

PORTION 79 OF THE FARM HANS MOES KRAAL NO. 202 GEORGE

**APPLICATION FOR:
SUBDIVISION**



CLIENT: JURA LANDS CC
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CONTENTS

(I) TABLE OF CONTENTS

SECTION A : BACKGROUND	1
1. BACKGROUND	1
2. THE APPLICATION.....	2
3. PROPERTY DESCRIPTION, SIZE AND OWNERSHIP.....	2
SECTION B : DEVELOPMENT PROPOSAL	3
4. DEVELOPMENT SPECIFICATIONS	3
4.1. Jura Care Village Dementia Care Home.....	4
4.2. Agricultural Usage	5
4.3. Access & Parking	5
5. STATUTORY SPECIFICATIONS	6
5.1. Subdivision	6
5.2. George Integrated Zoning Scheme By-Law, 2017.....	7
6. SERVICES INFRASTRUCTURE	8
6.1. Water.....	8
6.2. Sewer.....	9
6.3. Waste Removal	9
6.4. Electrical Services	9
6.5. Conclusion	9
SECTION C : CONTEXTUAL INFORMANTS	9
7. LOCALITY	9
8. CURRENT LAND USE AND ZONING	10
8.1. Land Use	10
8.2. Zoning and Existing Land Use Rights	11
9. CHARACTER OF THE AREA	12
10. EXISTING POLICY FRAMEWORKS	12
10.1. Western Cape Provincial SDF (2014)	12
10.2. Western Cape Rural Development Guidelines (2018)	15
10.3. Eden Spatial Development Framework (2017).....	18
10.4. George SDF (2017)	20
10.5. George Integrated Development Plan (2017-2022).....	22
10.6. Pacaltsdorp / Hans Moes Kraal Precinct Plan (2013).....	23

SECTION D : MOTIVATION.....	25
11. ASSESSMENT OF APPLICATIONS.....	25
11.1. Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)	25
11.2. Land Use Planning By-Law for George Municipality (2015)	25
12. CONSISTENCY WITH SPATIAL PLANNING POLICIES.....	26
13. CONSISTENCY WITH THE SURROUNDING AREA	26
14. NO IMPACT ON EXISTING RIGHTS.....	27
15. NO IMPACT ON MUNICIPAL SERVICES.....	27
16. NEED FOR SUBDIVISION	27
17. PROVISION OF A MUCH-NEEDED SERVICE TO THE AREA.....	28
18. SOCIO-ECONOMIC IMPACT	28
19. NO ENVIRONMENTAL IMPACT.....	28
20. ACCESSIBILITY OF THE AREA	29
21. WESTERN CAPE LAND USE PLANNING ACT, 2014 (ACT 3 OF 2014)	29
21.1. Spatial Justice.....	29
21.2. Spatial Sustainability	31
21.3. Spatial Efficiency	32
21.4. Spatial Resilience.....	32
21.5. Good Administration	32
22. CONCLUSION	35

(II) ANNEXURES

- ANNEXURE A.** Correspondence from DEADP dated 24 October 2018 confirming exemption from the provisions of Act 70 of 1970
- ANNEXURE B.** Temporary Land Use Departure approval dated 24 February 2014
- ANNEXURE C.** Site Development Plan approval dated 03 October 2014
- ANNEXURE D.** Rezoning approval dated 22 September 2017
- ANNEXURE E.** Pre-Application meeting minutes dated 17 September 2018
- ANNEXURE F.** Power of Attorney & Company Resolution
- ANNEXURE G.** Application Form
- ANNEXURE H.** Copy of Title Deed - T28087/1992
- ANNEXURE I.** Surveyor General Diagram No 8827-1961
- ANNEXURE J.** Bond Holder's written permission

ANNEXURE K. Confirmation from DEADP: No NEMA Authorisation required.

(III) PLANS

PLAN 1. Locality

PLAN 2. Subdivision Plan

(IV) TABLE OF FIGURES

Figure 1.	Proposed Subdivision.....	3
Figure 2.	Proposed Subdivision – Showing Approved facility	4
Figure 3.	Proposed Subdivision & Right of Way Servitudes	7
Figure 4.	Locality	10
Figure 5.	Existing land use Portion A-Jura Care Village.....	11
Figure 6.	Existing land use Remainder-Agriculture (Livestock)	11
Figure 7.	Character of the Area	12
Figure 8.	Key Transitions For The PSDF	13
Figure 9.	Policies Applicable to the Proposed Development	14
Figure 10.	Extract from George SDF	21
Figure 11.	Extract from the Hans Moes Kraal Local Area Precinct Plan 2013	24

EXECUTIVE SUMMARY

Informant	Description	Reference
Property:	Portion 79 (a Portion of Portion 12) of the farm Hans Moes Kraal No. 202, situate in the Division of George	Par.3
Size:	42,8269 Ha	Par.3
Locality / Address:	Jura Care Dementia and Alzheimer's' caring facility is located adjacent to the Le Grand Gold Estate and is only 4,5km from Herold's Bay. Coordinates 34° 3'2.33"S and 22°26'56.78"E.	Par.7
Development Proposal:	The subdivision of Portion 79 into 2x portions. The proposal will also entail the registration of 2x right of way Servitudes from Divisional Road 1591, over the proposed Remainder to the proposed Portion A.	Par.4
Existing Land Use:	Jura Care Dementia and Alzheimer's Care Home Agriculture Place of Assembly 2 self-catering labourer cottages for visitor's accommodation	Par.8.1
Development Application:	The Subdivision of Portion 79 (A Portion of Portion 12) of the Farm Hans Moes Kraal No. 202 into two portions (Portion A = 0,99Ha and Remainder = 41.8369); in terms of Section 15(2)(d) of the Land Use Planning By-Law for George Municipality, 2015;	Par.2
Services Availability:	No Impact on the existing services infrastructure.	Par.6
Spatial Policy Framework:	<u>Provincial SDF:</u> The proposal complies with strategic objectives as set out by the Western Cape Spatial Development Framework.	Par.10.1
	<u>Western Cape Rural Development Guidelines:</u> In line and consistent with the objectives for each category and the guidelines for implementation has been taken into consideration for this proposal.	Par.10.2
	<u>Eden Spatial Development Framework:</u> Consistent and in line with Spatial Policy Statements & Guidelines	Par.10.3
	<u>George SDF:</u> Outside Urban Edge. Demarcated new Special Investment Node in line with the intention and vision of these areas. Consistent with spatial development objectives.	Par.10.4

Informant	Description	Reference
	<u>George Integrated Development Plan:</u> Located in Ward 23 In line with the 5 strategic objectives contributes to the envisioned outcome, the growth of Municipal revenue base and in line with IDP.	Par.10.5
	<u>Pacaltsdorp / Hans Moes Kraal Precinct Plan:</u> In line with demarcation which is the Research and Development Component. Is primarily aimed to provide research and development facilities as well as training.	Par.10.6
Motivation Criteria:	<u>Consistency with the surrounding area:</u> Consistent with the character of the area.	Par.13
	<u>No Impact on Existing rights</u> The proposed land use application will not impact any existing land use rights currently enjoyed by neighbouring properties	Par.14
	<u>No Impact on Municipal Services:</u> The existing civil and electrical services supply is adequate, and no supplementary electricity supply is required.	Par.15
	<u>Need for the Application</u> To operate the facility on its own cadastral property in order to raise finance for the facility, without impacting on the agricultural activities. With the current political climate and threat of expropriations of farmland, no financial institution is willing to bond farms at a value of more than 50% of the land value of the farm. If the property can be subdivided, and you have a separate "Community" zoned property, private financiers such as medical institutions and doctors can be approached for finance.	Par.16
	<u>Provision of a much-needed Service to the area</u> There is a serious lack of dedicated Dementia Care facilities in the area as well as the whole of South Africa.	Par.17
	<u>Socio-Economic Impact</u> The proposed development is in the interest of the George Municipal area's economy, creating new permanent employment opportunities for skilled and unskilled staff and making use of the local products produced in the area. The existing facility employs 35 people, and the extended facility has the potential to employ 130 people.	Par.18
	<u>No Environmental Impact</u> No negative environmental impacts will be created as a result of the development. No NEMA Authorisation required.	Par.19

Informant	Description	Reference
	<u>Accessibility of the Area</u> No new access roads are required. Existing accesses to be used. Safe and adequate access and egress to / from the property.	Par.20
LUPA Land Use Planning Principles:	<u>Spatial Justice:</u> Consistent.	Par.21.1
	<u>Spatial Sustainability:</u> Consistent.	Par.21.2
	<u>Spatial Efficiency:</u> Consistent.	Par.21.3
	<u>Spatial Resilience:</u> Consistent.	Par.21.4
	<u>Good Administration:</u> Applicable to George Municipality.	Par.21.5
Conclusion:	Meets the criteria as set out in The Spatial Planning and Land Use Management Act (SPLUMA), The Western Cape Land Use Planning Act (LUPA) and Land Use Planning By-Law for George Municipality, 2015; is desirable and it is therefore recommended that the application for the proposal be supported by the relevant authorities and approved by George Municipality.	Par.22

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

Portion 79 (a Portion of Portion 12) of the Farm Hans Moes Kraal No. 202 is located approximately 10km from George central, and 5km from Pacaltsdorp.

During 2009, the Western Cape Minister for Local Government, Environmental Affairs and Development Planning, approved an application for the amendment of the George and Environs Urban Structure Plan. Since the former Guide Plan was amended to earmark the application area for "Township Development" purposes, this new, intended subdivision application is exempted from the provisions of Act 70 of 1970. Even though the Guide Plan has been repealed, the property is now exempted from Act 70 of 1970. Refer to **ANNEXURE A** for confirmation of this statement.

George Municipality approved a temporary land use departure on Portion 79 of the Farm Hans Moes Kraal No 202, for a dedicated Alzheimer's and Dementia Treatment Centre, a place of instruction to allow a training facility for carers involved with the care of persons with Alzheimer's or Dementia, the use of 2 existing labourers cottages as visitors accommodation ancillary to the care centre and the use of the barn as a place of assembly (with occasional use as a place of entertainment) on 24 February 2014 (**ANNEXURE B**). The Site Development Plan (SDP) was approved on 3 October 2014 (**ANNEXURE C**). The Treatment Centre was at full capacity within a year and the applicant then applied to rezone about 1ha of Portion 79 of the Farm 202 to "Institutional Zone III", to obtain permanent rights for the facility and to expand the facility to address the growing need for specialised care for Alzheimer's and Dementia patients. George Municipality approved the rezoning application on 22 September 2017 (**ANNEXURE D**).

The facility is growing with a continued increase in patients, and in order to raise capital to construct the approved expansion of the treatment centre, there is a need to subdivide the facility from the larger farm, in order to register the facility on its own cadastral entity, to raise finance for the facility via a bond. The proposed subdivision will not impact on the agricultural activities on the remainder of the farm. If the property can be subdivided and have the treatment centre on a separate title deed, private financiers such as medical institutions and doctors can be approached to invest in the facility, to raise capital to construct the approved extension of the facility.

In order to subdivide the existing JuraCare treatment centre from the main farm, it is necessary to apply for the subdivision of Portion 79, in terms of Section 15 (2)(d) of the Land Use Planning By-Law for George Municipality, 2015.

A pre-application consultation (**ANNEXURE E**) was held with the George Municipality (17 September 2018) regarding the development proposal, and no red flags were raised during the meeting.

2. THE APPLICATION

Marike Vreken Urban and Environmental Planners has been appointed by **JURA LANDS CC** to prepare and submit the required application documentation (**ANNEXURE F:** Power of Attorney & Company Resolution and **ANNEXURE G:** Application Form) for:

- (i) The subdivision of Portion 79 (A Portion of Portion 12) of the Farm Hans Moes Kraal No. 202 into two (2) portions (Portion A = 0,99Ha and Remainder = 41.8369ha); in terms of Section 15(2)(d) of the Land Use Planning By-Law for George Municipality, 2015.

3. PROPERTY DESCRIPTION, SIZE AND OWNERSHIP

A copy of the Title Deed that includes the information outlined below is contained in **ANNEXURE H.** The Surveyor General Diagram (No 8827/1961) for the application area is contained in **ANNEXURE I.**

Title Deed Number:	T28087/1992
Property Owner:	Jura Lands CC (CK 91/25064/23)
Property Description:	Portion 79 (a Portion of Portion 12) of the farm Hans Moes Kraal No. 202, situate in the Division of George
Property Size:	42,8269 Ha (Forty-Two Comma Eight Two Six Nine) Hectares
Title Deed Restrictions:	There are no title deed restrictions that could prevent the application.
Existing Servitudes:	There are no servitudes registered over the application area that prevent the proposed land use. According to Condition B of the title deed, the application area is entitled to an access servitude of 9,45m wide, across "Craigie Burn A". A copy of SG Diagram 8827/61, of the application area is contained in ANNEXURE I.
Proposed Servitudes:	Two new access servitudes are proposed. It is proposed to register two new right of way servitudes, in favour of the new subdivided Portion A. The width of the servitudes will be 13m wide.
Bonds:	The application is bonded by Business Partners, and a bond holder's written permission is attached as ANNEXURE J.

SECTION B :**DEVELOPMENT PROPOSAL****4. DEVELOPMENT SPECIFICATIONS**

(Plan 2: Subdivision Plan)

The owners of Portion 79 of the Farm Hans Moes Kraal No. 202 envisage subdividing the "Community Zone III" zoned Alzheimer's and Dementia Treatment Centre so that it can exist on its own cadastral unit. This will entail the subdivision of Portion 79 into two portions (Portion A & the Remainder); it will also entail the registration of two (2) Right of Way Servitudes from Divisional Road 1591, across the proposed Remainder to the proposed new Portion A.

Figure 1 below shows the proposed subdivision in relation to the entire Portion 79 of the Farm Hans Moes Kraal No 202.



FIGURE 1: PROPOSED SUBDIVISION

Figure 2 below, shows a "zoomed-in" plan of the proposed subdivision, showing the positions of the approved development on the proposed new subdivided property. From this figure, it is clear that the proposed subdivision is only to accommodate the existing approved JuraCare Facility.

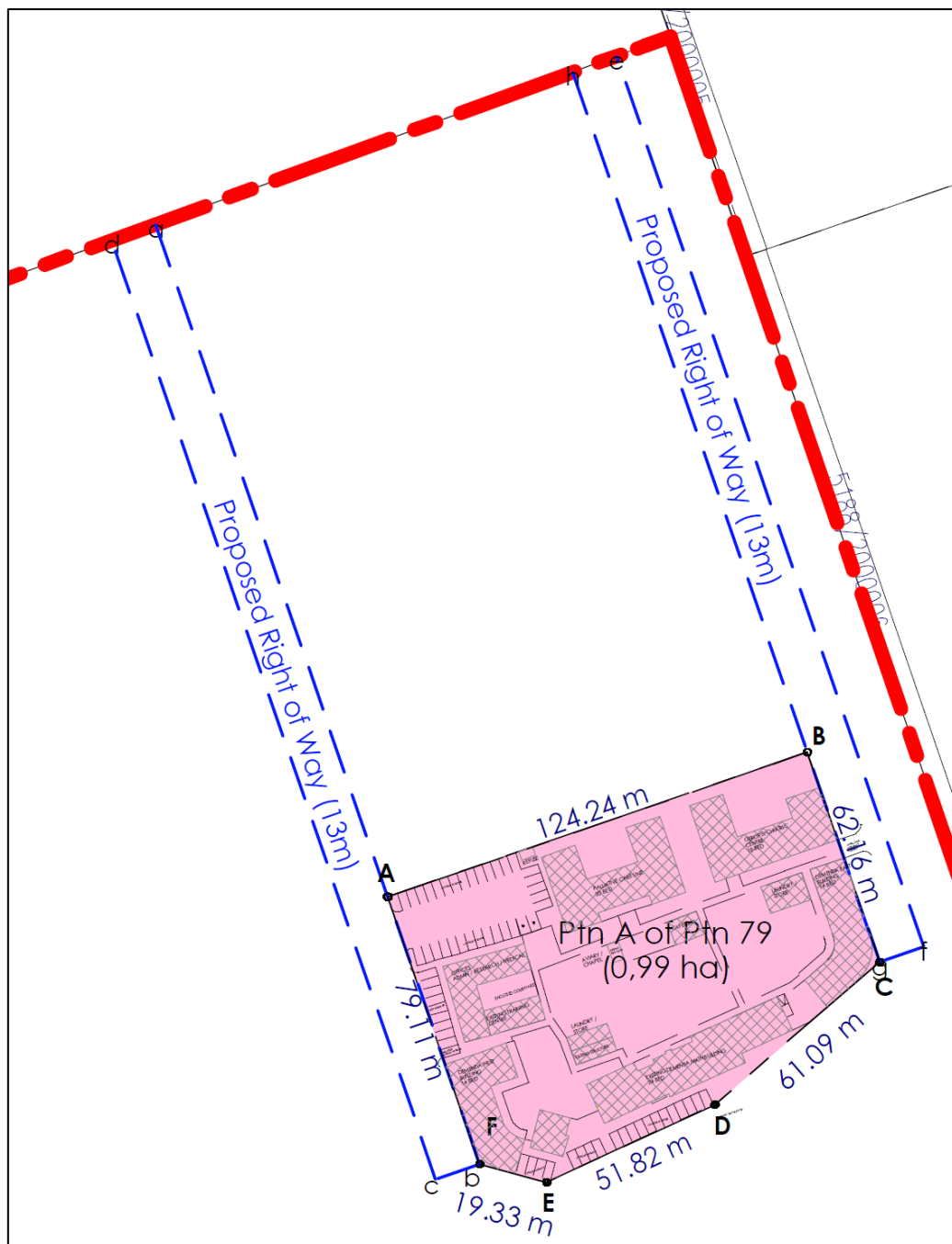


FIGURE 2: PROPOSED SUBDIVISION – SHOWING APPROVED FACILITY

4.1. Jura Care Village Dementia Care Home

Permanent rights for the portion of the property that the Jura Care Facility is being operated on has been obtained. A portion of the property was rezoned to "Institution Zone III" (Community Zone III as per the new Integrated George Zoning Scheme Bylaw Transition Table) to accommodate the care facility.

Currently, the Jura Care Village consists of the following:

- 24-bed Care Home;

- A training centre;
- Lounge Area;
- Dining Room;
- Laundry Room, and
- Administrative offices and staff room

4.2. Agricultural Usage

The Remainder of Portion 79 of the Farm Hans Moes Kraal No. 202 will continue to be utilised for agricultural purposes. The Remainder is used for grazing of a few cattle and sheep. The existing farmhouse will continue to be used as the farmhouse, where the owners of the farm reside. The existing outbuildings on the property will continue to be used as ancillary buildings to the agricultural activity on the property.

The use of the 2 existing labourers' cottages as visitor's accommodation ancillary to the care centre will continue to operate as is and the barn will continue to be used as a place of assembly as per the Temporary land use departure approval dated 24 February 2014. The proposed subdivision will in no way what so ever affect any of the existing agricultural activities.

4.3. Access & Parking

Access to the site is obtained via Divisional Road (DR01591) that runs along the northern boundary of the subject property. Vehicular access and egress to the development will be from the northern portion of the property via Divisional Road (DR01591). Two (2x) Right of Way Servitudes, each 13m wide, are to be registered over the proposed Remainder granting adequate access to both portions. These proposed servitudes follow the alignment of the existing farm roads on Portion 79.

The George Integrated Zoning Scheme By-Law, 2015 prescribes 0,5 parking bays per bed. The Jura Care Village caters for 24 patients, meaning a 24-bed Care Home, thus a total of 12 on-site parking bays is required. It should be noted that residents (patients) that require the specialised care which is provided at the Jura Care Facility are no longer able to drive with their own vehicles. The parking that has been provided, is mostly for visitors. A total of sixty-two (62) on-site parking bays are provided, thus providing more than adequate parking for the facility. This parking layout has already been approved during the previous land development application. *It should be noted, that all these parking bays, are located on the proposed subdivided property of the Jura Care Facility.*

It should be noted that the developers of the Le Grand Estate have to upgrade Divisional Road (DR01591) at some point (it is our understanding that this road has been deproclaimed, and that it is now a municipal road). Once the road has been constructed by Le Grand Estate, it might be necessary for the proposed access points to be relocated to a better position, with regard to a safe intersection with the new road. However, until Le Grand Estate reaches the prescribed capacity that requires the upgrade of the Divisional Road

(DR01591), the proposed access to Portion 79 of the Farm Hans Moes Kraal No. 202 is sufficient.

During the pre-application consultation meeting, the George Municipality has indicated that the proposed subdivision must take into consideration the proposed road planning of the Road that Le Grand must construct. Any accesses must be aligned with this plan. Once the road has been constructed, the applicant can relocate the access to the subdivided JuraCare.

5. STATUTORY SPECIFICATIONS

The following land development application is lodged in terms of the Land Use Planning By-Law for George Municipality, 2015, to achieve the desired outcome:

5.1. Subdivision

It is proposed to subdivide Portion 79 (A Portion of Portion 12) of the Farm Hans Moes Kraal No 202 into two (2) portions (Portion A & the Remainder). The registration of (2) x Right of Way Servitudes from Divisional Road (DR01591), over the proposed Remainder to the proposed Portion A. These servitudes are aligned along the existing road, and provision is made for 13m wide servitudes.

- Portion A = 0.99Ha
- Remainder = 41.8369Ha
- (2) x Right of Way Servitudes 13m wide over the Remainder

To allow for the proposed subdivision, an application is made in terms of section 15(2)(d) of the Land Use Planning By-Law for George Municipality, 2015.



FIGURE 3: PROPOSED SUBDIVISION & RIGHT OF WAY SERVITUDES

5.2. George Integrated Zoning Scheme By-Law, 2017

The proposed development on Portion 79 of the Farm Hans Moes Kraal No. 202 complies with all the development parameters as set out for "Community Zone III" and "Agricultural Zone I" in the George Integrated Zoning Scheme By-Law, 2017 which are shown in the table below:

PARAMETER	DESCRIPTION	COMPLIANCE
COMMUNITY ZONE III (CZIII)		
Primary Use: Institution	means a property used as a facility that renders services to the community including: • hospital; • clinic; • home for the aged, retired, indigent or handicapped, frail care facility; • a social facility such as a counselling centre, orphanage and rehabilitation centre; and includes: • ancillary accommodation, administrative, health care, training and support services and facilities; and • does not include a correctional facility.	COMPLY
Floor factor	The maximum floor factor is 1,2.	COMPLY Building Plans approved
Coverage	The maximum coverage is 60%.	COMPLY 45%

PARAMETER	DESCRIPTION	COMPLIANCE
Height	at least 30m	COMPLY Building Plans approved
Building lines	Street at least 5m	COMPLY Building Plans approved
	Side at least 5m	COMPLY Building Plans approved
	Rear at least 5m	COMPLY Building Plans approved
Parking and access	0,5 bays per bed	COMPLY 12 x Bays Required 64 x Bays Provided
AGRICULTURAL ZONE I (AZI)		
PARAMETER	DESCRIPTION	COMPLIANCE
Primary Use: Agriculture	means the cultivation of land for raising crops and other plants, including plantations, the keeping and breeding of animals, birds or bees, stud farming, game farming, intensive horticulture; intensive animal farming; a riding school or natural veld...	COMPLY
Building lines	The road or street and common boundary building lines are 30 metres.	COMPLY Building Plans approved
Height	- The height of a dwelling house may not exceed 6,5 metres to the wall plate in all cases and 8,5 metres to the ridge of the roof in the case of a pitched roof. - Agricultural buildings other than dwelling houses may not exceed a height of 15 metres to the top of the roof. - Earth banks and retaining structures which in the opinion of Municipality are associated with bona fide agricultural activities are exempt from the general provisions in this regard in this by-law.	COMPLY Building Plans approved

6. SERVICES INFRASTRUCTURE

During the previous rezoning application process, Studio 19 was appointed to investigate the services provision to the Jura Care Village. The rezoning application was approved and implemented. This application is merely to subdivide the approved "Institution Zone III" portion; thus, the service infrastructure will remain unchanged.

6.1. Water

The property (Portion 79 of the Farm Hans Moes Kraal No. 202) is currently connected to the Municipal Water Network. Rainwater storage & greywater recycling is implemented on the property and furthermore to ensure enough capacity in the existing retention ponds / water tanks to accommodate all the on-site irrigation / cleaning / flushing toilet requirements.

6.2. Sewer

During the pre-application consultation meeting with George Municipality (refer **ANNEXURE E** for a copy of the minutes of this meeting), it was confirmed that currently, Jura Care's sewer is on a septic tank system (*Municipality approved with the temporary land use departure*). With the implementation of the approved rezoning, the sewer will have to be collected in a conservancy tank. Once Le Grand has constructed the new sewer line to Le Grand, Jura Care will be expected to connect to the municipal sewer line.

6.3. Waste Removal

All medical waste is sealed and removed by a suitable qualified organisation. Recycled material is delivered to relevant contractors and a composting plant will be established on site to accommodate approved waste and garden refuse.

6.4. Electrical Services

The existing overhead Eskom power line / 11 kV substation and municipal metered connection currently provide electricity to the proposed subdivided portion (Jura Care Village).

6.5. Conclusion

Since the proposed subdivision merely entails the formalisation of an existing approved development, ***no additional services capacity will be required***. The proposal is not to expand the existing approved facility, it is merely to enable the existence of the approved, extended facility, on a separate cadastral unit.

SECTION C :

CONTEXTUAL INFORMANTS

7. LOCALITY

(Plan 1: Locality)

The existing Jura Care Dementia and Alzheimer's' caring facility is located approximately 10km from George central, and 5km from Pacaltsdorp. The property is accessed from the former DR1591 at approximately the Km1 mark, which is itself accessed from Main Road 349 / Beach Road, Pacaltsdorp. The application area is adjacent to the now defunct Le Grand Gold Estate and is only 4,5km from Herold's Bay, although the Gwayang River separates the application area from Herold's Bay and the Oubaa Golf Estate. The coordinates for the centre of the property is located at 34° 3'2.33"S and 22°26'56.78"E.



FIGURE 4: LOCALITY

8. CURRENT LAND USE AND ZONING

8.1. Land Use

The application area is currently used for the 'Jura Care Dementia Care Home', whilst the remainder of the farm is used for limited agricultural purposes. A Temporary land use departure for a Place of assembly and 2x labourers cottages used for visitor's accommodation for JuraCare approved during 2014, and these uses are taking place on the application area. The intention of the application is to have each land use on its own property in order for them to operate as separate entities.



FIGURE 5: EXISTING LAND USE PORTION A-JURA CARE VILLAGE



FIGURE 6: EXISTING LAND USE REMAINDER-AGRICULTURE (LIVESTOCK)

8.2. Zoning and Existing Land Use Rights

The application area currently has a split zoning between "Agriculture Zone I" and "Community Zone III" in terms of the George Integrated Zoning Scheme By-Law, 2017. The portion of the application area that is now applied for subdivision, is zoned "Community Zone III".

In addition to these rights, the municipality approved an application for a temporary land use departure for a "place of assembly" and "additional dwelling" for guest accommodation

on the remainder of Portion 79. A copy of this 2019 approval is attached as **ANNEXURE B**.

9. CHARACTER OF THE AREA

The area surrounding the application area is characterised by mainly residential uses. Lalavuga Coastal Reserve is to the east of the property and includes 16 extensive residential properties with Le Grand Estate with 600 plus serviced residential erven to the west. The Le Grand Golf Estate (in liquidation) is to the north of the application area, as well as the semi-complete Le Grand Golf Course. The incomplete golf course impacted on the groundwater of the application area, since the applicant's borehole has dried up and the runoff to the application area has decreased.



FIGURE 7: CHARACTER OF THE AREA

"Kwelanga Country Retreat" is also accessed from Divisional Road 1591 and offers luxury accommodation, conference, restaurant and function venue facilities. The area has retained its mainly rural character despite its diversified land uses and the proximity of Pacaltsdorp and the City of George. The proposed subdivision would be in line with this diversified rural character of the area the two land uses has been operating separately since approval of land use rights.

10. EXISTING POLICY FRAMEWORKS

10.1. Western Cape Provincial SDF (2014)

The Western Cape Provincial SDF was approved in 2014 by the Western Cape Parliament and serves as a strategic spatial planning tool that "communicates the provinces spatial planning agenda"

The PSDF sets out a policy framework within which the Western Cape Government will carry out its spatial planning responsibilities. Each of the three spatial themes contributes to the achievement of the Western Cape's strategic objectives. These policies are categorised into three themes, namely:

- **Resources:** Sustainable use of spatial assets and resources
- **Space Economy:** Opening up opportunities in the Space Economy
- **Settlement:** Developing Integrated and sustainable settlements.

The Western Cape's agenda for spatial transformation and improved efficiencies in the use of natural resources are closely linked. The PSDF states that the paradigm that economic growth implies the on-going depletion of the Province's natural capital needs to be broken. This is the rationale for the PSDF embracing a transition to a Green Economy. The so-called 'decoupling' of economic growth strived for, requires reductions/substitutions and/or replacements in the use of limited resources, while avoiding negative environmental impacts. The table below contains a summary of the key transitions promoted in the PSDF:

PSDF THEME	FROM	TO
RESOURCES	Mainly curative interventions	More preventative interventions
	Resource consumptive living	Sustainable living technologies
	Reactive protection of natural, scenic and agricultural resources	Proactive management of resources as social, economic and environmental assets
SPACE-ECONOMY	Fragmented planning and management of economic infrastructure	Spatially aligned infrastructure planning, prioritisation and investment
	Limited economic opportunities	Variety of livelihood and income opportunities
	Unbalanced rural and urban space economies	Balanced urban and rural space economies built around green and information technologies
SETTLEMENT	Suburban approaches to settlement	Urban approaches to settlement
	Emphasis on 'greenfields' development and low density sprawl	Emphasis on 'brownfields' development
	Low density sprawl	Increased densities in appropriate locations aligned with resources and space-economy
	Segregated land use activities	Integration of complementary land uses
	Car dependent neighbourhoods and private mobility focus	Public transport orientation and walkable neighbourhoods
	Poor quality public spaces	High quality public spaces
	Fragmented, isolated and inefficient community facilities	Integrated, clustered and well located community facilities
	Focus on private property rights and developer led growth	Balancing private and public property rights and increased public direction on growth
	Exclusionary land markets and top-down delivery	Inclusionary land markets and partnerships with beneficiaries in delivery
	Limited tenure options and standardised housing types	Diverse tenure options and wider range of housing typologies
	Delivering finished houses through large contracts and public finance and with standard levels of service	Progressive housing improvements and incremental development through public, private and community finance with differentiated levels of service

FIGURE 8: KEY TRANSITIONS FOR THE PSDF

The recent shift in legislative and policy frameworks have clearly outlined the roles and responsibility of provincial and municipal spatial planning and should be integrated towards the overall spatial structuring plan for the province to create and preserve the resources of the province more effectively through sustainable urban environments for future generations. This shift in spatial planning meant that provincial inputs are in general limited to provincial scale planning.

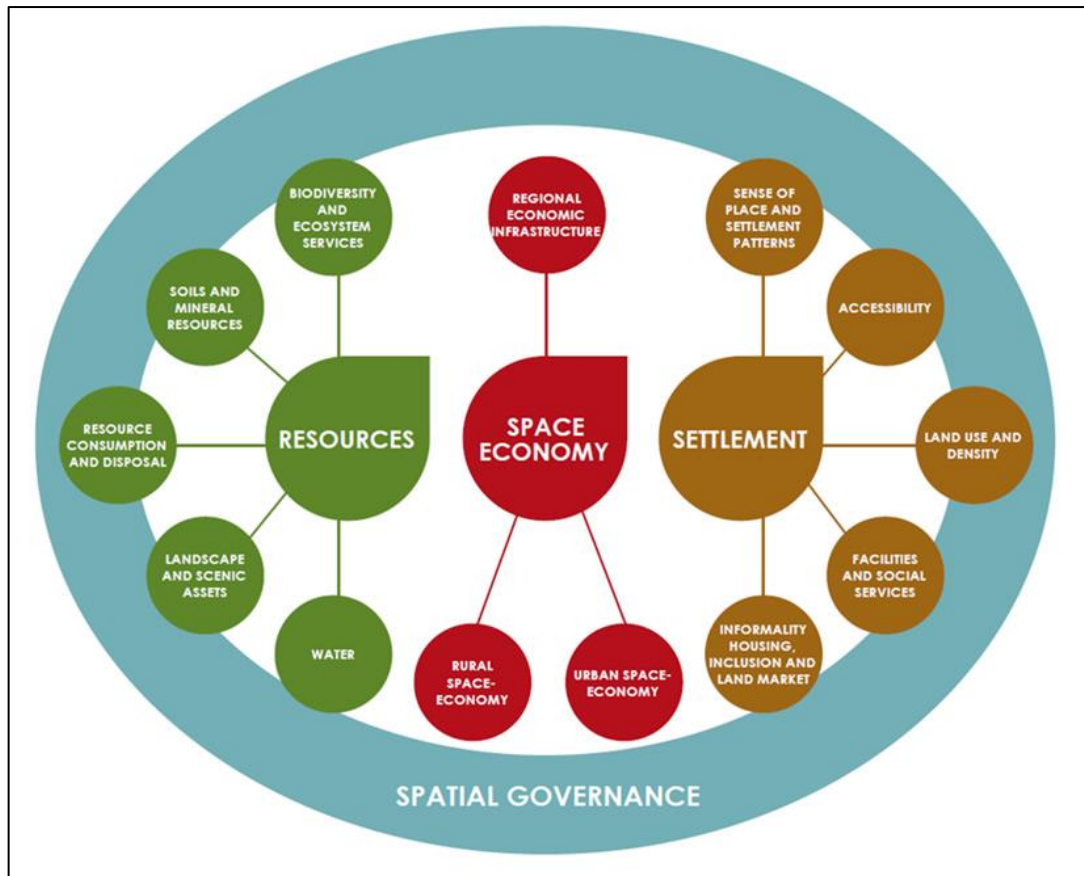


FIGURE 9: POLICIES APPLICABLE TO THE PROPOSED DEVELOPMENT

The proposed development compliments the SDF's spatial goals that aim to take the Western Cape on a path towards:

- (i) Greater productivity, competitiveness and opportunities within the spatial economy;
- (ii) More inclusive development and strengthening the economy in the rural areas;
- (iii) Strengthening resilience and sustainable development.

However, it is important to note some of the key policies laid down by the draft PSDF have a bearing on this application.

POLICY E2: DIVERSIFY AND STRENGTHEN THE RURAL ECONOMY

4. Compatible and sustainable rural activities (i.e. activities that are appropriate in a rural context, generate positive socioeconomic returns, and do not compromise the environment or ability of the municipality to deliver on its mandate) and of an appropriate scale and form can be accommodated outside the urban edge (except in bona fide wilderness areas)

POLICY S4: BALANCE AND COORDINATE THE DELIVERY OF FACILITIES AND SOCIAL SERVICES

1. Balance sustainable service delivery and equitable access to education and health services

4. Rationalise and balance the regional distribution of health and education service centres around a coherent hierarchy of services and only invest in places where people can easily access these services

Planning Implication:

The proposed Jura Care Dementia Care Home has a specific space and locational requirement in a rural and tranquil environment. The proposal aims to maintain the rural character of the area and allow the majority of the property to be utilised for agricultural purposes as a separate entity.

The proposal will not impact the spatial structure of the area, densification or urban sprawl and no additional land use rights are being applied for.

The proposal complies with the land use rights and parameters of the applicable zoning scheme and does not in any way deviate from the provisions set out for properties located outside the urban edge.

The Jura Care Village currently allows for at least 130 permanent employment opportunities, for skilled and unskilled staff. The community of Pacaltsdorp benefits greatly from the operation of the facility, ensuring a number of residents with employment opportunities.

The proposed subdivision is therefore regarded as being consistent with the Western Cape Spatial Development Framework.

10.2. Western Cape Rural Development Guidelines (2018)

The Western Cape Rural Development Guidelines form part of the roll-out of the PSDF; the objectives in introducing Rural Land Use Planning and Management Guidelines are.

- To promote sustainable development in appropriate rural locations throughout the Western Cape and ensure that the poor share in the growth of the rural economy.
- To safeguard the functionality of the Province's life-supporting ecosystem services (i.e. environmental goods and services).
- To maintain the integrity, authenticity, and accessibility of the Western Cape's significant farming, ecological, cultural and scenic rural landscapes, and natural resources.
- To assist Western Cape municipalities to plan and manage their rural areas more effectively.
- To provide clarity to the provincial government's social partners on what kind of development is appropriate beyond the urban edge, suitable locations where it could take place, and the desirable form and scale of such development

Guidelines for Managing Rural Land Use Change:

Development in the rural area should not:

- have a significant negative impact on biodiversity;
- lead to the loss or alienation of agricultural land or has a cumulative impact thereupon;
- compromise existing or potential farming activities;
- compromise the current and future possible use of mineral resources;
- be inconsistent with the cultural and scenic landscape within which it is situated;
- involve extensions to the municipality's reticulation networks;
- impose real costs or risks to the municipality delivering on their mandate; and
- infringe on the authenticity of the rural landscape.

The provincial approach to managing development pressures for the rural land uses placed under the following categories:

- | | |
|-------------------------------------|---|
| ▪ Conservation | ▪ Industry in rural areas |
| ▪ Agriculture | ▪ Community facilities and institutions |
| ▪ Rural Accommodation | ▪ Urban development |
| ▪ Tourist and recreation facilities | ▪ Infrastructure installations |
| ▪ Rural business | |

The proposed land uses would be categorised as *Agriculture & Community Facilities and Institutions*. These categories are summarised as follow:

Agriculture: As base of the Western Cape's rural economy, the provincial approach is to: promote consolidation of farming landscapes and prevent their fragmentation; provide for land and agrarian reform; improve the viability of farming by facilitating diversification of the farm economy; promote enterprise opportunities within the food system and promote sustainable farming practices. The objectives for this category as per the guidelines are:

- a. Protect agriculture as a primary land use in the rural landscape.
- b. Restrict the fragmentation of agricultural landscapes and promote consolidation.
- c. Protect, maintain and enhance viable agricultural units and encourage sustainable farming practices.
- d. Provide for small-scale farming and facilitate land and agrarian reform.
- e. Improve the economic viability of farms through intensification and diversification and improve enterprise opportunities within the food system.
- f. Improved food resource management (availability of food / food security) and an inclusive food economy (assistance to access to food).

Community Facilities and Institutions: The approach is that community facilities serving rural communities should be located within existing settlements except when travel distances are too far, or rural population concentrations justifies the location of community facilities in rural areas. The objectives for this category as per the guidelines are:

Provincial Rural Development Guideline Criteria	Jura Care's response
[a] Community facilities and institutions are defined as state-provided facilities and/or not-for-profit services catering to the local farm / rural community.	The approved facility is privately owned and services the surrounding rural economy, but also fulfil a specialised service with a specific locational requirement.
[b] Rural community facilities include educational; health; assembly; religious; sport etc.	<u>Consistent</u> – the approved caring facility is a health facility. The proposed subdivision will not change the use of the land.
[c] To provide facilities necessary for the sustainable socio-economic development of rural communities.	<u>Consistent</u> – at full capacity, the proposal will create in excess of 130 permanent employment opportunities – this includes skilled and unskilled employment opportunities.
[d] To provide for institutions requiring extensive land or an isolated location (e.g. correctional facilities).	<u>Consistent</u> – this caring facility has a specific locational requirement. Alzheimer's patients' needs are peculiar and very specific. Dementia can cause behavioural changes that can be confusing, irritating or difficult for others to deal with, leaving carers, partners and family members feeling stressed, irritable or helpless. ▪ Some of the specific needs of Alzheimer patients is a need for a private place to withdraw to; a place where the patient has protection from excessive noise levels and activity (such as the normal hustle and bustle of urban areas) as well as full-time care (24 hours a day, 7 days a week). ▪ Alzheimer's patients cannot be accommodated in normal frail care homes. They need a facility which is specially designed to meet their needs. The rooms should be as comfortable as possible, without them having a hospital atmosphere. A comfortable lounge and dining room and a peaceful garden are necessary. ▪ Alzheimer patients are known to suffer panic attacks when experiencing excessive noise and movement hence,

Provincial Rural Development Guideline Criteria	Jura Care's response
	the need for a separate guest facility to accommodate visiting family or friends. For the above reasons, the proposed subdivision can be regarded as being consistent with this guideline.
[e] To provide for institutions serving agricultural production (e.g. agricultural schools and research facilities).	JuraCare does not serve agricultural production, but it does indeed include a research component in the treatment and prevention of Alzheimer's and Dementia.

Planning Implication:

The Rural Development Guidelines are guidelines to maintain the unique character of rural areas and to guide spatial planning and land use management in the rural areas. The proposed development is in line and consistent with the objectives for each category and the guidelines for implementation has been taken into consideration for this proposal. The scale of the proposal and the fact that the buildings are existent confirms that the proposal will not change the rural character of the area.

10.3. Eden Spatial Development Framework (2017)

The Eden District Spatial Development Framework was approved in 2017 and aims to establish a strong strategic direction and vision, towards increasing levels of detail in the spatial recommendations that are directive rather than prescriptive and providing guidance to local municipalities in the District regarding future spatial planning, strategic decision-making and regional integration.

This vision and strategic direction identify the four key drivers of spatial change within the District. These drivers are defined in terms of spatial legacies, current challenges, future risks and prospects. The four drivers of change around which this SDF are framed are"

Strategy 1: The economy is the environment; a strategy founded on the principle that a sustainable economy in Eden District is an economy that is positioned for growth.

Strategy 2: Regional accessibility for inclusive growth; a strategy that is based on the notion that improved regional accessibility is essential to achieving inclusive growth

Strategy 3: Coordinated growth management for financial sustainability; a strategy informed by the realities of global fiscal austerity and the need for responsible growth management that does more with less to secure future social and economic resilience.

Strategy 4: Planning, budgeting and managing as one government, this strategy highlights that real intergovernmental cooperation is essential to achieving the spatial transformation goals of SPLUMA and the three spatial strategies above.

These strategies lie at the heart of this SDF and the problem statement, spatial concept, spatial proposals and implementation are organised around these directives.

According to the Eden SDF, George's role within the Eden District is a "**Regional Service Centre**". Regional Service Centres are main urban centres. Regional Service Centres contain industry, service sectors and innovative business environments. These centres are described as being suitable to accommodate population growth and are viably supported by the centre's infrastructure capacity and offer access to jobs, services and facilities. These centres should be enhanced and further developed through integration, infill, densification and mixed-use development in well-located areas. The tertiary health, education, cultural facilities and government services in these centres should be supplemented or upgraded to meet need where necessary.

The following Spatial Policy Statements & Guidelines are applicable to the proposed land development planning application:

STRATEGY: THE ECONOMY & ENVIRONMENT	
POLICY 1.1. Establish, manage and market the Garden Route and Klein Karoo as two unique sub-regions of Eden	
Guideline 1.1.1. Contain development and manage rural areas through the appropriate location of SPCs.	Compliance with a land development application
The Eden District SDF adopts and recommends the application of the Draft WCG Rural Land Use Planning and Management Guidelines (2017) and their definitions of rural and agricultural Spatial Planning Categories.	The land has been used for agricultural purposes and structures has been erected. The Institutional land use does not by definition slot into these categories but is motivated in this report the reason it is to be located in the rural area.
POLICY 1.3. Grow an inclusive agricultural economy	
Guideline 1.3.4. Support an inclusive and accessible agricultural value chain.	Compliance with a land development application
The preservation of agricultural land and the integrity of agricultural operations must be protected and enhanced.	The proposal to subdivide the property and allow the agricultural entity to be run on its own will contribute to the preservation of agricultural land and enhancing the integrity of agricultural operations in the region.

Planning Implication:

This spatial document emphasises sustainable development and protecting the environment which is the economy of the Eden District. The proposal will diversify and strengthen the rural economy, whilst rendering a very important, specialised and scarce service to the region. The existing facility is a specialised Alzheimer's and Dementia Care Facility, as per the Eden SDF the need for these facilities in the region is high. In the Southern Cape, the only other specialised care facilities for Dementia Patients are: "House Elsje" in Mossel Bay, "Paradise Manor Care Home" in Knysna and "Brenton Hill Care Home" in Knysna.

The Agricultural entity will be operated on its own, which will allow these two lands uses to be operated on its own with its own access. The proposal is in line with strategies and the guidelines of the Eden SDF.

10.4. George SDF (2017)

The George SDF was adopted by George Municipality during 2013, reviewed during 2017 and advertised for public consideration and representation during October 2018. The George SDF is informed by the strategic direction taken by a Municipality's Integrated Development Plan. The George SDF articulates a clear spatial vision for a municipality's urban and rural areas and specifies objectives and strategies to be implemented to realise this vision.

The George SDF details 5 development objectives, each with a Preamble, Problem Statement & General Policy Guidelines and specific Spatial Strategies. These objectives remain relevant as per the review of 2017. The spatial development objectives applicable to the proposal are:

SPATIAL DEVELOPMENT OBJECTIVE 4.2: STRENGTHENING THE ECONOMIC VITALITY

The challenge is facilitating growth in sectors of strategic priority, facilitating catalytic projects that level the playing field for entrepreneurial activity, re-instil investor and consumer confidence by improving service delivery and creating an environment conducive to investment. The SDF recognised this and identifies economic opportunity areas where the local service economy can be strengthened, and livelihood opportunities for poor households increased.

To address these challenges and develop the economy of George to the benefit of all its inhabitants, the Municipality is pursuing the following spatial development strategies:

- Enhance the Regional and Local Space Economy
- Strategic Developments to Diversify and Strengthen the Economy
- Consolidate and reinforce nodes of economic activity
- Infrastructure Services Provision

SPATIAL DEVELOPMENT OBJECTIVE 4.5: ENHANCE THE RURAL CHARACTER AND LIVELIHOOD

The challenge is; the rural strategy focusses on maintaining ecologically functional and economically productive rural landscapes. The economic value of the rural hinterland is also important, and this resource base should be managed and protected.

To address these challenges the Municipality are pursuing the following spatial development strategies:

- Protect the Productive Landscape
- Manage the Subdivision of Land
- Enhance the Rural Livelihood and promote the integrated rural development

The application area is located outside the demarcated urban edge of Hans Moes Kraal, but it is located ***within the identified Special Investment Node and inside the area earmarked for future growth***. According to the SDF, the intention of this New Special Investment Node is not to redirect any potential investment away from the existing Pacaltsdorp or any other area in George. *The intention is to attract developments that, due to its scale and uniqueness will not "fit" into any other area of George.* Such development has the potential to have a positive effect on the space economy of George and will have a positive effect on George and Pacaltsdorp in particular.

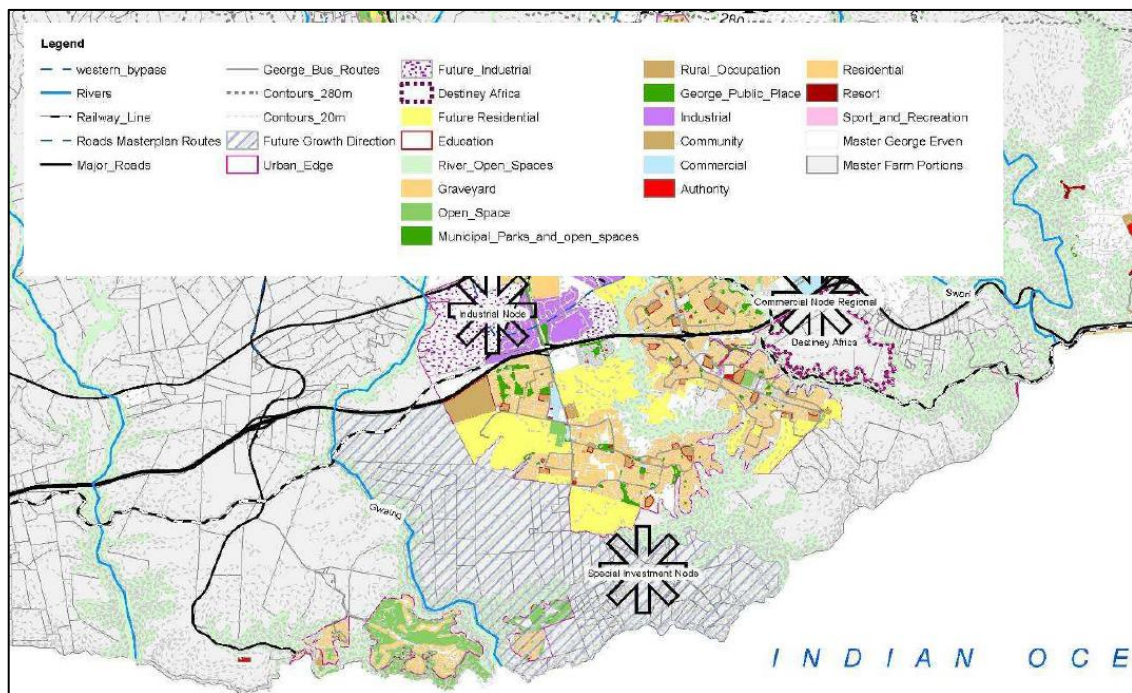


FIGURE 10: EXTRACT FROM GEORGE SDF

The Hans Moes Kraal precinct, which has the locational attributes to become a 'high-tech' hub accommodating science, technology, research, training and related enterprises. The Municipality has initiated a precinct level planning study to investigate appropriate means of unlocking this special investment node's potential.

It should be noted, that:

- since this subdivision will not create additional development rights on the application area, it will merely formalise the existing approved rights.

- The proposed subdivision will not create new “small holdings” outside the urban area.
- The proposed subdivision will not mar the development potential of the remainder of the Hans Moes Kraal area, in fact, if finance can be raised for the construction of the specialised caring facility, it could attract more specialised investment (such as medical centres, research centres, medical headquarters), into the identified “Special Investment Node”.
- This proposed subdivision could be the **catalyst for appropriate development** in the area.

Planning Implication:

The proposed development is in line with 2 of the development objectives; spatial development objective 4.2: Strengthening the Economic Vitality & spatial development objective 4.5: Enhance the Rural Character and Livelihood. The proposed subdivision will protect the productive landscape and allowing the agriculture section of the property to be run as a separate entity and enhancing the rural livelihood. The existing Jura Care facility is / will:

- *Be on par with international standards for treatment facilities;*
- *Attract local as well as international patients (international investment);*
- *Include an Alzheimer’s & Dementia Research Facility (require at least 60 beds to qualify as research facility);*
- *Is registered with all the relevant Government Departments, such as Social Services and Health;*
- *Training centre where staff and home-based carers are trained;*
- *Result in the creation of 130 employment opportunities for the local George area;*
- *Support the local Pacaltsdorp economy as the local doctors and pharmacies of Pacaltsdorp are used / supported.*

During the pre-application consultation meeting with George Municipality, the Provincial Planning Department confirmed that given the provisions of the George SDF, the fact that Hans Moes Kraal is the growth direction of the town, and the existing facility, there is no reservation on the land use application from a Provincial land use planning perspective.

From the above, it is clear that the proposal is consistent with the George SDF.

10.5. George Integrated Development Plan (2017-2022)

George Municipality’s IDP covers the five-year period 2017 - 2022 and it represents the fourth generation of cyclical strategic planning in the local sphere of government.

The George IDP identified five strategic objectives for the Municipal Area. These agreed-upon strategic objectives are:

- SO1 Develop & Grow George;
- SO2 Safe, Clean and Green;
- SO3 Affordable quality services;
- SO4 Participative Partnerships;
- SO5 Good Governance and Human Capital.

The application area is located within Ward 23 of the George Municipality consisting of the following areas: Bos en Dal, Breakwater Bay, CPA Area, Groeneweide Park, Herolds Bay, Le Grand, Monate Resort, Oubaa Golf Estate, Pacaltsdorp Industria, Rooirivier, Toeriste Gebied, Delville Park, Syferfontein, Hans Moes Kraal, Gwaing Farm Areas and Gwaingriviermond. None of the identified ward-based needs and challenges has a direct bearing or any reference to the proposed development on the subject property.

Planning Implication:

The IDP is a municipal planning tool to integrate municipal planning and allocate municipal funding to achieve strategic objectives that will contribute to the overall municipal vision. The proposed development has no direct link with the strategic objectives set out. The socio-economic impacts of the proposed development (two separate entities on two separate properties) will contribute to growing the municipal revenue base, as an additional property will contribute rates and taxes. The facility currently employs temporary and permanent staff. The proposal can be considered to be in line with the IDP enabling an economic environment through local economic development initiatives.

10.6. Pacaltsdorp / Hans Moes Kraal Precinct Plan (2013)

The Hans Moes Kraal area has been identified as a Special Investment Area in the George SDF, and a detailed local area structure plan was compiled to provide more detail and guidance with regard to future planning for Special Investment areas.

The area where the Jura Care Village is located is earmarked as an area that should focus on research and development components.

According to this local area structure plan, the Research and Development Component is also a key component of the STP and is primarily aimed to provide research and development facilities as well as training. It will support the hi-tech industries and it should be in close proximity to the hi-tech industrial component in order to promote an interface with the hi-tech industries. Important elements of the Research and Development Zone should be the university, incubation/start-up room, the innovation centre and the techno centre.

The figure below shows an extract of the Hans Moes Kraal Precinct Plan:

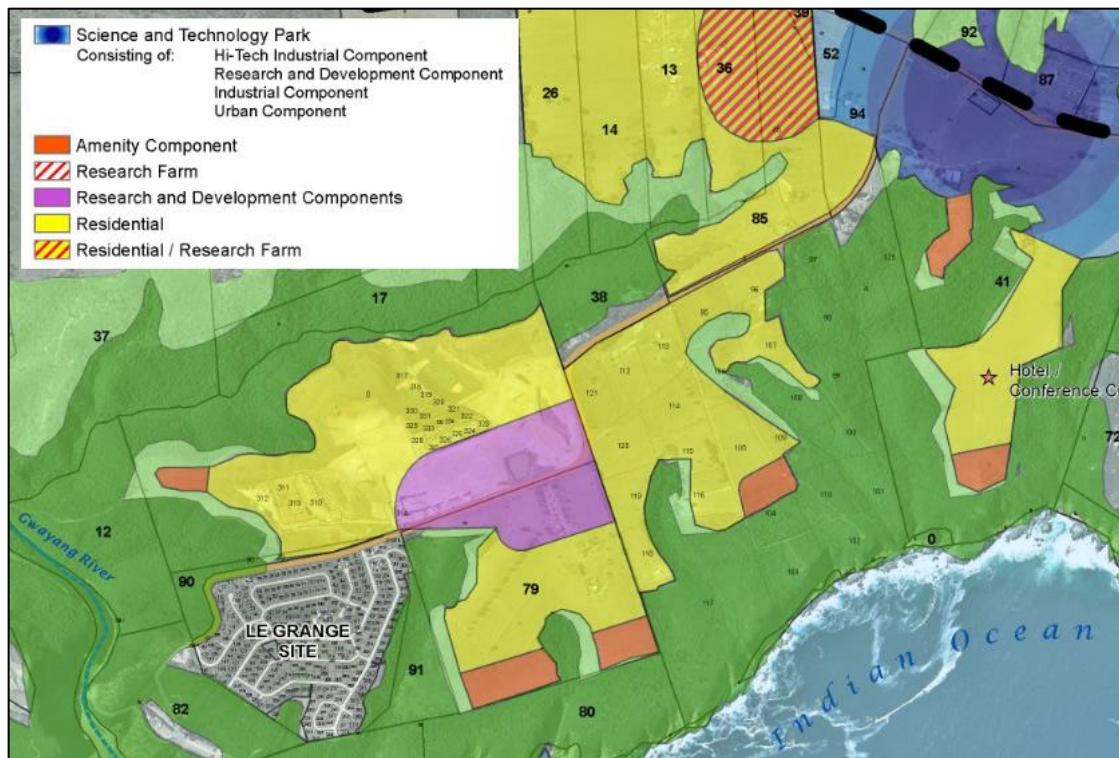


FIGURE 11: EXTRACT FROM THE HANS MOES KRAAL LOCAL AREA PRECINCT PLAN 2013

Planning Implication:

Jura Care works already in close collaboration with Excellentis that does research on Dementia and will be able to attract further international research entities. Also, staff are trained on site, and as the Jura Care Village expands, there will be more opportunities for research and training. The proposed subdivision will allow the owners to raise capital to construct the approved zoning rights. There is a need to subdivide the facility, to operate the facility on its own cadastral property and to raise finance for the facility via a bond for the subdivided property, without impacting on the agricultural activities on the remainder of the farm.

No Financial Institution is willing to bond farms at a value of more than 50% of the land value of the farm. If the property can be subdivided, if the facility can function on a separate cadastral entity, private financiers such as medical institutions and doctors can be approached.

The optimal functioning of the caring facility will enhance the George / Pacaltsdorp economy by encouraging year-round residents and permanent employment.

It is, therefore, the considered opinion that the proposal is consistent with the objective of the Hans Moes Kraal Local Area Precinct Plan.

SECTION D :**MOTIVATION**

The Spatial Planning and Land Use Management Act (SPLUMA) came into effect on 1 September 2014. One of the main objectives of this act is to provide a framework for spatial planning and land use management to address past spatial and regulatory imbalances.

11. ASSESSMENT OF APPLICATIONS**11.1. Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)**

Section 42 of SPLUMA prescribe certain aspects that have to be taken into consideration when deciding on an application. These are:

- (1). Development principles set out in Chapter 2 of SPLUMA
- (2). Protect and promote the sustainable use of agricultural land
- (3). National and provincial government policies the municipal spatial development framework; and take into account: —
 - (i) the public interest;
 - (ii) the constitutional transformation imperatives and the related duties of the State;
 - (iii) the facts and circumstances relevant to the application;
 - (iv) the respective rights and obligations of all those affected;
 - (v) the state and impact of engineering services, social infrastructure and open space requirements; and
 - (vi) any factors that may be prescribed, including timeframes for making decisions.

11.2. Land Use Planning By-Law for George Municipality (2015)

The Land Use Planning By-Law for George Municipality, 2015 as promulgated by G.N 7427 dated 26 July 2015 states in Section 65 the general criteria necessary for considering an application by the municipality.

The following criteria must be considered when evaluating the desirability of the subdivision and rezoning application. The table below summarises the criteria and reference to the motivation contained in the report:

CRITERIA	REFERENCE IN REPORT
The integrated development plan, including the municipal spatial development framework;	Par 10.5
The applicable local spatial development frameworks adopted by the Municipality	Par 10.4
The applicable structure plans	Par. 10.6
The applicable policies of the Municipality that guide decision-making	Par 11.2
The provincial spatial development framework;	Par 10.1
The policies, principles and the planning and development norms and criteria set by the national and provincial government;	Par 11.1
The matters referred to in Section 42 of the Spatial Planning and Land Use Management Act; Principles referred to in Chapter VI (6) of the Western Cape Land Use Planning Act; and	Par 21
Applicable provisions of the zoning scheme	Par 5.2

12. CONSISTENCY WITH SPATIAL PLANNING POLICIES

As described in **Par. 10** of this report, the proposal is consistent with the relevant spatial planning policies. The proposal is consistent with the relevant spatial planning policies for the following reasons:

- (i) The proposal is in line with the spatial development objectives as set out in the George SDF. The subject property falls within the demarcated new "Special Investment Node" as set out in George SDF. The proposal is in line with intention of this New Special Investment Node which is to attract developments that, due to its scale and uniqueness will not "fit" into any other area of George;
- (ii) It is consistent with the proposals of the Pacaltsdorp / Hans Moes Kraal Precinct Plan (2013);
- (iii) In line with the strategic objectives as set out in the IDP of George Municipality and it will increase the municipal revenue base as an additional property will be contributing to rates and taxes;
- (iv) Consistent with the Spatial Policy Statements & Guidelines of the Eden Spatial Development Framework;
- (v) Complies with the strategic objectives as set out in the Provincial SDF.

13. CONSISTENCY WITH THE SURROUNDING AREA

This existing establishment and farming activities are consistent with the surrounding area and the character of the property will not in any way change with this application, as it is merely to formally subdivide the property.

The development is also consistent with the visual character of the area.

Given the application area's unique locality, the development is ideal to be situated where it is and is already well established in the area, therefore, be concluded that the proposed development will be consistent with the surrounding area.

The proposed subdivision will not change the character of the area. It will merely formalise the existing approved specialised caring facility on its own cadastral unit.

14. NO IMPACT ON EXISTING RIGHTS

The proposed subdivision will not impact any existing land use right currently enjoyed by neighbouring properties. There will be no increase in noise or pollution of the area as a result of the proposed subdivision. The scale of the development was designed that there will be a very slight increase in the number of vehicle trips in the area and has proven to be the case since approval. The remainder of the farm will continue to operate as it has been previously.

The only change is that the existing, approved JuraCare Alzheimer's & Dementia Centre will operate on its own title, hence no impact on the neighbouring property owners' approved rights.

15. NO IMPACT ON MUNICIPAL SERVICES

The proposed subdivision will have no impact on municipal service infrastructure. The existing services infrastructure is adequate as is for the proposed subdivision. The existing electricity supply from Eskom is adequate and no supplementary electricity supply is required.

Therefore, the proposed development will have no impact on the existing municipality services. During the pre-application consultation, it was confirmed by the George Municipality's Engineering Department, that the proposed subdivision will have no impact on the municipal bulk services requirements.

16. NEED FOR SUBDIVISION

The existing approved JuraCare facility is growing, and in order to raise capital to implement the approved zoning rights, there is a need to subdivide the property to enable the institution to function on its own cadastral property.

The applicant needs to raise finance for the facility via a bond for the subdivided property, without impacting on the agricultural activities on the remainder of the farm to construct the expansion of the caring facility.

With the current political climate and threat of expropriation of farmland, no Financial Institution is willing to bond farms at a value of more than 50% of the land value of the farm. If the property can be subdivided, and the JuraCare Institution can function on a separate cadastral property, private financiers such as medical institutions and doctors can be approached to invest in the facility.

17. PROVISION OF A MUCH-NEEDED SERVICE TO THE AREA

There is a serious lack of dedicated Dementia Care facilities in the region as well as in the whole of South Africa. The proposed development is immaculate for the area and to attract national and international investment to further grow the economy of George. This well-established facility is highly desirable.

Alzheimer's South Africa estimates that there are about 750,000 people in South Africa suffering from Alzheimer's alone. Remember that Alzheimer's represent about 60% of people living with Dementia. If that is the case, then we can estimate that about 1.25 million people are living with Dementia in South Africa. In the Southern Cape, the only other specialised care facility for Dementia Patients is "House Elsje" in Mossel Bay, "Brenton Hill Care Home" in Knysna and "Paradise Manor Care Home" in Knysna

Alzheimer's South Africa has shown support and endorsed this facility and the facility has been in operation without any problems.

18. SOCIO-ECONOMIC IMPACT

The existing Jura Care Village will have significant positive socio-economic impacts, that includes research and development in Dementia Treatment; Skills Development for the local area and permanent employment opportunities. The facilities also attract national and international investment to further grow the economy of George.

Several residents have family from overseas that either contribute to or are the sole source of payment for their family member at the Jura Care Village. There is investment coming into South Africa and into George from all over South Africa and from overseas

The proposed development is in the interest of the George Municipal area's economy, as the current the Jura Care home employs 35 people. The approved extended facility has the potential to raise 130 permanent jobs. These jobs can only be created once the approved facility has been constructed, and the applicant requires a capital investment in excess of R25 Million to be able to construct the approved facility.

With the current political climate and threat of expropriations of farmland, no financial institution is willing to bond farms at a value of more than 50% of the land value of the farm. If the property can be subdivided, and there is a separate "Community Zone III" zoned property, private financiers such as medical institutions and doctors can be approached for finance.

Once the approved extended facility has been constructed, the additional employment opportunities will be created.

19. NO ENVIRONMENTAL IMPACT

No negative environmental impacts will be created as a result of the subdivision.

The proposed development site is in the existing buildings which are constructed on the existing disturbed areas. The proposed Portion A, on which the existing Jura Care Facility is constructed,

is a transformed area with multiple existing structures and long-standing agricultural use. The application area is also not within a recognised Critical Biodiversity Area, nor is it within a listed Threatened Ecosystem. The ecosystems identified above are recognised as 'vulnerable'. In addition, since the area has been transformed by farming activities.

The proposed development does not trigger any listed activities in terms of the National Environmental Management Act (1998) as amended. Therefore, the development will not have any significant negative impacts on the natural environment in or around the application area. No significant sensitive vegetation exists on the application area.

The Department of Environmental Affairs and Development Planning has confirmed that the proposed subdivision does not trigger the need for an Environmental Authorisation. A copy of this correspondence is attached as **ANNEXURE K**.

20. ACCESSIBILITY OF THE AREA

Access to the Jura Care Village is currently obtained via the main access road to the Le Grand Estate. This road was known as DR01591, but it was recently deproclaimed to a municipal street. The road is an access/activity road and its main function is to provide access to the adjacent farms, Le Grand Estate and the Gwaing River mouth.

The existing farm access to the Jura Care Village will be used. No new access roads are required.

21. WESTERN CAPE LAND USE PLANNING ACT, 2014 (ACT 3 OF 2014)

The purpose of this Provincial legislation is to consolidate legislation in the Province pertaining to provincial planning, regional planning and development, urban and rural development, regulation, support and monitoring of municipal planning and regulation of public places and municipal roads arising from subdivisions; to make provision for provincial spatial development frameworks; to provide for minimum standards for, and the efficient coordination of, spatial development frameworks; to provide for minimum norms and standards for effective municipal development management; to regulate provincial development management; to regulate the effect of land development on agriculture; to provide for land use planning principles; to repeal certain old-order laws; and to provide for matters incidental thereto.

Section 59 of this Act prescribe the Land Use Planning Principles that are applicable to all land development in the Province. These are summarised in the tables below. The tables below aim to summarise how the proposed development on Portion 79 Of the Farm Hans Moes Kraal No. 202 complies with these principles.

21.1. Spatial Justice

Criteria	Compliance	Planning Implication
Past spatial and other development imbalances must be redressed through improved access to and use of land.	Not applicable	This policy is not applicable to the application area.

Criteria	Compliance	Planning Implication
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 characterised by widespread poverty and deprivation.	Not applicable	This policy is not applicable to the application area. Not a Spatial Development Framework or Policy.
Spatial planning mechanisms, including land use schemes, must incorporate provisions that enable redress in access to land by disadvantaged communities and persons.	Not applicable	This policy is not applicable to the application area.
Land use management systems should include all areas of a municipality and specifically include provisions that are flexible and appropriate for the management of disadvantaged areas and informal settlements.	Not applicable	This policy is not applicable to the application area.
Land development procedures must include provisions that accommodate access to, and facilitation of, security of tenure and the incremental upgrading of informal areas.	Not applicable	The municipality should process this application within the prescribed guidelines of the Land Use Planning By-Law for George Municipality, 2015.
A competent authority contemplated in this Act or other relevant authority considering an application before it, may not be impeded or restricted in the exercise of its discretion solely on the ground that the value of land or property will be affected by the outcome of the application.	Not applicable	The municipality should process this application within the prescribed guidelines of the Land Use Planning By-Law for George Municipality, 2015
The right of owners to develop land in accordance with current use rights should be recognised.	COMPLY	The landowner will exercise his rights to develop his land in accordance with current use rights.

21.2. Spatial Sustainability

Criteria	Compliance	Planning Implication
Promote land development that is spatially compact, resource-frugal and within the fiscal, institutional and administrative means of the relevant competent authority in terms of this Act or other relevant authority;	COMPLY	The proposal is resource frugal, as all activities will make use of the existing services. No additional structures will be erected.
Ensure that special consideration is given to the protection of prime, unique and high potential agricultural land.	COMPLY	The subdivision will allow the remainder portion to continue to be used for agricultural purposes on its own. This low-density development will not in any way affect the agricultural character of the area.
Uphold consistency of land use measures in accordance with environmental management instruments.	COMPLY	In line with all Environmental policy documents and law. No development to take place on the Environmental sensitive areas.
Promote and stimulate the effective and equitable functioning of land markets.	COMPLY	The proposal will not impact negatively on the value of the surrounding properties, in fact, the proposed subdivision will stimulate the optimal functioning of the land markets, as the owners will be able to raise capital for the construction of the approved extended caring facility.
Consider all current and future costs to all parties for the provision of infrastructure and social services in land developments.	COMPLY	The existing infrastructure is adequate for the proposal. See Par.6
Promote land development in locations that are sustainable and limit urban sprawl.	COMPLY	The proposed subdivision will not result in any extension of the approved facility, hence it will not result in urban sprawl.
Result in communities that are viable.	COMPLY	The proposal will not detract from the current character of the area and no additional impact will arise. The application area is situated in an area that is viable and it will support the rural economy. The proposed subdivision will result in the implementation of the approved extended Dementia facility, and this specialised caring facility in itself will result in more viable communities, as community members do not have to travel long distances to access this very specialised service.
Strive to ensure that the basic needs of all citizens are met in an affordable way.	Not Applicable	This principle is not applicable to the applicant or this development.

Criteria	Compliance	Planning Implication
The sustained protection of the environment should be ensured.	COMPLY	In line with all Environmental policy documents and law. No development to take place on Environmentally sensitive areas. Only the existing approved development will be implemented.

21.3. Spatial Efficiency

Criteria	Compliance	Planning Implication
Land development should optimise the use of existing resources, infrastructure, agriculture, land, minerals and facilities.	COMPLY	The proposal will fully optimize the existing resources, land and agriculture the property has to offer, have a high demand care facility while also diversifying and strengthening the rural economy. Any additional costs will be at the cost of the applicant or as determined by the Municipality
Integrated cities and towns should be developed.	Not Applicable	This policy is applicable to township developments, new urban developments and development within the urban area.
Policy, administrative practice and legislation should promote speedy land development.	Not Applicable	The municipality should process this application within the prescribed time frames of the Land Use Planning By-Law for George Municipality, 2015.

21.4. Spatial Resilience

Criteria	Compliance	Planning Implication
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.	COMPLY	The proposal is in line with all the various spatial plans, zoning scheme and policies, as motivated by the report. The proposed application complies with the requirements of the Land Use Planning By-Law for George Municipality, 2015.

21.5. Good Administration

Criteria	Compliance	Planning Implication
All spheres of government should ensure an integrated approach to land use planning.	Applicable to George Municipality	This principle has no direct bearing on the application, however, the George Municipality is obligated to consider the application fairly and within the timeframes provided in terms of the municipal planning bylaw.
All government departments must provide their sector inputs and comply with any		

Criteria	Compliance	Planning Implication
other statutory requirements during the preparation or amendment of spatial development frameworks.		What is however important is that all decision making is aligned with sound policies based on nation, provincial and local development policies.
The requirements of any law relating to land development and land use must be met timeously.		
The preparation and amendment of spatial plans, policy, zoning schemes and procedures for land development and land use applications, should include transparent processes of public participation that afford all parties the opportunity to provide inputs on matters affecting them.		
The legislation, procedures and administrative practice relating to land development should be clear, promote predictability, trust and acceptance in order to inform and empower members of the public.		
A spatial development framework, zoning scheme or policy should be developed in phases and each phase in the development thereof should include consultation with the public and relevant organs of state and should be endorsed by the relevant competent authority.		
Decision-making procedures should be designed to minimise negative financial, social, economic or environmental impacts.		
Development application procedures should be efficient and streamlined and timeframes should be adhered to by all parties.		

Criteria	Compliance	Planning Implication
Decision-making in all spheres of government should be guided by and give effect to statutory land use planning systems.		

22. CONCLUSION

In light of this motivation, and the information contained in the foregoing report, it is clear that the application for:

- (i) The Subdivision of Portion 79 (A Portion of Portion 12) of the Farm Hans Moes Kraal No. 202 into two portions (Portion A = 0,99Ha and Remainder = 41.8369ha); in terms of Section 15(2)(d) of the Land Use Planning By-Law for George Municipality, 2015;

Meets the criteria as set out in The Spatial Planning and Land Use Management Act (SPLUMA) and the Land Use Planning By-Law for George Municipality, 2015; is desirable and it is therefore recommended that the application for the proposal be supported by the relevant authorities and approved by George Municipality.

Marike Vreken Urban and Environmental Planners
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