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Menslike Nedersettings, Beplanning en Ontwikkeling **Human Settlements, Planning and Development**

Collaborator No.:

2403773

Reference / Verwysing: Erf 714, Wilderness

Date / Datum:

03 March 2023

Enquiries / Navrae:

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MARLIZE DE BRUYN PLANNING PO BOX 2359 **GEORGE** 6530

APPLICATION FOR REMOVAL OF RESTRICTIONS, SUBDIVISION AND DEPARTURES: **ERF 714, NORTH STREET, WILDERNESS**

Your application in the above regard refers.

The Deputy Director: Planning (Authorised Official) has, under delegated authority, 4.1.17.1.17 of 30 June 2022 decided the following applicable to Erf 714, Wilderness;

- A. That, in consideration of the objections received and conclusions reached in the planner's report, the application for the Removal, in terms of Section 15(2)(f) of the Land Use Planning By-law for George Municipality (2015), of the following restrictive title deed condition contained in Paragraph B of Title Deed T28079/2021 for Erf 714, Wilderness:
 - 1. Condition B.4(b): it shall be used only for the purpose of erecting thereon one dwelling together with such outbuildings as are ordinarily required to be used therewith;

BE REFUSED in terms of Section 60 of the Land Use Planning By-law for George Municipality (2015) for the following reasons:

- (i). There is no proposal to consider for the development of second dwellings on the newly created land units. Once subdivided, this condition will apply to each of the portions.
- (ii). Given the visual prominence, environmental sensitivity and bio-physical constraints of the site, it is not advised to remove this condition until the potential impact on these elements which characterised the area are known and can be evaluated.
- B. That the following applications applicable to Erf 714, Wilderness:
 - Removal, in terms of Section 15(2)(f) of the Land Use Planning By-law for George Municipality (2015), of the following restrictive title deed conditions contained in Paragraph B of Title Deed T28079/2021 for Erf 714, Wilderness:
 - 1. Condition B.4(a): it shall not be subdivided;









- 2. Condition B.4(d): no building or structure or any portion thereof except boundary walls and fences shall be erected nearer than 4,72 metres to the street line which forms a boundary of this erf nor within 3,15 metres of the rear or 3,25 metres of the lateral boundary common to any adjoining erf, provided that with the consent of the local authority, an outbuilding not exceeding 3,05 metres in height, measured from the floor to the wall plate and no portion of which will be used for human habitation, may be erected within the above prescribed space. On consolidation- of any two or more erven, this condition shall apply to the consolidated area as one erf:
- 3. Condition B.4(e): notwithstanding the provisions of Condition (d) above, a garage intended as an adjunct to the dwelling may, where the slope of the erf up from the level of the abutting street is such that in the opinion of the local authority it cannot reasonably be sited at a distance of 4,72 metres from the street line, be erected at such lesser distance therefrom as the local authority may approve, provided that not more than 50 per cent of the cubic measure of such garage may project above natural ground level and that in no event shall any such garage be erected at less than 3,15 metres from the street line;
- b) Subdivision, in terms of Section 15(2)(d) of the Land Use Planning By-law for George Municipality (2015), of Erf 714, Wilderness, in accordance with Plan Ref: 357/G21 dated September 2022 (attached as Annexure A), to create Portion A (±1 000m²) and the Remainder of Erf 714, Wilderness (±1 037m²);
- c) Departure, in terms of Section 15(2)(b) of the Land Use Planning By-law for George Municipality (2015), for the relaxation of the following building lines:

1. Portion A:

- (i) Southern street boundary building line from 5m to 0m for the garage, access ramp and studio;
- (ii) Southern street boundary building line from 5m to 2.5m for the dwelling house;
- (iii) Eastern common boundary building line from 3m to 0m for the garage, access ramp and studio below;

2. Remainder Erf 714, Wilderness:

- (i). Southern street boundary building line from 5m to 1.575m for the garage and studio;
- (ii). Southern street boundary building line from 5m to 0m for the access ramp;
- (iii). Western common boundary building line from 3m to 0m for the garage, access ramp and studio below;
- Departure, in terms of Section 15(2)(b) of the Land Use Planning By-law for George Municipality (2015), for the relaxation of the following height restrictions:

1. Portion A:

- (i). Increase the maximum height of the wall plate from 6.5m to 10.5m (east elevation);
- (ii). Increase the maximum height of the wall plate from 6.5m to 10.5m for the garage and studio and to 9.6m for the dwelling house (north elevation);
- (iii). Increase the maximum wall plate height from 6.5m to 7m for the garage (south elevation);
- (iv). Increase the maximum wall plate height from 6.5m to 9.6m (west elevation);

2. Remainder Erf 714, Wilderness:

- (i). Increase the maximum wall plate height from 6.5m to 10.5m (west elevation);
- (ii). Increase the maximum wall plate height from 6.5m to 10.5m for the garage and studio and to 9.6m for the dwelling house (north elevation);
- (iii). Increase the maximum wall plate height from 6.5m to 7m for the garage (south elevation);
- (iv). Increase the wall plate height from 6.5m to 9.6m (east elevation);

BE APPROVED in terms of Section 60 of the said By-law for the following reasons:

REASONS







- (i). The proposal aligns with the development principles of SPLUMA (2013) and LUPA (2014);
- (ii). The proposal promotes appropriate residential densification and intensification of land use in line with the spatial planning principles, objectives and guidelines applicable to the surrounding area (i.e. PSDF 2014, MSDF 2019 & LSDF 2015);
- (iii). The proposed development of two residential units (one on each subdivided portion)will not have a significant adverse impact on the character of the area or the environment;
- (iv). Increased residential densification within the urban edge will promote smart growth and discourage urban sprawl through infill development opportunities;
- (v). The departures (height and building line) will have no impact on surrounding property rights, whatsoever (given the scale and massing of the proposal);
- (vi). No objections to the application were received;
- (vii). No negative impacts on bulk engineering services and traffic in the area are foreseen;

Note: The above-mentioned decision also serves as consent for the subdivision of the property in accordance with the provisions of Condition C.1. of Title Deed T28079/2021, given that the George Municipality holds vested ownership rights (successor in title) over the remaining extent of Erf 565, Wilderness (public roads), in accordance with Section 28(3)(c)(ii) of the Land Use Planning By-law for George Municipality (2015).

Subject to the following conditions imposed in terms of Sections 66 of the said By-law, namely:

CONDITIONS OF THE DIRECTORATE: HUMAN SETTLEMENTS, PLANNING AND DEVELOPMENT

General:

- 1. That in terms of the provisions of the Land Use Planning By-Law for the George Municipality (2015), the above-mentioned approvals shall simultaneously lapse if not implemented within a period of five (5) years from the date of approval and/or if the following conditions are not adhered to.
- 2. The subdivision shall be as approved on the subdivision plan Ref: 357/G21 dated September 2022 attached as "Annexure A" which bears Council's stamp and shall not be construed as to depart from any other Council requirements or legal provision.
- 3. Development should be undertaken generally in accordance with drawing no's FF001-2022-001 to FF001-2022-004 dated 12/09/2022 attached as "Annexure B" drawn by Sylvie Vantillard & Mike Magner Architects, which bears Council's stamp and shall not be construed as to depart from any other Council requirements or legal provision.
- 4. That in terms of Section 34(1) the owner must apply to the Registrar of Deeds to make the appropriate entries in, and endorsements on, any relevant register or title deed to reflect the removal of the restrictive condition, after the publication of a notice contemplated in Section 33(7) in the Provincial
- 5. A copy of the endorsed Title Deed be sent to the Planning Department for record purposes;

Conditions applicable to the Subdivision;

- 6. An approved Surveyor General diagram must be submitted to the Directorate: Human Settlements, Planning and Development for record purposes prior to transfer of a portion.
- 7. The approval will be regarded as implemented on the registration of the 1st subdivided portion at the Register of Deeds. No building plans will be approved prior to the registration of the applicable subdivided portion.

CONDITIONS OF THE DIRECTORATE: CIVIL ENGINEERING SERVICES

- 8. The amount of Development Charges (DCs) to be paid by the developer are calculated in terms of the George Municipality Land Use Planning By- Law (as amended) and the approved DC Guidelines. With reference to clause above, with regards to the proposed development, the developer will be required to make a development contribution, as follows:
 - The amounts of the development contributions are reflected on the attached ("Annexure C") calculation sheet dated 07/10/2022 and are as follows:







Roads: R 10 397,94 Excluding VAT Sewer: R 23 674,10 Excluding VAT Water: R 38 860,00 Excluding VAT

Total: R 72 932,04 Excluding VAT

- 9. The total amount of the development charges of R72 932,04 Excluding VAT shall be paid prior to the first transfer of a land unit pursuant to the application or upon the approval of building plans, whichever occurs first, unless otherwise provided in an engineering services agreement or, in the case of a phased development, in these or any other relevant conditions of approval.
- 10. Any amendments or additions to the proposed development which is not contained within the calculation sheet as dated in condition 8, above, which may lead to an increase in the proportional contribution to municipal public expenditure, will result in the recalculation of the development charges and the amendment of these conditions of approval or the imposition of other relevant conditions of approval.
- 11. As provided in section 66(5B)(b) of the Planning By-Law (as amended), using the date of approval as the base month the amount of R72 932,04 Excluding VAT shall be adjusted in line with the consumer price index published by Statistic South Africa up to the date when payment is made in terms condition9above.

Note: The Development Charges indicated above are based on the information available to the respective engineering departments at the time of approval. It is advised that the owners consult with these departments prior to transfer of a portion for a final calculation.

- 12. Development charges are to be paid to the Municipality in cash or by electronic funds transfer or such other method of payment as may be accepted by the Municipality at the time when payment is made.
- 13. All services -internal, link and relocation of or upgrades to existing are to be designed by a registered consulting engineer in accordance with Council specifications. This may include bulk services outside the development area but that must be upgraded to specifically cater for the development. All drawings and plans are to be submitted to the applicable department, or any other relevant authority, (hard copy and electronically) for approval prior to any construction work taking place. All work is to be carried out by a suitable qualified/registered electrical contractor under the supervision of the consulting engineer who is to provide the relevant authority with a certificate of completion, and asbuilt plans in electronic format. All costs will be for the developer. No transfers will be approved before all the municipal services have been satisfactorily installed and as-builts submitted electronically as well as the surveyor's plan.
- 14. Should more than two developments/properties be party to or share any service, the Dir: CES will in conjunction with the parties determine the pro-rata contributions payable.
- 15. Any, and all, costs directly related to the development remain the developers' responsibility.
- 16. Only one connection permitted per registered erf (water and sewer connections). Condition 13 applies.
- 17. Any services from the development that must be accommodated across another erf must be negotiated between the developer and the owner of the relevant erf. Any costs resulting from the accommodation of such services or the incorporation of these services into the network of another development are to be determined by the developer and the owner of the other erf (condition 13 applies).
- 18. Any service from another erf that must be accommodated across the development or incorporated into the services of the development: all negotiations will be between the owner/developer of the relevant erf and the developer. Costs for the accommodation of these services or the upgrade of the developments services to incorporate such services are to be determined by the developers/owners concerned (condition 13 applies).
- 19. Any existing municipal or private service damaged during the development will be repaired at the developers cost and to the satisfaction of the George Municipality (condition 13 applies).
- 20. Suitable servitudes must be registered for any municipal service not positioned within the normal building lines.
- 21. Transfers, building plan approvals and occupation certificates may be withheld if any sums of money owing to the George Municipality are not paid in full, or if any services have not been completed to









- the satisfaction of the Dir: CES & ETS, or any condition of any authority has not been satisfactorily complied with.
- 22. The Developer is responsible to obtain the necessary approval / way leaves from third parties which include, but is not limited to the George Municipality, Telkom & Fibre optic service provider.
- 23. No construction activity may take place until all approvals, including way leave approval, are in place, all drawings and material have been approved by the Technical Directorates.
- 24. Municipal water is provided for potable use only. No irrigation water will be provided.
- 25. A water meter must be installed by the developer prior to construction to monitor water usage during the construction phase. The Dir: CES (Water section) is to be consulted by the developer, prior to installation, regarding the required specifications. Failure to complying with the water meter application process, will result in the developer being responsible for payment of penalties and/or an estimated non-metered water consumption by this department at a rate as per the applicable annual Tariff List. In this regard, transfers, building plan approval and occupation certificates may be withheld if any sums of money owing to the George Municipality are not paid in full. The water meter is to be removed on completion of construction if so required by the Dir: CES.
- 26. The developer / erf owner is to apply to the George Municipality for the installation of an individual erf water meter prior to any building work commencing on an erf.
- 27. No municipal waterborne sewer service is available at present. Should a municipal network in future be extended to this area, the owner will be compelled, at own cost, to connect to the network. A Development Charge for sewer will then become payable in accordance with the approved DC Guidelines at the time of connection.
- 28. A conservancy tank, or alternative approved sewer disposal method, must be installed at the Developer/owner's cost. The Developer/owner is to appoint a private contractor, at own expense, to service the tank, and the disposal of the content is to be via an approved disposal method. The installation of a septic tank may be considered if the required percolation tests are within the accepted
- 29. The discharge of surface stormwater is to be addressed by the developer (condition 13 applies). All related costs are for the developer. The developer is to consult with the Dir: CES to ensure that stormwater planning is done online with the available stormwater master plans.
- 30. A layout plan indicating the proposed storm water drainage must be submitted to the Dir:CES for prior approval (condition 13 applies).
- 31. Internal parking requirements (i.e. within the development area), position of accesses, provision for pedestrians and non-motorised transport, and other issues related to traffic must be addressed and all measures indicated on plans and drawings submitted for approval.
- 32. Adequate parking with a hardened surface must be provided on the premises of the proposed development.
- 33. The approval of the layout of the development and accesses is subject to the George Roads Master Plan and approved by the Dir: CES, A site development plan is to be submitted to the Dir: CES, or any other relevant authority for approval prior to any construction work taking place.
- 34. Permission for access onto municipal, provincial or national roads must be obtained from the relevant authorities.

CONDITIONS OF THE DIRECTORATE: ELECTROTECHNICAL SERVICES

35. The amount of Development Charges (DCs) to be paid by the developer are calculated in terms of the George Municipality Land Use Planning By-Law (as amended) and the approved DC Guidelines. With reference to clause above, with regards to the proposed development, the developer will be required to make development contribution, as follows:

The amounts of the development contributions are reflected on the attached ("Annexure C") calculation sheet dated 10/10/2022 and are as follows:

Electricity: R 33 439,26 **Excluding VAT**

36. The total amount of the development charges of R33 439,26 Excluding VAT shall be paid prior to the first transfer of a land unit pursuant to the application or upon the approval of building plans,





- whichever occurs first, unless otherwise provided in an engineering services agreement or, in the case of a phased development, in these or any other relevant conditions of approval.
- 37. Any amendments or additions to the proposed development which is not contained within the calculation sheet as dated in condition 35 above, which may lead to an increase in the proportional contribution to municipal public expenditure, will result in the recalculation of the development charges and the amendment of these conditions of approval or the imposition of other relevant conditions of approval.
- 38. As provided in section 66(5B)(b) of the Planning By-Law (as amended), using the date of approval as the base month the amount of R33 439,26 Excluding VAT shall be adjusted in line with the consumer price index published by Statistic South Africa up to the date when payment is made in terms of condition 36 above.

Note: The Development Charges indicated above are based on the information available to the respective engineering departments at the time of approval. It is advised that the owners consult with these departments prior to transfer of a portion for a final calculation.

- 39. Development charges are to be paid to the Municipality in cash or by electronic funds transfer or such other method of payment as may be accepted by the Municipality at the time when payment is made.
- 40. All services internal, link and relocation of or upgrades to existing are to be designed by a registered consulting engineer in accordance with Council specifications. This may include bulk services outside the development area but that must be upgraded to specifically cater for the development. All drawings and plans are to be submitted to the applicable department, or any other relevant authority (hard copy and electronically), for approval prior to any construction work taking place. All work is to be carried out by a suitable qualified/registered electrical contractor under the supervision of the consulting engineer who is to provide the relevant authority with a certificate of completion, and asbuilt plans in electronic format. All costs will be for the developer. No transfers will be approved before all the municipal services have been satisfactorily installed and as-builts submitted electronically as well as the surveyor's plan.
- 41. Should more than two developments/properties be party to or share any service, the Dir: CES & ETS will in conjunction with the parties determine the pro-rata contributions payable.
- 42. Any, and all, costs directly related to the development remain the developers' responsibility.
- 43. Only one connection permitted per registered erf (Electrical, water and sewer connections). Condition 40 applies.
- 44. Any services from the development that must be accommodated across another erf must be negotiated between the developer and the owner of the relevant erf. Any costs resulting from the accommodation of such services or the incorporation of these services into the network of another development are to be determined by the developer and the owner of the other erf (condition 40 applies).
- 45. Any service from another erf that must be accommodated across the development or incorporated into the services of the development: all negotiations will be between the owner/developer of the relevant erf and the developer. Costs for the accommodation of these services or the upgrade of the developments services to incorporate such services are to be determined by the developers/owners concerned (condition 40 applies).
- 46. Any existing municipal or private service damaged during the development will be repaired at the developers cost and to the satisfaction of the George Municipality (condition 46 applies).
- 47. Should it be required, a services agreement is to be drawn up between the developer and the George Municipality, by an attorney acceptable to the Municipal Manager. All expenses will be for the developer.
- 48. Suitable servitudes must be registered for any municipal service not positioned within the normal building lines. Servitudes must be registered for all electrical services traversing erven.
- 49. Transfers, building plan approvals and occupation certificates may be withheld if any sums of money owing to the George Municipality are not paid in full, or if any services have not been completed to the satisfaction of the Dir: CES & ETS, or any condition of any authority has not been satisfactorily complied with.
- 50. The Developer is responsible to obtain the necessary approval / way leaves from third parties which include, but is not limited to the George Municipality, Telkom & Fibre optic service provider.







- 51. No construction activity may take place until all approvals, including way leave approval, are in place, all drawings and material have been approved by the Technical Directorates.
- 52. In all cases, where individual customer apply for a supply capacity exceeding that provided for in the calculation of DCs and for the developer paid, will be subject to additional DCs based on the rates applicable at the time.
- 53. Owner to ensure compliance with Regulation XA of SANS 10400 (building plans).
- 54. Owner to ensure compliance with Regulation XA of SANS 10142 (wiring) and any other applicable national standards.
- 55. The developer and/or an owner of an erf shall see to it that no Small Scale Embedded Generation (SSEG) are installed on an erf, any portion of an erf or the development, without prior approval from the ETS. Should any SSEG be installed within any part of the development the Electrotechnical Services will within their discretion either implement applicable penalties and/or disconnect the relevant point of supply.
- 56. Where DCs have been applied for a particular section of the network, but the developer is requested to install and fund a part of the section of network, such work will be credited against DCs calculated.
- 57. Installation of ripple relays are compulsory for all geysers with electrical elements.
- 58. Each new portion created must have separate electrical connection and it may not cross any other portion. Each consumer will have to enter into a separate supply agreement with the Municipality. For new consolidated erven it will be the responsibility of the owner/developer to make the necessary arrangements with the Electrotechnical Services Department to remove all the unused electrical services. All costs will be for the owner/developer.

Notes:

- 1. It is incumbent on the owners / developers to ensure compliance with the approvals, permissions and authorisations granted by the respective provincial and national authorities i.e. Environmental.
- 2. Building plans must be submitted to and approved by the George Municipality before any site and construction works may commence.
- 3. The title deed states that the conditions in favour of The Wilderness (1921) Limited are imposed in favour of them and their successors in title. The Wilderness East Development was on Erf 565, Wilderness. The remaining extent is road remainder that vests with the George Municipality. George Municipality is thus the title holder of Remainder Erf 565, Wilderness, and not The Wilderness (1921) Limited. The latter therefore has no longer say over the development of the properties in Wilderness East and all consents in terms of these title conditions must be granted by George Municipality and not The Wilderness (1921) Limited.
- 4. Stormwater must be dispersed responsibly, and the stormwater management and retention measures must be addressed on the building plans. Likewise, erosion prevention measures must be addressed in the application for OSCAE permit.
- 5. For each protected tree to be removed, 5 trees of 100 litre bags must be planted at The Village Garden as an offset in response to the loss (tree offset ratio 1:5).
- 6. The developer is to adhere to the requirements of the Environmental Authorisation (EA). The onus is on the developer to provide the Municipality with the necessary proof of compliance with the EA.
- 7. The applicant is to comply with the National Forestry Act, Act No 84 of 1998, should it be required.
- 8. Provisions for the removal of solid waste is to be addressed in conjunction with the Dir: Community Services.
- 9. The developer is to adhere to the requirements of all relevant Acts, as well as all conditions stipulated by any other authority whose approval is required and obtained for this proposed development.
- 10. No development
- 11. t may take place within the 1:100 year flood line or on slopes steeper than 1:4.





You have the right to appeal to the Appeal Authority against the decision of the Authorised Employee, in terms of Section 79(2) of the George Municipality's By-law on Municipal Land Use Planning.

A detailed motivated appeal with reasons should be directed to the Appeal Authority and received by the Director Planning and Development, P O Box 19, George, 6530 or Directorate: Planning, 5th floor, Civic Centre, York Street, George on or before 24 March 2023 and simultaneously submit a copy of the appeal on any person who commented, made representations or objected to the application in the above regard. Please also note that the appeal must be e-mailed to the administrative officer mentioned above.

Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.

Kindly note that in terms of Section 80(14) of the George Municipality's By-law on Municipal Land Use Planning, the above decision is suspended until such time as the period for lodging an appeal has lapsed, any appeal has been finalised and you have been advised accordingly

Yours faithfully

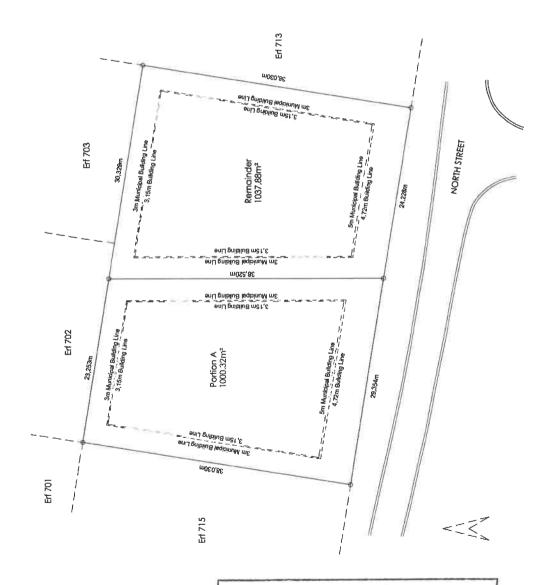
SENIOR MANAGER: PLANNING

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ō George Municipality: Land Use Planning By-law (2015) All measurements are estimated Section 15(2)(d) of the PROPOSED SUBDIVISION OF into two portions, namely **ERF 714 WILDERNESS FOR** Portion A $(\pm 1000.32 \text{m}^2)$ Remainder $(\pm 1037.40 \text{m}^2)$ checked by FOREST FAERIES PTY LTD Subdivision in terms Professional Land Surveyor Date: September 2022 Ref: 357/G21 Annexure 7 © 2022



MUNISIPALITEIT GEORGE MUNICIPALITY

Approved in terms of Section 50 of the George Municipality: Land Use Planning By-Law (2015) subject to the conditions contained in the covering letter.

03 03 lot3

DATUM

DEPUTY DIRECTOR: PLANNING ADJUNK DIREKTEUR: BEPLANNING

