

Govt. Land Surveyor.

January, 1888.

Transfer — 3205

20th May, 1908

Jacobus M. Aspelng.

CM  
DA

Vol 51

18/1/10

S

(Sgd) H. H. H. H.

8.9.1951.

NTL BL-700  
V44

B

C

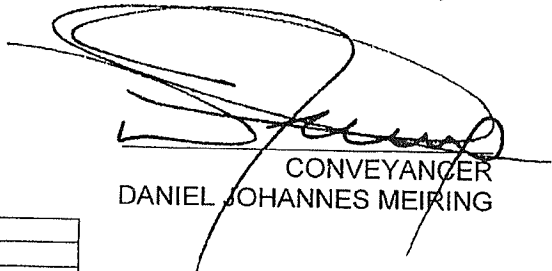
Y.H.

**ANNEXURE “F” - TITLE DEED**

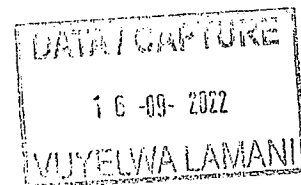
324

Leon Frank & Partners  
Block B, The Beachhead Office Park  
10 Niblick Way  
Somerset West  
7130

Prepared by me

  
CONVEYANCER  
DANIEL JOHANNES MEIRING

Deeds Office Registration fees as per Act 47 of 1937		
	Amount	Office Fee
Purchase Price	R. 1,100,000.00	R. 1,220.00
Reason for exemption	Category Exemption	Exemption i to. Sec/Reg. Act/Proc.



T 045108/22

## DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

GREGORY JOHN CLAUGHTON LPCM 80612

appeared before me, REGISTRAR OF DEEDS at CAPE TOWN, the said appearer being duly authorised thereto by a Power of Attorney granted to him/her by

**The Executor in the Estate Late**  
**JURGENS JACOBUS HENDRIK HANEKOM**  
**Number 12162/2011**

which said Power of Attorney was signed at Somerset West on 12 August 2020

And the said appearer declared that:

WHEREAS the said JURGENS JACOBUS HENDRIK HANEKOM, Identity Number 3604305049089 died intestate on the 5<sup>th</sup> of July 2011 and therefore the hereinafter mentioned transferees are entitled to the thereafter mentioned property by virtue of Section 1(1)(b) of the Intestate Succession Act, Act 81 of 1987.

NOW THEREFORE he/she, the said appearer, in his/her capacity aforesaid, did, by virtue these presents, cede and transfer to and on behalf of:

1. **JURGENS PHILIP HANEKOM**  
Identity Number 640510 5050 08 7  
Married out of community of property
2. **ZANMARIE HANEKOM**  
Identity Number 710426 0207 08 2  
Unmarried
3. **SHAWN FREDERICK HANEKOM**  
Identity Number 670114 5222 08 6  
Unmarried

their Heirs, Executors, Administrators or Assigns, in full and free property

REMAINING EXTENT OF ERF 440 GEORGE  
In the municipality George  
Division George  
Western Cape Province

IN EXTENT 1071 (ONE THOUSAND AND SEVENTY ONE) Square metres

FIRST TRANSFERRED by Deed of Transfer Number T3205/1908 with  
Diagram relating thereto and Held by Deed of Transfer No. T24749/1984

A. **SUBJECT** to the conditions referred to in Deed of Transfer No. 3205/1908.

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

**Estate Late JURGENS JACOBUS HENDRIK HANEKOM**

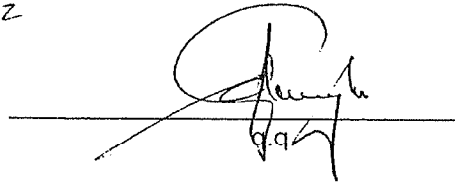
heretofore had to the premises, did in consequence also acknowledge him to be entirely dispossessed of, and disentitled to the same, and that by virtue of these presents, the said

1. **JURGENS PHILIP HANEKOM, Married as aforesaid**
2. **ZANMARIE HANEKOM, Unmarried**
3. **SHAWN FREDERICK HANEKOM, Unmarried**

their Heirs, Executors, Administrators or Assigns, now are and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the value of the property to be R1 100 000,00 (ONE MILLION ONE 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.

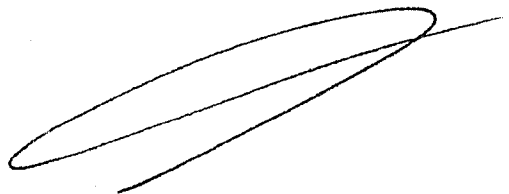
THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS at CAPE TOWN on *14 September 2022*



In my presence



REGISTRAR OF DEEDS



**ANNEXURE "G" - POWER OF ATTORNEY**



## POWER OF ATTORNEY

We, the undersigned

**Jurgens Philip Hanekom, Zanmarie Hanekom and Shawn Frederick Hanekom**

in our capacity as the registered owners of

**Remainder of Erf 440 George**

do hereby appoint Jan Vrolijk Town Planner/Stadsbeplanner to prepare, sign and submit the following application to the George Municipality:

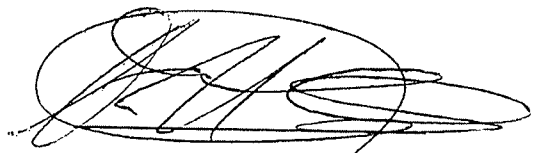
- *An application in terms of Section 15(2)(a) of the Land Use Planning By-Law for the George Municipality, 2023 for the rezoning of the Remainder of Erf 440 George from Single Residential Zone I to Subdivisional Area to allow for a development comprising of the following:*
  - *2 Single Residential Zone I erven (Portions A and B); and*
  - *1 Transport Zone II erf (Road Remainder).*
- *An application in terms of Section 15(2)(d) of the Land Use Planning By-Law for the George Municipality, 2023 for the subdivision of the Subdivisional Area into a Portion A ( $\pm 602\text{m}^2$ ), a Portion B ( $\pm 405\text{m}^2$ ) and a Road Remainder ( $\pm 64\text{m}^2$ ).*

Signed at Somerset West on 8th January 2024

**Jurgens Philip Hanekom**

**Zanmarie Hanekom**

**Shawn Frederick Hanekom**

  
Z Hanekom.  
Shawn Hanekom

**ANNEXURE “H” - CONVEYANCER CERTIFICATE**

## CONVEYANCER'S CERTIFICATE

### IN TERMS OF SECTION 38(1)(n) OF THE GEORGE MUNICIPALITY: LAND USE PLANNING BY LAW, 2023

#### REMAINDER OF ERF 440 GEORGE

#### APPLICATION DETAILS

- An application in terms of Section 15(2)(a) of the Land Use Planning By-Law for the George Municipality, 2023 for the rezoning of the Remainder of Erf 440 George from Single Residential Zone I to Subdivisional Area to allow for a development comprising of the following:
  - 2 Single Residential Zone I erven (Portions A and B); and
  - 1 Transport Zone II erf (Road Remainder).
- An application in terms of Section 15(2)(d) of the Land Use Planning By-Law for the George Municipality, 2023 for the subdivision of the Subdivisional Area into a Portion A ( $\pm 602\text{m}^2$ ), a Portion B ( $\pm 405\text{m}^2$ ) and a Road Remainder ( $\pm 64\text{m}^2$ ).

#### APPLICATION DATE

January 2024


I, the undersigned

**Daniel Johannes Meiring (LPCM 79113)**, a duly qualified and admitted Conveyancer, practicing at Leon **Frank & Partners Attorneys, Unit 30, Cedar House, Fairways Office Park, Niblick Road, Somerset West**

do hereby certify as follows:

1. I have perused the following title Deed/s and conducted a search behind the pivot of the said title deed/s at the Deeds Office, Cape Town:

**T45108/22** (current Title Deed)

A handwritten signature in black ink, consisting of a large, stylized loop followed by a horizontal line extending to the right.

**T24749/1984 &  
T3205/1908**

in respect of:

**REMAINDER OF ERF 440 GEORGE  
IN THE MUNICIPALITY AND DIVISION OF GEORGE  
WESTERN CAPE PROVINCE**

**IN EXTENT: 1 071 (ONE ZERO SEVEN ONE) SQUARE METRE**

**HELD BY DEED OF TRANSFER NUMBER T45108/22**

REGISTERED in the name of

**JURGENS PHILIP HANEKOM, ZANMARIE HANEKOM AND SHAWN FREDERICK  
HANEKOM**

2. I have appraised myself with the details of the abovementioned Land Development Application.
3. The abovementioned Title Deed contains no conditions restricting the contemplated Land Use in terms of the abovementioned Land Development Application.
4. There is no bond registered over the property.

SIGNED at **Somerset West** on **8 January 2024**

**CONVEYANCER**

**Daniel Johannes Meiring (LPCM 79113)**