



Ref.: 426/G22
Municipal Ref.: 2004423

11 November 2024

To whom it may concern

PROPOSED CANCELLATION, CONSOLIDATION, REZONING, AND SUBDIVISION: ERVEN 6156, 6179 & ERVEN 19372 & 19373, HOMEWOOD STREET & PLANTATION ROAD, HEATHERPARK, GEORGE

1. The abovementioned matter refers.
2. The following land use application was submitted for the mentioned properties to the George Municipality:
 - Cancellation of General Plan 5904/1996 in terms of Section 15(2)(k) of the George Municipality: Land Use Planning By-law (2015);
 - Consolidation of Erven 6179, 6156, 19372 & 19373 George in terms of Section 15(2)(e) of the George Municipality: Land Use Planning By-law (2015) to create one erf (± 5.6338 ha);
 - Rezoning of the consolidated erf in terms of Section 15(2)(a) of the George Municipality: Land Use Planning By-law (2015) from Agricultural Zone I (Agriculture) to Subdivisional Area.
 - Subdivision of the subdivisional area in terms of Section 15(2)(d) of the George Municipality: Land Use Planning By-law (2015) into:

Single Residential Zone II erven (Estate Housing) comprising of:

 - 77 group housing erven;
 - 1 flats erf;
 - 7 private open space erven;
 - 1 private road erf.
3. This land use application (report & annexures) is part of the environmental application process with the development principles considering SPLUMA and the MSDF remaining the same.
4. Amendments were done to the development proposal reducing the number of residential opportunities (group housing) from the original 77 erven to 70 erven. One of the erven in the development will still be used to develop 40 flats. With the changes in the layout, the number of private open spaces have been reduced to 5, but the area is basically still the same. Then internal private road has also been divided into 3 private road erven to correspond with the proposed construction phases. This is also important from the perspective of the Surveyor-General.
5. Considering the above, the land use application now read as follows with the changes in bold. Note that the planning by-law for the Municipality has been updated in 2023.
 - Cancellation of General Plan 5904/1996 in terms of Section 15(2)(k) of the George Municipality: Land Use Planning By-law (2023);

- Consolidation of Erven 6179, 6156, 19372 & 19373 George in terms of Section 15(2)(e) of the George Municipality: Land Use Planning By-law (2023) to create one erf (±5.6338ha);
- Rezoning of the consolidated erf in terms of Section 15(2)(a) of the George Municipality: Land Use Planning By-law (2023) from Agricultural Zone I (Agriculture) to Subdivisional Area.
- Subdivision of the subdivisional area in terms of Section 15(2)(d) of the George Municipality: Land Use Planning By-law (2023) into:

Single Residential Zone II erven (Estate Housing) comprising of:

- **70** group housing erven;
- 1 flats erf;
- **5** private open space erven;
- **3** private road erf.

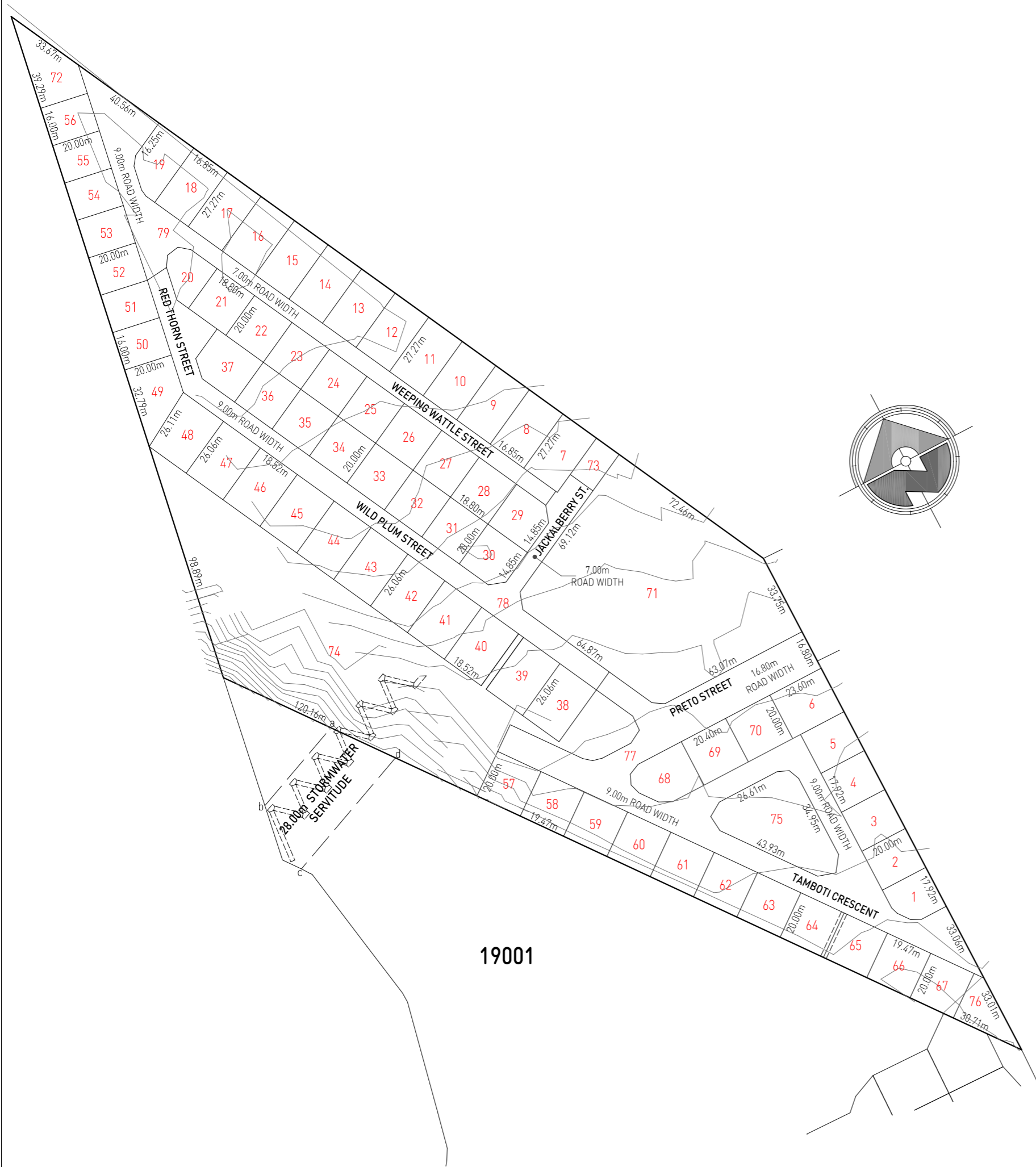
6. The subdivision plan and zoning plan have been updated and is attached hereto. For the sake of completeness, we add the consolidation plan as well.

Yours faithfully



MARLIZE DE BRUYN Pr. Pln.

E:\Mdb\Projects\2022\426_G22\update 2024.docx



19001

Erf Number:	Area (m²)	Erf Number:	Area (m²)
1	330.53	44	482.70
2	358.40	45	482.70
3	358.40	46	482.70
4	358.40	47	482.70
5	358.40	48	503.90
6	472.00	49	487.85
7	459.40	50	320.00
8	459.40	51	320.00
9	459.40	52	320.00
10	459.40	53	320.00
11	459.40	54	320.00
12	459.40	55	320.00
13	459.40	56	320.00
14	459.40	57	389.40
15	459.40	58	389.40
16	459.40	59	389.40
17	459.40	60	389.40
18	459.40	61	389.40
19	424.80	62	389.40
20	304.95	63	389.40
21	376.00	64	389.40
22	376.00	65	389.40
23	376.00	66	389.40
24	376.00	67	389.40
25	376.00	68	459.50
26	376.00	69	408.00
27	376.00	70	408.00
28	376.00	71	6,505.40
29	382.70	72	514.95
30	382.70	73	208.35
31	376.00	74	8,405.20
32	376.00	75	1,258.70
33	376.00	76	351.60
34	376.00	77	5,208.80
35	376.00	78	2,941.15
36	376.00	79	2,505.00
37	446.30		
38	476.90		
39	476.90		
40	482.70		
41	482.70		
42	482.70		
43	482.70		

PROPOSED CANCELLATION OF GENERAL PLAN,
CONSOLIDATION, REZONING & SUBDIVISION FOR
URBAN COUNTRY ESTATE PTY LTD.

ERVEN 6179 & 6156 AND ERVEN 19372 & 19373
GEORGE (UNREGISTERED PORTIONS OF
REMAINDER ERF 6182 GEORGE),
GEORGE MUNICIPALITY & DIVISION

SUBDIVISION PLAN II

Subdivision of the subdivisinal area in terms of
Section 15(2)(d) of the George Municipality: Land
Use Planning By-law (2015) into:

Single Residential Zone II erven (Estate Housing)
comprising of:
- 70 group housing erven;
- 1 flats erf;
- 5 private open space erven;
- 3 private road erf.

abcd represents a servitude for stormwater.

Drawn:

KK

Scale:

1 : 1,750

Drawing Number:

Subd6156-2024

Project Number:

426/G22

Annexure Number:

Annexure 8

Date:

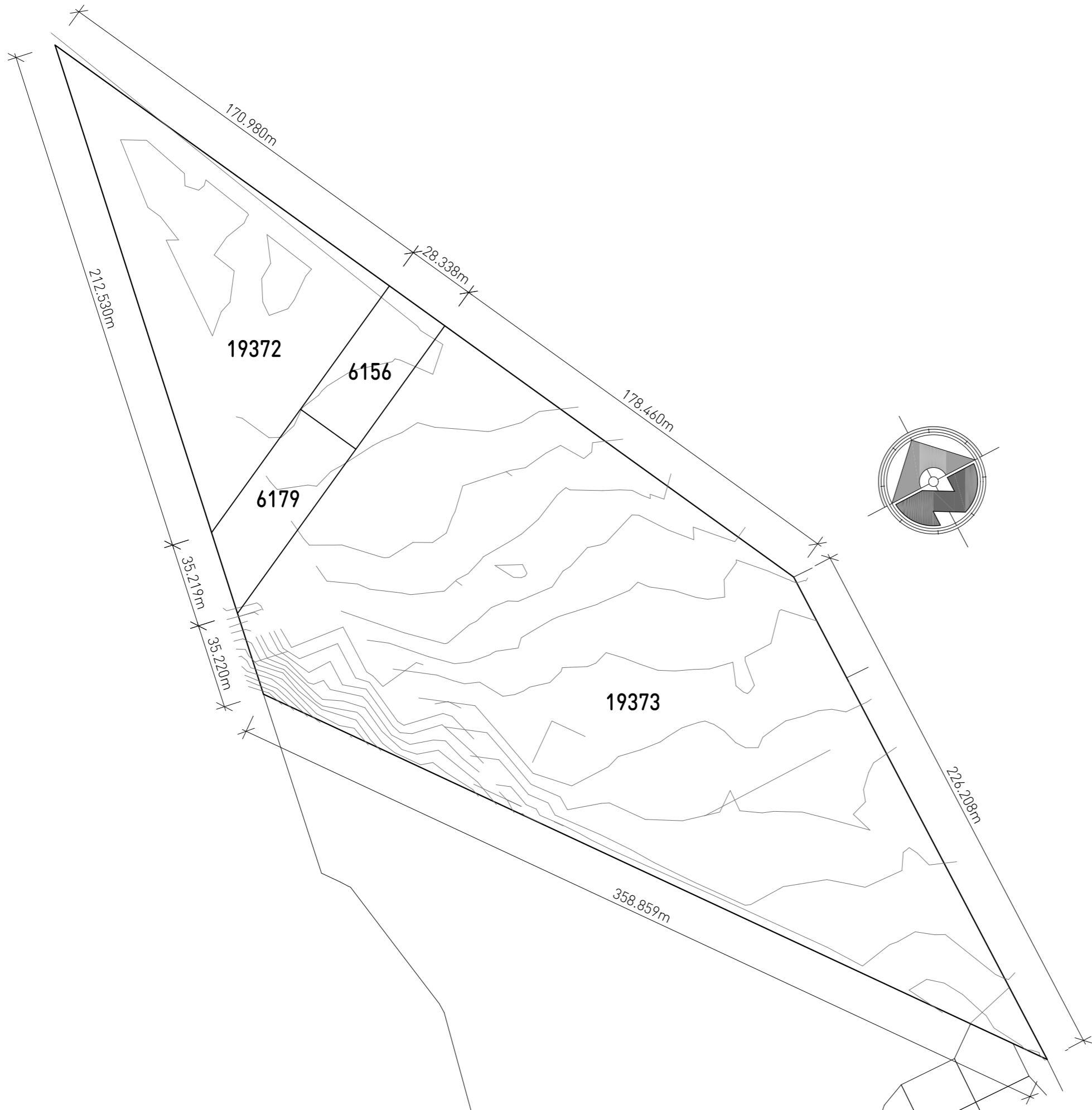
NOVEMBER 2024

Copyright ©

Marlize de Bruyn Planning
Consulting Town & Regional Planning

PO Box 2359 George 6530
PO Box 540 Mossel Bay 6500
0766 340 150
planning@mbdplanning.co.za
Professional Planner - A/1477/2011

For scale refer to figured dimensions. Measurements
always to be checked by Professional Land Surveyor.



PROPOSED CANCELLATION OF GENERAL PLAN,
CONSOLIDATION, REZONING & SUBDIVISION FOR
URBAN COUNTRY ESTATE PTY LTD.

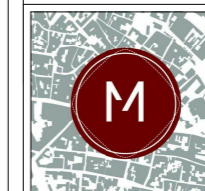
ERVEN 6179 & 6156 AND ERVEN 19372 & 19373
GEORGE (UNREGISTERED PORTIONS OF
REMAINDER ERF 6182 GEORGE),
GEORGE MUNICIPALITY & DIVISION

CONSOLIDATION PLAN

Consolidation of Erven 6179, 6156, 19372 & 19373
George in terms of Section 15(2)(e) of the George
Municipality: Land Use Planning By-Law (2015)
to create one erf (±5.6338ha).

Drawn:	KK
Scale:	1 : 1,750
Drawing Number:	Cons6156-2024
Project Number:	426/G22
Annexure Number:	Annexure 7
Date:	NOVEMBER 2024

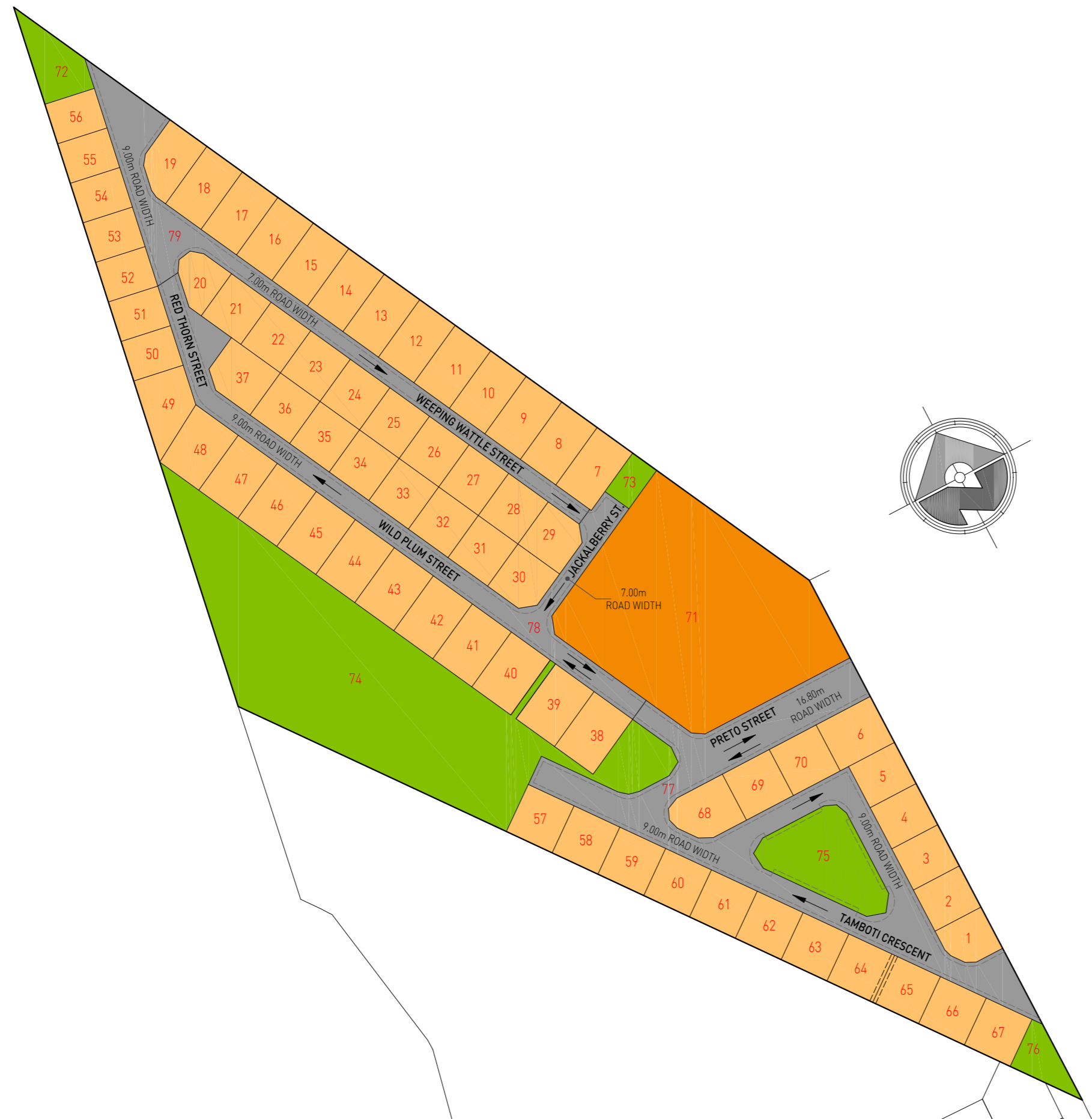
Copyright ©



Marlize de Bruyn Planning
Consulting Town & Regional Planning

PO Box 2359 George 6530
PO Box 540 Mossel Bay 6500
0766 340 150
planning@mbdplanning.co.za
Professional Planner - A/1477/2011

For scale refer to figured dimensions. Measurements
always to be checked by Professional Land Surveyor.



PROPOSED CANCELLATION OF GENERAL PLAN,
CONSOLIDATION, REZONING & SUBDIVISION FOR
URBAN COUNTRY ESTATE PTY LTD.

ERVEN 6179 & 6156 AND ERVEN 19372 & 19373
GEORGE (UNREGISTERED PORTIONS OF
REMAINDER ERF 6182 GEORGE),
GEORGE MUNICIPALITY & DIVISION

ZONING PLAN PLAN

Cancellation of General Plan 5904/1996 in terms of
Section 15(2)(k) of the George Municipality: Land
Use Planning By-law (2015);

Consolidation of Erven 6179, 6156, 19372 & 19373
George in terms of Section 15(2)(e) of the George
Municipality: Land Use Planning By-law (2015) to
create one erf (± 5.6338 ha);

- Rezoning of the consolidated erf in terms of
Section 15(2)(a) of the George Municipality:
Land Use Planning By-law (2015) from Agricul-
tural Zone I (Agriculture) to Subdivisional Area
over 4 phases.
- Subdivision of the subdivisional area in terms
of Section 15(2)(d) of the George Municipality:
Land Use Planning By-law (2015) into:

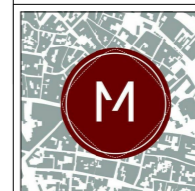
Single Residential Zone II erven (Estate Housing)
comprising of:

- 72 General Residential Zone II erven (group
housing);
- 1 General Residential Zone IV erf (flats);
- 5 Open Space Zone II) erven (private open
space);
- 3 Transport Zone III erven (private road).

Single Residential Zone II – Estate Housing		Area (ha)	%	Erf No.
Group Housing		2.8555	50.69	1 – 70
Flats		0.6505	11.55	71
Private Open Space		1.0630	18.86	72 - 76
Private Road		1.0648	18.90	77 - 79
Total		5.6338		

Drawn:	KK
Scale:	1 : 1,750
Drawing Number:	Zon6156-2024
Project Number:	426/G22
Annexure Number:	Annexure 9
Date:	NOVEMBER 2024

Copyright ©



MarliZe de Bruyn Planning
Consulting Town & Regional Planning

PO Box 2359 George 6530
PO Box 540 Mossel Bay 6500
0766 340 150
planning@mbdplanning.co.za
Professional Planner - A/1477/2011

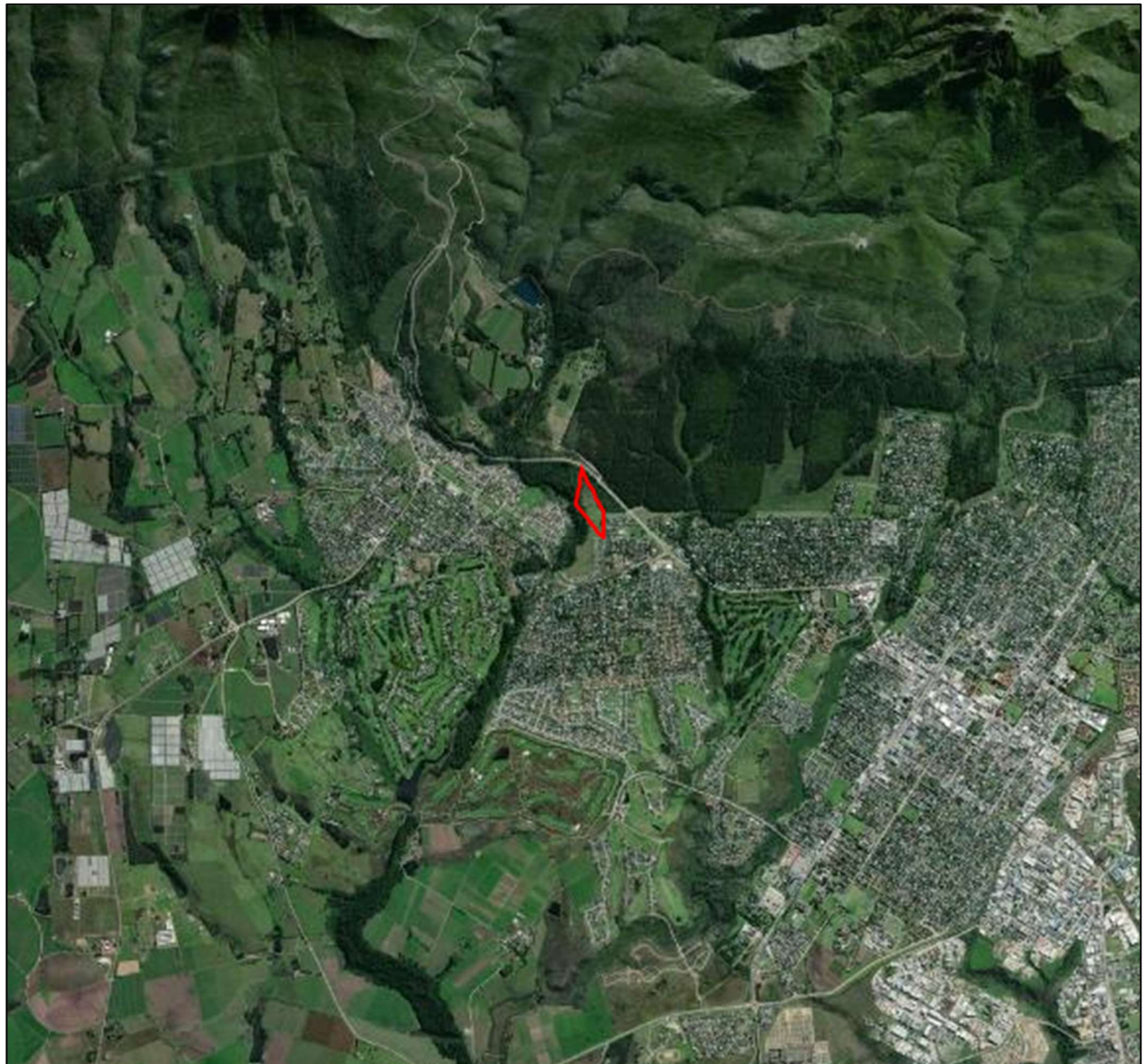
For scale refer to figured dimensions. Measurements
always to be checked by Professional Land Surveyor.



MARLIZE DE BRUYN **P**LANNING
Consulting Town & Regional Planning

marlize@mdbplanning.co.za | +27 766 340 150 | www.mdbplanning.co.za | PO Box 2359, George, 6530
PO Box 540, Mossel Bay 6500

**PROPOSED CANCELLATION OF GENERAL PLAN, CONSOLIDATION,
REZONING & SUBDIVISION FOR *URBAN COUNTRY ESTATE PTY LTD*
ERVEN 6179 & 6156 AND ERVEN 19372 & 19373 GEORGE
(UNREGISTERED PORTIONS OF REMAINDER ERF 6182 GEORGE),
HOMEWOOD STREET & PLANTATION ROAD, HEATHERPARK
GEORGE MUNICIPALITY & DIVISION**



CONTENTS

1. BACKGROUND INFORMATION	2
1.1 APPLICATION	3
1.2 PROPERTY DETAILS	4
2. CONTEXTUAL INFORMANTS	4
2.1 LOCALITY	4
2.2 ZONING & LAND USE	4
2.3 CHARACTER OF <i>THE PROPERTY</i> & AREA.....	5
3. DEVELOPMENT PROPOSAL	6
4. CONSIDERATION OF THE APPLICATION	7
4.1. STATUTORY INFORMANTS.....	8
4.1.1. SPATIAL PLANNING & LAND USE MANAGEMENT ACT, 2013 (SPLUMA)	8
4.1.2. WESTERN CAPE LAND USE PLANNING ACT, 2014 (LUPA)	10
4.1.3. GEORGE MUNICIPALITY: LAND USE PLANNING BY-LAW, 2015	10
4.1.4. GEORGE INTEGRATED ZONING SCHEME BY-LAW, 2017 (GIZS)	11
4.2. SPATIAL PLANNING INFORMANTS	11
4.2.1. WESTERN CAPE PROVINCIAL SPATIAL DEVELOPMENT FRAMEWORK (PSDF) (2014) ..	11
4.2.2. GEORGE MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK (GMSDF) (2019).....	11
4.3. NEED & DESIRABILITY	13
5. PRE-APPLICATION CONSULTATION	14
6. CONCLUDING	15

ANNEXURES

1. SG diagrams, General Plans and land use approval dated 30 July 2004
2. Power of Attorney
3. Copy of Title Deed
4. Conveyancers certificate
5. Locality plan
6. Draft Site development plan
7. Consolidation plan
8. Subdivision plan
9. Zoning plan
10. Environmental: Freshwater Assessment
11. Environmental: Botanic Assessment
12. Archaeological Impact Assessment
13. Heritage Impact Assessment
14. Traffic Impact Assessment
15. Electrical Services Report
16. Engineering Bulk Services Report
17. Pre-application consultation

Aerial images:

<https://gis.elsenburg.com/apps/cfm/#>

<https://gis.george.gov.za/portal/apps/webappviewer/index.html?id=0283eccf869641e0a4362cb099290fca>

<https://www.google.com/earth/>

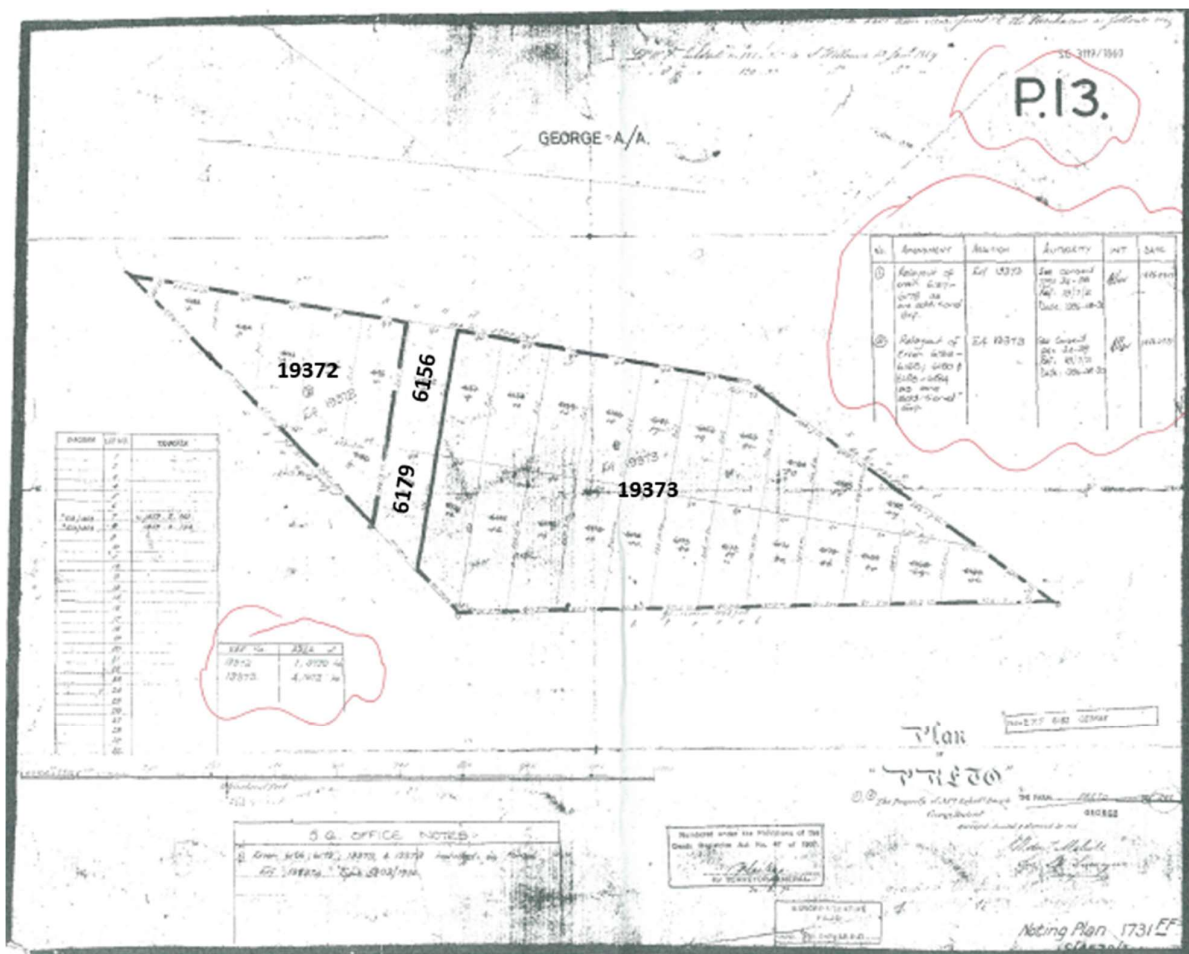
Copyright

Copyright © 2023 by Marlize de Bruyn Planning except where expressly transferred by written agreement to the Client and the Municipality. Any unauthorised reproduction, adaptation, alteration, translation, publication, distribution or dissemination (including, but not limited to, performances in public, broadcasting and causing the work to be transmitted in a diffusion service) of the whole or any part of this Document in any manner, form or medium (including, but not limited to, electronic, oral, aural, visual and tactile media) whatsoever will constitute an act of copyright infringement in terms of the Copyright Act 98 of 1978 and will make the Doer/Transgressor liable to civil action and may in certain circumstances make the Doer/Transgressor liable to criminal prosecution. All trademarks and registered trademarks mentioned in this document are *The Property* of their respective owners. Nothing contained in this document should be construed as granting any license or right to use any trademarks without the prior written permission of Marlize de Bruyn Planning.

**PROPOSED CANCELLATION OF GENERAL PLAN, CONSOLIDATION,
REZONING & SUBDIVISION:
ERVEN 6179, 6156 AND ERVEN 19372 & 19373 GEORGE
(UNREGISTERED PORTIONS OF REMAINDER ERF 6182 GEORGE),
HOMEWOOD STREET & PLANTATION STREET, HEATHERPARK
GEORGE MUNICIPALITY & DIVISION**

1. BACKGROUND INFORMATION

The history of the subject properties was investigated by the professional land surveyor, Mr. Kobus Conradie. Erf 6182 George was subdivided into a number of erven as depicted on the General Plan below dating back to the 1800's. Six erven were consolidated in the northern triangle to form Erf 19372 George and in the southern section 22 erven were consolidated to form Erf 19373 George. This left Erven 6179 & 6156 George between Erven 19372 & 19373 George. Erven 19372 & 19373 George was never registered in the Deeds Office. Note that consolidations at that point in time did not require municipal approval. All relevant diagrams from the Surveyor-General are attached hereto as **Annexure 1**.



Then in the 1990's Erven 19372 & 19373 George were consolidated with Erven 6156 & 6179 George to create *Erf 19374 George*. The latter was also not registered in the Deeds Office.

The 1996-municipal approval (Ref. 18/7/2 dated 03/07/96) to create *Erf 19374 George* cannot be located. This approval has since lapsed, and a new land use approval was granted for Erf 6182 George on 30 July 2004 a copy of which is included with **Annexure 1**. This municipal approval with the goal to create 43 single residential erven, has also lapsed. Therefore, General Plan 5904/1996 must be cancelled.

Following the detailed investigation by Mr. Kobus Conradie, it was concluded that Erven 6156, 6179, 19372 & 19373 George are the components of the proposed consolidation now. Erven 19372 & 19373 George are the unregistered consolidated portions of Remainder Erf 6182 George.

Erven 6156, 6179, 19372 & 19373 George are vacant erven located between Heatherlands and Blanco in the most northern corner of Heather Park. These erven are zoned Agricultural Zone I (Agriculture). The owner of '*The Property*' wishes to rezone the consolidation of Erven 6156, 6179, 19372 & 19373 George to Subdivisional Area, with the subsequent subdivision into Single Residential Zone II-erven (estate housing), comprising of 77 group housing erven and 1 flats erf.

Marlize de Bruyn Planning was appointed to address the land use requirements for this land use application. The power of attorney attached as **Annexure 2** to this report.

1.1 APPLICATION

The land use application for Erven 6156, 6179 and Erven 19372 & 19373 George (unregistered portions of Remainder Erf 6182 George) entails the following:

- Cancellation of General Plan 5904/1996 in terms of Section 15(2)(k) of the George Municipality: Land Use Planning By-law (2015);
- Consolidation of Erven 6179, 6156, 19372 & 19373 George in terms of Section 15(2)(e) of the George Municipality: Land Use Planning By-law (2015) to create one erf (± 5.6338 ha);
- Rezoning of the consolidated erf in terms of Section 15(2)(a) of the George Municipality: Land Use Planning By-law (2015) from Agricultural Zone I (Agriculture) to Subdivisional Area over 4 phases.
- Subdivision of the subdivisional area in terms of Section 15(2)(d) of the George Municipality: Land Use Planning By-law (2015) into:

Single Residential Zone II erven (Estate Housing) comprising of:

- 77 group housing erven;
- 1 flats erf;
- 7 private open space erven;
- 1 private road erf.

1.2 PROPERTY DETAILS

The table below includes relevant information regarding Erven 6179, 6156 and Erven 19372 & 19373 George (unregistered portions of Remainder Erf 6182 George).

Property Description:	Erven 6179 & 6156 and Erven 19372 & 19373 George
Physical Address:	21 Heather Road, Heather Park
Owners:	Urban Country Estate Proprietary Limited
Title Deed No:	T20390/2022 (Annexure 3)
Bond Holder:	None
Extent of The Property:	5.6388ha
Zoning of The Property	Agricultural Zone I
SG Diagram	Annexure 1

The attached conveyancer's certificate (**Annexure 4**) confirms that the title deed includes no restrictions regarding the land use application proposed for the subject properties. The history of the properties from the perspective of the Surveyor-General is discussed in Paragraph 1 of this motivation report.

2. CONTEXTUAL INFORMANTS

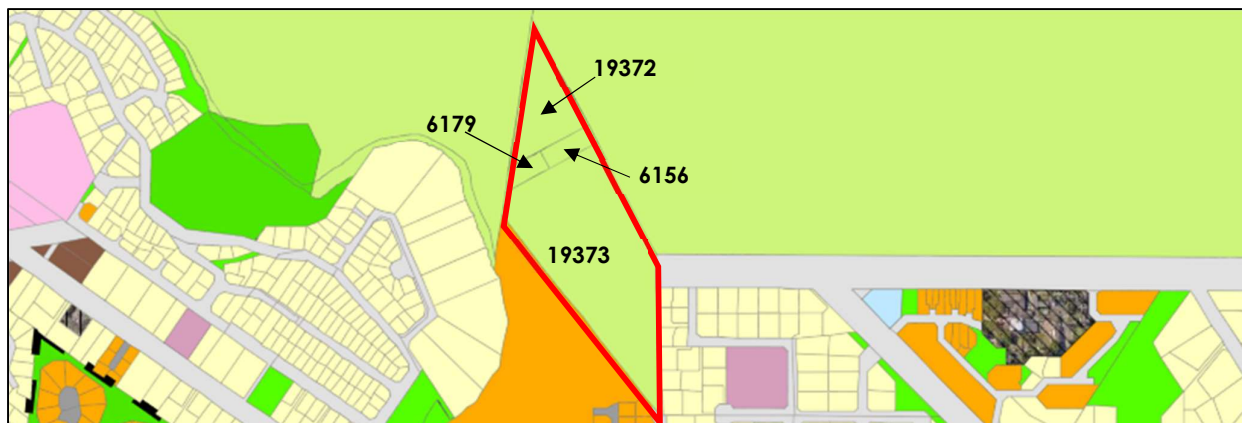
2.1 LOCALITY

Erven 6179, 6156 and Erven 19372 & 19373 George (further referred to as '*The Property*') are a deforested area in the most northern corner of Heather Park between Blanco and Heatherlands. *The Property* is relatively level and located within the urban edge. A large undeveloped General Residential Zone II property is located to its southwest, due to be developed. On its southeastern boundary *The Property* is bounded by a road reserve (Plantation Road) and 7 developed Single Residential Zone I erven. The most southern corner of *The Property* is bounded by Homewood Street.

A locality plan is attached hereto as **Annexure 5**.

2.2 ZONING & LAND USE

The Property is zoned Agricultural Zone I (Agriculture) in terms of the George Integrated Zoning Scheme By-law (GIZS) following a zoning rectification in 2022. *The Property* is vacant and has not been used for agricultural purposes for many decades. The zoning and land use is proposed to change following this land use application.



2.3 CHARACTER OF THE PROPERTY & AREA

The Property is 5.6388ha in extent that has been mostly deforested by wood suppliers in the past. The Property lies about 40m east of the Malgasriver and about 20m south of the N12. The CBA area that overlaps The Property in its southwestern corner will not be affected by the proposed land development as it will remain undeveloped (see paragraph 4.1.1.4). The Property is relatively level all over with a slight downward slope on its western boundary.

The following image shows the character of The Property as seen from recent aerial imagery and street views.





3. DEVELOPMENT PROPOSAL

The *Property* is ideally located within the urban edge and is an infill development opportunity. Development here protects the urban edge and therefore prevents urban sprawl.

Previous land development approvals of *The Property* (Rem Erf 6182, Erven 6179 & 6156 George) have lapsed. *The Property* therefore has a registered General Plan (5904/1996) with laid out erven that were never registered in the Deeds Office (see **Annexure 1**). To commence with the proposed land development, the General Plan (5904/1996) is to be cancelled and a new General Plan is to be registered following this application for the development on *The Property*. The 43 single residential erven proposed and approved in the 1990's reflect development standards and principles of that point in time. Today densification is an important planning principle.

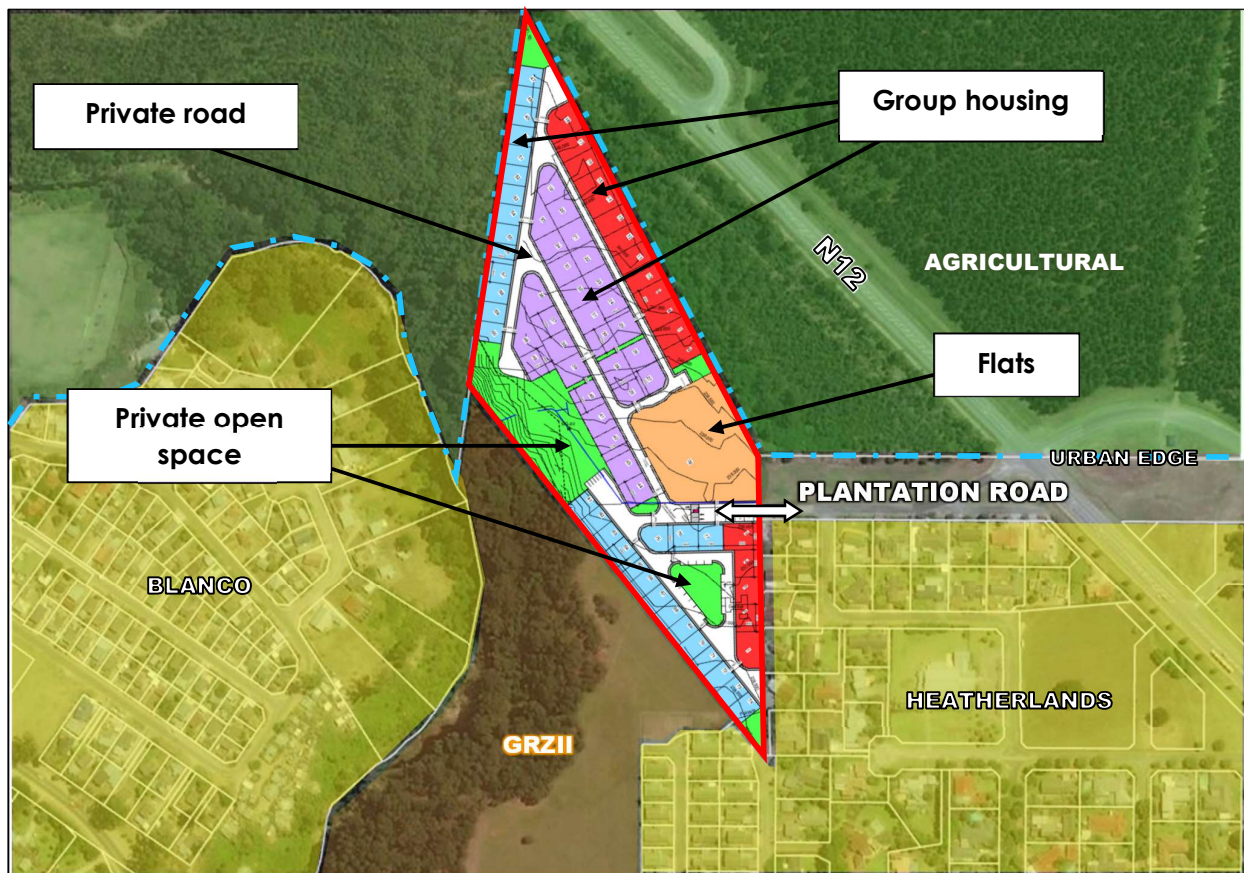
As indicated in Paragraph 1.1 of this motivation report, the consolidated property will be rezoned and subdivided to create 77 group housing erven, 1 erf for flats, 7 private open spaces, and 1 private road. The proposed land development will provide a total of 119 residential opportunities (77 group housing erven and 40 apartments) as shown on the draft site development plan attached hereto as **Annexure 6**.

Annexure 7 is the proposed consolidation plan and **Annexure 8** the proposed subdivision plan. The zoning plan is attached as **Annexure 9** which includes also the 4 phases of the development.

The proposed land development will provide a combination of medium and high-density residential opportunities and could be seen as a transition area in this urban area. The positioning of the private open spaces within the development were firmly guided by the environmental assessment on/around *The Property*. The proposed layout provides 8500m² of open space (15.1%). See the environmental reports (freshwater and botanical) **Annexures 10 & 11**.

According to the Traffic Impact Assessment (dated November 2022), Homewood Street (south of *The Property*) does not have the capacity to handle the traffic anticipated from an estate housing development as proposed. It is therefore proposed that access to *The Property* be from Plantation Road as recommended in the TIA (**Annexure 14**). A security gate will be implemented for access control at the Plantation Road access of the development. No capacity improvements are needed for the access as proposed. It is concluded in the TIA that the intersection of Plantation Road and the N12 are capable of accommodating the new development.

The reserve of Plantation Road that borders *The Property* on its eastern boundary currently sustains ±20 erven. Plantation Road currently experiences low traffic flows during peak hours.



The proposed land development will be in character with the surrounding area and will provide additional residential opportunities in a popular neighbourhood. Architectural Guidelines for the development proposal is not yet available.

The 77 group housing erven vary in size from $\pm 577\text{m}^2$ to 300m^2 with an average size of $\pm 381\text{m}^2$. Some will be single storey and some double storey. This will assist in preventing a monotonous development.

The proposed 40 flats are proposed abutting the entrance to this estate. It provides ample parking and outdoor living space as seen on the draft site development plan attached hereto as **Annexure 6**. It will be double storey and provide 2 bedrooms each.

Sufficient parking is to be provided as stipulated in the zoning scheme. Each group housing erf will have its own on-site parking and the flats will have 86 parking bays of which 5 will be disabled parking bays.

4. CONSIDERATION OF THE APPLICATION

The criteria for the consideration of land use applications as per the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (SLPUMA), the Western Cape Land Use Planning Act, (Act 3 of 2014) (LUPA) and the George Municipality: By-law on Municipal Land Use Planning (2015) builds on each other. SLPUMA introduced legislative and procedural changes to the management of land use planning in South Africa. The Western Cape Province followed with LUPA, George Municipality with the Municipal Land Use Planning By-law (2015). What is relevant to this land use application is discussed in the paragraphs to follow.

4.1. STATUTORY INFORMANTS

4.1.1. SPATIAL PLANNING & LAND USE MANAGEMENT ACT, 2013 (SPLUMA)

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

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

Relevant aspects not addressed earlier in this motivation report, are addressed below:

4.1.1.1. Five development principles

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

Spatial justice as described in Section 7(a) of SPLUMA is not relevant to this land use application.

Spatial sustainability as described in Section 7(b) of SPLUMA is relevant to this land use application:

- The proposed subdivision layout upholds consistency of land use matters in accordance with the environmental management instruments found on *The Property* including the watercourse buffer and the Critical Biodiversity Areas.
- The proposed rezoning and subdivision will provide additional residential opportunities (densification) within the urban edge that will prevent urban sprawl.
- As *The Property* is already disturbed by previous activities, no negative environmental impacts are expected.
- The effective and equitable functioning of land markets is promoted by this land use application.

Efficiency as described in Section 7(c) of SPLUMA is supported – densification within the urban edge.

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

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

The paragraphs above show that the land use application for *The Property* supports the relevant development principles of SPLUMA.

4.1.1.2. Public Interest

The Property borders an undeveloped agricultural property (RE/142) on its north-western and north-eastern boundaries and also north of the N12-route. A large undeveloped General Residential Zone II property is located on its southwestern boundary. To its east it borders Plantation Road and a few Single Residential Zone I properties with a section of Homewood Village, a group housing development, to the south.

The proposed rezoning and subdivision of *The Property* will not take away from any neighbour's views as *The Property* is level.

4.1.1.3. Municipal Engineering Services & Access

Municipal engineering services will be provided and expanded as necessary for the development of *The Property* as proposed. See electrical and engineering services reports attached as **Annexures 15 & 16**.

The Property is proposed to be served by a single access on Plantation Road as per the Traffic Impact Assessment (TIA) recommendations (**Annexure 14**).

It is important to note that a 450mm diameter water pipeline runs through *The Property*. It was installed in accordance with the proposed subdivision of Erf 19374 George (lapsed approval – general plan to be cancelled). The development proposal for *The Property* under consideration, considers this water pipeline in the layout – see the draft site development plan (**Annexure 6**).

4.1.1.4. Environmental & Heritage Considerations

A freshwater assessment was done for *The Property* by FEN Consulting. No watercourses were identified within the boundaries of the property. A low risk is expected to the integrity of the Malgas River which is located outside the boundaries of *The Property* and significantly lower. This is discussed in great detail in this assessment attached hereto as **Annexure 10**.

The Property has very little vegetation of importance left with no Garden Route Shale Fynbos. Dr. David MacDonald found a transformed site with weeds and exotic invasive plant species. It is stated in the botanical assessment attached hereto as **Annexure 11** that the site has no value in terms of ecosystem connectivity apart from being close to the Malgas River. The riparian is also highly disturbed.

The freshwater assessment and the botanical assessment feed into the environmental authorisation process being followed by Sharples Environmental Services in terms of the relevant requirements of the National Environmental Management Act, 1998 (NEMA).

This development proposal under consideration, also requires input in terms of the National Heritage Resources Act, 1999. Attached to this motivation report is the Archaeological Impact Assessment (AIA) (**Annexure 12**) and the Heritage Impact Assessment (HIA) (**Annexure 13**). The development proposal for *The Property* is unlikely to impact on any archaeological heritage resources. The HIA discusses the history of the property and shows that the subject property was known as the Village of Preto. For these reasons the main entrance street into the proposed development, is named Preto Street – see the subdivision plan **Annexure 8**.

It is also important to note that the HIA confirms that a restitution claim was lodged against *The Property* in 1995. In 2007 and 2013 the Regional Land Claims Commissioner published a notice of the withdrawal of the claim with the final withdrawal gazetted in 2014.

4.1.2. WESTERN CAPE LAND USE PLANNING ACT, 2014 (LUPA)

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

- Applicable spatial development frameworks;
- Applicable structure plans;
- Land use planning principles referred to in Chapter VI (Section 59) which is an expansion of the five development principles of SPLUMA;
- Desirability of the proposed land use; and
- Guidelines that may be issued by the Provincial Minister regarding the desirability of proposed land use.

The land use planning principles expands on the five development principles of SPLUMA which is discussed in foregoing paragraphs and desirability of the proposed land use is addressed in Paragraph 9. Section 19(1) and (2) of LUPA refers to **consistency** and **compliance** of a land use proposal regarding spatial development frameworks or structure plans.

19. (1) If a spatial development framework or structure plan specifically provides for the utilisation or development of land as proposed in a land use application or land development application, the proposed utilisation 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 utilisation or development of land as proposed in a land use application or a land development application, but the proposed utilisation or development is not in conflict with the purpose of the relevant designation in the spatial development framework or structure plan, the utilisation or development is regarded as being consistent with that spatial development framework or structure plan.

19. (3) If the proposed utilisation or development of land in a land use application or a land development application does not comply with and is not consistent with the relevant designation for the utilisation of land in an applicable spatial development framework or structure plan, the proposed utilisation or development deviates from that spatial development framework or structure plan.

Considering the aim of this land use application for *The Property*, the proposal complies with the relevant spatial development framework.

4.1.3. GEORGE MUNICIPALITY: LAND USE PLANNING BY-LAW, 2015

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

- Desirability of the proposed utilisation of land;
- Impact of the proposed development on municipal engineering services;
- Integrated development plan, including the municipal spatial development framework, the applicable local spatial development framework and/or local structure plans;
- Relevant municipal policies;
- Western Cape Provincial Spatial Development Framework;
- Section 42 of SPLUMA (public interest, constitutionality);
- Land use planning principles transposed from LUPA; and
- Provisions of the applicable zoning scheme.

The above is addressed elsewhere in this motivation report as relevant.

4.1.4. GEORGE INTEGRATED ZONING SCHEME BY-LAW, 2017 (GIZS)

The Property is zoned Agricultural Zone I in terms of the George Integrated Zoning Scheme By-law (GIZS) (2017). The zoning and land use of *The Property* is proposed to change following the approval of this land use application.

It is proposed to rezone *The Property* to Subdivisional Area to allow the owner to subdivide *The Property* to create Single Residential Zone II erven (Estate Housing) which will consist of 77 group housing erven, one erf for the development of flats, 7 private open spaces and 1 private road.

The proposed gross density on the development for the 77 group housing units and 40 flats will be ± 20.7 dwelling units per hectare, which is below the maximum density allowed in the zoning scheme. The design and detail of the proposal however considers the odd shape of the property, topography and the water pipe running through it.

The group housing site will provide at least 190m² per dwelling unit outdoor space excluding the internal roads and private outdoor spaces.

Flats refuse area, every house own – and then taken to entrance gate of the days the Municipality- or lorries drive through

The group housing site will have 3m building lines on all boundaries. the building lines within the group housing site will be 0m from internal roads, and 0m on side and rear boundaries.

4.2. SPATIAL PLANNING INFORMANTS

4.2.1. WESTERN CAPE PROVINCIAL SPATIAL DEVELOPMENT FRAMEWORK (PSDF) (2014)

The PSDF aims to restructure the urban and rural landscape of the Western Cape to offer socio-economic opportunities for all. The proposed rezoning and subdivision of *The Property* can be seen as an opportunity to create additional residential opportunities within the urban edge of George and to limit sprawl into the rural areas surrounding the city.

Due to previous deforestation activities, most vegetation and trees on *The Property* has already been cleared. The proposed rezoning and subdivision cannot negatively affect any coastal landscapes as it is located on the northern boundary of the George urban edge, far away from the coast.

Thus, this application is found not to be in conflict with the PSDF.

4.2.2. GEORGE MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK (GMSDF) (2019)

The Property is not addressed specifically in the GMSDF. *The Property* borders two established residential neighbourhoods. Currently *The Property* is vacant and therefore underutilised considering its location within the urban edge. Rezoning and subdividing *The Property* to develop 77 group housing erven adheres to the following policies in the MSDF:

Policy C:
Maintain a compact settlement form to achieve better efficiency in service delivery and resource use, and to facilitate inclusion and integration.

Policy C2: Restructure settlement patterns through infill development of vacant and underutilised land in the settlements in the George Municipal Area.

- The proposed rezoning & subdivision will promote densification and targets strategically located vacant land for infill urban development.
- *The Property* is located right between two residential neighbourhoods, Blanco and Heatherlands and is part of Heather Park. Blanco is characterised by smaller erven (mostly ranging between 300m² and 600m²) and Heatherlands is characterised by larger properties (around 1000m²). The average property size in Heather Park is 800m² with the proposed subdivision to provide residential properties between 400m² and 600m².

Policy D

Manage the use of land in the Municipal area in a manner which protects natural ecosystem functioning and values ecosystem services, respecting that these are assets that underpin the economy and settlement and their resilience.

Policy D1: Support and maintain the functionality of biodiversity areas.

- The watercourse buffer and CBAs on the western section of *The Property* are all taken into consideration and will remain intact to ensure that the natural corridor remains continuous by designating the section as an open space within the development.

Policy D2: Manage development along the coastline and wetlands in a sustainable and precautionary manner, no further development should take place seaward of the Coastal Management Line (setback line) as demarcated in this MSDF and delineated by the Protected Areas, sensitive biodiversity in terms of the Western Cape Biodiversity Spatial Plan, 2017).

New land use developments will be subject to ecological setbacks along the coast and around freshwater systems to maintain the economic and ecological functioning of marine and other aquatic ecosystems

- Ecological setbacks (environmental barriers) for *The Property* are demarcated CBAs and a 32m buffer from the Malgas River.
- The proposed subdivision plan compensates for both ecological setbacks by designating a large open space in the western section of *The Property*.
- Instead of 32m, the open space section will ensure that the nearest development to the watercourse will be ±85m away.

Policy E

Safeguard the municipality's farming and forestry areas as productive landscapes, equal in value to urban land.

- It is believed that *The Property* was used for log and wood harvesting. Under this assumption, it is seen that *The Property* is currently vacant with mostly grassed vegetation.
- *The Property* is inside the urban edge and is therefore also seen as a promising opportunity to limit urban sprawl through infill development.

This land use application and the nature thereof is found to be consistent with the GM SDF as required in terms of Section 19 of the Land Use Planning Act, 2014 (LUPA).

4.3. NEED & DESIRABILITY

Need and desirability is the balancing of various factors.

Need depends on the nature of a development proposal and is based on the principle of sustainability. This motivation report has shown that the rezoning and subdivision for *The Property* does not impact negatively on the character of *The Property*, the environment, surrounding properties or visual impacts. The proposition will fulfil the need to provide additional residential opportunities within the George urban edge and will be in accordance with the medium density character of the area.

Desirability, from a planning perspective, is defined as the degree of acceptability of a proposed development on a property. The relevant factors include the physical characteristics of *The Property*, existing planning in the area, character of the area, the locality and accessibility of *The Property* as well as the provision of services.

Physical characteristics of The Property

The physical characteristics of *The Property* is considered in the proposed layout. What is developable with a suitable topography is reflected in the proposed layout.

Existing planning in the area

This land use application is not in conflict with the George Municipal Spatial Development Framework (GMSDF). Residential densification and infill development are supported through this land use application.

Character of the area

As discussed, and shown earlier in this motivation report, the proposed rezoning and subdivision will have no negative effect on the character of the area. It is likely to contribute to the residential character of the surrounding neighbourhoods.

Provision of services

Municipal engineering services will be installed as necessary, and costs will be carried by *The Property* owners. See services reports attached hereto as **Annexures 15 & 16**.

Economic impact

The proposed rezoning and subdivision will have no negative economic impact. It will bring additional ratepayers to the George Municipality and strengthen the secondary sector of the local economy.

Direct impact on surrounding properties

No neighbour will be overshadowed or overlooked by the proposed development as described earlier, mainly due to the topography and nature of the future development.

It is our view that the need and desirability of the rezoning and subdivision for *The Property*, showed no negative impacts.

5. PRE-APPLICATION CONSULTATION

The pre-application consultation of 4 April 2022 is attached hereto as **Annexure 17** and was addressed as follows:

Town Planning

- The approved general plan was registered in 1996 after Erven 6179, 6156, 19377 and 19373 were consolidated to form Erf 19374, George.

Noted and see discussion in Paragraph 1 of this motivation report.

- One can assume based on the SG diagram of Erf 6182, George that *The Property* was utilised for agricultural purposes as the land is referred to as Common arable land.

Noted.

- In 2004, the Municipality approved the Rezoning and Subdivision of Erf 19374, George to Subdivisional Area.

Noted and see discussion in Paragraph 1 of this motivation report.

- The above-mentioned rights have lapsed. A zoning rectification process is now applicable (the site should be zoned Agricultural Zone I).

Noted and done accordingly.

- To accommodate the proposed development, it is recommended to rezone the development site to General Residential Zone II (GRII) for Group Housing purposes. A Single Residential Zone II (SRII) for Estate Housing would have been preferred should various housing typologies be proposed.

Noted and addressed accordingly. *The Property* will accommodate group housing erven as well as an erf for flats. It will therefore provide for two housing typologies. The proposal therefore provides for Single Residential Zone II (Estate Housing).

- The earmarked property is located next to proclaimed heritage resources being R/E, Portion 3 and 4 of the farm Malgaskraal No. 142. A heritage study may be required.

Noted. The required process in terms of the National Heritage Resources Act, 1999 is being followed. See **Annexure 12 & 13**.

- There is a water stream running at the western part of *The Property*, environmental studies may be required.

Noted. The required process in terms of the National Environmental Resources Act, 1998 (NEMA) is being followed. See **Annexure 10 & 11**.

- The properties are located within the intensification area and as such the application may be considered.

Noted and motivated accordingly.

Civil Engineering Services

- Access to *The Property* may be restricted to Homewood Street.

See motivation and TIA for access proposal. Access from Homewood Street is not possible.

- A Traffic Impact Assessment will be required.

Noted and done accordingly. See **Annexure 14**.

- Comments from the District Road Engineer/Province may be required should the developer wish to gain access off Plantation Street.

Noted to be addressed during the Public Participation Process.

Electro Technical Services

- An engineering Services report will be required.

Noted. See **Annexure 15**.

- There are limited services available - may need to cross the N12.

Noted. See **Annexures 15**.

6. CONCLUDING

Erven 6156, 6179 and Erven 19372 & 19373 George (unregistered portions of Remainder Erf 6182 George) are located within the urban edge as well as an intensification area as shown in the George Municipal Spatial Development Framework (2019).

Therefore, this proposed land use application for the subject erven is consistent with all relevant considerations as prescribed by the planning legislation. It does not create conflict with the overall spatial objectives for the area. It also considers the neighbouring properties and is expected to enhance the character of the area.



MARLIZE DE BRUYN Pr. Pln