

Our Ref.: 1413/GEO/24
Your Ref.: Erven 177 – 179, Le Grand

26 November 2024

The Municipal Manager
George Municipality
PO Box 19
GEORGE
6530

ATTENTION: MRS. ILANÉ HUYSER

BY HAND

Dear Mrs Huyser,

PROPOSED CONSOLIDATION AND SUBDIVISION ON ERVEN 177-179, LE GRAND, GEORGE MUNICIPALITY AND DIVISION

1. The above matter refers.
2. Attached hereto find the following:
 - A copy of the required documentation;
3. We hope that you will be able to process the application as soon as possible.

Yours Faithfully
DELPLAN Consulting



DELAREY VILJOEN Pr. Pln

<https://delplan.sharepoint.com/sites/Delplan/Shared Documents/General/Documents/PROJECTS/2024/1413-GEO-24/Korrespondensie/b1.docx>

Cc: BOKAMOSO FAMILY TRUST & BOLENG INVESTMENT GROUP (PTY) LTD

**PROPOSED CONSOLIDATION AND SUBDIVISION ON ERVEN 177-179, LE GRAND,
GEORGE MUNICIPALITY AND DIVISION**



FOR: BOKAMOSO FAMILY TRUST & BOLENG INVESTMENT GROUP (PTY) LTD



URBAN & REGIONAL PLANNERS

DEVELOPMENT ENVIRONMENT LINK

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PROPOSED CONSOLIDATION AND SUBDIVISION ON ERVEN 177-179, LE GRAND, GEORGE MUNICIPALITY AND DIVISION

1. INTRODUCTION

Erven 177 – 179, Le Grand are vacant abutting erven. The owners are hoping to consolidate the three properties and subdivide them into two larger properties. The owners appointed *DELPLAN Consulting* to prepare and submit the required land use application. A copy of the Power of Attorneys to submit this land use application is attached as **Annexure 1**.

1.1 Title Deed

The subject properties are being registered in the names of Bokamoso Family Trust and Boleng Investment Group (Pty) Ltd as is confirmed by a letter from the transferring attorneys (Savage Jooste & Adams). The available deed (T3658/2013) therefore still states ownership as CS Hentiq 1044 (Pty) Ltd. The transfer letter is attached with the title deed in **Annexure 2**. The accompanying SG diagrams are attached as **Annexure 3**.

There are no title deed restrictions prohibiting the proposed application, this is confirmed with the conveyancer's certificate attached as **Annexure 4**.

1.2 Land Use Application

This land use application entails the following:

1. Consolidation in terms of Section 15(2) (e) of the George Municipality: Land Use Planning By-Law, 2023 of Erven 177-179, Le Grand into one single erf.

2. Subdivision in terms of Section 15(2) (d) of the George Municipality: Land Use Planning By-Law, 2021 of the consolidated Erf into two erven measuring 934.23m² respectively.

2. CONTEXTUAL INFORMATION

2.1 The Locality of the Subject Property

The subject properties are located along Fairway Road within Le Grand Estate. Figure 1 shows the subject property in relation to other surrounding properties and the area surrounding Le Grand Estate. For a more detailed view, please refer to figure 2 and the locality plan attached hereto as Annexure 5.



Figure 1: The location of the subject property in relation to surrounding land uses



Figure 2: Detailed view of subject property and immediate surrounding land uses

2.2 Existing Land Uses and Character of the Area

The properties are currently vacant and are surrounded by other residential erven which are mostly vacant with only Erf 177 being abutted by existing developments. The character of the area remains unchanged by the consolidation and subdivision as the use remains single residential. The consolidated erven will, however, allow the client to construct slightly larger dwellings on each of the two properties (or have a larger backyard on each) as opposed to smaller dwellings on three smaller erven.

Each erf will be about 300m² larger than the surrounding erven. Note that the current developments have their backyards adjacent to the proposed erven, which will create an additional breakage to the proposed development. Following this pattern, it is also likely for new developments on other adjacent erven to do the same. Following the same typical building patterns, the development on the subject erven would have its backyard towards the north, thus not directly abutting the erven to the north. The streetscape could see dwellings that are slightly larger than surrounding developments, it is not foreseen that this will hold specific negative impacts on the streetscape or even the character of the area as many other factors such as the positioning of the house would also be of relevance.

2.3 Zoning

As can be seen in figure 3, the current zoning of the subject properties according to the George Integrated Zoning Scheme By-Law is “*Single Residential Zone I*”. Zoning particulars of surrounding properties can also be seen in this regard.



Figure 3: Zoning of the subject erven

No further IZS parameters are being encroached upon thus no additional application is required with the consolidation.

3. DEVELOPMENT PROPOSAL

3.1 Proposed Development

The property owner aims to consolidate the three adjacent erven into one erf and subdivide the consolidated erf into two larger erven, each consisting of $\pm 934\text{m}^2$ each. The Consolidation Plan is attached as **Annexure 6** with the proposed Subdivision Plan being attached herewith as **Annexure 7**.



Figure 4: An illustration of the proposed subdivision

3.2 Accessibility

The erven will gain access off Fairway Road as they were intended to be. The access remains unchanged by the proposed application.

3.3 Engineering Services

The property is located in an Estate that already has services laid out, though services on the subject erven will have to be implemented in the construction phase.

4. RELEVANT SPATIAL PLANNING POLICIES

This section briefly addresses the relevant spatial policy frameworks that provide guidance to development proposals in general and its applicability to this proposed development. These include:

4.1 George Municipal Spatial Development Framework (GSDF) (2023)

This spatial document does not specifically address the subject property. Development falls within an approved estate and is not proposed within a discouraged growth area or ecologically sensitive area. There are no spatial overlay layers regarding the SDF that could be found relevant to the proposed development inside Le Grand Estate. As no spatial designation could be found relevant to the proposal, it is consistent with the SDF as it does not contradict the SDF.

5. STATUTORY FRAMEWORKS

Following the most recent legislative and procedural changes that have become applicable to the management of land use planning in South Africa and consequently the Western Cape Province, it is considered necessary to summarise the implications of the current statutory framework within the context of this land-use planning application. Set out below are a set of principles and ethical conventions related to this application.

5.1 Spatial Planning and Land Use Management Act, 2013 (ACT 16 OF 2013) (SPLUMA)

The nature of this land use application only partially affects the five development principles of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA). Only the most relevant aspects are addressed below.

5.1.1 Development Principles

1) Spatial Justice

This principle refers to the need for improved access and use of land in order to readdress past spatial - and development imbalances as well as the need for SDF's and relevant

planning policies, spatial planning mechanisms, land use management systems and land development procedures to address these imbalances.

- *No reference is made to the property in the SDF or relevant planning policies. This development principle is not applicable to this application.*

2) Spatial Sustainability

This principle refers to the need for spatial planning and land use management systems to promote land development that is viable and feasible within a South African context, to ensure the protection of agricultural land and to maintain environmental management mechanisms. It furthermore relates to the need to promote effective/equitable land markets, whilst considering the cost implications of future development on infrastructure and social services as well as the need to limit urban sprawl and ensure viable communities.

- *This land-use application does not affect prime - or unique agricultural land, nor does it influence any environmental management mechanisms. The property is situated in a semi developed area and will not negatively affect the efficient and equitable functioning of land markets.*

3) Spatial Efficiency

This principle relates to the need for optimal use of existing resources and infrastructure as well as decision-making that minimises negative financial, social, economic or environmental impacts and development application procedures that are efficient and streamlined.

- *As mentioned above, the proposed development is situated in an already serviced area. The proposed development will therefore utilise the existing resources and infrastructure.*

4) Spatial Resilience

This principle refers to the extent to which spatial plans, policies and land use management systems are flexible and accommodating to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks.

- *The development proposal does not undermine the aim of any relevant spatial plan. The aspects of spatial resilience are, however, not considered relevant to this application.*

5) Good Administration

This principle refers to the obligation of all spheres of government to ensure implementation of the above as efficiently, responsibly and transparently as possible.

- *The application as set forth, aligns with all relevant principles and frameworks. George Municipality should consider the application within the prescribed timeframes and follow due process in an efficient manner. Public participation must – and will be transparent regarding the relevant policies and legislation as procedures should be clear to inform and empower members of the public regarding new developments.*

5.1.2 Public Interest

As there are no significant public interests currently vested in this site, the proposed consolidation and subdivision will have little impact on such interests. Neighbouring buildings are fenced-in behind high existing boundary walls and as previously stated, the current construction pattern has the backyard area of each of the properties abutting each other, so would the proposed developments on the newly proposed erven. This significantly lessens any negative effects that could spill over to surrounding developments.

5.1.3 Environmental Legislation

As the site falls within the urban edge, an already serviced area that is not utilised for any agricultural purposes and no relevant vegetation such as existing trees or critical biodiversity exists, no listed activities as contemplated by the National Environmental Management Act, 1998 (as amended) (NEMA) are triggered by this application.

5.2 Land Use Planning Act (LUPA)

The development objectives entrenched in SPLUMA have been assimilated into the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014) and sets out a basis for the adjudication of land use planning applications in the province. It requires that local municipalities have due regard to at least the following when doing so:

- Applicable spatial development frameworks;
- Applicable structure plans;
- Land use planning principles referred to in Chapter VI (Section 59);

- The desirability of the proposed land use; and
- Guidelines that may be issued by the Provincial Minister regarding the desirability of proposed land use.

The land-use planning principles of LUPA (Section 59) are, in essence, the expansion of the five development principles of SPLUMA listed above. Spatial resilience and - justice have very few associations with this application. The principles of sustainability, efficiency and good administration all have relative bearing with regards to this application and have been included in the framework analysis under subsection 5.1.1.

5.2.1 Compliance/Consistency with Spatial Policy Directives

Section 19(1) and (2) of LUPA states that the following:

“(1) If a spatial development framework or structure plan specifically provides for the utilisation or development of land as proposed in a land use application or a land development application, the proposed utilisation or development is regarded as complying with that spatial development framework or structure plan;

(2) If a spatial development framework or structure plan does not specifically provide for the utilisation or development of land as proposed in a land use application or a land development application, but the proposed utilisation or development does 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 structured plan.”

In view of the nature of this land use application and its location within Tergniet, this proposal is consistent with the MBSDF.

5.2.2 Need and Desirability

The concept “*desirability*” in the land use planning context may be defined as the degree of acceptability of a proposed land use development. This section expresses the desirability of the proposed consolidation and subdivision, taken in conjunction with the development principles and criteria set out through the statutory planning framework listed above, as well as the degree to which this proposal may be considered within the context of broader public interest. It is our view that the initial investigation into the desirability of the proposal reveals no obvious negative impacts.

The current need for the consolidation and subdivision is rooted in the fact that the owners wish to construct larger dwellings or have bigger yard areas on the subject erven. The development is not needed to realise any spatial vision of the George Municipality or to promote specific parameters within Le Grand Estate. Furthermore, the desirability of this development is rooted in the similarity of land use and typology, which will integrate seamlessly with surrounding developments.

The change in property size is unlikely to have significant effects on surrounding properties, given that these properties have backyard areas abutting subject erven. As stated in subsection 2.2, the proposed use remains for residential use and will not compromise the character of the area.

6. CONCLUSION

We believe that the abovementioned principles, considerations and guidelines for this land use application for Erven 177-179, Le Grand satisfies the applicable legislation. As a result, it is trusted that this application can be finalised successfully.



DELAREY VIJOEN Pr. Pln

November 2024