

**PROPOSED AMENDMENT OF PREVIOUS APPROVAL: ERVEN 21028 AND 21029, GEORGE AND PORTION OF LOCH LOMOND AVENUE, NOW KNOWN AS ERF 28930, GEORGE**

**1. INTRODUCTION**

As far back as January/ February 2016, the Western Cape Government via the Department of Transport and Public Works (DTPW), invited proposals from Developers in terms of bid numbers HSC 20/2015/2016 – HS 22/2015/2016 to demonstrate the use of the various pockets of land that DTPW have made available for human settlement development. After a lengthy consideration of the proposals, the DTPW awarded the two pockets of land i.e. Erf 21028 and 21029, George two years later to the Power Group in early 2018 for the development of a housing development subject inter alia that the developer be responsible for the submission of town planning applications to the relevant authorities for rezoning, subdivision, heritage and environmental assessment approvals if applicable.

The zoning of the properties at the time was General Residential Zone II (group housing) which meant that the property could be developed at a density of 35 units per ha. However, the developers wished to increase the density slightly to accommodate the affordable housing development they had in mind and which was also to the satisfaction of DTPW. Consequently an application for inter alia the rezoning and subdivision of the property consisting of 99 single residential erven, 86 General residential III erven(town housing), 3 Business Zone III erven, a crèche, a cell phone mast and a number of public open space erven and public streets, was prepared and submitted to the municipality. A public participation was then carried out and quite a number of objections against the application were received. Despite the objections, the municipality approved the application in October 2019. An appeal was then lodged against the municipality's approval. The Appeal Authority, however, dismissed the appeal and approved the application in September 2020. The approval was for the 99 single residential erven, 86 General residential III erven(town housing), 3 Business Zone III erven, a crèche, a cell phone mast and a number of public open space erven and public streets as applied for. The average density of the residential component of the development, was 41 units per ha. The approval and subdivision plan stamped by the municipality are attached hereto.

The developers commenced with the development in May of 2020, but within one week, a Directive in terms of Section 28(4) of NEMA was served on the developers by the Director: Environmental Law Enforcement. Simultaneously an additional pre-compliance notice was issued by the Department of Water Affairs in which the

developers were instructed to immediately cease the activities as it was ruled that the activities are leading to the infilling of a wetland and/or watercourse without the required Authorization.

The developers appointed a freshwater consultant and an environmental consultant to investigate the problem areas pointed out in the Directive mentioned above. After the investigations were completed and feedback received, an amended subdivision plan was then prepared that takes all the recommendations by the mentioned consultants into consideration. The amended plan No Village Ridge 1.2 dated December 2021 is attached to this report.

The developers are now in the process of applying to the Department of Environmental Affairs in terms of Section S24G of NEMA for a retrospective Environmental Authorization. This report is the planning report that forms part of the application for Environmental Authorization.

## **2. THE PROPERTY**

### **2.1 Description**

The property that forms the subject of this application, is Erf 28930, George (a consolidation of Erven 21028 and 21029, George and a portion of Loch Lomond Avenue) and will further in this report just be referred to as the property.

### **2.2 Size**

According to the SG plan approved by the Surveyor General, Erf 28930 is 4,5212ha in size.

### **2.3 Locality**

The property is situated in Loch Lomond Avenue between the King George Hotel and Die Bult Secondary School. See attached Locality plan.

### **2.4 Zoning**

The property is zoned in accordance with the approval issued in the attached letter dated 15 September 2020 to accommodate a development consisting of 99 Single Residential Zone I erven, 86 General Residential III erven(town housing), 3 Business Zone III erven, a crèche, a cell phone mast and a number of public open space erven and public streets.

### **2.5 Ownership**

Erven 21028 and 21029 was transferred from “Provinsiale Regering van die Wes-Kaap” to Power Construction (Proprietary) Limited in 2021. The portion of Loch Lomond Avenue that was closed in the meantime, vested in terms of Section 25 of the Land Use Planning By-Law: George Municipality (previously Section 28 of the Land Use Planning Ordinance 1985) with the George Municipality. This street portion was since consolidated with Erven 21028 and 21029 to form Erf 28930, George.

### **2.6 Present Use**

Development of the property has started in May 2021 but was stopped in the meantime. A few construction site structures have been constructed on the property. See ***photos 1 to 5..***



***Photo 1 Erf 21028 as seen from south to north. The wetland on Erf 21028 is only slightly visible on the photo.***



***Photo 2 Photo of approximately the same area as in photo 1 showing the central wetland on Erf 21028 that was rehabilitated after commencement of construction, together with the 19m buffer around the wetland.***





***Photo 3 Site construction structures that were erected on the southern side of the property.***



***Photo 4 Erf 21029 as seen from north to south.***





***Photo 5. The portion of Loch Lomond that was closed as public street can be seen on this photo.***

## **2.7 Surrounding Land Uses**

The properties are located in a residential area. On the northern boundary is the sport fields of Die Bult school. See ***photo 6 & 7.***



***Photo 6 Sports fields of Bult School to the north of the property- before development.***





***Photo 7 The photo shows the sports field of the school and the development that took place on the property in approximately the same area as on photo 6.***

To the east of the property is the Camfersdrift River and beyond the river is Dormehls Drift, a residential area. See ***photo 8 to 13***



***Photo 8 A view of Dormehl's Drift to the east of the property. Photo was taken from a position in the centre of the property before any development took place.***





***Photo 9 Photo of approximately the same area after construction started.***



***Photo 10 A view of Dormehl's Drift to the east of the property. Photo was taken on the eastern boundary of the property.***





***Photo 11 Photo showing how the 19m buffer from the river wetland is closed off from the development.***



***Photo 12 Camfersdrif River Valley between the property and Dormehl's Drift***





***Photo 13 Group housing development in Dormehl's Drift as seen from Erf 21029***

On the southern and south western boundaries are a group housing development and the King George Hotel. See ***photos 14 & 15.***



***Photo 14 Existing group housing development adjacent to and south of the property***





***Photo 15 King George Hotel situated to the southwest of the property***

On the western boundary is a number of single residential erven with dwelling houses already erected on some of the erven. See ***photo 16***.



***Photo 16 Existing single residential dwellings to the west of the property***

### 3. APPLICATION

Application for a development consisting of 99 single residential erven, 86 General residential III erven(town housing), 3 Business Zone III erven, a crèche, a cell phone mast and a number of public open space erven and public streets was already approved by the municipality and the appeal authority on 15 September 2020 – see attached approval letter and stamped subdivision plan. As a result of the Directive that was served on the developers as mention in para 1 above, a new application will now have to be submitted to the municipality in terms of Sections 15(2)(h) and (k) of the George Land Use Planning By-Law, 2015 for amendment of the approved subdivision plan as well as the approval letter and conditions as follows:

- 3.1 substitution of the subdivision plan No Bult2.4 dated June 2020 which bears Council's stamp, by an amended subdivision plan No Village Ridge 1.2 dated December 2021.
- 3.2 amendment of para (A)b)3. and para (A)b)4. of the approval letter by  
amending the **99** Single Residential erven to **95**,  
the **86** General Res Zone III erven to **60**,  
the **11** Public Open Space I erven to **8** erven,  
to **add 2** Open Space III erven (conservation areas) and  
to **omit** the 1 creche erf.
- 3.3 amendment of para (A)b)5. of the letter of approval so that parking for the Town housing erven be relaxed from 135 to 75 bays. (Note that such relaxation is percentage wise the same as the relaxation from 195 to 108 bays as previously approved).
- 3.4 amendment of para 45 of the approval letter by changing the plan number to plan No Village Ridge 1.2 dated December 2021.
- 3.5 amendment of para (A)a) of the approval letter by changing the erf number for the cell phone mast from 190 to plot 159



#### **4. DESIRABILITY OF THE PROPOSED DEVELOPMENT**

The concept, desirability of the development as proposed in this application, can be described as the acceptability thereof on the land unit and the environment where it will take place. The proposal will be discussed in terms of the following to determine the desirability thereof:

- ❖ Physical characteristics
- ❖ Proposed Land Uses / Subdivided Portions
- ❖ Consistency of the proposal in terms of existing planning documents
- ❖ Consistency of the proposal in terms of the character of the area
- ❖ Potential of the Property
- ❖ Accessibility
- ❖ Services
- ❖ Parking

##### **4.1 Physical Character of the Property**

###### **4.1.1 Topography**

The property is fairly flat with steeper slopes to the east. There is a wetland on the western side of the property that must be retained. As the property is situated next to a wetland on its eastern side, it is necessary that a buffer area of 19m wide also be left undeveloped. The rest of the property can however be used for development.

###### **4.1.2 Vegetation**

The property is for the greater part covered with kikuyu grass. Indigenous vegetation is found on the adjacent public open space on the eastern boundary of Erf 21029. There is a wetland on Erf 21028 that is also covered with indigenous vegetation. The proposed amended subdivision plan take these areas into consideration.

###### **4.1.3 Summary**

The physical character of the property is such that the amended development can be accommodated thereon taking the recommendations of the freshwater consultant into consideration.

## 4.2 Proposed Development

Erf 28930, George is **currently** zoned so that 86 town houses and 99 single residential units, 3 small business erven, a crèche, cell phone mast and public open spaces and streets can be erected thereon. The average density of the residential component of the development for the total property is **41 units per ha**. Before the above zoning was approved (Sept 2020), the zoning was Group housing with a density of 35 units per ha.

The town housing component of the development is proposed more or less in the centre of the property as well as on the northern side of the property. Many of these units are located around and with direct access to an open space square of approximately 4500 m<sup>2</sup> while other units face the sports fields of Die Bult school. The sizes of the town housing erven vary from 59 m<sup>2</sup> to 80 m<sup>2</sup> and the average is approximately 68 m<sup>2</sup>. The density of the town housing component of the development was approximately 59 units per ha.

The single residential erven are located on the outer boundaries of the property with the bulk thereof on the eastern half of the property. The sizes of the single residential erven along the western boundary of the property are approximately 187 m<sup>2</sup> and the average size of all the single residential erven is approximately 160 m<sup>2</sup>. These erf sizes correspond well with the average size of a group housing development where the density is 35 units per ha and which was the density of Erven 21028 and 21029 before the Sept 2020 approval.

The **amended proposal** now is for a development consisting of 95 single residential erven, 60 town housing erven, 3 business erven, a conservation area (frogs) and public open spaces and streets. The sizes of the erven will be the same as for the current approval. The overall density of the development will however, decrease from **41 units per ha** to **34,3 units per ha**. This density is now slightly lower than the density(35) that was applicable before the development was approved in Sept 2020.

The developers aim to develop the property themselves i.e. constructing the infrastructure as well as the top structures (houses/ town houses). By doing this, the developers will ensure that quality control is maintained and that conditions of approval, architectural guidelines and landscaping are complied with and done to ensure that the total development is a success.

The primary design approach from the Architect has been to design a safe & tranquil suburb in the form of a contemporary Southern Cape vernacular village. The Architect's vision is that this village/suburb should be a 'nice place to be' and a 'tranquil platform for life'.



Physical forms of homes incorporate steeper roof pitches on single storey homes to create a picturesque streetscape of varied steep pitches. Double storey homes may have less steep pitches to keep the roofline of the suburb more to a human scale.

Street boundary walls are low 'werf' type walls to create a friendly and welcoming feel in the streets with softer edges rather than solid high walls.

The Conservation Pond Area and Public Open Space is at the heart of the development. Homes and public open space face the pond with a Clock Tower to hold and celebrate the space and the conservation pond.

Architectural guidelines are in place, which list the minimum specification standards of the homes to be built to maintain the dignity and vision of the suburb. Some examples are that all homes are to have fascias, be plastered & painted and no vibracrete walls may be on any street boundary to name a few. The full set of Architectural Guidelines covers the rest.

The Architectural style is Contemporary Southern Cape Vernacular.

The developers also appointed a landscape architect to take care of the landscaping in the development.

The bulk earthworks will be executed by the civil contractor and the top 200mm of topsoil will be stockpiled on site, for the landscape contractor to spread in the soft landscape areas after the civil contract has been completed. The path ways and dwelling patios in the village square, will be paved with brick pavers, butt-jointed. Pausing areas along the pathways and in the village square will be created, with concrete precast benches and litterbins. Shrub beds have been created in focal areas at the entrance and smaller road and parking islands where it is not feasible to establish lawn areas. The shrubs and groundcover plants specified will be endemic to the region and water wise. Because of the density of the development, it is proposed that trees are planted on the road verges to soften the hard structures. Trees will be indigenous and water wise. The balance of the road verges and open spaces will be planted with Cynodondactylon "BlouKweek" lawn that is indigenous and water wise. When watered, fertilized, mowed and maintained, this veldgrass species can become a lush lawn. The planting and lawn areas will only have to be irrigated for the first 4 month until the newly vegetation has established.

As already mentioned before, the streets and open spaces in the development will be public and the development will not be a "gated village" although the appearance thereof will be unique and a special effort will be made to beautify the entrance to the development through special features as proposed by the architect.

The development will be catering for affordable living units. The cost of the units will vary from approximately R600 000 (town housing) to approximately R1 900 000 (single residential).

### **4.3 Consistency in terms of Existing Planning Documents**

#### **4.3.1 Deed of Transfer**

Deed of Transfer No T52175/2021 is applicable to the property. There are no conditions in this deed that restrict the development of the property.

The application is considered as consistent with the title deeds.

#### **4.3.2 Spatial Planning and Land Use Management Act – SPLUMA**

The objects of SPLUMA are worded in Section 3 of the Act.

- “3. 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 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.”*

Section 7 of SPLUMA lists 5 development principles that are applicable to spatial planning, land use development and land use management namely:

- ❖ Spatial justice
- ❖ Spatial sustainability
- ❖ Efficiency
- ❖ Spatial resilience
- ❖ Good administration

Section 42 of SPLUMA mentions the factors that must be taken into account when an application is submitted to a municipal tribunal for a decision namely:

- ❖ The 5 development principles as mentioned above
- ❖ Conservation and promotion of agricultural land

- ❖ Public interest
- ❖ Constitutional transformation
- ❖ Rights and obligations of all those affected
- ❖ Impact on engineering services, social infrastructure and open space requirements
- ❖ Compliance with environmental legislation

#### 4.3.2.1 The 5 Development Principles

- a) Spatial Justice refers to the imbalances in development proposals and spatial planning of the past that must be addressed. It is mentioned that Spatial development frameworks and policies of governments at all spheres must address the inclusion of persons and areas that were previously excluded. Spatial planning mechanisms must incorporate provisions that will enable access to land by disadvantaged persons. Land use management systems must include all areas of a municipality. Land development procedures must include provisions that accommodate access to secure tenure. Lastly it is mentioned that when a Municipal Planning Tribunal considers an application, it may not be restricted in the exercise of its discretion solely on the ground that the value of land is affected by the outcome of the application.

The proposed amendment to the development aims at providing housing opportunities for the market between R650 000 and R915 000 for the town housing units as agreed with Province. The development is therefore aimed at providing affordable housing also for the lower income group. In terms of the term spatial justice principle as described in SPLUMA, this application is still in compliance with this principle in that affordable housing will be available to persons that were previously excluded to secure tenure i.e. people will be in a position to obtain ownership of a relatively low priced dwelling unit.

Furthermore the proposed development is well located in terms of access to the CBD. There is a bus route which is already operational running past the development.

The development also contributes towards sensible integration as promoted in SPLUMA. The development offers accommodation to a wide range of income groups. It was already mentioned that the affordable units will be priced at appr R650 000. The single residential units which will be located closest to existing developed units adjacent to the development, will be priced between R1.2 and



R1.9million. The higher priced units will therefore serve as a buffer between the lower income group units in the development and higher priced units of the existing neighbouring developments.

The statement referring to the discretion of a Planning Tribunal i.r.o. land value which could be affected by the outcome of an application for a development, is relevant in this development. It could be argued that the value of existing properties in the vicinity could be negatively affected by an affordable housing proposal. However, it should be taken into account that this aspect was already addressed in the previous application and was found acceptable by the Eden Joint Tribunal as well as the Appeal Authority. The amendments that are now proposed, will have a lesser impact on land values than the original proposal.

We are further of the opinion that the influence that the development will have on land values in this area, must be seen in the light that the property was zoned for group housing before and that there was no restriction in this zoning i.r.o. the type of residential development that may have been erected there without any application procedure having to be followed. In other words, in terms of the previous zoning, the property could have been developed in exactly the same manner as proposed now.

- b) Spatial Sustainability refers to spatial planning and land use management systems that must inter alia protect prime and unique agricultural land and natural environment and promote development in areas that are sustainable and limit urban sprawl.

The amended development of this property will compliment this principle. No agricultural land is involved, all environmental issues are addressed and the development will definitely not result in urban sprawl but rather as infill development.

The amended development fully complies and supports this principle.

- c) Efficiency refers to development that optimizes the use of existing resources and infrastructure.

The development will make use of existing services that are already available in the area and will therefore lead to the optimizing of such resources and infrastructure.

The proposed development fully complies and supports this principle.

- d) Spatial Resilience refers to flexibility in spatial plans, policies and land use management systems to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks.

The proposed development is situated close to the town centre and there is a bus route operating next to the property. This will lead to improved accessibility of people and lessen traveling costs of people living in this development.

The proposed development fully complies and supports this principle.

- e) Good Administration refers to an integrated approach to land use and land development for all spheres of government. Spatial development frameworks and inputs thereto by all government departments must be met timeously. Public participation must be transparent and all parties must have opportunity to participate in matters affecting them.

This principle is supported. Public participation already took place before and in our opinion the scaling down of the development, should not necessitate further public involvement.

#### 4.3.2.2 Factors Mentioned in Section 42 of SPLUMA (para 4.3.2 above)

Section 42 of SPLUMA deals with the factors that a Municipal Planning Tribunal must consider when deciding on a development application namely:

- a) it must be guided by the development principles as set out in Chapter 7 of SPLUMA.

This consideration was already dealt with in para 4.3.2.1 above.

- b) make a decision that is consistent with norms and standards, protect agricultural land and is consistent with the Spatial Development Framework (SDF) of the municipality.

Protection of agricultural land is not applicable in this proposal- also see para 4.3.2.1 (b) above Spatial Sustainability.

The consistency with the SDF will be dealt with in para 4.3.3 below.

- c) other factors relating to the application:

(i) Public Interest

During the application for the development that took place before, public participation was dealt with. Many objections were received and addressed and the municipality approved the application as it was felt that the development will not have a negative impact on the rights of neighbours. As the development is now scaled down considerably, we are of opinion that no advertizing should be required as part of the planning process.

(ii) Constitutional Transformation Imperatives and Duties of the State

This was already discussed in para 4.3.2.1 – Spatial Justice as well as para 1 above. The development makes provision for housing that is affordable and the state (provincial) made the property available for this purpose.

(iii) Facts and Circumstances Relevant to the Application

It is the purpose of this report to put the Planning Tribunal in a position to consider the application on the grounds of the circumstances relevant to the application.

(iv) Respective Rights and Obligations of those Affected

This implies that the tribunal must consider the application taking into account the possible impact of the application on the environment as well as the need for this type of living accommodation in the town.

(v) Engineering Services, Social Structure and Open Space Requirements

Engineering services will be dealt with 4.3.4.2 in this report. Open Space in the development represent 30% of the total area of the property which is considered more than sufficient.

(vi) Any Factors that may be Prescribed Including Time Frames

No comment.



(vii) Environmental Factors

An environmental process is currently been undertaken.

**4.3.3 Land Use Planning Act, Act 3 of 2014. (LUPA)**

It is clear that LUPA gives effect to SPLUMA in the Western Cape Province. Section 49 of LUPA gives the basis of assessments of land use applications. It mentions that when a Municipality considers and decides on a land use application, at least the following must be assessed:

- Applicable spatial development frameworks,
- Applicable structure plans,
- Principles of Chapter 6 of LUPA,
- Desirability of proposed land uses / subdivision,
- Guide lines that may be issued by the Provincial Minister regarding desirability.

**4.3.3.1 Relevant Spatial Development Framework (SDF)**

It must be borne in mind, as already mentioned before, that an application for rezoning and subdivision to inter alia increase the density of the subject property to accommodate an affordable residential development, was already approved by the municipality and appeal authority in Oct 2019 and Sept 2020 respectively. In the motivation report that formed part of the application, the Spatial Development Framework that was applicable at the time, dated 2013, was already addressed and the development found to be in line with the objectives of the SDF. The paragraphs below in italics, is an extract from the application that was submitted previously.

*George Spatial Development Framework (SDF) is applicable to this area. One of the important principles of the SDF is that development should take place inside the Urban Edge of George. This property is inside the Urban Edge.*

*Chapter 4 of the SDF addresses 5 “Spatial Development Objectives” for the municipal area. These objectives in the SDF were adopted to meet the requirements of the 5 principles mentioned in the National Development Plan (NDP) and which are also similar to the 5 development principles mentioned in SPLUMA. The 5 objectives are the following:*

a) *Restructuring and Integrating the Dysfunctional Urban Fabric*

*In the first of these Spatial Development Objectives a few policy guidelines are mentioned that are relevant to this application of which the most important are*

- i) the restructuring of the George urban fabric to integrate segregated communities into the larger space economy of the city,*
- ii) integration through public transport and*
- iii) improving living conditions in poorer communities including increased housing choice.*

*Some of the strategies to fulfill these policy guidelines, are to support higher densities in the CBD and along public transport routes which will emphasize public transport as opposed to private car use. Care should also be taken against developments that will assist in further urban sprawl.*

*The development that is proposed in this application supports the guidelines and strategies mentioned above in terms of the higher than average density that is proposed, the location thereof namely closer to the CBD with the associated economic opportunities, the existing public transport route that runs directly past the property with the subsequent strengthening of the public transport system and the fact that it increases the choice of housing for poorer people.*

b) *Strengthening the Economic Vitality*

*Relevant to this application, some of the policy guidelines mentioned in this objective of the SDF, are targeting of strategic land parcels for development to strengthen the economy and increase of residential densities along public transport routes to improve thresholds required for enterprises to develop. One of the strategies identified to address the above policy guidelines, is the revitalizing and redeveloping of the CBD so that it contains inter alia a larger residential component as this is considered important to strengthen the economy.*

*The proposed development in this application is within walking distance of the CBD, especially if the municipality constructs a pedestrian bridge that would link the development with e.g. Western Street that runs diagonally with the Camfersdrift River directly opposite the proposed development. Such a pedestrian bridge would*

*bring the development much closer to the CBD and thereby complimenting the strategy to strengthen the economy.*

*c) Creating Quality Living Environments*

*Some of the policy guidelines are:*

- focusing on a city that is socially integrated*
- maintaining a compact settlement form to facilitate internal settlement restructuring and integration of activities for better efficiency of service delivery and better use of resources*
- intensifying existing urban centres with densification*
- support development where existing services capacity could be utilized*
- support the viability of public transport through higher densities in its proximity*

*One of the strategies to manage the direction and form of future urban growth in George is to maintain a clear urban edge for the town. As a result of recent studies i.r.o. requirements for new urban land and current available developed erven, it seems sensible that to improve George, existing urban areas should be used better and this can be achieved through densification of undeveloped land inside the urban edge.*

*The development as proposed in this application supports this objective and strategies.*

*d) Safeguarding the Environmental Integrity and Assets*

*A number of Guidelines and strategies are mentioned in this objective but are not relevant to this application.*

*e) Enhance the Rural Character and Livelihood*

*The above objective does not have any bearing on the development as proposed in this application.*

*In summary the statement can be made that the development as proposed in this application is in line with the objectives and guidelines as stated in the George SDF.*

Since the submission of the above mentioned application, the municipality adopted a new SDF for George namely the MSDF in 2019 that is now applicable to the municipal area. In the new SDF, 3 spatial



development strategies were identified to support the spatial planning approach to direct and manage development of the Greater George City Area namely:

- I. Consolidate: making what we have work better
- II. Strengthen: Build on George's foundations for growth & resilience
- III. Smart growth: Invest in catalysts for social and economic prosperity.

For each of these development strategies, a number of policies were identified. Not all of these policies are applicable to this application. Many of these policies are similar to the spatial development objectives of the previous SDF and that were addressed in the previous application. Policy A3 for example support developments that emphasizes walkability and public transport, the same as spatial development objectives 4.1 and 4.2 of the previous SDF. Policy C2 states that new affordable residential development on well-located vacant land should be promoted which is the same as spatial development objective 4.1. The proposed development adheres to these policies.

Policy A4 recommends the provision and maintenance of a high quality, safe open space system by using natural assets such as the river corridors running through George to anchor and structure the open space system. The new amended development as indicated on the attached amended subdivision plan, is fully compliant to this policy.

Policy C3 inter alia discourage "gated" developments. The proposed development will not be a gated development.

Policy D in general warns against development that could be harmful to wetlands and natural watercourses. This policy is very relevant to this application. The original approved subdivision plan was amended to accommodate the "no-go" areas on the property that were identified by the developer's fresh water consultant. As a result, this application now fully complies with this policy.

In terms of Policy F, growth of urban development must be managed so as to ensure optimum and efficient use of existing infrastructure and resources. Emphasis is on the maintenance of the urban edge of George. This development is inside the urban edge.

In terms of Policy G2 housing delivery should be prioritized in areas with good accessibility to public transport/Go-George networks. This

development is adjacent to an existing Go-George bus route and therefore fully complies with this policy.

From the above references to the MSDF, it is clear that the proposed development is in line with the proposals set out in the spatial development strategies and policies.

#### **4.3.3.2 Applicable Structure Plan**

There is no structure plan applicable for the area in which the application property is situated.

#### **4.3.3.3 Principles of Chapter 6 of LUPA**

The land use planning principles mentioned in LUPA as set out in Chapter 6 (Section 59), are in essence the same as the 5 development principles of SPLUMA that are applicable to spatial planning, land use development and land use management. These principles were already dealt with in para 4.3.2.1 above and will not be addressed again.

#### **4.3.3.4 Desirability**

The desirability of the application will be dealt with in paragraph 4.3.4.1.

#### **4.3.3.5 Guidelines by Provincial Minister**

As far as can be ascertained, there are no guide lines in this regard from the Provincial Minister that has not been dealt with so far.

### **4.3.4 Land Use Planning By – Law for George Municipality, 2015 (By – Law)**

In Chapter 5 (Regulation 65) of the By – Law a number of general criteria are listed that must be taken into account when an application for land development is considered inter alia:

- Desirability of the proposed land uses / subdivision
- Impact on municipal services
- Spatial Development Frameworks
- Local structure plans
- Relevant planning policies
- SPLUMA – Section 42
- LUPA – Chapter 6
- Zoning scheme

#### 4.3.4.1 Desirability

Desirability is mentioned in the Land Use Planning By-Law as one of the criteria that must be taken into account when applications are considered. The whole of Para 4 of this report is considered as the desirability of the proposal – see pre-amble para 4. Desirability will not be dealt with separately in this paragraph.

#### 4.3.4.2 Impact on Municipal Services

See paragraph 4.7.

#### 4.3.4.3 Relevant Planning Policies

The development is in line with policies of the municipality i.r.o. development of vacant parcels of land inside the urban edge of the town.

#### 4.3.4.4 Local Structure Plans, SDF

There is no local structure plan for this specific area and the SDF was already dealt with in paragraph 4.3.3.1.

#### 4.3.4.5 SPLUMA and LUPA

See paragraph 4.3.2 and 4.3.3.

#### 4.3.4.6 Zoning Scheme

The Integrated Zoning Scheme for George is applicable to this area. The property was originally zoned General Residential Zone II(group housing). In terms of an approval dated Sept 2020, this zoning was amended to accommodate a development as per that approval – see attached approval. Due to notice served on the developers as mentioned in Par 1 of this report, an amendment of the previous approval now needs to be submitted to the municipality in accordance with the amended subdivision plan attached hereto.

### 4.4 Consistency with the Character of the Area

The property is situated in an existing residential area. On the western side of the property are a few single residential erven of which some have already been developed. On the south-western side is the King George Hotel and to the south is an existing group



housing development. To the north is the sport grounds of Die Bult School and on the eastern side the property is bordered by the Camfersdrift River valley. The Dormehl's Drift residential area is on the other side of the river valley approximately 170 m away from the eastern boundary of the property.

It must be borne in mind that the consistency of the development of subject property was already dealt with during the consideration of the previous application. Both the Eden Joint Tribunal and the Appeal Authority found the development consistent with the area where it is situated. As already mentioned above, the amended development is a scale down of the previous approved development and can therefore also be seen as consistent with the character of the area.

#### **4.5 Potential of the Property**

The potential of the property is in short that it is zoned for a development as described in para 2.3 above.

#### **4.6 Accessibility**

The property gains access directly from Loch Lomond Avenue. See **photo 17**.



***Photo 17 Access to the property(lower end of photo) is from Loch Lomond Ave. Note the bus stop in the street appr where the 2 people are walking.***

In a northerly direction, Loch Lomond Avenue links up with Langenhoven Road at the Outeniqua Sport Stadium (see **photos 18 and 19**). Access in a southerly direction is

through Barkhuizen Drive that links up with Plattner Boulevard and eventually with York Street. See **photos 20 and 21**.



**Photo 18** Access to the property from Davidson Road next to the Outeniqua sport Stadium via Loch Lomondry Avenue. The photo was taken from across Langenhoven Ave towards Loch Lomond



**Photo 19** Existing intersection Loch Lomondry/Langenhoven Road. The photo was taken in Loch Lomond in a northetly direction towards Langenhoven Road





***Photo 20 Intersection of Plattner Boulevard/ Barkhuizen Drive. The photo was taken in a westerly direction in Plattner Boulevard towards the Barkhuizen Drive intersection.***



***Photo 21 Intersection of Plattner Boulevard/ Barkhuizen Drive. The photo was taken in a southerly direction in Barkhuizen Drive towards Plattner Boulevard.***

It is clear that the property is well situated in terms of its accessibility towards main access roads. However, due to the expected increase in traffic trip generation that

would result from the development as well as other possible developments in this area, and after discussions with Civil Engineering Services Department of the municipality, a full traffic impact assessment (TIA) was undertaken by a firm of traffic engineering consultants.

The consultants identified a few intersections that could be problematic of which the intersection Loch Lomond/Langenhoven Road and Barkhuizen Drive/ Plattner Boulevard were found to be the most important ones. The study revealed that without the addition of traffic from this development, the current traffic situation at the 2 intersections mentioned above, is already unacceptable and needs upgrading. It was found that in effect the development will only have a slight negative impact on the traffic condition. It was concluded and recommended that 3 upgrades need to be done namely –

- the Langenhoven/Loch Lomond intersection must be signalized,
- the Barkhuizen/Plattner Boulevard intersection must be converted to a roundabout and
- 1.8 m wide paved sidewalks on one side of Loch Lomond Ave, King George Drive and Barkhuizen Drive must be built.

The findings of the TIA were that from a traffic and transport perspective, the development can be approved and that the proposed improvements mentioned above be done. The TIA was accepted by the municipality. The amendments to the development as proposed now, will not influence the traffic situation negatively.

## **5.7 Municipal Services**

The developers appointed a firm of Electrical Engineers as well as Civil Engineers to investigate and provide the necessary information iro the municipal services and the connection thereof to the existing municipal network in the area for the development that was approved in Sept 2020. The findings and recommendations of the engineers are set out in the paragraphs below in italics and are applicable to the current approved development.

### ***“Electricity***

*In summary it was found that sufficient bulk capacity is available on the site for the development. A few changes will be required once the development takes place for example the relocation of the existing substation which could be replaced by a larger unit should it be necessary based on the final design of the internal electricity network.*



### Water Supply System

*According to the Water Master Plan for the Municipal area, sufficient capacity exists at the Water Treatment Plants. Water reticulation exists within the adjacent neighbourhoods to which the development will connect. No upgrades to the water reticulation system is required to accommodate the development within the existing water distribution system. However, certain upgrades are required to accommodate the development in future system as identified in the Engineering Services report done by Aurecon.*

### Sewage System

*A normal gravity wastewater reticulation system exists in the adjacent neighbourhood to which the proposed development will drain. No upgrades to the existing bulk and sewage reticulation system is envisaged to accommodate this development. Certain items have however been identified in the Engineering Services Report done by Aurecon as possible upgrades required to alleviate existing shortcomings in the existing reticulation system.*

### Storm water

*No bulk storm water systems are required as the storm water will be dispersed via several outlets into the existing stream situated towards the Eastern side of the proposed development. A Storm Water Management Plan and Engineering Services report has been compiled by Aurecon and detailed design will be done with this in mind.*

### Access Roads

*Access to the proposed development will be provided via the existing circle south of the site. The circle can be accessed from the north via Loch Lomond Avenue and from the south via King George Drive. This circle will be upgraded to allow waste disposal vehicles to access the development”.*

The proposed amended development is for a lesser number of units and will consequently not negatively influence the recommendations made above. The amended development proposal can even result in alleviating some of the problem areas.

## **5.8 Parking**

For the current development, application was originally made for a relaxation of the current parking requirement for the Town Housing component of the development as

specified in the Integrated Zoning Scheme By-Law, namely 2 parking bays per town housing unit plus 0.25 bay per town housing unit for visitors. The application was to depart from this requirement to the effect that the PT1 Area requirement as specified in the zoning scheme be made applicable to the development as the development is situated directly adjacent to an existing bus route – **see Photo 22 below**. The request was approved so that 108 parking bays needed to be provided instead of 194 bays. In terms of number of parking bays per dwelling unit, the approval was for a ratio of 1.2558 bays per unit. If this ratio is made applicable to the lesser number of Town Housing units (60 units) for the amended proposal, a total of 75.348 (rounded off to 75) needs to be provided for the Town Housing units. The requirement in terms of the zoning scheme for 60 Town Housing units, normally amounts to 135 (2.25 x 60).

The relaxation as described was already motivated in the original application and was accepted by the relevant decision makers. It is therefore felt that the number of parking bays for the amended development, namely 75 instead of 135, does not warrant a new motivation as the relaxation is pro rata the same as the previous relaxation.



**Photo 22** Bus stop in King George Drive close to the proposed development(appr 30m).

## 5. **CONCLUSION**

An application to develop Erf 28930, George as an affordable residential area consisting of 99 single residential erven, 86 General residential III erven(town housing), 3 Business Zone III erven, a crèche, a cell phone mast and a number of public open space erven and public streets, was approved in September 2020 by the Appeal Authority of the George municipality. The developers already commenced with the development but was served with a Directive in terms of Section 28(4) of NEMA by the Director: Environmental Law Enforcement. Simultaneously an additional pre-compliance notice was issued by the Department of Water Affairs in which the developers were instructed to immediately cease the activities as it was ruled that the activities are leading to the infilling of a wetland and/or watercourse without the required Authorization.

The developers are now in the process of rectifying the matter by applying for the necessary authorizations in terms of the applicable legislation. An amended subdivision plan was prepared to address the areas that were pointed out as sensitive wetlands so that these areas together with buffer areas as recommended in the specialist studies, are now indicated as conservation areas.

This application is now for an amendment of the development that was approved by the appeal authority in September 2020. In the paragraphs above, it was pointed out that the proposed amendment comply with the applicable planning legislation and that the amendments will not be harmful to the environment or the existing neighbouring developments and can in fact actually be seen as a positive influence especially towards the natural environment.

We are of opinion that Council can approve this application as proposed above.