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

Collaborator No.:

2381497

Reference / Verwysing: Erf 2159, George

Date / Datum:

17 March 2023

**Enquiries / Navrae:** 

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

### APPLICATION FOR AMENDMENT OF CONDITIONS OF APPROVAL AND PERMANENT DEPARTURE: ERF 2159, c/o BAMBOO AVENUE AND INSIGNIS STREET, GEORGE

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 2159, George;

1. Amendment in terms of Section 15(2)(h) of the Land Use Planning By-law for George Municipality, 2015 of condition 2 of the letter dated 27 September 2018 to provide for a new Site Development Plan for the development of Erf 2159, George to read as follows:

"This approval shall be taken to cover only the applications as applied for as indicated on the Site Development Plan drawn by MCP Architecture with plan no. 001, 002 & roof plan dated 23 August 2022; Plan no. 003 dated 27 April 2022 and landscape plan dated 19 August 2022 attached as "Annexure A" (5 plans) which bears Council's stamp and shall not be construed as to depart from any other Council requirements or legal provision."

- 2. Deletion in terms of Section 15(2)(h) of the Land Use Planning By-law for George Municipality, 2015 of the conditions imposed by the Civil and Electrical departments in the approval letter dated 27 September 2018 applicable to Erf 2159, George to impose new conditions;
- 3. Permanent Departure in terms of Section 15(2)(b) of the Land Use Planning By-law for George Municipality, 2015 for the reduction in parking requirements for Erf 2159, George from 26 to 24 parking bays;
- 4. Permanent Departure in terms of Section 15(2)(b) of the Land Use Planning By-law for George Municipality, 2015 for the following building line relaxations applicable to Erf 2159, George:
  - South-eastern street boundary building line from 5m to 4.5m (Insignis Street); (i)
  - South-western street boundary building line from 5m to 4.5m Bamboo Avenue); (ii)
  - North-western side boundary building line from 4.5m to 3m for the two new structures; (iii)

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









#### **REASONS FOR DECISION**

- A. The proposed increase in the density of the development promotes residential densification and intensification of land use in line with the spatial planning principles, objectives and guidelines applicable to the surrounding area.
- B. The proposed development, in the context of the future spatial planning objectives, will not have a significant adverse impact on the character of the area, the streetscape, traffic or the environment.
- C. The proposed development will satisfy the demand for affordable housing opportunities in close proximity to employment opportunities in an area where such densification is needed and duly supported by the required infrastructure and amenities to render such development sustainable.
- D. The departures applied for will not have any significant adverse effect on the surrounding residential character or traffic; or negatively affect the surrounding neighbours' rights and amenity in terms of privacy, views or sunlight.
- E. The amended SDP still complies with the development restrictions imposed in the conditions of approval dated 27 September 2018 and George Integrated Zoning Scheme By-Law, 2017.

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

#### CONDITIONS OF THE DIRECTORATE: HUMAN SETTLMENTS, PLANNING AND DEVELOPMENT

#### Conditions applicable to the applications for departure:

- 1. That in terms of the provisions of the Land Use Planning By-law for the George Municipality, 2015, the departures approval shall lapse if not implemented within a period of five (5) years from the date thereof.
- 2. This approval shall be taken to cover only the departures as applied for and indicated on Site Development Plan drawn by MCP Architecture with plan no. 001, 002 & roof plan dated 23 August 2022 and Plan no. 003 dated 27 April 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.

#### Implementation

3. The approval will be considered as implemented on the commencement of building works in accordance with the approved building plan.

#### Notes:

- i. A building plan be submitted for approval in accordance with the National Building Regulations (NBR).
- The conditions imposed by the Directorate: Planning and Development in the approval letter dated 27 September 2018 still applicable.
- The applicant is to comply with the National Forestry Act, Act No 84 of 1998, should it be required. iii.
- iv. Provisions for the removal of solid waste is to be addressed in conjunction with the Dir: Community Services.
- v. 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.

#### **CONDITIONS OF THE DIRECTORATE: CIVIL ENGINEERING SERVICES**

- 5. 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:
- 6. The amounts of the development contributions are reflected on the attached (Annexure B)- calculation sheet dated 30/01/2023 and are as follows:

Total	R 182 331,41	Excluding VAT
Water	R 62 176,00	Excluding VAT
Sewer	R 82 277,20	Excluding VAT
Roads	R 37 878,21	Excluding VAT







- 7. The total amount of the development charges of R182 331,41 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.
- 8. Any amendments or additions to the proposed development which is not contained within the calculation sheet as dated in Condition 6 above, which might 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.

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 submission of the building plan to obtain a final calculation.

- 9. 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 R182 331,41 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 7 above.
- 10. 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.
- 11. 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 as-built 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.
- 12. Any, and all, costs directly related to the development remain the developers' responsibility.
- 13. Only one connection permitted per registered erf (water and sewer connections). Condition 11 applies.
- 14. 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 11 applicable)
- 15. 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 11 applicable)
- 16. 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 11 applicable)
- 17. Suitable servitudes must be registered for any municipal service not positioned within the normal building lines.
- 18. 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.
- 19. 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.
- 20. 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.
- 21. Municipal water is provided for potable use only. No irrigation water will be provided.
- 22. 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.

- 23. 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.
- 24. The development, in its entirety or in phases, is subject to confirmation by the Dir. CES of the availability of Water and Sanitation bulk treatment capacity at the time of the development implementation, or if developed in phases before the commencement of each phase. A development/implementation program is to be provided by the Developer when requesting confirmation of this capacity from the Dir. CES. If the Developer does not adhere to the program the Dir. CES will be entitled to revise the availability of such bulk capacity.
- 25. If required, the developer is to have a Traffic Impact Assessment (TIA) conducted by a registered traffic engineer. The terms of reference of the TIA are to be finalised with the Dir. CES together with any other approving authority, and who must also approve the TIA. All recommendations stipulated in the TIA report and as approved by the Dir. CES and/or relevant authority are to be implemented by the developer. All costs involved will be for the developer.
- 26. The discharge of surface stormwater is to be addressed by the developer. Condition 11 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.
- 27. 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.
- 28. Adequate parking with a hardened surface must be provided on the premises of the proposed development.
- 29. No private parking will be allowed in the road reserve.
- 30. A dimensioned layout plan indicating the proposed accesses onto private / servitude roads, must be submitted to the relevant departments for approval. Condition 11 applies.
- 31. 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.
- 32. Permission for access onto municipal, provincial or national roads must be obtained from the relevant authorities.
- 33. Access to parking must confirm to George Integrated Zoning Scheme 2017, and sufficient stacking distance should be allowed for, and indicated on the Site development Plan.
- 34. Minimum required off-street parking provided, must be provided in terms of the George Integrated Zoning Scheme 2017 parking requirements and vehicles must, in terms of Clause 46(b) readily leave the site without reversing across the sidewalk.

#### **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:
- 36. The amounts of the development contributions are reflected on the attached calculation sheet (Annexure B) dated 20/09/2022 and are as follows:

Electricity: **R 72 177,35** Excluding VAT

37. The total amount of the development charges of R72 177,35 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.





38. Any amendments or additions to the proposed development which is not contained within the calculation sheet as dated in Condition 36 above, which might 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.

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 submission of the building plan for a final calculation.

- 39. 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 177,35 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 37
- 40. 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.
- 41. 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 as-built 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.
- 42. 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.
- 43. Any, and all, costs directly related to the development remain the developers' responsibility.
- 44. Only one connection permitted per registered erf (Electrical, water and sewer connections). Condition 41 applies.
- 45. 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 41 applicable)
- 46. 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 41 applicable)
- 47. 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 41 applicable)
- 48. 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.
- 49. 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.
- 50. A body corporate (as applicable) is to be established incorporating all units within any security development / private and /or access-controlled developments. The private roads and the related stormwater and light poles infrastructure, and private open spaces within the development will be transferred by the developer to the body corporate who will assume responsibility for the maintenance thereof.
- 51. The body corporate shall see to it that the officials and contractors of the Municipality shall at all times have access to any portion of the development that may otherwise not be generally accessible to the general public due to security measures, including guarded entrances, electronic gates or booms. For the avoidance of doubt, it is agreed that this requirement relates to the Municipality's emergency services, entry for normal maintenance and replacement, meter reading and inspection and refuse removal. If access to the development is denied to the Municipality or a contractor appointed by the Municipality, the



- developer and the association will jointly and severally be liable for the full cost of the municipal infrastructure repairs and any damages the Municipality may suffer as a result thereof and will be billed for any water losses or loss in electrical sales from the system.
- 52. 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.
- 53. 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.
- 54. 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.
- 55. 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.
- 56. Owner to ensure compliance with Regulation XA of SANS 10400 (building plans).
- 57. Owner to ensure compliance with Regulation XA of SANS 10142 (wiring) and any other applicable national standards.
- 58. 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.
- 59. 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.
- 60. Installation of ripple relays are compulsory for all geysers with electrical elements.
- 61. All municipal supply points must be subject to standard DC charges. These charges to be included in the project costs of the project.
- 62. A detailed energy efficiency and demand side management plan to be implemented in the development to provide to the municipality.
- 63. In all cases, the circuit breaker capacity (pre-payment meter limit) must match the ADMD figures used for each of the various types of customers. For example: an ADMD of 2.17kVA equates to a 30 Amp circuit breaker. 240V\*30A/(3diversity)/1000 = kVA (ADMD)
- 64. No electricity may be consumed within, or by any part of the development, without the consumption of the supply being metered and billed by a municipal meter (prepaid or credit). All cost, installation and consumption, will be for the cost of the developer. Standard application process will apply.
- 65. All pump stations constructed as part of this development and associated works, must be equipped with an approved and registered electrical meter. All cost, installation and consumption, will be for the cost of the developer. No electricity may be consumed without it being metered by a registered municipal electrical meter. Standard application process will apply. It will be the responsibility of the developer to install the relevant electrical meters.
- 66. 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.
- 67. The Electrotechnical Services will not be responsible for the installation, maintenance, energy consumption or any other costs related to streetlights, or other lighting, within the development or along any other private road.
- 68. All streetlights along municipal public roads are to be designed by a registered consulting engineer in accordance with Council specifications. 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 as-built plans in electronic format. All costs will be for the developer.







- 69. The developer will be responsible to arrange with a professional land surveyor to indicate those services traversing erven on the relevant erf's SG diagram. The ETS can insist that an electrical servitude be registered if services traverse other properties. All cost related to the above will be for the developer.
- 70. Neither the Developer or the HOA or a property owner are allowed to distribute electricity across property boundaries.
- 71. All electrical infrastructure downstream of the electrical supply point, the LV breaker in the low-voltage kiosk, will remain the responsibility of the various owners/developer. The electrical network above the LV breaker will be deemed part of the George Municipality distribution network and will be transferred to the municipality at no cost, who will assume responsibility for the maintenance thereof.
- 72. t will not be the responsibility of the Municipality to maintain and protect any service cables installed by the developer, but not used, i.e. not being metered and not consuming electricity. Should a future owner purchase an erf within the development, the installation and connection of the service cable will be for the cost of the developer or new owner. The connection fee paid to the municipality will be solely for provision of the electrical meter and the cost associated with opening the customer account.
- 73. The developer will be responsible to submit an Electrical Services Report for the development for the approval by the ETS. All the required electrical upgrades required on the Municipal electrical distribution network must be listed within the Electrical Services Report and will be for the cost of the developer. The developer will have to adhere to the Electrical Services Report. However, the preliminary designs, followed by the detailed designs, will only be finalised once the site development plan is approved. Condition 41 applies.
- 74. The Supply to the development shall be limited to 30A three phase due to the limitations on the network. Should any additional capacity be required, the required upgrades and DC costs shall be applicable.

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 07 April 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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#### MUNISIPALITEIT GEORGE MUNICIPALITY

3705

Approved in terms of Section 60 of the George Municipality: Land Use Planning By-Law (2015) subject to the conditions contained in the covering letter.

17/03/2023

DATE DEPUTY DIRECTOR: PLANNING ADJUNK DIRECTOR: BEPLANNING



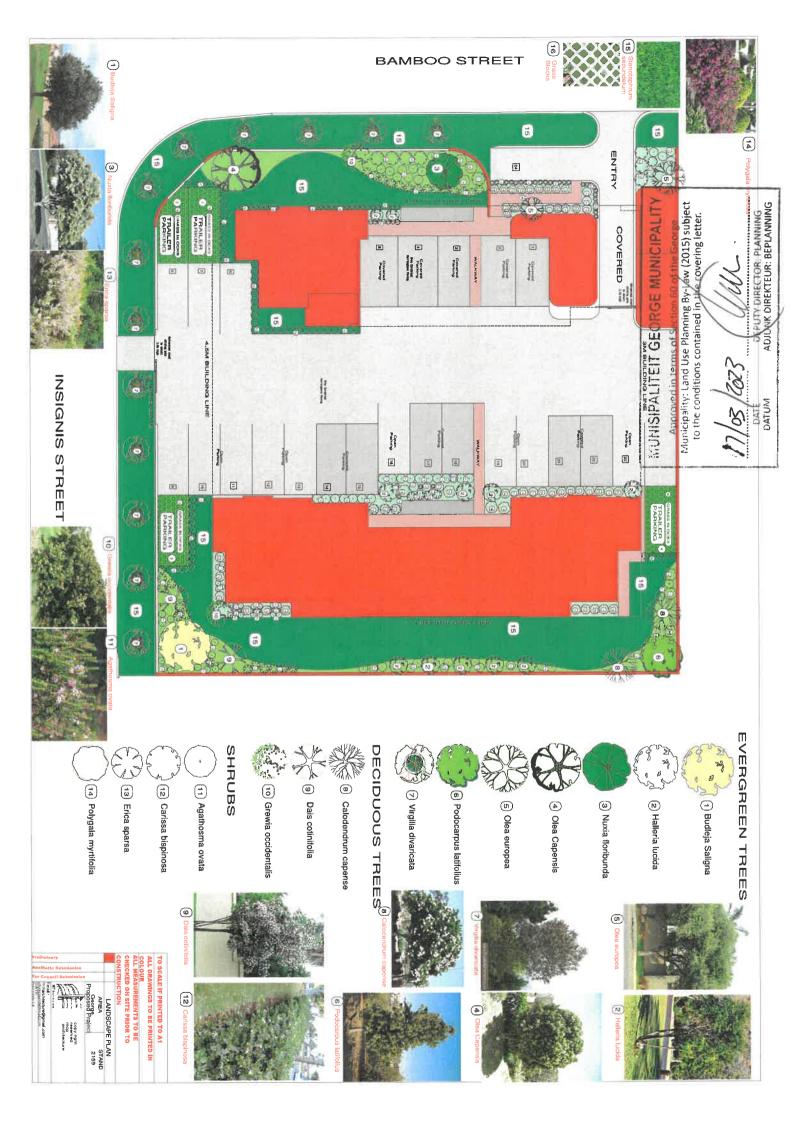
# MUNISIPALITEIT GEORGE MUNICIPALITY

Approved in terms of Section 60 of the George Municipality: Land Use Planning By-Vaw (2015) subject to the conditions contained in the covering letter.

17/03/2023

DATUM

DEPUTY DIRECTOR: PLANNING ADJUNK DIREKTEUR: BEPLANNING 6500m Height Zone









## MUNISIPALITEIT GEORGE MUNICIPALITY

Approved in terms of Section 60 of the George Municipality: Land Use Planning By-Law (2015) subject to the conditions contained in the covering letter.

DATE DATUM

DEPUTY DIRECTOR: PLANNING ADJUNK DREKTEUR: BEPLANNING

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