

AGENDA

EDEN JOINT MUNICIPAL PLANNING TRIBUNAL – GEORGE MUNICIPALITY EDEN GEMEENSKAPLIKE MUNISIPALE BEPLANNINGSTRIBUNAAL – GEORGE MUNISIPALITEIT

Office of the Municipal Manager:

**Civic Centre
GEORGE
6530**

Kantoor van die Munisipale Bestuurder:

**Burgersentrum
GEORGE
6530**

TO: All members of the Eden Joint Municipal Planning Tribunal

AAN: Alle lede van die Eden Gemeenskaplike Munisipale Beplanningstribunaal

Presiding Officer / Voorsittende Beampte

Paul Louw

Panel Members / Paneellede

Gilbert Cairncross
Madie Coetzee

Alternative members / Alternatiewe lede

Raimo Fernandez
Elma Vreken

Notice is given that a meeting of the Eden Joint Municipal Planning Tribunal – George Municipality will be held in George via *Microsoft Teams* on **Tuesday, 26 November 2024 at 10h00.**

Kennis geskied dat 'n vergadering van die Eden Gemeenskaplike Munisipale Beplanningstribunaal – George Munisipaliteit in George gehou sal word via *Microsoft Teams* op **Dinsdag, 26 November 2024 om 10h00.**

JACO EASTES

Chairperson / Voorsitter

[https://georgemun-my.sharepoint.com/personal/kbmeyer_george_gov_za/Documents/Keith Meyer/Tribunal agenda/Agenda \(26 November 2024\).docx](https://georgemun-my.sharepoint.com/personal/kbmeyer_george_gov_za/Documents/Keith%20Meyer/Tribunal%20agenda/Agenda%20(26%20November%202024).docx)

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4.	DECLARATION OF CONSTITUTED MEETING	
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6. ITEMS FOR DISCUSSION

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6.1	Rezoning and Consent Use : Woodville 172/17, Mandalay Minor Road, Division George (R Janse van Rensburg)	3 - 47
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6.1. Rezoning and Consent Use : Woodville 172/17, Mandalay Minor Road, Division George (R Janse van Rensburg)

LAND USE PLANNING REPORT

APPLICATION FOR REZONING & CONSENT: REMAINDER OF PORTION 17 OF THE FARM WOODVILLE 172, DIVISION GEORGE

Reference number	2906366	Application submission date	3 November 2023	Date report finalised	26 April 2024
Delegation: 4.17.1.17 of 30 June 2022 Sub delegation: LUP1.1 - AO: Category C2. O - DDPT					
PART A: AUTHOR DETAILS					
First name(s)	Robert Henk				
Surname	Janse van Rensburg				
Job title	Town Planner				
SACPLAN registration no.	A/2925/2020				
Directorate/ Department	Human Settlements, Planning and Development				
Contact details	044 801 9477 / rhjansevanrensburg@george.gov.za				
PART B: APPLICANT DETAILS					
First name(s)	Marlize				
Surname	De Bruyn				
Company name	Marlize De Bruyn Planning				
SACPLAN registration no.	A/1477/2011	Is the applicant authorized to submit this application?		Y	N
Registered owner(s)	Leppan Farming(Pty) Ltd (Reg no. 2018/068184/07)				
PART C: PROPERTY DETAILS					
Property Description (in accordance with Title Deed)	Remainder of Portion 17 of The Farm Woodville 172, Division George				
Physical address	Seven Passes Road	Town/City	George Rural		
Current zoning	Agricultural Zone I	Extent(m ² /ha)	144.6805 ha	Are there existing buildings on the property?	Y N
Applicable Zoning Scheme	George Integrated Zoning Scheme By-Law, 2023 (hereafter referred to as " Zoning Scheme ");				
Legislation	Land-use Planning By-Law for George Municipality, 2023 (hereafter referred to as " Planning By-Law "); George Municipal Spatial Development Framework, 2023 (hereafter referred to as " GMSDF ").				

		Ward 24 & 25 Local Spatial Development Plan, 2015 (hereafter referred to as “LSDP”) Western Cape Land Use Planning Guidelines: Rural Areas (hereafter referred to as “Rural Guidelines).			
Current Land Use	Agriculture		Title Deed number & date	T38480/2018 The Title Deed is attached as Annexure E . SG diagram is attached as Annexure F .	
Any restrictive title conditions applicable?	Y	N	If Yes, specify	According to the Conveyancer Certificate received from Madeleine Goldie dated 13 September 2023, the relevant Title Deed does not contain any conditions that restrict the proposed development. Bond holder consent is provided. The Conveyancer Certificate is attached as Annexure G .	
Any third-party conditions applicable?	Y	N	If Yes, specify	N/A	
Any unauthorised land use/building work?	Y	N	If Yes, explain	Existing Airfield on the property.	
PART D: PRE-APPLICATION CONSULTATION (ATTACH MINUTES)					
Has pre-application consultation been undertaken?			Y	N	Attached as Annexure D .
Reference Number	2642257		Date of consultation	26 October 2023	Official's name I. Huyser
PART E: LIST OF APPLICATIONS (TICK APPLICABLE)					
a. Rezoning	X	b. Permanent Departure		c. Temporary Departure	d. Subdivision
e. Consolidation		f. Amendment, Suspension or Deletion of Restrictive Conditions		g. Permissions Required in Terms of The Zoning Scheme	h. Amendment, Deletion or Additional Conditions in Respect of Existing Approval
i. Extension of Validity Period		j. Approval of An Overlay Zone		k. Phasing, Amendment or Cancellation of Subdivision Plan	l. Permissions Required in Terms of Conditions of Approval
m. Determination of Zoning		n. Closure of Public Place		o. Consent Use	X p. Establishment of a Property Owners Association
q. Rectify Beach of a Property Owners Association		r. Reconstruct Building of Non-Conforming Use		Other: (Specify)	
PART F: APPLICATION DESCRIPTION					
Consideration of the following applications applicable to Remainder of Portion 17 of The Farm Woodville 172, Division George:					

1. Partial Rezoning in terms of Section 15(2)(a) of the Land Use Planning By-law, for George Municipality, 2023 of Portion 17 of The Farm Woodville 172, Division George from “Agricultural Zone I” to “Community Zone I” for a place of instruction.
2. Consent in terms of Section 15(2)(o) of the Land Use Planning By-law, for George Municipality, 2023 for an “Airfield” on Portion 17 of The Farm Woodville 172, Division George.

PART G: LOCATION

The subject property is one of the Woodville farms north-east of Hoekwil & Touwsrante and located $\pm 100\text{m}$ south of the Seven Passes Road (Main Road 355) and approximately 3.5km east of Touwsrante, a small rural settlement, and approximately 2km south of the Woodville Big Tree. The property is surrounded by other agricultural properties. The property is characterised by intensive, commercial agriculture and an airfield that has been in this position since 1996 (27 years), known as The Leppan Airfield.

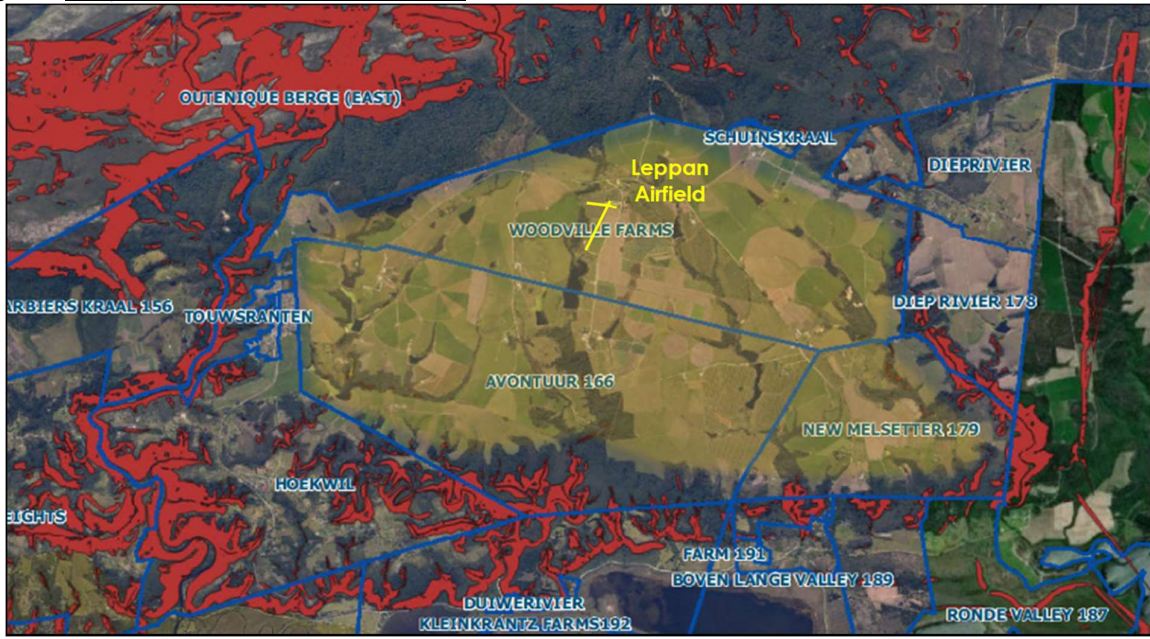
Figure 1: Regional Locality



Extract from Applicant’s motivation: “The greater Woodville area is characterized by intensive, commercial agricultural activities which includes the cultivation of vegetables, nuts, and also dairy farms. The Woodville farms are located in the more level “plateau” between the Outeniqua Mountains (north) and the smaller mountain valleys (south) and provides the ideal topography for the airfield use.

The locality of the Woodville farms is also very central in terms of the Garden Route and can be a vital emergency aircraft landing and take-off site for, inter alia, fire rescue services. **Figure 2** below indicates the location of the airfield (yellow lines), the plateau (faded yellow), and the steepest slopes of the surrounding mountains (red).”

Figure 2: Physical characteristics of the area



PART H: BACKGROUND AND HISTORY

Before 1981, the airfield was located on Woodville 172/1 (Oakhurst Farm), directly west of Woodville 172/17 (consolidation of Remainder Woodville 172/10 & Remainder Woodville 172/11) for many decades – (for exactly how long is unknown). The airfield was moved from Woodville 172/1 in 1981 to Woodville 172/13 due to the new power lines running east-west through this greater area, which includes the southern boundary of the subject property. From 1981 to 1996 (15 years), the airfield was therefore located on Woodville 172/13 (abutting the subject property on the eastern side) THE airfield was moved about 300m to the west, onto Woodville 172/17, upon the sale of Woodville 172/13.

Note: Below background was derived from the applicant's motivation and other documents found as part of the environmental process.

The reason for the establishment of an airfield in this area many decades ago was primarily for crop spraying. The latter is limited today due to the many changes in traditional agriculture in recent decades. In recent years, flight training was added as this type of training cannot be accommodated at the George Airport. The training offered here can only be given at such airfields for which it is registered with the South African Civil Aviation Authority (SACAA). The Leppan Airfield is the only airfield in the Western Cape where training for microlights (trikes) take place. The only other locations in South Africa for microlights training are in Babsfontein, Gauteng and in the south of KZN. The facility in East London has closed. The aircrafts flown from the Leppan Airfield (as registered with the SACAA) are microlights, gyrocopters, and fixed wing aircraft and the SACAA do regular inspections of the Leppan Airfield as required by law. This airfield is registered with the SACAA as a place of training for pilots and flight training. For training purposes, the airfield has a carrying capacity of up to 600kg (this is for all aircraft flying on a part 62 licence). Microlights are not encouraged at the George Airport as they fly too slow and would be a hindrance to commercial operations.

The Leppan Airfield is at times used by pilots from George Airport, in training, as a safe haven for forced landing exercises (public roads, agricultural fields cannot be used for training purposes as it creates unnecessary dangerous situations). The Bateleurs, the 'environmental air force', also use the Leppan Airfield. They are a group of volunteers providing their time and aircraft, flying missions to help conserve and protect our environment. Beneficiary organisations are provided with a free-of-charge aerial service to assist with a wide range of environmental issues. This airfield is further also used by the property owner for personal recreational purposes, flying with friends. Some friends leave their aircraft at the farm (since 1996). Visitors to the area, whether for business or pleasure at times also use the Leppan Airfield. E.g. Woolworths coming

to Leppan Farming for inspections, fly into the airfield from time to time. Tourists/Visitors to the area often fly in with their personal aircraft (fixed wing aircraft) to Leppan Airfield, leave the aircraft here, and then stay at guest farms and other guest facilities of the Southern Cape. This is an important service available for the tourism industry. To further support the tourism industry, skydiving is to be provided. It will complement the important contribution activities such as paragliding offers to our area.

The Leppan Airfield therefore has many uses, all under strict regulation by the SACAA. The flight training and recreational use of the airfield brings not only South Africans to the area but also many from abroad. Thus, as requested by the Municipality, the property owner is following the processes as determined by the land use and environmental legislation for this airfield which has been in this position since 1996. Along with applying for the relevant land use authorisations, the intention to extend the longitudinal runway to make it better usable by the disaster management organisations of the greater Southern Cape in the event of emergency such as during mountain fires.

With the former Section 8 Zoning Scheme Regulations (1988) an airfield was considered part of the agricultural environment as it was not addressed specifically for properties zoned Agriculture Zone I. In the current and former George Integrated Zoning Scheme By-law (2017 & 2023), airfield is listed as a consent use for properties zoned Agriculture Zone I. As a result, The Leppan Airfield, as it has been in existence for many decades, has never before been subjected to land use or environmental legislation. It has however always been strictly complying with the legislation regarding airfields and flight, as the South African Civil Aviation Authority (SACAA) does regular inspections.

A site visit was conducted on 25 July 2024 together with several other interested and affected parties as part of the Section 24 (g) public engagement process. Photos of the Site visit is attached throughout the report.

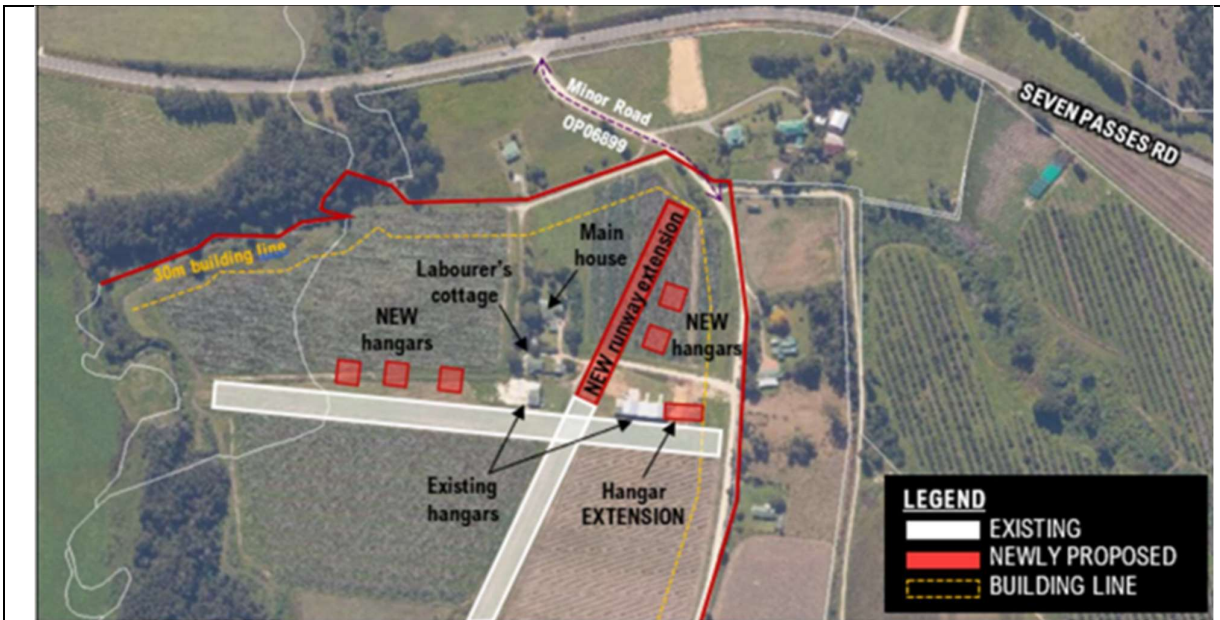
PART I: SUMMARY OF APPLICANTS MOTIVATION

The sections in italic did not form part of the applicant's motivation and is merely for information purposes.

The motivation report is summarised below and attached as **Annexure C**.

Proposed development

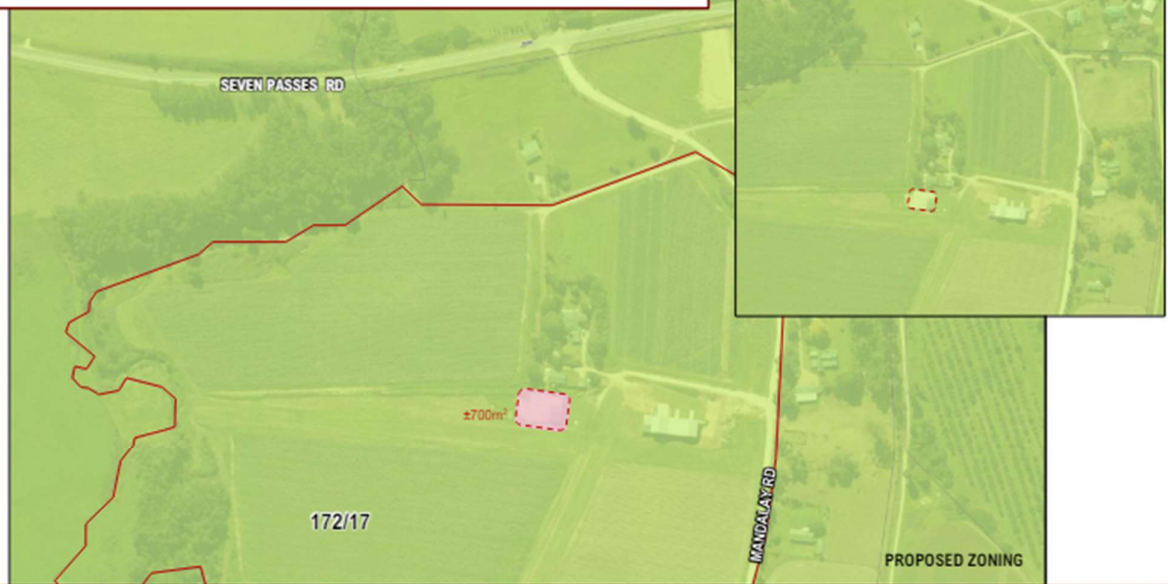
- It is proposed to regularize the Airfield through a consent use as it was not required in terms of the old Section 8 Schemes.
- It is further proposed to rezone ±700m² of the property from Agriculture Zone I to Community Zone I (place of instruction) to accommodate a flight school.
- The proposal above includes the following:
 - to extend the longstanding runway with 175m to the north. This runway is currently 850m long and will then be 1025m long. The cross runway is 450m long.
 - to build at least 5 new hangars and to extend the existing hangar.
 - The additional hangars are proposed along the latitudinal runway and will also comply with the relevant development parameters.



Proposed Site Plan

ZONING PLAN:

WOODVILLE 172/17, MANDALAY MINOR ROAD
GEORGE MUNICIPALITY & DIVISION



Property boundary	Agricultural Zone I (Agriculture)	For scale refer to figured dimensions. Measurements always to be checked by Professional Land Surveyor. NTS October 2023
Site to be rezoned	Community Zone I (Place of Instruction)	

Proposed Spot Zoning (Place of Instruction)

Municipal Services & Access

- No municipal engineering services are provided to the property and Eskom supplies electricity directly.
- Vehicular access will remain from Minor Road 6899 and will not change following this land use application. Ample space for parking is available.

Environmental considerations

- The areas where the additional hangars, extension of existing hangars, and extension of the runway are proposed are already disturbed as the farm has been used, and still is, for agricultural purposes.

- The applicability in terms of the National Environmental Management Act (1998) are being addressed by R3Green Environmental Consultancy.
- The Department of Environmental Affairs & Development Planning (DEADP – Environmental Impact Management Service) has concluded per e-mail that this proposal does not trigger NEMA.

Note: As seen further in the report a Section 24(g) application in terms of NEMA is in process as activities have been carried out without environmental authorisation.

Statutory Requirements

- The proposal supports the five development principles of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA).
- The land-use planning principles of LUPA (Section 59) are in essence the expansion of the five development principles of SPLUMA listed above.

Western Cape Provincial Spatial Development Framework (PSDF) (2014)

- An airfield is a compatible rural activity. The airfield on Woodville 172/17 is certainly of appropriate scale and does not compromise the environment or agriculture in any way.
- The airfield on Woodville 172/17 is considered to have a positive socio-economic impact on the area and does not compromise the aspects mentioned in the PSDF.
- The nature and aim of this land use application is found to not create any conflict with the PSDF.

Western Cape Land Use Planning Guidelines: Rural Areas

- The airfield and the extensions of buildings will not detract from the functionality or integrity of the agricultural activities.
- We conclude that the development proposal for Woodville 172/17 holds no conflict with the Western Cape Land Use Planning Guidelines: Rural Areas (2019).

George Municipal Spatial Development Framework, 2023

- In terms of spatial elements, the Woodville farms and Woodville 172/17 specifically can be classified in as a Retained Rural Area (7) and/or Intensive Agriculture (12) where (b) development should comprise of natural/scenic/cultural compatible land uses informed by transformation thresholds, including Recreation facilities.
- The airfield does provide a recreational facility. The agricultural activities on the property are not negatively impacted on but enhanced and supported.
- An airfield has been part of the area's character for many, many decades. The provision of an airfield on Woodville 172/17 is therefore found not to be in conflict with the GMSDF 2023.

George integrated Zoning Scheme, 2023

- The zoning of the property will not change following the approval of this land use application except for a portion of $\pm 700\text{m}^2$ of the property for the flight school (Community Zone I – place of instruction).

Note: The flight school (place of instruction) is not supported as elaborated upon throughout the report.

- As described extensively in this report, this flying school is incidental to the airfield. It is authorised by the SACAA and one of only three locations in South Africa where this type of training takes place. As also mentioned most training occurs in the air and not on the ground.
- The runways on Woodville 172/17 are 850m & 450m in length and has been in this location since 1996.
- The existing runway and hangars comply with the land use description of airfield and the proposed extension of the longstanding runway and additional hangars will also comply therewith. As mentioned earlier it is proposed that the 850m runway be extended with 175m to 1025m.
- To address the exclusion of a flight school or flight training, the rezoning of a portion of the property is needed. The primary land use for Community Zone I is place of instruction. This place of instruction will be restricted to the flight training facility as located on the property with an area of $\pm 700\text{m}^2$.

Public Interest

- As the Leppan Airfield has been in this location since 1996 and on abutting properties for decades as discussed earlier in this report, it cannot be expected to have a negative impact on the area and its residents.
- As also mentioned with the former Section 8 Zoning Scheme Regulations airfields was not addressed specifically for properties zoned Agriculture Zone I – it has always been regarded as part of the agricultural environment.
- According to need, it can be described as spread out over the region – an airfield is located at Pletternberg Bay, Rheenedal and Mossel Bay. Also, Oudtshoorn has an airfield used for especially training.
- Woodfield Farm located between George and Wilderness Heights have also been used as an airfield. The George Municipality has also created an airfield abutting Denneoord a few years ago and the George Airport brought an important service to the Southern Cape many decades ago.
- The Leppan Airfield and the ancillary training provided only has positive economic impacts.

Character of the area, visual impact.

- Regarding possible noise concerns, the airfield's location in a rural area is well-suited for mitigating sound-related issues.
- The vast landscape allows sound to disperse naturally. Important, as stated, this airfield has been part of this area for decades.
- The public interest of this land use application is therefore regarded as limited.

PART J: SUMMARY OF PUBLIC PARTICIPATION

Methods of advertising				Date published	Closing date for objections	
News Paper (Die Burger)	Y	N	N/A	7 November 2023	7 December 2023	
Gazette	Y	N	N/A	N/A	N/A	
Notices (email & post)	Y	N	N/A	7 November 2023	7 December 2023	
Website	Y	N	N/A	7 November 2023	7 December 2023	
Ward councillor	Y	N	N/A	7 November 2023 (email -Cllr. Viljoen)	7 December 2023	
On-site display	Y	N	N/A	7 November 2023	7 December 2023	
Community organisation(s)	Y	N	N/A	7 November 2023 (Wilderness & Lakes Environmental Action Forum [WALEAF], Wilderness Ratepayers and Residents Association [WRRRA])	7 December 2023	
Public Meeting	Y	N	N/A	N/A	N/A	
Third parties	Y	N	N/A	N/A	N/A	
O t h e r	Y	N	If yes, specify	Department of Forestry, Fisheries and the Environment (DFFE), Airports Company South Africa (ACSA), Western Cape Agriculture, ESKOM, Heritage Western Cape, SA Civil Aviation Authority (SACAA), SANParks, Cape Nature,	7 November 2023	22 January 2024

				Department of Environmental Affairs & Development Planning (Planning & Environmental), Department of Water and Sanitation.			
Total valid objections	38			Total invalid objections and petitions	1 (late reply)		
Valid petition(s)	Y	N	If yes, number of signatures				
Community organisation(s) response	Y	N	N/A	Ward councillor response	Y	N	N/A
Total letters of support	18 (Eighteen) (refer to Annexure I)						
Was the minimum requirement for public participation undertaken in accordance with relevant By-Law on Municipal Land Use Planning and any applicable Council Policy					Y	N	
Note: Notwithstanding the Public Participation Process followed as part of the Land Use Application, a Public Participation Process was also followed for the environmental application.							

PART K: SUMMARY OF COMMENTS DURING PUBLIC PARTICIPATION

**The notes in italic did not form part of the objection and are merely for explanation purposes.*

Thirty-eight (38) objections were received, and three (3) Comments. The objections and comments are summarised in **Table 1** below:

Table 1: List of Objectors and comments

Objector 1 - 192/85 – (Objection)	Objector 2 – (Objection)
Objector 3 - 78, BoLangvlei Road - (Objection)	Objector 4 – 179/18 - (Objection)
Objector 5 – 192/106 - (Objection)	Objector 6 – 178/2 - (Objection)
Objector 7 – 179/2 - (Objection)	Objector 8 – 172/20 - (Objection)
Objector 9 – 189/2 - (Objection)	Objector 10 – 176/2 - (Objection)
Objector 11 – 5 Bergsig Ave - (Objection)	Objector 12 – Erf 52, Hoekwil - (Objection)
Objector 13 – (Objection)	Objector 14 – 102 Platrug Weg - (Objection)
Objector 15 – 22 Dei Vleie Road - (Objection)	Objector 16 – 189/132 - (Objection)
Objector 17 – 743 Remskoek Street - (Objection)	Objector 18 – Cnr Farm Whites Road - (Objection)
Objector 19 – 178/20 - (Objection)	Objector 20 – Erf 17 Hoekwil - (Objection)
Objector 21 – 187/28 - (Objection)	Objector 22 – 178/13 - (Objection)
Objector 23 – Dieprivier - (Objection)	Objector 24 – 176/5 - (Objection)
Objector 25 – Erf 1012, Hoekwil - (Objection)	Objector 26 – 189/113 - (Objection)
Objector 27 – 179/4 (Objection)	Objector 28 – 182/18 (Objection)
Objector 29 – 179/9 (Objection)	Objector 30 – Rem Erf 100, Hoekwil (Objection)
Objector 31 – Anonymous (Objection)	Objector 32 – 187/43 (Objection)
Objector 33 – Skuinskraal /1 (Objection)	TouwsRiver Conservancy (Objection)
Western Cape Agriculture – (Part Objection)	WALEAF - (Objection)
SANPARKS - (Objection)	DEA&DP Environmental - (Objection)
DEA&DP Planning - (Comment)	Heritage Western Cape - (Comment)
ESKOM - (Comment)	

The objections and comments (refer to **Annexure H**) are summarised thematically (refer to **Table 2** below), due to the large number of objections received.

Note: Community representatives and organs of states comments and objections are listed separately.

Table 1: Summary of comments/objections

Objectors	1. Request for more information
Objector 1, 2,3,26,30	<ul style="list-style-type: none"> • The objector’s requested more information in terms of the proposal. • There is no information as to the expected noise levels if the development proceeds. • It is not clear whether the facility will be available for night flying training in the future? If night flying training is included, then the local community would get even more disturbance. • I would expect that the ambulance, fire, and safety requirements should be evaluated but was not addressed in the proposal. • Whilst understanding that some of the adjacent properties may have benefitted from increased tourism as a result of the existing airfield, I am not aware of any research carried out in the general area about such benefits. • The application fails to acknowledge or address the impacts of the proposed activities, specifically, the impacts on the environment and adjacent communities are not addressed. • What type of aircraft would be used for firefighting and why does the runway need to be extended for them?
Objectors	2. Noise pollution & Privacy
Objector 2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20,21,22,23,24,25,28,29,30,31,32,33	<ul style="list-style-type: none"> • It is very peaceful and quiet and feel that planes taking off and landing all day long, by instructors and students, will impact this in a major way. • There is already concern from local residents about the number of hangglider overflights in Rondevlei. If the noise of powered aircraft were added to this number, I will be very concerned and would object to the plan. • The introduction of sky diving would increase the noise levels in the affected area since this often involves the jump plane circling to gain the correct height. • There are already flying in the area with small planes, almost every day, over farms, houses, disturbing privacy, animals, livestock by generating noise and air pollution. • Many properties will be in direct line with the increased air traffic proposed. • Aeroplanes and microlights are known to fly at very low altitudes and necessarily over residential properties, disturbing residents and invading their privacy. Increasing activity will mulitly the effects. • Aeroplanes would cause excessive noise with the resultant loss of peace and tranquillity. It is also likely that such noise would scare domestic animals, cause barking dogs and spooking horses an area in which horses are kept by many residents. The noise could present a danger to horse riders. • Many businesses rely on the peace and tranquillity of the area to attract tourists and holidaymakers who come to the area for its unique beauty and naturalness and to escape the noise of the city. This will be directly

	<p>impacted and potentially cause further job loss and loss of income for the guesthouses, cabins and off the grid retreats.</p> <ul style="list-style-type: none"> • The establishment of a flying school will further increase the current air traffic 10-fold, which in turn will increase the noise pollution levels and possibly increase the likely hood of collision between light aircraft and residential buildings that they have to navigate around on approaching the airstrip for landing. • Trespassing of airspace above properties are not permitted. • Noise nuisance that disturbs or impairs the peace of any person is illegal in terms of the Environment Conservation Act (73 of 1989) and the Noise Control Regulations of 1999. • Flying on Saturdays, early mornings, and night flying takes place constantly disturbing the area with noise.
Objectors	3. Environmental
Objector 2,3,4,6,7,8,9,10,11,12,13,15,16,17,18,19,20,23,25,27,28,29,30,31,32,33	<ul style="list-style-type: none"> • The bird and wildlife are amazing and feel that planes taking off and landing all day long, by instructors and students, will impact this in a major way. • Have any amelioration factors been included by Leppan to reduce the impact of the increased noise and activity on all wildlife in the area? • According to the plans, the runway extension seems to impact on one of the water furrows crossing the land. What is the contingency should there be flooding? • If the Rezoning gets approved, with the increased traffic of aircrafts, the potential to damage the local wildlife and habitats is high. • Noise pollution would similarly cause disturbance to the local wildlife and their habitats. The disturbance would be particularly severe on the local bird life. It is pointed out that the area has over the past seen a drastic reduction in the number of fish eagles. • The increase in aeroplane similar traffic would cause an increase in pollution, which is detrimental to the environment. • The proposed extension to the airfield is in very close proximity to a national park which would negatively impact the biodiversity, water courses and the ecosystems, affecting habitats and behaviours. • Environmental studies have to be made of the impact of a flight school, as the aircrafts will be flying over a protected Ramsar site. • An increase in aircraft will have a detrimental effect on bird life and wildlife in the area. • An increase in aircraft will cause pollution and impact the sensitive ecosystem of the area. • In terms of the National Environmental Management: Protected Areas Act 57 of 2003 (s28(2)), the applicant's airfield currently falls well within the 10km buffer area of the Garden Route National Park. We are of the opinion that this should trigger a requirement for an Environmental Impact Assessment.
Objectors	4. Safety including fire risk
Objector 3,6,7,8,9,10,11,13,17,21,23,25,27,28,30	<ul style="list-style-type: none"> • The northern area of the runway is close to dwellings. The villages of Touwsranten and Bergplaas are not far away and any major incident at the airfield would impact vehicular access to these villages and any adjacent properties. • Insofar as the intended airfield would be utilised for training purposes, it is a concern that Inexperienced trainee pilots could cause accidents which

	<p>may pose a fire risk. This is exacerbated by the likely storage of high amounts of fuel at hangers.</p> <ul style="list-style-type: none"> • The increase in air traffic, which would include trainee pilots, would present higher risk of coming into contact and damaging the main 133kw dual high tension electrical lines situated approximately 400 meters south of airstrip. • (Objector 7) Early on in a training flight from Mandalay, a small plane nearly landed on our roof due to engine failure of the craft... landing just below our property in the valley beyond the forest. This is not an unusual event for small, privately owned aircraft flown by inexperienced trainees. • Not all the pilots are experienced pilots due to it being flying school and a collision with the building cannot be ruled out. • Inexperienced trainer pilots flying in a residential area is a major fire risk if accidents occur and highly dangerous to both pilots and residents especially with such a dense forest area. • Airfields can contribute to air and water pollution, which can have negative health effects. • Airfields can pose a risk to birds, and the interaction between birds and aircraft can lead to safety hazards.
Objectors	5. Land Use
<p>Objector 4,6,7,10,17,18,20,28,29,32</p>	<ul style="list-style-type: none"> • This is Agricultural Land, which does not consent to have an airfield and a flight training school, they should move it to another area where is possible to do so, not transform Agricultural Land for a Commercial Airplane Business. • The granting of the application would likely set a precedent for the rezoning of more agricultural land, which is undesirable. • Much of this land is zoned "Nature Area" & is considered conservation worthy. • Having aircraft activity piloted by inexperienced fliers is just not appropriate to the ecological sensitivity & tourism activity dominating the area. • As we believe that Mr Leppan owns other farms (and one nearer to the George airport) we believe the financial benefits of a flight school from this less sensitive area would be more appropriate. • The construction of an airport may lead to the destruction of valuable environmental and agricultural land, disrupting the delicate balance of our ecosystem and affecting local farming practices. • The noise, pollution, and safety concerns associated with the airport could negatively impact local businesses, including tourism and hospitality, which are vital to our community's economic well-being. • If the owner wishes to train pilots on this property, he will have to submit an application to rezone the property to Transport Zone I with a consent use for an airport. • This airfield, being run totally for profit, should be located at an approved airport, and not in amongst farms in the rural area. • Place of instruction implies a large amount of microlite activity during daylight hours which will hugely increase the percentage of noise pollution. • In terms of the George Integrated Zoning Scheme Bylaw, Land Use Descriptions and Parameters (page 42), an 'airfield' "may not be used for a flight school or flight training. • There is already one registered flying school situated at George Airport.
Objectors	6. Property Value

Objector 6,7,9,16,17,30,32	<ul style="list-style-type: none"> The proposal would undoubtedly have a deleterious effect on the property values in the area, which is a major concern.
Objectors	7. Traffic
Objector 6,9,13,21,25	<ul style="list-style-type: none"> There are many cyclists and pedestrians in the area, an increase in road traffic on the only road in and out of Hoekwil will increase risk of accidents causing danger to both locals and visitors, directly impacting safety of the community. Living near an airfield can also lead to increased traffic in the surrounding area.
Objectors	8. Character of the Area & Visual
Objector 6,8,9,13,15,23,24,25,30,31,32	<ul style="list-style-type: none"> The proposed additional hangers will also impact the beauty of the area, they will certainly not be aesthetically pleasing. The proposed airfield and place of instruction with associated impacts will change the character of the area.
Objectors	9. Public Participation
Objector 10,29,30	<ul style="list-style-type: none"> all the major concerned institutions are yet to comment and until such a time that these documents are received, one cannot be 100% objective about the current status of the application. Most of the support letters were outdated and issued in 2021. I am very aware some of these neighbours are now against this application. The Airfield is situated in the approach zone to the George Airport and in its controlled airspace. There has been no indication that the airport has been informed of the proposed application. Further engagement with the neighbouring communities, the South African National Parks and other custodians of the nearby proclaimed areas is warranted.
Objectors	10. Violations on the Property
Objector 18,23,29,30	<ul style="list-style-type: none"> Lengthening of the north/south runway twice, construction of a new east/west runway, erection of easterly hangars and a clubhouse & erection of westerly hangar. It is unacceptable that this farmer has previously had an airfield with flying school that has been closed down due to complaints & no land use change & is now trying to apply for it again. It is already being operated as a flying school and "The Flying Club". See website Flight Academy. CAA has confirmed that the airfield is not registered or licensed. It is apparently a Declared Training Organisation, which essentially means that they are self-regulated, but I have not been able yet obtain a copy of their approval to ascertain what activities they are authorised to conduct.
Wilderness & Lakes Environmental Action Forum (WALEAF) - (Objection)	
<ul style="list-style-type: none"> As per Google images history of this property and the images taken by WALEAF on the day of inspection, there are numerous violations of the law: <ul style="list-style-type: none"> lengthening of the north/south runway, pieces at a time (twice), construction of a new east/west runway, erection of easterly hangars and a clubhouse, erection of westerly hangar – In light of this, WALEAF feels that any zoning change requests and application for hangers should immediately be put on hold, until such time as the current violations stated above (illegal lengthening of the runways and the erection of numerous illegal buildings) are subject to the lawful process (including public participation). Only after this has been determined, should further expansion be considered. 	

- It is very clear that in terms of the latest Zoning Scheme By-law that an “Airfield” “may not be used for a flight school or flight training” and that such an activity can only be accommodated in an “Airport” which allows “a place of instruction for flight and related aviation training facilities.”
- We feel that the applicant has erred in applying for this spot zoning for Community Zone 1, as:
 - The 700m² specified size is far too small, as it has failed to take into account training taking place in hangars, and in aeroplanes on the ground and in the air.
 - In terms of the definitions of “airfield” and “airport”, training of pilots can only take place in Airports, and not on Airfields.
- Therefore, if the owner wishes to continue training pilots on this property, he will have to apply to rezone the property to Transport Zone I with a consent use for an airport.
- WALEAF insists that before any future expansion of this completely illegal development is contemplated, that the current unapproved runways, hangars and clubhouse be addressed first, before any future applications for development are considered.
- WALEAF would like to point out that All of these activities are obviously business orientated, designed to make a profit. As this airfield, which was previously, but no longer, used for crop sprayers, is now utilised for business purposes for deriving profit, it cannot be deemed an “agricultural airfield” any longer, as, being used for business, it must be classified as an airport.
- It is noted that there are many references made to the SACAA certification. Note that we still await the SACAA certification of the airfield.
- The statement of the applicant “...the intention to extend the longitudinal runway to make it better usable by the disaster management organisations of the greater Southern Cape in the event of emergency such as during mountain fires.” (Page 9) WALEAF questions this statement as:
 - Helicopters are mostly used in firefighting as they can refill their buckets in a few seconds from dams or lakes.
 - To fill a fixed wing aircraft from the farm’s water tanks would be very time-consuming and not practical in an emergency situation.
 - The aircraft for firefighting are stationed in Denneoord in George, a few minutes away. To-date the CURRENT facility is SUFFICIENT in terms of providing assistance in the event of Fire and Fire Disaster management.
- To state in the application that public interest is limited is far from the truth.
- If, as the applicant states, that no-one will be affected should this application to rezone be successful, then why does she state that “Ample space for parking is available”? In our opinion, this statement implies a huge influx of people once the airport has been approved.
- We have been in contact with DEA&DP, who, in an email to WALEAF stated “The development of a second runway/landing strip of 450m in length (Runway B) after the EIA Regulations came into effect is likely to have triggered activity 7 of Listing Notice 3. The matter has been referred to the Directorate: Environmental Law Enforcement of this Department.” We await their final decision on this.
- WALEAF studied both the George SDF and the Wilderness LSDF and cannot find any mention made regarding the future planning or approval of airports and/or airfields in the greater Wilderness area. If they have not been mentioned in these documents, then this application should be denied.
- WALEAF required confirmation if the application was for a rezoning or temporary departure (*Note: no application for temporary departure was applied for*)
- WALEAF was led to believe that because this flight training school was being operated without municipal permission, that it would cease operating pending the outcome of this application (of which the intention is to only now legalise it).
- Both Flight Academy and the Flying Club are commercial operations which should not be operating on a farm airfield under a consent use for an airfield. Being run totally for profit, they should be located at an approved airport, and not in amongst farms in the rural area.
- Currently on the internet, Flight Academy and the Flying Club, both situated on Mandalay Farm, appear to be operating without any restraint. Flight Academy are even conducting sunrise and sunset flights, which appears to contradict what is stated in the application.

- WALEAF needs to see these documents (CAA, ACSA and George Airport), otherwise this is not an open and transparent public participation process. We reserve our rights in this matter, and will submit comments later, should it be deemed necessary to do so.
- WALEAF Objects in terms of the following:
 - Environmental compliance in terms of NEMA and NEMPAA not obtained.
 - It is illegal to fly over a National Park at a height of less than 2500 foot above the highest point of the park. This equates to a minimum height over any part of the Garden Route National Park of 7540 feet. Any flight below that height without specific permission from the Parks Management is an offence in terms of the Act.
 - There is an ESKOM 133kV High Voltage power line a mere 430 metres south of the end of the North South runway. We feel that this is an exceeding dangerous situation, as should an aircraft taking off suddenly lose power, it could possibly crash into the powerline. Has ESKOM been contacted and asked for their input?
 - Immediately south of the end of the North South runway is a farm dam. We feel that this is an exceeding dangerous situation, as should an aircraft taking off suddenly lose power, it could possibly crash into the dam.
 - Approval of this application could result in the devaluation of the property, which the owner could possibly claim from the municipality Loss of the owners' constitutional basic human right, to not being observed or disturbed by aeroplanes flying very low over their property.
 - Study required in respect of noise pollution emanating from aircraft.
 - Study required in respect of bird life in the vicinity of the airport.
 - Possible negative impacts on tourism
 - Possible drop in property prices near to the proposed airport
 - Legality of airfield & associated structures
 - Important information not made available to I&APs as explained above and in the annexures.
 - Validity of "airfield" licence?
 - Do commercial operations conducted on a farm utilising an airstrip constitute it being a fully-fledged airport?

Note: Follow-up comments were provided from WALEAF after meetings with interested and affected parties and is included in the annexures. The comments are similar to that of the initial objections and comments.

Touwsriver Conservancy - (Objection)

- Until such time as an EIA is done and approved, no expansions should be considered due to the following potential impacts:
 1. An increase in aircraft having a detrimental effect on bird life in the area
 2. An increase in aircraft, buildings, people, traffic and noise affecting the wildlife in the area
 3. The increase in pollution impacting the sensitive ecosystem of the area
 4. If the owner wishes to train pilots on this property, he will have to submit an application to rezone the property to Transport Zone I with a consent use for an airport
 5. The airfield is being run totally for profit; therefore it should be located at an approved airport, and not in amongst farms in the rural area.
 6. Many violations of the law have taken place on this property:
 - lengthening of the north/south runway twice
 - construction of a new east/west runway
 - erection of easterly hangars and a clubhouse
 - erection of westerly hangar.
- Until such time as the current illegal violations are legalised or refused no additional expansions should be considered.

SANPARK - (Objection)

- Woodville 172/17 is situated in the Buffer Zone of the Garden Route National Park (GRNP) and is approximately 740m from the parks' boundary.
- However, due to intensive historical agricultural cultivation activities the property is highly transformed. There are no Critical Biodiversity Areas on the property, or on adjacent properties. A tributary (perennial river) of the Klein Keurbooms River runs along the property's western boundary, whilst a non-perennial stream runs to the west of the NNE to SSW runway.
- The property's location in the landscape is important, due to its close proximity to the GRNP and its location in the Buffer Zone, which acts as an insulation layer between the protected area and the potentially negative influences outside the park, thus protecting the purpose and values of the national park. Safe-guarding conservation outcomes and mitigating negative impacts pertaining to this property and the surrounding area are important to SANParks.
- SANParks believes that the historic, current, and future construction and use of the airfield/runways may potentially have triggered an activity listed in terms of the Environmental Impact Assessment (EIA) Regulation iterations of 1997 to 2014. Possible trigger activities may include:
 - Environmental Conservation Act, 1989 (Act No. 73 of 1989), Section 21, GNR No. R.1182, 5 September 1997.
 - National Environmental Management Act, 1989 (Act No. 107 of 1998) (NEMA), GNR No. 386, 21 April 2006, Listing Notice 1, Activity No. 1 (m).
 - National Environmental Management Act, 1989 (Act No. 107 of 1998) (NEMA), GNR No. 386, 21 April 2006, Listing Notice 1, Activity No. 1 (q).
 - National Environmental Management Act, 1989 (Act No. 107 of 1998) (NEMA), GNR No. R. 546, 18 June 2010, Listing Notice 3, Activity No.8 (d) & 20 (d).
 - National Environmental Management Act, 1989 (Act No. 107 of 1998) (NEMA), GNR No. R. 324, Amendment of EIA Regulations Listing Notice 3 of 2014, 7 April 2017, Activity No. 7 (i) and 19 (i).
- When assessing and interpreting triggered activities it is important to take into consideration: activity phasing, i.e., where individual activities are not viewed in isolation, but as a collective cumulative activity; and the proximity of the activity to waterbodies (i.e., the dam and perennial river and non-perennial stream), in some instances which fall within 32m of the runway. A Water Use Licence Application (WULA) may too have been triggered in terms of the National Water Act, (Act 36 of 1998) Section 21 c) impeding or diverting the flow of water in a watercourse, and i) altering the bed, banks, courses, or characteristics of a watercourse, among other.
- SANParks requests that confirmation be attained from the Provincial DEA&DP and/or the National DFFE on whether the construction and use of the runways may have triggered an activity listed in terms of the Environmental Impact Assessment (EIA) Regulation of 1997 to 2014.
- Further, that confirmation be attained from the DWS and/or the relevant Catchment Management Agency that a WULA was not triggered in terms of the National Water Act, Act 36 of 1998).
- Flight restrictions over Protected Areas In terms of the National Environmental Protected Areas Amendment Act, 2004 (NEM: PAA), GNR No 21274, 11 February 2005, Pg 14 not addressed.
- The National Environmental Protected Areas Act, 2003, Regulations for the Proper Administration of Nature Reserves, GNR No 99, 8 February 2012, Pg 31, is also applicable.
- SANParks request clarity on whether all required planning and building permissions have been attained for the construction of the existing two hangers.
- SANParks is concerned that the proposed formalisation/legalisation and further expansion of the activity will have significant negative impacts on biodiversity not only in the Buffer Zone, but within the park area.
- SANParks is concerned that air traffic from microlights (trikes), gyrocopters, +/-21 fixed wing planes hangered at the property, as well as from other planes visiting, the property may be substantial.
- The airfield is approximately 740m from the GRNP's nearest boundary. SANParks' mandate is to conserve, protect, control, and manage National Parks (inclusive of the GRNP) and other defined protected areas and their biological diversity (biodiversity). This mandate is dependent on maintaining the parks tranquillity and on minimizing threats to biodiversity. As one example, biodiversity that may

be affected due to this application includes an active Crowned Eagle (listed as Vulnerable regionally and Near Threatened globally) breeding pair situated in Beervlei. Their nest is approximately 6.6km away from the area as the crow flies. SANParks is only aware of this one active nest in the park. Scientific studies (scientific papers available on request) estimate that nest spacing ranges between 6 and 32km and that mean annual home range varies from approximately 13km² to 38km² for a peri-urban pair.

- Other recorded raptor species in the landscape include Jackal Buzzards, Long-crested Eagle, Yellow-billed Kite, Black-shouldered Kite, as well as Black Sparrow Hawk, Forest Buzzard, African Goshawk and Cuckoo Hawk.
- SANParks is concerned that the LUA process does not allow for an adequate public participation process, nor for the conduction of specialist studies to investigate potential significant negative impacts and propose mitigation measures.
- To date no specialist studies have been undertaken and information that has been presented is generalised and unsubstantiated.
- SANParks believes that noise, traffic (air and ground), and health & safety impacts are currently and likely to be significant and that specialist studies should be undertaken to investigate these issues for existing and future scenarios.
- The noise specialist study should address noise impacts from all aircraft types, during take-off and landing and inflight, as well as duration of exposures, and should address impacts on biodiversity and humans, inclusive of economic loss of business to nature-based tourism operations, and property values, due to loss of tranquillity and sense of place, due to noise generated by aircrafts.
- The traffic study should address current and future air traffic and should also include road traffic. The application notes provision for the parking of 25 vehicles. If the airfield is to be used for the transportation of crop cargo to market, this too should be included in the study.
- The health and safety study should address emergency and crash-landing scenarios and impacts from such events on waterbodies, biodiversity, and humans, in terms of fire, pollution and loss of life.
- SANParks is concerned that the proposed runway expansion will be approximately 100m from neighbouring dwellings (Woodville 172/20), and approximately 500m from an Eskom powerline, further exacerbating health and safety risks.
- In addition, the airfield borders the Outeniqua mountains, where weather conditions can be unpredictable. SANParks questions whether this is in fact the ideal place for an airfield/expanding airport. Clarity should be sought in terms of the George Spatial Development Framework.

DEA&DP Environmental - (Objection)

- it is understood from the submission that the proposal entails the expansion of an existing grass runway (landing strip) that runs North to South with 175m, expanding an existing hangar and constructing 2 additional hangars for aeroplanes. It is further noted that the current airfield has been in its position since 1996, and the expansion will be undertaken onto agricultural land.
- Please note that this Directorate has previously provided comment on the proposal to the proponent, stating that this Directorate has reason to believe that the shorter landing strip was developed, prior to obtaining environmental authorisation from this Directorate. This is evident from the satellite imagery at the time of the April 2018 satellite image where there is no image of the shorter landing strip and then the shorter landing strip appears in December 2018 satellite image, which confirms that it was developed between April and December 2018. It is therefore this Directorate's view that the development of the said landing strip triggered the following listed activity at the time of commencement, being:
 - Listing Notice 3 Activity Number 7 Activity Description: The development of aircraft landing strips and runways 1.4 kilometres and shorter. (a)In Western Cape: All areas outside urban areas.
 - Written authorisation was therefore required from the competent authority, prior to commencement thereof.
- The proponent was informed that it is an offence in terms Section 24F and 49A of to commence with an activity listed in terms of Sections 24(2)(b) of NEMA unless the competent authority (this Directorate) has granted environmental authorisation for such activity. The proponent was also

informed that the matter was referred to the Directorate: Environmental law Enforcement and Compliance for further investigation. The outcome of the investigation will serve as this Directorate's final comment on the proposal.

DEA&DP Planning - (Comments)

- It is noted that the applicant communicated with this Department with regards to the applicability of NEMA and that the application was then referred to the Environmental Law Enforcement (Region 3). Refer to letter dated 9 November 2023 ref: 16/3/3/6/1/D2/19/0193/23.
- Based on the available information, this Department has no objection, to the proposal in terms of a Provincial Regulatory Land Use Planning point of view, provided that the applicant complies with all other legislation.

Western Cape Agriculture - (Part Objection)

- In Principle there is no objection to an airfield which is exclusively for private use by the owner.
- However, the scale of the proposed airfield appears to be for commercial purposes as it consists of seven hangers, a club house and training component.
- The proposal is therefore not regarded as consistent with a private airfield.
- The rezoning to Community Zone I FOR PLACE OF INSTRUCTION IS NOT SUPPORTED.

Heritage Western Cape - (Comments)

- Since there is no reason to believe that the proposed extension of an existing runway and five new hangers in Farm 172/17Woodville, George has impacted on heritage resources, no further action under Section 38 of the National Heritage Resources Act (Act 25 of 1999) is required.
- HWC chance finds procedure to be included in the environmental authorization.

ESKOM - (Comments)

Note that the comments from ESKOM were provided after the public participation period on request from the Municipality. Wayleave application applied for.

- Eskom has no objection to the proposed work and include a drawing indicating Eskom Overhead and underground services in close proximity.
- Please note that underground services indicated are only approximate and the onus is on the applicant to verify its location.
- There may be LV overhead services / connections not indicated on this drawing.

3. **O.H. Line Services:**

- a) The following building and tree restriction on **either side of centre line** of overhead power line must be observed:

Voltage	Building restriction either side of centre line
11 / 22kV	9.0 m
66kV	11.0 m
132kV	15.5 m

- b) No construction work may be executed closer than **6 (SIX) metres** from any Eskom structure or structure-supporting mechanism.

- c) No work or no machinery nearer than the following **distances from the conductors:**

Voltage	Not closer than:
11 / 22kV	3.0 m
66kV	3.2 m
132kV	3.8 m

- d) Natural ground level must be maintained within Eskom reserve areas and servitudes.

- e) That a **minimum ground clearance** of the overhead power line must be maintained to the following clearances:

Voltage	Safety clearance above road:
11 / 22kV	6.3 m
66kV	6.9 m
132kV	7.5 m

- That existing Eskom power lines and infrastructure are acknowledged as established infrastructure on the properties and any rerouting or relocation would be for the cost of the applicant/developer.
- Eskom must have at least a 10m obstruction free zone around all pylons (not just a 10m radius from the centre).

PART L: SUMMARY OF APPLICANT'S REPLY TO OBJECTIONS

The applicant provided their response to objections/comments on 22 February 2024 (Refer to **Annexure J**). The applicant's response to objections is categorically depicted in **Table 3** below:

Table 3: Summary of reply to objections

Objectors	1. Request for more information
Objector 1, 2,3,26,30	<ul style="list-style-type: none"> • This airfield complies with all relevant requirements as required by SACAA. What is relevant was included in the land use application. Additional information is provided to the authorities through the complete reply to comments received. • Night flying is not allowed by the SACAA. • Firefighting aircraft includes fixed wing planes and helicopters. • The objector could have read the complete land use application as it was available on the Municipality's website and also spread on social media.
Objectors	2. Noise pollution & Privacy
Objector 2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20,21,22,23,24,25,28,29,30,31,32,33	<ul style="list-style-type: none"> • Noise is a matter of perception. Other aircraft frequenting the airspace east of George Airport creates more noise. • The perception is that the flying school is the only aircraft flying in the greater Wilderness area. As elaborated in our reply to comments by WALEAF, the flying school's activity is not 24/7/365 as it is especially weather permitting, and no school operates every day.

	<ul style="list-style-type: none"> • Farm vehicles such as tractors and trucks fetching produce for the markets including milk trucks, makes more noise than most light aircraft. • Hang gliders is not relevant to this proposal for Woodville 172/17 • Noise is not expected to increase significantly as the aircraft from this runway makes less noise than the perception created by people. • Night flying is not allowed by the SACAA. • Aircraft in the area (not only from Leppan Airfield) in general do not fly at low altitudes and not over residential properties. The greater area is rural with dwellings spread throughout the area. Aircraft only fly lower when they come into land or of course when they take off. Aircraft have to comply with SACAA-regulations pertaining to altitude. • If skydiving does take place, it will be once or twice a year in exceptional circumstances. Skydiving is also not a land use. It takes place in airspace. • The flying school operated from 2018 and is not operational now until this land use application is concluded. There is no intention to increase the 'capacity' of the flying school. <p><i>Note: The owner has confirmed that the flying school has ceased operating.</i></p> <ul style="list-style-type: none"> • Flying on Sundays are exceptional and the SACAA allows flying during the day from shortly before sunrise until sunset.
Objectors	3. Environmental
<p>Objector 2,3,4,6,7,8,9,10,11,12,13,15,16,17,18,19,20,23,25,27,28,29,30,31,32,33</p>	<ul style="list-style-type: none"> • The OSCAE-regulations are not relevant in this application. • As this facility is existing and aircraft from other aerodromes such as George Airport use the airspace more, there is no negative impact on wildlife & birdlife. There are more vehicles on the roads of the greater lakes area which probably affects wildlife negatively. • There is no negative impact on wildlife in the area due to aircraft in the area. As stated, there are more aircraft from other aerodromes in the area than from this small airfield. • We cannot provide comment on a statement referring to animals being disturbed. If this was so, no horse would be in the area anymore and the successful dairy farms in the area would have ceased to exist many, many years ago. Regarding fish eagles: there are at least three breeding pairs in the area who maintain significant distances between each other for territorial reasons. • The comment regarding proximity to the national park, etc is noted. • A few light aircraft which uses significantly less fuel than vehicles (which has significantly increased with the population increase in the area) and farm vehicles cannot be blamed for an increase in 'air pollution'. • There is a water furrow east of the runway from the mountain (protected by a servitude) which provides water to the subject property and also the farm to the south. Due to the commercial nature of the farms, the farmer (property owner) will not allow any activity which could be detrimental to the much-needed water. This farmer also uses the runway for farming operations. • Due to the nature of the facility air and water pollution is not a factor.
Objectors	4. Safety including fire risk
<p>Objector 3,6,7,8,9,10,11,13,17,21,23,25,27,28,30</p>	<ul style="list-style-type: none"> • The flight school has been in existence for approximately 5 years and operation has ceased until the land use application has run its course. There has never been an accident or fire due to trainee pilots. The risk for fire is greater from the mountains to the north and from especially

	<p>invasive plant species which property owners (including authorities) do not control everywhere.</p> <ul style="list-style-type: none"> • The reference to the power lines south of the runway is noted. The runway is authorised by SACAA with full knowledge of the characteristics of the greater area. • Any pilot, whether a trainee or with decades of experience can make errors and cause an accident. • Fuel is not stored at the airfield. The benefit of an airfield which can be used by firefighting aircraft in the event of fires, should outweigh any unfounded statement regarding aircraft fuel.
Objectors	5. Land Use
Objector 4,6,7,10,17,18,20,28,29,32	<ul style="list-style-type: none"> • The land use application showed that the type of aircraft accommodated at the Leppan Airfield cannot be accommodated at e.g. George Airport. • The comment regarding the strain on agricultural land, livestock and jobs is noted. Clearly, the objector has no knowledge regarding agriculture, especially in this area. Referring to a president created to rezone agricultural land is unfounded without the objector having knowledge of the land use legislation and spatial development frameworks. • The objectors' perceptions regarding trainee pilots are noted. There is no proof that flight training has a negative impact on agriculture and tourism. It is only statements. • The motivation report for the land use application explained why it has to accommodate the flight school as a spot-rezoning. • The owner of Woodville 172/17 does not own property close to George Airport. The flight school also had no financial benefits (profit) for the property owner. • It is not proposed to expand the flight training facility. It is only addressed through a spot rezoning for reasons as discussed in the report for the land use application. • The objector's unfounded comment regarding a negative impact on local business, impact on the Big Tree and no benefit to the area, are noted. • Yes, it is clear that the land use description for airfield excludes a flight school. That is why the alternative of a spot zoning is requested. The by-laws do not prevent spot zonings.
Objectors	6. Property Value
Objector 6,7,9,16,17,30,32	<ul style="list-style-type: none"> • Referring to 'devaluation of property' is a general go-to reason in most objections for many land use applications. This is never proven, also not in this instance
Objectors	7. Traffic
Objector 6,9,13,21,25	<ul style="list-style-type: none"> • The reference to an increase in road traffic cannot be laid at the feet of the Leppan Airfield when considering the population increase in the Southern Cape (as well as more tourists) in especially recent years. • Living near an airfield can also lead to increased traffic in the surrounding area.
Objectors	8. Character of the Area & Visual
Objector 6,8,9,13,15,23,24,25,30,31,32	<ul style="list-style-type: none"> • Airfields are associated with rural areas with an airfield in this area for many decades as discussed in the land use application's report.
Objectors	9. Public Participation
Objector 10,29,30	<ul style="list-style-type: none"> • The objector's statement on what is part of the public participation process is noted. Nothing is certain about any land use application until the decision is made by the authorised official or the planning tribunal.

	<ul style="list-style-type: none"> The objector's statement regarding letters of support is noted. New letters of support are also added to this reply to comments received.
Objectors	10. Violations on the Property
Objector 18,23,29,30	<ul style="list-style-type: none"> The Flying Club was closed about a year ago and the Flight Academy was closed at the end of the 'academic' year. This is a misrepresentation of facts by the objector, misleading the George Municipality. The airfield is registered. The land use application does not have to provide detail of a flying school operator as it is subject to other legislation. The Municipality is not responsible to ensure compliance with other legislation.
Wilderness & Lakes Environmental Action Forum (WALEAF) - (Objection)	
<ul style="list-style-type: none"> WALEAF states that no applications can be considered before 'illegal' developments is 'addressed', how should the latter be addressed? It can only be 'addressed' through the land use application as submitted to George Municipality. WALEAF's opinions on the zoning is noted. If the spot zoning should 'in fact cover the entire area where all training is taking place', the airspace should also be rezoned. Then all airspace should be rezoned as an airport, as all aircraft, whether a small, fixed wing plane or an Airbus A380, should be accommodated in zoning. WALEAF's opinion regarding 'profit' is noted. Profit is irrelevant to the land use application. We did provide WALEAF with snips from the SACAA website indicating that the Leppan Airfield is registered. It is also not for WALEAF necessary to be concerned about the responsibilities of the SACAA. The latter does regular inspections. In the event of a fire, certain parts of the greater Wilderness area can only be reached via the air for firefighting purposes, such as the Langvlei Dunes area. The municipal airfield is ±18km away from Langvlei Dunes. The Leppan Airfield is ±6km away. We think it is logical that a distance 3 times more will lead to 3 times longer turnaround time. In such longer time, fire will in all probability cause significantly more damage. Not only those who receive a direct invitation, can comment in a public participation process. That is why land use applications are published on e.g. the Municipality's website and a site notice is put up. WALEAF's unfounded deduction regarding parking is noted. It is a requirement that all land use applications address parking. Spatial development cannot provide for every possible land use. That is not the intention of such documents. WALEAF should note that an airfield is a possible consent use in the zoning by-law – part of the reason for this land use application. The Western Cape Land Use Planning Guidelines: Rural areas also address airfields in the rural areas. If airfields were not possible in the rural area, it would not have been clearly stated in the latter. No temporary departure is applied for. The relevant legislation does not prevent the creation of facilities for the 'wealthy few'. The 'wealthy few' is needed to pay taxes and create employment. The training school in Oudtshoorn is not for the same type of aircraft offered until recently at the Leppan Airfield. The impact of 'noise' is a perception. Safety is an issue for any pilot. Unfortunately, vehicle accidents are significantly more frequent than aircraft accidents, including student pilots. The Flying Club was closed about a year ago and the Flight Academy was closed at the end of the 'academic' year. Increase in air traffic and number of planes hangered is not necessarily the same. Some planes on the runway have not flown for 9 months as the owners are in Germany and only come to SA for one month in a year (problematic for owners regarding maintenance etc). Devaluation is a go-to objection point for which we have never seen any proof. If devaluation was true, why did all other neighbours provide letters of support for the land use application? The owners of Woodville 172/20 did not submit an objection to the land use application. WALEAF objected on their 	

behalf. Surely, if the airfield and associated uses are going to devalue property, all neighbours would have objected.

- ACSA, George Airport and the SACAA were requested to provide comment on the land use application but did not. On further enquiry to ACSA and the George Airport, we were referred to ATNS (Air Traffic Navigation Services) at George Airport (the tower). It is the personnel monitoring air traffic as the name states.
- The applicant together with the owner of Woodville 172/17, had a meeting with Mr. Obakeng Tselapedi, the acting COO for ATNS FAGG (George Airport).
- During the meeting with Mr. Tselapedi, (ATNS FAGG George Airport) the following was discussed and will be reflected in the letter to follow:
 - The Leppan Airfield is non-commercial and located east of Hoekwil;
 - It is located outside the FAGG CTR of George Airport. Aircraft using the Leppan Airfield fly at a stall speed of approximately 30-40 knots while the commercial aircraft using George Airport fly around 120 knots. Aircraft of varying speeds cannot always safely share airspace. Most aircraft from the Leppan Airfield do not enter the airspace of George Airport.
 - There are PPL schools at the George Airport already and slower air traffic such creates danger, e.g. the time difference for wake turbulence behind a heavy 737. This will slow down commercial flight operations.
 - The ATNS Tower at George Airport has a good repour with light aircraft in the Southern Cape area. The majority of light aircraft pilots are found to be responsible.
 - Light aircraft use Mogas which is not available at George Airport. Therefore, if all light aircraft bring their own fuel to the George Airport, it adds unnecessary risk.
 - Mossel Bay and Plettenberg Bay cannot accommodate more aircraft and Leppan Airfield is suppling a necessary service to the flying community.
 - The Leppan Airfield complies with ATNS requirements and a registered with the SACAA.
 - ATNS deals with approximately 1240 flights per month from the George Control Tower who do not operate from the Leppan Airfield.

Touwsriver Conservancy - (Objection)

- The TRC's comments are noted. The TRC's interpretation of zoning is also noted.
- The concerns are addressed in responses to objectors.
- Whether an airfield is run for profit or not, is irrelevant as the land use descriptions does not exclude profit.
- As stated, pilots who keep their aircraft at the Leppan Airfield do pay a fee. This is needed for maintenance and insurance. The land use description for airfield does not state that it is a charitable land use.

SANPARK - (Objection)

- SANParks opinion regarding possible listed activities are noted. The matter is addressed by R3Green Environmental Consultancy and the competent authority.
- SANParks concerns are noted. When an aircraft is in the air, the SACAA legislation takes precedence together with safety. The intention is not to infringe on the GRNP airspace below the required heights. All flights are also monitored by ATNS, located at the George Airport.
- SANParks comment on 'commercial' is noted as well as interpretation regarding 'airport'. This land use application is for an airfield and not an airport.
- Possible biodiversity concern cannot be laid in front of only farmers and an airfield which is needed for farming operations, which provides for recreation (as many other types of recreation activities our area is known for), which can provide the opportunity for students to learn to fly and fulfil the need for residents to safely keep their aircraft which is not possible at other airfields and airports.
- The public participation process followed complies with the provisions of the George Municipality: Land Use Planning By-law.

Note that a Section 24(G) application is currently in process for the proposed development to obtain environmental authorisation.

DEA&DP Environmental - (Objection)

- R3Green Environmental Consultancy are addressing the matters raised by DEADP.

Note that a Section 24(G) application is currently in process for the proposed development to obtain environmental authorisation.

DEA&DP Planning - (Comments)

- Noted.

Western Cape Agriculture - (Part Objection)

- Noted. It is crucial to emphasise that the proposed activities at the airfield do not involve commercial operations. Private flying, flight training and non-commercial operations by individuals or non-profit organizations are not categorised as commercial.
- The hangars are rented to the owners of light aircraft.
- The presence of a flight school at Woodville 172/17 is not uncommon in rural landscapes of the Western Cape. These airfields and flight schools share similar dimensions, locations, and facilities with what is proposed for Woodville 172/17.
- The 'clubhouse' is not a public facility, but a private space of the owner of Woodville 172/17 and is occasionally used for administrative purposes and hosting flying enthusiasts.

Heritage Western Cape - (Comments)

- Noted.

ESKOM - (Comments)

Not addressed as part of the public participation period as comments were requested from the Municipality.

PART M: SUMMARY OF COMMENTS FROM INTERNAL DEPARTMENTS

Name of Department	Date	Summary of comments	Recommendation
Civil Engineering Services	08/11/2023	In Order. Development conditions & DC's attached. (04/11/2023)	N/A
Civil Engineering Services (Traffic)	15/11/2023	All the roads abutting the development are provincial roads. Dot approval is required.	N/A
Electrotechnical Services	10/11/2023	The property is within the Eskom Area of Electrical Supply, therefore all approvals associated with electricity shall be obtained from Eskom directly	N/A
Fire Services	03/11/2023	In Order.	N/A
Environmental Management	06/11/2023	The proposal is being assessed in terms of the National Environmental Management Act (1998) by R3Green Environmental Consultancy. According to the motivation report, DEADP has concluded per e-mail to the applicant that this proposal does not trigger NEMA. We anticipate a full report/letter from DEADP.	N/A
Spatial Planning	09/11/2023	Spot rezoning supported. The limited training facility is an area specific use, relating to support service to the agricultural sector.	N/A

		The site falls within the SANParks buffer zone and their comment must be obtained.	
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PART N: MUNICIPAL PLANNING EVALUATION (REFER TO RELEVANT CONSIDERATIONS GUIDELINE)

Is the proposal consistent with the principles referred to in Chapter 2 of SPLUMA? (can be elaborated further below)	Y	N
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Is the proposal consistent with the principles referred to in Chapter VI of LUPA? (can be elaborated further below)	Y	N
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(In)consistency with the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and with the principles referred to in Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014) (Section 65 of the Planning By-Law)

The consistency of the application with the principles of SPLUMA and LUPA as read with Section 65 of the Planning By-Law was evaluated as follows:

No	Evaluation checklist	Yes	No	N/A
Section 65				
65(a)	Does the application submitted comply with the provisions of the Land Use Planning By-law for George Municipality, 2023?	X		
65(b)	Has the motivation submitted been considered?	X		
	Were the correct procedures followed in processing the application? (see land use application process checklist)	X		
	Was a condonation required and granted with regards to the process followed? (see land use application process checklist)		X	
65(c)	Have the desirability guidelines as issued by the provincial minister to utilise land for the proposed land uses been considered? (not yet applicable)			X
65(d)	Have the comments received from the respondents, any organs of state and the provincial minister been considered? (s. 45 of LUPA)	X		
65(e)	Have the comments received from the applicant been considered?	X		
65(f)	Have investigations carried out in terms of other laws which are relevant to the application been considered?	X		
65(g)	Was the application assessed by a registered town planner? (see land use application process checklist)	X		
65(h)	Has the impact of the proposed development on municipal engineering services been considered?	X		
65(i)	Is the application in line, consistent and/or compatible with the IDP of the Municipality?			X
	Is the application in line, consistent and/or compatible with the Municipality's SDF?	X		
65(j)	Is the application in line, consistent and/or compatible with the IDP of the district Municipality including its SDF?			X
	Is the application in line, consistent and/or compatible with the district Municipality's SDF?			X
65(k)	Is the application in line, consistent and/or compatible with the applicable local SDF?	X		
65(l)	Is the application in line, consistent and/or compatible with the applicable policies of the Municipality that guide decision making?			X
65(m)	Is the application in line, consistent and/or compatible with the provincial SDF?	X		

65(n)	Is the application in line, consistent and/or compatible with the regional SDF (<i>SPLUMA</i>) or provincial regional SDF (<i>LUPA</i>)?			X
65(o)	Is the application in line, consistent and/or compatible with the applicable policies, guidelines, standards, principles, norms, or criteria set by national and/or provincial government?	X		
65(p)	Is the application in line, consistent and/or compatible with the matters referred to in Section 42 of <i>SPLUMA</i> ?			
65(q)	Does the application comply with the requirements of Section 42(2) of <i>SPLUMA</i> , supported by the relevant environmental reports.			
65(r)	Is the application in line or consistent and/or compatible with the following principles as contained in Sections 7 of <i>SPLUMA</i> and 59 of <i>LUPA</i> :			
1.	The redress of spatial and other development imbalances of the past through improved access to, and use of land?			X
2.	Address the inclusion of persons and areas previously excluded in the past, specifically informal settlements and areas characterised by wide-spread poverty and deprivation?			X
3.	Enable the redress of access to land by disadvantaged communities and persons?			X
4.	Support access to / facilitate the obtaining of security of tenure and/or incremental informal settlement upgrading?			X
5.	Has the potential impact of the development proposal on the value of the affected land /properties been considered?	X		
6.	Has the impact of the application on the existing rights of the surrounding owners been recognised?	X		
7.	Does the application promote spatially compact, resource frugal development form?			X
8.	Can the development be accommodated within the existing fiscal (budget), institutional and administrative means of the Municipality? (<i>e.g. Infrastructure upgrades required – when, budgeted for, etc.</i>)	X		
9.	Has the protection of prime, unique, and/or high potential agricultural land been considered?	X		
*10.	Is the application consistent with the land use measures applicable to / contained in environmental management instruments?	X		
11.	Does the application promote and stimulate the equitable and effective functioning of land markets?			X
12.	Have all current and future costs to all parties for the provision of infrastructure and social services been considered?	X		
13.	Does the application promote development that is sustainable, discourages urban sprawl, encourages residential densification, and promotes a more compact urban form?			X
14.	Will the development result in / promote the establishment of viable communities?			X
15.	Does the development strive to ensure that the basic needs of all the citizens are met in an affordable way?			X
*16.	Will the development sustain and/or protect natural habitats, ecological corridors, and areas of high bio-diversity importance?	X		
*17.	Will the development sustain and/or protect provincial heritage and tourism resources?	X		
*18.	Will the development sustain and/or protect areas unsuitable for development including flood plains, steep slopes, wetlands,	X		

		areas with a high-water table, and landscapes and features of cultural significance?			
	19.	Will the development sustain and/or protect the economic potential of the relevant area or region?	X		
	20.	Has provision been made in the development to mitigate against the potential impacts of climate change?			X
	21.	Does the development include measures to reduce consumption / conserve water and energy resources? (<i>renewable energy, energy saving, water saving, etc.</i>)			X
	*22	Does the development consider sea-level rise, flooding, storm surges, fire hazards?	X		
	23	Does the development consider geological formations and topographical (soil and slope) conditions?	X		
	24.	Will the development discourage illegal land occupation – w.r.t. Informal land development practices?			X
	25.	Benefits the long-term social, economic, and environmental priorities for the area (<i>sustained job opportunities, sustained income, integrated open space network, etc.</i>) over any short-term benefits (<i>job creation during construction, short term economic injection, etc.</i>)?			X
	26.	Contributes towards the optimal use of existing resources, infrastructure, agriculture, land, minerals, and/or facilities?	X		
	27.	Contributes towards social, economic, institutional, and physical integration aspects of land use planning?			X
	28.	Promotes and supports the inter-relationships between rural and urban development?	X		
	29.	Promotes the availability of employment and residential opportunities in close proximity to each other or the integration thereof?			X
	30.	Promotes the establishment of a diverse combination of land uses?	X		
	31.	Contributes towards the correction of distorted spatial patterns of settlements within the town / city / village?			X
	32.	Contributes towards and / or promotes the creation of a quality and functional open spatial environment?			X
	33.	Will the development allow the area or town to be more spatially resilient that can ensure a sustainable livelihood for the affected community most likely to be affected by economic and environmental shocks?			X
	*1(s)	Is the application in line with the applicable provisions contained in the applicable zoning scheme regulations (by-law)? (e.g. definitions, land use description and development parameters)		X	

Comments:

*1(s). The proposed development of an Airfield as a consent use on Agriculture Zone I which is consistent with the development parameters in terms of the Scheme. However, the scheme does not make provision for a place of instruction on Agricultural Zone I as a consent use. As a result of the objections and evaluation of the said application in context of the subject place of instruction proposed was found to be not desirable and therefore not suitable to be accommodated on the Agricultural Zone I Property as proposed. (See further elaboration on the latter below).

*10, 16, 17, 18, 22. A Section 24(G) application is currently in process for the proposed development to obtain environmental authorisation. All environmental concerns will be addressed and mitigated where necessary

in terms of the Outcome of the Section 24 (g) application.

(In)consistency with the IDP/Various levels of SDF's/Applicable policies

Provincial Spatial Development Framework, 2015 (PSDF)

The Western Cape Provincial Spatial Development Framework, 2015 (PSDF) recognises the Western Cape's natural capital, varied scenic and cultural resources which are the attractions that makes the WC the country's premiere tourism destination. Several towns in the WC are heavily reliant on the tourism market for economic sustainability. The PSDF recognizes this fact and the need for natural resources to be used and enjoyed by many tourists/residents in the area. Notwithstanding, the PSDF also emphasises the importance to conserve, protect and strengthen the sense of place of important natural, cultural and productive landscapes, artefacts and buildings.

In terms of the PSDF no specific reference to lower order aerodromes or airfields are listed. From the document it could not be found that the proposal is in conflict with the PSDF.

George Municipal Spatial Development Framework, 2023 (MSDF)

According to the George MSDF (2023), The Wilderness, Kleinkrantz, Touwsranton and Hoekwil area is one of the most popular tourism and residential destinations along the Garden Route, based on its unique terrestrial, aquatic and marine assets, outstanding rural and townscape qualities, and recreational amenity value. The MSDF aims to maintain the present environmental, rural and settlement character of the area. Other objectives of the George MSDF (2023) are to manage and make use of land in the municipal area in a manner which protects natural ecosystem functioning. It also stresses the value of ecosystem services, recognising that these underpin the economy and settlement resilience.

The MSDF identify that area as "Retained Rural Areas" that include undeveloped rural and agricultural areas that must be retained, protected and/or improved (e.g., alien clearing). The protection of these areas is critical to ensure that the ecosystems which support life in the George area function optimally and that agriculture, as a key driver of the local economy, retains its viability. Retained Rural Areas does not promote or encourage the land to be used for land uses normally associated with urban areas. Read with the George Integrated Zoning Scheme, an Airfield is reconcilable with an agricultural area, given that it is also utilised for agricultural purposes. However, the place of instruction applied for through a spot zoning is not reconcilable with the context of agricultural areas and will be further elaborated upon in the sections below.

Policy Theme **B2: PG b** in terms of the MSDF focuses on the protection of agriculture. It can be argued that the proposed airfield will assist in the protection of agricultural land through access to better agricultural protection measures such as disaster risk reduction, agricultural crop dusting/ protection and crime prevention/intervention benefitting the surrounding agricultural farmers and community.

Policy theme **E1: PG a, E1: PG b; E1: PG c; E1: PG d; and E6.1: PG a** of the George MSDF is applicable to the subject property. The property is located within the buffer zone of the Garden Route National Park (GRNP) and in the context of the land uses proposed may have an effect on the Priority Natural Area in the surrounds. For these reasons, the objective to support and maintain the functionality of biodiversity areas so that they remain in a natural state, or their present ecological status is improved or at least does not deteriorate is

pivotal.

Given the history, foreseen impact and extent of the development, a Section 24 (g) application is currently underway to conclude the environmental impact and mitigation measures of the proposed airfield. Thus, the application is consistent with the policy guidelines of the MSDF as outlined above subject to the outcome of the environmental processes. Nonetheless, due to the historic considerations, environmental report and specialist studies and the fact that the airfield is merely grassed areas, it is not foreseen that the proposed development will negatively impact the environment on the property. Moreover, any mitigation measures or buffers imposed from the environmental outcome will be included in the Site Development Plan, which will have to be submitted.

Based on the above it is evident that the proposed development of an airfield is consistent with the George Municipal Spatial Development Framework, 2023.

Rural Land Use Planning & Management Guidelines (Rural Guidelines).

The rural guidelines states that Buildings accommodating land uses ancillary to or associated with agriculture, should not detract from the functionality and integrity of farming practices and landscapes and be of an appropriate scale and form and includes airfields. The existing associated buildings (hangers) comply with the abovementioned guidelines; however, the scale of the proposed additional hangers will alter the character of the agricultural realm as it is considered too extensive and intensive for agricultural related purposes. Thus, the proposed additional hangers and place of instruction is not reconcilable with the agricultural zoning of the property and cannot be supported.

The Rural Guidelines also provide recommendations in terms of conservation, agriculture, land reform, rural accommodation, tourist and recreational facilities, rural business, mining & industry, community facilities and institutions, infrastructure, and urban development in a rural area. The guidelines encourage the protection of agriculture as the primary land use in the rural landscape and to protect, maintain and enhance viable agricultural units and encourage sustainable farming practices. In terms of the existing extent of the activity on the property it is thus considered to be consistent with the development principles and guidelines as stated in the WC Rural Guidelines. Therefore, the development will be limited to the existing supporting structures associated with the Airfield and no further expansion of such structures will be supported.



Existing Hanger 1



Existing Hanger 2

(In)consistency with guidelines prepared by the Provincial Minister

N/A

Outcomes of investigations/applications i.t.o other laws

As instructed by the comments from DEA&DP environmental a Section 24(g) application has commenced. R3Green Environmental consultants has lodged the application with report dated 26 August 2024. The final report is attached as **Annexure K**. The following specialist reports and conclusions formed part of the 24 (g)

application: (Note we did not include all these reports in the land use report, but can be made available upon request)

- Agricultural Specialist report: The assessed development poses zero threat to future agricultural production potential and its agricultural impact is assessed here as being of no significance.
- Animal Species Specialist Report: It is the specialist's opinion that the unlawful activities as per the Compliance Notice did not have significant negative effects on the fauna on the property or immediate surroundings. Although mitigation measures and layout design adjustments can be implemented to reduce current impacts. Aircraft operations since the establishment of Runway A are unlikely to have had a large negative impact on fauna, given the long-standing and highly transformed nature of the site and immediate surroundings prior to the commencement of this activity.
- Aquatic Biodiversity Report: Provided that the mitigation measures can be implemented; the ongoing use of the airfield is supported as the impact to aquatic ecosystems will be low. Even in the current state, the airfield is unlikely to impact the ability for the system to provide sustained water of a high quality and quantity, meaning the SWSA as a sensitivity feature is not entirely relevant. Mitigating the impacts of the airfield by shortening the runways would improve the structure and function of the affected aquatic ecosystems. The mitigation measure of installing culverts to improve connectivity is considered an acceptable alternative to the removal of 140 metres of the end of Runway A.
- Heritage Specialist Report: it is specialists view that the proposal would not impact on any heritage resource of cultural significance and that no further heritage-related studies would be warranted in this instance.
- Aviation Specialist Report: The lengthening of the main runway to 1020 meters is necessary for the inclusion of firefighting capability aircraft on Leppan airfield. This will ensure and enhance the safe operation of these aircraft taking in consideration the slope and runway surface conditions. The Obstacle Identification Surface (OIS) are an imaginary surface that surround an airfield and identify obstruction areas. OIS apply to departures as well as the portion of a non-precision Impact Approach Point for a visual descent. It is clear that the OIS clears the ESKOM powerline by 1.2 meters. The Produce Design Gradient (PDG) is defined as the minimum gradient required for an aircraft to safely clear obstacles during climb. It is clear that the PDG and the Approach Angle clear the ESKOM powerline. The ESKOM powerline does not interfere or have any impact on the Leppan Airfield.
- Plant Species & Terrestrial Biodiversity Specialist Report: The general state of the vegetation on and around the airfield is transformed, and the Klein Keurbooms River is very invaded by a host of invasive species, however black wattle (*Acacia mearnsii*) is dominant where the Klein Keurbooms River crossed Farm portion 17/172. The majority of the airfield site is not sensitive in terms of the Terrestrial Biodiversity and Plant Species themes. However, the river in the western section is sensitive, and is currently badly invaded and eroded. Therefor rehabilitation is recommended to be implemented.

The conclusion of the 24(g) report is that: "The impacts associated with the original development of the airfield and the further development to include additional hangars and extend Runway A will not have any significant impact on the environment."

It must be noted that the Section 24(g) application is still in process and possible mitigation measures mentioned in the report is subject to the outcome of the Environmental decisions.

Existing and proposed zoning comparisons and considerations.

The existing zoning of the property is “Agriculture Zone I” (Agriculture) with a proposal for consent use for an “Airfield” and to rezone a portion to “Community Zone III” (Place of Instruction) for a flight school.

The proposed airfield as a consent use on Agricultural Zone I, (AZI) complements the objective AZI being:

“The objective of this zone is to promote and protect agriculture on farms as an important economic, environmental and cultural resource as well as the natural areas occurring on these farms. Limited provision is made for non-agricultural uses to provide rural communities in more remote areas with the opportunity to increase the economic potential of their properties, provided these uses do not present a significant negative impact on the primary agricultural resource or natural environment.”

It is clear from the proposal and the objective of the zoning that an airfield is reconcilable with the agricultural area and will enhance the agricultural activity of the subject farm and the surrounding areas. Based on the Environmental Report it is not foreseen that the airfield will have a negative impact on the environment. The land use description of “Airfield” is specified as follows:

An “airfield” means runways and associated buildings for the take-off and landing of light aircrafts but may not be used for a flight school or flight training”

The proposed rezoning to “place of instruction” for a flight school is applied for as the primary zoning does not make provision for the proposed land use under its primary land use or uses with consent. An airfield also excludes a flight school. Although “Agriculture Zone I” does make provision for a place of instruction through a “cottage school” a flight school does not fit into the description of a “cottage school” being:

A “Cottage School” means a place of instruction that is intended to predominantly serve the families involved in bona fide agricultural activities on surrounding agricultural land units in a rural community, but is not precluded from serving other families living on these agricultural land units”

In terms of Section 20(4) of the George Integrated Zoning Scheme, 2023 no departure from the land use descriptions or definitions may be granted by the Municipality. As the land use description of an “Airfield” excludes a flight school it is clear that the intention was that no flight school may be accommodated on “Agriculture Zone I” properties. By allowing a flight school through a spot zoning on the subject property will compromise the land use description and intention of an “Airfield” and the objective of the Primary zoning being “Agriculture Zone I.” This is substantiated by the objections received in terms of the impact the existing flight school has on the surrounding area residents.

Thus, considering the above the proposal for consent use for an “Airfield” can be supported with conditions imposed to limit the impacts, and that a “Place of Instruction” (flight school) proposed as a spot zoning is found undesirable and cannot be condoned.

The need and desirability of the proposal

The need and desirability for the proposed development have been considered in terms of the following factors:

No.	Evaluation checklist	Yes	No	N/A
1*	Will the natural environment and/or open space systems be negatively affected?		x	
2*	Will application result in trees/indigenous vegetation being removed on site or in the road reserve?		x	
3*	Does the application have any negative impact on heritage resources?		x	
4*	Will the character of the surrounding area be negatively affected?		x	

5*	Will the architectural character of the streetscape be negatively affected?		x	
6	Will there be any negative impact on vehicle traffic and pedestrian safety?		x	
7	Will there be a negative impact on traffic movement / vehicle sight distances?		x	
8	Are there adequate on-site parking / loading facilities provided?	x		
9	Is there adequate vehicle access / egress to the property?	x		
10*	Will the application result in overshadowing onto neighbours' properties?	x		
11*	Will the neighbours' amenity to privacy / enjoyment of their property / views / sunlight be negatively affected?		x	
12*	Will the proposal have a negative impact on scenic vistas or intrude on the skyline?		x	
13*	Will the intended land use have a negative impact on adjoining uses?	x		
14*	Will the land use pose a potential danger to life or property in terms of fire risks, air pollution or smells or compromise a person's right to a safe and secure environment?		x	
15	Will the application result in a nuisance, noise nuisance, and disturbance to neighbours?	x		
16	Will there be a negative impact on property values?	x		
17	Will adequate open space and/or recreational space be provided (for residential developments)?		x	
18*	Will approval of the application set a precedent?	x		

Comments

*1,2, 3: The application is subject to environmental authorisation through a Section 24(g) Application.

*4, 5, ,10, 11, 12, 13, 14 & 18: As the place of instruction is not supported no significant negative impact on the neighbours are foreseen as the intensity will be significantly lower. The proposed airfield will blend in with the existing character of the area which is agriculture.

Assessment of objections/comments

The assessments of the objections and comments are summarised in **Table 5** below.

Table 5: Assessment of objection and comments

Objectors	1. Request for more information
Objector 1, 2,3,26,30	<ul style="list-style-type: none"> The objectors' concerns are noted, the full application was advertised and available for comment. Noise levels on airfields are limited as it is not used commercially. The subject application for a flight school is not supported the intensity of the use is thus limited. Night flying is not allowed for the subject licence level of the airfield. All relevant interested and affected parties has been notified for comment. The application is not tourism related and the impact on tourism is irrelevant. The impact on the environment is addressed in point 4 below.

	<ul style="list-style-type: none"> • Various types of aircraft are used for firefighting purposes. However, the length of the runway is not relevant to the land use legislation, but environmental which is addressed through a section 24(g) application.
Objectors	2. Noise pollution & Privacy
Objector 2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20,21,22,23,24,25,28,29,30,31,32,33	<ul style="list-style-type: none"> • The objectors' concerns are noted. Noise levels on airfields are limited as it is not used commercially. The subject application for a flight school is not supported which limits the intensity of the use. • Hang gliders are not being flown from the Leppan Airfield. It was stated at the public meeting held at Leppan that no hang gliders are flown from Leppan. • Skydiving is classified as a tourist activity. A note will be added that should they have any associated facilities i.e. clubhouse, restaurant, shop etc it will be subject to a land use application. • It is noted that the objectors are concerned with flight paths, and the increased traffic the flight school may create. It is agreed that the flight school will increase the air traffic and noise disturbance substantially in relation to the normal airfield. The flight school is thus not supported. • Airspace is controlled by ACSA and CAA and cannot be considered private space. • The objector concerns regarding flying times are noted. According to the information obtained in the report is that nighttime flying is not allowed in terms of the airfield's status and registration. • It is agreed that the flight school will have a significant negative impact on the neighbour's amenities and is therefore not supported.
Objectors	3. Environmental
Objector 2,3,4,6,7,8,9,10,11,12,13,15,16,17,18,19,20,23,25,27,28,29,30,31,32,33	<ul style="list-style-type: none"> • The environmental comments are noted. The proposed development is subject to a Section 24(g) application. • Various specialist studies have been undertaken as part of the above-mentioned application. The extent of the airfield will be influenced by the environmental outcome. • All environmental concerns will be addressed as part of the above. Environmental approval will have to be submitted with the SDP with a letter to the ECO (Environmental Control Officer).
Objectors	4. Safety including fire risk
Objector 3,6,7,8,9,10,11,13,17,21,23,25,27,28,30	<ul style="list-style-type: none"> • The objectors' concerns are noted. The aviation specialist report concluded that there are no obstructions posed for the proposed airfield. • It is noted that students pose a risk for accidents. The flight school is not supported and thus will not pose a problem. • The pollution for the airfield will be assessed and mitigated through the Section 24(g) application. • The impacts on birds and bird species are an environmental concern and will be assessed and mitigated through the Section 24(g) application.
Objectors	5. Land Use
Objector 4,6,7,10,17,18,20,28,29,32	<ul style="list-style-type: none"> • The objector's comment is noted, it is considered that the airfield is reconcilable with AZI and found that the flight school is not. Therefore, the flight school is refused. • It is agreed that the approval of a flight school will set a precedent. • Financial considerations in terms of profit are not applicable to land use application. • It should be noted that the proposal is for an airfield and not an airport. Thus, the comment regarding the airport is irrelevant, but the concerns regarding noise and privacy is noted and discussed in point 2 & 4.

Objectors	6. Property Value
Objector 6,7,9,16,17,30,32	<ul style="list-style-type: none"> The objector's concern is noted. No evidence has been provided to substantiate the claim.
Objectors	7. Traffic
Objector 6,9,13,21,25	<ul style="list-style-type: none"> The objectors' concerns are noted. However, it is not foreseen that traffic will have a substantial impact as trip generation is considered negligible.
Objectors	8. Character of the Area & Visual
Objector 6,8,9,13,15,23,24,25,30,31,32	<ul style="list-style-type: none"> The objectors' concerns are noted. It is agreed that the increase in hangers and school facilities are not considered reconcilable with the agricultural character and thus the extent of the airfield and associated infrastructure will be limited to the existing extent not allowing any further development. The necessary condition will be imposed in this regard.
Objectors	9. Public Participation
Objector 10,29,30	<ul style="list-style-type: none"> The objectors' concerns are noted. The motivation, specialist reports, and comments from concerned bodies are sufficient to conclude the application and make an informed decision. The comment regarding the support letters is noted. The Airfield is registered under the Civil Aviation Authority and the airspace is controlled from the George Radio Control tower (ATNS). Further engagement with objectors and concerned neighbours were conducted as part of the Section 24 (g) public participation process.
Objectors	10. Violations on the Property
Objector 18,23,29,30	<ul style="list-style-type: none"> The unauthorised land use and buildings are noted and confirmed. The application is a result of notices being issued on the owner. Contravention levies will be applicable from the Municipality. Environmental Penalties will also be applicable in terms of the Section 24(g) outcome.
Wilderness & Lakes Environmental Action Forum (WALEAF) - (Objection)	
<ul style="list-style-type: none"> WALEAF's objections and comments are noted. Many of the objections are similar as those posed by residents which are addressed above. WALEAF's comments regarding the violations on the property is noted. As previously stated the Environmental, planning and building control violations are being dealt with as part of the application. Land use compliance and compatibility has been addressed in the response to objections above and in this report. The applicant has provided evidence that the airport is registered with SACAA. As stated earlier, various types of aircraft are used for firefighting purposes. However, the length of the runway is not relevant to the land use legislation, but environmental which is addressed through a section 24(g) application. Parking is not seen as being a problem on the premises as there is ample space for parking, moreover the application is for an airfield and not an airport. The George Integrated Zoning Scheme is aligned with the spatial policies for the Municipality, therefore as an airfield is listed as a consent use it is compatible with the spatial planning instruments. No temporary departure is applied for. The flight school has indeed ceased functioning as confirmed by the applicant in writing. The applicant has been in contact with SACAA, ACSA, and ATNS as stated in the reply to objections. WALEAFS further objections are addressed below: <ul style="list-style-type: none"> Section 24(g) application is in process. Airspace is governed by ATNS, Non-compliance with the Protected areas Act must be complied with through ATNS, pilots do not have a say where they may fly. ESKOM as well as the Specialist Aviation Report confirms that the airfield has no obstructions. Compliance with safety is governed by the SACAA. 	

- It is not foreseen that the airfield will have a negative effect on tourism as it has been operating a long time already, no additions will be allowed.

Touwsriver Conservancy - (Objection)

- The objections for the Touwsrivier Conservancy are noted and similar to those addressed in the reply to objections above.

SANPARK - (Objection)

- SANPARKs objections and comments are noted. Many of the objections are similar as those posed by residents and WALEAF which are addressed above.
- SANParks is correct in that environmental legislation is triggered, a section 24 (g) application is in process and will address all environmental matters.
- An Aquatic Specialist is appointed, and the report has been concluded for the Section 24(g) application as well as the WULA. A condition will be added that the Water Use Licence Authorization be submitted with the SDP.
- As stated earlier, airspace is governed by ATNS and ATNS must have regard for the Protected areas Act when issuing authorisation. This matter must be addressed with ATNS.
- A condition will be added that a valid SACAA licence be submitted with the SDP.
- Public Participation was conducted as per the Land Use Planning By-Law for George Municipality, 2023. Further public participation was also conducted through the environmental process.

DEA&DP Environmental - (Objection)

- Noted.

DEA&DP Planning - (Comments)

- Noted.

Western Cape Agriculture - (Part Objection)

- Noted and agreed with.

Heritage Western Cape - (Comments)

- Noted.

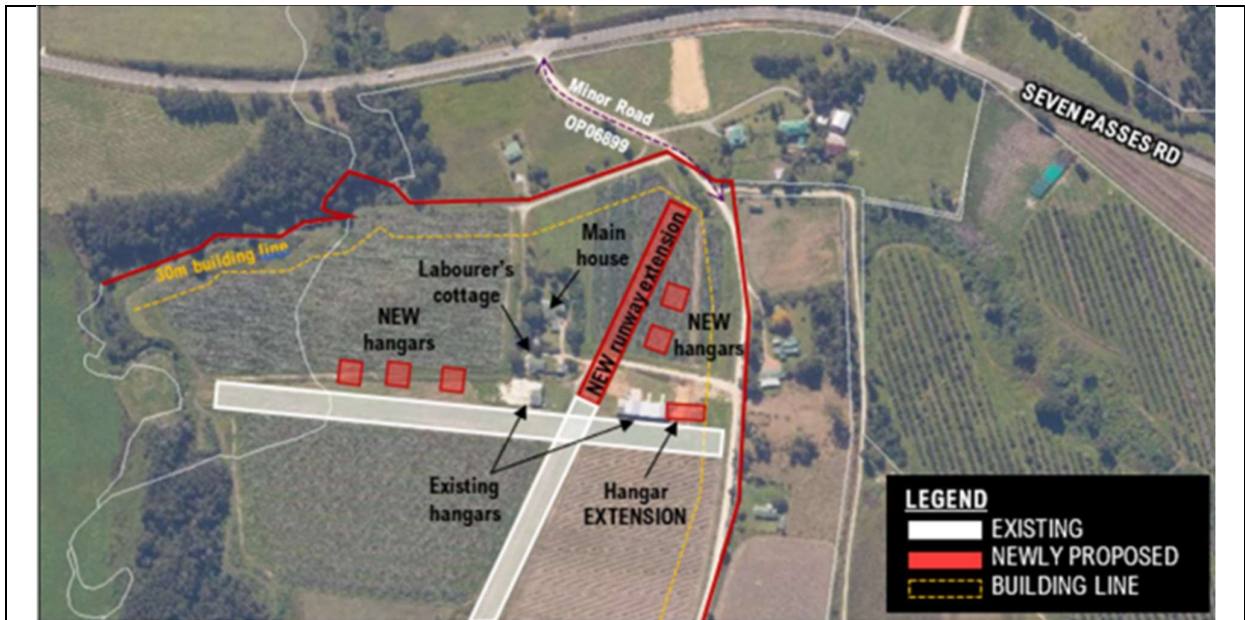
ESKOM - (Comments)

- Noted.

PART O: SUMMARY OF EVALUATION

Application and overview:

It is proposed to regularize an existing Airfield through a consent use as it was not required in terms of the old Section 8 Schemes. It is further proposed to rezone ±700m² of the property from Agriculture Zone I to Community Zone I (place of instruction) to accommodate a flight school. The proposal includes to extend the longstanding runway with 175m and to build at least 5 new hangars and to extend the existing hangar.



Proposed Site Plan

The application was evaluated in accordance with the requirements of the Planning Bylaw, SPLUMA and LUPA, and the Directorate finds as follows:

a) Legislation and Policy:

- The proposed airfield is aligned with Policy theme **B2: PG b, E1: PG a, E1: PG b; E1: PG c; E1: PG d; and E6.1: PG a** of the MSDF 2023, and consistent with the Rural Guidelines.
- The proposed airfield will assist in the protection of agricultural land through access to better agricultural protection measures such as disaster risk reduction, agricultural crop dusting/ protection and crime prevention/intervention benefitting the surrounding agricultural farmers and community.
- In terms of the existing extent of the airfield on the property it is considered to be consistent with the development principles and guidelines as stated in the WC Rural Guidelines and the MSDF.
- Based on the above it is evident that the proposed development of an airfield is consistent with the George Municipal Spatial Development Framework, 2023.

b) Consent Use

- In terms of the MSDF and the George Integrated Zoning Scheme, an Airfield is reconcilable with an agricultural area, given that it is utilised for agricultural purposes.
- It is clear from the proposal and the objective of the zoning that an airfield is reconcilable with the agricultural area and will not have a negative impact on the agricultural character of the area or existing agricultural activity of the subject farm and the surrounding farms.

c) Rezoning

- The place of instruction applied for through a spot zoning is not reconcilable with the context of agricultural areas.
- As the land use description of an "Airfield" excludes a flight school it is clear that the intention was not for a flight school to be accommodated on "Agriculture Zone I" properties.
- By allowing a flight school through a spot zoning on the subject property will compromise the definition and intention of an "Airfield" and the objective of the Primary zoning being "Agriculture Zone I."
- This is substantiated by the objections received in terms of the impact the existing flight school had on the surrounding area and the negative impact on residents.

d) Environmental

- Given the history, foreseen impact, and extent of the development, a Section 24 (g) application is currently underway to conclude the environmental impact and mitigation measures of the proposed airfield.

- Due to the historic considerations, environmental report and specialist studies and the fact that the airfield is merely grassed areas, it is not foreseen that the proposed development will negatively impact the environment on the property.
- Moreover, any mitigation measures or buffers imposed from the environmental outcome will be included in the Site Development Plan. A letter from the ECO will also be required as part of the SDP.

e) Objections and Comments received

- The proposal received thirty-eight (38) objections and three (3) comments. The themes of objections were mainly 1) requirement for more information, 2) noise pollution and privacy, 3) Environmental, 4) Safety including Fire, 5) Land Use, 7) Property values, 8) Character of the area and visual impact, 9) Public Participation, and 10) Violations on the property.
- The objections and reply to objections were reviewed and the following in conclusion, was found:
 - Considering the Rural Guidelines and the objections received the development will be limited to the existing supporting structures associated with the Airfield and no further expansion of such structures will be permitted.
 - Considering the number and nature of the objections received, a condition will be imposed limiting the operating times of the facility.
 - The proposed flight school will have a significant negative impact on the neighbour's amenity in terms of noise, and privacy.
 - As the place of instruction is not supported no significant negative impact on the neighbour's amenity in terms of noise, and privacy are foreseen. The proposal will blend in with the existing character of the area which is agriculture.

f) Contravention Levy

The structures and areas associated with the use of place of Instruction and Airfield being 1275m² (Directly) and 1040m² (Indirectly).

Directly	Area
Runway A - 1996	(±450m)
Runway A extension - 2018	(±400m)
Runway B - 2018	(±425m)
Total Directly	1275m²
Indirectly	Area
Hangar 1	(±140m ²)
Hangar 1 extension – 2018/2019	(±360m ²)
Hangar 2 – 2003/2004	(±400m ²)
Hangar 2 Extension – 2018/2019	(±140m ²)
Total Indirectly	1040m²

The contravention levy is payable as follows:

21	Administrative penalty for the rectification of a Contravention / Contravention Levy	Structures or activities directly related to the contravention	Properties more than 2500m ² in extent No fee payable if owner can prove that contravention was committed by previous owner. Rebates subject to Council policy	10% of the per m ² municipal property value or R160 per m ² whichever is greater, x (floor area of illegal structure + footprint of activity); to a minimum of R11 200	Section 86(4)
		REPEAT OFFENDER: Structures or activities directly related to the contravention		20% of the per m ² municipal property value or R160 per m ² whichever is greater, x (floor area of illegal structure + footprint of activity); to a minimum of R11 200	Section 86(4)
		Structures or activities indirectly related to the contravention		5% of the per m ² municipal property value or R120 per m ² whichever is greater, x (floor area of illegal structure + footprint of activity); to a minimum of R11 200	Section 86(4)
		REPEAT OFFENDER: Structures or activities indirectly related to the contravention		10% of the per m ² municipal property value or R120 per m ² whichever is greater, x (floor area of illegal structure + footprint of activity); to a minimum of R11 200	Section 86(4)

Factor	Calculations
Floor area (directly related)	1275m ² is used for purposes of Airfield
Floor Area (Indirectly related)	1040m ² for Hangers associated with the Airfield
Per m ² value of the Property	$\frac{\text{Total Municipal Value of property (R 6 730 000)}}{\text{The total area of the property (14468050 m}^2\text{)}} = 0.47 = \text{R/m}^2$
Contravention levy 10% (directly)	<p>10% of the Municipal property value or R160 whichever is greater.</p> <p>10% x R160 x 1275m² = R 20 400 Plus VAT (15%) = R3 060.00 Total (Direct) = R23 460.00</p>
Contravention levy 5% (indirectly related)	<p>5% of the Municipal property value or R120 whichever is greater.</p> <p>5% x R120 x 1040m² = R6 240 Plus VAT (15%) = R936 Total (indirect) = R7 176 to a minimum of R11 200 (+VAT) = R12 880</p>

Grand Total	R23 460 + R12 880 = R36 340.00
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Conclusion

Thus, on the balance of all considerations, the proposed application for consent cannot be found to be undesirable in terms of Section 65 of the Land-Use Planning Bylaw for George Municipality, 2023 and is therefore **SUPPORTED**, however the proposed application for rezoning was found to be undesirable in terms of Section 65 of the Land-Use Planning Bylaw for George Municipality, 2023 and is therefore **REFUSED**.

PART P: RECOMMENDATION

A. That the application for Partial Rezoning in terms of Section 15(2)(a) of the Land Use Planning By-law, for George Municipality, 2023 of a portion of Portion 17 of The Farm Woodville 172, Division George from “Agricultural Zone I” to “Community Zone I” for a place of instruction **BE REFUSED** in terms of Section 60 of the Land Use Planning Bylaw for George Municipality, 2023 for the following reasons:

REASONS FOR DECISION:

1. The increase in hangers, training facilities and related activities are not considered reconcilable with the rural agricultural character of this area.
2. A flight school through a spot zoning on the subject property will contradict the land use description of an “Airfield” and the objective of the primary zoning being “Agriculture Zone I”.
3. The proposed flight school introduces a commercial element to the airfield which is not only contradictory to the objective of the zoning, given that the existing facility is objectionable, but the addition to use rights is bound to have a negative impact on the surrounding neighbours.

B. That, notwithstanding the objections and comments received, the Consent in terms of Section 15(2)(o) of the Land Use Planning By-law, for George Municipality, 2023 for an “Airfield” on Portion 17 of The Farm Woodville 172, Division George **BE APPROVED** in terms of Section 60 of the Land Use Planning Bylaw for George Municipality, 2023 for the following reasons:

REASONS FOR DECISION:

1. In terms of the existing extent of the airfield on the property it is considered to be consistent with the development principles and guidelines as stated in the WC Rural Guidelines and the MSDF.
2. The said airfield will assist in the protection of agricultural land through access to better agricultural protection measures such as disaster risk reduction, agricultural crop dusting/ protection and crime prevention/intervention benefitting the surrounding agricultural farmers and community.
3. In terms of the MSDF and the George Integrated Zoning Scheme, an Airfield is reconcilable with an agricultural area, given that it is utilised for agricultural purposes (private use) and not commercial purposes.
4. It is clear from the proposal and the objective of the zoning that an airfield is reconcilable with the agricultural area and will enhance the agricultural activity of the subject farm and the surrounding areas.
5. The proposal will not have a negative impact on the existing agricultural character of the area.

Subject to the following conditions imposed in terms of Section 66 of the said Planning By-Law:

CONDITIONS OF THE DIRECTORATE: HUMAN SETTLEMENTS, PLANNING AND DEVELOPMENT:

General

1. That in terms of the provisions of the Land Use Planning By-law for the George Municipality, 2023, the approval shall lapse if not implemented within a period of five (5) years from the from the date thereof.
2. The facilities related to the airfield shall be limited to the existing associated buildings and structures listed in the Site Layout Plan attached as **Annexure A**, Plan no. 370-G21-site rev5, Drawn by CE and dated August 2023.

Implementation

3. A site development plan (SDP) for the development must be submitted to the satisfaction of the Directorate: Human Settlements, Planning and Development for consideration and approval, in accordance with the provisions of Section 23 of the George Zoning Scheme By-Law, 2023 and the conditions of approval, prior to submission of building plans.
4. A copy of the approved Environmental Authorization and Water Use Licence must be submitted with the SDP.
5. The owner must appoint an Environmental Control Officer (ECO) to oversee compliance with the Environmental Authorization (EA) and any other environmental aspects including the implementation and management of the Environmental Management Programme/Plan. The ECO must confirm in writing that the SDP for the development comply with all the conditions related to the EA as well as the conditions of the Water Use Licence.
6. All the roads abutting the development are provincial roads, therefore approval from the Department of Transport must be submitted with the SDP.
7. A copy of a valid licence from the South African Civil Aviation Authority (SACAA) licence must be submitted with the SDP.
8. A contravention levy of **R 36 340.00** (VAT Included) is payable due to the unlawful use of the property for an airfield and associated hangars and shall be payable on submission of building plans.
9. The approval will be deemed implemented on the approval of the as-built building plans for the abovementioned structures.

Notes:

- a) *A building plan must be submitted for approval in accordance with the National Building Regulations (NBR).*
- b) *Skydiving is considered to be a recreational and tourist activity. Should there be any ancillary facilities associated with the skydiving viz. restaurant, shop etc – a land use application will be required for a 'Tourist Facility'.*
- c) *The erection of signage is subject to the Outdoor Advertising Management and Control By-Law. The necessary applications must be made prior to erection of any signage.*
- d) *The SDP must consider and address any applicable conditions as set out in approvals granted in terms of any other applicable legislation.*
- e) *The owner must adhere to the requirements of the Environmental Authorisation (EA). The onus is on the owner to provide the Dir: CES with the necessary proof of compliance with the EA.*
- f) *Stormwater must be dispersed responsibly, and the stormwater management, retention and erosion prevention measures must be addressed on the SDP and building plans.*
- g) *The applicant must comply with the National Forestry Act, Act No 84 of 1998, should it be required.*
- h) *Provision for the removal of solid waste must be addressed in conjunction with the Dir: Environmental Services.*
- i) *The developer must adhere to the requirements of all relevant Acts, as well as all conditions stipulated by any other authority whose approval is required and obtained for this proposed development.*
- j) *The contravention levy was calculated as follows:*
 - i. *Total extent of airfield: 1275m² (directly use) –*
 - ii. *Total extent of hangars: 1040m² (indirectly use) –*
 - iii. *The present municipal value of the property is R6 730 000.00*
 - iv. *The property area is 14468050m².*
 - v. *The m² value of the property is thus, R0.47/m².*
 - vi. *Contravention levy (direct) = 10% of the Municipal property value or R160 whichever is greater.*
 - vii. *Contravention levy (indirect) = 5% of the Municipal property value or R120 whichever is greater.*
 - viii. *The contravention levy (direct use) payable by the owner in accordance with the municipality's tariff list is: 10% x R160 x 1275m² = R20 400 Plus VAT (15%) = R23 460.00*
 - ix. *The contravention levy (indirect use) payable by the owner in accordance with the municipality's tariff list is: 5% x R120 x 1040m² = R6 240 Plus VAT (15%) = R7 176.00 to a minimum of R11 200.00 (+VAT) = R12 880.00*
 - x. *Grand Total: R23 460 + R12 880 = **R36 340.00***

CONDITIONS OF THE DIRECTORATE: CIVIL ENGINEERING SERVICES

10. The amount of Development Charges (DCs) to be paid by the developer are calculated in terms of the George Municipality Land Use Planning By-Law (as amended) and the approved DC Guidelines. With reference to clause above, with regards to the proposed development, the developer will be required to make development contribution, as follows:
11. The amounts of the development contributions are reflected on the calculation sheet (**Annexure B**) dated 08/11/2023 and are as follows:

Roads	-	Excluding VAT (Refer to attached DC calculation sheet)
Sewer	-	Excluding VAT (Refer to attached DC calculation sheet)
Water	-	Excluding VAT (Refer to attached DC calculation sheet)
Total	R 0	Excluding VAT (Refer to attached DC calculation sheet)
12. The total amount of the development charges of **R0.00 Excluding VAT** shall be paid prior to the first transfer of a land unit pursuant to the application or upon the approval of building plans, whichever occurs first, unless otherwise provided in an engineering services agreement or, in the case of a phased development, in these or any other relevant conditions of approval.
13. Any amendments or additions to the proposed development which is not contained within the calculation sheet as dated in Condition 11 above, which might lead to an increase in the proportional contribution to municipal public expenditure, will result in the recalculation of the development charges and the amendment of these conditions of approval or the imposition of other relevant conditions of approval.
14. As provided in section 66(5B)(b) of the Planning By-Law (as amended), using the date of approval as the base month the amount of **R0.00 Excluding VAT** shall be adjusted in line with the consumer price index published by Statistic South Africa up to the date when payment is made in terms of Condition 12 above.
15. Development charges are to be paid to the Municipality in cash or by electronic funds transfer or such other method of payment as may be accepted by the Municipality at the time when payment is made.
16. All services -internal, link and relocation of or upgrades to existing - are to be designed by a registered consulting engineer in accordance with Council specifications. This may include bulk services outside the development area but that must be upgraded to specifically cater for the development. All drawings and plans are to be submitted to the applicable department, or any other relevant authority, (hard copy and electronically) for approval prior to any construction work taking place. All work is to be carried out by a suitable qualified/registered contractor under the supervision of the consulting engineer who is to provide the relevant authority with a certificate of completion, and as built plans in electronic format. All costs will be for the developer. No transfers will be approved before all the municipal services have been satisfactorily installed and as-builts submitted electronically as well as the surveyor's plan.
17. Any, and all, costs directly related to the development remain the developers' responsibility.
18. Only one connection permitted per registered erf (water and sewer connections). Condition 16 applies.
19. Any services from the development that must be accommodated across another erf must be negotiated between the developer and the owner of the relevant erf. Any costs resulting from the accommodation of such services or the incorporation of these services into the network of another development are to be determined by the developer and the owner of the other erf. (Condition 16 applicable)
20. Any service from another erf that must be accommodated across the development or incorporated into the services of the development: all negotiations will be between the owner/developer of the relevant erf and the developer. Costs for the accommodation of these services or the upgrade of the developments services to incorporate such services are to be determined by the developers/owners concerned. (Condition 16 applicable)
21. Any existing municipal or private service damaged during the development will be repaired at the developers cost and to the satisfaction of the George Municipality. (Condition 16 applicable)
22. Suitable servitudes must be registered for any municipal service not positioned within the normal building lines.
23. Transfers, building plan approvals and occupation certificates may be withheld if any sums of money owing to the George Municipality are not paid in full, or if any services have not been completed to the

satisfaction of the Dir: CES & ETS, or any condition of any authority has not been satisfactorily complied with.

24. The Developer is responsible to obtain the necessary approval / way leaves from third parties which include, but is not limited to the George Municipality, Telkom & Fibre optic service provider.
25. No construction activity may take place until all approvals, including way leave approval, are in place, all drawings and material have been approved by the Technical Directorates.
26. No potable municipal water service is available at present. Should a municipal network in future be extended to this area, the owner will be compelled, at own cost, to connect to the network. A Development Charge for water will then become payable in accordance with the approved DC Guidelines at the time of connection.
27. No municipal waterborne sewer service is available at present. Should a municipal network in future be extended to this area, the owner will be compelled, at own cost, to connect to the network. A Development Charge for sewer will then become payable in accordance with the approved DC Guidelines at the time of connection.
28. A conservancy tank, or alternative approved sewer disposal method, must be installed at the Developer/owner's cost. The Developer/owner is to appoint a private contractor, at own expense, to service the tank, and the disposal of the content is to be via an approved disposal method. The installation of a septic tank may be considered if the required percolation tests are within the accepted norms.
29. No municipal road network is currently available. Should a municipal network in future be extended to this area, the owner will be compelled, at own cost, to link to the road network. A Development Charge for roads will then become payable in accordance with the approved DC Guidelines at the time of connection.
30. The discharge of surface stormwater is to be addressed by the developer. Condition 16 applies. All related costs are for the developer. The developer is to consult with the Dir: CES to ensure that stormwater planning is done online with the available stormwater master plans.
31. Internal parking requirements (i.e. within the development area), position of accesses, provision for pedestrians and non-motorised transport, and other issues related to traffic must be addressed and all measures indicated on plans and drawings submitted for approval.
32. Adequate parking with a hardened surface must be provided on the premises of the proposed development.
33. No private parking will be allowed in the road reserve. The developer will be required at own cost to install preventative measures to ensure compliance.
34. A dimensioned layout plan indicating the proposed accesses onto private / servitude roads, must be submitted to the relevant departments for approval. Condition 15 applies.
35. The approval of the layout of the development and accesses is subject to the George Roads Master Plan and approved by the Dir: CES. A site development plan is to be submitted to the Dir: CES, or any other relevant authority for approval prior to any construction work taking place.
36. Permission for access onto municipal, provincial or national roads must be obtained from the relevant authorities.
37. Access to parking must confirm to George Integrated Zoning Scheme 2023, and sufficient stacking distance should be allowed for, and indicated on the Site development Plan.
38. Minimum required off-street parking provided, must be provided in terms of the George Integrated Zoning Scheme 2023 parking requirements and vehicles must readily leave the site without reversing across the sidewalk. Alternative Parking may be supplied.
39. Site access to conform to the George Integrated Zoning Scheme 2023.

PART Q: ANNEXURES

Annexure A	Site Layout Plan.
Annexure B	CES Calculation Sheet
Annexure C	Motivation Report
Annexure D	Pre-Application
Annexure E	Title Deed

Annexure F	SG Diagram
Annexure G	Conveyancer Certificate
Annexure H	Objections/comments received
Annexure I	Letters of Support
Annexure J	Reply to Objections
Annexure K	Environmental Report



R.H. Janse van Rensburg (A/2925/2020)

TOWN PLANNER

2024/10/25

DATE

RECOMMENDED/ REFER TO APPLICANT/ REFER TO TRIBUNAL



I Huyser (A/1664/2013)


SENIOR TOWN PLANNER

__2024.11.04__

Date

**APPLICATION FOR REZONING & CONSENT: REMAINDER OF PORTION 17 OF THE FARM WOODVILLE 17
DIVISION GEORGE**

PAJA

NO	PROCESS CHECK	YES	NO	N/A
1.	Has this application been assessed/ evaluated by a registered town planner as required in terms of section 64.1(g) of the by-law?	X		
2.	Was the report submitted by the town planner a fair and objective reflection of the relevant information available and have all relevant information been attached to the report?	X		
3.	Did the town planner exercise due diligence in evaluating the application, is the report balanced (does not show any unfair prejudice) and were the conclusions reached reasonable and rationally linked to the relevant information available?	X		
4.	Was the town planner empowered in terms of the municipality's system of delegations to evaluate the application?	X		
5.	Was the decision maker empowered in terms of the municipality's system of delegations to decide on the application?	X		
6.	Was adequate information available for the decision maker to make a fair, reasonable and objective decision on the application?	X		
7.	If not, can it be demonstrated that the necessary attempts were made to obtain this information before the decision was taken?			X
8.	Was all the available information which impacts on the application made available to the decision maker?	X		
9.	Was all relevant information taken into account when making the decision?	X		
10.	was all irrelevant information noted in the town planners report and reasons given as to why it should be disregarded when making the decision stated in the report?			X
11.	Was the town planner's evaluation, to the best of the decision makers knowledge, potentially influenced by an error of law?		X	
12.	Is the decision taken logical, clear, concise, and fair?	X		
13.	Can the decision be justified – i.e. rationally and reasonably linked to the information provided (critical information available) and relevant facts contained in the report?	X		
14.	Were written reasons given for the decision taken?	X		
15.	Can these reasons be reasonably and rationally linked to the relevant facts and the decision taken?	X		
16.	Were conditions of approval imposed with the decision?	X		
17.	Can these conditions be lawfully imposed as contemplated by Sections 44 and 66 of the By-law?	X		
18.	Are these conditions fair and can they be reasonably and rationally linked to the development proposal submitted, the relevant facts contained in the town planners report, the decision taken and the reasons for such decision?	X		
APPROVED/ REFUSED/ REFER BACK TO APPLICANT/ REFER TO TRIBUNAL				
 _____ D. POWER A/1973/2014 DEPUTY DIRECTOR: PLANNING/ AUTHORISED OFFICIAL		12 NOVEMBER 2024 DATE		

Attachments : Annexures for Woodville 172/17



Woodville 172_17
(annexures).pdf

6.2. Rezoning : Erven 18486 and 19475, Hope- and Newton Streets, George (K Mukhovha)

LAND USE PLANNING REPORT					
APPLICATION FOR THE REZONING OF ERVEN 18486 AND 19475, GEORGE (MUNICIPAL STORMWATER INFRASTRUCTURE PROJECT)					
Reference number	3093280	Application submission date	2024-03-18	Date report finalized.	2024-10-02
PART A: AUTHOR DETAILS					
First name(s)	Khuliso				
Surname	Mukhovha				
Job title	Town Planner				
SACPLAN registration number	A/2119/2015				
Directorate/ Department	Human Settlements, Planning and Development				
Contact details	044 801 9447				
PART B: APPLICANT DETAILS					
First name(s)	Henko				
Surname	Lourens				
Company name	George Municipality				
SACPLAN registration number	A/3348/2023	Is the applicant authorized to submit this application?	Y	N	
Registered owner(s)	George Municipality				
PART C: PROPERTY DETAILS					
Property description (in accordance with Title Deed)	<ul style="list-style-type: none"> Erf 18486 George Erf 19475 George 				
Physical address	<ul style="list-style-type: none"> Erf 18486 George: 2 Hope Street, George South Erf 19475 George: 10 Newton Street, George South 	Town/ City	George		
Current zoning	Both properties are zoned Single Residential Zone I	Extent (m ² /ha)	845m ² and 1338m ² respectively.	Are there existing buildings on the property?	Y N
Applicable Zoning Scheme	George Integrated Zoning Scheme By-law, 2023				
Legislation and Spatial Plans	<ul style="list-style-type: none"> Spatial Planning and Land Use Management Act, 2013 Western Cape Land Use Planning Act, 2014 George Municipal Spatial Development Framework, 2023 				

	<ul style="list-style-type: none"> George Central Area Local Spatial Development Framework, 2015 						
Current Land Use	<ul style="list-style-type: none"> Erf 18486: Vacant Erf 19475: Vacant 		Title Deed number and date	<ul style="list-style-type: none"> Erf 18486: T50393/2023 Erf 19475: T50012/2023 			
Any restrictive title conditions applicable?	Y	N	If yes, list condition number(s)	N/A			
Any third-party conditions applicable?	Y	N	If yes, specify	N/A			
Any unauthorised land use/building work?	Y	N	If yes, explain	N/A			
PART D: PRE-APPLICATION CONSULTATION (ATTACH MINUTES)							
Has pre-application consultation been undertaken?	Y	N					
Reference Number	3023955	Date of consultation	2024-01-24	Official's name	Khuliso Mukhovha/ Jeanne Muller		
PART E: LIST OF APPLICATIONS (TICK APPLICABLE)							
c. Rezoning	<input checked="" type="checkbox"/>	b. Permanent departure	<input type="checkbox"/>	s. Temporary departure	<input type="checkbox"/>	t. Subdivision	<input type="checkbox"/>
u. Consolidation	<input type="checkbox"/>	v. Amendment, suspension, or deletion of restrictive conditions	<input type="checkbox"/>	w. Permissions required in terms of the zoning scheme	<input type="checkbox"/>	x. Amendment, deletion, or additional conditions in respect of existing approval	<input type="checkbox"/>
y. Extension of validity period	<input type="checkbox"/>	z. Approval of an overlay zone	<input type="checkbox"/>	aa. Phasing, amendment, or cancellation of subdivision plan	<input type="checkbox"/>	bb. Permissions required in terms of conditions of approval	<input type="checkbox"/>
cc. Determination of zoning	<input type="checkbox"/>	dd. Closure of public place	<input type="checkbox"/>	ee. Consent use	<input type="checkbox"/>	ff. Disestablish an owner's association	<input type="checkbox"/>
gg. Rectify breach of Homeowner's Association	<input type="checkbox"/>	hh. Reconstruct building of non-conforming use	<input type="checkbox"/>	Other	<input type="checkbox"/>		<input type="checkbox"/>
PART F: APPLICATION DESCRIPTION							
<p>Consideration of an application for Rezoning in terms of Section 15(2)(a) of the Land Use Planning By-law for George Municipality, 2023 of Erven 18486 and 19475, George from Single Residential Zone I to Utility Zone.</p> <p><u>Note:</u> <i>The original land use application was for the rezoning of Erven 18486 and 19475, George from Single Residential Zone I to Open Space Zone I for public open space. During the public participation process, the Directorate: Community Services suggested that the subject properties be rezoned to Utility Zone because Open Space Zone I will require their Directorate to maintain the properties. Subsequently, the applicant amended the land use application to rezone the subject properties from Single Residential Zone I to Utility Zone in terms of Section 52 of the Land Use Planning By-law for George Municipality, 2023 (see Annexure G).</i></p>							

PART H: BACKGROUND AND HISTORY

- During times of heavy rain, various properties in the George-South area get flooded as they are located at a natural low level (Erf 18486, George and neighbouring Erf 18485, George amongst others). This has been identified as a safety risk not only to these two properties but also to other properties in the vicinity, including road users.
- It was evident during heavy rains in November 2021 that Erf 18486, George is located in a low-lying area where flooding can occur. Images below illustrate flooding of the property, clearly showing that water was at a window level of the existing dwelling units.



Figure 2: Flooding of Erven 18485 and 18486, George during November 2021

- Municipal engineers confirmed that the flooding in George during November 2021 was due to limited capacity of the existing storm water system. To resolve storm water challenges, the Directorate: Civil Engineering Services identified Erven 3195, 3189, 18486 and 19475, George as properties to develop storm water detention dams and related infrastructure. Erven 18486 and 19475, George were however privately owned properties.
- Consequently, the municipal engineering department recommended that Council purchase Erven 18486 and 19475, George for the purpose of constructing storm water detention dams on each property with the aim to catch surface run-off water and regulate the flow of storm water to mitigate flooding in this area.
- During the Council meetings held on 25 August 2023 and 28 September 2023 respectively, Council took the decision to purchase Erven 18486 and 19475, George to allow for the upgrading of the existing George-South storm water system and to reduce the risk associated with rainfall events.
- Consequently, the Municipality purchased Erven 18486 and 19475 George. Both properties were transferred to the ownership of the Municipality in November 2023 vide title deed numbers T50393/2023 and T50012/2023, respectively.
- It is now the intention of the Municipality to rezone Erven 18486 and 19475, George from Single Residential Zone I to Utility Zone for the purpose of constructing storm water detention dams and related infrastructure.
- It is note that this infrastructure project has already commenced and is almost completed.

PART I: SUMMARY OF APPLICANT'S MOTIVATION

The applicant's motivation report can be summarised as follows:

Note: The text in italic did not form part of the applicant's memorandum(s) and is merely for explanation or commenting purposes by the author.

PRE-APPLICATION

The pre-application consultation meeting was convened by municipal officials and the applicant on 24 January 2024. It was stated that the proposed development is required to implement the required storm water management plan and application may be submitted. No concerns were identified during the meeting.

DEVELOPMENT PROPOSAL

- It is the intention of George Municipality to construct storm water detention dams with related storm water infrastructure on Erven 18486, 19475, 5189 and 3195 George (please refer to Figure 3).

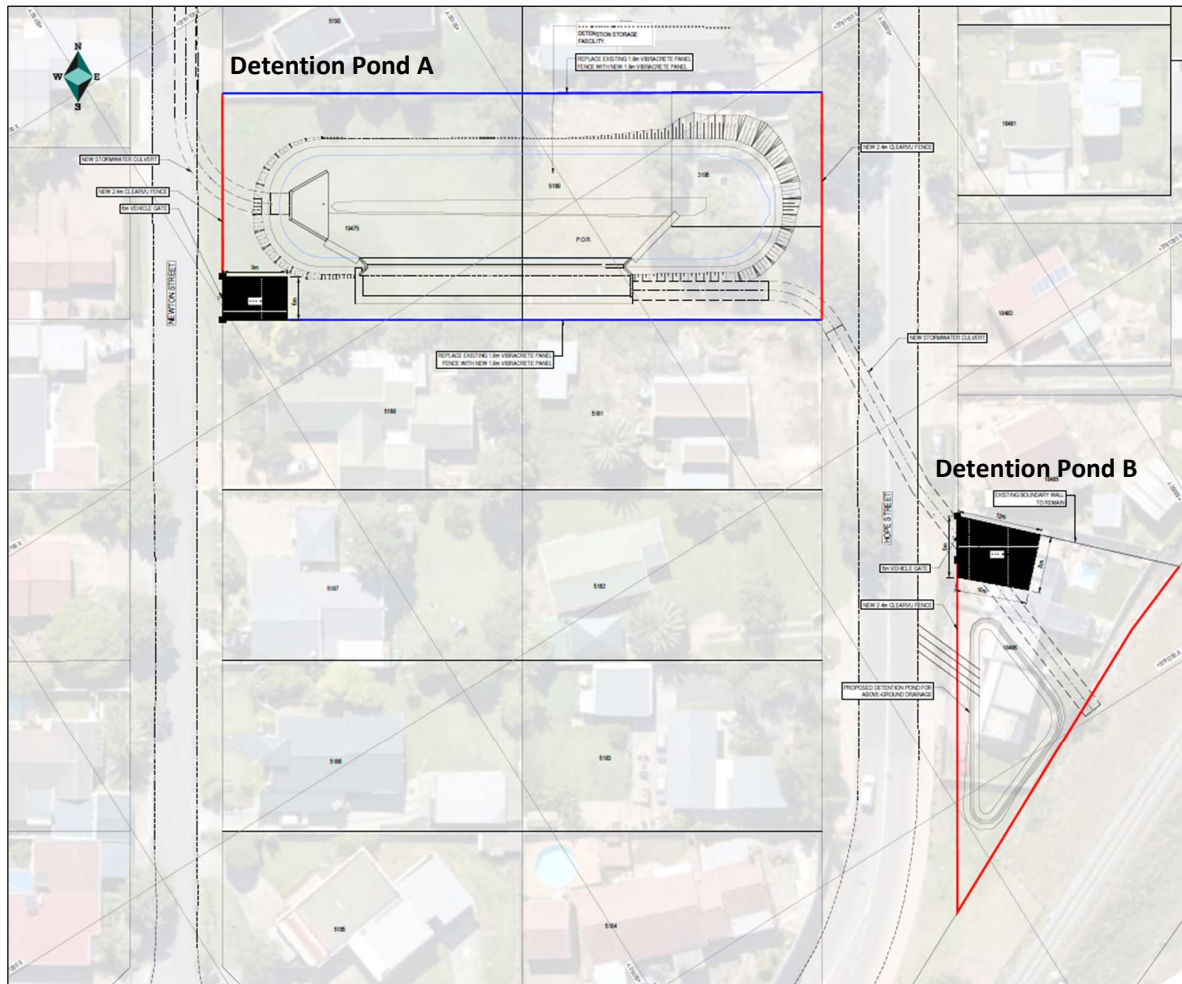


Figure 3: Proposed storm water infrastructure on Erven 18486, 19475, 5189 and 3195 George)

- Erven 18486 and 19475, George are currently zoned Single Residential Zone I.
- It is proposed to rezone the subject properties to Utility Zone for a utility service, which includes storm water retention facilities.
- Erf 18486, George is currently developed with dwelling units, and it is the intention of the property owner to demolish the existing dwellings.
- Erf 19475, George is developed with a boundary wall and covered with grass (lawn). A boundary wall between Erf 19475, George will be demolished.

- Erven 3195 and 5189, George are respectively zoned Utility Zone and Open Space Zone I. In terms of the Zoning Scheme, the proposed infrastructure can be accommodated on these properties.
- Figure 4 below illustrates the proposed storm water infrastructure. Storm water detention dam A will be located on Erven 19475, 5189 and 3195 George, while detention dam B will be located on Erf 18486, George. Both detention dams will be connected via existing storm water network (yellow), new box culvert (green) and new minor network (blue).



Figure 4: Proposed storm water infrastructure on Erven 18486, 19475, 5189 and 3195 George

- No structures will be constructed for the proposed dams. Shaping of the landscape will be done to create the dams with new culverts running underneath the dams.
- The water will flow from the north of the properties to detention dam A and continue in the underground existing culvert to the discharge point in Ring Road.

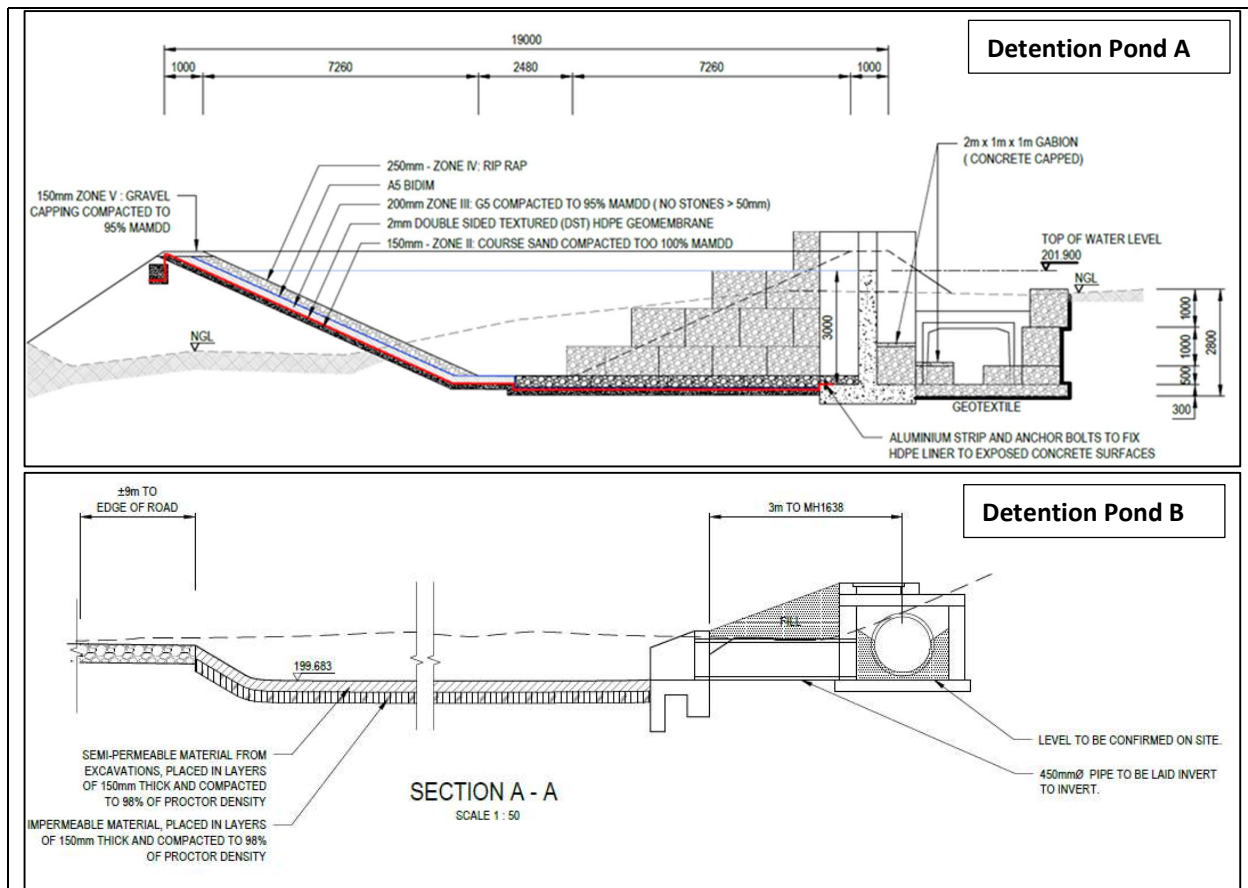


Figure 5: Section of the storm water detention dam

- Detention dam A has an emergency overflow weir that will allow overtopping of the dam to the road (Hope Street). Please refer to the section plan in Figure 5 above.
- Any overland flow will naturally accumulate in detention dam B, and once the weather has subsided, will drain into the existing underground culvert to the discharge point. No pumps are required to enable the flow of the water. Water will naturally flow to the lowest point to the south. Please refer to the section plan in Figure 5 above).

Access and parking

- Both detention dams will be fenced off with access gates strictly for maintenance vehicles.
- Access to detention dam A will be from Newton Street, at a single, gated vehicle access point.
- Access to detention dam B will be from Hope Street, at a single gated vehicle access point.
- Parking and manoeuvring space for maintenance vehicles will be provided within the subject properties.
- Only maintenance vehicles will be allowed access to the properties. Therefore, it is not necessary to provide public parking.

Municipal engineering services

- No additional municipal services will be required as a result of the proposed storm water infrastructure.
- The proposal is for the upgrade of the existing storm water system. The proposed detention dams and associated infrastructure are thus linked to the existing design of the overall storm water network in the area.

LEGISLATIVE FRAMEWORK

Spatial Planning and Land Use Management Act, 2013 (SPLUMA)

- The application is considered to be consistent with SPLUMA as the proposal complies with the development principles contained in SPLUMA.
- The aim of this proposal is to upgrade the existing storm water system in the area, creating a safer environment for the inhabitants of an area through an adequate storm water system.
- The subject property is located within the urban edge of George, and within an established neighbourhood. The proposed application will allow the Municipality to render basic services to the local population and sustainably serve the area in the future.
- Sustainable living within the urban area is closely linked to risk mitigation within such area. Implementation of adequate storm water measures relates to the sustainability of other urban uses.
- The proposal is consistent with the demarcation of the area in terms of the SDF, being urban fabric, as it relates to the provision of sustainable infrastructure. The storm water management system benefits all users within this sub-area and reduces flood risk within this urban area – thereby increasing the value of properties affected by floods by eliminating the perception that the area is at risk.

Land Use Planning Act, 2014 (LUPA)

- In terms of Section 19 of LUPA, if a spatial development framework or structure plan does not specifically provide for the utilisation or development of land as proposed in a land use application or a land development application, but the proposed utilisation or development is not conflict with the purpose of the relevant designation in the spatial development framework or structure plan, the utilisation or development is regarded as being consistent with that spatial development framework or structure plan.
- Storm water management is an integral part of the functioning of urban spaces. The subject properties lie within the CBD functional area, where high intensity uses are, as a principle, supported. Effective storm water management will enable the utilization of other properties in the area. Given the severity of the risk in this area, the loss of two residential erven can be justified. It is therefore the Municipality's contention that, given the nature of the proposed land uses on the properties, and the benefit of the adjacent, available erven (Erven 5189 and 3195, George) to complete the storm water management system in close proximity to the properties; the proposed development complies with the spatial objectives outlined in the George Municipal Spatial Development Framework as with LUPA.

Environmental consideration

- No trees will be planted on the site. The area will remain as a green space as the dams are very grass dense.

SPATIAL PLANNING INFORMANTS

Western Cape Provincial Spatial Development Framework, 2020 (PSDF)

- The spatial goals and vision set out in the Western Cape Provincial Spatial Development Framework, 2020 (Chapter 4 Amendment) (PSDF) are based on the OneCape 2040 vision which is one of “a highly skilled, innovation driven, resource efficient, connected, high opportunity and collaborative society”. The PSDF translates and expresses this spatially and include three broad spatial goals.
- One such goal relates to strengthening resilience of the built environment. This goal links to the ‘Living Cape’ theme of the OneCape 2040: Living and working environments that are healthy, safe, enabling, and accessible, and all have access to the region’s unique lifestyle offering.
- The aim of the PSDF is to address the implementation of the SPLUMA principles on a high level, and specifically spatial transformation.
- The proposed development on the subject erven relates to the provision of safe living environments, albeit at a localised level. The spatial transformation, which includes opportunities created by densification, is dependent on creating safe areas for densification and effective use. The proposed rezoning does not contradict the intent of the PSDF.

George Municipal Spatial Development Framework, 2023 (GMSDF)

- The George Municipal Spatial Development Framework, 2023 (MSDF) states that storm water management (outside delineated environmental zones) is, for instance, of crucial importance. The proposed storm water interventions, as it relates to the project sites, do not affect identified zones of environmental sensitivity within the George city area.
- The implementation of an effective storm water management system has a positive impact on the ‘green systems’ in the urban areas of George. Storm water attenuation and detention is related to sustainable urban drainage systems and is a crucial part in providing effective services.
- The spatial concept of densification in well located areas, such as the sub-area within which the subject properties are located, can only be brought to ground if effective infrastructure provision exists.
- Policy A3 of the MSDF relates specifically to the implementation of storm water systems. Except for the obligation on all developments to attenuate water on site, the Policy guidelines in the MSDF state: a) that no storm water is to be discharged directly into open space systems or natural areas, 2) areas to support storm water management are to be identified and released and 3) SUDS principles are to be applied, where economically and practically feasible.
- The proposal is in line with the policies of the MSDF.

George Central Business District Local Spatial Development Framework, 2015

- The subject properties fall within Area 8 (George South) of the George Central Business District Local Spatial Development Framework, 2015.
- The area is earmarked for residential development. Note that the MSDF 2023 encourages densification of residential use in this area, which relate inadvertently to an increase in hardened surfaces, which places more emphasis on effective storm water management.
- The proposal to rezone the subject erven for storm water purposes supports the residential use and densification/intensification of use in the area and addresses the obligation of the Municipality’s efforts in disaster risk management.
- The proposal is not contradictory to the proposals in the MSDF, but rather supports the implementation of the use proposals, taking the current context into account.

NEED AND DESIRABILITY

- The need to reduce disaster risk and to provide effective engineering services is undisputable, specifically in this context. This context is described as an area prone to flooding and also an area considered to be urban fabric identified for intensification of use in future.
- The MSDF encourages densification of residential use in this area and intensification of use within the CBD. Densification and intensification relate inadvertently to an increase in hardened surfaces, placing more emphasis on effective storm water management.
- Climate change indicators point to an increased risk of high intensity rainfall events in the future.
- Storm water management planning has identified the use of the subject properties, in conjunction with properties already owned by the George Municipality, as part of an integrated solution to address storm water challenges in this sub-area.
- The rezoning of the specific properties to “Utility Zone” for storm water management purposes is considered to be desirable due to the following:
 - The properties have been found technically suitable for the purpose of implementing a storm water management system.
 - The subject properties pose an opportunity to create a storm water detention facility of significant size, to address the attenuation/detention requirements of the broader area.
 - Erf 18486, George is not fit for residential use due to the risks associated with flooding. Such risks also render the use of the site for other purposes unlikely.
 - The proposed use will not cause any noise or light or other disturbance to the adjacent residential properties.
 - The design of the facility on Erf 18486, George will be done in a manner that will ensure that the integrity of the rail line is not compromised. Linkage to the existing culvert under the rail line is technically possible.

- The proposed use will not cause additional traffic to the area. The sites are accessible for maintenance and management purposes from the public street.
- Sites will be fenced, and access will be controlled.
- Urban greening can be considered within the boundaries of the sites, depending on the final design.

CONCLUSION

- The proposed rezoning is an administrative component of an essential project of the George Municipality to address disaster risk and storm water management in this area of George.
- The use of Erven 18486 and 19475, George as part of the storm water management infrastructure of George is deemed necessary and desirable. The associated rezoning is therefore required.
- It has been demonstrated that the application is compliant with the adjudication criteria set out in planning law and thus should be recommended for approval.

PART J: SUMMARY OF PUBLIC PARTICIPATION

Methods of advertising				Date published	Closing date for objections		
Press	Y	N	N/A	11 April 2024	13 May 2024		
Gazette	Y	N	N/A	N/A	N/A		
Notices	Y	N	N/A	11 April 2024	13 May 2024		
Website	Y	N	N/A	11 April 2024	13 May 2024 (proof not included)		
Ward councillor	Y	N	N/A	11 April 2024	13 May 2024		
On-site display	Y	N	N/A	11 April 2024	13 May 2024 (last photo taken on 26 April 2024; however, affidavit confirms the site notices were on site until 13 May 2024)		
Community organisation(s)	Y	N	N/A	N/A	N/A		
Public meeting	Y	N	N/A	Held on 8 May 2024	13 May 2024		
Third parties	Y	N	N/A	N/A	N/A		
Other	Y	N	If yes, specify	N/A			
Total valid objections	No objection received.				Total invalid objections and petitions	0	
Valid petition(s)	Y	N	If yes, number of signatures				
Community organisation(s) response	Y	N	N/A	Ward councillor response	Y	N	N/A
Total letters of support	None						
Was the minimum requirement for public participation undertaken in accordance with relevant By-law on Municipal Land Use Planning By-law and any applicable Council Policy						Y	N

Amendment of application in terms of Section 52 of the Land Use Planning By-Law, 2023

As a result of the internal comments received from the Directorate: Community Services, the applicant amended the application in terms of Section 52 of the Land Use Planning By-law for George Municipality, 2023 to rezone the subject properties to Utility Zone and not Open Space Zone I. As the amendment is not

deemed material and the intent of the development proposal is clear, no additional public participation process is required. Consequently, there is no need for the Authorised Employee to condone the amendment.

PART K: SUMMARY OF COMMENTS DURING PUBLIC PARTICIPATION

Comments and/or objections received with the applicant’s comments summarised as follows:

Two (2) responses were received from interested and/or affected parties during the prescribed public participation period. One response was from the Department of Environmental Affairs and Development Planning – Development Management (DEADP) and the second response was from a community meeting held on 8 May 2024. It is important to note that the comments received from the Department was in response to the checklist for the determination of the applicability of NEMA Regulations for the proposed development. The comments received and applicant’s reply can be summarised as follow:

Organisation	Comments/Objections	Response form applicant
Department of Environmental Affairs and Development Planning (DEADP)	<p>DEADP raised concerns regarding the upgrade of the stormwater outlet at Rand Street on Erf 464. Insufficient information made available to the DEADP was available to make a final determination on the applicability of the EIA Regulations, 2014 in this regard.</p> <p>DEADP requests that that preliminary design details be submitted to it once the layout has been drafted, for them to confirm whether the proposed upgrades will involve any listed activities requiring environmental authorisation, before any work commences on any upgrades of the relevant storm water infrastructure.</p> <p>DEADP confirms that the upgrade of storm water infrastructure in George South (relating to the subject properties) does not trigger any listed activities and that the George Municipality may continue with the proposed upgrades.</p> <p>DEADP also note the following:</p> <ul style="list-style-type: none"> • The proposed development is close to the non-perennial watercourse, and a WULA may be required from the relevant authority. The applicant should consult the Breede-Olifants Catchment Management Agency (“BOCMA”) in this regard. • According to the information there are protected <i>Afrocarpus falcatus</i> (Outeniqua yellowwood) and <i>Afrocarpus latifolius</i> (real yellowwood) trees along the roads. A permit in terms of the National Forest Act, 1998 (“NFA”) must be obtained from the Department of 	<p><i>No response to the comments required as the application does not relate to the upgrade of stormwater serves at Rand Street.</i></p> <p><i>Noted.</i></p> <p>The project scope for Phase 1 does not include upgrades of the outlet on Rand Street, thus it is not required to consult BOCMA at this stage. BOCMA will be consulted for Phase 2 of the project.</p> <p><i>Noted.</i></p>

	Forestry, Fisheries and the Environment (“DFFE”) where protected trees are to be disturbed, damaged pruned removed.	
Community meeting	<p>Residents raised concern about the time given for comments. It was also raised that the meeting is held while the project is underway.</p> <p>Community members questioned whether the development has land use rights. Question raised why is the project was underway without necessary approvals?</p> <p>Question raised whether some of the houses built in a flood area, resulted from illegal building work?</p> <p>In summary, the community was concerned about the process followed and had technical questions relating to the infrastructure.</p>	<p>The upgrades were an emergency project. Funding was allocated from national government in March 2023 had to be used within the financial year, or it would have been lost.</p> <p>Public participation was conducted in terms of the legislative requirements.</p> <p>The Municipality had to conduct technical investigations, obtain Council resolutions to purchase the subject properties, obtain approvals to clear the site, and transfer the subject properties prior to submitting a land use application. The short time given to implement the project placed the Municipality in a quandary. Nonetheless, the integrity of the planning process remains, and should negative comments be formally submitted, this may place this component of the overall Stormwater Upgrading Project on hold.</p> <p>These properties were historically created and allocated for residential use during the establishment of the neighbourhood. Approved building plans are available at the Municipality; however, the intention is to demolish the existing structures on the subject properties.</p> <p><i>The buildings erected on Erf 18486, George were erected illegally by the previous owner. The houses have since been demolished.</i></p> <p>The Municipality’s investigations found that the proposed intervention is necessary to address overall storm water management in George and that the phased implementation of measures will alleviate the impact of storm water flow.</p> <p>The implementation of storm water management projects comprises several components and is subject to the availability of funding. The Municipality</p>

		is starting with components that will immediately improve the current situation. The purchase of the subject properties was required to implement the project. Access, maintenance, and functioning of the detention dams and infrastructure were explained.
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PART L: SUMMARY OF APPLICANT’S REPLY TO OBJECTIONS

Addressed above, in Part K of this report.

PART M: SUMMARY OF COMMENTS FROM INTERNAL DEPARTMENTS AND/OR ORGANS OF STATE

Name of Department	Date	Summary of comments	Recommendation
Civil Engineering Services	7 April 2024	Application supported.	Noted.
Electro-technical Services	8 April 2024	Application supported.	Noted.
Parks	8 April 2024	On condition that the user department will do the maintenance of the site i.e. grass cutting and any landscaping.	Noted. CES will be responsible for the site.
Environmental Management	8 April 2024	Application for rezoning is supported. It must be determined whether the proposed detention dams require a WULA or NEMA approval.	The proposed development do not require WULA or NEMA approvals.
Building Control	7 April 2024	Supported. Building plan to be submitted in terms of Section 4 of the National Building Regulations and Building Standards Act, 103 of 1977, should the property be developed. (for any construction work).	Noted.
Spatial Planning	4 April 2024	Supported, infrastructure to support urban fabric.	N/A

PART N: MUNICIPAL PLANNING EVALUATION (REFER TO RELEVANT CONSIDERATIONS GUIDELINE)

Is the proposal consistent with the principles referred to in Chapter 2 of SPLUMA? (can be elaborated further below)	Y	N
Is the proposal consistent with the principles referred to in chapter VI of LUPA? (can be elaborated further below)	Y	N

Application history

There are no historical land use approvals applicable to these properties which impact on this application.

(In)consistency with the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and with the principles referred to in Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014) (Section 65 of the Planning By-law)

The consistency of the application with the principles of SPLUMA and LUPA as read with Section 65 of the Planning By-law was evaluated as follows:

No	Evaluation checklist (s. 65)	Yes	No	N/A
65(a)	Does the application submitted comply with the provisions of this by-law?	X		
	Has the motivation submitted been considered?	X		
65(b)	Were the correct procedures followed in processing the application? (see land use application process checklist)	X		
	Was a condonation required and granted with regards to the process followed? (<i>see land use application process checklist</i>)	X		
65(c)	Have the desirability guidelines as issued by the provincial minister to utilise land for the proposed land uses been considered? (<i>not yet applicable</i>)			X
65(d)	Have the comments received from the respondents, any organs of state and the provincial minister been considered? (<i>s. 45 of LUPA</i>)	X		
65(e)	Have the comments received from the applicant been considered?	X		
65(f)	Have investigations carried out in terms of other laws which are relevant to the application been considered?	X		
65(g)	Was the application assessed by a registered town planner? (<i>see land use application process checklist</i>)	X		
65(h)	Has the impact of the proposed development on municipal engineering services been considered?	X		
65(i)	Is the application in line, consistent and/or compatible with the IDP of the Municipality?	X		
	Is the application in line, consistent and/or compatible with the Municipality's SDF?			
65(j)	Is the application in line, consistent and/or compatible with the IDP of the district Municipality including its SDF?			X
	Is the application in line, consistent and/or compatible with the district Municipality's SDF?			
65(k)	Is the application in line, consistent and/or compatible with the applicable local SDF?	X		
65(l)	Is the application in line, consistent and/or compatible with the applicable policies of the Municipality that guide decision making?	X		
65(m)	Is the application in line, consistent and/or compatible with the provincial SDF?			X
65(n)	Is the application in line, consistent and/or compatible with the regional SDF (<i>SPLUMA</i>) or provincial regional SDF (<i>LUPA</i>)?			X
65(o)	Is the application in line, consistent and/or compatible with the applicable policies, guidelines, standards, principles, norms, or criteria set by national and/or provincial government?			X
65(p)	Is the application in line, consistent and/or compatible with the matters referred to in Section 42 of SPLUMA?	X		
65(q)	Does the application comply with the requirements of Section 42(2) of SPLUMA, supported by the relevant environmental reports.	X		
65(r)	Is the application in line or consistent and/or compatible with the following principles as contained in Sections 7 of SPLUMA and 59 of LUPA:			
	1. The redress of spatial and other development imbalances of the past through improved access to, and use of land?			X

2.	Address the inclusion of persons and areas previously excluded in the past, specifically informal settlements and areas characterised by wide-spread poverty and deprivation?			X
3.	Enable the redress of access to land by disadvantaged communities and persons?			X
4.	Support access to / facilitate the obtaining of security of tenure and/or incremental informal settlement upgrading?			X
5.	Has the potential impact of the development proposal on the value of the affected land /properties been considered?	X		
6.	Has the impact of the application on the existing rights of the surrounding owners been recognised?	X		
7.	Does the application promote spatially compact, resource frugal development form?			X
8.	Can the development be accommodated within the existing fiscal (budget), institutional and administrative means of the Municipality? <i>(e.g. Infrastructure upgrades required – when, budgeted for, etc.)</i>	X		
9.	Has the protection of prime, unique, and/or high potential agricultural land been considered?			X
10.	Is the application consistent with the land use measures applicable to / contained in environmental management instruments?			X
11.	Does the application promote and stimulate the equitable and effective functioning of land markets?			X
12.	Have all current and future costs to all parties for the provision of infrastructure and social services been considered?	X		
13.	Does the application promote development that is sustainable, discourages urban sprawl, encourages residential densification, and promotes a more compact urban form?			X
14.	Will the development result in / promote the establishment of viable communities?	X		
15.	Does the development strive to ensure that the basic needs of all the citizens are met in an affordable way?			X
16.	Will the development sustain and/or protect natural habitats, ecological corridors, and areas of high bio-diversity importance?	X		
17.	Will the development sustain and/or protect provincial heritage and tourism resources?			X
18.	Will the development sustain and/or protect areas unsuitable for development including flood plains, steep slopes, wetlands, areas with a high-water table, and landscapes and features of cultural significance?	X		
19.	Will the development sustain and/or protect the economic potential of the relevant area or region?			X
20.	Has provision been made in the development to mitigate against the potential impacts of climate change?	X		
21.	Does the development include measures to reduce consumption / conserve water and energy resources? <i>(renewable energy, energy saving, water saving, etc.)</i>			X
22.	Does the development consider sea-level rise, flooding, storm surges, fire hazards?	X		
23.	Does the development consider geological formations and topographical (soil and slope) conditions?	X		
24.	Will the development discourage illegal land occupation – w.r.t. Informal land development practices?			X
25.	Benefits the long-term social, economic, and environmental priorities	X		

		for the area (<i>sustained job opportunities, sustained income, integrated open space network, etc.</i>) over any short-term benefits (<i>job creation during construction, short term economic injection, etc.</i>)?			
	26.	Contributes towards the optimal use of existing resources, infrastructure, agriculture, land, minerals, and/or facilities?	X		
	27.	Contributes towards social, economic, institutional, and physical integration aspects of land use planning?			X
	28.	Promotes and supports the inter-relationships between rural and urban development?			X
	29.	Promotes the availability of employment and residential opportunities in close proximity to each other or the integration thereof?			X
	30.	Promotes the establishment of a diverse combination of land uses?			X
	31.	Contributes towards the correction of distorted spatial patterns of settlements within the town / city / village?			X
	32.	Contributes towards and / or promotes the creation of a quality and functional open spatial environment?	X		
	33.	Will the development allow the area or town to be more spatially resilient that can ensure a sustainable livelihood for the affected community most likely to be affected by economic and environmental shocks?	X		
65(s)		Is the application in line with the applicable provisions contained in the applicable zoning scheme regulations (By-law)? (e.g. Definitions, land use description and development parameters)	X		
65(t)		Is the application in conflict with any restrictive condition applicable to the land concerned?		X	

Comments:

65(r)5 - Although no study was conducted to ascertain the impact of the proposed development on land value, it is understood that the proposal will enhance the value of the surrounding properties due to the resulting upgrade of the storm water network system infrastructure, enabling adequate storm water management during heavy rainfall in the area. Given the November 2021 flood disaster, this proposal is perceived as infrastructure that is needed for the neighbourhood to be more resilient to natural disasters.

65(r)6 - Storm water detention dams are storm water control structures providing both retention and treatment of contaminated storm water runoff. The dams consist of a permanent pool of water into which storm water runoff is directed. Runoff from each rain event is detained and treated in the dam until it is displaced by runoff from the next storm. By capturing and retaining runoff during storm events, detention dams control both storm water quantity and quality. The dams' natural, physical, biological, and chemical processes then work to remove pollutants. While the positive impacts from a detention dam will generally exceed any negative impacts, detention dams that are improperly designed, sited, or maintained, may have potential adverse effects on water quality, ground water, cold water fisheries, or wetlands. It is important to note that the municipal engineers are satisfied with the design of the proposed detention dams. Further, no negative feedback was received from the Department of Environmental Affairs and Development Planning, however it is important that the developer must consult with the Department prior to commencing with the next phase (along the river).

The development of storm water detention dams in the area will not have a significant impact on the rights of the surrounding owners because the Municipality will maintain the dams on a regular basis. Furthermore, the proposed infrastructure will ensure that the area will not be flooded during heavy rainfall. It is evident from the figures provided that storm water network upgrading is necessary in the Greater George Area. In fact, this will protect the rights of property owners in the vicinity. Important to note is that this is an upgrade of the existing storm water network system.

In general, the upgrading of storm water network systems will benefit the overall community. Storm water detention dams provide both storm water quantity and quality benefits and provide significant retrofit coverage for existing development.

(In)consistency with the IDP/Various levels of SDF's/Applicable policies

As per the George Municipal Spatial Development Framework 2023, the Spatial Development Vision for George Municipality is based on six specific themes, as noted in Table 15 of the MSDF. The themes relevant to the proposal to upgrade the storm water management system are:

- Theme A: Prioritize infrastructure which yields best cost-benefit ratio, from a social and economic perspective and facilitates the spatial concept (10year horizon).
- Theme E: Manage the use of land in the Municipal area in a manner which protects natural resources, ecological functioning and -services, as well as the rural character.

The below policies under the above-mentioned themes are supported by the proposed development / upgrade of the storm water infrastructure in George-South.

Policy 4.5.1.1 A1: Maintain, improve, and expand basic engineering services (Water, Sewer, electricity, storm water and refuse removal).

SDF Proposal to achieve this theme:

- A1: PG a: Facilitate current and future (10year) growth absorption (residential and socio-economic) on local area level, with associated timeframes and services capacity- and availability enhancement, and bulk, link, and network implementation programs to be synchronized.
- A1: PG b: Promote service provision to support densification and infill (residential, social, and economic).
- A1: PG c: New Infrastructure and Infrastructure upgrading to consider environmental sensitivities and risks in positioning services and illustrate climate change adaptation- and mitigation measures.

Policy 4.5.1.6 A6: Green Infrastructure and Storm Water Management.

SDF Proposal to achieve this theme:

- A6: PG a: On-site storm water management for all development and open space (green core) allocation to support stormwater management.

Policy 4.5.5.4 E4: Climate Change Impact Mitigation and Natural Disaster Risk Management.

SDF Proposal to achieve this theme:

- E4.2: PG a: Mitigation of flood risk (spatial) and sea level rise.

The management of risk associated with natural disasters is one of the George Municipality's priorities. The impact of climate change translates to added risks to the natural and physical environment. Floods and fire have been identified as two major natural disaster risks in the George Area. The Municipality acknowledges that the responsibility for mitigation and protection of the environment, infrastructure, and inhabitants of George vests with all citizens and spheres of government.

As indicated in the background of this report, George Municipality experienced heavy rainfall in November 2021 which resulted in flooding of roads/streets and properties. This had significant impact on people's livelihood as their properties were damaged and/or lost. In an effort to mitigate potential future flood disasters, the Municipality applied for funding to upgrade the existing storm water network system in George. One of the mitigation measures identified was to construct a storm water detention dam and associated infrastructure on Erven 19475, 3195, 5189 and 18486, George. It is this Directorate's considered view that the proposed development will enable a neighbourhood to be more resilient to climate change and flood disasters.

In conclusion, it is found that the proposed development is in line with the spatial policies and objectives of the area and can be considered positively.

(In)consistency with guidelines prepared by the Provincial Minister

Not applicable.

Outcomes of investigations/applications i.t.o. other laws

Not applicable.

George Integrated Zoning Scheme By-law, 2023

Erven 18486 and 19475, George are zoned 'Single Residential Zone I'. Erf 18486, George was developed with 3 illegally erected dwelling units which have since been demolished. Erf 19475, George was never developed. The George Municipality's Civil Engineering Directorate intends rezoning both properties to 'Utility Zone' to develop necessary storm water detention dams and associated infrastructure (utility service) to better manage storm water flow during flooding events which have occurred several times in the vicinity of Hope- and Union Streets in the past. It is note that this project already commenced and is almost complete and thus, this application is now intended to regularise an unauthorised land use.

The primary land use right for 'Utility Zone' is utility service. The George Integrated Zoning Scheme By-law 2023 describes a utility service as a use or infrastructure that is required to provide engineering and associated services for the proper functioning of urban development, and includes a water reservoir and purification works, electricity substation, storm water retention facilities, and a waste-water pump station and treatment works, data centre, fibre optic infrastructure, rooftop and freestanding base telecommunication stations, and renewable energy structures.

As indicated, the project will also include Erven 3195 and 5189 George. These properties are already zoned Utility Zone (for a utility service) and Open Space Zone I (for a public open space). The current zonings of these properties can accommodate the proposed land use of storm water infrastructure as a primary right and thus, it is not required to rezone these two properties.

According to the zoning scheme, the development parameters applicable "utility service" (and "public open space") are as determined by the Municipality on submission of a site development plan or as a condition of approval. In this regards, the Directorate is satisfied that the layout plans provided with the application for development of the proposed storm water detention dams and associated infrastructure on the abovementioned properties are sufficient to meet these requirements and no further SDP will be required. It is also evident that the intended development will impact positively on the surrounding area and will not, considering the nature of such infrastructure, have a significant negative impact on surrounding residents.

As indicated on the site layout plan, access to the respective properties will be via 6-metre wide carriageway crossings. Each property will accommodate one parking bay, which is deemed sufficient given the proposed land use. Clearvu fences with heights of 2,4m are proposed on the street frontages are deemed appropriate and necessary to secure the properties. It is noted that this height deviates from the 2,1m height restriction stated in Section 27(1) of the Municipality's zoning scheme. However, as stated above, the Municipality may determine development parameters for these properties on approval of a site development plan or as a condition of approval, and thus, an additional application for Departure is not required.

The proposal is found to be in line with the George Integrated Zoning Scheme By-law, 2023.

The need and desirability of the proposal

The need for and desirability of the proposed development have been considered in terms of the following factors:

NO.	EVALUATION CHECK LIST	YES	NO	N/A
1	Will the natural environment and / or open space systems be negatively affected?		X	

2	Will the application result in trees / indigenous vegetation being removed on site or in the road reserve?		X	
3	Does the application have any negative impact on heritage resources?		X	
4	Will the character of the surrounding area be negatively affected?		X	
5	Will the architectural character of the streetscape be negatively affected?		X	
6	Will there be any negative impact on vehicle traffic and pedestrian safety?		X	
7	Will there be a negative impact on traffic movement?		X	
8	Will there be a negative impact on vehicle sight distances?		X	
9	Are there adequate on-site parking / loading facilities provided?	X		
10	Are there adequate vehicle access / egress to the property?	X		
11	Will the neighbour's amenity to sunlight be negatively affected?		X	
12	Will the application result in overshadowing onto neighbours' properties?		X	
13	Will the neighbour's amenity to privacy / enjoyment of their property / views be negatively affected?		X	
14	Will the proposal have a negative impact on scenic vistas or intrude on the skyline		X	
15	Will the intended land use have a negative impact on adjoining uses?		X	
16	Will the land use pose a potential danger to life or property in terms of fire risks, air pollution or smells or compromise a person's right to a safe and secure environment?		X	
17	Will there be a negative impact on property values?		X	
18	Will the application result in a nuisance, noise nuisance, and disturbance to neighbours?		X	
19	Will adequate open space and/or recreational space be provided (for residential developments)?			X
20	Will approval of the application set a precedent?		X	

Comments:

4 – The area is characterised by land uses ranging from predominately residential uses, utility services to the south-west, and industrial uses to the south and east. A railway line and a river are located south-east of Erf 18486, George. Residential properties surround Erven 19475, 5189 and 3195, George. Given that no physical infrastructure will be developed, it is not anticipated that the proposal will have a negative impact on the character of the area. Detention dams are acceptable land uses within a residential area (engineering infrastructure to support urban development).

6, 7 and 8 – Given the nature of the development, only one or two vehicles will occasionally visit the properties for maintenance purposes. As a result, this Directorate cannot anticipate that the proposed development will have a negative impact on traffic and pedestrian movement.

15 and 18 – As mentioned above, detention dams may have an impact on the natural environment if not maintained. The Directorate: Civil Engineering Services is satisfied with the design of the proposed detention dams and associated infrastructure; however, a condition will be included that the developer (user department) must maintain the dams on a regular basis.

20 – As mentioned, the proposed development is in line with the George Integrated Zoning Scheme By-law, 2023 and will not set unwarranted precedent in the area.

Assessment of objections / comments

Based on the comments received, it can be stated that interested and affected parties do not object to the development of the storm water detention dams and associated infrastructure on the subject properties. The concerns raised at the community meeting were to understand the process involved in the development of the detention dams and upgrading of the storm water system (planning process and technical questions). The applicant has sufficiently responded to the concerns raised at said meeting and the community members were satisfied.

DEADP submitted initial comments on the application raising concerns regarding the upgrading of the storm water outlet at Rand Street on Remainder Erf 464, George and requested that the applicant provide additional information in this regard. The applicant submitted the requested information and indicated that the Rand Street upgrades do not relate to this application but will form part of phase 2. The revised comments received from DEADP indicate that the proposed development does not trigger any listed activities in terms of NEMA, but that the applicant should check whether an approval in terms of the National Water Act and the National Forest Act will be required. The applicant confirmed that a WULA will only apply in phase 2. The Municipality's Community Services Department has a standing arrangement with DFFE with regards to the trimming of the yellowwood trees planted in its road reserves. The Civil Engineering Department is aware that a forestry permit is required to remove a yellowwood tree should it be required.

PART O: SUMMARY OF EVALUATION

It is the George Municipality: Civil Engineering Department's intention to rezone Erven 18486 and 19468, George from Single Residential Zone I to Utility Zone to accommodate (regularise) the construction of storm water detention dams and associated storm water infrastructure necessary to address existing stormwater management issues in the area, in particular to counteract several flood events that have occurred near the intersection of Hope- and Union Streets in the past.

The proposal is found to be consistent with the George Municipal Spatial Development Framework, 2023 in that it seeks to address storm water infrastructure challenges in the area and with due consideration to the environment. The general community will benefit from living in an area that is resilient to climate change and natural disasters (flood risk).

The proposal is thus found to be in line with the George Integrated Zoning Scheme By-law, 2023. As indicated on the site plan, access to both properties will be via 6-metre wide carriageway crossings, respectively. Each property will accommodate one parking bay, which is deemed sufficient given the proposed land use. Clearvu fences with heights of 2,4 metres are proposed on the street frontages, which are deemed appropriate. The height of these fences are as determined by the Municipality as allowed for by the provisions of its zoning scheme and therefore an application for Departure is not required.

In consideration of the above, and on the balance of all considerations as contemplated in Section 65 of the Land Use Planning By-law for George Municipality 2023, the proposed development is deemed desirable and therefore **SUPPORTED**.

PART P: RECOMMENDATION

That the application for **Rezoning** in terms of Section 15(2)(a) of the Land Use Planning By-law for George Municipality, 2023 of Erven 18486 and 19475, George from Single Residential Zone I to Utility Zone;

BE APPROVED in terms of Section 60 of the said Planning By-law for the following reasons:

REASONS FOR DECISION

- a) It was evident during the November 2021 flooding that there is an urgent need to upgrade the storm water network system in the area, thus the proposal is a positive response to disaster management which will result in a resilient neighbourhood.
- b) The development of the storm water detention dams and associated infrastructure on the subject properties link with the Municipality's plans to upgrade its wider stormwater management network,

which is critical support the functioning of the city and improve resilience in response to extreme weather events which are becoming more frequent due to the impacts of climate change.

- c) The development of the proposed storm water detention dams and associated infrastructure will not detract from the character, functionality and integrity of the residential area and is of an appropriate scale and form.

Subject to the following conditions imposed in terms of Section 66 of the said Planning By-law:

CONDITIONS OF THE DIRECTORATE: HUMAN SETTLEMENTS, PLANNING AND DEVELOPMENT

- (1) That in terms of the provisions of the Land Use Planning By-law for George Municipality, 2023, this approval shall lapse if not implemented within a period of five (5) years from the date on which it comes into operation.
- (2) This approval shall be taken to cover only the rezoning as proposed (i.e. to accommodate storm water detention dams and associated infrastructure as applied for) and shall not be construed as to depart from any other Council requirements or legal provisions.
- (3) A Site Development Plan indicating the proposed fencing and the final positions of the proposed detention dams, trees, parking areas and access to the properties must be submitted to the Directorate: Human Settlements, Planning and Development for approval prior to the submission of building plans.
- (4) The above approval will be considered as implemented on approval of building plan.
- (5) The Directorate: Civil Engineering Services will be responsible for the regular maintenance of the subject properties, including the regular cleaning of the dams.

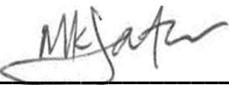
Note:

- (i) A building plan must be submitted for approval in accordance with the National Building Regulations (NBR).
- (ii) The developer must comply with all relevant legislations, including the National Water Act and National Forest Act.

PART Q: ANNEXURES

The following annexures are included with this report:

Annexure A	Site Plan
Annexure B	Motivation Report
Annexure C	Pre-application Report
Annexure D	Title Deed
Annexure E	Council Resolution / Power of Attorney
Annexure F	Comments and / or Objections
Annexure G	Section 52 Letter



K. MUKHOVHA (PR. PLN. A/2119/2015)
TOWN PLANNER

30 September 2024

DATE

RECOMMENDED / NOT RECOMMENDED



N. SWANEPOEL (PR. PLN. A/2237/2015)
SENIOR TOWN PLANNER

2 October 2024

DATE

RECOMMENDED /NOT RECOMMENDED



10/10/2024

C. PETERSEN (B/8336/2016)
SENIOR MANAGER: TOWN PLANNING

DATE

APPLICATION FOR REZONING APPLICABLE TO ERVEN 18486 AND 19475, GEORGE (K. MUKHOVHA)

PAJA

NO	PROCESS CHECK	YES	NO	N/A
1.	Has this application been assessed / evaluated by a registered town planner as required in terms of section 65.(g) of the By-law?	X		
2.	Was the report submitted by the town planner a fair and objective reflection of the relevant information available and has all relevant information been attached to the report?	X		
3.	Did the town planner exercise due diligence in evaluating the application? Is the report balanced (does not show any unfair prejudice) and were the conclusions reached reasonable and rationally linked to the relevant information available?	X		
4.	Was the town planner empowered in terms of the Municipality's system of delegations to evaluate the application?	X		
5.	Was the decision-maker empowered in terms of the Municipality's system of delegations to decide on the application?	X		
6.	Was adequate information available for the decision-maker to make a fair, reasonable and objective decision on the application?	X		
7.	If not, can it be demonstrated that the necessary attempts were made to obtain this information before the decision was taken?			X
8.	Was all the available information which impacts on the application made available to the decision-maker?	X		
9.	Was all relevant information taken into account when making the decision?	X		
10.	Was all irrelevant information noted in the town planner's report and reasons given as to why it should be disregarded when making the decision stated in the report?			X
11.	Was the town planner's evaluation, to the best of the decision-maker's knowledge, potentially influenced by an error of law?		X	
12.	Is the decision taken logical, clear, concise, and fair?	X		
13.	Can the decision be justified – i.e. rationally and reasonably linked to the information provided (critical information available) and relevant facts contained in the report?	X		
14.	Were written reasons given for the decision taken?	X		
15.	Can these reasons be reasonably and rationally linked to the relevant facts and the decision taken?	X		
16.	Were conditions of approval imposed with the decision?	X		
17.	Can these conditions be lawfully imposed as contemplated by Sections 66 of the By-law?	X		
18.	Are these conditions fair and can they be reasonably and rationally linked to the development proposal submitted, the relevant facts contained in the town planner's report, the decision taken and the reasons for such decision?	X		

APPROVED/ REFUSED / REFER BACK TO APPLICANT / REFER TO TRIBUNAL



D. POWER (PR. PLN. A/1973/2014)
DEPUTY DIRECTOR: PLANNING/ AUTHORISED OFFICIAL

10 NOVEMBER 2024
DATE

Attachments : Annexures for Erven 18486 and 19475, George



Erven 18486 & 19475
George (annexures).p