

MOTIVATION REPORT

REMOVAL, SUSPENSION OR AMENDMENT OF RESTRICTIVE
CONDITIONS IN RESPECT OF A LAND UNIT

A PERMANENT DEPARTURE FROM THE DEVELOPMENT
PARAMETERS OF THE ZONING SCHEME

IN TERMS OF THE GEORGE MUNICIPALITY LAND USE
PLANNING BY LAW 2023

REMAINDER OF PORTION 25 (A PORTION OF PORTION 17) OF
THE FARM KLEIN KRANTZ NO 192



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SECTION A :**BACKGROUND****1. INTRODUCTION**

Urban Arrow has been appointed for the compilation and submission for a Land Use Application on the Remainder of Portion 25 (A Portion of Portion 17) of The Farm Klein Krantz No 192.

It is the intention of the property owner to apply to George Local Municipality to legally construct a second dwelling house on the property. In terms of our understanding and historical information the second dwelling was erected over between 1974 and 2010.

In terms of the Development Controls as per the George Integrated Zoning Scheme By-Law 2023 a second dwelling unit/Agricultural worker accommodation is permitted up to a maximum of 175 m² in total. Consent is therefore not required for the second dwelling house. However the second dwelling house exceeds the maximum size of 175m² including all outbuildings and structures associated to the second dwelling unit.

The proposed second dwelling house and location thereof, is in conflict with the existing Title Deed Conditions and Development Controls as per the George Integrated Zoning Scheme By-Law 2023. It is also the intention of the application to apply for a permanent departure for the relaxation of a building line as well as a Removal of Restrictive Conditions within the Deed of Transfer to allow the legal erection of the existing dwelling unit.

This memorandum sets out the property details, which are relevant to the proposed development. It also elaborates on the nature of the proposed development, basic information /contextual informants, development controls, need and desirability as well as the legal and policy requirements stipulated from a National to Municipal level.

The proposed motivation and content within this application represents the views and interpretation of Urban Arrow Town Planning and Development Consulting (Pty) Ltd.

2. APPLICATION

The Land Use Application proposal consist of the following requests:

- i. **Permanent Departure** in terms of Section 15(2)(b) of the George Municipality Land Use Planning By Law 2023 for street building line relaxation to allow the **Second Dwelling House** and eastern boundary to allow the main dwelling house:
 - Street: 7.5 Meters (along the N2)
 - Eastern Boundary: 29 meters
- i. **Permanent Departure** in terms of Section 15(2)(b) of the George Municipality Land Use Planning By Law 2023 to permit the second dwelling unit with a size 252.13 m² that includes all outbuildings and structures.
- ii. **Removal of a Restrictive Condition** in terms of Section 15(2)(f) of the George Municipality Land Use Planning By Law 2023 to remove the restrictive conditions B(2), B(3) and B(4) of Deed of Transfer T50515/2018.

The land use application is further elaborated on and clarified in Section B.

3. PROPERTY DETAILS

The property information is outlined as follows:

Title Deed Description:	Remainder of Portion 25 (A Portion of Portion 17) of The Farm Klein Krantz No 192
Title Deed Number:	T50515/2018
Title Deed Restrictions	<p>Conditions B(2) and B(4) of Deed of Transfer T50515/2018 are restrictive towards the proposed land use.</p> <p>Request is made in terms of Section 15(2)(f) of the George Municipality Land Use Planning By Law 2023 to remove these conditions B(2), B(3) and B(4).</p>
Bonds:	<p>There are no Mortgage Bonds registered against the property.</p> <p>Consent of the Bond Holder is therefore not required.</p>
Property Size:	9.3137 Hectares /93 137m ²
Property Owners:	<p>Mark Allnutt James ID number: 850919 5085 081</p> <p>Lyndall Elizabeth Marwick ID number: 851228 0202 082</p>
Zoning	Agricultural Zone 1
Conveyancing Certificate:	A Conveyancing Certificate has been complied by Van Rensburg Attorneys and is attached to this application.

SECTION B :	DEVELOPMENT PROPOSAL
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4. DEVELOPMENT SPECIFICATIONS**4.1. DEPARTURE FOR BUILDING LINES**

Application is made in terms of Section 15(2)(b) of the George Municipality Land Use Planning By Law 2023 read with George Integrated Zoning Scheme By-Law (2023), for Permanent Departure to allow a building line relaxation for the following Building Lines:

- N2: 7.5 m Streets- to permit the second dwelling house.
- Eastern Boundary: 29 m- to permit the main dwelling house.

All other Boundaries will be subject to a 30 m Building Line.

4.2. DEPARTURE FOR SIZE FOR SIZE OF SECOND DWELLING

Application is made in terms of Section 15(2)(b) of the George Municipality Land Use Planning By Law 2023 read with George Integrated Zoning Scheme By-Law (2023), for a Permanent Departure to permit the second dwelling unit with a size 252.13 m² that includes all outbuildings and structures.

4.3. REMOVAL OF A RESTRICTIVE CONDITION

Removal of a Restrictive Condition in terms of Section 15(2)(f) of the George Municipality Land Use Planning By Law 2023 to remove the restrictive conditions B(2) and B(4) of Deed of Transfer T50515/2018.

The following conditions are deemed to be restrictive towards the proposed application:

Condition B(2)

“Not much more than one dwelling house, together with such outbuildings as are ordinarily required to be used in connection therewith shall be erected on the land except with the written approval of the Controlling Authority as defined in Act Number 1940, read in conjunction with Act Number 44 of 1948.”

Condition B(3)

“ The land shall be used for residential and agricultural purposes only and are no store or place of business whatsoever may be open or conducted on the land without the written approval of the Controlling Authority as defined in Act Number 21 of 1940 read in conjunction with Act Number 44/1948”.

Condition B(4)

“No building or any structure whatsoever shall be erected within a distance of 94,46 meters from the centre line of the National Road, without the written approval of the Controlling Authority as defined in Act Number 21 of 1940 read in conjunction with Act Number 44 of 1948”.

The abovementioned conditions are restrictive towards the existing structures on the property and are required to allow the approval of Building Plans. Consent from the South African Notational Roads Agency (SANRAL) has been obtained.

This proposed removal of Conditions B(2), B(3) and B(4) will have no effect on the land use control of the subject property as the property has been included within an approved Town Planning Scheme, namely the George Integrated Zoning Scheme By-Law 2023. The property is also guided by the George Spatial Development Framework 2023.

4.4. ZONING SCHEME

DEVELOPMENT PARAMETERS:		PROPOSAL	COMPLIANCE
AGRICULTURAL ZONE 1			
Coverage:	In terms of Site Development Plan	In terms of Site Development Plan	Comply
Floor Area Ratio:	In terms of Site Development Plan	In terms of Site Development Plan	Comply
Height:	6.5 Meters to Wall plate 8.8 Meters to Ridge of Roof	6.5 Meters to Wall plate 8.8 Meters to Ridge of Roof	Comply
Street Building Line	30 Meters	N2: 7.5 m Streets	Departure Requested
Common Boundaries	30 Meters	Eastern Boundary: 29 meters All other Boundaries: 30 meters	Departure Requested
Building Sizes	Maximum Size for Second Dwelling 175m ² including	Maximum Size for Second Dwelling 252.13 m ²	Departure Requested

As per the table below the following permanent departures are applied for:

- Departure for Street building line
- Departure for eastern building line
- Departure for Size of Second Dwelling

All conditions imposed and aid down by the National, Provincial and Municipal department(s) will be complied with.

4.5. SITE DEVELOPMENT PLAN & ACCESS

The figure below indicates an extract from the Site Development Plan. The layout below indicates the position of the existing dwelling units on the property. The extract also indicates the departure request for building lines requested with this application.

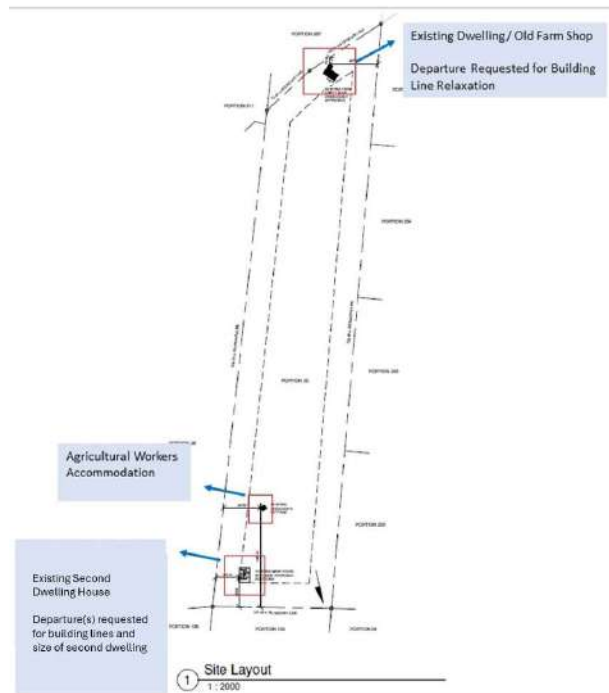


Figure 1: Location of Existing Buildings

In terms of the proposed Site Development Plan the area schedule for the main house and second dwelling house is as follows:

Second Dwelling (Existing Labourer's Cottage):

- House - Internal: 99.96 m²
- House - Covered Deck: 24.73 m²
- House - Open patio: 59.42 m²
- Garage: 42.62 m²
- Storage: 25.40 m²
- Existing Total area: 192.71 m²
- Existing Footprint: 252.13 m²

Existing Main House: 127.30 m²

- Existing Shed: 28.46 m²
- Total buildings on site: 348.47 m²

- Coverage: 0.37 %

The Existing Second Dwelling house exceeds the maximum area of 175m² permitted for second dwelling houses in terms of the George Integrated Zoning Scheme By-Law 2023. A permanent departure is therefore requested to allow the second dwelling house. It should be noted that existing second dwelling house measures 99.96m² internally for the house only, the associated outbuildings, garage, storage, deck and patio contributes to a combined area of 152.17m² in extent.

A copy of the proposed Site Plan is indicated in the figure below.



Figure 2: Proposed Site Plan

The Site currently obtains direct access via the N2 Highway. The surrounding cadastral and servitude information was also investigated. Based on the investigation there has been no Right of Way Servitude registered to provide access for Portion 25.

Consent has been obtained from SANRAL with regards to access of the N2 highway. Consent from SANRAL is attached to this application.

SECTION C :	BACKGROUND INFORMATION
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5. LOCALITY

PLEASE REFER TO THE ATTACHED LOCALITY PLAN.

The subject property is situated towards the South-Eastern Edge of the Municipal Boundaries of George Local Municipality. The site is situated within 5km of Knysna Local Municipality.

The property is situated directly adjacent to the N2 Highway. Based on the overview locality, the surrounding suburbs include:

- South: Kleinkrantz
- North: Bo-Langvlei:
- West: Wilderness

The site is surrounded by residential and rural residential uses and is located well within surrounding areas very close to major routes as indicated in the figure below.

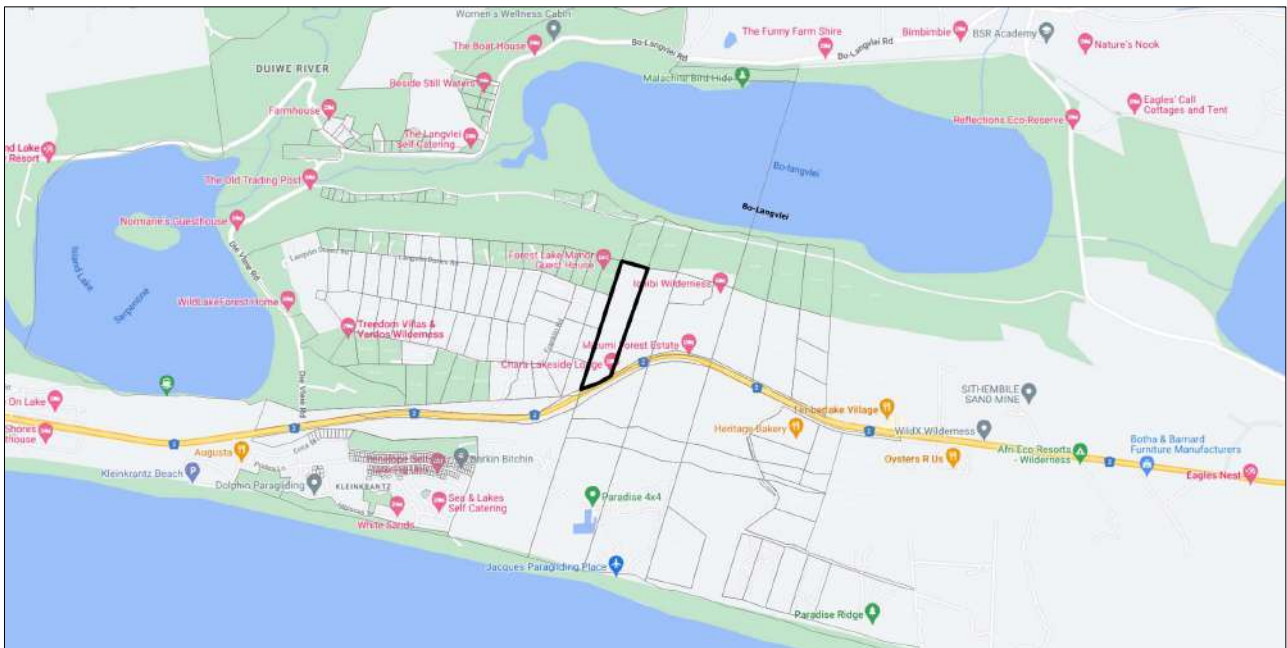


Figure 3: Locality Plan

The centre coordinates of the application site are Lat: -33.995965°S and Lon: 22.668856° E.

6. ACCESS

The Site currently obtains direct access of the N2 Highway. The surrounding cadastral and servitude information was also investigated. Based on our understanding there has been no Right of Way Servitudes registered to provide access for Portion 25 over the surrounding properties.

Access to the property is obtained via Portion 311 of the Farm of The Farm Klein Krantz No 192 as indicated in the figure below.

REMAINDER OF PORTION 25 (A PORTION OF PORTION 17) OF THE FARM KLEIN KRANTZ NO 192

The application was also circulated to SANRAL. The Department is in support if the proposed application. The consent letter issued by SANRAL is in support of the Proposed Application.



Figure 4: Access

The figure below indicates the surrounding servitudes (right of way) that have been registered on the surrounding farm portions. Based on the figure below it is evident that the no right of way for access has been registered with the farm subdivision of the Remainder of the Farm Klein Krantz 192 as indicated on SG 11122/84.



Figure 5: Servitudes

7. ZONING

PLEASE REFER TO THE ATTACHED ZONING PLAN.

7.1. EXISTING ZONING

The property under application is currently zoned Agricultural Zone 1”.

7.2. OTHER ZONINGS IN THE ARE

The surrounding properties have a dominant display of Agricultural Zone 1 and “Open Space Zone IV as per George GIS Viewer.

The following zonings are situated in the surrounding area, as portrayed as per the attached Zoning Plan:

- Open Space Zone I
- Community Zone I
- Utility Zone
- Single Residential Zone I
- Undetermined Use Zone I



Figure 6: Surrounding Zoning Info

Based on the surrounding zoning information of the area, it is visible that the area is utilised for Rural Residential Purposes and Small-Scale Farming Activities due to its location outside of the Urban Edge.

8. LAND USE

PLEASE REFER TO THE ATTACHED LAND USE PLAN

8.1. EXISTING LAND USE

The property under application is currently used for Rural Residential Purposes. It is the intention of the owners to legalise the second dwelling house and to obtain approved building plans for all structures on the property.

8.2. PROPOSED LAND USE

The land use of the property will remain for rural residential purposes, with the consent of council for the proposed departures and removal of restrictive title conditions.

The proposed development will have an insignificant impact on the urban and natural environment and character of the area.

8.3. OTHER LAND USES IN THE AREA

It is evident from the land use survey conducted; the site is located predominantly for rural residential purposes.

Noticeable land uses that are established within a 1km radius of the surrounding environment are inter-alia the following:

- Dwelling Units (Kleinkrantz)
- Open Space
- Guest House Establishments
- Farm Shop/Business
- Second Dwellings
- Dams and Watercourses (North of Site)

It is also worth mentioning that numerous second dwelling(s) have been erected and Departure applications granted on surrounding properties and surrounding areas. Based on the above, it is evident that the surrounding area is sufficiently serviced with various compatible land uses, and that the proposed land use will not negatively affect surrounding properties and homeowners.

9. CHARACTER OF THE AREA

As outlined in the previous section, the character of the surrounding area is rural residential in nature and compatible land uses well organised land use, in line with the provisions of the Spatial Development Framework and structuring plans. The purpose of this application is to retain the rural residential nature of the area in general, with the approval for an additional dwelling unit.

Numerous second dwellings have also been erected on surrounding farm portions.

The proposed development will not negatively influence the nature and character of the surrounding urban environment; but will strengthen towards the aim of achieving a more compact and desirable urban form. The proposed development is in-line with the majority of developments in the area as the proposed land use rights will remain residential.

The overall character of the area will remain rural residential in nature, with the addition of one dwelling house.

10. HISTORICAL CONTEXT

In terms of the available information and historical context provided by the current owners, the second dwelling was erected between 1974 and 2010. The image below indicates that the Farm Shop that is situated directly south of the N2 was erected prior to 1958.

The Farm Shop was converted to a Dwelling House by the previous owners.

The property was purchased by the new property owners Mr. Allnutt James and Mrs. Lyndall Elizabeth Marwick in 2018 with the intention to apply to George Local Municipality to legalize the existing second dwelling house and relevant departures to allow the approval of building plans.

The figure below displays historical aerial photos from 1936.

The subject property and application site is not located within a demarcated Heritage Protection Area. The property is part of an approved subdivision and all heritage requirements have been complied with, the site is

also undeveloped / vacant and approved building plans is to be obtained from council prior to any construction of buildings.

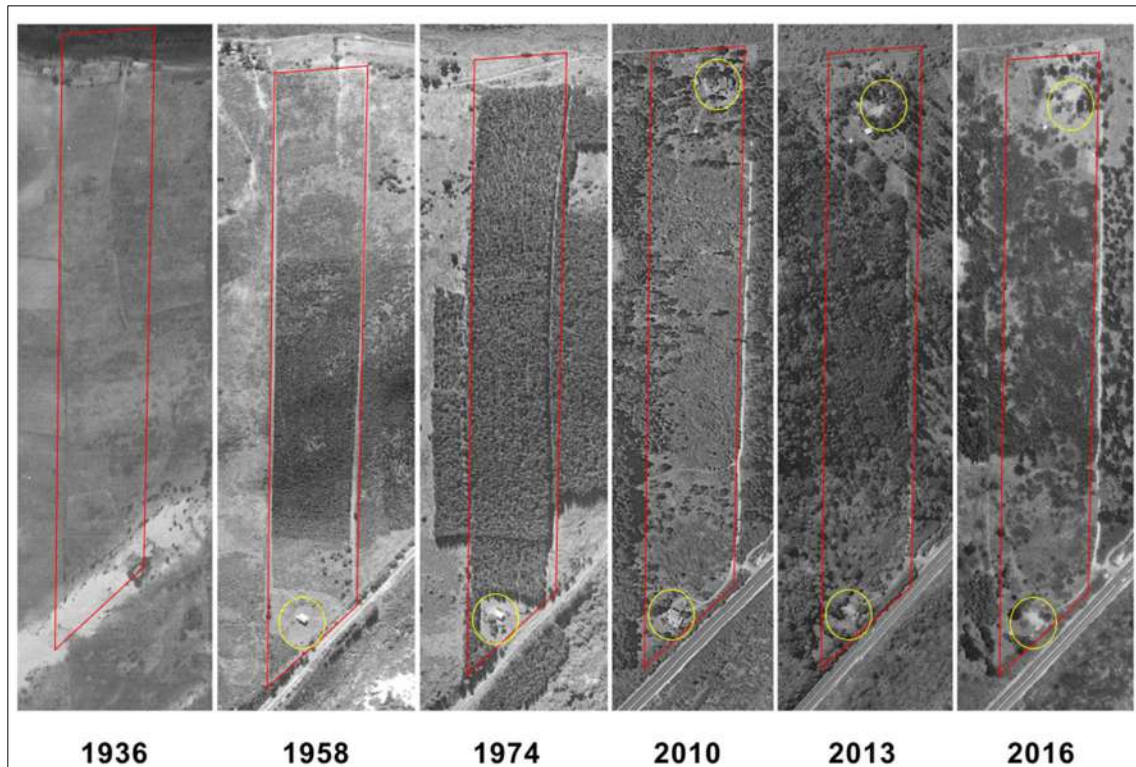


Figure 7: Historical Aerial Photos

11. PRE-APPLICATION

A Pre-Application Consultation was conducted for the proposed land use application.

A copy of the Pre-Consultation is attached to the application.

SECTION D : LEGISLATION & POLICY

12. POLICY AND LEGISLATION CONTEXT

The following section addressed the policies, guidelines, and legislation to land use development applications. Interpretations and compliance thereof are also discussed from a National, Provincial and Metropolitan policy level.

In terms of the proposed application, it is in our opinion that the proposed application is compliant inter alia with inter alia, following policies:

- National Development Framework Plan
- Spatial Planning and Land Use Management Act 2013 (SPLUMA)
- Integrated Urban Development Framework and Implementation Plan, 2016;
- Western Cape Land Use Planning Act (LUPA), 2014;
- Western Cape Provincial Spatial Development Framework, 2014;
- Western Cape Land Use Planning Guidelines Rural Areas
- Garden Route District Integrated Development Plan and Spatial Development Framework.
- George Spatial Development Framework 2023
- Wilderness – Lakes – Hoekwil Local Spatial Development Framework, 2015

12.1. SPATIAL PLANNING AND LAND USE MANAGEMENT ACT 2013 (SPLUMA)

The following principles apply to spatial planning, land development and land use management: Section 7 Development Principles

(i) Section 7(a). The principle of spatial justice -

In respect of the provisions of the aforesaid principle; the proposed development has taken into account the spatial development frameworks and policies at all spheres of government as earlier outlined. The proposed office development, as facilitated through this application, will be open for property owners from all spheres of society - from any race, gender or culture. However, all the principle's stipulations might not be relevant to this type of application but a pertinent issue in this regard follows; 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 the application".

In this regard, the increase of land value will not influence the decision of the tribunal seeing that there are so many other positive attributes to this application such as employment opportunities, safety and security. Furthermore, the principle of infill development and densification is obtained by allowing the proposed departures and removal of restrictive conditions for the additional dwelling unit.

(ii) Section 7(b). The principle of spatial sustainability-

Similarly, not all the provisions of this principle are relevant when assessing a consent application. This application does not affect prime agricultural land in any way and strives to maintain consistency of land use measures in harmony with environmental management instruments thus it has taken into account the principles of spatial sustainability.

The application is also in line with the proposals of the approved SDF and other relevant policy provisions. The development also does not impose any disturbance on environmental factors as the proposal is for a second dwelling on a property that measures 9.3137 Hectares in extent.

The application was also circulated to the Western Cape Department of Agriculture- the department is in support of the proposed land use application.

(iii) Section 7 (c). The principle of efficiency –

In principle, the proposed consent application is in the interest of spatial efficiency. This will result in the facilitated development utilising and optimising the existing infrastructures and resources in the area. The principle of spatial efficiency also endeavour to see the application procedures smooth (efficient) and streamlined whilst adhering to the prescribed timeframes by all parties is also considered crucial. Due to the fact that that the proposed application is in-line with Council Policy this **application does not deviate from the spatial proposals from Council**. The applied land use is also compatible with the surrounding developments and rural residential densities depicted in the approved policy guidelines for the area.

(iv) Section 7 (d). The principle of spatial resilience-

This principle is among the relevant principles of SPLUMA. Flexibility in spatial plans, policies and land use management systems can be considered as the ability with which these can be easily modified, altered and / or compromised in order to effectuate spatial efficiency. The proposed zoning also allows a Dwelling House with associated outbuildings and additional dwelling units by means of Consent. The proposed zoning is therefore resilient as the land use can easily revert to its original origin depending on certain circumstances.

The proposed consent application clearly indicates the application complies with the principle of spatial resilience, however without compromising on aesthetics and the quality of structures within the area.

(v) Section 7 (e). The principle of good administration-

Good administration has been linked to a strict adherence to and compliance with the prescribed developmental procedures and processes in order to realise efficiency. The proposed application is supported by the provisions of this principle as the property falls within an area that is managed by a spatial planning framework and land use management system. Overall, the application falls under the jurisdiction of an efficient municipal management entity, that is, the George Municipality.

As part of the required administration procedures, the application will be advertised in accordance to the relevant provisions of the by-law and / or scheme, whereby the public and all interested and affected parties will be provided the opportunity for public participation, whilst all time frames set out in the , in terms of George Municipality Land Use Planning By Law 2023, which this application has been lodged, will be adhered to.

12.2. SUMMARY OF COMPLAINE WITH SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 16 OF 2013 (SPLUMA)

<p>Land uses must aim to rectify spatial imbalances of the past</p>	<ul style="list-style-type: none"> • This application renders an opportunity to redress the spatial inequalities observed in the SPLUMA by creating employment opportunities during and post construction. • As a result, past spatial and other development imbalances will, therefore, be redressed through improved access to professional services and access to potential employment opportunities which will ultimately help in the much-needed redistribution of the past spatial inequalities. <p><i>The requirement is therefore met</i></p>
<p>Land uses must promote inclusion of previously excluded persons and areas</p>	<ul style="list-style-type: none"> • The proposed development adheres to the principle of infill development and productive use of service infrastructure. <p><i>The requirement is therefore met</i></p>
<p>Land uses must promote sustainable and viable communities.</p>	<p>The proposed land use will contribute to the sustainability of the community in many ways but the most important are:</p> <ul style="list-style-type: none"> • The proposal is in-line with Council Policy • Existing Services are utilised more effectively. <p><i>The requirement is therefore met</i></p>
<p>Land uses must optimise use of existing services both Infrastructure and Social</p>	<ul style="list-style-type: none"> • Existing services and infrastructure are utilised more effectively. • The property is situated in close proximity to social infrastructure. • Services (Water, Sanitation & Stormwater) is not available for the application site. It is the responsibility of the property owner to utilise and make provision for such services on site. <p><i>The requirement is therefore met</i></p>
<p>Land Uses must limit urban sprawl and development must take place at sustainable location.</p>	<p>The applications constitute and supports a compact urban form at a sustainable location:</p> <ul style="list-style-type: none"> • The location is sustainable as the area forms part of the residential densification prescribed for the surrounding area. • The proposed land use is compatible with surrounding and existing land uses.

	<p><i>The requirement is therefore met</i></p>
In interest of General Public	<p>The proposed application is in favour of the General Public as it provides for the following:</p> <ul style="list-style-type: none"> • Seeks to comply with Municipal Legislation and Compliance • Increase in safety and security levels for the area. • Encourages sustainable and low-scale development in-line with Council Policies and Guidelines. <p><i>The requirement is therefore met</i></p>
Sufficient parking space and vehicular movement	<ul style="list-style-type: none"> • Sufficient parking shall be provided. <p><i>The requirement is therefore met</i></p>
Access to public transport	<ul style="list-style-type: none"> • The property is accessible and access arrangements to comply with council requirements. <p><i>The requirement is therefore met</i></p>
Land use must address Desirability	<ul style="list-style-type: none"> • The proposed development will not bring forth an invasion of privacy nor create disturbance to surrounding property owners, considering that the proposed use is in line with the character of the surrounding area. • The proposed land use can be seen as desirable. • The proposed application will also not contribute or create overshadowing to surrounding property owners. <p><i>The requirement is therefore met</i></p>
Privacy of adjacent owners must be respected	<ul style="list-style-type: none"> • The property has sufficient space to accommodate the proposed buildings and structures. • Privacy of surrounding property owners are respected and will not be negatively affected. <p><i>The requirement is therefore met</i></p>
Land use must address Need	<ul style="list-style-type: none"> • A densified and compact urban area requires that the surrounding area be provided with a mix of mutually retail, service, office and residential developments. A development that strives for an increased density needs to embrace connectivity between various uses within the existing neighbourhoods. This results in an active urban environment, which enhances liveability, environmental quality and economic vitality. • The proposed development will provide for a more compact urban form, which is highly integrated. The desirability of the proposed development is not only based on the need for rural compaction, but also on the need for architectural, social and economic upliftment. The proposed development provide access to employment opportunities and will provide tenure and housing options to the area in general.

The requirement is therefore met

12.3. SECTION 42 REQUIREMENTS OF SPLUMA, 2013 AND CHAPTER 6 OF LUPA

In terms of Section 42 of the Spatial Planning and Land use management Act 2013 the following information should be made evident on any land use application:

THE PUBLIC INTEREST:

The proposed development is in the public interest in view of the following:

- The introduction of a Second Dwelling (as a Primary land use right) in an area where the uses are agricultural in nature will not disturb the characteristic of the neighbourhood.
- There will be greater interest from the general public in such a development in light of renewed interest in urban revitalisation and therefore more sustainable real estate development.
- An increase in property tax revenue will be possible. As the neighbourhood becomes denser (at a minimal but consistent rate), municipalities gain more tax revenue. The increased income base can be utilised to the benefit of the general public.
- The application will be advertised and extensive public notification will be done, giving the opportunity for public participation.
- The proposed development minimises negative financial, social, economic or environmental impacts by the development which is in close proximity to job opportunities, public transport, schools, shops etc.
- The proposed development is in line with the National Development Plan, 2013 by providing housing opportunities closer to places of work educational institutions and as it increases urban density to support public transport.

THE CONSTITUTION AND TRANSFORMATION IMPERATIVES:

In addition to the above, the following will also contribute to the constitutional and transformation imperatives:

- Access and opportunity to make use of services;
- Best interest of Public (contributing to infrastructure upgrade);
- Best interest of Public (contributing to positive property value);
- Compliance with legal procedures that acquire land use rights.

The respective rights and obligations of all the affected / Registered owner / s

The obligation of the registered property owner/s is to obtain the necessary approval from the local authority to for the proposed development.

The proposed consent application will follow process and all building plan approvals will follow approval of the land use management application.

Surrounding property owners

The rights of the surrounding property owners will also be taken into account, as the proposed application will be advertised in the relevant and prescribed format of sections Bylaw concerned ensuring correct public participation.

Any person who feels negatively affected by the proposed application, including adjacent land owners will thus have an opportunity to view and comment or object against the application as prescribed in the By-Laws / Scheme.

Agent/ Town Planning Consultant

The owner has the right to appoint a town planning professional for the submission of a land use application with regards to the envisaged development. The snapshot application procedure, which the Consultant has to follow is hereby outlined;

- **Compilation** of a land use application (Consent) for submission to the council;
- **By publishing** the consent application in the prescribed manner to ensure public participation process is correctly followed.;
- To **advise, inform and guide** the property owner and/or developer with regards to all town planning matters and concerns;
- To lawfully **represent** the property owner and/or developer at a Municipal Planning Tribunal, if deemed necessary.

FACTS AND CIRCUMSTANCES RELEVANT TO THE APPLICATION

The details with regard to the application have been addressed throughout this Memorandum.

The provisions of Chapter 6 of the LUPO is complied with / will be complied with in the application process.

The Municipality:

The Municipality has the obligation to evaluate and approve the said land development application for an additional dwelling unit by way of consent, should it conform to all requirements and be considered a complete application.

As the Municipality is the decision-making authority, it has the right to approve or turn down the said application, after thorough evaluation and consideration.

The state of engineering services has been addressed within the report, any requirements in terms of engineering services will be adhered to as part of the approval process.

Time frame:

All required time frames set out in the By-laws and Schemes will be adhered to.

Effect of the land development application on the environment:

The proposed additional dwelling unit will have no adverse effect on the environment.

The proposed application is in line with the provisions of Section 42.

12.4. WESTERN CAPE LAND USE PLANNING ACT (LUPA), 2014 – CHAPTER 6:

Chapter 6 of LUPA includes the following:

The preparation of a Spatial Development Framework and or zoning Scheme

The proposed application is submitted in line with the prevailing SDP, IDP and Scheme – as discussed in detail in other sections of this application. The George Integrated Zoning Scheme By-Law (2023), complies with this objective.

The requirement is therefore met.

Sustainable development

Infill development in line with policy guidelines and the Scheme can be seen as sustainable development. The area under discussion is residential in nature and the proposed consent use application fits in with the prevailing

land uses and future land use provisions as contained in the SDF and Rural Guidelines.

The requirement is therefore met.

13. DESIRABILITY (IN TERMS SECTION 65 OF THE GEORGE BY-LAW ON MUNICIPAL LAND USE PLANNING, 2023)

The criteria for land development application evaluation are as follows:

13.1. DESIRABILITY

An intensified and densified urban area requires that the surrounding area be provided with a mix of mutually retail, service, office and residential developments. A development that strives for a compact urban form needs to embrace connectivity between various uses within the existing neighbourhoods. This results in an active urban environment, which enhances liveability, environmental quality, and economic vitality.

The proposed development will provide for a more compact urban form, which is already highly integrated within George area. The desirability of the proposed development is not only based on the need for housing typologies and tenure options, but also on the need for urban, architectural, social and economic factors and sustainability.

The desirability of the development is also drawn from the existing provision made in terms of Spatial Development Framework, which earmarks the area for residential land uses.

The proposed development can be seen as desirable and complies with the provisions of Section 65 of the George By-law on Municipal Land Use Planning 2023.

This application submitted under the provisions of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) complies with all relevant laws, policies and spatial planning mechanisms, these include:

- George Municipality: Land Use Planning By-Law,
- George Integrated Zoning Scheme 2023
- Integrated Development Plan 2019 / 2020;
- Spatial Development Framework; 2021
- Integrated Urban Development Framework and Implementation Plan, 2016;
- National Development Framework Plan;
- Western Cape Land Use Planning Act (LUPA), 2014;
- Western Cape Provincial Spatial Development Framework, 2014;
- Garden Route District Integrated Development Plan and Spatial Development Framework.
- Wilderness – Lakes – Hoekwil Local Spatial Development Framework, 2015

13.2. THE COMMENTS IN RESPONSE TO THE NOTICE OF THE APPLICATION

The abovementioned application will be circulated all the various departments of George Municipality. The application will further be referred the following departments:

- SANRAL
- SANPARKS
- Western Cape Agriculture

All conditions imposed and laid down will be complied with.

13.3. IMPACT ON THE EXTERNAL ENGINEERING SERVICES

Limited municipal engineering services are provided to this property.

Considering that the application is only to legalise a second, it is crucial to note that the proposed development, will have no significant changes to the existing services infrastructure. The nature and scale of the development will have little to no impact on the existing service infrastructure.

The proposed consent application has been circulated to the required will be circulated to all the various services and engineering departments of the council. Bulk Contributions may also be utilised by the Local Municipality to upgrade the existing infrastructure within the area, if applicable.

13.4. ENVIRONMENTAL CONSIDERATIONS

Considering the nature of the development proposal and the property, no requirements in terms of environmental legislation is expected.

13.5. PUBLIC PARTICIPATION

Formal Public Participation Process will be followed by sending notice letters to the surrounding property owners informing them of the proposed development.

13.6. APPLICABLE POLICIES GUIDING DECISION MAKING

The proposal for an additional dwelling unit is submitted in line with the prevailing policy guidelines, including:

- George Municipality: Land Use Planning By-Law, 2023;
- George Integrated Zoning Scheme By-Law 2023
- Integrated Development Plan
- Spatial Development Framework;
- Integrated Urban Development Framework and Implementation Plan,;
- National Development Framework Plan;
- Western Cape Land Use Planning Act (LUPA), 2014;
- Western Cape Provincial Spatial Development Framework, 2014;
- Garden Route District Integrated Development Plan and Spatial Development Framework.

The guidelines mentioned above are discussed in detail in the below sections of the application.

13.7. APPLICABLE PROVISIONS OF THE ZONING SCHEME

The subject property and application site is in line with the provisions of the George Integrated Zoning Scheme By-Law 2023 and will comply with the relevant development controls associated with Agricultural Zone 1.

13.8. THE IDP

In terms of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996 land use management and planning is a function of municipalities:

- Status of municipalities- Section 151;
- Objects of local government - Section 152;
- Developmental duties of municipalities - Section 153.

In terms of Section 152 of the Constitution, objects of the local government are as follows:

- Provide democratic and accountable government for local communities;
- Ensure the provision of services to communities in a sustainable manner;
- Promote social and economic development;
- Promote safe and healthy environments;
- Encourage involvement of communities and organisations in the matters of local government.

In addition to the above extracts from the Constitution, local governments are also subject to the provisions of:

- The Municipal Systems Act, 200 (Act 32 of 2000);
- The Municipal Structures Act, 1998 (Act 117 of 1998).
- Both the Systems Act and Structures Act provide for the necessity of an Integrated Development Plan

With specific reference to Section 25 of the Municipal Systems Act, each municipality must adopt a single, inclusive, and strategic plan for the development of the municipality, the IDP is discussed below.



Vision of the IDP

The vision will be realised through:

- **Develop and Grow**
- **Safe, Clean, and Green**
- **Affordable Quality Services**
- **Participative Partnership**
- **Good Governance and Human Capital**

The proposed consent for Departures and Removal of Restrictive Title Conditions to allow the building plan approval the existing second dwelling house is generally in line with the vision of the IDP, specifically in relation to the principle towards develop and grow, and providing safe, clean and green cities.

In order to realise the vision of the IDP, land use management and spatial planning is enhanced by spatial plans, the various applicable spatial plans are discussed under the relevant sections of this report.

13.9. SPATIAL DEVELOPMENT FRAMEWORK AND ASSOCIATED PLANS

The Spatial Planning and Land Use Management Act, Act 16 of 2013 (SPLUMA) provides the legislative foundation for all spatial planning and land use management activities in South Africa. It seeks to promote consistency and uniformity in procedures and decision-making.

Section 21 of SPLUMA also stipulates the contents of and SDF, aimed at achieving the overall goals of land use management under Chapter 2 of SPLUMA.

Furthermore, spatial planning and land use management also includes planning on a national and provincial level, including:

- Integrated Urban Development Framework and Implementation Plan, 2016;
- National Development Framework Plan;
- Western Cape Land Use Planning Act (LUPA), 2014;
- Western Cape Provincial Spatial Development Framework, 2014;
- Garden Route District Integrated Development Plan and Spatial Development Framework.

The above mentioned spatial plans and structuring tools, although not exhaustive nor complete, indicate the general nature and purpose of spatial planning as provided for in SPLUMA, the IDP and the various national, provincial and local spatial planning acts / legislation in achieving uniformity and cohesion.

Integrated Urban Development Framework and Implementation Plan, 2016 (IUDF);

The IUDF aims that job creation, housing and transport should be used to promote urban restructuring as outlined in the NDF (discussed in this report), which is guided by the vision of creating liveable, safe, resource-efficient cities and towns that are socially integrated, inclusive and competitive.

Western Cape Land Use Planning Act (LUPA), 2014:

Furthermore LUPA aims to consolidate legislation in the Western Cape Province, strongly aligned the SPLUMS and requires municipal spatial development frameworks to be aligned with provincial development plans and strategies, and as a result also national goals.

Chapter 6 of LUPA is discussed in detail below.

Western Cape Provincial Spatial Development Framework, 2014:

The provincial SDF has the following objectives:

- To give spatial expression to the provincial strategic plan;
- Co-ordinating, integrating and aligning of the national and provincial programmes;
- To support municipalities to fulfil its mandate in line with national and provincial agendas;
- To communicate governments spatial planning and development intentions with private sector and civil society.

Garden Route District Integrated Development Plan:

The Garden Route District IDP formulates a set of objectives for the District, which include:

- Promote healthy and socially stable communities;
- Build a capacitated workforce and communities;
- Conduct regional bulk infrastructure planning and implement projects, roads maintenance and public transport;
- Manage and develop council fixed assets;
- Promote sustainable environmental management and public safety; Ensure financial viability of the Garden Route District Municipality; Promote good governance;
- Grow the District economy.

Furthermore, if the Garden Route District is to achieve its full potential as a sustainable and integrated District, there crucial issues must receive attention:

- Regional resource capacity constraints;
- Regional competitive advantage;
- Sprawling low density settlements;
- Constrained regional accessibility;
- Erosion of biodiversity;
- Sustainability of agricultural land and settlements.

On a regional level as indicated above it is important to note that the proposed development complies with service infrastructure development and maintenance, infill development and protecting agricultural land.

Western Cape Land Use Planning Guidelines Rural Areas

The PSDF called for the review of the Draft Western Cape PSDF Rural Land Use Planning and Management Guidelines, 2009 to support and guide the implementation of the Provincial agenda in rural areas.

The objectives of the guidelines are to:

- **Promote sustainable development** in appropriate rural locations throughout the Western Cape, and ensure the inclusive growth of the rural economy.
- **Safeguard priority biodiversity** areas and the functionality of the Province’s life supporting ecological infrastructure and ecosystem services (i.e. environmental goods and services).
- **Maintain the integrity, authenticity and accessibility** of the Western Cape’s significant farming, ecological, coastal, cultural and scenic rural landscapes, and natural resources.
- **Assist Western Cape municipalities to plan and manage their rural areas more effectively**, and to inform the principles of their zoning schemes and spatial development frameworks in a pro-active manner.
- **Provide clarity to all role players and partners** (public and private) on the type of development that is appropriate beyond the current built-up areas, suitable locations where it could take place, and the desirable form and scale of such development.

LOCATION	TYPE OF ACCOMMODATION
Farms	One homestead (owner’s dwelling) Five additional dwellings Agri worker housing Guest house Camping sites
Resorts	Temporary Tourist accommodation Employees’ accommodation
Nature reserves	One homestead (Owner’s dwelling) Accommodation for tourists Employees’ accommodation
Smallholdings (on urban fringe)	One homestead (Owner’s dwelling) Second dwelling Guest house
Agri-village	Accommodation for bona fide agri workers

Figure 8: Accommodation Opportunities in Rural Areas

Properties smaller than 50 ha in size are not accommodated for in the table, since only the additional dwelling density model should be used for those properties i.e. 1 unit per 10 ha with a maximum of 5 units, with **the exception of one additional unit that can be allowed in all cases irrespective of the size of the agricultural land unit.**

The proposed second dwelling (as a Primary land use right) on a property that measures approximately 9.3137 Hectares in extent can be considered to be in-line with the provisions of the Rural Guidelines.

George Spatial Development Framework 2023

The George Spatial Development Framework realises the importance of providing residential opportunities that could be realised in the short to medium term on vacant and under-utilised land. The subject property serves as an example of responsible densification that is supported by means of the Zoning Scheme:

The Subject property forms part of the Garden Route National Park area in terms of the Municipal Spatial Development Framework. It should however be noted that the GMSDF does not specifically refer to the subject property as an individual land parcel. No reference is made to the relaxation of building lines or the relevant

departures. The development of second dwelling units is encouraged by the GMSDF as a legitimate reason for densification and means of responding to housing demand.

This land use application is therefore not considered to be in conflict with the GMSDF.

A Key Policy for in terms of the RSDF for George is to:

- Actively support the consolidation, extension and linkage of the Garden Route's network of formally protected and critical biodiversity areas (through, inter-alia, the roll-out of the Garden Route National Park (GRNP) and recognition of associated buffer zones).
- Keep intact natural landscape corridors, as identified by South African National Parks (SANParks), to function as ecological process areas (i.e. enable the migration of plants, animals and birds notwithstanding changing climatic conditions)
- Further expansion of the urban edge into the Kaaiman's Corridor is not supported.
- Development abutting these corridors must be sensitive and seek to have minimum impact.
- Ensure that landscapes linking, or with the potential to link, critical biodiversity areas can function as ecological corridors (i.e. along the coast and along the rivers that link the coast to the mountains).
- Consolidate as far as possible areas of conservation worth (i.e. critical terrestrial and aquatic biodiversity areas and ecological support areas).
- Support cross-boundary land use, management and conservation initiatives.
- Use the latest landscape-wide Critical Biodiversity Area data and mapping as a primary informant in determining suitability for new development.
- Advocate for "ground-truthing" of this data set to better inform land use decision-making.
- Encourage and support reasonable, manageable public access to nature areas for all citizens and visitors.
- Actively support Cape Nature's stewardship program to secure conservation status for critical biodiversity areas situated on private land that are not currently formally protected, subject to ground-truthing.
- Manage land use so as to avoid further loss of critical biodiversity and promote the rehabilitation of degraded areas
- Urban growth proposals have been planned to avoid critically endangered and endangered Critical Biodiversity Areas; however, where this is not possible a requirement for a biodiversity offset will be triggered.
- Manage land uses within sensitive ecological areas in terms of the Spatial Planning Categories presented in the WCG's Rural Land Use Development Guidelines.

The proposed Departure(s) and Removal of Restrictive Title Conditions to allow the second dwelling on a property that measures approximately 9.3137 Hectares, can be considered to be in-line with the provisions of the SDF. The principles contained within the SDF will be adhered to in order to mitigate any negative affect any sensitive environmental factors.

Approval and Comments from SANParks will also be obtained for the proposed land use application.

The following is noted under Economic Growth and Performance of the SDF:

*The George Integrated Zoning Scheme Bylaw, 2023 makes significant allowances to facilitate appropriate business use as part of the existing zoning, with consent or via departure applications to enable individuals to earn their livelihood from home. For example, a portion of existing houses may be used for rental, co-living is allowed, **second dwellings on all properties will be considered**, defined office and childcare facilities can be operated from home, etc. without an amendment of rights. Agri processing, as defined in the zoning bylaw, is part of the primary agricultural right on land where farming is predominant.*

Based on the interpretation of the SDF, nature and scale of the proposed development, the proposed application can be seen to be inline and consistent with the guidelines and proposals of the SDF 2023.

Wilderness – Lakes – Hoekwil Local Spatial Development Framework, 2015

The subject property is located on a Farm Portion North of the N2 Highway as indicated in an extract of the WLH LSDF. According to the WLH LSDF, the property is indicated as a “Agricultural area”.

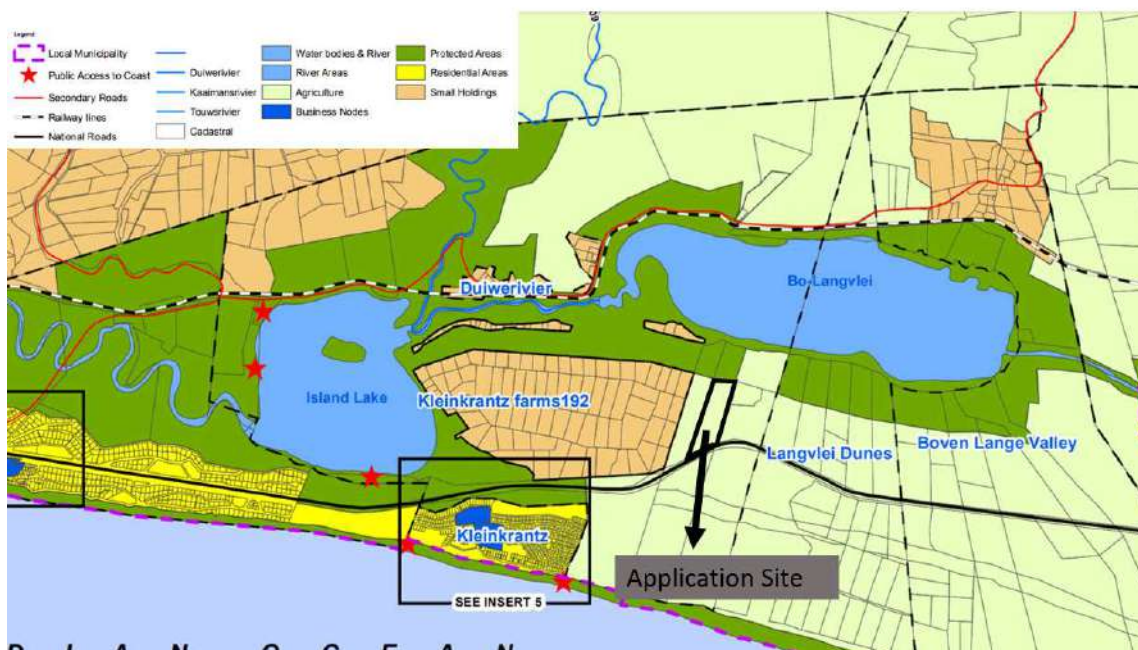


Figure 9: WLH LSDF Extract

Considering the nature of the proposed application, the following is guidelines are provided on areas earmarked for Agricultural areas.

Guidelines for Development Applications on Agricultural Land

b) Additional Dwelling Units

- “Additional dwelling units for short term rental in terms of the Zoning Scheme By-Laws allowing 1 additional dwelling unit per 10 ha to a maximum of five additional units, is retained. However, as the farms in the Garden Route are generally small, the proliferation of these structures along major tourist routes should be prevented. The consent of the George Municipality for additional dwellings on farms should be granted with due consideration of the following aspects:
- The placement of the units should be controlled carefully and in this regard cognizance should be given to the landscape characteristics and guidelines to protect it. In this regard it is important that

applications for additional dwelling units on farms in the study area indicate exactly where units will be located. The George Municipality must ensure that, in approving the additional units, cognizance was given to the placing of the units in terms of this local spatial development framework.

- *The footprint size of the additional units should not be more than 175m² and only single storey dwellings should be allowed with a maximum height of 6,5m.*
- *The design and colour of the buildings should be sympathetic to the surrounding landscape and no bright colour themes for walls or roofs should be allowed.*
- *Ancillary On-farm Activities Whilst the policy encourages diversification and intensification of land use on agricultural land units in order to improve economic viability, these ancillary activities should not detract from the functionality, and integrity of farming landscapes. The following activities and land uses are considered appropriate on agricultural properties, in addition to activities and uses directly related to the primary agricultural enterprise:*
 - *Small scale rural holiday accommodation (e.g. farm stay, B&B, guesthouse, boutique hotel);*
 - *Restaurant;*
 - *Rural lifestyle retail;*
 - *Function venue facility;*
 - *Farm store and farm stall;*
 - *Home occupation (farm product processing)*
 - *Local product processing (e.g. winery, dairy and olive pressing)*
 - *Rural recreational facilities (e.g. riding school)*

When considering applications for the above-mentioned activities, it should be ensured that these activities are of appropriate scale so as not to detract from farming production, that it diversifies farm income and add value to locally produced products.”

Based on the nature of the proposed Departure(s) and Removal of Restrictive Title Conditions applied for, to allow the second dwelling and the scale thereof, can be seen to be inline and consistent with the guidelines of the WLH LSDF.

SECTION E:	MOTIVATION
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14. MOTIVATION FOR REMOVAL OF RESTRICTIVE CONDITION

The Deed of Transfer T50515/2018 contains restrictive title conditions. The request is to remove condition B(2), B(3) and B(4) of Deed of Transfer.

Certain restrictive conditions of title which will restrict the owner to utilise the property for a second dwelling. The title deed contains outdated conditions that has become irrelevant on modern title deed.

The function these conditions to be removed had, has been replace by more appropriate legislation.

Condition B(2)

“Not much more than one dwelling house, together with such outbuildings as are ordinarily required to be used in connection therewith shall be erected on the land except with the written approval of the Controlling Authority as defined in Act Number 1940, read in conjunction with Act Number 44 of 1948.”

Condition B(3)

“The land shall be used for residential and agricultural purposes only and are no store or place of business whatsoever may be open or conducted on the land without the written approval of the Controlling Authority as defined in Act Number 21 of 1940 read in conjunction with Act Number 44/1948”.

Condition B(4)

“No building or any structure whatsoever shall be erected within a distance of 94,46 meters from the centre line of the National Road, without the written approval of the Controlling Authority as defined in Act Number 21 of 1940 read in conjunction with Act Number 44 of 1948”.

The abovementioned conditions are restrictive towards the existing structures on the property and are required to allow the approval of Building Plans.

This proposed removal of Conditions B(2), B(3) and B(4) will have no effect on the land use control of the subject property as the property has been included within an approved Town Planning Scheme, namely the George Integrated Zoning Scheme By-Law 2023. The property is also guided by the George Spatial Development Framework 2023.

15. MOTIVATION REQUESTED DEPARTURE(S)

The need for the second dwelling is to provide an additional housing opportunity on the subject property. Second dwelling units are common development in rural residential and single residential areas and can be seen as desirable as it aligns with the objectives set out in the George Municipality Spatial Development Framework to encourage economic growth and performance within the Municipality.

The proposed Departures Requested.

- Street: 7.5 Meters (for the second dwelling house)
- Eastern Boundary: 29 meters (for the main dwelling house)
- Departure to allow the second dwelling house of a size of 252.13 m²

The proposed Departure application(s) will allow the approval of Building Plans for the existing second dwelling unit and will ensure compliance that will be beneficial to the George Local Municipality and property owners.

16. INFLUENCE ON THE NEIGHBOURHOOD AND ENVIRONMENT

This proposed development does not require environmental authorisation and is not regarded as a listed activity. Any potential impacts the proposed development might have on the surrounding area will be dealt with in the prescribed manner, if required.

The proposed development is consistent with the existing rural residential character of this area and could be considered as a harmonious development. The proposed development is in accordance with the proposals and Guidelines of the Spatial Development Framework and is therefore within the spatial vision for the area. The property is surrounded by properties where second dwelling have been approved and constructed.

It is considered that the application complies with the principles as set out in Chapter 2 and the requirements as indicated in Section 42 of SPLUMA as no rights of neighbouring properties will be affected. The impact the proposed development might have on the neighbouring properties can be conditioned if necessary.

17. INFRASTRUCTURE SERVICES

Limited municipal engineering services are provided to this property.

Considering that the application is only to legalise a second, it is crucial to note that the proposed development, will have no significant changes to the existing services infrastructure. The nature and scale of the development will have little to no impact on the existing service infrastructure.

The proposed consent application will be circulated to all the various services and engineering departments of the council. Bulk Contributions can also be utilised by the city to upgrade the existing infrastructure within the area, if applicable.

The proposed application for Departure and Removal of Restrictive Title Conditions will also have no to little effect on the surrounding road network of the area.

18. PRIVACY

The privacy of all surrounding landowners will be protected in terms of the George Integrated Zoning Scheme and national building regulations. Based on the nature and scale of the proposed application it can be motivated that surrounding property owner's privacy will not be negatively impacted.

19. CONSISTENT WITH SPATIAL DEVELOPMENT POLICIES

According to the George Spatial Development Framework 2023, Hoekwil Local Spatial Development Framework, 2015 and the Western Cape Land Use Planning Guidelines Rural Areas, the proposed application can be considered consistent with spatial planning and land use policies.

20. PUBLIC PARTICIPATION & STAKEHOLDERS

A formal Public Participation Process will be conducted for the proposed land use application by providing notification to the surrounding property owners and notifying them of the proposed application.

Other Provincial and National Department will also be required to provide comments on the proposed application.

21. SUMMARY APPLICATION(S)

The Land Use Application proposal consist of the following requests:

- ii. **Permanent Departure** in terms of Section 15(2)(b) of the George Municipality Land Use Planning By Law 2023 for street building line relaxation to allow the **Second Dwelling House** and eastern boundary to allow the main dwelling house as follows:
 - Street: 7.5 Meters (along the N2)
 - Eastern Boundary: 29 meters
- iii. **Permanent Departure** in terms of Section 15(2)(b) of the George Municipality Land Use Planning By Law 2023 to permit the second dwelling unit with a size 252.13 m² that includes all outbuildings and structures.
- iv. **Removal of a Restrictive Condition** in terms of Section 15(2)(f) of the George Municipality Land Use Planning By Law 2023 to remove the restrictive conditions B(2), B(3) and B(4) of Deed of Transfer T50515/2018.

22. CONCLUSION

Due to the abovementioned factors favouring the proposed consent for an additional dwelling unit on Remainder of Portion 25 (A Portion of Portion 17) of The Farm Klein Krantz No 192 we believe that the application can be considered favourably.

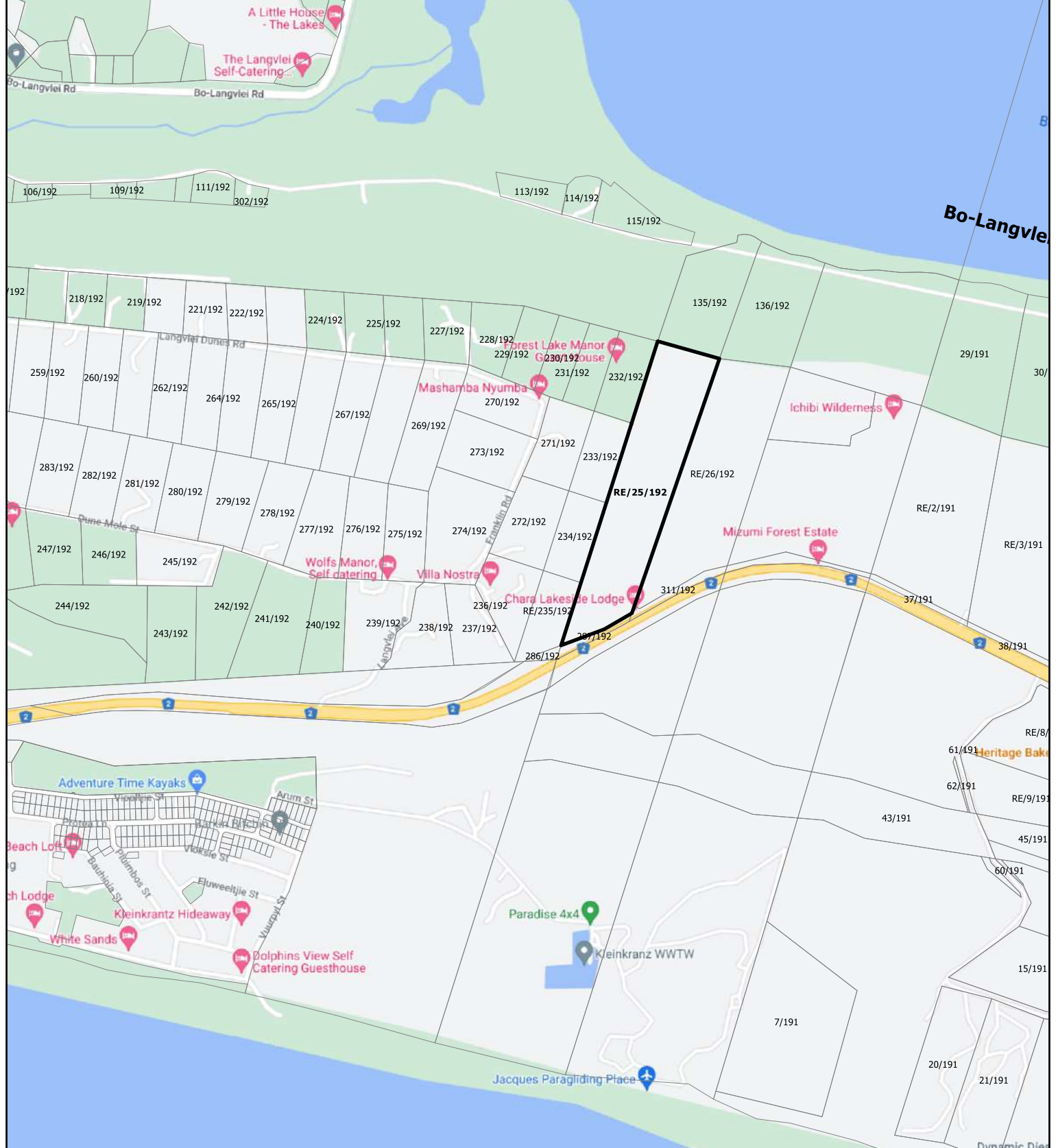
WILLIE JAN ERASMUS

DIRECTOR: URBAN ARROW

PR. PLN A/2320/2016

ANNEXURE A:
LOCALITY PLAN





**PORTION 25 OF THE FARM NO.192
KLEIN KRANTZ**

SCALE 1:14 000



LOCALITY PLAN

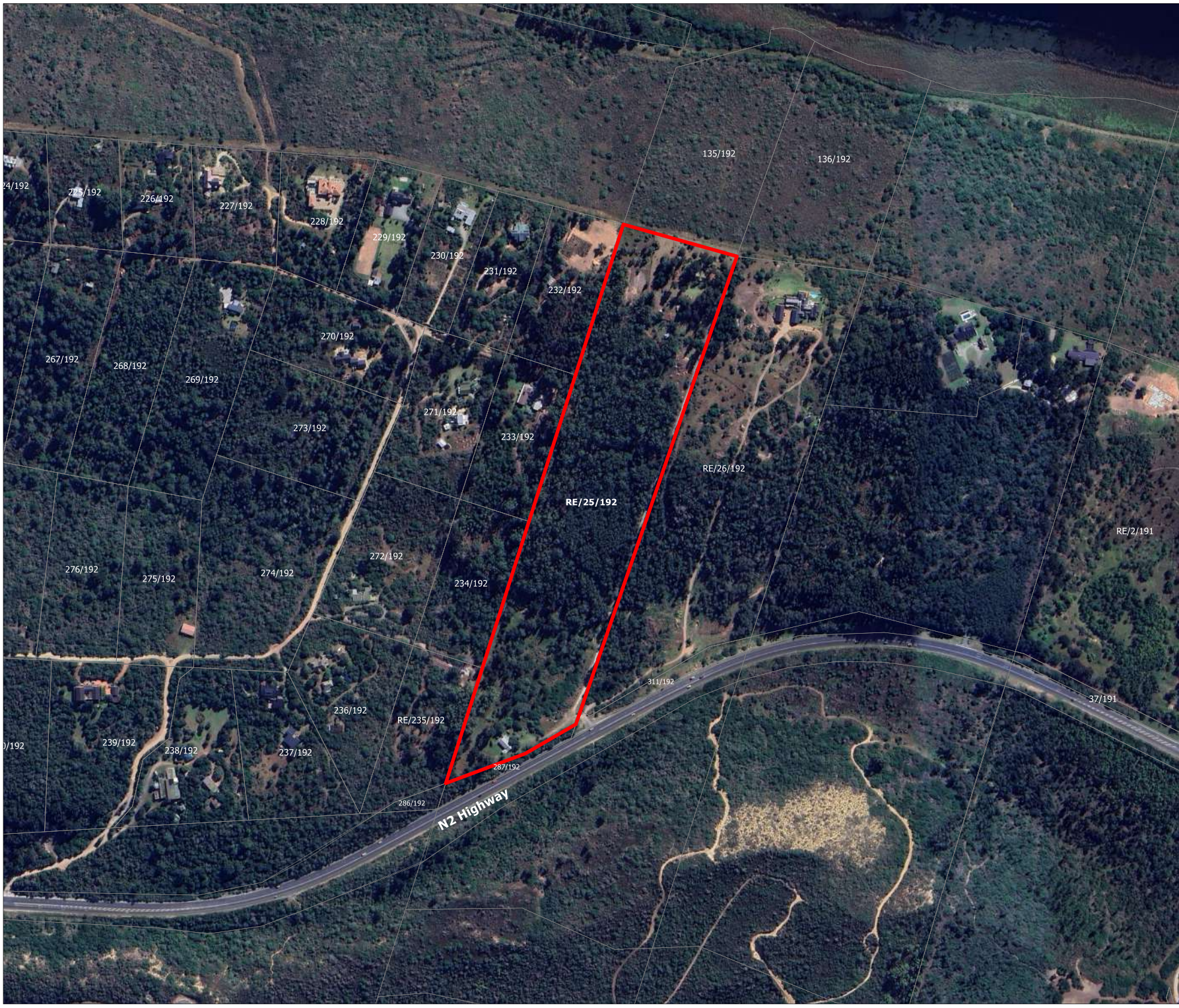


ANNEXURE B:
AERIAL PHOTO





**PORTION 25 OF THE FARM
NO.192 KLEIN KRANTZ**

AERIAL PHOTO



LEGEND

-  Application Site
-  Cadastral
- Google Satellite Image**

SCALE: 1:350



ANNEXURE C:
DRAFT SITE PLAN



REVISION SCHEDULE

REV	DISCRPTION	DATE

DRAWING NOTES:

GENERAL NOTES:
 ALL DIMENSIONS AND LEVELS TO BE VERIFIED ON SITE PRIOR TO COMMENCING OF WORK
 ONLY FIGURED DIMENSIONS TO BE USED.
 DRAWINGS NOT TO BE SCALED.
 CONTACT ARCHITECTURAL TECHNOLOGIST IF UNCERTAIN.

CONTACT INFO:

KNYSNA, WESTERN CAPE
 TEL: 076 819 5698
 EMAIL: info@joanofarch.co.za
 WEBSITE: http://www.joanofarch.co.za

Architectural Technologist:
 Kim Botha PAT54229292



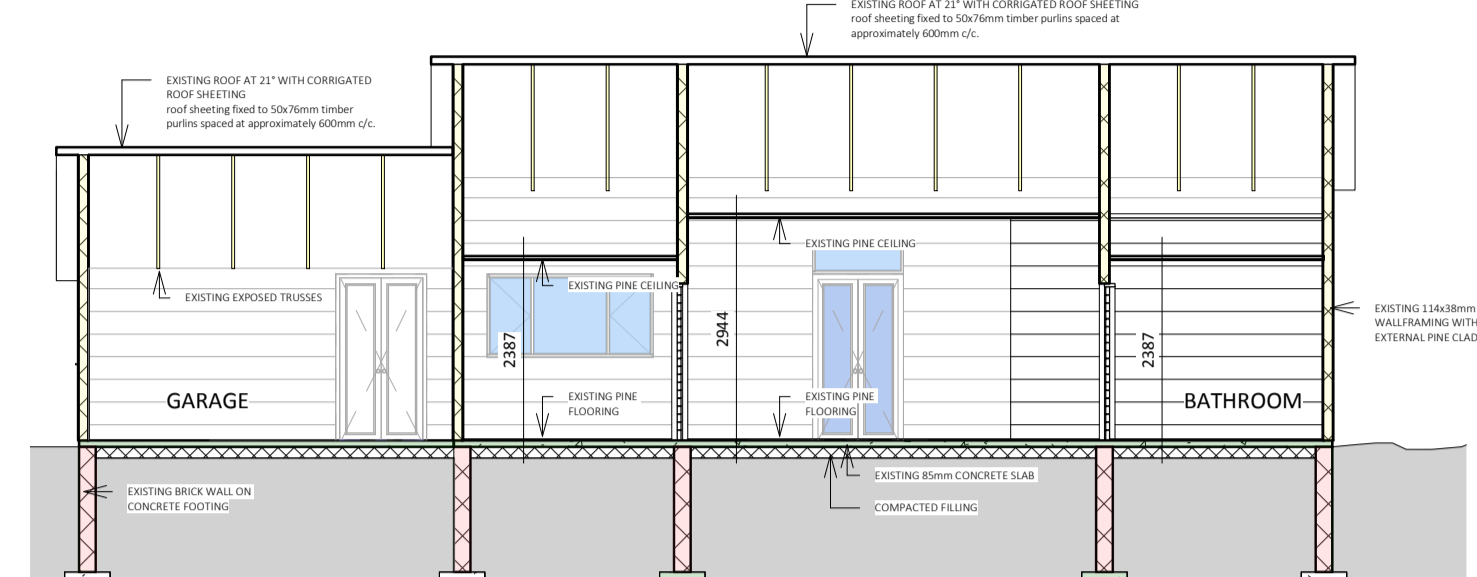
AUTHOR: KJ Botha - SACAP - PAT 542 292 92
CLIENT: Mark Allnutt
SITE: Kleinkrantz, Western Cape
ADDRESS: pt 25 of farm 192, Kleinkrantz
PROJECT: Municipal record plans
SHEET : Labourer's Cottage
SCALE: As indicated
DATE: 21/11/2023
PROJECT NUMBER: Project Number
DRAWING NUMBER: A100
DRAWING REVISION: rev.



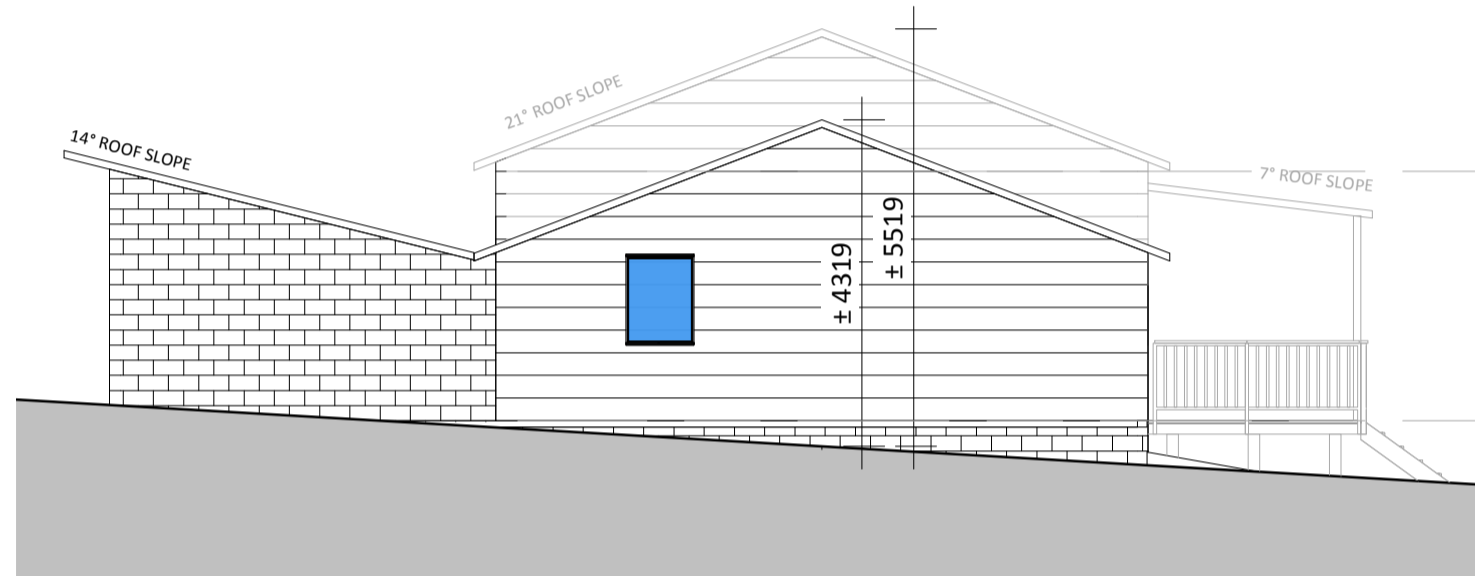
3 North East Elevation
1 : 100



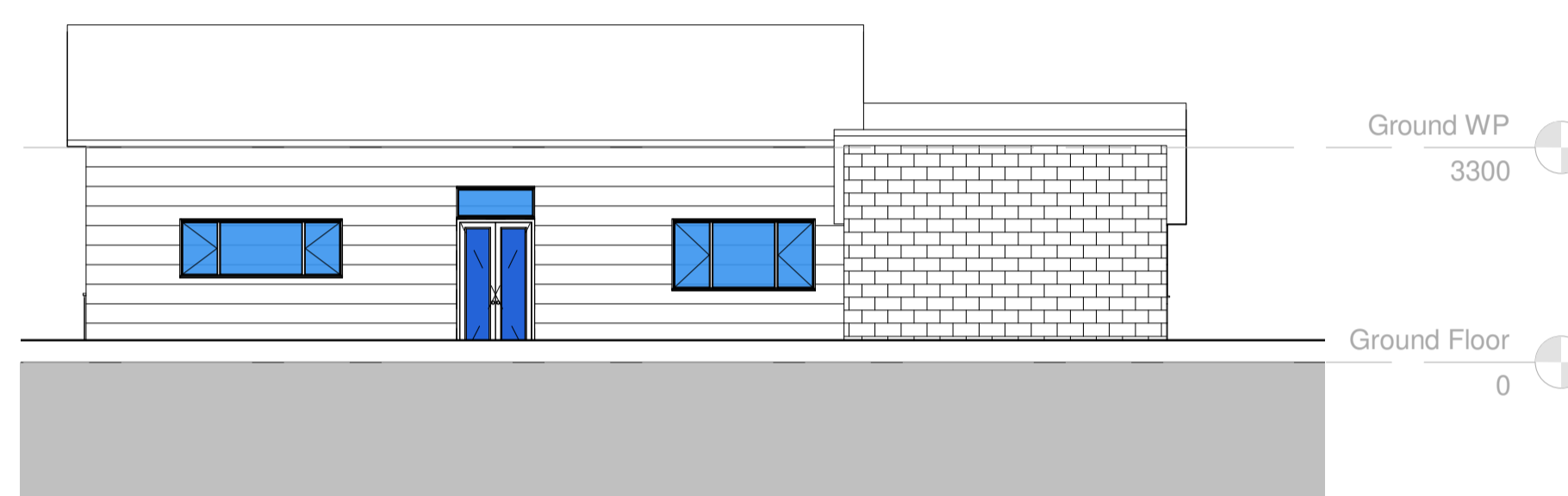
4 North West Elevation
1 : 100



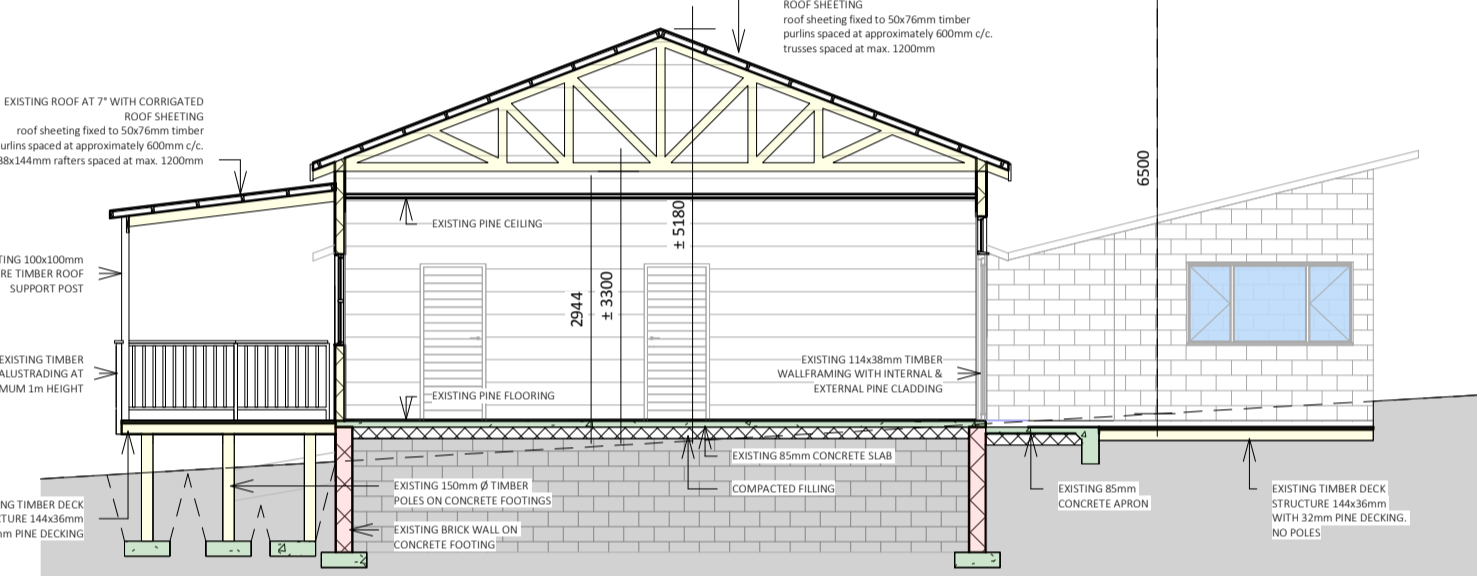
8 Section B-B
1 : 100



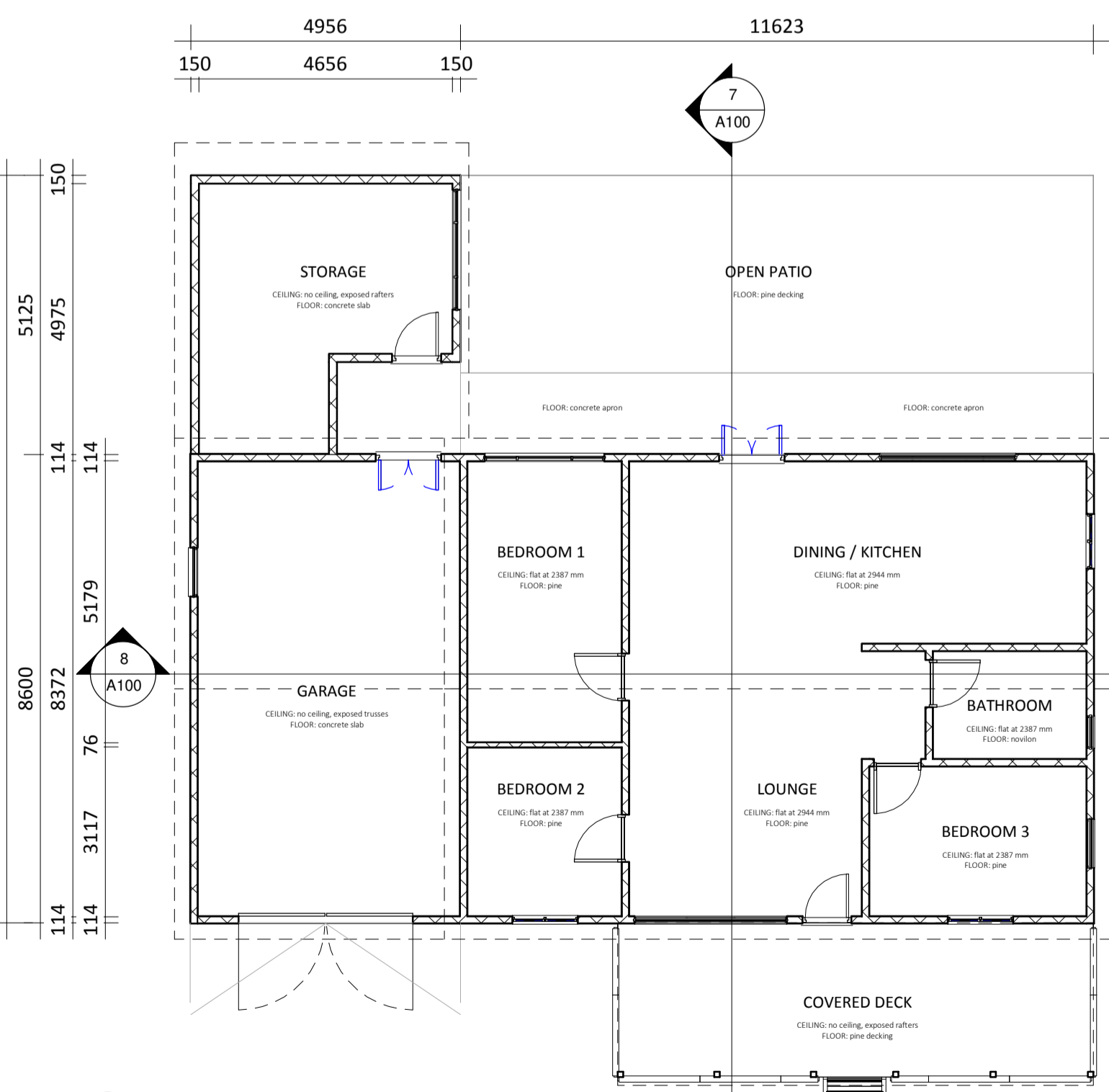
5 South East Elevation
1 : 100



6 South West Elevation
1 : 100



7 Section A-A
1 : 100



2 Ground Floor
1 : 100

SCHEDULE OF FINISHES

Concrete base
 House on Concrete surface bed according to SANS 10400

Floor finishes:
Internal flooring:
 Existing Pine timber flooring on membrane throughout, except bathrooms - Novilon
External flooring:
 Covered patio - pine decking.

External walls
 Existing exterior timber framed walls to comply with SANS regulations.
 Timber frame consisting of 38x114mm CCA H3 treated frames according to SANS 10400.
 9mm OSB board sub cladding to exterior face of timber frame and 32x80mm horizontal timber cladding externally.
 Internal wall cladding - 32x80mm vertical timber cladding internally.

NB Note: Reflective Laminates and Insulation to be tested and classified in accordance with SANS 10400-T & SANS 428:2012
 Classification and usage in accordance with SANS 428.

Roof support posts & beams
 100x100mm timber posts CCA treated square poles fixed to timber deck.
 36x144mm CCA treated roof support beams connect to top of posts.

Roof structure (covered patio)
 Sloping roof structure comprising of rafters TBTN treated.

Roof covering - Corrugated roof sheeting on 50x76mm SAP CCA Treated (H3) purlins including "Sisalation FR405" underlay.

Ceilings
Flat - Pine ceiling fixed to 38x38 SAP CCA treated (H3) battens fixed to underside of existing floor beams at 300mm centres with 75mm wire nails and insulated with 135mm "Aerolite" insulation material.

NB Note: Reflective Laminates and Insulation to be tested and classified in accordance with SANS 10400-T & SANS 428:2012
 Classification and usage in accordance with SANS 428.

Fascia
 32 x 220mm SAP Fascia

Rainwater goods - White PVC Gutters & Downpipes

External windows and doors
 Timber windows and doors - colour - white

Interior walls
 Timber framed partition walls. 38mm x 114mm CCA treated (H2) SAP Load bearing members and 38mm x 76mm CCA Treated (H2) non load bearing members fixed with minimum 2 off 100mm long passivated wire nails at each connection point and constructed according to Engineer's specification on load bearing positions and according to SABS standards on timber frame construction.
 "Knauf" wall insulation in cavities of internal timber frame wall.

AREA SCHEDULE:

EXISTING LABOURER'S COTTAGE:

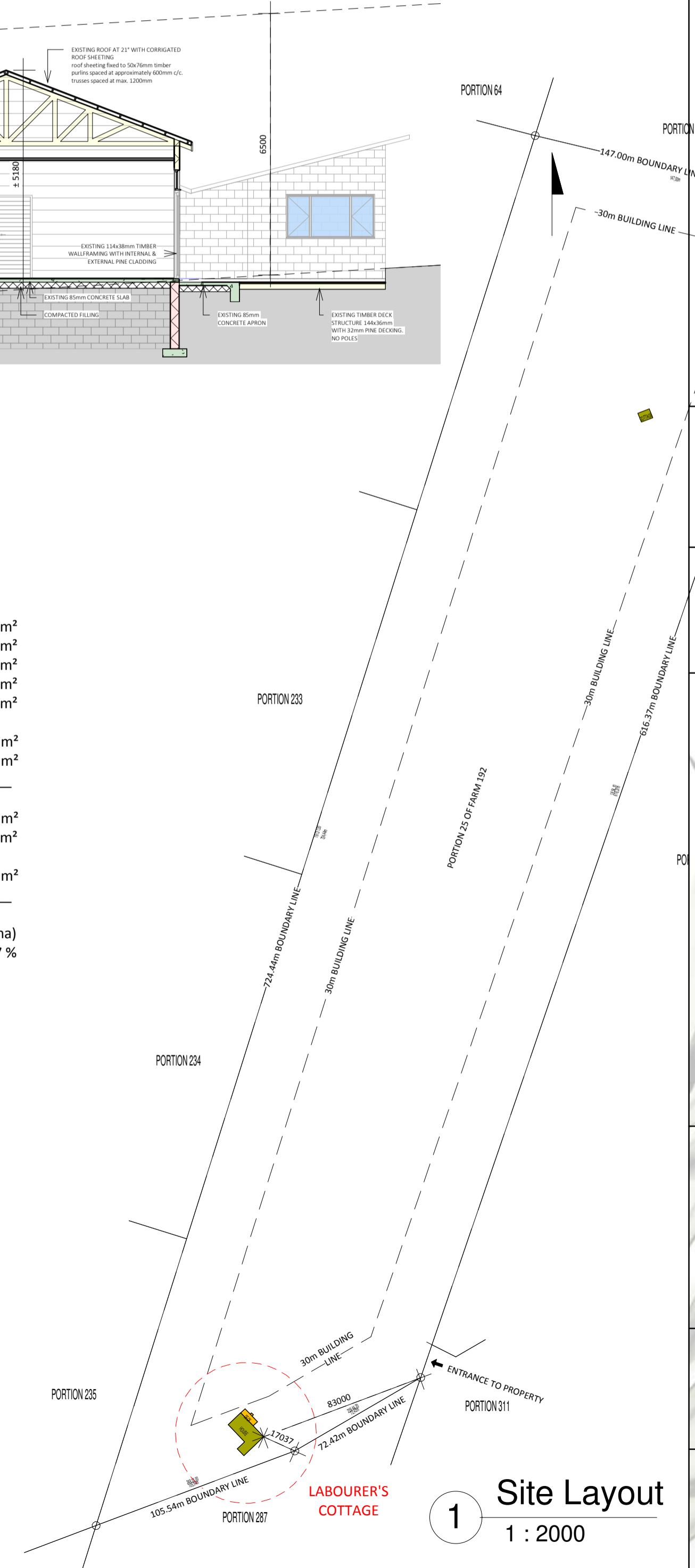
House - Internal:	99.96 m ²
House - Covered Deck:	24.73 m ²
House - Open patio:	59.42 m ²
Garage:	42.62 m ²
Storage:	25.40 m ²

Existing Total area:	192.71 m ²
Existing Footprint:	252.13 m ²

EXISTING MAIN HOUSE:	127.30 m ²
EXISTING SHED:	28.46 m ²

Total buildings on site: 348.47 m²

Site Area:	93 431.39 m ² (9.3 ha)
Coverage:	0.37 %



1 Site Layout
1 : 2000

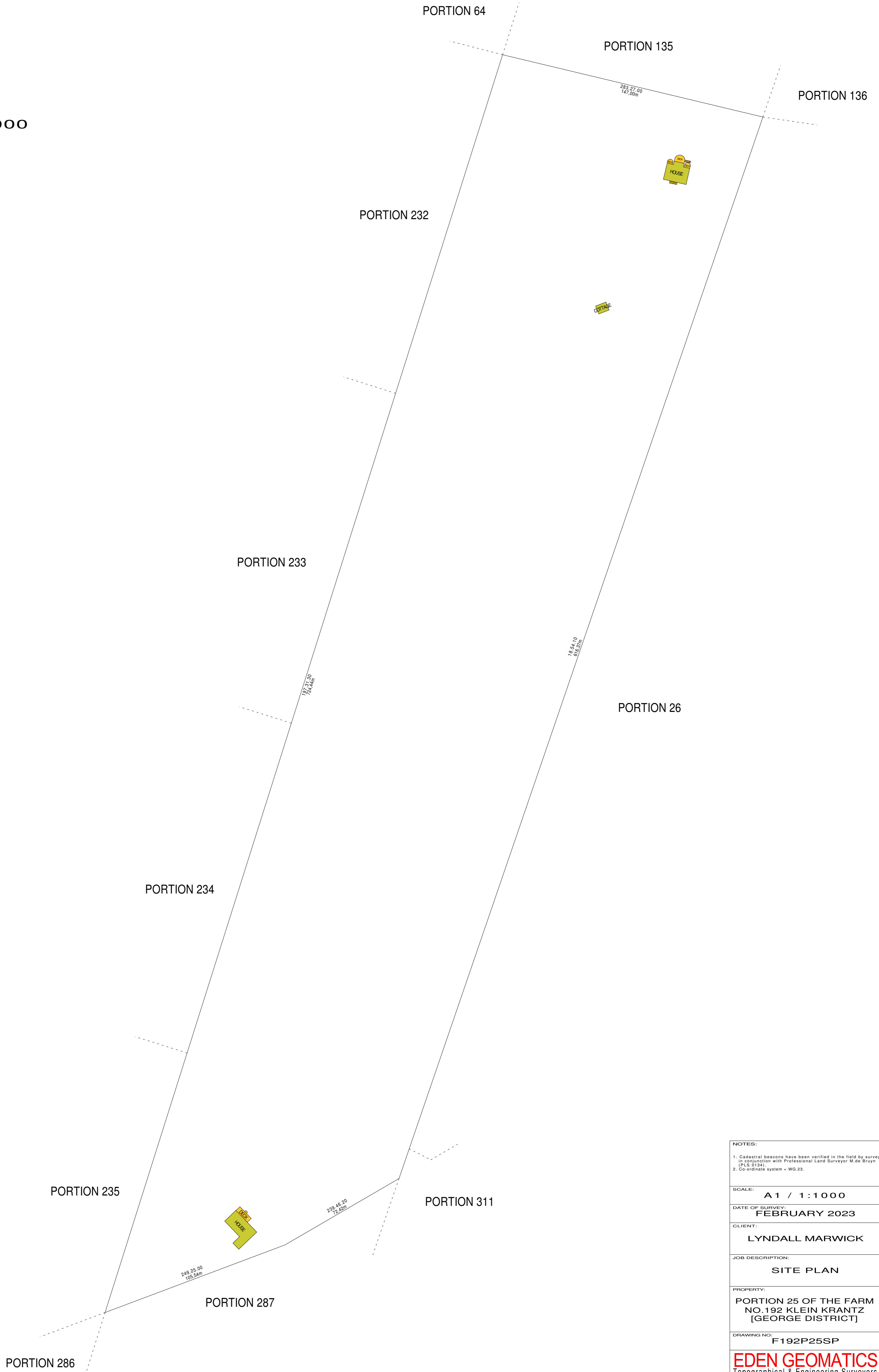
ANNEXURE D:

SURVEY PLAN



Town Planning & Development Consultants (Pty) Ltd

T N
SCALE 1:1000



NOTES:
1. Cadastral beacons have been verified in the field by survey in conjunction with Professional Land Surveyor M.de Bruyn (PLS 0134).
2. Co-ordinate system = WG.25.

SCALE: A1 / 1:1000

DATE OF SURVEY: FEBRUARY 2023

CLIENT: LYNDALL MARWICK

JOB DESCRIPTION: SITE PLAN

PROPERTY: PORTION 25 OF THE FARM NO.192 KLEIN KRANTZ [GEORGE DISTRICT]

DRAWING NO: F192P25SP

EDEN GEOMATICS
Topographical & Engineering Surveyors
P.O.Box 346 Knysna 6570
Andre Genade 072 993 8665
andre@edengeomatics.co.za
Nick Foster 071 621 2409
nick@edengeomatics.co.za

ANNEXURE E:
TITLE DEED



11

STBB SMITH TABATA BUCHANAN BOYES
1st Floor, Titanium House
19 Gardner Williams Avenue
Paardevelei
Somerset West
7130
Docex 15, Somerset West

Prepared by me,

CONVEYANCER
MADELEIN WILLIAMS

Particulars	3515 000 00	1522 00
Balance b/d		
Balance c/d		

T 000050515 / 2018

DEED OF TRANSFER

DATA / VERIFY
01 NOV 2018
VOLUNTARY OWNER

BE IT HEREBY MADE KNOWN THAT

BELINDA KATE LEWIS

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

ANDRE RETIEF BESTER
Identity Number 540702 5105 08 3
Unmarried

signed at SEDGEFIELD dated 5 SEPTEMBER 2018

DATA / VERIFY
01 NOV 2018
VAN TONDER ELIZABETH

AND the said Appearer declared that his/her principal had on 14 August 2018 truly and legally sold by private treaty and that he/she, the said Appearer in his/her capacity aforesaid, did, by these presents cede and transfer to and on behalf of:

- 1. **MARK JAMES ALLNUTT**
Identity Number 850919 5085 08 1
Married out of community of property
- 2. **LYNDALL ELIZABETH MARWICK**
Identity Number 851228 0202 08 2
Married out of community of property

their heirs, executors, administrators or assigns in full and free property:

**REMAINDER PORTION 25 (A PORTION OF PORTION 17) OF THE FARM KLEIN KRANTZ NO 192
IN THE MUNICIPALITY AND DIVISION GEORGE
WESTERN CAPE PROVINCE**

IN EXTENT: 9,3137 (NINE COMMA THREE ONE THREE SEVEN) HECTARES

FIRST TRANSFERRED by Deed of Transfer Number T10865/1954 with Diagram Number 9882/1953 relating thereto and held by Deed of Transfer Number T68232/2012.

- A. **SUBJECT** to the conditions referred to in Deed of Transfer Number T9331 dated 2nd December 1911.
- B. **SUBJECT FURTHER** to the following conditions contained in Deed of Transfer Number T10865/1954 imposed by the National Transport Commission as Controlling Authority in terms of the provisions of Act Number 21 of 1940, namely:-
 - 1.
 - 2. Not much more than one dwelling house, together with such outbuildings as are ordinarily required to be used in connection therewith shall be erected on the land except with the written approval of the Controlling Authority as defined in Act Number 1940, read in conjunction with Act Number 44 of 1948.
 - 3. The land shall be used for residential and agricultural purposes only and are no sore or place of business or industry whatsoever may be opened or conducted on the land without the written approval of the Controlling Authority as defined in Act Number 21 of 1940 read in conjunction with Act Number 44/1948.
 - 4. No building or any structure whatsoever shall be erected within a distance of 94,46 metres from the centre line of the National road, without the written approval of the Controlling Authority as defined in Act Number 21 of 1940 read in conjunction with Act Number 44 of 1948
- C.



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

ANDRE RETIEF BESTER, Unmarried

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

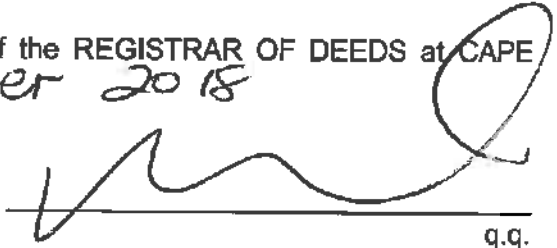
- 1. **MARK JAMES ALLNUTT, Married as aforesaid**
- 2. **LYNDALL ELIZABETH MARWICK, Married as aforesaid**

their heirs, executors, administrators or assigns

now is and henceforth shall be entitled thereto, conformably to local custom, the State, however, reserving its rights, and finally acknowledging the purchase price of the property hereby transferred to be the sum of R3 515 000.00 (THREE MILLION FIVE HUNDRED AND FIFTEEN THOUSAND RAND).

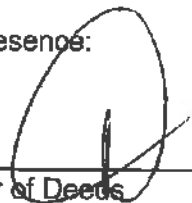
IN WITNESS WHEREOF I, the said Registrar of Deeds together with the Appearer, have subscribed to these presents, and have caused the Seal of Office to be affixed thereto.

THUS DONE AND EXECUTED at the Office of the REGISTRAR OF DEEDS at CAPE TOWN on 31 October 2018



_____ q.q.

In my presence:



_____ Registrar of Deeds




ANNEXURE F:
CONVEYANCING
CERTIFICATE





ATTORNEYS • CONVEYANCERS • NOTARIES

SINCE 1991

Conveyancer's Certificate

I, the undersigned

WERNER ADRIAAND DURAND

A conveyancer practicing as such at Van Rensburg Inc, 221 Gordon Road,
Hatfield, Pretoria

Do hereby certify that:

1. I and/or the legal practice of which I am employed, have sufficient professional indemnity insurance to cover any loss or damage suffered by any third party arising from any fact or circumstance certified in terms hereof, being incorrect and in respect of which I may be professionally liable.
2. I acknowledge that I accept the responsibility and any liability for the accuracy of the facts mentioned in this certificate.

1. PROPERTY DESCRIPTION

With regard to the application by

1. MARK JAMES ALLNUTT
Identity number: 850919 5085 081
Married out of community of property
2. LYNDALL ELIZABETH MARWICK
Identity number 851228 0202 082
Married out of community of property

The applicants for the approval of CONSENT USE, DEPARTURE AND
REMOVAL APPLICATION on the property known as:

REMAINDER PORTION 25 (A PORTION OF PORTION 17) OF THE
FARM KLEIN KRANTZ NO 192
IN THE MUNICIPALITY AND DIVISION GEORGE
WESTERN CAPE PROVINCE

IN EXTENT: 9.3137 (NINE COMMA THREE ONE THREE SEVEN)
HECTARES

2. REGISTERED OWNERS

The land development area is currently owned as follows:

1. MARK JAMES ALLNUTT
Identity number: 850919 5085 081
Married out of community of property
2. LYNDALE ELIZABETH MARWICK
Identity number 851228 0202 082
Married out of community of property

In terms of Deed of Transfer number: T 50515/2018 which was registered on 31 October 2018 in the office of the Registrar of Deeds at Cape Town, a copy of which is attached hereto and marked "A".

3. MORTGAGE BONDS

There is currently no mortgage bond registered over the land development area. Therefore no consent of a bondholder needs to be obtained herein.

4. MINERAL RIGHTS

Deed of Transfer number T 50515/2018 does not contain or refer to any title conditions with regard to mineral rights over or in favor of the property. Therefore, the land development area is not subject to or entitled to any mineral rights. However, to ensure that all conditions are met for township establishment, the input of the Department of Mineral Resources will have to be obtained by the town planner.

5. DISPOSAL OF EXISTING CONDITIONS OF TITLE

The property is subject to existing title conditions and servitudes as contained in Deed of Transfer number: T50515/2018



a. The following conditions appear in Deed of Transfer number T 50515/2018:

A. Subject to the conditions referred to in Deed of Transfer T 9331 dated 2nd December 1911.

I have perused Deed of Transfer T 9331 dated 2nd December 1911. There are no further restrictive conditions imposed in this title deed pertaining to the subject property in this application.

B. Subject further to the following conditions contained in Deed of Transfer number T10865/1954 imposed by the National Transport Commission as Controlling Authority in terms of the provision of Act number 21 of 1940 namely.

I have perused Deed of Transfer T10865/1954. The restrictive conditions reflected in this title are similar to the conditions addressed in this report and therefore no further provisions and/or comments are necessary. The conditions will be addressed below.

1.

This condition has been removed and no longer affects this property.

2. Not much more than one dwelling house, together with such outbuildings as are ordinarily required to be used in connection therewith shall be erected on the land except with the written approval of the Controlling Authority as defined in Act number 1940, read in conjunction with Act 44 of 1948.

This condition will be addressed in the currently application to Council. Currently the construction of a second dwelling unit is prohibited. In the application to Council this restrictive condition can be addressed as follows:

- *Consent and written approval for a second dwelling to be obtained as envisaged in this condition and/or*
- *Removal of this condition in total by means of an application in terms of SPLUMA, read together with municipal by-laws and subsequent endorsement of respective title deed at Deeds Office.*



3. The land shall be used for residential and agricultural purposes only and are no sore or place of business or industry whatsoever may be opened or conducted on the land without written approval of the Controlling Authority as defined in Act number 21 of 1940 read in conjunction with Act 44/1948.

This condition will be addressed in the currently application to Council, and pertains to the zoning of the property. In the application to Council this restrictive condition can be addressed as follows:

- *Consent and written approval to be obtained as envisaged in this condition and/or*
- *Removal of this condition in total by means of an application in terms of SPLUMA, read together with municipal by-laws and subsequent endorsement of respective title deed at Deeds Office.*

4. No building or any structure whatsoever shall be erected within a distance of 94.46 metres from the center line of the National Road, without the written approval of the Controlling Authority as defined in Act number 21 of 1940 read in conjunction with Act number 44 of 1948.

In order to address this condition, and possible building line restrictions, the application should also be submitted to SANRAL for their inputs and comments.

- *Consent and written approval to be obtained as envisaged in this condition and/or*
- *Removal of this condition in total by means of an application in terms of SPLUMA read together with municipal by-laws and subsequent endorsement of respective title deed at Deeds Office.*

C.

This condition has been removed and no longer affects this property.



FURTHER PROPOSED ACTIONS IN ORDER TO ADDRESS CURRENT CONDITIONS:

(a) PROPOSALS FOR THE REMOVAL OF CONDITIONS

Proposals for the removal of conditions have been listed beneath the applicable paragraphs as set out in clause 5 above.

(b) REMAINING PROCEDURE

I, therefore certify that the following are the only registrable transactions required to be registered in a deeds registry before the properties in the land development area will become capable of being transferred in ownership as contemplated in Section 38 (1) of the Act:

- (a) Obtain the relevant consents as referred to herein and/or
- (b) Cancel restrictive conditions with application to Deeds Office to endorse the said title deed

(c) CERTIFICATE

I have made due enquiry and, insofar possible, have personally verified all the relevant facts and circumstances.

DATED AT PRETORIA ON THIS THE 27 DAY OF JULY 2023.



A handwritten signature in black ink is written over a horizontal line. The signature is cursive and appears to be the name of the signatory.

ANNEXURE G:
POWER OF ATTORNEY



SPECIAL POWER OF ATTORNEY

We, the undersigned,

MARK JAMES ALLNUTT

ID number: 850919 5085 081

LYNDALL ELIZABETH MARWICK

ID number: 8512280202082

in our capacity as the registered owners of the property known as:

PORTION 25 OF THE FARM KLEIN KRANTZ 192


do hereby nominate, constitute and appoint:

Willie Jan Erasmus ID No 900212 5013 083, in his capacity as Director and Town Planner of the company **Urban Arrow Town Planning and Development Consulting (Pty) Ltd Registration Number 2022/461839/07** or/ any person employed or appointed by the above individuals:

with power of substitution to be my/our lawful Agent(s) to appear on my behalf in name place and stead and to apply to the competent and relevant authorities for the necessary approvals for the proposed **Consent Use and Departure Application** in terms of the relevant provision of The Land Use Planning By-Law For George Municipality, 2023 and/or any other application needed and generally for effecting the purposes aforesaid, to do or cause to be done whatsoever shall be requisite, as fully and effectually, for all interest and purposes, as I might or could do if personally present and acting herein, hereby ratifying, allowing and confirming and promising and agreeing to ratify, allow and confirm all and whatsoever my/our said Agent(s) shall lawfully do, or cause to be done, by virtue of these present.

Signed at Wilderness on this 12 day of May 2023

AS WITNESSES:

1. 

OWNER:


MARK JAMES ALLNUTT


LYNDALL ELIZABETH MARWICK

ANNEXURE H:
APPLICATION FORM



GEORGE MUNICIPALITY



APPLICATION FORM FOR APPLICATION SUBMITTED IN TERMS OF THE LAND-USE PLANNING BY-LAW FOR GEORGE MUNICIPALITY

NOTE: Please complete this form using **BLOCK** capitals and ticking the appropriate boxes.

PART A: APPLICANT DETAILS

First name(s)	Willie Jan		
Surname	Erasmus		
SACPLAN Reg No. (if applicable)	Pr Pln A/2320/2016		
Company name (if applicable)	Urban Arrow Town Planning and Development Consulting (Pty) Ltd		
Postal Address	756 Panbult Street		
	Faerie Glen, Pretoria	Postal Code	0081
Email	info@urbanarrow.co.za		
Tel	083 599 0377	Fax	Cell 082 9298 239

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

Registered owner	Mark Allnut James	ID number: 850919 5085 081
	Lyndall Elizabeth Marwick	ID number: 851228 0202 082
Address	Cortez Farm, Wilderness, 6560	
	Po Box 1261 Sedgefield, 6573 Portion 25 of Farm 192, Kleinkranz,	Postal code 6560
E-mail	lyndallmarwick@gmail.com	
Tel	N/A	Cell 0731018906 0732288418
Fax	N/A	

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

Property Description [Erf / Erven / Portion(s) and Farm number(s), allotment area.]	Remainder of Portion 25 (A Portion of Portion 17) of The Farm Klein Krantz No 192					
Physical Address	Cortez Farm, Wilderness, 6560 Po Box 1261 Sedgefield, 6573 Portion 25 of Farm 192, Kleinkrantz,					
GPS Coordinates	Lat: -33.995965°S Lon: 22.668856° E.		Town/City	Kleinkrantz		
Current Zoning	Agricultural Zone 1	Extent	9.3137 Hectares 93 137m²	Are there existing buildings?	Y	N
Current Land Use	Dwelling house and Second Dwelling					
Title Deed number & date	T50515/2018					
Any restrictive conditions prohibiting application?	Y	N	If Yes, list condition number(s).	Conditions B(2), B(3) and B(4) of Deed of Transfer T50515/2018		
Are the restrictive conditions in favour of a third party(ies)?	Y	N	If Yes, list the party(ies).	N/A		
Is the property encumbered by a bond?	Y	N	If Yes, list Bondholder(s)?	N/A- No Bond Applicable		
Has the Municipality already decided on the application(s)?	Y	N	If yes, list reference number(s)?	N/A		
Any existing unauthorized buildings and/or land use on the subject property(ies)?	Y	N	If yes, is this application to legalize the building / land use?	Y	N	
Are there any pending court case / order relating to the subject property(ies)?	Y	N	Are there any land claim(s) registered on the subject property(ies)?	Y	N	
PART D: PRE-APPLICATION CONSULTATION						
Has there been any pre-application consultation?	Y	N	If Yes, please complete the information below and attach the minutes.			

Official's name	ILANE HUYSER	Reference number	2685199	Date of consultation	2023/06/14
-----------------	---------------------	------------------	----------------	----------------------	-------------------

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: **ABSA**
Branch no.: **632005**
Account no.: **01022220981**
Type: **Cheque**
Swift Code: **ABSAZAJCPE-SORTCODE 632005**
VAT Registration Nr: **4630193664**
E-MAIL: **ronel@george.org.za**
***Payment reference: Erven , George**

PART F: DETAILS OF PROPOSAL

Brief description of proposed development / intent of application:

It is the intention of the property owner to apply to George Local Municipality to legalize the existing second dwelling house on the property. In terms of our understanding and historical information the second dwelling was erected over between 1974 and 2010. The Second Dwelling currently exceeds the permitted 175m². It is also the intention of the application to apply for a permanent departure for the relaxation of a building line as well as a Removal of Restrictive Conditions within the Deed of Transfer to allow the erection of the existing dwelling unit.

Please refer to Motivation Report for full motivation of the proposed application.

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

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

Is the following compulsory information attached?

		Y		N		
Y	N	Completed application form		Y	N	Pre-application Checklist (where applicable)
Y	N	Power of Attorney / Owner's consent if applicant is not owner		Y	N	Bondholder's consent
Y	N	Motivation report / letter		Y	N	Proof of payment of fees
Y	N	Full copy of the Title Deed		Y	N	S.G. noting sheet extract / Erf diagram / General Plan
Y	N	Locality Plan		Y	N	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	Copy of Environmental Impact Assessment (EIA) / Heritage Impact Assessment (HIA) / Traffic Impact Assessment (TIA) / Traffic Impact Statement (TIS) / Major Hazard Impact Assessment (MHIA) / Environmental Authorisation (EA) / Record of Decision (ROD) (strikethrough irrelevant)	Y	N	N/A	1 : 50 / 1:100 Flood line determination (plan / report)
Y	N	N/A	Services Report or indication of all municipal services / registered servitudes	Y	N	N/A	Required number of documentation copies 2 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)	Y	N/A	(e.g. Environmental Conservation Act, 1989 (Act 73 of 1989), National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004), National Environmental Integrated Coastal Management Act, 2008 (Act 24 of 2008), National Environmental Management: Waste Act, 2008 (Act 59 of 2008), National Water Act, 1998 (Act 36 of 1998) (strikethrough irrelevant)	
Y	N/A	Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)				
Y	N/A	Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)(SPLUMA)				
Y	N/A	Occupational Health and Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations				
Y	N/A	Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA)				
Y	N/A	Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA)	Y	N/A	Other (specify)	
Y	N	If required, has application for EIA / HIA / TIA / TIS / MHIA approval been made? If yes, attach documents / plans / proof of submission etc. N/A				

Y	N	<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.

Applicant's signature: WJ Erasmus Date: 05 April 2023

Full name: Willie Jan Erasmus

Professional capacity: Professional Town and Regional Planner

SACPLAN Reg. Nr: A/2320/2016

FOR OFFICE USE ONLY

Date received:	<input type="text"/>	Received by:	<input type="text"/>
Receipt number:	<input type="text"/>		
Date application complete	<input type="text"/>		

ANNEXURES

Please do not submit these Annexure exemplars with the application form.

Annexure A: Exemplar of locality plan (consult guidelines for precise requirements)

Annexure B: Application submission checklist

Annexure C: Exemplar of typical layout plan (consult guidelines for precise requirements)

Annexure D: Examples of required documents

ANNEXURE I:
PRE-CONSULTATION





Planning and Development
 E-mail: town.planning.application@george.gov.za
 Tel: +27 (0)44 801 9477

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: **2685199**

Purpose of consultation: **CONSENT USE, DEPARTURE AND REMOVAL APPLICATION**

Brief proposal: **Existing Second Dwelling House- Removal of Restrictive Title Conditions**

Property(ies) description: **Portion 25 of the Farm Kleinkrantz No 192**

Date: 2023/06/14

Attendees:

	Name & Surname	Organisation	Contact Number	E-mail
Official	Ilané Huyser	George Municipality	044 801 9477	ihuyser@george.gov.za
Official	Fakazile Vava	George Municipality	044 801 9477	fvava@george.gov.za
Pre-applicant	Willie Jan Erasmus	Urban Arrow	083 599 0377	info@urbanarrow.co.za

Documentation provided for discussion:

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

Locality Plan
Aerial photo
Building Plan 3/192/25
Proposed Site Plan
Title Deed T50515-2018
Zoning Certificate

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

YES	NO
-----	----

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

The subject property is known as PORTION 25 OF THE FARM NO.192 KLEIN KRANTZ

It is the intention of the property owner to apply to George Local Municipality to legalize the existing second dwelling house on the property.

As indicated on the proposed Site Plan, the existing second dwelling house was built over the 30m building line. The subject property is zoned Agricultural Zone I (AZI) and only makes provision for "Agricultural" land uses. A consent use application and Departure Application to allow the Additional Dwelling is therefore required to make provision for the existing second dwelling house and structures on the property.

Consent from the South African the South African National Roads Agency SOC Ltd (SANRAL) will also be required as the property is situated next to the N2.

Our office can also confirm that the Title Deed of the Property has also been investigated- the following conditions are deemed to be restrictive towards the proposed application:

Condition B(2)

"Not much more than one dwelling house, together with such outbuildings as are ordinarily required to be used in connection therewith shall be erected on the land except with the written approval of the Controlling Authority as defined in Act Number 1940, read in conjunction with Act Number 44 of 1948."

Condition B(4)

"No building or any structure whatsoever shall be erected within a distance of 94,46 meters from the centre line of the National Road, without the written approval of the Controlling Authority as defined in Act Number 21 of 1940 read in conjunction with Act Number 44 of 1948"

The abovementioned conditions will have to be removed by means of a separate application for the Removal, Suspension or Amendment of Restrictive Conditions. An Attorney also needs to be appointed after approval of the application in order to endorse the Title Deed at the Deeds Office

Comprehensive overview of proposal:

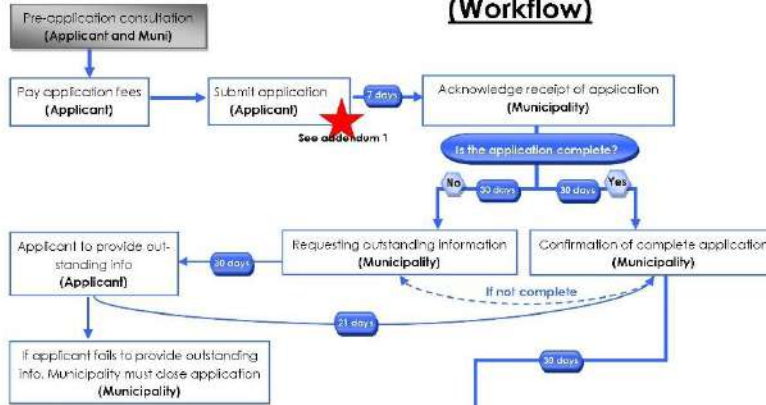
PART B: APPLICATION PROCESS

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

Draft By-Law on Municipal Land Use Planning

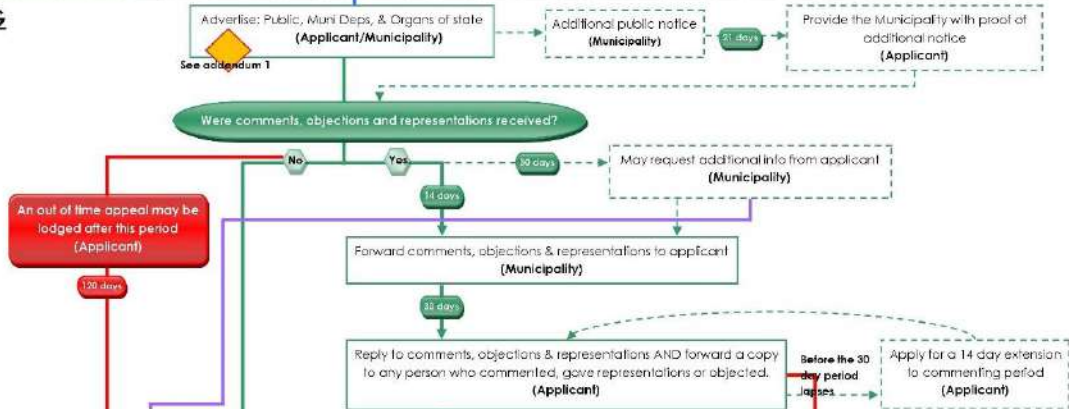
(Workflow)

SUBMISSION



- 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

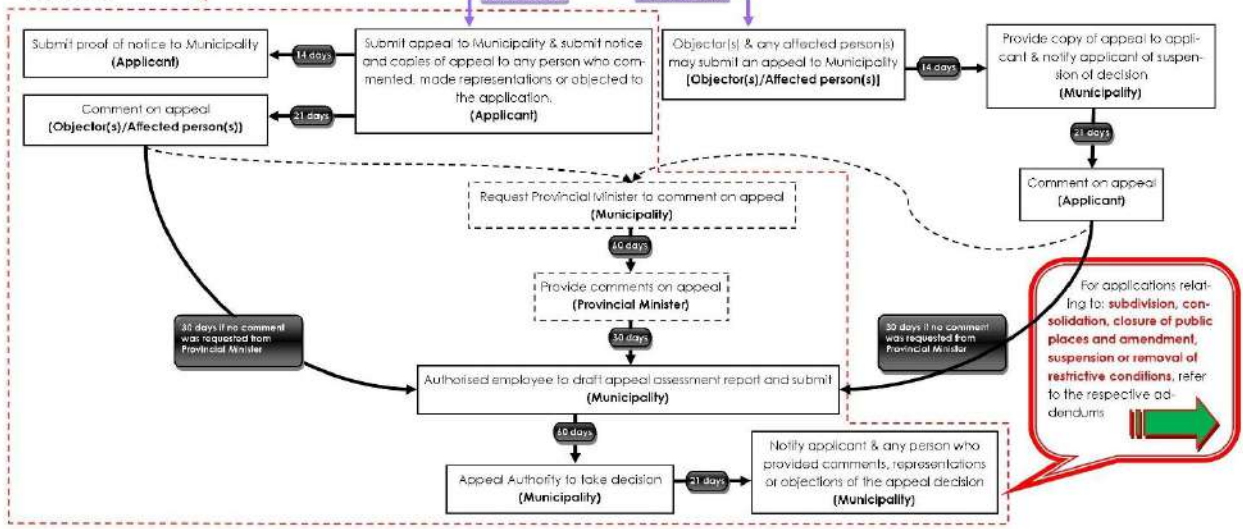


ASSESSMENT

DECISION

APPEAL PROCESS

APPEAL



For applications relating to: subdivision, consolidation, closure of public places and amendment, suspension or removal of restrictive conditions, refer to the respective addendums

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
	2(a)	a rezoning of land;	R
X	2(b)	a permanent departure from the development parameters of the zoning scheme;	To be determined
	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
	2(d)	a subdivision of land that is not exempted in terms of section 24, including the registration of a servitude or lease agreement;	R
	2(e)	a consolidation of land that is not exempted in terms of section 24;	R
X	2(f)	a removal, suspension or amendment of restrictive conditions in respect of a land unit;	To be determined
	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
X	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,	R

		letters of consent etc.)	
Y	N	Placing of final notice (i.e. Provincial Gazette etc.)	R
TOTAL APPLICATION FEE* (VAT excluded):			To be determined

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

SECTION B:

PROVISIONS IN TERMS OF THE RELEVANT PLANNING LEGISLATION / POLICIES / GUIDELINES

QUESTIONS REGARDING PLANNING POLICY CONTEXT	YES	NO	TO BE DETERMINED	COMMENT
Is any Municipal Integrated Development Plan (IDP)/Spatial Development Framework (SDF) and/or any other Municipal policies/guidelines applicable? If yes, is the proposal in line with the aforementioned documentation/plans?	X			
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)]	X			Conveyance Attorney to confirm
Any other Municipal by-law that may be relevant to application? (If yes, specify)	X			
Zoning Scheme Regulation considerations: Which zoning scheme regulations apply to this site? <u>George Integrated Zoning Scheme By-Law 2017</u> What is the current zoning of the property? <u>Agricultural Zone 1</u> What is the proposed zoning of the property? <u>Agricultural Zone 1- Consent for an Additional Dwelling House</u> Does the proposal fall within the provisions/parameters of the zoning scheme? <u>Yes-Departure only required for Building Line Relaxation</u> Are additional applications required to deviate from the zoning scheme? (if yes, specify) <u>Yes-Departure Application for Building Line Relaxation</u>				
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?	X			
Are any regional/district spatial plans relevant? If yes, is the proposal in line with the document/plans?		X		

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)
Will the proposal have an impact on any National or Provincial roads?	X			National Department of Transport / South

QUESTIONS REGARDING CONSENT / COMMENT REQUIRED	YES	NO	TO BE DETERMINED	OBTAIN APPROVAL / CONSENT / COMMENT FROM:
				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? (strikethrough irrelevant)		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 wastewater:			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:

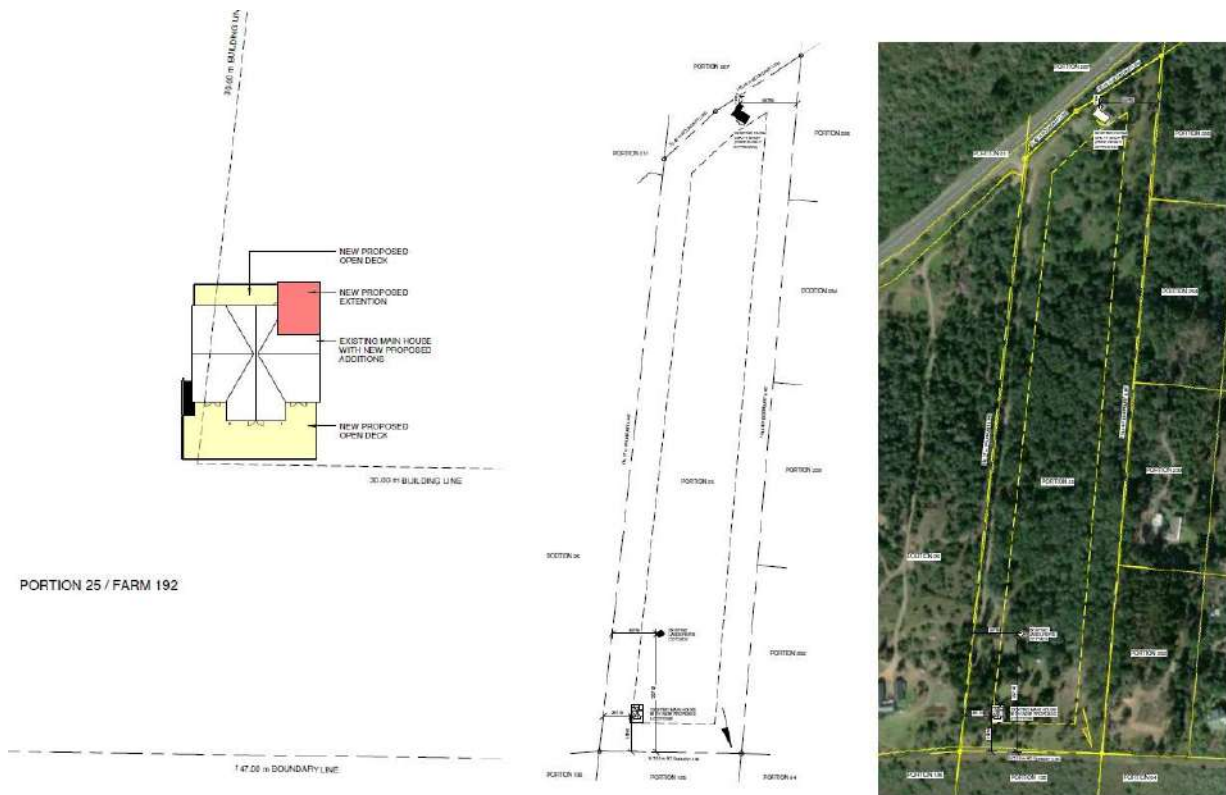
Y	N	Power of Attorney / Owner's consent if applicant is not owner (if applicable)	Y	N	S.G. noting sheet extract / Erf diagram / General Plan
Y	N	Motivation report / letter	Y	N	Full copy of the Title Deed
Y	N	Locality Plan	Y	N	Site Layout Plan
Y	N	Proof of payment of fees	Y	N	Bondholder's consent (<i>to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

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

PART E: DISCUSSION

Pre-application as discussed on 14 June 2023 for a Consent Use, Removal of Restrictive title deed condition and a Departure on Portion 25 of Kleinkrantz Farm 192. The applicant was not present of pre-application meeting and the following site layout plan was provided for discussion.



Town Planning comments

- The land use application must be submitted with the approval from the affected role player/controlling authority (SANRAL).
- The use of the property, building setbacks and “removal of the title deed conditions, if required” must be clearly addressed to the controlling authority which is SANRAL.
- The additional dwelling unit will need to comply with the zoning scheme parameters, specifically, the “proximity” of the proposed additional dwelling unit to the position of the main dwelling house.
- It is noted that the building (farm store) has been converted into a dwelling unit illegally, and as such associated impacts based on access issues and visual intrusion must be addressed.
- Applicant to provide approval for the labourer accommodation unit. To state/indicate scale of accommodation and role of labourer on the farm portion. May need to obtain comments from Western Cape Agriculture.
- To show all structures and uses on site on the layout plan.
- Applicant to note that this property forms part of a natural area and comments from SANParks will be required.
- A management plan/prevention plan addressing clearing of alien vegetation on the property will need to be prepared and submitted to this department.
- Applicant to note that an OSCAE permit will be required before any form of clearing and earthworks take place, and an OSCAE exemption will need to be issued for the existing illegal structures.
- The applicant must note that subdivisions of properties in this area will in principle not be supported.

CES comments:

- Access: SANRAL to provided comments on access, in terms of the proposed N2 upgrading.
- Water & Sewer: Municipal services are currently not available. The owner will be required to provide the required services. Should the Municipality expand existing services to the area, the developer will be required to tie into the new extended service at the developer's cost. Payment of DC will only then become payable.
- Stormwater: The developer will be required to manage the on-site stormwater in terms of Regulation R1. In this regard a possible stormwater management plan may be required, which will have to submitted for approval.

PART F: SUMMARY / WAY FORWARD

See comments above.



OFFICIAL: _____

Fakazile Vava (Town Planner)

PRE-APPLICANT: Willie Jan Erasmus

(FULL NAME)



SIGNED: _____

Ilané Huyser (Senior Town Planner)

SIGNED:

DATE: 2023.06.30

DATE: 2023/06/05

**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 J:
COMMENTS FROM
SANRAL



Reference: 11/5/3-2/7-32
Date: 18 September 2023
Email: dekokkr@nra.co.za

Fax Number: +27 (0) 21 910 1699
Direct Line: +27 (0) 21 957 4600
Website: www.nra.co.za



Mr Willie Jan Erasmus
Professional Town Planner
Urban Arrow Town Planning and Development Consulting (Pty) Ltd
756 Panbult Street
Faerie Glen
Pretoria
0081

Email: info@urbanarrow.co.za

Dear Mr Erasmus,

NATIONAL ROUTE 2 SECTION 7: PROPOSED CONSENT USE, DEPARTURE & REMOVAL APPLICATION : PORTION 25 OF THE FARM NO 192 KLEIN KRANTZ

Your application dated 3 August 2023 has reference.

The South African National Roads Agency SOC Limited SANRAL notes the following:

- Proposed addition of a 2nd Dwelling
- Structure is in excess of more than 500m from the road reserve boundary.

The SANRAL has no objection to the Consent Use of a Second Dwelling on Portion 25 of the Farm no 192, Klein Krantz, as this will have no impact on the national road.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'Rene de Kock', is written on a light-colored rectangular background.

.....
Rene de Kock
STATUTORY CONTROL

ID 22436617

Western Region 1 Havenga Street, Oakdale, Bellville, 7530 | Private Bag X19, Bellville, South Africa, 7535 | Tel +27 (0) 21 957 4600 Fax +27 (0) 21 910 1699
Email info@sanral.co.za | Visit us at www.sanral.co.za

Directors: Mr T Mhambi (Chairperson), Mr R Demana (CEO), Ms R Buthelezi, Mr R Haswell, Mr C Hlabisi, Mr E Makhubela, Mr T Matosa, Ms N Noxaka | Acting Company Secretary: Ms T Motha

Reg. No. 1998/009584/30. An agency of the Department of Transport.

ANNEXURE K:
COMMENTS FROM
WESTERN CAPE
DEPARTMENT OF
AGRICULTURE





OUR REFERENCE : 20/9/2/4/3/721
YOUR REFERENCE : -
ENQUIRIES : Cor van der Walt

Urban Arrow Town Planning and Development Consultants
756 Panbult Street
Faerie Glen
PRETORIA
0081

Att: Mr. Willie Jan Erasmus

**PROPOSED CONSENT USE, PERMANENT DEPARTURE AND REMOVAL, SUSPENSION OR
AMENDMENT OF RESTRICTIVE CONDITIONS: DIVISION GEORGE
REMAINDER OF PORTION 25 (PORTION OF PORTION 17) OF FARM KLEIN KRANTZ NO 192**

Your application of October 2023 has reference.

The Western Cape Department of Agriculture: Land Use Management has no objection to the proposal to allow one additional unit provided that the total floor size do not exceed 175m².

Please note:

- Kindly quote the above-mentioned reference number in any future correspondence in respect of the application.

- The Department reserves the right to revise initial comments and request further information based on the information received.

Yours sincerely



Mr. CJ van der Walt

LANDUSE MANAGER: LANDUSE MANAGEMENT

2024-02-02

Copy:

George Municipality

PO Box 19

GEORGE

6530