

# MOTIVATION

## 1) Introduction

This application is made by the Owners of the property, bonded with ABSA Bank and known as

***Gedeelte 108 van die plaas Klein Krantz Nr. 192 extent of 2204m<sup>2</sup>***

to apply for a Land Development Approval as listed in the George Municipal Land-use Planning Bylaw of 2023, namely

**Building Line Relaxation:** Application in terms of Section 15(2)(b) of the Land Use Planning By-Law for George Municipality, 2015 for **permanent departure from the building lines** on the above Erf;

PERMANENT DEPARTURE	FROM	TO	PURPOSE
NORTH (Street)*	5m	4.35m	Existing residential house
EAST	10m	5.6m	New granny flat
WEST	NA	NA	NA
SOUTH	NA	NA	NA

*\*existing structure*

of which the current zoning according to the below named Zoning Scheme, is

***Agricultural Zone II (AZII)*** and

in that, the Owners, Keith and Louise Spencer, wish to build outside of the 10m Lateral Building Lines as defined by the

***George Integrated Zoning Scheme Bylaw of 2023.***

## 2) Title Conditions

There are no known title conditions on the property.

See Appendix 1.

### 3) Locality and description

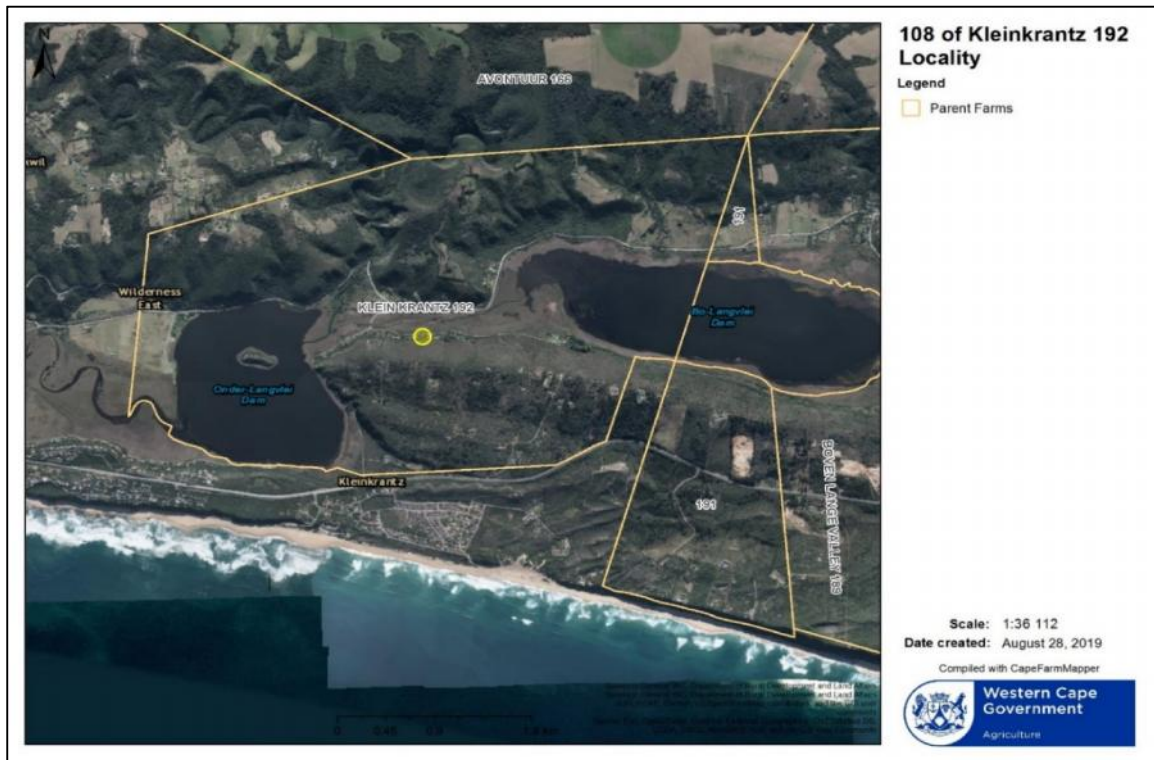


Figure 1. Locality in Wilderness, George



Figure 2. Site layout

The property lies on the lower slope of the northern edge of the Langvlei Dune and south of the historical waterline of the Serpentine which connects Island Lake in the west and

Bolangvlei in the east. The soil is classified as HG12 by the Agricultural Research Council and is typical of inland vegetated dunes in that they are characterised by fine to medium polished sand. The plot is well vegetated with mature trees and shrubs of which most are indigenous, except three, an Australian Myrtle, Cherry guava and Guava.

The current landuse is primarily Residential, however subsistence vegetable farming (own consumption) will be a likely agricultural practice in the near future.

The proposed development will not have a negative impact on the character of the area and in contrast, small timber structures fitted in existing open spaces in vegetation, will complement the character of the area.

#### **4) Character of the area and streetscape**

The character of the area is that of a typical rural area close to the urban edge and mainly consisting of small properties less than one hectare. Most of the properties are used for Residential purposes and not agricultural purposes, however small scale vegetable gardens and mixed fruit orchards are common and are primarily intended to aid towards self-sufficiency ideals. Large tracts of land are protected in the Garden Route National Park.

The street scape to the north of the property is that of a constricted, unmarked single lane gravel road which carries a daily average of vehicles of no more than 15 sedans and less than one truck. The average speed of vehicles along this road is 30-40km/hour. There is informal parking along the northern side of the road and in front of each property. Residents maintain these cleared and grassed areas.

#### **5) Existing development**

The existing developments consist of a single story, stone plastered residential building measuring 100m<sup>2</sup> **and encroaching 0.65m to north**, a brick and mortar laundry measuring 4.5m<sup>2</sup> and an old, dilapidated timber frame and tin clad garage measuring 45m<sup>2</sup>.



Picture 1. Existing residential house



Picture 2. Existing laundry room



Picture 3. Existing dilapidated shed

## 6) Proposed development

The proposed development consists of five separate structures namely:

See Site Plan as Appendix 2.

***Second Dwelling, New Granny flat (72.6m<sup>2</sup> and encroach 4.40m to east)*** – a free standing, stilted, timber framed, wood clad, tin roofed, two bedroomed dwelling with an open plan lounge and kitchen with two uncovered wood decks and access steps; this building would be considered a future dated development.



Figure 3. New granny flat

***New double door garage (73.7m<sup>2</sup>)*** - a double, double length (deep) garage, to replace existing, with a short cement access ramp at door, cement slab base with two course cement block wall and timber frame, wood clad, tin roofed and with an adjoining 3x3 workshop on north east corner.



Figure 4. New double garage

***Main house new covered rear stoep (app. 45m<sup>2</sup> - addition next and not adjoining to, heritage building)*** – an un-attached pole supported, tin roofed “afdak” at the rear (south) to create a covered court yard and utility (gas, wood, refuse) area.



Figure 5 – New covered rear stoep

**Stone packed retaining wall (20m<sup>2</sup>)** – rectangular broad base (base 800mm, downhill toe rock cemented) vertical taper (top 200mm) dry packed rock wall (rock size 250-500mm), 900mm high.

And **suitable drainage system (app. 40m<sup>2</sup>)** - cement footings along the east, north and west walls of the main house. See site layout, Figure 2.

All proposed developments comply with all other development parameters as described in the George Integrated Zoning Scheme By-Law of 2017.

## 7) Ownership/Title deed

The property is owned by Keith and Louise Spencer and is bonded to ABSA bank. See attached Bond Owners consent as Appendix 3.

The size of the property is 2204m<sup>2</sup>.

There are no restrictive conditions on the title deed. See Appendix 4a and 4b.

Heritage Permit S34\_HWC23101901 can be seen in Appendix 5a and 5b.

OSCAE permit – will be applied for once approval of the proposed building line relaxation is secured. A preliminary motivation and application form can be seen in Appendix 6.

Neighbour consent to the:

North – see Appendix 7

East – see Appendix 8

West – see Appendix 9

South – see Appendix 7

Comment from SANParks can be seen in Appendix 7.

Comment from the Wilderness Residential Ratepayers Association (WRRRA) can be seen in Appendix 10.

Comment from WALEAF (Wilderness and Lakes Environmental Action Forum) can be seen in Appendix 11.

## 8) Natural Environment

The property lies on the lower slope and toe of the northern edge of the Langvlei Dune and south of the historical waterline of the Serpentine, classified as a “river” by the Department of Water and Sanitation<sup>1</sup> and by Chief Directorate: National Geo-spatial Information (DRDLR)<sup>2</sup>, which connects Island Lake in the west and Bolangvlei in the east.

The soil is classified as HG12 by the Agricultural Research Council and is typical of inland vegetated dunes in that they are characterised by fine to medium polished sand.

The slope of the dune, starting approximately half way across the property, and increasing from North to South, is relatively steep at 17-20°.

The plot is well vegetated with mature trees and shrubs of which most are indigenous, except one, an Australian Myrtle. The Garden Route National Park Management Plan (Jan 2012) describes this vegetation group as Sedgefield Thicket Fynbos. This is described as Dune Thicket Mosaic Forest by Vlok et al, 2008<sup>3</sup>, typically comprising of a mix of species such as *Azima tetraacantha*, *Carissa bispinosa*, *Cassine peragua*, *Euclea racemosa*, *Lycium cinereum*, *Rhus crenata*, *Thus pterota*, *Mystroxylon aethiopicum*, *Nylandtia spinose*, *Putterlickia pyracantha*, *Asparagus aethiopicus*, *Cynanchum ellipticum*, *Rhoicissus digitate*, *Sarcostemma viminalis*, *Solanum quadrangulare*, *Olinia ventosa*, *Pterocelastris tricuspidatus*, *Sideroxylon inerme* and *Tarchonanthus camphoratus*.

The distribution of indigenous forest patches appears to be partly determined by recurrent, but sporadic and severe bergwind fires (Geldenhuys 1987).

SANParks, the Responsible Management Authority for the Touws Estuary and Wilderness Lakes system, recognises the 5m contour as the recommended setback line for developments (*SANParks Garden Route Management Plan 2012<sup>4</sup> and draft revision 2020 - 2029, undated<sup>5</sup>*) and is depicted on the site layout plan. Active management of the

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<sup>1</sup> Cape Farm Mapper; Rivers of the Western Cape Details available at: [http://www.dwaf.gov.za/iwqs/gis\\_data/river/rivs500k.html](http://www.dwaf.gov.za/iwqs/gis_data/river/rivs500k.html)

<sup>2</sup> Cape Farm Mapper; The river line vector data of the 1:50,000 topo maps for the Western Cape.

<sup>3</sup> Vegetation map for the Garden Route Initiative, May 2008

<sup>4</sup> The SANParks management plan of 2012 states that:

...“Expected water levels (meters amsl) in the Touws Estuary that would result during flood events of different return frequency are 5 yr. = 3.22; 10 yr. = 3.61; 20 yr. = 3.88; 50 yr. = 4.01; 100 yr. = 4.93 CSIR (1981)” and;

<sup>5</sup> Draft Garden Route National Park Management Plan 2020 – 2029 concluded:

“that maintaining the height of the sand sill at the estuary mouth at between 2.1 m and 2.4 m AMSL should prevent flooding of low-lying properties by floods with a return frequency of 1 in 50 years or lower” and; (cont. overleaf)

Serpentine flow channel (reed clearing) and Touws river mouth (preparatory channel and active breaching during high water levels) by SANParks, to prevent flooding of low lying properties below the 5m contour within the 1:50 year flood modelling, is ongoing. The property has experienced flooding (2007-2009).

The land use will not compromise any person’s right to a safe and secure environment and will in fact enhance the owner’s right. Neither will the land use create, or pose, additional fire risk, air pollution or smells other than indoor household fire warming fires during winter.

The soil is classified as HG12 by the Agricultural Research Council and is typical of inland vegetated dunes in that they are characterised by fine to medium polished sand.

## 9) Current applicable development controls

As per the Zoning Scheme noted above, the property is zoned as Agriculture II:



The development controls that are applicable to this application are under:

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“In terms of coastal areas, deemed particularly vulnerable to climate change effects, SANParks will delineate coastal management lines (CMLs) in the GRNP using the approach outlined below. This is in line with national legislative requirements and follows a staggered approach where the best available information is used to indicate risk to coastal areas through hazards and extreme events (where such information is not available, a suitable nationally or regionally accepted proxy will be used).



Agricultural Zone II (AZII)		
<p><i>The objective of this zone is to accommodate larger residential properties, which may be used for limited agriculture, but primarily serve as places of residence for people who seek a rural lifestyle. Such properties are often found close to towns and villages, and new smallholding areas should only be permitted within an acknowledged, demarcated urban area.</i></p>	<p><b>Primary use</b></p> <ul style="list-style-type: none"> <li>• Smallholding</li> </ul>	<p><b>Consent uses</b></p> <ul style="list-style-type: none"> <li>• Agricultural industry</li> <li>• Animal care centre</li> <li>• Aqua-culture</li> <li>• Farm shop</li> <li>• Freestanding base telecommunication station</li> <li>• Guest house</li> <li>• Intensive animal farming</li> <li>• Intensive horticulture</li> <li>• Plant nursery</li> <li>• Quarry</li> <li>• Renewable energy structure</li> <li>• Riding school</li> <li>• Rooftop base telecommunication station</li> <li>• Second dwelling</li> <li>• Tourist facilities</li> <li>• Utility service</li> </ul>

**“AGRICULTURE”**

*(c) Site development plan*

*For any development in this zone, including any part of the land not zoned Agriculture, a site development plan must be submitted to the Municipality for its approval taking specific cognisance of visual impact given the size and scale of the agricultural buildings and facilities and their location in a rural landscape, and in their proximity to tourist routes.*

As can be seen in Figure 2, the proposed buildings will be nestled in the mostly clear, open spaces amongst the well vegetated area with shrubs and trees exceeding the height of the building and will not be visible from any “tourist” route.

and “SMALLHOLDINGS”:

*The following development parameter departures applicable to “agriculture” apply:*

1. **Building Line Relaxation:** Application in terms of Section 15(2)(b) of the Land Use Planning By-Law for George Municipality, 2015 for **permanent departure from the building lines**

As can be seen in Appendix 2, the proposed buildings will extend over the eastern and northern street building line.

PERMANENT DEPARTURE	FROM	TO	PURPOSE
NORTH (Street)	5m	4.35m	Existing residential house
EAST	10m	5.6m	New granny flat
WEST	NA	NA	NA
SOUTH	NA	NA	NA

The motivation for the proposed positioning of buildings on the property resulting in these departures are:

- a) **Existing natural property vegetation** - The desire to compliment the natural vegetation of the adjoining SANParks National Park properties to the north and south,
- b) **Existing open spaces** – To minimize damage to the species and maturity of the standing trees on the property which are irreplaceable for decades if removed,
- c) **Outdoor lifestyle** - The desire to maintain the leafy characteristics of the property to enhance our outdoor lifestyle,
- d) **Privacy** – maximising the available space on the property to maintain the ambience of privacy and spaciousness for the two dwellings.
- e) **Security** – Clustering buildings to limit the threat of crime
- f) **Costs** - To limit costs to the development
- g) **Flood risk** – unknown natural flood regime changes by securing a stilted raised dwelling due to maintaining the existing Main Dwelling heritage aesthetics.

## 10) Necessity and desirability of the developments

**Second Dwelling, New Granny flat** – As the current dwelling is considered a Heritage building and will always be exposed to a flood risk.

As the existing main dwelling is small, consists of one bedroom with a small office exiting off of a small common living space of which at least one third is low ceilinged and is situated close to the road, the desirability and necessity of an additional more functional dwelling is self-explanatory. This additional dwelling is likely to be used to house an aged parent or adult children. The size of the proposed dwelling is slightly larger than the regulated 60m<sup>2</sup> and will be 72.6m<sup>2</sup>. This is a slight deviation, but as the unit could be used for aged parents, the additional space will be used to make the bathroom more spacious for ease of movement and to accommodate support fixtures, such as disabled handles and seated showering.

During 2003 to 2007, three floods in the wider area occurred. According to the previous owner, the existing residential house was partially flooded during rising “backflow” waters during the 2007 floods in the area. This resulted in damage to the wooden floors and extensive damage to furniture and household appliances. The second dwelling affords a flood risk-free dwelling when considering unpredictable future climate change consequences. The raised positioning of this proposed building will allow for a safe retreat and alternate housing for any natural disaster for example, flood relief housing.

**New double door, double length garage** – replaces existing dilapidated and leaking garage. There is currently a garage/shed structure constructed of poles, limited lateral supports and roof bearers and clad in a mixture of corrugated iron and IBR sheeting. The structure is 50% structurally intact, leaking heavily and all metal is corroding heavily. The structure is not constructed to standard building regulations. See picture 3. The new structures function will be to securely house two vehicles, or boat and trailer. Due to the state and position of the existing structure, which is very close to the dwelling, the desirability of a clean, safe and secure storage and workspace is self-explanatory.

**Main house new covered rear stoep** – afford a covered, weather protected utility and high traffic area and to create a pleasant covered rear entrance and high traffic courtyard. There is currently no covered area to the south and east of the existing dwelling. The covered areas key functions will be to provide access to the laundry room, gas cylinder storage, laundry basket storage and 5 x animal feeding stations (dogs/cats). These functions necessitate the need for a dry, shaded and protected area. The area to the south-east will afford a desirable semi-outdoor space and ensure better functionality. The existing covered stoep on the front of the main dwelling is little more than a sheltered entrance and exposed to the gravel road, affording no privacy from passing cars.

**Stone packed retaining wall** – to retain dune creep

**Vehicle covered parking** – for caravan and boat covered storage

**Suitable drainage system** – the existing dwelling drainage is poor with unlevelled, cracked cement footings and is currently contributing to damp walls.

## 11) Reference to the objectives and principles contained in Chapter VI of the Land Use Planning Act, 2014

The LUPA 2014 includes a series of land use principles that should guide development in the province. The planning principles were reviewed and the proposed deviation from the building lines was assessed. It is concluded that the proposal is fully compliant with the planning principles prescribed in the LUPA (2014), as follows:

Land Use Planning Act (LUPA, 2014) Principles	Compliance/Response
Spatial Sustainability	<b>Fully Compliant</b> No impact on republic; no impact on the agricultural resources, minimised and accepted contained impact on natural resources, no urban sprawl
Spatial Justice	<b>Fully Compliant</b> N/A
Efficiency	<b>Fully Compliant</b> Utilising existing resources and maximising on existing infrastructure, linking to existing services, limited extent of building footprints
Good Administration	<b>Fully compliant</b> The application is submitted in terms of the relevant legislative frameworks and will be processed accordingly.

## 12) Desirability in terms of Section 42 of LUPA, 2014

Section 42 of the Spatial Planning and Land Use Management Act (SPLUMA 2013), stipulates that applications may be refused if the proposed land use lacks desirability. The following considerations are relevant to this application:

**9.1) Socio-economic impact**

The application will have no negative socio economic impacts and in fact, will create employment during construction.

**9.2) Compatibility with surrounding uses**

The application is consistent with surrounding land uses as it is located in a single strip of rural farm portions that have undergone similar developments and is currently being used for the common purpose of all these erven, namely, residential.

**9.3) Impact on the external engineering services**

No negative impact is foreseen as most services are self-provided and exist in the area namely; self-provisioned conservancy tank to be intermittently emptied by the local municipality; existing borehole water. An additional electrical connection will likely be required to the existing municipal supply. Sustainable infrastructure such as solar panels, solar geyser and gas appliances will be used as far as possible.

**9.4) Impact on the Safety, Health and Wellbeing of the surrounding community**

There will be no impact.

**9.10) Impact on Heritage**

The application for departure does not impact on any Heritage Resources. The existing main dwelling is a building older than 60 years but is not registered as a Heritage Site. A separate application to SAHRA for the applicable additions has been made.

**9.11) Impact on the Biophysical Environment**

The departure from the building lines will have no negative impact on the natural environment. The site layout takes into account the numerous existing mature tree species, some of which are protected, within the building lines. The layout minimizes the need to trim mature trees and largely eliminates the removal of all indigenous species. Excavation activities are limited to foundations and retaining walls are aligned to existing landscaped slopes.

**9.12) Traffic impact, parking, access and other transport related considerations**

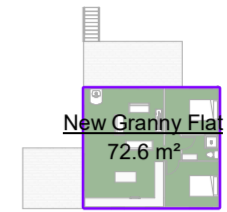
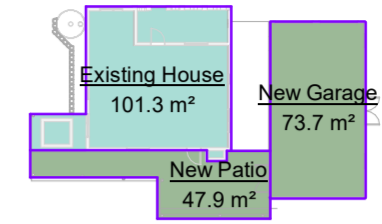
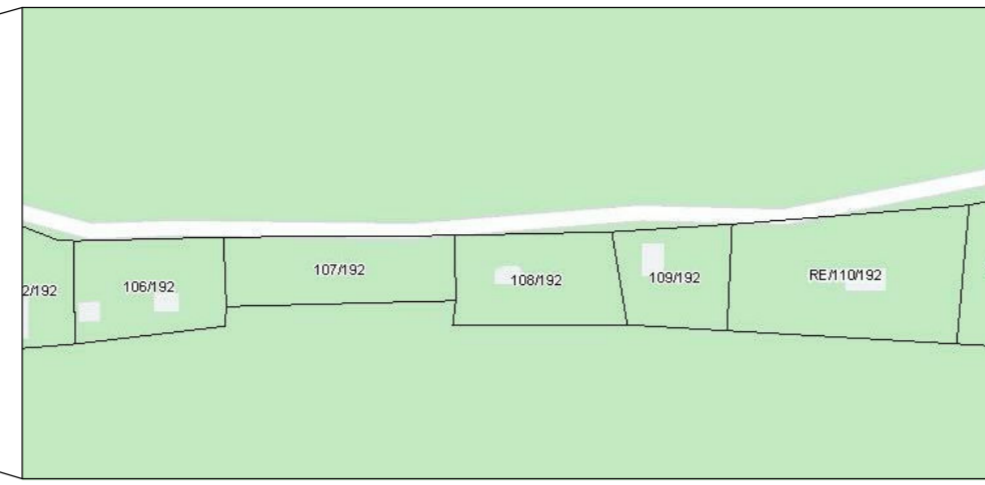
The location and accessibility of the application site is fair with the main access along a small "country" road. This road is capable of handling the required traffic during construction.

**13) Conclusion**

When taking the above-mentioned motivation, planning principles and desirability criteria into account, it is concluded that the application is consistent with these criteria and it can

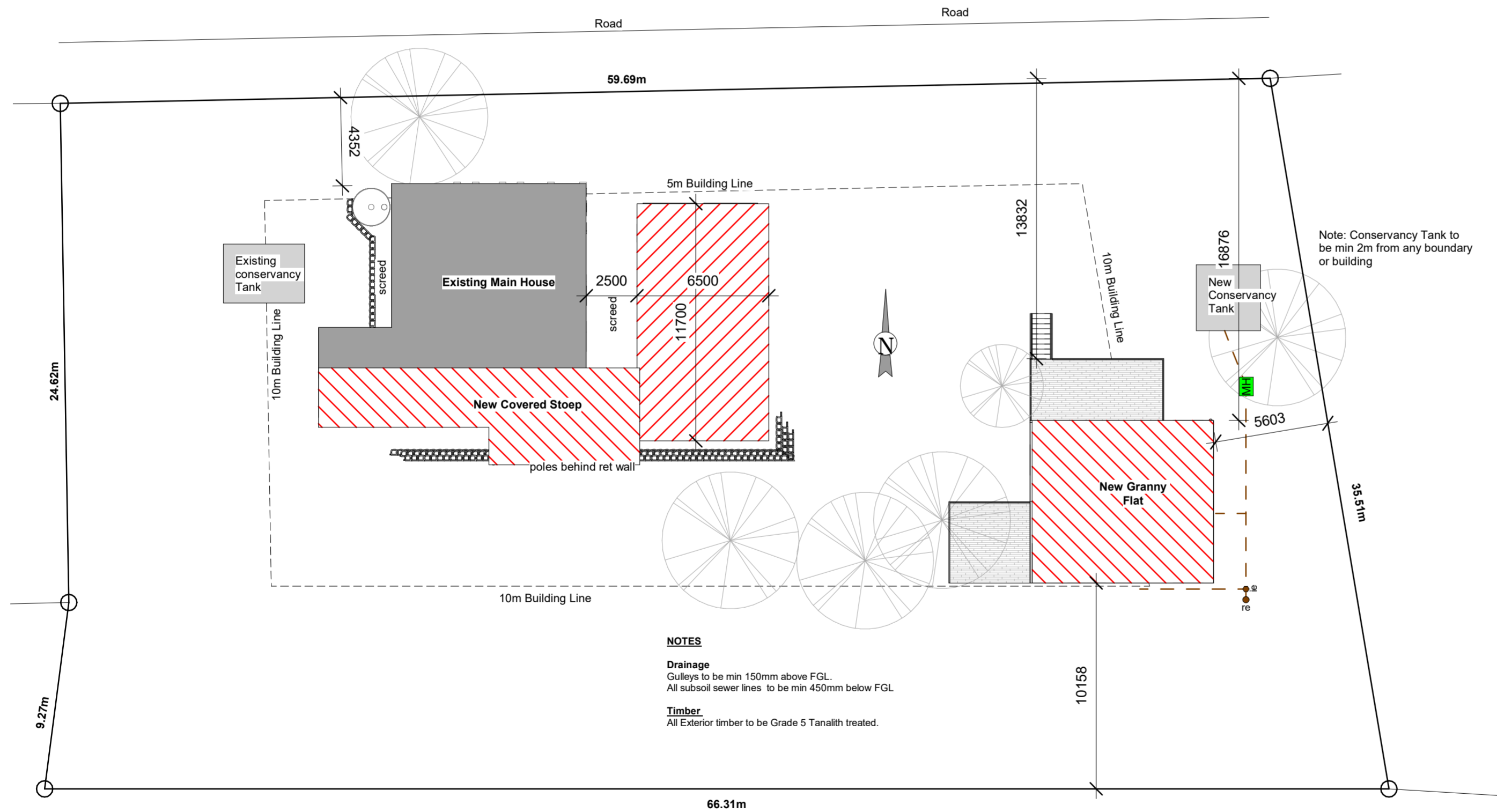
therefore be motivated and recommended as a desirable given its compliance with the character of the surrounding area, existing development rights and existing spatial policies.

Furthermore, the proposal is based on a thorough understanding of the site conditions and surrounding local context, responding positively to current development trends, while also complying with policy and directives of the George Municipality.



**Area Schedule**

Name	Area
Existing House	101.3 m <sup>2</sup>
New Patio	47.9 m <sup>2</sup>
New Granny Flat	72.6 m <sup>2</sup>
New Garage	73.7 m <sup>2</sup>
Grand total	295.5 m <sup>2</sup>
Site	2154 m <sup>2</sup>
New Coverage	13.7%



**NOTES**  
**Drainage**  
 Gulleys to be min 150mm above FGL.  
 All subsoil sewer lines to be min 450mm below FGL  
**Timber**  
 All Exterior timber to be Grade 5 Tanalith treated.

**Remarks**  
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Revision		
No.	Description	Date

**Mr Spencer**

**Proposed new Additions to Farm 108/192, Wildernis**



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 www.jdsdesign.co.za Cell: 084 400 5666

**Municipal Submission**

Date 20/08/2023

Drawn: SACAP REG NO JJP Jacobs D 0560

**Site Plan**

**871-01**

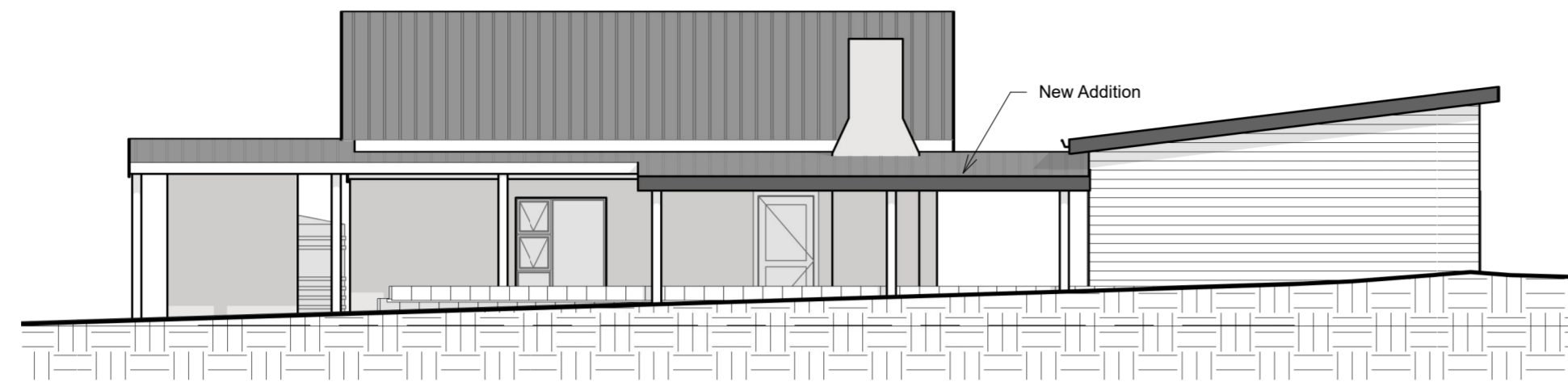


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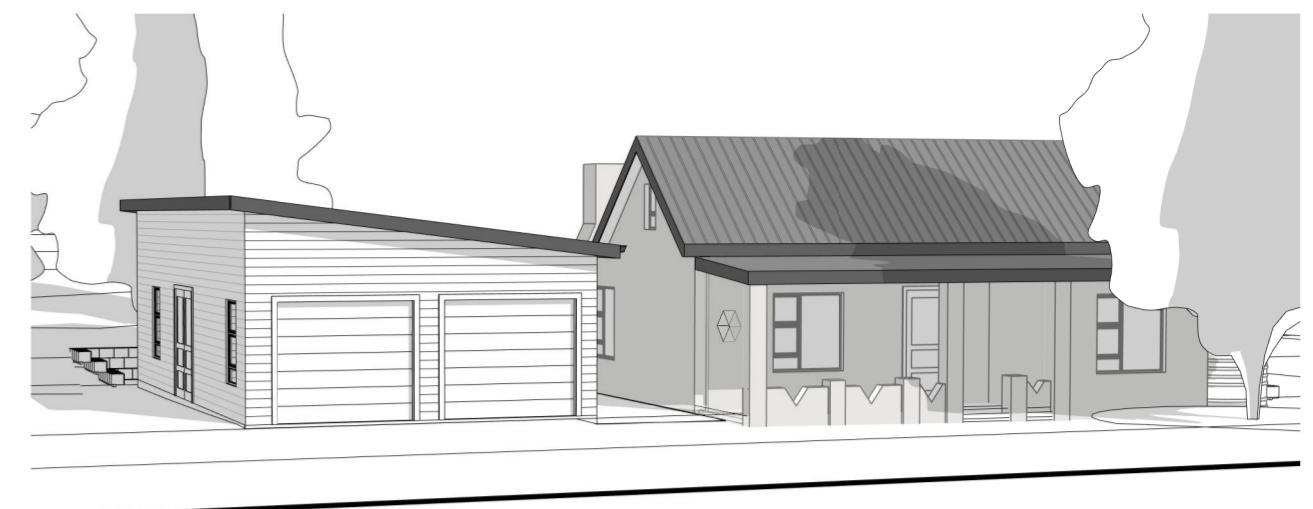
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**Site Plan**  
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**3 House-South Elevation**  
1 : 100



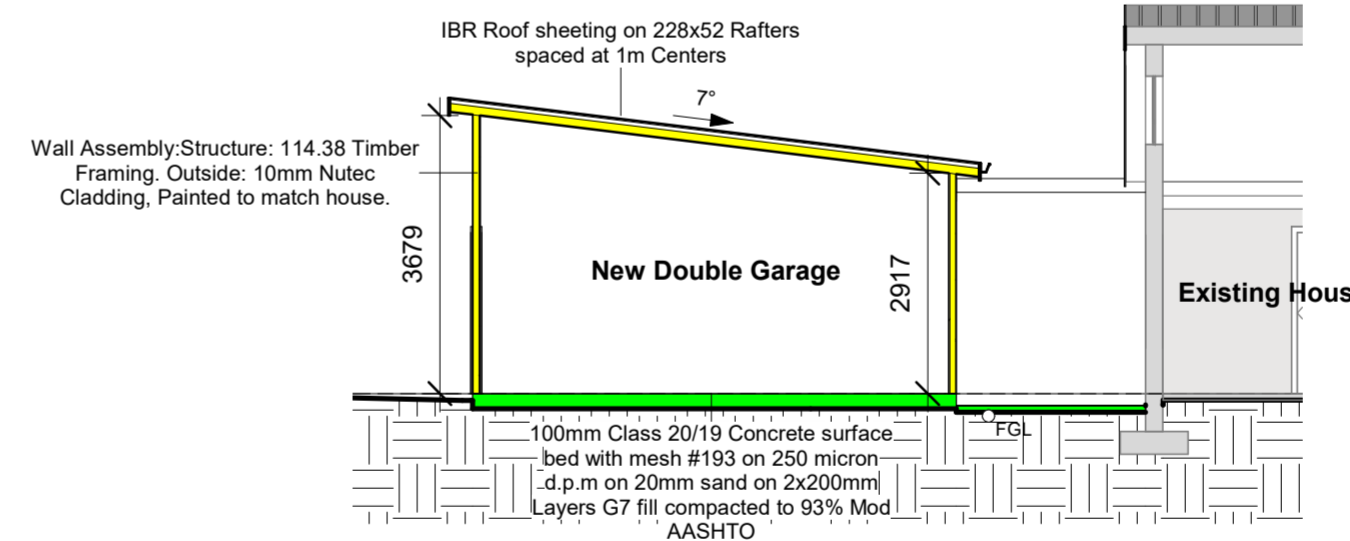
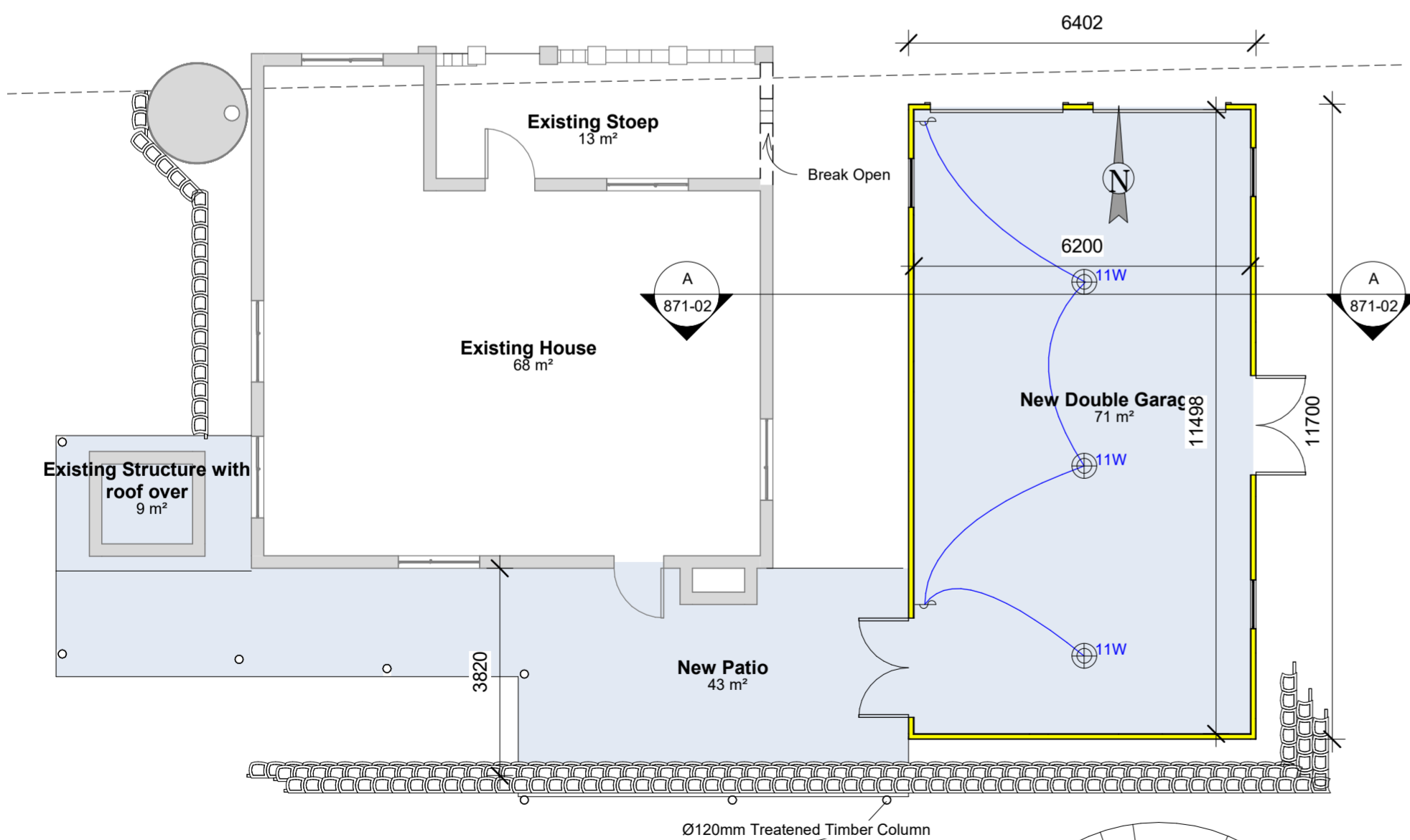
**2 House-North Elevation**  
1 : 100



**4 East Elevation**  
1 : 100

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Site	2154 m <sup>2</sup>



**A Section A**  
1 : 100

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**Main House**

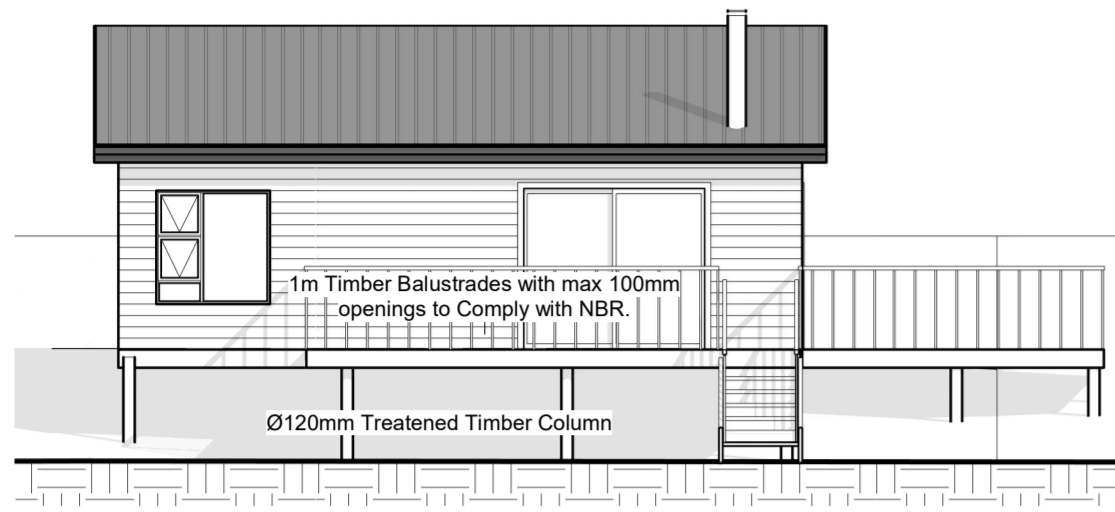
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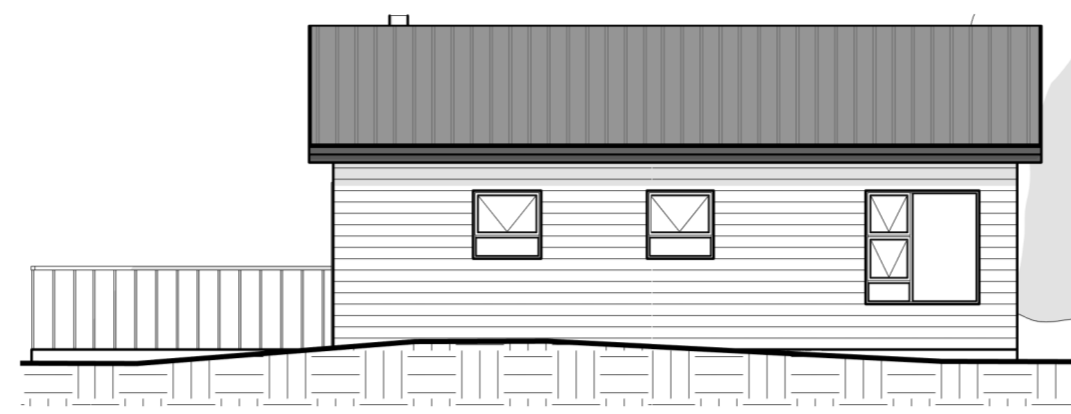
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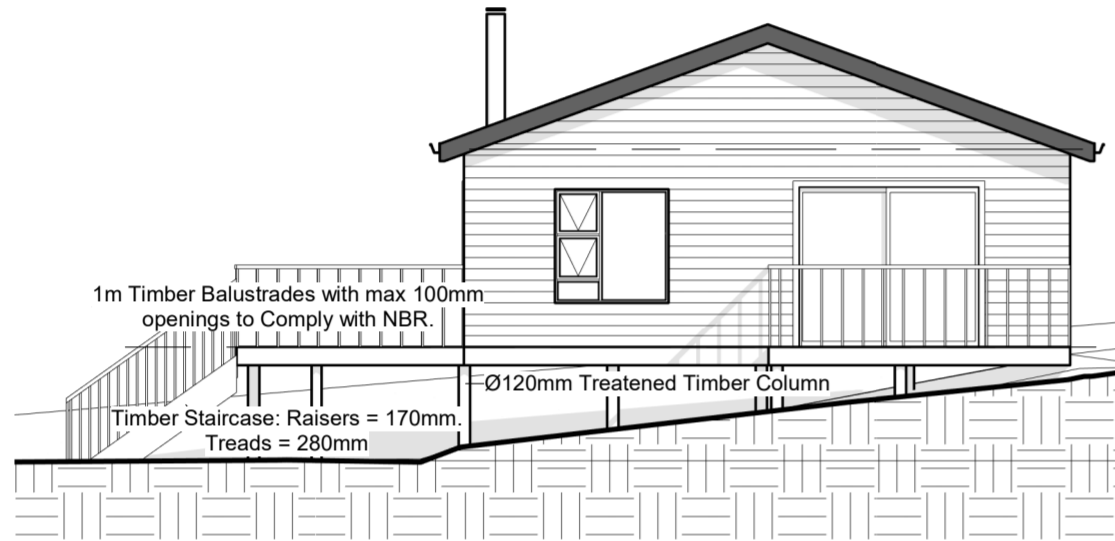
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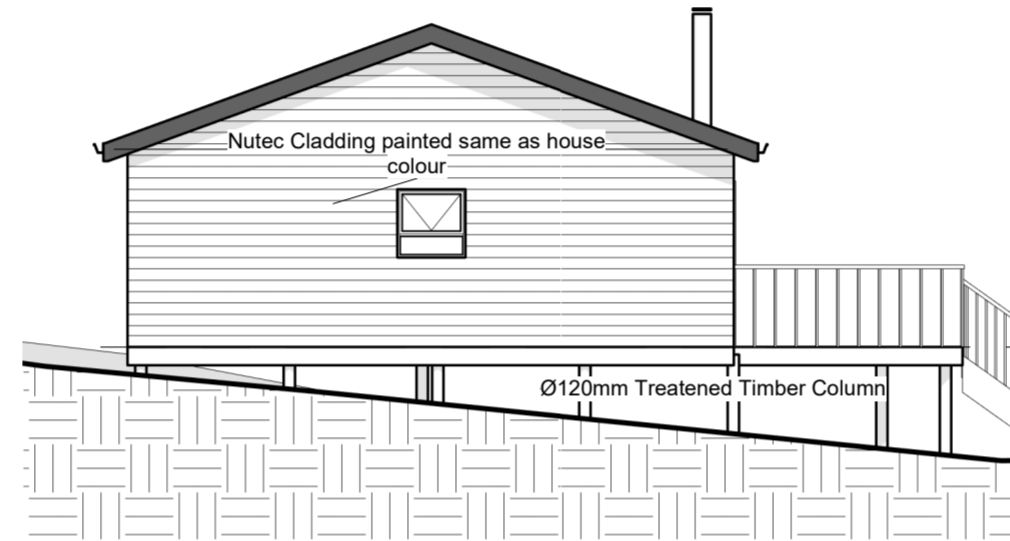
**2** Granny-North Elevation  
1 : 100



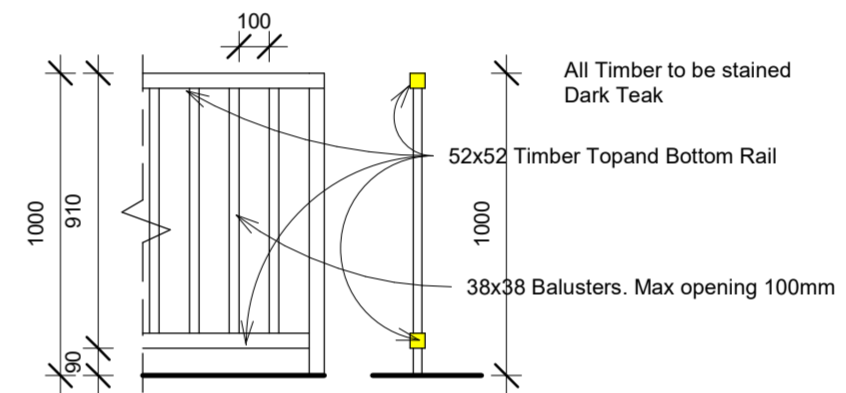
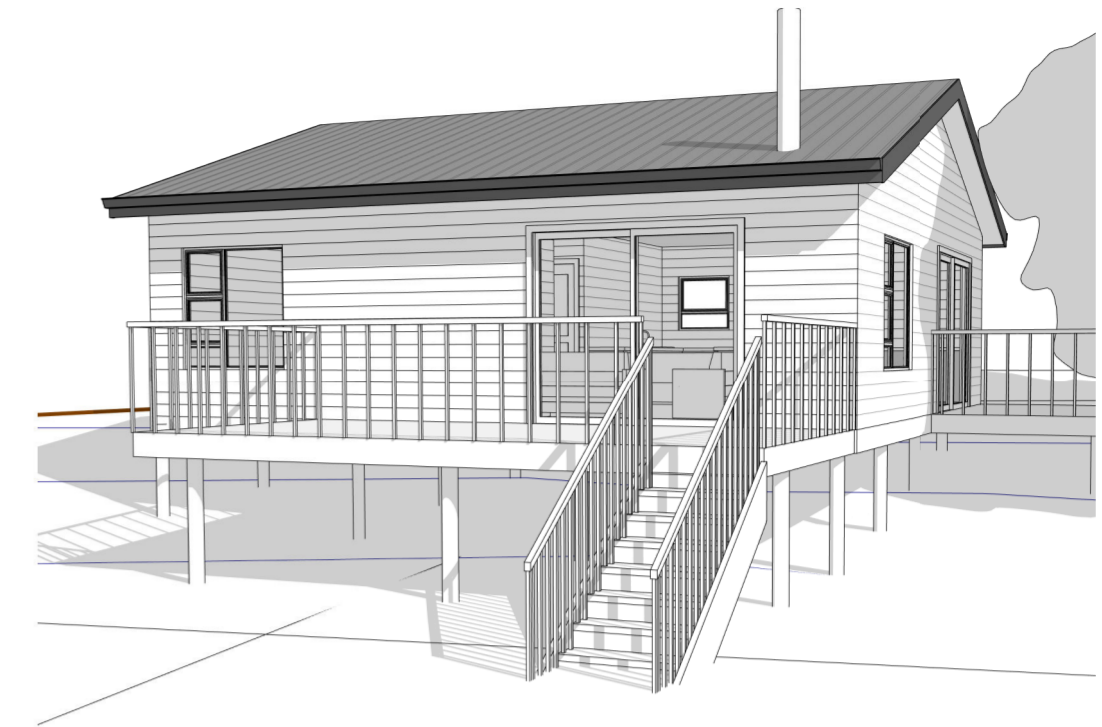
**5** Granny-South Elevation  
1 : 100



**3** Granny-West Elevation  
1 : 100



**4** Granny-East Elevation  
1 : 100



**Timber Balustrade Detail**  
1 : 25

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**Municipal Submission**

Date: 20/08/2023  
Drawn: JJP Jacobs SACAP REG NO D 0560

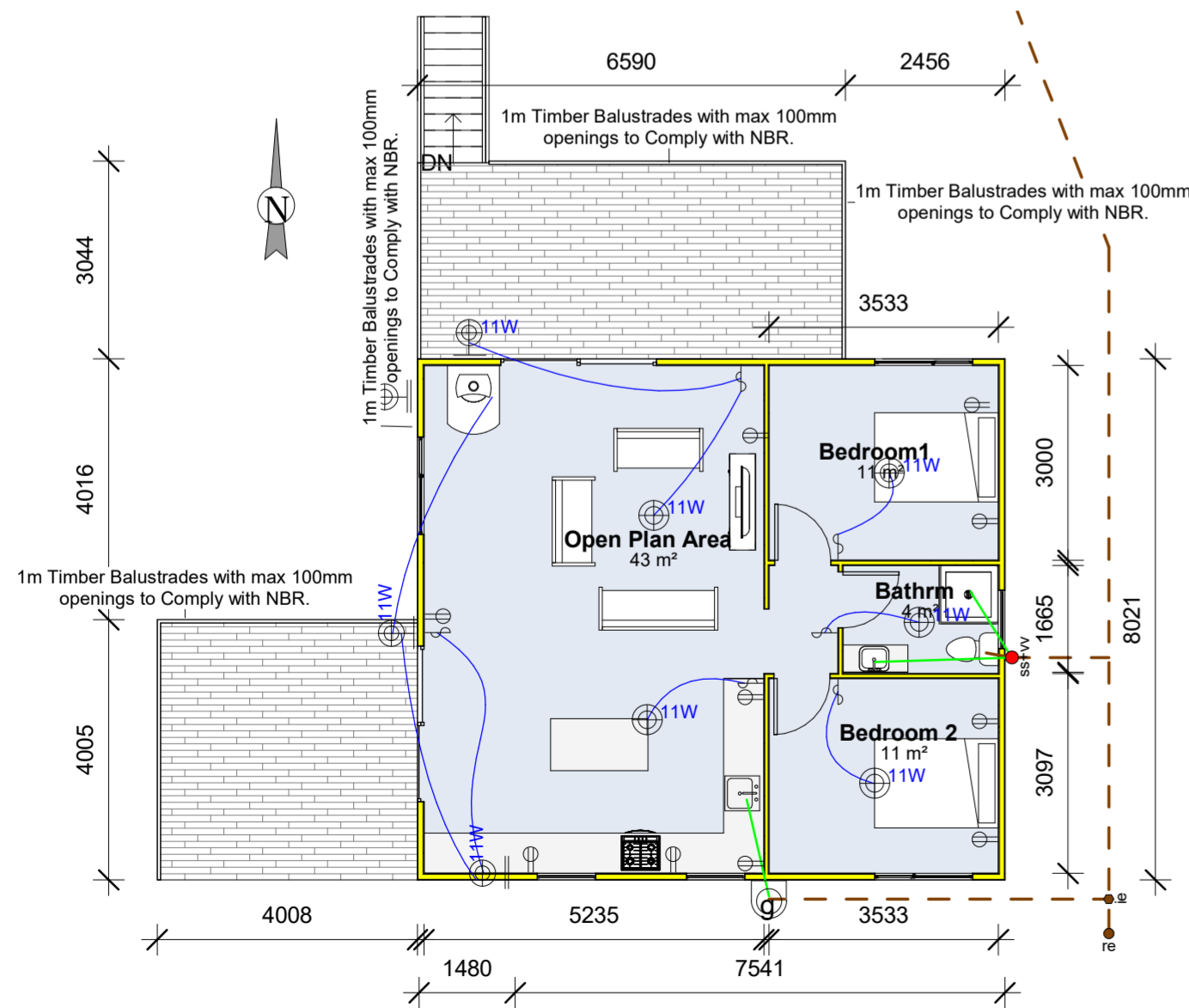
**New Granny Flat**

**871-03**

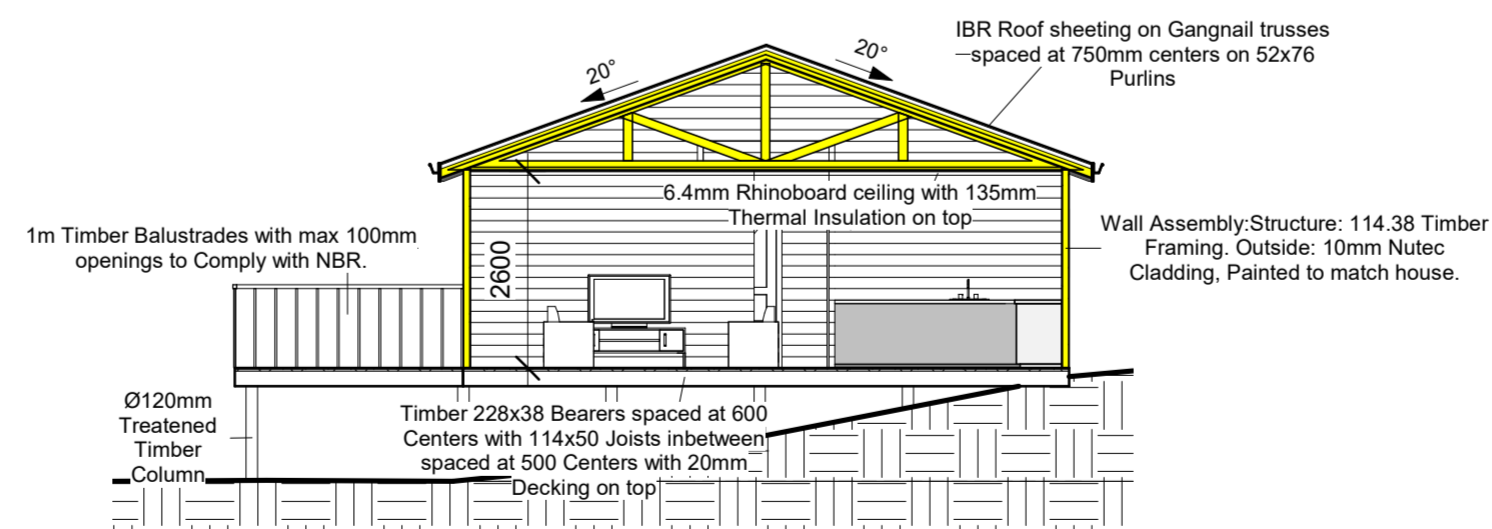


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**1** New Granny Flat  
1 : 100



**B** Section B  
1 : 100

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