

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

**Collaborator No.:** 2614230  
**Reference / Verwysing:** Erf 4114, George  
**Date / Datum:** 17 November 2023  
**Enquiries / Navrae:** Primrose Nako

**Email:** [marlize@mdbplanning.co.za](mailto:marlize@mdbplanning.co.za)

MARLIZE DE BRUYN  
P O BOX 2359  
GEORGE  
6530

**APPLICATION FOR REZONING AND DEPARTURE: ERF 4114, GEORGE**

Your application in the above regard refers.

The Deputy Director: Planning (Authorised Official) has, under delegated authority, 4.16.18.1 of 30 June 2023 decided that the following applications applicable to Erf 4114, George:

1. **Rezoning** in terms of Section 15(2)(a) of the Land Use Planning Bylaw for George Municipality, 2015 from Single Residential Zone I to Community Zone I for a Place of Instruction (Tutor Centre) on Erf 4114, George;
2. **Departure** in terms of Section 15(2)(b) of the Land Use Planning By-Law for George Municipality, 2015 for the relaxation of the western boundary building line from 5.0m to 1.87m for the existing building structure on Erf 4114, George

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

REASONS FOR DECISION

- a) A Place of Instruction (Tutor Centre) will be an advantage to the bigger community of George, as there is a lack in the provision of educational facilities;
- b) The development will not have an adverse negative impact on the residential character of the area and the surrounding built environment as the proposed land use is reconcilable with the predominant land use in this area;
- c) The development of a place of instruction for a tutor centre will not detract from the functionality and integrity of the residential landscapes and is of an appropriate scale and form;
- d) The principle of accommodating a place of instruction (tutor centre) within a residential neighbourhood is consistent with the provisions of the spatial policies and objectives;
- e) It is acknowledged that the property is located close to the watercourse and as a result a condition will be imposed that the owner should mitigate all risk to the natural environment (soil erosion, water contamination etc.) to protect the integrity of the watercourse at their cost

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 conditions**

1. That in terms of the provisions of the Land Use Planning By-law for the George Municipality, 2023, the approval shall lapse if not implemented within a period of two (2) years from the date it comes into operation.

### **Condition applicable to the implementation of the rezoning application**

2. This approval shall be taken to cover only the application applied for as indicated on site plan number GEO - 88 dated 31/01/2023 (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. A height restriction of 8.5m will apply to all structures on the property.
4. No more than 30 students may be accommodated on the facility at any given time.
5. Vehicle access shall be restricted to only the two (2) approved accesses as per the site plan number GEO-414/1 dated 31/01/2023.
6. The existing parking bays in front of the building must be removed, the street kerb between these accesses must be restored, and bollards must be installed in the sidewalk between these accesses to prevent vehicles parking in front of the building.
7. A site development plan (SDP) and landscaping plan must be submitted to the satisfaction of the Directorate: Human Settlements, Planning and Development in terms of Section 23 of the George Integrated Zoning Scheme Bylaw, 2023 for consideration prior to the submission of building plans.
8. A landscaping plan to be submitted shall indicate all hard and soft landscaping elements to be incorporated into the development, including the indigenous vegetation and trees that will be planted/retained within the site. At least 10 x 100L indigenous trees should be in and around the parking area.
9. The 32m buffer area of the river must be shown on the SDP. The SDP must also indicate the stormwater management, which should specifically address the management of soil erosion risk on the property and surrounding properties. The owner will be liable to ensure that the risk of erosion is mitigated at the cost of the owner (Stormwater Management Plan to address this).
10. In accordance with Section 66 (2)(z) of the Land Use Planning By-Law for George Municipality, 2023 a contravention levy of R **95 005, 55** VAT Included shall be payable to the Directorate: Human Settlements, Planning and Development on submission of as built building plans.
11. The approval will be considered as implemented on the issuing of an occupation certificate in accordance the approved building plans.

### **Note:**

- (a) A Traffic Impact Study must be submitted together with the application for SDP for approval by Directorate: CES – Traffic.
- (b) A building plan must be submitted for approval in accordance with the National Building Regulations (NBR) for the above-mentioned development.
- (c) The applicant is to comply with the National Forestry Act, Act No 84 of 1998, should it be required.
- (d) Provisions for the removal of solid waste is to be addressed in conjunction with the Dir: Community Services.
- (e) 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.
- (f) No development may take place within the 1:100-year flood line or on slopes steeper than 1:4.
- (g) The contravention levy was calculated as follows:
  - (i) Floor area of building used for place of instruction: 465.14m<sup>2</sup>
  - (ii) Municipal property value: R3760000 ÷ Property size: 2117m<sup>2</sup> = R1776.10/m<sup>2</sup>
  - (iii) Contravention levy: 10% x R 1776,10/m<sup>2</sup> x 465.14m<sup>2</sup> = R82 613,52 + VAT (15%) = R 95 005,54

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

12. 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:

13. The amounts of the development contributions are reflected on the attached calculation sheet dated 30/05/2023 (Annexure B) and are as follows:

Roads	: R 139 332,40	Excluding VAT
Sewer	: R 46 183, 90	Excluding VAT
Water	: R 31 088,00	Excluding VAT
<b>TOTAL</b>	<b>: R 216 604,30</b>	<b>Excluding VAT</b>

14. The total amount of the development charges of **R 216 604, 30** (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.
15. Any amendments or additions to the proposed development which is not contained within the calculation sheet as dated in condition 13 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.

*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 building plans for a final calculation.*

16. 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 R 216 604, 30 (Excluding VAT) shall be adjusted in line with the consumer price index published by Statistics South Africa up to the date when payment is made in terms of Condition 14 above.
17. 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.
18. 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.
19. Consent use approval with regards to a School is subject to the submission and approval of building plans, which shall include a detailed Site Development Plan (SDP), indicating proposed land use changes to the erf/erven. The SDP should, but not limited to, address all 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.
20. Any, and all, costs directly related to the development remain the developers' responsibility.
21. Only one connection permitted per registered erf (water and sewer connections). Condition 18 applies.
22. 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 16 applicable.
23. 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 18 applies.



24. 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 18 applicable.
25. Suitable servitudes must be registered for any municipal service not positioned within the normal building lines.
26. 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.
27. 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.
28. 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.
29. Municipal water is provided for potable use only. No irrigation water will be provided.
30. 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.
31. Developer is to take note of an existing sewer main in the proposed development. Condition 18 applies.
32. 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.
33. If required, the developer is to have a Traffic Impact Statement (TIS) conducted by a registered traffic engineer. The terms of reference of the TIS are to be finalised with the Dir. CES together with any other approving authority, and who must also approve the TIS. All recommendations stipulated in the TIS 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.
34. The discharge of surface stormwater is to be addressed by the developer. Condition 18 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.
35. 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.
36. Adequate parking with a hardened surface must be provided on the premises of the proposed development.
37. No private parking will be allowed in the road reserve.
38. 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.
39. Permission for access onto municipal, provincial or national roads must be obtained from the relevant authorities.
40. Access to parking must confirm to George Integrated Zoning Scheme 2023, and sufficient stacking distance should be allowed for, and indicated on the Site development Plan.
41. Minimum required off-street parking provided, must be provided in terms of the George Integrated Zoning Scheme 2023 parking requirements and vehicles must, in terms of Clause 46(b) readily leave the site without reversing across the sidewalk.

## CONDITIONS OF DIRECTORATE: ELECTRO TECHNICAL SERVICES

### General conditions

42. 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:
43. The amounts of the development contributions are reflected on the attached calculation sheet dated 14/06/2023 and are as follows:

Electricity: R - excluding VAT;

44. The total amount of the development charges of **R0,00** 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.
45. Any amendments or additions to the proposed development which is not contained within the calculation sheet as dated in condition 43 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.
46. 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 R 0, 00 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 44 above.
47. 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.
48. 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.
49. 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.
50. Any, and all, costs directly related to the development remain the developers' responsibility.
51. Only one connection permitted per registered erf (Electrical, water and sewer connections). Condition 48 applies.
52. 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 48 applies.
53. 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 48 applies.
54. 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 48 applies.
55. 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.
56. Suitable servitudes must be registered for any municipal service not positioned within the normal building lines.

57. 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.
58. 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.
59. 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.
60. In all cases, where individual customer applies 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.
61. Owner to ensure compliance with Regulation XA of SANS 10400 (building plans).
62. Owner to ensure compliance with Regulation XA of SANS 10142 (wiring) and any other applicable national standards.
63. 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.
64. 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.
65. Installation of ripple relays are compulsory for all geysers with electrical elements.
66. 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.
67. Neither the Developer nor the property owner are allowed to distribute electricity across property boundaries.
68. 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.
69. It 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.
70. The DC calculation assumes that the current electrical connection is sufficient. No upgrading is therefore allowed. Should an upgrade be required, it will be done in terms of condition 48. The standard Development Contributions will 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 Land Use Planning By-Law for George Municipality, 2023.

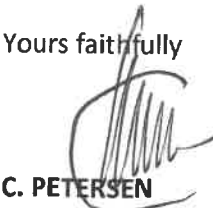
A detailed motivated appeal with reasons should be directed to the Appeal Authority and received by the Director: Human Settlements, Planning and Development, P O Box 19, George, 6530 or Directorate: Human Settlements, Planning and Development, 5th floor, Civic Centre, York Street, George **on or before 08 DECEMBER 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.*

An appeal that is not lodged within the applicable period mentioned above or that does not comply with Section 79 of the Land Use Planning By-Law for George Municipality, 2023, will be deemed invalid in terms of Section 80 of said By-Law.

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

Please also note that in terms of Section 80(14) of the Land Use Planning By-Law for George Municipality, 2023, the above decision is suspended until such time as the period for lodging an/appeal(s) has lapsed, any appeal(s) has been finalised and you have been advised accordingly.

Yours faithfully



**C. PETERSEN**  
**SENIOR MANAGER: TOWN PLANNING**


C:\scan\Erf 4114 George (Rezoning and Departure\_ Approval )M De Bruyn.docx



CES Development Charges Calculator

Version 2.00

20 February 2023



Erf Number \*

4114

Allotment area \*

George

Water & Sewer System \*

George System

Road network \*

George

Developer/Owner \*

Erica Street Trust

Erf Size (ha) \*

2084

Date (YYYY/MM/DD) \*

2023-05-30

Current Financial Year

2022/2023

Collaborator Application Reference

2614230

Code	Land Use	Unit	Total Existing Right	Total New Right
RESIDENTIAL			Units	Units
	Single Res > 1000m² Erf (Upmarket)	unit		1
INSTITUTIONAL			m² Erf	FAR
	Private School	student		30

Is the development located within Public Transport (PT1) zone?

Please select

Yes

Calculation of bulk engineering services component of Development Charge

Service	Units	Additional Demand	Unit Cost	Amount	VAT	Total
Roads	trips/day	56,00	R 2 488,08	R 139 332,40	R 20 899,86	R 160 232,26
Sewerage	k/day	1,19	R 38 810,00	R 46 183,90	R 6 927,59	R 53 111,49
Water	k/day	0,80	R 38 860,00	R 31 088,00	R 4 663,20	R 35 751,20
Total bulk engineering services component of Development Charge payable				R 216 604,30	R 32 490,64	R 249 094,94

Link engineering services component of Development Charge

Total Development Charge Payable

City of George

Calculated (CES):

Signature :

Date :

Developer/Owner

JM Fivaz

May 30, 2023

NOTE : In relation to the Increase pursuant to section 66(5B)(b) of the Planning By-Law (as amended) In line with the consumer price Index published by Statistic South Africa) using the date of approval as the base month

Notes:

Departmental Notes:

For the internal use of Finance only

Service	Financial code/Key number	Total
Roads	20220703048977	R 160 232,26
Sewerage	20220703048978	R 53 111,49
Water	20220703048981	R 35 751,20
		R 249 094,94



COVERAGE	COVERED AREA SCHEDULE	
	SITE AREA	2117.40sqm
	GROUND FLOOR	328.14sqm
	FIRST FLOOR	137.00sqm
		465.14sqm
	OPEN PATIO'S	54.50sqm

Ground Floor x 100/Site  
328x100/2117= 15.5%

First Floor x 100/Ground Floor  
137x100/328=41.7%



MUNISIPALITEIT GEORGE MUNICIPALITY

Approved in terms of Section 60 of the George Municipality: Land Use Planning By Law (2023) subject to the conditions contained in the covering letter.

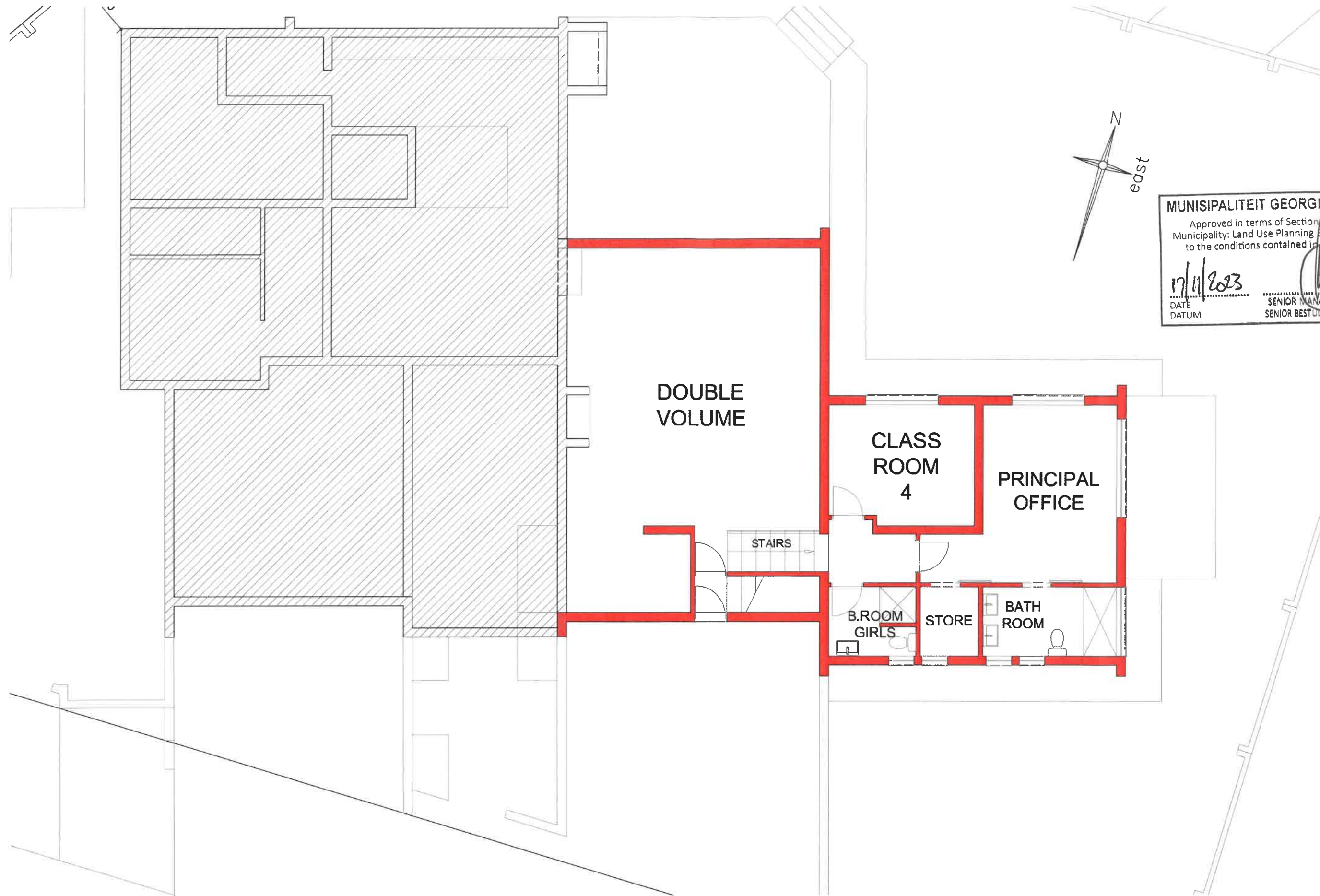
17/11/2023

DATE  
DATUM

SENIOR MANAGER: TOWN PLANNING  
SENIOR BESTUURDER: STATSBEPLANNING

GEORGE	
4114	
ALL WORK TO COMPLY WITH NATIONAL BUILDING REGULATIONS SABS 0400	
ERICA STRAAT TRUST STAND 4114 HEATHERLANDS GEORGE	
SITE PLAN AREA PLAN PAGE 1 OF 3	1
PROJECT GEO-88	FILE GEO-4114/1
SCALE AS SHOWN	DATE
REVISION 00	DATE 31/01/2023

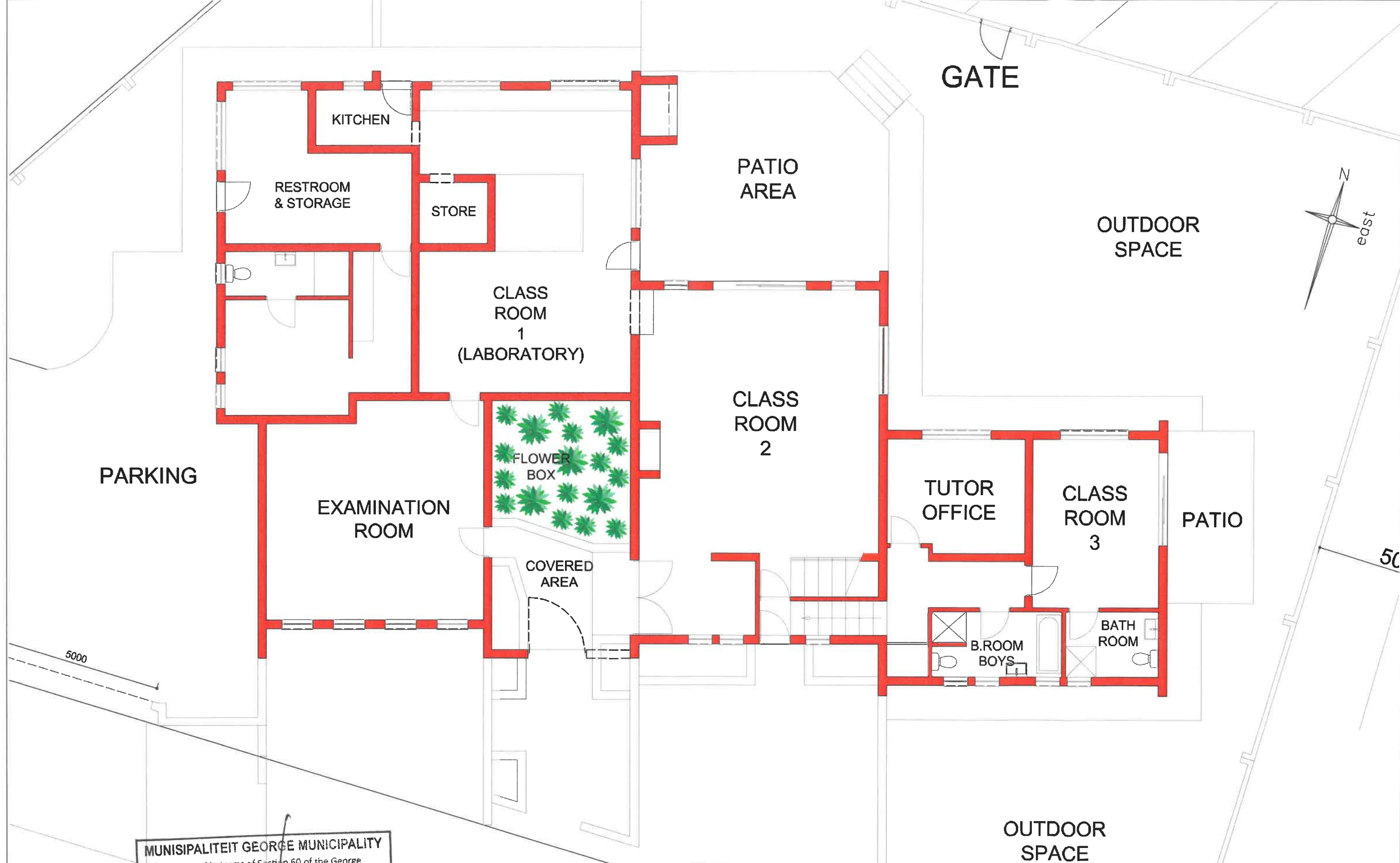




**MUNISIPALITEIT GEORGE MUNICIPALITY**  
 Approved in terms of Section 60 of the George Municipality: Land Use Planning By-Law (2023) subject to the conditions contained in the covering letter.  
 17/1/2023  
 DATE  
 DATUM  
 SENIOR MANAGER: TOWN PLANNING  
 SENIOR BESTUURDER: STADSBEPLANNING

First Floor (1:100)

4114		ERICA STRAAT TRUST STAND 4114 HEATHERLANDS GEORGE	FIRST FLOOR	3	PROJECT GEO-88	FILE GEO-4114/1
GEORGE	ALL WORK TO COMPLY WITH NATIONAL BUILDING REGULATIONS SABS 0400		PAGE 3 OF 3		SCALE AS SHOWN	DATE
			REVISION 00			DATE 31/01/2023



MUNISIPALITEIT GEORGE MUNICIPALITY  
Approved in terms of Section 60 of the George Municipality: Land Use Planning By-Law (2023) subject to the conditions contained in the covering letter.  
17/11/2023  
DATE  
DANUM  
SENIOR MANAGER: TOWN PLANNING  
SENIOR BESTUURDER: STADSBEPLANNING

Ground Floor (1:100)

4114		ERICA STRAAT TRUST STAND 4114 HEATHERLANDS GEORGE	GROUND FLOOR	2	PROJECT GEO-88	FILE GEO-4114/1
GEORGE	ALL WORK TO COMPLY WITH NATIONAL BUILDING REGULATIONS SABS 0400		PAGE 2 OF 3		SCALE AS SHOWN	DATE
				REVISION 00	DATE 31/01/2023	