

**APPLICATION FOR REZONING FROM
SINGLE RESIDENTIAL ZONE 1 TO
BUSINESS ZONE II FOR THE
DEVELOPMENT OF SHOPS AND CONSENT
USE FOR A SERVICE STATION ON ERF
7379, PACALTS DORP – GEORGE LOCAL
MUNICIPALITY**

MOTIVATION REPORT

JANUARY 2024

APPLICATION FOR REZONING FROM SINGLE RESIDENTIAL ZONE 1 TO BUSINESS ZONE II FOR THE DEVELOPMENT OF SHOPS AND CONSENT USE FOR A SERVICE STATION ON ERF 7379, PACALTS DORP – GEORGE LOCAL MUNICIPALITY

JANUARY 2024

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TABLE OF CONTENT

SECTION A: INTRODUCTION	4
SECTION B: THE SITE.....	4
B1. LOCALITY & ACCESS	4
B2. OWNERSHIP & PROPERTY DESCRIPTION	7
B3. SERVITUDES	7
B4. TITLE DEED RESTRICTIONS.....	8
B5. BONDHOLDERS CONSENT	8
B6. ZONING.....	8
B7. EXISTING AND ADJACENT LAND USES.....	9
B8. EXISTING SERVICES	9
SECTION C: PLANNING APPLICATION.....	10
C1. REZONING MOTIVATION.....	10
C2. LAND USE PARAMETERS.....	11
C3. SPECIALIST STUDIES.....	14
SECTION D: DESIRABILITY	16
D1. BUILT ENVIRONMENT.....	16
D2. VIEWS.....	16
SECTION E: POLICY ALIGNMENT	17
E1. SPATIAL PLANNING LAND USE MANAGEMENT ACT NO. 16 OF 2013.....	17
E2. GEORGE MUNICIPALITY INTEGRATED DEVELOPMENT PLAN.....	19
E3. GEORGE MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK 2023/2027	20
SECTION F: APPLICATION FORMS	21
SECTION G: CONCLUSION	21

APPENDICES

Appendix 1: Company Resolution

Appendix 2: Power of Attorney

Appendix 3: Title Deed

Appendix 4: SG Diagram

Appendix 5: Traffic Impact Assessment

Appendix 6: Wetland Verification Assessment

Appendix 7: Bulk Services and Stormwater Management Plan

Appendix 8: Application Form

PLANS

Plan No. 1: Regional Locality Plan

Plan No. 2: Local Locality Plan

Plan No. 3: Zoning Plan

Plan No. 4: Plan Site Development Plan

SECTION A: INTRODUCTION

Tshani Consulting C.C. has been appointed by PACALTSPROPDEV (PTY) LTD to submit a SPLUMA application, on their behalf, to George Local Municipality for Rezoning from Residential Zone 1 to Business Zone II and consent for a Service Station on Erf 7379, George (herein referred to as "**The Site**"). A **Company Resolution** and **Power of Attorney** in favour of Tshani Consulting CC is attached in **Appendix 1 & 2**.

This document serves as a motivation prepared by Tshani Consulting CC and the application complies with the Regulations of the George Local Municipality Land Use Planning By-law, 2015 and is applied for in terms of:

- *Chapter 3: Section 15(2)(a): "a rezoning of land"*
- *Chapter 3: Section 15(2)(o): "a consent use contemplated in the zoning scheme"*

Existing Zone Regulations:

In terms of George Municipal Integrated Zoning Scheme By-Law, 2017, the following uses are permitted under the zone "**Single Residential Zone 1**":

Primary: *Dwelling house.*

Special Consent: *Creche, Guest house, Halfway house, Home care facility, House shop, Place of instruction, Second dwelling.*

SECTION B: THE SITE

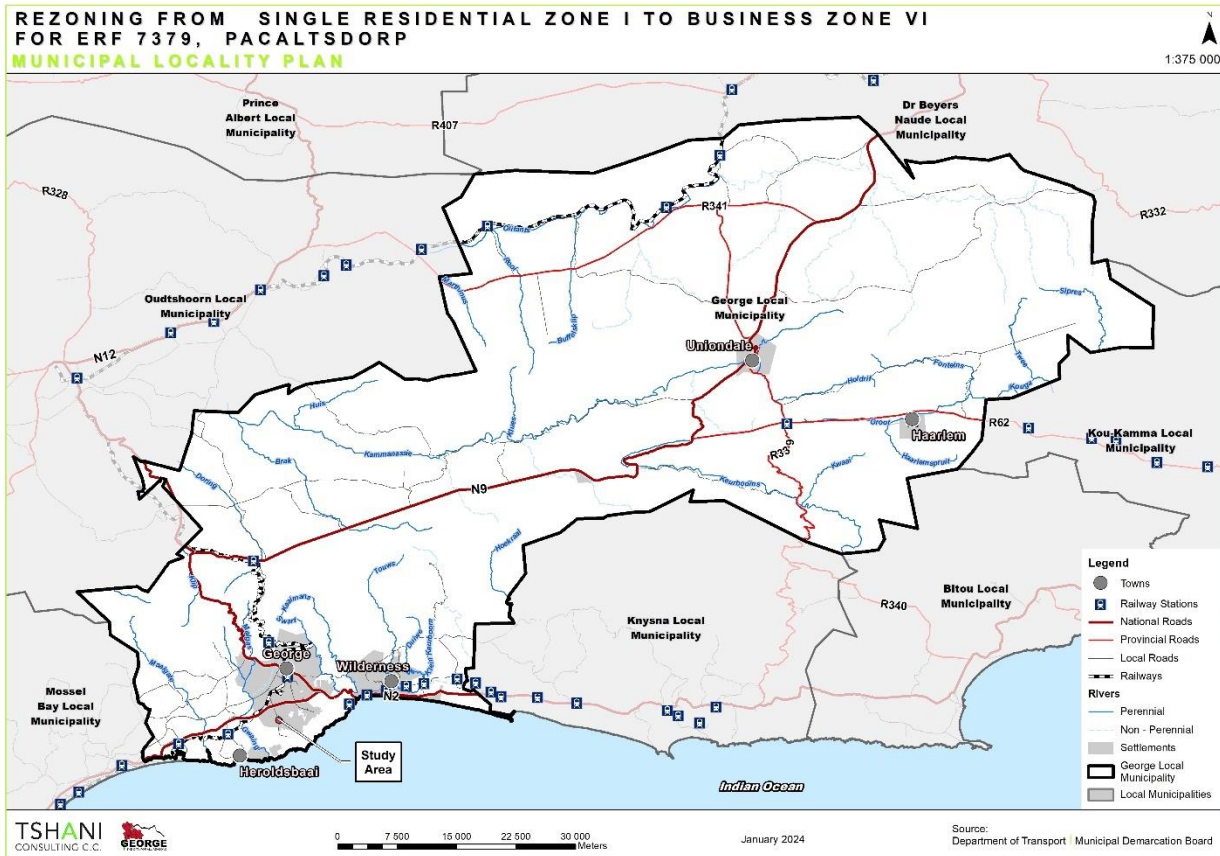
This section aims to highlight the site context in terms of its location, ownership details, as well as existing services, zoning and surrounding land uses of the property.

B1. LOCALITY & ACCESS

The site is located within the Western Cape province and falls under the jurisdiction of the George Local Municipality. George Local Municipality is surrounded by the following Local Municipalities:

- Dr Beyers Naude Local Municipality to the North,
- Kou-Kamma Local Municipality to the East,

- Bitou Local Municipality to the Southeast,
- Knysna Municipality to the South,
- Mossel Bay Local Municipality to the Southwest, and
- Oudtshoorn Local Municipality to the west (Refer to **Plan 1: Municipal Locality Plan**).



Plan No. 1: Municipal Locality Plan

The subject site is located in Pacaltsdorp which is in the south of George Local Municipality. The area is accessed via the N2 which bisects George from Knysna to Mossel Bay Local Municipalities. The suburb of Pacaltsdorp is surrounded by the following areas: -

- George to the North
- Tyolora to the East
- Seaview to the South, and
- Delville park to the West



Plan No. 2: Regional Locality Plan

The site, Erf 7379, Pacaltsdorp is located on Beach Road and is accessed via Church Street and Mission Street as it is a corner property.

Beach Road links directly to the N2 or becomes York Street which links Pacaltsdorp to Central George to the North.. (Refer to **Plan 2: Local Locality Plan**).



Plan No. 3: Local Locality Plan

B2. OWNERSHIP & PROPERTY DESCRIPTION

The Site, **Erf 7379, Pacaltsdorp** is owned by PACALTSROPDEV (PTY) LTD and is registered under Title Deed Number: T54409/2018, refer to attached **Title Deed** in **Appendix 3**.

PROPERTY DESCRIPTION: -

Erf Number	Township	Size
7379	Pacaltsdorp	4 663m ²

The total area of the site measures 4663m² (Four Thousand, Six Hundred and Sixty Three Square Meters) in extent. (Refer to attached **Title Deed** in **Appendix 3**).

B3. SERVITUDES

The site is subject to no servitudes. (Refer to attached **SG Diagram** in **Appendix 4**).

B4. TITLE DEED RESTRICTIONS

There are no restrictive conditions in the Title Deed which negatively impact or prevent the proposed rezoning from taking place (Refer to **Title Deed** in **Appendix 3**).

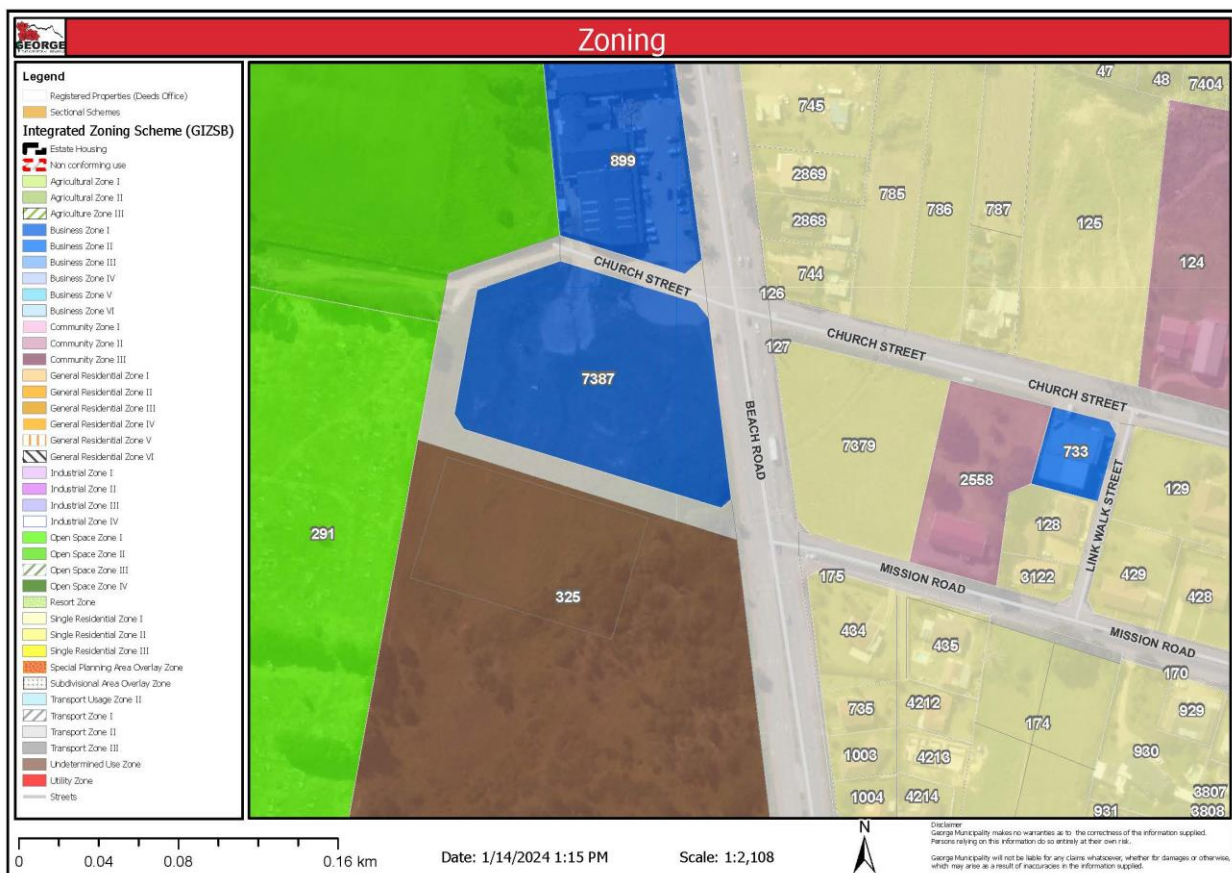
B5. BONDHOLDERS CONSENT

The site is not subject to a bond

B6. ZONING

The Site, Erf 7379, Pacaltsdorp is zoned as Single Residential Zone 1 as per the George Integrated Zoning Scheme By-Law (Refer to **Plan No. 4: Zoning Plan**).

- Located North, East of the property are Single Residential Zone zonings, Community Zone II, Business Zone II and Open Space 1.
- Located West of the property are Business Zone 1 zones, Open Space Zone II and Southward are Single Residential Zone 1 zones (Refer to **Plan No. 5: Land Use Plan**).



Plan No. 4: Zoning Plan

APPLICATION FOR REZONING TO BUSINESS ZONE II AND CONSENT USE FOR SERVICE STATION ON ERF 7379, PACALTSDORP

B7. EXISTING AND ADJACENT LAND USES

Erf 7379, Pacaltsdorp is currently Vacant while the land uses of properties adjacent to the subject property indicate a variety of uses including Residential, Places of Worship, Shops, Cemetery.

B8. EXISTING SERVICES

This section highlights the existing infrastructural services available within the property as well as their condition.

It should also be acknowledged that the properties are located in a developed suburb with all the necessary municipal services such as water, electricity, roads and sewer.

B8.1 WATER

The property are currently served by an existing municipal water connection.

B8.2 SEWERAGE

There is an existing municipal sewer connection currently servicing the property.

B8.3 ELECTRICITY

The property is serviced with electricity, supplied by the George Local Municipality.

B8.4 ACCESS

The site can be accessed directly via Church Street and Mission Street.

B8.5 ROADS

The existing roads in the area are in a fairly good condition and are tarred.

SECTION C: PLANNING APPLICATION

The following section highlights the compliance and reasons that the rezoning should be approved in terms of this motivation from Single Residential Zone 1 to Business Zone II for the proposed development. It then outlines the existing development and discusses the land use parameters applicable for Business Zone II.

C1. REZONING MOTIVATION

The following are motivating factors for the Rezoning from Single Residential Zone 1 to Business Zone II to be approved: -

- Sound town planning principles have been considered in terms of land use parameters.
- No restrictive conditions which oppose the development are present.
- No environmental issues.
- Allows the owner to utilize the property for additional income.

Erf 7379, Pacaltsdorp is 4663m² in extent and zoned Single Residential Zone 1. It was zoned to Business Zone 1 which lapsed. The newly proposed zoning is Business Zone II and it is proposed to develop an anchor shop and drive-thru with a service station on it with associated convenience shops as well as. With the rezoning to Business Zone II for Shops and consent use service station will be included as the Centre will be home to convenience shops as well as an anchor shop with drive-thru. The proposed Shopping Centre will also hugely benefit and formalise the local, convenient shopping within the Pacaltsdorp area as the area has been in need of economic stimulus and will now have it and will share it with its immediate surrounding areas. The development will definitely allow for the community to have close, safe, convenient and easy access shopping facility.

The following are also some of the benefits of the development:-

- The centre will address a gap in the local area retail hierarchy,
- Increased one-stop shopping convenience,
- Creation of jobs,
- Reduces travels cost due to proximity of the proposed development to the community,
- Decreases travel time and distance to access shopping facilities,
- It will address a gap in the retail for convenience in terms of shopping daily necessities,

- It will contribute to the creation of a well-balanced and supplying retail environment, catering to the demands of the local market,
- The project will contribute to the expansion of the local municipal tax base,
- The investment will increase the product line and service range within the market,
- It will improve the overall quality of lives.

SUITABILITY OF THE SITE

The subject property poses no environmental concerns. It is also ideally situated to benefit from the buying power provided by the surrounding households and users of the surrounding roads. It is noteworthy that public transport is within proximity to the site. Thus, the proposed development will benefit from the traffic (pedestrian as well as motor vehicle) generated by the public. The result is ease of access to and from the development even if people other than the residents of surrounding settlements wish to use the proposed facility. It therefore stands to argue that the subject property is well suited for the proposed development with its mixed use along its route.

EFFECT TO SITE AND SURROUNDING AREA

The proposed development will not alter the aesthetics of the area but will contribute to the stimulating growth factor that it's expected to bring. This development will stand at the forefront of attracting new investment into the area of Pacaltsdorp and associated positive spin-offs that will accompany its existence. It is further agreed that the development will be non-obtrusive in its nature with no environmental effect on the surrounding environment. The existing development will also have no effect on the service provision to its located as well as its surrounding areas (including water, electricity and sewerage provision). In addition to the providing of the service station, the proposed shopping constituent will encourage financial investors to invest in the area, resulting in an uplift of the town area.

C2. LAND USE PARAMETERS

The following land use parameters, as stipulated in the George Local Municipality: Integrated Zoning Scheme By-Law, 2017 for **Business Zone II** will be applicable:

LAND USE PARAMETERS	
BUSINESS ZONE II	
<i>Primary Use</i>	<i>Shop</i>

LAND USE PARAMETERS	
<i>Consent Uses</i>	<i>Service Station</i>
<i>F.A. R</i>	<i>1</i>
<i>Coverage</i>	<i>75%</i>
<i>Building Line (street)</i>	<i>0m</i>
<i>Side Space</i>	<i>0m</i>
<i>Rear Space</i>	<i>0m</i>
<i>Height</i>	<i>12m</i>

Coverage

Coverage means the area of a site covered by buildings as seen vertically from above and is expressed as a percentage of the area of the site. In terms of the George Municipal Integrated Zoning Scheme By-Law, 2017, the permitted coverage for Business Zone II 75%.

The actual coverage of the proposed development in the **Site Development Plan No. 4**, in comparison to the permissible coverage, as stipulated in the George Municipal Integrated Zoning Scheme By-Law, is reflected in the table below:

COMBINED EXTENT OF SITE	STIPULATED COVERAGE	PERMISSABLE COVERAGE	ACTUAL COVERAGE (m ²)	ACTUAL COVERAGE (%)	IN COMPLIANCE
4663 m ²	75%	3497.25 m ²	1063 m ²	23%	✓

In view of the above, the actual coverage (23 %), complies with the permissible coverage, as stipulated in the George Municipal Integrated Zoning Scheme By-Law, 2017.

Height

Height means the height of a building in floors or storeys; and is expressed as a number.

For the purpose of this application, height will refer to the number of storeys. The proposed development is 1 storey in height. The permitted height for Business Zone 12m to the top of the building therefore a 1 storey building is compliant.

Floor Area Ratio

Floor area ratio is the ratio of a building's total floor area to the size of the piece of land upon which it is built. It is often used as one of the regulations in city planning along with the building-to-land ratio. The terms can also refer to limits imposed on such a ratio through zoning.

The zoning of Business Zone II depicts F.A.R is 1.

PROPERTY DESCRIPTION	AREA (m ²)	STIPULATED F.A.R	BUILDING AREA	ACTUAL F.A.R	IN COMPLIANCE
Erf 7379, Pacaltsdorp	4663 m ²	1	1063 m ²	0.3	✓

Parking

Using the town planning method of calculation, the parking requirements for the Proposed Development are represented in the table below, in terms of the George Municipal Integrated Zoning Scheme By-Law, 2017 regulations:

LAND USE	GLA	PARKING REQUIREMENT	PARKING BAYS REQUIRED	PROVIDED
Petrol Filling Station	488 m ²	4 bays / 100 m ²	20 bays	58 Shared Parking Bays
Shops	575 m ²	4 bays / 100 m ²	23 bays	

The parking requirement for a Petrol Filling Station and Shops are 4 parking bays per 100 m². The existing development requires 43 parking bays in terms of parking calculations however 58 parking bays have been provided thus exceeding the requirements.

C3. SPECIALIST STUDIES

TRAFFIC IMPACT ASSESSMENT

SMEC South Africa (Pty) Ltd was appointed by Pacaltspropdev (Pty) Ltd. to conduct a Traffic Impact Assessment for the proposed mixed-use development on Erf 7379 Pacaltsdorp, George. The site measures approximately 4 663 square metres in extent and will comprise of a filling station with convenience store, retail anchor tenant and line shops.

The subject site is proposed to be served by two accesses, as follows (refer to Figure 5):

- Access 1: High-volume driveway along Church Street, approximately 88 metres downstream of Beach Road; and
- Access 2: High-volume driveway along Mission Street, approximately 55 metres upstream of Beach Road.

It is anticipated that the development would generate 121, 207 and 205 new vehicular trips during the Weekday AM, Weekday PM and Saturday Morning Peak Hours respectively.

The following transport improvements are proposed as part of the development:

2021 Base Year:

- Access 1: High-volume driveway along Mission Street, approximately 55 metres upstream of Beach Road; and
- Access 2: High-volume driveway along Church Street, approximately 88 metres downstream of Beach Road; and
- Pedestrian walkways along Church Street and Mission Street, linking to Beach Road.

2026 Design Year:

- Intersection upgrades might be required at the Beach Road and Mission Street intersection. The type and extent of intersection upgrades will be based on intersection configurations along Beach Road at that point in time. If a signalised intersection is implemented along Beach Road to the north of this location, it would allow for platooning of vehicles from the north, therefore no upgrades would be required to this intersection. Should the current intersection configurations along Beach Road remain as-is, it might be deemed necessary to convert Church Street to a left-in, left-out

intersection along the east and west approaches, following a road safety investigation at that point in time.

It is recommended that cost contributions with relation to roads be determine by the Municipality as part of the developer's bulk contribution.

This Traffic Impact Assessment is supported from a traffic engineering perspective, provided that the required improvements be implemented in accordance with appropriate design standards. (Please refer to Appendix 5: Traffic Impact Assessment)

WETLAND VERIFICATION REPORT

Confluent Environmental was requested by Cape EAPrac to verify the presence of a possible watercourse on Erf 7379, Pacaltsdorp, George. A filling station and associated buildings and infrastructure are planned for the property. The property occurs within the urban extent of the city of George. The scope of work for this report is guided by the legislative definitions as specified by the National Water Act (NWA).

The study determined that there is no natural watercourse present on Erf 7379 and it is the opinion of this specialist that the further development of the property is acceptable from a freshwater ecosystem perspective. (Please refer to Appendix 6: Wetland Verification Report)

BULK SERVICES AND STORMWATER MANAGEMENT PLAN

DVP Incorporated Consulting Engineers were appointed by the client, Pacaltsprodev (Pty) Ltd to compile a Services Report for submission to the local authority. As part of this process, the availability of existing municipal infrastructure in relation to the proposed development must be investigated.

This report is aimed at outlining the design philosophy that will be applied when designing the internal engineering services for the proposed development. It is also aimed at providing relevant data so that the local authority can comment on their ability to accommodate the additional loads generated by the proposed development on existing infrastructure.

From their analysis of the existing and planned future civil engineering infrastructure, the report indicats that the planned development can be adequately serviced. (Please refer to Appendix 7: Bulk Services Report and Stormwater Management Plan)

SECTION D: DESIRABILITY

D1. BUILT ENVIRONMENT

The term-built environment is used when referring to those surroundings created:

- * *for humans,*
- * *by humans, and*
- * *to be used for human activity.*

Examples would include cities, buildings, urban spaces, walkways, roads, parks, etc.

The surrounding built environment in relation to Erf 7379 consists of:

- * Predominantly commercial and office use to the north, east and west of the site.

The surrounding built environment will not be negatively affected by the proposed development on the site, as the proposed development on the site will be in compliance with land use restrictions contained in George Municipal Integrated Zoning Scheme By-Law, 2017 and proposed in this report.

D2. VIEWS

The word "View" has many meanings assigned to it; however, for the purpose of this application "View" is defined as "referring to whatever lies open to sight".

In terms of this application, it is important to understand what impact the existing offices and restaurant have on the views of the surrounding properties. Firstly, it is to be made known that the area does not have any significant views, such as a "view to the ocean" that could be obscured by the building.

As mentioned, the Development is double storey in height, and would not obstruct the surrounding properties in any significant way. The views of the surrounding site owners will not be impeded upon.

SECTION E: POLICY ALIGNMENT

E1. SPATIAL PLANNING LAND USE MANAGEMENT ACT NO. 16 OF 2013

The spatial planning and land use management act aims to achieve the following through land use management and the objects of this act are to:

- (a) Provide for a uniform, effective and comprehensive system of spatial planning and land use management for the republic;
- (b) Ensure that the system of spatial planning and land use management promotes social and economic inclusion;
- (c) Provide for development principles and norms and standards;
- (d) Provide for the sustainable and efficient use of land;
- (e) Provide for cooperative government and intergovernmental relations amongst the national, provincial and local spheres of government; and
- (f) Redress the imbalances of the past and to ensure that there is equity in the application of spatial development planning and land use management systems.

The following principles apply to spatial planning, land development and land use management:

- (a) The principle of spatial justice, whereby:
 - I. Past spatial and other development imbalances must be redressed through improved access to and use of land;
 - II. Spatial development frameworks and policies at all spheres of government must address the inclusion of persons and areas that were previously excluded, with an emphasis on informal settlements, former homeland areas and areas characterized by widespread poverty and deprivation;
 - III. Spatial planning mechanisms, including land use schemes, must incorporate provisions that enable redress in access to land by disadvantaged communities and persons;

IV. Land use management systems must include all areas of a municipality and specifically include provisions that are flexible and appropriate for the management of disadvantaged areas, informal settlements and former homeland areas;

V. Land development procedures must include provisions that accommodate access to secure tenure and the incremental upgrading of informal areas; and

VI. A municipal planning tribunal considering an application before it, may not be impeded or restricted in the exercise of its discretion solely on the ground that the value of land or site is affected by the outcome of the application;

proposal is aligned to spatial justice in that it seeks to address the past land development imbalances. The site is located in a residential area which were areas neglected previously.

(b) The principle of spatial sustainability, whereby spatial planning and land use management systems must:

I. Promote land development that is within the fiscal, institutional and administrative means of the republic;

II. Ensure that special consideration is given to the protection of prime and unique agricultural land;

III. Uphold consistency of land use measures in accordance with environmental management instruments;

IV. Promote and stimulate the effective and equitable functioning of land markets;

V. Consider all current and future costs to all parties for the provision of infrastructure and social services in land developments;

VI. Promote land development in locations that are sustainable and limit urban sprawl; and

VII. Result in communities that are viable;

The proposal complies with this principle in that it takes into account the environmental matters and against the urban sprawl phenomenon.

(c) The principle of efficiency, whereby:

I. Land development optimizes the use of existing resources and infrastructure;

II. Decision-making procedures are designed to minimize negative financial, social, economic or environmental impacts; and

III. Development application procedures are efficient and streamlined and timeframes are adhered to by all parties;

(d) the principle of spatial resilience, whereby flexibility in spatial plans, policies and land use management systems are accommodated to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks; and

(e) The principle of good administration, whereby:

I. All spheres of government ensure an integrated approach to land use and land development that is guided by the spatial planning and land use management systems as embodied in this act;

II. all government departments must provide their sector inputs and comply with any other prescribed requirements during the preparation or amendment of spatial development frameworks;

III. The requirements of any law relating to land development and land use are met timeously;

IV. The preparation and amendment of spatial plans, policies, land use schemes as well as procedures for development applications.

E2. GEORGE MUNICIPALITY INTEGRATED DEVELOPMENT PLAN

“To deliver affordable quality service; develop and grow George; keep George clean, safe and green; ensure good governance and human capital in Goerge and to participate in Goerge.”

(George Municipality IDP 2022/2027)

The George Municipality's Integrated Development Plan 2022/2027 is the business plan that will guide development and growth of the George Municipal area over the next 5 years.

The Spatial Development Framework (SDF) is the primary spatial response to the development context, needs and development vision of the Municipality. It is the primary level of translation of social, economic and environmental development and management.

The strategic objectives of George Municipality include to develop and grow George

This application is in line with the vision of the Executive Mayor as it is also a way of promoting growth and development to existing areas within George Municipality.

E3. GEORGE MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK 2023/2027

The SDF is a primary spatial response to the development context, needs and development vision of the municipality. It is a key land use management tool at a strategic level that has an important role to play in guiding and managing Municipal decisions relating to the use, development and planning of land. It is a legislative requirement and should resonate with the national and provincial spatial development priorities.

The SDF is also a transformation tool. With its focus on spatial restructuring, it guides the location of future development in a manner that addresses the imbalances of the past. It enables the municipality to manage its land resources in a developmental and sustainable manner. It provides an analysis of the spatial needs and issues and provides strategies and programs to address these challenges.

In response to the trends and challenges present in the George Local Municipality, the municipality developed a vision to “Develop George as a resilient regional development anchor of excellence for prosperity, inclusive-and smart growth. The primary levers for achieving SPLUMA principles for the municipality include:

- Growth management – compact urban form
- Settlement restructuring – integrated human settlements
- Public transport and supporting road infrastructure
- Adequate bulk services (water and sanitation)
- Understanding the space economy and supporting economic growth
- Sustainable public finances

In non-contradiction nor totally perfect alignment with these levers, the proposed development will improve the municipality's significance.

SECTION F: APPLICATION FORMS

The Application form for the Rezoning from Single Residential 1 to Business Zone II in terms of the George Municipal Land Use Planning By-Law, 2015 has been completed (refer to attached **Application Form** in **Appendix 8**)

SECTION G: CONCLUSION

This application is based purely on sound town planning principles and has no significant negative impacts associated to it; therefore, it is recommended that George local Municipality supports and approves the following Application:

Rezoning from Single Residential 1 to Business Zone II.

Based on the following reasons:

- The application complies with the legislative framework at all three spheres of government;
- The application is based on sound town planning principles;
- The application will have not had any negative impact to the surrounding environment;
- Socio economic factors: the application looked at the aspects of economy, employment, especially to the local unemployed youth;
- Location: the proposal developments will bring convenience in the area, as currently these services are not rendered in the area;