

BUSINESS ZONE 1: "BUSINESS PREMISES"

Development parameters:

(a) Coverage
The maximum coverage for all buildings on a land unit is 100%.

Note: Coverage not altered.

(b) Street centre line setback
The Municipality may require a street centre line setback, in which case all buildings or structures on a land unit must be set back at least 8 metres from the centre line of the abutting public street or streets.

(c) Floor factor
The maximum floor factor on the land unit is 3, which may be departed from if subsection (i) is complied with.

Note: Floor factor not altered.

(d) Height
(i) The highest point of a building may not exceed 15 metres to the top of the roof.
(ii) The general provisions regarding earth banks and retaining structures in this by-law apply.

Note: Not applicable.

(e) Building line
(i) The street building line is 0 metres.
(ii) Side and rear building lines are 0 metres, provided that the Municipality may lay down common building lines in the interest of public health and safety or in order to enforce any other law or right.
(iii) Minor architectural and sunscreen features may project beyond the street boundary building line, provided that such features do not project more than 250 millimetres beyond the street boundary.

(f) Parking and access
(i) Parking and access must be provided on a land unit in accordance with this by-law, except in a case where the Municipality has approved alternative parking supply under subsection 43.(1).
(ii) Except with the approval of the Municipality, no parking bays at ground floor level on a land unit, either outside or within a building, may be located closer than 10 metres to a street boundary in order to enhance amenity at street level.

Note: GLA not altered.

SKETCH PLAN

FOR INFORMATION ONLY

FOR CONSTRUCTION

herien revision	beskrywing description	datum date
A	Close Entrance / Exit from Market street	19/07/2021

TAKE NOTE:
DIMENSIONS SCALED OFF THE DRAWINGS ARE NOT VALID. ALL DRAWINGS AND DIMENSIONS MUST BE CHECKED ON SITE BEFORE ANY MATERIALS ARE ORDERED OR BUILDING WORK COMMENCES.
ANY DISCREPANCIES BETWEEN DRAWINGS AND QUERIES MUST BE DIRECTED TO THE ARCHITECT FOR APPROVAL.
COPYRIGHT OF THESE DRAWINGS IS PROTECTED AND RESERVED IN TERMS OF THE ARCHITECTS ACT 38 OF 1978 AND THE COPYRIGHT ACT 38 OF 1978 AND ANY UNAUTHORIZED INFRACTION THEREOF OR REPRODUCTION WILL BE UNLAWFUL.
THE AUTHOR'S RIGHTS ARE RESERVED.

LET WEL:
GEEËN MATES MOET VAN TEKENINGE AFGESKAAAL WORD NIE ALLE TEKENINGE EN AFMETINGS MOET OP TERREIN NAGEGAAN WORD ALVORENS ENIGE MATERIAAL BESTEL WORD OF SWERK IN AANVANG NIEK.
ENIGE TEENSTRYDISHED TUSSEN TEKENINGE EN ENIGE NAVRAE MOET VERWYS WORD NA DIE ARCHIT. VAN GODESKURING.
KOPREG VAN HERDIE TEKENINGE WORD BESKERM EN VOORBEHOU IN TERME VAN DIE AUTEURSWET 38 VAN 1978 EN DIE KOPREGSWET 38 VAN 1978 EN ENIGE ONGEMAGTIGDE CONTREININGS OF REPRODUKSIE SAL ONWETIG WEE.
DIE OUTEUR SE REGTE WORD BEHOU.

131 Mitchell Street
PO Box 845
George 6530
Tel. 044 874 2304/5
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Cell. 082 896 5647
www.sdkarchitects.com
Info@sdkarchitects.com

projekbeskrywing
RENOVATIONS AND ADDITIONS TO RESTUARANT IN MULTI CENTRE ON ERF 18149, GEORGE

project description

tekeningbeskrywing
SITE PLAN

drawing description

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JV	AdT			AS INDICATED	
datum	date	tekening no.	drawing no.		
08-03-2021				000	
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SITE PLAN scale 1:200

Z:\PROJ\ERF 18149\18149 Restaurant\Restaurant\Final\Workstage_CFD00.dwg

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APPLICATION FOR PERMISSION TO REGULATE ACCESS TO THE PARKING AREA: ERF 18149, MEADE & MARKET STREETS, GEORGE MUNICIPALITY AND DIVISION

1. INTRODUCTION

DELplan Consulting was appointed by the registered owners of Erf 18149, George, referred hereafter as the “**subject property**”, to prepare and submit the required land use application to allow the owner to regulate the parking area of the property. A copy of the Power of Attorney to submit this land use application is attached as **Annexure 1**.

1.1 Title deed

According to the Title Deed (T18453/2006), Erf 18149, George is registered in **Mascodor 159 (PTY) LTD**. The Title Deed is attached as **Annexure 2**. The property is subject to a bond, the bondholder’s consent is attached as **Annexure 3**. Furthermore, there are no title deed restrictions prohibiting the proposed application, this is confirmed with the conveyancer certificate attached as **Annexure 4**. The property measures 9698m².

1.2 Land Use Application

This land use application entails the following;

- 2.1 Permission** in terms of Section 15(2)(g) of the George Municipality: Land Use Planning By-Law, 2015 to allow the owners of the property to regulate the parking area.

The land use application is further elaborated on and clarified in Section 5.

2. CONTEXTUAL INFORMATION

2.1 The locality of the subject property

The subject property is situated within the central business district of George, located on the corner of Meade and Market Street. Figure 1 below, indicate the subject property in relation to York Street and the surrounding businesses. Figure 2, supply a closer look of the subject property and surrounding erven. Furthermore, a Locality Plan can be seen hereafter as **Annexure 5**.

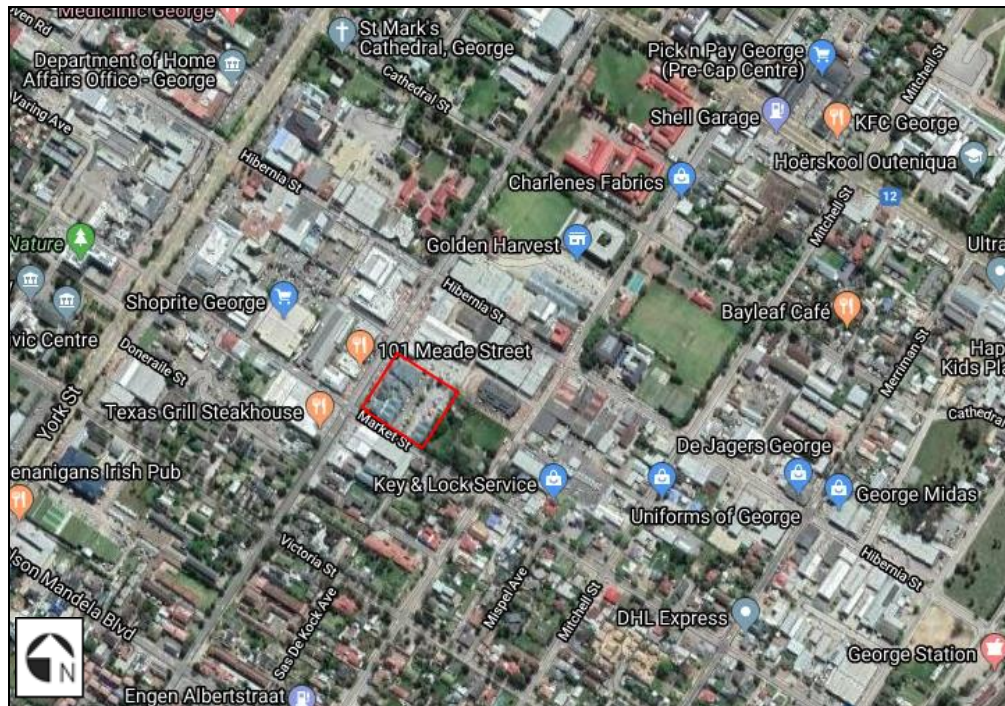


Figure 1: The location of the subject property in relation with the surrounding land uses.



Figure 2: Satellite imagery of the subject property (indicated in red) and immediate surrounding land uses.

2.2 Existing Land Uses and Character of the Area

The subject property is developed with the Multi Centre. It constitutes a variety of retail shops, offices and coffee shops. The shops are situated on the western portion of the property, close to Meade Street, and the parking is towards the back of the property. The image below indicates the subject property and its land uses.



Figure 3: An image of the subject property, taken off Meade Street.

As stated above, the subject property is situated within the CBD of George, the area is therefore characterised by a variety of land uses. The regulation of the parking area will not have a negative impact on the character of the area. It will also not have a negative impact on the streetscape.

2.3 Zoning

The zoning of the subject property according to the George Integrated Zoning Scheme By-Law is “*Business Zone I*”. The use of the property will remain unchanged.

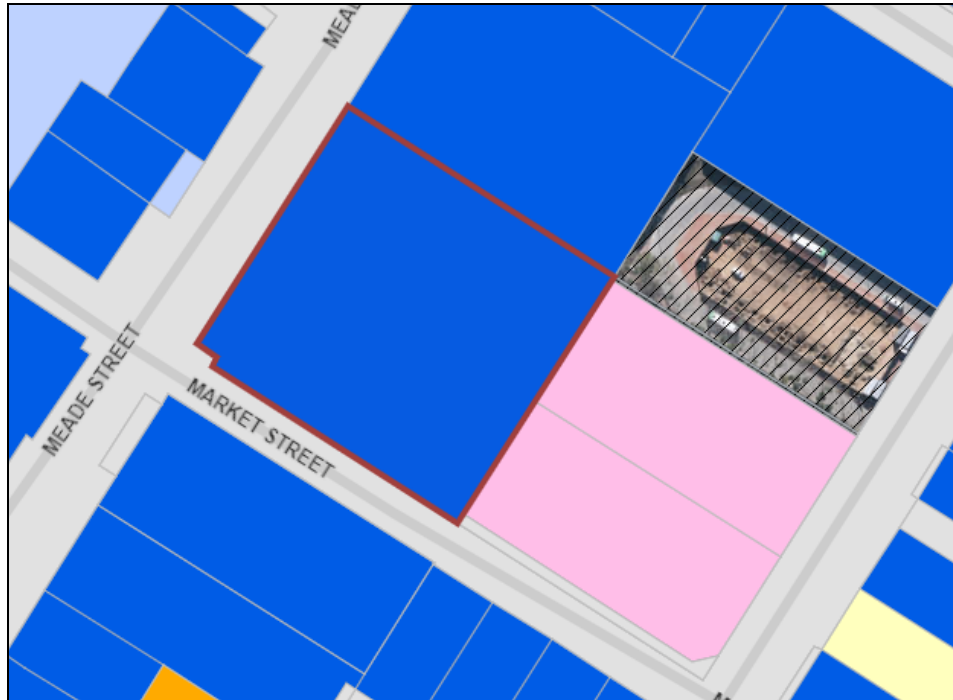


Figure 4: An illustration of the zoning for Erf 18149, George demarcated with red (Source: George Municipality GIS Viewer, 2019).

3. DEVELOPMENT PROPOSAL

3.1 Proposed Development

The Multi Centre parking area is currently being utilised by people working in close proximity to the property as well as the customers of surrounding businesses. This leads to a parking shortage for the customers and employees of Multi Centre. The property owner therefore, wishes to restrict the use of the parking area to customers and employees of Multi Centre.

A portion of the parking area will be allocated to the employees of Multi Centre. The rest of the parking area will be regulated, by restricting the maximum parking time. This will be implemented by erecting signs that restrict the allowable time a car may be parked in the parking area. If people do not adhere to it, they will be fined. This will be enforced by them.

An aerial map of the parking area is attached as **Annexure 6**.



Figure 5: A photograph of the parking area, taken in a north-eastern direction.

3.2 Accessibility

The parking area gains access via both Market Street as well as Meade Street. This will remain unchanged. Figure 3 below indicate these access points.



Figure 5: Illustration of the accesses to the parking area.



Figure 6: A photograph of the two entrances on Market Street.



Figure 7: A photograph of the entrance off Meade Street.

3.3 Engineering Services

The approval of the application will not require any additional engineering services. The parking area will be regulated by the owners of Multi Centre.

4. RELEVANT SPATIAL PLANNING POLICIES

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

4.1 George Municipal Spatial Development Framework (GMSDF) (2019)

The GMSDF does not specifically refer to the subject property or the regulation of parking areas. It does however states that parking facilities in the CBD should be upgraded so that the area functions as a vibrant living, working, shopping and entertainment hub during the day and in the evenings.

The regulation of the parking area by means of establishing a maximum parking time, will also cause a continuous movement of cars. It will supply sufficient parking for the customers of Multi Centre. The application is not considered to be in conflict with the GMSDF.

4.2 George Central Area Local Structure Plan (2012)

This local structure plan, does not specifically refer to the subject property. It does however, acknowledge the lack of parking in the CBD. The structure plan proposes the use of parking meters in the CBD as it increase the turnover of vehicles in the specific area. Consequently, there will be more space available for short periods over any period of time.

The owners of Multi Centre wishes to increase the available parking, they however propose to regulate it by establishing a maximum parking time. This application is therefore considered to be in line with this structure plan.

5. STATUTORY FRAMEWORKS

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

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

The nature of this land use application does not directly affect the five development principles of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA). Therefore, these principles are not discussed in detail in this motivation report. Only relevant aspects are addressed below.

5.1.1 Public Interest

The approval of the application will prohibit employees and customers of surrounding properties to park there for long periods of time. The customers and employees of Multi Centre will benefit by this, given that it will address the shortage of parking that is currently experienced on the property.

5.1.2 Environmental Legislation

No listed activities as contemplated by the National Environmental Management Act, 1998 (as amended) (NEMA) are triggered by this application.

5.2 Land Use Planning Act (LUPA)

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

- Applicable spatial development frameworks;
- Applicable structure plans;
- Land use planning principles referred to in Chapter VI (Section 59);
- The desirability of the proposed land use; and
- Guidelines that may be issued by the Provincial Minister regarding the desirability of proposed land use.

The land-use planning principles of LUPA (Section 59) is, in essence, the expansion of the five development principles of SPLUMA listed above. Again, only the relevant aspects are addressed in this report.

5.2.1 Compliance/consistency with spatial policy directives

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

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

(2) If a spatial development framework or structure plan does not specifically provide for the utilisation or development of land as proposed in a land use application or a land development application, but the proposed utilisation or development does not conflict with the purpose of the relevant designation in the spatial development framework or structure plan, the utilisation or development is regarded as being consistent with that spatial development framework or structured plan.”

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

5.2.2 Desirability

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

The proposed application will not compromise the character of the area nor will it have a negative impact on the surrounding neighbours. The application will merely lead to an increase in density. Given the size of the property, the subdivision will not have a significant impact on the surrounding area. The application is therefore considered desirable.

6. CONCLUSION

We believe that the abovementioned principles, considerations and guidelines for this land use application for Erf 18149, George satisfies the applicable legislation. As a result, it is trusted that this application can be finalised successfully.



DELAREY VILJOEN Pr. Pln

February 2020

Cliffe Dekker Ing.
10de Vloer
Waldorf
St George's Wandellaan 80
KAAPSTAD
8001

Opgestel deur my

TRANSPORTBESORGER
SEYFFERT MAJ

FEE

R...1000,00

VERBIND

MORTGAGED

VIA
FOR R 13 900 000,00

B

000025116 / 2006

15 MAR 2006

REGISTRATEUR/REGISTRAR

T000018453 / 2006

TRANSPORTAKTE

HIERBY WORD BEKENDGEMAAK DAT:

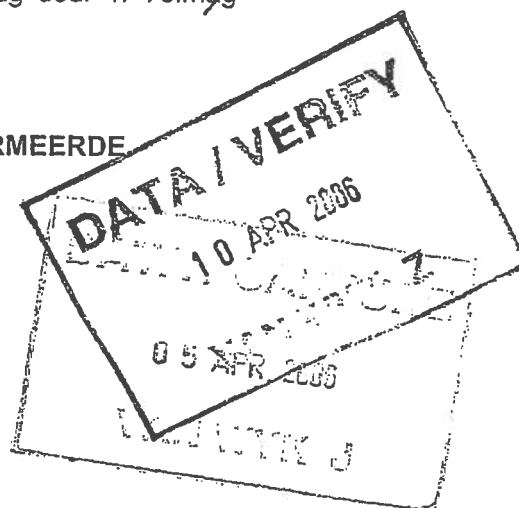
~~ANTHONY JOHN NOYES PLUMMER~~

MATTHYS ANDRIES JOHANNES SEYFFERT

voor my verskyn het, Registrateur van Aktes te KAAPSTAD, hy die
genoemde komparant synde behoorlik daartoe gemagtig deur 'n Volmag
aan hom verleen deur

DIE KERKRAAD VAN DIE NEDERDUITSE GEREFORMEERDE
KERK GEMEENTE GEORGE TE GEORGE

geteken te GEORGE op 15 FEBRUARIE 2006



En genoemde Komparant het verklaar dat sy prinsipaal het, op 23 November 2005, waarlik en wettiglik verkoop het, en dat hy, in sy voorgenoemde hoedanigheid hierby sedeer en transporteer aan en ten gunste van:

MASCODOR 159 (EIENDOMS) BEPERK
Nr 2005/006544/07

of hul Gemagtigdes, in volkome en vrye eiendom:

ERF 18149 GEORGE, in die Munisipaliteit en Afdeling van George, Provinsie Wes Kaap

GROOT: 9698 (NEGE DUISEND SES HONDERD AGT EN NEGENTIG) vierkante meter

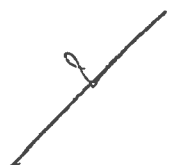
AANVANKLIK GEREGISTREER en steeds gehou kragtens Sertifikaat van Verenigde Titel Nr T68401/94 met Kaart 4493/94 wat daarop betrekking het.

- I. **WAT BETREF** die figuur v B C D soos aangedui op aangehegte kaart nr 4493/94:

ONDERHEWIG aan sodanige voorwaardes waarna verwys word in Transportakte Nr T3745/1916.

- II. **WAT BETREF** die figuur A v E F soos aangedui op aangehegte kaart nr 4493/94:

ONDERHEWIG VERDER soos vervat in Grondbrief Nr T43732/1990 aan die voorbehoud ten gunste van die Staat van alle regte op edelgestentes, edelmetale, onedele minerale en aardolie, op of onder die grond, soos omskryf in die Wet op Mynregte 1967 (Wet 20 van 1967)



WESHALWE DIE KOMPARANT AFSTAND DOEN van al die regte en
titel wat

**DIE KERKRAAD VAN DIE NEDERDUITSE GEREFORMEERDE KERK
GEMEENTE GEORGE TE GEORGE**

voorheen op genoemde eiendom gehad het, en gevolglik ook erken het dat
hulle geheel en al van die besit daarvan onthef en nie meer daartoe geregtig
is nie en dat, kragtens hierdie akte, bogenoemde

MASCODOR 159 (EIENDOMS) BEPERK

of hul Gemagtigdes, tans en voortaan daartoe geregtig is, ooreenkomstig
plaaslike gebruik, behoudens die regte van die Staat en ten slotte erken hy
dat die verkoopprijs die bedrag van **R13 900 000,00 (DEFTIEN MILJOEN
NEGE HONDERD DUISEND RAND)** bedra.


TEN BEWYSE WAARVAN ek, genoemde Registrateur, tesame met die
Komparant hierdie Akte onderteken en dit met die ampseël bekragtig het.

Onderteken, verly en met die ampseël bekragtig op die kantoor van die
Registrateur van Aktes te KAAPSTAD op **15 MAART 2006**

In my teenwoordigheid:

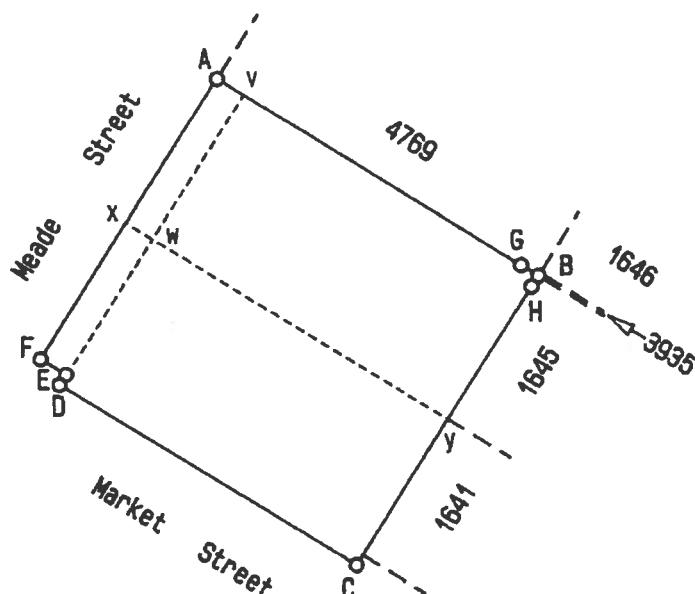
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REGISTRATEUR VAN AKTES

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		Constants		+ 0, 00	+3 700 000, 00	4493-94
AB	102, 62	302 09 00	A	+ 49 929, 91	+ 59 211, 57	Approved  for Surveyor-General 1994-07-11
BC	94, 78	32 09 00	B	+ 49 843, 03	+ 59 266, 17	
CD	94, 46	122 09 00	C	+ 49 893, 47	+ 59 346, 42	
DE	3, 39	212 09 00	D	+ 49 973, 44	+ 59 296, 15	
EF	8, 16	122 13 00	E	+ 49 971, 64	+ 59 293, 28	
FA	91, 38	212 09 00	F	+ 49 978, 54	+ 59 288, 93	
Indicatory Data						
BG	5, 50	122 09 00	G	+ 49 847, 69	+ 59 263, 25	
BH	3, 50	32 09 00	H	+ 49 844, 89	+ 59 269, 14	
		65 P4	⊕	+ 49 878, 85	+ 59 100, 33	
		66 P4	⊕	+ 49 685, 42	+ 59 221, 60	

BEACONS

A, E, F 16 mm iron peg
B Not beaconsed
C, D 12 mm iron peg in
tarred road
G, H 12 mm iron peg



Scale 1:2 000

1. The figure x y C D E F representing Erf 15016, George
Vide Dgm. No.8269/89 D.T.43734/1990
2. The figure A B y x representing Erf 15017, George
Vide Dgm. No.8270/89 D.T.43735/1990

The figure A B C D E F
represents 9 698 square metres of land being
Erf 18149, George comprising 1 and 2 above

Situate in the Municipality and
Administrative District of George

Province of Cape of Good Hope

Surveyed in October 1989 & June 1994

M. D. Clough

by me

Professional Land Surveyor M.D.Clough PLS 0100

This diagram is annexed to
No. 68401/94
Dated
i.f.o.

The original diagrams
are as scheduled above

File No. S.8775/29
S.R. No. E 1596/94
Comp. BL-7DD/W43 (1744)

Registrar of Deeds

CONVEYANCER'S CERTIFICATE

I, the undersigned

WILLEM MUNRO LUTTIG

a Conveyancer practising at the firm RAUBENHEIMERS INCORPORATED in GEORGE and duly admitted as such in the High Court of South Africa hereby certify as follows:

I. **PROPERTY AND OWNER**

ERF 18149, GEORGE, in the Municipality and Division of George, Western Cape Province

In Extent : 9698 (Nine thousand six hundred ninety eight) square metres, is held by MASCODOR 159 (PTY) LTD, registration number 2005/006544/07, by virtue of Deed of Transfer Number T18453/2006 ("the property").

II. **DEEDS OFFICE RECORDS**

Diagram SG No. 4493/94 has been framed in respect of the property and is attached to Certificate of Consolidated title number T68401/94.

III. **RESTRICTIVE CONDITIONS**

The property is according to the deed of transfer subject to the following onerous conditions:

A. AS REGARDS to figure v B C D on diagram no. 4493/94:

SUBJECT to the conditions referred to in Deed of Transfer no. T3745/1916.

B. AS REGARDS to figure A v E F on diagram no. 4493/94:

None.

IV. **ZONING**

According to my information the property is situated within the George Integrated Zoning Scheme of which George Municipality is the controlling authority in terms of the Land Use Planning Act of 2014 (Section 39(4)).

Provided that the buildings and use of the property comply with the planning by-laws I am of the opinion that there are no conditions contained in Deed of Transfer No. T18453/2006 that prohibit the improvement of the property.

DATED at GEORGE on 15 January 2020



CONVEYANCER



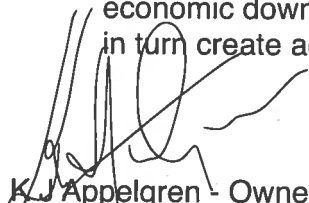
For Attention: The Administrative Officer
 Town Planning Department - George
 Land Use Application

17 July 2020

Proposed Permission - ERF 18149 Corner of Meade & Market St, George

As the owner of Caloroso Roaster & Eatery on Meade Street, I object to this application on the following grounds:

1. It potentially limits the ability of drivers to find convenient parking in an area with an already limited number of parking bays available.
2. Drivers are used to parking on both sides of the street with the freedom to patronise the business of their choice without the inherent inconvenience of controlled parking which may limit that freedom.
3. Controlled parking may potentially cause disharmony with neighbouring businesses as it may impact on their patrons who may then decided to shop elsewhere thus creating a loss of revenue.
- 4.
5. It prejudices shops on either side of the road and this may give rise to unnecessary tension between businesses both adjacent and opposite side the road.
6. It goes against the principle of neighbourly relations and imposes with prejudice a limitation to the benefit of only a small segment of businesses that trade on Meade St who seek to regulate and control public parking in a traditionally communal area of the CBD.
7. Having read the justification of the Applicant, I do not see any reasonable cause to enable regulation of the designated area, nor do I see any reasonable or relevant justification to inconvenience the public who engage with the parking space. In addition, while it is indicated the rear parking, it does not specifically preclude the parking on the Meade St frontage and as such by extension this may cause future unseen problems that do not appear to have been contemplated in the application.
8. With businesses under pressure as a result of lockdown regulations and a general economic downturn, this application potentially exacerbates the situation and may in turn create additional hardship.


 K.J. Appelgren - Owner
 Caloroso Coffee
 Emelda Court - 103 Meade St
 George Central
 074 1977 646



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📍 79 Victoria Street George 6529

✉ planning@delplan.co.za

🌐 delplan.co.za

URBAN & REGIONAL PLANNERS



Our Ref.: 1042/GEO/19

Your Ref.: Erf 18149, George

08 September 2020

The Municipal Manager
George Municipality
PO Box 19
GEORGE
6530

ATTENTION: MR. CLINTON PETERSEN

BY E-MAIL

Dear Mr. Petersen,

REPLY TO COMMENTS RECEIVED ON THE APPLICATION FOR PERMISSION: ERF 18149, GEORGE MUNICIPALITY AND DIVISION

- 1) Our initial application dated 28/02/2020 bares reference.
- 2) Comments were received from:
 - 2.1) Propors (Pty) Ltd (Mr. L Rossel) – 16 July 2020
 - 2.2) Caloroso Coffee (Mr KJ Appelgren) – 17 July 2020
- 3) The comments / objections identified by the abovementioned residents will now be clarified / commented on / replied in the following paragraphs:
- 4) **Propors (Pty) Ltd**

4.1) Proporos (Pty) Ltd withdrew their objection on 03 August 2020. See attached withdrawal letter.

5) Caloroso Coffee

- 5.1) *It potentially limits the ability of drivers to find convenient parking in an area with already limited number of parking bays available.*
- 5.2) *Drivers are used to parking on both sides of the street with the freedom to patronise the business of their choice without the inherent inconvenience of controlled parking which may limit their freedom.*
- 5.3) *Controlled parking may potentially cause disharmony with neighbouring businesses as it may impact on their patrons who may then decide to shop elsewhere thus creating a loss in revenue.*
- 5.4) *It prejudice shops on either side of the road and this may give rise to unnecessary tension between businesses both adjacent and opposite side of the road.*
- 5.5) *It goes against the principle of neighbourly relations and impose with prejudice a limitation to the benefit of only a small segment of businesses that trade on Meade Street who seek to regulate and control public parking in a traditionally communal area of the CBD.*
- 5.6) *Even though it is indicated for the rear parking, it does not specifically preclude the parking on Meade Street and as such by extension this may cause future unseen problems that do not appear to have been contemplated in the application.*
- 5.7) *The proposal can lead to additional hardship.*

- 5.1) This application only constitutes the regulation of the parking area behind the Multicentre building between the Woolworths parking area and Market Street. The parking on either-side of Meade Street is public parking and will remain public. Their respective clients will still be allowed to park there.
- 5.2) See 5.1 above. The regulation of the parking area behind the Multicentre will not limit the freedom of their clients, they will still be able to park on either side of the street. Parking inside the dedicated private parking area will be regulated instead, as currently office workers from all over the CBD park there all day. If the parking area is regulated it will benefit retail outlets in the vicinity including Caloroso and other close by restaurants.
- 5.3) See 5.1 above.
- 5.4) Noted. See 5.1 above.
- 5.5) See 5.1 above. The parking area that the property owner wishes to regulate is a private parking area on the property owner's property.
- 5.6) See 5.1 above. The street parking is public and will not be regulated.
- 5.7) See 5.1 above.

6) Concluding

The objector seems to be of opinion that the application constitutes the regulation of the parking bays in Meade Street. This is however not the case, the property owner only wishes to regulate the parking area that is on their property, situated behind the Multicentre.

It is trusted that George Municipality will favourably consider this land use application as submitted.

Yours Faithfully

DELplan Consulting



DELAREY VILJOEN Pr. Pln

N:\PROJECTS\2019\1042-GEO-19\Korrespondensie\pp\Repliek07.09.2020.doc

